

COMMITTEE ON HUMAN SERVICES

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2505

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 20-154, Arizona Revised Statutes, is amended to  
3 read:

4 20-154. Annual report

5 A. As early in the calendar year as possible the director shall  
6 annually prepare a report for delivery to the commission, the governor and  
7 the legislature, showing, with respect to the preceding calendar year:

8 1. List of authorized insurers transacting insurance in this state,  
9 with such report of their financial condition as he deems appropriate.

10 2. Names of insurers whose businesses were closed during the year, the  
11 cause thereof, and amount of assets and liabilities as ascertainable.

12 3. Names of insurers against which delinquency or similar proceedings  
13 were instituted, and a concise statement of the facts with reference to each  
14 such proceeding.

15 4. Name and compensation of each officer, deputy, examiner, assistant  
16 and employee of the office of director, and the whole amount, with reasonable  
17 itemization, of the expenses of the office of director.

18 5. Recommendations of the director as to amendment of laws affecting  
19 insurance, and as to matters affecting the office of director.

20 6. Such other pertinent information and matters as the director deems  
21 proper.

22 B. AS EARLY AS POSSIBLE IN, AND WITH RESPECT TO, THE CURRENT CALENDAR  
23 YEAR, THE DIRECTOR SHALL ANNUALLY MAKE AVAILABLE TO THE PUBLIC A LIST OF  
24 AUTHORIZED INSURERS TRANSACTING INSURANCE IN THIS STATE AND OFFERING  
25 INDIVIDUAL HEALTH INSURANCE PLANS.

26 ~~B.~~ C. The director shall cause the report to be printed and delivered  
27 for the purpose intended.

28 Sec. 2. Section 25-320, Arizona Revised Statutes, is amended to read:

29 25-320. Child support; factors; methods of payment; additional  
30 enforcement provisions; definitions

1           A. In a proceeding for dissolution of marriage, legal separation,  
2 maintenance or child support, the court may order either or both parents  
3 owing a duty of support to a child, born to or adopted by the parents, to pay  
4 an amount reasonable and necessary for support of the child, without regard  
5 to marital misconduct.

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

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

28           D. The supreme court shall establish guidelines for determining the  
29 amount of child support. The amount resulting from the application of these  
30 guidelines is the amount of child support ordered unless a written finding is  
31 made, based on criteria approved by the supreme court, that application of  
32 the guidelines would be inappropriate or unjust in a particular case. The  
33 supreme court shall review the guidelines at least once every four years to  
34 ensure that their application results in the determination of appropriate

1 child support amounts. The supreme court shall base the guidelines and  
2 criteria for deviation from them on all relevant factors, including:

3 1. The financial resources and needs of the child.  
4 2. The financial resources and needs of the custodial parent.  
5 3. The standard of living the child would have enjoyed had the  
6 marriage not been dissolved.

7 4. The physical and emotional condition of the child, and the child's  
8 educational needs.

9 5. The financial resources and needs of the noncustodial parent.  
10 6. THE MEDICAL SUPPORT PLAN FOR THE CHILD. THE PLAN SHOULD INCLUDE  
11 THE CHILD'S MEDICAL SUPPORT NEEDS, THE AVAILABILITY OF MEDICAL INSURANCE OR  
12 SERVICES PROVIDED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM AND  
13 WHETHER A CASH MEDICAL SUPPORT ORDER IS NECESSARY.

14 ~~6.~~ 7. Excessive or abnormal expenditures, destruction, concealment or  
15 fraudulent disposition of community, joint tenancy and other property held in  
16 common.

17 ~~7.~~ 8. The duration of parenting time and related expenses.

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

21 1. The court has considered the factors prescribed in subsection D of  
22 this section.

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

26 3. The child's disability began before the child reached the age of  
27 majority.

28 F. If a child reaches the age of majority while the child is attending  
29 high school or a certified high school equivalency program, support shall  
30 continue to be provided during the period in which the child is actually  
31 attending high school or the equivalency program but only until the child  
32 reaches nineteen years of age unless the court enters an order pursuant to  
33 subsection E of this section. Notwithstanding any other law, a parent paying  
34 support for a child over the age of majority pursuant to this section is

1 entitled to obtain all records related to the attendance of the child in the  
2 high school or equivalency program.

