

CHILD SUPPORT COMMITTEE

MEETING MINUTES

Judicial Education Center

541 E. Van Buren, Phoenix, Arizona

June 7, 2005

PRESENT:

Co-Chairs

- Hon. Peter Hershberger
- Hon. James Waring

Members:

- ☐ Hon. Manuel Alvarez – via teleconference
- Robert Barrasso
- Hon. Bill Brotherton
- ☐ David Byers
- Hon. Norm Davis
- Kim Gillespie
- Annmarie Mena for Leona Hodges
- Hon. Michael Jeanes
- ☐ Michelle Krstyen
- Ezra Loring
- Suzanne Miles
- Hon. Rhonda Repp
- ☐ Chuck Shipley
- ☐ Russell Smoldon
- Hon. Monica Stauffer
- ☐ Bianca Varelas-Miller

STAFF:

Megan Hunter
Annette Mariani
Courtney Riddle

Administrative Office of the Courts
Administrative Office of the Courts
Legislature

CALL MEETING TO ORDER

Sen. Hershberger called the meeting to order at 10:17 a.m. without a quorum present.

ANNOUNCEMENTS

Annmarie Mena, Deputy Assistant Director of the Division of Child Support Enforcement, is serving as Leona Hodges designee for this meeting.

Approved 9-15-05

Vacancies

Charles DiGeronimo	Noncustodial parent
David Norton	Noncustodial parent

There has been no communication or contact with Mr. DiGeronimo in over a year.

The Committee recognized David Norton's invaluable service to the Committee. He served faithfully for many years and was always an effective committee member.

Appointments

All judicial appointments for this committee will expire at the end of June. The Chief Justice will reappoint current members or appoint new members to the five positions before July 1, 2005.

Meeting Dates for 2006

The Committee will look at possible meeting dates for 2006. Tuesdays or Thursdays are a possibility. More information will be forthcoming.

CHILD SUPPORT SOLUTIONS - MICHAEL JEANES AND LEONA HODGES, CO-CHAIRS

Mr. Jeanes reported that the working relationship between the Clerks of the Superior Court and DES has improved through the efforts of this workgroup. The focus has been on issues related to workflow due to concerns received from constituents and customer as to the timeliness of processes. In order to obtain better access to court documents, the Maricopa County Clerk's Office is negotiating with a software vendor for an enterprise licenses in order to provide DES, DCSE, and the Attorney General's Office, access to court documents via the Internet. This is scheduled occur within a few months and is expected to enhance child support case processing.

Additionally, a staff exchange educational program has taken place between the Clerk of the Court's Office and DCSE. The staff from each office has toured the other's facilities to see first hand how workflow is handled.

APPROVAL OF MINUTES

At 10:38 a.m., a quorum was reached and the minutes were approved.

Motion: Approve the January, 2005 minutes. The motion was seconded.

Vote: Minutes approved unanimously.

UPDATE FROM DIVISION OF CHILD SUPPORT ENFORCEMENT – ANNMARIE MENA

Ms. Mena reported that the electronic payment card process was implemented in May, 2005. Legislation was passed that requires DCSE to issue child support payments that are collected using two methods: (1) direct deposit into an individual's checking or savings account, and (2) electronic payment card.

The electronic payment card will begin with the IV-D program and then move to non-IV-D cases. To date there have been 4,000 responses. The goal is that by late summer, all individuals will have been contacted. The card has a VISA logo on it and can be used at any point of purchase location, which is a benefit to those individuals who do not have a bank account. The bank that will be handling the cards is J.P. Morgan.

The general populace and customers will benefit the most from this process. Families who have relocated will no longer have to be tracked down, checks will no longer have to be forwarded and there will be no opportunity for lost checks any longer.

By the end of the calendar year, a breakdown of percentages between direct deposit and electronic payment card can be made available. These accounts are not traditional accounts, rather the funds are posted to an “electronic account.” Individuals have 30 days to respond to the election of having an electronic payment card. If there is no response, a card will be issued to the last known address. That individual will need a PIN number to access the account.

MARICOPA COUNTY FAMILY COURT UPDATE – JUDGE NORM DAVIS

Judge Davis reported that methods for automating and handling cases with better efficiency continue to be implemented and refined, including:

- Active case loads are over 15,000.
- Filing rate is increasing.
- Cases over 12 months have dropped by 36%.
- The decree on demand program has been working well – one downside has been phone time with interviews. An online software program will be implemented allowing individuals to call, answer questions and set hearings. Later, this will be switched over to a computerized system.
- The process of developing a post-modification court is being implemented with an anticipated start date of mid-August. Modifications will go directly to expedited officers who will conduct an abbreviated interview. If agreements are reached, the paperwork can be prepared and orders can be entered. If agreements are not reached, the parties can go immediately into a courtroom for a hearing with a Commissioner where the order will be entered that same day.
- The petition tracking software has been completed, which will help with statistics and tracing.
- Starting an early private resolution pilot project to assist with families getting mental health services. A partnership with the mental health community has been established who have agreed to help with some cases pro bono.
- eCourt project is continuing. The goal is to fully convert the forms at the Self Service Center and family court into an electronic format. Target Date: March 1, 2006.
- Honorable Barbara Mundell became Presiding Judge on July 1, 2005.
- The Integrated Family Court is being changed effective July 1, 2005. They are looking at a much less resource-intensive way of working with cases that cross over between juvenile and family court.

