

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -January 25. 2002

PRESENT:

Karen S. Adam	Rep. Kathi Foster
Sidney Buckman	Sen. Toni Hellon, by Becky Serrine
Sen. Mary Hartley	Jennifer Jordan
Ella Maley	Alma Jennings Haught, by Ray Rivas
Deborah Woods-Schmitt	Janet Scheiderer
Kelly Campbell	Brian Yee
Rep. Karen Johnson	Rep. Mark Anderson
Ellen Seaborne	Sanford Braver, by Bill Fabricius
Nancy Gray Eade	Jay Mount

NOT PRESENT:

Jeff Zimmerman	Frank Costanzo
Terrill Haugen	Gordon Gunnell
Sen. David Petersen	Steve Phinney

GUESTS:

Sen. Darden Hamilton
Rep. Wes Marsh
Dave Norton, Phoenix Police Department
Barbara Guenther, AZ Senate
Rena Selden, Attorney
Annette Burns, Attorney
Stacy Lockery, Governor's office
Virginia Chaffin
Melita Mulligan-Ferry, Conciliation Court in Maricopa County
Ronni Pfeiffer
Scott Leska
Marilyn Kalandek
Kat Cooper, Clerk of Court's office, Superior Court in Maricopa County
Lorraine Jones
Steve Wolfson, AZ State Bar
Shawn Cox
Steve Clark
Barbara Walls
Brandi Brown, ACADV
Glenn Davis, AZ Senate
Kisa Corcoran
Curtis Bruggman

Patrick Murphy
Perrah Yarbrough for Terry Martin, AG's office
Beverly A. Hall
Phil Knox, Family Court Administrator, Superior Court at Maricopa County
Julie Warsaw
Starr Bryan

STAFF:

Karen Kretschman
Susan Pickard
Isabel Gillett

CALL MEETING TO ORDER

The meeting was opened at 10:00 a.m. by Senator Mary Hartley.

ANNOUNCEMENTS

Beverley Boyd, Manager of the AOC Family Law Unit, Court Services Division, Arizona Supreme Court, resigned her position to take a position with the Montana Supreme Court AOC, leaving her DRRSS position as "administrative officer of the supreme court" to be filled. The co-chairs agreed that Janet Scheiderer, Director of Court Services, AOC, should be named to that position. Janet was introduced to the Subcommittee members. She gave a brief summary of her experience and interest in family law matters.

APPROVAL OF MINUTES

A quorum was present. The minutes for the December, 2001 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

The Custodial Parent position remains open and hopefully the co-chairs will have it filled by the February, 2002 meeting. Two applications have been considered.

PRESENTATION: VIDEOTAPE ON DOMESTIC VIOLENCE

Brandi Brown, from the Arizona Coalition Against Domestic Violence (ACADV) appeared and presented a videotape documentary entitled "Small Justice: Little Justice in Family Law Courts." The documentary focused on the ramifications of sexual abuse claims made during divorce proceedings.

DISCUSSION: BILL REVIEW

Senator Hartley announced that the deadline for introducing bills has passed for the Senate and that the House, as of January 25, 2002, had a few more days available for opening files. She expressed concern that certain legislators had brought the Subcommittee bill drafts for review and input in the fall of 2001 and that the Subcommittee had not devised a structured method by which to impart its findings and recommendations to the bill sponsor. Senator Darden Hamilton did receive some of the Subcommittee's input through Senate staff sitting in on DRRSS workgroup meetings. In addition, certain bill proposals were offered by Subcommittee members and general agreement was reached by the Subcommittee on sponsoring the bill proposals (Ellen Seaborne's proposal to repeal A.R.S. 25-218 re surrogate parenting contracts and revisions to A.R.S. 25-408, 411 and 402 regarding relocation/resumption of previous parenting time schedule) but time ran out during the December meeting. Rep. Johnson agreed to open folders for those two DRRSS proposals by Monday, the 28th.

Sen. Hartley suggested that the Subcommittee formalize a method to make recommendations to the legislature and finalize our positions on bills brought to the Subcommittee. She suggested that the Subcommittee again invite legislators to submit their proposed bill proposals prior to the next regular session and devise a set structure for review of those proposals within the workgroup meetings; the workgroups then would make a recommendation regarding those bills to the Subcommittee as a whole. The Subcommittee would review and discuss and decide what the recommendation is regarding a submitted bill proposal and transmit the recommendation to the bill sponsor in a structured method.

As to bill proposals coming from within the workgroups and Subcommittee rather than legislators, the same process would take place before the end of December and one of the co-chairs would sponsor the approved bill. Jay Mount suggested a seasonal approach in that during the fall, prior to legislative session, the Subcommittee should perhaps devote the entire monthly meeting to bill proposal review and focus the educational materials and speakers for the other parts of the year. Kelly Campbell disagreed, stating that the educational sessions are equally important so members will be educated as to pertinent and current issues. She also urged a place for a dissenting position in the formalized process. Representative Johnson suggested that the Subcommittee also develop recommendations as to just exactly what types of topics come under the purview of the Subcommittee.

Sen. Hartley stressed that any bills to be sponsored, endorsed or opposed by DRRSS should be discussed and decided upon by the end of the year before the legislative session begins. The workgroup chairs also need to be mindful of this schedule and make sure bills are dealt with on a timely basis. Karen Kretschman added that the Child Support Coordinating Council has such a procedure; Sen. Hartley asked that a representative from CSCC come to speak to DRRSS during the February 22, 2002 meeting regarding their defined process so that DRRSS can develop a written procedure. Rep. Foster suggested that DRRSS again, through the co-chairs, invite all legislators to submit family-related bill proposals to the Subcommittee before the next session; an invitation letter will be mailed out at the end of summer, 2002, with a reminder in October, 2002. She also

suggested developing additional guidelines as to just exactly what topics are proper for DRRSS' consideration as opposed to other committees and subcommittees.

