

Online Comments for the Child Support Review Committee

I. Purpose

Attorney

6/27/2008 5:56:49 PM

Laura Cardinal

520.452.1002

lcardinal@cardinalstachel.com

Cochise

Every now and then I have to address establishment of child support for children residing in Mexico.

Question: How can Arizona's child support guidelines be appropriately applied across international boundaries, especially to an economy so profoundly different from the US economy as the Mexican economy?

Question: How can Arizona assume jurisdiction over persons, particularly children, who are not citizens, do not reside in the US, and never have?

According the attorney general/child support services attorney in Cochise County (Patricia Moreno), she must, by law, serve all comers. So if a Mexican national custodial parent comes to the DES office and asks for support services for establishment or enforcement against a US citizen/LPR non-custodial parent for children residing in Mexico, our AG will initiate a support case. If a support case has already been established in Mexico, she will enforce, but will not modify. But if there is no support case established in Mexico, she'll initiate a support case, and will get Arizona guidelines support for custodial parent and children residing in Mexico.

But how can the "income shares model" make any sense applied across such different economies and such different societies? And more important: what is the state's interest? Why is the Arizona Attorney General working for Mexican citizens? Good neighbor policy? Foreign aid? It is quite patronizing, as Mexico has a child support system, and it is downright draconian. You go to jail if you don't support your kids. The support authorized by the system is less that what one would be obligated to pay in Arizona, but that's their business.

2. Premises

Attorney

6/7/2008 12:10:46 PM

Dawn Wyland

520.624.8300

dawn.wyland@comcast.net

Pima

The income brackets need to go much higher. It would be good to see a clear child support amount that took in to account income for one of the party's at over \$400,000 a year or 35,000 a month.

Thank you

4. Duration of Child Support

Attorney

6/4/2008 9:41:17 AM

Patricia A. Green

520.745.7831

pagreen@wechv.com

Pima

I recently suggested to a client that he contact his employer and point out the automatic termination language in the order of assignment for purposes of ceasing withholding of child support. (The order of assignment does not include an arrears payment; and I checked the payment history to assure the client was not in arrears.) Apparently, the employer responded that the company will still require a termination order from the Superior Court.

Is this something we need to address more specifically with the Order of Assignment form and/or the instruction/cover letter that goes to employers when they are served with the Order?

As I recall, the goal of inserting the presumptive termination date and automatic termination language was to save obligor parents the time and expense of obtaining a consent order or filing a petition for order to appear. If employers are not going to honor the language in the order of assignment, the presumptive termination language is meaningless.

Thanks for your consideration.

6. Adjustments to Gross Income

Attorney

8/4/2008 5:08:34 PM

Karen Palmer

karen.palmer@co.pinal.az.us

Pinal

How should parent A (whether obligor or obligee) receive credit/adjustment for a child that is not his/her bio/adopted child, but is parent B's bio/adopted child living with parent A & not subject to this child support order at hand?

8. Determining the Basic Child Support Obligation

Attorney

7/18/2008 8:47:31 AM

Sandra Tedlock

(520) 885-9301

st@tedlock.com

Yuma

My concern is the adjustment for support for other children. If you have a first marriage and divorce and child support is determined for the child of that marriage, and then the parent paying support remarries and has another child, when you go to modify the support for the first child, the support could be decreased because of the parent's obligation to the second child. There are major differences in the awards. I have had the first child getting \$100 per month and the second child getting \$650 per month. This works to the disadvantage of the first child of a parent and to the advantage of the second and/or third children of successive relationships. This should be addressed.

Parent, Custodial

8/25/2008 11:55:01 AM

Nick Sicomo

985-643-3728 nsicomo@bellsouth.net

Maricopa

Since Arizona has not revised its support guidelines in nearly 4 years, strong consideration should be given to the substantial increase in costs for many items, particularly food, utilities, transportation, etc., all related to the increase in fuel prices recently. It is getting more and more difficult for custodial parents, especially those having substantial parenting time, to make ends meet in today's economy. Arizona support guidelines should properly reflect this issue of increased living expenses for children and new support guidelines should be incorporated in 2009.

9. Determining the Total Child Support Obligation

Parent, Custodial

8/5/2008 9:06:57 AM

Nick Sicomo

985-643-3728 nsicomo@bellsouth.net

Maricopa

This comment is from a custodial parent living with children in Louisiana, but subject to Arizona guidelines because of residence of the non-custodial parent. Why do Arizona guidelines result in child support payments that are hundreds of dollars less each month to the non-custodial parent than most other states' guidelines? This is not fair to custodial parents and children living in other areas of the country. Using other states' calculators, plugging in the same information, in general Arizona guidelines result in payments \$300-\$500 less per month than most other states.

