

**JOINT SELECT COMMITTEE ON CHILD  
SUPPORT ENFORCEMENT**

**FINAL REPORT**

## JOINT SELECT COMMITTEE ON CHILD SUPPORT ENFORCEMENT

### FINAL REPORT

#### ESTABLISHMENT

The Joint Select Committee on Child Support Enforcement was established by the President of the Senate and the Speaker of the House of Representatives in a letter dated June 4, 1994. The President and Speaker asked the committee to take the following steps in exploring new and aggressive approaches to creating cost-effective and efficient service for children and families and increasing the enforcement of child support in Arizona:

1. Determine the appropriate state agency in which both authority and accountability for the program should be placed.
2. Examine the existing Arizona child support process to identify ways in which it can be streamlined.
3. Examine successful states and determine which practices directly result in successful outcomes.

The President and Speaker identified the committee's goal as the creation of an effective child support system by reducing case processing time, reducing the backlog of cases and increasing child support collection rates.

#### REPORT

The letter from the Speaker of the House of Representatives and the President of the Senate requires the Joint Select Committee on Child Support Enforcement to submit a report to the Speaker and the President.

#### MEMBERSHIP

The committee was comprised of the following ten members:

##### Senate

Senator Matt Salmon, Co-Chair  
Senator Jim Buster  
Senator Ann Day  
Senator Peter Goudinoff  
Senator Sandra Kennedy

##### House

Representative Pat Blake, Co-Chair  
Representative Russell Bowers  
Representative John Kaites  
Representative Joe Eddie Lopez  
Representative Debbie McCune-Davis

## STAFF

The two staff members for the committee were:

Pat Chumbley, Legislative Research Analyst  
House of Representatives Human Services Committee

Joni Hoffman, Legislative Research Analyst  
Senate Judiciary Committee

## MEETINGS

The Joint Select Committee on Child Support Enforcement met four times at the state capitol on the following dates:

July 21, 1993  
October 7, 1993  
November 30, 1993  
December 16, 1993

The minutes for each of these meetings are attached at Appendix B.

In addition, the committee held hearings at several locations throughout the state in order to allow for more public input. The locations and dates of those meetings are as follows:

August 31, 1993, Show Low  
September 9, 1993, Globe  
September 13, 1993, Mesa  
September 23, 1993, Tucson  
September 29, 1993, Flagstaff

## TECHNICAL ADVISORY COMMITTEE

The Joint Select Committee on Child Support Enforcement appointed a Technical Advisory Committee to assist the committee in its effort to establish an effective child support system. The Technical Advisory Committee was instructed to make recommendations with respect to improving the child support system.

The members of the Technical Advisory Committee were:

Joel Bankes  
Director  
Family Support Center  
Superior Court in Maricopa County

Mary Leader  
Executive Assistant  
Office of the Governor  
State of Arizona

Nancy Bowes  
Representative  
Association for Children for  
Enforcement of Support

Barry Brody  
Attorney at Law

Jim Cady  
Noncustodial Parent

Kathy Casteel  
Division Chief  
Deputy Attorney--Gila County

E. Gayle Eskay  
Deputy Attorney  
Pima County Attorney's Office

John Izzo  
President  
Family Friends

Cecil Patterson  
Division Chief Counsel  
Human Services Division  
Attorney General's Office

Juliana Vaughn  
Assistant Director  
Child Support Enforcement  
Department of Economic Security

Honorable Shirley Lillien  
Commissioner  
Superior Court in Pima County

Catherine Walley  
Custodial Parent

#### TECHNICAL ADVISORY COMMITTEE REPORT

The Technical Advisory Committee submitted its report and recommendations to the Joint Select Committee on Child Support Enforcement on November 30, 1993. The report and recommendations of the Technical Advisory Committee is attached as Appendix A.

#### FINAL RECOMMENDATIONS OF THE JOINT SELECT COMMITTEE

At the December 16 meeting the Joint Select Committee on Child Support Enforcement accepted the report and recommendations of the Technical Advisory Committee with some modifications and additions. Those modifications and additions are listed below and, in conjunction with the Technical Advisory Committee report and recommendations, constitute the final report of the committee.

#### Modifications to specific Technical Advisory Committee Recommendations

Recommendation #7, [Page 16 of TAC report]: The committee excluded this recommendation from its final report. There may be problems with confidentiality by requiring a child support obligor to be notified when his or her child(ren) and former spouse apply for welfare benefits.

Recommendation #56, [Page 31 of TAC report]: The committee excluded this recommendation from its final report. The committee indicated that the value-laden nature of the material and the numerous existing curriculum requirements in the education system made the recommendation problematic.

#### Additions to specific Technical Advisory Committee Recommendations

Recommendation #15, [Page 19 of TAC report]: The committee recommended allowing the legislature to determine the appropriate percentage of probability which will constitute a rebuttable presumption of paternity or maternity when a DNA or HLA test gives a positive result. The Department of Economic Security recommends that the percentage should be established at 95%. Arizona currently uses the HLA test for establishing paternity or maternity.

Recommendation #17, [Page 20 of TAC report]: The committee recommended adding clarifying language to the TAC report to reflect the fact that the court currently considers each parent's ability to provide financial support when determining the amount of child support. The TAC report discusses the apportionment of child support based on the time the child spends with each parent but did not discuss the parent's ability to provide support.

Recommendation #21, [Page 21 of TAC report]: The committee recommended that any court rule requiring people to bring certain items to a modification hearing be limited to those items listed in the TAC report.

Recommendation #24, [Page 23 of TAC report]: The committee recommended that the Division of Child Support Enforcement continue to work with the business community to ensure this recommendation, requiring employers to report new hires and rehires to the Division, is not unduly burdensome and that DCSE is utilizing information already received by the state. The committee also recommended that this information be used to combat fraudulent enrollment in welfare and benefits programs.

Recommendation #25, [Page 23 of TAC report]: The committee recommends that the report clarify that it should be voluntary on the part of employers to ask new employees whether the employee has a child support obligation.

Recommendation #36, [Page 26 of TAC report]: With respect to the TAC recommendation regarding conforming the two statutes that address how long child support must be paid, the committee recommends inserting clarifying language stating that the child support obligation continues until the child turns 18 or is attending high school, whichever is later.

Recommendation #41, [Page 27 of TAC report]: The committee recommended checking federal law before pursuing the suggestion of working with the business community to establish an electronic interface between the Division of Child Support Enforcement and utility companies, insurance companies, financial institutions and cable television companies. The committee further recommended assigning this issue to the coordinating council for further study.

### Additional Recommendations

1. The roles of the Domestic Relations Study Committee and the Child Support Coordinating Council should be clarified. The majority of the committee voted that the two entities should work together as one group, with each constituting a subcommittee. The majority opinion reflects the belief that the issues of domestic relations and child support are interrelated and should be addressed together.
2. The Department of Economic Security should pursue more opportunities for privatization of child support collections, either by expanding existing programs or establishing new programs.
3. The Department of Economic Security, the court and legislature should pursue funding for additional Quick-Court kiosks.

# **APPENDIX A**

# **REPORT & RECOMMENDATIONS**

## **of the Technical Advisory Committee on Child Support**



## **to the Joint Select Committee on Child Support Enforcement**

NOVEMBER 1, 1993

# TABLE OF CONTENTS

---

Members of the Joint Select Committee on Child Support Enforcement .....	ii
Members of the Technical Advisory Committee .....	iii
Mission Statement .....	iv
Executive Summary .....	1
Introduction .....	6
Background .....	6
Technical Advisory Committee .....	7
Mission of the Technical Advisory Committee .....	9
Methodology .....	10
Recommendations .....	12
Child Support Coordinating Council .....	12
Domestic Relations Reform .....	13
Process Improvement .....	14
Intake .....	15
Paternity/Maternity .....	18
Child Support Order Establishment .....	20
Modifications .....	21
Enforcement/Collections .....	22
Locate .....	27
Hearings .....	28
Education .....	30
Appendix .....	33
Appendix A: Recommendations by Type of Change	
Appendix B: Recommendations by Entity Responsible for Initiating Action	
Appendix C: Letters of Appointment to Joint Select Committee on Child Support Enforcement and Technical Advisory Committee	
Appendix D: Process Improvement Progress Gantt Chart	
Appendix E: Process Improvement Projected Results	
Appendix F: Child Support Enforcement Projected Collections	
Appendix G: Child Support Coordinating Council	

**MEMBERS OF THE JOINT SELECT  
COMMITTEE ON CHILD SUPPORT ENFORCEMENT**

---

*Senator Matt Salmon, Co-Chair*

*Representative Pat Blake, Co-Chair*

**COMMITTEE MEMBERS**

---

*Senator Jim Buster*

*Representative Russell Bowers*

*Senator Ann Day*

*Representative Debbie McCune Davis*

*Senator Peter Goudinoff*

*Representative John Kaites*

*Senator Sandra Kennedy*

*Representative Joe Eddie Lopez*

# TECHNICAL ADVISORY COMMITTEE

---

*DAVID K. BYERS*, Co-Chair  
Administrative Director  
Administrative Office of the Courts

*BONNIE TUCKER*, Co-Chair  
Deputy Director  
Department of Economic Security

## COMMITTEE MEMBERS

---

*JOEL BANKES*  
Director  
Family Support Center  
Superior Court in Maricopa County

*MARY LEADER*  
Executive Assistant  
Office of the Governor  
State of Arizona

*NANCY BOWES*  
Representative  
Association for Children  
for Enforcement of Support

*HONORABLE SHIRLEY LILIEN*  
Commissioner  
Superior Court in Pima County

*BARRY BRODY*  
Attorney-at-Law

*CECIL PATTERSON*  
Division Chief Counsel  
Human Services Division  
Attorney General's Office

*JIM CADY*  
Non-Custodial Parent

*IULIANA VAUGHN*  
Assistant Director  
Child Support Enforcement  
Department of Economic Security

*KATHY CASTEEL*  
Division Chief  
Deputy Attorney--Gila County

*CATHERINE WALLEY*  
Custodial Parent

*E. GAYLE ESKAY*  
Deputy Attorney  
Pima County Attorney's Office

Staff to the Technical Advisory  
Committee:

*JOHN IZZO*  
President  
Family and Friends

Kevin Bell                      Linda Bostick  
Agnes Felton                  Sharon Ibarra  
Minette Pollard

**MISSION STATEMENT**  
**OF THE**  
**TECHNICAL ADVISORY COMMITTEE**

---

- I. Propose Recommendations to the Joint Select Committee on Child Support Enforcement to Make Major Improvements in Arizona's Child Support System, to include: Collections, Custody and Visitation, Creating a System Which:
- Is Efficient, Cost Effective, and Timely;
  - The Most Improved in the U.S. by 1995;
  - Demonstrates Significant Improvement in Collections;
  - Increases Parental Cooperation, and a Higher Degree of Customer Satisfaction; and is Perceived as Being Fair;
- II. Work, Plan and Communicate Effectively Between all of the Government and Citizen Players in Child Support Enforcement.

# **REPORT AND RECOMMENDATIONS**

of the

## **TECHNICAL ADVISORY COMMITTEE ON CHILD SUPPORT**

to the

### **JOINT SELECT COMMITTEE ON CHILD SUPPORT ENFORCEMENT**

---

#### **EXECUTIVE SUMMARY**

In July of 1993, the Joint Select Committee on Child Support Enforcement, co-chaired by Senator Matt Salmon and Representative Pat Blake, appointed a Technical Advisory Committee on Child Support Enforcement to assist them in their effort to establish an effective child support system. The Technical Advisory Committee was instructed to make recommendations on how to improve the child support enforcement system in Arizona and reduce the emotional impact this issue has on Arizona's families.

The Technical Advisory Committee, co-chaired by David Byers, Administrative Director, Administrative Office of the Courts, and Bonnie Tucker, Deputy Director, Department of Economic Security, submits the following report and recommendations to the Joint Select Committee on Child Support Enforcement. For continuity, the recommendations are organized to reflect the methodology the committee used in analyzing the child support system. For instance, a recommendation to improve enforcement and collections would be found under the Enforcement/Collections heading. In addition, each recommendation includes a brief narrative of the "problem" to be solved, what type of action is required to implement the recommendation and the entity that must initiate the implementation. Details of implementation will be brought to the Child Support Coordinating Council. Below is a list of the categories the committee used to describe the type of action required to implement a recommendation:

- Legislative Change
- Administrative Change
- Court Rule Change
- Long Term Change
- Federal Legislative Change
- Federal Waiver
- Other

Appendix A contains a list of the recommendations according to the type of action required to implement the recommendation.

Appendix B contains a list of the recommendations according to the entity responsible for initiating the action.

The Committee recommends establishing several pilot projects. Those projects, plus others in the courts and Department of Economic Security will continue over the next two years. During that time significant improvements in customer service and child support enforcement are expected. Different approaches and structures will be in operation during this period. The approaches will include a private contractor model in two counties, the county attorney as contractor in five counties, and the Department of Economic Security/Attorney General model in eight counties. "One Stop Shopping" experiments will also be tried. The proposed coordinating council and the legislature should evaluate the results. It is important that a thorough evaluation be made of the pilot projects so that the most effective procedures can be widely implemented after the pilots' conclusion, thereby yielding even greater improvements.

# RECOMMENDATIONS

---

The Technical Advisory Committee developed 57 recommendations, of which 28 require legislative action. To provide a holistic approach to resolving child support issues, the recommendations impact the entire child support system, IV-D (handled by the Department of Economic Security) and non-IV-D (handled by private attorneys or those without legal counsel). The actual recommendations begin on page 12.

The recommendations are summarized below:

## **Child Support Coordinating Council**

Provide a mechanism for on-going communication, integrated planning among stakeholders in child support cases, and increased stability and consistency of policies.

## **Domestic Relations Reform**

Establish a Domestic Relations Study Committee to consolidate, revise and modernize the domestic relations statutes.

## **Process Improvement**

Involve the domestic relations judges, commissioners, hearing officers, and administrators in the Superior Court in Maricopa County and the Clerk of the Court in a process improvement effort and have the Department of Economic Security coordinate its process improvement plans with the Court's.

Expand process improvement efforts to other counties.

## **Intake**

Improve effectiveness of the IV-A (Aid to Families with Dependent Children) intake process to collect all pertinent child support information when the custodial parent applies for benefits.

To reduce fraud and improve family relations, provide more information to non-custodial parents about the status and location of their children.

Simplify the process and forms for parties in non-IV-D child support cases and provide access to less expensive resources to assist persons without legal counsel.

Pilot a "one-stop-shop" service center to assist the public as they move through the domestic relations and child support systems.

## **Paternity/Maternity**

Establish procedures for voluntary establishment of paternity without court action, including additional hospital-based paternity programs.

Expand methods for voluntary establishment of paternity/maternity and simplify the process. Provide a mechanism to challenge incorrect paternity determinations.

Pilot a process in IV-D cases that allows custody and visitation to be established for the non-custodial parent immediately following establishment of paternity/maternity and a child support obligation.

## **Child Support Order Establishment**

Provide additional training about child support guidelines to consider custody and visitation circumstances when setting child support payment amounts.

Simplify the forms and procedures for establishing child support payment amounts.

Provide for uniform application of child support guidelines through training, procedural changes, and simplified forms.

## **Modifications**

Simplify the forms and procedures for modification of child support orders.

Improve the exchange of information between parties.

## **Enforcement/Collections**

Provide additional methods to collect child support payments when wage withholding is unavailable or ineffective.

Provide for alternative methods to pay child support.

Provide annual statement of payments to obligors.

Provide for court acceptance of electronically produced documents and records.

## **Lo**

Augment electronic exchange of information and nationally.

To the extent permitted by federal laws, provide social security numbers on licensing documents.

## **Hea**

Streamline process to allow one hearing officer multiple, related issues.

Provide case continuity by assigning one hearing officer to all events in a case.

## **Edu**

Provide education to parents about their responsibilities after divorce and provide education about forms and procedures in domestic cases.

Provide training to judges, commissioners, hearing officers and others involved in the domestic relations system about domestic relations procedure and application of child support guidelines.

Share customer service training among all staff

## **INTRODUCTION**

---

In June 1993, Senator John Greene, President of the Senate, and Representative Mark Killian, Speaker of the House of Representatives, appointed a Joint Select Committee on Child Support Enforcement, co-chaired by Senator Matt Salmon and Representative Pat Blake (Appendix C). President Greene and Speaker Killian appointed the Select Committee to address problems with the current child support enforcement system. The goal of the Select Committee is to assist in establishing an effective child support enforcement system by increasing collections, and reducing processing time and the backlog of cases. To achieve this goal, the Select Committee was instructed to: examine successful states and determine which practices directly result in successful outcomes; determine the appropriate state agency in which both authority and accountability for the program should be placed; and examine the existing Arizona child support collections process to identify ways in which it can be streamlined. To assist them in their efforts, the Select Committee appointed a Technical Advisory Committee, co-chaired by David Byers, Administrative Office of the Courts, and Bonnie Tucker, Department of Economic Security (Appendix C). The Technical Advisory Committee was asked to make recommendations to improve child support enforcement in this state and reduce the emotional impact this issue has on Arizona's families.

## **BACKGROUND**

---

Over the last year, the Department of Economic Security, the Courts, the Office of the Attorney General and other stakeholders have worked together and separately to formulate plans and proposals to improve Arizona's child support enforcement system.

Each group's proposal addressed their specific problems with the current system: how to structure the child support system to best serve the children and taxpayers of the state; how to improve communication and program coordination among the various stakeholders; how to improve customer service and address the public's perception that the system is not always fair; how to improve statewide child support collections; and finally, how to reduce the frustration among custodial and non-custodial parents regarding both the domestic relations and child support enforcement systems.

In order to improve its internal processes, the Department of Economic Security in April of this year began an ambitious study of the IV-D child support enforcement program. The Director of the Department of Economic Security established a Process Improvement Team to analyze the operations of the Division of Child Support Enforcement (DCSE) and recommend changes to improve the program. The team worked full-time to review the division's processes and procedures, document the problem areas, and suggest changes to improve the program. The team outlined three critical areas for improvement: (1) reduce the cycle time for processing cases; (2) "crack" the case backlog and; (3) increase collections.

The team also outlined 20 projects to improve the program. All of these projects are currently underway (Appendix D). The Department anticipates that all of the projects will be fully implemented by August 1994. When completed, the Department expects to reduce case processing time by 74%, from 187 to 48 days; reduce the case backlog by 80% and increase collections from \$71.5 million in FY 1993 to \$150 million in FY 1995. (Appendix E) There is already an indication that the improvement projects are having a positive effect. Child support collections in the first quarter of fiscal year 1994 exceed collections for this time period last year. (Appendix F)

The Court also brought together a team to look at the child support enforcement process and develop proposals for improvements. The project team adopted the mission "to develop a plan to provide the citizens of the state of Arizona with services that encompass the financial and emotional support of children, which are cost-effective and accessible, respecting the doctrine of separation of powers and the rights of individuals."

The project team proposed 11 recommendations to improve the child support enforcement system. Those recommendations address stability in the administration of the IV-D child support system with the establishment of a separate child support agency, a permanent child support commission and a state-mandated, county operated state IV-D plan. The recommendations also address privatization of the state's child support computer system and its payment receipt and disbursement system, mandatory alternate dispute resolution for expedited process, use of paralegals, reallocation of the state's share of retained earnings, a more efficient hospital-based paternity process, and conversion of all child support cases to IV-D. The project team's recommendations were approved by the Court's policy group.

Both the Department of Economic Security and the Courts presented their recommendations to the Joint Select Committee on Child Support Enforcement. The recommendations were later presented to the Technical Advisory Committee for further discussion and consideration.

## **TECHNICAL ADVISORY COMMITTEE**

---

The Technical Advisory Committee was formed to bring together all of the major stakeholders involved in child support issues. The membership of the committee represents a cross section of program administrators, parents, IV-D commissioners, and attorneys. The committee members' expertise in the various areas of child support enforcement created a forum for meaningful debate about the issues facing Arizona's child support enforcement system and the possible approaches, both long-term and short-term, to resolving those issues. The meetings were open to the public and the co-chairs encouraged input from persons in the audience.

The Technical Advisory Committee was given 60 days to identify problem areas in the state's child support enforcement system, and develop recommendations to address those problems and improve the system. Given the relatively short time frame and the complexities of the state's child support enforcement system, the task has been formidable. However, the committee members have shown extraordinary commitment to the task and their diligent efforts are reflected in this report.

As part of the process to determine the scope of the Technical Advisory Committee's assignment, the committee discussed a variety of methods for analyzing child support enforcement and the domestic relations system. One approach was to examine restructuring the entire system, including reassigning the responsibility for IV-D child support enforcement. It was agreed, however, that in order to determine whether or not restructuring the system would be cost effective, a long term analysis, requiring several years, would be needed. The Committee also agreed that such a recommendation would not result in a significant increase in child support collections for at least three to five years, if at all. In addition, since the Department of Economic Security has already invested considerable resources to improve its program, the Committee felt it was reasonable to give the improvements an opportunity to work.

The domestic relations department of the Superior Court in Maricopa County has also spent many months reviewing its procedures, and has embarked on a plan to streamline its processes and improve convenience and customer service. The Court, like the Department of Economic Security, needs time to implement and evaluate the effects of its improvements.

Although the report does not contain a formal recommendation on privatization as it relates to child support enforcement, the Committee agreed that the privatization pilot projects currently underway within DCSE should be allowed to continue and that the data produced by these pilots can provide the basis for future activity. The Technical Advisory Committee did not discuss privatization of other functions throughout the child support process.

Given these parameters, the current efforts of the Department of Economic Security and the Court, and the desire of all of the stakeholders to proceed expeditiously, the Committee focused on analyzing areas that would provide significant improvements in child support collections within 24 to 36 months. Therefore, the recommendations submitted by the Committee focus on improvements that can be implemented by those agencies that have a significant role in child support enforcement, and that can occur within the next one or two years.

The Committee recognizes that, over the next two years, pilot projects will be conducted in the Courts, and Department of Economic Security, which will impact the domestic relations and child support enforcement systems. Some are currently underway and others are proposed in this report. During that time significant improvements are expected in customer service and child support enforcement. At the conclusion of each pilot an evaluation must be conducted to determine the effectiveness of the procedures piloted and to provide data for decision-making. Effective procedures should be implemented on a broader scale following the pilot projects.

Finally, during the discussion of the various issues it became apparent that communication and planning among the various stakeholders was lacking. In the past, each entity tended to plan and implement improvements without input from others who were affected by the change. *It is clear that integrated planning and communication among all of the child support stakeholders is vital to ensure continued improvement in the system.* The experience of the Technical Advisory Committee has proven the value of pooling the resources and collective knowledge of a diverse group to improve the complete system. The Committee endorses this process and has included as one of the recommendations, a forum for continued communication, planning and improvement.

# MISSION OF THE TECHNICAL ADVISORY COMMITTEE

---

Because the child support enforcement system impacts a variety of different groups, and because child support issues often overlap with a myriad of other important topics, the Committee established specific ground rules by which to conduct the meetings. All issues were open for discussion in order to stimulate debate and the free flow of ideas. However, the discussion did not result in a formal recommendation unless there was consensus among the committee members that the issue warranted that level of attention. This approach proved very effective and the recommendations reflect that process.

As further guidance for the committee members, the group discussed a mission statement. The Committee reviewed three choices for its mission:

- (1) Child support enforcement collections.
- (2) Child support enforcement and other matters that impact enforcement such as visitation and custody.
- (3) A complete reform of the Title 25 domestic relations issues.

After extensive debate, the Committee decided that as its mission it would focus on child support enforcement and other matters that impact enforcement such as visitation and custody.

Although the mission statement adopted does not address reforming the domestic relations statutes, the Committee did agree that this was an important effort and has submitted a recommendation to the legislature to establish a committee to reform Title 25 and other related domestic relations statutes.

## Mission

- I. Propose Recommendations to the Joint Select Committee on Child Support Enforcement to Make Major Improvements in Arizona's Child Support System, to include: Collections, Custody and Visitation, Creating a System Which:
  - Is Efficient, Cost Effective, and Timely;
  - The Most Improved in the U.S. by 1995;
  - Demonstrates Significant Improvement in Collections;
  - Increases Parental Cooperation, and a Higher Degree of Customer Satisfaction; and is Perceived as Being Fair;
- II. Work, Plan and Communicate Effectively Between all of the Government and Citizen Players in Child Support Enforcement.

