

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

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House of Representatives  
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First Regular Session  
2007

CHAPTER 14

# **HOUSE BILL 2214**

AN ACT

AMENDING SECTIONS 25-314, 25-501, 25-502, 25-504, 25-806, 25-812, 25-1251 AND 25-1302, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC RELATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-314, Arizona Revised Statutes, is amended to  
3 read:

4 25-314. Pleadings; contents; defense; joinder of parties;  
5 confidentiality

6 A. The verified petition in a proceeding for dissolution of marriage  
7 or legal separation shall allege that the marriage is irretrievably broken or  
8 that one or both of the parties desire to live separate and apart, or, if the  
9 marriage is a covenant marriage, any of the grounds prescribed in section  
10 25-903 or 25-904, whichever is appropriate, and shall set forth:

11 1. The birth date, occupation, ~~social security number if a duty of~~  
12 ~~support exists or may exist pursuant to section 25-501~~, and address of each  
13 party and the length of domicile in this state.

14 2. The date of the marriage, the place at which it was performed and  
15 whether the marriage is a covenant marriage.

16 3. The names, birth dates, ~~social security numbers~~ and addresses of  
17 all living children, natural or adopted, common to the parties and whether  
18 the wife is pregnant.

19 4. The details of any agreements between the parties as to support,  
20 custody and parenting time of the children and maintenance of a spouse.

21 5. The relief sought.

22 B. Either party to the marriage may initiate the proceeding.

23 C. The only defense to a petition for the dissolution of a marriage or  
24 legal separation is that the marriage is not irretrievably broken. If the  
25 marriage is a covenant marriage, it is a defense that none of the grounds  
26 alleged for a dissolution of marriage or legal separation prescribed in  
27 section 25-903 or 25-904 are met.

28 D. The court may join additional parties necessary for the exercise of  
29 its authority.

30 E. This section does not require a victim of domestic violence or a  
31 resident of a domestic violence shelter as defined in section 36-3001 to  
32 divulge the person's address, except that a means of communicating with the  
33 resident, such as a post office box or address of the person's attorney, must  
34 be disclosed.

35 Sec. 2. Section 25-501, Arizona Revised Statutes, is amended to read:

36 25-501. Duties of support; exemption

37 A. Except as provided in subsection F of this section, every person  
38 has the duty to provide all reasonable support for that person's natural and  
39 adopted minor, unemancipated children, regardless of the presence or  
40 residence of the child in this state. In the case of mentally or physically  
41 disabled children, if the court, after considering the factors set forth in  
42 section 25-320, subsection D, deems it appropriate, the court may order  
43 support to continue past the age of majority. If a child reaches the age of  
44 majority while the child is attending high school or a certified high school  
45 equivalency program, support shall continue to be provided while the child is

1 actually attending high school or the equivalency program but only until the  
2 child reaches nineteen years of age unless the court enters an order pursuant  
3 to section 25-320, subsection E.

4 B. A child who is born as the result of artificial insemination is  
5 entitled to support from the mother as prescribed by this section and the  
6 mother's spouse if the spouse either is the biological father of the child or  
7 agreed in writing to the insemination before or after the insemination  
8 occurred.

9 C. The child support guidelines shall be used in determining the  
10 ability to pay child support and the amount of payments. The obligation to  
11 pay child support is primary and other financial obligations are secondary.

12 D. All duties of support as prescribed in this chapter may be enforced  
13 by all civil and criminal remedies provided by law.

14 E. Remedies provided by this chapter are cumulative and do not affect  
15 the availability of remedies under other law.

16 F. The court may determine that a parent is not obligated to  
17 contribute to the support of the parent's minor child if maternity or  
18 paternity is the result of the parent's sexual contact with a person who, as  
19 a result of that contact, has been found guilty of sexual conduct with a  
20 minor under section 13-1405 or sexual assault under section 13-1406. The  
21 court may also apply this exemption to the parent's parents or legal  
22 guardian.

23 G. IN ANY ACTION FILED PURSUANT TO THIS TITLE, IF A DUTY OF SUPPORT  
24 FOR ANOTHER PERSON EXISTS OR MAY EXIST THE PARTIES SHALL FILE THE SOCIAL  
25 SECURITY NUMBERS OF EACH PARTY AND ANY AFFECTED CHILDREN IN THE RECORD OF THE  
26 PROCEEDING IN A MANNER THAT IS CONSISTENT WITH THE REQUIREMENTS OF THE  
27 ARIZONA RULES OF FAMILY LAW RELATING TO SENSITIVE DATA. THE COURT SHALL  
28 INCLUDE THIS INFORMATION IN THE STATE CASE REGISTRY AND SHALL MAINTAIN THIS  
29 INFORMATION IN A MANNER THAT IS CONSISTENT WITH THE REQUIREMENTS OF THE  
30 ARIZONA RULES OF FAMILY LAW RELATING TO SENSITIVE DATA.

