

**CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE**

State of Arizona

1997 Annual Report

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*CHILD SUPPORT ENFORCEMENT
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*CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM COMMITTEE
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EXECUTIVE SUMMARY

As required by law (Laws 1994, Chapter 374, Section 24), the Child Support Enforcement and Domestic Relations Reform Committee, comprised of Hon. Ann Day, Hon. Winifred "Freddy" Hershberger, Hon. David Petersen and Hon. Lela Steffey, 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.

From the outset of 1997, both the Child Support Coordinating Council Subcommittee ("Council") and the Domestic Relations Reform Study Subcommittee ("DR Subcommittee") continued to explore concepts for improvement of the child support and domestic relations systems. Specific proposals resulted in legislative change as work groups appointed by each subcommittee developed ideas and evaluated recommendations for future improvement. Leadership and membership changes

contributed new perspective to the task. Senator David Petersen joined Representative Freddy Hershberger as cochair of the Council and Senator Ann Day and Representative Lela Steffey assumed the cochair positions of the DR Subcommittee.

In 1997, the Legislature enacted three new laws based on proposals developed and recommended by the DR Subcommittee. Chapter 45 of the Laws of 1997 helps clarify the rights of grandparents in domestic relations issues by listing factors to guide the court when determining whether visitation by grandparents and great-grandparents is in the best interests of the child. This law also specifies that, when logistically possible and appropriate, visitation shall occur during times that the parent through whom the grandparent derives the right of visitation has or would have had residential or access time with the child. Laws 1997, Chapter 250, facilitates custody determinations in paternity cases and, subject to equitable defenses and enumerated circumstances, limits to three years the period for which past support may be recovered. The Legislature also approved amendments to a law enacted in 1996 requiring parents intending to relocate a child's residence outside the state to provide prior written notice to the other parent, if visitation or custody rights would be impacted. Among other things, the amendments clarify the process for giving notice and for seeking court relief to prevent relocation and

affirm that any challenge to relocation would be determined in accordance with the best interests of the child (Laws 1997, Chapter 173).

When the DR Subcommittee reconvened at the end of legislative session, members moved forward with the mission to recommend broad reform to the state's domestic relations statutes. Work groups were reconstituted to focus on earlier developed long-term goals for improvement of the domestic relations system. Through the summer and fall, these work groups developed strategies to improve the process by which custody determinations are made and reduce the contentiousness and often protracted nature of litigation of family disputes. Although ultimately no specific legislation was recommended for enactment in 1998, the groundwork was laid for future deliberations and reforms.

The Council did not suggest statutory change to the child support system during the 1997 legislative session. However, the product of various subcommittee work groups resulted in an omnibus legislative proposal being offered for passage in 1998. Most noteworthy are provisions to enact or amend statutes with the goals of altering the date of termination of the marital community when an action for dissolution of marriage or legal

separation is commenced; extending the program of domestic relations education on children's issues to all paternity proceedings in the superior court and consolidating and conforming lengthy and sometimes inconsistent provisions of existing laws relating to orders of assignment for payment of child support and spousal maintenance.

The Council was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve child support enforcement. The importance of that role was reemphasized this year. For example, coordination of efforts focused and greatly facilitated development of a formula for distribution of support payments under a centralized processing system. Also in this context, the roles of superior court clerks and the state title IV-D agency were clarified. The Council took the lead in investigating appropriate means to extend to private support litigants, remedies already available under state and federal laws to the title IV-D agency. These achievements highlighted the beneficial role of the Council in bringing together various participants to achieve policy goals in a coordinated way.

In recognition of the need for continued viability and the importance of their respective missions, the Legislature extended a termination provision that would have repealed after December

31, 1997, authority of the subcommittees to complete long-term objectives. By Laws 1997, Chapters 45, 176 and 250, the subcommittees were continued through the end of the year 2000.

This year, both subcommittees cooperated to accomplish a study delegated by the Legislature to the Child Support Enforcement and Domestic Relations Committee. By Laws 1997, Chapter 295, the Legislature enacted a new statute (Section 25-415, Arizona Revised Statutes) permitting nonparents who stand in loco parentis to a minor child to commence proceedings to determine custody or to obtain visitation rights. The term "in loco parentis" was defined in the law to mean a person who has been treated as a parent by the child and who has formed a meaningful parental relationship with the child for a substantial period of time. Recognizing that further analysis and debate may be important to the application and implementation of this law, the Legislature directed the Child Support Enforcement and Domestic Relations Reform Committee to study the issue of in loco parentis custody, visitation and child support and submit a report of its findings to the Governor, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives, the Secretary of State and the Director of the Department of Library, Archives and Public Records.

The study resulted in a series of recommend amendments to present law. The specific proposals for statutory change were incorporated into a bill intended to be introduced for passage in 1998. In summary, the amendments establish the rights and responsibilities of persons standing in loco parentis who are granted custody of a minor child; clarify that in loco parentis custodians shall have no court-ordered obligation to pay child support and formalize the court procedures to be followed for the commencement of a proceeding for, and the standards to be utilized by the court when, determining a request for custody or visitation by a person standing in loco parentis to a child.

*CHILD SUPPORT ENFORCEMENT
AND DOMESTIC RELATIONS REFORM
COMMITTEE
ANNUAL REPORT 1997*

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 the 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.

A specific problem identified by the Technical Advisory Committee concerned the difficulty in understanding laws and procedures resulting from the lack of integration of statutes relating to domestic relations issues. To address this problem, it was recommended that a domestic relations 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 committees 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 legislative committee titled the Child Support Enforcement and Domestic Relations Reform Committee.

The Child Support Enforcement and Domestic Relations Reform Committee consists of the co-chairs (or their designees) of 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 these bodies.

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 identifies the composition of each subcommittee's membership and prescribes 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 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 committees. In July 1994, the Arizona Supreme Court designated the Domestic Relations Division of the Administrative Office of the Courts to provide that support.

The legislation establishing the committee and its subcommittees originally 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 may continue to serve the public until December 31, 2000.

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 new 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 now provides 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.

One further amendment altered the membership of the DR Subcommittee. From the inception, six parents served on the subcommittee--two custodial parents, two noncustodial 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 representatives without any requirement of custodial status. (Laws 1997, Chapter 176,

Section 2). This addition permits parents who are not divorced or separated to serve.

This year, the Legislature added additional requirements of membership. An amendment (Laws 1997, Chapter 173) to the original enabling law (Laws 1994, chapter 374, section 24) provides that members of each subcommittee shall serve two-year terms at the pleasure of the official or officials who appointed them. Additionally, the law specifies that the appointments shall be made at the start of each even fiscal year and that members may be reappointed.

*CHILD SUPPORT COORDINATING COUNCIL
SUBCOMMITTEE
1997*

Summary

In 1997, the importance of the Child Support Coordinating Council ("Council") as a recognized clearinghouse for cooperative decision making in the area of child support enforcement was reaffirmed. Through the activities of various work groups, proposals for improving the child support system were developed, leading to an omnibus legislative package designed for introduction to the Legislature in 1998. Recommended are amendments to laws dealing with such diverse topics as termination of the marital community, orders of assignment, and education programs for parents in paternity cases, extension of enforcement resources and remedies to persons not represented by the state title IV-D support agency and distribution of child support payments.

The Council also contributed to the development of legislation to improve laws relating to in loco parentis custody, visitation and child support. Acting in concert with the Domestic Relations Reform Study Subcommittee, the Council reviewed and approved recommendations to improve the provisions of section 25-415,

Arizona Revised Statutes. Please see the discussion at pages 19 and 20 of this report.

Membership

With the decision by Senator Jim Buster not to seek reelection in November 1996, a vacancy was created for a Council co-chair. In February 1997, Senate President Brenda Burns appointed Senator David Petersen to that position. (Senator Petersen also was appointed to serve as a member of the Domestic Relations Reform Study Subcommittee.) Legislation establishing the Council provides for membership by a title IV-D Commissioner of the Superior Court. Arizona Supreme Court Chief Justice Thomas A. Zlaket appointed Commissioner Richard Weiss of the Superior Court in Mohave County to this position, replacing Commissioner Mary Anne Fast. Following the succession to office of Governor Jane Dee Hull, Jodi R. Beckley was appointed to the membership position reserved to an executive assistant of the Office of the Governor. Near the end of the year Pima County Attorney Barbara LaWall, who occupies the membership position for a County Attorney from an urban county, appointed Bianca Varelas her designated representative to succeed Jeannette Gallagher. There remains a vacant membership position for a custodial parent appointed by the Speaker of the House of Representatives.

Partly as a result of her leadership of and contributions to the Council, co-chair Freddy Hershberger was honored as

Legislator of the Year for 1997 by the National Child Support Enforcement Association. The award recognized Representative Hershberger's accomplishments leading Arizona in protecting and strengthening the interests of children and families.

Work, Findings and Recommendations

The Council held seven meetings during the year. At each meeting, public comments were encouraged to direct and further efforts to improve the child support enforcement system.

Tasks and Objectives

The Council did not recommend statutory amendments to the first regular session of the Forty-third Legislature. However, work groups designated during the previous year continued to meet to develop recommendations for improvement to the child support enforcement system. Listed below is a description of the various work groups, the charge to each, and a synopsis of the activities of each work group.

Public Education

Charge: Through public service announcements and other media presentations, raise public awareness of how taxpayers are supporting other people's children; increase public knowledge of the importance of participation of both parents in supporting a child, both financially and emotionally; and, target noncustodial parents, particularly young fathers, to encourage responsibility for the children brought into the world.

This work group continues to explore avenues to bring awareness of child support issues to the public through media products. Last year, the Arizona Supreme Court and the Department of Economic Security (DES) provided funding to support a statewide public education campaign. Posters and billboards featuring players from the Arizona Cardinals of the National Football League, heightened community awareness of the important emotional impact of non-support on children and the community at large.

Centralized Processing of Non IV-D Payments

Charge: As recommended by the Auditor General's July 1995 Report, study the issue of centralizing the collection and processing of non title IV-D child support payments.

In 1995, the Legislature had directed that processing of child support payments in Title IV-D cases be centralized. Upon a referral to the Council by the Auditor General, this work group undertook the study of centralized payment processing in non-IV-D cases, concluding that processing of these payments also should be centralized. However, during the course of its deliberations, federal welfare reform legislation directed states to effectuate centralized payment processing in both IV-D and certain non-IV-D cases. Legislation was enacted in Arizona in 1997 (Laws 1997, Chapter 219) consistent with the federal mandate. Section 25-510, Arizona Revised Statutes now provides that on or before October 1, 1999, the state support payment clearinghouse shall receive and disburse all child support and spousal maintenance payments, unless a court has ordered otherwise. In view of that legislation, the task of the work group this year was to coordinate the conversion and centralization process between Superior Court Clerks and the state title IV-D agency. Additionally, the work group was instrumental in fashioning a formula for distribution of payments in non IV-D cases, in order that the statewide support payment clearinghouse

might properly handle these new payments. Recommendations for statutory amendments necessary to carry out these functions will be made to the Legislature.

The process and the resulting product of this endeavor evidence the importance of the Council's role in bringing together interested stakeholders to achieve common goals to the benefit of the public.

Interfacing with Juvenile Court

Charge: Study the need for an interface between domestic relations and juvenile court cases with respect to child support and parental assessments; discuss sentencing and emancipation issues in connection with child support orders; and provide for modification/termination of child support when a juvenile court proceeding is pending.

Last year, this work group identified several problems with the current system of determining appropriate parental assessments for the support of children referred for placement by the juvenile court. Currently, computation of the parental assessments varies among counties. Enforcement of parental assessments by the juvenile court appears to conflict with the

juvenile court objective of reuniting the family. During 1997, the work group examined opportunities to inject a domestic relations court presence in juvenile court proceedings when child support or parental assessments are at issue. Also explored were issues such as termination of child support effective upon the adoption of a child, the survival of paternity determinations when dependency proceedings are concluded, and modification of support or redirection of funds in dependency cases. Although no specific legislation is being proposed at this time, the work group preliminarily recommended that each parent should be ordered to pay support to the state for any child made a ward of the court, in an amount determined under the Arizona Child Support Guidelines. Support paid by parents would provide care for the child or reimburse public monies funding such care.

Community Property Issues in Temporary Child Support Establishment

Charge: Study how community property statutes impact temporary child support orders.

This work group originally was designated to evaluate the appropriate manner of determining child support orders pending issuance of a final decree of dissolution of marriage or legal separation. Under present state community property concepts, until a decree is entered, most property acquired by spouses during the course of a marriage becomes community property jointly owned. Determination of child support under the Arizona Child Support Guidelines requires the calculation of each parent's

income. Such a calculation is conceptually impossible if it is assumed that income is jointly owned. Working in concert with a study committee of court and legal representatives established by the Superior Court in Maricopa County, the work group developed proposals to terminate the marital community upon the service of a petition for dissolution of marriage or legal separation, so long as the petition results in a final decree. Various statutory amendments to accomplish this will be submitted to the Legislature as part of an omnibus bill of the Council.

Review of Child Support Statutes

Charge: Review existing child support statutes, in particular those relating to orders of assignment, to clarify and make consistent various provisions of law.

This work group examined particular statutes related to child support enforcement to identify inconsistencies, lack of clarity, or unnecessary duplication. In particular, the group focused on sections 25-504 and 25-505, Arizona Revised Statutes, regarding orders of assignment. Each of these sections pertains to orders of assignment obtained by different applications to the court. Section 25-504 governs orders of assignment issued by the court in the course of a support proceeding upon notice to the party obligated to pay support. Section 25-505, on the other

hand, concerns so-called *ex parte* orders of assignment. These orders may be issued by the clerk of the court on request of a party to a support order, with no prior notice to the obligated party. Each of these statutes, long in effect in Arizona, has repeatedly been amended. The resulting laws are lengthy, duplicative and sometimes inconsistent, containing provisions not reflective of current best practices. The work group has proposed a consolidation of these two laws into a single, improved and concise statute.

Information Access for Non IV-D Cases

Charge: Determine whether information and remedies currently available to the state title IV-D agency may be shared with private litigants for use in child support establishment and enforcement.

In 1996, the Family Law Section of the State Bar of Arizona and private attorneys throughout the state, requested access for litigants or their attorneys in child support cases to information presently collected and maintained by the state Title IV-D agency. In response, the Council established this work group to consider ways to make information available to parents in cases not served by the state. Available information suggests that in Arizona approximately one-half of all support cases are not IV-D cases and that approximately two-thirds of all child support collected is for non IV-D support orders. In a written report prepared for the Council, the work group offered a series of recommendations. To summarize, it was proposed to

1) study the feasibility of creating a statewide data system that would allow private access to data currently maintained by state agencies, 2) explore the availability of funds to make computer search services available to the non IV-D community and, 3) solicit support for amendment of federal law that currently imposes confidentiality restrictions on the release of information maintained by the federal and state child support enforcement offices. Each of these recommendations requires further study by the Council. More immediately, the work group suggested changes to current statutes that would permit private parties to establish a child support order expeditiously and access more frequently information from employers necessary to pursue child support. These recommendations will be made a part of an omnibus legislative proposal intended to be offered by the Council.

Paternity Issues

Charge: Evaluate whether an injunction similar to the preliminary injunction issued in a dissolution action, should be created for use in paternity cases.

An omnibus bill of the Council enacted into law in 1996 (laws 1996, Chapter 170) had made specific improvement in the state's paternity statutes, particularly as effects voluntary establishment of paternity. One idea originally proposed but ultimately not included in that bill, was to mandate in paternity cases the automatic issuance of an injunction against both parties against harming or harassing the other and against removing a child from the state without permission of the court. A similar but more expansive injunction currently is issued when an action for dissolution of marriage or legal separation is begun. After deliberation, the work group concluded that this idea not be adopted. Members believed that currently available protective orders would protect parties from possible violence and that parents should not be automatically limited in paternity cases from relocating

for employment, family or other legitimate reasons unrelated to the putative father's potential custody or visitation rights.

Recommendations for Legislative Action

The Council did not suggest statutory change to the child support system during the 1997 legislative session. However, the product of various subcommittee work groups resulted in an omnibus legislative proposal being recommended for passage in 1998. Most noteworthy are provisions to enact or amend statutes with the goals of:

- Altering the date of termination of the marital community when an action for dissolution of marriage or legal separation is commenced. Under the proposal, the community would terminate when the legal action is commenced, if the action results in a decree of dissolution or separation.
- Extending the program of domestic relations education on children's issues to all paternity proceedings in the superior court. Presently, this program is mandatory in paternity actions only if custody or visitation is disputed. It is proposed to include cases in which child support is at issue.

- Consolidating and conforming lengthy and sometimes inconsistent provisions of existing laws relating to orders of assignment for payment of child support and spousal maintenance.
- Establishing a priority for distribution of support payments made in cases not being serviced by the state title IV-D child support enforcement agency. Under legislation enacted in 1997, the state child support clearinghouse will become responsible for collection and disbursement of all support payments throughout the state. Payments in non IV-D cases traditionally have been received and processed by superior court clerks in each county.

As the year ended, a bill draft of the recommended legislative changes had been submitted to the Legislative Council to be placed in proper form for introduction. By the date of this report, the Council cochairs agreed to sponsor the bill, being identified as Senate Bill 1132.

Other Issues Before the Council

The Council had discussed at length adding a provision to statute which would create a new category of child support arrest warrant. The warrant would issue in support enforcement cases if an obligor that had received proper notice failed to appear and was found in contempt by the court for nonpayment of support. The warrant would act as an order of confinement. A person arrested would be eligible for work furlough or work release but no hearing on the warrant would be required for a period of three weeks. Although originally contemplated to be contained within the omnibus legislative proposal recommended to the Legislature, the Council voted to withhold the provision, pending further study.

Additionally, the Council discussed amending section 25-315, Arizona Revised Statutes, governing the preliminary injunction automatically issued to the parties when an action for dissolution of marriage or legal separation is commenced. It was proposed to include in the Council's omnibus bill, several new injunctive provisions dealing with such matters as termination of the marital community, protection of court personnel and professionals that assist the courts in domestic relations actions, and the responsibilities of parties regarding real and personal

property. This provision also was withdrawn from the omnibus legislative package pending further debate.

Future Actions

The Council is committed to the continued development of mechanisms to enhance access to information and provide additional legal remedies in cases not served by the state title IV-D agency. Work groups also will continue to explore issues currently under discussion in such areas as child support establishment in juvenile court proceedings, increasing public awareness of child support issues, and implementation of centralized processing of support payments. 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
1997***

Summary

Nineteen ninety-seven was a year of reorganization and redirection for the Domestic Relations Reform Study Subcommittee (“DR Subcommittee”). Membership changed substantially, as new co-chairs and members assumed their responsibilities. Three separate legislative proposals recommended by the subcommittee were enacted into law, involving the areas of grandparent visitation rights, relocation of a child’s residence and custody determination in paternity cases. To provide opportunity to continue its important mission, the Legislature also extended the subcommittee for an additional three years to the end of the year 2000. When the DR Subcommittee resumed meeting in June, work groups were reconstituted to focus on broader improvement of the domestic relations system. Under the leadership of Legislative co-chairs Senator Ann Day and Representative Lela Steffey, work groups developed ideas intended to continue the mandate to reform the state’s domestic relations

statutes. Ultimately, the subcommittee determined not to advance recommendations to the Legislature for enactment in 1998. However, the ground work had been laid for accomplishment of long-term objectives designed to facilitate the adjudication of domestic relations cases in the best interests of families and children.

Membership

With the decision by Senator Patricia Noland not to seek reelection in November 1996, and the election at that time of Representative Russell Bowers to the Arizona Senate, each of the co-chair positions on the Subcommittee became vacant in January 1997. Senate member Manuel Peña also retired, creating an additional opening on the Subcommittee. In February 1997, Senate President Brenda Burns appointed current Subcommittee member Ann Day as co-chair and Senators David Petersen and Jack Brown as members. Senator Brown had previously served on the subcommittee as a member of the House of Representatives. His appointment by the Senate President and the appointment of Senator Day as co-chair, provided continuity in the legislative membership, assuring a seamless transition. The House of Representatives membership position formerly occupied by Senator Brown was filled by the appointment of Representative

Elise Salinger. The legislative membership was completed by the appointment of Senator David Petersen, who assumed the position formerly held by Senator Day.

The composition of the non-legislative membership changed significantly during this year as the positions of four past members were filled and two new members were added. The position reserved for a domestic relations attorney was vacated with the resignation of Steven Yarbrough. Appointed to serve was Mark J. Robens, a Phoenix attorney certified as a domestic relations specialist. Three former members--Melissa Barton, Don Jarnigan and David Rose--also resigned positions as custodial or noncustodial parents. The co-chairs appointed Corrine K. Martineau as the custodial parent and Kathryn Tolman and Terrill J. Haugen as noncustodial parents. New legislation (Laws 1997, Chapter 173) created additional membership positions for two parents knowledgeable in domestic relations issues. Appointed were Judge Barry C. Schneider, the presiding domestic relations judge of the Superior Court in Maricopa County, and Ira Mark Ellman, a professor at the Arizona State University College of Law. Membership on the Subcommittee now stands at twenty-one.

Work, Findings and Recommendations of the Subcommittee

In the first quarter of 1997, opportunities for the Subcommittee to meet were limited by the busy pace of the legislative session. One meeting was held in January to review and finalize drafts of bills proposed by the subcommittee for introduction during the first regular session of the Forty-third Legislature. Commencing in June, the subcommittee held a total of four meetings during the balance of the year to develop future strategy, receive reports from standing work groups, and accept public comment. Much of the work of the subcommittee was conducted by work groups that met frequently to develop proposals for system reform.

Goals Achieved

The DR Subcommittee is specifically charged in its enabling legislation (Laws 1994, Chapter 374, Section 24) to recommend changes to reform the state's domestic relations statutes.

