

man  
3/3/15

MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
CHILD AND FAMILY PROTECTION DIVISION  
CHILD SUPPORT SERVICES SECTION  
P.O. Box 2390, SITE CODE 029C-4  
GILBERT, ARIZONA 85299-2390

(480) 491-1339  
FAX (480) 926-5183

February 24, 2015

Ms. Mary Little  
Division of Child Support Services  
129 Pleasant Street  
Concord, New Hampshire 03301

RE: ATLAS Case No.: 0012290638-00 / NH Case No.: 00120907C  
Noncustodial Parent: Gail F. Rosier; Custodial Parent: Jeffrey Strobel

Dear Ms. Little:

I am writing in regards to *Strobel v. Rosier* (New Hampshire Superior Court Docket No. 06-M-655), which the New Hampshire Division of Child Support Services ("New Hampshire DCSS") asked our client, the Arizona Division of Child Support Services ("Arizona DCSS"), to enforce in September 2011. We are writing New Hampshire DCSS to inform you that Arizona DCSS has ceased enforcement and is requesting your permission to close its case for the reasons below.

Noncustodial parent ("Mother"), Gail F. Rosier, and custodial parent ("Father"), Jeffrey Strobel were divorced in the Dominican Republic on May 24, 1996. The parties have one child, Connor Strobel, born on October 9, 1991. In 2006, while residing in Arizona, Mother filed a Petition to Register the Dominican Divorce Decree and to Bring Forward and to Establish a Parenting Plan. At that time, Father and Connor had been residing in New Hampshire for many years. Neither party requested any orders with regard to child support. In fact, at a 2006 hearing before the New Hampshire Court, Mother submitted a proposed Uniform Support Order stating the following, "[b]y agreement of the parties, child support is waived in lieu of college contribution." This order was neither approved nor rejected by the Court given neither party sought entry of a child support order at that time.

Thereafter, in September 2008, Father filed a Motion to Clarify seeking an order affirming the parties' agreement that Mother would save money for Connor's college education in lieu of child support. Based on this, on March 13, 2009, the New Hampshire Court found that in 1997 the parties made an enforceable agreement that Mother would save money for Connor's college education in lieu of child support ("March 13, 2009 Order"). The New Hampshire Court also ordered Mother to take all necessary steps to liquidate her real estate assets<sup>1</sup>, and to ensure the funds would be available for Connor's college education expenses. The March 13, 2009 Order made no finding that this constituted child support, nor did the court specify an amount that was due. In fact, the Court explicitly found that "there has never been a child support order entered in this or any other Court."

<sup>1</sup> It is our understanding that Mother may have been unable to liquidate her real estate assets given her husband, the record owner of the real estate, died March 15, 2007. Further, Mother was incarcerated in the Arizona Department of Corrections on or about October 2009 through approximately February 2010, and the real estate was subject to probate.

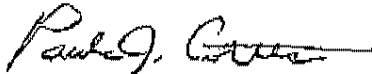
Ms. Mary Little  
New Hampshire Division of Child Support Services  
February 24, 2015

In June 2009, Father filed a petition for contempt. In this petition, Father mischaracterized the March 13, 2009 order as a child support order, when the Court specifically found that "there has never been a child support order entered in this or any other Court." The Court entered an order in December 2009 holding Mother in contempt for failure to abide by the March 13, 2009 court order.

On March 10, 2010, Judge Colburn signed a Uniform Support Order ("March 10, 2010 Order") entering an arrearage of \$202,500.00 as of October 31, 2009 while attaching a "proposed order schedule of payments" and a "Defendant/Respondent's Payment History" (payment history). There is no explanation as to how the court arrived at \$202,500.00. The schedule of payments refers to "back child support" and an "inheritance left to Connor from Peter Rosier." The payment history appears to begin in 2009 and has no amounts listed in the amount due column, but gives a total due of \$202,163.83. This payment history is not a conventional one. It does not show a history of monthly payments past due based upon a monthly child support order, nor does it show a list of monthly payments made. Rather, it is a list of future payments to be made towards Connor's college education.

Given these circumstances and the New Hampshire record, the Arizona DCSS believes it is not a IV-D function to enforce a private agreement for payment of college tuition. Calling the agreement a child support order does not make it so and using the IV-D Program to collect it is outside the scope of the Program and therefore, inappropriate. Further, Father is not without other civil remedies to enforce his order.

Sincerely,



Paula J. Colitta  
Unit Chief Counsel  
East Valley Regional Office

Enclosures: Uniform Support Order  
Motion to Clarify Uniform Support Order  
Orders on Respondent's "Petition for Motion to Clarify"  
Attachment to Proposed Order  
Defendant/Respondent's Payment History  
Child Support Enforcement Transmittal #1 - Initial Request

#4308667