

FAMILY COURT IMPROVEMENT COMMITTEE

Minutes

January 13, 2020 10:00 a.m.
Arizona State Courts Building
Conference Room 119A/B
1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Paul McMurdie (Chair), Brian Bledsoe, Judge Bruce Cohen, Benjamin L. Deguire, Kellie E. DiCarlo, Joi Hollis, PhD. (and proxy for Judge D. Greg Sakall), Judge Elaine Fridlund-Horne, CaSaundra L. Guadalupe, Yvette Asche-Liffick (proxy for Sabrina Lopez), Patricia Madsen, Tracy L., McElroy, Jennifer A. Mihalovich, Judge Michael D. Peterson, Marla Randall, Janet W. Sell, Vance D. Simms

Telephonic: Judge R. Erin Farrar, Commissioner Joseph Goldstein, Megan Spielman, Amanda Stanford

Absent/Excused: Danna Lopez

Presenters/Guests: Cathy Clarich, Manager, Nicole LaConte, Court Specialist, Administrative Office of the Courts (AOC)

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Angela Pennington, Susan Pickard, Kathy Sekardi

REGULAR BUSINESS

Welcome and Opening Remarks

The January 13, 2020, meeting of the Family Court Improvement Committee (FCIC) was called to order at 10:03 a.m. by Judge Paul McMurdie, Chair. Judge McMurdie asked for the members on the phone to announce themselves. The draft minutes from the November 22, 2019, meeting were presented for approval. Commissioner Joseph Goldstein asked that his title in the minutes be corrected.

<p>Motion: to approve the minutes as amended. Moved by Janet Sell. Seconded by Benjamin Deguire. Motion passed unanimously.</p>
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BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

ARFLP Rule 44 and Proof of Service

Judge Bruce Cohen asked the committee to assign a workgroup to be established later in the day, to draft a rule change petition to amend and clarify Arizona Rules of Family Law Procedure Rule 44(a)(2)(E). During the last rule changes, Rule 44 was amended to state that the party applying for a default decree must attach a copy of the proof of service to the application. At least one judicial officer has interpreted “must” to mean a strict adherence, and vacated a petitioner’s hearing and application,

and required them to refile for the default. Discussion amongst the committee members brought forth the following points:

- The Family Law Rules Task Force did not intend for the application to be defaulted if proof of service was in the court record but not attached.
- Proof of service being attached to the application serves multiple purposes.
 - A reminder to the other party, especially if they want to challenge the service of process.
 - Convenience for the judicial officer.
- Proof of service could be included via the date and manner of service on the application for default.

Action Item: Judge Cohen will draft language for a possible petition to be filed later. Judge Elaine Fridlund-Horne volunteered to help Judge Cohen with the draft. The matter will be tabled until the next meeting when the draft will be presented to the committee for approval.

Avoiding Criminal and Family Court Order Conflicts

Judge Cohen discussed the matter of competing criminal and family court orders. Current rules offer no guidance on priority for conflicting criminal and family court orders. Policy decisions regarding which order takes priority and in which rules the policy should be enumerated need to be made. Any changes would require cooperation between departments, e.g. family court and probation department. During the conversation, the following points were made:

- The priority of payment of competing child support and victim restitution must be addressed.
- Federal law and state case law say that becoming incarcerated is not considered a voluntary event and is grounds for child support modification.
 - Some states allow IV-D agency to administratively terminate a child support order when a person is incarcerated or have statutes that allow suspension by operation of law.
 - Modification of child support for incarcerated persons is important and can affect the probability of child support payment after release.
- Suspension of child support based on incarceration would have to be a legislative change.
 - Notice that modification is possible could be given to the defendant during the presentencing conversation with Probation. This could be done with a rule change.
 - This change has been tried before and met with opposition, but the committee would like to try again.
 - Suspension of child support must occur in a venue which affords the co-parent due process.

Judge McMurdie stated that the committee will discuss the establishment of a workgroup to address this issue later in the meeting.