I. Purpose

Attorney

11/3/2008 9:57:53 AM

Karen Vegh

480-855-6513

ksvegh@yahoo.com

Maricopa

I feel that there needs to be clear laws concerning in loco parentis. In 2003 my exhusband gained in loco parentis with my 10 yr old son. He is not paying child support, as I'm looking into this he should have not gained this, for one his bio father is alive. If he wants visitation and to play the father role of this child he should be obligated to pay child support. This is such a gray area and the more attorneys I have talked to they are in question.

II. Adjustment for Costs Associated with Parenting Time

Attorney

6/18/2008 4:50:16 PM

Ken Winsberg

602.248.0274

winsberg@aol.com

Maricopa

The whole process of counting days is flawed. It is not only laborious but gives rise to more controversy than promoting settlement. There are situations where the number of days can total more than there are days in the year.

Perhaps judges could just figure out if there is minimal parenting time, average or above average time. I understand that being concrete and having a way of adding up days gives the appearance of objectivity, but too often it is the only item that is in dispute. If it is so objective, then why are so many cases tried over the issue?

I would prefer to give judges the ability to decide on the basis of what they consider minimal, average or above average parenting time.

Thanks.

6/3/2008 5:01:28 PM

Anna Young

928.445.7137

Anna.Young@azbar.org

Yavapai

I would like to see some clear direction on how to calculate child support when you have children who are on different visitation schedules (ie. different numbers of days that need to get factored into the calculation).

8/4/2008 5:10:38 PM

Karen Palmer

karen.palmer@co.pinal.az.us

Pinal

How should parenting time credit be calculated if obligor exercises different visitation schedules with the children? For example, obligor spends every other weekend with the oldest child, but no visitation with the younger child?

Other

10/1/2008 6:39:34 AM

Grown child of divorced parents in az.

Maricopa

Please type your comment here. If your comment is larger than 500 characters, you will need to send an electronic version to:

CSGRC@courts.az.gov

I grew up in Az. and my parents divorced when I was 9. My little brother and I had "two homes" and fairly equal time between both of them. At first, things were fine while each parent was getting their new life established, but after about the first year, the war began. Both my parents worked and made similar incomes and we were not poor. The constant fighting, however, robbed us of our parents time, attention, and all sparks of playfulness they used to have before the divorce. Now, all their attention was on this war over money. The problem was, they each spent many thousands of dollars on attorneys to "defend" them and we had not an extra dime in either house left over. They would keep going to court and the judge would make some decision that would only spur the "looser" to more dedicated legal maneuvering. I lived through this and, believe me, it wasn't pleasant. I am 19 now and think your committee should consider the affect all this legal intrusion has on kids. Parents can be blind and the court should not allow them to do this to their kids. I think it is all about money. I think child support should only be rewarded in special circumstances when both parents are equally in the kids lives. We would have been spared all this if that had been the case. It needs to be changed now so kids don't have to endure what we did. Thank you

or mail a hard copy to:

Child Support Guideline Review Committee
1501 W. Washington St., Ste. 410
Phoenix, AZ 85007

