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House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-second Legislature  
Second Regular Session  
1996

**FILED**

**Jane Dee Hull  
Secretary of State**

CHAPTER 192

## **SENATE BILL 1362**

AN ACT

AMENDING TITLE 25, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4; TRANSFERRING AND RENUMBERING TITLE 25, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 4, ARIZONA REVISED STATUTES, AS ARTICLE 1; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, SECTIONS 25-331 AS 25-401, 25-331.01 AS 25-402, 25-332 AS 25-403, 25-333 AS 25-404, 25-334 AS 25-405, 25-335 AS 25-406, 25-336 AS 25-407, 25-337 AS 25-408, 25-337.01 AS 25-409, 25-338 AS 25-410, 25-339 AS 25-411 AND 25-340 AS 25-412; AMENDING TITLE 25, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, BY ADDING ARTICLE 2; REPEALING THE ARTICLE HEADING OF TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 4, ARIZONA REVISED STATUTES, AS ARTICLE 2; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, SECTIONS 8-401 THROUGH 8-424 AS SECTIONS 25-431 THROUGH 25-454, RESPECTIVELY; AMENDING TITLE 25, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 5; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 15, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARIZONA REVISED STATUTES, AS ARTICLE 1; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, SECTIONS 12-2451 AS 25-501, 12-2452 AS 25-502, 12-2453 AS 25-503, 12-2454 AS 25-504, 12-2454.02 AS 25-506, 12-2454.03 AS 25-507, 12-2455 AS 25-508, 12-2456 AS 25-509, 12-2457 AS 25-510, 12-2458 AS 25-511, 12-2459 AS 25-512, 12-2460 AS 25-513, 12-2461 AS 25-514, 12-2462 AS 25-515, 12-2463 AS 25-516 AND 12-2464 AS 25-517; TRANSFERRING AND RENUMBERING SECTION 12-2454.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1994, CHAPTER 374, SECTION 12, FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTION 25-505; REPEALING SECTION 12-2454.01,

ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 270, SECTION 8; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARIZONA REVISED STATUTES, AS ARTICLE 2; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, SECTIONS 12-2481 AS 25-531, 12-2482 AS 25-532, 12-2483 AS 25-533, 12-2484 AS 25-534 AND 12-2485 AS 25-535; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 9, ARTICLE 10, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARIZONA REVISED STATUTES, AS ARTICLE 3; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, SECTIONS 12-1651 THROUGH 12-1691 AS SECTIONS 25-551 THROUGH 25-591, RESPECTIVELY; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 9, ARTICLE 12, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARIZONA REVISED STATUTES, AS ARTICLE 4; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, SECTIONS 12-1721 THROUGH 12-1756 AS SECTIONS 25-621 THROUGH 25-656, RESPECTIVELY; AMENDING TITLE 25, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 6, ARIZONA REVISED STATUTES, AS ARTICLE 1; TRANSFERRING AND RENUMBERING FOR PLACEMENT IN TITLE 25, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, SECTIONS 12-841 THROUGH 12-855 AS SECTIONS 25-801 THROUGH 25-815, RESPECTIVELY; AMENDING SECTIONS 8-106, 8-106.01, 8-111, 12-284, 12-298, 12-1551, 14-2114, 23-722.02, 25-302, 25-311, 25-320, 25-323, 25-323.01, 25-324, 36-322 AND 46-441, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-103; AMENDING SECTIONS 25-401, 25-403, 25-404, 25-408, 25-431, 25-432, 25-434, 25-436, 25-437, 25-440, 25-441, 25-442, 25-443, 25-444, 25-452, 25-453, 25-454, 25-502, 25-503, 25-504, 25-506, 25-512, 25-516, 25-553, 25-572, 25-587, 25-623, 25-627, 25-634, 25-645, 25-646, 25-649, 25-650, 25-803 AND 25-810, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 25-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1994, CHAPTER 374, SECTION 12 AND AS TRANSFERRED AND RENUMBERED BY THIS ACT; BLENDING MULTIPLE ENACTMENTS; RELATING TO MARITAL AND DOMESTIC RELATIONS.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 25, Arizona Revised Statutes, is amended by adding  
 3 chapter 4, to read:

4 CHAPTER 4

5 CHILD CUSTODY AND VISITATION

6 Sec. 2. Transfer and renumber

7 Title 25, chapter 3, article 3, Arizona Revised Statutes, is  
 8 transferred and renumbered for placement in title 25, chapter 4, Arizona  
 9 Revised Statutes, as article 1. The transferred sections, previously  
 10 included in title 25, chapter 3, article 3, are renumbered for placement in

1 title 25, chapter 4, article 1, the first number being replaced by the second  
2 number as follows: 25-331 as 25-401, 25-331.01 as 25-402, 25-332 as 25-403,  
3 25-333 as 25-404, 25-334 as 25-405, 25-335 as 25-406, 25-336 as 25-407,  
4 25-337 as 25-408, 25-337.01 as 25-409, 25-338 as 25-410, 25-339 as 25-411 and  
5 25-340 as 25-412.

6 Sec. 3. Title 25, chapter 4, Arizona Revised Statutes, as added by  
7 this act, is amended by adding article 2, to read:

8 ARTICLE 2. UNIFORM CHILD CUSTODY JURISDICTION ACT

9 Sec. 4. Repeal

10 The article heading of title 8, chapter 4, article 1, Arizona Revised  
11 Statutes, is repealed.

12 Sec. 5. Transfer and renumber

13 Title 8, chapter 4, article 1, Arizona Revised Statutes, is transferred  
14 and renumbered for placement in title 25, chapter 4, Arizona Revised  
15 Statutes, as article 2. The transferred sections, previously included in  
16 title 8, chapter 4, article 1, are renumbered for placement in title 25,  
17 chapter 4, article 2, the first number being replaced by the second number  
18 as follows: 8-401 as 25-431, 8-402 as 25-432, 8-403 as 25-433, 8-404 as  
19 25-434, 8-405 as 25-435, 8-406 as 25-436, 8-407 as 25-437, 8-408 as 25-438,  
20 8-409 as 25-439, 8-410 as 25-440, 8-411 as 25-441, 8-412 as 25-442, 8-413 as  
21 25-443, 8-414 as 25-444, 8-415 as 25-445, 8-416 as 25-446, 8-417 as 25-447,  
22 8-418 as 25-448, 8-419 as 25-449, 8-420 as 25-450, 8-421 as 25-451, 8-422 as  
23 25-452, 8-423 as 25-453 and 8-424 as 25-454.

24 Sec. 6. Title 25, Arizona Revised Statutes, is amended by adding  
25 chapter 5, to read:

26 CHAPTER 5

27 FAMILY SUPPORT DUTIES

28 Sec. 7. Transfer and renumber

29 Title 12, chapter 15, article 1, Arizona Revised Statutes, is  
30 transferred and renumbered for placement in title 25, chapter 5, Arizona  
31 Revised Statutes, as article 1. The transferred sections, previously  
32 included in title 12, chapter 15, article 1, are renumbered for placement in  
33 title 25, chapter 5, article 1, the first number being replaced by the second  
34 number as follows: 12-2451 as 25-501, 12-2452 as 25-502, 12-2453 as 25-503,  
35 12-2454 as 25-504, 12-2454.02 as 25-506, 12-2454.03 as 25-507, 12-2455 as  
36 25-508, 12-2456 as 25-509, 12-2457 as 25-510, 12-2458 as 25-511, 12-2459 as  
37 25-512, 12-2460 as 25-513, 12-2461 as 25-514, 12-2462 as 25-515, 12-2463 as  
38 25-516 and 12-2464 as 25-517.

39 Sec. 8. Transfer and renumber

40 Section 12-2454.01, Arizona Revised Statutes, as amended by Laws 1994,  
41 chapter 374, section 12, is transferred and renumbered for placement in title  
42 25, chapter 5, article 1, Arizona Revised Statutes, as section 25-505.

1           Sec. 9. Repeal

2           Section 12-2454.01, Arizona Revised Statutes, as amended by Laws 1995,  
3 chapter 270, section 8, is repealed.

4           Sec. 10. Transfer and renumber

5           Title 12, chapter 15, article 2, Arizona Revised Statutes, is  
6 transferred and renumbered for placement in title 25, chapter 5, Arizona  
7 Revised Statutes, as article 2. The transferred sections, previously  
8 included in title 12, chapter 15, article 2, are renumbered for placement in  
9 title 25, chapter 5, article 2, the first number being replaced by the second  
10 number as follows: 12-2481 as 25-531, 12-2482 as 25-532, 12-2483 as 25-533,  
11 12-2484 as 25-534 and 12-2485 as 25-535.

12           Sec. 11. Transfer and renumber

13           Title 12, chapter 9, article 10, Arizona Revised Statutes, is  
14 transferred and renumbered for placement in title 25, chapter 5, as article  
15 3. The transferred sections, previously included in title 12, chapter 9,  
16 article 10, are renumbered for placement in title 25, chapter 5, article 3,  
17 the first number being replaced by the second number as follows: 12-1651 as  
18 25-551, 12-1652 as 25-552, 12-1653 as 25-553, 12-1654 as 25-554, 12-1655 as  
19 25-555, 12-1656 as 25-556, 12-1657 as 25-557, 12-1658 as 25-558, 12-1659 as  
20 25-559, 12-1660 as 25-560, 12-1661 as 25-561, 12-1662 as 25-562, 12-1663 as  
21 25-563, 12-1664 as 25-564, 12-1665 as 25-565, 12-1666 as 25-566, 12-1667 as  
22 25-567, 12-1668 as 25-568, 12-1669 as 25-569, 12-1670 as 25-570, 12-1671 as  
23 25-571, 12-1672 as 25-572, 12-1673 as 25-573, 12-1674 as 25-574, 12-1675 as  
24 25-575, 12-1676 as 25-576, 12-1677 as 25-577, 12-1678 as 25-578, 12-1679 as  
25 25-579, 12-1680 as 25-580, 12-1681 as 25-581, 12-1682 as 25-582, 12-1683 as  
26 25-583, 12-1684 as 25-584, 12-1685 as 25-585, 12-1686 as 25-586, 12-1687 as  
27 25-587, 12-1688 as 25-588, 12-1689 as 25-589, 12-1690 as 25-590 and 12-1691  
28 as 25-591.

29           Sec. 12. Transfer and renumber

30           Title 12, chapter 9, article 12, Arizona Revised Statutes, is  
31 transferred and renumbered for placement in title 25, chapter 5, Arizona  
32 Revised Statutes, as article 4. The transferred sections, previously  
33 included in title 12, chapter 9, article 12, are renumbered for placement in  
34 title 25, chapter 5, article 4, the first number being replaced by the second  
35 number as follows: 12-1721 as 25-621, 12-1722 as 25-622, 12-1723 as 25-623,  
36 12-1724 as 25-624, 12-1725 as 25-625, 12-1726 as 25-626, 12-1727 as 25-627,  
37 12-1728 as 25-628, 12-1729 as 25-629, 12-1730 as 25-630, 12-1731 as 25-631,  
38 12-1732 as 25-632, 12-1733 as 25-633, 12-1734 as 25-634, 12-1735 as 25-635,  
39 12-1736 as 25-636, 12-1737 as 25-637, 12-1738 as 25-638, 12-1739 as 25-639,  
40 12-1740 as 25-640, 12-1741 as 25-641, 12-1742 as 25-642, 12-1743 as 25-643,  
41 12-1744 as 25-644, 12-1745 as 25-645, 12-1746 as 25-646, 12-1747 as 25-647,  
42 12-1748 as 25-648, 12-1749 as 25-649, 12-1750 as 25-650, 12-1751 as 25-651,  
43 12-1752 as 25-652, 12-1753 as 25-653, 12-1754 as 25-654, 12-1755 as 25-655  
44 and 12-1756 as 25-656.



1           4. A person whose consent is not required under subsection A of this  
2 section.

3           C. The minority of the child or parent shall not affect his competency  
4 to give consent in the instances set forth in this section.

5           D. A consent to adopt is irrevocable unless obtained by fraud, duress  
6 or undue influence.

7           E. An agency, the division or an attorney participating or assisting  
8 in a direct placement adoption pursuant to section 8-130 shall obtain from  
9 a birth parent giving consent at the time consent for adoption is obtained  
10 a notarized statement granting or withholding consent for the child adopted  
11 to review the adoption records upon reaching twenty-one years of age. The  
12 agency, division or attorney shall inform the birth parent at the time of  
13 obtaining the notarized statement that the decision to grant or withhold  
14 consent may be changed at any time by filing a notarized statement with the  
15 court and the agency, division or attorney who obtained the original  
16 notarized statement.

17           F. A notarized affidavit signed by the mother listing all potential  
18 fathers shall be filed with the court. The affidavit shall attest that all  
19 of the information contained in the affidavit is complete and accurate.

20           G. Notice shall be served on each potential father as provided for the  
21 service of process in civil actions. The notice shall inform the potential  
22 father of all of the following:

23           1. The adoption is planned.

24           2. The potential father's right to consent or withhold consent to the  
25 adoption.

26           3. The potential father's responsibility to initiate paternity  
27 proceedings under ~~title 12, chapter 7, article 3~~ TITLE 25, CHAPTER 6, ARTICLE  
28 1, within thirty days of completion of service.

29           4. The potential father's right to seek custody.

30           5. The potential father's responsibility to begin to provide financial  
31 support for the child if paternity is established.

32           6. The potential father's failure to file a paternity action pursuant  
33 to ~~title 12, chapter 7, article 3~~ TITLE 25, CHAPTER 6, ARTICLE 1, within  
34 thirty days of completion of the service of the notice prescribed by this  
35 section, bars the potential father from bringing or maintaining any action  
36 to assert any interest in the child.

37           H. A mother may apply to the court for permission to omit her address  
38 from the affidavit and from the notice to potential fathers. The court shall  
39 grant this request if the mother shows to the court's satisfaction this is  
40 necessary to protect her safety.

1           Sec. 16. Section 8-106.01, Arizona Revised Statutes, is amended to  
2 read:

3           8-106.01. Putative fathers registry; claim of paternity;  
4                           adoptive interest.

5           A. A person who is seeking paternity, who wants to receive notice of  
6 adoption proceedings and who is the father or claims to be the father of a  
7 child shall file notice of a claim of paternity and of his willingness and  
8 intent to support the child to the best of his ability with the state  
9 registrar of vital statistics in the department of health services. The  
10 department of health services shall provide forms for the purpose of filing  
11 the notice of a claim of paternity. Forms shall be made available in the  
12 department of health services, the office of the clerk of the board of  
13 supervisors in each county, every hospital, every licensed child placement  
14 agency, the department of economic security, sheriff's offices, jails,  
15 prisons, state department of corrections facilities and department of  
16 juvenile corrections facilities.

17           B. The notice of a claim of paternity may be filed before the birth  
18 of the child but shall be filed within thirty days after the birth of the  
19 child. The notice of a claim of paternity shall be signed by the putative  
20 father and shall include his name and address, the name and last known  
21 address of the birth mother and either the birth date of the child or the  
22 probable month and year of the expected birth of the child. The putative  
23 father who files a notice of a claim of paternity under this section shall  
24 notify the registrar of vital statistics of any change of his address. The  
25 department of health services shall maintain a confidential registry for this  
26 purpose. The department shall only respond to written inquiries of the  
27 confidential registry that are received from the court, the division, a  
28 licensed adoption agency or a licensed attorney participating or assisting  
29 in a direct placement adoption. The department shall provide a certificate  
30 signed by the state registrar of vital statistics stating that a diligent  
31 search has been made of the registry of notices of claims of paternity from  
32 putative fathers listing all filings found or stating that no filing has been  
33 found pertaining to the father of the child in question.

34           C. If the court determines the claimant is not the child's father it  
35 shall notify the department of health services and shall order the department  
36 to remove that person's name from the putative fathers registry.

37           D. If the mother denies that the putative father filing the notice of  
38 a claim of paternity is the father, the department of health services shall  
39 notify the putative father of his responsibility to establish paternity.

