



CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE

State of Arizona

2001 Annual Report

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(i)

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**CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM COMMITTEE
2001 ANNUAL REPORT**

EXECUTIVE SUMMARY

As required by law (A.R.S. §25-320.01.A), the Child Support Enforcement and Domestic Relations Reform Committee, comprised of Senator Mary Hartley, Representative Peter Hershberger, Representative Karen Johnson and Senator David Petersen, submits to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Arizona Supreme Court the following report.

During the year 2001, both the Child Support Coordinating Council Subcommittee ("Council") and the Domestic Relations Reform Study Subcommittee ("DR Subcommittee") actively continued to explore concepts for improving the child support and domestic relations systems. Subcommittee and workgroup deliberations resulted in recommended legislative changes as workgroups appointed by

each subcommittee developed ideas and evaluated recommendations for future change.

The Council was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Council's efforts this year again evidenced the wisdom and importance of forging collaborative solutions. In 2001, the Legislature enacted legislation based on proposals developed and recommended by the Council. The product of various workgroups, the legislative proposal clarified that only "future" interest may be suspended on child support judgments for incapacitated or incarcerated payors, clarified the procedure for obtaining a judgment for child support arrearages, deleted obsolete statutes, added a new procedure for intrastate transfer of child support cases from one county to the county where the child resides and made necessary technical corrections in child support statutes.

Efforts of various Council workgroups have produced further recommendations intended for introduction to the Legislature in 2002.

The DR Subcommittee was originally established to broadly explore, identify problems in and develop reforms for the state's domestic relations statutes. A new co-chair, Senator Mary

Hartley, was appointed in January 2001 to join Representative Karen Johnson, previously appointed co-chair. Further rejuvenated by seven new members in February, 2001 and four more new members later in the year, the DR Subcommittee continued its strategic planning in order to orient its new members and set its course for 2001.

The three previously existing workgroups (Education/Prevention, Substantive Law and Court Procedures) continued to focus on specific issues developed in strategic planning and from information gleaned from research, DR Subcommittee members, invited speakers and members of the public. From the studies conducted by the Substantive Law and Court Procedures workgroups, a new workgroup was formed to draft a statewide integrated Arizona family court plan for introduction to the Legislature in January, 2003. Also in 2001, the Legislature enacted legislation based on proposals developed and recommended by the DR Subcommittee, namely changing the term "visitation" to that of "parenting time" throughout Arizona's family statutes. The Legislature also considered many legislative proposals in 2001 which germinated from the DR Subcommittee's deliberations and Call to the Public segment during its meetings.

The work of the DR Subcommittee's workgroups has also produced additional legislative recommendations for 2002 as well as input to legislators not sitting on the DR Subcommittee who have drafted legislative proposals relating to family law for introduction to the Legislature in 2002.

CHILD SUPPORT ENFORCEMENT AND DOMESTIC RELATIONS REFORM COMMITTEE 2001 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the Child Support Enforcement and Domestic Relations Reform Committee grew from the work of a legislative advisory committee.

In June 1993, Senator John Greene, President of the Senate, and Representative Mark Killian, Speaker of the House of Representatives, appointed a Joint Select Committee on Child Support Enforcement, co-chaired by Senator Matt Salmon and Representative Pat Blake Wilder, with the goal of creating an effective child support system for Arizona families and children. To assist in this effort, in July, 1993 the Select Committee appointed a Technical Advisory Committee co-chaired by David Byers, Administrative Director of the Courts, and Bonnie Tucker, Deputy Director of the Arizona Department of Economic Security.

The Technical Advisory Committee brought together major

stakeholders in the statewide child support arena. Membership represented a cross section of program administrators, parents, judicial officers and attorneys, creating a forum for meaningful debate on the issues facing Arizona's child support enforcement system.

The Technical Advisory Committee identified various problems within the system and recommended solutions for corrective action, including identification of the agency or entity responsible for initiating implementation. The Committee developed 57 recommendations, of which 28 required legislative action. At the conclusion of its mission, the Committee submitted a report of its recommendations dated November 1, 1993.

In the course of deliberations, there was consensus that integrated planning and communication among all of the child support stakeholders is vital to ensure continued improvement in the system. Thus, the first recommendation made in the Committee's report was that a child support coordinating council be formed to provide a mechanism for on-going communication and integrated planning among stakeholders to ensure consistency in child support policies.

The Technical Advisory Committee also identified a

problem concerning the difficulty in understanding laws and procedures due to the lack of integration of the statutes relating to domestic relations issues. To address this problem, the Technical Advisory Committee recommended that a domestic relations reform study committee be established to consolidate, revise and modernize the domestic relations statutes.

Legislative Response

During the forty-first session, the Legislature created each of the two subcommittees proposed in the recommendations of the Technical Advisory Committee. By Laws 1994, Chapter 374, Section 24, both the Child Support Coordinating Council Subcommittee ("Council") and the Domestic Relations Reform Study Subcommittee ("DR Subcommittee") were established within a single overarching legislative committee called the Child Support Enforcement and Domestic Relations Reform Committee.

