

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 89

# SENATE BILL 1487

AN ACT

AMENDING SECTIONS 25-502 AND 25-683, ARIZONA REVISED STATUTES; RELATING TO  
FAMILY SUPPORT DUTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-502, Arizona Revised Statutes, is amended to  
3 read:

4 25-502. Jurisdiction, venue and procedure; additional  
5 enforcement provisions

6 A. The superior court has original jurisdiction in proceedings brought  
7 by ~~this state or~~ by THE DEPARTMENT, ITS AGENTS, a person having physical  
8 custody of a child OR A PARTY TO THE CASE to establish, enforce or modify the  
9 duties of support as prescribed in this chapter. All such proceedings are  
10 civil actions except as provided in section 25-511. Proceedings to  
11 ~~establish, enforce or modify~~ the duties of support as prescribed in this  
12 chapter may be originated in the county of residence of the respondent or the  
13 petitioner or of the child or children who are the subject of the action.

14 B. A PROCEEDING TO ESTABLISH SUPPORT MUST ORIGINATE IN THE COUNTY  
15 WHERE THE CHILD RESIDES OR, IF THE CHILD RESIDES OUT OF STATE, THE COUNTY OF  
16 THIS STATE WHERE THE PARTY FILING THE PETITION TO ESTABLISH SUPPORT RESIDES,  
17 IF EITHER OF THE FOLLOWING APPLY:

18 1. AN ACTION DOES NOT EXIST UNDER THIS TITLE.

19 2. PATERNITY WAS ESTABLISHED WITHOUT A COURT ORDER PURSUANT TO SECTION  
20 36-322.

21 C. A PERSON OR THE DEPARTMENT OR ITS AGENT MUST FILE A PETITION TO  
22 ESTABLISH OR MODIFY A CHILD SUPPORT ORDER IN THE SUPERIOR COURT IN THE COUNTY  
23 OF THE LAST ORDER ISSUED UNDER THIS TITLE IF AN ORDER EXISTS IN THIS STATE.  
24 IF A PERSON WISHES THE CASE TRANSFERRED TO THE COUNTY OF THIS STATE WHERE THE  
25 CHILD RESIDES OR, IF THE CHILD RESIDES OUT OF STATE, THE COUNTY OF THIS STATE  
26 WHERE THE PARTY REQUESTING THE TRANSFER RESIDES, THE PERSON MUST FILE A  
27 REQUEST FOR TRANSFER WITH THE CLERK OF THE SUPERIOR COURT THAT ISSUED THE  
28 LAST ORDER.

29 D. A REQUEST FOR TRANSFER PURSUANT TO SUBSECTION C OF THIS SECTION  
30 MUST INCLUDE A PETITION OR MOTION REGARDING SUPPORT, A STATEMENT OF PAYMENTS  
31 IN DEFAULT, IF APPLICABLE, AND THE TRANSMITTAL FEE PRESCRIBED IN SECTION  
32 12-284. THE RESPONDING PARTY MAY OBJECT TO THE TRANSFER BY FILING AN  
33 OBJECTION AND AFFIDAVIT WITHIN TWENTY DAYS AFTER SERVICE OF THE REQUEST TO  
34 TRANSFER.

35 E. IF THE CLERK DOES NOT RECEIVE AN OBJECTION AND AFFIDAVIT PURSUANT  
36 TO SUBSECTION D OF THIS SECTION, THE CLERK SHALL TRANSFER THE PROCEEDING AND  
37 ALL RELATED COURT FILES TO THE OTHER COUNTY WITHIN THIRTY DAYS AFTER SERVICE  
38 OF THE REQUEST TO TRANSFER. IF THE CLERK RECEIVES AN OBJECTION AND AFFIDAVIT  
39 WITHIN THE TIME PRESCRIBED IN SUBSECTION D OF THIS SECTION, THE CLERK SHALL  
40 NOTIFY ALL PARTIES OF THE DATE OF THE HEARING AT LEAST TEN DAYS BEFORE THE  
41 HEARING DATE. THE COURT MAY HEAR EVIDENCE RELEVANT ONLY TO THE ISSUE OF THE  
42 TRANSFER. IF THE COURT ORDERS THE TRANSFER, THE CLERK SHALL TRANSFER THE  
43 PROCEEDING AND COURT FILES WITHIN TEN DAYS AFTER THE ORDER.

