

# FAMILY COURT IMPROVEMENT COMMITTEE

## Minutes

November 22, 2019 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

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**Present:** Judge Paul McMurdie (chair), Brian Bledsoe, Judge Bruce Cohen, Benjamin Deguire, Kellie DiCarlo, Judge R. Erin Farrar, Judge Elaine Fridlund-Horne, Commissioner Joseph Goldstein, CaSaundra Guadalupe, Danna Lopez, Sabrina Lopez, Patricia Madsen, Tracy McElroy, Jennifer Mihalovich, Judge Michael Peterson, Marla Randall, Janet Sell, Vance Simms, Megan Spielman, Amanda Stanford

**Telephonic:** Joi Hollis, Ph.D.

**Absent/Excused:** Judge Scott Rash

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

**Presenters/Guests:** David Withey, AOC Chief Counsel; Jennifer Albright AOC Senior Policy Analyst

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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 10:00 a.m. by Judge Paul McMurdie, chair. Judge McMurdie explained the charge of the committee. Susan Pickard went over housekeeping issues. Judge McMurdie then asked the committee to introduce themselves. Judge McMurdie informed the committee that Judge Scott Rash had been nominated for the federal district bench, so his position on the committee will be filled by the new Pima County Presiding Family Law Judge.

### B. Approval of Committee Rules for Conducting Business

The rules for conducting business were discussed and voted upon.

- Parameters of a quorum.

<p><b>Motion:</b> A quorum will be 50% +1 of the committee's members. <b>Moved by</b> Janet Sell. <b>Seconded by</b> Joi Hollis, Ph.D. Motion passed unanimously.</p>
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- The number needed to approve committee action.

<p><b>Motion:</b> A simple majority of the members present are required to approve any committee action. <b>Moved by</b> Janet Sell. <b>Seconded by</b> Joi Hollis, Ph.D. Motion passed unanimously.</p>
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- Virtual attendance.

**Motion:** Committee members will be permitted to appear telephonically. **Moved by** Janet Sell. **Seconded by** Joi Hollis, Ph.D. Motion passed unanimously.

- Proxy policy.

**Motion:** Committee members may send a proxy one time per year and proxies will have voting rights. **Moved by** Janet Sell. **Seconded by** Patricia Madsen. Motion passed unanimously.

Judge McMurdie informed the committee that meetings would be held quarterly.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Orientation (Out of order)

Ms. Pickard continued with additional committee information.

- The meeting preparation process and call for agenda items was explained.
- The members were asked if they would like to have meeting materials distributed in print form or electronically.
  - Members will print their own materials.
  - Staff advised they will provide a minimal number of copies at the meeting for members' use and for public attendees.
- The committee web page was reviewed.
  - Staff provided an overview of the information available on the website.
  - The RSVP function on the meeting information page was shown and its use demonstrated.
- Public Interaction.
  - Protocols related to the Call to the Public were explained.
  - Judge McMurdie expounded on the importance of public comments for the committee, sharing that approximately 80% of the litigants in family court cases are self-represented.

### B. Open Discussion and Strategic Planning (Out of Order)

Judge McMurdie shared issues submitted by other judges and attorneys for committee consideration and highlighted those he would like to see the committee considered. He then asked the members to share the topics or issues they would like to see further explored. Ideas included:

- Clean up of Title 25, specifically section 409
- Provide assistance for self-represented litigants, increased transparency, a more user friendly system, and unbundled services

- Provide more training for judges to:
  - Increase use of Resolution Management Conferences
  - Improve order consistency
  - Enhance cooperation and collaboration between jurisdictions
- Consider for statewide purposes the summary divorce (summary consent decree) and electronic filing of such being launched in Maricopa
- Decrease litigation and increase parental conferences and mediation
  - Mandatory pre-decree mediation
  - Simplifying court communication with litigants
  - How to balance equitable distribution of services between both parties
- Expand the approved participants of the parent education classes
  - Consider non-traditional families and cases with third party involvement, and provide more resources for litigants
- Explore reforms child support such as:
  - Blanket orders
  - Develop and coordinate strategies to improve the probability for payment
  - Decrease Interest rate on arrears
  - Educate judges regarding available Title IV-D agency's services
  - During the quadrennial review of the child support guidelines consider the impact, if any, of remarriages, and step-parent involvement
- Simplify and modernize statutes
  - State and federal guidelines language should match
- Make forms consistent statewide
- Consider family violence policy, procedure, and processes
  - Minimize the number of judges involved with a family with multiple cases
  - Develop guidelines and protection for attorneys in domestic violence cases
  - Identify resources for high conflict cases
  - Review ARPOP Rule 38 G regarding failure to appear by both parties
- Identify funding and resources for rural counties for testing, mediation, other services

Judge McMurdie noted that the topics would be reviewed, organized into workgroups, and discussed at the January 13, 2020, meeting.