The Child Support Enforcement and Domestic Relations Reform Committee consist of the four co-chairs (or their designees) from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but is specifically directed not to make substantive changes to the work, findings or

recommendations of the two subcommittees. Any conflicts between the findings or recommendations of the subcommittees are to be referred back to the subcommittees for resolution.

Each of the subcommittees is co-chaired by a member of the Senate and a member of the House of Representatives. The enabling legislation identified the composition of each subcommittee's membership and prescribed the tasks to be undertaken. Reports are to be submitted by the subcommittees quarterly to the Child Support Enforcement and Domestic Relations Reform Committee. The overarching committee is responsible to report annually on the work, findings and recommendations of the subcommittees to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Arizona Supreme Court.

The original legislation creating the committee and its subcommittees was effective July 17, 1994. That same enabling law appropriated funds to the Arizona Supreme Court for costs associated with staffing the subcommittees. In July 1994, the Arizona Supreme Court designated the Domestic Relations Division of the Administrative Office of the Courts to provide that staff support.

The legislation which originally established the committee

and its two subcommittees was scheduled for repeal from and after December 31, 1997. Provisions of law enacted in 1997 (Laws 1997, Chapters 45, 176 and 250) extended this date, so that each of the subcommittees continued to serve the public until December 31, 2000. In 1998, the Domestic Relations Division joined the Court Services Division of the Administrative Office of the Courts and became the Domestic Relations Unit. In 2000, the Domestic Relations Unit's name was changed to the Family Law Unit. New legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This new statute, effective as of July 18, 2000, creates the committee and subcommittees by statute, rather than session law, and extends the life of the committee and the two subcommittees until July 1, 2007. The new statute further specifies that the Domestic Relations Reform Study Subcommittee is to meet jointly with the Child Support Coordinating Council Subcommittee at least two times per year.

Membership

The session law originally enacted in 1994 outlined the membership of each subcommittee by position or category and directed how chairpersons would be appointed. In 1995, the

Legislature amended this law. Chapter 44 of the Laws of 1995 altered the numbers of subcommittee members and attempted to balance political party representation of legislative members. The 1995 law also directly affected the composition of the Council.

Under the original law, the only legislative members of the Council were the two subcommittee co-chairs, one appointed from each legislative chamber. As amended, session law provided there shall be two members of the Senate from different political parties and two members of the House of Representatives, also from different political parties. As a result, two additional members, both of the minority party, were added to the Council in 1995. Co-chairperson positions were unaffected.

The 1995 amendment spoke to, but did not require a change in, membership of the DR Subcommittee. Under the original session law, the DR Subcommittee's membership included two members of the Senate and two members of the House of Representatives, as well as a co-chairperson appointed from each chamber. The 1995 amendment changed session law to provide that the legislative membership should include three members of the Senate and three members of the House of Representatives, in each case not more than two of whom are from the same political party.

From the outset of its deliberations, six legislators have served on the DR Subcommittee--three members of the state Senate and three members of the House of Representatives. Of these, four are of the majority party and two are of the minority party, achieving the political balance intended by the 1995 amendment.

A 1997 amendment altered the membership of the DR Subcommittee. From the inception, six parents served on the subcommittee--two custodial parents, two non-custodial parents and two parents having joint custody, all of whom must be knowledgeable in domestic relations issues. In 1997, the Legislature added two additional parent members without any requirement of custodial status (Laws 1997, Chapter 176, Section 2). This addition permitted parents who are not divorced or separated to serve. In 2000, by statute the Legislature added four additional members: representative of a domestic violence coalition; representative of a statewide domestic violence coalition; representative of a faith-based organization knowledgeable in domestic relations issues; and marriage and family therapist.

In 1997, the Legislature also added additional requirements of membership. An amendment (Laws 1997, Chapter 173) to the original

enabling law (Laws 1994, chapter 374, section 24) provided that members of each subcommittee shall serve two-year terms at the pleasure of the official or officials who appointed them. Additionally, the law specified that the appointments shall be made at the start of each even fiscal year and that members may be reappointed.

In 2000, the Legislature again added additional requirements of membership. Parent members may not be judges or commissioners. Parent members who are judges or commissioners served out the remainder of their terms, however.

**CHILD SUPPORT COORDINATING COUNCIL
SUBCOMMITTEE
2001**

Summary

In 2001, the importance of the Child Support Coordinating Council ("Council") as a recognized forum for cooperative decision making in the area of child support enforcement was reaffirmed. The bills which were generated by the Council included amendments that clarify that only "future" interest may be suspended on child support judgments for incapacitated or incarcerated payers, clarify the procedure for obtaining a judgment for child support arrearages, delete obsolete statutes, add a new procedure for intrastate transfer of child support cases from one county to the county where the child resides and make necessary technical corrections in child support statutes. These legislative proposals developed by the Council were passed by the Legislature in 2001.