## METHODOLOGY

---

The Committee agreed to use the existing child support enforcement processes as a basis for analyzing the entire system. The Committee agreed that in general a child support case must proceed through one or more of the following steps:

- ▶ INTAKE -- the parent's initial contact with the system to open a case;
- ▶ LOCATE -- finding the appropriate address of the parties and other demographic information in order to take action on the case;
- ▶ PATERNITY/MATERNITY ESTABLISHMENT -- determining the legal parentage of the child;
- ▶ ESTABLISHMENT OF A CHILD SUPPORT ORDER -- establishing the legal obligation to pay child support;
- ▶ MODIFICATION -- modifying existing child support orders to provide for changed circumstances of the parents or children;
- ▶ ENFORCEMENT/COLLECTIONS -- enforcing a court order to pay child support and collecting current and past due support;
- ▶ HEARINGS -- a judicial determination of a contested matter in a child support case.

Because LOCATE and HEARINGS can occur at virtually every step in the process, the Committee agreed to discuss these two topics separately. In addition, the Committee discussed and recommends child support and domestic relations education for those who use the system. After compiling the recommendations, they were categorized according to the type of action required to implement the change. Listed below are the designations the Committee used for each type of action:

- ▶ **Legislative Change** requiring action on the part of the legislature;
- ▶ **Administrative Change** under the authority of the Department of Economic Security, the Courts, or the Office of the Attorney General;
- ▶ **Court Rule Change** under the Rule 28 process of the Supreme Court;
- ▶ **Long-Term Change** requiring additional planning and study;
- ▶ **Federal Legislative Change** requiring action on the part of Congress or the Federal Office of Child Support Enforcement;

- ▶ **Federal Waiver** requiring action on the part of the Federal Office of Child Support Enforcement.

Each recommendation lists the entity(ies) responsible for initiating the action. There is also a list of recommendations according to the type of action required in Appendix A and a list of recommendations according to the entity responsible for initiating the action in Appendix B. The assignment of a recommendation to one or more stakeholders does not assume others will not be active in the planning and implementation of that recommendation. The entity assigned responsibility should include input and participation from all appropriate stakeholders. The Technical Advisory Committee wishes to continue the process of all stakeholders working together. Details of the implementation of the recommendations should be brought to the Child Support Coordinating Council.

# RECOMMENDATIONS

---

## CHILD SUPPORT COORDINATING COUNCIL

### Problem

Up to now, the multiple stakeholders in the Child Support Enforcement and Domestic Relations systems have not worked in a unified, organized, consolidated manner to plan and communicate changes and improvements proposed for parts of the system. That has resulted in each stakeholder moving ahead independently, in potentially conflicting directions. In addition to promoting integrated planning, a structure is needed to encourage stability in the system, even when individuals in policy-making positions change.

1. Establish a Child Support Coordinating Council to provide a forum for the various child support stakeholders to perform integrated planning, communicate more effectively, coordinate activities, with each other and with other study committees such as the Domestic Relations Study Committee, and make recommendations concerning child support enforcement and related issues such as custody and visitation.

The legislature should ensure that the composition of the Council is well-balanced and includes the necessary personnel to accomplish its goals. A suggested composition is contained in Appendix G.

*LEGISLATIVE -- Joint Select Committee on Child Support Enforcement*

## DOMESTIC RELATIONS REFORM

### Problem

Statutes relating to domestic relations issues are not solely contained in Title 25, but are scattered throughout other titles, making it difficult for a person to know the procedures and laws that apply in a given situation. This causes conflict between statutes and confusion for the parties. The statutory language needs to be consolidated, revised and modernized.

2. Establish a Domestic Relations Study Committee to:
  - A. Consolidate all domestic relations statutes in Title 25 and other related sections of law in one section of statutes;
  - B. Revise and reform the domestic relations statutes to modernize them and make substantive changes to address issues that have been raised by the Technical Advisory Committee and other groups, as well as address additional issues that may arise;
  - C. Clarify rights of grandparents in domestic relations issues.

The legislature should review and determine the relationship between the Domestic Relations Study Committee and the Child Support Coordinating Council.

*LEGISLATIVE - Joint Select Committee on Child Support Enforcement*

## PROCESS IMPROVEMENT

### Problem

The projected results of the Department of Economic Security's process improvement efforts will produce a substantial increase in the superior court's IV-D child support caseload, particularly in Maricopa County which has the majority of cases. That will require additional IV-D commissioners. The Superior Court in Maricopa County has done some planning and is in the process of implementing improvements. Those efforts and the anticipated increase in workload need to be coordinated and fine-tuned to ensure that all cases will be processed expeditiously.

3. Domestic relations judges, commissioners, hearing officers, and court administrators in the Superior Court in Maricopa County, the Clerk of the Court's office, and the Department of Economic Security should coordinate their process improvement efforts. That will allow all the important players to identify and implement improvements to the domestic relations and child support enforcement systems.

Subsequently, process improvement efforts should also be undertaken in other counties.

*ADMINISTRATIVE* - Superior Court in Maricopa County, Department of Economic Security

## INTAKE

The Division of Child Support Enforcement (DCSE) receives cases by two different methods. First, any person may visit a DCSE office to request services. Second, cases are automatically referred to DCSE when a person applies for Aid to Families with Dependent Children (AFDC). During the AFDC interview, information about the absent parent is obtained and passed on to DCSE for further child support services.

### Problem

DCSE cannot work a case expeditiously if the AFDC applicant does not provide sufficient information about the absent parent.

4. Improve effectiveness of the intake process to collect all pertinent child support information when the applicant applies for AFDC benefits and to refer intake cases to a special investigator or paternity specialist for further investigation when an AFDC applicant fails to provide sufficient information.

*ADMINISTRATIVE - Department of Economic Security (In progress -- IV-A automated system interface will allow collection of information -- completion date June 1994.)*

5. A. Provide additional training to AFDC intake workers on how to conduct effective intake interviews.

*ADMINISTRATIVE - Department of Economic Security (In progress)*

- B. Educate AFDC intake workers and AFDC applicants about the need for adequate information in order to establish paternity or locate an absent parent, the responsibility of applicants to cooperate in providing information and the potential penalties for non-compliance.

*ADMINISTRATIVE - Department of Economic Security*

6. The Department of Economic Security should review its policies and procedures to deny benefits to parents when an applicant does not provide pertinent child support information without good cause. Allowable penalties should be imposed when appropriate.

*ADMINISTRATIVE - Department of Economic Security*

**Problem**

No reliable mechanism exists to prevent fraud and ensure that child support payments are being used for the benefit of the child(ren), or to notify obligors their child(ren) are receiving welfare benefits due to lack of support or fraud.

7. Inform child support obligors when their child(ren) and former spouse apply for welfare benefits and about the obligors' potential liability to the state.

*FEDERAL LEGISLATIVE, LEGISLATIVE - Department of Economic Security*

**Problem**

Many times non-custodial parents lose contact with their child(ren) because there is not a free exchange of information between the parents. Although the Committee recognizes that this is a complicated matter, we recommend that a mechanism be established to provide for the release of certain information.

8. Provide to the non-custodial parent relevant information regarding the address, social security number, or other information about the child(ren) or custodial parent. This information is currently considered confidential. To ensure the safety of all parties, the information would not be released for 60 days. A showing of good cause why the information should not be released would prohibit the release of such information.

*FEDERAL LEGISLATIVE - Department of Economic Security*

**Problem**

Due to the increase in the number of persons without legal counsel who use the child support enforcement and domestic relations systems, and the complex nature of each system, there is a need to provide better education about the systems, and to provide assistance to those persons who pass through the system.

9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;

- B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
- C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
- D. Education services such as videos about domestic relations and child support enforcement;
- E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:
  - Referral and information services to direct the public to other government offices;
  - Information about available services;
  - Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases.

*LONG-TERM, ADMINISTRATIVE, COURT RULE - Court*

*LONG-TERM, ADMINISTRATIVE - Department of Economic Security and Office of the Attorney General*

NOTE: Some aspects of the pilot can be implemented in the short-term.

*The Committee recognizes the fiscal impact of this recommendation and suggests that a reasonable fee could be charged for the services. A waiver would be available for persons who could show that paying the fee would be a hardship. The costs associated with the recommendation must be identified and analyzed in cooperation with the Joint Legislative Budget Committee.*

**Problem**

The instructions and forms used in domestic relations cases and child support enforcement cases are difficult to understand, follow and accurately complete for a person without legal counsel.

- 10. Simplify the state forms and instructions for domestic relations cases and child support enforcement cases. (In progress -- IV-D child support enforcement forms are being simplified.)

*ADMINISTRATIVE - Court and Department of Economic Security*

## PATERNITY/MATERNITY

In order to establish the legal rights of a child, and as a basis for the non-custodial parent's obligation to pay child support, paternity/maternity must be established. This can be done through voluntary agreement, by genetic testing or through litigation.

### Problem

Establishing paternity/maternity and establishing a child support obligation are not linked to establishing custody and visitation. The separation of these issues delays resolution of a case.

11. Pilot a process which provides that in a IV-D case, once a voluntary agreement is reached regarding paternity/maternity and the child support obligation, an order for custody and visitation can be immediately obtained. Currently the order of paternity/maternity and the child support order are established and the parties are referred to the Courts to address custody or visitation issues.

*ADMINISTRATIVE - Court*

*ADMINISTRATIVE, LEGISLATIVE - Department of Economic Security*

NOTE: This pilot could be conducted as part of the one-stop pilot.

12. The Department of Economic Security shall review the relative effectiveness of establishing paternity/maternity by using a letter that encourages a voluntary agreement versus using summons and complaint.

*ADMINISTRATIVE - Department of Economic Security, Office of the Attorney General, and Pima County Attorney's Office*

### Problem

Recognizing the need for cost-effective innovations, the federal government in its recent enactment of the Omnibus Reconciliation Act of 1993 (OBRA) required that all states adopt a mandatory hospital-based paternity program and allow for voluntary acknowledgment to establish paternity without court action. House Bill 2109, enacted into law this year, addresses some of the requirements of OBRA, and DCSE is currently in the process of implementing those changes. However, additional changes are required in order to meet all of the requirements of the federal law.

13. Implement procedures to establish paternity through voluntary acknowledgment.
  - A. Hospital

1. Provide that signatures of both mother and father on the birth certificate establishes paternity. Modify Arizona birth certificates to allow signatures of both parents.
  2. Provide that if only the mother signs the birth certificate, she will receive, while still at the hospital, a voluntary acknowledgment of paternity form with a return envelope to the Department of Health Services (DHS). If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established. Create appropriate paternity acknowledgment form.
  3. Require health insurance companies to provide the mother with a paternity acknowledgment form, and instructions for its use at the time she applies for prenatal care. Receipt by the Department of Health Services of a paternity acknowledgment form with the father's notarized signature, shall establish paternity.
- B. Home - Establish a procedure for the Department of Health Services to send a voluntary acknowledgment of paternity form, and a return envelope, with birth certificates that are sent out with only the signature of the mother. If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established.
- C. The Department of Health Services will establish and maintain a central registry of voluntary acknowledgment of paternity forms and updated birth certificates and allow the Department of Economic Security, the Court, and the Attorney General access to this information.

*ADMINISTRATIVE, LEGISLATIVE - Department of Economic Security  
ADMINISTRATIVE - Court*

*The Committee recognizes a fiscal impact to this recommendation. Costs associated with the registry must be identified and analyzed in cooperation with the Joint Legislative Budget Committee.*

14. Establish a method to rescind or vacate a voluntary agreement establishing paternity/maternity by use of a mandatory blood test.

*LEGISLATIVE - Department of Economic Security*

NOTE: Procedures currently exist in the law to challenge, for good cause, an incorrect finding of paternity/maternity.

15. Establish statutory presumptions for establishing paternity/maternity through DNA or HLA tests. Positive test results with a certain percentage of probability shall constitute a rebuttable presumption of paternity/maternity.

*LEGISLATIVE - Department of Economic Security*

## CHILD SUPPORT ORDER ESTABLISHMENT

The duty to pay child support must be established by court order. Once there has been a determination that child support is owed, either by voluntary agreement on the part of the non-custodial parent or by court order, there is a continuing legal obligation to pay support. An action to establish a duty to pay child support may be initiated by the Department of Economic Security and Office of the Attorney General. Divorcing couples with children usually have child support orders established as part of the divorce proceeding. The amount of child support an individual must pay is computed using the Child Support Guidelines adopted by the Supreme Court.

### Problem

The Child Support Guidelines forms, worksheets and schedules are complex and difficult to understand and complete accurately. Due in part to their complexity, the Guidelines are not uniformly applied in every case and are considered unfair by some.

16. Modify child support forms to incorporate a second residence adjustment in child support cases.

*ADMINISTRATIVE - Court (In progress)*

17. Train judges, commissioners, hearing officers, and others involved in handling domestic relations matters on what is and is not included in the child support payment schedules, and how to use child support guidelines and calculate adjustments and deviations, including:
- A. Apportionment of child support based on the time the child spends with each parent;
  - B. Uniform application of the child support guidelines.

*ADMINISTRATIVE - Court (In progress)*

18. Simplify the instructions and worksheet for the child support guidelines. Use technology to simplify child support calculations.

*ADMINISTRATIVE - Court (In progress - the Court has a pilot project for QuickCourt, which electronically prepares forms, makes calculations and is easy to use.)*

*The Committee recognizes a fiscal impact to this recommendation. Costs associated with expansion of QuickCourt or development of another system must be identified and analyzed in cooperation with the Joint Legislative Budget Committee.*

## MODIFICATIONS

Existing child support orders (and custody and visitation orders) can be modified if the parents' or childrens' circumstances change. At the request of either parent, the Court will schedule a modification hearing. The party requesting the modification must complete the appropriate forms to document the changed circumstances.

### Problem

Currently there is not a mechanism to automatically require the exchange of information by affidavits or otherwise between parties. The current process in the Appendix to Rule XVII of the Uniform Rules of Practice requires the use of a court-approved spousal affidavit in domestic relations matters, but only upon request of one of the parties. The form is not uniform statewide, is complex and difficult to complete.

19. Create a statewide financial affidavit form for modifications that will automatically be shared between the parties.

*ADMINISTRATIVE - Court*

20. Develop software to calculate modifications in routine cases for persons without legal counsel.

*ADMINISTRATIVE - Court*

### Problem

In addition to the required form, parties in a modification action must bring numerous other documents to substantiate changed circumstances. If one or both of the parties does not bring all of the documents, the hearing must be rescheduled, thus delaying action on the case and inconveniencing the parties.

21. Establish a system that compels exchange of information between parties prior to the modification hearing. The system will include:

- A. A color-coded checklist of documents to bring to hearings.

The system may include:

- B. A pre-hearing phone call to parties to ensure all documents are provided,

- C. Other screening processes,

- D. A clear explanation of the possible sanctions for non-compliance, including that the scheduled hearing time will be vacated if all of the required paperwork is not complete, and interim financial sanctions may be imposed.

*ADMINISTRATIVE - Court*

## ENFORCEMENT/COLLECTIONS

A child support order creates a legal obligation for a parent to pay child support. The Division of Child Support Enforcement and some clerks of the superior court provide receipt and disbursement (collection) services to custodial and non-custodial parents. Enforcement activities occur when child support payments are not made. There are a variety of enforcement remedies that may be used by a custodial parent in a non-IV-D case, either with or without the help of a private attorney, or in a IV-D case through DCSE and the Office of the Attorney General.

### Problem

Persons owing or paying child support do not always possess accurate, up-to-date payment histories on their cases. If the non-custodial parent makes a payment, but that payment is not received or accurately recorded, the non-custodial parent may unknowingly incur liability. In addition, documents produced electronically, such as payment data, are not always accepted by the Courts, causing delay and inconvenience for the parties.

22. Provide non-custodial parents with a statement of payments and outstanding balances in child support cases. The statement should be provided automatically and at no charge, at least annually. Other statements may be provided to the non-custodial parent for a fee upon request.

*ADMINISTRATIVE - Court, and Department of Economic Security (Automated monthly statement in progress for IV-D cases -- completion date March 1994).*

23. Provide for court acceptance of electronic documents such as payment data from the Arizona Tracking and Locate System (ATLAS) and automated records via the Child Support Enforcement Network (CSNET).

*LEGISLATIVE - Department of Economic Security  
COURT RULE - Court*

**Problem**

It is very difficult to locate a parent and establish child support wage withholding when the parent frequently changes jobs or works in seasonal or cyclical employment.

24. Enact legislation to require employers to report new hires and re-hires to DCSE.

*LEGISLATIVE - Department of Economic Security*

NOTE: This approach has been successfully implemented in other states including (Massachusetts, Iowa, California, Alaska, and Washington). The Committee recognizes that additional research is needed concerning the details of the recommendation to minimize any negative impact on the business community.

**Problem**

The process to re-establish wage withholding after a change of employment causes unnecessary delay and disruption of child support payments.

25. Enact legislation to allow automatic wage withholding to occur without delay by requiring employers, at the time the employment forms are completed, to inquire about an existing child support obligation and requiring new employees to disclose such information. Upon disclosure of a child support obligation require the employer to immediately begin wage withholding.

*LEGISLATIVE - Department of Economic Security*

**Problem**

Coordinating wage withholding for non-custodial parents who have multiple employers is cumbersome for the parent and the employers.

26. Establish a method to coordinate wage withholding when the employee has multiple employers.

*LEGISLATIVE - Department of Economic Security*

27. Enact legislation establishing a formula to assist employers in allocating child support payments in both IV-D and non-IV-D cases when the employee has multiple wage assignments. (This is a federal requirement for all states.)

*LEGISLATIVE - Department of Economic Security*

**Problem**

Automatic wage withholding is the most common method used to collect child support payments. In some cases, however, wage withholding is not possible. In those instances, the non-custodial parent needs a variety of convenient methods to make payments.

28. Allow for use of credit cards to pay child support. Provide a record to the clerk of the superior court and the DCSE Clearinghouse.

*ADMINISTRATIVE - Court -- non-IV-D*

*LEGISLATIVE - Department of Economic Security -- IV-D*

29. Allow for electronic fund transfers from the bank account of the non-custodial parent, payor, or employer to the bank account of the custodial parent. Also provide for notice of transfer to be sent to clerk of the superior court or DCSE Clearinghouse.

*ADMINISTRATIVE - Court, Department of Economic Security*

30. When wage withholding is not possible, allow the court to order an attachment for periodic payments of child support of funds owned or held for the benefit of, or in the control of, the non-custodial parent. The court ordered attachment should also include electronic transfers of funds to pay child support.

*LEGISLATIVE - Department of Economic Security*

**Problem**

Private attorneys have expressed frustration with the limitations placed on their access to information and their inability to use certain enforcement remedies, which are available to the IV-D agency.

31. Pursue methods to provide private attorneys with access to locate information and enforcement remedies used by the state, while ensuring that confidentiality remains protected.

*ADMINISTRATIVE, LEGISLATIVE - Department of Economic Security*

*ADMINISTRATIVE - Court*

### **Problem**

There are currently numerous provisions in the law that protect the rights of parties in family law disputes. For instance, it is a felony to fail to pay child support or to interfere with custody or visitation. There is a belief, however, that these protections could be enforced more vigorously.

32. The Committee recommends that the legislature study the enforcement issues underlying the following provisions of law to identify whether the enforcement remedies are used, and to take appropriate steps to ensure their use:
- A. Non-payment of child support;
  - B. Parental responsibility of grandparents for the actions of their children;
  - C. Interference with custody or visitation;
  - D. Enforcement of civil arrest warrants under the domestic relations and child support enforcement laws.

*LEGISLATIVE - Joint Select Committee on Child Support Enforcement*

### **Problem**

Arizona laws need to be amended to comply with recent federal mandates. In addition, several state laws need to be amended in order to clarify existing child support procedures. Finally, there are several areas in the law where the child support statutes conflict and amendments are needed to establish uniformity.

33. To comply with federal law and codify existing Arizona case law, enact legislation to specifically state that child support orders are judgments by operation of law.

*LEGISLATIVE - Department of Economic Security*

NOTE: Annual statements will allow the obligor to have accurate information to challenge judgments. Due process safeguards currently existing for the obligor to challenge judgements will be preserved.

34. Clarify existing procedures by amending the law to make it clear that child support payments shall be applied first to current support owed and then, if there is any amount remaining, to child support arrears.

*LEGISLATIVE - Department of Economic Security*

35. Amend the law to reinsert language inadvertently deleted during the last legislative session that provides that the state may file a petition for wage assignment without verification. Because of the deleted language, Arizona Revised Statutes (A.R.S.) § 25.323.01 and § 12-1254.01 conflict.

*LEGISLATIVE - Department of Economic Security*

36. Amend the law to conform two (2) statutes that address how long child support must be paid. One statute provides that child support shall be paid as long as the child(ren) is in high school. The other statute provides that child support shall be paid up to age 18. See, A.R.S. § 12-245(A), A.R.S. § 12-843(A) and A.R.S. § 25-320(C).

*LEGISLATIVE - Department of Economic Security*

37. During the last legislative session, A.R.S. § 25-327 was amended to change the time frame for a court order modifying an existing child support order to take effect. A.R.S. § 25-327 and 12-2453 now conflict.

*LEGISLATIVE - Department of Economic Security*

38. Amend the law to conform A.R.S. § 25-320, A.R.S. § 12-2451 and A.R.S. § 12-843 to provide that child support guidelines shall be used when establishing a child support obligation.

*LEGISLATIVE - Department of Economic Security*

39. Amend the law to clarify that the date employers should use as the date monies are withheld from an employee's wages is the date that appears on the employee's pay check.

*LEGISLATIVE - Department of Economic Security*

**Problem**

Although the law provides that all court orders shall include a provision for health insurance for the child(ren), enforcement of medical support provisions has proven difficult.

40. Enact legislation to comply with the federal Omnibus Reconciliation Act of 1993 which requires all states to enact laws to remove obstacles in obtaining medical coverage for a child by prohibiting insurers from denying medical coverage on the grounds that:
- A. The child was born out of wedlock,
  - B. The child is not claimed as a dependent on the parent's federal income tax return,
  - C. The child does not reside with the parent or in the insurer's service area.

When a parent fails to enroll the child, the Medicaid or IV-D agency may apply for enrollment for the child. Employers would be required, if necessary, to withhold the employee share (if any) of health insurance premiums and pay them to the insurer.

*LEGISLATIVE - Department of Economic Security*

## LOCATE

Before any action on a child support case can occur, whether it is disbursing a child support check or issuing a summons and complaint, timely and accurate information concerning a person's address, employer's address or a person's assets is needed. Because accurate locate information is necessary at virtually every step in the process, it is critical to the success of child support enforcement.

### Problem

Accurate and timely locate information is difficult to obtain.

41. Work with the business community to establish a plan to provide limited, key locate information by magnetic tape or, where appropriate, by electronic interface between DCSE and utility companies, insurance companies, financial institutions, and cable television companies. All information exchanged shall be purged from DCSE records after a specific period of time. Work with the business community to enact any legislation required by the plan.

*LEGISLATIVE - Department of Economic Security*

42. Provide for an electronic interface with the national driver's license database used by the Motor Vehicle Division.

*FEDERAL LEGISLATIVE - Department of Economic Security*

43. Provide for government entities to use a social security number on state licensing documents. Enact legislation to require state licensing agencies to request social security numbers from applicants. Maintain federal confidentiality procedures and limitations to protect information.

*LEGISLATIVE - Department of Economic Security*

44. Develop electronic interfaces with state and federal agencies that can best provide information about employment status and location.

*LEGISLATIVE - Department of Economic Security*

## HEARINGS

Hearings are held to establish paternity in contested cases, and to establish and modify child support, custody and visitation orders. Hearings are conducted by judges, commissioners and hearing officers.

### Problem

In some courts, domestic relations hearings are now set individually. When a hearing is postponed at the last minute, usually because the parties do not have all the required documents, the judge, commissioner or hearing officer does not have another case to hear at that time. This causes delay.

45. To the extent possible set modification hearings in blocks rather than setting each case individually.

### *ADMINISTRATIVE - Court*

### Problem

Citizens are frustrated and inconvenienced, and the resolution of cases is delayed, because multiple issues often require several hearings, at separate times and sometimes separate locations. Two things primarily contribute to the frustration and delay. Federal funding reimbursement regulations restrict a IV-D child support commissioner from hearing custody and visitation issues when establishing a child support order, and when a case requires several actions, such as establishing a modification order or adjudicating multiple issues, different judicial officers may hear different issues in the same case.

- 46: Establish a pilot to examine the effectiveness of allowing a judge/commissioner/hearing officer/mediator to hear/mediate custody, visitation and child support issues at one time. Establish evaluation criteria to include at a minimum, measures of: the effect on relations among parents and children; cost-effectiveness of a combined hearing; and whether hearing all issues at once provides leverage for one party to affect the outcome of the case, or increases the adversarial nature of the process.

### *FEDERAL WAIVER - Department of Economic Security ADMINISTRATIVE - Courts*

NOTE: The Committee recognizes the need to address the role of the Attorney General and County Attorney in combined hearings in IV-D cases. This should be done in the establishment phase of the pilot.

