

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF FAMILY
DEPARTMENT IV-D PILOT PROGRAM

ADMINISTRATIVE ORDER
NO. 2025-075

(Affecting AO2007-022)

WHEREAS, the Superior Court of Arizona in Maricopa County Amended Plan for Expedited Process to Establish and Modify Child Support, Enforce Support, Enforce Parenting Time and Visitation, and Stop and Modify Orders of Assignment (“Expedited Plan”) was approved by the Arizona Supreme Court pursuant to its Administrative Order 2001-65 (effective 01/30/2007), and published and promulgated by the Superior Court in its Administrative Order 2007-022 (effective 02/23/2007); and

WHEREAS, the Expedited Plan established various Post-Decree Specialty Courts utilizing Court Commissioners and staffed by the Family Court Conference Center (FCCC) to expedite the processing of IV-D petitions for establishment of paternity/maternity and establishment, modification, and/or enforcement of child support; and

WHEREAS, in consideration of proposing amendments to the Expedited Plan, the Family Department desires to adopt a pilot program to test alternative procedures for expedited processing of IV-D petitions for establishment of paternity/maternity and establishment, modification, and/or enforcement of child support;

IT IS THEREFORE ORDERED that **effective 06/30/2025**, the Family Department shall suspend the use of existing Post-Decree Specialty Courts to handle petitions for IV-D establishment, modification, and enforcement of child support.

IT IS FURTHER ORDERED that **effective 06/30/2025**, the Family Department shall handle IV-D petitions for establishment of paternity/maternity and establishment, modification, and/or enforcement of child support following the procedures set forth in the **Pilot Program for a Modified Expedited Process for IV-D Establishment, Modification, and Enforcement of Child Support** (“Pilot Program”) attached hereto as **Appendix A**.

IT IS FURTHER ORDERED that by 01/31/2026, the Family Department shall complete a six-month review of the effectiveness of the Pilot Program to determine whether any modifications of the Pilot Program are appropriate. The six-month review shall address the period from 06/30/2025 – 12/31/2025, and review the following metrics:

- (1) The number of petitions for IV-D establishment, modification, and enforcement of child support filed each month;

- (2) The number of petitions rejected after the initial review each month;
- (3) The number of amended petitions filed after being rejected after the initial review each month;
- (4) Return Hearing monthly statistics, including the number of Return Hearings set each week, the number of Return Hearings reset due to lack of service, the number of OTAs that were served no less than 5 days before the initial Return Hearing, the number of matters that resolved by Rule 69 Agreement at the Return Hearing, the number of matters set for a Meet and Confer, and the number of matters set for an Evidentiary Hearing;
- (5) Meet and Confer monthly statistics, including the settlement rate at Meet and Confer (including full, partial, and no agreements);
- (6) Evidentiary Hearing monthly statistics, including the time to the first hearing being set; the time to final resolution (i.e., dismissal or Rule 78 judgment) for all matters set for Evidentiary Hearing; the percentage of Evidentiary Hearings for which exhibits are uploaded into Case Center;
- (7) The need for modifications to any standard forms (including self-service forms offered by the LLRC), orders to appear, minute entries, or other documentation;
- (8) The need for modification to any procedures, including the initial review, return hearings and the use of a consolidated return-hearing calendar, meet and confer, evidentiary hearings, review hearings, and use of technology including Adobe Sign, Court Connect and Case Center; and
- (9) Stakeholder Survey (including Family Department Administration, judicial officers, judicial staff, litigants, and legal representatives), measuring satisfaction with the Pilot Program and gathering suggestions for improvements and/or modifications (including specifically items 7 and 8 above).

IT IS FURTHER ORDERED that by 07/31/2026, the Family Department shall conduct a twelve-month review the effectiveness of the Pilot Program to determine whether to propose a permanent amendment to the Expedited Plan for handling petitions for IV-D establishment, modification, and enforcement of child support.

DATED this 20 day of May, 2025.

