

# DOMESTIC RELATIONS COMMITTEE

Meeting Minutes – September 17, 2004

## PRESENT:

- 
- 

## CO-CHAIRS:

Hon. Mark Anderson, Co-Chair  
Hon. Karen Johnson, Co-Chair

## MEMBERS:

- Hon. Karen Adam
- Lucille Antone-Morago
- Hon. David Bradley
- Hon. Bill Brotherton
- Jodi Brown
- Sidney Buckman
- Kat Cooper
- William Fabricius
- Hon. Beverly Frame
- Nancy Gray (Designee Annette Burns)
- Bill Hart
- Terrill J. Haugen
- Karen Kretschman
- Ella Maley
- Jay Mount
- Hon. Dale Nielson
- David Norton
- Ellen Seaborne
- Judy Walruff
- David Weinstock
- Steve Wolfson
- Debbora Woods-Schmitt
- Brian Yee
- Jeff Zimmerman

## GUESTS:

Allie Bones	Governor's Office
Danny Cartagena	Self
Gina Grappone	Governor's Office
Therese L. Martin	AZ Attorney General's Office
Konnie Neal	Administrative Office of the Courts
Mary Thomson	Governor's Office
Joanne Zazzi	Conciliation Court Volunteer

## STAFF:

Isabel Gillett	Administrative Office of the Courts
Barbara Guenther	Senate
Megan Hunter	Administrative Office of the Courts
Javan Mesnard	Senate
Patsy Osmon	Senate

Senator Anderson called the meeting to order at 10:16 a.m. without a quorum present.

**GOVERNOR’S PLAN ON DOMESTIC & SEXUAL VIOLENCE – ALLIE BONES, GOVERNOR’S OFFICE**

Allie Bones and Mary Thomson provided an overview of the Governor’s Plan on Domestic & Sexual Violence, which is intended to decrease domestic and sexual violence and increase awareness and understanding in Arizona. The General Principals for this plan include:

- Prevention/Early Intervention
- Victim Services
- Criminal Justice
- Offender Treatment/Accountability
- Sexual Assault
- Data Collection
- Children Who Witness Domestic Violence

The Governor’s Office has created several implementation design groups that will focus on training, automation, legislation, and children’s issues. Plans will be tailored to individual counties to reflect of county size, resources, needs, etc.

Ms. Bones suggested that the Domestic Relations Committee should focus on the “Children Who Witness Domestic Violence” section of this plan. The Governor’s office wants professionals who work with domestic relations cases to implicitly understand the effects that witnessing domestic violence has on children. They encourage cross training on domestic violence and domestic relations issues.

Terrill Haugen inquired about the percentage of men who are victims of domestic violence. Ms. Bones replied that the rate is approximately 15%.

Senator Anderson suggested expanding this information into the Marriage and Communications Skills classes to ensure that the facilitators are getting proper domestic violence training. Dave Norton suggested that the Domestic Relations Committee support and work together with the Governor’s Office to implement the State plan.

**APPROVAL OF MINUTES**

A quorum was reached at 10:29 am.

**MOTION:** David Norton made a motion to approve the minutes of the August 20, 2004 meeting as submitted. Brian Yee seconded with one modification: Page 4, last paragraph on the Call to the Public section, second sentence should read: “Dr. Yee explained that the professionals are governed by a regulatory board and instructors are usually respected, recognized and published professionals.” Minutes approved as amended unanimously.

**PARENT EDUCATION ON FAMILY COURT PROCESSES – MEGAN HUNTER**

Ms. Hunter advised that Judge Heilman will discuss his divorce education class for *pro se* litigants at the October DRC meeting. She also mentioned that the Administrative Office of the Courts is considering building an automated tutorial-type training to place on the web that would provide similar information for *pro se* litigants. Commissioner Adam said that the Pima County

Bar Association holds meetings where information is given on this subject and suggested that Alyce Pennington be contacted. Megan agreed to contact her.

#### **MARICOPA FAMILY COURT REVIEW/REPORT – KAREN KRETSCHMAN**

Ms. Kretschman explained that the Arizona Supreme Court commissioned a study of the Family Court bench and ancillary services in the Superior Court in Maricopa County. The final report by independent consultant, John Greacen Associates, LLC, has been completed, of which a copy was provided to all DRC members. The report makes a series of recommendations. Presiding Family Court Judge Davis and Presiding Judge Colin Campbell have begun putting these recommendations into practice. Some of the recommendations include:

- Give *pro se* litigants more direction on what forms they need, and how to fill them out. Many of the *pro se* cases are dismissed because of the litigants' lack of knowledge. There is a need to sort out the difference between clerks giving legal information v legal advice.
- Time standards need to be revisited.
- The rotation issues of the Family Court bench need to be addressed.

Ms. Kretschman explained that the Superior Court in Maricopa County has been directed by the Supreme Court to submit a comprehensive plan for improvements by October 7, 2004.

Bill Hart asked Karen her opinion as to how this report and plan for improvement will assist in getting a dedicated family bench. Karen answered that this is a main issue for the Chief Justice and Vice Chief Justice.