In 1996, the DR Subcommittee proposed legislation to require parents intending to relocate a child's residence outside the state to provide prior written notice to the other parent, if visitation or custody rights would be impacted. During the legislative process, the original bill was substantially amended and as passed (Laws 1996, Chapter 145) reportedly presented

problems of interpretation and application. In response, the Courts and Substantive Law Work Group of the subcommittee recommended amendments intended to address these difficulties. Among other things, the recommendations would clarify the process for giving notice and for seeking court relief to prevent relocation and affirm that any challenge to relocation would be determined in accordance with the best interests of the child. A bill (Senate Bill 1293) to amend state law was introduced and enacted as Laws 1997, Chapter 173.

Responding in part to issues raised in public testimony, the subcommittee also suggested revisions to the state's paternity statutes. Introduced as Senate Bill 1295, the legislation was designed to facilitate custody determinations in paternity cases and, subject to equitable defenses and enumerated circumstances, to limit to three years the period for which past support may be recovered. The bill was passed by the Legislature and signed into law by the Governor on April 29 as Laws 1997, Chapter 250.

In addition to recommending changes to the domestic relations laws, enabling legislation also directs the subcommittee to clarify the rights of grandparents in domestic relations issues. Senate Bill 1294, proposed by the subcommittee in accordance with this mandate, passed the legislature and was approved by the Governor on April 4, becoming Chapter 45 of the Laws of 1997.

The new law lists factors to be considered by a court to determine whether visitation is in the best interests of the child. The law also requires, when logistically possible and appropriate, that visitation occur during times that the parent through whom the grandparent derives the right of visitation has or would have had residential or access time with the child.

One legislative effort of the subcommittee was not successful. The Courts and Substantive Law Work Group recommended revision of state custody laws, eliminating the terms “custody” and “visitation” and adopting a statutory scheme focusing on the development of parenting plans. Under current law, parenting plans are required only when parents seek joint custody (A.R.S. § 25-403(F)). A bill (Senate Bill 1290) to revise these laws was introduced in the Senate. The bill was approved by the Senate and by the House of Representatives Human Services Committee. However, the bill failed when not scheduled for a Rules Committee hearing in the House. This year, the subcommittee considered whether to propose reintroduction of the bill. By the date of this report, it was decided to continue study before advancing.

The DR Subcommittee also contributed to the development of legislation to improve law relating to in loco parentis custody, visitation and child support. Acting in concert with the Child Support Enforcement Coordinating Council Subcommittee, the DR

Subcommittee reviewed and approved recommendations to improve the provisions of section 25-415, Arizona Revised Statutes. Please see the discussion at pages 19 and 20 of this report.

Tasks and Objectives

Enactment in 1996 and 1997 of laws and amendments recommended by the DR Subcommittee satisfied many of the short-term goals originally established during the subcommittee's first full year of existence. Commencing with the June 1997 meeting, members revisited ideas developed during strategic planning, to accomplish long-term goals for improvement in the domestic relations process.

Following the method successfully adopted last year, work groups were designated to explore ideas for reform in major topic areas. Two such groups were designated: the Courts and Substantive Law Work Group and the Custody Evaluation, Property Distribution and Conciliation Court Work Group.

The Courts and Substantive Law Work Group had been responsible during the preceding years for recommending much of the legislation proposed by the subcommittee. With short-term goals accomplished, the work group had established as a

long-range priority the study of a unified family court model for adjudication of domestic relations matters. As the work group contemplated this task, it was anticipated that this project might extend for several years, during which time statewide comment would be solicited and other state's models evaluated. However, on October 22, 1997, the Arizona Supreme Court established by administrative order a Committee to Study Family Issues in the Courts. The overall purpose of this committee is to examine and recommend improvements to the manner in which family cases are adjudicated in the courts. As a part of its study, the committee specifically was directed to review other state's methods for promoting the fair, prompt and uniform resolution of these cases, including study of the family-court model. Because it appears the work of the Supreme Court committee is directed at the same goals and objectives identified by the work group, it was determined to defer further study of this issue. DR Subcommittee members were appointed to serve on the Supreme Court committee or its work groups.

The Courts and Substantive Law Work Group also recommended reintroduction of the legislative bill (Senate Bill 1290) that failed to pass during the 1997 session. The work group originally had proposed this bill to revise state custody laws by eliminating the terms "custody" and "visitation" and adopting a statutory scheme focusing on the development of parenting

plans. Each element is designed to reinforcing early in the litigation process the continuing parental obligations of divorcing and separating parents. Because the membership of the subcommittee had changed so substantially during this year, it was deemed important to reopen discussion on the proposal before moving ahead. Also, the subcommittee agreed to research the effectiveness of similar legislation enacted in the State of Washington in 1987. After considering the limited information available, and following considerable debate, it was the consensus of the subcommittee that there should be further evaluation of the wisdom and focus of the bill. The Courts and Substantive Law Work Group was encouraged to continue evaluation of the earlier legislative recommendation.

Consistent with the goal to identify and respond to emerging concerns, the work group proposed the study of two additional reforms. The first addresses situations where a spouse contemplating divorce liquidates community assets or relocates a child's residence before filing legal papers with the court. Each of these actions disadvantages the other spouse and upsets the equality to which parties are entitled. The work group also is discussing amendments to the state's domestic violence laws governing the transfer of cases from limited jurisdiction (municipal and justice) courts to the superior court. Presently, any case involving a domestic violence order of protection must be

transferred when a domestic relations case is pending in the superior court. However, in this context, the meaning of the term “pending” is uncertain. An action for dissolution of marriage may be regarded as pending well beyond issuance of the final decree, as child support, custody or property issues continue to be adjudicated. Clarification is important in order that petitions for protective relief may promptly be resolved in the court of appropriate jurisdiction.

The Custody Evaluation, Property Distribution and Conciliation Court Work Group work group originally was chartered to explore a variety of matters, including custody evaluation, property distribution and conciliation court. During 1997, members elected to focus on issues of child custody evaluation. This involves the manner in which child custody decisions by the courts are assisted and influenced by professional personnel authorized by state law to provide advice (section 25-405, Arizona Revised Statutes) or investigations and reports (section 25-416) on custodial arrangements. Included is consideration of the potential need for review of complaints by litigants against the mental health professionals that perform child custody evaluations. No specific recommendations for legislative reform were offered for introduction in 1998.

Future Actions

Based on the recommendations of the work groups, the DR Subcommittee will continue to develop proposals for future legislative action and to pursue a strategy for accomplishing the long-term goal of domestic relations reform. Although regular subcommittee meetings likely will be postponed during the busy legislative session, work groups will continue to shape plans and policies for an improved domestic relations system founded upon the goals and objectives initially determined.

By the date of this report, the DR Subcommittee had met once to determine legislative issues and agreed to postpone further meetings until the end of legislative session. Efforts to carry out previously identified long-term objectives for the reform and improvement of the domestic relations system will resume at that time.

IN LOCO PARENTIS CUSTODY, VISITATION AND CHILD SUPPORT WORK GROUP

Modern society has challenged the traditional model of the intact, nuclear family. Increasingly in America, children are being cared for by nonparents, often relatives, who may have assumed full parental duties and significantly bonded with a child. Persons acting in place of a parent often are referred to as "in loco parentis" parents. While the child, and even the community, may regard such persons as parents, the legal relationship with the child remains undefined absent a court determination.

In 1997, the Legislature enacted a new law (Section 25-415, Arizona Revised Statutes) permitting nonparents who stand in loco parentis to a minor child to commence proceedings to determine custody or to obtain visitation rights. The term "in loco parentis" was defined in the law to mean a person who has been treated as a parent by the child and who has formed a meaningful parental relationship with the child for a substantial period of time. Recognizing that further analysis and debate may be important to the application and implementation of this law, the Legislature directed that the Child Support Enforcement and Domestic Relations Reform Committee study the issue of in loco parentis custody, visitation and child support and submit a report of its findings *to the Governor, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives, the Secretary of State and the*

Director of the Department of Library, Archives and Public Records.

As a matter of efficiency, the Child Support Enforcement and Domestic Relations Reform Committee determined that a preliminary study of in loco parentis issues should be conducted by a work group formed from members of both the Council and the DR Subcommittee and other interested citizens. The work group met in a series of meetings beginning in June 1997, ultimately determining to recommend amendments to present law. Those amendments were submitted to and approved by both the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee.

The specific proposals for statutory change were incorporated into a bill intended to be introduced for passage in 1998. By the date of this report, that bill had been sponsored by DR Subcommittee Representative Mark Anderson and identified as House Bill 2164. In summary, the amendments:

- Establish by utilizing present statutory standards applicable to guardians and custodians, the rights and responsibilities of persons standing in loco parentis who are granted custody of a minor child.*
- Clarify that in loco parentis custodians shall have no court-ordered obligation to pay child support and that the income of such persons shall not be factored when*

determining the child support obligation of the natural parents.

- Permit a nonbiological parent to seek custody or visitation in an action for dissolution of marriage or for legal separation, either by filing a petition or a response. This addresses reported cases where a father who has raised a child in marriage learns in the course of a divorce that he is not the biological parent. It also recognizes the relationship of the nonbiological father's parents (the child's "grandparents").
- Formalize the court procedures to be followed for the commencement of a proceeding for and the standards to be utilized by the court when determining a request for custody or visitation by an in loco parentis parent.
- Permit the court in a custody or visitation proceeding, brought by a person who stands in loco parentis to a child, to order paternity testing and to determine paternity when it is in the best interests of the child.

Members of the work group are committed to assist the proposal through the legislative process by providing technical information as necessary.

*APPENDIX TO
CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE
1997 ANNUAL REPORT*

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Purpose

Pursuant to Laws 1994, Chapter 374, 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 cochairperson. The Speaker of the House of Representatives shall appoint the two House of Representatives members and designate one of the members as the cochairperson. Each cochairperson may appoint additional members to the Child Support Coordinating Council Subcommittee to serve as non-voting technical experts.

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

Members

*Cochairs: Representative Winifred "Freddy"
Hershberger
Senator David Petersen*

*Honorable Judith Allen
Clerk of the Superior Court*

*Conrad Greene
Noncustodial Parent
Appointed by Senate President*

*Jodi R. Beckley
Executive Assistant from the
Governor's Office*

*William Hurst
Joint Custody Parent
Appointed by Senate President
and House Speaker*

*Linda J. Blessing, D.P.A.
Director Department of
Economic Security*

*Honorable Sandra Kennedy
Arizona State Senate*

*Kirk Burtch
Division Chief
Office of the Attorney General*

*Nancy Mendoza
Assistant IV-D Child Support
Director, DES Division of Child
Support
Enforcement*

*David K. Byers
Administrative Director of the
Courts*

*Honorable Robert Duber II
Domestic Relations Judge (Rural)*

*David Norton
Noncustodial Parent
Appointed by Senate President*

Honorable David Ostapuk
*Family Law Section Executive
Committee State Bar of Arizona*

*County Attorney's Office
Providing Enforcement Services
(Urban)*

Honorable Rebecca Rios
Arizona House of Representatives

Vacant
*Custodial Parent
Appointed by House Speaker*

Debora Schumacher
*Custodial Parent
Appointed by Senate President*

Chuck Shipley
*Business Representative
Appointed by Senate President
and House Speaker*

Honorable Barry Schneider
Domestic Relations Judge (Urban)

Paul Smith
*County Attorney's Office
Providing
Enforcement Services (Rural)*

Honorable Richard Weiss
IV-D Commissioner

Bianca Varelas

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE

Purpose

Pursuant to Laws 1994, Chapter 374, the Child Support Coordinating Council Subcommittee was formed to:

- Recommend a method for consolidating the domestic relations statutes in Title 25, Arizona Revised Statutes, with other related sections of law, including Titles 8 and 14, Arizona Revised Statutes. (Having achieved this goal by legislation enacted in 1996, this mandate was stricken from session law by Laws 1997, Chapter 176.)*
- 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.*

Membership

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

- Two noncustodial parents knowledgeable in domestic relations issues.
- Two custodial parents knowledgeable in domestic relations issues.
- Two parents who have joint custody who are knowledgeable in domestic relations issues.
- Two parents knowledgeable in domestic relations issues.
- 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.
- An Administrative Officer of the Supreme Court.
- Three members of the Senate, not more than two of whom are from the same political party.
- Three members of the House of Representatives, not more than two of whom are from the same political party.

The President of the Senate shall appoint the three Senate members and designate one of the members as the cochairperson. The Speaker of the House of Representatives shall appoint the

three House of Representatives members and designate one of the members as the cochairperson.

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

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE

Members

*Cochairs: Senator Ann Day
Representative Lela Steffey*

Honorable Mark Anderson

*Representative Appointed by
House Speaker*

**Honorable Alma Jennings
Haught**

Clerk of the Court

Sanford Braver, Ph.D.

Domestic Relations Educator

Zenia Kuzma

Domestic Relations Mediator

Honorable Jack Brown

*Senator Appointed by Senate
President*

Corrine K. Martineau

Custodial Parent

Beverly Burns

Parent with Joint Custody

Honorable David Petersen

*Senator Appointed by Senate
President*

Ira Mark Ellman, Ph.D.

Parent

Terrill J. Haugen

Noncustodial Parent

Honorable John M. Quigley
Domestic Relations Judge

Kathryn Tolman
Noncustodial Parent

Mark J. Robens
Domestic Relations Attorney

Alice Rose Thatch
*Administrative Officer of the
Supreme Court*

Honorable Elise Salinger
*Representative Appointed by
House Speaker*

Brian W. Yee, Ph.D.
*Psychologist with Child
Custody*

Honorable Barry C. Schneider
Parent

Evaluation Experience

Ellen Seaborne
Custodial Parent

Jeffrey C. Zimmerman
Parent with Joint Custody

IN LOCO PARENTIS CUSTODY, VISITATION AND CHILD SUPPORT WORK GROUP

Purpose

In 1997, the Legislature enacted a new law (Section 25-415, Arizona Revised Statutes) permitting nonparents who stand in loco parentis to a minor child to commence proceedings to determine custody or to obtain visitation rights. The term "in loco parentis" was defined in the law to mean a person who has been treated as a parent by the child and who has formed a meaningful parental relationship with the child for a substantial period of time. Recognizing that further analysis and debate may be important to the application and implementation of this law, it was directed that the Child Support Enforcement and Domestic Relations Reform Committee of the Legislature study the issue of in loco parentis custody, visitation and child support and submit a report of its findings *to the Governor, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives, the Secretary of State and the Director of the Department of Library, Archives and Public Records.*

Membership

The Child Support Enforcement and Domestic Relations Reform Committee is comprised of the cochairs of the Domestic Relations Reform Study Subcommittee and the Child Support Coordinating Council Subcommittee. As a matter of efficiency, the cochairs directed that a preliminary study of in loco parentis issues be conducted by a work group formed from members of both subcommittees and other interested citizens.

*IN LOCO PARENTIS CUSTODY, VISITATION AND CHILD
SUPPORT WORK GROUP*

Members

*Cochairs: Jeannette Gallagher
Hon. Barry C. Schneider*

Hon. Mark Anderson

A. Thomas Cole

Kat Cooper

Hon. Norman Davis

Hon. Robert Duber II

Conrad Greene

William Hurst

Therese L. Martin

Annmarie Mena

Mary K. Myers

Hon. David R. Ostapuk

Hon. Rebecca Rios

Ellen Seaborne

Billye Wilda

Hon. Chris Wotruba

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

SECOND QUARTER REPORT 1998

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

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Judge Mark Armstrong
Domestic Relations Judge (Urban)

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Executive Assistant
Office of the Governor

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Director
Department of Economic Security

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Division Chief
Office of the Attorney General

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William Hurst
Joint Custody Parent Appointed by House
Speaker and Senate President

Honorable Michael Jeanes
Clerk of the Superior Court

Honorable Sandra Kennedy
Arizona State Senate

Nancy Mendoza
IV-D Child Support Director,
DES Division of Child Support Enforcement

David Norton
Noncustodial Parent
Appointed by Senate President

Honorable David Ostapuk
Family Law Section
Executive Committee
State Bar of Arizona

Honorable Rebecca Rios
Arizona House of Representatives

Debora Schumacher
Custodial Parent
Appointed by Senate President

Chuck Shipley
Business Representative
Appointed by Senate President and
House Speaker

Paul Smith
County Attorney's Office Providing
Enforcement Services (Rural)

Bianca Varelas
County Attorney's Office Providing
Enforcement Services (Urban)

Honorable Richard Weiss
IV-D Commissioner

Vacant
Custodial Parent
Appointed by House Speaker

*CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
SECOND QUARTER REPORT
1998*

Membership

The cochairs announced the appointment, by Chief Justice Zlaket, of Judge Mark Armstrong to the urban county domestic relations presiding judge position on the Council. Judge Armstrong replaces Judge Barry Schneider as Presiding Domestic Relations Judge in Maricopa County. The Council continues to have a vacancy for a custodial parent to be appointed by the Speaker of the House.

Meetings

One Council meeting was held during the second quarter, May 27. During the course of the meeting, the Council reviewed legislation, heard from standing work groups, heard public comments, and planned for future meetings. The meeting was co-chaired by Representative Hershberger and Senator Petersen.

Senate Bill 1132 - Domestic Relations Omnibus

The Council bill was signed by Governor Hull on May 29, 1998, and assigned chapter number 280 by the Secretary of State. (See attached)

The bill was amended in the House and sent to conference committee where a technical amendment was made. The amendment allows a minor married to an adult to enter into a contract.

Work Group Reports

Clean Up Child Support Statutes

The work group presented draft legislation that would remove the current time limitations on child support judgments. The work group was instructed to report back to the Council on the number of other states that have no limitation on the collection of child support judgments. Members questioned how the changes would effect judgments that have not expired and how lien releases would be processed if the proposal passed the legislature.

Centralized Processing of Non-IV-D Payments

The work group reported that additional members have been added to include several people with expertise such as Superior Court clerks, computer personnel from the Department of Economic Security and the Administrative Office of the Courts, and representatives from the Attorney General's Office and Pima County Attorney's Office. The work group continues to investigate the computer connections that are necessary for the Superior Court clerks to access the state case registry system and how best to provide training.

Public Education

The work group discussed the messages that the Council wants to get out to the public, date sensitive issues, and the methods that will prove most effective in disseminating those messages. The Council was supplied with a document summarizing the topics discussed by the work group and the priority given to each topic. The recommendation of the work group was to concentrate on disseminating information about the support payment clearinghouse assuming responsibility for non-IV-D payments and the message that job training is available for unemployed obligors. The topics of parental responsibility, children need two parents, and responsible fatherhood were identified as additional priorities.

Fatherhood Initiatives

Senator Petersen formed a new work group to examine ways of getting fathers more actively involved in their children's lives and how to encourage unmarried fathers to establish paternity. Senator Petersen assigned Kat Cooper, Nancy Mendoza, Commissioner Ostapuk, and Alice Rose Thatch to the work group.

Legislative Updates

Senate Bill 1133, was enacted as Laws 1998, Chapter 135, codified as Arizona Revised Statutes sections 25-901 through 25-906. The bill creates a new type of marriage with specific, exclusive grounds for obtaining a divorce or separation. To enter into a covenant marriage, parties must declare the intent to do so on the marriage license application. The statute prescribes the content of the declaration. Because the marriage already recognized in Arizona has not been abolished, persons contemplating marriage will have a choice regarding the type of marriage to be contracted.

Arizona is the second state in the nation, after Louisiana, to pass this legislation. Central to this type of marriage is the requirement of premarital counseling. Several grounds for dissolution of marriage are provided in the legislation, including physical, sexual and emotional abuse, domestic violence, habitual alcohol or drug abuse, adultery, abandonment and mutual agreement of the parties.

House Bill 2142, Chapter 294, makes a variety of amendments to state laws regarding domestic violence protection orders, among them reducing the fee for an injunction against harassment from ten to five dollars; extending the effective length of a protection order from six months to one year, commencing January 1, 1999; clarifying the court's authority to prohibit purchase and possession of firearms by a defendant or to order a defendant to attend counseling programs when subject to an order of protection; addressing protective orders against and on behalf of minors; and amending state law consistent with federal

law to require that courts give full faith and credit recognition to the protection orders of other states and Indian tribes. Senate Bill 1175, Chapter 303, creates a new crime of aggravated domestic violence applicable to repeat offenders and appropriates some funding for supervised probation for misdemeanor domestic violence offenders; House Bill 2189, Chapter 37, establishes the crime of aggravated harassment, applicable when the defendant commits harassment and either is subject to a valid, effective order of protection or injunction against harassment in favor of the same victim or has been convicted of a previous domestic violence offense involving the same victim.

House Bill 2451, Chapter 260, builds upon changes to state law made in 1997 as a part of federal welfare reform legislation and makes technical corrections to last years Arizona legislation. Many of the provisions require further reporting of parents' or children's social security numbers on such documents as petitions for dissolution of marriage (A.R.S. § 25-314); petitions to establish or enforce support (section 25-502); drivers (section 22-3158) and recreational (25-320) licenses.

Council Protocols

Council members were instructed to submit the names of any person they wished to identify as a designee and/or who would be authorized to vote on behalf of the absent members. Work group members were also asked to notify staff of any changes that occurred to phone numbers, addresses, and work group assignments.

Future Council Meetings

The next meeting is scheduled for August 26, 1998, from 10:30 a.m. to 2:30 p.m. at the State Courts Building in room 119. Work groups will develop their own schedules.