Parent, Joint Custody

8/20/2008 9:03:00 AM

Holly Todd

480-458-8048

rhmen@cox.net

Maricopa

I have address the committee in the past over my concerns of the current benefits of awarding "child support" money when parents share equal parenting time with their kids. I have argued that this situation robs parents of making potentially advantageous financial decisions that would benefit their kids and creates horrific tension and termoil between parents that doesnt need to exist. Parents who care for their kids 50% of the time inharently contribute their portion of parental responsibility to their children and anything given to the other parent is nothing more than allamony in disguise and attributes no benefit to the kids whatsoever. Have any studies been done to establish the risks and/or benefits to a child if there is a mild to moderate discepancy in income between two parnets who share equal parenting time? I have read that the reason why "child support" is awarded to some parents who share equal parenting time with their children is to make the living situations "equal" in both households. To what benefit? Has this ever been quantified? When i read this reason, it makes me invision one parental houshold with a butler and bently in the driveway and the other parent living with the power turned off because he/she cant afford to pay the utility bills. In this situation, I can see the concern for the kids but how often is this extreme actually a realitiy for families? Isnt most cases of equal/shared parenting more in the range of <50% difference in income? Is there adequate persuasive evidence that less that a 50% difference in income between households actually even affects the kids at all? In my own situation, for example, I earn 19% more than my X spouse (he has the option to earn more but chooses not to but that's a diffent issue). As a result, I have to pay him several hundred dollars every month even though we spend time with and care for the kids equally. Because I am more responsbile with my money (a judgement call I know but I dont know how else to describe it), I drive a minivan and my husband drives an 11 year old pick up truck. My X, on the other hand, drives a breand new Infinity SUV and his wife drives a hummer. They had these vehicles prior to this child support order. So, in reality, the kids were "living better" or "wealthier" when they were with my X than when with me. Now I have to give him money to make it "equal" when he was already living "better" than us (by a materialistic standard anyway)? As a cost, my self and my kids have been drug through the ringer and the nightmare and expensive court system for the last 12 months for this to happen. This is good for my kids? This just does not make any sense unless there truly are studies that show a benefit for the kids. If not, this concept needs to be revisited. Are the benefits to the current philosophy real/ Measurable? Quantifiable? Is there a income discrepancy cut off? This assumptive and nonspecific ideal does not seem to hold water in reality or application. It seems to me that if the income difference between 2 households that share equal time with the kids is less than 50% difference, there can be no benefit to the children that would outweigh the risks and costs involved. I think this issue needs to be reexamined and researched from a new and

realistic perspective. Thank you for your time and consideration in this matter.

12. Equal Custody

Parent, Joint Custody

10/13/2008 6:36:09 AM

Holly Todd

480-458-8046

rhmen@cox.net

Maricopa

I was in a situation where my X and I agreed, in writing in our divorce decree, that we would share equal custody, equal parenting time (50/50-every other week) and therefore need 'no exchange of money between us". This worked well for the first 2 yrs until one day, my X decided to persue "child support" money due to our 19% difference in income, although we still had equal parenting time. I was served papers, totally out of the blue, a little over a year ago. I have been paying ever since. Recently, however, I had a change in my work schedule that would allow me to be home every afternoon when my kids get off the bus (I maintain a household in their school district while he moved to another city). Through a Parenting Coordinator, I persued a schedule change so I now have the kids during my full week, plus every day after school (3P-6P) and every Saturday while he is at work all day during his week also. This has saved my X about \$400/month in after school care and I physically care for the kids over at least over 60% of the time and see them, feed them and care for them most days during his parental weeks. This has been great for me and the kids. The unbelievable problem is that, although I make only 59% of the "combined income", provide care for the kids more than 60% of the time and save him \$400/month in child care expenses, I AM STILL PAYING HIM THE SAME "CHILD SUPPORT" AMOUNT AS BEFORE!. I was amazed that, with such small difference in income and EQUAL parenting time that I would have to pay him anything, but now my mind is blown that the judge ruled to continue this prior arrangement, ignoring both the change in parenting time and the decreases paid out by my X in no longer needed child care expenses. Because I have them everyday after school and all day Saturdays, my grocery bill has gone through the roof. Where is my help with that? I am giving that money to him instead- for what? How can this make sense to any rational person? I dont know what "law" exists that makes this possible, but it is not right, is not best for the kids and wrongly burdens and penilizes the caring and hard working parent that is going the extra mile for their kids while unjustly rewarding the lesser of the two.

13. Adjustments for Other Costs

Other

Paralegal

7/1/2008 4:45:28 PM

Janice Smoot

602-285-4503

jsmoot@warnerangle.com

Maricopa

I have been a paralegal for over 25 years working mainly with dissolution cases. Over the years, I have noticed children are more active and participate in sports and other extracurricular activities. These activities are costly and the cost for these activities are not included in the work sheets. The parent that is not the custodial parent, usually the father, refuses to pay his his share of these costs since it is not included in the work sheet and is not ordered to do so. I would like to see some adjustment to the child support obligation based on the parties' incomes to include costs for extracurricular activities.

16. Multiple Children, Divided Custody

Attorney

7/1/2008 10:39:57 AM

Apache

The guidelines do not specify how to calculate the following situation: 2 kids, equal parenting time with 1 kid, one parent is primary caretaker of the other kid.