31 Sec. 3. Section 25-502, Arizona Revised Statutes, is amended to read:  
32 25-502. Jurisdiction, venue and procedure; additional  
33 enforcement provisions

34 A. The superior court has original jurisdiction in proceedings brought  
35 by the department, its agents, a person having physical custody of a child or  
36 a party to the case to establish, enforce or modify the duties of support as  
37 prescribed in this chapter. All such proceedings are civil actions except as  
38 provided in section 25-511. Proceedings to enforce the duties of support as  
39 prescribed in this chapter may be originated in the county of residence of  
40 the respondent or the petitioner or of the child or children who are the  
41 subject of the action.

42 B. A proceeding to establish support must originate in the county  
43 where the child resides or, if the child resides out of state, the county of  
44 this state where the party filing the petition to establish support resides,  
45 if either of the following applies:

1           1. An action does not exist under this title.

2           2. Paternity was established without a court order pursuant to section  
3 36-334.

4           C. A person or the department or its agent must file a petition to  
5 establish or modify a child support order in the superior court in the county  
6 of the last order issued under this title if an order exists in this  
7 state. If a person wishes the case transferred to the county of this state  
8 where the child resides or, if the child resides out of state, the county of  
9 this state where the party requesting the transfer resides, the person must  
10 file a request for transfer with the clerk of the superior court that issued  
11 the last order.

12           D. A request for transfer pursuant to subsection C of this section  
13 must include a petition or motion regarding support, a statement of payments  
14 in default, if applicable, and the transmittal fee prescribed in section  
15 12-284. The responding party may object to the transfer by filing an  
16 objection and affidavit within twenty days after service of the request to  
17 transfer.

18           E. If the clerk does not receive an objection and affidavit pursuant  
19 to subsection D of this section, the clerk shall issue the transfer order and  
20 transfer the proceeding and all related court files to the other county  
21 within thirty days after service of the request to transfer. If the clerk  
22 receives an objection and affidavit within the time prescribed in subsection  
23 D of this section, the clerk shall notify all parties of the date of the  
24 hearing at least ten days before the hearing date. The court may hear  
25 evidence relevant only to the issue of the transfer. If after that hearing  
26 the court orders the transfer, the clerk shall transfer the proceeding and  
27 court files within ten days after the order. The county to which the  
28 transfer is made retains the court files and venue for all purposes and the  
29 transferring county shall not retain a copy of those files.

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

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

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

1           I. On filing of the petition and, if applicable, after a transfer is  
2 completed, the court shall issue an order requiring the responding party to  
3 appear at the time and place set for the hearing on the petition. ~~The~~  
4 ~~petition shall include each person's and child's social security number if~~  
5 ~~known.~~ Service of the order and a copy of the petition shall be as provided  
6 in the Arizona rules of civil procedure. If the responding party receives  
7 notice of a hearing but fails to appear, the court may issue a child support  
8 arrest warrant as provided in article 5 of this chapter and shall require  
9 that the responding party pay at the time of arrest an amount set by the  
10 court to secure the responding party's release from custody pending an  
11 appearance at the next scheduled hearing. The court also may find the party  
12 to be in contempt of court pursuant to section 12-864.01 and set an amount to  
13 be paid to purge the contempt. Any purge amount set by the court shall  
14 supersede the amount required to be set to secure the responding party's  
15 release, and the responding party shall pay only the purge amount as a  
16 condition of release from custody. Any amounts paid under this section shall  
17 be deposited with the clerk of the court or the support payment clearinghouse  
18 and credited first to the responding party's current child support obligation  
19 and then to arrearages. The court may grant a default judgment for  
20 arrearages on a prima facie showing of the amount due.

21           J. The department or its agent or a parent, guardian or custodian may  
22 file with the clerk of the superior court a request to establish child  
23 support. The request must include a proposed order, the worksheet for child  
24 support and a notice of the right to request a hearing within twenty days  
25 after service in this state or within thirty days after service outside this  
26 state. ~~The request must also include the social security number of the child~~  
27 ~~and each party to the proceeding.~~ The request, proposed order, worksheet and  
28 notice shall be served pursuant to the Arizona rules of civil procedure on  
29 all parties, and in a title IV-D case, on the department or its agent. In a  
30 title IV-D case, the department or its agent may serve all parties by  
31 certified mail, return receipt requested. If a party does not request a  
32 hearing within the time prescribed by this subsection, the court shall review  
33 the proposed order and worksheet and enter an appropriate order or set the  
34 matter for a hearing. In a title IV-D case, the department or its agent  
35 shall enforce the order.

36           K. Each licensing board or agency that issues professional,  
37 recreational or occupational licenses or certificates shall record on the  
38 application the social security number of the applicant and shall enter this  
39 information in its database in order to aid the department of economic  
40 security in locating parents or their assets or to enforce child support  
41 orders. This subsection does not apply to a license that is issued pursuant  
42 to title 17 and that is not issued by an automated drawing system. If a  
43 licensing board or agency allows an applicant to use a number other than the  
44 social security number on the face of the license or certificate while the

1 licensing board or agency keeps the social security number on file, the  
2 licensing board or agency shall advise an applicant of this fact.

