

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2249

AN ACT

AMENDING SECTIONS 25-517, 25-518 AND 33-964, ARIZONA REVISED STATUTES;
RELATING TO CHILD SUPPORT ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-517, Arizona Revised Statutes, is amended to
3 read:

4 25-517. Title IV-D agency; license suspension; notice;
5 administrative review or hearing

6 A. The department or its agent shall notify an obligor who is at least
7 ~~two~~ SIX months in arrears in making child support payments, periodic payments
8 on a support arrearage or periodic payments pursuant to a court order of
9 support ~~or who has failed to comply with a child support subpoena or a child~~
10 ~~support arrest warrant~~ that the obligor may be referred to court for a
11 hearing to suspend or deny the obligor's driver license, ~~professional or~~
12 ~~occupational license~~ or recreational license. The department or its agent
13 shall notify the obligor by first class mail at the obligor's current
14 address, or after a reasonable attempt to ascertain the obligor's location,
15 at the obligor's last known address. The notice shall state the following:

16 1. The obligor has wilfully failed to pay child support, wilfully
17 continues to do so and is at least ~~two~~ SIX months in arrears in making child
18 support payments ~~or has failed without reasonable cause to comply with a~~
19 ~~child support subpoena or a child support arrest warrant.~~

20 2. The obligor may request in writing an administrative review
21 conducted pursuant to section 25-522 to contest the matter within fifteen
22 days from the date of mailing of the notice.

23 3. If the obligor requests an administrative review, the department or
24 its agent shall stay the action to refer the obligor to court for the
25 suspension or denial of the obligor's ~~professional, occupational,~~
26 recreational or driver license.

27 4. If the obligor fails to respond to the notice, the department or
28 its agent shall refer the obligor to court for license suspension or denial
29 pursuant to section 25-518.

30 5. The address and telephone number of the department.

31 6. The obligor may request a copy of the child support order.

32 ~~B. If an obligor fails to respond to the notice in subsection A of~~
33 ~~this section within fifteen days after the date of mailing, the department or~~
34 ~~its agent shall send the obligor a second notice. The second notice shall~~
35 ~~include the information under subsection A of this section and shall state~~
36 ~~the following:~~

37 ~~1. If the obligor fails to contact the department or its agent within~~
38 ~~fifteen days after the date of mailing of the second notice, the obligor's~~
39 ~~license shall be suspended.~~

40 ~~2. This is the final notice the obligor will receive.~~

41 ~~C.~~ B. If an obligor requests an administrative review pursuant to
42 this section, the issues at the review shall be limited to whether the
43 obligor is required to pay child support and ~~is in arrears or whether the~~
44 ~~obligor has failed without reasonable cause to comply with a child support~~
45 ~~subpoena or a child support arrest warrant~~ HAS WILFULLY FAILED TO PAY. The
46 department or its agent shall not refer the obligor to court unless the

1 department or its agent determines that the obligor is at least ~~two~~ SIX
2 months in arrears ~~or~~ AND has WILFULLY failed ~~without reasonable cause to~~
3 ~~comply with a child support subpoena or a child support arrest warrant~~ TO
4 PAY. The department or its agent shall make this decision in writing and
5 shall provide a copy to the obligor.

6 ~~D.~~ C. If the department or its agent determines that the obligor is
7 ~~either~~ at least ~~two~~ SIX months in arrears, ~~AND~~ has WILFULLY failed ~~without~~
8 ~~reasonable cause to comply with a child support subpoena or a child support~~
9 ~~arrest warrant or has failed to respond to the second notice~~ TO PAY, the
10 department shall refer the obligor to court for license suspension pursuant
11 to section 25-518.

