

TITLE 6. ECONOMIC SECURITY
CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY - CHILD SUPPORT ENFORCEMENT
SERVICES

ARTICLE 1. GENERAL PROVISIONS

Section

- R6-7-101. Definitions and Location of Definitions
R6-7-102. Interest on Support and Related Payments
R6-7-103. Payment Handling Fee

~~ARTICLE 4.~~ARTICLE 2. PASSPORT DENIAL

Section

- ~~R6-7-401~~ R6-7-201. Definitions and Location of Definitions
~~R6-7-402~~ R6-7-202. Certification and Criteria
~~R6-7-403~~ R6-7-203. Notice
~~R6-7-404~~ R6-7-204. Administrative Review
~~R6-7-405~~ R6-7-205. Withdrawal of Certification for Passport Denial
~~R6-7-406~~ R6-7-206. Appeal from Administrative Review

~~ARTICLE 6.~~ARTICLE 3. TITLE IV-D DISTRIBUTION

Section

- R6-7-301. Definitions and Location of Definitions
~~R6-7-601~~ R6-7-302. Distribution
~~R6-7-602~~ R6-7-303. Receipt and Use of Foreign Currency or Other Foreign Payment
~~R6-7-603~~ R6-7-304. Allocation of Monies Received from Federal Income Tax Refund Offset to Arrearages
~~R6-7-604~~ R6-7-305. Allocation of Other Than Internal Revenue Service Payments to Multiple Obligees
~~R6-7-605~~ R6-7-306. Distribution of Monies Received from Federal Income Tax Refund Offset to Arrearages
~~R6-7-606~~ R6-7-307. Distribution of Futures
~~R6-7-607~~ R6-7-308. Distribution of Prepaid Support
~~R6-7-608~~ R6-7-309. Distribution in Title IV-E Cases
~~R6-7-609~~ R6-7-310. Distribution in Current Assistance Cases with a Child Exempt from Assignment
~~R6-7-610~~ R6-7-311. Distribution of Cash Medical Support in Title XIX Cases
~~R6-7-6011.~~ Expired Renumbered

ARTICLE 7. ~~ARTICLE 4.~~ TITLE IV-D DISBURSEMENT

Section

R6-7-401.	<u>Definitions and Location of Definitions</u>
R6-7-701 R6-7-402.	Disbursement.
R6-7-702 R6-7-403.	Disbursement in Never Assistance Cases through December 31, 2002
R6-7-703 R6-7-404.	Disbursement in Never Assistance Cases on and after January 1, 2003
R6-7-704 R6-7-405.	Disbursement in Current Assistance Cases through December 31, 2002
R6-7-705 R6-7-406.	Disbursement in Current Assistance Cases on and after January 1, 2003
R6-7-706 R6-7-407.	Disbursement in Current Assistance Cases with a Child Exempt from Assignment
R6-7-707 R6-7-408.	Disbursement Under Federal Law from October 1, 1997 through September 30, 2000 for Former Assistance Cases
R6-7-708 R6-7-409.	Disbursement Under Federal Law from October 1, 2000 through December 31, 2002 for Former Assistance Cases
R6-7-709 R6-7-410.	Disbursement Under Federal Law on and after January 1, 2003 for Former Assistance Cases
R6-7-710 R6-7-411.	Disbursement of Federal Income Tax Refund Offsets Under Federal Law from October 1, 1997 through September 30, 2000
R6-7-711 R6-7-412.	Disbursement of Federal Income Tax Refund Offsets Under Federal Law on and after October 1, 2000
R6-7-712 R6-7-413.	Caretaker <u>Caregiver</u> Disbursement
R6-7-713 R6-7-414.	Past Support Judgments
R6-7-714 R6-7-415.	Interest on Arrearages
R6-7-715 R6-7-416.	Unassigned Arrearages
R6-7-716.	Expired <u>Renumbered</u>

