

Statute Review Workgroup

Minutes

Date: July 12, 2011	Time: Noon to 1:00 p.m.	Location: AOC – Conf Room 230
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Minute Taker: Kathy Sekardi

Members Attending:

<input checked="" type="checkbox"/> Comm. Stephen Kupiszewski – Acting Chair	<input type="checkbox"/> Veronica Hart Ragland
<input checked="" type="checkbox"/> Theresa Barrett	<input checked="" type="checkbox"/> Janet Sell
<input checked="" type="checkbox"/> Pat Griffin	<input checked="" type="checkbox"/> Bianca Varelas-Miller - <i>telephonic</i>
<input checked="" type="checkbox"/> Brandon Maxwell - <i>telephonic</i>	<input checked="" type="checkbox"/> Donald Vert - <i>telephonic</i>

Staff/Admin. Support: Kathy Sekardi, Julie Graber

Guests: N/A

Matters Considered: Comm. Kupiszewski commenced the meeting at: 12:05 p.m. with a quorum.

Members discussed:

1. ARS §§ 25-327, 25-503 regarding overpayments of child support to custodial parents
 Janet Sell provided proposed language to the workgroup members; however, she noted the court already has the inherent authority to discuss and order appropriate orders to address overpayments. The proposed language does not add anything further to the statute. Brandon Maxwell discussed inclusion of language into the statute that would require overpayment situations to be addressed during a hearing. Mr. Maxwell noted that the perception is that the system is one-sided and believes the noncustodial parent should have an opportunity to address overpayments and reimbursement. Members of the workgroup noted that the issue of overpayment and reimbursement is already routinely brought to the court’s attention. Requiring the courts to address overpayments in modification situations would also require the Clearinghouse to submit a recalculated arrears calculation. The concern is that this would open up more litigation and objections. The members noted that an obligor has the right to seek reimbursement in family or civil court. The workgroup consensus is that the proposed language is not necessary, and that this is an educational issue for judges. The members discussed providing training opportunities for judges on this topic and Comm. Kupiszewski offered to discuss this issue with the family court presiding judge.

2. Personal injury awards
 Ms. Sell noted her agency is collecting information from other states regarding personal injury awards statutes. Ms. Sell will bring draft language to the next meeting. This item was tabled to the next meeting.

3. Strategic Agenda

Added to the strategic agenda is to discuss with Judge Hyatt the issue of overpayment in downward modification situations and to request feedback from the family court judiciary.

4. Next Agenda

- Ms. Sell will draft a proposal regarding collection of child support arrears from personal injury awards.

5. Statute Review Workgroup webpage

Members were encouraged to RSVP to the next Statute Review Workgroup by accessing the Child Support Committee, Statute Review Workgroup webpage at:

<http://www.azcourts.gov/cscommittees/ChildSupportCommittee/ChildSupportCommitteeWorkgroups.aspx>

All meeting materials, agendas, and minutes are available online.

Meeting adjourned at 12:30 p.m.