#### **INTEGRATED FAMILY COURT (IFC) – KAREN KRETSCHMAN**

Ms. Kretschman explained that there is no new information from Pinal County's Integrated Family Court. Coconino Superior Court made a presentation to their County Board of Directors in July and the Board was very receptive to the IFC concept, but wanted more information on the cost of each level of implementation.

#### **2005 LEGISLATIVE PROPOSALS – DAVID NORTON, ORDER OF PROTECTION PROPOSAL; BILL HART, COALITION PROPOSAL(S); AND OTHER MISCELLANEOUS PROPOSALS FROM DRC MEMBERS, LEGISLATORS, AND CITIZENS**

Mr. Norton provided a presentation about the Order of Protection statutes and asked the members to provide direction on four issues: history of domestic violence; process; problems; and suggested changes. Definitions were a problem. For example, Rule 36.1(a) uses the word "household" but the word "household" has never been defined in statute. Therefore, judicial officers use dictionaries to define words not defined by statutes, which is a practice that can bring different interpretations. He asked if any of the DRC workgroups would be the correct venue to discuss these issues, or would they be legislative issues. Senator Brotherton commented that he has no problem bringing these issues to the Legislature and agreed that the current definition of the word "household" was too vague. Senator Anderson suggested that the Court Procedures or Substantive Law Workgroups could discuss these issues during the lunch break if they chose.

Mr. Hart explained that there are employment and housing issues for domestic violence victims within the Arizona Coalition Against Domestic Violence. The Coalition has not decided whether

to approach the Legislature regarding these issues or address them in some other manner. They prefer to address issues without utilizing the legislative process, if possible.

The Coalition's number one priority this year comes from a mandate to increase funding for domestic violence services and prevention. The general fund contribution has increased by \$250,000 since the year 2000. He said the Coalition will work every angle to find the best way to increase funding for shelters around the state.

#### **BREAK/LUNCH**

The Committee dismissed for lunch at 12:00 pm. The meeting reconvened at 12:45 pm.

#### **2005 LEGISLATIVE PROPOSALS, CONTINUED**

Ms. Hunter provided an overview of legislative proposals being developed by the Legislature's Child Support Committee. They are working on a proposal to tighten the existing law that allows the court to extend child support beyond the age of majority in the case of a mentally or physically handicapped child. The proposal would provide guidance by defining the severity of the handicap and by placing time limitations on filing. Another proposal makes several technical changes to the paternity statutes.

Ms. Antone-Morago explained that she has a special needs child and believes that even in the event of a divorce, children in these circumstances are the financial responsibility of both parents.

#### **INTERVIEWING CHILDREN – HON. KAREN ADAM**

Commissioner Adam provided an overview of her research on the practice of judicial officers interviewing children. The issue only comes up in contested custody cases which account for only about 4% of family court cases, and there are even fewer of these cases where the judicial officer actually interviews a child. She found that this is an uncommon practice around the country. Judges would rather get information some other way than by interviewing children themselves. She recently polled the Pima County Family Court bench on the subject and reported that no more than two interviews per year per judge are conducted and all are by agreement of the parties. A court reporter is present and the interview is on the record. It can be sealed if requested by the parties.

Commissioner Adam mentioned that she has only conducted 8 interviews with children in chambers since 1987. She will interview a child that child wants to talk to the court and a therapist states that the child is of a suitable age and maturity. She will not do it when a party just shows up at the hearing and wants a child to testify. She would never ask a child with which parent they would want to live. She suggested that more education/training on interviewing children is needed for judges, which would go a long way to changing the perception that these cases are being mishandled. The Committee on Rules of Procedure in Domestic Relations Cases is working on a way to codify this. Senator Brotherton stated and members agreed that legislation is not necessary because the court committee is working on it.

#### **WORKGROUPS**

##### **COURT PROCEDURES – DR. BRIAN YEE, CHAIR**

Dr. Yee suggested that the Substantive Law Workgroup would be a better venue to discuss David Norton's Order of Protection proposals.

**CUSTODY RE-WRITE – STEVE WOLFSON, CHAIR**

Mr. Wolfson stated that this group is working on a draft of A.R.S. § 25.403 to make it more user-friendly. He assured members that the changes are not substantive and hopes to have the draft to the Committee by the October meeting and a vote at the November meeting.

**SUBSTANTIVE LAW – JEFF ZIMMERMAN, CHAIR**

Sid Buckman and Bill Hart reported on behalf of Jeff Zimmerman. The group discussed and agreed that there should be an effort to codify the service issue of David Norton's Order of Protection proposal. Mr. Hart explained that some judges and mediators allow exemptions for mediation when an Order of Protection is present and when it is in the best interest of the family. He believes there are rare times when it is best for mediation.

**EDUCATION/PREVENTION – TERRILL HAUGEN, CHAIR**

Mr. Haugen reported that they are waiting for Dr. Sandler to complete another project before they launch into the children's education pilot project, probably sometime in October.

**CALL TO THE PUBLIC**

No requests were received for the Call to the Public.

**NEXT MEETING**

The next meeting will be held on October 15, 2004, 10:00 am – 2:00 pm at the Arizona Courts Building, 1501 W. Washington, Conference Room 119.

**ADJOURNMENT**

The meeting adjourned at 2:00 p.m.