3 Sec. 4. Section 25-504, Arizona Revised Statutes, is amended to read:

4 25-504. Order of assignment; ex parte order of assignment;  
5 responsibilities; violation; termination

6 A. In a proceeding in which the court orders a person to pay support  
7 the court shall, and in a proceeding in which the court orders a person to  
8 pay spousal maintenance the court may, assign to the person or agency  
9 entitled to receive the support or spousal maintenance that portion of the  
10 person's income necessary to pay the amount ordered by the court. In a  
11 proceeding in which spousal maintenance is ordered to be paid the court shall  
12 order the assignment on either party's request.

13 B. A person WHO IS obligated by an order to pay support or spousal  
14 maintenance, the person to whom support or spousal maintenance is ordered to  
15 be paid or the department or its agent in a title IV-D case may file a  
16 verified request with the clerk of the superior court requesting the clerk to  
17 issue an ex parte order of assignment for support or spousal maintenance. The  
18 ex parte order of assignment may include a payment for current support and  
19 any other support, current spousal maintenance, spousal maintenance  
20 arrearages and interest on spousal maintenance arrearages. A request filed  
21 by the department or its agent need not be verified. The request shall  
22 state:

23 1. The name of the person or agency entitled to receive support or  
24 spousal maintenance.

25 2. The monthly amount of any current support and the monthly amount of  
26 any spousal maintenance ordered by the court.

27 3. The specific amount requested for any support arrearages, spousal  
28 maintenance arrearages or interest.

29 4. The name and address of the payor to whom it is requested the order  
30 of assignment be directed and the name ~~and social security number~~ of the  
31 person obligated to pay support or spousal maintenance.

32 C. After receipt of a request for an ex parte order of assignment the  
33 clerk of the superior court, without a hearing or notice to the person  
34 obligated to pay support or spousal maintenance, shall issue an order of  
35 assignment of that portion of the person's income as is sufficient to pay the  
36 amount requested to the person or agency entitled to receive the support or  
37 spousal maintenance. THE ORDER OF ASSIGNMENT SHALL INCLUDE THE SOCIAL  
38 SECURITY NUMBER OF THE OBLIGATED PERSON. On issuance of an ex parte order of  
39 assignment, the clerk shall issue a notice directed to the obligor in  
40 substantially the following form, which shall also be in Spanish:

41 Notice

42 To: The obligor (the person ordered to pay support or  
43 spousal maintenance)

44 This is to notify you that part of your income or other  
45 monies is being taken away by the enclosed order of assignment

1 that was issued on a request for an order of assignment that  
2 also is enclosed. The order of assignment has been issued for  
3 currently accruing child support or spousal maintenance, or  
4 both, based on the requesting party's claim that you are  
5 obligated to pay this. In addition, the requesting party may be  
6 claiming a right to collect other support, as defined in section  
7 25-500, Arizona Revised Statutes, arrearages on spousal  
8 maintenance or interest on a judgment for unpaid spousal  
9 maintenance.

10 If you believe the enclosed order of assignment is  
11 improper or unlawful, that your property is exempt by law, or  
12 that your employer or other payor is withholding more than is  
13 permitted by law, you may request a hearing before the superior  
14 court. You must file a request to terminate or adjust the order  
15 of assignment on forms provided by the clerk of the court within  
16 seven days after your receipt of the order for assignment,  
17 request for an order of assignment and this notice. If you  
18 request a hearing, it will be held no more than ten days after  
19 you file your request with the court.

20 Here are some other important things you should know:

21 The order of assignment is effective immediately on  
22 service of the order on your employer or another payor. The  
23 first employer or payor served shall not withhold or deduct  
24 amounts specified in the ex parte order of assignment for  
25 fourteen calendar days from the date of service to allow you,  
26 the obligor, an opportunity to contest the order of assignment  
27 as provided in section 25-504, Arizona Revised Statutes. A  
28 future employer or payor may begin deductions sooner than the  
29 fourteen day period after the order of assignment is received.

30 If you request a hearing, the court, after considering the  
31 financial resources of both parties and the reasonableness of  
32 the positions each party has taken, may order a party to pay a  
33 reasonable amount to the other for the attorney fees and costs  
34 of filing or defending the request.

35 Under state law (section 33-1131, Arizona Revised  
36 Statutes) no more than one-half of your disposable earnings for  
37 any pay period may be taken to satisfy an order issued for  
38 support or spousal maintenance. The amount of disposable  
39 earnings exempt from the order of assignment must be paid to you  
40 when due. Disposable income means the remaining portion of your  
41 wages, salary or compensation for personal services, including  
42 bonuses and commissions, or otherwise, and includes payments  
43 pursuant to a pension or retirement program or a deferred  
44 compensation plan, after deducting from such earnings the  
45 amounts required by law to be withheld.

