



## **ANNOUNCEMENTS**

Senator Paula Aboud has been appointed to serve on this committee, replacing Senator Gabrielle Giffords who recently resigned from the Senate. Senator Aboud represents District 28.

## **APPROVAL OF MINUTES**

**MOTION:** Sid Buckman made a motion to approve the January 20, 2006 minutes.  
**SECOND:** Wanda Weber seconded the motion.  
**VOTE:** Unanimous.

## **NATIONAL COUNCIL OF JUVENILE & FAMILY COURT JUDGES – HONORABLE KAREN ADAM**

Commissioner Adam was recently elected to serve on the Board of Director for the National Council of Juvenile & Family Court Judges and is the co-chair of the Juvenile and Family Law Department which arranges for training and manages projects in delinquency and family law. This organization is working on strategic planning, goals and objectives to come up with a written mission statement. They are heavily funded by federal grants with a main emphasis on delinquency. Due to a good majority of judges from around the country who are involved with juvenile and also work with family law; the organization is looking to boost family law programs and a new advisory committee has been formed to help accomplish that task. The committee's goals include developing a "best practices" for family law manual and developing training modules that can be rolled out and delivered to states at a reduced cost.

Commissioner Adam further explained that she and Megan Hunter serve on the National Judicial Child Support Task Force, a group that was created by the Federal Office of Child Support Enforcement to develop a strategic plan for child support state agencies to collaborate with the judiciary to foster child support system improvements. The National Council of Juvenile and Family Law Judges applied and have maintained a one million and a half grant to provide judicial training in the area of child support enforcement. This committee is looking at developing "best practices" for child support establishment and enforcement with the goal to develop bench books and bench cards with federal requirements listed and suggestions on how to process the cases efficiently. With the committee being comprised of IV-D Directors, lawyers representing child support agencies and judges from around the country, it helps to look at various jurisdictions and towards a national model.

Commissioner Adam will be presenting at a Domestic Violence Conference in New York and commended the Domestic Relations Committee on their hard work with the statute on relocation and the statutory provision regarding domestic violence in the custody statute. Her fellow colleagues and presenters are impressed with what Arizona has done and are looking to adopting a similar statute in New York.

## **2006 LEGISLATIVE UPDATE**

SB1087 – Stuck in Rules. Sen. Brotherton urged committee members to ask Sen. Blendu to release the bill.

SB1267 – Integrated Family Court (DRC proposal). Family Services adopted an amendment that requests \$1,750,000 from the state general fund for the two pilot projects. The original bill left the amount blank. Scheduled for Senate Appropriations next week.

HB2026 – This bill is probably dead.

HB2559 – An amendment was adopted in House Human Services that strikes the provision requiring the court to order mediation and set a date for the mediation at the initial hearing. Assigned to House Judiciary but not scheduled for hearing. The bill is probably dead.

HB2561 – Held in House Ways & Means and is essentially dead.

HB2716 – Heard in House Human Services on 2/16/ but no vote was taken due to a request for more time to reach compromise. Rep. Hershberger is calling a meeting of all

stakeholders to develop a compromise and he mentioned in the hearing that the bill will likely appear later in the session.

HB2794 – Assigned to House Judiciary and Rules but not scheduled for hearing. Bill is probably dead. Rep. McCune-Davis explained that this bill may be revised on the Senate side.

HB2279 – Assigned to House Human Services and Rules but not scheduled for hearing. Bill is probably dead.

HB2292 – (CSC proposal) Amendment adopted in House Human Services clarifying that affidavits of direct payment shall be filed directly with the clerk of superior court, not the clearinghouse. Passed the House and has been transmitted to the Senate where it assigned to Senate Family Services and Rules. Scheduled for Senate Family Services on 2/20.

HB2342 – Passed House Human Services and Judiciary. Assigned to Rules.

HB2488 – Passed House Government Reform & Finance Accountability. Assigned to Rules.

HB2739 – Assigned to Senate Appropriations B & Appropriations P but not scheduled for hearing yet. Bill is probably dead.

SB1194 – Passed Senate Family Services. Assigned to Rules.

SB1294 – Passed Senate Government Accountability & Reform with an amendment that would create a process that if a presumed father finds out that he is not the biological father, he can petition the court and ask for genetic testing. If the court finds that he is not the father the court would vacate the determination of paternity and terminate the support obligation. Terminating the support obligation is prospective unless otherwise ordered by the court. The biological father would be required to pay restitution to the petitioner or presumed father.