Sealing a Record versus Deeming the Record Confidential

Judge Cohen is advocating for the development of a “hand-off” process to have records transferred more easily between family and juvenile courts and for the designation of “Confidential” versus “Sealed” for certain records. Rule 13(e) of the Arizona Rules of Family Procedure can be interpreted

to allow this easier access. He also supports a discussion on expanding the family rule to include some of the provisions set forth in Rule 7 of the Arizona Rules of Probate Procedure. Points made:

- Having all the records would aid the judge in making more accurate analysis of a case.
 - Fewer court actions means more expedient cases.
 - Ensures due process for all parents and DCS.
 - Gives all parties an opportunity to ask for modified orders.
 - In cases where a best interests attorney was assigned, the juvenile court judge would be aware of the family court judge's concerns if findings were handed-off with the dependency petition.
 - Other concerns for hand-offs between family and juvenile court include:
 - adoptions;
 - termination of parental rights;
 - establishing paternity in a dependency case; and
 - termination of child support by operation of law.
- Smaller courts may transfer cases, other courts consolidate cases. A statewide approach would be best.
 - Statewide approach could be a best practice achieved by training or a rule change.

At the request of Judge Cohen, Lori Ford, a public person spoke specifically to this topic.

Family Court Judicial Training

Judge Michael Peterson, in conjunction with Judge Fridlund-Horne gave a presentation on effective Resolution Management Conferences and the importance of training judges to manage family law cases. Judge Peterson asked the committee for input, feedback, and advice on an appropriate curriculum for training. The Judges would like to conduct a half to full day training in each county. It was suggested that the training also cover conciliation and mediation.

Judge McMurdie would like to discuss developing the materials with the education provisions of the subcommittee for statewide implementation.

Online Dispute Resolution

Cathy Clarich and Nicole LaConte, AOC, presented the results of the Online Dispute Resolution pilot programs. They also asked the committee for input regarding potential case types and policies for statewide rollout or individual court rollout and feedback on the execution of the pilot program. The committee did not have any comments or questions at this time, but Judge McMurdie stated the issue would be assigned to one of the workgroups for additional input and feedback.

Action Item: Ms. Clarich will coordinate with staff to send the PowerPoint to the committee and receive any information the committee provides.

Top Issues and Workgroups

During the November 22nd meeting, the members provided Judge McMurdie and staff a comprehensive list of the issues they wished to see the committee address. After that meeting, the issues were sorted into workgroups. Judge McMurdie explained the different workgroups to the committee and asked each member about their participation preferences.

Judge McMurdie clarified that the Family Court Improvement Committee (FCIC)/ Committee on the Impact of Domestic Violence and the Courts (CIDVC) collaborative workgroup would be managed by CIDVC. He noted that the members who serve on both committees would also be serving on the collaborative workgroup.

Some members agreed to follow up with staff to provide names of those whose expertise could be valuable and who might agree to participate on the workgroups.

A member asked Judge McMurdie for guidance on what the workgroups should be doing until their first meetings. Judge McMurdie asked the chairs to meet with their groups ahead of time, discuss what issues they would like to address and prepare them for presentation to the whole committee.

OTHER BUSINESS

Announcements/Call to the Public

- Judge McMurdie asked the committee to read the report, “Designing Divorce” by IAALS, Institute for the Advancement of the American Legal System which was provided in the meeting materials.
- Patricia Madsen asked if the committee would be able to evaluate and respond or comment on any of the upcoming legislation. Judge McMurdie asked staff to forward any pertinent information she receives about family law legislation to the rest of the committee.

<p>Action Item: Staff will ask the legislative liaison staff to put the committee on their rotation for regular updates.</p>

- Malinda Sherwyn and “Patti”, public persons addressed the committee.

Next Meeting

Tuesday, **May 5, 2020**; 10 a.m.
Arizona State Courts Building, Conference Room 119 A/B
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 1:31 pm.

FAMILY COURT IMPROVEMENT COMMITTEE

Minutes

May 5, 2020 10:00 a.m.