40           E. A putative father who does not file a notice of A claim of  
41 paternity as required under this section waives his right to be notified of  
42 any judicial hearing regarding the child's adoption and his consent to the  
43 adoption is not required, unless he proves, by clear and convincing evidence,  
44 both of the following:

1           1. It was not possible for him to file a notice of a claim of  
2 paternity within the period of time specified in subsection B of this  
3 section.

4           2. He filed a notice of a claim of paternity within thirty days after  
5 it became possible for him to file.

6           F. Lack of knowledge of the pregnancy is not an acceptable reason for  
7 failure to file.

8           G. When a certificate PROVIDED pursuant to subsection B of this  
9 section— is received by the court, the division, a licensed adoption agency  
10 or a licensed attorney participating or assisting in a direct placement  
11 adoption from the department that lists filings of a putative father or  
12 fathers, the putative father or fathers who filed timely notices of claims  
13 of paternity and who have not previously been served shall be served with the  
14 notice prescribed in section 8-106, subsection G. A putative father who  
15 fails to file a paternity action pursuant to ~~title 12, chapter 7, article 3,~~  
16 TITLE 25, CHAPTER 6, ARTICLE 1 within thirty days of completion of service  
17 of the notice prescribed in section 8-106 is barred from bringing or  
18 maintaining any action to assert any interest in the child.

19           H. If in any adoption proceeding there is not a showing that a  
20 putative father has consented to the adoption or has waived his rights  
21 regarding the proposed adoption, the petitioner shall file with the court,  
22 before the court enters a final decree of adoption, a certificate from the  
23 department of health services signed by the state registrar of vital  
24 statistics stating that a diligent search has been made of the registry of  
25 notices of claims of paternity from putative fathers and that no filing has  
26 been found pertaining to the father of the child in question.

27           Sec. 17. Section 8-111, Arizona Revised Statutes, is amended to read:

28           8-111. Notice of hearing on petition to adopt; service

29           After a petition to adopt has been filed, the clerk of the superior  
30 court shall set a time and place for a hearing by the court. Notice shall  
31 be as provided for the service of process in civil actions to:

32           1. The petitioner.

33           2. The agency, if any.

34           3. The person or agency conducting the social study required by  
35 section 8-112.

36           4. Any person or agency required to give consent by section 8-106  
37 unless ~~such~~ consent has been filed prior to the court's setting of the  
38 hearing.

39           5. Any person who has initiated a paternity action pursuant to ~~title~~  
40 ~~12, chapter 7, article 3~~ TITLE 25, CHAPTER 6, ARTICLE 1.

41           Sec. 18. Section 12-284, Arizona Revised Statutes, is amended to read:

42           12-284. Fees

43           A. Except as otherwise provided by law, the clerk of the superior  
44 court shall receive fees classified as follows:

1	Class	Description	Fee
2	A	Initial case filing fee	
3		Tax case	\$75.00
4		Filing complaint or petition	75.00
5		Filing intervenor	75.00
6		Additional plaintiffs	75.00
7		Filing foreign judgment	75.00
8		Ownership of real property	
9		becomes an issue	
10		Plaintiff	75.00
11		Appellant	75.00
12		Change of venue to	
13		this county	75.00
14		Petition for change of name	75.00
15		Filing a process server	
16		application	75.00
17	B	Subsequent case filing fee	
18		Filing answer or initial	
19		appearance	\$40.00
20		Additional defendants	40.00
21		Notice of appeal to appellate	
22		courts	40.00
23		Cross-appeal by appellee	40.00
24		Ownership of real property	
25		becomes an issue defendant	40.00
26		Jurisdiction exceeded	
27		appellee (within 20 days	
28		of filing)	40.00
29		Response to show cause which	
30		does one or more of the	
31		following:	
32		1. Request affirmative or	
33		counterrelief	
34		2. Attacks process of	
35		proceedings	
36		3. Takes other affirmative	
37		action	40.00
38	C	Initial case filing fee	
39		Filing petition for annulment	\$60.00
40		Filing for dissolution/legal	
41		separation petition	60.00
42		Petition in formal testacy	
43		or appointment proceeding	60.00
44		Application for informal	

1	probate or informal appointment	60.00
2	Petition for supervised	
3	administration petition to	
4	appoint guardian	60.00
5	Petition to appoint conservator or	
6	make other protective order	60.00
7	Opposing petition in testacy or	
8	appointment proceedings or	
9	appointment of guardian or	
10	conservator	60.00
11	Single estate application	
12	or petition under title 14,	
13	chapter 3, section 14-3938	60.00
14	Domestic relations case for	
15	which a fee is not	
16	specifically prescribed	60.00
17	D Subsequent case filing fee	
18	Filing answer to annulment	\$30.00
19	Filing for dissolution/legal	
20	separation answer	30.00
21	Any person opposing contested	
22	petition if no prior payment	
23	made	30.00
24	Post-adjudication	
25	petitions in	
26	domestic relations cases	30.00
27	Post-judgment activities	
28	in probate cases	30.00
29	E Minimum clerk fee	
30	Filing power of attorney	\$10.00
31	Change of venue to another	
32	county transmittal fee	10.00
33	Change of venue to another	
34	county on section 12-404,	
35	transmittal fee	10.00
36	Filing transcript and docketing	
37	judgment from any courts	10.00
38	Issuance of writs of: attachment,	
39	execution, possession, restitution,	
40	prohibition and enforcement of	
41	order of judgment-garnishment	10.00
42	Certified copy or abstract of	
43	marriage application or license	10.00
44	Filing oath and bond of notary	

1	public	10.00
2	Certificate of correctness of copy	
3	of record	10.00
4	Justice of peace certificate	10.00
5	Notary public certificate	10.00
6	Each certificate of clerk to	
7	any matter in clerk's record	
8	not specifically provided	10.00
9	Filing any paper or performing	
10	any act for which a fee is not	
11	specifically prescribed	10.00
12	Subpoena - (civil)	10.00
13	Research in locating a document	
14	(per year or source researched)	10.00
15	Exemplification	
16	(per certification)	10.00
17	Authentication	
18	(per certification)	10.00
19	Seal a court file	10.00
20	Reopen a sealed court file	10.00
21	Retrieve bank records	10.00
22	Stop payment on check	10.00
23	Reel of film alpha index	
24	per year (plus per page	
25	fee below)	10.00
26	Payment history report	10.00
27	Certification under one document	
28	certification	10.00
29	Civil traffic appeal	10.00
30	F Per page fee	
31	Making copies (on appeal	
32	and on request) per page	\$1.00
33	Making extra copies per page	1.00
34	Making photographic or	
35	photostatic copies per page	1.00
36	Comparison fee of papers	
37	furnished by applicant per page	1.00
38	Alpha index per page	1.00
39	G Special fees	
40	Filing adoption case	\$20.00
41	Contested adoption	10.00
42	Small claim tax case	10.00
43	Filing petition against	
44	harassment	10.00

1	Domestic violence, order of	
2	protection pursuant to	
3	section 13-3602	5.00
4	Alimony/child support	
5	payment (annual handling fee)	18.00
6	Marriage license and	
7	return hereof	12.00
8	Postage and handling	3.00
9	Notary services	3.00

10 B. Except as provided in subsections C and D of this section, the  
 11 clerk of the superior court shall receive the fees prescribed in subsection  
 12 A. of this section for the following services:

13 1. Making copies of papers and records required to be made by the  
 14 clerk upon appeal, and copies of papers and records in his office made upon  
 15 request in other cases, for each legal size page of original.

16 2. Making extra copies of the papers and records mentioned in  
 17 paragraph 1 of this subsection, required or requested for each page of copy  
 18 of such papers and records.

19 3. In a clerk's office, in which a photographic or photostatic method  
 20 of recording is used or is available for use in cooperation with other public  
 21 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection  
 22 for each page of copy or fraction of a page of copy. Portions of several  
 23 pages of records may be combined in one page of copy. The clerk may prepare  
 24 an abstract of marriage in lieu of a reproduction of the recorded marriage  
 25 license. The fee shall apply to matters whether recorded in such office by  
 26 longhand, typing, electronic, photographic or photostatic methods. The fees  
 27 for copies are exclusive of the fees for certification or authentication.

28 4. Issuing a certificate as to official capacity of a notary public  
 29 or justice of the peace and affixing a seal thereto.

30 5. Maintenance or child support payments, to cover the costs of  
 31 handling and thereafter the same fee annually on the anniversary of the  
 32 order for support or maintenance. The court shall order payment of the  
 33 handling fee as part of the order for support or maintenance. The handling  
 34 fee shall not be deducted from the support or maintenance portion of the  
 35 payment. If an electronic method of processing payments is used or is  
 36 available for use, the handling fee shall be deducted electronically from the  
 37 payment after current monthly orders have been satisfied.

38 6. Each subpoena issued in a civil proceeding or filing any paper or  
 39 performing any act for which a fee is not specifically prescribed by law, but  
 40 the clerk shall not charge for his services in administering the oath in  
 41 connection with any affidavit, petition, letters or other pleading or  
 42 document which, after administration of the oath therefor, is promptly filed  
 43 by the clerk and becomes a part of a case or matter of record in the office  
 44 of the clerk.

1 C. In addition to the fees required by subsection A of this section,  
2 the clerk shall charge and collect for each marriage license and return of  
3 a marriage license, twenty dollars. The clerk shall monthly transmit the  
4 monies he collects pursuant to this subsection to the county treasurer who  
5 shall monthly transmit the monies to the state treasurer who shall transmit  
6 eighty per cent of the monies to the department of economic security for  
7 deposit in the domestic violence shelter fund established pursuant to section  
8 36-3002 and twenty per cent of the monies to the department of economic  
9 security for deposit in the child abuse prevention fund established pursuant  
10 to section 8-550.01.

11 D. In addition to the fees required by subsection A of this section,  
12 the clerk shall charge and collect for each filing for an adoption a  
13 surcharge of thirty dollars. Adoptions where the child is a ward of the  
14 court and is in the care and custody of the department of economic security  
15 shall be exempt from the surcharge. The clerk shall monthly transmit the  
16 monies collected pursuant to this subsection to the county treasurer who  
17 shall monthly transmit the monies to the state treasurer who shall deposit  
18 the monies in the confidential intermediary fund established pursuant to  
19 section 8-135.

20 E. Notwithstanding any other law, two per cent of all fees collected  
21 by the superior court in each county pursuant to this section, except fees  
22 deposited in the child support automation fund and the expedited child  
23 support and visitation fund, fees collected pursuant to the surcharge  
24 assessed under subsection D of this section, fees collected pursuant to the  
25 surcharge assessed pursuant to sections 12-115 and 12-116 and fees assessed  
26 pursuant to section 13-901, shall be deposited into the drug and gang  
27 enforcement account established pursuant to section 41-2402. The clerk shall  
28 monthly transmit the monies he collects pursuant to this subsection to the  
29 county treasurer who shall monthly transmit the monies to the state treasurer  
30 who shall transmit the monies to the Arizona criminal justice commission for  
31 deposit in the drug and gang enforcement account established pursuant to  
32 section 41-2402 for the purposes of section 41-2402, subsection H.

33 F. In garnishment matters:

34 1. No fee shall be charged for filing an affidavit seeking only the  
35 release of exempt wages.

36 2. No fee shall be charged for filing a garnishee's answer, for filing  
37 a judgment against the garnishee or for the issuance or return of process  
38 incident to such a judgment.

39 3. For any contest relating to or any controversion of a garnishment  
40 matter, unless the contesting party has paid an appearance fee in that cause,  
41 the required appearance fee shall be paid, except that no clerk's fee shall  
42 be paid by the garnishee.

43 G. No appearance fee shall be charged to a person cited to appear and  
44 defend an order to show cause. Such person may stipulate to or consent to

1 the entry of an order without the payment of an appearance fee. An  
2 appearance fee shall be paid when such person is present in person or by an  
3 attorney and does one or more of the following:

- 4 1. Requests affirmative relief or counterrelief.
- 5 2. Attacks the sufficiency of process or the proceedings.
- 6 3. Takes other affirmative action.

7 H. Each month the clerk shall transmit the monies collected for  
8 subsequent case filing fees for post-decree petitions in dissolution cases  
9 under subsection A of this section to the county treasurer for deposit in the  
10 expedited child support and visitation fund established pursuant to section  
11 ~~25-340~~ 25-412.

12 I. Notwithstanding any law to the contrary, each month the clerk shall  
13 transmit fifty per cent of the monies the clerk's office collects for child  
14 support handling fees under subsection B, paragraph 5 of this section to the  
15 county treasurer for deposit in the child support automation fund established  
16 under section ~~12-2462~~ 25-515.

17 Sec. 19. Section 12-298, Arizona Revised Statutes, is amended to read:

18 12-298. Appointment of family law referee or court  
19 commissioner; compensation; qualifications; duties;  
20 powers; procedures

21 A. Notwithstanding section 12-213 family law referees or court  
22 commissioners shall be appointed by the presiding judge of the superior court  
23 in each county to provide for the expeditious establishment and enforcement  
24 of support orders brought pursuant to ~~sections 12-2451 through 12-2461~~ TITLE  
25 25, CHAPTER 5, ARTICLE 1 and chapter 9, article 10 of this title, ~~and which~~  
26 actions THAT are additionally brought pursuant to the Arizona state plan for  
27 support collection under the requirements of title IV-D of the social  
28 security act (42 United States Code section 651). Family law referees or  
29 court commissioners need not be appointed in counties which have received  
30 expedited process waivers pursuant to 42 United States Code section 666  
31 (a)(2).

32 B. Reasonable compensation for family law referees shall be fixed by  
33 the presiding judge.

34 C. The family law referees or court commissioners shall conduct  
35 hearings in assigned matters dealing with the establishment and enforcement  
36 of support obligations brought under the Arizona state plan for support  
37 collection pursuant to the requirements of title IV-D of the social security  
38 act (42 United States Code section 651). The powers of a family law referee  
39 are those granted to a master under rule 53, Arizona rules of civil  
40 procedure. Court commissioners shall have authority to hear and determine  
41 matters arising under this subsection or subsection A of this section in  
42 addition to the powers granted to court commissioners under rules of the  
43 supreme court.

1 D. The family law referee shall prepare a report on the matters  
2 submitted to him consisting of written findings and recommendations. The  
3 family law referee shall not ordinarily be required to file with his report  
4 a transcript of the proceedings but shall make sufficient findings of fact  
5 in his report to justify the recommendations made to the court. The family  
6 law referee shall file the report with the clerk of the court along with the  
7 original exhibits. The clerk shall provide a copy of the report to all  
8 parties.

9 E. The family law referee may make recommendations of a reasonable  
10 amount of child support, using factual findings and applicable support  
11 guidelines. The family law referee may make findings regarding support  
12 arrearages owed. The family law referee may make recommendations regarding  
13 the method and manner of payment, imposition of assignment of earnings or  
14 periodic entitlements, or other matters or remedies involved in the  
15 establishment or enforcement of support obligations. Unless objection is  
16 timely made, the court may accept the family law referee's findings and  
17 recommendations and make its order in accordance with them.

18 F. Either party may file written objections to the findings and  
19 recommendations of the family law referee within fifteen days after being  
20 served with them. The objecting party shall provide notice for a hearing on  
21 the objection as prescribed in rule 6(c), Arizona rules of civil procedure.  
22 The court shall accept the findings of fact of the family law referee unless  
23 they are clearly erroneous. The court, after a hearing, may adopt the  
24 report, modify it in whole or in part, receive further evidence or recommit  
25 it with instructions.

26 G. If a party does not appear before the family law referee after  
27 appropriate service, the family law referee may proceed ex parte or may cause  
28 a notice to be served on that party of the intent to recommend judgment on  
29 the pleadings. Service of such notice shall be by regular mail to the last  
30 known address of the party and is deemed complete on mailing. The notice  
31 shall advise the nonappearing party that he has fifteen days from the date  
32 of mailing to appear or otherwise object to entry of judgment on the  
33 pleadings. The court may enter judgment on the pleadings on recommendation  
34 of the family law referee if the party does not appear within fifteen days  
35 after notice.

