

REFERENCE TITLE: paternity; genetic testing; support obligation

State of Arizona
Senate
Fifty-seventh Legislature
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2026

SB 1661

Introduced by
Senators Miranda: Alston, Gabaldón

AN ACT

AMENDING SECTIONS 25-503 AND 25-814, ARIZONA REVISED STATUTES; RELATING TO
PATERNITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-503, Arizona Revised Statutes, is amended to
3 read:

4 25-503. Order for support; methods of payment; modification;
5 termination; statute of limitations; judgment on
6 arrearages; notice; security

7 A. In any proceeding in which there is at issue the support of a
8 child, the court may order either or both parents to pay any amount
9 necessary for the support of the child. If the court order does not
10 specify the date when current support begins, the support obligation
11 begins to accrue on the first day of the month following the entry of the
12 order. If any form of payment is rightfully dishonored by the payor bank
13 or other drawee, any subsequent support payments and handling fees shall
14 be paid only by cash, money order, cashier's check, traveler's check or
15 certified check. The department may collect from the drawer of a
16 dishonored payment an amount allowed pursuant to section
17 44-6852. ~~Pursuant to sections 35-146 and 35-147,~~ The department shall
18 deposit, PURSUANT TO SECTIONS 35-146 AND 35-147, monies collected pursuant
19 to this subsection in a child support enforcement administration fund. If
20 a party THAT IS required to pay support by guaranteed means demonstrates
21 full and timely payment for twenty-four consecutive months, that party may
22 pay support by regularly accepted forms of payment if these payments are
23 for the full amount, are timely tendered and are not rightfully dishonored
24 by the payor bank or other drawee. On a showing of good cause, the court
25 may order that the party or parties required to pay support give
26 reasonable security for these payments. If the court sets an appearance
27 bond and the obligor fails to appear, the bond is forfeited and credited
28 against any support owed by the party required to pay support. This
29 subsection does not apply to payments that are made by means of a wage
30 assignment.

31 B. On a showing that an income withholding order has been
32 ineffective to secure the timely payment of support and that an amount
33 equal to six months of current support has accrued, the court shall
34 require the obligor to give security, post bond or give some other
35 guarantee to secure overdue support.

36 C. In title IV-D cases, and in all other cases subject to an income
37 withholding order issued on or after January 1, 1994, after notice to the
38 party entitled to receive support, the department or its agent may direct
39 the party obligated to pay support or other payor to make payment to the
40 support payment clearinghouse. The department or its agent shall provide
41 notice by first class mail.

42 D. The obligation for current child support shall be fully met
43 before any payments under an order of assignment may be applied to the
44 payment of arrearages. If a party is obligated to pay support for more
45 than one family and the amount available is not sufficient to meet the

1 total combined current support obligation, any monies shall be allocated
2 to each family as follows:

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

5 2. The ordered amount in each case shall be divided by the total
6 support obligation to obtain a percentage of the total amount due.

7 3. The amount available from the obligor's income shall be
8 multiplied by the percentage under paragraph 2 of this subsection to
9 obtain the amount to be allocated to each family.

10 E. Any order for child support may be modified or terminated on a
11 showing of changed circumstance that is substantial and continuing, except
12 as to any amount that may have accrued as an arrearage before the date of
13 notice of the motion or order to show cause to modify or terminate. The
14 addition of health insurance coverage as defined in section 25-531 or a
15 change in the availability of health insurance coverage may constitute a
16 continuing and substantial change in circumstance. Modification and
17 termination are effective on the first day of the month following notice
18 of the petition for modification or termination unless the court, for good
19 cause shown, orders the change to become effective at a different date but
20 not earlier than the date of filing the petition for modification or
21 termination. The order of modification or termination may include an
22 award of attorney fees and court costs to the prevailing party.