Staff was asked to transmit to DRRSS members a legislative schedule of hearings on pertinent family-related bills every week.

SPEAKERS

Senator Darden Hamilton, Arizona Senate, appeared and spoke about his proposed legislation regarding limiting immunity to court appointed personnel. He believes only the judge in a case should have immunity from prosecution or civil liability. The Subcommittee members had many questions and comments; Senator Hamilton stayed throughout the lunch hour, on the record, with the workgroups merging for questions, review and commentary to him on the merits/disadvantages/concerns regarding his proposal.

Annette Burns, Arizona Board Certified Attorney in Family Law, appeared and spoke to the Subcommittee regarding the merits of considering collaborative divorce on a statewide basis as an aspect of domestic relations statutes reform. Texas has already passed legislation endorsing this procedure. She handed out a draft of her proposed bill (not filed) and will have a draft ready for the Subcommittee to review for fall, 2002. Ellen Seaborne suggested putting this topic on the September, 2002 agenda for discussion.

WORKGROUPS

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch with Senator Darden Hamilton regarding his proposed bill for immunity limitations to court-appointed personnel. The discussion begun earlier continued throughout the lunch hour, on the record pursuant to open meeting requirement and under Dr. Yee's direction; many questions and comments were offered in giving Senator Hamilton input as to the merits/disadvantages of the bill's content.

DISCUSSION: LEGISLATION RELATING TO DRRSS

Barbara Guenther, Arizona Senate staff, presented a synopsis of the content of Senate Bill 1088 (repealing the DRRSS statute; creating a new independent Domestic Relations Committee, expanding DRRSS membership, eliminating the over-arching Committee composed of the four co-chairs, changing the appointment method in order to make it a true legislative Committee) and House Bill 2468 (giving DRRSS integrated family court workgroup until October 2002 to produce a finished draft for a statewide plan for an Integrated Family Court). During discussion, a discrepancy between the two bills (HB 2468 offers a revision to DRRSS; SB 1088 repeals DRRSS and creates the Domestic Relations Committee) was discovered and will be corrected by the co-chairs. Senator Hartley reminded the Subcommittee that any integrated family court plan will need a sponsor; she terms out this session; Rep. Johnson does not. Janet Scheiderer also expressed concerns that the group develop a budget to correspond with the IFC plan. Monthly reports on the

progress of the IFC workgroup will be made to the larger Subcommittee (DRRSS) as the development of the IFC plan progresses. A question was raised about appointments if the bill passes; Barbara Guenther commented that all membership positions would have to be formally “re-appointed” but expected that anyone already serving and appointed would be reappointed.

Insufficient time remained for the strategic planning session for the Integrated Family Court workgroup; Ellen Seaborne reported that a meeting would be held by the IFC workgroup on February 1 at the State Courts Building. Representative Johnson thanked Ellen Seaborne for all of the work she has been doing for the IFC workgroup.

NEW BUSINESS

No new business was presented.

CALL TO THE PUBLIC

Melita Mulligan-Ferry, with Conciliation Services, Superior Court in Maricopa County, appeared to request support and sponsorship for a bill proposal (technical amendment to the fees statute) for charging a filing fee for mediation in paternity and non-IV-D cases due to the large number of paternity cases which come through their offices. Current filing fees do not cover paternity cases for mediation services. Melita brought a bill proposal for consideration.

Ronni Pfeiffer reported on her difficulties with purported lack of independence on the part of the court-appointed evaluator in her five-year custody case. She was unable to read the evaluator’s report prior to submission and believes the evaluation did not consider all pertinent evidence.

Beverly Hall appeared to speak about the immunity issue for court evaluators; she recommended leaving the statute as it is.

Rena Selden, a family attorney practicing in Phoenix, appeared and offered suggestions for a procedure with court evaluators which would require a draft report be submitted to both parties for comment and rebuttal before being submitted to the court by the evaluator. She opposed elimination of the exemption from liability for evaluators and suggested that the evaluation studies take too long; evaluators should be given time limits in which to complete a report. She also suggested that if the evaluator cannot do a timely report, he or she should not be given the assignment. Any report should go to both parties first before the court so the evaluator can learn whether a scam has been in operation. Reports submitted ten days prior to trial are too late; deadlines should be set for an earlier date prior to trial.

Star Bryan, with Legal Eagles, appeared to comment on her difficulties in being assaulted and attacked by the parties as she performed her role as a court appointed supervised parenting time facilitator in a custody case. She believes that immunity should extend to persons filling such a role.

Julie Warsaw appeared and recounted her experiences and problems with court-appointed mental

health evaluators during a protracted two-year custody dispute which involved sexual abuse claims. She is in favor of limiting immunity to evaluators.

Curtis Bruggman described his dislike of parenting time schedules and advocated for equal access to both parents; he also would like to abolish any immunity to court appointed evaluators.

FUTURE MEETINGS

The February, 2002 meeting will be held on the 22nd (a Friday) in the State Courts Building, Rooms 345A/B; the March, 2002 meeting is scheduled for March 29, 2002, also a Friday, in Rooms 119A/B, State Courts Building. April 26, 2002, another Friday, is the April meeting date, in Room 230; the May 24, 2002 meeting will be held in Rooms 119A/B.

ADJOURNMENT

The meeting was adjourned at 2:10 p.m.