/s/ Ronda R. Fisk
Hon. Ronda R. Fisk
Family Department Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Joseph Welty, Presiding Judge
All Family Court Judges and Commissioners
Hon. Joseph W. Malka, Clerk of the Superior Court
Raymond L. Billotte, Judicial Branch Administrator
Cheri Clark, Deputy Court Administrator
Adis Bosnic, Family Department Administrator
Michael Nimtz, Office of the Clerk of the Superior Court
Kris Mayes, Attorney General, State of Arizona
Erin E. Richardson, Section Chief Counsel, Office of the Attorney General

APPENDIX A:

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY Pilot Program for a Modified Expedited Process for IV-D Establishment, Modification, and Enforcement of Child Support

A. **Purpose.** This is a Pilot Program for a Modified Expedited Process for IV-D Establishment, Modification, and Enforcement of Child Support (the “Pilot Program”). The purposes of this Pilot Program are to:

1. Comply with Title IV-D of the Social Security Act (Title IV-D), which requires the implementation of an expedited process for the establishment of paternity/maternity, establishment of child support, modification of child support, and enforcement of support. 45 C.F.R. § 303.101 *et. seq.*; and
2. Implement provisions of Arizona law, particularly A.R.S. §§ 25-326 and -412 on expeditious handling of post-decree and post-judgment petitions regarding modification and enforcement of child support.

B. **Definitions.** For purposes of this Pilot Program, the following are defined terms:

1. **IV-D Agency:** a public agency administering a support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. § 651 *et. seq.*
2. **IV-D Case:** a case brought by a IV-D agency or a IV-D participant to establish paternity/maternity, to establish, enforce or modify child support or to enforce spousal support when a child support order has been issued in the case, including cases in which the IV-D agency has intervened.
3. **IV-D Participant:** an individual who is a parent or caretaker¹ of a child that is the subject of a Title IV-D case, but excluding the IV-D agency.
4. **Obligee:** a person entitled, by a court or administrative order, to receive support from the obligor.
5. **Obligor:** a person ordered, by a court or administrative order, to make support payments.

¹ Pursuant to A.R.S. § 46-444, “[i]n a title IV-D case in which an order of child support has been established and the obligee under the order surrenders physical custody of the child to a caretaker for thirty consecutive days, whether or not there is a custody order, the obligee’s right to child support for that child transfers to the caretaker by operation of law and is subject to assignment by the caretaker pursuant to § 46-407.”

6. **Order to Appear:** an order setting the date, time, and place a party is to appear as directed. A court commissioner, judge, or person designated by administrative order may sign the order. An order to appear has the same force and effect as an order to show cause.
 7. **Order of Assignment / Income Withholding Order:** an order from the court directing that deductions be taken from wages or other income to pay current or past-due support or spousal maintenance.
 8. **Support:** the provision of maintenance or subsistence and includes medical insurance coverage and noncovered medical expenses for the child, arrearages, interest on arrearages, past support, interest on past support and reimbursement for expended public assistance. For purposes of this Pilot Program, support may also include spousal maintenance when a child support order has been issued in the case.
- C. **Appointment of Judges and Commissioners.** The Presiding Judge shall appoint judges or court commissioners to conduct proceedings in IV-D cases pursuant to this expedited process.
- D. **Timeframes.** All Petitions to Establish Paternity/Maternity and/or Child Support filed by a IV-D agency must be completed from the time of service of process to the time of disposition within the following time frames: 75% in 6 months and 90% in 12 months. 45 C.F.R. § 303.101(b)(2)(i). Cases are deemed completed within the 6-month requirement if jurisdiction is “long arm” and disposition occurs within 12 months of service of process. 45 C.F.R. § 303.101(b)(2)(iii).
- E. **General Procedures.**
1. **Initiation of Proceeding.** A proceeding under this Pilot Program begins with the filing of one of the qualifying petitions listed below, or a referral from an assigned judge as noted below.
 - i. **Petition to Establish Paternity/Maternity** filed by a IV-D Agency or by a parent in a case in which a IV-D Agency has intervened. Pursuant to Rules 23 and 25 of the Arizona Rules of Family Law Procedure (ARFLP), the petitioning party “must present to the clerk a summons that the clerk will issue and return to the petitioner for service.” The summons must be served with the petition to establish paternity. Rule 40, ARFLP. A response is required to be filed. Rule 23(f)(1), ARFLP. If no timely response is filed, the petitioning party has the right to request a default. *Id.* The filing party shall file a request for a default hearing with the IV-D Return Hearing Commissioner, who will schedule a hearing.