44 F. THE COUNTY TO WHICH A TRANSFER IS MADE PURSUANT TO SUBSECTION D OR  
45 E OF THIS SECTION SHALL PROCEED AS IF THE PROCEEDING WERE BROUGHT IN THAT

1 COUNTY ORIGINALLY. A JUDGMENT FROM THAT COUNTY HAS THE SAME EFFECT AND MAY  
2 BE ENFORCED OR MODIFIED AS A JUDGMENT FROM THE ORIGINAL COUNTY.

3 G. THE PARTY WHO PETITIONED FOR TRANSFER MUST PAY THE POSTADJUDICATION  
4 FEE PRESCRIBED IN SECTION 12-284 TO THE COUNTY TO WHICH THE PROCEEDING WAS  
5 TRANSFERRED WITHIN TWENTY DAYS AFTER THE TRANSFER ORDER. IF THE PARTY DOES  
6 NOT PAY THE FEE BY THAT DATE, THE TRANSFER ORDER IS AUTOMATICALLY NULLIFIED  
7 AND THE COURT CLERK SHALL RETURN THE PROCEEDING AND ALL RELATED COURT FILES  
8 TO THE ORIGINAL COUNTY.

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

14 ~~C.~~ I. On filing of the petition AND, IF APPLICABLE, AFTER A TRANSFER  
15 IS COMPLETED, the court shall issue an order requiring the respondent  
16 RESPONDING PARTY to appear at the time and place set for the hearing on the  
17 petition. The petition shall include each person's and child's social  
18 security number if known. Service of the order and a copy of the petition  
19 shall be as provided in the Arizona rules of civil procedure. If the  
20 respondent RESPONDING PARTY receives notice of a hearing but fails to appear,  
21 the court may issue a child support arrest warrant as provided in article 5  
22 of this chapter and shall require that the respondent RESPONDING PARTY pay  
23 at the time of arrest an amount set by the court to secure the respondent's  
24 RESPONDING PARTY'S release from custody pending an appearance at the next  
25 scheduled hearing. The court also may find the person PARTY to be in  
26 contempt of court pursuant to section 12-864.01 and set an amount to be paid  
27 to purge the contempt. Any purge amount set by the court shall supersede the  
28 amount required to be set to secure the respondent's RESPONDING PARTY'S  
29 release, and the respondent RESPONDING PARTY shall pay only the purge amount  
30 as a condition of release from custody. Any amounts paid under this section  
31 shall be deposited with the clerk of the court or the support payment  
32 clearinghouse and credited first to the respondent's RESPONDING PARTY'S  
33 current child support obligation and then to arrearages. The court may grant  
34 a default judgment for arrearages on a prima facie showing of the amount due.

35 ~~D. The state or a parent, guardian or custodial person may file with~~  
36 ~~the clerk of the superior court a request to establish a child support order~~  
37 ~~and a proposed order including a document that indicates how the support~~  
38 ~~amount was calculated. The request shall include each person's and child's~~  
39 ~~social security number, if known. The request, proposed order and document~~  
40 ~~shall be served on the parent pursuant to the Arizona rules of civil~~  
41 ~~procedure. The state or the party shall file proof of service with the clerk~~  
42 ~~of the superior court. On written request the obligated parent is entitled~~  
43 ~~to a hearing within fifteen days after service of the request and proposed~~  
44 ~~order. If the parent does not request a hearing, the court shall review the~~  
45 ~~submitted order and document and sign the submitted support order or enter~~

1 ~~another appropriate order. The department shall enforce the order in title~~  
2 ~~IV-D cases.~~