*The Committee recognizes a potential fiscal impact for this recommendation that must be identified and analyzed before and during the pilot, in cooperation with the Joint Legislative Budget Committee.*

47. To the extent possible, calendar cases to ensure that the same judge/commissioner/hearing officer hears a case through all phases.

*ADMINISTRATIVE - Court*

**Problem**

Domestic relations cases, while considered civil cases, are different than other civil cases because of the nature of the action, the issues and the high number of persons without legal counsel. Court Rules, including local rules, for other civil cases, particularly Rule 26.1, Rules of Civil Procedure, do not adequately handle domestic relations cases, and are not always followed, particularly when persons do not have legal counsel.

48. The Supreme Court should review the requirements of Rule 26.1, Rules of Civil Procedure, to clarify their applicability to domestic relations cases and to modify them as necessary to properly handle discovery and disclosure in domestic relations cases.

*COURT RULE - Court*

49. Courts should impose sanctions indicated in the rules when appropriate.

*ADMINISTRATIVE - Court*

50. The Arizona Supreme Court should amend the application of Rule 42, ER 1.5D to clarify whether attorneys can work on a contingency fee basis to collect current child support.

*COURT RULE - Court*

## EDUCATION

Education for judges, attorneys and persons without legal counsel is currently offered by multiple sources and is generally not mandatory. Access to education is limited and education courses generally are not comprehensive; rather they focus on one specific aspect of domestic relations cases.

### Problem

Domestic relations cases are complex and involve difficult issues which can create a high level of frustration among parties. Procedures and forms are hard to understand and complete accurately, especially for persons without legal counsel.

51. The Committee endorses parental education for parents going through divorce or single parents, involved in child support, paternity or modification actions, and recommends that a pilot project be established and evaluated. Additional research is needed to determine:
- A. The criteria for placing individuals in an education program.
  - B. Whether education should be voluntary or mandatory.
  - C. How to coordinate the programs and the service delivery among IV-D and non-IV-D cases.

*The Committee recognizes a fiscal impact for this recommendation that must be identified and analyzed in cooperation with the Joint Legislative Budget Committee.*

52. Provide educational programming to parents about domestic relations and child support enforcement procedures and assistance available through use of:
- A. Local government cable channels ;
  - B. Videos - "How To" programs;
  - C. Satellite/teleconference programming;
  - D. Other.

*ADMINISTRATIVE - Court, Department of Economic Security*

*The Committee recognizes a fiscal impact for this recommendation that must be identified and analyzed in cooperation with the Joint Legislative Budget Committee.*

53. Develop and provide workshops for persons without legal counsel to assist them in completing forms and educate them about the events they will encounter at all steps of the child support process, including IV-D and non-IV-D. The workshops should be offered at times convenient to the public, including nights and weekends.

*ADMINISTRATIVE - Court, Department of Economic Security*

*The Committee recognizes that there is a fiscal impact associated with this recommendation that must be identified and analyzed in cooperation with the Joint Legislative Budget Committee.*

**Problem**

Rotation of judges and commissioners, the complexity of domestic relations issues, and lack of uniformity in forms and procedures make it difficult to produce uniform results in similar cases. The lack of uniformity and the frustration of parties in domestic relations cases contribute to a perception that the process is not fair.

54. Provide mandatory training about child support guidelines and other domestic relations procedures and issues for domestic relations judges, commissioners, hearing officers, Department of Economic Security staff, Office of the Attorney General's staff, and contracting county attorneys' staff.

*ADMINISTRATIVE - Court (In progress), Department of Economic Security, Office of the Attorney General*

55. Share customer service training among all stakeholders to help workers remain neutral and fair in their dealings with the public.

*ADMINISTRATIVE - All stakeholders*

56. Begin a dialogue with primary and secondary schools to educate children about family issues and responsibilities. The committee recommends that a group such as the legislature, the Child Support Coordinating Council or the Parental Education Consortium study the issue further.

**Problem**

The current method for collecting the monthly processing fee for child support payments by the clerk of the superior court is cumbersome and time-consuming.

57. Streamline the procedure by collecting the fee annually from the custodial and non-custodial parent in equal amounts. The custodial parent may pay the fee as a deduction from one month's child support payment. The non-custodial parent may pay the fee as a deduction from one month's wages. The request for payment of the fee shall be made via automated request letters.

*LEGISLATIVE - Court*

# APPENDIX

---

# **APPENDIX A**

---

## RECOMMENDATIONS BY TYPE OF CHANGE

---

### LEGISLATIVE

1. Establish a Child Support Coordinating Council to provide a forum for the various child support stakeholders to perform integrated planning, communicate more effectively, coordinate activities, with each other and with other study committees such as the Domestic Relations Study Committee, and make recommendations concerning child support enforcement and related issues such as custody and visitation.

The legislature should ensure that the composition of the Council is well-balanced and includes the necessary personnel to accomplish its goals. A suggested composition is contained in Appendix G. -- *Joint Select Committee on Child Support Enforcement*

2. Establish a Domestic Relations Study Committee to:
  - A. Consolidate all domestic relations statutes in Title 25 and other related sections of law in one section of statutes;
  - B. Revise and reform the domestic relations statutes to modernize them and make substantive changes to address issues that have been raised by the Technical Advisory Committee and other groups, as well as address additional issues that may arise;
  - C. Clarify rights of grandparents in domestic relations issues.

The legislature should review and determine the relationship between the Domestic Relations Study Committee and the Child Support Coordinating Council. -- *Joint Select Committee on Child Support Enforcement*

7. Inform child support obligors when their child(ren) and former spouse apply for welfare benefits and about the obligors' potential liability to the state. -- *Department of Economic Security* (also Federal Legislative)
11. Pilot a process which provides that in a IV-D case, once a voluntary agreement is reached regarding paternity/maternity and the child support obligation, an order for custody and visitation can be immediately obtained. Currently the order of paternity/maternity and the child support order are established and the parties are referred to the Courts to address custody or visitation issues. -- *Court, Department of Economic Security* (also Administrative)
13. Implement procedures to establish paternity through voluntary acknowledgment.
  - A. Hospital

1. Provide that signatures of both mother and father on the birth certificate establishes paternity. Modify Arizona birth certificates to allow signatures of both parents.
  2. Provide that if only the mother signs the birth certificate, she will receive, while still at the hospital, a voluntary acknowledgment of paternity form with a return envelope to the Department of Health Services (DHS). If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established. Create appropriate paternity acknowledgment form.
  3. Require health insurance companies to provide the mother with a paternity acknowledgment form, and instructions for its use at the time she applies for prenatal care. Receipt by the Department of Health Services of a paternity acknowledgment form with the father's notarized signature, shall establish paternity.
- B. Home - Establish a procedure for the Department of Health Services to send a voluntary acknowledgment of paternity form, and a return envelope, with birth certificates that are sent out with only the signature of the mother. If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established.
- C. The Department of Health Services will establish and maintain a central registry of voluntary acknowledgment of paternity forms and updated birth certificates and allow the Department of Economic Security, the Court, and the Attorney General access to this information. -- *Department of Economic Security* (also Administrative)
14. Establish a method to rescind or vacate a voluntary agreement establishing paternity/maternity by use of a mandatory blood test. -- *Department of Economic Security*
  15. Establish statutory presumptions for establishing paternity/maternity through DNA or HLA tests. Positive test results with a certain percentage of probability shall constitute a rebuttable presumption of paternity/maternity. -- *Department of Economic Security*
  23. Provide for court acceptance of electronic documents such as payment data from the Arizona Tracking and Locate System (ATLAS) and automated records via the Child Support Enforcement Network (CSNET). -- *Department of Economic Security* (also Court Rule)
  24. Enact legislation to require employers to report new hires and re-hires to DCSE. -- *Department of Economic Security*

25. Enact legislation to allow automatic wage withholding to occur without delay by requiring employers, at the time the employment forms are completed, to inquire about an existing child support obligation and requiring new employees to disclose such information. Upon disclosure of a child support obligation require the employer to immediately begin wage withholding. -- *Department of Economic Security*
26. Establish a method to coordinate wage withholding when the employee has multiple employers. -- *Department of Economic Security*
27. Enact legislation establishing a formula to assist employers in allocating child support payments in both IV-D and non-IV-D cases when the employee has multiple wage assignments. (This is a federal requirement for all states.) -- *Department of Economic Security*
28. Allow for use of credit cards to pay child support. Provide a record to the clerk of the superior court and the DCSE Clearinghouse. -- *Department of Economic Security -- IV-D (also Administrative)*
30. When wage withholding is not possible, allow the court to order an attachment for periodic payments of child support of funds owned or held for the benefit of, or in the control of, the non-custodial parent. The court ordered attachment should also include electronic transfers of funds to pay child support. -- *Department of Economic Security*
31. Pursue methods to provide private attorneys with access to locate information and enforcement remedies used by the state, while ensuring that confidentiality remains protected. -- *Department of Economic Security (also Administrative)*
32. The Committee recommends that the legislature study the enforcement issues underlying the following provisions of law to identify whether the enforcement remedies are used, and to take appropriate steps to ensure their use:
  - A. Non-payment of child support;
  - B. Parental responsibility of grandparents for the actions of their children;
  - C. Interference with custody or visitation;
  - D. Enforcement of civil arrest warrants under the domestic relations and child support enforcement laws.-- *Joint Select Committee on Child Support Enforcement*
33. To comply with federal law and codify existing Arizona case law, enact legislation to specifically state that child support orders are judgments by operation of law. -- *Department of Economic Security*
34. Clarify existing procedures by amending the law to make it clear that child support payments shall be applied first to current support owed and then, if there is any amount remaining, to child support arrears. -- *Department of Economic Security*

35. Amend the law to reinsert language inadvertently deleted during the last legislative session that provides that the state may file a petition for wage assignment without verification. Because of the deleted language, Arizona Revised Statutes (A.R.S.) § 25.323.01 and § 12-1254.01 conflict. -- *Department of Economic Security*
36. Amend the law to conform two (2) statutes that address how long child support must be paid. One statute provides that child support shall be paid as long as the child(ren) is in high school. The other statute provides that child support shall be paid up to age 18. See, A.R.S. § 12-245(A), A.R.S. § 12-843(A) and A.R.S. § 25-320(C). -- *Department of Economic Security*
37. During the last legislative session, A.R.S. § 25-327 was amended to change the time frame for a court order modifying an existing child support order to take effect. A.R.S. § 25-327 and 12-2453 now conflict. -- *Department of Economic Security*
38. Amend the law to conform A.R.S. § 25-320, A.R.S. § 12-2451 and A.R.S. § 12-843 to provide that child support guidelines shall be used when establishing a child support obligation. -- *Department of Economic Security*
39. Amend the law to clarify that the date employers should use as the date monies are withheld from an employee's wages is the date that appears on the employee's pay check. -- *Department of Economic Security*
40. Enact legislation to comply with the federal Omnibus Reconciliation Act of 1993 which requires all states to enact laws to remove obstacles in obtaining medical coverage for a child by prohibiting insurers from denying medical coverage on the grounds that:
  - A. The child was born out of wedlock;
  - B. The child is not claimed as a dependent on the parent's federal income tax return;
  - C. The child does not reside with the parent or in the insurer's service area.

When a parent fails to enroll the child, the Medicaid or IV-D agency may apply for enrollment for the child. Employers would be required, if necessary, to withhold the employee share (if any) of health insurance premiums and pay them to the insurer. -- *Department of Economic Security*
41. Work with the business community to establish a plan to provide limited, key locate information by magnetic tape or, where appropriate, by electronic interface between DCSE and utility companies, insurance companies, financial institutions, and cable television companies. All information exchanged shall be purged from DCSE records after a specific period of time. Work with the business community to enact any legislation required by the plan. -- *Department of Economic Security*

43. Provide for government entities to use a social security number on state licensing documents. Enact legislation to require state licensing agencies to request social security numbers from applicants. Maintain federal confidentiality procedures and limitations to protect information. -- *Department of Economic Security*
44. Develop electronic interfaces with state and federal agencies that can best provide information about employment status and location. -- *Department of Economic Security*
57. Streamline the procedure by collecting the fee annually from the custodial and non-custodial parent in equal amounts. The custodial parent may pay the fee as a deduction from one month's child support payment. The non-custodial parent may pay the fee as a deduction from one month's wages. The request for payment of the fee shall be made via automated request letters. -- *Court*

## **ADMINISTRATIVE**

3. Domestic relations judges, commissioners, hearing officers, and court administrators in the Superior Court in Maricopa County, the Clerk of the Court's office, and the Department of Economic Security should coordinate their process improvement efforts. That will allow all the important players to identify and implement improvements to the domestic relations and child support enforcement systems.

Subsequently, process improvement efforts should also be undertaken in other counties.  
-- *Superior Court in Maricopa County, Department of Economic Security*

4. Improve effectiveness of the intake process to collect all pertinent child support information when the applicant applies for AFDC benefits and to refer intake cases to a special investigator or paternity specialist for further investigation when an AFDC applicant fails to provide sufficient information. -- *Department of Economic Security*
5.
  - A. Provide additional training to AFDC intake workers on how to conduct effective intake interviews. -- *Department of Economic Security*
  - B. Educate AFDC intake workers and AFDC applicants about the need for adequate information in order to establish paternity or locate an absent parent, the responsibility of applicants to cooperate in providing information and the potential penalties for non-compliance. -- *Department of Economic Security*
6. The Department of Economic Security should review its policies and procedures to deny benefits to parents when an applicant does not provide pertinent child support information without good cause. Allowable penalties should be imposed when appropriate.  
-- *Department of Economic Security*
9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;
  - B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
  - C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
  - D. Education services such as videos about domestic relations and child support enforcement;

E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:

- Referral and information services to direct the public to other government offices;
- Information about available services;
- Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases. -- *Court, Department of Economic Security, Office of the Attorney General* (also Long-Term, Court Rule)

10. Simplify the state forms and instructions for domestic relations cases and child support enforcement cases. (In progress -- IV-D child support enforcement forms are being simplified.) -- *Court, Department of Economic Security*
11. Pilot a process which provides that in a IV-D case, once a voluntary agreement is reached regarding paternity/maternity and the child support obligation, an order for custody and visitation can be immediately obtained. Currently the order of paternity/maternity and the child support order are established and the parties are referred to the Courts to address custody or visitation issues. -- *Court, Department of Economic Security* (also Legislative)
12. The Department of Economic Security shall review the relative effectiveness of establishing paternity/maternity by using a letter that encourages a voluntary agreement versus using summons and complaint. -- *Department of Economic Security, Office of the Attorney General, Pima County Attorney's Office*
13. Implement procedures to establish paternity through voluntary acknowledgment.

A. Hospital

1. Provide that signatures of both mother and father on the birth certificate establishes paternity. Modify Arizona birth certificates to allow signatures of both parents.
2. Provide that if only the mother signs the birth certificate, she will receive, while still at the hospital, a voluntary acknowledgment of paternity form with a return envelope to the Department of Health Services (DHS). If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established. Create appropriate paternity acknowledgment form.

3. Require health insurance companies to provide the mother with a paternity acknowledgment form, and instructions for its use at the time she applies for prenatal care. Receipt by the Department of Health Services of a paternity acknowledgment form with the father's notarized signature, shall establish paternity.
  - B. Home - Establish a procedure for the Department of Health Services to send a voluntary acknowledgment of paternity form, and a return envelope, with birth certificates that are sent out with only the signature of the mother. If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established.
  - C. The Department of Health Services will establish and maintain a central registry of voluntary acknowledgment of paternity forms and updated birth certificates and allow the Department of Economic Security, the Court, and the Attorney General access to this information. -- *Department of Economic Security, Court* (also Legislative)
16. Modify child support forms to incorporate a second residence adjustment in child support cases. -- *Court*
17. Train judges, commissioners, hearing officers, and others involved in handling domestic relations matters on what is and is not included in the child support payment schedules, and how to use child support guidelines and calculate adjustments and deviations, including:
  - A. Apportionment of child support based on the time the child spends with each parent;
  - B. Uniform application of the child support guidelines.-- *Court*
18. Simplify the instructions and worksheet for the child support guidelines. Use technology to simplify child support calculations. -- *Court*
19. Create a statewide financial affidavit form for modifications that will automatically be shared between the parties. -- *Court*
20. Develop software to calculate modifications in routine cases for persons without legal counsel. -- *Court*
21. Establish a system that compels exchange of information between parties prior to the modification hearing. The system will include:
  - A. A color-coded checklist of documents to bring to hearings.

The system may include:

- B. A pre-hearing phone call to parties to ensure all documents are provided,
- C. Other screening processes,
- D. A clear explanation of the possible sanctions for non-compliance, including that the scheduled hearing time will be vacated if all of the required paperwork is not complete, and interim financial sanctions may be imposed.

-- *Court*

- 22. Provide non-custodial parents with a statement of payments and outstanding balances in child support cases. The statement should be provided automatically and at no charge, at least annually. Other statements may be provided to the non-custodial parent for a fee upon request. -- *Court, Department of Economic Security*
- 28. Allow for use of credit cards to pay child support. Provide a record to the clerk of the superior court and the DCSE Clearinghouse. -- *Court - non-IV-D (also Legislative)*
- 29. Allow for electronic fund transfers from the bank account of the non-custodial parent, payor, or employer to the bank account of the custodial parent. Also provide for notice of transfer to be sent to clerk of the superior court or DCSE Clearinghouse. -- *Court, Department of Economic Security*
- 31. Pursue methods to provide private attorneys with access to locate information and enforcement remedies used by the state, while ensuring that confidentiality remains protected. -- *Court, Department of Economic Security (also Legislative)*
- 45. To the extent possible set modification hearings in blocks rather than setting each case individually. -- *Court*
- 46. Establish a pilot to examine the effectiveness of allowing a judge/commissioner/hearing officer/mediator to hear/mediate custody, visitation and child support issues at one time. Establish evaluation criteria to include at a minimum, measures of: the effect on relations among parents and children; cost-effectiveness of a combined hearing; and whether hearing all issues at once provides leverage for one party to affect the outcome of the case, or increases the adversarial nature of the process. -- *Court, Department of Economic Security*
- 47. To the extent possible, calendar cases to ensure that the same judge/commissioner/hearing officer hears a case through all phases. -- *Court*
- 49. Courts should impose sanctions indicated in the rules when appropriate. -- *Court*

52. Provide educational programming to parents about domestic relations and child support enforcement procedures and assistance available through use of:
- A. Local government cable channels ;
  - B. Videos - "How To" programs;
  - C. Satellite/teleconference programming;
  - D. Other.
- *Court, Department of Economic Security*
53. Develop and provide workshops for persons without legal counsel to assist them in completing forms and educate them about the events they will encounter at all steps of the child support process, including IV-D and non-IV-D. The workshops should be offered at times convenient to the public, including nights and weekends. -- *Court, Department of Economic Security*
54. Provide mandatory training about child support guidelines and other domestic relations procedures and issues for domestic relations judges, commissioners, hearing officers, Department of Economic Security staff, Office of the Attorney General's staff, and contracting county attorneys' staff. -- *Court, Department of Economic Security, Office of the Attorney General*
55. Share customer service training among all stakeholders to help workers remain neutral and fair in their dealings with the public. -- *All stakeholders*

## **COURT RULE**

9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;
  - B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
  - C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
  - D. Education services such as videos about domestic relations and child support enforcement;
  - E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:
    - Referral and information services to direct the public to other government offices;
    - Information about available services;
    - Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases. -- *Court* (also Administrative, Long-Term)

23. Provide for court acceptance of electronic documents such as payment data from the Arizona Tracking and Locate System (ATLAS) and automated records via the Child Support Enforcement Network (CSNET). -- *Court* (also Legislative)
48. The Supreme Court should review the requirements of Rule 26.1, Rules of Civil Procedure, to clarify their applicability to domestic relations cases and to modify them as necessary to properly handle discovery and disclosure in domestic relations cases. -- *Court*
50. The Arizona Supreme Court should amend the application of Rule 42, ER 1.5D to clarify whether attorneys can work on a contingency fee basis to collect current child support. *Court*

## LONG TERM

9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;
  - B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
  - C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
  - D. Education services such as videos about domestic relations and child support enforcement;
  - E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:
    - Referral and information services to direct the public to other government offices;
    - Information about available services;
    - Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases. -- *Court, Department of Economic Security, Office of the Attorney General* (also Administrative, Court Rule)

## **FEDERAL LEGISLATIVE**

7. Inform child support obligors when their child(ren) and former spouse apply for welfare benefits and about the obligors' potential liability to the state. -- *Department of Economic Security* (also Legislative)
8. Provide to the non-custodial parent relevant information regarding the address, social security number, or other information about the child(ren) or custodial parent. This information is currently considered confidential. To ensure the safety of all parties, the information would not be released for 60 days. A showing of good cause why the information should not be released would prohibit the release of such information. -- *Department of Economic Security*
42. Provide for an electronic interface with the national driver's license database used by the Motor Vehicle Division. -- *Department of Economic Security*

## **FEDERAL WAIVER**

46. Establish a pilot to examine the effectiveness of allowing a judge/commissioner/hearing officer/mediator to hear/mediate custody, visitation and child support issues at one time. Establish evaluation criteria to include at a minimum, measures of: the effect on relations among parents and children; cost-effectiveness of a combined hearing; and whether hearing all issues at once provides leverage for one party to affect the outcome of the case, or increases the adversarial nature of the process. -- *Court, Department of Economic Security*

## **OTHER**

51. The Committee endorses parental education for parents going through divorce or single parents, involved in child support, paternity or modification actions, and recommends that a pilot project be established and evaluated. Additional research is needed to determine:
  - A. The criteria for placing individuals in an education program;
  - B. Whether education should be voluntary or mandatory;
  - C. How to coordinate the programs and the service delivery among IV-D and non-IV-D cases.
  
56. Begin a dialogue with primary and secondary schools to educate children about family issues and responsibilities. The committee recommends that a group such as the legislature, the Child Support Coordinating Council or the Parental Education Consortium study the issue further.

# **APPENDIX B**

---

## RECOMMENDATIONS BY ENTITY RESPONSIBLE FOR INITIATING ACTION

---

### JOINT SELECT COMMITTEE ON CHILD SUPPORT ENFORCEMENT

1. Establish a Child Support Coordinating Council to provide a forum for the various child support stakeholders to perform integrated planning, communicate more effectively, coordinate activities, with each other and with other study committees such as the Domestic Relations Study Committee, and make recommendations concerning child support enforcement and related issues such as custody and visitation.

The legislature should ensure that the composition of the Council is well-balanced and includes the necessary personnel to accomplish its goals. A suggested composition is contained in Appendix G. --*LEGISLATIVE*

2. Establish a Domestic Relations Study Committee to:
  - A. Consolidate all domestic relations statutes in Title 25 and other related sections of law in one section of statutes;
  - B. Revise and reform the domestic relations statutes to modernize them and make substantive changes to address issues that have been raised by the Technical Advisory Committee and other groups, as well as address additional issues that may arise;
  - C. Clarify rights of grandparents in domestic relations issues.

The legislature should review and determine the relationship between the Domestic Relations Study Committee and the Child Support Coordinating Council. --*LEGISLATIVE*

32. The Committee recommends that the legislature study the enforcement issues underlying the following provisions of law to identify whether the enforcement remedies are used, and to take appropriate steps to ensure their use:
  - A. Non-payment of child support;
  - B. Parental responsibility of grandparents for the actions of their children;
  - C. Interference with custody or visitation;
  - D. Enforcement of civil arrest warrants under the domestic relations and child support enforcement laws.

*LEGISLATIVE*

## SUPERIOR COURT IN MARICOPA COUNTY

3. Domestic relations judges, commissioners, hearing officers, and court administrators in the Superior Court in Maricopa County, the Clerk of the Court's office, and the Department of Economic Security should coordinate their process improvement efforts. That will allow all the important players to identify and implement improvements to the domestic relations and child support enforcement systems.

Subsequently, process improvement efforts should also be undertaken in other counties. -  
- *ADMINISTRATIVE*

## DEPARTMENT OF ECONOMIC SECURITY

3. Domestic relations judges, commissioners, hearing officers, and court administrators in the Superior Court in Maricopa County, the Clerk of the Court's office, and the Department of Economic Security should coordinate their process improvement efforts. That will allow all the important players to identify and implement improvements to the domestic relations and child support enforcement systems.