23 F. On petition of a person who has been ordered to pay child
24 support pursuant to a presumption of paternity established pursuant to
25 section 25-814, the court may order the petitioner's support to terminate
26 if the court finds based on clear and convincing evidence that paternity
27 was established by fraud, duress or material mistake of fact **OR IF**
28 **SUBSEQUENT GENETIC TESTING AFFIRMS THAT THE PRESUMED FATHER IS NOT THE**
29 **BIOLOGICAL FATHER OF THE CHILD.** Except for good cause shown, the
30 petitioner's support obligations continue in effect until the court has
31 ruled in favor of the petitioner. The court shall order the petitioner,
32 each child who is the subject of the petition and the child's mother to
33 submit to genetic testing and shall order the appropriate testing
34 procedures to determine the child's inherited characteristics, including
35 blood and tissue type. If the court finds that the petitioner is not the
36 child's biological father, the court shall vacate the determination of
37 paternity and terminate the support obligation. Unless otherwise ordered
38 by the court, an order vacating a support obligation is prospective and
39 does not alter the petitioner's obligation to pay child support arrearages
40 or any other amount previously ordered by the court. If the court finds
41 that it is in the child's best interests, the court may order the
42 biological father to pay restitution to the petitioner for any child
43 support paid before the court ruled in favor of the petitioner pursuant to
44 this subsection.

1 G. Notwithstanding subsection E of this section, in a title IV-D
2 case a party, or the department or its agent if there is an assignment of
3 rights under section 46-407, may request every three years that an order
4 for child support be reviewed and, if appropriate, adjusted. The request
5 may be made without a specific showing of a changed circumstance that is
6 substantial and continuing. The department or its agent shall conduct the
7 review in accordance with the child support guidelines of this state. If
8 appropriate, the department shall file a petition in the superior court to
9 adjust the support amount. Every three years the department or its agent
10 shall notify the parties of their right to request a review of the order
11 for support. The department or its agent shall notify the parties by
12 first class mail at their last known address or by including the notice in
13 an order.

14 H. If a party in a title IV-D case requests a review and adjustment
15 sooner than three years, the party shall demonstrate a changed
16 circumstance that is substantial and continuing.

17 I. The right of a party entitled to receive support or the
18 department to receive child support payments as provided in the court
19 order vests as each installment falls due. Each vested child support
20 installment is enforceable as a final judgment by operation of law. The
21 department or its agent or a party entitled to receive support may also
22 file a request for written judgment for support arrearages.

23 J. Voluntary relinquishment of physical custody of a child to the
24 obligor from the obligee is an affirmative defense in whole or in part to
25 a petition for enforcement of child support arrears. In determining
26 whether the relinquishment was voluntary, the court shall consider whether
27 there is any evidence or history of any of the following:

- 28 1. Domestic violence.
- 29 2. Parental kidnapping.
- 30 3. Custodial interference.

31 K. The relinquishment pursuant to subsection J of this section must
32 have been for a time period in excess of any court-ordered period of
33 parenting time and the obligor must have supplied actual support for the
34 child.

35 L. If the obligee, the department or their agents make efforts to
36 collect a child support debt more than ten years after the emancipation of
37 the youngest child subject to the order, the obligor may assert as a
38 defense, and has the burden to prove, that the obligee or the department
39 unreasonably delayed in attempting to collect the child support debt. On
40 a finding of unreasonable delay a tribunal, as defined in section 25-1202,
41 may determine that some or all of the child support debt is no longer
42 collectible after the date of the finding.

43 M. Notwithstanding any other law, any judgment for support and for
44 associated costs and attorney fees is exempt from renewal and is
45 enforceable until paid in full.

1 N. If a party entitled to receive child support or spousal
2 maintenance or the department or its agent enforcing an order of support
3 has not received court-ordered payments, the party entitled to receive
4 support or spousal maintenance or the department or its agent may file
5 with the clerk of the superior court a request for judgment of arrearages
6 and an affidavit indicating the name of the party obligated to pay support
7 and the amount of the arrearages. The request must include notice of the
8 requirements of this section and the right to request a hearing within
9 twenty days after service in this state or within thirty days after
10 service outside this state. The request, affidavit and notice must be
11 served pursuant to the Arizona rules of family law procedure on all
12 parties, including the department or its agents in title IV-D cases. In a
13 title IV-D case, the department or its agent may serve all parties by
14 certified mail, return receipt requested. Within twenty days after
15 service in this state or within thirty days after service outside this
16 state, a party may file a request for a hearing if the arrearage amount or
17 the identity of the person is in dispute. If a hearing is not requested
18 within the time provided, or if the court finds that the objection is
19 unfounded, the court must review the affidavit and grant an appropriate
20 judgment against the party obligated to pay support.