36 Sec. 20. Section 12-1551, Arizona Revised Statutes, is amended to  
37 read:

38 12-1551. Issuance of writ of execution; limitation; renewal;  
39 death of judgment debtor; exemption for child  
40 support

41 A. The party in whose favor a judgment is given may, at any time  
42 within five years after entry of the judgment and within five years after any  
43 renewal of the judgment either by affidavit or by an action brought ~~thereon~~

1 ON IT, MAY have a writ of execution or other process issued for its  
2 enforcement.

3 B. ~~No~~ AN execution or other process shall NOT be issued upon a  
4 judgment after the expiration of five years from the date of its entry unless  
5 the judgment is renewed by affidavit or process pursuant to section 12-1612  
6 or an action is brought ~~thereon~~ ON IT within five years from the date of the  
7 entry of the judgment or of ~~any~~ ITS renewal ~~thereof~~.

8 C. ~~No execution shall issue~~ THE COURT SHALL NOT ISSUE A WRIT OF  
9 EXECUTION after death of the judgment debtor unless it is for the recovery  
10 of real or personal property or enforcement of a lien ~~thereon~~.

11 D. ~~This limitation does~~ THESE LIMITATIONS DO not apply to judgments  
12 and orders for the support of a minor or for those children whose support is  
13 extended beyond the age of emancipation pursuant to section ~~12-2451~~ 25-501,  
14 subsection A or section 25-320, subsection B. ~~There is no requirement~~ IT IS  
15 NOT NECESSARY to renew ~~such~~ judgments and orders during the minority of the  
16 children or during the period of their disability. ~~Such~~ THESE actions are  
17 limited only as ~~required~~ PRESCRIBED by section ~~12-2453~~ 25-503, subsection  
18 ~~E- F~~.

19 Sec. 21. Section 14-2114, Arizona Revised Statutes, is amended to  
20 read:

21 14-2114. Parent and child relationship; intestate succession;  
22 adopted children

23 A. Except as provided in subsections B and C of this section, for the  
24 purposes of intestate succession, a person is the child of that person's  
25 natural parents, regardless of their marital status. If this issue is in  
26 dispute the court shall establish that relationship under ~~title 12, chapter~~  
27 ~~7, article 3~~ TITLE 25, CHAPTER 6, ARTICLE 1.

28 B. An adopted person is the child of that person's adopting parent or  
29 parents and not of the natural parents. Adoption of a child by the spouse  
30 of either natural parent has no effect on the relationship between the child  
31 and that natural parent or on the right of the child or a descendant of the  
32 child to inherit from or through the other natural parent.

33 C. Inheritance from or through a child by either natural parent or the  
34 child's kindred is precluded unless that natural parent has openly treated  
35 the child as a natural child and has not refused to support the child.

36 Sec. 22. Section 23-722.02, Arizona Revised Statutes, is amended to  
37 read:

38 23-722.02. Employer request; employee disclosure; violation;  
39 classification; requirements

40 A. After an employee is hired, is rehired or returns from an unpaid  
41 leave of absence, the employer shall request that the employee disclose  
42 whether the employee is subject to a wage assignment order pursuant to  
43 section ~~12-2454, 12-2454.01~~ 25-504, 25-505, 25-323 or 25-323.01 to provide  
44 child support.

1 B. The employer shall not discriminate against, refuse to hire,  
2 discharge or otherwise discipline an employee who discloses an obligation to  
3 pay child support.

4 C. The obligor or person ordered to pay child support shall provide  
5 a copy of the order of assignment to the obligor's or person's present or  
6 future employer. An obligor or person who is ordered to pay child support  
7 and who fails to comply with this subsection is guilty of a class 3  
8 misdemeanor.

9 D. If an obligor has multiple orders, the obligor shall provide the  
10 employer with a copy of each order.

11 E. On the disclosure of an obligation to pay child support along with  
12 a copy of the order, the employer shall begin withholding the support  
13 payments according to the terms of the order. If the disclosure is to a  
14 secondary employer, that employer shall not begin withholding support  
15 payments.

16 F. The director may adopt rules to implement and administer this  
17 section.

18 G. Nothing in this section shall be construed to allow the department  
19 to impose penalties for failing to comply with this section's requirements.

20 Sec. 23. Title 25, chapter 1, article 1, Arizona Revised Statutes, is  
21 amended by adding a new section 25-103, to read:

22 25-103. Purposes

23 IT IS DECLARED THAT THE PUBLIC POLICY OF THIS STATE AND THE GENERAL  
24 PURPOSES OF THIS TITLE ARE:

- 25 1. TO PROMOTE STRONG FAMILIES;  
26 2. TO PROMOTE STRONG FAMILY VALUES.

27 Sec. 24. Section 25-302, Arizona Revised Statutes, is amended to read:

28 25-302. Procedure and law

29 A. The jurisdictional requirements and procedure for obtaining an  
30 annulment shall be the same as if the matter were one for dissolution of  
31 marriage.

32 B. If grounds for annulment exist, the court to the extent that it has  
33 jurisdiction to do so, shall divide the property of the parties and shall  
34 establish the rights and obligations of the parties with respect to any  
35 common or adopted children in accordance with the provisions of section  
36 25-320 and ~~article 3 of this~~ chapter 4, ARTICLE 1 OF THIS TITLE.

37 Sec. 25. Section 25-311, Arizona Revised Statutes, is amended to read:

38 25-311. Jurisdiction; form of petition; award of decree

39 A. The superior court is vested with original jurisdiction to hear and  
40 decide all matters arising pursuant to this chapter AND PURSUANT TO CHAPTER  
41 4, ARTICLE 1 OF THIS TITLE.

42 B. A proceeding for dissolution of marriage or legal separation shall  
43 be entitled, "in re the marriage of \_\_\_\_\_ and \_\_\_\_\_." A custody

1 or support proceeding shall be entitled, "in re the (custody) (support) of  
2 \_\_\_\_\_."

3 C. The initial pleading in all proceedings under this chapter AND  
4 UNDER CHAPTER 4, ARTICLE 1 OF THIS TITLE shall be denominated a petition.  
5 A responsive pleading shall be denominated a response.

6 D. A decree of dissolution or of legal separation, if made, shall not  
7 be awarded to one of the parties, but shall provide that it affects the  
8 status previously existing between the parties in the manner decreed.

9 Sec. 26. Section 25-320, Arizona Revised Statutes, is amended to read:

10 25-320. Child support; factors; methods of payment; additional  
11 enforcement provisions

12 A. In a proceeding for dissolution of marriage, legal separation,  
13 maintenance, or child support, the court may order either or both parents  
14 owing a duty of support to a child, born to or adopted by the parents, to pay  
15 an amount reasonable and necessary for support of the child, without regard  
16 to marital misconduct. If no child support has been ordered by a child  
17 support order and if the court deems child support appropriate, the court  
18 shall direct, using a retroactive application of the child support guidelines  
19 to the date of filing a dissolution of marriage, legal separation,  
20 maintenance or child support proceeding, the amount which the parents shall  
21 pay for the past support of the child and the manner in which payment shall  
22 be made, taking into account any amount of temporary or voluntary support  
23 which has been made PAID. ~~Such~~ Retroactive child support ~~shall be~~ IS  
24 enforceable in any manner provided by law. The supreme court shall establish  
25 guidelines for determining the amount of child support. The amount resulting  
26 from the application of these guidelines shall be the amount of child support  
27 ordered unless a written finding is made, based on criteria approved by the  
28 supreme court, that application of the guidelines would be inappropriate or  
29 unjust in a particular case. The supreme court shall review the guidelines  
30 at least once every four years to ensure that their application results in  
31 the determination of appropriate child support amounts. The guidelines and  
32 criteria for deviation from them shall be based on all relevant factors,  
33 including:

- 34 1. The financial resources and needs of the child.
- 35 2. The financial resources and needs of the custodial parent.
- 36 3. The standard of living the child would have enjoyed had the  
37 marriage not been dissolved.
- 38 4. The physical and emotional condition of the child, and his  
39 educational needs.
- 40 5. The financial resources and needs of the noncustodial parent.
- 41 6. Excessive or abnormal expenditures, destruction, concealment or  
42 fraudulent disposition of community, joint tenancy and other property held  
43 in common.
- 44 7. The duration of visitation and related expenses.

1           B. In the case of a mentally or physically disabled child, if the  
2 court, after considering the factors set forth in subsection A of this  
3 section, deems it appropriate, the court may order support to continue past  
4 the age of majority and to be paid to the custodial parent, guardian or  
5 child, even if at the time of the filing of a petition or at the time of the  
6 final decree, the child has reached the age of majority.

7           C. If a child reaches the age of majority while the child is attending  
8 high school or a certified high school equivalency program, support shall  
9 continue to be provided during the period in which the child is actually  
10 attending high school or the equivalency program.

11           D. If a personal check for support payments and handling fees is  
12 rightfully dishonored by the payor bank or other drawee, any subsequent  
13 support payments and handling fees shall be paid only by cash, money order,  
14 cashier's check, traveler's check or certified check. If a person required  
15 to pay support other than by personal check demonstrates full and timely  
16 payment for twenty-four consecutive months, that person shall be permitted  
17 to pay support by personal check as long as such payments are for the full  
18 amount, are timely tendered and are not rightfully dishonored by the payor  
19 bank or other drawee.

20           E. The provisions of subsection D of this section do not apply to  
21 payments made by means of an assignment.

22           F. An order for child support shall assign responsibility for  
23 providing medical insurance for the child who is the subject of the support  
24 order and shall assign responsibility for the payment of any medical costs  
25 of the child which are not covered by insurance. In title IV-D cases, the  
26 parent responsible pursuant to court order for providing medical insurance  
27 for the child shall notify the clerk of the court or the clearinghouse  
28 prescribed in section 46-441 if the child is no longer covered under an  
29 employer's insurance plan. The clerk of the court or the clearinghouse shall  
30 notify the child support enforcement agency in the department of economic  
31 security of the lapse in insurance coverage.

32           G. In title IV-D cases the superior court shall accept for filing any  
33 documents that are received through electronic transmission if the  
34 electronically reproduced document states that the copy used for the  
35 electronic transmission was certified before it was electronically  
36 transmitted.

37           H. The court shall presume, in absence of contrary testimony, that a  
38 noncustodial parent is capable of full-time employment at least at the  
39 federal adult minimum wage. This presumption does not apply to noncustodial  
40 parents under the age of eighteen who are attending high school.

41           I. An order for support shall provide for an assignment pursuant to  
42 sections ~~12-2454~~ 25-504 and 25-323.

43           J. At a hearing upon a petition to enforce child support if it appears  
44 from evidence presented at the hearing that a person ordered to pay child

1 support is at least one month in arrears and is or may be licensed as a  
2 professional under title 32, the court, in addition to any other enforcement  
3 action available to the court, may direct the licensing board or agency to  
4 conduct a hearing in accordance with title 32, chapter 37 concerning the  
5 suspension of the license or certificate of the person ordered to pay  
6 support. The court may direct a department or agency to conduct a hearing  
7 pursuant to section 32-3701 to suspend the license or certificate of a person  
8 ordered to pay support if the person is not licensed pursuant to title 32,  
9 but holds or may hold a license or certificate issued pursuant to title 3,  
10 4, 5, 6, 8, 15, 20, 36 or 41 or title 28, chapter 8.

11 K. Each licensing board or agency that issues professional licenses  
12 or certificates shall record the social security number of the licensee or  
13 certificate holder in its data base in order to aid the department of  
14 economic security in locating noncustodial parents or the assets of  
15 noncustodial parents.

16 Sec. 27. Section 25-323, Arizona Revised Statutes, is amended to read:

17 25-323. Assignments

18 Pursuant to the requirements of section ~~12-2454~~ 25-504, in any  
19 proceeding in which the court orders a person to pay support as defined in  
20 section ~~12-2451~~ 25-501, the court shall assign to the person or agency  
21 entitled to receive the support that portion of such person's earnings,  
22 income, entitlements or other monies without regard to source as necessary  
23 to pay the amount ordered by the court.

24 Sec. 28. Section 25-323.01, Arizona Revised Statutes, is amended to  
25 read:

26 25-323.01. Ex parte order for assignments

27 Pursuant to the requirements of section ~~12-2454.01~~ 25-505, if a person  
28 obligated to pay child support or spousal maintenance is in arrears for an  
29 amount equal to at least one month's child support or spousal maintenance or  
30 wishes to implement a voluntary assignment, the state, the person entitled  
31 to receive the child support or spousal maintenance or the person obligated  
32 to pay support or maintenance may file a verified petition or request with  
33 the clerk of the superior court requesting the clerk to issue an order for  
34 assignment for current child support or spousal maintenance and for unpaid  
35 monthly installments, if applicable. If the state files the petition or  
36 request, the petition or request does not need to be verified.

37 Sec. 29. Section 25-324, Arizona Revised Statutes, is amended to read:

38 25-324. Attorney's fees

39 The court from time to time, after considering the financial resources  
40 of both parties, may order a party to pay a reasonable amount to the other  
41 party for the costs and expenses of maintaining or defending any proceeding  
42 under this chapter OR CHAPTER 4, ARTICLE 1 OF THIS TITLE. For the purpose  
43 of this section costs and expenses may include attorney's fees, deposition  
44 costs and ~~such~~ other reasonable expenses as the court finds necessary to the

1 full and proper presentation of the action, including any appeal. The court  
2 may order all ~~such~~ amounts paid directly to the attorney, who may enforce the  
3 order in ~~his~~ THE ATTORNEY'S name with the same force and effect, and in the  
4 same manner, as if the order had been made on behalf of any party to the  
5 action.

6 Sec. 30. Section 25-401, Arizona Revised Statutes, as transferred and  
7 renumbered by this act, is amended to read:

8 25-401. Jurisdiction; commencement of proceedings

9 A. Jurisdiction for child custody proceedings ~~shall be~~ IS governed by  
10 ~~title 8, chapter 4, article 1~~ CHAPTER 4, ARTICLE 2 OF THIS TITLE.

11 B. A child custody proceeding is commenced in the superior court:

12 1. By a parent, by filing a petition for either of the following:

13 (a) Dissolution or legal separation.

14 (b) Custody of the child in the county in which the child is  
15 permanently resident or found.

16 2. By a person other than a parent, by filing a petition for custody  
17 of the child in the county in which he is permanently resident or found, but  
18 only if he is not in the physical custody of one of his parents.

19 C. The provisions of subsection B, paragraph 1, subdivision (b) of  
20 this section do not apply if a child is born out of wedlock and there has not  
21 been a prior adjudication of maternity or paternity.

22 Sec. 31. Section 25-403, Arizona Revised Statutes, as transferred and  
23 renumbered by this act, is amended to read:

24 25-403. Custody; best interests of child; joint custody;  
25 modification of decree; fees; children and family  
26 services

27 A. The court shall determine custody, either originally or upon  
28 petition for modification, in accordance with the best interests of the  
29 child. The court shall consider all relevant factors, including:

30 1. The wishes of the child's parent or parents as to custody.

31 2. The wishes of the child as to the custodian.

32 3. The interaction and interrelationship of the child with the child's  
33 parent or parents, the child's siblings and any other person who may  
34 significantly affect the child's best interest.

35 4. The child's adjustment to home, school and community.

36 5. The mental and physical health of all individuals involved.

37 6. Which parent is more likely to allow the child frequent and  
38 meaningful continuing contact with the other parent.

39 7. If one parent, both parents or neither parent has provided primary  
40 care of the child.

41 8. The nature and extent of coercion or duress used by a parent in  
42 obtaining an agreement regarding custody.

43 B. The court shall consider evidence of domestic violence as being  
44 contrary to the best interests of the child. If the court finds that

1 domestic violence has occurred, the court shall make arrangements for  
2 visitation that best protect the child and the abused spouse from further  
3 harm. The person who has committed an act of domestic violence has the  
4 burden of proving that visitation will not endanger the child or  
5 significantly impair the child's emotional development.

6 C. In awarding child custody, the court may order sole custody or  
7 joint custody. This section does not create a presumption in favor of one  
8 custody arrangement over another. The court in determining custody shall not  
9 prefer a parent as custodian because of that parent's sex.

10 D. The court may issue an order for joint custody of a child if both  
11 parents agree and submit a written parenting plan and the court finds such  
12 an order is in the best interests of the child. The court may order joint  
13 legal custody without ordering joint physical custody.

