

Statute Review Workgroup

Minutes

Date: September 13, 2011	Time: Noon to 1 pm	Location: AOC – Conf. Rm 230
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Minute Taker: Kathy Sekardi, Julie Graber

Members Attending:

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

Staff/Admin. Support: Kathy Sekardi, Julie Graber

Guests: Mark Ciafullo

Matters Considered:

1. Welcome and announcements

Comm. Kupiszewski commenced the meeting at 12:00 p.m. with a quorum. He thanked the members for their hard work as the three pieces of proposed legislation were approved unanimously by the Child Support Committee (CSC). He further commended Assistant Attorney General, Janet Sell, for her indispensable contributions. Ms. Farrah Watkins was introduced as a new CSC member and custodial parent. Lastly, Comm. Kupiszewski volunteered to testify at any legislative committee hearings in order to support the proposed legislation and encouraged others to do so.

2. Review and discuss CSC strategic plan/SRWG assignments

- CSC Goal #4: Review draft of guidelines
 - CSC referred to SRWG the task of reviewing a draft of the child support guidelines that incorporates concepts developed by the last review committee. Theresa Barrett explained the last review committee reorganized the guidelines in a chronological manner, they added a table of contents and definitions of terms, as well as expanding some of the examples for further clarification and simplicity. This “enhanced” version builds upon the current guidelines and includes the conceptual changes. Discussion ensued regarding the workgroup’s charge.
 - Comm. Kupiszewski thought it would be important to begin this task by first answering the question: “Why are we revising the guidelines?”
 - The correlation table will be used as another tool for the workgroup to review and make recommendations.
 - Staff will start compiling a matrix of the proposed changes.
- CSC Goal #5: Review federal IWO form; use and implementation
 - The workgroup reviewed federal and state statutory requirements to use, comply with, and implement the prescribed standard federal IWO format.
 - Members explored whether legislative changes to Arizona Statutes or rule changes to Arizona Rules of Family Law Procedure (ARFLP) would be better to implement the

OMB-approved form.

- Possible IWO forms could be included in ARFLP.
- Links to the federal Office of the Child Support Enforcement website could be placed in various venues such as the AOC website.
- Members reported on how their agencies plan to implement the use of the mandated form in IV-D and non-IV-D cases.
 - Maricopa County Presiding Judge Norman Davis is aiming to have the form ready to self-populate by the May 31, 2012, deadline for non-IV-D cases.
 - AOC is planning to make the form part of the child support calculator.
 - DCSE is contemplating the addition of a page to the IWO to send to employers that would include language about Presumptive Termination Date and obligors' rights.
- The workgroup discussed Arizona's statutory requirement for inclusion of the presumptive termination date.
 - The federal form does not use a presumptive termination date, which is mandated by state statute. It requires a termination order to be filed.
 - Don Vert reported that the Maricopa County Clerk's Office gets close to 100% compliance from employers using the presumptive termination date.
 - Pat Griffin at DCSE indicated that the presumption is that the order of assignment is still in place based on emancipation, not presumptive termination date. An order of assignment is stopped based on the emancipation date of the youngest child in a child support order, which allows the custodial parent the chance to verify if their youngest child is still in school when they turn 18. If there is no response, child support payments will stop on the 18th birthday unless payments on arrears were ordered. Most IV-D cases have arrears.
 - Further discussion on the conflict between Arizona statute and federal mandates regarding presumptive termination date are necessary.
- Further discussion about e-filing and its impact on the mandated form will also be needed.
- CSC Goal #8: Discuss unreimbursed medical expenses; simplified procedure

The workgroup discussed the topic of medical expenses incurred by a parent that are not reimbursed by the other parent, willingly and unwillingly. Since further discussion and research are needed, this item was tabled to SRWG's 2012 Calendar.

3. Review and update strategic plan

- CSC Goal #8 regarding unreimbursed medical expenses was moved to Item #2 on SRWG's strategic plan for 2012.

4. Call to the Public

No members of the general public were in attendance.

5. Set next agenda

For the next agenda, SRWG will continue to work on Goals #1—8, including reviewing enhanced guidelines and proposing responses to “Why are we revising the guidelines?”

Meeting adjourned at 12:45pm.