Prepared by Council Support Staff:

Domestic Relations Division
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007



Quarterly Report of the

**CHILD SUPPORT
COORDINATING COUNCIL
SUBCOMMITTEE**



(Third Quarter 1998)



CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

THIRD QUARTER REPORT 1998



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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Members

Cochairs: **Senator David Petersen**
Representative Winifred "Freddy" Hershberger

Judge Mark Armstrong
Domestic Relations Judge (Urban)

Jodi Beckley
Executive Assistant
Office of the Governor

Linda J. Blessing, D.P.A.
Director
Department of Economic Security

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County Attorney's Office Providing
Enforcement Services (Urban)

Vacant
Custodial Parent
Appointed by House Speaker



*CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
THIRD QUARTER REPORT
1998*

Summary

The Subcommittee held a meeting on August 26 to review recommendations on child support issues developed by the standing work groups and to receive reports about new laws and other related matters. The Clean Up Child Support Statutes Work Group continues to refine a proposal to clarify child support judgment statutes. The cochairs are considering appointments to fill the vacant membership position.

Membership

The cochairs announced the appointment, by Chief Justice Zlaket, of Commissioner Rhonda Repp of Superior Court in Yavapai County to fill the IV-D Commissioner position. Additionally, Mr. Michael Jeanes was formally appointed by Chief Justice Zlaket to fill the position designated for a Superior Court Clerk. Mr Jeanes had been serving in place of Judith Allen. The

Council continues to have a vacancy for a custodial parent to be appointed by the Speaker of the House.

Reports

The full Council met once during the third quarter of 1998. The meeting of August 26, 1998, provided a full agenda of information and reports. Presentations included a review of 1998 legislation in the domestic relations area, a summary of the five year strategic agenda of the Arizona Supreme Court, information about the Family Court Committee and service provided by the Department of Economic Security to noncustodial parents. The Council's standing work groups also reported the progress of deliberations.

New Legislation

Nancy Swetnam, Legislative Officer with the Arizona Supreme Court Administrative Office of the Courts, reviewed recent domestic relations legislation. Among the new laws enacted in 1998 were (by bill and chapter number):

SB 1132; Chapter 280

Developed by the Child Support Coordinating Council Subcommittee of the Legislature, this law amends various statutes

in the domestic relations area. Principal features are provisions advancing termination of the marital community to the date of service of a petition for dissolution of marriage or legal separation; expanding the domestic relations education on children's issues programs to additional paternity cases; consolidating and revising the laws governing orders of assignment; and codifying a hierarchical formula for distribution of support payments in non title IV-D cases by the centralized payment processing center.

SB 1133; Chapter 135

This law creates a new type of marital union called "covenant marriage" with specific, exclusive grounds for obtaining a divorce or separation. To enter into a covenant marriage, parties must declare the intent to do so on the marriage license application. Because the marriage already recognized in Arizona has not been abolished, persons contemplating marriage will have a choice regarding the type of marriage to be contracted. Existing marriages may be "converted" to covenant marriages.

HB 2106; Chapter 229

This law amends A.R.S. § 13-1302, clarifying present language that appears to require that in order to commit custodial interference, the child involved must be incompetent.

HB 2359; Chapter 246

This legislation amends several sections of law relating to guardianship of minors and conforms Arizona statutes to the Uniform Durable Power of Attorney Act of the Uniform Probate Code by recodifying existing laws regarding powers of attorney.

HB 2451; Chapter 260

Arizona's child support laws are amended by this law as required by federal law. The most significant provisions require further reporting of social security numbers on such documents as petitions for dissolution of marriage (A.R.S. § 25-314); petitions to establish or enforce support (section 25-502); and drivers (section 22-3158) and recreational (25-320) licenses.

HB 2142; Chapter 294

Proposed by the Supreme Court Committee on the Impact of Domestic Violence and the Courts, this law contains various amendments to state laws regarding domestic or family violence protection orders. Among other things, the provisions reduce the filing fee for an injunction against harassment from \$10 to \$5; effective January 1, 1999, extend the effectiveness of protective orders to one year, rather than six months, from the date of service; rephrase for ease of understanding the relationships that satisfy the statutory definition of domestic violence; alter the standard and procedures regarding surrender of firearms by a defendant subject to an order of protection; amend existing law to specify that an order of protection may direct the defendant to complete a domestic violence offender treatment program; and add to state law provisions consistent with federal law requiring that full faith and credit be granted to protective orders of other states and Indian tribes.

HB 2189; Chapter 37

This law adds additional acts to those defined as criminal harassment; alters the definition of stalking and creates a new felony crime of aggravated harassment.

SB 1175; Chapter 303

The legislation creates a new felony crime of aggravated domestic violence applicable to repeat offenders.

The general effective date for new laws was August 21, 1998. Ms. Swetnam also reported on two bills that failed to pass the Legislature in 1998 (referred to by bill number):

1. HB2164. This bill resulted from a joint study by the Subcommittee and the Child Support Coordinating Council Subcommittee of child support, visitation and custody by in loco parentis parents. Recommendations were made to clarify the rights and responsibilities of persons granted custody under the applicable statute.

2. SB1368. In its final version, this bill embodied three separately introduced bills (SB1368, SB1370 and SB1371) and other provisions. Generally, the bill touched a variety of areas including access by parents to records and information about their children; removal of civil immunity for mental health professionals

who assist the courts in custody cases; and violation of court-ordered visitation. One section of the bill proposed to replace the terms “custody “ and “visitation” in state statutes and to require parenting plans in all actions for dissolution of marriage or legal separation involving minor children. A similar proposal was drafted by the Courts and Substantive Law Work Group and introduced in the Legislature in 1997. The Subcommittee debated but declined to propose introduction again in 1998, preferring instead to refine the measure.

Justice 2002

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Employment Referral Agencies and Wage Assignment Workgroup

The workgroup is currently at a standstill.

Future Council Meetings

The next meeting is scheduled for November 12, 1998, from 10:30 a.m. to 2:30 p.m. at Senate Hearing Room 1. Work groups will develop their own schedules.

Prepared by Council Support Staff:

Domestic Relations Unit, Court Services Division
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007



Quarterly Report of the

**CHILD SUPPORT
COORDINATING COUNCIL
SUBCOMMITTEE**



(Fourth Quarter 1998)



CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

FOURTH QUARTER REPORT 1998

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

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Cochairs: **Senator David Petersen**
Representative Winifred "Freddy" Hershberger

Judge Mark Armstrong
Domestic Relations Judge (Urban)

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Vacant
Custodial Parent
Appointed by House Speaker



*CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
FOURTH QUARTER REPORT
1998*

Summary

The Subcommittee held a meeting on August 26 to review recommendations on child support issues developed by the standing work groups and to receive reports about new laws and other related matters. The Clean Up Child Support Statutes Work Group continues to refine a proposal to clarify child support judgment statutes. The cochairs are considering appointments to fill the vacant membership position.

Membership

The cochairs announced the appointment, by Chief Justice Zlaket, of Commissioner Rhonda Repp of Superior Court in Yavapai County to fill the IV-D Commissioner position. Additionally, Mr. Michael Jeanes was formally appointed by Chief Justice Zlaket to fill the position designated for a Superior Court Clerk. Mr Jeanes had been serving in place of Judith Allen. The

Council continues to have a vacancy for a custodial parent to be appointed by the Speaker of the House.

Reports

The full Council met once during the third quarter of 1998. The meeting of August 26, 1998, provided a full agenda of information and reports. Presentations included a review of 1998 legislation in the domestic relations area, a summary of the five year strategic agenda of the Arizona Supreme Court, information about the Family Court Committee and service provided by the Department of Economic Security to noncustodial parents. The Council's standing work groups also reported the progress of deliberations.

New Legislation

Nancy Swetnam, Legislative Officer with the Arizona Supreme Court Administrative Office of the Courts, reviewed recent domestic relations legislation. Among the new laws enacted in 1998 were (by bill and chapter number):

SB 1132; Chapter 280

Developed by the Child Support Coordinating Council Subcommittee of the Legislature, this law amends various statutes in the domestic relations area. Principal features are provisions advancing termination of the marital community to the date of

service of a petition for dissolution of marriage or legal separation; expanding the domestic relations education on children's issues programs to additional paternity cases; consolidating and revising the laws governing orders of assignment; and codifying a hierarchical formula for distribution of support payments in non title IV-D cases by the centralized payment processing center.

SB 1133; Chapter 135

This law creates a new type of marital union called "covenant marriage" with specific, exclusive grounds for obtaining a divorce or separation. To enter into a covenant marriage, parties must declare the intent to do so on the marriage license application. Because the marriage already recognized in Arizona has not been abolished, persons contemplating marriage will have a choice regarding the type of marriage to be contracted. Existing marriages may be "converted" to covenant marriages.

HB 2106; Chapter 229

This law amends A.R.S. § 13-1302, clarifying present language that appears to require that in order to commit custodial interference, the child involved must be incompetent.

HB 2359; Chapter 246

This legislation amends several sections of law relating to guardianship of minors and conforms Arizona statutes to the

Uniform Durable Power of Attorney Act of the Uniform Probate Code by recodifying existing laws regarding powers of attorney.

HB 2451; Chapter 260

Arizona's child support laws are amended by this law as required by federal law. The most significant provisions require further reporting of social security numbers on such documents as petitions for dissolution of marriage (A.R.S. § 25-314); petitions to establish or enforce support (section 25-502); and drivers (section 22-3158) and recreational (25-320) licenses.

HB 2142; Chapter 294

Proposed by the Supreme Court Committee on the Impact of Domestic Violence and the Courts, this law contains various amendments to state laws regarding domestic or family violence protection orders. Among other things, the provisions reduce the filing fee for an injunction against harassment from \$10 to \$5; effective January 1, 1999, extend the effectiveness of protective orders to one year, rather than six months, from the date of service; rephrase for ease of understanding the relationships that satisfy the statutory definition of domestic violence; alter the standard and procedures regarding surrender of firearms by a defendant subject to an order of protection; amend existing law to specify that an order of protection may direct the defendant to complete a domestic violence offender treatment program; and add to state law provisions consistent with federal law requiring

that full faith and credit be granted to protective orders of other states and Indian tribes.

HB 2189; Chapter 37

This law adds additional acts to those defined as criminal harassment; alters the definition of stalking and creates a new felony crime of aggravated harassment.

SB 1175; Chapter 303

The legislation creates a new felony crime of aggravated domestic violence applicable to repeat offenders.

The general effective date for new laws was August 21, 1998. Ms. Swetnam also reported on two bills that failed to pass the Legislature in 1998 (referred to by bill number):

1. *HB2164*. This bill resulted from a joint study by the Subcommittee and the Child Support Coordinating Council Subcommittee of child support, visitation and custody by in loco parentis parents. Recommendations were made to clarify the rights and responsibilities of persons granted custody under the applicable statute.

2. *SB1368*. In its final version, this bill embodied three separately introduced bills (*SB1368*, *SB1370* and *SB1371*) and other provisions. Generally, the bill touched a variety of areas

including access by parents to records and information about their children; removal of civil immunity for mental health professionals who assist the courts in custody cases; and violation of court-ordered visitation. One section of the bill proposed to replace the terms “custody “and “visitation” in state statutes and to require parenting plans in all actions for dissolution of marriage or legal separation involving minor children. A similar proposal was drafted by the Courts and Substantive Law Work Group and introduced in the Legislature in 1997. The Subcommittee debated but declined to propose introduction again in 1998, preferring instead to refine the measure.

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Prepared by Council Support Staff:
Domestic Relations Unit, Court Services Division
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

FIRST QUARTER REPORT 1999

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*CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
FIRST QUARTER REPORT
1999*

Membership

The Child Support Coordinating Council (Council) received two new members in January 1999. Senate President Brenda Burns appointed Senator Linda Aquirre to fill the position vacated by Senator Kennedy and Ms. Laura Elmer to replace Debora Schumacher as the custodial parent appointed by the Senate President. The Council continues to have two vacancies, one for a custodial parent, and one for a legislative cochairperson, both appointed by the Speaker of the House.

Meetings

Two Council meetings were scheduled during the first quarter; February 4 and March 2. The meeting scheduled March 2 did not have a quorum; as a result no formal business was conducted. During the course of the February meeting, the Council reviewed legislation, heard from standing work groups, heard public comments, and planned for future meetings. The February meeting was chaired by Senator Petersen and held telephonically.

Legislative Review

The Council discussed several bills relating to child support, dissolution, and marriage during the January meeting.

Senate Bill 1152 - Child Support; judgments

The provisions of this bill, sponsored by Senator Petersen on behalf of the Council, clarifies how child support judgments are obtained and when a child support judgment is satisfied. The bill sets a statute of limitation for obtaining a judgment for child support at three years from the emancipation of all of the children who were the subject of the court order. The Council discussed a concern expressed by the Arizona Justice Institute, that parties owed a support arrears will not be aware of the time limitation for obtaining a judgment. Council members stated that laws often change and that notice of the changes are not normally mandated. The members suggested that the Administrative Office of the Courts could do an article in the DR Quarterly to help inform the legal community, change their child support pamphlets to highlight the change, and include a notice in the child support order used in conjunction with the Arizona Child Support Guidelines. [The bill was amended in the House to include a provision that: "every order for child support, including a modified order, shall include a provision advising the parties that judgments by operation of law may expire in accordance with this subsection."]

SB1053 Child Support; exemption. The bill would exempt parents, who are minors, from the obligation to support their children, if the minor became a parent as the result of a sexual assault or an act of illegal sexual conduct for which the other parent had been found guilty. The exemption would also apply to the minors' parents or legal guardians.

[The bill was amended in the House to allow the court discretion whether or not an exemption from child support liability should be granted to a minor parent and his or her parents or guardian in an instance when the child was conceived in an act of statutory rape or sexual assault upon the minor parent.]

Senate Bill 1055 Children and Family services; committee

SB 1055 reestablishes the Joint Legislative Committee on Children and Family Services, which expired on October 1, 1998. The Committee's purpose is to review legislative recommendations and public concerns regarding children and family services; and, to review specific CPS cases within 30 days when there is a written constituent complaint and if there is written request of a legislative member. The Committee would once again be comprised of five members of the Senate, not more than three from the same party; and, five members of the House, not more than three from the same party. [The bill was amended in the House to increase the number of committee members which constitute a quorum from five to six members. The bill was further amended to direct that committee shall work with the ombudsman-citizens' aide office to make systematic recommendations to improve the system that delivers services to children and families.]

SB1184 Child support; most wanted postings. The bill would require the Department of Economic Security, Division of Child Support Enforcement to post on the Internet the ten most wanted nonpayors of child support. [The bill was amended to require the Division of Child Support Enforcement within the Department of Economic Security to make quarterly Internet postings that identify at least ten nonpayors of child support orders. The bill prescribes the Internet postings be limited to those nonpayors for whom child support arrest warrants have been issued.]

SB1185 Child custody. The bill sets a standard that relocation of a child will occur only if the relocating parent can establish by clear and convincing evidence that it is in the best interest of the child. [The bill was amended striking the standard of "clear and convincing evidence" and adds as a consideration of the "Effect of relocation on the child's stability."]

HB2063 Children; grandparents; visitation rights. The bill would allow grandparents and great grandparents to file for visitation during the minority of a child.[The bill has not received a hearing in the House Rules Committee]

HB2121 Marriage; dissolution; creditors; information. The bill would require an additional notice be given to parties to a legal separation or dissolution advising that the order of the court assigning debts is binding only on the parties. The notice informs parties that the order does not bind creditors from pursuing collection of the community debts from both parties. [The bill was used as a strike all and amended to form local councils that will be manned by volunteers familiar with resources in their local communities that can be mobilized to address the needs of children and families. The local councils would report to a statewide council.]

HB2212 Dissolution of marriage; liquid assets. The bill would require the court to divide liquid assets of the community upon motion by either party. It would also allow an attorney to withdraw from a case as a matter of right after a hearing for temporary orders.[The bill has passed over to the Senate but has not received a hearing in the Rules Committee.]

HB2420 Domestic Relations; parenting plans. The bill was discussed at length in the House Human Services Committee and then held. [No change.]

HB2524 Marriage; blood tests. The bill would require applicants for a marriage license to obtain a blood test for sexually transmitted diseases. [The bill was used as a strike all and amended to address health and accident coverage for domestic partners]

Workgroups

Clean Up Child Support Statutes

Kat Cooper

The workgroup for statute clean up met twice during the first quarter of 1999. The group discussed several potential topics that should be examined during the coming year including:

- Grandparent liability under A.R.S. § 25-810.
- Use of the terms payor and obligor, arrears and arrearages.
- Moving the definition of emancipation to A.R.S. § 25-500
- Seizure of lump sum payment or severance payouts for child support arrearages.
- Challenges to voluntary paternity vs. challenging a presumed father by marriage. Compare Arizona to Iowa.
- Definition of support: does it include spousal maintenance and how does it differ from the federal definition.

Centralized Processing of Non-IV-D Payments
Commissioner David Ostapuk

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required every state to establish and operate a unit for collection and disbursement of payments under support orders. All payments in cases enforced by the state and cases not enforced by the state, in which a support order was entered after January 1, 1994, are required to be processed by this unit. In Arizona the Clerks of Superior Court and the Department of Economic Security, the Title IV-D child support agency, worked collaboratively to accomplish that goal in December of 1998.

Since all funds began being processed by the clearinghouse, the work group has continued to meet examining problems in processing funds and determining the most expeditious, cost effective methods of resolving those difficulties. The clearinghouse has processed 570,181 payments in the first quarter of 1999. A total of 4844 payments, less than 1%, have been placed in an unidentified category pending research and application to the proper case. The workgroup continues to support

statewide staff training utilizing computer based training to minimize the impact on court personnel.

Future Council Meetings

The next meeting of the Council is scheduled for June 2, 1999.

Prepared by Council Support Staff:

Court Services Division, Domestic Relations Unit
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

SECOND QUARTER REPORT 1999

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*CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
SECOND QUARTER REPORT
1999*

Membership

The Council continues to have two vacancies, one for a custodial parent, and one for a legislative co-chairperson, both appointed by the Speaker of the House.

Meetings

The Council held one meeting during the quarter. During the course of the June meeting, the Council reviewed enacted legislation, formed two new work groups, heard public comment, and planned for future meetings. The June meeting was chaired by Senator Petersen.

Legislative Review

Having convened this year on January 11, the Forty-fourth Legislature adjourned its First Regular Session (*sine die*) in the wee hours of May 7, 1999. Key provisions of some of the more important new laws on family law matters are summarized below. For ease of reference, these new laws are identified by the chapter number of 1999 laws assigned by the Secretary of State, as well as by original bill number (House or Senate bill number, depending on the legislative body in which the bill originated) and short title. Each of the bills referred to in this summary has been signed by the Governor and will become effective on August 6, 1999.

Chapter 51 (SB 1055 - Children and family services committee) reestablishes the Joint Legislative Committee on Children and Family Services, which expired on October 1, 1998. The Committee's purpose is to monitor children and family services and legislative recommendations about those services, to provide a forum for public concerns about state programs that relate to children and family services; and, to make administrative and legislative recommendations to improve the system that delivers services to children and families.

Chapter 59 (SB 1183 - Marriages; sexually transmitted diseases) as introduced, requires that the oath given by applicants for a marriage license acknowledge understanding that information on sexually transmitted diseases may be obtained from the Department of Health. As passed, the law includes provisions of another bill (Senate Bill 1303), jointly developed by the Administrative Office of the Courts and the Maricopa County Superior Court Clerk, amending various statutes dealing with pleading and practice for marital actions to accommodate the new type of marriage (covenant marriage) added to state law in 1998 and modernizing statutes dealing with marriage licenses and ceremonies. Also included is an amendment that simplifies and makes less expensive the process for converting existing marriages to covenant marriages.

Chapter 77 (SB 1053 - Child support; exemption) adds a new subsection to A.R.S. § 25-502 permitting the court to relieve a parent from paying child support if conception resulted from sexual contact with a person who has been found guilty of sexual contact with a minor (A.R.S. § 13-1405) or sexual assault. The court also may extend this exemption to the parents or legal guardian of the non-obligated parent.

Chapter 84 (SB 1184 - Child support; most wanted postings) requires the Department of Economic Security to post quarterly on the Internet information (including a photograph) that identifies no fewer than ten nonpayors of child support on whom arrest warrants have been issued pursuant to A.R.S. § 25-681.

Chapter 85 (SB 1185 - Child custody) amends provisions of A.R.S. § 25-408 regarding relocation of a child outside the state. Under existing law, if relocation is permitted by a court order or written agreement of the parties a moving parent is exempted from the requirement to give at least sixty days advance notice of an anticipated relocation of the child. The new law limits that exemption to orders or agreements dated within a year of the proposed relocation. It also expands the factors that the court must consider when determining whether to allow a relocation, adding the potential effect of the relocation on the child's "stability."

Chapter 283 (SB 1152 - Child support; judgments) proposed by the Child Support Coordinating Council Subcommittee of the Legislature, the primary element extends the duration of child support judgments. Under previous law (A.R.S. § 25-503(J)), money judgments for child support arrearages established during the minority of the child(ren) were valid for ten years after emancipation of all of the children subject to the support order, and thereafter were subject to renewal every five years to remain enforceable. Such judgments now are enforceable from the date of issue until paid in full, without any requirement of renewal. Also, affected are vested child support installments, each of which under existing law (§ 25-503(I)) becomes a judgment by operation of law when due. Under the new law, with specified exceptions, the right to collect on these "unwritten" judgments expires "three years after the emancipation of the last remaining child who was included in the court order" establishing the support obligation. The exceptions provided are that the support obligor impeded establishment of the judgment (by, for example, avoiding service of process, changing a name or leaving the state) or threatened, coerced or defrauded the obligee into not filing a request for a judgment. The term "emancipation" is specifically defined for purposes of these new provisions to mean that the child has married, become eighteen years of age, is adopted or dies or that a support obligation extended for a mentally or physically handicapped child or a child who remains in high school beyond the eighteenth birthday has

terminated. The new law also mandates that beginning January 1, 2000, child support orders, including modified orders, notify the parties "of this expiration date." Also, included are provisions that:

- Permit an adult to bring an action under A.R.S. § 25-803 to "establish the adult's biological parent." Section 25-804 is amended to permit an action for maternity or paternity to be commenced after a child's eighteenth birthday; however an action must be commenced before a child's eighteenth birthday for purposes of establishing a duty to pay support or past support.
- Reduce from ten to five days after receipt the time within which an employer must serve a copy of an ex parte order of assignment upon an employee. It is also now required that the obligor serve rather than mail to the obligee a request for and notice of hearing to contest an ex parte order of assignment.
- Provide that within ten days of the date that an employee is terminated, an employer or payor must notify the clerk or the clearinghouse of an obligor's Social Security Number, last known address and name and address of the obligor's new employer, if known. No previous time period was established in statute.
- Indicate that the state child support agency may not adjust an order of assignment by administrative process under A.R.S. § 25-505 if the court orders otherwise.
- Permit a child support obligor who is the subject of two or more orders of assignment for the same children to request at any time that the court terminate an order of assignment. No fee may be charged for filing the request.
- Eliminates in a paternity case the filing fee usually charged for initiating or responding to a proceeding to establish child support, custody or visitation, so long as the proceeding is brought within ninety days of the date and in the same county that paternity was judicially determined.