3 G. If a personal check for support payments and handling fees is  
4 rightfully dishonored by the payor bank or other drawee, the person obligated  
5 to pay support shall make any subsequent support payments and handling fees  
6 only by cash, money order, cashier's check, traveler's check or certified  
7 check. If a person required to pay support other than by personal check  
8 demonstrates full and timely payment for twenty-four consecutive months, that  
9 person may pay support by personal check if these payments are for the full  
10 amount, are timely tendered and are not rightfully dishonored by the payor  
11 bank or other drawee.

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

14 I. If after reasonable efforts to locate the obligee the clerk or  
15 support payment clearinghouse is unable to deliver payments for the period  
16 prescribed in section 25-503 due to the failure of the person to whom the  
17 support has been ordered to be paid to notify the clerk or support payment  
18 clearinghouse of a change in address, the clerk or support payment  
19 clearinghouse shall not deliver further payments and shall return the  
20 payments to the obligor consistent with the requirements of section 25-503.

21 J. An order for child support shall assign responsibility for  
22 providing medical insurance for the child who is the subject of the support  
23 order and shall assign responsibility for the payment of any medical costs of  
24 the child that are not covered by insurance. EACH PARENT SHALL PROVIDE  
25 INFORMATION TO THE COURT REGARDING THE AVAILABILITY OF MEDICAL INSURANCE FOR  
26 THE CHILD THAT IS ACCESSIBLE AND AVAILABLE AT A REASONABLE COST. In title  
27 IV-D cases, the parent responsible pursuant to court order for providing  
28 medical insurance for the child shall notify the ~~support payment~~  
29 ~~clearinghouse prescribed in section 46-441~~ CHILD SUPPORT ENFORCEMENT AGENCY  
30 IN THE DEPARTMENT OF ECONOMIC SECURITY IF MEDICAL INSURANCE HAS BEEN OBTAINED  
31 OR if the child is no longer covered under an ~~employer's~~ insurance plan. ~~The~~  
32 ~~support payment clearinghouse shall notify the child support enforcement~~  
33 ~~agency in the department of economic security of the lapse in insurance~~  
34 ~~coverage.~~

1           K. IF THE COURT FINDS THAT NEITHER PARENT HAS THE ABILITY TO OBTAIN  
2 MEDICAL INSURANCE FOR THE CHILD THAT IS ACCESSIBLE AND AVAILABLE AT A  
3 REASONABLE COST, THE COURT SHALL:

4           1. ESTABLISH A REASONABLE MONTHLY CASH MEDICAL SUPPORT ORDER TO BE  
5 PAID BY THE OBLIGOR. IF MEDICAL ASSISTANCE IS BEING PROVIDED TO A CHILD  
6 UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, CASH MEDICAL SUPPORT IS ASSIGNED  
7 TO THE STATE PURSUANT TO SECTION 46-407.

8           2. ORDER ONE PARENT TO PROVIDE MEDICAL INSURANCE WHEN IT BECOMES  
9 ACCESSIBLE AND AVAILABLE AT A REASONABLE COST.

10          3. ORDER THAT MEDICAL COSTS IN EXCESS OF THE CASH MEDICAL SUPPORT  
11 AMOUNT SHALL BE PAID BY EACH PARENT ACCORDING TO THE PERCENTAGE ASSIGNED FOR  
12 PAYMENT OF UNINSURED COSTS.

13          L. IF THE COURT ORDERS ONE PARENT TO PROVIDE MEDICAL INSURANCE THE  
14 COURT SHALL ALSO SET AN ALTERNATIVE CASH MEDICAL SUPPORT ORDER TO BE PAID BY  
15 THAT PARENT IF THE CHILD IS NOT COVERED UNDER AN INSURANCE PLAN WITHIN NINETY  
16 DAYS AFTER ENTRY OF THE ORDER OR IF THE CHILD IS NO LONGER COVERED BY  
17 INSURANCE.

18          ~~K.~~ M. In title IV-D cases the superior court shall accept for filing  
19 any documents that are received through electronic transmission if the  
20 electronically reproduced document states that the copy used for the  
21 electronic transmission was certified before it was electronically  
22 transmitted.

23          ~~L.~~ N. The court shall presume, in the absence of contrary testimony,  
24 that a noncustodial parent is capable of full-time employment at least at the  
25 federal adult minimum wage. This presumption does not apply to noncustodial  
26 parents who are under the age of eighteen and who are attending high school.