### **C. Review of ACJA §1-202**

David Withey, AOC Chief Counsel, provided an overview of Arizona Code of Judicial Administration, Section 1-202: Public Meetings. He also discussed the policy concerning photography and videography during meetings. A member asked for clarification on the standards of what constitutes a meeting. Mr. Withey replied that it was any gathering or communication including a majority of the members. Mr. Withey also fielded questions about group emails and the rules as they apply to subcommittees and workgroups.

### **D. Call to the Public**

Lori Ford, Arizona Department of Child Safety Oversight Group, and Martin Lynch spoke to the committee. A note from a public member who did not wish to speak was read to the committee

### **E. Child Support Guidelines Quadrennial Review Subcommittee**

Reminding members of the committee's charge to conduct the quadrennial review of the child support guidelines, Judge McMurdie announced that a subcommittee will be established, and that Judge David Gass has agreed to be considered for appointment as chair. Members have not been identified, but the 2018 Interim Committee has provided recommendations. Those wishing to be considered for appointment were asked to contact Ms. Pickard. The establishing administrative order will be signed and the first meeting scheduled shortly. Members can expect monthly meetings. Patricia Madsen recommended a member of her office. Other committee volunteers included: Janet Sell, Vance Simms, CaSaundra Guadalupe, Sabrina Lopez, Jennifer Mihalovich, Judge Bruce Cohen, and Commissioner Joseph Goldstein.

### **F. Unbundled Services (Out of Order)**

Jennifer Albright, AOC Senior Policy Analyst, presented information from the Delivery of Legal Services Task Force. Ms. Albright asked for feedback and recommendations from the Committee regarding limited scope representation, unbundled services, and tiers for legal providers. Points discussed included:

- Consent from client to indicate the client knows and understands, i.e. acknowledgment and disclosures.
- Encourage the use of trigger words for clerks in the forms such as "appearance" and "withdraw" in title of forms.
- Members emphasized the need for the attorney, client, and court to all know and understand the specific purpose of the limited representation for determining the length of time or portions of the case that the attorney would be representing the client.

### **G. Long Term Order of Protection Collaborative Subcommittee**

Judge Bruce Cohen, who is also on the Committee on the Impact of Domestic Violence and the Courts (CIDVC) proposed the formation of a collaborative workgroup with CIDVC to make recommendations on the final report of The Study Committee on Domestic Violence and

Mental Illness in Family Cases; Arizona Rules of Protective Order Procedure, Rule 38(G), and long-term orders of protection.

**Motion:** To form a collaborative workgroup with CIDVC. **Moved by** Joi Hollis. **Seconded by** Benjamin Deguire. Motion passed unanimously.

Judge McMurdie asked for volunteers. Joi Hollis, Ph.D., Benjamin Deguire, Marla Randall, and Tracy McElroy will serve in addition to Judge Cohen.

#### H. 2020 Meeting Schedule

Judge McMurdie asked for a consensus on the proposed meeting dates. A couple members of the committee asked to move the January date. Staff checked date and room availability for the committee. The meeting was moved to January 13, 2020.

**Motion:** To approve the meeting dates with the amended January date. **Moved by** Joi Hollis, Ph.D. **Seconded by** Judge Elaine Fridlund-Horne. Motion passed unanimously.

### III. OTHER BUSINESS

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

- Judge McMurdie and staff will inform the committee about upcoming workgroups based on the suggestions made during the open discussion and strategic planning agenda item.
- Judge McMurdie asked that the members review the final report of The Study Committee on Domestic Violence and Mental Illness in Family Cases that was included in the meeting materials at page 29.

#### B. Next Meeting.

Monday, January 13, 2020; 10:00 a.m. – 3:00 p.m.  
Arizona State Courts Building, Conference Room 345 A/B  
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 2:00 pm.