Through the activities of various workgroups, additional recommendations for legislation improving the child support system were developed for introduction in 2002. Proposals include amendments which conform two separate modification

statutes, establish automatic suspension of a child support order when the parents of a child marry each other, and delete certain obsolete statutes.

Membership

The session law originally establishing the Council (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed.

In February 2001, House Speaker James Weiers appointed Representative Peter Hershberger to serve as the House-appointed *co-chair* of the Council replacing Representative Laura Knaperek. Representative Hershberger serves on both the Human Services and Judiciary committees.

President Gnant appointed Representative Kathi Foster to serve in the position of *House of Representatives* member. Representative Foster replaced Representative Rebecca Rios and serves on several committees including Human Services, Judiciary and Education.

Senate President Randall Gnant appointed Bruce Gentillon to serve in the position of the Senate-appointed *noncustodial parent* member. Mr. Gentillon replaced Conrad Greene whose membership expired.

Chief Justice Thomas Zlaket appointed Judge Monica Stauffer,

Presiding Judge in the Superior Court in Greenlee County to serve in the position of *Presiding Judge from a Rural County* member. Judge Stauffer replaced Judge Robert Duber II who resigned in 2000.

Chief Justice Zlaket appointed Robert Barrasso to serve in the position of *Executive Committee of the Family Law Section of the State Bar of Arizona* member. Mr. Barrasso replaced Commissioner David Ostapuk who resigned from the Council in 2000.

Bryan Chambers, county attorney from a rural county member, resigned his position on the Council in 2000. Mr. Chambers was replaced by Michael Henson who is also from the Gila County Attorney's Office Child Support Division.

Work, Findings and Recommendations

Six Council meetings were held during the year. At each meeting, public comments were encouraged to assist the Council's efforts. Throughout the year, existing workgroups continued to meet and develop recommendations for improvement to the child support enforcement system.

Tasks and Objectives

Listed below is a description of the major activities by Council workgroups.

Centralized Payment Processing Workgroup

One workgroup of the Council continues to coordinate and improve the process for centralized processing of support payments

Historically, all court-ordered child support was paid either directly to the person entitled to receive support (the “obligee”) or, when ordered by the court, through the court clerk. With the advent of mandated orders of assignment (or “wage assignments”), fewer payments were made directly between the parties. Instead, payments came to the court clerk from the obligor’s employer or other payor. Receipting and posting of support payments and distribution to the obligee was performed by the court clerk in each of Arizona’s counties. With the establishment of the joint federal-state IV-D Program, responsibility for payment processing began to shift, depending on case type. The IV-D program provides child support enforcement services to public assistance recipients and others upon request. Court clerks continued to receipt, post and distribute payments in cases that were not serviced by the state. A different system evolved for IV-D cases and payment processing became bifurcated depending on case type.

Prompted by federal mandates, state legislation in 1985 required the IV-D agency to establish a central clearinghouse to “receive, disburse and monitor” support payments in IV-D cases (46-441, Arizona Revised Statutes). A system was developed to record payments on an automated statewide computer system for processing through the support payment clearinghouse. Still, payments continued to be made to a Superior Court Clerk or to the clearinghouse, depending on the specific county involved. Subsequent federal welfare reform legislation directed states to effectuate centralized payment processing in both IV-D and certain, but not all, non-IV-D cases. Legislation was enacted in Arizona in 1997 (Laws 1997, Chapter 219) consistent with the federal mandate. However, as a result of the work of the Council, added to this legislation were amendments to state law that authorized the support payment clearinghouse to receive and disburse all monies applicable to support or spousal maintenance on or before October 1, 1999 (unless the court had specifically ordered otherwise).

The Council workgroup undertook the mission of implementing centralization of all child support and spousal maintenance payments by December 1, 1998. Among the substantial tasks involved was connecting the Superior Court Clerks to the statewide child support database and converting

data in non-IV-D cases from the records of individual court clerks to that database. Conversion involved loading information in approximately 60,000 non-IV-D support cases into the state database. On schedule, the "switch" was turned on and centralized payment processing became a reality. With this bold step, Arizona became one of the first states in the nation to operate a centralized clearinghouse for the collection and distribution of all child and spousal support.

The conversion benefitted many sectors. Families and children are better served by efficient and expeditious processing of support payments and centralized record keeping. Employers and other payers who deduct earnings or other monies pursuant to orders of assignment now forward payments to one Arizona collection point, rather than to up to sixteen different locations as under the previous system. State taxpayers benefit from the cost savings and economies of scale offered by a single collection entity. The integrity of the support processing system itself is enhanced by reducing the incidence of loss, errors or mismanagement.

In Fiscal Year 2001, approximately \$238 million in IV-D payments was collected and \$262 million in non-IV-D for a combined total of \$500 million. Those figures approximate 210,000 IV-D payments and 90,000 non-IV-D monthly

payments. Payments in the unidentified category remain under 1% of total payments processed.

Of particular note in 2001 was the creation and implementation of a new payment record system. This payment record allows other agencies access to financial information without compromising confidential areas of the automated system (ATLAS).