12 D. NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, IF AN OBLIGOR IS
13 AT LEAST SIX MONTHS IN ARREARS IN MAKING CHILD SUPPORT PAYMENTS, PERIODIC
14 PAYMENTS ON A SUPPORT ARREARAGE OR PERIODIC PAYMENTS PURSUANT TO A COURT
15 ORDER OF SUPPORT, THE TITLE IV-D AGENCY OR ITS AGENT MAY ISSUE A NOTICE TO
16 THE OBLIGOR THAT THE OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE MAY BE
17 SUSPENDED. THE TITLE IV-D AGENCY OR ITS AGENT SHALL NOTIFY THE OBLIGOR BY
18 FIRST CLASS MAIL AT THE OBLIGOR'S CURRENT ADDRESS, OR AFTER A REASONABLE
19 ATTEMPT TO ASCERTAIN THE OBLIGOR'S LOCATION, AT THE OBLIGOR'S LAST KNOWN
20 ADDRESS. THE NOTICE SHALL STATE THAT THE OBLIGOR HAS WILFULLY FAILED TO PAY
21 CHILD SUPPORT, WILFULLY CONTINUES TO DO SO AND IS AT LEAST SIX MONTHS IN
22 ARREARS IN MAKING CHILD SUPPORT PAYMENTS. THE NOTICE SHALL ALSO STATE THAT
23 WITHIN FIFTEEN DAYS AFTER THE NOTICE IS MAILED THE OBLIGOR MAY MAKE A WRITTEN
24 REQUEST FOR AN ADMINISTRATIVE REVIEW PURSUANT TO SECTION 25-522 TO CONTEST
25 THE MATTER.

26 E. IF THE OBLIGOR DOES NOT RESPOND TO THE NOTICE PRESCRIBED IN
27 SUBSECTION D OF THIS SECTION, THE TITLE IV-D AGENCY OR ITS AGENT SHALL ISSUE
28 AN ADMINISTRATIVE ORDER OF NONCOMPLIANCE TO THE BOARD OR AGENCY TO ORDER THE
29 SUSPENSION OF THE OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE. IF THE
30 OBLIGOR REQUESTS AN ADMINISTRATIVE REVIEW, THE TITLE IV-D AGENCY OR ITS AGENT
31 SHALL STAY FURTHER ACTION UNTIL A DETERMINATION HAS BEEN MADE AT THE
32 ADMINISTRATIVE REVIEW. THE ISSUES AT THE REVIEW ARE LIMITED TO WHETHER THE
33 OBLIGOR IS REQUIRED TO PAY CHILD SUPPORT AND HAS WILFULLY FAILED TO PAY. THE
34 DEPARTMENT OR ITS AGENT SHALL MAKE THIS DECISION IN WRITING AND SHALL PROVIDE
35 A COPY TO THE OBLIGOR. IF THE OBLIGOR DISAGREES WITH THE FINAL
36 DETERMINATION, THE OBLIGOR HAS A RIGHT TO A HEARING BEFORE THE SUSPENSION OF
37 THE OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE. THE TITLE IV-D AGENCY OR
38 ITS AGENT MUST RECEIVE A REQUEST FOR A HEARING ON THE DETERMINATION OF
39 NONCOMPLIANCE WITHIN FOURTEEN DAYS AFTER THE DATE OF THE DETERMINATION.

40 F. THE TITLE IV-D AGENCY OR ITS AGENT SHALL NOTIFY THE OFFICE OF
41 ADMINISTRATIVE HEARINGS OF A REQUEST FOR A HEARING PURSUANT TO SUBSECTION E
42 OF THIS SECTION WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THE REQUEST. THE
43 OFFICE OF ADMINISTRATIVE HEARINGS SHALL HOLD A HEARING PURSUANT TO TITLE 41,
44 CHAPTER 6, ARTICLE 10. THE ISSUES AT THE HEARING ARE LIMITED TO WHETHER THE
45 OBLIGOR IS REQUIRED TO PAY CHILD SUPPORT AND HAS WILFULLY FAILED TO PAY. IF
46 THE ADMINISTRATIVE LAW JUDGE UPHOLDS THE DEPARTMENT'S DETERMINATION, THE

1 TITLE IV-D AGENCY OR ITS AGENT SHALL ISSUE AN ADMINISTRATIVE ORDER OF
2 NONCOMPLIANCE TO THE BOARD OR AGENCY ORDERING IT TO SUSPEND THE OBLIGOR'S
3 PROFESSIONAL OR OCCUPATIONAL LICENSE.

4 Sec. 2. Section 25-518, Arizona Revised Statutes, is amended to read:

5 25-518. Child support arrearage; license suspension; hearing

6 A. A court shall send a certificate of noncompliance to the board or
7 agency ordering the suspension or denial of a DRIVER LICENSE OR RECREATIONAL
8 license if the court finds from the evidence presented at a hearing to
9 enforce a child support order that the obligor:—

10 ~~1. HAS~~ wilfully failed to pay child support, ~~and after notice pursuant~~
11 ~~to section 25-517, subsection A~~ continues AFTER NOTICE PURSUANT TO SECTION
12 25-517, SUBSECTION A to wilfully fail to pay child support and is at least
13 ~~two~~ SIX months in arrears.

