

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 2000-090543

02/17/2011

COMMISSIONER R. JEFFREY WOODBURN

CLERK OF THE COURT
P. Odell
Deputy

IV-D ATLAS NO. 000391786700
STATE OF ARIZONA, EX REL, DES
WALTER J BURIEN JR.

DEEAN GILLESPIE

AND

DEBBIE C WATTON

TROY L BROWN

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
FAMILY COURT SERVICES-CCC

IV-D REVIEW HEARING

Courtroom 305-SEA

10:05 a.m. This is the time set for review hearing. Petitioner/Father, Walter Burien, Jr. (hereinafter referred to as "Father"), is present and represented by Neil Poston on behalf of above-named counsel. Respondent/Mother, Debbie Watton (hereinafter referred to as "Mother"), is not present but is represented by above-named counsel. The State is represented by Assistant Attorney General, Paula Cotitta.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel for Mother advises the Court that Mother waives her appearance for purposes of today's hearing.

Father is sworn.

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Counsel for the State advises the Court that a payment of \$2,394.00, which includes the previously ordered purge, was posted to the Clearinghouse on December 21, 2010. Since then, two additional payments have been received: one on January 6, 2011 in the amount of \$431.00, and another on February 7, 2011 in the amount of \$431.00. Father still owes arrears of over \$36,000, but at this time the State does not believe future review hearings are necessary.

Counsel for Mother concurs that no further review hearings are needed but requests the right to file a notice of non-compliance should Father change his monthly bank withholding amount.

Counsel for Father advises the Court that the State of Arizona seized over \$1,800 of Father's disability funds from his bank account, in violation of the Court's order that the payment on arrears may not be increased without further Court order. Counsel requests that the funds be returned to Father.

Counsel for State is heard in response and believes this is not an issue before the Court today but a matter for administrative review by the State.

Discussion is held.

Counsel for Mother concurs with the State's position and waives his appearance and exits the courtroom.

Discussion is held with counsel for Father regarding the seizure of Father's disability funds.

The Court is in receipt of Father's "Statement of: Walter J. Burien, Jr. Notice of Father's Compliance with Standing Orders of 12/02/10" and "Notice to the Court of: Non-Compliance by DES and Request for ORDER of the Court", both filed February 16, 2011.

Counsel for Father advises that Father has complied with the Court's orders, and requests that the seized funds be released to Father.

Father makes statements to the Court and requests that the State be held in contempt of Court for violating the Court's orders.

Counsel for the State is heard in response.

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The parties are advised that the Court's order does not preclude the State from their statutory right to seek other forms of relief to collect arrearages. However, the State cannot increase the monthly arrearage payment without Court order.

IT IS ORDERED denying Father's "Notice to the Court of: Non-Compliance by DES and Request for ORDER of the Court", filed February 16, 2011, without prejudice. The Court believes this is an administrative matter to be addressed with the State rather than a matter of contempt for violating the Court's orders.

At the request of the parties, no further review hearings will be set at this time. Should Father fail to comply with the Court's orders, Mother may file an affidavit of non-compliance to seek additional remedies.

10:21 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.