1           An employer or other payor who receives the order of  
2 assignment may deduct from amounts due to you one dollar for  
3 each pay period, but not more than four dollars per month, for  
4 costs. The employer or payor also must deduct a monthly amount  
5 for the support payment handling fee required by state law  
6 (section 25-510, Arizona Revised Statutes).

7           The employer or other payor on whom the order of  
8 assignment is served will continue to withhold the amount set in  
9 the order and will forward the payment to the support payment  
10 clearinghouse until you file with the clerk one of the  
11 following:

12           1. A verified request to adjust the order of assignment,  
13 and the court adjusts the order of assignment because there has  
14 been a change of circumstances since the time of the issuance of  
15 the order or there is other good cause to do so.

16           2. A verified request for a hearing to terminate the  
17 order of assignment and, after a hearing, the court terminates  
18 the order of assignment if all obligations have been satisfied  
19 or will be satisfied within ninety days.

20           3. A notarized stipulation stating that the obligation to  
21 pay support or spousal maintenance has ended and that all  
22 arrearages either have been satisfied or have been waived, and  
23 the clerk terminates the order of assignment.

24           An employer may not refuse to hire, may not discharge or  
25 may not otherwise discipline you as a result of the order of  
26 assignment. If you are wrongfully refused employment,  
27 discharged or otherwise disciplined you may recover damages  
28 suffered, plus reinstatement if appropriate, plus reasonable  
29 attorney fees and costs incurred against the employer.

30           Unless a court has expressly ordered otherwise, you must  
31 notify the clerk of the court or the support payment  
32 clearinghouse in writing of the address of your residence and of  
33 your employment and, within ten days, of a change in either one.  
34 Your failure to do so may subject you to sanctions for contempt  
35 of court, including reasonable attorney fees and costs pursuant  
36 to state law (section 25-504, subsection R, Arizona Revised  
37 Statutes). Official notices will be delivered to you at the  
38 most recent addresses you have provided to the clerk or support  
39 payment clearinghouse.

40           D. Any order of assignment shall be issued only for support, spousal  
41 maintenance, spousal maintenance arrearages, interest on spousal maintenance  
42 arrearages and handling fees. The order of assignment shall state the total  
43 amount that the payor shall withhold. The order of assignment also shall  
44 specify the monthly amount of current support and any other payment ordered  
45 for support, the monthly amount of any current spousal maintenance, the

1 monthly amount of any spousal maintenance arrearages and any monthly interest  
2 payment. If the obligor's disposable earnings from the primary employer or  
3 other payor do not meet the support obligation, the court shall issue an  
4 order of assignment to a secondary employer or other payor of the obligor in  
5 order to meet the full support obligation.

6 E. An order of assignment shall be served on any employer or other  
7 payor by first class mail, electronic transmission or personal delivery or  
8 pursuant to the Arizona rules of civil procedure. The order of assignment is  
9 effective immediately on receipt by any employer or other payor and any  
10 future employer or future payor. Any employer or other payor of monies shall  
11 begin withholding no later than fourteen days after receipt of an order of  
12 assignment. The employer or other payor, if feasible, may begin withholding  
13 sooner than the fourteen day period if a payment to the obligor is due  
14 sooner.

15 F. Two copies of an ex parte order of assignment and of the request  
16 for an order of assignment, together with a copy of the notice required by  
17 this section, shall be served on any employer or other payor in the same  
18 manner as other orders of assignment under this section. Within five days  
19 after receipt, the employer or payor shall serve by personal delivery or by  
20 registered mail one copy of the ex parte order of assignment and of the  
21 request and the notice on the employee or other payee. The ex parte order of  
22 assignment is effective on any employer or other payor, and as an assignment  
23 by operation of law is effective on any future employers or other future  
24 payors, immediately on receipt. The first employer or other payor served  
25 shall not withhold or deduct amounts specified in the ex parte order of  
26 assignment for fourteen calendar days to allow the obligor an opportunity to  
27 contest the order of assignment as provided in this section. Any future  
28 employers or future payors shall begin withholding not later than fourteen  
29 days after receipt of an ex parte order of assignment but, if feasible, may  
30 begin withholding sooner than fourteen days if a payment to the obligor is  
31 due sooner.

32 G. After service of an ex parte order of assignment on the employer or  
33 payor that initially receives the order of assignment, an obligor may request  
34 a hearing to contest the ex parte order of assignment. The request shall be  
35 made in writing, and the obligor shall state under oath the specific reason  
36 for the request. The request shall be filed with the court together with a  
37 notice of hearing form. The court shall hold a hearing within ten days after  
38 the request and notice of hearing form is filed. Immediately on the  
39 scheduling of the hearing, the obligor shall serve a copy of the request for  
40 and notice of hearing on the person entitled to receive support, and in a  
41 title IV-D case to the department. If the obligor files a request for  
42 hearing within seven days after receipt of the order of assignment, the court  
43 may order the support payment clearinghouse not to disburse any monies  
44 received pursuant to the order of assignment until further order of the

1 court. The obligor may contest the withholding for any of the following  
2 reasons:

- 3 1. There is an error in the identity of the obligor.
- 4 2. There is an error in the amount of support or spousal maintenance.
- 5 3. Invalidity of the order for support or spousal maintenance.
- 6 4. Current support or spousal maintenance is no longer owed, if the  
7 order of assignment includes a payment for current support or spousal  
8 maintenance.
- 9 5. Arrearages are not owed if the order of assignment includes a  
10 payment for arrearages.

