

**FILED**

State of Arizona  
House of Representatives  
Forty-second Legislature  
Second Regular Session  
1996

**Jane Dee Hull  
Secretary of State**

CHAPTER 231

**HOUSE BILL 2163**

AN ACT

AMENDING SECTION 12-2453, ARIZONA REVISED STATUTES; RELATING TO FAMILY RESPONSIBILITY.

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

2 Section 1. Section 12-2453, Arizona Revised Statutes, is amended to  
3 read:

4 12-2453. Order for support; methods of payment; modification;  
5 revocation; statute of limitations; judgment on  
6 arrearages; notice

7 A. In any proceeding in which there is at issue the support of a  
8 child, the court may order either or both parents to pay any amount necessary  
9 for the support of the child. If a personal check for support payments and  
10 handling fees is rightfully dishonored by the payor bank or other drawee, any  
11 subsequent support payments and handling fees shall be paid only by cash,  
12 money order, cashier's check, traveler's check or certified check. If a  
13 person required to pay support other than by personal check demonstrates full  
14 and timely payment for twenty-four consecutive months, that person shall be  
15 permitted to pay support by personal check as long as such payments are for  
16 the full amount, are timely tendered and are not rightfully dishonored by the  
17 payor bank or other drawee. Upon a showing of good cause, the court may  
18 order that the parent or parents required to make such payments of support  
19 give reasonable security for such payments. If the court sets an appearance  
20 bond and the obligor fails to appear, the bond shall be forfeited and  
21 credited against any arrearages owed by the person required to pay support.

1 This subsection does not apply to payments that are made by means of a wage  
2 assignment.

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

10 C. In a case where the court has ordered that support be paid directly  
11 to the custodial parent, if the payment is not received within ten days of  
12 the date in the court order for payment of support, the person receiving  
13 support may enforce the support order by all civil remedies provided by law.

14 D. Any order for child support may be modified or revoked upon a  
15 showing of changed circumstance which is substantial and continuing, except  
16 as to any amount that may have accrued as an arrearage prior to the date of  
17 the filing of the notice of the motion or order to show cause to modify or  
18 revoke. The order of modification or revocation may be made retroactive to  
19 the date of the filing of the notice of motion or order to show cause to  
20 modify or to revoke or to any date subsequent to such filing. The order of  
21 modification or revocation may include an award of attorney's fees and court  
22 costs to the prevailing party.

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

29 F. This state or any of those parties listed in subsection E of this  
30 section may file an action within three years after the emancipation of the  
31 youngest of all of the children who were the subject of the court order. In  
32 such a proceeding there is no bar to the establishment of a money judgment  
33 for all of the unpaid child support arrearages for the entire minority of the  
34 children. After ~~such~~ a judgment has been entered, it becomes subject to the  
35 limitations set out in section 12-1551, subsection B. Money judgments for  
36 child support arrearages established during the minority of the children are  
37 not barred or limited in enforcement and collection unless they are not  
38 renewed within ten years after the emancipation of all of the children who  
39 were the subject of the court order. ~~In the case of a disputed~~ IF  
40 emancipation ~~event~~ IS DISPUTED, this subsection shall be liberally construed  
41 to effect its intention of diminishing the limitation on the collection of  
42 child support arrearages. As used in this subsection, "emancipation"  
43 includes the termination of disability in those cases in which court orders

1 extend child support beyond the age of emancipation as allowed under section  
2 12-2451, subsection A or section 25-320, subsection B.

3 G. If the state or person entitled to receive child support or spousal  
4 maintenance if the spousal maintenance is combined with a child support order  
5 has not received court ordered payments, the state or person may file with  
6 the clerk of the superior court an affidavit indicating the name of the  
7 person obligated to pay support and the amount of the arrearages. The state  
8 or person filing the affidavit shall provide notice to the person obligated  
9 to pay support by certified mail, return receipt requested, of the  
10 provisions of this section, including the person's right to request a hearing  
11 within twenty days, and that an affidavit of arrearages has been filed with  
12 the clerk of the superior court for purposes of obtaining a judgment against  
13 the person and shall attach a copy of the affidavit. The state or person  
14 shall provide the clerk with a notice of mailing stating that the notice  
15 required by this subsection was sent to the person obligated to pay support,  
16 the name of the person to whom the notice was sent, the date of mailing to  
17 the person and the date of receipt by the person and shall attach the copy  
18 of the return receipt. Within twenty days after receipt of the notice, the  
19 person alleged to be in arrears may request a hearing in the superior court  
20 if the arrearage amount or identity of the person is in dispute. The court  
21 shall hold the hearing within ten days after receiving the request. If the  
22 person alleged to be in arrears fails to request a hearing within ~~ten days~~  
23 THE TIME PROVIDED, or if the court finds that the objection is unfounded, THE  
24 COURT SHALL REVIEW the affidavit of arrearages has the same force and effect  
25 as a judgment of the superior court AND GRANT AN APPROPRIATE JUDGMENT against  
26 the person obligated to pay support for the amount of arrearages indicated  
27 in the affidavit.

APPROVED BY THE GOVERNOR APRIL 20, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 1996