Subsequently, process improvement efforts should also be undertaken in other counties. -  
- *ADMINISTRATIVE*

4. Improve effectiveness of the intake process to collect all pertinent child support information when the applicant applies for AFDC benefits and to refer intake cases to a special investigator or paternity specialist for further investigation when an AFDC applicant fails to provide sufficient information. --*ADMINISTRATIVE*

5. A. Provide additional training to AFDC intake workers on how to conduct effective intake interviews.

*ADMINISTRATIVE - Department of Economic Security (In progress)*

- B. Educate AFDC intake workers and AFDC applicants about the need for adequate information in order to establish paternity or locate an absent parent, the responsibility of applicants to cooperate in providing information and the potential penalties for non-compliance. -- *ADMINISTRATIVE*

6. The Department of Economic Security should review its policies and procedures to deny benefits to parents when an applicant does not provide pertinent child support information without good cause. Allowable penalties should be imposed when appropriate. --  
*ADMINISTRATIVE*

7. Inform child support obligors when their child(ren) and former spouse apply for welfare benefits and about the obligors' potential liability to the state. -*FEDERAL LEGISLATIVE, LEGISLATIVE*

8. Provide to the non-custodial parent relevant information regarding the address, social security number, or other information about the child(ren) or custodial parent. This information is currently considered confidential. To ensure the safety of all parties, the information would not be released for 60 days. A showing of good cause why the information should not be released would prohibit the release of such information.  
*FEDERAL LEGISLATIVE*

9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;
  - B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
  - C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
  - D. Education services such as videos about domestic relations and child support enforcement;
  - E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:
    - Referral and information services to direct the public to other government offices;
    - Information about available services;
    - Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases. -- *LONG-TERM, ADMINISTRATIVE, COURT RULE*

10. Simplify the state forms and instructions for domestic relations cases and child support enforcement cases. (In progress -- IV-D child support enforcement forms are being simplified.) -- *ADMINISTRATIVE*
11. Pilot a process which provides that in a IV-D case, once a voluntary agreement is reached regarding paternity/maternal and the child support obligation, an order for custody and visitation can be immediately obtained. Currently the order of paternity/maternal and the child support order are established and the parties are referred to the Courts to address custody or visitation issues. -- *ADMINISTRATIVE, ADMINISTRATIVE, LEGISLATIVE*
12. The Department of Economic Security shall review the relative effectiveness of establishing paternity/maternal by using a letter that encourages a voluntary agreement versus using summons and complaint. -- *ADMINISTRATIVE*

13. Implement procedures to establish paternity through voluntary acknowledgment.
  - A. Hospital
    1. Provide that signatures of both mother and father on the birth certificate establishes paternity. Modify Arizona birth certificates to allow signatures of both parents.
    2. Provide that if only the mother signs the birth certificate, she will receive, while still at the hospital, a voluntary acknowledgment of paternity form with a return envelope to the Department of Health Services (DHS). If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established. Create appropriate paternity acknowledgment form.
    3. Require health insurance companies to provide the mother with a paternity acknowledgment form, and instructions for its use at the time she applies for prenatal care. Receipt by the Department of Health Services of a paternity acknowledgment form with the father's notarized signature, shall establish paternity.
  - B. Home - Establish a procedure for the Department of Health Services to send a voluntary acknowledgment of paternity form, and a return envelope, with birth certificates that are sent out with only the signature of the mother. If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established.
  - C. The Department of Health Services will establish and maintain a central registry of voluntary acknowledgment of paternity forms and updated birth certificates and allow the Department of Economic Security, the Court, and the Attorney General access to this information. -- *ADMINISTRATIVE, LEGISLATIVE, ADMINISTRATIVE*
14. Establish a method to rescind or vacate a voluntary agreement establishing paternity/maternity by use of a mandatory blood test. -- *LEGISLATIVE*
15. Establish statutory presumptions for establishing paternity/maternity through DNA or HLA tests. Positive test results with a certain percentage of probability shall constitute a rebuttable presumption of paternity/maternity. -- *LEGISLATIVE*
22. Provide non-custodial parents with a statement of payments and outstanding balances in child support cases. The statement should be provided automatically and at no charge, at least annually. Other statements may be provided to the non-custodial parent for a fee upon request. -- *ADMINISTRATIVE* (also Court)

23. Provide for court acceptance of electronic documents such as payment data from the Arizona Tracking and Locate System (ATLAS) and automated records via the Child Support Enforcement Network (CSNET). -- *LEGISLATIVE*
24. Enact legislation to require employers to report new hires and re-hires to DCSE. -- *LEGISLATIVE*
25. Enact legislation to allow automatic wage withholding to occur without delay by requiring employers, at the time the employment forms are completed, to inquire about an existing child support obligation and requiring new employees to disclose such information. Upon disclosure of a child support obligation require the employer to immediately begin wage withholding. -- *LEGISLATIVE*
26. Establish a method to coordinate wage withholding when the employee has multiple employers. -- *LEGISLATIVE*
27. Enact legislation establishing a formula to assist employers in allocating child support payments in both IV-D and non-IV-D cases when the employee has multiple wage assignments. (This is a federal requirement for all states.) -- *LEGISLATIVE*
28. Allow for use of credit cards to pay child support. Provide a record to the clerk of the superior court and the DCSE Clearinghouse. -- *ADMINISTRATIVE, LEGISLATIVE*
29. Allow for electronic fund transfers from the bank account of the non-custodial parent, payor, or employer to the bank account of the custodial parent. Also provide for notice of transfer to be sent to clerk of the superior court or DCSE Clearinghouse. -- *ADMINISTRATIVE*
30. When wage withholding is not possible, allow the court to order an attachment for periodic payments of child support of funds owned or held for the benefit of, or in the control of, the non-custodial parent. The court ordered attachment should also include electronic transfers of funds to pay child support. -- *LEGISLATIVE*
31. Pursue methods to provide private attorneys with access to locate information and enforcement remedies used by the state, while ensuring that confidentiality remains protected. -- *ADMINISTRATIVE, LEGISLATIVE, ADMINISTRATIVE*
33. To comply with federal law and codify existing Arizona case law, enact legislation to specifically state that child support orders are judgments by operation of law. -- *LEGISLATIVE*
34. Clarify existing procedures by amending the law to make it clear that child support payments shall be applied first to current support owed and then, if there is any amount remaining, to child support arrears. -- *LEGISLATIVE*

35. Amend the law to reinsert language inadvertently deleted during the last legislative session that provides that the state may file a petition for wage assignment without verification. Because of the deleted language, Arizona Revised Statutes (A.R.S.) § 25.323.01 and § 12-1254.01 conflict. -- *LEGISLATIVE*
36. Amend the law to conform 2 statutes that address how long child support must be paid. One statute provides that child support shall be paid as long as the child(ren) is in high school. The other statute provides that child support shall be paid up to age 18. See, A.R.S. § 12-245(A), A.R.S. § 12-843(A) and A.R.S. § 25-320(C). -- *LEGISLATIVE*
37. During the last legislative session, A.R.S. § 25-327 was amended to change the time frame for a court order modifying an existing child support order to take effect. A.R.S. § 25-327 and 12-2453 now conflict. -- *LEGISLATIVE*
38. Amend the law to conform A.R.S. § 25-320, A.R.S. § 12-2451 and A.R.S. § 12-843 to provide that child support guidelines shall be used when establishing a child support obligation. -- *LEGISLATIVE*
39. Amend the law to clarify that the date employers should use as the date monies are withheld from an employee's wages is the date that appears on the employee's pay check.  
-- *LEGISLATIVE*
40. Enact legislation to comply with the federal Omnibus Reconciliation Act of 1993 which requires all states to enact laws to remove obstacles in obtaining medical coverage for a child by prohibiting insurers from denying medical coverage on the grounds that:
- A. The child was born out of wedlock,
  - B. The child is not claimed as a dependent on the parent's federal income tax return,
  - C. The child does not reside with the parent or in the insurer's service area.
- When a parent fails to enroll the child, the Medicaid or IV-D agency may apply for enrollment for the child. Employers would be required, if necessary, to withhold the employee share (if any) of health insurance premiums and pay them to the insurer. -- *LEGISLATIVE*
41. Work with the business community to establish a plan to provide limited, key locate information by magnetic tape or, where appropriate, by electronic interface between DCSE and utility companies, insurance companies, financial institutions, and cable television companies. All information exchanged shall be purged from DCSE records after a specific period of time. Work with the business community to enact any legislation required by the plan. --*LEGISLATIVE*
42. Provide for an electronic interface with the national driver's license database used by the Motor Vehicle Division. -- *FEDERAL LEGISLATIVE*

43. Provide for government entities to use a social security number on state licensing documents. Enact legislation to require state licensing agencies to request social security numbers from applicants. Maintain federal confidentiality procedures and limitations to protect information. -- *LEGISLATIVE*
44. Develop electronic interfaces with state and federal agencies that can best provide information about employment status and location. -- *LEGISLATIVE*
46. Establish a pilot to examine the effectiveness of allowing a judge/commissioner/hearing officer/mediator to hear/mediate custody, visitation and child support issues at one time. Establish evaluation criteria to include at a minimum, measures of: the effect on relations among parents and children; cost-effectiveness of a combined hearing; and whether hearing all issues at once provides leverage for one party to affect the outcome of the case, or increases the adversarial nature of the process. -- *FEDERAL WAIVER, ADMINISTRATIVE*
52. Provide educational programming to parents about domestic relations and child support enforcement procedures and assistance available through use of:
  - A. Local government cable channels ;
  - B. Videos - "How To" programs;
  - C. Satellite/teleconference programming;
  - D. Other.

*ADMINISTRATIVE*

53. Develop and provide workshops for persons without legal counsel to assist them in completing forms and educate them about the events they will encounter at all steps of the child support process, including IV-D and non-IV-D. The workshops should be offered at times convenient to the public, including nights and weekends. -- *ADMINISTRATIVE*
54. Provide mandatory training about child support guidelines and other domestic relations procedures and issues for domestic relations judges, commissioners, hearing officers, Department of Economic Security staff, Office of the Attorney General's staff, and contracting county attorneys' staff. -- *ADMINISTRATIVE*

## COURT

9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;
  - B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
  - C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
  - D. Education services such as videos about domestic relations and child support enforcement;
  - E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:
    - Referral and information services to direct the public to other government offices;
    - Information about available services;
    - Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases. -- *LONG-TERM, ADMINISTRATIVE, COURT RULE*

10. Simplify the state forms and instructions for domestic relations cases and child support enforcement cases. (In progress -- IV-D child support enforcement forms are being simplified.) -- *ADMINISTRATIVE*
11. Pilot a process which provides that in a IV-D case, once a voluntary agreement is reached regarding paternity/maternity and the child support obligation, an order for custody and visitation can be immediately obtained. Currently the order of paternity/maternity and the child support order are established and the parties are referred to the Courts to address custody or visitation issues. -- *ADMINISTRATIVE, LEGISLATIVE*

13. Implement procedures to establish paternity through voluntary acknowledgment.
  - A. Hospital
    1. Provide that signatures of both mother and father on the birth certificate establishes paternity. Modify Arizona birth certificates to allow signatures of both parents.
    2. Provide that if only the mother signs the birth certificate, she will receive, while still at the hospital, a voluntary acknowledgment of paternity form with a return envelope to the Department of Health Services (DHS). If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established. Create appropriate paternity acknowledgment form.
    3. Require health insurance companies to provide the mother with a paternity acknowledgment form, and instructions for its use at the time she applies for prenatal care. Receipt by the Department of Health Services of a paternity acknowledgment form with the father's notarized signature, shall establish paternity.
  - B. Home - Establish a procedure for the Department of Health Services to send a voluntary acknowledgment of paternity form, and a return envelope, with birth certificates that are sent out with only the signature of the mother. If DHS receives a paternity acknowledgment form with the father's notarized signature, paternity shall be established.
  - C. The Department of Health Services will establish and maintain a central registry of voluntary acknowledgment of paternity forms and updated birth certificates and allow the Department of Economic Security, the Court, and the Attorney General access to this information. -- *ADMINISTRATIVE, LEGISLATIVE, ADMINISTRATIVE*
16. Modify child support forms to incorporate a second residence adjustment in child support cases. -- *ADMINISTRATIVE*
17. Train judges, commissioners, hearing officers, and others involved in handling domestic relations matters on what is and is not included in the child support payment schedules, and how to use child support guidelines and calculate adjustments and deviations, including:
  - A. Apportionment of child support based on the time the child spends with each parent;

B. Uniform application of the child support guidelines.

-- *ADMINISTRATIVE*

18. Simplify the instructions and worksheet for the child support guidelines. Use technology to simplify child support calculations. -- *ADMINISTRATIVE*
19. Create a statewide financial affidavit form for modifications that will automatically be shared between the parties. -- *ADMINISTRATIVE*
20. Develop software to calculate modifications in routine cases for persons without legal counsel. -- *ADMINISTRATIVE*
21. Establish a system that compels exchange of information between parties prior to the modification hearing. The system will include:
  - A. A color-coded checklist of documents to bring to hearings.

The system may include:

- B. A pre-hearing phone call to parties to ensure all documents are provided,
- C. Other screening processes,
- D. A clear explanation of the possible sanctions for non-compliance, including that the scheduled hearing time will be vacated if all of the required paperwork is not complete, and interim financial sanctions may be imposed.

-- *ADMINISTRATIVE*

22. Provide non-custodial parents with a statement of payments and outstanding balances in child support cases. The statement should be provided automatically and at no charge, at least annually. Other statements may be provided to the non-custodial parent for a fee upon request. -- *ADMINISTRATIVE*
23. Provide for court acceptance of electronic documents such as payment data from the Arizona Tracking and Locate System (ATLAS) and automated records via the Child Support Enforcement Network (CSNET). -- *LEGISLATIVE*
28. Allow for use of credit cards to pay child support. Provide a record to the clerk of the superior court and the DCSE Clearinghouse. -- *ADMINISTRATIVE, LEGISLATIVE*

29. Allow for electronic fund transfers from the bank account of the non-custodial parent, payor, or employer to the bank account of the custodial parent. Also provide for notice of transfer to be sent to clerk of the superior court or DCSE Clearinghouse. -- *ADMINISTRATIVE*
31. Pursue methods to provide private attorneys with access to locate information and enforcement remedies used by the state, while ensuring that confidentiality remains protected. -- *ADMINISTRATIVE, LEGISLATIVE, ADMINISTRATIVE*
45. To the extent possible set modification hearings in blocks rather than setting each case individually. -- *ADMINISTRATIVE*
46. Establish a pilot to examine the effectiveness of allowing a judge/commissioner/hearing officer/mediator to hear/mediate custody, visitation and child support issues at one time. Establish evaluation criteria to include at a minimum, measures of: the effect on relations among parents and children; cost-effectiveness of a combined hearing; and whether hearing all issues at once provides leverage for one party to affect the outcome of the case, or increases the adversarial nature of the process. -- *FEDERAL WAIVER, ADMINISTRATIVE*
47. To the extent possible, calendar cases to ensure that the same judge/commissioner/hearing officer hears a case through all phases. -- *ADMINISTRATIVE - Court*
48. The Supreme Court should review the requirements of Rule 26.1, Rules of Civil Procedure, to clarify their applicability to domestic relations cases and to modify them as necessary to properly handle discovery and disclosure in domestic relations cases. -- *COURT RULE*
49. Courts should impose sanctions indicated in the rules when appropriate. -- *ADMINISTRATIVE*
50. The Arizona Supreme Court should amend the application of Rule 42, ER 1.5D to clarify whether attorneys can work on a contingency fee basis to collect current child support. *COURT RULE*
52. Provide educational programming to parents about domestic relations and child support enforcement procedures and assistance available through use of:
- A. Local government cable channels ;
  - B. Videos - "How To" programs;
  - C. Satellite/teleconference programming;
  - D. Other.

*ADMINISTRATIVE*

53. Develop and provide workshops for persons without legal counsel to assist them in completing forms and educate them about the events they will encounter at all steps of the child support process, including IV-D and non-IV-D. The workshops should be offered at times convenient to the public, including nights and weekends. -- *ADMINISTRATIVE*
54. Provide mandatory training about child support guidelines and other domestic relations procedures and issues for domestic relations judges, commissioners, hearing officers, Department of Economic Security staff, Office of the Attorney General's staff, and contracting county attorneys' staff. -- *ADMINISTRATIVE*
57. Streamline the procedure by collecting the fee annually from the custodial and non-custodial parent in equal amounts. The custodial parent may pay the fee as a deduction from one month's child support payment. The non-custodial parent may pay the fee as a deduction from one month's wages. The request for payment of the fee shall be made via automated request letters. -- *LEGISLATIVE*

## OFFICE OF THE ATTORNEY GENERAL

9. Pilot a "one-stop shop" service center at appropriate locations (in and out of court) to help the public move through the domestic relations and child support enforcement systems. The center will include:
  - A. Co-location of IV-D and court services;
  - B. A Child Support/Domestic Relations hotline (can be at a central location) to provide information and referral services;
  - C. Use of Arizona's law school clinics to assist in providing "one-stop-shop" services;
  - D. Education services such as videos about domestic relations and child support enforcement;
  - E. Use of paralegals/non-attorneys under the supervision of an attorney to provide:
    - Referral and information services to direct the public to other government offices;
    - Information about available services;
    - Form and document preparation services.

The Committee also discussed the appearance of non-attorneys in court. The State Bar of Arizona is considering a rule change to authorize the limited practice of law by non-attorneys. The Committee encourages the State Bar to continue their efforts and, based on the results of those efforts, the Child Support Coordinating Council should further study expanding the activities of paralegals to include representing the public in the courtroom for certain cases. -- *LONG-TERM, ADMINISTRATIVE, COURT RULE*

12. The Department of Economic Security shall review the relative effectiveness of establishing paternity/maternity by using a letter that encourages a voluntary agreement versus using summons and complaint. -- *ADMINISTRATIVE*
54. Provide mandatory training about child support guidelines and other domestic relations procedures and issues for domestic relations judges, commissioners, hearing officers, Department of Economic Security staff, Office of the Attorney General's staff, and contracting county attorneys' staff. -- *ADMINISTRATIVE*

## OTHER

12. The Department of Economic Security shall review the relative effectiveness of establishing paternity/maternity by using a letter that encourages a voluntary agreement versus using summons and complaint. -- *ADMINISTRATIVE* - Pima County Attorney's Office
  
51. The Committee endorses parental education for parents going through divorce or single parents, involved in child support, paternity or modification actions, and recommends that a pilot project be established and evaluated. Additional research is needed to determine:
  - A. The criteria for placing individuals in an education program.
  - B. Whether education should be voluntary or mandatory.
  - C. How to coordinate the programs and the service delivery among IV-D and non-IV-D cases.
  
55. Share customer service training among all stakeholders to help workers remain neutral and fair in their dealings with the public. -- *ADMINISTRATIVE* - All Stakeholders
  
56. Begin a dialogue with primary and secondary schools to educate children about family issues and responsibilities. The committee recommends that a group such as the legislature, the Child Support Coordinating Council or the Parental Education Consortium study the issue further.

# **APPENDIX C**

---



## Arizona State Legislature

1700 West Washington

Phoenix, Arizona 85007

June 4, 1993

The Honorable Matt Salmon  
Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

Dear Senator Salmon:

This letter is to inform you that we have created a Joint Select Committee on Child Support Enforcement.

As you know, Arizona is ranked 36th in the nation for total collection of child support, and 53rd in terms of cost effectiveness of the collection system. In only 3 percent of the more than 275,000 cases of child support enforcement handled by the Arizona Department of Economic Security are parents making their required regular payments. Hundreds of thousands of Arizona parents and children are suffering.

Because it is important to maintain our aggressive approach of creating a cost-effective and efficient service for children and families and increasing the enforcement of child support in Arizona, I am appointing you to serve as Co-Chair of the Joint Select Committee on Child Support Enforcement. We have appointed the following people to serve on this Committee:

Senator Salmon, Co-Chair  
Senator Day  
Senator Buster  
Senator Kennedy  
Senator Goudinoff

Representative Blake, Co-Chair  
Representative Bowers  
Representative Kaites  
Representative McCune-Davis  
Representative Lopez

In order to explore new and aggressive approaches to creating a cost-effective and efficient service for children and families, we would like the Committee to take the following steps: Examine successful states and determine which practices directly result in successful outcomes; determine the appropriate state agency in which both authority and accountability for the program should be placed; examine the existing Arizona child support collection process to identify ways in which it can be streamlined.



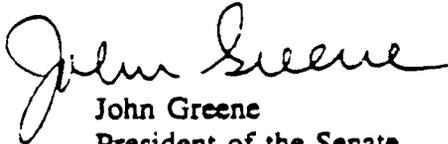
June 4, 1993  
Page Two

Our goal is to create an effective child support system by reducing processing time and the backlog of cases and by increasing collection rates. Families receiving their rightful income will be less dependent on public assistance, thus beginning a system of welfare reform.

We ask that you commence your deliberations as soon as is practical and submit your recommendations to the President of the Senate and the Speaker of the House of Representatives by November 1, 1993. Further delaying the issue of child support collection and enforcement will continue to deny families of their rightful and essential incomes.

Thank you for your willingness to serve on this Committee.

Sincerely,



John Greene  
President of the Senate



Mark Killian  
Speaker of the House of Representatives

cc: Fife Symington, Governor  
Charles Cowan, Director, Department of Economic Security  
Harold Scott, Acting Director, Department of Revenue  
Stanley Feldman, Chief Justice of the Courts  
David K. Byers, Administrative Director of the Courts  
Shirley Anderson, House Research Analyst  
Liana Martin, Director, Senate Research Staff

PAT BLAKE  
POST OFFICE BOX 5247  
MESA, ARIZONA 85211-5247  
HOME: (602) 834-1470

COMMITTEES:  
HUMAN SERVICES, CHAIRMAN  
ECONOMIC DEVELOPMENT  
INTERNATIONAL TRADE & TOURISM

—————  
DISTRICT 29

August 5, 1993

Dear :

The Joint Interim Committee on Child Support Enforcement has established a Technical Advisory Committee (TAC) to continue work on improving child support enforcement procedures in Arizona. The purpose of the committee is to simplify and make this emotional issue easier on the families involved. We would like for you to serve as a member of the TAC.

Dave Byers of the Supreme Court and Bonnie Tucker of DES will be the co-chairs of this committee. You will receive more detailed information from them prior to the first scheduled meeting on August 20. You will be receiving an agenda and a further detailed outline of the committee's responsibilities.

Please confirm your interest in serving on this committee by calling my office at 542-4371 or by calling Senator Salmon's office at 542-5288.

