

## *Ad Hoc Custody Workgroup Minutes*

<b>Date:</b> March 19, 2010	<b>Time:</b> 10:00 a.m. – 1:00 p.m.	<b>Location:</b> State Courts Building Conference Room 230
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**Minute Taker:** Susan Pickard

**Members Attending: Quorum attained**

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| <ul style="list-style-type: none"> <li>■ William Fabricius, Chair</li> <li>■ Sidney Buckman</li> <li>■ Daniel Cartagena</li> <li>■ Grace Hawkins</li> <li>□ Patricia Madsen</li> <li>□ Patti O’Berry</li> <li>■ Donnalee Sarda</li> </ul> | <ul style="list-style-type: none"> <li>□ Ellen Seaborne</li> <li>□ Russell Smolden</li> <li>■ John Weaver</li> <li>■ David Weinstock</li> <li>□ Thomas Wing</li> <li>■ Steve Wolfson</li> <li>□ Brian Yee</li> </ul> |
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**Staff/Admin. Support:** Kathy Sekardi, Susan Pickard

**Guests:** Suzanne Bednarz; Kendra Leiby, AZCADV; Theresa Barrett; Joi Davenport; Michael Espinoza; Brooks Gibson, M.ED., LPC; Dene’ Brown; Honorable Colleen McNally, Thomas Alongi (proxy for Patricia Madsen)

**Matters Considered:**

1. In order for this group to attain a quorum of its members, Dr. Fabricius designated each member as either a voting member or a participating member for the purposes of this meeting. The voting members included DRC members who had either participated in previous meetings of the Ad Hoc Custody Workgroup or expressed continuing interest: William Fabricius, Sidney Buckman, Daniel Cartagena, Grace Hawkins, Donnalee Sarda, John Weaver, David Weinstock, Steve Wolfson and Brian Yee.
2. After receiving background on the development of the policy statement, which was included as a floor amendment; removing the joint custody presumption, the members discussed SB1314. To remain consistent with other statutes and the most recent draft of the Parenting Time Plan, the following changes were made:  
25-103. Purposes of title; application of title
  - A. It is declared that the public policy of this state and the general purposes of this title are:
    1. To promote strong families;
    2. To promote strong family values.
  - B. IT ALSO IS THE DECLARED PUBLIC POLICY OF THIS STATE AND THE GENERAL PURPOSE OF THIS TITLE THAT ABSENT EVIDENCE TO THE CONTRARY, IT IS IN A CHILD’S BEST INTEREST:
    1. TO HAVE ~~SUBSTANTIAL AND MEANINGFUL~~ **FREQUENT AND CONTINUING** PARENTING TIME WITH BOTH PARENTS.
    2. TO HAVE BOTH PARENTS PARTICIPATE IN DECISION-MAKING ABOUT THE CHILD.
  - C. A COURT SHALL APPLY THE PROVISIONS OF THIS TITLE IN A MANNER THAT IS CONSISTENT WITH ~~THE REQUIREMENTS OF THIS SECTION.~~

The amended language was approved by motion and vote (7 in favor; 1 opposed; 0 abstentions). Staff will forward this information as well as the list of concerns expressed about the bill in this meeting to Senators Gray and Allen. The members then heard from members of the public who were present.
3. The group had originally planned to begin discussing the previous assignment of replacing legal custody with parental decision-making and physical custody with parenting time; however, due to the impending passage of SB1314 and the directive from Senator Gray, DRC Chair, to the DRC – Ad Hoc Custody Workgroup to review and develop proposed revisions to SB1314; domestic relations, that plan was scrapped in favor of a thorough examination and comprehensive re-write of the custody statutes. To that end, Dr. Fabricius established a Steering Committee, charged with developing a work plan for the Ad Hoc Custody Workgroup. The Steering Committee members are Tom Alongi, Sidney Buckman, William Fabricius, Brooks Gibson, Grace Hawkins (Chair), Judge Colleen McNally, and will meet telephonically on April 1 at 3:00 p.m.
4. The next meeting of the DRC – Ad Hoc Custody Workgroup is scheduled for April 16. Everyone at the table and on the phone was invited to attend.

**Votes Taken:**

1. Motion to recommend SB1314 as amended in paragraphs B.1 and C as noted above. Motion passed 7-1-0