14 ~~2. Failed without reasonable cause to comply with a child support~~
15 ~~subpoena.~~

16 ~~3. Failed without reasonable cause to comply with a child support~~
17 ~~arrest warrant.~~

18 B. ~~On petition or motion the court shall hold a review hearing to~~
19 ~~determine if the obligor has come into compliance with the support order, a~~
20 ~~child support subpoena or a child support arrest warrant. IF THE OBLIGOR HAS~~
21 ~~COMPLIED WITH THE SUPPORT ORDER SINCE THE SUSPENSION OR DENIAL, THE OBLIGOR~~
22 ~~MAY PETITION THE COURT FOR A HEARING.~~ If the obligor establishes at the
23 review hearing that the obligor is in compliance with the support order, ~~OR~~
24 a court ordered plan for payment of arrearages, ~~a child support subpoena or a~~
25 ~~child support arrest warrant,~~ the court shall send a certificate of
26 compliance to the board or agency. Except for licenses issued under title
27 17, the obligor may then apply for license reinstatement and shall pay all
28 applicable fees.

29 C. In a title IV-D case, the department or its agent may file with the
30 clerk of the superior court an affidavit indicating that the obligor is in
31 compliance with the support order or the child support obligation. Within
32 five business days after the affidavit is filed, the clerk shall send a
33 notice of compliance to the obligor by first class mail. The clerk shall
34 send a copy of the notice of compliance to the department and the licensing
35 board or agency.

36 ~~D. An obligee may petition the court for an order to suspend the~~
37 ~~driver, professional, occupational or recreational license of an obligor who~~
38 ~~is at least two months in arrears on a child support obligation if the~~
39 ~~obligee complies with the notice requirements of this section. The court may~~
40 ~~act on this petition in the same manner it acts on other petitions filed~~
41 ~~under this section.~~

42 ~~E. The obligee shall provide notice to the obligor as provided in~~
43 ~~subsection F of this section. The notice shall state the following:~~

44 ~~1. The obligee is entitled to receive child support payments and the~~
45 ~~monthly amount.~~

1 ~~2. The obligor is in arrears in making child support payments and the~~
2 ~~amount of the arrearages.~~

3 ~~3. The obligee intends to petition the court for a license suspension~~
4 ~~hearing.~~

5 ~~4. The driver, professional, occupational or recreational license of~~
6 ~~the obligor may be suspended or denied if the court finds that the obligor is~~
7 ~~at least two months in arrears and has wilfully failed to pay child support.~~

8 ~~F. The obligee shall attach a copy of the order of support to the~~
9 ~~notice. The obligee shall serve the notice by first class mail.~~

10 ~~G.~~ D. Except for licenses issued under title 17, the board or agency
11 shall suspend or deny the license of the licensee within thirty days after
12 receiving the notice of noncompliance from the court. The board or agency
13 shall not lift the suspension until the board or agency receives a
14 certificate of compliance from the court. Notwithstanding section 41-1064,
15 subsection C and section 41-1092.11, subsection B, the board or agency is not
16 required to conduct a hearing. The board or agency shall notify the
17 department in writing or by any other means prescribed by the department of
18 all suspensions within ten days after the suspension. The information shall
19 include the name, address, date of birth and social security number of the
20 licensee and the license category.

21 ~~H.~~ E. A certificate of noncompliance without further action
22 invalidates a license to take wildlife in this state and prohibits the
23 obligor from applying for a license issued by an automated drawing system
24 under title 17. The court shall send a copy of the certificate of
25 noncompliance to the department of economic security, and the department of
26 economic security shall notify the Arizona game and fish department of all
27 obligors against whom a notice of noncompliance has been issued and who have
28 applied for a license issued by an automated drawing system.

