

# *Substantive Law/Court Procedures Workgroup*

## *Minutes*

<b>Date:</b> September 22, 2011	<b>Time:</b> 11:30AM – 12:45PM	<b>Location:</b> Conference Room 345B
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**Minute Taker:** Tama Reily

**Members Attending:**

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

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

**Guests:** Honorable Linda Gray; Katy Proctor; Amber O'Dell; Joi Davenport; Rena Selden; Brent Miller

**Matters Considered:**

**I. Welcome and Announcements**

The meeting was called to order at 11:42 a.m. by co-chair, Steve Wolfson. Members and guests were welcomed. Mr. Wolfson introduced Senator Linda Gray, co-chair of the DRC and thanked her for attending this meeting.

In light of events during the Call to the Public at the recent DRC meeting, Mr. Wolfson addressed the workgroup and the general public present, regarding appropriately addressing the committee during the Call to the Public. He stated the Open Meeting Laws allow discretion to a public body to hold an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions. The intent is for constructive comments, not personalized attacks, and that abusive and defamatory remarks are out of order and will not be tolerated. He reiterated the public comment process, that the public are asked not to repeat issues that have already been stated by other speakers so that those with different issues will have the opportunity to state theirs, and that comments are taken in the order they are submitted.

**II. Approval of Minutes**

The minutes for the July 29, 2011, August 19, 2011, and September 1, 2011, were presented for approval.

**MOTION:** To approve the minutes of the July 29, 2011, SLCP Workgroup meeting as presented. Motion seconded. Passed unanimously.

**MOTION:** To approve the minutes of the August 19, 2011, SLCP Workgroup meeting as presented. Motion seconded. Passed unanimously.

**MOTION:** To approve the minutes of the September 1, 2011, SLCP Workgroup meeting as presented. Motion seconded. Passed unanimously.

**III. DRC Update**

Mr. Wolfson reported on the information he and Dr. Yee provided to the DRC at the September 16 meeting. He informed the workgroup members that the DRC's feedback was to address four issues: 1) The scope of the work product 2) Identifying the controversial issues 3) Outlining the coercive control issues, and 4) Whether or not to include domestic violence language, and if so, the most appropriate placement of that language. Mr. Wolfson explained that a motion was made to have these items addressed at the next DRC meeting. Dr. Yee related that

the DRC recommended the workgroup have a member prepare a summary of what the main differences are among the versions. Senator Gray offered to have a legislative staff member, Amber O'Dell, draft an analysis and create the summarization as discussed. Mr. Wolfson stated the workgroup would work with Amber and provide whatever information she would find helpful to complete the task.

At this point, Mr. Wolfson suggested the workgroup discuss some of the terminology issues that arose recently, and vote on some of the outstanding issues such as: 1) Whether to approach the statute changes in a comprehensive manner or to make changes to the statute in a piecemeal fashion. 2) Whether to include coercive control language as a "front-loaded" best interest factor, as one of the special circumstances, or whether to include it at all.

Jami Cornish informed the workgroup that the statute changes were addressed last week at the Domestic Relations Task Force meeting hosted by the Morris Institute for Justice. The meeting included domestic relations attorneys from all the legal services providers around the state. Ms. Cornish reported that the general consensus at the meeting was that coercive control should be in the statute as a factor and that a more streamlined version is preferable. She noted there was concern about added confusion with the change in language from *custody* to *parental decision-making*.

Subsequent discussion explored several alternate avenues, including bifurcating the bill, working section by section or issue by issue, further developing a streamlined version, or moving ahead with a comprehensive bill. Senator Gray supported the suggestions that the workgroup could go forward with the more comprehensive bill or approach it as two separate bills. She pointed out that the DRC could amend any portion found to be too controversial. Bill Fabricius made a motion to go forward this year with the parenting time, best interests, and parental decision making sections of the bill and to continue to work on the rest of the bill including the domestic violence section, during the next year. There was no second and the motion was withdrawn.

**MOTION:** To proceed with work on recommendations to A.R.S. § 25-401 on the Legislative Council version and Alongi variations. Motion seconded. Motion passed 6-1-1.

**IV. Call to the Public**

Member of the public, Brent Miller, expressed his feelings that the workgroup should ask for input from the public prior to voting on an issue such as how to proceed with the work on the custody statute. He objects to the expansive language regarding coercive control and states there is no substantial, quantified evidence; rather it is based on speculation. He asserted most of these custody cases are filed by pro pers and the language in the statute will not educate the public. He urged the workgroup to simplify the statute.

**V. Adjourn**

Meeting adjourned at 12:47pm.

**Next Meeting**

TBD

Arizona State Courts Building  
1501 W. Washington