

DOMESTIC RELATIONS COMMITTEE

Meeting Minutes – September 8, 2006

PRESENT:

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CO-CHAIRS:

Hon. Peter Hershberger, Co-Chair
Hon. Karen Johnson, Co-Chair

MEMBERS:

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Hon. Paula Aboud
Hon. Karen Adam
Lucille Antone-Morago
Theresa Barrett
Honorable Tim Bee
Honorable Andy Biggs
Honorable David Bradley
Honorable Bill Brotherton
Jodi Brown
Sidney Buckman
Daniel Cartagena
William Fabricius
Barbara Fennell
Honorable Beverly Frame
Linda Leatherman (telephonically)
Ella Maley
Hon. Debbie McCune-Davis
George Salaz
Ellen Seaborne
Russell Smoldon
David Weinstock
Hon. Thomas Wing
Steve Wolfson
Brian Yee

STAFF:

Kim Ruiz
Kim Martineau

Administrative Office of the Courts
Senate Family Services Committee Analyst

CALL TO ORDER

The meeting was called to order by Senator Johnson, Co-Chair, at 10:25 a.m. with a quorum present.

ANNOUNCEMENTS

Senator Johnson introduced the Committee's newly appointed member, Barbara Fennell. Barbara is the Director of Family Services for the Superior Court in Maricopa County and was appointed by Governor Napolitano to fill the Domestic Relations Educator vacancy.

APPROVAL OF MINUTES

The minutes from the February 17, 2006 and the July 21, 2006 meetings were presented for approval.

MOTION: Hon. Bill Brotherton made a motion to approve the February 17, 2006 and July 21, 2006 minutes as presented.
SECOND: Seconded.
VOTE: Unanimous.

DIVORCE RESEARCH – WILLIAM FABRICIUS, PH.D.

William shared the research findings he recently presented at the *International Conference on Children and Divorce*, in Norwich. The study focused on the role of parent conflict and time spent with the father on the health outcomes of young adults from divorced families. The research stemmed from a 1994 study by P.R. Amato and S.J. Rezac on "Contact with Nonresident Parents, Interparental Conflict and Children's Behavior"; which the findings still remain tentative. While Amato's looked at cause and effect, William Fabricius and Karina Horowitz's study looked at parent conflict and living arrangements along with the additional mediating factor of time spent with the father in an attempt to replicate Amato's findings. From their study, they concluded that time spent with father benefits children even in high conflict families, except when fathers' custody is more than equal. In these situations they noted a slight drop in beneficial outcomes.

The Committee thanked William for presenting and agreed that efforts need to be put towards reducing the increasing number of absent fathers.

POSSESSION OF PORNOGRAPHY FOR COURT PROCEEDINGS – DAVID WEINSTOCK, J.D., PH.D.

David presented to the Committee an issue raised with one of his cases involving child pornography that identified the need for a possible statutory revision. Currently in Arizona, the professionals involved with a criminal case which involves child pornography as evidence within the case, such as police officers, attorneys, court experts, judges, etc., are not exempt from felony charges if they are found in possession of the pornography. It was noted there is a general judicial and prosecutorial immunity statute, but it was not known whether it has been interpreted to apply to other professionals involved with the case.

A California penal code addresses this issue and applies exceptions to the California statute. David proposed an amendment to A.R.S. § 13-3553, to create an exception for anyone involved a court procedure with pornography evidence by adding the following language:

D. This statute does not apply to the activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses or to the legitimate legal, medical, scientific or educational activities.

ACTION: It was recommended that Cindy Nannetti, of the County Attorney's Sex Crimes Division, be invited to speak to the Committee or informally review the proposal for feedback. It will be added to next month's agenda for follow-up.

STRATEGIC PLANNING

Hon. Karen Johnson addressed the importance of legislative attendance at the committee meetings, which was supported by members. The involvement of legislative appointees is essential to the prescreening function of the committee which ensures proposed legislation is vetted by system stakeholders prior to going to the floor of the House and Senate.

Committee members expressed their desire to have family law related bills generated outside the Domestic Relations Committee be also vetted through the Committee for a policy statement. It will be an ongoing task for the Committee Staffers to bring family law related bills to the Committee and return their position statements to the Legislature. It was recommended the Committee also review existing legislation for repeal opportunities.

In light of obtaining an appropriation for an Integrated Family Court (IFC) pilot, Ellen Seaborne explained that the IFC workgroup's objectives would shift to focus on securing dedicated funding for the pilot and to expand the IFC concept statewide if merited.

Senator Johnson recommended creating a small group of committee members to present IFC updates to the Family Services Committee, Human Services Committee and the Appropriations Committee early in the session to keep them apprized of pilot accomplishments.

Ellen Seaborne indicated her interest in working on grandparents' visitation rights included on the Strategic Planning topic list. This was an issue she brought forward after identifying an unintended consequence resulting from the current law which was drafted by the Committee. Specifically, Ellen noted currently if a parent's rights are terminated for cause and there is an adoption, the parents of the terminated party can request visitation rights.

Steve Wolfson recommended Ellen work with the Substantive Law Workgroup on drafting the proposed change. It was noted this proposal also ties to CPS issues that need to be addressed.

It was suggested that Tracy Wareing, Director of Child Protective Services, be invited to speak to the Committee at a future meeting to further explore possible areas to recommend change.

ACTION: Senator Johnson requested the recent Auditor General's Report on Child Protective Services timeliness and thoroughness of investigation which exposed gaps in the system, be shared with the members.

Link to the report:

http://www.auditorgen.state.az.us/Reports/State_Agencies/Agencies/Economic%20Security,%20Department%20of/Performance/CPS-0502/paCPS-0502.htm

WORKGROUP REPORTS

Credit Issues: The Workgroup is currently working on legislation that will be presented to the Committee in November for fine-tuning and final approval to move forward.

IFC: Coconino County was chosen as the site for the IFC pilot. The Administrative Order selecting Coconino County was issued and Coconino County is currently finalizing the specifics of their plan for final approval. It is anticipated the IFC pilot will be implemented in January.

Barbara Fennell inquired about how the plan addressed the problems California faced in the discrete areas of:

- Probate for guardianship
- Juvenile dependency
- Family Law

Ellen explained that Coconino County currently has the “one judge, one family” approach. All of their judges involved in the IFC will go through extensive training in all areas. Additionally, Coconino County has a dedicated bench that will not have the rotation issues Maricopa County faces. Finally, Coconino County’s IFC will involve all family law cases, not just crossover cases.

Education: The workgroup will be looking at expanding the Parent Education program to include information for non-married parents and for children. Hawaii’s Kids First program will be looked at along with other states as possible models for Arizona.

NEXT MEETING

The next meeting will be held on October 6, 2006, State Courts Building, Conference Room 345A/B.

CALL TO THE PUBLIC

There was no public present.

ADJOURNMENT

The meeting was adjourned at 1:30 p.m.