Sincerely,

\_\_\_\_\_  
Representative Pat Blake

\_\_\_\_\_  
Senator Matt Salmon

PB:br

# **APPENDIX D**

---

MASTER

ID	Name	Duration	Scheduled Start	Scheduled Finish	1994			
					3rd Quarter	4th Quarter	1st Quarter	2nd Quarter
1	Responding	183d	9/28/93	6/9/94				
2	ATLAS	315d	8/16/93	10/28/94				
3	Reassign/Redeploy Personnel	233d	8/10/93	6/30/94				
4	Central Registry	151d	8/20/93	3/18/94				
5	Close/Convert Cases	146d	8/10/93	3/1/94				
6	Develop Employee Incentive Program	222d	8/10/93	6/15/94				
7	Document Generation	138d	8/10/93	2/17/94				
8	Effective Meetings	211d	8/13/93	6/3/94				
9	Debt Unit	120d	7/28/93	1/11/94				
10	Fileroom	260d	7/26/93	7/22/94				
11	Intake	205d	8/16/93	5/27/94				
12	AG/DCSE Review	212d	8/10/93	6/1/94				
13	Phone Correspondence Unit	172d	8/30/93	4/26/94				
14	Simplify Statistical Reporting	136d	8/10/93	2/15/94				
15	Initiating	133d	10/20/93	4/22/94				
16	Locate	244d	7/29/93	7/5/94				
17	Paternity and Establishment	230d	8/30/93	7/16/94				
18	Enforcement	221d	9/2/93	7/7/94				
19	Public Relations	125d	10/7/93	3/30/94				

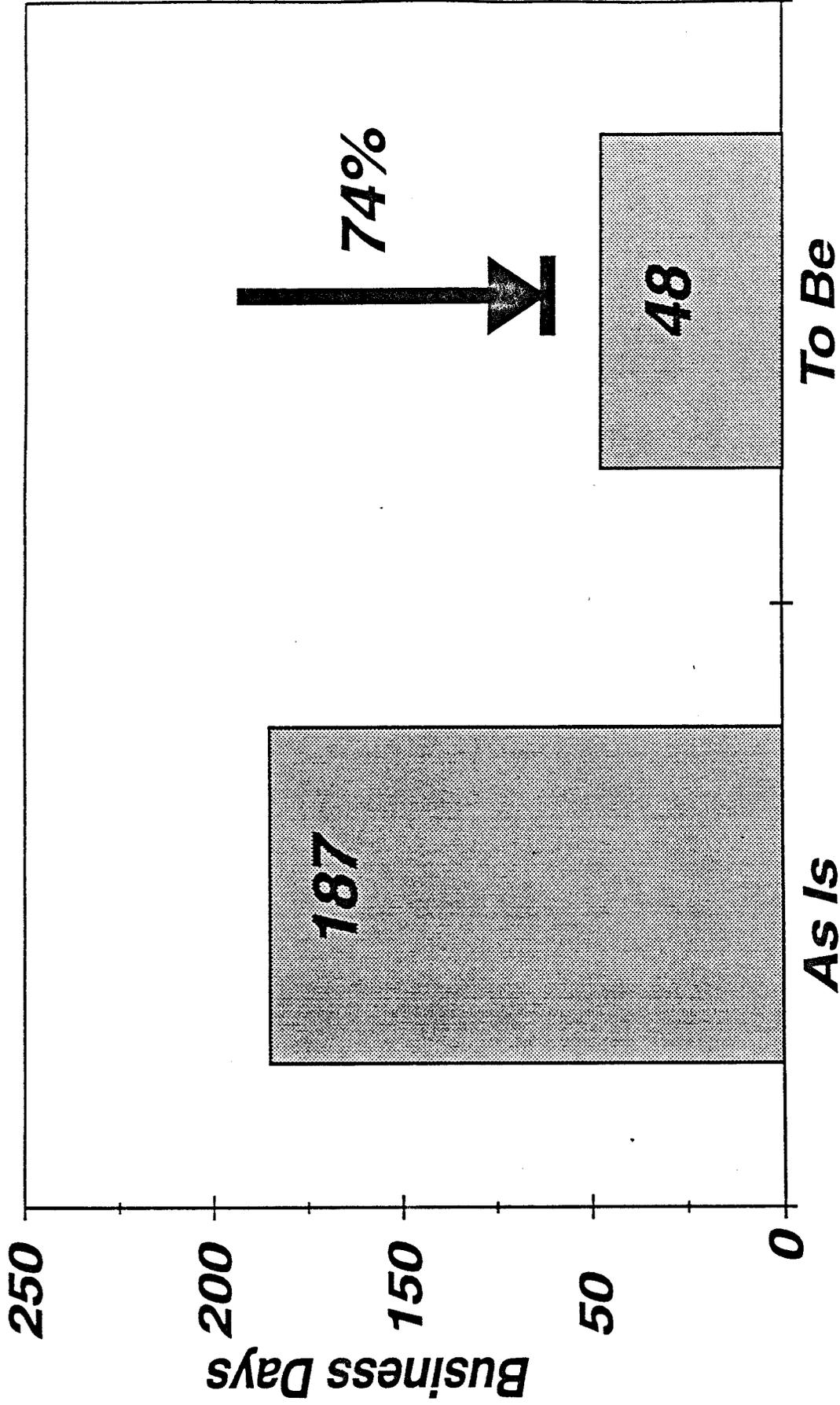


Project:   
 Date: 11/9/93

# **APPENDIX E**

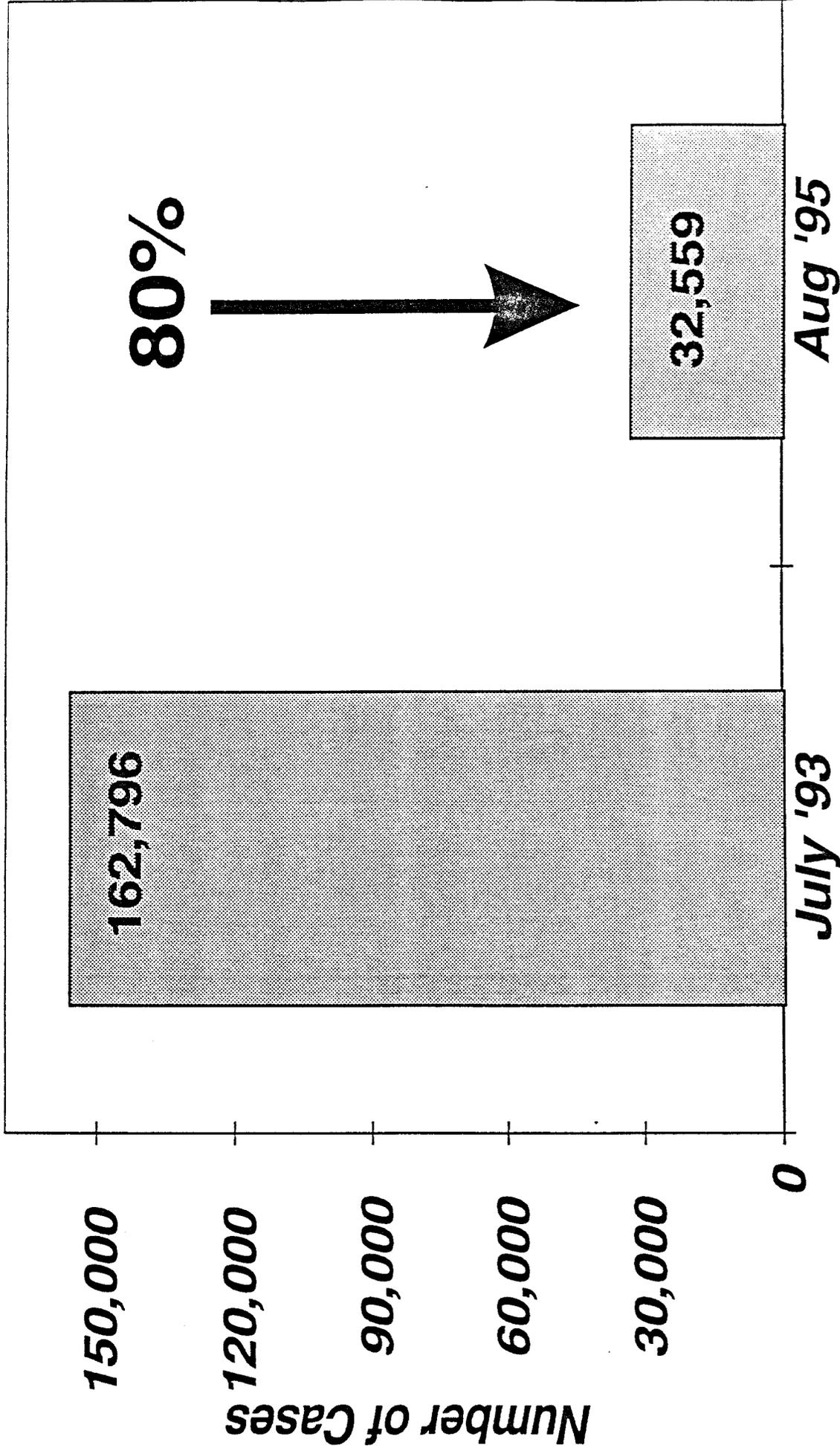
---

# DCSE Cycle Time Reduction\*



\* Critical path for a typical case to flow through DCSE processes

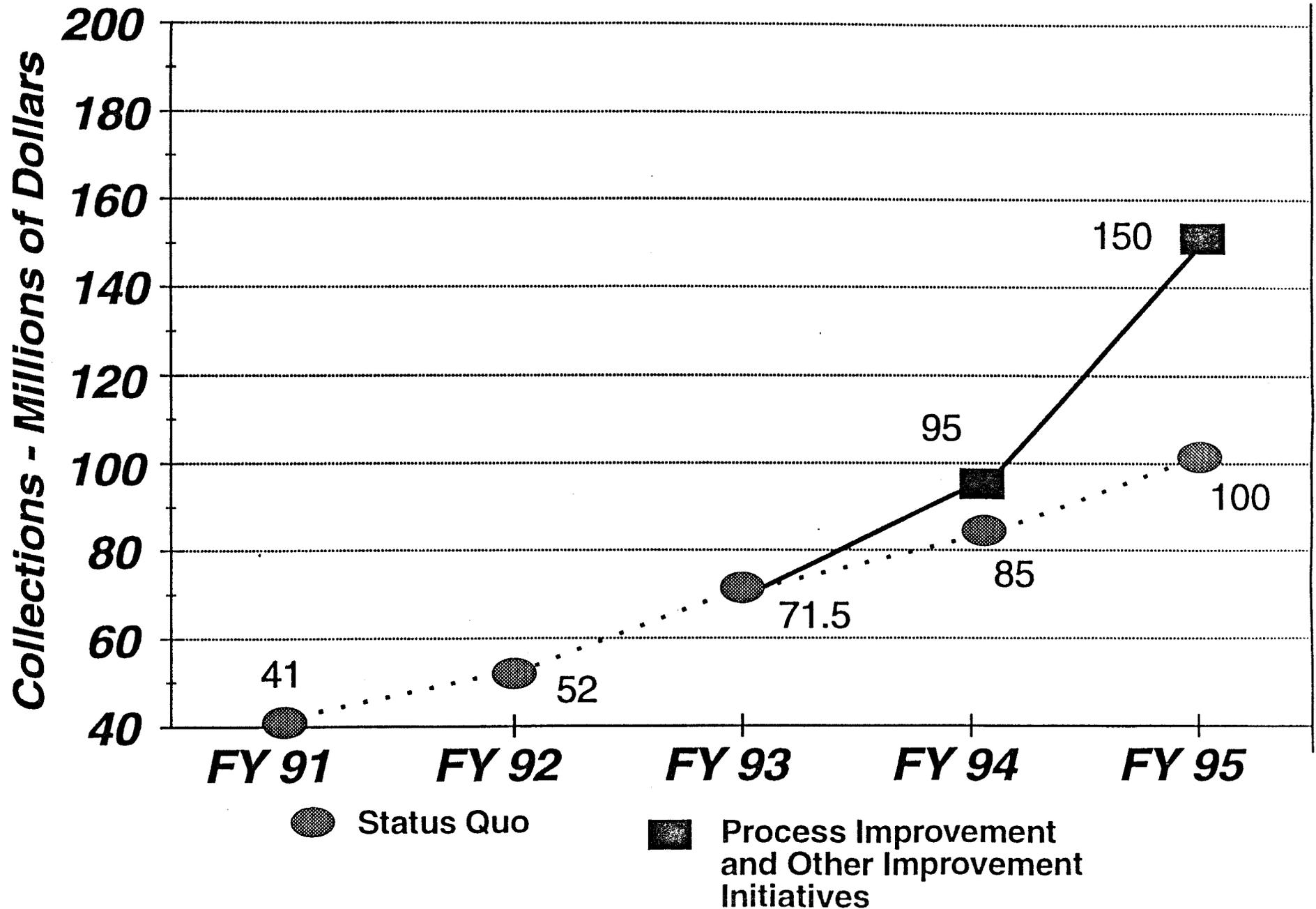
# DCSE Backlog\*\*



\* includes DCSE Statewide cases only

\*\* excludes Enforcement/Collections cases

# Child Support Enforcement



# APPENDIX F

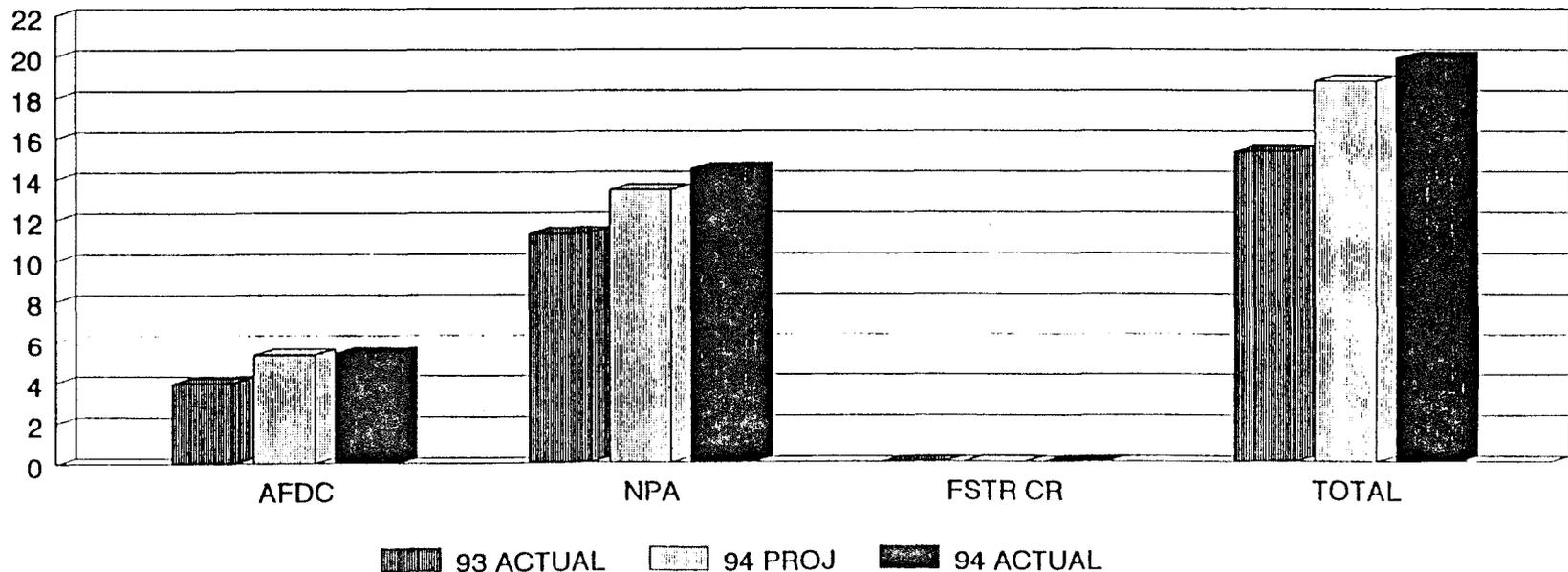
1



# ARIZONA – CHILD SUPPORT ENFORCEMENT COLLECTIONS – PROJ. VS ACTUAL

	QTR 1 '93 ACTUAL	QTR 1 '94 PROJ.	QTR 1 '94 ACTUAL
AFDC	3,952,898	5,356,336	5,446,285
NPA	11,323,928	13,397,353	14,444,114
FSTR CR	3,965	4,202	7,699
<b>TOTAL</b>	<b>15,280,791</b>	<b>18,757,891</b>	<b>19,898,098</b>

INCREASE OVER PRIOR YR. 30.22%  
INCREASE OVER PROJECTIONS 6.08%



# **APPENDIX G**

---

## **CHILD SUPPORT COORDINATING COUNCIL**

### **SUGGESTED COMPOSITION; QUALIFICATIONS; DUTIES**

- A. Suggested composition of the Child Support Coordinating Council:
1. The Director of the Department of Economic Security or deputy.
  2. The Assistant Director of the Division of Child Support Enforcement.
  3. A Division or Section Chief from the Office of the Attorney General.
  4. The Director of the Administrative Office of the Arizona Supreme Court or deputy.
  5. Two (2) Presiding Judges from the domestic relations department of the Superior Court appointed by the Chief Justice of the Arizona Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
  6. A IV-D commissioner appointed by the Chief Justice of the Arizona Supreme Court.
  7. A Clerk of the Superior Court or deputy appointed by the Chief Justice of the Arizona Supreme Court.
  8. Two County Attorneys or deputies appointed by the Department of Economic Security from a county that is currently contracting with the State to provide child support enforcement services. One County Attorney shall be from an urban county and one County Attorney shall be from a rural county.
  9. An Executive Assistant from the Office of the Governor.
  10. One member who is a non-custodial parent appointed by the President of the Senate.
  11. One member who is a custodial parent appointed by the President of the Senate.
  12. One member who is a non-custodial parent appointed by the Speaker of the House of Representatives.
  13. One member who is a custodial parent appointed by the Speaker of the House of Representatives.

14. One member who is a parent with joint custody appointed jointly by the President of the Senate and Speaker of the House of Representatives.
  15. One member from the Executive Committee of the Family Law Section of the State Bar of Arizona.
  16. Experts appointed by the Co-chairs as needed.
  17. Other members in addition to or replacement of those above, as deemed necessary by the legislature.
- B. Co-Chairs shall be chosen by the membership of the Council.
  - C. Council members shall have knowledge regarding and/or experience in child support enforcement and related issues.
  - D. The Council shall coordinate and review plans of various government agencies and make recommendations regarding child support enforcement and related issues.
  - E. The Council shall provide the public with an opportunity to address the council at regularly publicized meetings.
  - F. The Council shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Arizona Supreme Court by January 30 of each year.

## **APPENDIX B**

ARIZONA STATE LEGISLATURE  
Fortieth Legislature - First Regular Session  
Joint Interim Committee Meeting

**JOINT INTERIM COMMITTEE ON CHILD SUPPORT ENFORCEMENT**

Minutes of Meeting  
Wednesday, July 21, 1993  
House Hearing Room 2 - 1:30 p.m.

TAPE 1, SIDE A

Cochairman Blake called the meeting to order at 1:37 p.m. and the attendance was noted.

Members Present

Senator Buster	Senator Kennedy	Representative McCune-Davis
Senator Day	Representative Bowers	Senator Salmon, Cochair
Senator Goudinoff	Representative Lopez	Representative Blake, Cochair

Members Absent

Representative Kaites

Speakers Present

Linda Blessing, Deputy Director, Operations, Department of Economic Security (DES)  
Bonnie Tucker, Deputy Director, Strategic Planning and Quality Development, Department of Economic Security (DES)  
Dave Byers, Administrative Director of the Courts, Arizona Supreme Court  
John Izzo, President, Family and Friends, Scottsdale  
Debra Boaz, representing herself, Mesa  
Donna Woods, representing herself, Apache Junction

Guest List (Attachment 1)

Cochairman Salmon stated that the Committee's charge is to come up with some solutions to the child support enforcement problem. He said the area of child support enforcement and collections is only one aspect of the problem. He opined that focus should be on families and the preservation of families, and the whole concept of the domestic relations court. He said he believes the domestic relations court instigates antagonism and interferes with the likelihood of both parents taking responsibility for their children. If the process is improved where parents will take responsibility for their children, the State will benefit because parents, who are better equipped for it, will be in the child-raising business and not the State. To that end, he read a proposed Mission Statement (Attachment 2).

Senator Goudinoff suggested revising the Statement as follows:

"The mission of the Joint Select Committee on Child Support Enforcement is to recommend improvements of child support in Arizona.

1. The state must protect the interests and well-being of children. This includes child support.
2. People who aren't getting their child support shouldn't have to go on welfare.

To accomplish this, the Joint Select Committee shall work with the public, interest groups, local and federal government agencies, as well as representatives from the executive and judicial branches of state government to develop plans for an effective, efficient and streamlined child support enforcement system. The Committee shall also evaluate proposals for an integrated, centralized system for the processing of domestic relations issues including divorce, custody, visitation and support."

Cochairman Salmon agreed to work with Senator Goudinoff on changes.

Senator Goudinoff questioned the phraseology of an "integrated system" in the Statement. Cochairman Blake advised that it gives the Committee the latitude and flexibility it will need if the Committee decides to go into other areas.

Representative McCune-Davis stated that she would like a Mission Statement that says the Committee will create a child support enforcement system that works. She submitted that everything else in the proposed Statement digresses from the task. She declared that the system that exists today has no integrity because it is not doing the job it was designed to do. Once the fundamental objective of a workable system is accomplished, the Committee can move onto other issues if it so desires.

Cochairman Salmon said he believes in the approach of looking at the problem in total. He said he feels that the problem cannot be resolved by focusing on the one issue of improving collections unless the whole problem of domestic relations is reviewed.

Representative McCune-Davis asked if the purpose of the Committee is to redesign the domestic relations system. Cochairman Blake answered by saying the Committee is charged with solving the problem. She said the purview of the Committee is more than just collecting child support. The charge is to make the system as family friendly as possible and she stated the Mission Statement gives the Committee that latitude.

Representative McCune-Davis commented that the fundamental premise of the child support issue is that a child is entitled to the support of its parents. She asserted that is what our law must say and that is how our law must react.

Senator Goudinoff proposed changing the wording of the Mission Statement from "shall" to "may".

## PRESENTATIONS

Linda Blessing, Deputy Director, Operations, Department of Economic Security (DES), testified that the mission of DES is to assist people move toward economic and social self-sufficiency. To this end, the Department has established a Process Improvement Team dedicated to analyzing and making recommendations for changes in operations. She referred to the handout on Child Support Enforcement (Attachment 3). As indicated on the first chart, with automation and other changes, collections have improved from \$41 million in FY 1991 to \$52 million in FY 1992. With further changes and streamlining of the process, the Process Improvement Team forecasts that collections will be \$200 million in FY 1995.

Ms. Blessing indicated that by streamlining and eliminating the "no value" activities in DES, the work flow to other agencies involved in the Child Support Enforcement area, i.e., the Attorney General's Office, the Courts, and the Clerk of the Court, will be changed. To achieve the forecasted goal of \$200 million, she indicated that DES needs to have the assistance and cooperation of the other agencies.

She introduced the new Assistant Director of DES, Julie Vaughn, and the Process Improvement Team leader, Sue Davis.

Ms. Blessing reviewed the proposed changes that are now being implemented. She related that in analyzing the steps taken by DES in the collection of child support, eight percent of the steps move a case forward toward collection, 26 percent are important because they are required by regulation or are court-mandated, and 66 percent of the steps are of no value in collection, such as waiting, duplication, etc. Currently, there are 767 steps in the child support enforcement activity. The Process Improvement Team has redesigned the process to eliminate the "no value" steps to 375, for a reduction of 51 percent. The redesign of the process will reduce the backlog of cases from the current 164,796 cases in July 1993 to an estimated 32,959 cases in August 1995, for a reduction in case backlog of 80 percent.

Bonnie Tucker, Deputy Director, Strategic Planning and Quality Development, Department of Economic Security (DES), discussed the key recommendations of how DES will accomplish this reengineering:

Consolidate the two major functions: combine "paternity" and "establishment" which will result in a 90 percent cycle time reduction;

Concentrate resources exclusively on case processing: establish a centralized customer service function to provide case information;

Better utilize of the ATLAS automated system;

Do the job right the first time: collect and process information correctly:

In response to Senator Day's question, Ms. Tucker replied that the goal of DES is to establish 80 percent of paternity cases in the first year after implementation of the proposed program. There is currently a backlog of 100,000 paternity cases.

Senator Goudinoff asked if this is only for welfare recipients. Ms. Tucker responded that DES processes IV-D cases, half of which are public assistance recipients and half of which are people who bring their cases to DES which, by definition, become IV-D cases.

Dave Byers, Administrative Director of the Courts, Arizona Supreme Court, pointed out that from 1989 to 1992, child support revenues have increased \$78 million. One of the differences between DES and the courts is that the courts are concerned with all domestic relations cases, both IV-D and non-IV-D., and are concerned with all of the issues in the child support system: enforcement, property, visitation, custody, etc. Mr. Byers advised that the courts currently have no backlog of cases. He indicated that if DES is successful in implementing its 80 percent reduction, the courts must be ready to handle those cases.

In the past three months, a staff team of the courts has collected data on the child support system of other states to determine what is successful and what is not (Attachment 4). It was found that structure is not the only factor that determines success. The team came up with recommendations of how to best serve those people that come through the court system with a domestic relations situation. He directed attention to the Arizona Judicial Department proposal dated July 1993 (Attachment 5) and referred to the "One Stop Shop" process. In any system that is set up, the court believes that all matters to be handled should be taken care of at one time and in one place, if possible.

With reference to statements made by Cochairman Salmon, the court would like to have matters resolved in a more nonadversarial manner. To this point, the court is advocating an Alternative Dispute Resolution (ADR) system to handle about 75 percent of the cases. The three-tier system would use trained hearing officers to arbitrate cases and get as much agreement and consensus as possible as it is believed that if the parties can come to an agreement, they will be more likely to obey the orders that are issued. Where agreement cannot be reached, the matter will be given a court hearing, and the third tier is a trial for any appeals. This three-tier system streamlines the number of days required to handle a domestic relations matter, it makes the system less adversarial and makes use of paralegals at the first tier. Using paralegals is a radical step for the courts. Currently 65 percent of the people going through a divorce are not represented on either side by an attorney; of the remaining 35 percent, 90 percent are represented only on one side.

Mr. Byers conveyed that DES has contracts with 15 different Clerks of the Court and 15 presiding judges. It is being recommended that the system be restructured so that DES will work with the Administrative Office of the Supreme Court and the Administrative Office will work with the local courts, which would afford the Supreme Court to have regional hearing officers or statewide hearing officers, as opposed to having officers only at the county level.

The Clerks of the Courts would provide the customer services to people who come in seeking visitation help and enforcement help. The Maricopa County Clerk's Office has agreed to form an analysis team to go through their paper flow.

Mr. Byers said one issue to be considered is whether the courts should be in the collection business, i.e., is the court the proper place for the almost \$200 million that is collected. Privatization or outsourcing this activity should

be weighed. Another issue to consider is the automation systems. There are different automation systems in the Superior Courts, in DES and in the Attorney General's Office, and privatization should be investigated to determine if this would be more cost effective.

Senator Goudinoff asked if the courts are working with DES. Mr. Byers replied that there have been a couple of meetings and he added he would like the dialogue to continue and to expand.

