

Substantive Law/Court Procedures Workgroup

Minutes

Date: July 29, 2011	Time: 11:30 AM – 1:00 PM	Location: Conference Room 230
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Minute Taker: Tama Reily

Members Attending:

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

Staff/Admin. Support: Kathy Sekardi; Tama Reily

Guests: Joi Davenport, Ariel Serafin, Joshua Eisenstein

Matters Considered:

I. Welcome and Announcements

DRC member Sid Buckman facilitated today’s Substantive Law / Court Procedures Workgroup (SLCP) meeting. The meeting was called to order by Mr. Buckman at 11:39 a.m. Members and guests were welcomed.

II. Approval of Minutes

The May 13th, June 24th, and July 15th, 2011 draft meeting minutes were not presented for approval at this time due to lack of a quorum.

III. Review of Comments Received

- Members discussed comments received by Bill Fabricius regarding A.R.S. § 25-432 wherein he suggested adding a section “c” that would specify a parenting plan. Additionally, Mr. Fabricius proposed the language of section 25-432 could be added to the Temporary Orders section. Upon discussion, members agreed that the Temporary Orders section did not fall under the workgroup’s charge. One member commented that although an enormous amount of work has gone into the rewrite, they feel as though the workgroup has gotten away from original goal of looking at the current custody statutes, cleaning up the language for consistency, and to make the statutes easier to follow and understand. Furthermore, it was suggested that repeated comments, such as the rewrite is too complicated and lengthy, is valid criticism that should be reflected in this workgroup’s recommendations to the DRC.
- Comments from Ellen Seaborne – *Item tabled*
- Comments from the Committee on the Impact of Domestic Violence and the Courts (CIDVC) – *Item tabled.*

IV. Review of Proposed Custody Rewrite

Without a quorum present, members agreed to table discussion regarding the coercive control provision in A.R.S. § 25-441. Instead, Judge Carey Hyatt shared a summary of responses she received from the family court judiciary regarding the draft rewrite. Reaction primarily concerned the complexity of the process and the length of the entire draft. The judges commented that the statutes were confusing to them and if they viewed the statute as convoluted, then self-represented individuals would certainly find it challenging to understand and navigate through the custody statutes. Members considered forming a task force to work on simplifying the statute. There was additional discussion about developing a flow chart of the rewrite and the current statutes in order to compare them and clarify the process. Workgroup staff, Kathy Sekardi, will discuss these suggestions with the co-chairs

and inform members of the plan of action.

VI. Call to the Public

No comments were submitted by the general public.

Meeting adjourned at 1:00 p.m.

Next Meeting

August 19, 2011

12:00pm – 1:30pm

Arizona State Courts Building

1501 W. Washington

Conference Room 119 B