

# FAMILY COURT IMPROVEMENT COMMITTEE

**Minutes**

May 5, 2020 10:00 a.m.

Virtual Meeting

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**Present:**

**Telephonic:** Judge Paul McMurdie (chair), Judge Bruce Cohen, Benjamin Deguire, Kellie DiCarlo, Judge Elaine Fridlund-Horne, Judge Joseph Goldstein, Joi Hollis, PhD., Sabrina Lopez, Tracy McElroy, Jennifer Mihalovich, Judge Michael Peterson, Judge Greg Sakall, Janet Sell, Jessica Beresford (proxy for Vance Simms)

**Absent/Excused:** Brian Bledsoe, Judge R. Erin Farrar, CaSaundra Guadalupe, Patricia Madsen, Marla Randall, Megan Spielman

**Presenters/Guests:** Stacy Reinstein, Administrative Office of the Courts Policy Analyst, Sherry Jaffey, Malinda Sherwyn, Patty Cummins

**Administrative Office of the Courts (AOC) Staff:** Theresa Barrett, Angela Pennington, Susan Pickard

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**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

The November 22, 2019, meeting of the Family Court Improvement Committee (FCIC) was called to order at 10:08 a.m. by Judge Paul McMurdie, chair. Susan Pickard reviewed virtual meeting etiquette and conducted a member roll call. Judge McMurdie asked Judges Bruce Cohen, Michael Peterson, Greg Sakall, and Joseph Goldstein to give an update on their court operations during the COVID-19 pandemic.

Judge McMurdie noted that Rule Change Petition R-20-0033 may be of interest to the members. The Petition had a comment deadline of May 1, 2020. There were no comments.

<p><b>Motion:</b> Approval of the January 13, 2020, minutes. <b>Moved by:</b> Benjamin Deguire. <b>Seconded by:</b> Judge Joseph Goldstein. Motion passed unanimously.</p>
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**II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS**

**A. Workgroup Updates**

**Training Workgroup**

Judge Peterson, workgroup chair, reported that the Training Workgroup met telephonically on April 3, 2020. The members discussed family court-specific training needs and reviewed Judge Cohen’s judicial officer training PowerPoint. Judge Peterson presented a draft judicial

officer training survey, asked for input on questions and requested approval to distribute the survey to all Arizona family court judges.

Because Stacy Reinstein's presentation, which was scheduled later in the agenda, ties into this discussion, Judge Peterson requested that the mental health update be presented.

## **B. Mental Health Related Updates**

Ms. Reinstein introduced herself as staff to the Committee on Mental Health and the Justice System (MHJS). She then gave an overview of the committee and their work.

MHJS believes the judiciary has a unique vantage point to convene community stakeholders and develop protocols and processes that address how courts administer justice for those in need of behavioral health treatment. This has led to a partnership between:

- Administrative Office of the Courts
- Arizona Supreme Court Committee on Mental Health and the Justice System
- Family Court Improvement Committee
- Mental Health First Aid trainers
- Arizona State University:
  - Center for Applied Behavioral Health Policy
  - Watts College of Public Service and Community Solutions
  - School of Social Work.

These partners are developing training modules that will address:

- general mental health awareness
- specific interconnectedness between the benches and jurisdiction courts
- how to help judicial officers and courts staff understand how to approach individuals and families experiencing mental health conditions
- resources that are available to assist in the delivery of services and improve the administration of justice

The modules will be an online/in person hybrid experience with weekly updates.

## **C. Workgroup Updates**

### **Training Workgroup (continued)**

Judge Peterson thanked Stacy for her comments. He then discussed the perception of judges by parties to a case and the differences between handling cases involving represented and *pro se* litigants. Discussion ensued.

- Where would this training take place, how will the information be disseminated to the judges?
  - The First Quadrennial Family Law Summit would be the first place is where family law judges would trained be initially with online availability for further training, and weekly reminders of newly available information.

- This training is important because judicial temperament and personality can be more important to parties of a case than knowledge of the law.
- After talks with the Judicial Education Center, it was suggested to make the training part of New Judge Orientation. For the rural communities, video training was suggested.
- One-on-one training with new judges, feedback from another judge watching their proceedings, and information on how their decisions come across to the public was suggested as part of the training.

Judge Peterson asked if anyone had any thoughts on the survey questions. Judge McMurdie asked the committee to review it and email any suggestions to Judge Peterson. Judge Peterson asked for the feedback to be sent to him by May 15<sup>th</sup>.

### **Research and Innovation Workgroup**

Judge Sakall relayed the workgroup met on March 23<sup>rd</sup> with Nicole LaConte, AOC, about Online Dispute Resolution. The group answered her questions and will be following up with Susan Pickard, staff to the committee. A more substantive report is due in September.

### **Forms/Instructions/Publications Workgroup**

Janet Sell presented a draft amended Affidavit of Default form. The form was revised to conform with rule changes. She will be discussing the changes with the workgroup at their next meeting. Ms. Sell hopes to bring the finished proposed form to this committee's September meeting.

Judge McMurdie asked for suggestions for other forms that could use revision. Judge Cohen suggested that the workgroup look at the Affidavit of Financial Information. Judge Sakall stated he would send Ms. Sell a copy of a proposed revision for Pima County's local affidavit as a starting point.

### **Child Support Guidelines Review Subcommittee**

While not on the agenda, Judge McMurdie asked for a report from Ms. Pickard on the FCIC-Child Support Guidelines Review Subcommittee. Ms. Pickard reported they have met a couple of times and listed the workgroups they have developed and their charges. She also gave a brief overview of the subcommittee's progress.

### **Statutes and Rules Workgroup**

Judge McMurdie reported that previously scheduled Statutes and Rules Workgroup meetings along with the workgroup members were tasked to focus on the COVID-19 response. The workgroup reviewed the Arizona Rules of Family Court procedure for rules that if modified or suspended, could assist parties and courts with moving cases forward. Another meeting will be scheduled soon.

Judge McMurdie opened the floor for a roundtable discussion, asking if anyone had anything they'd like to ask or discuss. There was no response, so a Call to the Public was made. Sherry Jaffey, Malinda Sherwyn, and Patty Cummins addressed the committee.

Based on a public comment, Judge McMurdie asked to have a copy of the Study Committee on Domestic Violence and Mental Illness in Family Court Cases: Report and Recommendations forwarded to the committee for review. Judge Cohen informed Judge McMurdie and the committee that the Committee on Domestic Violence and the Courts (CIDVC) is making a recommendation to the Supreme Court for mandatory domestic violence training to be completed every 2 years. He also mentioned a joint study between CIDVC and the University of Arizona Domestic Violence Law Clinic to provide recommendations to decrease the risk of lethality among intimate partner victims and survivors. Ms. Sell suggested adding a domestic violence question to the survey being prepared by the Training Workgroup.

**D. Ad Hoc COVID-19 Response Workgroup/Post-COVID-19 Planning**

These topics were briefly discussed during the Statutes and Rules Workgroup update.

**III. OTHER BUSINESS**

**A. Announcements/Call to the Public**

- Three members of the public addressed the committee earlier in the meeting.
- There were no announcements.

**B. Next Meeting.** Thursday, September 3, 2020; 10 a.m.

Arizona State Courts Building, Conference Room 345 A/B  
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 11:20 pm.