

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 101

HOUSE BILL 2277

AN ACT

AMENDING SECTION 25-320, ARIZONA REVISED STATUTES; RELATING TO DISSOLUTION OF MARRIAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-320, Arizona Revised Statutes, is amended to
3 read:

4 25-320. Child support; factors; methods of payment; additional
5 enforcement provisions; definitions

6 A. In a proceeding for dissolution of marriage, legal separation,
7 maintenance or child support, the court may order either or both parents
8 owing a duty of support to a child, born to or adopted by the parents, to pay
9 an amount reasonable and necessary for support of the child, without regard
10 to marital misconduct.

11 B. If child support has not been ordered by a child support order and
12 if the court deems child support appropriate, the court shall direct, using a
13 retroactive application of the child support guidelines to the date of filing
14 a dissolution of marriage, legal separation, maintenance or child support
15 proceeding, the amount that the parents shall pay for the past support of the
16 child and the manner in which payment shall be paid, taking into account any
17 amount of temporary or voluntary support that has been paid. Retroactive
18 child support is enforceable in any manner provided by law.

19 C. If the parties lived apart before the date of the filing for
20 dissolution of marriage, legal separation, maintenance or child support and
21 if child support has not been ordered by a child support order, the court may
22 order child support retroactively to the date of separation, but not more
23 than three years before the date of the filing for dissolution of marriage,
24 legal separation, maintenance or child support. The court must first
25 consider all relevant circumstances, including the conduct or motivation of
26 the parties in that filing and the diligence with which service of process
27 was attempted on the obligor spouse or was frustrated by the obligor
28 spouse. If the court determines that child support is appropriate, the court
29 shall direct, using a retroactive application of the child support
30 guidelines, the amount that the parents must pay for the past support of the
31 child and the manner in which payments must be paid, taking into account any
32 amount of temporary or voluntary support that has been paid.

33 D. The supreme court shall establish guidelines for determining the
34 amount of child support. The amount resulting from the application of these
35 guidelines is the amount of child support ordered unless a written finding is
36 made, based on criteria approved by the supreme court, that application of
37 the guidelines would be inappropriate or unjust in a particular case. The
38 supreme court shall review the guidelines at least once every four years to
39 ensure that their application results in the determination of appropriate
40 child support amounts. The supreme court shall base the guidelines and
41 criteria for deviation from them on all relevant factors, including:

- 42 1. The financial resources and needs of the child.
- 43 2. The financial resources and needs of the custodial parent.
- 44 3. The standard of living the child would have enjoyed had the
45 marriage not been dissolved.

1 4. The physical and emotional condition of the child, and the child's
2 educational needs.

3 5. The financial resources and needs of the noncustodial parent.

4 6. Excessive or abnormal expenditures, destruction, concealment or
5 fraudulent disposition of community, joint tenancy and other property held in
6 common.

7 7. The duration of parenting time and related expenses.

8 E. Even if a child is over the age of majority when a petition is
9 filed or at the time of the final decree, the court may order support to
10 continue past the age of majority if all of the following are true:

11 1. The court has considered the factors prescribed in subsection D of
12 this section.

13 2. The child is severely mentally or physically disabled as
14 demonstrated by the fact that the child is unable to live independently and
15 be self-supporting.

16 3. The child's disability began before the child reached the age of
17 majority.

18 F. If a child reaches the age of majority while the child is attending
19 high school or a certified high school equivalency program, support shall
20 continue to be provided during the period in which the child is actually
21 attending high school or the equivalency program but only until the child
22 reaches nineteen years of age unless the court enters an order pursuant to
23 subsection E of this section. Notwithstanding any other law, a parent paying
24 support for a child over the age of majority pursuant to this section is
25 entitled to obtain all records related to the attendance of the child in the
26 high school or equivalency program.

27 G. If a personal check for support payments and handling fees is
28 rightfully dishonored by the payor bank or other drawee, the person obligated
29 to pay support shall make any subsequent support payments and handling fees
30 only by cash, money order, cashier's check, traveler's check or certified
31 check. If a person required to pay support other than by personal check
32 demonstrates full and timely payment for twenty-four consecutive months, that
33 person may pay support by personal check if these payments are for the full
34 amount, are timely tendered and are not rightfully dishonored by the payor
35 bank or other drawee.