21 O. If after reasonable efforts to locate the obligee the clerk or
22 support payment clearinghouse is unable to deliver payments for a period
23 of one hundred twenty days after the date the first payment is returned as
24 undeliverable due to the failure of a party to whom the support has been
25 ordered to be paid to notify the clerk or support payment clearinghouse of
26 a change in address, the clerk or support payment clearinghouse shall
27 return that and all other unassigned payments to the obligor unless there
28 is an agreement of the obligor to pay assigned arrears and other debts
29 owed to the state.

30 P. If the obligee of a child support order marries the obligor of
31 the child support order, that order automatically terminates on the last
32 day of the month in which the marriage takes place and arrearages do not
33 accrue after that date. However, the obligee or the state may collect
34 child support arrearages that accrued before that date. The obligee, the
35 obligor or the department or its agent in a title IV-D case may file a
36 request or stipulation to terminate or adjust any existing order of
37 assignment pursuant to section 25-504 or 25-505.01.

38 Q. For the purposes of this chapter, a child is emancipated:

- 39 1. On the date of the child's marriage.
- 40 2. On the child's eighteenth birthday.
- 41 3. When the child is adopted.
- 42 4. When the child dies.

43 5. On the termination of the support obligation if support is
44 extended beyond the age of majority pursuant to section 25-501, subsection
45 A or section 25-320, subsections E and F.

1 Sec. 2. Section 25-814, Arizona Revised Statutes, is amended to
2 read:

3 25-814. Presumption of paternity; rebuttal; cessation of
4 support obligation

5 A. A man is presumed to be the father of ~~the~~ A child if:

6 1. He and the mother of the child were married at any time in the
7 ten months immediately preceding the birth OF THE CHILD or the child is
8 born within ten months after the marriage is terminated by death,
9 annulment, declaration of invalidity or dissolution of marriage or after
10 the court enters a decree of legal separation.

11 2. Genetic testing affirms at least a ninety-five ~~per cent~~ PERCENT
12 probability of paternity.

13 3. A birth certificate is signed by the mother and father of a
14 child born out of wedlock.

15 4. A notarized or witnessed statement is signed by both parents
16 acknowledging paternity or separate substantially similar notarized or
17 witnessed statements are signed by both parents acknowledging paternity.

18 B. If another man is presumed to be the child's father under
19 subsection A, paragraph 1 OF THIS SECTION, an acknowledgment of paternity
20 may be effected only with the written consent of the presumed father or
21 after the presumption is rebutted. If the presumed father has died or
22 cannot reasonably be located, paternity may be established without written
23 consent.

24 C. Any presumption under this section shall be rebutted by clear
25 and convincing evidence. If two or more presumptions apply, the
26 presumption that the court determines, on the facts, is based on weightier
27 considerations of policy and logic will control. A court decree
28 establishing paternity of the child by another man rebuts the presumption.

29 D. IF A MAN IS PRESUMED TO BE THE FATHER OF THE CHILD PURSUANT TO
30 SUBSECTION A OF THIS SECTION AND SUBSEQUENT GENETIC TESTING AFFIRMS THAT
31 THE PRESUMED FATHER IS NOT THE BIOLOGICAL FATHER OF THE CHILD, THE MAN IS
32 NO LONGER PRESUMED TO BE THE FATHER OF THE CHILD AND IS NO LONGER
33 RESPONSIBLE FOR ANY FINANCIAL SUPPORT OBLIGATIONS FOR THE CHILD PURSUANT
34 TO CHAPTER 5 OF THIS TITLE.