Virtual Meeting

Present:

Telephonic: Judge Paul McMurdie (chair), Judge Bruce Cohen, Benjamin Deguire, Kellie DiCarlo, Judge Elaine Fridlund-Horne, Judge Joseph Goldstein, Joi Hollis, PhD., Sabrina Lopez, Tracy McElroy, Jennifer Mihalovich, Judge Michael Peterson, Judge Greg Sakall, Janet Sell, Jessica Beresford (proxy for Vance Simms)

Absent/Excused: Brian Bledsoe, Judge R. Erin Farrar, CaSaundra Guadalupe, Patricia Madsen, Marla Randall, Megan Spielman

Presenters/Guests: Stacy Reinstein, Administrative Office of the Courts Policy Analyst, Sherry Jaffey, Malinda Sherwyn, Patty Cummins

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Angela Pennington, Susan Pickard

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The November 22, 2019, meeting of the Family Court Improvement Committee (FCIC) was called to order at 10:08 a.m. by Judge Paul McMurdie, chair. Susan Pickard reviewed virtual meeting etiquette and conducted a member roll call. Judge McMurdie asked Judges Bruce Cohen, Michael Peterson, Greg Sakall, and Joseph Goldstein to give an update on their court operations during the COVID-19 pandemic.

Judge McMurdie noted that Rule Change Petition R-20-0033 may be of interest to the members. The Petition had a comment deadline of May 1, 2020. There were no comments.

<p>Motion: Approval of the January 13, 2020, minutes. Moved by: Benjamin Deguire. Seconded by: Judge Joseph Goldstein. Motion passed unanimously.</p>
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II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Workgroup Updates

Training Workgroup

Judge Peterson, workgroup chair, reported that the Training Workgroup met telephonically on April 3, 2020. The members discussed family court-specific training needs and reviewed Judge Cohen's judicial officer training PowerPoint. Judge Peterson presented a draft judicial

officer training survey, asked for input on questions and requested approval to distribute the survey to all Arizona family court judges.

Because Stacy Reinstein's presentation, which was scheduled later in the agenda, ties into this discussion, Judge Peterson requested that the mental health update be presented.

B. Mental Health Related Updates

Ms. Reinstein introduced herself as staff to the Committee on Mental Health and the Justice System (MHJS). She then gave an overview of the committee and their work.

MHJS believes the judiciary has a unique vantage point to convene community stakeholders and develop protocols and processes that address how courts administer justice for those in need of behavioral health treatment. This has led to a partnership between:

- Administrative Office of the Courts
- Arizona Supreme Court Committee on Mental Health and the Justice System
- Family Court Improvement Committee
- Mental Health First Aid trainers
- Arizona State University:
 - Center for Applied Behavioral Health Policy
 - Watts College of Public Service and Community Solutions
 - School of Social Work.

These partners are developing training modules that will address:

- general mental health awareness
- specific interconnectedness between the benches and jurisdiction courts
- how to help judicial officers and courts staff understand how to approach individuals and families experiencing mental health conditions
- resources that are available to assist in the delivery of services and improve the administration of justice

The modules will be an online/in person hybrid experience with weekly updates.

C. Workgroup Updates

Training Workgroup (continued)

Judge Peterson thanked Stacy for her comments. He then discussed the perception of judges by parties to a case and the differences between handling cases involving represented and *pro se* litigants. Discussion ensued.

- Where would this training take place, how will the information be disseminated to the judges?
 - The First Quadrennial Family Law Summit would be the first place is where family law judges would trained be initially with online availability for further training, and weekly reminders of newly available information.

- This training is important because judicial temperament and personality can be more important to parties of a case than knowledge of the law.
- After talks with the Judicial Education Center, it was suggested to make the training part of New Judge Orientation. For the rural communities, video training was suggested.
- One-on-one training with new judges, feedback from another judge watching their proceedings, and information on how their decisions come across to the public was suggested as part of the training.

Judge Peterson asked if anyone had any thoughts on the survey questions. Judge McMurdie asked the committee to review it and email any suggestions to Judge Peterson. Judge Peterson asked for the feedback to be sent to him by May 15th.

Research and Innovation Workgroup

Judge Sakall relayed the workgroup met on March 23rd with Nicole LaConte, AOC, about Online Dispute Resolution. The group answered her questions and will be following up with Susan Pickard, staff to the committee. A more substantive report is due in September.

Forms/Instructions/Publications Workgroup

Janet Sell presented a draft amended Affidavit of Default form. The form was revised to conform with rule changes. She will be discussing the changes with the workgroup at their next meeting. Ms. Sell hopes to bring the finished proposed form to this committee's September meeting.