14 E. The court may issue an order for joint custody over the objection  
15 of one of the parents if the court makes specific written findings of why the  
16 order is in the child's best interests. In determining whether joint custody  
17 is in the child's best interests, the court shall consider the factors  
18 prescribed in subsection A of this section and all of the following:

19 1. The agreement or lack of an agreement by the parents regarding  
20 joint custody.

21 2. A parent's lack of agreement is unreasonable or is influenced by  
22 an issue not related to the best interests of the child.

23 3. The past, present and future abilities of the parents to cooperate  
24 in decision-making about the child to the extent required by the order of  
25 joint custody.

26 4. Whether the joint custody arrangement is logistically possible.

27 F. Joint custody shall not be awarded if the court makes a finding of  
28 the existence of significant domestic violence pursuant to section 13-3601  
29 or if the court finds by a preponderance of the evidence that there has been  
30 a significant history of domestic violence. In determining the existence of  
31 domestic violence, the court shall consider, subject to the rules of  
32 evidence, all relevant factors, including, but not limited to, the following:

33 1. Findings from another court of competent jurisdiction.

34 2. Police reports.

35 3. Medical records.

36 4. Child protective services records.

37 5. Domestic violence shelter records.

38 6. School records.

39 7. Witness testimony.

40 G. Before an award is made granting joint custody, the parents shall  
41 submit a proposed parenting plan that includes at least the following:

42 1. Each parent's rights and responsibilities for the personal care of  
43 the child and for decisions in areas such as education, health care and  
44 religious training.

1           2. A schedule of the physical residence of the child, including  
2 holidays and school vacations.

3           3. A procedure by which proposed changes, disputes and alleged  
4 breaches may be mediated or resolved, which may include the use of  
5 conciliation services or private counseling.

6           4. A procedure for periodic review of the plan's terms by the parents.

7           5. A statement that the parties understand that joint custody does not  
8 necessarily mean equal parenting time.

9           H. If the parents are unable to agree on any element to be included  
10 in a parenting plan, the court shall determine that element. The court may  
11 determine other factors that are necessary to promote and protect the  
12 emotional and physical health of the child.

13           I. Unless otherwise provided by court order or law, both parents are  
14 entitled to have equal access to medical, school and other records of the  
15 child directly from the custodian of the records or from the other parent.

16           J. The court may specify one parent as the primary caretaker of the  
17 child and one home as the primary home of the child for the purposes of  
18 defining eligibility for public assistance. This finding does not diminish  
19 the rights of either parent and does not create a presumption for or against  
20 either parent in a proceeding for the modification of a custody order.

21           K. In a contested custody case, the court shall make specific findings  
22 on the record about all relevant factors and the reasons for which the  
23 decision is in the best interests of the child.

24           L. No motion to modify a custody decree may be made earlier than one  
25 year after its date, unless the court permits it to be made on the basis of  
26 affidavits that there is reason to believe the child's present environment  
27 may seriously endanger the child's physical, mental, moral or emotional  
28 health. At any time after a joint custody order is entered, a parent may  
29 petition the court for modification of the order on the basis of evidence  
30 that domestic violence pursuant to section 13-1201 or 13-1204, spousal abuse  
31 or child abuse occurred since the entry of the joint custody order. Six  
32 months after a joint custody order is entered, a parent may petition the  
33 court for modification of the order based on the failure of the other parent  
34 to comply with the provisions of the order. A motion or petition to modify  
35 a custody order shall meet the requirements of sections ~~25-337~~ 25-408 and  
36 ~~25-339~~ 25-411.

37           M. Attorney fees and costs shall be assessed against a party seeking  
38 modification if the court finds that the modification action is vexatious and  
39 constitutes harassment.

40           N. In a proceeding regarding sole custody or joint custody, either  
41 party may request attorney fees, costs and expert witness fees to enable the  
42 party with insufficient resources to obtain adequate legal representation and  
43 to prepare evidence for the hearing. If the court finds there is a financial

1 disparity between the parties, the court may order payment of reasonable  
2 fees, expenses and costs to allow adequate preparation.

3 O. For any custody order entered under this section, the court shall  
4 determine an amount of child support in accordance with section 25-320 and  
5 guidelines established pursuant to that section. An award of joint custody  
6 does not diminish the responsibility of either parent to provide for the  
7 support of the child.

8 P. The court shall not request or order the services of the division  
9 of children and family services in the department of economic security unless  
10 it believes that a child may be the victim of child abuse ~~and~~ OR neglect as  
11 defined in section 8-546.

12 Sec. 32. Section 25-404, Arizona Revised Statutes, as transferred and  
13 renumbered by this act, is amended to read:

14 25-404. Temporary orders

15 A. A party to a custody proceeding may move for a temporary custody  
16 order. This motion must be supported by pleadings as provided in section  
17 ~~25-339~~ 25-411. The court may award temporary custody under the standards of  
18 section ~~25-332~~ 25-403 after a hearing, or, if there is no objection, solely  
19 on the basis of the pleadings.

20 B. If a proceeding for dissolution of marriage or legal separation is  
21 dismissed, any temporary custody order is vacated unless a parent or the  
22 child's custodian moves that the proceeding continue as a custody proceeding  
23 and the court finds, after a hearing, that the circumstances of the parents  
24 and the best interest of the child require that a custody decree be issued.

25 C. If a custody proceeding commenced in the absence of a petition for  
26 dissolution of marriage or legal separation is dismissed, any temporary  
27 custody order thereby is vacated.

28 Sec. 33. Section 25-408, Arizona Revised Statutes, as transferred and  
29 renumbered by this act, is amended to read:

30 25-408. Rights of noncustodial parent; visitation; exception;  
31 enforcement; access to records; suspension of  
32 visitation

33 A. A parent not granted custody of the child is entitled to reasonable  
34 visitation rights to ensure that the minor child has frequent and continuing  
35 contact with the noncustodial parent unless the court finds, after a hearing,  
36 that visitation would endanger seriously the child's physical, mental, moral  
37 or emotional health.

38 B. The court may modify an order granting or denying visitation rights  
39 whenever modification would serve the best interest of the child, but the  
40 court shall not restrict a parent's visitation rights unless it finds that  
41 the visitation would endanger seriously the child's physical, mental, moral  
42 or emotional health.

1 C. The court shall assess attorney fees and court costs against either  
2 parent if the court finds that the parent has unreasonably denied, restricted  
3 or interfered with court-ordered visitation.

4 D. The noncustodial parent is entitled to have access to the medical  
5 and school records of the child directly from the custodian of the records  
6 or from the custodial parent unless the court finds that such access would  
7 endanger seriously the child's or the custodial parent's physical, mental,  
8 moral or emotional health.

9 E. Notwithstanding section ~~25-339~~ 25-411, if after a custody or  
10 visitation order is in effect one of the parents is charged with a dangerous  
11 crime against children as defined in section 13-604.01, child molestation AS  
12 DEFINED IN SECTION 13-1410 or an act of domestic violence as defined in  
13 section 13-3601 in which the victim is a minor, the other parent may petition  
14 the court for an expedited hearing. Pending the expedited hearing, the court  
15 may suspend visitation or change custody ex parte.

16 Sec. 34. Section 25-431, Arizona Revised Statutes, as transferred and  
17 renumbered by this act, is amended to read:

18 25-431. Purposes of act; construction of provisions

19 A. The general purposes of this ~~chapter~~ ARTICLE are to:

20 1. Avoid jurisdictional competition and conflict with courts of other  
21 states in matters of child custody which have in the past resulted in the  
22 shifting of children from state to state with harmful effects on their  
23 well-being.

24 2. Promote cooperation with the courts of other states to the end that  
25 a custody decree is rendered in that state which can best decide the case in  
26 the interest of the child.

27 3. Assure that litigation concerning the custody of a child take place  
28 ordinarily in the state with which the child and ~~his~~ THE CHILD'S family have  
29 the closest connection and where significant evidence concerning ~~his~~ THE  
30 CHILD'S care, protection, training and personal relationships is most readily  
31 available, and that courts of this state decline the exercise of jurisdiction  
32 when the child and his family have a closer connection with another state.

33 4. Discourage continuing controversies over child custody in the  
34 interest of greater stability of home environment and of secure family  
35 relationships for the child.

36 5. Deter abductions and other unilateral removals of children  
37 undertaken to obtain custody awards.

38 6. Avoid relitigation of custody decisions of other states in this  
39 state insofar as feasible.

40 7. Facilitate the enforcement of custody decrees of other states.

41 8. Promote and expand the exchange of information and other forms of  
42 mutual assistance between the courts of this state and those of other states  
43 concerned with the same child.

1           9. Make uniform the law of those states which enact the uniform child  
2 custody jurisdiction act.

3           B. This chapter shall be construed to promote the general purposes  
4 stated in this section.

5           Sec. 35. Section 25-432, Arizona Revised Statutes, as transferred and  
6 renumbered by this act, is amended to read:

7           25-432. Definitions

8           In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

9           1. "Contestant" means a person, including a parent, who claims a right  
10 to custody or visitation rights with respect to a child.

11           2. "Custody determination" means a court decision and court orders and  
12 instructions providing for the custody of a child, including visitation  
13 rights. It does not include a decision relating to child support or any  
14 other monetary obligation of any person.

15           3. "Custody proceeding" means proceedings in which a custody  
16 determination is one of several issues, such as an action for divorce,  
17 dissolution of marriage or separation, and includes child neglect and  
18 dependency proceedings.

19           4. "Decree" or "custody decree" means a custody determination  
20 contained in a judicial decree or order made in a custody proceeding and  
21 includes an initial decree and a modification decree.

22           5. "Home state" means the state in which the child immediately  
23 preceding the time involved lived with his parents, a parent or a person  
24 acting as parent for at least six consecutive months, and in the case of a  
25 child less than six months old the state in which the child lived from birth  
26 with any of the persons mentioned. Periods of temporary absence of any of  
27 the named persons are counted as part of the six month or other period.

28           6. "Initial decree" means the first custody decree concerning a  
29 particular child.

30           7. "Modification decree" means a custody decree which modifies or  
31 replaces a prior decree, whether made by the court which rendered the prior  
32 decree or by another court.

33           8. "Person acting as parent" means a person, other than a parent, who  
34 has physical custody of a child and who has either been awarded custody by  
35 a court or claims a right to custody.

36           9. "Physical custody" means actual possession and control of a child.

37           10. "State" means any state, territory or possession of the United  
38 States, the Commonwealth of Puerto Rico and the District of Columbia.

39           Sec. 36. Section 25-434, Arizona Revised Statutes, as transferred and  
40 renumbered by this act, is amended to read:

41           25-434. Notice and opportunity to be heard

42           Before making a decree under this ~~chapter~~ ARTICLE, reasonable notice  
43 and AN opportunity to be heard shall be given to the contestants, any parent  
44 whose parental rights have not been previously terminated and any person who

1 has physical custody of the child. If any of these persons is outside this  
2 state, notice and AN opportunity to be heard shall be given pursuant to  
3 section ~~8-405~~ 25-435.

4 Sec. 37. Section 25-436, Arizona Revised Statutes, as transferred and  
5 renumbered by this act, is amended to read:

6 25-436. Simultaneous proceedings in other states

7 A. A court of this state shall not exercise its jurisdiction under  
8 this ~~chapter~~ ARTICLE if at the time of filing the petition a proceeding  
9 concerning the custody of the child was pending in a court of another state  
10 exercising jurisdiction substantially in conformity with this ~~chapter~~  
11 ARTICLE, unless the proceeding is stayed by the court of the other state  
12 because this state is a more appropriate forum or for other reasons.

13 B. Before hearing the petition in a custody proceeding the court shall  
14 examine the pleadings and other information supplied by the parties under  
15 section ~~8-409~~ 25-439 and shall consult the child custody registry established  
16 under section ~~8-416~~ 25-446 concerning the pendency of proceedings with  
17 respect to the child in other states. If the court has reason to believe  
18 that proceedings may be pending in another state it shall direct an inquiry  
19 to the state court administrator or other appropriate official of the other  
20 state.

21 C. If the court is informed during the course of the proceeding that  
22 a proceeding concerning the custody of the child was pending in another state  
23 before the court assumed jurisdiction it shall stay the proceeding and  
24 communicate with the court in which the other proceeding is pending to the  
25 end that the issue may be litigated in the more appropriate forum and that  
26 information be exchanged only in accordance with sections ~~8-419~~ 25-449  
27 through ~~8-422~~ 25-452. If a court of this state has made a custody decree  
28 before being informed of a pending proceeding in a court of another state it  
29 shall immediately inform that court of the fact. If the court is informed  
30 that a proceeding was commenced in another state after it assumed  
31 jurisdiction it shall likewise inform the other court to the end that the  
32 issues may be litigated in the more appropriate forum.

33 Sec. 38. Section 25-437, Arizona Revised Statutes, as transferred and  
34 renumbered by this act, is amended to read:

35 25-437. Inconvenient forum

36 A. A court which has jurisdiction under this ~~chapter~~ ARTICLE to make  
37 an initial or modification decree may decline to exercise its jurisdiction  
38 any time before making a decree if it finds that it is an inconvenient forum  
39 to make a custody determination under the circumstances of the case and that  
40 a court of another state is a more appropriate forum.

41 B. A finding of inconvenient forum may be made upon the court's own  
42 motion or upon motion of a party or a guardian ad litem or other  
43 representative of the child.

1 C. In determining if it is an inconvenient forum, the court shall  
2 consider if it is in the interest of the child that another state assume  
3 jurisdiction. For this purpose it may take into account the following  
4 factors, among others:

5 1. If another state is or recently was the child's home state.

6 2. If another state has a closer connection with the child and his  
7 family or with the child and one or more of the contestants.

8 3. If substantial evidence concerning the child's present or future  
9 care, protection, training and personal relationships is more readily  
10 available in another state.

11 4. If the parties have agreed on another forum which is no less  
12 appropriate.

13 5. If the exercise of jurisdiction by a court of this state would  
14 contravene any of the purposes stated in section ~~8-401~~ 25-431.

15 D. Before determining whether to decline or retain jurisdiction the  
16 court may communicate with a court of another state and exchange information  
17 pertinent to the assumption of jurisdiction by either court with a view to  
18 assuring that jurisdiction will be exercised by the more appropriate court  
19 and that a forum will be available to the parties.

20 E. If the court finds that it is an inconvenient forum and that a  
21 court of another state is a more appropriate forum, it may dismiss the  
22 proceedings or it may stay the proceedings upon THE condition that a custody  
23 proceeding be promptly commenced in another named state or upon any other  
24 conditions which may be just and proper, including the condition that a  
25 moving party stipulate his consent and submission to the jurisdiction of the  
26 other forum.

27 F. The court may decline to exercise its jurisdiction under this  
28 ~~chapter~~ ARTICLE if a custody determination is incidental to an action for  
29 divorce, dissolution of marriage or another proceeding while retaining  
30 jurisdiction over the divorce, dissolution of marriage or other proceeding.

31 G. If it appears to the court that it is clearly an inappropriate  
32 forum it may require the party who commenced the proceedings to pay, in  
33 addition to the costs of the proceedings in this state, necessary travel and  
34 other expenses including attorneys' fees incurred by other parties or their  
35 witnesses. Payment is to be made to the clerk of the court for remittance  
36 to the proper party.

37 H. Upon dismissal or stay of proceedings under this section the court  
38 shall inform the court found to be the more appropriate forum of this fact,  
39 or if the court which would have jurisdiction in the other state is not  
40 certainly known shall transmit the information to the court administrator or  
41 other appropriate official for forwarding to the appropriate court.

42 I. Any communication received from another state informing this state  
43 of a finding of inconvenient forum because a court of this state is the more  
44 appropriate forum shall be filed in the custody registry of the appropriate

1 court. Upon assuming jurisdiction the court of this state shall inform the  
2 original court of this fact.

3 Sec. 39. Section 25-440, Arizona Revised Statutes, as transferred and  
4 renumbered by this act, is amended to read:

5 25-440. Additional parties

6 If the court learns from information furnished by the parties pursuant  
7 to section ~~8-409~~ 25-439 or from other sources that a person not a party to  
8 the custody proceeding has physical custody of the child or claims to have  
9 custody or visitation rights with respect to the child, it shall order that  
10 person to be joined as a party and to be duly notified of the pendency of the  
11 proceeding and of his joinder as a party. If the person joined as a party  
12 is outside this state he shall be served with process or otherwise notified  
13 in accordance with section ~~8-405~~ 25-435.

