

FAMILY COURT IMPROVEMENT COMMITTEE - CHILD SUPPORT GUIDELINES REVIEW SUBCOMMITTEE

Minutes

February 21, 2019 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge David Gass (Chair), Carol Park Aden, Laura C. Belleau, Mary K. Boyte Henderson, Kellie DiCarlo, Commissioner Joseph Goldstein, Joi Hollis, Jennifer Mihalovich, Janet Sell, Vance Simms, Steve Wolfson

Telephonic: Rosa Torrez, Cherie Wasiel

Absent/Excused: Judge Bruce Cohen, Amanda Stanford

Administrative Office of the Courts (AOC) Staff: Angela Pennington, Susan Pickard, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The February 21, 2020, meeting of the Family Court Improvement Committee – Child Support Guidelines Review Subcommittee (FCIC-CSGRS) was called to order at 10:11 a.m. by Judge David Gass, Chair. Staff reviewed housekeeping issues. Judge Gass discussed the importance of the subcommittee and the formation of workgroups. Using his experience with Arizona Townhall, the Judge asked the members to introduce themselves and participate in an ‘icebreaking’ activity.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Orientation

Staff presented Arizona Code of Judicial Administration § 1-202: Public Meetings, and Administrative Order (A.O.) 2019-142 which regulates the use of photographic and video recording devices at appellate courthouses and other designated facilities. She discussed the pre-meeting organization and notification processes. Then, Staff demonstrated and explained the subcommittee’s webpages. Member questions included the following:

- Do we still maintain a digital recording of the meetings?
 - Yes, for one year after the minutes for that meeting are approved, and we can provide copies of the recording if requested.
- Is the Public Comment page publicized in anyway?

- There is no formal advertisement for the Public Comment page at this time, but we can have one of the workgroups provide guidance for marketing.

Judge Gass and Staff provided advice and guidelines for Call to the Public comments, sidebar conversations with the public, and the distinctions between subcommittee and workgroup meetings.

B. Review of Administrative Order No. 2020-10

Judge Gass discussed the establishing A.O. and the charge of the subcommittee.

C. Data and Case File Review (Taken Out of Order)

Staff announced that Dr. Jane Venohr with the Center for Policy Research has been contracted to conduct the economic and case file review. Dr. David M. Betson has been subcontracted by Dr. Venohr to conduct a full update of his data set. Dr. Betson's data set will be used as the basis for the Child Support Guidelines. Both contractors are working under a deadline of June 30, 2020.

Members requested that Dr Venohr be invited to the next meeting to discuss the report's methodology and data.

Action Item: Staff will invite Dr. Venohr to the next meeting.

D. Approval of Committee Rules for Conducting Business

The rules for conducting business were discussed:

- Parameters of a quorum, ex-officio members do not count towards quorum ad do not vote.

Motion: A quorum will be 50% +1 of the subcommittee's voting members. **Moved by** Janet Sell. **Seconded by** Joi Hollis. Motion passed unanimously.

- Vote that constitutes a subcommittee action.

Motion: A vote that constitutes an interim action requires 50% +1 of the voting members attending the meeting. A vote that constitutes an action to approve the final report and recommendations of subcommittee requires a vote of 50%+1 of the subcommittee's voting members. **Moved by** Janet Sell. **Seconded by** Steve Wolfson. Motion passed unanimously.

- Proxy

Motion: Members are permitted to designate a proxy not more than twice for the subcommittee's duration. Members are not permitted the use of a proxy for the final vote. **Moved by** Steve Wolfson. **Seconded by** Vance Simms. Motion passed unanimously.

- Meeting Schedule – tabled until later in the meeting.

E. Final Report and Recommendations from the Committee for an Interim Review of the Child Support Guidelines

Janet Sell, a member of the 2018 Committee for an Interim Review of the Child Support Guidelines, discussed the important substantive issues that were determined to be outside the scope of that review and which were recommended to be addressed during the current review. There were three:

- Section 27. Federal Tax Exemption for Dependent Children and the penalties of the Affordable Care Act
 - Passage of the Tax Cuts and Jobs Act has removed exemptions for dependent children and the penalty for lack of health insurance
- Section 5(A). Determination of Gross Income of Parents and the question, “may a court attribute income beyond that of regular full-time employment without a showing that the income was historically earned from a regular schedule and is anticipated to continue into the future?”
- Allocating insufficient funds for multiple orders

The intent and steps taken by the previous review committee were discussed. Judge Gass made clear that this subcommittee should focus on drafting the guidelines that are clear without explanation and do not require an intent or purpose statement.

F. Open Discussion and Strategic Planning

Members discussed other issues or matters which may need focus. Topics included:

- Term changes, custodial parent vs. primary parent, paying parent vs. receiving parent
 - Term changes and restyling are fine, the substance should not be changed.
 - Must be able to work as an algorithm in the Child Support Worksheet
- Tables
 - Capping the Schedule of Basic Support Obligations at \$20,000
 - Table B relevance
- Adjustments and deviations
- Costs associated with parenting
 - Based on parenting time
 - Extracurriculars and others not covered specifically by statute
- Gross income vs. net income on spousal support
- Credit for new spouses covering costs
- Remarriages where one parent no longer has to work

- Military pay and benefits
- Adoption subsidies
- Social security benefits
- High income earners vs low income earners
- Insufficient funds amongst multiple families
- Health insurance
 - High Deductible Health Plans with a Health Spending Account
 - Unreimbursed costs vs uncovered costs
- Old vs. new orders
- Stepdown orders
- Intrastate orders
- Using federal language
 - Income Withholding Order instead of Order of Assignment
 - There is no presumptive termination date on federal forms
- Using the Maricopa County worksheets instead of the Supreme Court worksheets

These topics will be organized into topic area workgroups. Staff will distribute the workgroup information and request member and chairs volunteers.

D. Approval of Committee Rules for Conducting Business (continued)

- Meeting Schedule – The following meeting dates were offered, discussed, and agreed upon by the members.

○ March 30	○ October 5
○ April 27	○ October 26
○ June 8	○ November 2
○ June 30	○ November 9
○ July 27	○ November 16
○ August 24	

III. OTHER BUSINESS

A. Announcements/Call to the Public

- No one responded to the call to the public.

- Members with an interest in the methodology for the economic basis for the schedule suggested that an expert be included in the discussion with Dr. Venohr.

Action Item: Chris Gorman will identify an expert, most likely someone from ASU's Siedman Research Institute, and will share that person's contact information with staff.

- B. Next Meeting.** Monday, March 30, 2020; 10 a.m.
Arizona State Courts Building, Conference Room 119 A/B
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 2:00 pm.