Although centralization has been realized, the commitment and efforts of those involved in the process continue. Identified issues are being addressed expeditiously through cooperative efforts of this collaborative, multi-agency workgroup. This successful collaboration will insure that payments continue to be processed timely. Throughout 2001, solutions were coordinated by the Council workgroup with the cooperation of all stakeholders, particularly the Clerks of the Superior Court, the IV-D agency and the Administrative Office of the Courts.

Child Support Guidelines Workgroup

This workgroup was formed upon the request of the AOC to assist the Family Law Unit of the Court Services Division in its review of the child support guidelines.

Section 25-230 of the Arizona Revised Statutes directs the Supreme Court to "...establish guidelines for determining the amount of child support." Additionally, the Supreme Court is required to "...review the guidelines at least once every four years to ensure that their application results in the determination of appropriate child support amounts."

Since initial adoption in 1987, the guidelines have been reviewed four times. A review was conducted in 1995, and revised guidelines were adopted by the Supreme Court on July 10, 1996, for actions filed after October 31, 1996. Then, consistent with state and federal law, Arizona's guidelines were studied again in 1999 for implementation in 2000. The Supreme Court, on September 28, 2000, unanimously adopted the proposed changes to the guidelines proposed by the workgroup with an effective date of January 1, 2001.

The workgroup was disbanded in 2001 and will be reconvened in 2003 to specifically address the 2004 guidelines

review.

Financing Workgroup

This workgroup was formed upon the request of the Office of the Auditor General to consider the method by which the child support enforcement program should be financed in the future. The workgroup was directed to respond with written recommendations regarding whether the program should continue as a cost recovery program or as a public service program funded through state appropriations. The group's recommendations to the Council were adopted in July, 2000.

Recommendations from the Council, based on the findings of this workgroup, were reported to the legislature in October, 2000. *The Council reported that it would be in the best interest of the State of Arizona that a strong child support enforcement program be maintained. Continuation of the improvements in performance that the child support program achieved in recent years, documented by the Auditor General, should not be hindered by a systemic shortage of funds.*

The Council further reported that the responsibility to maintain a strong child support enforcement program should be a general government responsibility borne by all Arizona taxpayers and that it would be ill-advised to seek the correction of the funding shortfall through user fees.

The Council recommended that the Arizona Legislature correct the funding shortfall in the Arizona IV-D Child Support Enforcement Program through either appropriations or a dedicated funding source; user fees should be avoided as a means of correcting the shortfall.

Interestingly, the Arizona IV-D Child Support Enforcement Program did not experience a shortfall in fiscal year 2000; however, a shortfall of several hundred thousand dollars was experienced in fiscal year 2001 and an even larger shortfall is expected in 2002. For several years, six Arizona counties have opted to utilize the local county attorney's office to manage the county's child support program in place of the IV-D Child Support Enforcement Program and these offices have experienced increasing funding shortages annually.

In the 2001 legislative session, a bill requesting an appropriation to amend the shortfall was advanced to the Governor's desk where the appropriation was cut in half with a delayed funding date of 2003 instead of 2002. Ultimately, one county elected to terminate the child support program and others have indicated that the same option is being considered in their respective counties.

Recognizing the ongoing funding problem, the Council initially opted to continue the workgroup to address broader issues related to not only the IV-D Child Support Enforcement Program but the county-run programs also. Ultimately, Council leadership will determine the future course of the group.

Non-Disclosure Indicator (NDI) Workgroup

The focus of the NDI workgroup was to develop, plan and implement a system to prohibit the release of location information if the state has reason to believe that the release of the information may result in physical or emotional harm to a party or child.

Based upon the group's recommendation, the Council initially adopted a policy to prohibit the release of information when one or more of the following occurs:

- an Order of Protection or Temporary Restraining Order has been issued in Arizona or has been afforded full faith & credit in Arizona; or
- a IV-D case has been deemed a 'good cause' case meaning the IV-D agency will not proceed with enforcement due to domestic violence issues.
- the period of time a "good cause" investigation is conducted;
- the court has ordered protection of an individual's address and demographic information in a hearing that is not an Order of Protection or Temporary Restraining Order hearing;
- a petition for Order of Protection or Temporary Restraining Order has been filed but *has not been granted*.

In October, 2000, the IV-D Child Support Enforcement Program placed a virtual flag on all custodial parents and children in the state case registry which interfaces with the federal child support case registry. This was done to comply with the time frames imposed by the federal law. In mid-2001, the virtual flag was removed and only true NDI cases were flagged. As of July, 2001, approximately 9,346 flags had been set on cases in the Arizona automated child support system (ATLAS) which encompassed around 29,000 victims or potentials victims, including children, of domestic violence.

The Council approved recognition that the IV-D Child Support Enforcement Program has responsibility for maintaining the automated system under state law. They also passed a recommendation that the NDI could be removed through an affidavit process after an investigation is performed through the Child Support Program.