11 H. Any employer or other payor who has received any order of  
12 assignment shall withhold the amount specified in the order of assignment,  
13 together with the handling fee as provided in section 25-510, from the income  
14 of the person obligated to pay support or spousal maintenance and shall  
15 transmit the withheld monies to the support payment clearinghouse within two  
16 business days after the obligor is paid or after the payment to the obligor  
17 is due. The handling fee shall be deducted and transmitted monthly. For the  
18 cost of compliance the employer or payor may also withhold and retain an  
19 additional one dollar per payment but not more than four dollars per month  
20 for each obligor. An employer or payor may combine in a single payment  
21 withheld monies for more than one obligor, shall separately identify the  
22 portion of the remittance that is attributable to each obligor and shall  
23 include each obligor's social security number. An employer or payor shall  
24 notify the clerk or support payment clearinghouse in writing when the obligor  
25 is no longer employed or the right to receive income or other monies has been  
26 terminated. The employer or payor shall also notify the clerk or support  
27 payment clearinghouse in writing of the obligor's social security number and  
28 last known address and the name and address of the obligor's new employer, if  
29 known, within ten days. In a non-title IV-D case, within ten days after  
30 receiving this information the support payment clearinghouse shall notify the  
31 clerk of the superior court in the county where the support or maintenance  
32 order was issued. If within ninety days of the last payment, the employer or  
33 other payor reemploys the obligor or becomes obligated to pay the obligor,  
34 the employer or payor is again bound by the order of assignment and is  
35 required to perform as required by this section. In a title IV-D case the  
36 order of assignment may be reinstated pursuant to section 25-505.01. An  
37 employer or payor who fails without good cause to comply with the terms of an  
38 order of assignment is liable for amounts not paid to the clerk or support  
39 payment clearinghouse pursuant to the order of assignment and reasonable  
40 attorney fees, costs and other expenses incurred in procuring compliance and  
41 may be subject to contempt.

42 I. If a person is obligated to pay child support for more than one  
43 family and the amount available for withholding is not sufficient to meet the  
44 total combined current child support obligation, any monies withheld from the

1 obligor's income shall be allocated to each family by the employer or payor  
2 as follows:

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

5 2. The amount of current child support ordered in each case shall be  
6 divided by the total current child support obligation to obtain the  
7 percentage of the total current child support obligation to be allocated to  
8 each case.

9 3. The amount withheld from the obligor shall be multiplied by the  
10 percentage for each case to obtain the amount to be allocated to each case.

11 J. The person or agency entitled to receive support or spousal  
12 maintenance shall notify the clerk of the superior court or support payment  
13 clearinghouse in writing of any change of residential address and of any  
14 other information required pursuant to section 46-443, within ten days of any  
15 change. If after reasonable efforts to locate the obligee the clerk or  
16 support payment clearinghouse is unable to deliver payments under an order of  
17 assignment for the period prescribed in section 25-503 due to the failure of  
18 an obligee to comply with the notice requirement of this subsection, the  
19 clerk or support payment clearinghouse shall not make further payment under  
20 the order of assignment and shall return payments to the obligor as  
21 prescribed in section 25-503. Under these circumstances the court, clerk or  
22 department or its agent shall order the release of the employer or payor from  
23 the order of assignment on request of the employer, the payor, the department  
24 or its agent or on the clerk's own initiative. Any order of assignment from  
25 which an employer or payor has been released may be reinstated by following  
26 the procedures for obtaining an ex parte order of assignment pursuant to this  
27 section or, in a title IV-D case, an administrative income withholding order  
28 pursuant to section 25-505.01.

29 K. Unless a court has ordered otherwise, the person ordered to pay  
30 support or spousal maintenance shall notify the clerk of the superior court  
31 or the support payment clearinghouse in writing of the obligor's residential  
32 address and the name and address of any employer, and within ten days of any  
33 change. Failure to do so may subject the person to sanctions for contempt of  
34 court, including reasonable attorney fees and costs.

