



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

March 16, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on March 16, 2018:

- HB 2013 trust companies; liquid capital; definition (Finchem)
- HB 2019 civil rights advisory board; continuation (Kern)
- HB 2025 workers' compensation; rate deviations (Livingston)
- HB 2026 county school superintendent; services; entities (Boyer)
- HB 2043 occupational therapy board; continuation (Carter)
- HB 2061 financial institutions department; superintendent duties (Shope)
- HB 2079 single axle tow dolly; definition (Shope)
- HB 2098 insurance; inducements (Livingston)
- HB 2115 bonds; ballot language; procedures (Mitchell)
- HB 2150 manufactured home sales; licensure; exemption (Weninger)
- HB 2178 secretary of state; notary public (Coleman)
- HB 2278 child support rights transfer (Cobb)
- HB 2317 disability plates; permanent placards (John)
- HB 2413 public road maintenance; primitive designation (Cook)
- HB 2484 local food tax; equality (Shope)
- SB 1038 state land sales; payment method (Griffin)
- SB 1042 backflow prevention; state fire code (Kavanagh)
- SB 1057 county school superintendent; report; approval (Burgess)
- SB 1072 DCS; contractor employees; fingerprint requirement (Brophy McGee)

SB 1076 assault; public safety contractors; workers (Barto)
SB 1082 full-day kindergarten; instruction requirements (Allen, S.)
SB 1089 purple heart day (Borrelli)
SB 1205 unemployment insurance; educational employers; interest (Fann)
SB 1207 lease authority; airports; air terminals (Pratt)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive, flowing style.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 14

HOUSE BILL 2278

AN ACT

AMENDING SECTION 46-444, ARIZONA REVISED STATUTES; RELATING TO CHILD SUPPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 46-444, Arizona Revised Statutes, is amended to
3 read:

4 46-444. Transfer of support rights; disbursement of support
5 payments

6 A. In a title IV-D case in which an order of child support has been
7 established and the obligee under the order surrenders physical custody of
8 the child to a caretaker for thirty consecutive days, ~~without obtaining a~~
9 ~~modification of legal custody~~ WHETHER OR NOT THERE IS A CUSTODY ORDER, the
10 obligee's right to child support for that child transfers to the caretaker
11 by operation of law and is subject to assignment by the caretaker pursuant
12 to section 46-407. The transfer of the right to child support terminates
13 when the caretaker no longer has physical custody of the child, except for
14 the amount of unpaid child support still owing to the caretaker or to the
15 department.

16 B. The department may disburse child support payments to ~~the~~
17 ~~appropriate person, organization or agency authorized to receive or~~
18 ~~collect child support or to a caretaker who has had physical custody of~~
19 ~~the child for thirty consecutive days or physical custody with the~~
20 ~~obligee's consent for thirty consecutive days.~~ THE DEPARTMENT MAY NOT
21 DISBURSE MONIES THAT HAVE ALREADY BEEN DISBURSED TO THE OBLIGEE IN THE
22 UNDERLYING ORDER. IF THE DEPARTMENT MAKES DISBURSEMENTS PURSUANT TO THIS
23 SUBSECTION, THE DEPARTMENT SHALL BEGIN DISBURSEMENTS ON THE FIRST DAY OF
24 THE MONTH AFTER THE EXPIRATION OF THE THIRTY-CONSECUTIVE-DAY PERIOD THAT
25 STARTED ON THE DATE THE CARETAKER TOOK CUSTODY OF THE CHILD.

26 C. The department may retain child support payments assigned by the
27 caretaker on verification that the caretaker is receiving cash assistance
28 for a child subject to a support order and the child support payment is
29 subject to an assignment pursuant to section 46-407.

30 D. In a title IV-D case in which there has never been an assignment
31 of child support, on determination that physical custody has changed, the
32 department may disburse all child support collected after physical custody
33 has changed to the caretaker.

34 E. Before ~~it~~ THE DEPARTMENT disburses child support payments to any
35 person other than the obligee, the department shall:

36 1. Obtain a written statement from the child's caretaker, ~~and if~~
37 ~~possible from the obligee,~~ under penalty of perjury, stating that the
38 caretaker has had physical custody of the child for thirty consecutive
39 days or custody with the obligee's consent for a period of thirty
40 consecutive days. A WRITTEN STATEMENT IS NOT REQUIRED IF THERE IS A COURT
41 ORDER THAT PLACES THE CHILD WITH THE CARETAKER.

42 2. Mail a copy of the caretaker's statement ~~and, if applicable,~~
43 ~~verification that the caretaker is receiving cash assistance for the child~~
44 ~~or children~~ OR COURT ORDER along with a notice of the change in

1 disbursement to the obligor and obligee at the obligor's and obligee's
2 last known addresses.

3 3. File a copy of the notice of change in disbursement with the
4 clerk of the court that entered the original support order.

5 F. The obligee, THE obligor or ANY other caretaker may object to
6 the disbursement to the caretaker by requesting an administrative review
7 pursuant to section 25-522 within ten days after the date of the notice.
8 The administrative review is limited to deciding if the caretaker has
9 lawful physical custody of the child or physical custody with the
10 obligee's consent.

11 ~~G. If an obligor notifies the department of the obligor's intent to~~
12 ~~obtain custody for the child or children, child support payments continue~~
13 ~~to go to the caretaker until the obligor obtains a current order granting~~
14 ~~custody.~~

15 ~~H.~~ G. If the obligee claims that the child remains in the
16 obligee's custody, and the caretaker has not received cash assistance, on
17 a determination that the physical custody is with a caretaker, the
18 department may distribute child support collected to the caretaker.

19 H. IF THE EXISTING ORDER FOR SUPPORT IS A NON-TITLE IV-D CASE, THE
20 DEPARTMENT MAY ENTER ITS APPEARANCE IN THE CASE SOLELY TO TRANSFER RIGHTS
21 TO SUPPORT TO A CARETAKER IF BOTH OF THE FOLLOWING ARE TRUE:

22 1. EITHER THE CARETAKER HAS APPLIED FOR TITLE IV-D SERVICES OR THE
23 DEPARTMENT HAS AN ASSIGNMENT OF RIGHTS PURSUANT TO SECTION 46-407.

24 2. TRANSFER OF THE SUPPORT RIGHTS APPEARS APPROPRIATE UNDER THIS
25 SECTION.

APPROVED BY THE GOVERNOR MARCH 16, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 16, 2018

Passed the House February 8, 20 18

Passed the Senate March 13, 20 18

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House
 Pro Tempore

1 vacant

[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

14th day of March, 20 18

at 2:57 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 16th day of

March 2018

at 10:15 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 16th day of March, 20 18

at 12:19 o'clock P. M.

[Signature]
Secretary of State

H.B. 2278