

**DOMESTIC RELATIONS COMMITTEE  
AMENDED MEETING MINUTES -SEPTEMBER 18, 2002**

**PRESENT:**

Sen. Mary Hartley  
Rep. Karen Johnson  
Sen. David Petersen  
Frank Costanzo  
Hon. Karen Adam  
Kelly Spence  
Jennifer Jordan  
Steve Phinney  
Brian Yee  
Ella Maley  
Ellen Seaborne

Nancy Gray  
Kat Cooper  
Sidney Buckman  
Karen Kretschman (for Janet Scheiderer)  
Terrill Haugan  
Debbora Woods-Schmitt  
Daniella Yaloz  
Jeff Zimmerman  
Steve Wolfson  
Rene Bartos

**NOT PRESENT:**

Rep. Kathi Foster  
Gordon Gunnell  
Hon. Dale Nielson

David Norton  
Ray Rivas  
Beth Rosenberg

**GUESTS:**

Leah Pallin-Hill  
Scott Leska  
Kristie Leshinstie  
Theresa Barrett  
Mayar M. Daiza  
Therese Martin  
Bill Fabricious

Jay Mount  
Sydney Gleba  
Krsiten Hogan  
Georgeanne Pastel  
Susan Pickard  
Phil Knox

**STAFF:**

Isabel Gillett  
Megan Hunter

## **CALL MEETING TO ORDER**

The meeting was called to order at 10:09 a.m. by Senator Hartley.

## **ANNOUNCEMENTS**

Members introduced themselves, giving names and positions on the Committee. All positions are filled.

## **APPROVAL OF MINUTES**

There were no minutes to approve because this is the first meeting of the new committee. The minutes from the July 19, 2002 meeting were provided for review purposes only, with no changes or corrections found.

## **STRUCTURE AND PURPOSE OF COMMITTEE**

Senator Hartley reviewed the charge of the new committee pursuant to Senate Bill 1088 that was signed into law with an August 22, 2002 effective date. The previous overarching Child Support Enforcement and Domestic Relations Reform Study Subcommittee (DRRSS) was eliminated, and the newly created Domestic Relations Committee and Child Support Committee are now statutorily separate committees with no requirement to report to or meet with each other.

The charge of the new committee remained much the same as the old DRRSS charge except the task related to grandparents' rights, which was completed in 1992, was eliminated and the Integrated Family Court was added. The committee must submit an annual written report reflecting their recommendations to the President of the Senate, Speaker of the House of Representatives, the Governor and the Chief Justice of the Supreme Court.

New positions were added and each member is to be appointed by either the Governor, President of the Senate, Speaker of the House or the Chief Justice of the Supreme Court. The new positions are: 1) one active or retired domestic relations judge or commissioner (rural), 2) a member of a law enforcement agency, 3) a member of an agency that advocates for children, and 4) a member of the Family Law section of the State Bar of Arizona. Two positions were eliminated, one senator and one representative.

## **INTEGRATED FAMILY COURT (IFC)**

Ellen Seaborne, IFC chairperson, explained the charge of the IFC workgroup and provided an overview of the draft IFC report. The IFC model plan would recognize the

family as a unit and each would have a “family file.” A key element is that overlapping cases (juvenile and family) are not rare. Each county would have its own IFC with an appointed IFC Presiding Judge; an overarching statewide committee would provide guidance to the counties. Automation would be a key element in coordinating cases and files. General discussion followed with key points being:

- less adversarial system is better for the family
- use of alternative dispute methods is cost effective and time effective
- costs of mediator vs. a judge is a significant cost savings
- one judge-one team-one family approach best serves the family

Phil Knox noted that Maryland (similar in population to Arizona) has a unified family court with costs of approximately \$9.6 million, including automation. Funding came from a general appropriation.

Senator Hartley suggested a self-funded approach would be prudent when this bill eventually goes to the Legislature due to the state budget crisis. She explained that self-funded proposals: 1) do not have to go to the Appropriations Committee, and 2) a two-thirds majority of both legislative bodies must occur to raise any fee or tax.