ARTICLE 8. EXPIRED

Section

~~R6-7-801.~~ — Expired

ARTICLE 1. GENERAL PROVISIONS

R6-7-101. Definitions and Location of Definitions

A. Location of Definitions. Definitions applicable to Chapter 7 are found in the following:

<u>“Arrearage”</u>	<u>R6-7-101(B)</u>
<u>"Assistance Unit"</u>	<u>A.R.S. § 46-101</u>
<u>"Business Day"</u>	<u>R6-7-101(B)</u>
<u>"Caregiver"</u>	<u>R6-7-101(B)</u>
<u>"Cash Assistance"</u>	<u>R6-7-101(B)</u>
<u>"Cash Medical Support"</u>	<u>R6-7-101(B)</u>
<u>“Child Not on Grant”</u>	<u>R6-7-101(B)</u>
<u>"Current Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Current Support"</u>	<u>R6-7-101(B)</u>
<u>“Department”</u>	<u>A.R.S. § 41-1951</u>
<u>"Disbursement"</u>	<u>R6-7-101(B)</u>
<u>"Division of Child Support Services" or "DCSS"</u>	<u>R6-7-101(B)</u>
<u>"Federal Income Tax Refund Offset"</u>	<u>R6-7-101(B)</u>
<u>"Fees and Costs"</u>	<u>R6-7-101(B)</u>
<u>"Former Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Futures"</u>	<u>R6-7-101(B)</u>
<u>"Handling Fee"</u>	<u>R6-7-101(B)</u>
<u>"Income Withholding Order"</u>	<u>A.R.S. § 25-1202</u>
<u>“IV-D Agency”</u>	<u>45 CFR 301.1</u>
<u>"Medical Support Judgment"</u>	<u>R6-7-101(B)</u>
<u>"Never Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Nonobligated Spouse"</u>	<u>R6-7-101(B)</u>
<u>"Obligee"</u>	<u>A.R.S. § 25-500</u>
<u>"Obligor"</u>	<u>A.R.S. § 25-500</u>
<u>"Office of Child Support Enforcement" or "OCSE"</u>	<u>R6-7-101(B)</u>
<u>"Past Support"</u>	<u>R6-7-101(B)</u>
<u>"Permanently Assigned Arrearage"</u>	<u>R6-7-101(B)</u>
<u>"Prepaid Support"</u>	<u>R6-7-101(B)</u>
<u>"Related Payment"</u>	<u>R6-7-101(B)</u>
<u>"State"</u>	<u>A.R.S. § 25-1202</u>
<u>"Spousal Maintenance"</u>	<u>R6-7-101(B)</u>

<u>"Support"</u>	A.R.S. § 25-500
<u>"Support Payment Clearinghouse" or "Clearinghouse"</u>	R6-7-101(B)
<u>"Temporarily Assigned Arrearage"</u>	R6-7-101(B)
<u>"Title IV-A"</u>	R6-7-101(B)
<u>"Title IV-D"</u>	R6-7-101(B)
<u>"Title IV-D Case"</u>	R6-7-101(B)
<u>"Title IV-E"</u>	R6-7-101(B)
<u>"Title XIX"</u>	R6-7-101(B)
<u>"Unreimbursed Cash Assistance"</u>	R6-7-101(B)

B. The following definitions apply in this Chapter unless otherwise provided in a specific Article of this Chapter to Chapter 7:

1. ~~"Allocation" means the prorated division of collections.~~
2. ~~"Annual fee" means the amount owed by the recipient of services when the Title IV-D Agency has collected \$500.00 of support in a federal fiscal year.~~
31. ~~"Arrearages" "Arrearage" means an unpaid amounts amount of support Support owed.~~
43. ~~"Assistance unit means a group of persons whose needs, income, resources, and other circumstances are considered as a whole for the purpose of determining eligibility and benefit amount for cash assistance.~~
52. ~~"Business day Day" means a day on which state offices are open for regular business. A.R.S. § 46-408. Monday through Friday, excluding holidays as listed in [A.R.S. § 1-301](#).~~
63. ~~"Caretaker" "Caregiver" means an individual a "caretaker" as used in [A.R.S. § 46-444](#) other than a parent in a Title IV-D ease Case who has physical custody of a child and may have the right to support Support of that child under [A.R.S. § 46-444](#).~~
74. ~~"Cash assistance" means temporary payments for needy families paid to a recipient for the purpose of meeting basic living expenses, as described by the Department at 6 A.A.C. "Cash Assistance" means a component of the federal Temporary Assistance for Needy Families program administered under [6 A.A.C. 12](#) that provides financial assistance and supportive services to eligible needy families with dependent children and to child-only cases under [42 U.S.C. 601](#).~~
85. ~~"Cash medical support Medical Support" means the court-ordered court-ordered monthly amount to be paid as an alternative when medical insurance is not accessible or available at a reasonable cost in accordance with under [A.R.S. § 25-320](#).~~
96. "Child Not on Grant" means a child who:
 - a. Resides with an ~~assistance unit~~ Assistance Unit receiving ~~cash assistance~~, Cash Assistance;
 - b. Is not eligible for ~~cash assistance~~ Cash Assistance due to the receipt of Social Security income; and
 - c. Is exempt from the assignment under [A.R.S. § 46-407](#).

