

**CHILD SUPPORT COMMITTEE**  
**MEETING MINUTES**  
Arizona Courts Building  
1501 W. Washington, Phoenix, Arizona  
December 6, 2005

**PRESENT:**

**Co-Chairs**

- Honorable Peter Hershberger
- Honorable James Waring

**Members:**

- Honorable Manuel Alvarez
- Robert Barrasso
- Theresa Barrett
- Honorable Bill Brotherton
- Honorable Kimberly Corsaro
- Honorable Norm Davis
- Kim Gillespie
- Leona Hodges
- Dr. Curtis James
- Honorable Michael Jeanes
- Michelle Krstyen
- Ezra Loring
- Suzanne Miles
- Chuck Shipley
- Russell Smoldon
- Honorable Monica Stauffer
- Bianca Varelas-Miller

**STAFF:**

Megan Hunter	Administrative Office of the Courts
Annette Mariani	Administrative Office of the Courts
Courtney Riddle	Arizona House of Representative
Kim Martineau	Arizona State Senate

**CALL MEETING TO ORDER**

Representative Hershberger called the meeting to order at 10:06 a.m. with a quorum present.

**ANNOUNCEMENTS**

Representative Hershberger asked if members knew of any legislation that would affect child support and should thus be considered by this committee. None was offered.

**APPROVAL OF MINUTES**

With a quorum present, the minutes were approved.

**Motion:** Senator Brotherton moved that the revised draft of the November 10, 2005 minutes be approved.

**Vote:** Minutes approved unanimously.

### **CALL TO THE PUBLIC**

No requests to speak were received from the public.

### **AUTOMATION WORKGROUP - KIM GILLESPIE**

#### eCalc Update

- JAD group will finish the POD this week and hand off to programmers.
- Business rules are needed to fully or to the extent possible automate the calculator – statutory revisions would be helpful.
- The calculator’s baseline is two-fold: the state case registry indicates what is owed and the support payment clearinghouse indicates what has been paid.
- The calculation should be the presumptive calculation.
- At present, interest does not begin to accrue until the end of the month following the month support is due.
- Put in statute a start date - if court does not state a start date, presumption is the payments start the first day of the month following entry of the support order.
- Equitable credits & adjustments – when adjustment or equitable credit occurs, there needs to be a way reflect this in the calculator. The court needs to precisely identify start and end dates for adjustments.
- Arrears assigned to the State should not be credited without the state’s notification.

### **LEGISLATIVE PROPOSALS**

Judge Davis suggested that we include the statutory ten percent interest rate language in Title 25 because it is currently in the civil judgment statutes and difficult to find. If the Legislature ever decides to change the child support rate for other objectives, it would not have to track the rate of civil judgments.

The group discussed the following for a legislative proposal:

- Interest shall accrue at the annual rate of 10% commencing at the end of the month following the month in which support is due.
- Affidavit of direct payment should be filed with the court or sent to the clearinghouse.
- The court should make a specific finding based on testimony and evidence when credits are allowed.
- The resulting amount produced by eCalc is the presumptive calculation.

**MOTION: To approve the concept of legislation regarding the arrears calculator that will assist with the calculator by stating that the automated data from clearinghouse and case registry shall be used to specify when interest begins to accrue; that indicates the bottom line on the calculator is presumptively correct; and specifies how the parties both in and out of court can obtain equitable adjustments and credits against support. The legislation should also specify when payments are due and that interest commences when the order is both silent and**

**specific, and will provide for a methodology for applying equitable credits and affidavits of direct payment by agreement.**

**The motion was seconded.**

**VOTE: Approved unanimously**

**CHILD SUPPORT SOLUTIONS WORKGROUP – LEONA HODGES & MICHAEL JEANES**

At last month's meeting, the committee asked Michael Jeanes and Leona Hodges as co-chairs of the Child Support Solutions Workgroup to take on the matter of making recommendations to the full Committee on the improvement of current child support collections. They reported that they met and discussed the direction they intend to take the group

Leona stated that increasing child support collections ten fold may not help to get to the level where the state needs to be in improving the state's standing.

- What is needed:
  - Diligently close cases
  - Conduct significant public outreach
  - Bring in cases quicker, and improve case management
- Information on what other states have done to increase child support was presented.

How do we meet 100% of collecting monies? Arizona is at 44% in national level of current support due. Last year 44% was collected of the current IV-D caseload and 40% of the Non IV-D caseload. How are obstacles limited? What are the top priorities in terms of strategy?

- Increasing outreach with the judges early on – no duplicating efforts
- Improving enforcement remedies (state match)
- Improve income withholding orders
- Timeliness of income withholding orders

Rep. Hershberger requested a baseline be established and measurables be defined.

The question was raised as to whether it is a goal to have Non IV-D cases enter the IV-D system. This was discussed as part of the outreach by having individuals apply early on for services (This was Pennsylvania's number one priority that they felt moved them up the ranks).

Judge Davis mentioned that there is a 90% default in IV-D cases. As long as this is present the chances of collecting support is low. Issues that need to be discussed include:

- The interest rate level
- Setting realistic support amounts
- Principle versus interest
- Easier waiver of unrealistic orders

Members suggested the following:

- Interest accrued until after notification.
- Provide more outreach.
- Simplify forms.
- Waive filing fees for respondents for easier access to the court system to reduce the default rate. (Findings: In the Non IV-D side, 90% had attorneys and 10% were defaults)
- Be aware that a 100% collection rate is not realistic because much of it is not collectible.
- Gather demographic information such as income, age, tax intercepts, etc.

Representative Hershberger stated that as goals are set, data on the default rate is important in order to implement strategies and move forward. Bianca Varelas-Miller, Pima County, informed the group that letters have been going out to alleged fathers asking them to call a dedicated line for genetic testing. They have had success with individuals calling in and signing up for genetic testing instead of the standard existing method of using difficult forms. This is a people intensive method, but it has helped with decreasing default rate and increasing the compliance rate.

Representative Hershberger asked the group to keep the focus on the goal of more funding for children.

#### **OTHER DISCUSSION – HAYDEN CASE**

Representative Hershberger asked Kim Gillespie to briefly explain the Hayden case. She explained that it was an Arizona Supreme Court decision that overruled a Court of Appeals decision and stated that the existing Arizona statute of limitations (three years after the youngest child's emancipation) is a bar to any collections - judicial and administrative.

The Committee will be looking at statute of limitations this year, either extending or limiting this.

#### **CALL TO THE PUBLIC**

No members of the public made a request to speak to the Committee.

#### **NEXT MEETING**

The scheduled January 13<sup>th</sup> meeting will be canceled because it coincides with the first week of legislative session. Members will be notified of the next meeting date.

#### **ADJOURNED**

The meeting was adjourned at 11:23 a.m.