

**2013 - Relocation Workgroup  
DOMESTIC RELATIONS COMMITTEE  
DRAFT MINUTES**

February 8, 2013  
Arizona State Courts Building  
1501 W. Washington  
Conference Room 119A/B  
Phoenix, Arizona 85007

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**Present:** Tom Alongi, Representative Lela Alston, Judge Michael Bluff, Mary Ellen Dunlap, Bill Fabricius, Judge Carey Hyatt, Kathy McCormick, Shannon Rich, Merrill Robbins (for Donnalee Sarda), Leslie Satterlee, Ellen Seaborne, Russell Smoldon, Michael Espinoza, Steve Wolfson.

**Absent/Excused:** Daniel Cartagena, David Horowitz, Donnalee Sarda (appeared later via telephone).

**Presenters/Guests:** Judge David Gass (Maricopa County Superior Court), Amy Love (AOC), Judge Peter Swann (Court of Appeals), Sylvina Cotto.

**Staff:** Kathy Sekardi (AOC), Kay Radwanski (AOC), Kym Lopez (AOC).

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**CALL TO ORDER**

With a quorum present, the February 8, 2013 meeting of the 2013 Relocation Workgroup of the Domestic Relations Committee was called to order by Chairperson Ellen Seaborne, at 10:05 a.m. Attendees were introduced.

**REVIEW PROPOSED RELOCATION BILL**

The framework for SB1072 was reviewed.

**A. Consequences for inaction by the nonmoving parent?**

- There should be a provision for the nonmoving parent to respond as to why they did not respond “for good cause.”
- After “*return receipt requested*” insert the word “*restricted delivery*”.
- Page 7, line 13, definition of “*sworn parenting plan*” means verification of who is submitting notice of relocation. Change the word “*sworn*” to “*signed*.”
- Page 3, line 8, “*includes a brief statement,*” change the word “*brief*” to “*detailed*.”
- Page 3, paragraph C, “*file a notice of objection that,*” add the words “*includes the detailed reasons for objection*”.
- Paragraph four page 7, line 25, should read “*may enter an appropriate order permitting relocation and approving the submitted parenting plan, or may set the matter for a hearing.*”

**B. How to object to the move? If not in the notice: What should the receiving parent do object to the move?**

- No comments.

**C. If an objection is entered, what procedure should the court follow?**

- Page 3, line 7, instead of “notice,” change to “response objecting to a petition to relocate.”
- Line 7, should say “file an objection”.

Members agreed to table this item until the term relocation is better defined.

**D. What is considered a simple change in address and not relocation for purposes of notice?**

- The majority of members would approve of a preliminary threshold similar to A.R.S. section 25-411. Relief should not be granted summarily if an objection to relocation is filed.
- Need to consider protected addresses (Rule 7, ARFLP and the Secretary of State’s Address Confidentiality Program).
- On line 3, the word “includes” should be changed to “is.”
- In paragraph 3, line 3, put in the word “or” after the word “community.”
- The majority of the members would be interested in language that applies to both the petition and the objection, such as “*The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the pleadings, in which case, it shall set a date for hearing as to why the request for modification should not be granted.*”
- The Parenting Tim Plan should include directions, instructions, and any party agreements regarding relocation issues.
- **Can a parent creep?**  
If guidelines promote healthy moves for child, it is fine.

**E. What factors should the court look at to help determine whether the relocation is in the child’s best interests?**

- There are already many factors that the court looks at in A.R.S. sections 25-403 and 25-408.

**F. If relocation is allowed, what parenting time should the non-moving parent have?**

- Parenting time will be outlined in new parenting time plan.

**G. Should there be sanctions for abusing the process? If so, then what sanctions would be imposed?**

- New sanctions in A.R.S. section 25-415 cover this.

**H. Other considerations that need to be discussed at another time.**

- None listed.

**Call to the public**

Deborah Pierson discussed issues regarding relocation.

Ms. Seaborne suggested a smaller group to complete a draft of SB1072. The group consisted of members Mr. Espinoza, Mr. Fabricius, Judge Hyatt, Ms. McCormick, Ms. Rich, and Ms. Seaborne. The group worked on editing a draft of SB1072.

A teleconference is scheduled for February 13, 2013 to complete the draft version of SB1072.

**OTHER BUSINESS**

**Next meeting:**

Tentatively set for Friday, March 22

10:00 a.m. to 3:30 p.m.

Conference Room 345 A/B

The meeting adjourned at 3:40 pm.

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