Representative McCune-Davis asked if the court has put a cost on their proposal. Mr. Byers said that the court wanted to first start a dialogue and if there is a consensus, then it would be costed out.

TAPE 1, SIDE B

Cochairman Blake advised that she and Cochairman Salmon would like to recommend that a technical child support enforcement planning committee be formed. The purpose of this committee will be to have various entities meet, make recommendations and come up with some solutions which will be brought before this Committee. Attachment 6 is a listing of some of the recommended entities that will make up the Technical Advisory Committee (TAC).

Cochairman Salmon added that the TAC might explore some of the problems and opportunities and come back with their recommendations as a group of what can be done to improve the process. He said it will be beneficial to have those people who are directly involved in the process do an analysis of what is being done now and come up with some suggestions on how the system can be improved.

Representative Bowers noted that the proposed makeup of the TAC mainly consists of individuals from government, and only two representatives are people involved. He said he would like to see more custodial and noncustodial representatives and recommended there be two custodial members and two noncustodial members.

Senator Buster voiced agreement with Representative Bowers. He said he believes there should be more representation by the public and he also proposed two custodial and two noncustodial members.

Representative McCune-Davis claimed that one can always come up with a solution to a problem. She asserted that a solution is needed that is viable, with a sense of how much it will cost to implement that solution. She expressed the hope that the people who work on the TAC have a sense of responsibility.

Since there was no opposition to the formation of the Technical Advisory Committee, Chairman Blake announced that membership will consist of 15 members, with at least two custodial and two noncustodial members. She asked Members to submit their recommendations for membership to the TAC.

Cochairman Blake also recommended that child support enforcement hearings be conducted around the State. She said it is the intent to have Members attend at least one hearing. Members of the Technical Advisory Committee are invited to attend at least one hearing. In response to Representative Lopez' question, Chairman Blake said the hearings will be approximately two hours long and will

allow for public testimony. Tentatively, the dates set for the hearings are September 9 in Globe and Safford, September 13 in the East Valley, and September 22 and 23 in Tucson.

Cochairman Blake disclosed that in addition to asking counties to assist in sponsoring these hearings by providing facilities, the media will be contacted to provide coverage, and support groups will be notified so they can be represented. She said she and Cochairman Salmon have agreed to chair the meetings.

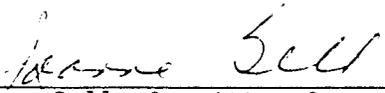
Cochairman Blake announced that Dave Byers has been asked to chair the Technical Advisory Committee.

John Izzo, President, Family and Friends, Scottsdale, distributed handouts pertaining to the court proposal (Attachments 7 and 8). He said he appreciated the proposals made by Representative Bowers and Senator Buster's comments on the make up of the TAC. He suggested that one custodial, one noncustodial, one joint custodial and one grandparent be appointed because these four groups have all been involved in the process.

Debra Boaz, representing herself, Mesa, testified that she agrees with Senator Salmon that the child support enforcement system definitely needs a total view of the entire issue and that Members need to hear personal experiences. She said she has been an advocate for child support enforcement and her main goal is the well being of children. She presented what she said is a radical proposal that will guarantee that child support is paid in full and said it is up to DES to make the collections: if a person has a valid paternity order and court order, it is taken to the local child support or welfare office where it is verified through the court system even if it is out of state, it is immediately filed, and that person receives a monthly check for the amount of support from DES. She said there would be very little welfare cheating because that case number would follow you. She maintains that this proposal will reduce some of the friction from the custodial parents that are attempting to use visitation as a weapon against parents who are not paying support, and would encourage custodial parents to go out and work.

Donna Woods, representing herself, Apache Junction, said she would like to recommend making child support payments an automatic withdrawal from the business account, which would equate to an employee's automatic wage assignment. Another suggestion she proposed is to restrict the time after the original order and each succeeding modification order, in order to refile modification orders. In addition, she recommended that there be a prehearing conference where financial data could be presented, and a provision for disciplinary action for attorneys who encourage understatement of finances. Finally, she recommended the replacement of current financial forms with workable forms.

Without objection, the meeting adjourned at 3:15 p.m.

  
\_\_\_\_\_  
Joanne Bell, Committee Secretary

(Attachments and tape on file in the Office of the Chief Clerk.)

jb  
7/26/93

JOINT INTERIM COMMITTEE ON  
CHILD SUPPORT ENFORCEMENT  
7/21/93

ARIZONA STATE LEGISLATURE  
Thirty-ninth Legislature - Second Regular Session  
Joint Interim Committee Meeting

**JOINT INTERIM COMMITTEE ON CHILD SUPPORT ENFORCEMENT**

Minutes of Meeting  
Thursday, October 7, 1993  
House Hearing Room 2 - 10:00 a.m.

TAPE 1, SIDE A

Cochairman Blake called the meeting to order at 10:05 a.m. and the attendance was noted.

Members Present

Senator Buster  
Senator Salmon, CoChair

Representative Bowers  
Representative Kaites  
Representative Lopez  
Representative McCune-Davis  
Representative Blake, Cochair

Members Absent

Senator Day  
Senator Goudinoff  
Senator Kennedy

Speakers Present

Mike Petchel, President, Phoenix Law Enforcement Association (PLEA)  
William Fabricius, representing himself, Tempe  
Dan Thompson, representing himself, Mesa  
Carol Dodson, representing herself, Phoenix  
John Izzo, Member, Family & Friends in Support of Divorce Reform, Inc.  
Mark Whitt, representing himself, Phoenix  
Dave Norton, representing himself, Glendale  
Mark Zemel, representing himself, Glendale  
Ric Mason, representing himself, Peoria  
David O'Connor, representing himself, Phoenix  
Terry Haugen, representing himself, Phoenix  
Gwen Williams, Founder, Save Our Children  
Lynda Crowell, President, Business and Professional Women, Arizona Federation  
David Rose, representing himself, Phoenix  
Jerry Horacet, Sr., representing himself, Glendale  
Anthony Rea, representing himself, Phoenix  
Dan Clark, representing himself, Phoenix  
Debbie Erickson, representing herself, Phoenix  
Cynthia Schwartz, representing herself, Phoenix  
Linda John, representing herself, Glendale  
S. M. Beck, representing himself, Phoenix  
Conrad Greene, Member, Family & Friends in Support of Divorce Reform, Inc.

Carol Kelly, representing herself, Glendale  
Michael Shields, representing himself, Phoenix  
Gary Arbitter, representing himself, Mesa  
Anthony Abril, Jr., Member, Neighborhood Spirit Associations  
Darlene Minemyer, Owner, Divorce Resource Services  
Jeff Zimmerman, Member, Family & Friends in Support of Divorce Reform, Inc.  
Dennis Ball, representing himself, Phoenix  
Susan Aldrich, Member, Association for Children for Enforcement of Support (ACES)

#### Guest List (Attachment 1)

CoChairman Blake commented that the purpose of this meeting is to listen to testimony on the issue of divorce reform. The Committee is looking at various issues that will make it more fair for both the custodial and noncustodial parent, such as taxable income for the person paying child support, a divorce education class, and a family court. The Committee will deliberate on the findings of these hearings and work toward drafting legislation for the coming year to make matters less confrontational and make improvements in the court system.

CoChairman Salmon advised he has received many phone calls from people who have been impacted by the divorce system and the child support system. He said one out of every two marriages now ends in divorce and children of divorced parents need the care and consideration of both parents. He said both parents should not only share financial responsibility but should also share the overall responsibility in the upbringing of the children. He indicated that he is encouraged by this Committee's appointment of the Technical Advisory Committee (TAC) and hopes to see its continuance.

#### PRESENTATIONS:

Mike Petchel, President, Phoenix Law Enforcement Association (PLEA), distributed a letter prepared by the Phoenix Law Enforcement Association (Attachment 2). In summary, he said that if divorce in a family is inevitable, it is best to try to keep the divorce and custody proceedings from becoming confrontational. PLEA supports reform in Arizona's divorce statutes for the following reasons: (1) Child custody and divorce-related issues are one of the root causes of violent crimes in Phoenix. Domestic disputes ranked number three in the top twenty-five categories of calls for service that Phoenix police officers responded to in 1992. (2) Divorce is a frequent occupational hazard of police work and many child support orders do not take into consideration the costs of maintaining a second household for the officer who is a noncustodial parent. Many custodial parents are forced to seek off-duty employment because they do not receive child support payments.

William Fabricius, representing himself, Tempe, testified that the current system does not adequately protect the children's rights to have a continuing relationship with the father after the divorce. Many fathers wish to function as equal parents after the divorce but are unable to under the current system. He said it needs to be recognized that fathers are just as important as mothers in the child's development. If a father wishes to be an equal parent and he demonstrates that he can, both financially and emotionally, the system should

allow for joint custody. He observed that the support guidelines are twenty years old and should be reviewed and updated.

Dan Thompson, representing himself, Mesa, said he is a noncustodial parent. Over the past six years, he has paid over \$100,000 in support payments and said that his children do not benefit from the money paid to his former wife. He related that he has been labeled by Arizona law as a "deadbeat parent" because his wages are attached. He suggested that in addition to finding ways to hold noncustodial parents responsible, the Committee should also find ways to hold custodial parents responsible. He urged the Committee's reconsideration of the support guidelines, and suggested coming up with a new program rather than putting a "band aid" on the current system.

Cochairman Salmon commented that he has had many meetings with people on these issues. One meeting was with a judge who expressed concern with the issue of accountability. Often the noncustodial parent pays support and there is no guarantee that the money actually goes for the children. The judge suggested that currently, if requested by the noncustodial parent, the Federal Social Security Administration can demand audits to find out how the custodial parent spends the money.

Mr. Thompson said he was not aware that audits could be requested. He stated the courts recently reduced his child support based on documents which proved that some of the support had not been spent on the children. He opined that generally, there is no accountability for the custodial parent.

Carol Dodson, representing herself, Phoenix, related that she is a grandparent. She said she is a firm believer that support payments should go for the child. She also declared that children should have access to all family members, and urged that custodial parents allow noncustodial parents to come back into the children's lives.

John Izzo, Member, Family & Friends in Support of Divorce Reform, Inc., indicated his awareness that the main concerns of the Committee were originally child support collections. He said Family & Friends would like to see everyone work together to get all aspects of the divorce problem resolved as quickly as possible. He said he believes that the members of the Technical Advisory Committee (TAC), created specifically to work in the area of child support collections, are not working together. He maintains that each member, representing different agencies and groups throughout the State, has a different focus and claimed that the Committee will not accomplish anything unless it has guidance from the Legislature.

Mr. Izzo asserted that full reform of Title 25, the State Marital and Domestic Relations law is needed, including spousal maintenance, visitation, custody and child support. He noted that child support includes not only collections but also emotional support.

Mr. Izzo related his own experiences relating to lack of visitation rights with his children. His former wife and children have moved out of state and he has difficulties seeing or speaking to the children. He related that Florida and New Jersey are legislating shared parental responsibility acts where both parents have access to the children. He claimed that Arizona needs similar legislation.

A copy of a paper on divorce reform prepared by Family & Friends was distributed to Members (Attachment 3).

Mark Whitt, representing himself, Phoenix, disclosed that child support issues are viewed as being enforceable but when custodial interference takes place, the police department will not help. He explained that he was served by the sheriff's office with expedited child support enforcement papers. Two weeks later, his visitation rights were taken away and he has not been able to speak to or see his daughter for the past two weeks. He asked the police department to enforce the custodial interference law and was told that it was up to the courts, not the police department, to enforce the law. He contends his civil rights have been violated. Mr. Whitt voiced support of complete divorce reform. He said the whole system is broken and needs to be fixed.

Cochairman Blake advised that one recommendation being considered is divorce education classes for the two parties and asked Mr. Whitt how he felt about this recommendation. Mr. Whitt said he believes it will be good for both the parents and the children. He opined that the system would benefit if situations were more nonadversarial.

Dave Norton, representing himself, Glendale, spoke as a custodial as well as a noncustodial parent. He claimed that the Committee's goal of child support collections is an easy problem to solve; have private collection agencies handle collections. One area which he feels requires change is to include a provision on accountability of how child support payments are spent by the custodial parent. Another area to be changed is that currently, support does not stop when a child attains the age of eighteen but continues until June of that high school year. He encouraged Members to revise the guidelines.

Mark Zemel, representing himself, Glendale, related that divorce reform should be based on the fact that child support payments are more probable in cases where both parents are involved in bringing up the children. He presented the following suggestions for improving the child support guidelines: direct judges to award joint custody in all cases which do not involve abandonment or abuse; consider the costs of a second house and the amount of time the child spends in each household; enforce visitation laws and set harsh penalties for those who deny rightful visitation; and prevent the custodial parent from moving the residency from the county without legal notification to the noncustodial parent to provide the opportunity of a hearing by the noncustodial parent, if desired.

Ric Mason, representing himself, Peoria, testified that mediation should replace litigation in the system. Government intervention should provide a means for children to maintain the continuity of the parental relationships through equitable custodianship. He said the current system awards one parent custody and relegates the other to the status of a visitor. The noncustodial parent feels victimized and the children are sensitive to these feelings. He revealed that his personal experiences bear this out. He opined that the remedy lies in divorce reform in which the children are placed first and that this can only be done through joint custody.

David O'Connor, representing himself, Phoenix, advised that he has joint custody of his children but limited visitation. His child support payments are taken directly out of his paychecks. He said he supports the position of Family and

Friends and supports a complete overhaul of the adversarial divorce system. He said the child support guidelines should consider the expenses of both households, should enforce visitation, and utilize an arbitrator to make the laws more enforceable. Currently the system is not responsive to the needs of the responsible parent and should be changed to recognize their needs.

TAPE 1, SIDE B

Cochairman Blake declared the Committee must be responsive to both responsible and nonresponsible parents.

Representative McCune Davis suggested it might be helpful for Members to hear from children of divorced parents.

Terry Haugen, representing himself, Phoenix, related that he is a noncustodial father. He said he feels the current system is broken. Two areas he demanded reform on are: (1) the courts are not enforcing the law which mandates that evidentiary hearings be held to decide what is in the best interests of the children when there is going to be a move out of state, and (2) the child support guidelines do not take into account either the second household or the issue of accountability.

Representative Bowers said he would like the following comment to be made part of the record: "The current system was created to address symptoms as well. The disease is within each individual and the decisions they make which have ramifications on their spousal contracts and family covenants. That is the disease. We have a need too. We are both puppets and masters. You have a need too and we wish we could mandate it but we can't and that means that our State and the citizens of it discipline their actions and activities toward the goal of family solidarity."

Gwen Williams, Founder, Save Our Children, testified that she comes from a divorced family in which her parents cooperated with each other. In her first divorce, she said there was cooperation but her second divorce was very bitter. She made the following recommendations: the need for separate courts for divorces which involve children and for divorces where there are no children; joint custody; before a marriage, both partners should be told that in case of a divorce, everything will be split: the children, the assets, and the income; and that specially-trained people be assigned to work with people who are going through bitter divorce cases and in child custody cases.

Lynda Crowell, President, Business and Professional Women, Arizona Federation, testified that the current divorce system disproportionately affects women and children in this State. In Arizona, half of the 265,000 cases seeking child support are not on welfare. Only three percent of the 265,000 cases receive regular support payments, which includes both welfare and working custodial parents. She said she feels that cooperation is needed within State government; automation and staffing must increase proportionately to the problem; and there is a need to look toward the private sector, especially in the collection area. She agreed to prepare her recommendations to this problem in writing and send them to the Members.

David Rose, representing himself, Phoenix, revealed that he practices family law, is a custodial father, a noncustodial father, a stepfather, and comes from a divorced family. He commented that child support and visitation are interrelated, and there are high costs associated with being a noncustodial parent which includes second household expenses. Child support is punitive; it punishes one party and leaves them without a remedy. He asked that responsible parents not be penalized. Times have changed and the system needs to change. In his experience, he said there are more joint custody cases now and as many cases of custody going to the father as with the mother. He encouraged looking at what other states are doing, pointing out that Colorado has a system that compares the amount of time the children spend with their parents and the income of those parents in order to determine what the child support award should be.

Jerry Horacet, Sr., representing himself, Glendale, stated he is a custodial father who is on Aid to Families with Dependent Children (AFDC). He claimed that in adversarial divorces, it must be kept in mind that the children did not divorce either parent. The current system seems to be more concerned with the rights of the mother or the father, and not the rights of the children. Additionally, he claimed that current law allows the Attorney General's Office to represent non-AFDC cases. He said his case is currently before the Appeals Court to appeal this law.

Anthony Rea, representing himself, Phoenix, informed Members that he pays child support, has fifty percent visitation but no custody. He said he was informed that the mother is moving the family out of state, which will eliminate all his visitation rights. He urged the Committee to look at the issue of evidentiary hearings and consider the rights and best interests of the children.

Dan Clark, representing himself, Phoenix, stressed the issue of the second households. He said he feels there should be a fifteen to twenty percent allowance adjustment for second households. He asserted that judges need to look at the guidelines and consider flexibility in their judgments. He explained that some sections of the guidelines say "may" and some say "shall"; judges often disregard the "may". All situations are different and judges should recognize and make allowances for this. He emphasized that adjustments should be made in child support if a parent is proven to be actively responsible.

Debbie Erickson, representing herself, Phoenix, related that she has been trying to collect child support on her own for eight years. She asserted that judges make rulings but those rulings are not enforced. She opined that there would be fewer deadbeat fathers if there was not a deadbeat court system.

Cynthia Schwartz, representing herself, Phoenix, revealed that when she obtained a divorce, she took her child away with her from the home. After contemplating this action, she felt it was not fair to the father so she decided on shared custody but no child support. She said she felt it was best for her son to have both parents. Her son is now fifteen years old and is very well adjusted. For the welfare of the children, she advocates joint custody and said she feels it will result in fewer deadbeat parents.

Linda John, representing herself, Glendale, pays child support to her former husband who has custody of her children. She said she would like consideration be given to the fact that noncustodial parents who make child support payments

are taxed while custodial parents do not have to report the payments as income. She asked that Members do something about this.

S. M. Beck, representing himself, Phoenix, stated that the State should recognize shared custody in most cases and recognize that child support and visitation are interrelated. When he was divorced, he wanted shared custody so he could have input into how his son would be raised. Even though he had a court order of visitation, he was not allowed to see his child but was still expected to pay child support payments. He asserted that the system is broken and it's wrong. He now receives delinquent letters from the Child Enforcement Division for a child he has not seen in ten years. He said his new family will suffer if the ten years of delinquent child support is enforced.

Conrad Greene, Member, Family & Friends in Support of Divorce Reform, Inc., said he is a child of divorced parents and also the noncustodial parent of a special needs child. He said he feels the biggest problem is the Courts and the judges. He said the mother is allowed fifty hours for respite and the State pays for fifty hours for a baby sitter. He maintains that if the judge would rule that he be given shared custody, he could be saving the taxpayers money which could go for the care of another child. Additionally, he said he agrees with a tax deduction for the noncustodial parent and that the custodial parent account for the dollars received. He urged that the Technical Advisory Committee continue and be expanded, and that in addition to child support, the issues of visitation and custody be considered. The well being of the children should be considered first. He claimed that the Courts are not dealing with the problem and the Legislature should take it away from the Courts and start addressing it here.

Carol Kelly, representing herself, Glendale, testified that she is a noncustodial stepparent. She advised there is a bond between parents and children, and it is wrong to keep children away from one parent. She said the system needs to be changed.

Michael Shields, representing himself, Phoenix, related that he is a child of divorced parents. He said he is paying \$1,175 a month in child support because he said the judge decided to deviate from the guidelines to include day care expenses to allow his former wife to work. He said his former wife no longer works, so there is no need for an allowance for day care. He has been trying to get his payments adjusted, but after a year, the courts still have the matter under consideration.

Gary Arbitter, representing himself, Mesa, testified that he has received a letter from the county that there will be a garnishment of his paycheck. He said this is for a child who he maintains is not his. He advised that he has been carrying this burden for twenty-three years and that his constitutional rights are being violated because he is being tracked by the government to collect money which he said he does not owe.

Anthony Abril, Jr., Member, Neighborhood Spirit Associations, related that he is a child of divorced parents. He said that parents who go to public meetings such as these to testify should be paid for the day instead of losing a day's pay. He also said there is much fraud in the system regarding illegal aliens who collect child support. He claims this should be investigated and the laws should be enforced.

Darlene Minemyer, Owner, Divorce Resource Services, testified that Divorce Resource Services helps people understand the aspects of divorce. When people get divorced, they do not understand that they need to get along better than when they were married. In a divorce, people have to heal and being negative does not work. Issues relating to the children will be better resolved if parents have a positive attitude. She commented that divorce should be treated like a business and not emotionally.

TAPE 2, SIDE A

Jeff Zimmerman, Member, Family & Friends in Support of Divorce Reform, Inc., emphasized that in issues of divorce and child support, one is dealing with people. He asserted that the system is supposed to be there to serve people; not for people to serve the system. He commented that research indicates although people are ordered to pay child support through the Maricopa County courts, half of them are paying directly to the custodial parent. This is in violation of the law, however, instead of focusing on this issue, the focus should be on people whose cases have been in the DES system for years who have not received any support.

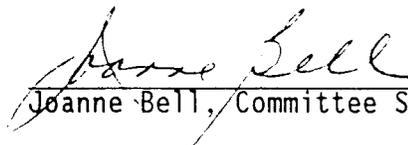
It needs to be recognized that voluntary support payments are directly tied to all aspects of a divorce. Federal studies show that people with joint custody pay ninety percent of their child support. People with good visitation pay eighty percent. Instead of adding penalties and complications to the law, he said focus of reform should be on those aspects that work.

Dennis Ball, representing himself, Phoenix, recommended that legislation should be enacted which links the issues of support and visitation. He maintained that children have no say in the custody issue. When parents are separated or divorced, the children get the feeling that the noncustodial parent does not love them and they feel rejected.

Susan Aldrich, Member, Association for Children for Enforcement of Support (ACES), related her difficulties in getting some of her child support checks from the State. She said it is a common problem and that people have to beg caseworkers for their checks. She said she is confused because the State gets the child support dollars through wage assignments and said she does not understand why caseworkers hold the checks.

David S. Ricker, Tucson, did not speak but asked that his written testimony be included as part of the record (Attachment 4).

Without objection, the meeting adjourned at 12:20 p.m.

  
Joanne Bell, Committee Secretary

(Attachments and tapes on file in the Office of the Chief Clerk.

jb  
10/12/93

JOINT INTERIM COMMITTEE ON  
CHILD SUPPORT ENFORCEMENT  
10/7/93

ARIZONA HOUSE OF REPRESENTATIVES

GUESTS ATTENDING MEETING

MEETING Child Support Hearing  
~~SENATE~~

HEARING ROOM 2  
 TIME ~~10:00~~ 10:00  
 DATE ~~10/22~~

NAME AND TITLE (Please print)	REPRESENTING	BILL NO.
FERRY HAUGEN	Self	
2 Debbie Erickson		
2 Lynda Crowell	BPW ARIZONA	
7 Jerry L Horacek Sr	Father on AFDC	
J.R.	SELF	
DAVID C CONNOR	myself	
Ric Mason	self	
DAVE NORTON	SELF	
Mark E. Zemel	Dad	
Mark Zemel	self	
Carol Dodson	Grandparent To United C. P.	
Robert L. Rohrer Sr.	Father in support of son	
Robert L. Rohrer Tr	Son	
MIKE PETCHEL	PHX LAW ENFORCEMENT ASSOC.	
DAN THOMPSON	self	
NANCY BOWES		
William Fabricius	self	
Christina Schmitt	SELF	
LINDA JOAN	SELF	
Greg W Williams	Save our Children	
Vesina Turch		
STEVE BECK	SELF	
John Izzo		





# Phoenix Law Enforcement Association

5033 North 19th Avenue • Suite 108 • Phoenix, Arizona 85015-3295 • (602) 246-7869

October 7, 1993

The Honorable Pat Blake, Co-chair  
The Honorable Matt Salmon, Co-chair  
Joint Interim Committee on Child Support Enforcement  
Arizona State Legislature  
1700 West Washington Street  
Phoenix, Arizona 85007

(HAND DELIVERED)

Dear Representative Blake and Senator Salmon:

The Phoenix Law Enforcement Association (PLEA) is the duly certified, exclusive representative for over 1,600 rank-and-file Phoenix police officers.

I am by no means an expert in what is wrong with our divorce system. Certainly, I believe, the best "reform" is to keep marriages and families intact whenever possible. When that is not possible, both parties should enter divorce and custody proceedings on a level playing field in order that neither party has the upper hand, thereby forcing the other into reactions based on rage, frustration, or hopelessness.

Recently, the PLEA board of trustees adopted a motion to support attempts to reform Arizona's divorce statutes and related regulations. The reasons for this action are twofold.