Judge McMurdie asked for suggestions for other forms that could use revision. Judge Cohen suggested that the workgroup look at the Affidavit of Financial Information. Judge Sakall stated he would send Ms. Sell a copy of a proposed revision for Pima County's local affidavit as a starting point.

Child Support Guidelines Review Subcommittee

While not on the agenda, Judge McMurdie asked for a report from Ms. Pickard on the FCIC-Child Support Guidelines Review Subcommittee. Ms. Pickard reported they have met a couple of times and listed the workgroups they have developed and their charges. She also gave a brief overview of the subcommittee's progress.

Statutes and Rules Workgroup

Judge McMurdie reported that previously scheduled Statutes and Rules Workgroup meetings along with the workgroup members were tasked to focus on the COVID-19 response. The workgroup reviewed the Arizona Rules of Family Court procedure for rules that if modified or suspended, could assist parties and courts with moving cases forward. Another meeting will be scheduled soon.

Judge McMurdie opened the floor for a roundtable discussion, asking if anyone had anything they'd like to ask or discuss. There was no response, so a Call to the Public was made. Sherry Jaffey, Malinda Sherwyn, and Patty Cummins addressed the committee.

Based on a public comment, Judge McMurdie asked to have a copy of the Study Committee on Domestic Violence and Mental Illness in Family Court Cases: Report and Recommendations forwarded to the committee for review. Judge Cohen informed Judge McMurdie and the committee that the Committee on Domestic Violence and the Courts (CIDVC) is making a recommendation to the Supreme Court for mandatory domestic violence training to be completed every 2 years. He also mentioned a joint study between CIDVC and the University of Arizona Domestic Violence Law Clinic to provide recommendations to decrease the risk of lethality among intimate partner victims and survivors. Ms. Sell suggested adding a domestic violence question to the survey being prepared by the Training Workgroup.

D. Ad Hoc COVID-19 Response Workgroup/Post-COVID-19 Planning

These topics were briefly discussed during the Statutes and Rules Workgroup update.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- Three members of the public addressed the committee earlier in the meeting.
- There were no announcements.

B. Next Meeting. Thursday, September 3, 2020; 10 a.m.

Arizona State Courts Building, Conference Room 345 A/B
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 11:20 pm.

FAMILY COURT IMPROVEMENT COMMITTEE

Minutes

September 3, 2020 10:00 a.m.

Virtual Meeting

Present:

Telephonic: Judge Paul McMurdie (chair), Kip Anderson, Brian Bledsoe, Benjamin Deguire, Kellie DiCarlo, Judge R. Erin Farrar, Judge Elaine Fridlund-Horne, Judge Joseph Goldstein, CaSaundra Guadalupe, Sabrina Lopez, Patricia Madsen, Tracy McElroy, Jennifer Mihalovich, Judge Michael D. Peterson, Judge Greg Sakall (also proxy for Joi Hollis, PhD.), Janet Sell, Megan Spielman

Absent/Excused: Judge Bruce Cohen, Jeremiah Kaplan, Vance Simms

Presenters/Guests: Lori Ford, member of the public; Judge David Gass, Court of Appeals, Division I; Kay Radwanski, Domestic Violence Court Specialist, AOC; Judge Gerald Williams, Maricopa County Justice Courts

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Angela Pennington, Susan Pickard

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The September 3, 2020, meeting of the Family Court Improvement Committee (FCIC) was called to order at 10:05 a.m. by Judge Paul McMurdie, chair. Susan Pickard went over housekeeping issues and completed roll call. Judge McMurdie introduced new members, Kip Anderson and Jeremiah Kaplan. Mr. Anderson and Mr. Kaplan introduced themselves.

The draft minutes from the May 5, 2020 meeting were presented for approval.