New Work Groups

The Council formed two new work groups.

The Domestic Violence Issues work group was formed to examine how the court process of issuing orders of protection interfaces with law enforcement and effects the child support enforcement agency.

The Intrastate Enforcement work group was formed to examine issues relating to jurisdiction, venue, abatement, and the states right to enforce according to the current statutes.

Future Council Meetings

The next meeting of the Council is scheduled for August 2, 1999.

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

THIRD QUARTER REPORT 1999

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Members

Co-Chairs: *Senator David Petersen - Senate*
Vacant - House

Honorable Linda Aguirre
Arizona State Senate

David Norton
Noncustodial Parent

Honorable Mark Armstrong
Domestic Relations Judge (Urban)

Honorable Michael Jeanes
Clerk of the Superior Court

Jodi Beckley
Executive Assistant
Governor's Office

Nancy Mendoza
IV-D Child Support Director
DES Division of Child Support Enforcement

Noreen Sharp
Division Chief
Office of the Attorney General

William Hurst
Joint Custody Parent

David K. Byers
Administrative Director of the Courts
Arizona Supreme Court

Honorable David Ostapuk
Family Law Section - Executive Committee
State Bar of Arizona

Bryan Chambers
County Attorney's Office (Rural)

Honorable Rhonda Repp
IV-D Commissioner

John Clayton
Director
Department of Economic Security

Honorable Rebecca Rios
Arizona House of Representatives

Honorable Robert Duber II
Domestic Relations Judge (Rural)

Chuck Shipley
Business Representative

Laura Elmer
Custodial Parent

Bianca Varelas
County Attorney's Office (Urban)

Conrad Greene
Noncustodial Parent

Vacant
Appointed by House Speaker

**CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE**

**THIRD QUARTER REPORT
1999**

Membership

The Council continues to have two vacancies, one for a legislative co-chairperson and one for a custodial parent, both appointed by the Speaker of the House.

Meetings

One Council meetings was scheduled during the third quarter, August 26. However, that meeting was postponed to October 4 to allow additional time for the workgroups to meet.

Workgroup Reports

◆ Family Violence Indicator

This workgroup met several times during the third quarter of 1999. The group studied the provisions and requirements of Section 453(b)(2), 42 U.S.C. 653(b)(2), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The group examined how the State IV-D agency and the courts will coordinate in the implementation of a Federal mandate in terms of placing a non-disclosure indicator on the Federal Case Registry via the State Case Registry. PROWORA provides that no FPLS information will be disclosed to an authorized person if the State has notified the Secretary of the Department of Health and Human Services that: 1) the State has reasonable evidence of domestic violence or child abuse; and 2) the disclosure of such information could be harmful to the parent or that parent's child. The workgroup has also focused on how to best protect the interest of all parties.

The following statutes have been discussed but no formal recommendations have been made:

Title 25:

- The definition of “support” should be consistent with Federal law.
- Defining or clarify the terms “payor” and “obligor”. Both are used in statute. The same term should be used throughout the statute if there is no difference in these terms.
- Define or clarify the use of the terms “arrear” and “arrearages”. Both are used in statute interchangeably. The same term should be used throughout if there is no difference in these terms.

A.R.S. § 25-810. Grandparent Liability for Child Support. The statute is unclear in terms of:

- 1) how to calculate a grandparent’s liability for support of a minor child living with them, and ;
- 2) what is meant by joint & several liability in this statute.

The statute implies that it is fair to assess child support against grandparents who are willing to aid the parent by allowing the grandchild(ren) to live with them, but not to assess child support against non-custodial grandparents.

The group is also discussing how support should be established or modified when there are multiple families and child support orders with the same obligor.

The following recommendations will be made to the Council:

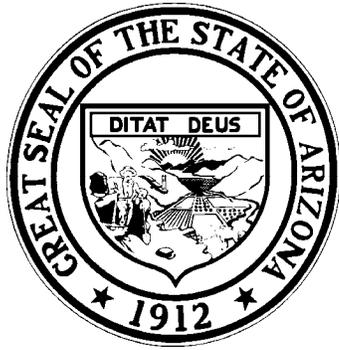
Amend A.R.S. §§ 25-502(c) and 25-681(a). These two statutes relate to child support arrest warrants and findings of contempt in child support arrearage cases. The workgroup recommends amending A.R.S. § 25-502(c) by changing the word *shall* to *may* to be consistent with A.R.S. § 25-681(a). Secondly, the workgroup recommends cross referencing A.R.S. § 25-681(c), the child support arrest warrant statute, to A.R.S. § 25-502(c). These two disparate statutes appear in different articles of Title 25 although they deal with similar issues.

Amend A.R.S. § 12-910(c) Judicial Review of Administrative Decisions. This statute relates to the use of judicial review of administrative decisions by executive branch agencies. These are cases in which a person has appealed an administrative decision by DCSE to the Superior Court. Under current law they have a right to a jury trial. This has the potential to overwhelm Family Court. Additionally, the courtrooms are not equipped to deal with jury trials. Currently there is no right to a jury trial in other Title 25 proceedings. The workgroup recommends adding the following clause to the last sentence of A.R.S. § 12-910(c) "except if the review is of a decision pursuant to A.R.S. 25-522." Parties would maintain their right to an appeal to Superior Court without the provision for a jury trial.

Amend 25-504(h). This issue is referred to as the "26/52" issue. Under existing law, employers who pay their employees on a bi-weekly basis, 26 times per year, can sometimes unfairly cause child support arrearages to accrue. The workgroup recommends: 1) amending A.R.S. § 25-504(h) by deleting the second sentence which authorizes the prorated method of withholding child support. Deleting this provision would not prohibit this method, it would simply suggest that monthly child support be withheld, and 2) amending A.R.S. § 25-510(c) which is the statute that sets the hierarchy of payments. The statute allows arrearages to accrued unfairly.

Future Council Meetings

The next meeting of the Council is scheduled for October 4, 1999.



**CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE**

State of Arizona

2000 Annual Report

Submitted by:

Representative Karen Johnson

Representative Laura Knaperek

Senator David Petersen

***CHILD SUPPORT ENFORCEMENT
AND
DOMESTIC RELATIONS REFORM
COMMITTEE***

Members:

Representative Karen Johnson

Co-chair, Domestic Relations Reform Study Subcommittee

Vacant

Co-chair, Domestic Relations Reform Study Subcommittee

Representative Laura Knaperek

Co-chair, Child Support Coordinating Council Subcommittee

Senator David Petersen

Co-chair, Child Support Coordinating Council Subcommittee

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*CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM COMMITTEE
2000 ANNUAL REPORT*

EXECUTIVE SUMMARY

As required by law (A.R.S. §320.01.A), the Child Support Enforcement and Domestic Relations Reform Committee, comprised of Hon. Ann Day, Hon. Karen Johnson, Hon. Laura Knaperek and Hon. 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 2000, both the Child Support Coordinating Council Subcommittee (“Council”) and the Domestic Relations Reform Study Subcommittee (“DR Subcommittee”) 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 2000, the Legislature enacted legislation based on proposals developed and recommended by the Council. The product of various workgroups, the omnibus legislative proposal affects the centralized processing of support payments, allows the court to suspend interest on child support judgments for incapacitated or incarcerated payors, and clarifies that jury trials are not required in administrative appeals of child support matters. A separate legislative proposal submitted by Senator Petersen codifies earlier session law establishing the Council and DR Subcommittee and continues these groups until July 1, 2007.

Efforts of various Council workgroups have produced further recommendations intended for introduction to the Legislature in 2001. Proposed are amendments that clarify that only "future" interest may be suspended on child support judgments for incapacitated or incarcerated payors, 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.

Notably, a Council work group continued throughout the year to improve the process for centralized processing of support payments. The committed efforts of the same group previously culminated in a statewide conversion to receipting, posting and distribution of all child support and spousal maintenance payments by a single clearinghouse earning the Governor's Spirit of Excellence Award.

When the DR Subcommittee reconvened at the end of the 1999 legislative session, members moved forward with the mission to broadly reform the state's domestic relations statutes. Rejuvenated by new members in late 1999, the Subcommittee embarked on strategic planning to set its agenda for the new millennium. Three new work groups were formed to focus on specific issues in the areas of education and prevention, substantive law and court procedures. Although no recommendations for legislative enactment were proposed during the Forty-fourth Legislature, the ground work was laid

for accomplishment of long-term objectives designed to facilitate the adjudication of domestic relations cases in the best interests of families and children. Efforts of the DR Subcommittee workgroups have produced recommendations intended for introduction to the Legislature in 2001.

CHILD SUPPORT ENFORCEMENT AND DOMESTIC RELATIONS REFORM COMMITTEE 2000 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 the 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.

A specific problem identified by the Technical Advisory Committee concerned the difficulty in understanding laws and procedures resulting from the lack of integration of the statutes relating to domestic relations issues. To address this problem, it was 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 legislative committee titled 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 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 was to continue to serve the public until December 31, 2000. In 1998, the Domestic Relations Division joined with the Court Services Division 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 domestic

violence coalition; representative of a faith-based organization knowledgeable in domestic relations issues; and marriage and family therapist.

In 1997, the Legislature 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 now may not be judges or commissioners. Parent members who are judges or commissioners may serve out the remainder of their terms, however.

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE 2000

Summary

In 2000, 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. An omnibus legislative package developed by the Council was passed by the Legislature in 2000. Among its provisions are amendments that affect the centralized processing of support payments, codify earlier session law establishing the Council and DR Subcommittee and continue these groups until the end of 2007, allow the court to suspend interest on child support judgments for incapacitated or incarcerated payors, and clarify that jury trials are not required in administrative appeals of child support matters.

Through the activities of various workgroups, additional recommendations for legislation improving the child support system were developed for introduction in 2001. Proposed are amendments that clarify that only "future" interest may be suspended on child support judgements for incapacitated or

incarcerated payors, 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.

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.

Chief Justice Zlaket signed Administrative Order 2000-67 appointing Judge Bethany G. Hicks to the Council as Presiding Judge from the Domestic Relations Department of the Superior Court (Urban). Judge Hicks replaced Judge Mark W. Armstrong, whose membership expired by virtue of his new position as Associate Presiding Judge of Superior Court in Maricopa County. Judge Armstrong served actively on the Council not only as a member but as both chair and member of several workgroups for three years. Judge Hicks was a Commissioner in the Superior Court in Maricopa County for approximately five years and rotated through every assignment in that capacity before her current assignment in Family Court, Superior Court in Maricopa County.

Judge Robert Duber II resigned from his Council position of Presiding Judge from the Domestic Relations Department of the

Superior Court (Rural). A replacement will be named in 2001.

Other appointments made in 2000 include:

<i>Position</i>	<i>New Member</i>	<i>Former Member</i>
IV-D Director Department of Economic Security	Benidia Rice	Leona Hodges
Custodial Parent House Appointment	Carmela Trapani	Laura Elmer
Custodial Parent Senate Appointment	Penny Higginbottom	Vacant

Work, Findings and Recommendations

The Council held five meetings during the year. At each meeting, public comments were encouraged to assist the Council's efforts. Throughout the year, existing workgroups, in addition to one newly formed sub-workgroup, continued to meet and develop recommendations for improvement to the child support enforcement system. Of particular note were the efforts of a workgroup whose purpose was to implement recently enacted federal legislation aimed at protecting victims of domestic violence in the child support 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 established 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 2000, over \$253 million was collected and processed through the support payment clearinghouse. More than \$1 million was processed daily. Misdirected payments continue to be reduced and posting errors remain at less than 1% of the total payments posted.

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. The success of this workgroup was rewarded by the receipt of the Governor's Spirit of Excellence Award. Throughout 2000, 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 the initial adoption in 1987, the guidelines have been reviewed four times. The last 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. Consistent with state and federal law, Arizona’s guidelines were studied again in 1999 for implementation in 2000.

In past years, specialized committees have been appointed to conduct the review process. Rather than establish a new committee, the Council was asked to assist in the review. The Council appointed the Child Support Guidelines workgroup to fill this role. The workgroup developed a set of proposals to aid the Supreme Court in meeting its statutory obligation to ensure that application of the guidelines results in the determination of appropriate child support amounts. Ultimately, all proposals for change were reviewed by designated court committees, including the Committee on Superior Court and the Arizona Judicial Council, before submission for consideration by the

Supreme Court.

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.

Although this workgroup was formed to specifically address the 1999 guidelines review, the Council chose to continue the workgroup as a standing committee so that public comment about the new guidelines can be entertained through the next four years. Information gleaned from this process will help form proposals for changes in 2003.

Financing Workgroup

This workgroup was formed upon the request of the Office of the Auditor General. Under consideration was the method by which the child support enforcement program should be financed in the future. The workgroup was charged with the responsibility of studying whether the program should continue as a cost recovery program or as a public service program funded through appropriations.

As part of the process, the group studied the structural funding issues of how the IV-D program is funded in Arizona and the income levels of parties in IV-D cases in Arizona. The group brought its recommendations to the Council in March, 2000 with final adoption 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 had carefully reviewed the material gathered by the Financing Workgroup and believe it is 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 has 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 is 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; in fact, a small surplus was reported and a shortfall in Fiscal Year 2001 is not expected either. However, in six Arizona counties, the county provides child support services in place of the IV-D

Child Support Enforcement Program. Some counties have experienced a shortfall and expect all counties are likely to follow that trend. Due to this recognition, the Council formed an ongoing Financing Workgroup to address broader issues related to not only the IV-D Child Support Enforcement Program but the counties also.

Non-Disclosure Indicator Workgroup

The focus of this workgroup was to examine ways to comply with new federal law requiring that states flag child support cases where domestic violence exists. Placing a flag on these cases serves to protect the address and demographic information of that individual.

The group first examined on what basis the Family Violence Indicator would be "turned on". Upon their recommendation, the Council originally adopted a policy turning on the indicator when one 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.

A third recommendation was adopted which altered the terminology used to refer to these cases from Family Violence Indicator to Non Disclosure Indicator. The intent of the change was to address potential concern that placement of the indicator on a

party might indicate guilt of violence.

The group continued meeting and proposed additional recommendations in 2000. The Council adopted an additional policy turning on the indicator when one of the following occurs:

- the period of time a "good cause" investigation is underway that has been applied for by an applicant for IV-D child support services;
- 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 Agency set 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. Eventually, the virtual flag will be lifted from all but those cases that meet the criteria adopted by the Council.

The group will continue collaborating with the Division of Child Support Enforcement to facilitate these changes to their automated child support system. Future gatherings will serve to streamline the process and identify methods of improvement as needed.

Relocation Issues Workgroup

This workgroup was formed in 2000 to address issues related to increased transportation costs for the noncustodial parent when the custodial parent and child(ren) move a great distance to a new physical location. Although the group did not meet in 2000, it will meet in January, 2001.

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 and to recommend improvements. Again this year, the workgroup developed proposals for legislative change. Please see the following section titled "Recommendations for Legislative Action" for additional details about legislation enacted in 2000 and proposed for 2001.

Recommendations for Legislative Action

The product of various subcommittee workgroups resulted in an omnibus legislative proposal being recommended for passage during the Second Regular Session of the Forty-fourth Legislature in 2000. Introduced as Senate Bill 1348 under sponsorship of Council co-chair Senator David Petersen, the proposals were adopted as Laws 2000, Chapter 312, which added A.R.S. § 25-320.01.

The primary element codifies earlier session law establishing the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee into permanent statute and continues these groups until the end of 2007.

Also, included in the legislation are provisions that:

- Further the centralized processing of child support and spousal maintenance payments by transferring authority to receive payment processing fees from the clerks of court to the support payment clearinghouse and prioritizing the order in which those fees are deducted from payments made to the clearinghouse.
- Allow the court to suspend interest on child support judgments issued under Title 25, if the requesting party is incarcerated or

incapacitated.

- Provide that judicial reviews of administrative decisions under A.R.S. § 25-522 shall be tied to the court and not to a jury.
- *Clarify that workman's compensation benefits are eligible for assignment for payment of child support and spousal maintenance.*

During 2000, a workgroup appointed to recommend improvements to existing child support statutes developed proposals for introduction to the Legislature in 2001. Based on these efforts, the Council has proposed amendments that clarify that only "future" interest may be suspended on child support judgments for incapacitated or incarcerated payors, 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.

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 presentations on relevant topics. Terry Martin, Office of the Attorney General, was invited to speak to the group on privacy issues in terms of child support enforcement. With the advent of the Internet, private citizens have increased access to monitor the functioning of courts and government. Concerns and issues with data on the Internet include identity theft, forgeries due to the ability to copy imaged signatures, ease of locating people and people profiling by marketers.

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 and endeavor to increase public awareness of child support issues. Implementation of the non disclosure indicator goes forward with cooperation among all system participants. 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

2000

Summary

In the year 2000, the Domestic Relations Reform Study Subcommittee (“Subcommittee”) revitalized and refocused. The Subcommittee did not meet during the second regular session of the forty-fourth Legislature (spring, 2000). No meetings were held until September 20, 2000, largely due to efforts on the part of various individuals to put an end to the Subcommittee. However, due to the statutory, rather than session law creation of the committee and two subcommittees in A.R.S. § 25-320.01 by the Legislature, the DR Subcommittee was given new life and new interest rekindled.

Under the leadership of Legislative Co-chair Representative Karen Johnson, membership vacancies were addressed, meetings were held and the workgroups continued to meet to establish future goals to develop specific recommendations for reform of the domestic relations system. The Subcommittee held four public meetings during the year,

three of the Subcommittee itself and one joint meeting with the Child Support Coordinating Council, as required by the new statute. Recommendations were advanced to the Legislature for enactment in 2001, and a renewed foundation was laid for accomplishment of long-term objectives designed to improve domestic relations laws and procedures in the best interests of families and children. Amendments are proposed which change the term "visitation" for "parenting time" in the family statutes and the Subcommittee is studying a form of presumption for joint legal custody.

Membership

Rep. Karen Johnson, co-chair, attempted to fill the non-legislative open member positions during the fall, 2000. Member appointments must be made jointly by the two co-chairs, with the joint approval of the speaker of the House of Representatives and the president of the Senate. Rep. Johnson has been reviewing the applications of many persons interested in serving on the Subcommittee.

At the end of 2000, there were nine vacancies in the Subcommittee membership. The open positions designated by statute are for a domestic relations mediator, a custodial parent, a parent and a non-custodial parent. These positions

opened due to the resignations during the year of Russell Schoeneman (mediator), Kathy Tolman (non-custodial parent), Diane Kerns (parent) and Corrine Harper (custodial parent). During the year, the four other positions created by the new statute became available: conciliation court representative, faith-based organization representative, domestic violence coalition representative and marriage and family therapist. All nonlegislative members of the Subcommittee are appointed by the co-chairs with the approval of Legislative Leadership. In addition, Senator Ann Day's position as co-chair is now open, as she did not renew her bid for a Senate position in the recent election.

Work, Findings and Recommendations of the Subcommittee

The DR Subcommittee is specifically charged in its enabling legislation (A.R.S. § 25-320.01) to recommend changes to reform the state's domestic relations statutes.

Four meetings of the Subcommittee were held during 2000: on September 20, September 27 (joint meeting with Council), October 11, and December 13. A fourth meeting scheduled in November was canceled when legislative members were called into a special session.

In the first part of the year, opportunities for the Subcommittee to meet were limited by the busy pace of the legislative session. The forty-fourth Legislative session (second session) did not adjourn until April 18, 2000. Meetings were further hindered by the uncertain status of the Subcommittee's existence until passage of new enabling legislation (new A.R.S. § 25-320.01) effective July 18, 2000. However, two of the three workgroups of the Subcommittee continued to meet all year (Substantive Law and Court Procedures) and were prepared to open topics of discussion and consideration in the September 20, 2000 meeting. In September, 2000 the Subcommittee decided to continue to meet in spite of Rep. Johnson's inability to make appointments to the non-legislative positions.

The DR Subcommittee has recommended, after study by the Substantive Law workgroup, replacing the term "visitation" with the term "parenting time" in all Arizona family statutes for consideration by the Legislature in 2001. The DR Subcommittee has also been studying a possible recommendation to adopt presumptions of joint custody, both legal and physical, with a presumption of equal parenting time periods for both parents. The DR Subcommittee agreed on

recommending the proposal to the Legislature regarding the change in terminology from “visitation” to “parenting time” to eliminate the feeling of many parents that they are a “visitor” instead of a parent.