14 Sec. 40. Section 25-441, Arizona Revised Statutes, as transferred and  
15 renumbered by this act, is amended to read:

16 25-441. Appearance of parties and the child

17 A. The court may order any party to the proceeding who is in this  
18 state to appear personally before the court. If that party has physical  
19 custody of the child the court may order that he appear personally with the  
20 child.

21 B. If a party to the proceeding whose presence is desired by the court  
22 is outside this state with or without the child the court may order that the  
23 notice given under section ~~8-405~~ 25-435 include a statement directing that  
24 party to appear personally with or without the child and declaring that  
25 failure to appear may result in a decision adverse to that party.

26 C. If a party to the proceeding who is outside this state is directed  
27 to appear under subsection B of this section or desires to appear personally  
28 before the court with or without the child, the court may require the other  
29 party or parties to pay to the clerk of the court travel and other necessary  
30 expenses of the party so appearing and of the child if this is just and  
31 proper under the circumstances.

32 Sec. 41. Section 25-442, Arizona Revised Statutes, as transferred and  
33 renumbered by this act, is amended to read:

34 25-442. Binding force and res judicata effect of custody decree

35 A custody decree rendered by a court of this state which had  
36 jurisdiction under section ~~8-403~~ 25-433 binds all parties who have been  
37 served in this state or notified in accordance with section ~~8-405~~ 25-435 or  
38 who have submitted to the jurisdiction of the court and who have been given  
39 an opportunity to be heard. As to these parties the custody decree is  
40 conclusive as to all issues of law and fact decided and as to the custody  
41 determination made unless ~~and until~~ that determination is modified pursuant  
42 to law, including the provisions of this ~~chapter~~ ARTICLE.

1           Sec. 42. Section 25-443, Arizona Revised Statutes, as transferred and  
2 renumbered by this act, is amended to read:

3           25-443. Recognition of out-of-state custody decrees

4           The courts of this state shall recognize and enforce an initial or  
5 modification decree of a court of another state which had assumed  
6 jurisdiction under statutory provisions substantially in accordance with this  
7 ~~chapter~~ ARTICLE or which was made under factual circumstances meeting the  
8 jurisdictional standards of ~~the chapter, so long as~~ THIS ARTICLE IF this  
9 decree has not been modified in accordance with jurisdictional standards  
10 substantially similar to those of this ~~chapter~~ ARTICLE.

11           Sec. 43. Section 25-444, Arizona Revised Statutes, as transferred and  
12 renumbered by this act, is amended to read:

13           25-444. Modification of custody decree of another state

14           A. If a court of another state has made a custody decree, a court of  
15 this state shall not modify that decree unless it appears to the court of  
16 this state that the court which rendered the decree does not now have  
17 jurisdiction under jurisdictional prerequisites substantially in accordance  
18 with this ~~chapter~~ ARTICLE or has declined to assume jurisdiction to modify  
19 the decree, and the court of this state has jurisdiction.

20           B. If a court of this state is authorized under subsection A of this  
21 section and section ~~8-408~~ 25-438 to modify a custody decree of another state  
22 it shall give due consideration to the transcript of the record and other  
23 documents of all previous proceedings submitted to it in accordance with  
24 section ~~8-422~~ 25-452.

25           Sec. 44. Section 25-452, Arizona Revised Statutes, as transferred and  
26 renumbered by this act, is amended to read:

27           25-452. Request for court records of another state

28           If a custody decree has been rendered in another state concerning a  
29 child involved in a custody proceeding pending in a court of this state, the  
30 court of this state upon taking jurisdiction of the case shall request of the  
31 court of the other state a certified copy of the transcript of any court  
32 record and other documents mentioned in section ~~8-421~~ 25-451.

33           Sec. 45. Section 25-453, Arizona Revised Statutes, as transferred and  
34 renumbered by this act, is amended to read:

35           25-453. International application

36           The general policies of this ~~chapter~~ ARTICLE may extend to the  
37 international area. The superior court of this state may consider the  
38 provisions of this ~~chapter~~ ARTICLE relating to the recognition and  
39 enforcement of custody decrees of other states to apply to custody decrees  
40 and decrees involving legal institutions similar in nature to custody  
41 institutions rendered by appropriate authorities of other nations if  
42 reasonable notice and opportunity to be heard were given to all affected  
43 persons.

1           Sec. 46. Section 25-454, Arizona Revised Statutes, as transferred and  
2 renumbered by this act, is amended to read:

3           25-454. Severability

4           If any provision of this ~~chapter~~ ARTICLE or the application of this  
5 ~~chapter~~ ARTICLE to any person or circumstance is held invalid, its invalidity  
6 does not affect other provisions or applications of the ~~chapter~~ ARTICLE which  
7 can be given effect without the invalid provision or application, and to this  
8 end the provisions of this ~~chapter~~ ARTICLE are severable.

9           Sec. 47. Section 25-502, Arizona Revised Statutes, as transferred and  
10 renumbered by this act, is amended to read:

11           25-502. Jurisdiction, venue and procedure: additional  
12 enforcement provisions

13           A. The superior court shall have original jurisdiction in proceedings  
14 brought by this state or by a person having physical custody of a child to  
15 establish, enforce or modify the duties of support as prescribed in this  
16 chapter. All such proceedings shall be civil actions except as provided in  
17 section ~~12-2458~~ 25-511. Proceedings to establish, enforce or modify the  
18 duties of support as prescribed in this chapter may be originated in the  
19 county of residence of the respondent or the petitioner or of the child or  
20 children who are the subject of the action.

21           B. Except as provided in section ~~12-2457~~ 25-510, in title IV-D cases  
22 the superior court shall accept for filing any documents that are received  
23 through electronic transmission if the electronically reproduced document  
24 states that the copy used for the electronic transmission was certified  
25 before it was electronically transmitted.

26           C. Upon filing of the petition, the court shall issue an order  
27 requiring the respondent to appear at the time and place set for the hearing  
28 on the petition. Service of the order and a copy of the petition shall be  
29 as provided in the rules of civil procedure.

30           D. The state may file with the clerk of the superior court a request  
31 to establish a child support order and a proposed order including a document  
32 that indicates how the support amount was calculated. The request, proposed  
33 order and document shall be served on the parent pursuant to the Arizona  
34 rules of civil procedure. The state shall file proof of service with the  
35 clerk of the superior court. The obligated parent may petition the court  
36 for a hearing within fifteen days after service of the request and proposed  
37 order. If the parent does not request a hearing, the court shall review the  
38 submitted order and document and sign the submitted support order or enter  
39 another appropriate order. The state shall enforce the order.

40           E. At a hearing upon a petition to enforce child support if it appears  
41 from evidence presented at the hearing that a person ordered to pay child  
42 support is at least one month in arrears and is or may be licensed or  
43 certified as a professional under title 32, the court, in addition to any  
44 other enforcement action available to the court, may direct the licensing

1 board or agency to conduct a hearing in accordance with title 32, chapter 37  
2 concerning the suspension of the license or certificate of the person ordered  
3 to pay support. The court may direct a department or agency to conduct a  
4 hearing pursuant to section 32-3701 to suspend the license or certificate of  
5 a person ordered to pay support if the person is not licensed pursuant to  
6 title 32, but holds or may hold a license or certificate issued pursuant to  
7 title 3, 4, 5, 6, 8, 15, 20, 36 or 41 or title 28, chapter 8.

8 F. Each licensing board or agency that issues professional licenses  
9 or certificates shall record the social security number of the licensee or  
10 certificate holder in its data base in order to aid the department of  
11 economic security in locating noncustodial parents or the assets of  
12 noncustodial parents.

13 Sec. 48. Section 25-503, Arizona Revised Statutes, as transferred and  
14 renumbered by this act, is amended to read:

15 25-503. Order for support; methods of payment; modification;  
16 revocation; statute of limitations; judgment on  
17 arrearages; notice

18 A. In any proceeding in which there is at issue the support of a  
19 child, the court may order either or both parents to pay any amount necessary  
20 for the support of the child. If a personal check for support payments and  
21 handling fees is rightfully dishonored by the payor bank or other drawee, any  
22 subsequent support payments and handling fees shall be paid only by cash,  
23 money order, cashier's check, traveler's check or certified check. If a  
24 person required to pay support other than by personal check demonstrates full  
25 and timely payment for twenty-four consecutive months, that person shall be  
26 permitted to pay support by personal check as long as such payments are for  
27 the full amount, are timely tendered and are not rightfully dishonored by the  
28 payor bank or other drawee. Upon a showing of good cause, the court may  
29 order that the parent or parents required to make such payments of support  
30 give reasonable security for such payments. If the court sets an appearance  
31 bond and the obligor fails to appear, the bond shall be forfeited and  
32 credited against any arrearages owed by the person required to pay support.  
33 This subsection does not apply to payments that are made by means of a wage  
34 assignment.

35 B. If the court has ordered that support be paid directly to the  
36 custodial parent, the state may file a motion to redirect in a title IV-D  
37 case. On receipt of the motion, the clerk of the superior court shall order  
38 the person obligated to pay support or maintenance to make those payments  
39 through the clerk. As used in this subsection, "title IV-D case" means a  
40 proceeding for support instituted by this state as required by 42 United  
41 States Code sections 651 through 669.

42 C. In a case where the court has ordered that support be paid directly  
43 to the custodial parent, if the payment is not received within ten days of

1 the date in the court order for payment of support, the person receiving  
2 support may enforce the support order by all civil remedies provided by law.

3 D. Any order for child support may be modified or revoked upon a  
4 showing of changed circumstance which is substantial and continuing, except  
5 as to any amount that may have accrued as an arrearage prior to the date of  
6 the filing of the notice of the motion or order to show cause to modify or  
7 revoke. The order of modification or revocation may be made retroactive to  
8 the date of the filing of the notice of motion or order to show cause to  
9 modify or to revoke or to any date subsequent to such filing. The order of  
10 modification or revocation may include an award of attorney's fees and court  
11 costs to the prevailing party.

12 E. The right of a parent, guardian or custodian or the department of  
13 economic security to receive child support payments as provided in the court  
14 order vests as each installment falls due. Such an order is continuing from  
15 the date of entry and is not barred from enforcement except as provided in  
16 subsection F of this section. Each vested child support installment is  
17 enforceable as a final judgment by operation of law.

18 F. This state or any of those parties listed in subsection E of this  
19 section may file an action within three years after the emancipation of the  
20 youngest of all of the children who were the subject of the court order. In  
21 such a proceeding there is no bar to the establishment of a money judgment  
22 for all of the unpaid child support arrearages for the entire minority of the  
23 children. After such a judgment has been entered, it becomes subject to the  
24 limitations set out in section 12-1551, subsection B. Money judgments for  
25 child support arrearages established during the minority of the children are  
26 not barred or limited in enforcement and collection unless they are not  
27 renewed within ten years after the emancipation of all of the children who  
28 were the subject of the court order. In the case of a disputed emancipation  
29 event, this subsection shall be liberally construed to effect its intention  
30 of diminishing the limitation on the collection of child support arrearages.  
31 As used in this subsection, "emancipation" includes the termination of  
32 disability in those cases in which court orders extend child support beyond  
33 the age of emancipation as allowed under section ~~12-2451~~ 25-501, subsection  
34 A or section 25-320, subsection B.

35 G. If the state or person entitled to receive child support or spousal  
36 maintenance if the spousal maintenance is combined with a child support order  
37 has not received court ordered payments, the state or person may file with  
38 the clerk of the superior court an affidavit indicating the name of the  
39 person obligated to pay support and the amount of the arrearages. The state  
40 or person filing the affidavit shall provide notice to the person obligated  
41 to pay support by certified mail, return receipt requested, of the  
42 provisions of this section, including the person's right to request a hearing  
43 within twenty days, and that an affidavit of arrearages has been filed with  
44 the clerk of the superior court for purposes of obtaining a judgment against

1 the person and shall attach a copy of the affidavit. The state or person  
2 shall provide the clerk with a notice of mailing stating that the notice  
3 required by this subsection was sent to the person obligated to pay support,  
4 the name of the person to whom the notice was sent, the date of mailing to  
5 the person and the date of receipt by the person and shall attach the copy  
6 of the return receipt. Within twenty days after receipt of the notice, the  
7 person alleged to be in arrears may request a hearing in the superior court  
8 if the arrearage amount or identity of the person is in dispute. The court  
9 shall hold the hearing within ten days after receiving the request. If the  
10 person alleged to be in arrears fails to request a hearing within ten days,  
11 or if the court finds that the objection is unfounded, the affidavit of  
12 arrearages has the same force and effect as a judgment of the superior court  
13 against the person obligated to pay support for the amount of arrearages  
14 indicated in the affidavit.

15 Sec. 49. Section 25-504, Arizona Revised Statutes, as transferred and  
16 renumbered by this act, is amended to read:

17 25-504. Order for assignments; violation; classification

18 A. In any proceeding in which the court orders a person to pay support  
19 as defined in section ~~12-2451~~ 25-501, the court shall assign to the person  
20 or agency entitled to receive the support that portion of the person's  
21 earnings, income, entitlements or other monies without regard to source as  
22 necessary to pay the amount ordered by the court. In title IV-D cases in  
23 which the title IV-D agency requests an order of assignment:

24 1. If the obligor's disposable earnings from the primary employer meet  
25 the support obligation, the court shall not issue an order for assignment to  
26 a secondary employer of the obligor.

27 2. If the obligor's disposable wages from the primary employer do not  
28 meet the support obligation, the court shall issue an order for assignment  
29 to a secondary employer of the obligor in order to meet the full support  
30 obligation.

31 B. If a person obligated to pay child support or spousal maintenance  
32 is in arrears, at the time of filing of a petition, for an amount equal to  
33 at least one month's child support or spousal maintenance, the court shall  
34 order an assignment of a portion of the person's earnings, income,  
35 entitlements or other monies without regard to source to the person or  
36 agency entitled to receive child support or spousal maintenance payments.  
37 The assignment shall include payment for current child support or current  
38 spousal maintenance and may include an installment payment for arrearages or  
39 any other support as defined in section ~~12-2451~~ 25-501. An assignment  
40 ordered under this section does not apply to amounts made exempt under  
41 section 33-1131, subsection C or any other applicable exemption law, and any  
42 order of assignment is void to the extent it may purport to reach any such  
43 exempt amount, but only to that extent. If an obligor does not have periodic  
44 earnings, income or entitlements, the court shall order an assignment against

1 any monies owed to the obligor or held for the benefit of the obligor. The  
2 order of assignment shall direct the holder of the monies to withhold and pay  
3 to the person or agency entitled to receive the child support the amount  
4 necessary to pay the amount ordered by the court.

5 C. In any spousal maintenance proceeding in which the court orders a  
6 person to pay spousal maintenance, the court for good cause may order an  
7 assignment of the person's earnings, income, entitlements or other monies  
8 without regard to sources as necessary to pay the amount ordered by the  
9 court.

10 D. On petition or request of this state or the person entitled to  
11 receive child support or spousal maintenance brought pursuant to subsection  
12 B of this section, the court shall issue an order to show cause or to appear  
13 to the person obligated to pay child support or spousal maintenance to appear  
14 before the court to show cause why an assignment of the earnings, income,  
15 entitlements or other monies of the person obligated should not be made. The  
16 petition or request and order to show cause or to appear shall be served on  
17 the person obligated.

18 E. An employer or other payor may answer and may appear at the hearing  
19 on the order to show cause or to appear, but shall not be required to do so.  
20 An employer or other payor shall not be required to pay any fee for  
21 appearance in any proceeding under this section. An order of assignment  
22 under this section shall by its terms expressly direct the withholding and  
23 payment of either a certain dollar amount out of, or a certain percentage of,  
24 earnings, income, entitlements or other monies and shall specify the period  
25 over which the assignment shall be effective. If contested, the petitioner  
26 or respondent at the hearing on the order to show cause or to appear is  
27 entitled to receive court costs and reasonable attorney fees, except that the  
28 court may not impose any liability for court costs or attorney's fees against  
29 or order payment of court costs or attorney's fees to an employer or other  
30 payor or a public agency for such hearing.