27          ~~M.~~ O. An order for support shall provide for an assignment pursuant  
28 to sections 25-504 and 25-323.

29          ~~N.~~ P. Each licensing board or agency that issues professional,  
30 recreational or occupational licenses or certificates shall record on the  
31 application the social security number of the applicant and shall enter this  
32 information in its database in order to aid the department of economic  
33 security in locating parents or their assets or to enforce child support  
34 orders. This subsection does not apply to a license that is issued pursuant  
35 to title 17 and that is not issued by an automated drawing system. If a

1 licensing board or agency allows an applicant to use a number other than the  
2 social security number on the face of the license or certificate while the  
3 licensing board or agency keeps the social security number on file, the  
4 licensing board or agency shall advise an applicant of this fact.

5 ~~0.~~ Q. For the purposes of this section:

6 1. "ACCESSIBLE" MEANS THAT INSURANCE IS AVAILABLE IN THE GEOGRAPHIC  
7 REGION WHERE THE CHILD RESIDES.

8 ~~1.~~ 2. "Child support guidelines" means the child support guidelines  
9 that are adopted by the state supreme court pursuant to 42 United States Code  
10 sections 651 through 669B.

11 ~~2.~~ 3. "Date of separation" means the date the married parents ceased  
12 to cohabit.

13 4. "REASONABLE COST" MEANS AN AMOUNT THAT DOES NOT EXCEED THE HIGHER  
14 OF FIVE PER CENT OF THE GROSS INCOME OF THE OBLIGATED PARENT OR AN INCOME-  
15 BASED NUMERIC STANDARD THAT IS PRESCRIBED IN THE CHILD SUPPORT GUIDELINES.

16 ~~3.~~ 5. "Support" has the same meaning prescribed in section 25-500.

17 ~~4.~~ 6. "Support payments" means the amount of money ordered by the  
18 court to be paid for the support of the minor child or children.

19 Sec. 3. Section 25-500, Arizona Revised Statutes, is amended to read:

20 25-500. Definitions

21 In this chapter, unless the context otherwise requires:

22 1. "Arrearage" means the total unpaid support owed, including child  
23 support, past support, spousal maintenance and interest.

24 2. "Business day" means a day when state offices are open for regular  
25 business.

26 3. "Child support guidelines" means the child support guidelines that  
27 are adopted by the state supreme court.

28 4. "Child support subpoena" means a subpoena issued pursuant to  
29 section 25-520.

30 5. "Department" means the department of economic security.

31 6. "Income" means any form of payment owed to an individual,  
32 regardless of source, including wages, salaries, commissions, bonuses,  
33 workers' compensation, disability payments, payments pursuant to a pension or  
34 retirement program and interest.

35 7. "Obligee" means a person or agency entitled to receive support.

1           8. "Obligor" means a person obligated to pay support.

2           9. "Support" means the provision of maintenance or subsistence and  
3 includes medical insurance coverage, OR CASH MEDICAL SUPPORT, and uncovered  
4 medical costs for the child, arrearages, interest on arrearages, past  
5 support, interest on past support and reimbursement for expended public  
6 assistance. In a title IV-D case, support includes spousal maintenance that  
7 is included in the same order that directs child support.

8           10. "Support payment clearinghouse" means the clearinghouse established  
9 pursuant to section 46-441.

10           11. "Title IV-D" means title IV-D of the social security act.

11           Sec. 4. Title 25, chapter 5, article 1, Arizona Revised Statutes, is  
12 amended by adding section 25-529, to read:

13           25-529. Title IV-D cases; alternative medical insurance  
14                                   coverage

15           THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY MAY DISSEMINATE  
16 INFORMATION PROVIDED BY THE DEPARTMENT OF INSURANCE REGARDING INDIVIDUAL  
17 MEDICAL INSURANCE PLANS AND MAY ENTER INTO AGREEMENTS WITH A CONSORTIUM OF  
18 OTHER STATES TO OFFER MEDICAL INSURANCE COVERAGE TO CHILDREN IN TITLE IV-D  
19 CASES."

20 Amend title to conform

and, as so amended, it do pass

J. PETER HERSHBERGER  
Chairman

2505-se-hs  
3/6/08  
H:jjb