

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 18

HOUSE BILL 2130

AN ACT

AMENDING SECTION 25-502, 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 the department, its agents, a person having physical custody of a child
8 or a party to the case to establish, enforce or modify the duties of support
9 as prescribed in this chapter. All such proceedings are civil actions except
10 as provided in section 25-511. Proceedings to enforce the duties of support
11 as prescribed in this chapter may be originated in the county of residence
12 of the respondent or the petitioner or of the child or children who are the
13 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 applies:

- 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 ISSUE THE TRANSFER ORDER AND
37 transfer the proceeding and all related court files to the other county
38 within thirty days after service of the request to transfer. If the clerk
39 receives an objection and affidavit within the time prescribed in subsection
40 D of this section, the clerk shall notify all parties of the date of the
41 hearing at least ten days before the hearing date. The court may hear
42 evidence relevant only to the issue of the transfer. If AFTER THAT HEARING
43 the court orders the transfer, the clerk shall transfer the proceeding and
44 court files within ten days after the order. THE COUNTY TO WHICH THE

1 TRANSFER IS MADE RETAINS THE COURT FILES AND VENUE FOR ALL PURPOSES AND THE
2 TRANSFERRING COUNTY SHALL NOT RETAIN A COPY OF THOSE FILES.

3 F. The county to which a transfer is made pursuant to subsection D or
4 E of this section shall proceed as if the proceeding were brought in that
5 county originally. A judgment from that county has the same effect and may
6 be enforced or modified as a judgment from the original county.

7 G. The party who petitioned for transfer must pay the postadjudication
8 fee prescribed in section 12-284 to the county to which the proceeding was
9 transferred within ten days after the date the clerk of the court mails the
10 notice of the requirement to pay the postadjudication fee. If the party does
11 not pay the fee by that date, the transfer order is automatically nullified
12 and the court clerk shall return the proceeding and all related court files
13 to the original county.

14 H. Except as provided in section 25-510, in title IV-D cases the
15 superior court shall accept for filing any documents that are received
16 through electronic transmission if the electronically reproduced document
17 states that the copy used for the electronic transmission was certified
18 before it was electronically transmitted.

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

39 J. The department or its agent or a parent, guardian or custodian may
40 file with the clerk of the superior court a request to establish child
41 support. The request must include a proposed order, the worksheet for child
42 support and a notice of the right to request a hearing within twenty days
43 after service in this state or within thirty days after service outside this
44 state. The request must also include the social security number of the child
45 and each party to the proceeding. The request, proposed order, worksheet and

1 notice shall be served pursuant to the Arizona rules of civil procedure on
2 all parties, and in a title IV-D case, on the department or its agent. In
3 a title IV-D case, the department or its agent may serve all parties by
4 certified mail, return receipt requested. If a party does not request a
5 hearing within the time prescribed by this subsection, the court shall review
6 the proposed order and worksheet and enter an appropriate order or set the
7 matter for a hearing. In a title IV-D case, the department or its agent
8 shall enforce the order.

9 K. Each licensing board or agency that issues professional,
10 recreational or occupational licenses or certificates shall record on the
11 application the social security number of the applicant and shall enter this
12 information in its database in order to aid the department of economic
13 security in locating parents or their assets or to enforce child support
14 orders. This subsection does not apply to a license THAT IS issued pursuant
15 to title 17 AND that is not issued by an automated drawing system. If a
16 licensing board or agency allows an applicant to use a number other than the
17 social security number on the face of the license or certificate while the
18 licensing board or agency keeps the social security number on file, the
19 licensing board or agency shall advise an applicant of this fact.

APPROVED BY THE GOVERNOR MARCH 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2003.

Passed the House February 18, 2003

Passed the Senate March 20, 2003

by the following vote: 59 Ayes,

by the following vote: 26 Ayes,

0 Nays, 1 Not Voting

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Ken Blumenthal
President of the Senate

Norman L. Moore
Chief Clerk of the House

Cherrin Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
24 day of March, 2003,

at 3:12 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 28 day of

March, 2003,

at 8:01 o'clock A M.

J. A. ...
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 28 day of March, 2003,

at 3:02 o'clock P M.

Janice K. Brewer
Secretary of State