Firstly, we see child custody and divorce-related issues as one of the root causes of violent crime in Phoenix. As police officers, a considerable amount of our calls for service involve domestic disputes. Of the top 25 categories of calls for service Phoenix police officers responded to in 1992, domestic disputes ranked number three on that list, up from number four the previous year. We answered 32,940 domestic dispute calls in 1992 and spent an average of just over one hour on each call. As you are aware, divorce and child custody-related problems encompass a large amount of the background reasons for these calls to the police department.

Secondly, divorce, unfortunately, is an all too frequent occupational hazard of police work. The officers I represent include many whose marriages are affected by the stresses police work and wind up being working custodial and non-custodial moms or dads with similar post-divorce conflicts, such as disputes over child custody. Annually, approximately 75% of all Phoenix police officers work a second job off-duty and many often do so to meet child support obligations. A frequent complaint I hear is that child support orders do not take into consideration the costs of a second household the non-custodial officer must maintain. Conversely, custodial officers complain that former spouses sometimes neglect to live up to child support obligations, which forces the custodial officer to seek off-duty employment also.

The Honorable Pat Blake, Co-chair  
The Honorable Matt Salmon, Co-chair  
October 7, 1993  
Page 2

In my opinion, we are dealing with a broken legal system that was intended to evenly adjudicate post-dissolution issues. Too often, those conflicts remain unresolved and require considerable on-duty police attention, as well as affect my officers in their personal lives. Secondly, these problems cause financial hardships that often trigger officers to lose their focus on job responsibilities which, in turn, leads to depression, alcohol abuse and disciplinary problems and loss of pay resulting from suspensions. While Phoenix police officers are fortunate in having peer and professional counseling services available to assist these officers, correcting some of the systemic problems related to divorce and custody issues could lead indirectly to taxpayer savings if an overhaul occurred.

To that end, the Phoenix Law Enforcement Association appears before you today in support of meaningful efforts aimed at comprehensive divorce reform and its related issues. I hope you understand now that PLEA has a professional and personal interest in the direction these issues take in the next legislative session.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike", followed by a horizontal line.

MICHAEL G. PETCHEL  
President

MGP:sho

**DIVORCE REFORM CONCEPT PAPER**  
**Family & Friends In Support of Divorce Reform, Inc.**  
**September 21, 1993**

**HERE IS WHAT NEEDS TO BE DONE:**

1. **Restructure the adversarial, court-based system of divorce into one that uses mediation and other alternative dispute resolution (ADR) methods to resolve all divorce related disputes, including property division, child custody, visitation, paternity, child support and spousal maintenance.**
2. **Change the divorce laws to promote settlement of family disputes.** Examples: End the battles over "titles" by eliminating the terms "custody" and "visitation"; and prohibit the court from making orders about the children except when really necessary (both of which the recent England Children Act does). Enforce visitation orders as much as child support orders.
3. **Establish a public policy of protecting the child's continuing relationship with both parents.** Provide for automatic joint legal custody except in cases of abandonment or abuse, as England has done. Set standards limiting the circumstances under which one parent can move the children out of state against the wishes of the other parent, as other states have done. Allow the noncustodial parent and his or her suitable relatives first right to care for the children in lieu of paid day care.
4. **Revise the child support laws to make them fair and to provide accountability for how the monies are spent.** Examples: base child support amounts on the Arizona cost of living, not national averages; take into account the cost of establishing and maintaining a second residence (one for each parent) after a divorce and the other myriad costs of a divorce, such as the division of marital debts; take into account the amount of time the child spends in each household; treat children from subsequent marriages equally with the children receiving support; prohibit the collection of past support or welfare that accrues more than 6 years prior to the time diligent collection efforts are started, to keep the collections system cost-effective and focused on parents who intentionally evade their obligations; offer tax incentives such as partial deductibility of child support payments and awarding of dependency deductions to the parent who pays the support; correct quirks in the credit reporting and loan evaluation laws that burden support-paying parents.
5. **Provide speedy, flexible, proactive and humane child support enforcement services.** Treat both parents with respect and dignity; make the collection system simple and user-friendly so a parent can go to one local location and get help from the court itself about the procedures to follow; respond quickly if payments cease to determine the nature of the problem and structure a solution; allow creative structuring of child support payments to facilitate compliance; allow related issues such as visitation problems to be globally resolved in a single proceeding; recognize parental agreements about child support as long as the childrens' needs are met and there is no intentional welfare fraud by the paying parent.
6. **Educate parents and children about family issues:**
  - Early mandatory parenting education for parents undergoing a divorce involving children or any other child-related dispute to emphasize the responsibilities as well as the rights of parenting and to show them how to keep their children out of parental disputes and adjust to single parenting.
  - Realistic education for high school boys and girls about the tremendous responsibility of having a child.
  - Provide good, simple forms and explanations of the law and free or inexpensive assistance to persons utilizing the courts.
  - Make education available to children about how to handle the stresses of a divorce.
  - Make good, simple materials available to persons getting a marriage license about Arizona's domestic relations laws, including community property, child custody and prenuptial agreements.
7. **Establish means to stop "game-players" who manipulate the system by making false allegations of child abuse, obtaining protective orders without cause, committing other perjury, filing for excessive post-divorce modifications, or the like.**

### HERE ARE THE GOALS:

1. **Reduce the time, expense and trauma of divorce issues through a nonadversarial process** that tends to bring the parties toward agreement rather than driving them further apart.
2. **Reach better decisions**, increase satisfaction of the parties and reduce government interference in people's lives by helping them make their own decisions.
3. **Reduce divorce related stresses on children** by keeping both parents involved in their children's lives in as normal a manner as possible and by assisting the parents to insulate their children from the parents' disagreements.
4. **Make the system fair for the poor** and other persons without attorneys by making it "user-friendly." Change the primary focus of attorneys from advocacy to advising their clients about their rights and assisting the mediation process toward reasonable settlement.
5. **Eliminate outdated presumptions and procedures about child custody and visitation** and focus instead on the real issues affecting their care and upbringing.
6. **Promote voluntary payment of child support** and avoid unduly intruding upon the life decisions of either parent in the process.
7. **Provide all tools necessary to enforce child support**, but focus on noncoercive methods except for the particular cases where more is required.
8. **Attack the root cause of problems like latchkey children, youth violence, gangs, drugs and teen pregnancies** by focusing on keeping the family unit as normal and close as possible so that the child has the love, attention and guidance of both parents. Reduce teen pregnancies through realistic educational programs to eliminate the glamour associated with having a baby and stress the responsibilities of both parents.

### THIS IS WHY WE MUST ACT NOW:

1. **Our current divorce system is destroying Arizona's children.** It forcibly rips them apart from one parent and then fosters a pattern of fighting between the parents that puts the children smack in the middle of the parental hostility that the system itself has created.
2. **Our divorce system is bankrupting Arizona citizens, emotionally and financially.** Many people are embittered by the process itself rather than being encouraged to settle their differences and get on with their lives. Many people go through a divorce and then right through a bankruptcy because of the cost of the divorce, failure to account for material debts in setting child support awards and other factors. The loss of worker productivity because of the time and trauma of an adversarial divorce is huge and the resulting erosion of our state's tax base is tremendous.
3. Our system condones and even encourages game-playing, allowing a party to use the system for personal, unfair gain.
4. Our system lacks the checks and balances needed to assure fair and consistent decisions. Judges lack the necessary training and experience in this unique area of law, appeals are difficult, most parties have no attorney and are ignorant of basic procedures, and the agreements of the parties are subject to too-easy override by the courts.
5. Single parent families are the leading factor associated with juvenile crime, teen pregnancies, drugs and other problems of our youth. We can't stop divorces from happening, but we can stop divorces from so terribly warping the lives of our children and eventually devastating our society.

**Joint Interim Committee on Child Support Enforcement.**

**Testimony of David S. Ricker, 5312 W. Fireopal Way, Tucson,  
Arizona 85741.**

Like many other people, I was recently notified by the Arizona Department of Revenue that my state income tax return was being held up at the request of computers in the Atlas Child Support system, which, as you know, is administered in Pima County by the County Attorney's Child Support Division.

All that notice from the state said was "Refund held to offset debts claimed by state agency(s). Agency(s) will contact you by separate letter. Do not contact tax office." The number provided for Atlas Child Support was 1-602-252-4045. When I called that number I received a recording telling me to call either 1-800-882-4151 or 274-4653. The toll free number was constantly busy so I called the other number where I was placed on hold for 10 minutes before being connected to a live person who then promptly hung up. After that, I called a another DES number (274-7646) where I was told I would have to contact the Pima County Attorney's Office. Why does the notice from DOR tell Pima County residents to call a Phoenix number when they will be referred to the Pima County Attorney's Office anyway? Why didn't I receive any communication from Atlas Child Support?

Meanwhile, I wrote to Pima County Attorney Stephen Neely requesting an explanation of the matter and prompt action to straighten it out. I left numerous verbal messages at the Child Support Division of his office before an investigator contacted me and finally explained the problem.

The investigator said that when my former wife and I were divorced in 1981 that our decree stated that I would pay \$150 per month child support directly to her and not through any government agency. That's exactly what I did until I was forced into the Atlas system in July 1992 because my former wife was receiving aid to families with dependent children (AFDC) for the four other children she had during a subsequent marriage. The only time I did not pay the full amount of child support was for a six-month period in 1986-87 when I was unemployed and I received permission from the court to cut the child support in half to \$75. The investigator said that when my case was entered into the DES computer the only information they had was a copy of the divorce decree and an affidavit from my former wife detailing the reduced payments during the six-month period in 1986-87.

At no time did Atlas Child Support seek any other pertinent court papers, nor did they contact me to verify the information supplied by my former wife. Without this additional information the computer program did what it was designed to do, it put a hold on my tax return of \$459.03 for 1992. The investigator also told me that the computer program is also set up to transmit information to credit reporting agencies alleging that payments had been missed. The credit information, in my case, was not transmitted due to a prompt inquiry about the problem, but I suspect others are not as lucky. I'm certain you realize the potential ramifications for such a report to credit agencies.

When I asked the investigator why they had not sought information from me she said that it was not part of the established procedure for setting up cases. She even implied that it was my fault because I had not been paying my child support through a government agency up until a year ago. I would suggest to you and to her that my former wife would still be receiving her support payments privately if she had exercised some prudent family planning in her current marriage. I was forced to start paying my support to the Superior Court Clerk's office as a direct result of her seeking and receiving Aid to Families with Dependent Children (AFDC) through the Department of Economic Security. The clerk's office charges a fee of \$12 annually for the "privilege" of funneling my support check to my former wife. I submit that since her family planning problems made it necessary for me to start paying the clerk's office then, as a matter of principle, she should pay the annual fee, not me.

Also, my wife, who is an attorney by profession, would like to point out that when our joint state tax return was held up, it appeared that it was their intention to garnish the entire \$459.03. My wife pointed out that under Arizona law this state is a joint property state and that only one-half of the tax return should have been held up, not the entire amount.

**Testimony of David S. Ricker, page 2**

I am happy to report that due to my prodding, a copy of the court order from 1986-87 proved that I was authorized to reduce child support payments and the amount of money they thought I owed has been reduced to zero. Plus, the hold on my tax return has been lifted and the tax return was received three weeks later without so much as an apology or interest for the inconvenience.

It's obvious to me that the process used in this case needs some refinement and study, perhaps by state lawmakers. I would suggest that if my credit rating had been destroyed by a false report generated due to this incident that the state would have been liable for damages of some sort. I'm sure you see the potential liability the state may face now and in the future.

Due to my profession, I know which governmental buttons to push and who to call about getting something taken care of, especially when there is a problem of this sort. I am concerned, however, that there may be other non-custodial parents with cases similar to mine who do not have the necessary knowledge to handle this type of problem. I would suggest that it is incumbent upon the state to iron-out the procedures that caused these problems and to strive to make government more easily accessible than I found it to be in this case.

The events I have laid out for you have been shared with my representatives from District 12. I agree with Rep. Freddy Hershberger that legislation may not be an appropriate remedy for the ills that lurk at the Department of Revenue and the Department of Economic Security. As a practicing journalist I have also observed my share of micro-management by local and state governmental entities.

My motive in providing you and your colleagues with the information regarding my situation is to allow you to pursue the matter in the way in which you feel it would be appropriate. I would suggest that the legislature has an oversight role which might be of use in these matters.

I suspect that officials from these agencies would be rather uncomfortable if they were confronted with these issues during a meeting of an appropriate committee in either the Arizona House or Senate. In this oversight role, it might also be appropriate for those committees to suggest possible changes in procedure.

Given the circumstances of my situation things would not have progressed to the point they did had I been given to opportunity to provide information to the persons entering data into the Atlas Computer System used for enforcement of child support matters. I believe they call this "due process." Had I been afforded "due process" at that point my state tax return would not have been held up and notification would not have been made to credit reporting agencies.

Knowing how government works, I suspect that adding "due process" to the procedure will probably increase the cost, however, if this type of situation can be avoided in the future, I'm certain you would agree that it will be worth the money.

ARIZONA STATE LEGISLATURE  
Forty-First Legislature - First Regular Session  
Joint Interim Committee Meeting

**JOINT INTERIM COMMITTEE ON CHILD SUPPORT ENFORCEMENT**

Minutes of Meeting  
Tuesday, November 30, 1993  
Senate Hearing Room 1 - 1:30 p.m.

TAPE 1, SIDE A

Cochairman Blake called the meeting to order at 1:35 p.m. and the attendance was noted.

Members Present

Senator Day	Representative Bowers
Senator Goudinoff	Representative Kaites
Senator Salmon, Cochair	Representative Lopez
	Representative McCune-Davis
	Representative Blake, Cochair

Members Absent

Senator Buster

Speakers Present

Dave Byers, Administrative Director, Administrative Office of the Courts  
Bonnie Tucker, Deputy Director, Department of Economic Security (DES)  
Stanley Feldman, Chief Justice, Arizona Supreme Court  
Linda Blessing, Director, Department of Economic Security (DES)  
Phil Randolph, President, Gateway Community College  
Michele Bush, Director, Parenting Development Institute, Gateway Community College  
Sanford Braver, Professor of Psychology, Arizona State University (ASU)  
Terry Haugen, representing himself, Phoenix  
Mark Whitt, representing himself, Phoenix  
Jamie Tinkelman, representing herself, Phoenix  
John Izzo, President, Family and Friends in Support of Divorce Reform  
Conrad Greene, representing himself, Phoenix

Guest List (Attachment 1)

PRESENTATIONS:

Dave Byers, Administrative Director, Administrative Office of the Courts and Bonnie Tucker, Deputy Director, Department of Economic Security (DES), cochair of the Technical Advisory Committee (TAC), expressed appreciation to TAC members for their dedication and efforts in formulating the recommendations contained

in the "Report and Recommendations of the Technical Advisory Committee on Child Support" (Attachment 2). Ms Tucker read the names of members of the TAC Committee:

Joel Bankes, Maricopa County Superior Court  
Nancy Bowes, Association for Children for Enforcement of Support  
Barry Brody, Attorney-at-Law  
Jim Cady, Noncustodial Parent  
Kathy Casteel, Deputy Attorney, Gila County Attorney's Office  
E. Gayle Eskay, Deputy Attorney, Pima County Attorney's Office  
John Izzo, President, Family and Friends  
Mary Leader, Executive Assistant, Office of the Governor  
Shirley Lilien, Commissioner, Superior Court in Pima County  
Cecil Patterson, Division Chief Counsel, Human Services Division, Attorney General's Office  
Juliana Vaughn, Assistant Director, Child Support Enforcement, Department of Economic Security  
Catherine Walley, Custodial Parent

Ms. Tucker acknowledged the following staff members who provided assistance to members of the Technical Advisory Committee: Kevin Bell, Agnes Felton, Minette Pollard, Linda Bostick and Sharon Ibarra.

Mr. Byers advised that before work commenced on formulating recommendations, decisions were made on two issues:

Mission Statement - In drafting a Mission Statement, three areas were reviewed by the Committee: child support enforcement collections; child support enforcement and other matters that impact enforcement such as visitation and custody; and reform of Title 25 domestic relations issues. TAC decided to focus its efforts on enforcement and other matters that impact it, such as visitation and custody.

Structure - In lieu of making major structural changes which would take years to accomplish and would place the focus on structure rather than on collections, it was determined that the same structure be retained, with emphasis on streamlining the processes in both the Courts and in DES.

Mr. Byers said the Committee endorses a two-year period for establishing several pilot projects. During that time, significant improvements in enforcement and collections are anticipated. It is estimated that collections will double during this two-year period, from \$75 million to \$150 million. Delivery of services is another area where improvements are expected. Different approaches will include a private contractor model in two counties, the county attorney as contractor in five counties, and the Department of Economic Security Attorney General model in eight counties. Results of the projects will be thoroughly evaluated to determine their effectiveness.

Ms Tucker and Mr. Byers jointly provided an overview summary of the Report and Recommendations of the Technical Advisory Committee on Child Support. Fifty-seven recommendations were developed, of which twenty-eight require legislative action (see pages 12 through 32 of Attachment 2). Recommendations impact the

entire child support system and cover both IV-D (handled by the Department of Economic Security, and non IV-D (handled by private attorneys or those without legal counsel). The ultimate goal is one child support system. In addition to the establishment of a Child Support Coordinating Council and a Domestic Relations Study Committee, recommendations were made in the following areas: process improvement, intake, paternity/maternity, child support order establishment, modifications, enforcement/collections, locate, hearings and education. Highlights of the report include:

Propose both long and short-term improvements to the child support system relative to collections, custody and visitation.

Emphasize changes that will make significant improvements in child support collections within the next 24-36 months.

Strive to increase parental cooperation, improve customer satisfaction and create a system that is perceived as being fair.

Propose administrative changes in the executive and judicial branches, amendments to court rules, and federal and state legislative action.

Include pilot projects to test different methods of child support enforcement throughout the state and an evaluation of existing programs, with recommended improvements.

Endorse a continued collaborative effort by all three branches of government to ensure integrated planning and communication among all of the child support stakeholders.

Require additional funds for increased services.

Mr. Bowers recounted figures he had been provided on paternity and court orders of support. He said over sixty percent of cases have no established paternity; twenty-eight to thirty percent have alleged paternity but no order of support; less than 10 percent of cases have accepted paternity establishment and court order of support; and an even smaller percentage where the order of support was actually pursued.

Mr. Byers acknowledged the large backlog in paternity establishment. He said a number of the TAC recommendations address this issue.

Cochairman Salmon asked for information on how many people have been turned down for Aid to Families with Dependent Children (AFDC) because they refused to provide information which would establish paternity. Ms Tucker advised that federal law mandates the State to process welfare applications whether information is given or not. To address this issue, TAC is recommending that if an applicant does not provide appropriate information without good cause, they can be penalized and benefits denied. Mr. Byers clarified that a mother's benefits can be denied but he said federal law prohibits the denial of a child's benefits.

Stanley Feldman, Chief Justice, Arizona Supreme Court, stated it is his opinion that the system needs a fundamental overhaul. He said today's system has to deal with problems which did not exist when the system was originally set up, and that no one envisioned the sheer volume of child support issues facing DES and the courts. He expressed the need to work together and promised that the courts will work with the other two branches of government to find common solutions to the child support problem.

Justice Feldman expressed support for the concept of the report of the Technical Advisory Committee. He said he intends to create a Domestic Relations Reform Committee to work with the Legislature and with the Executive Branch to develop a common approach to the problem. He advised that work is continuing on the development of simplified child support guidelines which can be more easily comprehended both by the judges and by the parties, and which will be more fair to both parties involved. He asserted a statewide uniform system is needed and said the Legislature will be asked to provide additional resources in order that progress can be made in this area.

Cochairman Salmon commented that the Legislature does need to commit resources to overhaul and implement the process. He stated that if the system is working well, if the responsible parties take care of the upbringing of their children, and if taxpayers do not have to subsidize welfare, it will be cost effective in the long run. He stated that it is a long time since all three branches of government have worked hand in hand on an issue.

In view of the problems that the State faces, Justice Feldman asserted that everyone should fight the problems and not each other, and he reiterated that the courts are committed to working with the Legislature and the Executive Branch.

Linda Blessing, Director, Department of Economic Security (DES), testified that it is the mission of the Department to better enable individuals to move into self sufficiency. She said the collection of child support and enforcement is critical to accomplishing this mission. DES has a goal of collecting \$150 million a year by fiscal year 1995, which is double the present collections. She said it is important to work cooperatively with the courts, the Clerks' Offices and the Attorney General's Office to accomplish that goal. She said she has reviewed the recommendations of the Technical Advisory Committee and expressed appreciation for the cooperative efforts of the TAC members. DES looks forward to embracing the recommendations adopted.

Cochairman Blake recessed the meeting to the call of the Chair. THE MEETING RECESSED AT 2:15 P.M.

THE MEETING RECONVENED AT 3:05 P.M.

Members Present

Senator Salmon, Cochair

Representative Bowers  
Representative Kaites  
Representative McCune-Davis  
Representative Blake, Cochair

JOINT INTERIM COMMITTEE ON  
CHILD SUPPORT ENFORCEMENT  
11/30/94

Members Absent

Senator Buster  
Senator Day  
Senator Goudinoff  
Senator Kennedy

Representative Lopez

TAPE 1, SIDE B

Ms Tucker and Mr. Byers continued their review of the recommendations. Ms Tucker noted that numbers 33 through 40 are technical recommendations and were made to codify case law.

Mr. Byers pointed out that the recommendations on "locate" include employer reporting and will be some of the most controversial that will confront Legislators. He said working with the private sector is essential for the proposals to be successful.

Mr. Byers explained that recommendation number 46 establishes a pilot to examine the effectiveness of allowing one individual to hear and mediate several issues at one time, such as custody, visitation and child support issues. This will require a federal waiver.

Ms Tucker advised that the last topic discussed was education. The Committee recognizes that prevention starts with education, and endorses parental education. Due to the complexity of child support guidelines and other domestic relations issues, mandatory training is recommended for individuals involved in the process, such as judges, commissioners, hearing officers, attorneys, and staff of the Department of Economic Security, the Attorney General's Office, and contracting county attorneys.

Mr. Byers briefly explained "Quick Court" (Attachment 3). Quick Court is a touch screen multi-media computer system, housed in a kiosk, designed to increase the public's access to the court system without utilizing legal representation. The system is free to the public and provides information on a number of items: general information about the courts, alternative dispute resolution, small claims, judgments, landlord/tenant rights. The uniqueness of the system is that a narrator walks the user through the steps necessary to complete and print all the forms necessary to file for an uncontested divorce. The system will also calculate child support payments for up to six children. Mr. Byers advised that Quick Court is endorsed by the State Bar.

In response to Cochairman Blake's query, Mr. Byers responded that the cost for each kiosk is between \$20,000 and \$30,000. An option that can be considered is to charge a small user fee which will help reduce costs.

A short film on Quick Court was shown. A segment of the film shows local media coverage of the system. Mr. Byers advised that since the film was made, the system has been given national media coverage. There has also been international interest. Cochairman Blake commented this may be a way to finance the program.

Phil Randolph, President, Gateway Community College, stated that member colleges of Maricopa Community College District have had a thirty-year history in

JOINT INTERIM COMMITTEE ON  
CHILD SUPPORT ENFORCEMENT

providing parenting programs. Gateway Community College currently is the center for the Parenting Development Institute.

Michele Bush, Director, Parenting Development Institute, Gateway Community College, advised that a consortium has been working for the past two years to develop solutions to the parenting and child support issues. The consortium has presented its recommendations to TAC to improve enforcement and to help parents better understand the ramifications of the issue to their children and to society. A copy of the project overview was distributed (Attachment 4).

Sanford Braver, Professor of Psychology, Arizona State University (ASU), related that he is a member of a program for prevention research at ASU which has interviewed over 1,000 Maricopa County families in the process of divorce over the past twelve years. Plans for instituting a pilot project for a parent education program are underway and include an evaluation to measure the effectiveness of the program. He expressed the hope that legislation will not be adopted by the Committee which will mandate a single parental-education program, preventing the use of the pilot project.

Professor Braver said he recognizes that domestic relations reforms are needed, especially anything that will reduce conflict between the parents. He specified the goal of education reform programs should be to change parental behavior in ways that affect child support and well being of children.

Cochairman Blake commented that there is no intention to have a master program that will absorb other programs. She said that if mandatory education is enacted, a minimum standard should be established.

Terry Haugen, representing himself, Phoenix, related that he has been personally involved in many of the hearings on this subject. He said his one big concern is that custody, visitation and child support are all important issues that need to be addressed. He said the system has made outlaws of many noncustodial parents. Instead of creating a Child Support Coordinating Council and a Domestic Relations Study Committee recommended by TAC, he urged Members to establish one committee to address and give equal footing to support, custody and visitation.

Cochairman Blake said that Members will look at those key issues in addition to other areas to develop a level of fairness.