The culmination of the Council's efforts was realized in July and August, 2001 when court personnel were provided training on researching cases and setting the NDI in the ATLAS system. While the collaboration to formulate policy, develop and implement this federally mandated system has been met, the group will continue meeting to facilitate enhancements to the current system, streamline the process and identify methods of improvement as needed.

Relocation Issues Workgroup

This workgroup was formed to address issues related to increased costs to the noncustodial parent when the custodial parent and child (ren) move a substantial distance to a new

geographical location. In these cases, a subsequent modification to the child support order usually results in a substantial increase in the support amount due to a decreased parenting time schedule and corresponding parenting time (formerly called visitation) adjustment. In addition, transportation costs of both the children and the noncustodial parent increase. The group researched other states' laws and will meet in 2002 to explore and recommend changes to Arizona's relocation laws.

Review of Child Support Statutes Workgroup

This workgroup has functioned since 1997 to examine particular statutes related to child support enforcement to identify inconsistencies, lack of clarity, or unnecessary duplication in the statutes and to recommend improvements. Again in 2001, the workgroup developed proposals for legislative change. Please see the following section below titled "Recommendations for Legislative Action" for additional details about legislation enacted in 2001 and proposed for 2002.

Recommendations for Legislative Action

The product of various subcommittee workgroups resulted in a legislative proposal being recommended for passage during the Second Regular Session of the Forty-fourth Legislature in 2001. Introduced under sponsorship of Council co-chair Senator David Petersen, the proposals were passed.

The primary element clarifies that only “future” interest may be suspended by the court on a judgment for support when an obligor is incarcerated “or otherwise incapacitated” and defines the term “incapacitated.”

Also included in the 2001 legislation are provisions that:

- Clarify the procedure for seeking an expedited judgment for support arrearages and conforms time frames found elsewhere in the chapter.
- Extend remedies for enforcement of support orders to orders for “alimony,” spousal maintenance or child support in dependency proceedings.
- Repeal a law requiring the child support agency to set a scale and formula for determining child support obligations in view of the fact that these obligations are calculated under the Arizona Child Support

Guidelines.

- Clarify that workman's compensation benefits are eligible for assignment for payment of child support and spousal maintenance.

During 2001, a workgroup appointed to recommend improvements to existing child support statutes developed proposals for introduction to the Legislature in 2002. Based on these efforts, the Council has proposed amendments which, if passed, will conform two separate modification statutes, allow automatic suspension of a child support order when the parents marry each other, and delete certain obsolete statutes.

Other Issues Before the Council

Council workgroups continue to identify methods to improve the child support enforcement system.

Throughout the year, the Council maintained its knowledge of issues related to child support enforcement by inviting speakers to give presentations on relevant topics. Stephanie Walton and Christi Goodman from the National Conference of State Legislatures journeyed to Arizona to provide information to both the Council and the DR

Subcommittee on child support and family law issues nationwide.

Future Actions

The Council is committed to the continued development of mechanisms and procedures to enhance the delivery of child support services to the families and children of Arizona. Workgroups will continue to explore issues currently under discussion, new issues that arise, and endeavor to increase public awareness of child support issues. As chartered, the Council will maintain its important role in providing a forum for cooperative decision making and cohesive policy development among all interested stakeholders in the child support enforcement system.

***DOMESTIC RELATIONS REFORM
STUDY SUBCOMMITTEE***

2001

Summary

During the year 2001, the DR Subcommittee continued in its revitalization process and refined its tasks. The Subcommittee met every month, with remarkable attendance and quorums reached throughout the year. Ten public meetings of the DR Subcommittee were held in 2001 and two joint meetings were held with the Child Support Coordinating Council, as required by the enabling statute.

Under the leadership of Senator Mary Hartley and Representative Karen Johnson, membership appointments were addressed, meetings were expanded to four hours each, with working lunches for workgroup meetings. Subcommittee members redefined their areas of study through strategic planning and requests for information through speakers and experts in various family law fields. An invitation was sent to all legislative members to submit their family-related bills to

the DR Subcommittee for review and input. Chief Justice Thomas Zlaket, Arizona Supreme Court, and Vice Chief Charles Jones, Arizona Supreme Court, addressed the DR Subcommittee on the topic of a statewide integrated family court in October, 2001.

Recommendations were advanced to the Legislature for enactment in 2001 for changing the term "visitation" to the term "parenting time" in all of the family statutes. Representative Karen Johnson sponsored the bill which was enacted in March, 2001. The Subcommittee has also studied numerous additional issues and proposals for legislation to be submitted in January, 2002. A fourth workgroup has been formed, with attendant proposed legislation being drafted containing time guidelines for the creation of an Arizona statewide integrated family court. The DR Subcommittee also submitted a proposed Rule revision (Proposed Rule 53.1, Arizona Rules of Civil Procedure), regarding the statewide use of special family law masters.

Membership

A.R.S. Section 25-320.01(F) prescribes the membership composition of the DR Subcommittee by title or category and directs how each position shall be appointed.