10. ~~“Child Support Case Registry” or “Registry” means certain automated records of all Title IV-D cases, and all other cases in which a support order is established, modified, or registered in Arizona on or after October 1, 1998.~~
11. ~~“Conditionally assigned arrearages are arrearages that:~~
- a. ~~Do not exceed the total cumulative amount of unreimbursed cash assistance paid to a family as of the date the family stops receiving cash assistance;~~
 - b. ~~Were temporarily assigned arrearages; and~~
 - c. ~~Became conditionally assigned on the date that the family stopped receiving cash assistance or October 1, 2000, whichever date is later.~~
127. ~~“Current assistance case Assistance Case” means a Title IV-D case Case in which an assistance unit Assistance Unit is currently receiving cash assistance Cash Assistance.~~
138. ~~“Current support Support” means the monthly amount of money ordered by a court or an administrative entity for the support of a child, spouse, or former spouse and may include cash medical support Cash Medical Support.~~
14. ~~“Department” means the Department of Economic Security.~~
159. ~~“Disbursement” means the payment of monies to an obligee Obligee or other authorized recipient.~~
16. ~~“Distribution” means application of support and related collections to one or more specific obligations or debts.~~
10. ~~“Division of Child Support Services” or “DCSS” means the division within the Department designated as the IV-D Agency for Arizona that is responsible for providing services to parents and Caregivers who receive Support as well as parents who pay Support.~~
17. ~~“F.A.A.” means the Family Assistance Administration, the entity within the Department responsible for administering the Department’s Cash Assistance Program.~~
18. ~~“Federal fiscal year” means the 12 consecutive months beginning October 1 and ending September 30 for which the Office of Child Support Enforcement in the United States Department of Health and Human Services plans the use of its funds.~~
1911. ~~“Federal income tax refund offset Income Tax Refund Offset” means the intercept of Internal Revenue Service income tax refunds to pay support Support as provided in 26 U.S.C. 6402 and 42 U.S.C. 664.~~
2012. ~~“Fees and costs Costs” means amounts ordered by the court or administrative entity or agreed to be paid to the Title IV-D Agency DCSS for genetic testing, service of process, or other expenses.~~
2113. ~~“Former assistance case Assistance Case” means a Title IV-D case Case in which an assistance unit Assistance Unit formerly received cash assistance Cash Assistance and is no longer receiving cash assistance Cash Assistance.~~
2214. ~~“Futures” means an amount of support Support received by the Title IV-D Agency DCSS, excluding any federal or state income tax refund offset which Arizona or Federal Income Tax Refund Offset that when~~

received exceeds the amount of ~~current support~~ Current Support owed in a Title IV-D ease Case with no ~~arrears~~ Arrearage or other unpaid obligations as stated in obligation under 45 CFR 302.51(b). Futures do not include ~~prepaid support~~ Prepaid Support.

