

ARIZONA SUPREME COURT
Child Support Guidelines Review Committee
Teleconference Meeting Minutes
February 10, 2010
State Courts Building, Phoenix, Arizona

MEMBERS PRESENT:

Mr. Robert L. Barrasso
Hon. Bruce R. Cohen, Chair
Prof. Ira Ellman
Ms. Kim Gillespie
Ms. Cele Hancock
Mr. David Horowitz
Comm. Rhonda Repp
Hon. Michala Ruechel
Hon. Kevin White

STAFF:

Ms. Kathy Sekardi
Ms. Lorraine Nevarez

GUESTS PRESENT:

Ms. Janet Sell
Mr. Don Vert

MEMBERS ABSENT:

Hon. Rebecca Albrecht
Ms. Helen Davis
Hon. Sarah Simmons

CALL TO ORDER

Honorable Bruce R. Cohen, chair, called the meeting of the Child Support Guidelines Review Committee to order at 12:40 p.m.

Judge Cohen reported that the draft guidelines received approval from the Committee on Superior Court (COSC) with one vote opposed. The opposing COSC member did not think the proposed changes in the guidelines were significant enough, with the exception of a small percentage of higher-earning families, to warrant changing to a new model.

Judge Cohen explained that child support guidelines need to address all families. Each case is different and the proposed guidelines will address those situations individually and appropriately.

The proposed guidelines were also presented at the State Bar Family Law Institute. There were approximately 250 people attending the presentation. The proposed guidelines received many comments. The group was invited to submit their comments to the committee website. Judge Cohen will present the proposed child support guidelines to the Arizona Judicial Council (AJC) on March 25, 2010.

CORRELATION TABLE

Committee member Cele Hancock presented on the correlation table. Committee consensus was needed to determine if Section II(J) in the proposed guidelines had a correlation with Section 10 in the current guidelines. The committee agreed Section II(J) has a correlation with Section 10 and agreed to leave it in the table.

MOTION: To approve the correlation table. Motion seconded.
Motion approved unanimously.

DISCUSS AND REVIEW REVISIONS REGARDING DRAFT GUIDELINES

The committee agreed to approve the guidelines with the understanding that the subcommittee may make changes regarding grammatical, clerical and spelling errors.

MOTION: To adopt the draft guidelines allowing the subcommittee to correct grammatical, typographical, spelling and clerical errors. Motion seconded.
Motion approved unanimously.

REVIEW OF COMMENTS RECIEVED

Staff reported on two comments that were received from the committee website. The comments are as follows:

1. The first comment addresses Section 10 in the current guidelines, with regards to determining expenses covered by child support. After considerable discussion, the committee determined there was no one-size-fits-all answer. If parents are not properly sharing expenses, the situation could be a basis for deviation. Generally, the guidelines already calculate these expenses because of the parenting time adjustment. A deviation may be appropriate when facts vary from what the guidelines already assume.
2. The second comment was regarding the example in Section II(J)(4) to be written in a step-by-step format instead of its original narrative form. The Style subcommittee will revise the wording and layout.

DISCUSS RATIFICATION OF ADDENDUM A PROPOSED GUIDELINES

The committee agreed to allow the subcommittee to review “Addendum A” for grammatical, typographical, spelling and to simplifying language.

DISCUSS FINAL REPORT

The committee discussed including an executive summary in the final report.

MOTION: To adopt including an executive summary in the final report. Motion seconded. Motion approved unanimously.

OPTIONS/ALTERNATIVES

The committee discussed developing Section V(C)(3)-Determining Phase-In Eligibility. After considerable discussion, the committee decided to revise the procedure in order for obligors to qualify for the phase-in approach when financial hardship may be suffered.

NEXT STEPS

Judge Cohen discussed recommending to AJC the possibility of implementing a subcommittee in order to continue resolving issues during the implementation phase of the guidelines.

MOTION: To approve recommending a continuing subcommittee to AJC to resolve

issues concerning implementation of the guidelines. Motion seconded.
Motion approved unanimously.

CALL TO THE PUBLIC

No comments offered.

ADJOURN

Meeting adjourned at 1:45pm.