In January, 2001, President of the Arizona Senate Randal Gnant appointed Senator Mary Hartley to serve as the Senate-appointed co-chair of the DR Subcommittee, replacing Senator Ann Day. Senator Hartley serves on both the Senate Education and Health Committees; she is also chair of the Senate Family Services Committee.

Also in January, 2001, President Gnant appointed Senator Toni Hellon to serve in the position of Senate member. Senator Hellon replaced Senator Jack Brown and serves on Senate Appropriations, Education and Health Committees; she is vice-chair of the Senate Family Services Committee.

The two co-chairs promptly filled seven of the vacant positions in January, 2001 as follows:

Sidney Buckman	Representative of a conciliation court
Steve Phinney	Representative of a faith-based organization
Frank Costanzo	Marriage and family therapist
Jennifer Jordan	Domestic Relations mediator
Gordon Gunnell	Parent

Ella Maley	Custodial parent
Nancy Gray Eade	Non-custodial parent

In addition, Alice Bendheim, after many years of service, resigned her DR Subcommittee position as Domestic Relations attorney. Ellen Seaborne, a family law attorney in Flagstaff who had been serving in a Parent position on the Subcommittee was appointed to the Domestic Relations Attorney position.

The co-chairs appointed Kelly Campbell, from the Arizona Coalition Against Domestic Violence, to fill the Representative of a Statewide Domestic Violence Coalition position.

Commissioner Karen S. Adam was appointed to serve in the position of Domestic Relations Judge/Commissioner. Judge John Quigley resigned his position as Domestic Relations Judge in 2001. In addition, Jay Mount was appointed to a Parent position. One position is open at year end, that of Custodial Parent.

Work, Findings and Recommendations of the DR Subcommittee

The DR Subcommittee is specifically charged in its enabling legislation (A.R.S. § 25-320.O1.H) to recommend changes to

the state's domestic relations statutes, rules and procedures and other related issues in a phased-in approach designed to lead to reform of the statutes.

Twelve DR Subcommittee meetings were held during 2001. At each meeting, public comment and testimony were encouraged to assist the DR Subcommittee in ascertaining problematic family law areas needing improvement as well as those areas which are functioning well. The DR Subcommittee invited twelve speakers knowledgeable in family law to appear and speak during the year in its attempt to learn more about family law processes and procedures, problems and successes arising from the domestic relations statutes, rules and procedures and isolate issues needing to be addressed. New workgroup assignments were made after three strategic planning sessions during the spring, 2001. The three existing workgroups met each month and developed recommendations for improvement to Arizona's statutes, rules and procedures. The new workgroup for the creation of a statewide plan for an integrated family court was initiated in December, 2001.

The DR Subcommittee also gathered statistics statewide on the filings and disposition numbers for various types of family law cases, including case and time line statistics. It studied

Maricopa County's family court pilot project and sought information on ombudsman's programs to assist the public. It also asked staff to develop various resource lists and materials to further assist the public who appear during the active Call to the Public meeting segment. The four co-chairs also met to further refine subcommittee procedures, workgroup participation by non-subcommittee members and other protocol matters.

Tasks and Objectives

A description of the major activities of the DR Subcommittee workgroups is as follows:

Substantive Law Workgroup

The Substantive Law workgroup focuses on statutory and legal evaluations involved in proposals to change Arizona's domestic relations statutes, rules and procedures. During 2001, this workgroup studied and made recommendations regarding the following topics:

- Limiting immunity to court-appointed evaluators

- Child custody reform, including long-term follow up
- Rescinding surrogate parenting statute (A.R.S. § 25- 218)
- Integrated statewide family court concept
- Specific bill proposals listed below.

Education/Prevention Workgroup

The Education/Prevention workgroup focuses on training, education and resources available not only to the public but to judicial officers and court personnel. During 2001, this workgroup studied and made recommendations regarding the following topics:

- Character/relationship skills programs for Arizona's elementary school children
- Abuses of the order of protection process
- Resources available to couples entering into marriage and those dissolving their unions
- Presumption of joint custody
- Educating the public regarding available resource materials
- Conciliation counseling and other referral resources for divorcing couples

- Parent education class curricula to include conflict resolution classes
- Specific bill proposals listed below.

Court Procedures Workgroup

The Court Procedures workgroup focuses on court procedures and processes.

During 2001, this workgroup studied and made recommendations on the following topics:

- Training of judicial officers (what training is actually required and received)
- Domestic violence curricula for judges
- Integrated family courts (including dedicated family court benches, judicial rotation, workloads and stress)
- Dependency and guardianship petitions and procedures
- Other enforcement procedures
- Specific bill proposals listed below.