Members were polled regarding the IFC proposal. Their comments were as follows:

- user fees - in addition to the fee currently charged on an original petition/motion, additional fees could be collected on subsequent filings
- smaller counties will collect very little to support the IFC
- will have to attach a fiscal note to this bill
- time frame issue – fees are not going to generate over night, so may need to add at least six months to implementation
- increase fee for marriage licenses
- need more time to fund and implement
- multiple source funding
  - raise taxes (possibly a sin tax)
  - grants should be relied upon
- charge for mediation

Members of the Substantive Law workgroup, the Education/Prevention workgroup and the Court Procedures workgroup met during the working lunch hour to discuss the draft IFC report. Senator Hartley asked each workgroup to discuss the proposal and indicate whether or not they support the proposal and asked for input or suggestions for changes.

The workgroups met during the working lunch hour and came back to the general meeting with the following reports:

### **Substantive Law Workgroup:**

Jeff Zimmerman reported the following:

- Substantive Law workgroup supports the proposal with the following comments regarding funding:
  - user fees should be the main source of funding
  - Maricopa County's IFC costs should be reviewed in detail
  - a no-cost start up might not be feasible
  - consider federal grant monies
  - split costs out and present them that way instead of throwing out a one-time hard number

### **Court Procedures:**

Dr. Brian Yee reported the following:

- Court Procedures workgroup supports the proposal with the following comments regarding funding:
  - they share the same concern voiced by the Substantive Law workgroup regarding throwing out a one-time hard number
  - more research should happen before naming a price tag
  - look into other funding, e.g. IV-D monies
  - while user fees might not result in a significant increase in revenue, it makes absolute sense for those who use, and particularly those who repeatedly use the system, assume some of the financial responsibility

### **Education/Prevention:**

Terrill Haugen reported the following:

- Education/Prevention workgroup supports the proposal with the following comments regarding funding:
  - look into the funding mechanisms utilized in Maryland
  - expand public relations efforts to the business community
  - pull a committee together to address public relations

The full Committee determined that more work needed to be done regarding IFC funding. Members agreed to vote on the draft IFC report this month and vote on IFC funding at the October meeting.

Senator Hartley asked if any interested individuals from the public would like to comment on the IFC proposal. No one took the opportunity.

**MOTION: Adopt the IFC draft as proposed document (allowing staff to make grammatical and punctuation cleanup) and forward to Legislative Council as soon as possible.**

**FRIENDLY AMENDMENT TO THE MOTION:**

**Three changes on page 20 to reflect discussion – extends timeframe by six months.**

**MEMBERS APPROVED THE AMENDED MOTION UNANIMOUSLY.**

Members were polled about specific funding issues, as follows:

- concerned with raising dissolution fees due to potential to raise barriers for people wanting to leave abusive marriages
- user fees make sense
- high rate of recidivism
- user fees – utilizing sliding scale and waiver and deferral mechanisms for those who cannot afford fees
- place tax on attorney's services
- increase filing fees and charge fees on subsequent filings
- place tax on birth certificates
- charge attorney's a fee to practice
- user fee is not a good funding source
- solicit business or private funding
- Clean Elections fund

Senator Hartley asked Susan Pickard, Ellen Seaborne, Phil Knox and Megan Hunter to hold a meeting to run scenarios with user fees due to the fact that the majority of Committee members leaned toward user fees to fund the IFC.

#### **NEW BUSINESS**

None was presented.

#### **CALL TO THE PUBLIC**

Scott Leska, American Coalition for Fathers & Children commented on other issues such as constitutional law and 50/50 parenting time. Sidney Gleba discussed family court issues and possible solutions and offered to bring legislative proposals to the next DRC meeting.

## **FUTURE MEETINGS**

The next meeting will be held on October 18, 2002, in House Hearing Room 1, Arizona House of Representatives, 1700 W. Washington, Phoenix. IFC issues will take up only a small amount of time at the October meeting.

The November meeting will be held on November 6, 2002, Conference Room 119A/B, Arizona State Courts Building, 1501 W. Washington, Phoenix. Representatives from the Hawaii judiciary will present their children's programs to the Committee.

The December meeting will be set in October.

## **ADJOURNMENT**

The meeting was adjourned at 2:21 p.m. by Senator Hartley.