31 F. The court may order an assignment for child support or spousal  
32 maintenance directly against any earnings, income, entitlements or other  
33 monies of the person obligated to pay child support or spousal maintenance  
34 without the signature of the person obligated to pay child support or spousal  
35 maintenance, which order shall constitute an assignment by operation of law  
36 of such amounts and of the additional amounts provided in subsection G of  
37 this section. The order of assignment shall include a statement that an  
38 employer shall not discharge or otherwise discipline an employee as a result  
39 of an assignment authorized by this section.

40 G. Actual notice of the assignment and a copy of this subsection and  
41 subsections E, F, H and O of this section shall be provided to the employer  
42 or other payor of monies. The assignment is binding on the employer or other  
43 payor of monies fourteen days after the employer or payor receives actual  
44 notice that the assignment has been made. The employer or other payor shall

1 be deemed to have actual notice on the date of receiving the notice of the  
2 assignment by mail as authorized in this section or on any date of receiving  
3 actual notice, and the order is binding until further notice. The employer  
4 or other payor shall withhold the amount specified in the assignment from the  
5 earnings, income, entitlements or other monies payable to the person  
6 obligated to pay support and shall transmit such amount to the clerk of the  
7 superior court or support payment clearinghouse within ten days after the  
8 date the employee is paid. The employer may combine withheld monies for  
9 several employees in a single payment and separately identify the portion of  
10 the payment which is attributable to each employee. The employer or other  
11 payor may also withhold and retain for application to the employer's or  
12 payor's cost of compliance an additional one dollar per pay period or four  
13 dollars per month, whichever is greater. The employer or other payor shall  
14 notify the clerk or clearinghouse in writing when the person ordered to pay  
15 support or spousal maintenance is no longer employed by the employer or the  
16 right to receive other earnings, income, entitlements or monies has been  
17 terminated. The employer shall also notify the clerk or clearinghouse in  
18 writing of the former employee's last known address and the name and address  
19 of the former employee's new employer if known. If the employer reemploys  
20 the person ordered to pay support within ninety days of termination from  
21 employment, the employer is again bound by the order of assignment and is  
22 required to perform as required by this section. If a payor is again  
23 obligated to pay entitlements or monies to the person ordered to pay support  
24 within ninety days of termination of such right, the payor is again bound by  
25 the order for assignment and is required to perform pursuant to this section.

26 H. An order of assignment under this section shall be binding upon  
27 future employers and other future payors, as an assignment by operation of  
28 law, fourteen days after a certified copy of the assignment order is served  
29 on an employer or other payor as provided under the rules of civil procedure  
30 or by registered mail. Such employer or other payor shall have an  
31 opportunity for a hearing by order to show cause or request for hearing if  
32 desired. The filing of a petition for order to show cause or request for  
33 hearing by an employer or payor delays implementation of the order of  
34 assignment pending a hearing.

35 I. An assignment shall be ordered for the purpose of paying any, or  
36 a combination, of the following:

37 1. All or a portion of the arrearage of child support or spousal  
38 maintenance, or both.

39 2. All or a portion of the current child support or spousal  
40 maintenance, or both.

41 3. All or a portion of the current child support or spousal  
42 maintenance, or both, because of the past conduct of the person so obligated  
43 or because of the threatening conduct of the person so obligated.

1           4. All or a portion of any support as defined in section ~~12-2451~~  
2 25-501.

3           J. The obligation for current child support must be fully met before  
4 any payments under the order entered pursuant to subsection I of this section  
5 may be applied to payment of arrearages.

6           K. An order for assignment may be modified by the court at any time  
7 upon a petition or request of either party and upon a hearing and showing of  
8 change in circumstances which is substantial and continuing.

9           L. Upon petition or request to the court and a hearing, the court may  
10 terminate the order of assignment for spousal maintenance if all arrearages  
11 have been satisfied and the court deems termination of the assignment order  
12 to be in the interest of justice.

13           M. Upon petition or request to the court and a hearing, the court may  
14 terminate the order of assignment if all obligations of support as defined  
15 in section ~~12-2451~~ 25-501 have been satisfied, and the person obligated to  
16 pay child support is no longer obligated to pay the child support.

17           N. The person or agency to whom support has been ordered to be paid  
18 shall notify the clerk of the superior court or support payment clearinghouse  
19 of any address change within a reasonable period of time after such change.  
20 If the clerk or clearinghouse is unable to deliver payments under an  
21 assignment for a period of three months due to the failure of the person to  
22 whom the support has been ordered to be paid to notify the clerk or  
23 clearinghouse, the clerk or clearinghouse shall not make further payment  
24 under the assignment and shall return payments to their source. Under such  
25 circumstances the court or clerk shall order the release of the employer or  
26 payor from the assignment upon request of the employer or payor, or  
27 clearinghouse, or on the clerk's own initiative. An assignment order from  
28 which an employer or payor has been released may be reinstated by following  
29 the procedures for new assignments pursuant to this section.

30           O. Unless a court has ordered otherwise, the person ordered to pay  
31 child support or spousal maintenance shall notify the clerk or clearinghouse  
32 in writing of the addresses of his residence and employment and, within ten  
33 days, of a change in either one. Failure to do so may subject the person to  
34 sanctions for contempt of court, including reasonable attorney fees and  
35 costs.

36           P. An employer shall not refuse to hire a person or shall not  
37 discharge or otherwise discipline an employee as a result of a wage or salary  
38 assignment authorized by this section. An employer who refuses to hire a  
39 person or discharges or otherwise disciplines an employee as a result of the  
40 wage or salary assignment is subject to contempt and fines as established by  
41 the court. Any person wrongfully refused employment or employee wrongfully  
42 discharged or otherwise disciplined is entitled to recovery of damages  
43 suffered, plus reinstatement if appropriate, plus attorney's fees and costs  
44 incurred. An employer or other payor who fails without good cause to comply

1 with the terms of the assignment may be liable for amounts not paid to the  
2 clerk or clearinghouse pursuant to the assignment order, reasonable attorney  
3 fees and costs incurred and may be subject to contempt.

4 Q. An assignment issued pursuant to this section has priority over all  
5 other attachments, executions, garnishments or assignments.

6 R. Notwithstanding any provision of this section to the contrary, the  
7 court may order an assignment of earnings, income, entitlements or other  
8 monies in any decree or order establishing support or maintenance, although  
9 the person owed support or maintenance has not complied with the provisions  
10 of this section or requested such assignment. The court shall order the  
11 assignment if the obligor requests.

12 S. If a person is obligated to pay child support for more than one  
13 family and the amount available for withholding is not sufficient to meet the  
14 total combined child support obligation, any monies withheld from the  
15 obligor's earnings, income, entitlements or other monies shall be allocated  
16 to each family by the employer or payor as follows:

17 1. The amount of current child support ordered in each case shall be  
18 added to obtain the total child support obligation.

19 2. The court ordered amount in each case shall be divided by the total  
20 child support obligation to obtain a percentage of the total amount due.

21 3. The amount withheld from the obligor's earnings, income,  
22 entitlements or other monies shall be multiplied by the percentage under  
23 paragraph 2 of this subsection to obtain the amount to be allocated to each  
24 family.

25 Sec. 50. Section 25-505, Arizona Revised Statutes, as amended by Laws  
26 1994, chapter 374, section 12 and as transferred and renumbered by this act,  
27 is amended to read:

28 25-505. Ex parte order for assignments; violation;  
29 classification

30 A. If a person obligated to pay ~~child~~ support or spousal maintenance  
31 is in arrears for an amount equal to at least one month's child support or  
32 spousal maintenance or wishes to implement a voluntary assignment, the  
33 state, the person entitled to receive the child support or spousal  
34 maintenance or the person obligated to pay support or maintenance may file  
35 a verified petition or request with the clerk of the superior court  
36 requesting the clerk to issue an order for assignment for current child  
37 support, ~~or spousal maintenance and for unpaid monthly installments~~ OR OTHER  
38 SUPPORT AS DEFINED IN SECTION 25-501, if applicable. If the petition or  
39 request is filed by this state it need not be verified.

40 B. In a title IV-D case if there are no arrearages, the person to whom  
41 support or maintenance has been ordered to be paid, or the state, upon  
42 request of such person, may file a petition with the clerk of the superior  
43 court requesting the clerk to issue an order of assignment for current child

1 support or spousal maintenance. In title IV-D cases in which the title IV-D  
2 agency requests an order of assignment:

3 1. If the obligor's disposable earnings from the primary employer meet  
4 the current child support obligation ~~and any arrearage payment~~, the court  
5 shall not issue an order for assignment to a secondary employer of the  
6 obligor.

7 2. If the obligor's disposable wages from the primary employer do not  
8 meet the current child support obligation ~~and any arrearage payment~~, the  
9 court shall issue an order for assignment to a secondary employer of the  
10 obligor in order to meet the ~~current and past due child~~ FULL support  
11 obligations.

12 C. The petition or request shall be provided by the clerk of the court  
13 and shall contain:

14 1. The name of the person or agency entitled to receive child support  
15 or spousal maintenance;

16 2. A statement that the person obligated to pay child support or  
17 spousal maintenance is in arrears for an amount equal to at least one month's  
18 child support or spousal maintenance ~~and for unpaid monthly installments to~~  
19 ~~be paid on any arrearages~~ or wishes to implement a voluntary wage assignment.

20 3. A STATEMENT THAT THE CASE IS A TITLE IV-D CASE AND THAT THERE ARE  
21 NO ARREARAGES.

22 ~~3.~~ 4. The name and address of the payor of earnings, income,  
23 entitlements or other monies.

24 D. Following receipt of the petition or request, the clerk of the  
25 superior court, without notice to the person obligated to pay support or  
26 maintenance, shall order the person to make an assignment of a portion of the  
27 person's earnings, income, entitlements or other monies without regard to  
28 source as is sufficient to pay the amount ~~ordered by the court~~ REQUESTED to  
29 the person or agency entitled to receive the child support or spousal  
30 maintenance. The order shall operate as an assignment and is binding upon  
31 any existing or future employer or other payor of the person ordered to pay  
32 support or spousal maintenance upon whom a copy of the order is served. The  
33 assignment shall be issued for ~~currently accruing~~ CURRENT child support, ~~or~~  
34 spousal maintenance OR OTHER SUPPORT AS DEFINED IN SECTION 25-501 and  
35 arrearages, if applicable. In those cases in which the payment is made  
36 through the court or support payment clearinghouse, the support and  
37 maintenance records of the clerk of the superior court or clearinghouse are  
38 prima facie evidence that the person is at least one month in arrears in  
39 support under this section. The assignment order shall be accompanied by a  
40 written notice in English and Spanish as prescribed in this section. If an  
41 obligor does not have periodic earnings, income or entitlements, the court  
42 shall order an assignment against any monies owed to the obligor or held for  
43 the benefit of the obligor. The order of assignment shall direct the holder  
44 of the monies to withhold and pay to the person or agency entitled to receive

1 the child support the amount necessary to pay the amount ordered by the  
2 court.

3 E. The person or agency to whom support or maintenance has been  
4 ordered to be paid shall notify the clerk of the superior court or support  
5 payment clearinghouse of any address change within a reasonable period of  
6 time after such change. If the clerk or clearinghouse is unable to deliver  
7 payments under an assignment for a period of three months due to the failure  
8 of the person to whom the support or spousal maintenance has been ordered to  
9 be paid to notify the clerk or clearinghouse, the clerk or clearinghouse  
10 shall not make further payment under the assignment and shall return payments  
11 to their source. Under such circumstances the court, clerk or clearinghouse  
12 shall order the release of the employer or payor from the assignment upon  
13 request of the employer, payor or clearinghouse or on the clerk's own  
14 initiative.

15 F. An assignment order made pursuant to this section does not become  
16 binding until thirty-one days after service of a copy of this subsection and  
17 subsections G, H, J, K, N, O and P of this section and two copies of the  
18 petition or request, order and notice upon an employer or other payor. The  
19 copy and two copies of the petition or request, assignment order and notice  
20 shall be served on a person's employer or other payor as provided under the  
21 rules of civil procedure, except that an employer or payor, wherever located,  
22 may be served by registered mail. Service by mail as authorized in this  
23 section is complete when the mailing is received by the employer or other  
24 payor. The employer or other payor shall withhold the amount specified in  
25 the assignment from the earnings, income, entitlements or other monies  
26 payable to the person obligated to support and shall transmit such amount to  
27 the clerk of the superior court or support payment clearinghouse within ten  
28 days after the date the employee is paid. The employer shall advise the clerk  
29 of the court or clearinghouse of the date the monies were withheld, may  
30 combine withheld amounts for several employees in a single payment and shall  
31 separately identify the portion of the payment which is attributable to each  
32 employee. The employer or other payor may also withhold and retain for  
33 application to the employer's or payor's cost of compliance an additional sum  
34 not exceeding three dollars for each pay period in which earnings or other  
35 funds are withheld.

36 G. An order of assignment under this section shall be binding upon  
37 future employers and other future payors, as an assignment by operation of  
38 law, fourteen days after a certified copy of the assignment order is served  
39 on the employer or other payor as provided under the rules of civil procedure  
40 or by registered mail. The employer or other payor shall have an opportunity  
41 for a hearing by order to show cause or request for hearing if desired. The  
42 filing of a petition for an order to show cause or request by the employer  
43 or payor shall delay implementation of the order of assignment pending a  
44 hearing.

1           H. The order of assignment shall direct the employer or other payor  
2 to deliver or mail by registered mail a copy of the petition or request,  
3 assignment order and notice to the person ordered to pay child support or  
4 spousal maintenance within ten days of service thereof on the employer or  
5 other payor. The employer or other payor shall comply with the service  
6 requirements of the order. Service by registered mail is complete when the  
7 mailing is received by the person ordered to pay child support or spousal  
8 maintenance.

9           I. A person alleged to be in arrears may move to quash or request to  
10 stop or modify an assignment order issued under this section at any time.  
11 If the person requests to have a hearing prior to the assignment order  
12 becoming binding on the first employer or other payor, the motion to quash  
13 or request to stop or modify and notice of the hearing must be filed within  
14 ten days after delivery by the person's employer or other payor on such  
15 person of the petition or request, assignment order and notice. The person  
16 alleged to be in arrears shall state under oath that at the time the petition  
17 or request was filed the person was not at least one month in arrears for  
18 child support or spousal maintenance or if the amount shown in the petition  
19 or request and order is incorrect or has been modified. The court shall set  
20 the motion to quash or request to stop or modify for a hearing within ten  
21 days after receipt of the motion or request and notice of hearing. The  
22 person alleged to be in arrears shall mail to the person or agency entitled  
23 to receive support at the return address contained in the petition or request  
24 a copy of the motion or request and notice of hearing immediately upon the  
25 scheduling of the hearing on the motion or request. If the motion or request  
26 and notice of hearing are filed with the court by the person alleged to be  
27 in arrears before the date the order of assignment becomes binding on the  
28 employer or other payor, the court in its discretion may order the clerk of  
29 the court or support payment clearinghouse not to disburse any monies until  
30 after the hearing on the motion or request.

31           J. The employer or other payor shall continue to withhold and forward  
32 support or spousal maintenance as ordered by the clerk of the superior court  
33 until otherwise ordered by the court. The employer or other payor shall  
34 notify the clerk in writing when the person ordered to pay support or spousal  
35 maintenance is no longer employed by the employer or the right to receive  
36 earnings, income, entitlements or other monies has been terminated. The  
37 employer shall also notify the clerk in writing of the former employee's last  
38 known address and the name and address of the former employee's new employer  
39 if known. If the employer reemploys the person ordered to pay support  
40 within ninety days of termination from employment, the employer is again  
41 bound by the order of assignment and is required to perform pursuant to this  
42 section. If a payor is again obligated to pay entitlements or monies to the  
43 person ordered to pay support within ninety days of termination of such

1 right, the payor is again bound by the order of assignment and is required  
2 to perform pursuant to this section.

3 K. An order for assignment may be modified by the court at any time  
4 upon petition or request of either party or the employer or other payor and  
5 upon a hearing and showing of change in circumstances which are substantial  
6 and continuing.