35 L. Any order of assignment may be adjusted if there has been a change  
36 of circumstances since the date the order of assignment was issued or for  
37 good cause. The department or its agent or a person obligated to pay or  
38 entitled to receive support or spousal maintenance shall file with the clerk  
39 of the superior court a request to adjust the order of assignment and a  
40 proposed order of assignment. The request shall specify the adjustment  
41 sought and the reason for the request. A copy of the request shall be served  
42 pursuant to the Arizona rules of civil procedure, or by the department or its  
43 agent in a title IV-D case by first class mail, on all other parties and on  
44 the state if the department is providing title IV-D support services or has a  
45 claim for arrearages. The party receiving the request and proposed order may

1 request a hearing within twenty days or within thirty days if service is made  
2 outside this state. On proof of service and if a hearing has not been  
3 requested within the time allowed, the clerk shall issue the order of  
4 assignment as appropriate. Within two business days after the date the order  
5 of assignment is issued, the clerk shall transmit a copy of the order of  
6 assignment to the employer or payor, the department or its agent and all  
7 parties. Unless ordered otherwise by the court, in a title IV-D case any  
8 order of assignment may be adjusted pursuant to section 25-505.01.

9 M. The department or its agent or a person obligated to pay or  
10 entitled to receive support or spousal maintenance may file a request to  
11 terminate any order of assignment if the obligation to pay support or spousal  
12 maintenance has ended or will end within ninety days after the filing of the  
13 request and if all arrearages either have been paid or will be paid within  
14 the period or have been waived. The request shall state the reason why  
15 termination is requested and shall contain the name and address of the  
16 employer or payor of the person obligated to pay support. A copy of the  
17 request shall be served pursuant to the Arizona rules of civil procedure, or  
18 by the department or its agent in a title IV-D case by first class mail, on  
19 all other parties and on the state if the department is providing title IV-D  
20 support services or has a claim for arrearages. A party receiving this  
21 notice may request a hearing within twenty days or within thirty days if  
22 service is made outside this state. On proof of service and if a hearing has  
23 not been requested within the time allowed, the clerk shall issue an order  
24 terminating the order of assignment as appropriate. Within two business days  
25 after the date the order is issued, the clerk shall transmit a copy of the  
26 order terminating the order of assignment to the employer or payor and to the  
27 department or its agent. If a hearing is requested, the court shall set the  
28 hearing within twenty days after receiving the request and shall issue an  
29 appropriate order. A person who is ordered to pay support may request the  
30 court to terminate an order of assignment at any time if an employer is  
31 making deductions on multiple assignments for an obligation for the same  
32 minor children. Notwithstanding any law to the contrary, the clerk shall not  
33 charge a fee to a person who files a request to terminate an order of  
34 assignment if an employer is making deductions on multiple assignments for an  
35 obligation for the same minor children.

36 N. If a request to adjust or terminate an order of assignment is  
37 filed, the court in its discretion may order that the clerk of the superior  
38 court or support payment clearinghouse not disburse any monies in dispute  
39 until further order of the court.

40 O. The clerk of the superior court shall issue an order terminating  
41 the order of assignment if the parties, including the department or its agent  
42 in a title IV-D case, file a notarized stipulation with the clerk that all  
43 obligations of support or spousal maintenance have been satisfied and that  
44 the obligor is no longer obligated to pay support or spousal maintenance.  
45 The stipulation shall state that the current obligation of support or spousal

1 maintenance no longer exists and that all arrearages either have been  
2 satisfied or waived. The stipulation shall also contain the name and address  
3 of the employer or payor of the person obligated to pay support or spousal  
4 maintenance. Within five business days after the date the stipulation is  
5 filed, the clerk shall transmit a copy of the order terminating the order of  
6 assignment to the employer or payor and to the department or its agent.  
7 Notwithstanding any law to the contrary, the clerk shall not charge a fee to  
8 a party who files a stipulation pursuant to this subsection.

9 P. An assignment ordered pursuant to this section has priority over  
10 all other executions, attachments or garnishments. An obligation for current  
11 child support shall be fully met before any payments pursuant to an order of  
12 assignment may be applied to any other support obligation. An assignment  
13 ordered under this section does not apply to amounts made exempt under  
14 section 33-1131 or any other applicable exemption law.

15 Q. Any employer or other payor shall not refuse to hire a person and  
16 shall not discharge or otherwise discipline an obligor because of service of  
17 an order of assignment authorized by this section. An employer or payor who  
18 refuses to hire a person or who discharges or otherwise disciplines an  
19 employee or obligor because of service of an order of assignment is subject  
20 to contempt and sanctions as may be ordered by the court. A person who is  
21 wrongfully refused employment, wrongfully discharged or otherwise disciplined  
22 is entitled to recover damages sustained by the prohibited conduct,  
23 reinstatement, if appropriate, and attorney fees and costs incurred.

24 R. In any proceeding under this section the court, after considering  
25 the financial resources of the parties and the reasonableness of the  
26 positions each party has taken, may order a party to pay a reasonable amount  
27 to another party for the costs and expenses, including attorney fees, of  
28 maintaining or defending the proceeding.

29 Sec. 5. Section 25-806, Arizona Revised Statutes, is amended to read:  
30 25-806. Petition

31 A. Paternity proceedings are commenced by the filing of a verified  
32 petition ~~that includes the social security number of each party and that~~  
33 alleges that a woman is delivered of a child or children born out of lawful  
34 wedlock or pregnant with a child conceived out of wedlock and that the  
35 respondent is the father of the child or children.