AUTOMATION/FUNDING WORKGROUP – KIM GILLESPIE

Web-Based Arrears Calculator. Ms. Gillespie explained that the DES applied for a federal grant from the Office of Child Support Enforcement in the amount of \$400,000 to help fund the arrears calculator. A decision will be made around July or August, 2005. Technical support is coming from Maricopa Court and the AOC. A subcommittee comprised of technical experts is meeting in Joint Application Design (JAD) Sessions to design the calculator.

Non-IV-D Mainframe Calculator. The AOC provided funding to program a non-IV-D calculator that will be made available to judicial officers statewide. DES is programming the calculator, including a few enhancements that will be housed on the non-IV-D side of the ATLAS system with an anticipated completion date of June 30, 2005. The next step is to identify court staff that need access to the tool and have them sign user agreements. Training will need to be provided.

STATUTE REVIEW WORKGROUP – KIM GILLESPIE

2006 Legislation. Ms. Gillespie reported that the workgroup has begun discussing ideas for legislative proposals. One issue the group is looking at is the concept of making it easier for alleged fathers in paternity cases to respond and participate in the process. Options include participating early in genetic testing and not requiring them to pay a filing fee for the simplified response document. The idea is to help with the numbers of default cases (50%-60%). The Committee agreed that fees are more a barrier to access than a revenue generator.

The workgroup also discussed developing a simple form that would be provided to the alleged father, similar to a jury summons. A fee would not be required. Streamlining the procedure would help speed up the process. There are approximately 70,000 cases in Arizona where paternity is not established each year.

2005 Legislation

HB 2259 - Child Support: Children with Disabilities; Maternity; Paternity: Proceedings

- Narrowed the language post majority support by clarifying that support is ordered only when a mental or physical disability is severe. Severity is defined as the child not being able to live independently nor be self-supporting. Also, the disability must have occurred prior to the age of majority.
- Changed terminology in paternity section to conform to remainder of Title 25, e.g. “plaintiff” and “defendant” to “respondent” and “petitioner”.
- Changed terminology from “rules of civil procedures” to the “rules applicable to family law cases.”
- Clarified that the voluntary acknowledgement of paternity can be signed by court staff, not just clerk staff.
- Eliminated the oral answer in paternity cases because it was not being utilized.
- Made it clear that either party could be required to pay the cost of genetic testing or child birth related expenses.

SB 1313: Support Payments: Electronic Transfers

- Requires child support payments to be handled electronically. The bill contained an emergency clause.

Senate Bill 1314: Child Support: Paternity Registry

- Creates a paternity registry pursuant to federal law.

ECONOMIC STUDY WORKGROUP – JUDGE STAUFFER / KIM GILLESPIE

The workgroup first met in February, 2005, to reviewing past factors used in child support and whether these factors should be considered in designing new guidelines for child support. This meeting took place over a two day period where the group learned about the underlying economics of the guidelines and discussed ideas that should be considered. A presentation was made by Dr. Ira Ellman, Arizona State University, and Dr. Burt Barnow, John Hopkins University. Judge Davis will be helping to set up a survey on child support issues using prospective jurors. Judge Davis explained that the surveys have been revised and the Superior Court is considering the proposal. The goal is to finish it by the end of the summer. Dr. Ira Ellman was assisted by a professor with expertise in developing surveys from Berkeley to develop the survey instrument. They want something reliable and credible that can be used for the purpose of this workgroup. This survey relates a child's financial well being to a child's overall well being.

PUBLIC OUTREACH/CUSTOMER SERVICE – COMMISSIONER RHONDA REPP

This group discussed alternative methods of providing child support information to the public for educational purposes. A child support FAQ sheet was provided to the Committee for their review. This is a work in progress and is intended to be provided online. Another topic discussed by this group was providing more information to individuals in the paternity establishment area.

Megan Hunter asked that the Committee provide any input they may have. The plan is to bring a finalized document to the next meeting for a vote. One outstanding issues remains that involves who would pay for printing and distribution of a pamphlet.

2005 AGENDA ITEMS – MEGAN HUNTER / CO-CHAIRS

Ms. Hunter explained that she serves on a taskforce sponsored by the federal Office of Child Support Enforcement that is working to build collaborations between the judiciary and the child support system. The taskforce has recognized that Arizona is far ahead of other states in terms of collaboration such as the Child Support Committee. Representative Hershberger acknowledged Megan Hunter's contribution and leadership in putting all this together and that her partnership is valued.

Ms. Hunter asked the Committee to begin thinking about what they want this group to consider and accomplish in coming years. The National Child Support Enforcement Strategic Plan for 2005-2006 was distributed for the Committee to review and give input on what areas they would like to explore. Members suggested:

- Money for the Web-Based Calculator
- More education in the schools – bringing awareness to individuals before ending up in the court system.
 - o Teach critical reasoning skills
 - o Public speaking

- o Research on what other states are doing
- o Videos
- o Be part of an abstinence program
- o Look at the ABA has curriculum for high schools on family law matters

CALL TO THE PUBLIC

Mr. George Salaz is a noncustodial parent who lives in Tucson. Mr. Salaz discussed Arizona's statutory ten percent interest rate on child support arrears. He asserted that this may contribute to noncustodial parents walking away from their financial obligations and that ten percent is too high, unfair and penalizes those who have accepted their financial obligations to their children. His opinion is that the system is flawed and counterproductive and defeats the purpose for which it was designed. Mr. Salaz is requesting a re-evaluation, reduction and a repeal of the ten percent interest penalty.

NEXT MEETING

Information will be forthcoming on the next meeting date. Mr. Salaz's issue can be a topic of discussion at the next meeting.

ADJOURNMENT

Rep. Hershberger adjourned the meeting at 1:00 p.m.