7 L. Upon petition or request to the court and a hearing, the court may  
8 terminate the order of assignment for spousal maintenance if all arrearages  
9 have been satisfied, and if the court deems termination of the assignment  
10 order to be in the interest of justice.

11 M. Upon petition or request to the court and a hearing, the court may  
12 terminate the order of assignment ~~for child support~~ if all arrearages  
13 OBLIGATIONS OF SUPPORT AS DEFINED IN SECTION 25-501 have been satisfied, and  
14 the person obligated to pay child support is no longer obligated to pay the  
15 child support.

16 N. An employer shall not refuse to hire a person or shall not  
17 discharge or otherwise discipline an employee as a result of a wage or salary  
18 assignment authorized by this section, and the order of assignment shall  
19 include such statement. An employer who refuses to hire a person or  
20 discharges or otherwise disciplines an employee as a result of the wage or  
21 salary assignment is subject to contempt and fines as established by the  
22 court. Any person wrongfully refused employment or employee wrongfully  
23 discharged or otherwise disciplined is entitled to recovery of damages  
24 suffered, plus reinstatement if appropriate, plus attorney fees and costs  
25 incurred. An employer or other payor who fails without good cause to comply  
26 with the terms of the assignment may be liable for amounts not paid to the  
27 clerk or clearinghouse pursuant to the assignment order, reasonable attorney  
28 fees and costs incurred and may be subject to contempt.

29 O. An assignment ordered under this section does not apply to amounts  
30 made exempt under section 33-1131, subsection C or any other applicable  
31 exemption laws, and any order of assignment is void to the extent it may  
32 purport to reach any such exempt amount, but only to that extent.

33 P. An assignment issued pursuant to this section has priority over all  
34 other attachments, executions, garnishments or assignments.

35 Q. If a person is obligated to pay child support for more than one  
36 family and the amount available for withholding is not sufficient to meet the  
37 total combined child support obligation, any monies withheld from the  
38 obligor's earnings, income, entitlements or other monies shall be allocated  
39 to each family by the employer or payor as follows:

40 1. The amount of current child support ordered in each case shall be  
41 added to obtain the total child support obligation.

42 2. The court ordered amount in each case shall be divided by the total  
43 child support obligation to obtain a percentage of the total amount due.



1 two copies of the request for assignment, the assignment order  
2 and this notice on the future employer or other payor.

3 You should know that under federal and state law (section  
4 33-1131, Arizona Revised Statutes) no more than one-half of your  
5 disposable earnings for any pay period may be taken to satisfy  
6 an order issued for the support of any person. Moreover, the  
7 amount of disposable earnings exempt from the enclosed assignment  
8 order must be paid to you on the regular payday for the pay  
9 period in which wages were earned. The employer or other payor  
10 may deduct three dollars for each pay period for costs.  
11 Disposable earnings means that remaining portion of a debtor's  
12 wages, salary or compensation for such debtor's personal  
13 services, including bonuses and commissions, or otherwise, and  
14 includes payments pursuant to a pension or retirement program,  
15 after deducting from such earnings those amounts required by law  
16 to be withheld.

17 You should also know that the employer or other payor will  
18 continue to withhold the amount set forth in the order each pay  
19 period and will forward the amount to the clerk or clearinghouse  
20 to pay to the party requesting the assignment until either:

21 1. You file a request with the court and, after a hearing,  
22 the court modifies the order of assignment for spousal  
23 maintenance or terminates the order of assignment for spousal  
24 maintenance if all arrearages are paid and if the court deems  
25 termination of the assignment order to be in the interest of  
26 justice.

27 2. You file a request with the court and, after a hearing,  
28 the court modifies the order of assignment for child support or  
29 terminates the order of assignment for child support when all  
30 ~~arreages~~ SUPPORT OBLIGATIONS AS PRESCRIBED IN SECTION 25-501,  
31 ARIZONA REVISED STATUTES, are paid and you are no longer  
32 obligated to pay child support.

33 An employer may not refuse to hire, may not discharge or  
34 may not otherwise discipline you as a result of this order of  
35 assignment. If you are wrongfully refused employment, discharged  
36 or otherwise disciplined you may recover damages suffered, plus  
37 reinstatement if appropriate, plus reasonable attorney fees and  
38 costs incurred against the employer.

39 Unless a court has ordered otherwise, you have a duty to  
40 notify the clerk of the court in writing of the address of your  
41 residence and of your employment and, within ten days, of a  
42 change in either one. Your failure to do so may subject you to  
43 sanctions for contempt of court, including reasonable attorney

1 fees and costs pursuant to section 25-324, Arizona Revised  
2 Statutes.

3 Sec. 51. Section 25-506, Arizona Revised Statutes, as transferred and  
4 renumbered by this act, is amended to read:

5 25-506. Order for assignment; foreign support order

6 A. A petition for an ex parte order for assignment may be filed by an  
7 agency based on an order for support issued by a court in a state other than  
8 this state. The petition shall include the information required by section  
9 ~~12-2454.01~~ 25-505, subsection C and the following documents:

- 10 1. A certified copy of the support order with all modifications.
- 11 2. A certified copy of an income withholding order, if any, still in  
12 effect.
- 13 3. A copy of the income withholding law of the jurisdiction that  
14 issued the support order.
- 15 4. A sworn statement of arrearages.
- 16 5. The assignment of support rights, if any.

17 B. On receipt of a petition pursuant to subsection A of this section,  
18 the clerk of the court shall enter an order for ex parte assignment. The  
19 order for wage assignment is binding on any employer or payor who is doing  
20 business in this state and who employs or is obligated to make periodic  
21 payments to the person owing child support or spousal maintenance and is  
22 subject to all the provisions of this section. Participation in a proceeding  
23 under this subsection does not confer jurisdiction on a court over any of the  
24 parties to the proceeding in any other proceeding. If an obligor does not  
25 have periodic earnings, income or entitlements, the court shall order an  
26 assignment against any monies owed to the obligor or held for the benefit of  
27 the obligor. The order of assignment shall direct the holder of the monies  
28 to withhold and pay to the person or agency entitled to receive the child  
29 support the amount necessary to pay the amount ordered by the court.

30 C. If the obligor seeks to quash the assignment, the attorney general  
31 or county attorney shall immediately notify the petitioning state of the  
32 date, time and place of the hearing and of the obligee's right to attend.  
33 The only bases for the obligor to contest the withholding are that:

- 34 1. The withholding is not proper because of a mistake of fact that is  
35 not res judicata.
- 36 2. The court that issued the support order lacked personal  
37 jurisdiction over the obligor.
- 38 3. The order was obtained by fraud.
- 39 4. The statute of limitations precludes enforcement of all or a part  
40 of the arrearages.

41 D. The court, on request of any party, shall continue the hearing on  
42 the motion to quash to permit evidence relative to the defense to be adduced  
43 by either party.

1 E. On a motion to quash, the court, for good cause, may quash the  
2 portion of an assignment order relating to arrearages without prejudice to  
3 the petitioner to commence a proceeding under chapter 9, article 10 of this  
4 title.

5 F. If a person is obligated to pay child support for more than one  
6 family and the amount available for withholding is not sufficient to meet the  
7 total combined child support obligation, any monies withheld from the  
8 obligor's earnings, income, entitlements or other monies shall be allocated  
9 to each family by the employer or payor as follows:

10 1. The amount of current child support ordered in each case shall be  
11 added to obtain the total child support obligation.

12 2. The court ordered amount in each case shall be divided by the total  
13 child support obligation to obtain a percentage of the total amount due.

14 3. The amount withheld from the obligor's earnings, income,  
15 entitlements or other monies shall be multiplied by the percentage under  
16 paragraph 2 of this subsection to obtain the amount to be allocated to each  
17 family.

18 Sec. 52. Section 25-512, Arizona Revised Statutes, as transferred and  
19 renumbered by this act, is amended to read:

20 25-512. Consumer credit reports; use of child support or  
21 spousal maintenance obligation information

22 A. A consumer reporting agency as defined in title 44, chapter 11,  
23 article 6 shall include as part of a consumer report information regarding:

24 1. A court order or judgment obligating a person to pay child support  
25 or spousal maintenance.

26 2. A court order for assignment under section ~~12-2454~~ 25-504, 25-323  
27 or 25-323.01.

28 B. The state or a person entitled to receive child support or spousal  
29 maintenance may provide a consumer reporting agency with a copy of a court  
30 order or judgment described in this section.

31 C. The state may provide a consumer reporting agency with electronic  
32 or documentary information that a court order or judgment for child support  
33 or spousal maintenance exists.

34 Sec. 53. Section 25-516, Arizona Revised Statutes, as transferred and  
35 renumbered by this act, is amended to read:

36 25-516. Lien; notice; priority; recording

37 A. Notwithstanding section ~~12-2461~~ 25-514, in a title IV-D case if a  
38 person obligated to pay child support is in arrears for an amount equal to  
39 at least two month's child support, such unpaid amounts shall constitute a  
40 lien upon all property of the obligor. The department may establish a lien  
41 by filing a notice of lien with the county recorder in the county in which  
42 the obligor has property or with a state agency or a political subdivision  
43 of this state that files personal property liens for recording on its  
44 official record. The notice of lien recorded under this section shall

1 specify the nature of the debt, the amount, and the name and last known  
2 address of the obligor. A liquidated judgment is not required to establish  
3 a lien. Recordation is constructive notice to the creditors of the owner or  
4 subsequent purchasers, against the personal or selected real property  
5 described in the lien. The lien has priority over other liens against this  
6 property except for liens arising from mortgages, deeds of trust, contracts,  
7 conveyances or security agreements created by the property owner and  
8 previously recorded or filed.

9 B. The department shall notify an obligor who is at least two months  
10 in arrears in making child support payments, periodic payments on a support  
11 arrearage or periodic payments pursuant to a court order of support that a  
12 notice of lien may be filed against the obligor. The notice shall state the  
13 following:

14 1. The obligor is at least two months in arrears in making child  
15 support payments.

16 2. The obligor may request an administrative review to contest the  
17 arrearages.

18 3. The obligor ~~shall~~ MAY request an administrative review within  
19 fifteen days from the date of mailing of the notice.

20 4. If the obligor requests an administrative review, the department  
21 shall stay the action until a determination has been made at the  
22 administrative review.

23 5. If the obligor fails to respond to the notice, the department shall  
24 file a notice of lien against the obligor.

25 6. The address and telephone number of the department.

26 C. The department shall attach a copy of the order of support to the  
27 notice. The department shall serve the notice by first class mail.

28 D. If an obligor fails to respond to the notice in subsection B within  
29 fifteen days from the date of mailing, the department shall send the obligor  
30 a second notice by first class mail. The second notice shall include the  
31 information under subsection B and shall state the following:

32 1. If the obligor fails to contact the department within fifteen days  
33 from the date of mailing of the second notice, a notice of lien shall be  
34 filed against the obligor.

35 2. This is the final notice the obligor will receive.

36 E. If the obligor requests an administrative review pursuant to this  
37 section, the department shall determine whether to proceed with filing the  
38 notice of lien based on whether the obligor is required to pay child support,  
39 whether the obligor is in arrears, and any other information relevant to the  
40 case. The decision of the department shall be in writing and a copy shall  
41 be provided to the obligor.

42 F. If the department determines that the obligor is at least two  
43 months in arrears and determines at the administrative review to establish  
44 a lien upon the property of the obligor or if the obligor fails to respond

1 to the second notice, a notice of lien shall be recorded and a copy sent to  
2 the obligor by certified mail.

3 G. The department may, at any time, release the property subject to  
4 the lien from the lien. Notice by the department to the effect that the  
5 property had been released from the lien is conclusive evidence that the  
6 property had been released. If any lien imposed pursuant to this section is  
7 satisfied and a notice of lien has been recorded, the department shall issue  
8 a release of the lien to the obligor against whom the lien was claimed. The  
9 department shall record the lien release in any county, agency or political  
10 subdivision where the original lien was recorded.

11 Sec. 54. Section 25-553, Arizona Revised Statutes, as transferred and  
12 renumbered by this act, is amended to read:

13 25-553. Extent of duties of support

14 Duties of support arising under the law of this state, when applicable  
15 under section ~~12-1656~~ 25-556, bind the obligor present in this state  
16 regardless of the presence or residence of the obligee.

17 Sec. 55. Section 25-572, Arizona Revised Statutes, as transferred and  
18 renumbered by this act, is amended to read:

19 25-572. Rules of evidence

20 In any hearing for the civil enforcement of this article the court is  
21 governed by the rules of evidence applicable in a civil court action in the  
22 superior court. If the action is based on a support order issued by another  
23 court, a certified copy of the order shall be received as evidence of the  
24 duty of support, subject only to any defenses available to an obligor with  
25 respect to paternity under section ~~12-1676~~ 25-576 or to a defendant in an  
26 action or a proceeding to enforce a foreign money judgment. The  
27 determination or enforcement of a duty of support owed to one obligee is  
28 unaffected by any interference by another obligee with rights of custody or  
29 visitation granted by a court.

30 Sec. 56. Section 25-587, Arizona Revised Statutes, as transferred and  
31 renumbered by this act, is amended to read:

32 25-587. Official to represent

33 If this state is acting either as a rendering or a registering state,  
34 the prosecuting attorney upon the request of the court shall perform the  
35 duties necessary to establish and enforce support orders in proceedings under  
36 sections ~~12-1684~~ 25-584 through ~~12-1689~~ 25-589. If the prosecuting attorney  
37 neglects or refuses to perform these duties, the attorney general may do so.

38 Sec. 57. Section 25-623, Arizona Revised Statutes, as transferred and  
39 renumbered by this act, is amended to read:

40 25-623. Nonresidents; jurisdiction

41 A. In a proceeding to establish, enforce or modify a support order or  
42 to determine parentage, a tribunal of this state may exercise personal  
43 jurisdiction over a nonresident individual or the individual's guardian or  
44 conservator if any of the following are true:

- 1           1. The individual is personally served within this state.
- 2           2. The individual submits to the jurisdiction of this state by
- 3 consent, by entering a general appearance or by filing a responsive document
- 4 having the effect of waiving any contest to personal jurisdiction.
- 5           3. The individual resided with the child in this state.
- 6           4. The individual resided in this state and provided prenatal expenses
- 7 or support for the child.
- 8           5. The child resides in this state as a result of the acts or
- 9 directives of the individual.
- 10          6. The individual engaged in sexual intercourse in this state and the
- 11 child may have been conceived by that act of intercourse.
- 12          7. The individual asserted parentage on a birth certificate filed in
- 13 this state.
- 14          8. There is any other basis consistent with the constitutions of this
- 15 state and the United States for the exercise of personal jurisdiction.
- 16          B. A tribunal of this state exercising personal jurisdiction over a
- 17 nonresident under this section may use the procedures prescribed under
- 18 sections ~~12-1741~~ 25-641 and ~~12-1743~~ 25-643 to receive evidence and to obtain
- 19 discovery through a tribunal of another state. Notwithstanding any law to
- 20 the contrary, the tribunal shall apply the procedural and substantive law of
- 21 this state, including the rules on choice of law.
- 22          Sec. 58. Section 25-627, Arizona Revised Statutes, as transferred and
- 23 renumbered by this act, is amended to read:
- 24           25-627. Enforcement and modification of a support order by a
- 25                   tribunal having continuing jurisdiction
- 26           A. A tribunal of this state may serve as an initiating tribunal to
- 27 request a tribunal of another state to enforce or modify a support order
- 28 issued in that state.
- 29           B. A tribunal of this state having continuing, exclusive jurisdiction
- 30 over a support order may act as a responding tribunal to enforce or modify
- 31 the order. If a party subject to the tribunal's continuing, exclusive
- 32 jurisdiction of the tribunal no longer resides in the issuing state, in
- 33 subsequent proceedings the tribunal may apply the provisions prescribed in
- 34 sections ~~12-1741~~ 25-641 and ~~12-1743~~ 25-643 to receive evidence from another
- 35 state and to obtain discovery through a tribunal of another state.
- 36           C. A tribunal of this state that lacks continuing, exclusive
- 37 jurisdiction over a spousal support order shall not serve as a responding
- 38 tribunal to modify a spousal support order of another state.
- 39          Sec. 59. Section 25-634, Arizona Revised Statutes, as transferred and
- 40 renumbered by this act, is amended to read:
- 41           25-634. Duties of initiating and responding tribunal
- 42           A. On the filing of a petition authorized by this article, an
- 43 initiating tribunal of this state shall forward three copies of the petition
- 44 and its accompanying documents to the responding tribunal or the appropriate

1 support enforcement agency in the responding state. If the identity of the  
2 responding tribunal is unknown, the tribunal shall forward this information  
3 to the state information agency of the responding state with a request that  
4 it be forwarded to the appropriate tribunal and that receipt be acknowledged.