Recommendations for Legislative Action

The DR Subcommittee studied and made legislative recommendations regarding the following bill proposals:

- Integrated statewide family court concept; a bill proposal for 2002 session was drafted to give the DR Subcommittee until October, 2002 to draft a comprehensive statewide integrated family court bill for introduction in the 2003 legislative session; Representative Karen Johnson will sponsor this bill
- Rescinding surrogate parenting contracts - A.R.S. § 25-218
- Credit card debt - proposal that marital party not signing credit card application not be liable for that debt (submitted by Rep. Roberta Voss)
- Bifurcation of dissolution - proposal to bifurcate granting of the decree and property division and other issues for tax purposes (submitted by Rep. Roberta Voss)
- Parenting time violations/citations (proposed by Senator David Petersen)
- Reworking of A.R.S. § 25-406 on evaluations and reports/immunity to court personnel
- Amend A.R.S. § 25-401 regarding child custody proceedings

- Amend A.R.S. § 25-416 regarding immunity for court appointees (submitted by Senator Darden Hamilton)
- Add new section to A.R.S. § 25-416 on statements of a child
- Revise A.R.S. §§ 25-408, 411 and 403 regarding relocation issues-resumption of the previous parenting time schedule if the parent returns to the state of Arizona
- Revise A.R.S. § 25-320.01 to add three additional positions to the Domestic Relations Reform Study Subcommittee (child advocate, law enforcement and rural county judge/commissioner new positions); Senator Mary Hartley will sponsor this bill.

Other Issues Before the DR Subcommittee

DR Subcommittee workgroups continue to identify areas where the law and procedures described in the Arizona family statutes may need reform. The DR Subcommittee is studying what other states are doing in connection with various current family law trends (for example, collaborative divorce, presumption of joint custody, presumption of joint physical custody, parenting time guidelines, conciliation counseling). Efforts will continue to have speakers from the courts, the

mental health professions, legislators, judges and various special interest groups give presentations to the DR Subcommittee in order to continue the members' studies.

Future Actions

The DR Subcommittee will continue to pursue its strategy for accomplishing the long-term goal of reforming domestic relations laws and procedures. The impact of domestic relations matters on families and children demands that resolution systems operate fairly, efficiently and as family-friendly as practicable. Rejuvenated with new and active members as well as consistent leadership, members of the DR Subcommittee will continue the momentum gained in 2001. The DR Subcommittee is poised for creative action toward meaningful solutions and is ready to take on the formidable task of constructing an integrated statewide family court. The Subcommittee also stands prepared to serve as a clearinghouse for new ideas and proposals and to provide input to the Legislature in order that system changes be developed in a coherent manner.

APPENDIX TO
CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE
2001 ANNUAL REPORT

CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE

Purpose

Pursuant to A.R.S. § 25-320.01, the Child Support Coordinating Council Subcommittee was formed to:

- Coordinate and review plans of various government agencies.
- Make recommendations regarding child support enforcement and related issues to the Child Support Enforcement and Domestic Relations Reform Committee.
- Develop a plan to implement a statewide parent education program. (With successful implementation of this program effective in 1997, the mandate to develop a program was stricken from session law by Laws 1997, Chapter 176.)

Membership

Membership consists of the following members or their designees who have knowledge of or experience in, child support enforcement and related issues:

- The Director of the Department of Economic Security.
- The Assistant Director of the Division of Child Support Enforcement of the Department of Economic Security.
- A Division or Section Chief from the Office of the Attorney General who is appointed by the Attorney General.
- The Director of the Arizona Supreme Court Administrative Office of the Courts.
- Two Presiding Judges from the domestic relations department of the superior court who are appointed by the Chief Justice of the Arizona Supreme Court; one judge from an urban county, and one judge from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Arizona Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the Arizona Supreme

Court.

- Two County Attorneys who are appointed by the Director of the Department of Economic Security from a county that is currently contracting with the state to provide child support enforcement services; one County Attorney from an urban county and one County Attorney from a rural county.
- An Executive Assistant from the Office of the Governor who is appointed by the Governor.
- One person knowledgeable in child support issues who is a noncustodial parent and one person knowledgeable in child support issues who is a custodial parent, who are appointed by the President of the Senate.
- One person knowledgeable in child support issues who is a noncustodial parent and one person knowledgeable in child support issues who is a custodial parent, who are appointed by the Speaker of the House of Representatives.
- One parent knowledgeable in child support issues who has joint custody who is appointed jointly by the President of the Senate and the

Speaker of the House of Representatives.

- One person from the Executive Committee of the Family Law Section of the State Bar of Arizona who is appointed by the Chief Justice of the Supreme Court.
- One person from the business community who is appointed jointly by the President of the Senate and the Speaker of the House of Representatives.
- Two members of the Senate from different political parties.
- Two members of the House of Representatives from different political parties.

The President of the Senate shall appoint the two Senate members and designate one of the members as the co-chairperson. The Speaker of the House of Representatives shall appoint the two House of Representatives members and designate one of the members as the co-chairperson. Each co-chairperson may appoint additional members to the Child Support Coordinating Council Subcommittee to serve as non-voting technical experts. Members shall serve two-year terms

at the pleasure of the official or officials who appointed them. Appointments shall be made at the start of each even fiscal year and members may be reappointed.

Reports of the Council's work are required to be submitted quarterly to the Child Support Enforcement and Domestic Relations Reform Committee.