36 H. Subsection G of this section does not apply to payments made by
37 means of an assignment.

38 I. If after reasonable efforts to locate the obligee the clerk or
39 support payment clearinghouse is unable to deliver payments for the period
40 prescribed in section 25-503 due to the failure of the person to whom the
41 support has been ordered to be paid to notify the clerk or support payment
42 clearinghouse of a change in address, the clerk or support payment
43 clearinghouse shall not deliver further payments and shall return the
44 payments to the obligor consistent with the requirements of section 25-503.

1 J. An order for child support shall assign responsibility for
2 providing medical insurance for the child who is the subject of the support
3 order and shall assign responsibility for the payment of any medical costs of
4 the child that are not covered by insurance. In title IV-D cases, the parent
5 responsible pursuant to court order for providing medical insurance for the
6 child shall notify the support payment clearinghouse prescribed in section
7 46-441 if the child is no longer covered under an employer's insurance
8 plan. The support payment clearinghouse shall notify the child support
9 enforcement agency in the department of economic security of the lapse in
10 insurance coverage.

11 K. In title IV-D cases the superior court shall accept for filing any
12 documents that are received through electronic transmission if the
13 electronically reproduced document states that the copy used for the
14 electronic transmission was certified before it was electronically
15 transmitted.

16 L. The court shall presume, in the absence of contrary testimony, that
17 a ~~noncustodial~~ parent is capable of full-time employment at least at the
18 APPLICABLE STATE OR federal adult minimum wage, WHICHEVER IS HIGHER. This
19 presumption does not apply to noncustodial parents who are under the age of
20 eighteen and who are attending high school.

21 M. An order for support shall provide for an assignment pursuant to
22 sections 25-504 and 25-323.

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

34 O. For the purposes of this section:

35 1. "Child support guidelines" means the child support guidelines that
36 are adopted by the state supreme court pursuant to 42 United States Code
37 sections 651 through 669B.

38 2. "Date of separation" means the date the married parents ceased to
39 cohabit.

40 3. "Support" has the same meaning prescribed in section 25-500.

41 4. "Support payments" means the amount of money ordered by the court
42 to be paid for the support of the minor child or children.

APPROVED BY THE GOVERNOR APRIL 28, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2008.

Passed the House February 26, 20 08

by the following vote: 37 Ayes,

20 Nays, 3 Not Voting



Speaker of the House


Chief Clerk of the House

Passed the Senate _____, 20 _____

by the following vote: _____ Ayes,

_____ Nays, _____ Not Voting

President of the Senate

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

H.B. 2277

Passed the House February 28, 20 08

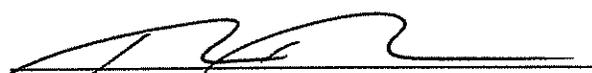
Passed the Senate April 15, 20 08

by the following vote: 45 Ayes,

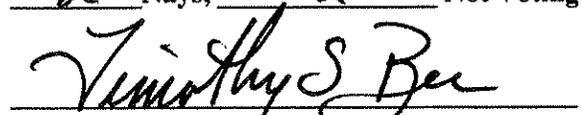
by the following vote: 26 Ayes,

10 Nays, 5 Not Voting

2 Nays, 2 Not Voting



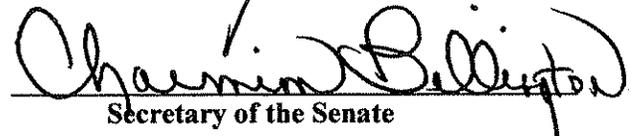
Speaker of the House
Pro Tempore



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

ON RECONSIDERATION
H.B. 2277

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 22, 2008,

by the following vote: 45 Ayes,

9 Nays, 6 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22nd day of April, 2008

at 2:40 o'clock P. M.



Secretary to the Governor

Approved this 28 day of

April, 2008,

at 10th o'clock A. M.



Governor of Arizona

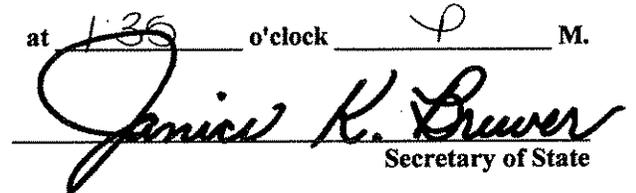
H.B. 2277

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2008,

at 1:35 o'clock P. M.



Secretary of State