Motion: Approval of the May 5, 2020 minutes. **Moved by** Judge Joseph Goldstein. **Seconded by** Janet Sell. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Rule Change Petition R-19-0047, Rule 35, Rules of Protective Order Procedure (Out of order)

Judge Gerald Williams discussed his petition to provide a solution to limited jurisdiction court (LJC) judges issuing injunctions against harassment (IAH) that conflict with family court orders. He explained that the initial solution was for the LJC judge to clear the petition and, if the order was granted, have it transferred to family court, however this would cause more problems and create a conflict of law issue. The subsequent proposed remedy is to stop placing minors as protected parties on an IAH if there is a family court order. Judge Gass asked, Kay Radwanski, Domestic Violence Specialist, Administrative Office of the Courts (AOC), and staff to the Committee on the Impact of Domestic Violence and the Courts

(CIDVC), to discuss a comment to the petition by that committee. Ms. Radwanski explained that CIDVC was concerned about whether a *pro se* litigant would know that they would have to go to the superior court to request an IAH, the distance for plaintiffs to travel in rural counties, and whether the superior court could even have jurisdiction over people that are not the subject of the family court case.

A member asked to have on the record that as someone who lives in a rural county, she felt that if plaintiffs “really want the family court to know about it, they don’t have any problem getting into court with motions for temporary orders without notice.”

Judge McMurdie referred the issue to the Statutes and Rules workgroup and mentioned that the Supreme Court requested the input of the Family Court Improvement (FCIC). Judge McMurdie asked the workgroup to come back with a proposal and the issue would be addressed in the October meeting to be passed along to the Staff Attorney’s office by the end of October deadline.

B. Child Support Guidelines Review Subcommittee Update

Judge Gass, chair of the Child Support Guidelines Review Subcommittee (FCIC-CSGRS), explained that the subcommittee formed workgroups to provide recommendations on the issues which the 2017 Interim Report directed the subcommittee to address and issues they have discussed on their own. These include:

- adjusted gross income, including how to attribute income beyond regular, full-time employment, definitions, and what constitutes regular-full-time
- low-income obligors with multiple orders
- tax implications
 - no deductions, but credits for dependents
 - the non-deductibility of spousal maintenance
- Health Saving Accounts (HSA) and Flexible Spending Accounts (FSA)
- increasing the “cap” on Table A
 - how much should child support be if the cap is reached
 - disparity in incomes with high-income earners
- adjusting the “step system” on Table A
 - closer to equal times means costs are being duplicated versus being shared
- Restyling
 - Increase readability and ease of understanding for *pro se* litigants

- language changes, e.g., custody versus legal decision-making
- mirroring statutory language

Judge Gass explained that the report from the subcommittee will be delayed. The COVID-19 pandemic affected the ability of the subcommittee to receive in a timely manner. The report is expected to be completed by March 2021.

C. SB1555 - Amending A.R.S. §§ 25-503, 25-516, and 25-522

Ms. Sell discussed Senate Bill 1555, which included two initiatives promoted by the Division of Child Support Enforcement. The first was an amendment to A.R.S. § 25.503 (A) to expand the definition of “insufficient funds” to include any kind of payment, not just personal checks. The second amended A.R.S. § 25-516 to allow for the creation of a child support lien by recording the child support order to secure future payments of support rather than obtaining a lien only after arrears have accrued and would include both the amount owed when recorded and any subsequent amounts. The obligor would be aware via the order, so warning letters are no longer required. Lastly, an administrative review would be available if the obligor requests a payoff or contests the balance.

D. Workgroup Updates

Research and Innovation Workgroup

The Research and Innovation workgroup met to consider the topics and ideas which had been presented to them. Judge Greg Sakall completed a straw poll to ascertain the direction the group should take. There were four topics of interest: tiering family law cases and the summary decree process; how to increase collaboration and community resources; one court, one judge; and trauma-informed processes and procedures. Judge Sakall was asked about the new Domestic Violence Legal Licensed Practitioner program and whether this workgroup would be involved or assisting in its implementation. Judge Sakall stated the workgroup would be willing to assist in any way.

Forms/Instructions/Publications Workgroup

The Forms/Instructions/Publications workgroup worked on the Affidavit of Default and the Affidavit of Financial Information. The Affidavit of Default has been submitted to the Supreme Court. The group recommended not to change the Affidavit of Financial Information. Based on the Domestic Violence Legal Licensed Practitioner Program, the workgroup would like to review the Limited Scope Representation Form.

Training Workgroup

Judge Michael Peterson presented the results of the Family Law Judge Survey. He informed the committee that he had been speaking to new member Mr. Kaplan about the partnership between Arizona State University and the AOC to develop new trainings, including trainings for family court judges. The workgroup has also been presented with the possibility of an opportunity to train judges on the effects of trauma on adults, children, and relationships.