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

List of Members

Co-chairs: Representative Peter Hershberger
Senator David Petersen

Senator Linda Aguirre
Arizona State Senate

Jodi R. Beckley
Executive Assistant
Governor's Office

David K. Byers
Administrative Director of the
Courts

Michael Henson for Jerry DeRose
County Attorney Providing
Enforcement Services

Todd Bright for John Clayton
Director
Department of Economic Security

Kim Gillespie for Noreen Sharp
Office of the Attorney General

Bruce Gentillon
Noncustodial Parent

Bethany G. Hicks
Presiding Judge (Urban)

Penny Higginbottom
Custodial Parent

Michael Jeanes
Clerk of the Superior Court
in Maricopa County
David Norton
Noncustodial Parent

Robert Barrasso
State Bar Family Law Section
Executive Committee

Rhonda L. Repp
IV-D Commissioner

Benidia Rice
IV-D Child Support Director
Department of Economic Security

Representative Kathi Foster
Arizona House of Representatives

Chuck Shipley
Business Representative

Russell Smoldon
Joint Custody Parent

Monica Stauffer
Domestic Relations Judge (Rural)

Carmela Trapani
Custodial Parent

Bianca Varelas for Barbara LaWall
County Attorney Providing
Enforcement Services

***DOMESTIC RELATIONS REFORM
STUDY SUBCOMMITTEE***

Purpose

Pursuant to A.R.S. § 25-320.01, the Domestic Relations Reform Study Subcommittee was formed to:

- Recommend changes to the domestic relations statutes, rules and procedures and other related issues each year in a phased-in approach designed to lead to a reform of the state's domestic relations statutes.
- Clarify the rights of grandparents in domestic relations issues.
- Report to the child support enforcement domestic relations reform Committee quarterly.

Membership

The Domestic Relations Reform Study Subcommittee consists of the following members:

- Two noncustodial parents knowledgeable in domestic relations issues who are not judges or commissioners.

- Two custodial parents knowledgeable in domestic relations issues who are not judges or commissioners.
- Two parents who have joint custody who are knowledgeable in domestic relations issues who are not judges or commissioners.
- Two parents knowledgeable in domestic relations issues who are not judges or commissioners.
- One active or retired judge or commissioner from the domestic relations department of the superior court.
- One domestic relations attorney.
- One Clerk of the Court.
- A professional domestic relations mediator.
- A psychologist experienced in performing child custody evaluations.
- A domestic relations educator experienced in matters relating to parenting or divorce classes.
- A representative of a statewide domestic violence coalition.
- A representative of a conciliation court.
- A marriage and family therapist who is knowledgeable in domestic relations issues.

- A representative from a faith-based organization who is knowledgeable in domestic relations issues.
- An Administrative Officer of the Supreme Court.
- Three members of the Senate, not more than two of whom are from the same political party. The president of the Senate shall appoint the members and designate one of the members as the co-chairperson.
- Three members of the House of Representatives, not more than two of whom are from the same political party. The speaker of the House of Representatives shall appoint the members and designate one of the members as the co-chairperson.

The President of the Senate shall appoint the three Senate members and designate one of the members as the co-chairperson. The Speaker of the House of Representatives shall appoint the three House of Representatives members and designate one of the members as the co-chairperson. Non-legislative members are appointed by the co-chairs with the approval of the President of the Senate and the Speaker of the House of Representatives. Members shall serve two-year terms at the pleasure of the official or officials who appointed them.

Appointments shall be made at the start of each even fiscal year and members may be reappointed.

Reports of the Subcommittee's proposals for change are required to be submitted quarterly to the Child Support Enforcement and Domestic Relations Reform Committee.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE

Members

Co-chairs: Representative Karen Johnson

Senator Mary Hartley

Representative
Mark Anderson
Arizona House of
Representatives

Vacant
Custodial Parent

Jay Mount
Parent

Terrill J. Haugen
Noncustodial Parent

Ellen Seaborne
Domestic Relations
Attorney

Honorable Alma Jennings
Haught, by Ray Rivas,
Clerk of the Court

Beverley Boyd
Administrative Office the
Supreme Court

Gordon Gunnell
Parent

Sanford Braver
Domestic Relations
Educator

Senator David Petersen
Arizona State Senate

Senator Toni Hellon
Arizona State Senate

Karen S. Adam
Domestic Relations
Commissioner

Representative Kathi Foster
Arizona House of
Representatives

Jennifer Jordan
Domestic Relations
Mediator

Ella Maley
Custodial Parent

Nancy Gray Eade
Noncustodial Parent

Deborah Woods-Schmitt
Parent with Joint Custody

Brian W. Yee
Psychologist with Child
Custody
Evaluation Experience

Jeffrey C. Zimmerman
Parent with Joint Custody

Kelly Campbell
Representative of a
statewide domestic violence
coalition

Sidney Buckman
Representative
Of conciliation court

Steve Phinney
Representative of a
faith-based organization
who is knowledgeable
in domestic relations issues

Frank Costanzo
Marriage and family
therapist who is
knowledgeable in domestic
relations issues

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