

ARIZONA SUPREME COURT
Child Support Guidelines Review Committee
Meeting Minutes
January 22, 2010
State Courts Building, Phoenix, Arizona

MEMBERS PRESENT:

Hon. Rebecca Albrecht
Mr. Robert L. Barrasso
Hon. Bruce R. Cohen, Chair
Ms. Helen Davis
Prof. Ira Ellman
Ms. Kim Gillespie
Ms. Cele Hancock
Comm. Rhonda Repp
Hon. Michala Ruechel
Hon. Sarah Simmons
Hon. Kevin White

MEMBERS ABSENT:

Mr. David Horowitz

STAFF:

Ms. Kathy Sekardi
Ms. Lorraine Nevarez
Ms. Tama Reily

GUESTS PRESENT:

Ms. Janet Sell
Ms. Theresa Barrett
Ms. Patricia Madsen
Mr. Don Vert
Ms. Tara Ellman

CALL TO ORDER

Judge Bruce R. Cohen, Chair, called the meeting of the Child Support Guidelines Review Committee to order at 10:15 a.m.

Judge Cohen discussed the recent vetting process outcome over the past few months. The draft proposed guidelines received positive feedback from the Arizona Judicial Council (AJC) in October and again in December. The Council's concerns centered around the COBS calculator and analysis of the comparisons of child support amounts using different models. The Council was also concerned that a manual process to calculate child support using the proposed method was available. Staff has been developing a user guide that includes step-by-step instructions and income tables for those people who want to calculate child support without the assistance of the computer calculator.

Judge Cohen explained that today's committee meeting work needs to focus on reviewing the guidelines for substance and creating a task group to review the guidelines for punctuation and grammatical errors.

APPROVAL OF THE MINUTES

MOTION: To approve the minutes from the August 21, 2009 meeting as presented. Motion seconded. Motion approved unanimously.

MOTION: To approve the minutes from the August 28, 2009 meeting as presented. Motion seconded. Motion approved unanimously.

MOTION: To approve the minutes from the September 11, 2009 meeting as presented. Motion seconded. Motion approved unanimously.

DISCUSS PULLEN v. PULLEN

Committee member Kim Gillespie gave a brief synopsis of the Pullen v. Pullen case. Ms. Gillespie indicated the issues raised and the court's ruling does not affect language in the proposed guidelines.

DISCUSS JUDGE NORM DAVIS' SUGGESTED REVISIONS

The committee decided to discuss Judge Davis' suggested revisions while that specific section was being reviewing by the committee.

DISCUSS AND REVIEW REVISIONS REGARDING DRAFT GUIDELINES

Prior to discussing the specific sections, discussion ensued regarding whether to include a phase-in approach to the Child-Outcome Based Support Model (COBS). Based on concerns raised by AJC members regarding the current state of the economy and the effect of any significant increases in child support payments it was suggested that the committee might want to consider alternative approaches they would be willing to offer to gain consensus. If deemed necessary, the Chair would then be prepared to offer acceptable options to address any concerns raised during the final presentation which, if left unanswered, might negatively impact support of the committee's recommendations.

Chair Judge Cohen acknowledged the committee should be responsive to concerns and encouraged the members to proactively address this issue. Committee members discussed this in length and agreed that further development of the phase-in section was required.

MOTION: To approve the Chair, in consultation with the subcommittee that he appoints, draft new language for the phase-in provision that is consistent with the committee's discussion today. Motion seconded. Motion approved unanimously.

The committee also established a Style subcommittee in order to review the proposed guidelines for punctuation, typographical and grammatical errors.

- The committee reviewed and discussed comments received on the draft guidelines and voted on the following sections:

Section I(A), (B), (C) and (D)

MOTION: To approve Section I(A), (B), (C) and (D) as written. Motion seconded. Motion approved unanimously.

Section II(A), (B) and (C)

MOTION: To approve Section II(A), (B) and (C) as written. Motion seconded. Motion approved unanimously.

Section II(D)

MOTION: To approve in Section II(D), moving the table up in the same section and include the example drafted by Ms. Gillespie, and to remove the two examples at the end of the section. Motion seconded. Motion approved unanimously.

Section II(E) and (F)

MOTION: To approve in Section II(E) and (F), moving the first example language under the General Provisions, striking “The noncustodial parent’s” and inserting “per year” at the end of the first sentence under “Calculating Parenting Time”. Motion seconded. Motion approved unanimously.

Section II(G)

MOTION: To approve changes to Section II(G) in the first paragraph. Motion seconded. Motion approved unanimously.

Section II(H)

MOTION: To approve changes to Section II(H) that designates what to do when calculating child support by using the calculator or when calculating manually. Motion seconded. Motion approved unanimously.

Section II(I)

MOTION: To approve Section II(I) as written. Motion seconded. Motion approved unanimously.

Section II(J), (J)(1), (2), (3), (4) and (5)

MOTION: To approve changes made to Section II(J), (J)(1), (2), (3), (4) and (5). Motion seconded. Motion approved unanimously.

Section II(J)(6)

MOTION: To approve as written Section II(J)(6). Motion seconded. Motion approved.

Section II(K)

MOTION: To approve Section II(K) as written. Motion seconded. Motion approved unanimously.

Section II(L) and (M)

MOTION: To approve Section II(L) and the addition of Section (M) with the discussed changes. Motion seconded. Motion approved unanimously.

Section III(A), (B) and (C)

MOTION: To approve Section III(A), (B) and (C) as written. Motion seconded. Motion approved unanimously.

Section III(D)(1) and (2)

MOTION: To approve Section III(D)(1) and (2) as modified. Motion seconded. Motion approved unanimously.

Section III(E) and (F)

MOTION: To approve Section III(E) and (F) as written. Motion seconded. Motion approved unanimously.

Section IV(A)(1), (2), and (4)

MOTION: To approve Section IV(A)(1), (2), and (4) as written. Motion seconded. Motion approved unanimously.

Section IV(A)(3)

MOTION: To approve that Section IV(A)(3) be removed. Motion seconded. Motion approved unanimously.

Section IV(B),(C),(D),(E) and (F)

MOTION: To approve Section IV(B), (C), (D), (E) and (F) as written. Motion seconded. Motion approved unanimously.

Section IV(G)

MOTION: To approve Section IV(G) by inserting new paragraph “4.” Motion seconded. Motion approved unanimously.

Section V(A)

MOTION: To approve Section V(A) by inserting language that instructs what to do in Title IV-D cases. Motion seconded. Motion approved unanimously.

Section V(B)

MOTION: To approve Section V(B) as written. Motion seconded. Motion approved unanimously.

Section V(C)

MOTION: To approve Section V(C) in concept. Motion seconded. Motion approved unanimously.

CORRELATION TABLE

The committee tabled this discussion until another meeting could be scheduled.

DISCUSS AND REVIEW FINAL REPORT

The committee tabled this discussion until another meeting could be scheduled.

OPTIONS/ALTERNATIVES

The committee tabled this discussion until another meeting could be scheduled.

OTHER CONSIDERATIONS

The committee tabled this discussion until another meeting could be scheduled.

NEXT STEPS

The committee tabled this discussion until another meeting could be scheduled.

CALL TO THE PUBLIC

No comments offered.

ADJOURN

Meeting adjourned at 4:15pm.