

ARIZONA SUPREME COURT
Child Support Guidelines Review Committee
Meeting Minutes
TELEPHONIC MEETING
September 11, 2009
12:00 p.m. to 2:00 p.m.
State Courts Building, Phoenix, Arizona

MEMBERS PRESENT:

Hon. Rebecca Albrecht
Hon. Bruce R. Cohen, Chair
Prof. Ira Ellman
Ms. Kim Gillespie
Ms. Cele Hancock
Comm. Rhonda Repp
Hon. Kevin White

STAFF:

Ms. Kathy Sekardi
Ms. Tama Reily

GUESTS:

Don Vert
Janet Sell

MEMBERS ABSENT:

Mr. Robert L. Barrasso
Ms Helen Davis
Mr. David Horowitz
Hon. Michala Ruechel
Hon. Sally Simmons

CALL TO ORDER

With a quorum present, Judge Cohen, Chair, called the meeting of the Child Support Guidelines Review Committee to order at 12:00 p.m.

Judge Cohen announced that he will be presenting at the Committee on Superior Court (COSC) and the Arizona Judicial Council. The COBS calculator will be available to the public on the webpage soon, and that the GRC will meet again to discuss comments that are being collected regarding the proposed guidelines and COBS calculator.

APPROVAL OF MINUTES

Minutes from the August 21, 2009 meeting were not available for presentation at today's meeting.

PROPOSED INCREMENT CHANGE TO TABLE

Professor Ira Ellman detailed the increment changes the spreadsheet task group developed to reduce the size of the guidelines table. He noted that the changes keep the matrix within the capacity of the older version of Excel.

MOTION: To adopt the proposed changes to the guidelines table as presented. Motion seconded. Motion was approved unanimously.

REVIEW PRESCOTT ATTORNEY COMMENTS

Ms. Cele Hancock reported on some of the main concerns voiced during her meeting with Prescott family law attorneys. One of the primary concerns regarded the phase-in approach to increases in support using the COBS method and this will be addressed later during review of Section V(B) of the guidelines.

REPORT ON PARENTING TIME SUMMARY

Professor Ellman and Kim Gillespie presented the introduction they drafted for the *Parenting Time Adjustment*, Section II(F) of the proposed guidelines. The committee discussed whether the example provided in the introduction should be included in the report or the guidelines.

MOTION: To adopt the proposed parenting time adjustment language with changes made today, and incorporate at the beginning of Section II(F). Motion seconded. Motion approved unanimously.

MOTION: To place the proposed language, without the example, in the report only and not in the guidelines section. Motion seconded.
Vote: 6-1-0

REPORT ON SSDI BENEFITS

Kim Gillespie discussed the treatment of SSDI benefits in calculating support. The committee determined that the guidelines need not specifically address the matter. Judge Cohen added that several comments received on the draft guidelines have concerned the fact that if disability benefits are received for an adult disabled child in addition to child support, the benefit amount could be reduced. Members agreed that the possibility of reduced benefits should be noted in the guidelines.

MOTION: To add language as discussed to section IV(F)(4). Motion seconded. Motion was approved unanimously.

REVIEW GUIDELINES DRAFT

The committee continued review of the draft guidelines with changes to the following:

Section IV(A)
Section IV(D)
Section IV(E)
Section IV(F)(4)
Section V(B)(1)(b)
Section V(B)(2)(d)

MOTION: To adopt changes to section IV(A) as discussed. Motion seconded. Motion was approved unanimously.

MOTION: If the numbers in Section IV(B) do not accurately reflect what would have been derived from the COBS calculator, they can be changed to reflect the COBS calculation. Motion seconded. Motion was approved unanimously.

MOTION: To adopt Section IV(D) as written. Motion seconded. Motion was approved unanimously.

MOTION: To adopt Section IV(E) as amended today. Motion seconded. Motion was approved unanimously.

MOTION: To adopt Section IV(F)(4) with language added today. Motion seconded. Motion was approved unanimously.

MOTION: To adopt Section IV(G) in its entirety as written. Motion seconded. Motion was approved unanimously.

Members discussed Section V(A) and the process involved in stopping a wage assignment. The committee previously added a statement to this section advising that a wage assignment may not stop automatically and may require a motion to stop the wage assignment. However, in terms of providing further guidance on the policy, the consensus was that this may be a statutory issue as the process in the state is inconsistent. Staff is to bring this issue to the attention of the legislative Child Support Committee.

MOTION: To recommend Section V(A) be reviewed by the legislative Child Support Committee. Motion seconded. Motion was approved unanimously.

MOTION: To adopt Section V(B)(1)(b) as amended today, on an interim basis subject to further review. Motion seconded. Motion was approved unanimously.

MOTION: To include previously stricken language in Section V(B)(1)(b). Motion seconded. Motion was approved unanimously.

MOTION: To adopt Section V(B)(2) as amended. Motion seconded. Motion was approved unanimously.

There was lengthy discussion on Section V(B)(2)(d), relief from a child support judgment, and whether it should be included in the draft. Some members voiced concerns that the language could be construed as giving advice as to remedies that may be available. Due to a lack of consensus, Judge Cohen recommended the language remain in the draft during the vetting process in order to receive feedback and to encourage dialogue as to the propriety of this language.

MOTION: To add the sentence “or as otherwise provided by law” to Section V(B)(2)(d). Motion seconded. Motion was approved unanimously.

The committee addressed the phase-in, or step-approach to increases in child support, Ms. Hancock report Section V(B)(2)(e) was not well-received during the Prescott attorneys meeting. The committee agreed to leave the phase-in language during the vetting and comment period in order to receive additional feedback and discussion on the matter.

MOTION: To retain the phase-in, or step-approach to child support increases draft for further vetting. Motion seconded. Motion was approved unanimously.

MOTION: To adopt all of Section V as amended and agreed to today. Motion seconded. Motion was approved unanimously.

REVIEW STAFF SUGGESTED REVISIONS

Members discussed staff’s suggested changes, which are mainly non-substantive suggestions. Judge Cohen and Kathy Sekardi will continue working on finalizing the draft guidelines after today’s meeting, members agreed that they be allowed to incorporate changes that do not affect intent such as typographical and grammatical errors.

MOTION: To authorize Judge Cohen and Kathy Sekardi to make non-substantive revisions to the draft guidelines as discussed today. Motion seconded. Motion was approved unanimously.

Judge Cohen noted that the current draft guidelines, with today’s revisions, will be the working version for the vetting process; it will be posted to the committee website, along with the report and the new calculator. It will also be presented to the Committee on Superior Courts on September 25th, and the Arizona Judicial Council on October 21st.

MOTION: To request an effective date of September 1, 2010 for the new guidelines. Motion seconded. Motion was approved unanimously.

CALL TO THE PUBLIC

No public present.

ADJOURN

The meeting was adjourned at 2:08 p.m.