17. Child Support Assigend to the State

Other

Spouse of custodial parent

9/23/2008 7:14:16 AM

Maricopa

I am the spouse of a custodial parent. My husband recieved no child support from the child's mother. This is largely due to the fact that she is on welfare. She is currently collecting welfare for her FOUR children. Two of her children do not even live with her. She claims that one lives with her when he does not, and she claims that my husband;s child lives with her one-half of the time. In fact, she only sees her mother for a total of 38 days per year. In IV-D cases, DES must do a better job of confirming that children do in fact live with the person claiming them on welfare. Additionally, DCSE should not list my husband's case as 'open' simply because the mother is collecting welfare. Perhaps it would also work if the parent receiving welfare was allowed a certain benefit for the child, then that amount was turned over to the custodial parent as child support on behalf of the welfare parent. It could almost work as a reverse CS assigned to the state. This would prevent parents from "double dipping." Currently, many welfare parents are receiving benefits for their children when they don't have to spend the money on the kids because they live with gradparents, friends, or the non-welfare receiving working parent. Maybe you can forward my comment to DCSE or the AG's office. Thank you for your time.

27. Federal Tax Exemption for Dependent Children

Parent, Custodial

7/14/2008 10:59:05 AM

Angela Morse

520-245-1130

steelerfantaz@gmail.com

Pima

In my opinion, I don't feel that the non custodial parent should have the right to claim a child who does not live with them as a tax exemption. Even if they are paying their child support, what they pay does not even come close to the day to day expenses of caring for that child financially as well as emotionally. This is a disservice to the custodial parents who have to struggle on daily basis and then wind up at a disadvantage at tax time because they cannot claim that child.

Another issue that needs to be addressed in the Arizona child support guidelines....just because a child graduates from high school and is 18 years old does not make them financially able to support themselves and attend college. Several states extend child support beyond 18 if the child is attending college. This is something that the State of Arizona should strongly consider. It would be a benefit to Arizona's children and their pursuit of higher education. Another option would be have to a clause in the guidelines ordering the other party to help with college expenses.

Parent, Non-custodial

12/29/2008 11:07:28 AM

Jason Hunsaker

480-987-0800

jacenamy@cox.net

Maricopa

Hello, thank you for taking my comments into consideration.

Although my experience deals with the federal tax exemption allocation, I believe the real issue lies in which papers are required to be served on the other party, as well as the oversight directed toward non-contested petitions.

Specifically, my ex-wife filed a request to modify child support on 11/12/2008, and I was served with a copy of the petition to modify, the parent's worksheet, and a blank request for hearing. I did not request a hearing for two reasons: 1) I was comfortable enough with the figure she came up with, and 2) I believed that the federal tax exemption was automatically implemented by the Court, with respect to the amount of support each parent provides (per the Guidelines). Unbeknownst to be, however, my ex-wife requested that the tax allocation be left unchanged from the previous order. Because I was never given a copy of the court order she filed, I was unable to see her request until the order was already signed. Had I known of her request, I would have petitioned for a hearing on the matter. Since there is no 15% monetary difference, I am unable to request revision on this issue.

Listen, I don't have a problem with paying child support. The Guidelines are there for a reason, and I have complied with every order instituted by the Court from the inception of my divorce proceedings, over 10 years ago. I would have appreciated, however, some oversight with respect to this issue. The federal tax exemption allocation is important to every child support-paying Father. We're trying to provide for these kids in our own homes, too.

Thank you all very much for your time and consideration.

28. Child Support Arrears

Parent, Custodial

9/26/2008 8:06:53 PM

Tami Bauersachs

602-799-9048

tami.bauersachs@gmail.com

Maricopa

What can be done to a non-custodial parent who is \$41,000+ in arrears in child support. Michael Bauersachs quit several jobs to avoid large garnishments; firefighter, truck driver, ER tech. Currently he is working as a tipped employee at Olive Garden at Fiesta Mall so child support garnishments won't take his tips (average of \$800 per week). At a court hearing 5-1-08, he told the judge he will not work anything except tipped jobs; he's "bored" at other jobs. The judge knew this dead-beat parent was avoiding his child support obligation, but currently there are no laws in place other than a mandatory \$400 per month addition to pay arrears. If these people refuse to work or don't earn enough, what difference does it make how much is placed as a garnishment?

What is the child support enforcement office going to do to people who are knowingly avoiding their child support obligation? SUGGESTION? JAIL, on a work furlough program until the arrears are paid. Why should they be allowed to keep the money they earn to pay for cell phones and luxuries while their biological children SUFFER?

3. Presumption

Parent, Non-custodial

12/20/2008 6:42:59 PM

David Hutchinson

480-287-072

hutchinson@yourlink.ca

Maricopa

I fully support the idea that when a custodial parent is lower income and a non custodial parent is higher income, the rates should be relatively high. But when the custodial parent has remarried, and her/his new spouse makes a high income, is it truly in the best interest of anyone to have a high award, since it often leaves the high earner non custodial parent with a lower standard of living than the custodial parent who is being partially supported by the new spouse. This would seem to violate the Earners Principle, and make the child support award become disguised alimony.