At meetings on September 20, October 11 and December 13, members developed and discussed many additional topics for study and possible reform. The DR Subcommittee has voted to recommend passage of proposed A.R.C.P. Rule 53.1 regarding the use of special family law masters. The Court Procedures workgroup is undertaking a new study of the effectiveness of dedicated family law benches rather than the rotating bench approach and Judge Mark Armstrong has given a presentation for statewide study regarding the Integrated Family Court concept being developed in the Maricopa County Superior Court. The DR Subcommittee voted to have monthly meetings in order to progress in its work and has scheduled the meetings monthly during the 2001 Legislative session from 4-6 p.m. in order to facilitate the attendance of legislator members.

Future Actions

The Subcommittee will continue to pursue a 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 the new enabling legislation and promise of continued existence until 2007, existing members of the Subcommittee are eagerly awaiting the infusion of new members in January, 2001 and a new co-chair from the Senate. The DR Subcommittee is poised for creative action toward meaningful solutions. As always, the Subcommittee also stands prepared to serve as a clearinghouse for new ideas and proposals and to provide advice to the Legislature in order that system changes are developed in a coherent manner.

The first joint meeting with the Child Support Coordinating Council was held on September 27, 2000. Member attendance and public interest were impressive. The workgroup chairs of both subcommittees gave reports of the work and study projects of their respective workgroups. The combined membership also engaged in strategic planning and developed several topics for future study and focus.

*APPENDIX TO
CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE
2000 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 Laura Knaperek

Senator David Petersen

Honorable Linda Aguirre
Arizona State Senate

Jodi R. Beckley
Executive Assistant
Governor's Office

David K. Byers
Administrative Director of the
Courts

Bryan Chambers for Jerry DeRose
County Attorney Providing
Enforcement Services

John Clayton
Director
Department of Economic Security

Honorable Robert Duber II
Domestic Relations Judge (Rural)

Kim Gillespie for Noreen Sharp
Office of the Attorney General

Conrad Greene
Noncustodial Parent

Honorable Beth G. Hicks
Presiding Judge (Urban)

Penny Higginbottom
Custodial Parent

Honorable Michael Jeanes
Clerk of the Superior Court
in Maricopa County

David Norton
Noncustodial Parent

Honorable David R. Ostapuk
State Bar Family Law Section
Executive Committee

Honorable Rhonda L. Repp
IV-D Commissioner

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

Honorable Rebecca Rios
Arizona House of Representatives

Chuck Shipley
Business Representative

Russell Smoldon
Joint Custody Parent

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

Senate Position Vacant

Honorable Mark Anderson
Arizona House of
Representatives

Custodial Parent

Terrill J. Haugen
Noncustodial Parent

Honorable Mark Armstrong
Parent

Honorable Alma Jennings

Haught, by Kimerlee
Johnson,

Alice L. Bendheim
Domestic Relations
Attorney

Clerk of the Court

Beverley Boyd
Administrative Officer of
the Supreme Court

Vacant
Parent

Sanford Braver, Ph.D.
Domestic Relations
Educator

Honorable David Petersen
Arizona State Senate

Honorable Jack Brown
Arizona State Senate

Honorable John M. Quigley
Domestic Relations Judge

Honorable Kathi Foster
Arizona House of
Representatives

Vacant
Domestic Relations
Mediator

Vacant

Ellen Seaborne
Custodial Parent

Vacant

Noncustodial Parent

Deborah Woods-Schmitt

Parent with Joint Custody

Brian W. Yee, Ph.D.

Psychologist with Child
Custody

Evaluation Experience

Jeffrey C. Zimmerman

Parent with Joint Custody

Vacant

Representative of a
statewide domestic violence
coalition

Vacant

Representative of
Conciliation court

Vacant

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

Vacant

Marriage and family
therapist who is
knowledgeable in domestic
relations issues

Prepared by Committee Staff:

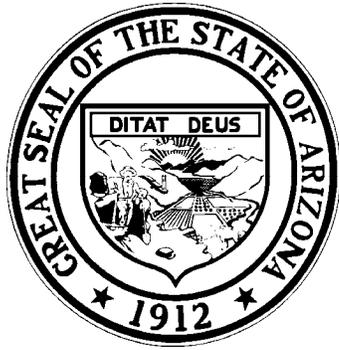
Family Law Unit, Court Services Division

Administrative Office of the Courts

Arizona Supreme Court

1501 West Washington, Suite 411

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**CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE**

State of Arizona

2001 Annual Report

Submitted by:

Senator Mary Hartley

Representative Peter Hershberger

Representative Karen Johnson

Senator David Petersen

Members:

Senator Mary Hartley

Co-chair, Domestic Relations Reform Study Subcommittee

Representative Peter Hershberger

Co-chair, Child Support Coordinating Council Subcommittee

Representative Karen Johnson

Co-chair, Domestic Relations Reform Study Subcommittee

Senator David Petersen

Co-chair, Child Support Coordinating Council Subcommittee

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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. § 25-320.01.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*

*Jay Mount
Parent*

*Ellen Seaborne
Domestic Relations
Attorney*

*Beverley Boyd
Administrative Office the
Supreme Court*

*Sanford Braver
Domestic Relations
Educator*

*Senator Toni Hellon
Arizona State Senate*

*Representative Kathi Foster
Arizona House of
Representatives*

*Vacant
Custodial Parent*

*Terrill J. Haugen
Noncustodial Parent*

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

*Gordon Gunnell
Parent*

*Senator David Petersen
Arizona State Senate*

*Karen S. Adam
Domestic Relations
Commissioner*

*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

Prepared by Committee Staff:

Family Law Unit, Court Services Division

Administrative Office of the Courts

Arizona Supreme Court

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Phoenix, Arizona 85007

Prepared by Council Support Staff:

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Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

ANNUAL REPORT 2002

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Members

Co-Chairs

Representative Peter Hershberger - House
Senator David Petersen - Senate

Honorable Linda Aguirre
Arizona State Senate

Robert Barrasso
State Bar of Arizona
Executive Committee - Family Law Section

Jodi Beckley

Executive Assistant, Governor's Office

David K. Byers
Administrative Director of the Courts
Arizona Supreme Court

Vacant
County Attorney's Office (Rural)

John Clayton
Director
Department of Economic Security

Honorable Kathi Foster
Arizona House of Representatives

Bruce Gentillon
Non-Custodial Parent

Kim Gillespie for Noreen Sharp
Office of the Attorney General

Honorable Bethany Hicks
Domestic Relations Judge (Urban)

Penny Higginbottom
Custodial Parent

Honorable Michael Jeanes
Clerk of the Superior Court

David Norton
Non-Custodial Parent

Honorable Rhonda L. Repp
IV-D Commissioner

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

Chuck Shipley
Business Representative

Russell Smoldon
Joint Custodial Parent

Honorable Monica Stauffer
Domestic Relations Judge (Rural)

Carmela Trapani
Custodial Parent

Bianca Varelas for Barbara LaWall
County Attorney Office (Urban)

***CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
ANNUAL REPORT
2002***

Membership

One position remained vacant and two resignations were received in 2002. The county attorney (rural) position was vacant due to the resignation of Bryan Chambers from the Gila County Attorney's Office.

Barbara LaWall, County Attorney (Urban) member, submitted her resignation from the Subcommittee due to the termination on June 30, 2002 of child support services provided through the Pima County Attorney's Office. Ms. LaWall's designee, Bianca Varelas, was thanked for her many years of dedicated service to the Council and related workgroups.

Judge Hicks, Domestic Relations Presiding Judge member, also resigned due to her rotation from the Domestic Relations bench to the civil bench in the Superior Court in Maricopa County. Judge Hicks was thanked for her service to the Council, including her service as chairperson of the Statute Cleanup Workgroup.

Meetings

The Council met on May 28, 2002 and discussed the following issues:

Barbara Guenther reported that the bills proposed through the Council, SB 1028 and SB 1029, were combined into one bill, SB1028. Senate Bill 1028 initially contained technical changes while SB 1029 contained a substantial change in that it authorizes automatic stoppage of a child support order when an obligee and obligor on the same case marry each other. The bill was signed by the Governor on May 28, 2002 with a general effective date of August 22, 2002.

Elizabeth Baskett, Senate Research Assistant, reported that Senate Bill 1088, proposed by Senator Mary Hartley, establishes the Child Support Committee and the Domestic Relations Committee, their members and duties until December 31, 2007. The bill also repeals the Child Support Enforcement and Domestic Relations Reform Committee, the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee. It eliminates the quarterly reporting and joint meeting requirement. The bill was signed by the Governor on June 4, 2002.

Marianne Hardy reported that House Bill 2095 increases the time period in which the clerk of superior court or the clearinghouse has to locate an obligee, changes the administrative review procedures and time frames, revises the distribution of support in cash assistance cases and assigned support in foster care cases. The bill was signed by the Governor on May 17, 2002.

Barbara Guenther, Arizona Senate staff, provided a presentation on how a bill becomes law in Arizona, how the Council fits into that process, how to access the Arizona legislature, how to do bill tracking on ALIS, the availability of watching proceedings on the Internet and TV, and how to individually register support for or opposition to a bill. Ms. Guenther also gave a presentation on Arizona's open meeting laws. She defined Council meetings as "open meetings" and explained the open meeting laws as they pertain to Subcommittee meetings.

Members voted to adopt a streamlined process of formalizing legislative proposals initiated from within the Council. All workgroups, Council members or members of the public will be required to utilize a proposal form that provides detail as to the individual proposing the idea, the statute cite, reason for the proposal and suggested language.

Members asked Barbara Guenther and Marianne Hardy to provide a training session regarding the Council, its purpose and role at the legislature's freshman orientation in December. They will provide information regarding upcoming meetings and direct anyone interested in working with the group to speak with current Committee members and/or attend a meeting.

The Cochise County Attorney's Office notified the Division of Child Support Enforcement (DCSE) that they would be terminating their child support program contract with the state, effective September 30, 2002. A Request for Proposal has been released to private vendors with an expected awarding by end of summer 2002. The Pima County Attorney's Office notified DCSE that they will also be terminating their child support program contract with the state, effective June 30, 2002. The state DCSE will take over the program on July 1, 2002 and Bianca Varelas (former Council member) has been hired to manage the state program. It was noted that the state is not saving any money by taking over the Pima County child support program; in fact, the transition will most likely cost the state. Pima County's withdrawal from providing child

support services leaves the Council's County Attorney from an urban county membership position vacant with no possibility of filling it. Both urban counties' programs, Pima and Maricopa, will now be state provided, thereby necessitating a legislative change to change the requirements for this Child Support Committee position.

Changes in federal distribution laws will have an impact on DCSE's funding. While the impact will be significant, DCSE's goal is to adopt a different business model to increase efficiency and reduce costs instead of asking for an increased appropriation.

The Relocation Issues workgroup has been in an information gathering mode to review national trends. When the group convenes, they will discuss parenting time via the Internet, providing incentive for parents to be more involved with a child who is relocated, financial issues associated with child support of a relocated child, and the best interest of the child in relocation situations. This group will fold some issues in with the Guidelines workgroup and the Domestic Relations Committee.

The Statute Cleanup workgroup has reviewed proposals for possible revision:

1. A.R.S. § 44-1692 - would eliminate confusion in terminology and clarify that the Department of Economic Security can look at the credit report of either parent.
2. A.R.S. § 25-502 - would eliminate confusion as to who should sign the order to transfer the case to another county when there is no objection and provide that, once transferred, the case stays in the new county for all purposes unless and until a new transfer order is issued.
3. A.R.S. § 25-520 - would require a date certain for the termination of child support.
4. A.R.S. §25-510 - would provide that in non-IV-D cases the court would have discretion to allocate monies in a manner other than provided in statute.

The Finance Workgroup did not meet in the second quarter, has officially met its charge and disbanded.

The Nondisclosure of Information workgroup discussed the federal requirement to protect child abuse victims who are involved in a child support case. The group will bring findings to the Council in September.

Although the Guidelines workgroup was disbanded, the guidelines review for 2004 is underway. After the federally mandated reports are completed in January the Guidelines workgroup will convene in March or April, 2003.

Final Report

This serves as the final report of the Child Support Coordinating Council Subcommittee. The new Child Support Committee that becomes effective on August 22, 2002, will determine the issues to be discussed in the new committee.

CHILD SUPPORT COMMITTEE 2003 ANNUAL REPORT

EXECUTIVE SUMMARY

As required by law (A.R.S. §25-323.01), the Child Support Committee, jointly chaired by Representative Peter Hershberger and Senator James Waring, 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.

The Child Support Committee (“Committee”) was created in 2002 to continue the work of its predecessor, the Child Support Coordinating Council Subcommittee. The Committee’s purpose (exploring concepts for improving the child support system) again proved to be successful and beneficial to Arizona’s residents as evidenced by the passage of legislative proposals designed to enhance the child support system. Several workgroups appointed by the Committee comprised of technical experts in the child support system deliberated over and made recommendations to the Committee for improvements to the child support guidelines and various child support laws. A new workgroup focused on development of a strategic plan for the future of child support in Arizona.

The Committee was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Committee’s efforts evidenced the wisdom and importance of forging collaborative solutions. Efforts of various Committee workgroups have produced additional recommendations intended for introduction to the Legislature and Arizona Supreme Court in 2004.

CHILD SUPPORT COMMITTEE 2003 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the original 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. Fifty-seven recommendations, of which 28 required legislative action, were developed. 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 consisted of the four co-chairs from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but was 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 were to be referred back to the subcommittees for resolution.

Each of the subcommittees was 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 were to be submitted by the subcommittees quarterly to the Child Support Enforcement and Domestic Relations Reform Committee. The overarching committee was 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 overarching 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 (AOC) to provide that staff support.

The legislation that 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. New legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This statute, effective as of July 18, 2000, created the committee and subcommittees by statute, rather than session law, and extended the life of the committee and the two subcommittees until July 1, 2007. The statute further specified that the Domestic Relations Reform Study Subcommittee was to meet jointly with the Child Support Coordinating Council Subcommittee at least twice each year.

Legislation passed in 2002 (Laws 2002, Chapter 332) eliminated the Child Support Enforcement and Domestic Relations Reform Committee, the Child Support Coordinating Council Subcommittee and Domestic Relations Reform Study Subcommittee. The new law created a new structure and two independent committees, the Child Support Committee (Committee) and the Domestic Relations Committee, with simplified purposes, appointments and reporting requirements and provided that the two committees will expire on

January 1, 2008. The Court Services Division, Court Programs Unit, AOC, is still responsible for staffing the Committee created by this new legislation. The new statute, A.R.S. §25-323.01, effective August 22, 2002, requires the Committee to prepare an annual report on the work, findings and recommendations regarding child support guidelines, enforcement and related issues to the President of the Senate, Speaker of the House of Representatives, Governor and the Chief Justice of the Arizona Supreme Court each year.

This report reflects the Committee's work, findings and recommendations for the year 2003.

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.

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 re-appointed.

The new law enacted in 2002 that created the Committee did not alter its membership, but eliminated the two-year term limit. Members now serve at the pleasure of the appointing official. Appointments are made by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.

CHILD SUPPORT COMMITTEE

2003

Summary

In 2003, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. The work of the Committee's predecessor, the Child Support Coordinating Council Subcommittee (Council), was carried over to the new Committee. Several workgroups that study and suggest recommendations to revise child support laws and rules continued their work throughout 2003.

Monthly deliberations by the Guidelines workgroup, an ad hoc group assembled to assist the Arizona Supreme Court in its review of the child support guidelines as directed by A.R.S. § 25-323.01, led to a series of recommendations that are designed to improve the guidelines and to ensure their consistency with current economic conditions.

Recommendations for legislation improving the child support system were developed through the activities of the long-standing Statute Cleanup workgroup for introduction in 2003. Proposals include amendments that eliminate duplicative statutes, authorize the Department of Economic Security, Division of Child Support Enforcement to obtain credit reports for both fathers and mothers, clarify that the Clerk of Court is the entity responsible for issuing transfer orders when a child support case is transferred to another county and that the transferring county should transfer the entire case file to the receiving county for all purposes including venue.

A newly created ad hoc workgroup, the Strategic Planning Workgroup, began meeting to address the future of child support in Arizona. Several major initiatives have been accomplished over the years since the Committee's formation and members wisely chose to again take a look at the child support system and develop strategies for the next 10-year period.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

Two thousand and three saw the appointment of several new members to the Committee, including new Senate-appointed co-chair, Senator Jim Waring, who replaced former co-chair, Senator David Petersen who left the Senate to become State Treasurer. Senator Waring represents District 7.

Representative Manuel Alvarez was appointed by Senate President Ken Bennett to replace former member Representative Kathi Foster who termed out of the Legislature. Representative Alvarez represents District 25 and serves as a member of the House Human Services Committee.

In September, State Senator Bill Brotherton was introduced as Senator Linda Aguirre's replacement. Senator Brotherton represents District 14 and serves on the Senate Family Services Committee.

Also in September, new IV-D Director, Leona Hodges, replaced outgoing Director Benidia Rice who moved to Washington D.C. to serve as IV-D Director of the District of Columbia. Ms. Hodges stepped into the role with ease as she previously served as interim IV-D Director prior to Ms. Rice's tenure with the IV-D agency.

Work, Findings and Recommendations

The Committee met four times in 2003. Because of the extraordinary length of the Forty-Sixth Legislature, First Regular Session and the fall Special session, several Committee meetings were canceled. In spite of meeting less frequently, the Committee made significant progress on important policy issues.

Comment from the public was encouraged to assist the Committee's efforts to continually improve Arizona's child support system. Existing workgroups continued to meet as well as new workgroups to develop recommendations intended to benefit the citizens of Arizona.

TASKS AND OBJECTIVES

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

Guidelines Workgroup

Section 25-230 of the Arizona Revised Statutes directs the Arizona 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.

Consistent with state and federal law, Arizona's guidelines were again studied in 2000. On September 28, 2000, the Supreme Court unanimously adopted the proposed changes to the guidelines proposed by the workgroup with an effective date of January 1, 2001. In response to requests from child support entities, attorneys and judges to revise a particularly complex section of the guidelines, the workgroup recommended one further revision, which the Supreme Court adopted with a May 1, 2001 effective date.

As required by federal and state law, in mid-2002, the Administrative Office of the Courts ordered two studies with which to begin the 2004 review: 1) an economic analysis to ensure that the child support schedule reflects current economic conditions, and 2) a case file review to determine if the guidelines are resulting in appropriate child support amounts. Based on these reports, a set of three recommendations was developed by the Administrative Office of the Courts including updating the Schedule of Basic Support, increasing the self support reserve amount and updating the federal child care tax table.

The Administrative Office of the Courts invited the Committee's Guidelines Workgroup to assist in the review and make additional recommendations for changes if needed. The new workgroup, under the able leadership of Honorable Mark Armstrong, Family Court Presiding Judge in the Superior Court in Maricopa County, held its first meeting in late 2002 and subsequently met 11 times throughout 2003. The group developed a set of additional recommendations that are intended to provide clarification and simplification to the guidelines. In light of the high number of self-represented litigants who utilize the guidelines to establish and modify child support orders, some sections of the guidelines were re-written in an attempt to enable those users to better understand them. Other proposed changes would: 1) codify recent case law concerning the use of overtime income for the determination of child support amounts, 2) add a presumptive date of termination of child support orders, 3) add direction to the courts when setting child support arrearage amounts, and 4) provide clarity for parents who receive an adjustment for the amount of parenting time (formerly "visitation") spent with a child.

On December 16, 2003, the Child Support Committee approved the workgroup's recommendations. The Committee on Superior Court and Arizona Judicial Council will consider the proposal and forward their recommendations to the Arizona Supreme Court for final approval and adoption. Any changes are expected to take effect on January 2, 2005.

The Committee also adopted a proposal to create an interim workgroup proposed by Dr. Ira Ellman, Arizona State University that would be tasked with studying economic child-rearing cost estimating methods and guidelines models.

Strategic Planning Workgroup

Significant progress has been realized through the efforts of the former Child Support Coordinating Council Subcommittee and the reconstituted Child Support Committee. Looking at past achievements and recognizing the importance of planning for the future of child support in Arizona, an ad hoc workgroup was formed to develop a strategic plan which would ultimately be presented to the Committee for approval.

The group met three times in late 2003 to explore innovative ideas intended to improve the child support system in both IV-D and non-IV-D cases. Both short-term, meaning 5-year, and long-term, 10-year proposals were developed. The group plans to continue meeting during the first few months of 2004 and ultimately present its recommendations to the Committee in early summer 2004.

Post-Secondary Support Workgroup

An ad hoc group, the Post-Secondary workgroup, led by Honorable Monica Stauffer, Presiding Superior Court Judge in Greenlee County, was formed in 2003 to address a specific request received through the Committee's "Call to the Public". A concern regarding the provision of support beyond the age of emancipation was raised by a constituent. Under Arizona law, child support is paid through age 18, or age 19 if the child is still in high school beyond his or her 18th birthday. The constituent asked the Committee to examine whether support should be extended throughout the child's college years. In some cases, the parent who has physical custody of a child ends up paying a child's college expenses without assistance from the other parent, thereby causing financial hardship on the parent paying the expense.

Members of the newly formed workgroup examined other states' laws that govern this issue, in addition to the constitutionality of ordering support of a person who is legally considered an adult. The workgroup failed to reach consensus on this controversial issue in terms of a legislative proposal, but agreed on a proposal to add language to court forms that would alert parties to the potential of agreeing on support beyond the age of majority. The Committee approved the proposal and subsequently asked the

Administrative Office of the Courts to ensure that this important revision be incorporated into its forms.

Statute Cleanup Workgroup

The Statute Cleanup workgroup has functioned since 1997 to examine particular statutes related to child support enforcement to identify inconsistencies, lack of clarity, or unnecessary duplication and to recommend improvements. The group began meeting in May and met monthly throughout the summer and fall to develop legislative proposals for the 2004 session. Several proposals were considered and routed to other committees or determined to be unnecessary. Two proposals were presented to the Committee in December where they were approved for introduction in the Forty-Sixth Legislature – Second Regular Session. Please see the following section below titled “Recommendations for Legislative Action” for additional details about legislation proposed for 2004.