There was discussion on how, when, and the best venues to circulate the trainings and additional training tools such as mentorships for judges and informational materials.

Statutes and Rules Workgroup

Judge McMurdie stated the Statutes and Rules workgroup has been working on several changes to Title 25. There are several stylistic changes and one substantive change regarding same sex marriage, which is being revised to align with the statute language. In Section 25-325, it was suggested, and agreed upon, to remove the word “maiden” from the title making it “Decree; finality; restoration of name.”

Motion: To adopt and recommend the proposed amendments for inclusion in a future judicial branch legislative package with the suggested change. **Moved by** Janet Sell. **Seconded by** Megan Spielman. Motion passed unanimously.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- Lori Ford addressed the committee.
- There were no announcements

B. Next Meeting. Thursday, October 15, 2020; 10 a.m. Virtual Meeting

The meeting adjourned at 11:38 pm.

FAMILY COURT IMPROVEMENT COMMITTEE

Minutes

October 15, 2020, 10:00 a.m.

Virtual Meeting

Present:

Telephonic: Judge Paul McMurdie (chair), Kip Anderson, Brian Bledsoe, Judge Bruce Cohen, Benjamin Deguire, Kellie DiCarlo, Judge R. Erin Farrar, Judge Elaine Fridlund-Horne, Judge Joseph Goldstein, CaSaundra L. Guadalupe, Joi Hollis, PhD.(also proxy for Judge Greg Sakall), Sabrina Lopez, Patricia Madsen, Tracy McElroy, Jennifer A. Mihalovich, Judge Michael Peterson, Janet W. Sell, Megan Spielman

Absent/Excused: Jeremiah Kaplan, Vance D. Simms

Presenters/Guests: Judge Marianne Bayardi, Phoenix Municipal Court; Beth Breen; Patti Cummins; Judge Elizabeth Finn, Glendale Municipal Court; Lori Ford; Judge David Gass, Court of Appeals, Division I; Kevin Kubitskey; Martin Lynch; Brent Miller; Edwin Pizarro, Sr; Melinda Sherwyn; Nicole Swiss, Maricopa County Superior Court Operations Manager

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Angela Pennington, Kay Radwanski

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The October 15, 2020, meeting of the Family Court Improvement Committee (FCIC) was called to order at 10:02 a.m. by Judge Paul McMurdie, Chair. Kay Radwanski went over housekeeping issues and completed roll call. Judge McMurdie discussed the Call the Public and how to submit information to speak at the call to the public.

The Chair called for any corrections to the minutes from the FCIC’s September 3, 2020, meeting.

Motion: Approval of the September 3, 2020, minutes as written. **Moved by:** Janet Sell.
Seconded by: Benjamin Deguire. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. 2021 Meeting Dates

Ms. Radwanski reviewed the 2021 meeting dates for the committee with the members. The meeting dates presented were February 18, May 20, September 16, and November 18, 2021. It was asked and clarified that the start time for the meetings would remain 10 a.m.

Motion: Approval of the 2021 meeting dates. **Moved by:** Judge Elaine Fridlund-Horne. **Seconded by:** Kip Anderson. Motion passed unanimously.

B. Child Support Guidelines Review Subcommittee Update

Judge David Gass provided an update to the FCIC on the FCIC's-Child Support Guidelines Review Subcommittee. He covered the following topics:

- Schedule of Basic Support Obligation (Schedule) and expanding the Schedule to include Combined Adjusted Child Support Incomes of up to \$30,000 per month;
- Attributed income;
- Tax Cuts and Jobs Act;
- Health Savings Accounts (HSA) and Flexible Spending Accounts (FSA);
- Terminology updates to conform with A.R.S. Title 25; and
- Essentially equal parenting time defined as 164 days or above.

Question: When will the subcommittee be finished and the guidelines posted for comment?

Answer: February 2021.

Question: Will the subcommittee address the 10% interest rate on child support arrearages?

Answer: The interest rate is set by statute A.R.S. § 25-510 and as such, would be a more appropriate topic for the FCIC-Statutes and Rules Workgroup to develop a recommendation. Ms. Sell volunteered to provide a draft for the workgroup.