2315. "Handling fee Fee" means the monthly charge ~~prescribed in~~ under A.R.S. § 25-510, which is set by the Department director and is payable to the ~~Title IV-D Agency's~~ DCSS's Clearinghouse.
24. "~~Income withholding order~~" means an order that directs an obligor's employer, payor, or the obligor to ~~withhold monies from the obligor's income.~~
25. "~~Initiating state~~" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under A.R.S. Title 25, Chapter 9 or a law or procedure substantially similar to A.R.S. Title 25, Chapter 9.25-1202.
26. "~~Injured spouse claim~~" means a written request from the spouse of an obligor stating that the spouse has an interest in an income tax refund based on a joint federal income tax return.
27. "~~IRS tax reversal~~ Tax Reversal" means a rescission by the Internal Revenue Service of a federal income tax refund offset that was previously received by the Title IV-D Agency.
28. "~~Issuing state~~" means the state in which a tribunal issues a support order or renders a judgment determining parentage. A.R.S. § 25-1202.
29. "~~Medical assistance~~ means benefits received from a state agency under Title XIX of the Social Security Act.
3016. "~~Medical support judgment~~ Support Judgment means a judgment for the costs of medical insurance coverage or uncovered medical expenses of the child.
31. "~~Never assigned arrears~~" means arrears that:
- a. Accrue in a never assistance case, or in a former assistance case after an assistance unit's most recent period of cash assistance ends; and
 - b. Are not assigned.
3217. "~~Never assistance case~~ Assistance Case" means a Title IV-D ease Case in which a an eligible family has never received ~~cash assistance~~ Cash Assistance, but ~~could be receiving or is eligible for or~~ has received medical assistance benefits from a State agency under Title XIX of the Social Security Act.
3318. "~~Nonobligated spouse~~ Spouse" means the spouse who filed an Arizona state income tax return jointly with an obligor Obligor.
34. "~~Non-periodic payment~~" means a non-recurring amount or an amount that is not paid at regular intervals.
35. "~~Obligee~~" means a person or agency entitled to receive support. A.R.S. § 25-500.
36. "~~Obligor~~" means a person obligated to pay support. A.R.S. § 25-500.
3719. "OCSE Office of Child Support Enforcement" or "OCSE" means the ~~Office of Child Support Enforcement~~ federal agency in the United States Department of Health and Human Services that oversees the national Support program.

38. ~~“Order” means a legal directive issued by an officer or entity legally authorized to issue orders.~~
3920. ~~“Past support Support” means the amount of support Support reduced to a written judgment for the care and support of a child for the period before a current child support Current Support order is established.~~
4021. ~~“Permanently assigned arrearages Assigned Arrearage” means arrearages an Arrearage that do does not exceed the total cumulative amount of unreimbursed cash assistance Unreimbursed Cash Assistance paid to an assistance unit Assistance Unit at the time the assistance unit Assistance Unit leaves assistance is no longer eligible for Cash Assistance, and~~
- a. ~~Accrued before the family received assistance Cash Assistance and were assigned to the state Arizona before October 1, 1997; or~~
 - b. ~~Accrue during any period in which the assistance unit Assistance Unit received cash assistance Cash Assistance and were assigned to the state Arizona on or after October 1, 1997.~~
41. ~~“Pregnancy and childbirth expenses” means the costs of pregnancy and childbirth, which may be reduced to a written judgment under A.R.S. § 25-809.~~
42. ~~“Pregnancy and childbirth judgment” means a final court order for the costs of pregnancy and childbirth.~~
4322. ~~“Prepaid support Support” means payments a payment for monthly support Support that the obligor Obligor or the obligor's Obligor's agent designate designates in writing as payments a payment for support Support in a future months month, even in cases a case with arrearages an Arrearage.~~
4423. ~~“Related payments Payment” means monies other than support received under an order or agreement an amount received under an order or agreement for an obligation other than Support.~~
45. ~~“Responding state” means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under A.R.S. Title 25, Chapter 9 or a law substantially similar to A.R.S. Title 25, Chapter 9. A.R.S. § 25-1202.~~
4624. ~~“Spousal maintenance Maintenance” or “spousal support” means an amount of money ordered under A.R.S. § 25-319 or a similar law of another state State, for the support or maintenance of a spouse or former spouse.~~
47. ~~“State” has the meaning in A.R.S. § 25-1202(22).~~
48. ~~“Support” means the provision of maintenance or subsistence and includes medical insurance coverage, or cash medical support, and uncovered medical costs for the child, arrearages, interest on arrearages, past support, interest on past support and reimbursement for expended public assistance. In a Title IV-D case, support includes spousal maintenance or spousal support that is included in the same order that directs child support. A.R.S. § 25-500.~~
4925. ~~“Support Payment Clearinghouse” or “Clearinghouse” means the Arizona state disbursement unit State Disbursement Unit for the Title IV-D Agency DCSS established under A.R.S. § 46-441 to collect and disburse all payments under support Support orders or agreements.~~
5026. ~~“Temporarily assigned arrearages Assigned Arrearage” means:~~