5 B. When a responding tribunal of this state receives a petition or  
6 comparable pleading from an initiating tribunal or directly pursuant to  
7 section ~~12-1731~~ 25-631, subsection B, it shall file the petition or pleading  
8 and notify the petitioner by first class mail of where and when it was filed.

9 C. A responding tribunal of this state, to the extent otherwise  
10 authorized by law, may do one or more of the following:

11 1. Issue or enforce a support order, modify a child support order or  
12 render a judgment to determine parentage.

13 2. Order an obligor to comply with a support order, specifying the  
14 amount and the manner of compliance.

15 3. Order income withholding.

16 4. Determine the amount of any arrearages and specify a method of  
17 payment.

18 5. Enforce orders by civil or criminal contempt, or both.

19 6. Set aside property for satisfaction of the support order.

20 7. Place liens and order execution on the obligor's property.

21 8. Order an obligor to keep the tribunal informed of the obligor's  
22 current residential address, telephone number, employer, address of  
23 employment and telephone number at the place of employment.

24 9. Issue a civil arrest warrant for an obligor who has failed after  
25 proper notice to appear at a hearing ordered by the tribunal and enter the  
26 civil arrest warrant in any local and state computer systems for criminal  
27 warrants.

28 10. Order the obligor to seek appropriate employment by specified  
29 methods.

30 11. Award reasonable attorney fees and other fees and costs.

31 12. Grant any other available remedy.

32 D. A responding tribunal of this state shall include in a support  
33 order issued under this article or in the documents accompanying the order  
34 the calculations on which the support order is based.

35 E. A responding tribunal of this state may not condition the payment  
36 of a support order issued under this article on compliance by a party with  
37 provisions for visitation.

38 F. If a responding tribunal of this state issues an order under this  
39 article, the tribunal shall send a copy of the order by first class mail to  
40 the petitioner and the respondent and to the initiating tribunal, if any.

41 G. If a petition or comparable pleading is received by an  
42 inappropriate tribunal of this state, that tribunal shall forward the  
43 pleading and accompanying documents to an appropriate tribunal in this state

1 or another state and shall notify the petitioner by first class mail where  
2 and when the pleading was sent.

3 Sec. 60. Section 25-645, Arizona Revised Statutes, as transferred and  
4 renumbered by this act, is amended to read:

5 25-645. Establishment of support order

6 A. If a support order entitled to recognition under this article has  
7 not been issued, a responding tribunal of this state may issue a support  
8 order if either:

9 1. The individual seeking the order resides in another state.

10 2. The support enforcement agency seeking the order is located in  
11 another state.

12 B. The tribunal may issue a temporary child support order if any of  
13 the following are true:

14 1. The respondent has signed a verified statement acknowledging  
15 parentage.

16 2. The respondent has been determined by or pursuant to law to be the  
17 parent.

18 3. There is other clear and convincing evidence that the respondent  
19 is the child's parent.

20 C. On finding, after notice and an opportunity to be heard, that an  
21 obligor owes a duty of support, the tribunal shall issue a support order  
22 directed to the obligor and may issue other orders pursuant to section  
23 ~~12-1734~~ 25-634.

24 Sec. 61. Section 25-646, Arizona Revised Statutes, as transferred and  
25 renumbered by this act, is amended to read:

26 25-646. Recognition of an income withholding order of another  
27 state

28 A. An income withholding order issued in another state may be sent by  
29 first class mail to the person or entity defined as the obligor's employer  
30 without first filing a petition or comparable pleading or registering the  
31 order with a tribunal of this state. On receipt of the order, the employer  
32 shall:

33 1. Treat an income withholding order issued in another state that  
34 appears regular on its face as if it had been issued by a tribunal of this  
35 state.

36 2. Immediately provide a copy of the order to the obligor.

37 3. Treat the order in the same manner as if the order is an assignment  
38 served upon the employer under section ~~12-2454, 12-2454.01 or 12-2454.02~~  
39 25-504, 25-505 OR 25-506.

40 B. An obligor may contest the validity or enforcement of an income  
41 withholding order issued in another state in the same manner as if the order  
42 had been issued by a tribunal of this state. The obligor shall give notice  
43 of the contest to any support enforcement agency providing services to the  
44 obligee and to the person or agency designated to receive payments in the

1 income withholding order, or if no person or agency is designated, to the  
2 obligee.

3 Sec. 62. Section 25-649, Arizona Revised Statutes, as transferred and  
4 renumbered by this act, is amended to read:

5 25-649. Notice of registration of order

6 A. When a support order or income withholding order issued in another  
7 state is registered, the registering tribunal shall notify the nonregistering  
8 party. Notice shall be given by first class, registered mail or by any means  
9 of personal service authorized by the law of this state. The notice shall  
10 be accompanied by a copy of the registered order and the documents and  
11 relevant information accompanying the order.

12 B. The notice shall inform the nonregistering party:

13 1. That a registered order is enforceable as of the date of  
14 registration in the same manner as an order issued by a tribunal of this  
15 state.

16 2. That a hearing to contest the validity or enforcement of the  
17 registered order must be requested within twenty days after the date of  
18 mailing or personal service of the notice.

19 3. That failure to contest the validity or enforcement of the  
20 registered order in a timely manner will result in confirmation of the order  
21 and enforcement of the order and the alleged arrearages and precludes further  
22 contest of that order with respect to any matter that could have been  
23 asserted.

24 4. Of the amount of any alleged arrearages.

25 C. On registration of an income withholding order for enforcement, the  
26 registering tribunal shall serve the obligor's employer with a wage  
27 assignment subject to the provisions of section ~~12-2454, 12-2454.01 or~~  
28 ~~12-2454.02~~ 25-504, 25-505 OR 25-506.

29 Sec. 63. Section 25-650, Arizona Revised Statutes, as transferred and  
30 renumbered by this act, is amended to read:

31 25-650. Procedure to contest the validity or enforcement of a  
32 registered order

33 A. A nonregistering party seeking to contest the validity or  
34 enforcement of a registered order in this state shall request a hearing  
35 within twenty days after the date of mailing or personal service of notice  
36 of the registration. The nonregistering party may seek to vacate the  
37 registration, to assert any defense to an allegation of noncompliance with  
38 the registered order or to contest the remedies being sought or the amount  
39 of any alleged arrearages pursuant to section ~~12-1751~~ 25-651.

40 B. If the nonregistering party fails to contest the validity or  
41 enforcement of the registered order in a timely manner, the order is  
42 confirmed by operation of law.

43 C. If a nonregistering party requests a hearing to contest the  
44 validity or enforcement of the registered order, the registering tribunal

1 shall schedule the matter for hearing and give notice to the parties by first  
2 class mail of the date, time and place of the hearing.

3 Sec. 64. Section 25-803, Arizona Revised Statutes, as transferred and  
4 renumbered by this act, is amended to read:

5 25-803. Persons who may originate proceedings; custody;  
6 visitation

7 A. Proceedings to establish the maternity or paternity of a child or  
8 children and to compel support under this article may be commenced by any of  
9 the following:

- 10 1. The mother.  
11 2. The father.  
12 3. The guardian, conservator or best friend of a child or children  
13 born out of wedlock.  
14 4. A public welfare official or agency of the county where the child  
15 or children reside or may be found.

16 5. The state pursuant to section ~~12-2456~~ 25-509.

17 B. In any case in which paternity has been established, any party to  
18 a proceeding under this article, but not the state, may request that custody  
19 and specific visitation be determined as a part of the proceeding. The court  
20 may award custody and visitation as provided in section ~~25-337~~ 25-408 after  
21 a hearing. The attorney general or county attorney shall not seek or defend  
22 any ancillary matters such as custody or visitation.

23 C. In any case in which paternity is established the parent with whom  
24 the child has resided for the greater part of the last six months shall have  
25 legal custody unless otherwise ordered by the court.

26 Sec. 65. Section 25-810, Arizona Revised Statutes, as transferred and  
27 renumbered by this act, is amended to read:

28 25-810. Liability of parents if putative mother or father is a  
29 minor; periodic payments

30 A. The parent or parents having custody or control of the putative  
31 mother or father may be joined as defendants in the action if the putative  
32 mother or father is a minor or was a minor at the time the action was  
33 commenced. ~~Such~~ THE parents may be held jointly and severally liable with  
34 ~~such~~ THE minor until ~~such~~ THE minor reaches the age of majority.

35 B. The court may order that a judgment made against a parent pursuant  
36 to this section be satisfied through periodic payments as other child support  
37 orders.

38 C. In addition to the enforcement of support remedies provided  
39 pursuant to section ~~12-2455~~ 25-508, an order made pursuant to this section  
40 that provides for periodic payments shall be enforced pursuant to ~~chapter 15~~  
41 ~~of this title~~ THIS CHAPTER.

1           Sec. 66. Section 36-322, Arizona Revised Statutes, is amended to read:  
2           36-322. Birth registration

3           A. A certificate of live birth for each child born alive in this state  
4 shall be filed with the designated registrar within seven days following the  
5 birth with the document prescribed in subsection C of this section. If a  
6 ~~statement~~ DOCUMENT is filed pursuant to section ~~12-852~~ 25-812, subsection ~~D~~  
7 A, the document shall be forwarded to the designated registrar with the birth  
8 certificate.

9           B. If a birth occurs in a moving conveyance, such birth shall be  
10 considered to have occurred in the place where the child was initially  
11 removed from the conveyance.

12           C. When a birth occurs in an institution, the person in charge of the  
13 institution or his designated representative shall obtain the personal data,  
14 prepare the certificate, obtain the required signatures of the informant and  
15 attendant, and file the certificate with the designated registrar. The  
16 personal data shall include the social security numbers of the mother and  
17 father. The social security numbers shall be filed with the certificate as  
18 a separate document. The social security numbers shall not appear on the  
19 birth certificate. The persons certifying to required information shall  
20 furnish this information and affix their signatures in sufficient time to  
21 enable the certificate and the accompanying document to be filed within the  
22 prescribed period. If a child is born out of wedlock in an institution, the  
23 parents shall have an opportunity to voluntarily acknowledge paternity  
24 immediately before or after the birth of the child.

25           D. If the mother or father does not have a social security number,  
26 another legal identifying number may be used pursuant to subsection L of this  
27 section.

28           E. When the birth occurs outside an institution, the necessary data  
29 prescribed in subsection C of this section shall be obtained and the  
30 certificate and the accompanying document shall be prepared and filed by one  
31 of the following in the indicated order of priority:

32           1. The physician in attendance at or immediately after the birth.

33           2. In the absence of a physician, any other person in medical  
34 attendance at or immediately after the birth.

35           3. In the absence of the person prescribed in paragraph 2, the mother,  
36 the father, or any other family member who can supply the required  
37 information, or the person in charge of the premises where the birth  
38 occurred.

39           4. In the absence or inability of a person prescribed in paragraph 3  
40 to act, any other person who witnessed the birth and can supply the required  
41 information.

42           F. If the mother of a child is married at the time of birth of the  
43 child or was married at any time in the ten months immediately preceding such  
44 birth, the name of her husband shall be entered on the birth certificate as

1 the father and is otherwise presumed to be the father of the child, except  
2 where paternity has been established otherwise by a court of competent  
3 jurisdiction. In such instance, the name of the man so adjudged shall be  
4 entered on the record as the father.

5 G. If the mother of a child is unmarried at the time of birth of the  
6 child and was unmarried throughout the ten months immediately preceding such  
7 birth, the name of the alleged father, if any, shall not be entered on the  
8 birth certificate unless sworn statements acknowledging such paternity are  
9 voluntarily presented by both the alleged father and the mother, or unless  
10 paternity has been established by a court of competent jurisdiction.

11 H. Either parent may sign the birth certificate attesting to the  
12 accuracy of the personal data. If no parent is available to sign, the record  
13 may be signed by another family member or other person possessing personal  
14 knowledge of the information attested to.

15 I. Except in class A registration districts, the birth certificate of  
16 a child born out of wedlock shall be filed directly with the state registrar.

17 J. The state registrar shall not refuse to register a birth  
18 certificate because the certificate fails to include the name of the father  
19 required by subsection F of this section.

20 K. Registration of a birth certificate shall be accompanied by the  
21 social security numbers of the mother and father. If the provisions of  
22 subsection G of this section apply, the social security number of the alleged  
23 father of the child shall be provided whether paternity has been established  
24 or acknowledged. This information shall be available on request to the child  
25 support enforcement agency for purposes of locating the absent parent or  
26 alleged father or for establishment or enforcement of child support orders.

27 L. If the mother or father does not have a social security number,  
28 another legal identifying number may be used, including a tribal enrollment  
29 number, an immigration AND naturalization service alien registration number  
30 or a nonimmigrant visa number. If a person has an immigration AND  
31 naturalization service alien registration number and a nonimmigrant visa  
32 number, that person shall submit both numbers.

33 M. The department shall adopt rules providing for good cause  
34 exceptions to the requirements of this section. Good cause exceptions shall  
35 include a case in which a parent is not a United States citizen, in which the  
36 name, identity or whereabouts of the father ~~is~~ ARE unknown, in which the name  
37 of the father does not appear on the birth certificate, in which the child  
38 was conceived as a result of incest or ~~forcible rape~~ SEXUAL ASSAULT, or in  
39 which legal proceedings for the adoption of the child are pending before a  
40 court of competent jurisdiction.

1           Sec. 67. Section 46-441, Arizona Revised Statutes, is amended to read:  
2           46-441. Support payment clearinghouse; records transfer;  
3           payment; definition

4           A. The department shall establish a central clearinghouse and at least  
5 one branch office or representative in each county to receive, disburse and  
6 monitor support payments pursuant to 42 United States Code sections 651  
7 through 665. The county board of supervisors or its designee is the  
8 representative for the central clearinghouse in each county if the board  
9 meets the requirements of 42 United States Code sections 651 through 665.

10          B. All orders for support issued after July 1, 1986 shall direct  
11 payment in title IV-D cases through the clearinghouse. All orders existing  
12 as of July 1, 1986 in title IV-D cases which specify payments through the  
13 clerk of the superior court shall be deemed to require payment to the  
14 clearinghouse after a notice to the obligor is issued.

15          C. The clerk of the superior court shall assist in transferring to the  
16 clearinghouse copies of all payment histories and relevant legal documents  
17 pertaining to the issue of support in title IV-D cases. This information  
18 shall be furnished on request.

19          D. Support payments and handling fees shall be paid to the  
20 clearinghouse as provided in section ~~12-2453~~ 25-503, subsection A, in an  
21 amount as prescribed in section 12-284, subsection A for the annual support  
22 handling fee.

23          E. The clearinghouse shall have an accounting system for monitoring  
24 child support payments. The records of the clearinghouse are prima facie  
25 evidence of payment or nonpayment of support. When a case becomes delinquent  
26 in an amount equal to one month's child support or spousal maintenance, the  
27 clearinghouse shall notify the collections unit of the department or the  
28 county attorney and notify the obligor that the delinquency has been  
29 reported.

30          F. Payment of any money directly to an obligee or to a person other  
31 than the clearinghouse or clerk of the court after July 1, 1986 shall not be  
32 credited against the support obligation unless the direct payments were  
33 ordered by the court, or made pursuant to a support agreement by the parties.

34          G. The clearinghouse shall issue copies of payment histories and  
35 receipts for payment on request and may charge a fee for these services.

36          H. In this section, "title IV-D case" means a proceeding for support  
37 instituted by this state as required by 42 United States Code sections 651  
38 through 665.

APPROVED BY THE GOVERNOR APRIL 16, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 1996