- ii. **Petition to Establish Child Support** filed by a IV-D Agency or by a parent in a case in which a IV-D Agency has intervened. The filing party shall provide two copies of an order to appear to the Court. Rule 25, ARFLP. A response is permissive but not required. Rule 23(f)(2), ARFLP. The filing party must serve a copy of the petition and order to appear.
- iii. **Petition to Modify Child Support.**
 - 1. **Standard Procedure** filed by a IV-D Agency or by a parent in a case in which a IV-D Agency has intervened. The filing party shall provide two copies of an order to appear to the Court. Rule 25, ARFLP. A response is permissive but not required. Rule 23(f)(2), ARFLP. The filing party must serve a copy of the petition and order to appear.
 - 2. **Simplified Procedure** filed by a IV-D Agency or by a parent in a case in which a IV-D Agency has intervened. The parties shall follow the process in the Arizona Child Support Guidelines for a modification by simplified procedure.² A child support worksheet must accompany the petition to modify simplified procedure. Any party served with a petition to modify simplified procedure may request a hearing to contest the requested modification. Arizona Child Support Guidelines Section XIV. If no timely request for a hearing is received, the petition shall be forwarded to the assigned commissioner. If a hearing is timely requested, the petition shall be forwarded to the IV-D Return Hearing Commissioner for further proceedings as stated below.
- iv. **Petition to Enforce Support** filed by a IV-D Agency or by a parent in a case in which a IV-D Agency has intervened. The filing party shall provide two copies of an order to appear to the Court. Rule 25, ARFLP. A response is permissive but not required. Rule 23(f)(2), ARFLP. The filing party must serve a copy of the petition and order to appear.
- v. **Petition to Stop Income Withholding Order** filed by a IV-D Agency or by a parent in a case in which a IV-D Agency has intervened. The petition shall be served on all other parties. A party receiving this notice may request a hearing within twenty days or within thirty days if service is made outside this state. A.R.S. § 25-504(M). If no timely request for a hearing is received, the petition shall be forwarded to the assigned

² The simplified process is not available when seeking to modify a deviated amount of child support. See *Nia v. Nia*, 242 Ariz. 419, footnote 3 (App. 2017) (holding that the simplified process is not available when the “existing amount” is a deviated amount).

commissioner. If a hearing is timely requested, the petition shall be forwarded to the IV-D Return Hearing Commissioner for further proceedings as stated below.

- vi. **Stipulation.** Stipulations related to child support in IV-D cases will be filed with the Clerk of the Superior Court in accordance with the requirements of the Arizona Rules of Family Law Procedure. The filing party will then provide a copy of the stipulation with proof of filing to the assigned commissioner together with an original and copies of a proposed form of Order with envelopes stamped and addressed to each party in accordance with Maricopa County Local Rule 3.2(i). The assigned commissioner will review and enter the stipulated Order or reject it and notify the parties of the reasons for rejection as appropriate.
 - vii. **Referral by assigned judge.** When the parties in a IV-D case have reached agreements on all issues *except* child support prior to a scheduled evidentiary hearing, the assigned judge may refer the case for a IV-D establishment, modification, or enforcement hearing.
2. **Ineligible Petitions.** The IV-D Return Hearing Commissioner or the assigned commissioner may refer any petition that is deemed ineligible for an expedited IV-D hearing to the assigned judge, after consulting with the assigned judge. A petition may be deemed ineligible if:
- i. a party files a counter-petition to establish legal decision-making and/or parenting time;
 - ii. the petition seeks to resolve multiple issues; or
 - iii. multiple petitions are pending that may impact the establishment of child support, modification of child support, or enforcement of child support.
3. **Initial Petition Review.** The Family Court Conference Center will search the file or computer docket to determine if the State or Arizona has made a prior appearance in a case wherein an eligible listed-above petition is filed. If an eligible petition to modify or petition to enforce is filed by a party *in propria persona*, the petition shall be forwarded to the IV-D Return Hearing Commissioner or designee for a review pursuant to Rule 91, ARFLP. The IV-D Return Hearing Commissioner or designee shall either reject the petition, with leave to amend, or direct the Family Court Conference Center to issue an Order to Appear.
4. **Service of Process.** All service of process under this Pilot Program shall be made within the time limits and in accordance with the procedures outlined in Rules 40, 41, 42, 43 and 91, ARFLP.