a. ~~Means arrearages that:~~

i.a. ~~Do~~ The Arrearage does not exceed the total cumulative amount of ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance paid to an ~~assistance unit~~ Assistance Unit as of the date the unit stops receiving ~~cash assistance~~ Cash Assistance;

ii.b. ~~Accrue~~ The Arrearage accrues before any period in which ~~the assistance unit~~ an Assistance Unit receives ~~cash assistance~~ Cash Assistance for ~~arrears~~ an Arrearage assigned to ~~the state~~ Arizona on or after October 1, 1997; and

iii.c. ~~Are not permanently assigned arrears~~ The Arrearage is not a Permanently Assigned Arrearage; and

b.d. The temporary assignment is no longer effective on October 1, 2000, or when ~~the assistance unit~~ an Assistance Unit stops receiving ~~cash assistance~~ Cash Assistance, whichever is later.

e.e. Effective on and after October 1, 2009, no new temporary assignments assignment of unpaid support Support ~~begin~~ begins.

51. ~~“Temporary assistance for needy families” (TANF) means assistance granted under § 403 of Title IV of the Social Security Act, as it exists after August 21, 1996. A.R.S. § 46-101.~~

52. ~~“Title IV-A” means Title IV-A of the Social Security Act, 42 U.S.C. 601 et seq.~~

53. ~~“Title IV-D” means Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.~~

54. ~~“Title IV-D Agency” means the Division of Child Support Enforcement and all of its contracting entities that administer Title IV-D services.~~

28. “Title IV-D Case” means a proceeding for Support managed by DCSS as required by Title IV-D of the Social Security Act, 42 U.S.C. 65, et seq.

55. ~~“Title IV-E” means Title IV-E of the Social Security Act, 42 U.S.C. 670, et seq.~~

56. ~~“Title XIX” means Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq.~~

57. ~~“Title XIX Agency” means the Arizona Health Care Cost Containment System (AHCCCS).~~

58. ~~“Tribunal” means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage. A.R.S. § 25-1202.~~

59. ~~“UIFSA” means the Uniform Interstate Family Support Act, A.R.S. §§ 25-1201 et seq.~~

60. ~~“Unassigned arrears” means previously permanently assigned and temporarily assigned arrears that exceed the total cumulative amount of unreimbursed cash assistance paid to a family as of the date the family stops receiving cash assistance and includes both unassigned during assistance arrears and unassigned pre-assistance arrears.~~

61. ~~“Unassigned during assistance arrears” means all previously permanently assigned arrears that:~~

a. ~~Exceed the total cumulative amount of unreimbursed cash assistance paid to an assistance unit as of the date the assistance unit stops receiving cash assistance; and~~

b. ~~Accrue during any period in which the assistance unit receives cash assistance for arrears~~ Arrearages assigned to the state on or after October 1, 1997.

62. ~~“Unassigned pre-assistance arrearages” means all previously temporarily assigned arrearages that:~~
- a. ~~Exceed the total cumulative amount of unreimbursed cash assistance paid to an assistance unit as of the date the assistance unit stops receiving cash assistance; and~~
 - b. ~~Accrue before any period in which the assistance unit receives cash assistance for arrearages assigned to the state on or after October 1, 1997 but before October 1, 2009.~~

6331. ~~“Unreimbursed eash-assistance~~ Cash Assistance” means the total, cumulative amount of ~~eash-assistance~~ Cash Assistance for which ~~the state of Arizona~~ has not received reimbursement.

6432. ~~“Voluntary payment~~ Payment” means ~~monies an amount~~ received by ~~the Title IV-D Agency~~ DCSS on behalf of a child for whom no order for ~~support~~ Support is established.

R6-7-102. Interest on Support and Related Payments

Interest shall not accrue on ~~support~~ Support and ~~related payments~~ a Related Payment retained by the Clearinghouse for ~~disbursement~~ Disbursement and the Clearinghouse shall not pay interest on ~~these monies~~ the amount retained unless ~~state~~ Arizona or federal statutes require payment of interest.