C. Workgroup Updates.

Training Workgroup

Judge Michael Peterson, Training Workgroup Chair, noted that the workgroup has been working on a "training" notebook that would give judges ready access to a variety of family court topics. The members discussed briefly the six sections, their placement in the notebook, and the reasoning behind those sections. He added that the notebook will be virtually available with hyperlinks. Judge Peterson then asked for ideas for additional sections. Judge Peterson stated a have draft should be available in January or February 2021.

Question: Will the "Addressing Domestic Violence & Covert Signs" section be shared with the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to solicit their response and suggestions?

Answer: Yes, it will be shared with CIDVC as well as other appropriate groups for feedback.

Question: Will self-represented litigants be addressed in the notebook?

Answer: They are a subtopic in Section 6. It was suggested that the workgroup consider cross-referencing the executive summary with the appropriate sections.

Forms/Instructions/Publications Workgroup

Janet Sell, Forms/Instructions/Publications Chair, shared that the Workgroup has been working on a form to assist with Rule change implementation. Rule 44, Arizona Rules of Family Law Procedure, requires the Affidavit of Service be attached to the default application. Instead the Workgroup recommends that the Application and Affidavit for Entry of Default in family cases be modified to include a section for a description of how service was achieved. The new method of service section would suffice in lieu of an attachment.

After discussion, the form was amended changing “delivered to the individual in person by a process server or law enforcement officer” to “delivered to the individual personally,” and “by a process server or law enforcement officer” was added to the line “leaving a copy at the individual’s dwelling . . .”

Motion: Adoption of the amended Application and Affidavit for Entry of Default with deference to the Chair to draft the petition and file it with the Supreme Court for approval on behalf of the committee. **Moved by:** Janet Sell. **Seconded by:** Jennifer Mihalovich. Motion passed unanimously.

Statutes and Rules Workgroup

Judge Cohen presented a rule change Petition that would, if adopted, amend Rule 35, Arizona Rule of Protective Order Procedure, prohibiting courts from issuing an Injunction Against Harassment (IAH) that includes minor children, if the IAH would or may impact a family court order involving those same children. The Arizona Supreme Court has requested assistance in harmonizing the statute requirements for an IAH and the unintended impact on the parenting time of the parent who is not a party to the IAH.

The Chair noted that guests, Judges Elizabeth Finn and Marianne Bayardi, reached out to the FCIC after discussion of this issue in a Committee on Limited Jurisdiction Courts (LJC) meeting.

Judge Cohen stated that the key to the harmonizing rule proposal is having limited jurisdiction courts address the issues under Title 12 and the superior court address the issues under Title 25. Limited jurisdiction courts should continue to process IAHs as they normally would. The superior court would only become involved upon an aggrieved, impacted parent’s request to address the parenting time issue. Anything less presents an access to justice issue.

Amended Rule 91.6, Arizona Rules of Family Law Procedure, would provide broad action pursuant to Rule 35. Forms will be created upon Supreme Court adoption.

Motion: to approve the amended Rule 35 as proposed and add Rule 91.6 with deference to the Chair to restyle the rules as needed and draft the petition and file it with the Supreme Court for approval on behalf of the committee. **Moved by:** Janet Sell. **Seconded by:** Judge Elaine Fridlund-Horne. Motion passed unanimously.

Research and Innovation Workgroup

Ms. Sell presented an amendment to Rule 20(b). This proposal addresses an identified business process issue impacting interstate cases handled by the Department of Child Support

Services and the Attorney General's Office. The proposal would provide an exception from requiring original documents be filed if electronic documents are provided in interstate cases. This request would amend Rule 20 to allow the use of copies of required documents regardless of how they are received. As long as the certification of the documents can be seen on the copies, the documents would be acceptable.

Motion: To approve the amendments to Rule 20 as proposed with deference to Ms. Sell to prepare the petition and the Chair to file it for consideration by the Supreme Court on behalf of the committee. **Moved by:** Sabrina Lopez. **Seconded by:** Judge Elaine Fridlund-Horne. Motion passed unanimously.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- Three members of the public addressed the committee earlier in the meeting.
- There were no announcements.

B. Next Meeting. Thursday, February 18, 2021; 10 a.m. Virtual Meeting

The meeting adjourned at 11:20 p.m.