36 B. Maternity proceedings are commenced by the filing of a verified  
37 petition ~~that includes the social security number of each party and that~~  
38 alleges that a woman is delivered of a child or children born out of lawful  
39 wedlock and that the woman as respondent is the mother of the child or  
40 children.

41 C. The procedure on the filing of the petition shall be as in other  
42 civil cases.

43 D. If the respondent does not file a response or if the respondent  
44 files a written response admitting paternity or maternity, the court may  
45 immediately enter a judgment of paternity or maternity. If other relevant

1 issues are raised in the petition or response or in a separate petition filed  
2 after entry of a paternity or maternity judgment, the court shall proceed to  
3 resolve all relevant issues in the case pursuant to the rules of procedure  
4 applicable to family law cases.

5 E. A trial held pursuant to this section shall be made to the court.  
6 Sec. 6. Section 25-812, Arizona Revised Statutes, is amended to read:  
7 25-812. Voluntary acknowledgment of paternity; action to  
8 overcome paternity

9 A. This state or the parent of a child born out of wedlock may  
10 establish the paternity of a child by filing one of the following with the  
11 clerk of the superior court, the department of economic security or the  
12 department of health services:

13 1. A notarized or witnessed statement that contains the social  
14 security numbers of both parents and that is signed by both parents  
15 acknowledging paternity or two separate substantially similar notarized or  
16 witnessed statements acknowledging paternity. IF THE VOLUNTARY  
17 ACKNOWLEDGMENT IS FILED WITH THE COURT, THE FILING PARTY MUST REDACT ANY  
18 SOCIAL SECURITY NUMBERS AND FILE THEM SEPARATELY PURSUANT TO SECTION 25-501,  
19 SUBSECTION G. If another man is presumed to be the child's father pursuant  
20 to section 25-814, an acknowledgment of paternity is valid only with the  
21 presumed father's written consent or as prescribed pursuant to section  
22 25-814. A statement that is witnessed by an employee of the department of  
23 economic security or the department of health services or by an employee of a  
24 hospital must contain the printed name and residential or business address of  
25 the witness. A statement that is witnessed by any other person must contain  
26 the printed name and residential address of the witness. If the  
27 acknowledgment of paternity is witnessed, the witness must be an adult who is  
28 not related to either parent by blood or by marriage.

29 2. An agreement by the parents to be bound by the results of genetic  
30 testing including any genetic test previously accepted by a court of  
31 competent jurisdiction, or any combination of genetic testing agreed to by  
32 the parties, and an affidavit from a certified laboratory that the tested  
33 father has not been excluded.

34 B. On filing a document required in subsection A of this section with  
35 the clerk of the superior court, the clerk or authorized court personnel  
36 shall issue an order establishing paternity, which shall ~~include the social~~  
37 ~~security number of the parents and~~ may amend the name of the child or  
38 children, if requested by the parents. The clerk shall transmit a copy of  
39 the order of paternity to the department of health services and the  
40 department of economic security.

41 C. On entry of an order by the clerk of the superior court, the  
42 paternity determination has the same force and effect as a judgment of the  
43 superior court. In a non-title IV-D case, the clerk shall transmit a copy of  
44 an order granted under this subsection to the state title IV-D agency. The  
45 case filing fee prescribed by section 12-284 shall not be charged to any

1 person who, in the same county, initiates or responds to a proceeding to  
2 establish child support or to obtain an order for custody or parenting time  
3 within ninety days after an order establishing paternity is issued under  
4 subsection B of this section.

5 D. A voluntary acknowledgment of paternity executed pursuant to  
6 subsection A, paragraph 1 of this section may be filed with the department of  
7 economic security, which shall provide a copy to the department of health  
8 services. A voluntary acknowledgment of paternity made pursuant to this  
9 section is a determination of paternity and has the same force and effect as  
10 a superior court judgment.

11 E. Pursuant to rule 60(c) of the Arizona rules of civil procedure, the  
12 mother, father or child, or a party to the proceeding on a rule 60(c) motion,  
13 may challenge a voluntary acknowledgment of paternity established in this  
14 state at any time after the sixty day period only on the basis of fraud,  
15 duress or material mistake of fact, with the burden of proof on the  
16 challenger and under which the legal responsibilities, including child  
17 support obligations of any signatory arising from the acknowledgment shall  
18 not be suspended during the challenge except for good cause shown. The court  
19 shall order the mother, her child or children and the alleged father to  
20 submit to genetic testing and shall direct that appropriate testing  
21 procedures determine the inherited characteristics, including blood and  
22 tissue type. If the court finds by clear and convincing evidence that the  
23 genetic tests demonstrate that the established father is not the biological  
24 father of the child, the court shall vacate the determination of paternity  
25 and terminate the obligation of that party to pay ongoing child support. An  
26 order vacating the determination of paternity operates prospectively only and  
27 does not alter the obligation to pay child support arrearages or, unless  
28 otherwise ordered by the court, any other amount previously ordered to be  
29 paid pursuant to section 25-809.