3 J. THE DEPARTMENT OR ITS AGENT OR A PARENT, GUARDIAN OR CUSTODIAN MAY  
4 FILE WITH THE CLERK OF THE SUPERIOR COURT A REQUEST TO ESTABLISH CHILD  
5 SUPPORT. THE REQUEST MUST INCLUDE A PROPOSED ORDER, THE WORKSHEET FOR CHILD  
6 SUPPORT AND A NOTICE OF THE RIGHT TO REQUEST A HEARING WITHIN TWENTY DAYS  
7 AFTER SERVICE IN THIS STATE OR WITHIN THIRTY DAYS AFTER SERVICE OUTSIDE THIS  
8 STATE. THE REQUEST MUST ALSO INCLUDE THE SOCIAL SECURITY NUMBER OF THE CHILD  
9 AND EACH PARTY TO THE PROCEEDING. THE REQUEST, PROPOSED ORDER, WORKSHEET AND  
10 NOTICE SHALL BE SERVED PURSUANT TO THE ARIZONA RULES OF CIVIL PROCEDURE ON  
11 ALL PARTIES, AND IN A TITLE IV-D CASE, ON THE DEPARTMENT OR ITS AGENT. IN  
12 A TITLE IV-D CASE, THE DEPARTMENT OR ITS AGENT MAY SERVE ALL PARTIES BY  
13 CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF A PARTY DOES NOT REQUEST A  
14 HEARING WITHIN THE TIME PRESCRIBED BY THIS SUBSECTION, THE COURT SHALL REVIEW  
15 THE PROPOSED ORDER AND WORKSHEET AND ENTER AN APPROPRIATE ORDER OR SET THE  
16 MATTER FOR A HEARING. IN A TITLE IV-D CASE, THE DEPARTMENT OR ITS AGENT  
17 SHALL ENFORCE THE ORDER.

18 ~~E~~. K. Each licensing board or agency that issues professional,  
19 recreational or occupational licenses or certificates shall record on the  
20 application the social security number of the applicant and shall enter this  
21 information in its ~~data-base~~ DATABASE in order to aid the department of  
22 economic security in locating parents or their assets or to enforce child  
23 support orders. This subsection does not apply to a license issued pursuant  
24 to title 17 that is not issued by an automated drawing system. If a  
25 licensing board or agency allows an applicant to use a number other than the  
26 social security number on the face of the license or certificate while the  
27 licensing board or agency keeps the social security number on file, the  
28 licensing board or agency shall advise an applicant of this fact.

29 Sec. 2. Section 25-683, Arizona Revised Statutes, is amended to read:  
30 25-683. Procedure after arrest; payment for release from  
31 custody

32 A. When a person who is arrested pursuant to a child support arrest  
33 warrant is brought before the court, the judicial officer shall advise the  
34 arrested person of the nature of the proceedings and shall set a date for the  
35 next court appearance. The arrested person may be released from custody  
36 pending the hearing if the arrested person pays the amount set by the court  
37 pursuant to section 25-681 or a larger amount as the court determines. The  
38 court shall not reduce the amount ordered to be paid. The arrested person  
39 shall not be released from custody without paying the amount unless the court  
40 finds in writing or on the record that a compelling reason exists to release  
41 the arrested person. Monies received pursuant to this subsection shall be  
42 deposited and credited pursuant to section 25-502, subsection ~~C~~ I.

43 B. If the arrested person pays the full amount set forth in the  
44 warrant before the arrested person is brought before a judicial officer, the  
45 arrested person may be released after receiving a notice to appear in the

1 superior court in the county in which the warrant was issued pursuant to the  
2 procedure prescribed in section 25-682, subsection E. If the arrested person  
3 fails to appear as directed, a child support arrest warrant may be issued.

4 C. The arresting agency shall forward all amounts that are paid by the  
5 arrested person for release pursuant to this subsection to the clerk of the  
6 superior court in the county in which the warrant was issued or the support  
7 payment clearinghouse for deposit and credit pursuant to section 25-502,  
8 subsection C- I.

APPROVED BY THE GOVERNOR APRIL 9, 2001.  
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2001.

Passed the House April 04, 2001,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 28, 2001,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of April, 2001,

at 1:07 o'clock P M.

Secretary to the Governor

Approved this 9 day of

April, 2001,

at 11:50 o'clock AM M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of April, 2001,

at 4:33 o'clock P M.

Secretary of State

S.B. 1487