Mr. Haugen opined that the best interests of the child is for the father and the mother to continue to play a role in the child's life.

Mark Whitt, representing himself, Phoenix, expressed agreement for the need for an umbrella committee or task force to cover all aspects of the issue. He told of the problem he experienced this past year with the system where a Superior Court judge filed an order of protection against him based solely on the word of his ex-spouse. The order has kept him from any contact with his child. He asserted that child support enforcement is an important issue but it should not be the primary focus; all the issues should be looked at. He said the current system creates situations where the children are often stuck in the middle and this can result in dysfunctional children.

Jamie Tinkelman, representing herself, Phoenix, related that she is a custodial parent who receives child support. She pointed out that she has a concern with shared custody. She said the current system does not work. She said she strongly supports divorce through mediation.

John Izzo, President, Family and Friends in Support of Divorce Reform, thanked the Technical Advisory Committee for working with Family and Friends and said that overall, Family and Friends supports the report of the TAC.

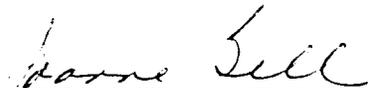
Conrad Greene, representing himself, Phoenix, commended the Technical Committee for its work. He expressed concern over the Child Support Coordinating Council being separate or over the committee on divorce reform. He said he feels that membership of the TAC should have more public representation. He expressed the desire for legislation that would recommend more co-parenting, and for a major overhaul of the domestic relations court, with strong emphasis on a mechanism for mediation or alternative dispute resolution. He also stressed the need for parent education.

Cochairman Blake advised that the Committee has two separate tasks: to ensure that appropriate collections are being made, and to reform the divorce process.

Cochairman Salmon commented that this issue is one of the top three issues of the Senate Majority program.

Cochairman Blake said this issue is a major component of the welfare reform bill.

Without objection, the meeting adjourned at 4:10 p.m.

  
Joanne Bell, Committee Secretary

(Attachments and tape on file in the Office of the Chief Clerk.

CHILD SUPPORT ENFORCEMENT

DATE NOV 30 1993

TIME 1:30 PM

NAME

REPRESENTING

PHONE

~~SCOTT BURDESSARD~~

~~SELF~~

TOOD FRANKS

Managers Only Bus - Family Law Section

SANFORD BRAVER, PH.D.

PROGRAM FOR PREVENTION

IRWIN SANDLER, PH.D.

RESEARCH,

SHARLONE WOLCHIK, PH.D.

A.S.U.

TERRY HAUGEN

Self

ATTACHMENT 1

ARIZONA STATE LEGISLATURE  
Forty-first Legislature - First Regular Session

JOINT INTERIM COMMITTEE ON CHILD SUPPORT ENFORCEMENT

Minutes of Meeting  
Thursday, December 16, 1993  
House Hearing Room 2 - 1:00 p.m.

(Tape 1, Side A)

Cochairman Blake called the meeting to order at 1:09 p.m. and attendance was noted by the secretary.

Members Present

Senator Buster	Representative Bowers
Senator Day	Representative Kaites
Senator Goudinoff	Representative Lopez
Senator Kennedy	Representative McCune-Davis
Senator Salmon, Cochair	Representative Blake, Cochair

Members Absent

None

Speakers Present

David K. Byers, Administrative Director, Administrative Office of the Court, Supreme Court; Cochairman, Technical Advisory Committee on Child Support  
Kevin Bell, Governmental Affairs Advisor, Division of Child Support Enforcement, Department of Economic Security  
Joni Hoffman, Research Analyst, Senate Judiciary Committee  
Bruce R. Cohen, Attorney (certified specialist in domestic relations law)  
Michelle Bush, Director, Parenting Program, Gateway Community College  
Linda S. Crowell, President, Arizona Federation of Business and Professional Women  
Rory Hays, Registered Lobbyist, representing Maricopa County  
Skeet Blakeslee, representing the League of Women Voters  
John Izzo, President, Family and Friends in Support of Divorce Reform, Inc.; Member, Technical Advisory Committee on Child Support  
Rosalie Lopez, Legislative Liaison, Department of Health Services  
Renee Gaudino, Administrator, Office of Vital Records; Assistant State Registrar

Guest List (Attachment 1)

Senator Salmon stated that rather than review the recommendations one by one, the Committee will only address recommendations regarded as flawed.

David K. Byers, Administrative Director, Administrative Office of the Court, Supreme Court; Cochairman, Technical Advisory Committee on Child Support, said the Technical Advisory Committee addressed employer reporting with an emphasis

JOINT INTERIM COMMITTEE ON  
CHILD SUPPORT ENFORCEMENT  
12/16/93

on wage assignment and location issues. Currently, if an employee who has a wage assignment changes jobs, it can take six to eight weeks for the child support paperwork to "catch up." This is an enormous and widespread problem which employer reporting intends to reduce. Employers ultimately end up paying higher taxes for the increasing numbers of people who are on welfare or who do not receive child support. He said it is his understanding that employers already report information quarterly to the Department of Economic Security (DES) Unemployment Insurance Section. The problem is that reporting on a quarterly basis can result in a six-month lag time. In summary, Mr. Byers said that arrangements must be made to relay information more quickly to the appropriate divisions within DES for purposes of establishing wage assignments and for reporting location.

Mrs. Blake said the media has questioned the constitutionality behind tracking citizens through employee records.

Kevin Bell, Governmental Affairs Advisor, Division of Child Support Enforcement, Department of Economic Security (DES), in response to Mrs. Blake, said he has not performed a constitutional analysis but that the requested information is already reported by employers and within the public domain. Such government information gathering occurs daily and is well established within the purview of the law.

Mr. Lopez questioned how much more quickly employers will be expected to provide information. Mr. Bell said the idea is to shorten the "gap" by asking employers to report within fifteen to thirty days.

Mr. Lopez commented that such an undertaking would be a significant imposition to larger businesses, and that smaller businesses simply may not have the personnel to generate the reports. He asked if testimony has been received on this issue. Senator Salmon said he met with representatives from the Arizona Chamber of Commerce and the National Federation of Independent Business, both of which represent small businesses, and found they were very supportive of the idea of more frequent reporting. They even recommended that for information-gathering purposes, the Committee consider "piggy backing" onto an existing widely used form. He noted it is not his intent to place additional bureaucratic requirements upon businesses.

In response to questions, Mr. Bell explained that an employer would submit to the Division of Child Support Enforcement (DCSE) a tape containing information on new hires. This would be run against existing caseload. If a match is made, DES will update its system to reflect the location of an individual's employment. Once updated, a new wage assignment will be sent out and the information on the tape destroyed.

Senator Day asked if the information contained on the tapes will also be used to uncover fraudulent activity in the welfare and workers' compensation systems. Mr. Bell replied that many other states with a similar reporting system have used the information for such purposes and have found it to be beneficial. He noted it is a broad issue which must be addressed by the Legislature.

Mr. Kaites inquired as to the possibility of the State utilizing private collections firms. Mr. Bell said this issue was discussed by the Technical Advisory Committee but that specific recommendations to privatize collections

were not made. The report (Attachment 2) merely noted that it is an important issue which requires further discussion.

Senator Salmon mentioned that he will make a recommendation regarding privatization which is separate from the Technical Advisory Committee report.

[Unless otherwise noted, all references hereinafter made are to the Report and Recommendations of the Technical Advisory Committee on Child Support (Attachment 2).]

Senator Salmon referred to Recommendation 25 (Appendix A, page 3) regarding automatic wage withholding and expressed uncertainty that the recommendation is feasible. Mr. Byers explained the intent is to allow responsible noncustodial parents who find wage assignment a very convenient method of paying child support to not experience a lapse in payment or go into arrearage should they change jobs. To achieve this, it has been suggested that new-employee paperwork include a question which asks if the employee has a wage assignment.

Mrs. Blake wondered if this question could be included as a check-off box on W-4 forms. Mr. Byers said it his belief this could be done.

Mrs. Blake stated that Recommendation 25 is simply a volunteer process for those who do not want their wage assignment interrupted. Mr. Byers agreed.

Senator Day suggested that employers would, in essence, become an arm of DES. Mr. Byers said that child support nonpayment is being approached as a problem which the private and public sectors must work together to solve. He likened the process to employers being an arm of the Internal Revenue Service.

Senator Salmon referred to Recommendations 1 and 2 (Appendix A, page 1). He disagreed that the Child Support Coordinating Council and Domestic Relations Study Committee should function as two separate committees. He instead noted his intention to propose that the Domestic Relations Study Committee function as an umbrella committee with child support enforcement as a subcommittee.

Mr. Byers referred to language on page 13 (Recommendations section) which reads: "The legislature should review and determine the relationship between the Domestic Relations Study Committee and the Child Support Coordinating Council." He commented that the Technical Advisory Committee debated extensively before agreeing to the (above-noted) compromise language. He opined that the committees have two different purposes. One is intended to address child support, collections, visitation and custody mechanisms -- the other to address the much broader issue of domestic relations. He noted that although the majority of the Technical Advisory Committee agreed that two committees should exist, one does affect the other.

Mrs. Blake stated her opinion that the two committees should be separate. She said clarification may be in order to ensure the committees do not "overlap and undo each other."

Mr. Byers suggested Committee members may wish to review Appendix G which is the Technical Advisory Committee's recommendations as to the makeup of the Child Support Coordinating Council.

Senator Salmon remarked the two committees need to be intertwined, not just report to each other, because one impacts the other heavily.

Mrs. McCune-Davis said it is clear that the two committees are separate and that the suggestion that reform of domestic relations will positively impact child support payment is unrealistic. She opined that neither committee should be slowed down by the other.

Senator Buster moved that through some type of relationship, these two groups would work together and actively be one group with two separate subgroups, domestic relations and child support. Mr. Lopez seconded the motion.

Mr. Bowers asked if there is contained within the parameters of the motion, the understanding that one committee will make policy and the other one will be purely technical.

Questioning and discussion ensued with regard to committee make-up and charge, and by a hand vote of 4 ayes and 4 nays, the motion failed.

Senator Salmon noted that there are still questions which can be addressed during session once the Final Report is in the form of legislation.

Mr. Bowers apologized for not understanding the relationship that was proposed. Mrs. Blake said she and Senator Salmon would submit something in writing for Mr. Bowers.

Senator Salmon referred to Recommendation 7 (Appendix A, page 1) which reads: "Inform child support obligors when their child(ren) and former spouse apply for welfare benefits and about the obligors' potential liability to the state." He questioned if such information would be released in the instance of an abusive relationship. In response, Mr. Byers drew attention to Recommendation 8 (Recommendations section, page 16) which makes allowances for this type of situation by giving the custodial parent sixty days in which to show good cause why the obligor should not be given information, including the address, about the children or custodial parent.

In response to Senator Day, Mr. Byers explained that if the noncustodial parent is unaware that the former spouse applied for welfare, the custodial parent will be held financially responsible. Second, noncustodial parents generally want to know where their children are. He said this information should be made available unless there is good cause, such as violence, in which case this information will be withheld.

Senator Day opined that the entire burden for showing that a violent situation does not exist should be placed upon the noncustodial parent, not the custodial parent. Mr. Byers explained that to so reverse the rules, every noncustodial parent would automatically be labeled a bad person who should not know the location of their children.

In response to Senator Day, Mr. Bell said that confidentiality restrictions must be reviewed in addition to addressing how (e.g., federal waiver, congressional change, state law) such information about children and noncustodial parents can legally be distributed.

Mrs. Blake said it is her understanding that federal welfare reform in the area of confidentiality is raising, among other things, questions with regard to tracking sources for welfare and child support. Mr. Bell agreed and said the idea behind the recommendation is to allow Arizona to move forward and perform research at the federal level.

Senator Salmon referred to Recommendation 41 (Appendix A, page 4) which reads: "Work with the business community to establish a plan to provide limited, key locate information by magnetic tape or, where appropriate, by electronic interface between DCSE and utility companies, insurance companies, financial institutions, and cable television companies. All information exchanged shall be purged from DCSE records after a specific period of time. Work with the business community to enact any legislation required by the plan." He indicated his desire to have this recommendation removed from the Report.

Mr. Byers said that further study on Recommendation 41 is necessary and suggested it can be assigned to the Child Support Coordinating Council which can report back to the Legislature in 1994 with a more detailed plan. Senator Salmon agreed to this suggestion.

Senator Day referred to Recommendation 21, items A through D (Recommendations section, page 21), and expressed concern that items A through D might later be expanded into A through Z.

Mrs. Blake noted that Senator Day wants items A through D expanded no further.

Mr. Byers referred to Recommendation 48 (Recommendations section, page 29) and read the language: "The Supreme Court should review the requirements of Rule 26.1, Rules of Civil Procedure, to clarify their applicability to domestic relations cases and to modify them as necessary to properly handle discovery and disclosure in domestic relations cases. He said he will be happy to send updated copies of rules as they evolve.

Senator Day referred to Recommendations 51 and 52 (Recommendations section, page 30) and asked if they are contingent upon a fiscal analysis by the Joint Legislative Budget Committee.

(Tape 1, Side B)

Mrs. Blake said the intent is that Recommendations 51 and 52 be revenue neutral and not carry a tremendous fiscal impact.

Senator Day referred to Recommendation 52 (Recommendations section, page 30) regarding educational programming for parents about domestic relations and child support enforcement. She asked what the educational package will include and who will administer it. Mr. Byers said the intent of Recommendation 52 is to develop a videotape and conduct programs which would explain how to go through the system under current law. He said the cost to produce a fairly quality video is approximately \$5,000 to \$10,000.

Mrs. Blake asked if such information is currently available. Mr. Byers said there are a number of educational programs available which review the after-divorce dynamics (Recommendation 51). With regard to domestic relations and child support enforcement (Recommendation 52), he said he knows of no such

videotape to explain this process. Mr. Byers noted that the infrastructure exists to produce such a video, the issue is the cost involved.

Senator Day opined that the production of such videotapes should be contingent upon fiscal impact. She also questioned the general content of any videotape produced. Mr. Byers responded that the Technical Advisory Group will see that any videotape is produced in a coordinated manner.

Senator Day referred to Recommendation 56 (Recommendations section, page 31) which reads: Begin a dialogue with primary and secondary schools to educate children about family issues and responsibilities. The committee recommends that a group such as the Legislature, the Child Support Coordinating Council or the Parental Education Consortium study the issue further." Senator Day stated her opposition to imposing such a mandate onto the schools.

Mrs. Blake asked Senator Day if she would like Recommendation 56 removed. Senator Day answered in the affirmative.

Mrs. McCune-Davis referred to Recommendation 17.A. (Recommendations section, page 20) and said it is her belief that child support is based on a parent's ability to provide economic support for the child(ren). She questioned 17.A. which reads: "Apportionment of child support based on the time the child spends with each parent." Mr. Byers said determination of child support is currently based on who has custody and for how long.

Mrs. McCune-Davis said that 17.A. (Recommendations section, page 20) assumes that parents earn an equal amount of money and mentions time spent with parents without any reference to the parents' earnings. Mr. Byers said two items which must be considered are: if one parent earns a higher salary, he or she must pay a higher percentage of the total cost of the other, and the amount of time spent at both households.

Mrs. McCune-Davis said the language in Recommendation 17.A. indicates only time spent with children. She noted that language should be added which considers the earning capacity and time spent with the child(ren). Mr. Byers noted that Recommendation 17 is for the purpose of providing training to judges, commissioners, hearing offices, and others involved in handling domestic relations matters, etc.

Senator Day referred to Recommendations 36, 37, 38 and 40 (Appendix A, page 4) and asked how the Omnibus Budget Reconciliation Act of 1993 (OBRA) dealt with insured plans, specifically, whether there is a conflict among state and federal laws. Mr. Bell referred to two documents (Attachments 3 and 4) he distributed prior to the meeting which deal with OBRA. He said that Recommendation 40 has been the most difficult and that he is currently in contact with the federal government in order to receive direction with regard to the impact of the law. Currently, OBRA statutes require the state to enact legislation which deals with what the federal government has utilized (e.g., discriminatory practices, practices with respect to medical coverage for dependent children). Unfortunately, this is all the federal statute states and it does not ensure any regulations.

Mrs. Blake said Recommendation 40 (Appendix A, page 4) will be taken under advisement pending any further information received from Mr. Bell.

Senator Day noted that Recommendation 40 would affect smaller businesses and individuals and that self-insureds would not have to pay insurance coverage.

Senator Day referred to Recommendation 36 (Appendix A, page 4) which reads: "Amend the law to conform two statutes that address how long child support must be paid. One statute provides that child support shall be paid as long as the child(ren) is in high school. The other statute provides that child support shall be paid up to age 18." She questioned what will happen if a child wishes to further his or her education beyond high school. Mr. Bell replied that statutes do not address providing child support beyond age 18 or the completion of high school.

Mr. Bowers asked how child support would be handled for a child who fails his senior year in high school for two consecutive years. Mr. Bell replied he would have to review case law to interpret such a situation.

Senator Day referred to Recommendation 37 (Appendix A, page 4) which reads: "Amend the law to clarify that the date employers should use as the date monies are withheld from an employee's wages is the date that appears on the employee's pay check." She asked what the actual recommendation is. Mr. Bell said Recommendation 37 is strictly a technical conforming change to make consistent language in Titles 12 and 25.

Mrs. Blake referred back to Recommendation 36 (Appendix A, page 4) and asked if the Committee should make the child support obligation terminate at age 18 or upon completion of high school. Senator Salmon recommended the language: "either age 18 or as long as a child is in high school, whichever comes later."

Joni Hoffman, Research Analyst, Senate Judiciary Committee, quoted A.R.S. § 25-320(C) which states: "If a child reaches the age of maturity while the child is attending high school, support shall continue to be provided during the period which the child is actually attending high school."

Ms. McCune-Davis noted that the above language was passed as an incentive to keep kids in school.

Senator Salmon said some children (e.g., developmentally disabled) will naturally be in school much longer and that it is still an issue that must be addressed.

Bruce R. Cohen, Attorney (certified specialist in domestic relations law), said some children become 18 years of age before completion of their last year of high school. Statutes allow for child support to continue until the age of 18 or until a child is finished attending high school. He noted that Title 12, the paternity statutes, never addressed children who turned 18 before high school graduation. He suggested the best solution is to take language from A.R.S. 25-320 and adopt it into the Title 12 paternity statutes.

Senator Day referred to Recommendation 15 (Recommendations section, page 19) and requested clarification on HLA tests. Mr. Bell explained that DNA and HLA are genetic tests used to establish paternity. The recommendation provides that the State will enact statute which creates a rebuttable presumption based upon genetic testing. In other words, instead of the State having to prove a man is the father, the putative father would have to prove he is not the father.

Senator Day asked what score would trigger the rebuttable presumption. Mr. Bell said that a genetic test result of ninety-five percent probability would trigger the presumption.

Mr. Byers said that at the appropriate time, crime laboratory technicians can testify with regard to test score percentages.

Mrs. Blake said that the ninety-five percent can be left blank for the time being.

Senator Salmon said he firmly believes that implementation of most of the Final Report will make phenomenal changes in child support collections in this state. He suggested that an additional recommendation be included, as follows:

- The Joint Interim Committee on Child Support Enforcement recommends to the full Legislature that the Department of Economic Security expand its efforts to involve the private sector firms in child support collection efforts including proposals which would combine the efforts of firms involved in fields such as data processing, collections and remittance.

Senator Day asked if the recommendation will expand existing programs or create new ones. Senator Salmon said he would prefer to leave the door open. This would allow opportunities for increased involvement with the private sector, thus allowing expansion or adoption of programs involving privatization.

Senator Day concurred and said the Final Report does not focus very heavily on collections.

Senator Goudinoff asked if the State will assume the cost of making available the Kiosk system.

Senator Salmon moved that the door be kept open with the strong recommendation that the Committee continue to pursue and expand public/private sector relationship. The motion carried.

#### PUBLIC TESTIMONY

Michelle Bush, Director, Parenting Program, Gateway Community College, encouraged the Committee to continue to support Recommendations 51 through 56 because people cannot be expected to pay their child support if they do not have a job. She said the whole education arena is available to offer support.

Linda S. Crowell, President, Arizona Federation of Business and Professional Women, said that the current child support system disproportionately affects women and children and that there is no way of knowing how many are living in poverty because of nonpayment of child support. She said the Federation endorses the Report because privatization does need to be considered, a great effort is made to remain focused on the child, and it details the responsibility that society and employers have for reporting and collecting. Although the Report commendably addresses evaluation in a measurable way, she said the final grade should rest with those receiving the services. She expressed the Federation's

approval of the Report and reminded the Committee that the best way to defeat it is by submitting it piecemeal.

Rory Hays, Registered Lobbyist, representing Maricopa County, said that staff thoroughly reviewed the recommendations and found only two problems, as detailed in a letter dated December 15 to the Committee members (Attachment 5). With regard to Recommendation 13 (Recommendations section, page 18), the paternity identification process, she said the Technical Advisory Committee may simply not have been aware of the role which counties currently play in the birth/paternity certificate process. Second, with regard to Recommendation 6 (Recommendations section, page 15), she said the State should consider how the denial of Aid to Families for Dependent Children (AFDC) benefits can interphase with the Arizona Health Care Cost Containment System (AHCCCS) and affect health care delivery. She explained that if the State denies AFDC benefits because information on child support was not provided, the applicant may turn to state-paid-only programs. Also, someone denied AFDC might assume they are also not eligible for AHCCCS or other programs. In summary, Ms. Hays asked that the Committee consider the potential impact on health care benefits.

Skeet Blakeslee, representing the League of Women Voters, said the League supported the original automatic wage assignment legislation in addition to successive reforms. She opined that the final recommendations of the Committee will go far toward providing a real overhaul of the system. Ms. Blakeslee commended the Committee and Technical Advisory Committee and offered particular support for the recommendations which will make it possible to track noncustodial parents, some of whom go to great lengths to avoid responsibilities to their children.

John Izzo, President, Family and Friends in Support of Divorce Reform, Inc.; Member, Technical Advisory Committee on Child Support, offered support for the recommendations of the Committee and said that although the focus was on child support collection, children have other needs as well. He said that if only collections is addressed, society will not be doing service to the children because children need both parents. Until this is addressed, he expressed doubt there will be any change in the welfare, teenage pregnancy situations, etc. He opined that the Report represents a wonderful first step

Rosalie Lopez, Legislative Liaison, Department of Health Services, introduced Ms. Renee Gaudino.

Renee Gaudino, Administrator, Office of Vital Records; Assistant State Registrar, offered her complete support for the Report but brought to the Committee's attention two recommendations which duplicate programs already in existence. First, with regard to voluntary paternity acknowledgement (Recommendation 13, Recommendations section, page 18), she said that a voluntary acknowledgement of paternity form already exists and is distributed to all counties, hospitals and various state agencies. Also, she questioned the idea of having a signature on a birth certificate taken at the hospital establish paternity because 35 to 40 percent of all birth certificates are not authentically signed by one or both parents. Second, she indicated uncertainty with regard to item C under Recommendation 13 and said that a central registry already exists.

(Tape 2, Side A)

Mrs. Blake said the Committee will clarify language to ensure that duplication of services does not occur.

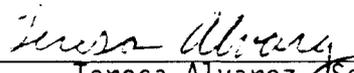
Senator Salmon moved that the Committee adopt Recommendations from the Technical Advisory Committee with the following revisions or exceptions:

- Recommendations 1 and 2 (Recommendations section, pages 12 and 13): Clarifying language on committee structure and purpose will be drafted.
- Recommendation 24 (Recommendations section, page 23): Enact legislation to require employers to report new hires and continue to work with business and staff to ensure it is not unduly burdensome and that information already received by the state is being utilized.
- Recommendation 25 (Recommendations section, page 23): Clarify the volunteer nature of this requirement.
- Recommendation 41 (Recommendations section, page 27): Include among the items to be researched by the committee to be created in statute.
- Recommendation 36 (Recommendations section, page 26): Incorporate those recommendations made in Committee as well as add to the Report the recommendation regarding privatization. Include any prior motions moved to this point.
- Recommendation 17.A. (Recommendations section, page 20): (On behalf of Mrs. McCune-Davis) Before the semicolon, add: "and each parent's ability to provide financial support".

The motion was seconded by Mr. Kaites. The motion carried.

[Additional written information submitted include (1) Employer Reporting Related Statutes (2) Fact Sheet on Employer Reporting/Employee Reporting and (3) public testimony of Profs. Sanford Braver, Irwin Sandler and Sharlene Wolchik from November 30 meeting (Attachments 6, 7 and 8).]

Without objection, the meeting was adjourned at 3:14 p.m.



\_\_\_\_\_  
Teresa Alvarez, Secretary

(Original minutes with attachments and tapes on file in the Office of the Chief Clerk. Copy of minutes on file in the Office of the Senate Secretary.)