

# *Substantive Law/Court Procedures Workgroup*

## *Minutes*

<b>Date:</b> November 10, 2011	<b>Time:</b> 11:00AM – 1:00PM	<b>Location:</b> Conference Room 119 A/B
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**Minute Taker:** Tama Reily

**Members Attending:**

X	Steve Wolfson	X	Daniel Cartagena		Ella Maley		David Weinstock
X	Brian Yee	X	Jami Cornish		Robert Reuss		
X	Thomas Alongi	X	William Fabricius		Donnalee Sarda		
	Theresa Barrett	X	Jennifer Gadow		Ellen Seaborne		
X	Keith Berkshire	X	Grace Hawkins	X	Lindsay Simmons		
X	Sidney Buckman		Carey Hyatt	X	Russell Smolden		

**Staff/Admin. Support:** Kathy Sekardi; Kay Radwanski; Tama Reily

**Guests:** Joi Davenport; Shelly Griffin; Rachel Metelits; Josh Eisenstein; Rena Selden

**Matters Considered:**

**I. Welcome and Announcements**

The meeting was called to order at a.m.11:06 a.m., by co-chair, Dr. Brian Yee. Members and guests were welcomed.

**II. Approval of Minutes**

The minutes for the September 22, 2011, were presented for approval.

**MOTION:** To approve the minutes of the September 22, 2011, SLCP Workgroup meeting as presented. Motion seconded. Motion passed unanimously.

**III. DRC Update**

**VI. New Custody Rewrite Proposal**

Grace Hawkins acknowledged the countless hours that have been devoted to the custody rewrite by the Ad Hoc Custody and the Substantive Law/Court Procedures Workgroups. She reiterated the feedback received by practitioners, judges and the public, namely that the rewrite is not practicable, not workable, and difficult to digest. The custody statutes should be simpler and easier to understand. Ms. Hawkins reviewed a new proposed simplified version of the custody statute that is based on comments received from judges, attorneys, the Conciliation Court Roundtable members, and the public. The revision retains some of the language from the workgroup’s most recent updated version and many provisions from the current custody statute. It eliminates the illustrations for coercive control. Ms. Hawkins discussed and explained proposed changes made to the statute section by section.

Lengthy discussion on the new proposal ensued. Bill Fabricius reminded members that the Ad Hoc Custody Workgroup began its work on the custody statute with the intent of replacing the term “custody “ with “parenting time” and “parental-decision-making,” and with the intent of using research to suggest more substantive changes. The approach was to tighten and modernize the statute so the court and pro pers could easily make sense of it. Then the AHCW accepted the charge to formulate and propose what became SB 1314, and to draft a comprehensive rewrite of the statutes to incorporate SB 1314 into policies and procedures, while concurrently modernizing the domestic violence sections. He stated that the new proposed version only replaces the term “custody” with “parenting time” and “parental-decision-making,” and thus is too minimal. Several members commented that language on false allegations and sanctions should be added in to the new version. There was

also concern that the definition for coercive control was weak. Tom Alongi voiced concern that examples of coercive control are excluded from the new version, and its definition of coercive control is too simplistic. Brian Yee suggested using the new version as a starting off point from which to add in some of the provisions discussed today.

**MOTION:** To work with the new proposed “yellow” version, subject to potential amendments as discussion goes forward. Motion seconded. Approved 6-1-0.

**MOTION:** To add the false allegations and sanctions language previously included under section 25-417 in the “blue” version 4 work product to the “yellow” version, subject to potential amendments. Motion seconded. Approved unanimously.

**MOTION:** To add the language under section 25-421(A) in the “white” legislative version to section 25-403.01 of the “yellow” proposed version, subject to amendments. Motion seconded. Approved 5-2-0.

**MOTION:** To add the coercive control definition contained in the “white” legislative version to the “yellow” proposed version, subject to discussion about wording. Motion seconded. Motion tabled to next meeting.

In-depth discussion followed. There was concern with the lengthiness of the coercive control definition in the “white” legislative version. Lindsay Simmons offered to draft suggested language for coercive control by the next workgroup meeting.

**VI. Call to the Public**

Joi Davenport commented regarding false allegations language and the proposed custody statute.

**V. Adjourn**

Meeting adjourned at 1:02pm.

**Next Meeting**

TBD

Arizona State Courts Building  
1501 W. Washington