

**DOMESTIC RELATIONS COMMITTEE**

State Courts Building  
1501 W. Washington Avenue  
Conference Room 119 A/B  
Phoenix, AZ  
Minutes  
October 3, 2008

**MEMBERS PRESENT:**

Honorable Linda Gray  
Theresa Barrett - telephonic  
Jodi Brown  
Sidney Buckman - telephonic  
Daniel Cartagena  
William Fabricius  
Todd Franks  
Grace Hawkins  
Jeffery Hynes - telephonic  
Honorable David Lujan  
Ella Maley

Honorable Rebecca Rios- telephonic  
Donnalee Sarda  
Ellen Seaborne  
Honorable Sally Simmons  
David Weinstock  
Steve Wolfson  
Brian Yee

**MEMBERS ABSENT:**

Honorable Timothy Bee  
Honorable Andy Biggs  
Honorable David T. Bradley  
Honorable Beverly Frame  
Danette Hendry  
Honorable Pete Hershberger

Honorable Leah Landrum Taylor  
Patti O'Berry  
George Salaz  
Russell Smolden  
Tom Wing

**PRESENTERS/GUESTS:**

Honorable Karen Adam  
Honorable Paul O'Connell  
Jana Bertucci  
Teresa Homosillo-Horne

Juvenile Court Center, Pinal County  
Superior Court, Pinal County  
Staff Assistant - DES  
Pinal County IFC

**STAFF:**

Kathy Sekardi  
Tama Reily  
Amber O'Dell  
Eden Rolland

Administrative Office of the Courts  
Administrative Office of the Courts  
State Senate  
State House of Representatives

## **CALL TO ORDER**

Without a quorum present, the October 3, 2008 meeting of the Domestic Relations Committee (DRC) was called to order by Senator Linda Gray.

## **ANNOUNCEMENTS**

Members were welcomed and introduced.

## **APPROVAL OF THE SEPTEMBER 5, 2008 Meeting Minutes**

With a quorum now having been reached, the minutes of the September 5, 2008 DRC meetings were presented for approval. The following amendments were requested:

1. Page 3, under 'Child Custody Evaluations', line 7, strike the sentence that begins "there is no real examination..." and add "there is no fixed list of issues examined because situations vary so much from case to case. Issues addressed include whether there are emotional and/or behavioral disorders in parents, and/or various conditions/circumstances present, which prevent appropriate decision making."
2. In the same paragraph, line 5, where it states "The court has charged them..." change *them* to *the evaluators*. Where it states "making decisions..." change *decisions* to *recommendations*, and again, where it states "...influence decisions," change *decisions* to *recommendations*.
3. Page 4, under 'IFC Reports', the sub-heading for paragraph 1 should read "IFC Pinal County," and the sub-heading for paragraph 2 should read "Coconino County Final Evaluation Report."

**MOTION:** To amend the minutes of the September 5, 2008 DRC meeting as discussed herein.

**SECOND:** Motion seconded.

**VOTE:** Approved unanimously

**MOTION:** To approve the minutes of the September 5, 2008 DRC meeting as amended.

**SECOND:** Motion seconded

**VOTE:** Approved unanimously

## **WINGSPREAD PROJECT REPORT**

Honorable Karen Adam reported on the Wingspread Conference on Domestic Violence and Family Courts, which took place in February of 2007. The National Council of Juvenile and Family Court Judges and the Association of Family and Conciliation Courts brought together a working group of 37 experienced practitioners and researchers to identify and explore conceptual and practical tensions that have hampered effective work with families in which domestic violence has been identified or alleged. Judge Adam expounded on the productive nature of the conference, the gains made toward improving current processes, and plans for continued efforts through

workgroups, ongoing dialogue, and research. The report from the Wingspread Conference was provided to members in today's meeting materials.

### **SUBSTANTIVE LAW/COURT PROCEDURES WORKGROUP**

Steve Wolfson provided the Substantive Law/Court Procedures Workgroups update. Proposed revisions to A.R.S. §§ 25-403.05, 25-403.02, and 25-351 were presented for approval. The revisions incorporate language to address parental/custodial notification to the other parent/guardian that a person convicted of sex crimes and/or other dangerous crimes against a child may have access to the child while in the parent/guardian's custody. The workgroup requests approval of the version of section A.R.S. § 25-403.05 that includes the suggestions of Legislative Council. In addition, proposed changes to A.R.S. § 25-403.02 and 25-351 relating to parenting plans and parental education programs, will be revised to include information about this notification requirement. The committee suggested adding a clause regarding means of notification acceptable to the court.

**MOTION:** To add the clause "or other means of notification acceptable to the court" to the proposed version of A.R.S. § 25-403.05.

**SECOND:** Motion seconded

**VOTE:** Approved unanimously

**MOTION:** To approve the proposed version of A.R.S. § 25-403.05 as amended.

**SECOND:** Motion seconded

**VOTE:** Approved unanimously

### **CREDIT ISSUES WORKGROUP**

Todd Franks briefed the committee on projects the Credit Issues Workgroup is currently focused on. They continue to work on revisions to the omitted property statute. The workgroup plans to propose some revisions to either the property division statute or one of the related filing statutes that would impose a specific type of form disclosure on people regarding property and debts. They will bring their proposal to the committee at the next meeting.

### **AD-HOC CUSTODY STATUTE TASK GROUP**

William Fabricius discussed what would be the main goals of the new ad-hoc Custody Statute Task Group. The group would report first to the Substantive Law Workgroup and will seek changes to the custody statute A.R.S. § 25-403, aimed at reducing the "deadbeat phenomenon" and to facilitate "shared parenting phenomenon."

**MOTION:** To approve formation of an ad-hoc Custody Statute Task Group for the purposes discussed in today's meeting.

**SECOND:** Motion seconded

**VOTE:** Approved unanimously

**FUNDING FOR INTEGRATED FAMILY COURT PROGRAM**

Ellen Seaborne spoke to members about generating funding ideas and/or identifying possible resources to sustain current IFC programs, and to possibly expand the programs to other counties. She requested volunteers to work as a group to explore ideas.

**MOTION:** To continue as a committee to meet specifically to explore and identify potential funding sources to sustain and possibly expand IFC programs.

**SECOND:** Motion seconded

**VOTE:** Approved unanimously

**ADJOURN/CALL TO THE PUBLIC**

No public comments offered.

Meeting adjourned at 11:31am.

**NEXT MEETING**

Friday, December 5, 2008 - teleconference  
Arizona State Courts Building  
Conference Room 119 A/B  
10:00am – 11:30 am