Recommendations for Legislative Action

The product of the Statute Cleanup Workgroup resulted in two legislative proposals being recommended for passage during the Second Regular Session of the Forty-Sixth Legislature in 2004. Committee co-chairs Representative Peter Hershberger and Senator Jim Waring will sponsor the proposals.

Included in the 2004 legislative proposal are provisions that:

- Amend Arizona’s Uniform Interstate Family Support Act (UIFSA) laws by updating them with recommendations from the National Conference of Commissioners on Uniform State Laws. The revisions add clarification to and enhance the current law. UIFSA laws govern child support cases across state lines.
- Create a remedy for reimbursement when a parent pays an amount in excess of the court-ordered amount at the end of a child support obligation. This situation occurs when a wage assignment for child support continues after the child reaches the age of majority,

but a parent fails to ask the court to stop the wage assignment. The proposal would provide a remedy for that parent to seek a judgment for the overpayment within a prescribed time period.

Other Issues before the Committee

Educational programs were presented to the Committee in an effort to apprise members of various child support enforcement-related efforts around the state and country. Importantly, because several new members joined the Committee during 2003, an overview of Arizona's child support system, both IV-D and non-IV-D, was provided by the director of the state child support agency and a clerk of Superior Court. Valarie Merritt, Manager of the Support Payment Clearinghouse, the child support payment processing center, provided an overview of the procedures used to process child support payments.

Bill Coffin, Department of Health & Human Services and Director of President Bush's "Healthy Marriages Initiative" appeared before the Committee to provide an overview of that project. Importantly, the initiative contains an objective of establishing a connection between child support programs and community programs that are involved in the "Healthy Marriages Initiative". Eventually, the project will be used to determine if the need for child support would be reduced if fewer marriages were terminated.

Representative Peter Hershberger, co-chair of the Committee, was honored with a prestigious award as "Legislator of the Year" from the federal Office of Child Support Enforcement. He accepted the award from federal Child Support Commissioner Sherri Heller in Washington D.C.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. New and existing 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 Committee 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.

***APPENDIX TO
CHILD SUPPORT COMMITTEE
2003 ANNUAL REPORT***

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

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 or the Director's designee.
- 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 has knowledge of or experience in child support enforcement and related issues and who is appointed by the Attorney General.
- The Director of the Administrative Office of the Supreme Court.
- Two presiding judges from the Domestic Relations Division of the Superior Court who are appointed by the Chief Justice of the Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the 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 shall be from an urban county and one county attorney shall be 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. The President of the Senate shall appoint these members.
- 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. The Speaker of the House of Representatives shall appoint these members.
- 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. The President of the Senate shall appoint the members and designate one of the members as co-chairperson.
- Two members of the House of Representatives from different political parties. The Speaker of the House of Representatives shall appoint the members and designate one of the members as co-chairperson.

CHILD SUPPORT COMMITTEE
LIST OF MEMBERS

Co-Chair: Representative Peter Hershberger
Co-Chair: Senator James Waring

Honorable Manuel Alvarez
State Representative

Michelle Krstyen
County Attorney (Rural)

Honorable Mark Armstrong
Domestic Relations Judge (Urban)

Ezra Loring
Governor's Office

Robert L. Barrasso
State Bar - Family Law Section

Suzanne Miles
Custodial Parent

Honorable Bill Brotherton
State Senator

David Norton
Noncustodial Parent

David K. Byers
Administrative Office of the Courts

Honorable Rhonda L. Repp
IV-D Commissioner

Charles DiGeronimo
Noncustodial Parent

Chuck Shipley
Business Representative

Kim Gillespie
Office of the Attorney General

Russell Smoldon
Joint Custodial Parent

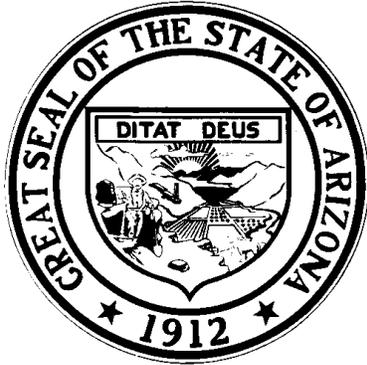
Leona Hodges
Director, IV-D Agency

Honorable Monica Stauffer
Domestic Relations Judge (Rural)

Kym L. Hull
Custodial Parent

Bianca Varelas-Miller
(for John Clayton)
Director, Dept. of Economic Security

Honorable Michael Jeanes
Clerk of the Superior Court (Urban)



CHILD SUPPORT COMMITTEE

State of Arizona

2004 Annual Report

Submitted by:
Representative Peter Hershberger
Senator Jim Waring

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CHILD SUPPORT COMMITTEE 2004 ANNUAL REPORT

EXECUTIVE SUMMARY

As required by law (A.R.S. §25-323.01), the Child Support Committee, jointly chaired by Representative Peter Hershberger and Senator Jim Waring, 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.

The Child Support Committee (“Committee”) was created in 2002 to continue the work of its predecessor, the Child Support Coordinating Council Subcommittee. The Committee’s purpose to explore concepts for improving the child support system again proved to be successful and beneficial to Arizona’s residents as evidenced by the passage of legislative proposals designed to enhance the child support system. A strategic plan developed by the Committee in 2003 created three new ad hoc workgroups who began studying and developing recommendations to the Committee for improvements to system processes and various child support laws. The long-standing Statute Review Workgroup continued their exemplary work to enhance the child support system in Arizona.

The Committee was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Committee’s efforts evidenced the wisdom and importance of forging collaborative solutions. Efforts of various Committee workgroups have produced additional recommendations intended for introduction to the Legislature and Arizona Supreme Court in 2005.

CHILD SUPPORT COMMITTEE 2004 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the original 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. Fifty-seven recommendations, of which 28 required legislative action, were developed. 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 consisted of the four co-chairs from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but was 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 were to be referred back to the subcommittees for resolution.

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This report reflects the Committee's work, findings and recommendations for the year 2004.

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.

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 re-appointed.

The new law enacted in 2002 that created the Committee did not alter its membership, but eliminated the two-year term limit. Members now serve at the pleasure of the appointing official. Appointments are made by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.

CHILD SUPPORT COMMITTEE

2004

Summary

In 2004, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. Several workgroups that study and suggest recommendations to revise child support laws and rules continued their work throughout 2004. An in-depth strategic planning exercise was undertaken in the preceding year that resulted in the formation of several new workgroups who were assigned specific tasks to study and develop recommendations for improvements to the child support system. The Strategic Planning Workgroup finalized its recommendations in April, 2004, and the Committee approved them thereafter. As a result, three new ad hoc workgroups were formed, including: (1) Child Support Solutions, (2) Funding & Automation and (3) Public Outreach/Customer Service.

Standing workgroup, Statute Review, met throughout the year to develop legislative proposals for the Forty-Seventh Legislature, First Regular Session. Proposals include amendments that narrow the scope of the child support disability statute, request an appropriation to develop a child support arrears calculator, and bring paternity laws into conformance with other sections in Title 25 and with current practice.

Although the Guidelines Workgroup was disbanded upon conclusion of its work in 2003, an interim Economic Study Workgroup began developing its membership and scope of work. The new workgroup will begin meeting in 2005.

Several presentations were made to the Committee throughout the year to inform them of current issues in the child support system. The Division of Child Support Enforcement provided an overview of its new website, eDCSE, which provides customers with child support information and access to case and payment history information for those who request such access. The addition provided a tremendous public service to customers in the IV-D child support program.

Equally significant was a review of the Maricopa Family Court system that was conducted by an independent consulting firm. The review resulted in streamlined case management and case flow, thereby decreasing the time families spend in the court system. The improvements are anticipated to assist the public by giving them more control over their cases and increasing their access to the courts.

Judge Mark Armstrong, Chair of the Arizona Supreme Court's Committee on the Rules of Procedure in Domestic Relations Cases, provided members with an overview of the proposed rules. Many provisions within the rules proposal will affect child support cases. Currently, domestic relations cases operate under the Rules of Civil Procedure but do not always apply to domestic relations cases.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

Only one resignation from the Committee occurred in 2004. Judge Mark Armstrong, Family Court Presiding Judge in Maricopa County, ended his term on that bench and was appointed Presiding Tax Court Judge. Judge Armstrong served actively on the Committee for several years and chaired many workgroups such as the Child Support Guidelines Workgroup and the Statute Review Workgroup.

Senator Jim Waring and Representative Peter Hershberger again led the Committee as co-chairs. Their cooperative spirit and support of the Committee was instrumental in the passage of several key legislative proposals.

Work, Findings and Recommendations

The Committee met four times in 2004. In past years, meetings were held on a more frequent basis, but the focus turned to an aggressive schedule for the workgroups in 2004. Their work product and progress was reviewed at each of the four regular Committee meetings. Significant progress was

realized on important policy issues with the intent of improving the child support system for the citizens of Arizona.

Comment from the public was encouraged to assist the Committee's efforts to continually improve Arizona's child support system.

TASKS AND OBJECTIVES

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

Guidelines Workgroup

The Guidelines Workgroup, chaired by Judge Mark Armstrong, did not meet in 2004, but its recommendations for improvements to Arizona's Child Support Guidelines as directed by A.R.S. § 25-323.01 were approved and adopted by the Arizona Supreme Court in 2004. The new guidelines will go into effect on January 1, 2005.

An interim workgroup will begin studying the underlying economic estimates of the child support guidelines in 2005. Committee co-chairs appointed Judge Monica Stauffer and Kim Gillespie to co-chair the workgroup.

Strategic Planning Workgroup

In 2003, the Strategic Planning Workgroup, led by Chairman Chuck Shipley, developed a comprehensive strategic plan that was presented to and adopted by the Committee in 2004. The workgroup, having completed its task, was disbanded and three new workgroups, Child Support Solutions, Funding & Automation, and Public Outreach/Customer Service, were formed to carry out the initiatives adopted by the Committee. The initiatives focus on improving the child support system for families involved in the child support system, regardless of whether they are designated as a IV-D or a non-IV-D case.

Child Support Solutions Workgroup

Co-chaired by Michael Jeanes and Leona Hodges, the new workgroup examined and analyzed current processes in the child support system from the beginning to the end of a case in an effort to identify gaps and deficiencies in the system. Child support cases progress through several entities during their life and this group's mission is to make recommendations to the Committee for making the transition between those entities as seamless as possible in order to provide families with excellent customer service.

Funding & Automation Workgroup

Kim Gillespie was appointed by Committee co-chairs to chair this new workgroup. The group was tasked with making recommendations to the Committee in two areas: (1) opportunities to increase funding for the Division of Child Support Enforcement, and (2) the possibility of moving part of the statewide child support automation system from a mainframe to a web-based system. Before the workgroup held its first meeting, the Division of Child Support Enforcement introduced a new website designed to enhance customer service. The new service allows child support customers access to their case and payment history information in addition to applicable forms, pamphlets, FAQs and other useful information.

In light of this significant advancement, the workgroup turned its attention to studying development of a web-based arrears calculator. In Arizona, arrears calculations are performed by hand and are subject to error, highlighting the need for a consistent tool to be made available statewide. The workgroup researched various methods that could be used to build and fund the calculator. A legislative proposal to be introduced in the 2005 legislative session will be sponsored by Representative Hershberger requesting an appropriation to fund the project.

The group will forge ahead in 2005 with this important project that is designed to make the process more cost and time efficient for parents, the courts, lawyers and the state child support agency.

Public Outreach/Customer Service Workgroup

Chuck Shipley was appointed by Committee co-chairs to chair the Public Outreach/Customer Service Workgroup. The group was tasked with making recommendations for methods to inform the public about the state child support program and other assistance provided by the courts and other public and private agencies and to help families who are already involved in the system to navigate the system more easily.

The group met several times to assemble an informational brochure containing statewide child support information and to look for avenues to publicize that information.

Meetings will continue throughout the first half of 2005 at which time recommendations will be presented to the Committee.

Statute Review Workgroup

The Statute Review Workgroup has functioned since 1997 to examine particular statutes related to child support enforcement to identify inconsistencies, lack of clarity, or unnecessary duplication and to recommend improvements.

Chaired by Kim Gillespie, the group took a break during the 2004 legislative session and began meeting in the summer to develop proposals for the 2005 session. The Committee approved and adopted two proposals that were forwarded to the Legislature for the 2005 session.

Please see the following section below titled “Recommendations for Legislative Action” for additional details about legislation proposed for 2005.

Recommendations for Legislative Action

The product of the Statute Review Workgroup and Funding & Automation Workgroup resulted in three legislative proposals being recommended for passage during the First Regular Session of the Forty-Seventh Legislature in 2005. Representative Peter Hershberger will sponsor the proposals.

Included in the 2005 legislative proposal are provisions that:

- Narrow the scope of an existing law that allows child support to continue past the age of majority in cases where a child is

disabled. The proposal would permit the court to order child support past the age of majority for a disabled child only when the child is unable to live independently and be self supporting. The proposal further clarifies that the disability must have occurred prior to the date of the petition or final decree.

- Update terminology in paternity statutes, eliminate the option for an oral answer to a paternity or maternity petition, allow the court to order temporary child support pending judicial determination of paternity if the respondent admits or does not deny paternity in a written response to the court, allow the court to enter a judgment of paternity or maternity if the respondent does not file a response and allow the court to order either parent to pay the actual costs of pregnancy, birth, genetic testing and related costs.

- Request an appropriation for a child support arrears calculator.

Other Issues before the Committee

Educational programs were presented to the Committee in an effort to apprise members of various child support enforcement-related efforts around the state and country. One such presentation provided an overview of the Arizona Supreme Court's endeavor to develop Rules of Procedure for Domestic Relations Cases. The Rules of Civil Procedure are used in domestic relations cases, including child support, but are not typically a good fit for these types of cases. The Committee provided relevant input to the Supreme Court's committee in relation to the child support sections of the proposed rules.

An informative presentation was made by the Division of Child Support Enforcement to display their new customer service website that allows child support customers to access information about their case, including payment information. The Committee universally applauded the project's success.

The Honorable Norman Davis provided information about a major initiative undertaken by the Superior Court in Maricopa County that is intended to make improvements to the Family Court. An independent consultant analyzed and recommended changes to the system in an attempt to streamline the process and make it less detrimental to families who are already in crisis. The changes focus on early intervention to promote settlement of all or most issues early in the case, thereby reducing the length of time spent in the system and acrimony.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. New and existing 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 Committee 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.

***APPENDIX TO
CHILD SUPPORT COMMITTEE
2004 ANNUAL REPORT***

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

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 or the Director's designee.
- 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 has knowledge of or experience in child support enforcement and related issues and who is appointed by the Attorney General.
- The Director of the Administrative Office of the Supreme Court.
- Two presiding judges from the Domestic Relations Division of the Superior Court who are appointed by the Chief Justice of the Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the 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 shall be from an urban county and one county attorney shall be 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. The President of the Senate shall appoint these members.

- 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. The Speaker of the House of Representatives shall appoint these members.
- 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. The President of the Senate shall appoint the members and designate one of the members as co-chairperson.
- Two members of the House of Representatives from different political parties. The Speaker of the House of Representatives shall appoint the members and designate one of the members as co-chairperson.

CHILD SUPPORT COMMITTEE
LIST OF MEMBERS

Co-Chair: Representative Peter Hershberger
Co-Chair: Senator James Waring

Honorable Manuel Alvarez
State Representative

Michelle Krstyen
County Attorney (Rural)

Honorable Norman Davis
Domestic Relations Judge (Urban)

Ezra Loring
Governor's Office

Robert L. Barrasso
State Bar - Family Law Section

Suzanne Miles
Custodial Parent

Honorable Bill Brotherton
State Senator

David Norton
Noncustodial Parent

David K. Byers
Administrative Office of the Courts

Honorable Rhonda L. Repp
IV-D Commissioner

Charles DiGeronimo
Noncustodial Parent

Chuck Shipley
Business Representative

Kim Gillespie
Office of the Attorney General

Russell Smoldon
Joint Custodial Parent

Leona Hodges
Director, IV-D Agency

Honorable Monica Stauffer
Domestic Relations Judge (Rural)

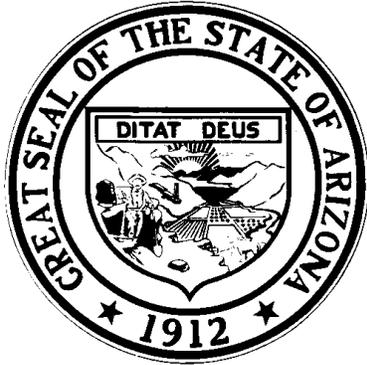
Kym L. Hull
Custodial Parent

Bianca Varelas-Miller
(for John Clayton)
Director, Dept. of Economic Security

Honorable Michael Jeanes
Clerk of the Superior Court (Urban)

Prepared by Committee Staff:

Court Services Division - Court Programs Unit
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 410
Phoenix, Arizona 85007



CHILD SUPPORT COMMITTEE

State of Arizona

2005 Annual Report

Submitted by:
Representative Peter Hershberger
Senator Jim Waring

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CHILD SUPPORT COMMITTEE 2005 ANNUAL REPORT

EXECUTIVE SUMMARY

As required by law (A.R.S. § 25-323.01), the Child Support Committee, jointly chaired by Representative Peter Hershberger and Senator Jim Waring, 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.

The Child Support Committee (“Committee”) was created in 2002 to continue the work of its predecessor, the Child Support Coordinating Council Subcommittee. The Committee’s purpose to explore concepts for improving the child support system again proved to be successful and beneficial to Arizona’s residents as evidenced by the passage of legislative proposals designed to enhance the child support system. A collaborative effort between the Committee, the Arizona Division of Child Support Enforcement and the courts to create an online child support arrearage calculator will provide fast, accurate information to parents, child support workers, courts and clerks of court. The Economic Study Workgroup delved into a complex study of the costs of raising children in two households – a daunting task that has not previously been successfully undertaken anywhere in the country. An information brochure designed to assist parents involved in Arizona’s child support system was created and published by the Public Outreach/Customer Service Workgroup. The long-standing Statute Review Workgroup continued their exemplary work to streamline and improve the child support system in Arizona.

The Committee was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Committee’s efforts evidenced the wisdom and importance of forging collaborative solutions. Efforts of various Committee workgroups have produced additional recommendations intended for introduction to the Legislature in 2005.

CHILD SUPPORT COMMITTEE 2005 ANNUAL REPORT

INTRODUCTION

Historical Background

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This report reflects the Committee's work, findings and recommendations for the year 2005.

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.

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The new law enacted in 2002 that created the Committee did not alter its membership, but eliminated the two-year term limit. Members now serve at the pleasure of the appointing official. Appointments are made by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.

CHILD SUPPORT COMMITTEE

2005

Summary

In 2005, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. Several workgroups that study and suggest recommendations to revise child support laws and rules continued their work throughout the year. Strategic planning measures that were formulated in 2004 were executed in 2005 through the efforts of Committee workgroups, including: Child Support Solutions, Automation and Public Outreach/Customer Service.

The Automation Workgroup was privileged to begin the process of creating an automated, online arrearage calculator that will result in both short and long-term time and cost savings for all involved in the child support system. With the assistance of a grant from the Federal Office of Child Support Enforcement, the project is expected to be completed by mid-2006.

Standing workgroup, Statute Review, did not offer legislative proposals for the Second Regular Session of the Forty-Seventh Legislature; however, the group assisted with the formation of a proposal in conjunction with the Automation workgroup. The proposal is intended to clarify issues relating to child support arrearages in order to simplify the arrearage calculation process and thus, the arrearage calculator.

A new workgroup, Economic Study, began meeting in 2005 to begin studying the underlying economic analysis of the child support guidelines. This important undertaking is designed to better understand the relationship between the child's financial well-being and overall well-being.

As in past years, several presentations were made to the Committee throughout the year to inform them of current issues in the child support system and stimulate new ideas for system improvements.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

Only one resignation from the Committee occurred in 2005. Long-standing member, David Norton, who served many years as a noncustodial parent representative, tendered his resignation. Mr. Norton served actively on the Committee for several years and participated in many workgroups.

One new appointment was made by Chief Justice Ruth McGregor. The Honorable Kim Corsaro was appointed to serve as the IV-D Commissioner representative. Judge Corsaro who comes from the Superior Court in Santa Cruz County replaced the Honorable Rhonda Repp who served on the Committee for many years. Commissioner Repp provided invaluable service to the Committee during her tenure and also served on many workgroups.

Senator Jim Waring and Representative Peter Hershberger again led the Committee as co-chairs. Their cooperative spirit and support of the Committee was instrumental in the passage of several key legislative proposals.

Work, Findings and Recommendations

The Committee met five times in 2005. Workgroups met between Committee meetings to work on the tasks and objectives of the Committee. Their work product and progress was reviewed at each of the regular Committee meetings. Significant progress was realized on important policy issues with the intent of improving the child support system for the citizens of Arizona.

Comment from the public was encouraged to assist the Committee's efforts to continually improve Arizona's child support system.

TASKS AND OBJECTIVES

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

Economic Study Workgroup

This new group began meeting in 2005 based on a recommendation of the Guidelines Workgroup to develop a work group to study the economic basis of the guidelines. The group, led by Judge Monica Stauffer and Kim Gillespie, met three times in 2005. Membership consisted of judicial officers, private family law attorneys and law and economic professors. Dr. Burt Barnow, Johns Hopkins University, serves as an economic consultant.

The group studied the factors used to construct child support guidelines tables and whether they adequately estimate the costs of raising children in non-intact households. The group developed a survey with the assistance of academicians at the University of California Berkley. The survey is intended to understand the public's perception of the relationship between a child's financial well-being to their overall well-being. The group will continue meeting through June 2006 when its recommendations will be submitted to the Committee.