30 F. Before signing a voluntary acknowledgment of paternity pursuant to  
31 this section, the parties shall be provided notice of the alternatives to,  
32 the legal consequences of and the rights and responsibilities that arise from  
33 signing the acknowledgment.

34 G. The department of economic security shall notify the department of  
35 health services of all paternity determinations and rescissions.

36 H. The mother or the father may rescind the acknowledgment of  
37 paternity within the earlier of:

38 1. Sixty days after the last signature is affixed to the notarized  
39 acknowledgment of paternity that is filed with the department of economic  
40 security, the department of health services or the clerk of the court.

41 2. The date of a proceeding relating to the child, including a child  
42 support proceeding in which the mother or father is a party.

43 I. A rescission authorized pursuant to subsection H of this section  
44 must be in writing and a copy of each rescission of paternity shall be filed  
45 with the department of economic security. The department of economic

1 security shall mail a copy of the rescission of paternity to the other parent  
2 and to the department of health services.

3 J. Voluntary acknowledgments of paternity and rescissions of paternity  
4 filed pursuant to this section shall contain data elements in accordance with  
5 the requirements of the United States secretary of health and human services.

6 Sec. 7. Section 25-1251, Arizona Revised Statutes, is amended to read:  
7 25-1251. Pleadings and accompanying documents

8 A. In a proceeding under this chapter, a petitioner seeking to  
9 establish a support order, determine parentage or register and modify a  
10 support order of another state must file a petition. Unless otherwise  
11 ordered under section 25-1252, the petition or accompanying documents shall  
12 provide, as far as known, the name, residential address and social security  
13 number of the obligor and the obligee and the name, sex, residential address,  
14 social security number and date of birth of each child for whose benefit  
15 support is sought or whose parentage is to be determined. ANY SOCIAL  
16 SECURITY NUMBERS MAY BE REDACTED AND FILED SEPARATELY PURSUANT TO SECTION  
17 25-501, SUBSECTION G. Unless filed at the time of registration, the petition  
18 must be accompanied by a copy of any support order known to have been issued  
19 by another tribunal. The petition may include any other information that may  
20 assist in locating or identifying the respondent.

21 B. The petition shall specify the relief sought. The petition and  
22 accompanying documents shall conform substantially with the requirements  
23 imposed by the forms mandated by federal law for use in cases filed by a  
24 support enforcement agency.

25 Sec. 8. Section 25-1302, Arizona Revised Statutes, is amended to read:  
26 25-1302 Procedure to register order for enforcement

27 A. A support order or income withholding order of another state may be  
28 registered in this state by sending the following documents and information  
29 to the appropriate tribunal in this state:

30 1. A letter of transmittal to the tribunal requesting registration and  
31 enforcement.

32 2. Two copies, including one certified copy, of the order to be  
33 registered, including any modification of the order.

34 3. A sworn statement by the person requesting registration or a  
35 certified statement by the custodian of the records showing the amount of any  
36 arrearage.

37 4. The name of the obligor and, if known:

38 (a) The obligor's address and social security number. THE OBLIGOR'S  
39 SOCIAL SECURITY NUMBER MAY BE REDACTED AND FILED SEPARATELY PURSUANT TO  
40 SECTION 25-501, SUBSECTION G.

41 (b) The name and address of the obligor's employer and any other  
42 source of income of the obligor.

43 (c) A description and the location of property of the obligor in this  
44 state not exempt from execution.

- 1           5. Except as otherwise provided in section 25-1252, the name and  
2 address of the obligee and, if applicable, the person to whom support  
3 payments are to be remitted.
- 4           B. On receipt of a request for registration, the registering tribunal  
5 shall cause the order to be filed as a foreign judgment, together with one  
6 copy of the documents and information, regardless of their form.
- 7           C. If two or more orders are in effect, the person requesting  
8 registration shall:
- 9           1. Furnish to the tribunal a copy of every support order asserted to  
10 be in effect in addition to the documents specified in this section.
- 11           2. Specify the order alleged to be the controlling order, if any.
- 12           3. Specify the amount of consolidated arrears, if any.
- 13           D. A request for a determination of which is the controlling order may  
14 be filed separately or with a request for registration and enforcement or for  
15 registration and modification. The person requesting registration shall give  
16 notice of the request to each party whose rights may be affected by the  
17 determination.

APPROVED BY THE GOVERNOR APRIL 10, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.

Passed the House February 19, 20 07

Passed the Senate April 3, 20 07

by the following vote: 55 Ayes,

by the following vote: 26 Ayes,

0 Nays, 5 Not Voting

1 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of April, 20 07

at 1:58 o'clock p. M.

[Signature]  
Secretary to the Governor

Approved this 10 day of

April

at 5<sup>00</sup> o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of April, 20 07

at 9:04 o'clock A. M.

[Signature]  
Secretary of State