Substantive Law/Court Procedures Workgroup Minutes

Date: March 25, 2011	Time: 12:00 PM – 1:30 PM	Location: Conference Room 230

Minute Taker: **Tama Reily**

Members Attending:

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

Staff/Admin. Support: Kathy Sekardi

Guests: Marjorie Cook, Julie Minnick, Bill Fabricius
General public: Joi Davenport, Terry Decker, Eric Bates, David Alger, Alvil Kumitz, Jarrett Williams, Kira Dietz, Dennis P. Lee, Karen Duckworth, Dennis Levine, Brent Miller

---

I. Welcome and Announcements

The March 25, 2011 joint meeting of the Substantive Law / Court Procedures Workgroups was called to order by Substantive Law Workgroup Chair, Steve Wolfson, at 12:10 pm.

The November 2010 and March 2011 meeting minutes were not presented for approval at this time due to the lack of a quorum.

Mr. Wolfson announced that Senator Gray, at the request of the Relocation Workgroup, withdraw SB1083 from further consideration in the House Human Services committee.

II. Procedures Review

Court Procedures Workgroup Chair, Brian Yee, spoke briefly on the procedures that would be followed in order to adhere to open meeting laws. He reiterated how public comments and public requests to speak should be submitted to committee staff at the beginning of meetings in order to obtain the fullest participation of the general public.

III. Hospital Paternity Program

Ms. Marjorie Cook, DSCE Director of Outreach and Community Initiatives, and Ms. Julie Minnick, Assistant Attorney General, addressed the group regarding the Hospital Paternity Program (HPP). Ms. Cook explained the paternity process, and what the required actions and documents are required when paternity is challenged. Ms. Minnick discussed the circumstances under which a court hearing could be requested and further discussed genetic testing in certain situations such as when an 'Acknowledgement of Paternity' is rescinded. Ms. Cook stated that she would provide the suggestions and issues raised by workgroup members today to the attention of her assistant director at DSCE.

IV. Review of Comment Forms

Based upon the comments at the March 25, 2011 meeting it was suggested that the issues of domestic violence, coercive control, false allegations, alienation or manipulation of the children, and possibly substance abuse could be contained in the *Special Circumstances* section. Several members agreed with this proposal, however, it was also thought that the workgroup should hear from experts in the field prior to making any changes to the statute. Jenny Gadow volunteered to draft proposed language in time for the next meeting.

V. Review proposed custody rewrite

Item not addressed.

VI. Call To The Public

Public attendee, Terry Decker, expressed the following:

- Domestic violence should be removed from the custody statutes. A.R.S. § 25-103 "has to, by law, be reflected in all language and Title 25 statutes." In addition, he stated domestic violence toward a spouse is irrelevant when the parents are divorced.
- The parenting time baseline should be 50/50 unless there is clear and convincing proof that a parent is unfit.
- The term *primary residential parent* does not conform to A.R.S. § 25-103. Paternity should only be overturned by court action. A mother wishing to challenge the father's paternity should have to file an appropriate pleading before the court.

Public attendee, Brent Miller's commented on the following:

- On the establishment of paternity and custody, once a birth certificate is signed, the parties should have joint custody until a court or DNA shows otherwise.
- Intimate partner violence is broadened by adding any person that may have a casual relationship with parties involved in dissolution, custody, and parenting time issues. The language should be removed or put in Title 13.
- Wishes to change several portions of the meeting minutes of 3/11/11, stating "they were not an accurate reflection of the events that took place" at the meeting.

Public attendee, Karen Duckworth had the following comments:

- Believes the format of these meetings excludes and invalidates public opinion.
- Objects to the use of the word "*complaints"* in the March 31 meeting minutes, where the term is used in the comments made by public attendee, Brent Miller.
- There is inconsistent language in the unified draft where the definition section references A.R.S. § 13-3601(A) regarding *Intimate Partner Violence,* however, section (C) *Collateral Protective Order Proceedings* and section (F) *Alternative Dispute Resolution* use A.R.S. § 13-3602(I).

Public attendee, Joi Davenport had the following comments:

- Suggests addressing false allegations of parental alienation as research proves perpetrators of domestic violence center allegations of abuse by falsely accusing the victim of parental alienation when the parent is trying to protect the children from witness or experiencing domestic violence.

<u>Next Meeting</u>

April 8, 2011
12:00p.m. to 1:30 p.m.
Conference Room 230
Arizona State Courts Building
1501 W. Washington