5. Determination of the Gross Income of the Parents

Parent, Custodial

Am also a certified legal document pre

12/10/2008 10:22:43 AM

Linda Seger

520-544-9888

divorcepacket@aol.com

Pima

While I understand spousal maintenance paid should be deducted from the paying party's income (as he/she no longer has that income), it is not fair that spousal maintenance be added to the receiving party's income. Said maintenance is based on need and that need is the same whether or not there are children. To then have to turn around and contribute part of that needed maintenance to his/her children does not make sense, as that same need exists whether or not there are children.

8. Determining the Basic Child Support Obligation

Parent, Non-custodial

10/8/2008 12:31:19 PM

Jennifer

520-533-5317

treadaway@earthlink.net

Cochise

Why does the state pay foster parents \$400 a month to raise a child because they feel that is the actual cost of raising a child but then CS will use the shared incomes model to determine child support and suddenly it costs one parent \$600 to raise a child? On one hand the state feels the cost of raising a child is \$400 and then turns around and says "but in YOUR situation it costs more than \$400 to raise your child." The shared incomes model is a joke especially when applied to parents where there is a large difference in income levels. If Arizona wants to use the shared incomes model then use it, but their needs to be a cap of \$400 on it which the state has already determined to be an adequate cost of raising a child. AZ, by default, has determined that \$400 is the cost of raising a child so the chart for adequate child support should not exceed \$400 and each parent should pay their appropriate proportion of that.

Other

Attorney

6/25/2008 11:17:06 AM

Lisa McNorton

520.327.3122

lcm@mcnortonlaw.com

Pima

One of the biggest problems in the establishment seems to be in the allocation of extra curricular activities. I have had judges here refer to the intent, where there is a provision that the child care is supposed to cover activities; unfortunately, if parents don't agree on paying outside of the support the children lose out. I work out provisions above and beyond the support for the payment of mutually agreed upon expenses. It would be great if how to handle these costs was explained in more details.

Thanks!

6/3/2008 5:00:45 PM

Donna G. Heller

602.485.5800

d.heller@nrqlaw.net

Maricopa

One area that I would like to see addressed is extra curricular activities. Child support addresses uncovered medical, health insurance and tax dependency exemptions, but it does not specifically address extra curricular. It is very confusing for clients, as there is really nothing anywhere, under child support or otherwise, that requires a parent to pay extra curricular activities. Many parties end up arguing as to whether or not the costs of extra curricular activities should be included in the child support. In this day and age, it is not uncommon for extra curricular activities to be quite expensive. It is also sometimes difficult to determine the definition. For example, are class trips "extra-curricular"? Religious education? Uniforms for sports or dancing, etc? I am not saying that they should be mandatory, but if the support statute is revised you may want to include some provision to give the courts and the parties more direction.

Judge

7/22/2008 9:09:19 AM

Margaret Maxwell

520-740-3115

mmaxwell@sc.pima.gov

Pima

As I am sure the committee is aware, child support calculations in IV-D cases is very difficult, when there is a single payor, with children at home and multiple children with other custodial parents, each of whom may have different circumstances, i.e., differing income, teenagers, daycare expenses, medical insurance, lack of medical insurance, etc. A "simplified" system of applying the CS Guidelines to these situations is much needed. Additionally, it may be time to rethink giving the payor/and or CS recipient a "break" or an "advantage" in prior child support orders, just because he/she now has additional children.

Parent, Joint Custody

10/22/2008 11:17:03 AM

Parent

Maricopa

Do the New Requirements for the Medical care apply to all children or only children of parents that are no longer together? It seems right and appropriate if this applies to all kids, but is completely wrong and unfair if it applies only to children of divorced parents. There is no distinction in the forms that I can see and I think this needs to be clearly articulated.

Parent, Non-custodial

5/29/2008 10:09:01 PM

Rodger Edgar

602.595.8482

rodger4edgar@cox.net

Maricopa

I was divorced in a no fault divorce. As was typical then the court awarded custody of my two children to my ex-wife and had me pay child support. I paid child support until both my children reached their majority. I never missed a payment although I was late once during a period when I was unemployed. I even raised my child support payments voluntarily as I got promotions at work. About five years after the divorce was final, my ex-wife started denying me visitation rights although the decree stated I had "liberal" visitation rights. I understood that if I stopped paying child support I could go to jail and lose my job if my wages were garnished. But my ex-wife could deny me visitation rights and suffer no penalties. I haven't seen my children in over 20 years and was never able to develop a close relationship.