Child Support Solutions Workgroup

This group, co-chaired by Michael Jeanes and Leona Hodges, was created as a result of strategic planning that occurred in 2004. They continued to examine and analyze current workflow and logistical processes in the child support system. Based on their studies, the group identified gaps and workflow blockages between the various entities and subsequently experimented with measures intended to streamline the process. Immediate success was realized as a result of the group's efforts. Court orders are now being transmitted more quickly from the court to the clerk and eventually to the Division of Child Support Enforcement, Support Payment Clearinghouse and Attorney General staff.

The group discussed and studied the need for electronic transmission of court documents, an effort that would greatly enhance the system with speed, accuracy and efficiency. The Clerk of Superior Court in Maricopa

County office has begun developing this system with the cooperation of the county recorder's office.

This group's important mission will continue into 2006 with a focus on recommending methods to increase current child support collections in Arizona.

Automation Workgroup

This group, led by Kim Gillespie got its start as a result of the 2004 strategic planning effort. In 2004, the group focused on the idea of developing an automated, online arrearage calculator that could be used by parties involved in a case, lawyers, the state child support agency, clerks and judicial officers. Arrearage calculations are a time-consuming manual process that collectively costs all parties and entities involved in child support a great deal of time and money. The calculator would be efficient, accurate, consistent, and ultimately result in cost-savings.

In 2005, Representative Hershberger proposed legislation that would help fund the calculator but the proposal failed. Understanding the importance and value of the calculator, the Division of Child Support Enforcement in collaboration with the Office of the Attorney General, Arizona Supreme Court and the Governor's Office, submitted a grant application to the Federal Office of Child Support Enforcement to help fund the calculator. Notice was received in September that Arizona was a recipient of a grant award to assist with the development of the calculator.

A sub-group, the Joint Application and Design group, was appointed to develop clear business rules for the calculator. This group after meeting weekly for a few months handed the Project and Objective Design to the programmers in the Division of Child Support Enforcement. The project is expected to be completed in summer 2006 with a "Go Live" date of July 31, 2006.

The group will continue to monitor the calculator's progress through its completion in 2006.

Public Outreach/Customer Service Workgroup

Chuck Shipley continued as chair of the Public Outreach/Customer Service Workgroup. The group was tasked with making recommendations for methods to inform the public about the state child support program and other assistance provided by the courts and public and private agencies as well as to help families who are already involved in the system to navigate the system more easily.

The group focused on creating a brochure that could easily be understood by parents in both the IV-D and non-IV-D systems. The workgroup finalized its draft brochure and submitted it to the Committee where it was adopted unanimously. The brochure will be made available to the courts, clerks of court, child support agencies, county attorneys offices and community and non-profit organizations.

Having finished their main task, the group will await further instruction from the Committee before embarking on a productive year in 2006.

Statute Review Workgroup

The Statute Review Workgroup has functioned for several years to examine particular statutes related to child support enforcement in order to identify inconsistencies, lack of clarity or unnecessary duplication and to recommend improvements.

Chaired by Kim Gillespie, the group took a break during the 2005 legislative session and began meeting in the summer to develop proposals for the 2006 session. The group addressed proposals from the Committee and from members of the public on approval of Committee co-chairs. After considerable study and discussion, the workgroup chose against proposing legislative proposals in those areas because doing so could potentially aggravate the problem. Late in 2005, the Committee asked the group to help develop and review legislative proposals that would ease the application and functionality of the arrearage calculator.

Please see the following section below titled “Recommendations for Legislative Action” for additional details about legislation proposed for 2006.

Recommendations for Legislative Action

The product of the Statute Review Workgroup and Funding & Automation Workgroup resulted in one legislative proposal being recommended for passage during the Second Regular Session of the Forty-Seventh Legislature in 2005. One of the Committee co-chairs will sponsor the legislation.

Included in the 2006 legislative proposal are provisions that:

- Clarify the date that a child support obligation begins in cases where the start date is not specified. The proposal specifies that the support obligation begins to accrue on the first day of the month following entry of the child support order.
- Specify in A.R.S. Title 25 that the interest rate on child support arrearages not reduced to final judgment and on final written money judgments for child support is ten percent.
- Clarify that support payments that have not been made through the Support Payment Clearinghouse or any equitable credits of principal or interest that are permitted by law and allowed by the court after hearing will be applied to support arrearages. In cases where the adjustment dates are unknown, the court would apply the credit on the date of the entry of the order that allows the payment or credit. The proposal also clarifies that adjustments cannot be made in IV-D cases, except with written approval, when the State was not represented or did not have notice of the proceeding.
- Authorize the automated transfer of data from the Support Payment Clearinghouse and Child Support Registry for purposes of the arrearage calculator. The proposal further specifies that the arrearage figure produced by the arrearage calculator is the presumptively correct amount of the arrearage.

Other Issues before the Committee

Educational programs were presented to the Committee in an effort to apprise members of various child support enforcement-related efforts around the state and country. One such presentation provided information about the

Arizona Supreme Court's adoption of Arizona's Rules of Procedure for Family Law Cases, a first for this state.

Leona Hodges provided an informative presentation about the Division of Child Support Enforcement's performance areas of paternity establishment, child support establishment, current support collections, arrearage collections and cost effectiveness. System improvements have resulted in significant increases in the establishment areas and cost effectiveness. Unique barriers to current and arrearage support collections in Arizona are being studied in order to design and implement processes to overcome those barriers and get support to the children for whom it has been ordered. The Child Support Solutions workgroup will be instrumental in achieving these goals in 2006.

The Honorable Norman Davis provided information about improvements in the Family Court in Maricopa County. A post-modification court began in August in which parties are encouraged to reach settlement through a brief interview with court staff. If agreement is reached, necessary paperwork is drafted and submitted to the court for entry of an order. If agreement is not reached, the parties can go immediately into a hearing with a court commissioner who makes a decision the same day. Petition tracking software installation was completed which helps the court track statistics that can be used for future projects. Other measures to reduce pending caseloads has realized great success as cases over twelve months dropped 36% in less than one year. The court plans to continue its endeavors to make the court involvement in child support as efficient as valuable as possible.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. New and existing 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 Committee 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.

***APPENDIX TO
CHILD SUPPORT COMMITTEE
2005 ANNUAL REPORT***

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

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 or the Director's designee.
- 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 has knowledge of or experience in child support enforcement and related issues and who is appointed by the Attorney General.
- The Director of the Administrative Office of the Supreme Court.
- Two presiding judges from the Domestic Relations Division of the Superior Court who are appointed by the Chief Justice of the Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the Supreme Court.
- One county attorney who is 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.
- 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. The President of the Senate shall appoint these members.

- 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. The Speaker of the House of Representatives shall appoint these members.
- 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. The President of the Senate shall appoint the members and designate one of the members as co-chairperson.
- Two members of the House of Representatives from different political parties. The Speaker of the House of Representatives shall appoint the members and designate one of the members as co-chairperson.

CHILD SUPPORT COMMITTEE
LIST OF MEMBERS

Co-Chair: Representative Peter Hershberger

Co-Chair: Senator James Waring

Honorable Manuel Alvarez
House of Representatives

Robert Barrasso
State Bar – Family Law Section

Theresa Barrett
Administrative Office of the
Courts

Honorable Bill Brotherton
State Senate

Honorable Kimberly Corsaro
IV-D Commissioner

Honorable Norman Davis
Domestic Relations Judge
(Urban)

Kim Gillespie
Office of the Attorney General

Leona Hodges
IV-D Deputy Director

Dr. Curtis N. James
Custodial Parent

Honorable Michael Jeanes
Clerk of the Superior Court

Michelle Krstyen
County Attorney

Era Loring
Office of the Governor

Suzanne Miles
Custodial Parent

Chuck Shipley
Business Representative

Russell Smoldon
Joint Custody Parent

Honorable Monica Stauffer
Domestic Relations Judge
(Rural)

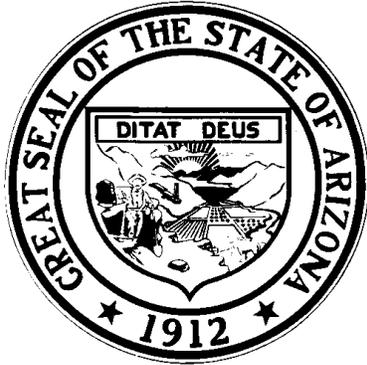
Bianca Varelas-Miller
(for John Clayton)
Department of Economic
Security

Vacant
Noncustodial Parent

Vacant
Noncustodial Parent

Prepared by Committee Staff:

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Arizona Supreme Court
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CHILD SUPPORT COMMITTEE

State of Arizona

2006 Annual Report

Submitted by:
Representative Peter Hershberger
Senator Thayer Verschoor

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CHILD SUPPORT COMMITTEE 2006 ANNUAL REPORT

EXECUTIVE SUMMARY

As required by law (A.R.S. § 25-323.01), the Child Support Committee, jointly chaired by Representative Peter Hershberger and Senator Thayer Verschoor, 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.¹

The Child Support Committee (“Committee”) was created in 2002 to continue the work of its predecessor, the Child Support Coordinating Council Subcommittee. The Committee’s purpose to explore concepts for improving the child support system again proved to be successful and beneficial to Arizona’s residents as evidenced by the passage of legislative proposals designed to enhance the child support system.

Collaborative efforts are on-going between the Committee, the Arizona Division of Child Support Enforcement and the courts to create an online child support arrearage calculator which will provide fast, accurate information to parents, child support workers, courts and clerks of court. The Economic Study Workgroup considered a basic policy question regarding the kind of information that will be available to the 2007 Child Support Guidelines Review Subcommittee when deciding how to balance the often conflicting goals of protecting child well-being and allocating the support burden fairly between the parents. The long-standing Statute Review Workgroup continued their exemplary work to streamline and improve the child support system in Arizona.

The Committee was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Committee’s efforts have evidenced the wisdom and importance of forging collaborative solutions. In keeping with their vision, efforts of various Committee workgroups have again produced

¹2006 was an unusual year for Chair appointments. Senator Jim Waring brought in 2006 as Co-Chair and was succeeded by appointment of Senator Ron Gould. Senator Thayer Verschoor is currently Co-Chair of the Child Support Committee.

additional recommendations intended for introduction to the Legislature in 2007.

CHILD SUPPORT COMMITTEE 2006 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the original 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. Fifty-seven recommendations, of which 28 required legislative action, were developed. 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 consisted of the four co-chairs from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but was 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 were to be referred back to the subcommittees for resolution.

Each of the subcommittees was 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 were to be submitted by the subcommittees quarterly to the Child Support Enforcement and Domestic Relations Reform

Committee. The overarching committee was 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 overarching 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 (AOC) to provide that staff support.

The legislation that 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. New legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This statute, effective as of July 18, 2000, created the committee and subcommittees by statute, rather than session law, and extended the life of the committee and the two subcommittees until July 1, 2007. The statute further specified that the Domestic Relations Reform Study Subcommittee was to meet jointly with the Child Support Coordinating Council Subcommittee at least twice each year.

Legislation passed in 2002 (Laws 2002, Chapter 332) eliminated the Child Support Enforcement and Domestic Relations Reform Committee, the Child Support Coordinating Council Subcommittee and Domestic Relations Reform Study Subcommittee. The new law created a new structure and two independent committees; the Child Support Committee (Committee) and the Domestic Relations Committee, with simplified purposes, appointments and reporting requirements and provided that the two committees will expire on January 1, 2008. The Court Services Division, Court Programs Unit, AOC, is still responsible for staffing the Committee created by this new legislation. The new statute, A.R.S. §25-323.01, effective August 22, 2002, requires the Committee to prepare an annual report on the work, findings and recommendations regarding child support guidelines, enforcement and related issues to the President of the Senate, Speaker of the House of

Representatives, Governor and the Chief Justice of the Arizona Supreme Court each year.

This report reflects the Committee's work, findings and recommendations for the year 2006.

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.

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 re-appointed.

The new law enacted in 2002 that created the Committee did not alter its membership, but eliminated the two-year term limit. Members now serve at the pleasure of the appointing official. Appointments are made by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.

CHILD SUPPORT COMMITTEE

2006

Summary

In 2006, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. Several workgroups that study and suggest recommendations to revise child support laws and rules continued their work throughout the year. Strategic planning measures that were formulated in 2005 were executed in 2006 through the efforts of Committee workgroups, including: Statute Review, Child Support Solutions, Automation, Child Support Guideline Review, and Economic Study.

Standing workgroup, Statute Review, will offer legislative proposals for the Second Regular Session of the Forty-Seventh Legislature. The group recommends revisions to Title 25 in response to the public's concerns regarding identity issues and the publication of social security numbers. In collaboration with the Child Support Solutions Workgroup, the group also offered a legislative proposal which addresses the establishment of provisions for temporary support and parenting time while paternity is being established.

The Child Support Solutions Workgroup continued to discuss innovative solutions on the subject of improving child support collections, as well as committing to develop methods to ensure better accountability for child support spending.

The Automation Workgroup focused on creating an automated, online arrearage calculator that will result in both short and long-term time and cost savings for all involved in the child support system. This extensive project is currently in the final testing phase, under the direction of the Department of Child Support Enforcement. The Department of Child Support Enforcement was the recipient of a \$400,000 grant from the Federal Office of Child Support Enforcement for this important project.

The Economic Study Workgroup continued to research the underlying economic and policy issues behind the child support guidelines before the next guideline review, which will be extensively examined during the 2007 calendar year. This important undertaking is designed to better understand the relationship between the child's financial well-being and overall well-being.

As in past years, several presentations were made to the Committee throughout the year to inform them of current issues in the child support system and stimulate new ideas for system improvements.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

Only one resignation from the Committee occurred in 2006. Suzanne Miles, a custodial parent representative, tendered her resignation. Ms. Miles served actively on the Committee for several years and participated in many workgroups.

Senator Ron Gould and Senator Thayer Verschoor were appointed to the Child Support Committee during 2006.

Senator Thayer Verschoor and Representative Peter Hershberger led the Committee as co-chairs. Their cooperative spirit and support of the Committee was instrumental in the passage of several key legislative proposals.

Work, Findings and Recommendations

The Committee met three times in 2006. Workgroups met between Committee meetings to work on the tasks and objectives of the Committee. Their work product and progress was reviewed at each of the regular

Committee meetings. Significant progress was realized on important policy issues with the intent of improving the child support system for the citizens of Arizona.

Comment from the public was encouraged to assist the Committee's efforts to continually improve Arizona's child support system.

TASKS AND OBJECTIVES

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

Economic Study Workgroup

This new group began meeting in 2005 based on a recommendation of the Guidelines Workgroup to develop a work group to study the economic basis of the guidelines. The group, led by Judge Monica Stauffer and Kim Gillespie, met three times in 2006. Membership consisted of judicial officers, private family law attorneys, and law and economic professors. Dr. Burt Barnow, Johns Hopkins University, served as an economic consultant.

Over a two-year period the group has studied this matter intensively. The group was aided substantially in this effort by reports and analyses prepared by Ira Ellman and Tara O'Toole Ellman. The group submitted its report to the Committee in June 2006 which outlined the recommended changes in the quadrennial Guideline Review Process. (See Appendix B – ***Report of the Interim Committee on Child Support Guidelines***)

Child Support Solutions Workgroup

This group, co-chaired by Michael Jeanes and Leona Hodges, was created as a result of strategic planning that occurred in 2004. This workgroups' charge is to examine and analyze current workflow and logistical processes in the child support system.

This group's important mission continued into 2006 with a focus on recommending innovative methods to increase current child support collections in Arizona in both Title IV-D and Non IV-D cases and to

increase customer service in the courtroom and Clerk of Court's offices. Additionally, the workgroup developed proactive outreach methods to educate people regarding staying current with child support payments, such as public service announcements and simplified applications for enforcement of child support. In addition, a pilot program in Maricopa County is due to commence shortly; this pilot program will focus on improving job training accessibility for both custodial and non-custodial parents who are involved with Non-Compliance of Child Support Hearings. The group also explored allowing Non IV-D cases the same access to collection and enforcement tools which are currently only available to IV-D cases. Moreover; collaborative efforts between the Child Support Solutions Workgroup and the Statute Review Workgroup resulted in proposed legislative changes that affect child support arrears and collection.

Automation Workgroup

This group, led by Kim Gillespie got its start as a result of the 2004 strategic planning effort. In 2004, the group focused on the idea of developing an automated, online arrearage calculator that could be used by parties involved in a case, lawyers, the state child support agency, clerks and judicial officers. Arrearage calculations are a time-consuming manual process that collectively costs all parties and entities involved in child support a great deal of time and money. The proposed calculator would be efficient, accurate, consistent, and would ultimately result in cost-savings.

In 2005, Representative Hershberger proposed legislation that would help fund the calculator but the proposal failed. Understanding the importance and value of the calculator, the Division of Child Support Enforcement in collaboration with the Office of the Attorney General, Arizona Supreme Court and the Governor's Office, submitted a grant application to the Federal Office of Child Support Enforcement to help fund the calculator. Notice was received in September that Arizona was a recipient of a grant award to assist with the development of the calculator.

A sub-group, the Joint Application and Design group, was appointed to develop clear business rules for the calculator. This group after meeting weekly for a few months handed the Project and Objective Design to the programmers in the Division of Child Support Enforcement. The project design was completed in summer 2006.

As the implementation aspect of the web-based calculator project nears conclusion the group continues to monitor the calculator's progress through the completion of the User Acceptance Testing and training phases. Programmers plan to make any additional changes identified, as feasible.

Statute Review Workgroup

The Statute Review Workgroup has functioned for several years to examine particular statutes related to child support enforcement in order to identify inconsistencies, lack of clarity or unnecessary duplication and to recommend improvements.

Chaired by Robert Barrasso, the group began meeting in the summer to develop proposals from the Committee for the 2006 session. The Committee asked the group to fine-tune language and draft statutory language that the Committee identified, in addition to generating ideas back to the Committee.

The group addressed issues such as establishing a provision for temporary parenting time or custody orders while paternity is being established and proposed changes to Title 25 as it relates to Social Security Number requirements.

As previously mentioned, the Child Support Solutions Workgroup, committed to improving child support collections, made several different requests to the Statute Review Workgroup to review issues surrounding effects upon, and standards in, the establishment stage of child support proceedings, expansion of judicial discretion regarding imposition of interest on arrears, and additionally, limits on relief from a child support judgment.

Recommendations for Legislative Action

The product of the Child Support Solutions Workgroup and Statute Review Workgroup resulted in several legislative proposals being recommended for passage during the First Regular Session of the Forty-Eighth Legislature in 2007. One of the Committee co-chairs will sponsor the legislation.

Included in the 2007 legislative proposal are provisions that:

- Create a tax credit program for employers that hire felons who are obligated to pay child support.
- Speaks to the issue of identity theft by eliminating the requirement of identifying Social Security Numbers on public documents, such as petitions for divorce and paternity matters.
- Create temporary parenting time and custody orders in paternity matters during the time the petition is filed and the time the court establishes paternity.

Other Issues before the Committee

Educational programs were presented to the Committee in an effort to apprise members of various child support enforcement-related efforts around the state and country.

Ira Ellman, author of *Fudging Failure: the Economic Analysis Used to Construct Child Support Guidelines*, The University of Chicago, Legal Forum, Volume 2004, presented the Report of the Interim Committee on Child Support Guidelines to the Committee in June 2006. Ira Ellman's analysis is the basis of a proposed shift in the method used to develop child support guidelines for the 2008 Child Support Guidelines Review.

Leona Hodges provided an informative presentation about the federal child support performance measures and identified programs that the Division of Child Support Enforcement has implemented to improve Arizona paternity establishment rankings such as a hospital outreach program that includes child support services and genetic testing. Additionally, it was reported that two areas of enforcement have increased payments: recent legislation changed the way child support payments are made to the custodial parent which has reduced administrative costs to the State of Arizona and improved the efficiency of child support payment processing. Secondly, the Autodialer program which started on September 8, 2006, contacts clients regarding missed child support payments, hearings, appointments and first payment due date.

Finally, Presiding Family Court Judge Norman Davis, and the Division of Child Support Enforcement collaborated on a job training pilot that will be

implemented in 2007 in the Maricopa County Superior Court to improve job training accessibility for custodial and non-custodial parents.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. New and existing 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 Committee 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.

APPENDIX A
TO
CHILD SUPPORT COMMITTEE
2006 ANNUAL REPORT

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

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 or the Director's designee.
- 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 has knowledge of or experience in child support enforcement and related issues and who is appointed by the Attorney General.
- The Director of the Administrative Office of the Supreme Court.
- Two presiding judges from the Domestic Relations Division of the Superior Court who are appointed by the Chief Justice of the Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the Supreme Court.
- One county attorney who is 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.
- 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 non-custodial parent and one person knowledgeable in child support

issues who is a custodial parent. The President of the Senate shall appoint these members.

- One person knowledgeable in child support issues who is a non-custodial parent and one person knowledgeable in child support issues who is a custodial parent. The Speaker of the House of Representatives shall appoint these members.
- 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. The President of the Senate shall appoint the members and designate one of the members as co-chairperson.
- Two members of the House of Representatives from different political parties. The Speaker of the House of Representatives shall appoint the members and designate one of the members as co-chairperson.