29 ~~I. For the purposes of this section, "license" means any license,~~
30 ~~certificate, registration or other authorization that:~~

31 ~~1. Is issued by a board or agency.~~

32 ~~2. Is subject before expiration to suspension, revocation, forfeiture~~
33 ~~or termination by the issuing board or agency.~~

34 ~~3. A person must obtain to:~~

35 ~~(a) Practice or engage in a particular business, occupation or~~
36 ~~profession.~~

37 ~~(b) Operate a motor vehicle.~~

38 ~~(c) Engage in activities requiring a license pursuant to title 17.~~

39 F. NOTWITHSTANDING THIS SECTION, THE TITLE IV-D AGENCY OR ITS AGENT
40 MAY SEND A CERTIFICATE OF NONCOMPLIANCE TO A BOARD OR AGENCY TO ORDER IT TO
41 SUSPEND AN OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE IF THE OBLIGOR:

42 1. HAS WILFULLY FAILED TO PAY CHILD SUPPORT, CONTINUES AFTER NOTICE
43 PURSUANT TO SECTION 25-517, SUBSECTION D TO WILFULLY FAIL TO PAY CHILD
44 SUPPORT AND IS AT LEAST SIX MONTHS IN ARREARS.

45 2. REQUESTED AN ADMINISTRATIVE REVIEW AND THE DETERMINATION CONFIRMS
46 THAT THE OBLIGOR IS REQUIRED TO PAY CHILD SUPPORT AND HAS WILFULLY FAILED TO

1 PAY AND THAT EITHER THE OBLIGOR DID NOT REQUEST A HEARING ON THE
2 DETERMINATION OR THE DETERMINATION WAS UPHELD AFTER A HEARING.

3 3. FAILED TO RESPOND TO THE NOTICE PURSUANT TO SECTION 25-517,
4 SUBSECTION D.

5 G. IF THE OBLIGOR HAS PAID ALL ARREARAGES OR IF THE OBLIGOR HAS
6 ENTERED INTO A WRITTEN AGREEMENT WITH THE TITLE IV-D AGENCY OR ITS AGENT, THE
7 TITLE IV-D AGENCY SHALL ISSUE A NOTICE OF COMPLIANCE TO THE LICENSING BOARD
8 OR AGENCY.

9 Sec. 3. Section 33-964, Arizona Revised Statutes, is amended to read:

10 33-964. Lien of judgment; duration; exemption of homestead;
11 acknowledgment of satisfaction by judgment creditor

12 A. Except as provided in sections 33-729 and 33-730, from and after
13 the time of recording as provided in section 33-961, a judgment shall become
14 a lien for a period of five years from the date it is given, on all real
15 property of the judgment debtor except real property exempt from execution,
16 including homestead property, in the county where the judgment is recorded,
17 whether the property is then owned by the judgment debtor or is later
18 acquired. A judgment lien for support, as defined in section 25-500, and
19 associated costs and attorney fees remains in effect until satisfied or
20 lifted.

21 B. A recorded judgment shall not become a lien ~~upon~~ ON any homestead
22 property. Any person entitled to a homestead on real property as provided by
23 law holds the homestead property free and clear of the judgment lien.

24 C. A judgment of the justice court, municipal court, superior court or
25 United States court ~~which~~ THAT has become a lien under this article, ~~shall,~~
26 immediately on the payment or satisfaction of the judgment, ~~shall~~ be
27 discharged of record by the judgment creditor or the judgment creditor's
28 attorney by recording a satisfaction of judgment with the county recorder of
29 the county in which the judgment is recorded. The judgment creditor or the
30 judgment creditor's attorney shall enter a notation of satisfaction on the
31 docket of the clerk of the superior court of each county where the judgment
32 has been entered or docketed, and in a like manner enter a notation of
33 satisfaction on the docket of the clerk of the United States district court.

34 D. IN A TITLE IV-D CASE, IF THE TITLE IV-D AGENCY OR ITS AGENT IS
35 LISTED AS THE HOLDER OF THE LIEN AND THE JUDGMENT HAS BEEN SATISFIED BUT THE
36 OBLIGEE IS UNWILLING TO SIGN THE RELEASE OF THE LIEN OR, AFTER REASONABLE
37 EFFORTS, CANNOT BE LOCATED TO SIGN THE RELEASE OF THE LIEN, THE TITLE IV-D
38 AGENCY OR ITS AGENT MAY SIGN THE SATISFACTION OF JUDGMENT AND RELEASE OF LIEN
39 WITHOUT THE SIGNATURE OF THE OBLIGEE. THE TITLE IV-D AGENCY OR ITS AGENT
40 SHALL SEND A COPY BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE
41 OBLIGEE.