Members discussed concerns that focus on the necessity of a statute of limitations so that we do not have the first establishment of child support orders when the person is 22, 30. Attorneys would like the statute to be maintained.

This proposal also conflicts with case law and is contrary to the best interests of children. Kim Martineau explained that the bill cannot be amended in the Senate but still has to go through House where an amendment is possible.

SB1517 – Assigned to Senate Appropriations and Rules but not scheduled for hearing. The bill is probably dead.

SB1097 – Striker offered in Senate Family Services that eliminates all of the original provisions and simply inserts a provision to require that Orders of Protection contain information to inform the Defendant of his or her right to request a hearing or a cross Order of Protection and requires language in Orders of Protection to state that nothing the plaintiff does can stop, change or undo the order without the court's written approval and that the defendant may be prosecuted for violating the order even if the plaintiff initiates contact. Passed Senate Family Services and is assigned to Rules. The bill does not require a guide sheet for plaintiff's but the Arizona Supreme Court's Committee on the Impact of Domestic Violence and the Courts is working on guide sheets for both plaintiffs and defendants.

SB1147 – Passed Senate Judiciary, Rules and COW with an amendment that clarifies that a person is not required to allow another person to enter his/her home or place of residence for the purposes of using a phone in an emergency situation. Passed Senate and has been transmitted to House.

SB1342 – Assigned to Senate Government but was removed from the agenda. The bill is probably dead.

SB1493 – Assigned to Senate Government and Rules but not scheduled for hearing. The bill is probably dead.

#### **MARRIAGE EDUCATION – DR. JOHN HORAN**

Dr. John Horan, Arizona State University Counseling and Psychology Program, demonstrated three software programs that are currently being utilized for online learning at ASU. The software allows the user to view a video stream of the class with a corresponding PowerPoint

outline on the same screen. Also on that screen are links to the syllabus and other necessary materials along with links to relevant websites. Initial test results indicate a 5-6% increase in test scores.

The program is designed so that any information, i.e. video and accompanying written materials, can be easily integrated and subsequently modified. The system can be programmed to ensure that the intended audience is the actual user of the system.

Members discussed that the programs have significant implications on the family court system in educational areas such as the parent information programs, the marital education proposal developed in this committee and other areas of family law. The educational opportunities are limitless.

The issue will be placed on the March agenda for further discussion.

## **2006 STRATEGIC PLANNING**

Megan Hunter reviewed the mission statement for the Domestic Relations Committee and the objectives. At last month's meeting, it was agreed to conduct strategic planning to determine the goals and objectives for workgroups to study during 2006. The committee identified categories and related issues:

### Parent Education

- Issues related to minor parents
- Intentional estrangement
- Review/recommend integration of cognitive development research to parents
- Issues of technology
- Court processes for high conflict cases

### Parenting Time

- IV-D Child Support Orders
- Data Collection
- Periodic publication of what this committee's work
- Revisit and expand the existing Model Parenting Time Plan
- Annual training
- Speakers for discussion on various topics
- Father absence

### Financial

- Identifying and accessing resources

### Dissolution

- Simple documentation for pro se litigants
- Information for litigants regarding processes/resources – Dissolution "101"

### Custody

- Temporary Orders
- Use of hospital paternity forms
- Greater emphasis on ADR – concerted effort on mediation
- Addressing procedural problems in the way cases are processed

### Domestic Violence

- Parental estrangement as a form of child abuse
- Orders of Protection

Members discussed the possibility of bringing in a strategic planning expert for long-term strategic planning. The co-chairs will be apprized of the discussion.

**CALL TO THE PUBLIC**

Ivo Ortiz, Father's Love Organization. Mr. Ortiz expressed concern over SB1294. In the triangle of some situations, the mother is quite aware of who the father might be but does not disclose this information until she is prepared to or until the child is emotionally invested with someone else. The biological father is then asked to pay restitution, with no consequences or repercussions to the parent that willing did not come forth with information early on in the process. When "visitation" is finally established it is not seen as "parenting time." Mr. Ortiz discussed other issues that he has experienced in the family court system for several years.

**WORKGROUP REPORTS**

The workgroups did not meet.

**NEXT MEETING**

The next meeting will be held on March 17, 2006, Arizona Courts Building, Conference Room 119A/B.

**ADJOURNMENT**

The meeting was adjourned at 1:23 p.m.