CHILD SUPPORT COMMITTEE
LIST OF MEMBERS

Co-Chair: Representative Peter Hershberger

Co-Chair: Senator Thayer Verschoor

Honorable Manuel Alvarez
House of Representatives

Robert Barrasso
State Bar – Family Law Section

David K. Byers
Administrative Office of the
Courts

Honorable Bill Brotherton
State Senate

Honorable Kimberly Corsaro
IV-D Commissioner

Honorable Norman Davis
Domestic Relations Judge
(Urban)

Kim Gillespie
Office of the Attorney General

Leona Hodges
IV-D Deputy Director

Dr. Curtis N. James
Custodial Parent

Honorable Michael Jeanes
Clerk of the Superior Court

Michelle Krstyen
County Attorney (Rural)

Ezra Loring
Office of the Governor

Chuck Shipley
Business Representative

Russell Smoldon
Joint Custody Parent

Honorable Monica Stauffer
Domestic Relations Judge
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Bianca Varelas-Miller
(for John Clayton)
Department of Economic
Security

Vacant - House
Non-custodial Parent

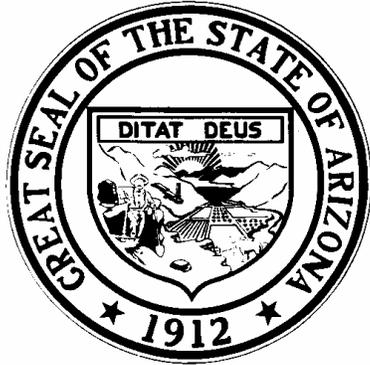
Vacant - Senate
Non-custodial Parent

Vacant - House
Custodial Parent

APPENDIX B
TO
CHILD SUPPORT COMMITTEE
2006 ANNUAL REPORT

Prepared by Committee Staff:

Court Services Division - Court Programs Unit
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 410
Phoenix, Arizona 85007



CHILD SUPPORT COMMITTEE

State of Arizona

2007 Annual Report

Submitted by:
Representative Peter Hershberger
Senator Thayer Verschoor

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Child Support Committee

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CHILD SUPPORT COMMITTEE 2007 ANNUAL REPORT

EXECUTIVE SUMMARY

As required by law (A.R.S. § 25-323.01), the Child Support Committee, jointly chaired by Representative Peter Hershberger and Senator Thayer Verschoor, 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.

The Child Support Committee (“Committee”) was created in 2002 to continue the work of its predecessor, the Child Support Coordinating Council Subcommittee. The Committee’s purpose to explore concepts for improving the child support system again proved to be successful and beneficial to Arizona’s residents as evidenced by the passage of legislative proposals designed to enhance the child support system.

The Committee was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Committee’s efforts have evidenced the wisdom and importance of forging collaborative solutions. In keeping with their vision, efforts of various Committee workgroups have again produced additional recommendations intended for introduction to the Legislature in 2007.

CHILD SUPPORT COMMITTEE 2007 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the original 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. Fifty-seven recommendations, of which 28 required legislative action, were developed. 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 consisted of the four co-chairs from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but was 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 were to be referred back to the subcommittees for resolution.

Each of the subcommittees was 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 were to be submitted by the subcommittees quarterly to the Child Support Enforcement and Domestic Relations Reform Committee. The overarching committee was 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 overarching 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 (AOC) to provide that staff support.

The legislation that 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. New legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This statute, effective as of July 18, 2000, created the committee and subcommittees by statute, rather than session law, and extended the life of the committee and the two subcommittees until July 1, 2007. The statute further specified that the Domestic Relations Reform Study Subcommittee was to meet jointly with the Child Support Coordinating Council Subcommittee at least twice each year.

Legislation passed in 2002 (Laws 2002, Chapter 332) eliminated the Child Support Enforcement and Domestic Relations Reform Committee, the Child Support Coordinating Council Subcommittee and Domestic Relations Reform Study Subcommittee. The new law created a new structure and two independent committees; the Child Support Committee (Committee) and the Domestic Relations Committee, with simplified purposes, appointments and reporting requirements and provided that the two committees will expire on January 1, 2008. However, legislation was passed in 2007 (Laws 2007, Chapter 73) which provides an extended expiration date of December 31, 2017 for these valuable and productive committees. The Court Services Division, Court Programs Unit, AOC, continues to be responsible for staffing the Committee created by this new legislation.

The new statute, A.R.S. §25-323.01, effective August 22, 2002, requires the Committee to prepare an annual report on the work, findings and recommendations regarding child support guidelines, enforcement and

related issues to the President of the Senate, Speaker of the House of Representatives, Governor and the Chief Justice of the Arizona Supreme Court each year.

This report reflects the Child Support Committee's work, findings and recommendations for the year 2007.

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.

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 re-appointed.

The new law enacted in 2002 that created the Committee did not alter its membership, but eliminated the two-year term limit. Members now serve at the pleasure of the appointing official. Appointments are made by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.

CHILD SUPPORT COMMITTEE

2007

Summary

In 2007, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. New strategic planning measures were formulated in 2007 through the efforts of the Statute Review Workgroup.

The Statute Review Workgroup, will offer legislative proposals for the Second Regular Session of the Forty-Eighth Legislature. The workgroup will recommend revisions to Title 25 in response to concerns regarding imputation of income for purposes of setting a child support order under the guidelines to a child support obligor whose income is unknown or who is unemployed. The workgroup will also offer a legislative proposal which addresses new technological improvements: electronic signatures or e-signatures for Child Support Arrest Warrants. Other areas of legislative reform are focused on revising new legislation to cure unintended consequences in the area of past child support arrears and interest, as well as strengthening the temporary support and parenting time statute to prevent parties from gaining custody of children without proper notice and an opportunity to be heard on an *ex parte* basis without a hearing.

The Workgroup also discussed several low-income, non-custodial parent issues after reviewing and discussing the federal Office of Child Support Enforcement's publication, *The Story Behind the Numbers, Effects of Child Support Order Amounts on Payments by Low-Income Parents*. The Workgroup continues to discuss potential areas of improvement such as employer cooperation regarding withholding orders and updating the paternity statute to remove intentional delay tactics which may be employed by one of the parties to the litigation.

As in past years, several presentations were made to the Committee throughout the year to inform them of current issues in the child support system and stimulate new ideas for system improvements. An example of these include: "Multiple-Partner Fertility: Incidence and Implications for

Child Support Policy” presentation given by Assistant Attorney General and member of the Committee, Kim Gillespie.

Executive Director of the William E. Morris Institute for Justice, Ellen Sue Katz, discussed recent legislation regarding child support policies in the Deficient Reduction Act of 2005 and Arizona’s opportunity to participate in the Child Support Pass Through program.

Veronica Hart Ragland, Assistant Director, Division of Child Support Enforcement, discussed the results of an independent evaluation that was completed for the web-based arrearage calculator tool named eCalc. The eCalc project was a collaborative effort between the Department of Child Support Enforcement, the Maricopa County Family Court, the Arizona Attorney General’s Office, and the Arizona Administrative Office of the Courts, that was implemented in 2007 for use by system stakeholders, such as, judicial officers, court staff, parents, clerks of court staff, and DCSE staff.

Arizona State University, Associate Professor of Psychology, William Fabricius, Ph.D. presented to the committee members, partial results of an on-going public opinion survey. This recent study asked four public opinion questions regarding 1) living arrangements for children; 2) custody awards based on presumptions; 3) joint custody and equal access to both parents; and 4) opinion as to whether Father’s disengagement after divorce is “almost normal.” Dr. Fabricius will report back to the committee when his final report is completed.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

There were several changes to membership in 2007. Sadly, long-time committee member Chuck Shipley, business representative, passed away in

July 2007. Chuck Shipley served the committee with great passion and sense of service to Arizona's families.

Three members were reappointed to the committee this year by Chief Justice Ruth V. McGregor: Santa Cruz County IV-D Commissioner Kimberly Corsaro, Maricopa County Clerk of Superior Court, Michael Jeanes, and State Bar Family Law Section Executive Committee member, Robert Barrasso, from Pima County.

Honorable Norman Davis, the former Maricopa County Presiding Family Court Judge was assigned to the juvenile bench this year. Maricopa County Presiding Family Court Judge, Colleen McNally was appointed as the new urban Domestic Relations Presiding Judge. Honorable Gilberto Figueroa, Presiding Judge for Pinal County Juvenile Court and proposed Integrated Family Court Judge for the pilot program, was appointed as the rural Domestic Relations Presiding Judge, which was previously served by Honorable Monica Stauffer, Greenlee County Presiding Judge.

Senator Rebecca Rios was appointed in 2007 as was Brandon Maxwell, a non-custodial parent from Cochise County. Veronica Hart Ragland, Assistant Director, Division of Child Support Enforcement, was appointed to the committee by virtue of her position, which was previously served by Leona Hodges.

Senator Thayer Verschoor and Representative Peter Hershberger led the Committee as co-chairs. Their cooperative spirit and support of the Committee was instrumental in the passage of several key legislative proposals.

Work, Findings and Recommendations

The Child Support Committee met five times in 2007, including one joint meeting with the Domestic Relations Committee for the purpose of sharing proposed legislation ideas.

The Statute Review Workgroup met between Committee meetings to work on the tasks and objectives of the Committee. Their work product and progress was reviewed at each of the regular Committee meetings.

Significant progress was realized on important policy issues with the intent of improving the child support system for the citizens of Arizona.

Comment from the public was encouraged to assist the Committee's efforts to continually improve Arizona's child support system.

TASKS AND OBJECTIVES

Extensive work was completed in 2006 by many of the Committee's ad-hoc workgroups such as the Economic Study Workgroup, the Child Support Solutions Workgroup, and the Automation Workgroup. The Statute Review Workgroup produced all of 2007 proposed legislation for recommendation by the Child Support Committee. Listed below is a description of the major activities by Statute Review Workgroup.

Statute Review Workgroup

The Statute Review Workgroup has functioned for several years to examine particular statutes related to child support enforcement in order to identify inconsistencies, lack of clarity or unnecessary duplication and to recommend improvements.

Chaired by Robert Barrasso, the group met ten times in 2007 to develop proposals from the Committee for the 2008 session. The Committee asked the group to fine-tune language and draft statutory language that the Committee identified, in addition to generating ideas back to the Committee.

Legislation passed last session which was proposed by the workgroup permits the court to enter temporary custody orders in a paternity matter pending final determination of paternity where there is substantial evidence of paternity. After this bill was passed, a member of the public voiced a concern that non-parents may be able to gain custody of children without proper notice and an opportunity to be heard. To address this unforeseen outcome, the workgroup is proposing language this session that will clarify that until paternity has been established, no temporary support and custody orders should be entered unless both parties have received notice and have an opportunity to be heard.

The Statute Review workgroup also collaborated with the Domestic Relations Committee, Substantive Law workgroup, by identifying numerous sections within Title 25 that are inconsistent with the *Arizona Rules of Family Law Procedure*. The Substantive Law workgroup will make recommendations to the Domestic Relations Committee for legislative changes for consistent language between the identified statutes and the *Arizona Rules of Family Law Procedure*.

Recommendations for Legislative Action

The product of the Child Support Solutions Workgroup and Statute Review Workgroup resulted in several legislative proposals being recommended for passage during the Second Regular Session of the Forty-Eighth Legislature in 2008. One of the Committee co-chairs will sponsor the legislation.

Included in the 2008 legislative proposal are provisions that:

- Corrects an inconsistency in current law regarding the accrual of interest on judgments for past support.
- Allows courts to apply the new Arizona minimum wage, if appropriate, to impute income for purposes of setting a child support order under the Arizona Child Support Guidelines to a child support obligor whose income is unknown or who is unemployed.
- Clarifies that until paternity has been established, no temporary support and custody orders should be entered unless both parties have received notice and an opportunity to be heard.
- Provides for e-signatures for child support arrest warrants.

Other Issues before the Committee

Educational programs were presented to the Committee in an effort to apprise members of various child support enforcement-related efforts around the state and country.

2007 marks the year in which Arizona commences the federally-mandated quadrennial child support guideline review. In September, 2007, the Child Support Guidelines Quadrennial Review “Request for Proposals” was published which contained two phases; Phase I reflected a request for proposals for the basic review, while Phase II reflected a request for proposals that examine the level of child support that is necessary to be consistent with the twin goals of protecting child welfare and of treating both parents fairly in the allocation of the support burden between the parents. To meet this goal, a collection of data and answers are necessary in order to assist the Child Support Guideline Review Committee to evaluate systematically the fairness of any proposed child support schedule by examining a forward-looking method of calculating child support.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. New and existing 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 Committee 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.

APPENDIX A
TO
CHILD SUPPORT COMMITTEE
2007 ANNUAL REPORT

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

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 or the Director's designee.
- 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 has knowledge of or experience in child support enforcement and related issues and who is appointed by the Attorney General.
- The Director of the Administrative Office of the Supreme Court, or the Director's designee.
- Two presiding judges from the Domestic Relations Division of the Superior Court who are appointed by the Chief Justice of the Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the Supreme Court.
- One county attorney who is 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.
- 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 non-custodial parent and one person knowledgeable in child support issues who is a custodial parent. The President of the Senate shall appoint these members.
- One person knowledgeable in child support issues who is a non-custodial parent and one person knowledgeable in child support issues who is a custodial parent. The Speaker of the House of Representatives shall appoint these members.
- 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.
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Ezra Loring
Governor's Office

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Brandon Maxwell
Non-custodial Parent

Theresa Barrett
(Director Designee)
Administrative Office of the
Courts

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Prepared by Committee Staff:

Court Services Division - Court Programs Unit
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 410
Phoenix, Arizona 85007



CHILD SUPPORT COMMITTEE

State of Arizona

2008 Annual Report

Submitted by:
Representative Peter Hershberger
Senator Thayer Verschoor

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Appendix A

Child Support Committee

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CHILD SUPPORT COMMITTEE 2008 ANNUAL REPORT

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Legislative Response

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The original legislation creating the overarching 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 (AOC) to provide that staff support.

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This report reflects the Child Support Committee's work, findings and recommendations for the year 2008.

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CHILD SUPPORT COMMITTEE

2008

Summary

In 2008, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. New strategic planning measures were formulated in 2008 through the efforts of the Statute Review Workgroup.

The Statute Review Workgroup will offer legislative proposals for the First Regular Session of the Forty-Ninth Legislature. The workgroup will recommend revisions to Title 25 which expands the scope of “lump sum payments” to include inheritances, trust or annuity distributions, excess proceeds, life insurance proceeds, retroactive disability proceeds, and personal injury awards in the context of a limited income withholding order. The workgroup will also offer a legislative proposal which clarifies a two-prong test when the court orders support to continue past the age of majority. Other areas of legislative reform focus on eliminating obsolete statutes and updating references to the newly established Arizona Rules of Family Law Procedure. Further legislative changes update one of the paternity statutes to reflect modern genetic testing language, while other provisions propose to allow state or local agencies that have custody of a party who is the subject of a genetic testing order, to treat an order issued in another jurisdiction as though it has been issued by a court in Arizona.

The Workgroup examined the unique challenges faced by state agencies and courts due to the adoption of new federal regulations and state law concerning implementation of a cash medical support law. Collaboration with the Maricopa County Family Law bench, court administration, and the Department of Economic Security resulted in proposed legislation which provides further guidance to courts and state agencies that address the issuance of cash medical support orders.

As in past years, several presentations were made to the Committee throughout the year to inform them of current issues in the child support system and stimulate new ideas for system improvements. An example of

these include: a presentation of the Division of Child Support Enforcement (DCSE) 2007-2008 performance measure results. Veronica Hart Ragland, Assistant Director of DCSE, reported notable accomplishments, such as receiving the WICSEC Award for the “Most Improved Program,” and expansion of collection efforts to include sources such as, inmate banking accounts, economic stimulus checks, motor vehicle division and administrative liens, and employer bonus checks.

Assistant Attorney General, Kim Gillespie, presented a summary of the new federal medical support regulations which provided timely information necessary to draft crucial proposed legislation for the 2009 session.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

2008 marked a year without changes to the Child Support Committee membership. Senator Thayer Verschoor and Representative Peter Hershberger continued to lead the Committee as co-chairs. Their cooperative spirit and support of the Committee was instrumental in the passage of several key legislative proposals.

Work, Findings and Recommendations

Although the Child Support Committee met only twice in 2008, all of the committee’s goals were attained as economically and efficiently as possible. The Statute Review Workgroup met between Committee meetings to work on the tasks and objectives of the Committee. Their work product and progress was reviewed at each of the regular Committee meetings. Significant progress was realized on important policy issues with the intent of improving the child support system for the citizens of Arizona.

Comment from the public was encouraged to assist the Committee’s efforts to continually improve Arizona’s child support system. Judge Bruce R. Cohen, Associate Presiding Family Court Judge in Maricopa County and

Chairman of the Child Support Guidelines Committee (CSGRC), reported on the activities of the newly established CSGRC. Judge Cohen outlined the extra efforts taken by this committee to reach out to all system stakeholders in order to receive meaningful comments regarding the quadrennial review of Arizona's Child Support Guidelines.

TASKS AND OBJECTIVES

Extensive work was completed in 2008 by the Statute Review Workgroup. This Workgroup produced all of the 2008 proposed legislation for recommendation by the Child Support Committee. Listed below is a description of the major legislative contributions proposed by Statute Review Workgroup.

Statute Review Workgroup

The Statute Review Workgroup has functioned for several years examining particular statutes related to child support enforcement in order to identify inconsistencies, lack of clarity or unnecessary duplication and to recommend improvements.

Chaired by Robert Barrasso, the group met ten times in 2008 to develop proposals from the Committee for the 2009 session. The Committee asked the group to fine-tune language and draft statutory language that the Committee identified, in addition to generating ideas back to the Committee.

Recommendations for Legislative Action

The product of the Statute Review Workgroup resulted in several legislative proposals being recommended for passage during the First Regular Session of the Forty-Ninth Legislature in 2009. One of the Committee co-chairs will sponsor the proposed legislation.

Included in the 2009 legislative proposal are provisions that:

- Repeal an outdated statute regarding foreign orders for assignment.

- Broaden the definition of “lump sum payment” to include inheritances, trust or annuity distributions, excess proceeds, life insurance proceeds, retroactive disability proceeds, and personal injury awards. Clarifies a two-prong test to allow the court to order support to continue past the age of majority if a child is severely mentally or physically disabled, and the child is unable to live independently and be self-supporting. Modernizes genetic testing language in statute, and allows testing of alleged father and child(ren) if mother is unavailable or fails to cooperate. This provision will also allow either party to apply for summary judgment on the issue of paternity, as outlined in the *Arizona Rules of Family Law Procedure*.
- Adds a new provision that allows a genetic testing order issued by any state to be given full faith and credit by any state or local agency in Arizona, including the Department of Corrections, Department of Economic Security, or other correctional facilities that have custody of a party that is the subject of a genetic testing order. Agencies that cooperate in obtaining genetic testing samples would not be subject to civil liability.

Other Issues before the Committee

In 2008, the newly established Child Support Guidelines Review Committee (CSGRC) began reviewing the Arizona child support guidelines. Two phases of the review are currently under consideration; Phase I is comprised of a traditional basic review, while Phase II examines the level of child support necessary to be consistent with the twin goals of protecting child welfare and of treating both parents fairly in the allocation of the support burden between the parents. In order to achieve this goal, a collection of data and answers are currently being collected to assist the CSGRC to evaluate systematically the fairness of any proposed child support schedule by examining a forward-looking method of calculating child support. The results and final report for Phase II is expected to be reported to the CSGRC and made available to all system stakeholders during the early part of 2009.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. The existing workgroup 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 Committee 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.

APPENDIX A
TO
CHILD SUPPORT COMMITTEE
2008 ANNUAL REPORT

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

MEMBERSHIP

House Two members of the House of Representatives, from different political parties and one designated as Co-Chair, appointed by the Speaker of the House of Representatives:

Manuel Alvarez, Pete Hershberger (Co-Chair)

Senate Two members of the Senate, from different political parties and one designated as Co-Chair, appointed by the President of the Senate:

Rebecca Rios, Thayer Verschoor (Co-Chair)

Other One person from the executive committee of the family law section of the State Bar of Arizona, appointed by the Chief Justice of the Supreme Court:

Mr. Robert L. Barrasso, State Bar Family Law Section Executive Committee

The director of the administrative office of the Supreme Court or the director's designee:

Ms. Theresa Barrett, Arizona Supreme Court

One Title IV-D court commissioner, appointed by the Chief Justice of the Supreme Court:

The Honorable Kimberly Corsaro, Santa Cruz County Superior Court

One presiding judge from the domestic relations division of the superior court from a rural county, appointed by the Chief Justice of the Supreme Court:

Honorable Gilberto Figueroa, Pinal County Superior Court

One division or section chief from the Office of the Attorney General who has knowledge of or experience in child support enforcement and related issues, appointed by the attorney general:

Ms. Kim Gillespie, Attorney General's Office

One clerk of the superior court, appointed by the Chief Justice of the Supreme Court:

Mr. Michael Jeanes, Clerk, Maricopa County Superior Court

One county attorney from a county that is currently contracting with the state to provide child support enforcement services, appointed by the director of the department of economic security:

Ms. Michelle Krysten, Child Support Division

One executive assistant from the Office of the Governor, appointed by the Governor:

Mr. Ezra Loring, Governor's Office, Executive Assistant

One person who is knowledgeable in child support issues and is a non-custodial parent, appointed by the Speaker of the House of Representatives:

Mr. Brandon Maxwell

One presiding judge from the domestic relations division of the superior court from an urban county, appointed by the Chief Justice of the Supreme Court:

Honorable Colleen McNally, Presiding Family Court Judge, Maricopa County Superior Court

The assistant director of the division of child support enforcement of the department of economic security:

Ms. Veronica Ragland, Department of Economic Security, Division of Child Support Enforcement

One parent who is knowledgeable in child support issues and has joint custody, appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

Mr. Russell Smolden, State Government Relations, Salt River Project

The director of the department of economic security or the director's designee:

Ms. Bianca Varelas, DES, Division of Child Support Enforcement

One person from the business community, appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

Vacant

One person who is knowledgeable in child support issues and is a custodial parent, appointed by the President of the Senate:

Vacant

One person who is knowledgeable in child support issues and is a noncustodial parent, appointed by the President of the Senate:

Vacant

One person who is knowledgeable in child support issues and is a custodial parent, appointed by the Speaker of the House of Representatives:

Vacant

Prepared by Committee Staff:

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