5. **Return Hearings and Trial Setting Conferences.** All return hearings and trial setting conferences shall be set on the same calendar before the IV-D Return Hearing Commissioner or designee.
- i. The Order to Appear issued after the filing of a ***Petition to Establish Child Support or Petition to Modify Child Support Standard Process*** shall order the parties to appear for a return hearing. If a party fails to timely appear for the return hearing, after having been served with the petition and order to appear, the Court may proceed by default at the return hearing. If all parties appear, the Court may refer the parties to participate in a meet and confer, conducted by a representative of the IV-D Agency, on a date and time certain. The referral to participate in a meet and confer shall be memorialized in the return hearing minute entry.
 - ii. The Order to Appear issued after the filing of a ***Petition to Enforce Support*** shall order the parties to appear for a return hearing. If the obligor fails to timely appear for the return hearing, after having been served with the petition and order to appear, the Court may proceed by default at the return hearing and may issue a child support arrest or civil arrest warrant as appropriate. If all parties appear, the Court may refer the parties to participate in a meet and confer, conducted by a representative of the IV-D Agency, on a date and time certain. The referral to participate in a meet and confer shall be memorialized in the return hearing minute entry.
 - iii. If a party timely requests a hearing on a ***Petition to Modify Child Support Simplified Process*** or a ***Petition to Stop Income Withholding Order***, the Court will set a return hearing by minute entry. If a party fails to timely appear for the return hearing, the Court may proceed by default at the return hearing. If all parties appear, the Court may refer the parties to participate in a meet and confer, conducted by a representative of the IV-D Agency, on a date and time certain. The referral to participate in a meet and confer shall be memorialized in the return hearing minute entry.
 - iv. If the filing party requests a default hearing on a ***Petition to Establish Paternity / Maternity*** to which no timely response was filed, the Court shall set a return hearing by minute entry. If the alleged parent appears at the return hearing, the Court may order genetic testing if the alleged parent contests parentage. If the alleged parent appears and agrees to a parentage finding, the Court shall place an agreement regarding paternity / maternity on the record pursuant to Rule 69, ARFLP, and may

refer the parties to participate in a meet and confer, conducted by a representative of the IV-D Agency, on a date and time certain. The referral to participate in a meet and confer shall be memorialized in the default hearing minute entry.

- v. Motions to continue the return hearing shall be filed, with a courtesy copy provided to the IV-D Return Hearing Commissioner.
 - vi. If the filing party fails to timely file proof of service prior to the return hearing and fails to file a motion to continue, the Court may vacate the return hearing, reset the return hearing with a new order to appear, or dismiss the petition.
6. **Meet and Confer**. The parties shall engage in a good faith attempt to resolve the issues, assisted by the legal representative of the IV-D Agency. Prior to the meet and confer, the parties shall exchange relevant documents, such as proposed child support worksheets, affidavits of financial information with required attachments, and proof of any voluntary or direct child support payments, and shall provide a copy of these documents to the legal representative of the IV-D Agency prior to the meet and confer.
- i. **Full Agreement**. If the parties reach a full agreement, the parties shall lodge the signed agreement, listing the IV-D Return Hearing Commissioner as the assigned judge in the caption of the notice of lodging.
 - ii. **Partial Agreement**. If the parties reach a partial agreement, the parties shall lodge the signed agreement with a request for a trial setting conference, listing the IV-D Return Hearing Commissioner as the assigned judge in the caption of the notice of lodging. The Court will set a trial setting conference by minute entry.
 - iii. **No Agreement**. If the parties are unable to reach any agreements, any party may file a written request for a trial setting conference and provide a copy to the IV-D Return Hearing Commissioner. Upon receipt, the Court will set a trial setting conference by minute entry.
7. **Trial Setting Conference**. The trial setting conference shall be an abbreviated virtual hearing at which the Court may refer the parties to exchange further documentation, participate in a further meet and confer, or schedule an evidentiary hearing before the assigned commissioner. If any party fails to appear at the trial setting conference, the Court may dismiss the petition, enter a default, or vacate and reset the conference. The setting of the evidentiary hearing shall be memorialized in the trial setting conference minute entry.

8. **Evidentiary Hearing**. The parties shall appear as directed for the evidentiary hearing. Prior to the hearing, as directed in the minute entry, the parties shall exchange and submit any exhibits to the Court. Any exhibit that is not disclosed will not be considered. If any party fails to appear at the evidentiary hearing, the Court may dismiss the petition, enter a default, or vacate and reset the evidentiary hearing.
9. **Review Hearings**. The Court may, at its discretion, schedule review hearings to ensure the obligor continues to comply with a support order following a Petition to Enforce. Parties shall appear on the date and time as ordered by the Court. Failure to appear may result in no further review hearings being set, or a child support or civil arrest warrant being issued.
10. **Affidavit of Non-Compliance**. The Court may, at its discretion, authorize an obligee or the legal representative of a IV-D Agency to file an Affidavit of Non-Compliance for a period of up to 12 months if the obligor ceases to fully comply with the support obligation, following enforcement proceeding. An Affidavit of Non-Compliance may only be filed if authorized by the Court. Upon receipt of an Affidavit of Non-Compliance, the assigned commissioner shall set a review hearing or take any other action deemed necessary and appropriate.