R6-7-103. Payment Handling Fee

Under A.R.S. § 25-510, the monthly payment handling fee shall be \$8.00. In a case with an Arizona Support order, the Obligor shall pay a monthly handling fee of \$8.00 as authorized by A.R.S. § 25-510(D).

~~ARTICLE 2. RESERVED~~

~~ARTICLE 3. RESERVED~~

~~ARTICLE 4. ARTICLE 2. PASSPORT DENIAL~~

~~R6-7-401~~ R6-7-201. Definitions and Location of Definitions

A. Location of Definitions. Definitions applicable to Article 2 are found in the following:

<u>“Arrearage”</u>	<u>R6-7-101(B)</u>
<u>"Business Day"</u>	<u>R6-7-101(B)</u>
<u>"Certification"</u>	<u>R6-7-201(B)</u>
<u>"Division of Child Support Services" or "DCSS"</u>	<u>R6-7-101(B)</u>
<u>"Federal Administrative Offset"</u>	<u>R6-7-201(B)</u>
<u>"Federal Income Tax Refund Offset"</u>	<u>R6-7-101(B)</u>
<u>"Obligee"</u>	<u>A.R.S. § 25-500</u>
<u>"Obligor"</u>	<u>A.R.S. § 25-500</u>
<u>"Office of Child Support Enforcement" or "OCSE"</u>	<u>R6-7-101(B)</u>
<u>"Passport Denial"</u>	<u>R6-7-201(B)</u>

<u>"Past Support"</u>	<u>R6-7-101(B)</u>
<u>"State"</u>	<u>A.R.S. § 25-1202</u>
<u>"Support"</u>	<u>A.R.S. § 25-500</u>
<u>"Temporary Assistance for Needy Families"</u>	<u>A.R.S. § 46-101</u>
<u>"Title IV-D Case"</u>	<u>R6-7-101(B)</u>

B. The following definitions apply ~~in this Article unless otherwise provided in a specific Section of this Article to~~ Article 2:

1. "Certification" means to furnish OCSE with the name, identifying information, and amount of the ~~arrears~~ Arrearage owed by ~~an individual~~ a person determined delinquent in fulfilling a ~~child support~~ Support obligation.
2. "~~Federal administrative offset~~ Administrative Offset" means the interception of certain federal payments in order to collect ~~past due child support~~ Past Support. Based on the Debt Collection Improvement Act (~~DCIA~~) of 1996, the process is managed by ~~the Federal Office of Child Support Enforcement (OCSE)~~ OCSE through the Financial Management Service (~~FMS~~) of the Department of the Treasury, in conjunction with the Federal Tax Refund Offset Program.
3. "~~Passport denial~~ Denial" means the ~~certification~~ Certification process followed by ~~the Title IV-D Agency~~ DCSS and the United States Secretary of State, to refuse to issue a passport or to revoke, restrict, or limit a passport that was previously issued, because the ~~obligor~~ Obligor in a Title IV-D ~~ease~~ Case has an ~~arrears~~ Arrearage in an amount that qualifies for ~~certification~~ Certification under federal statute.
4. "~~Secretary~~" means the United States Secretary of State.
5. "~~Title IV-D case~~" means a proceeding for support managed by the Title IV-D Agency as required by Title IV-D of the Social Security Act, 42 U.S.C. 651 et seq.

~~R6-7-402. R6-7-202.~~ Certification and Criteria

- A. ~~The Title IV-D Agency DCSS~~ shall:
 1. Submit and certify to OCSE for ~~passport denial~~ Passport Denial ~~any a~~ a Title IV-D ~~ease~~ Case with an ~~arrears~~ Arrearage that qualifies for ~~certification~~ Certification under federal statute; and
 2. Refer the case to OCSE for ~~federal income tax refund offset~~ Federal Income Tax Refund Offset and ~~federal administrative offset~~ Federal Administrative Offset under federal statute.
- B. ~~The Title IV-D Agency DCSS~~ shall submit and certify a case for ~~passport denial~~ Passport Denial if the case meets both of the following criteria:
 1. A ~~support~~ Support obligation has been established by a court or an administrative order; and
 2. The ~~arrears~~ Arrearage is in an amount that qualifies for ~~certification~~ Certification under federal statute.
- C. ~~The Title IV-D Agency DCSS~~ shall not submit the following ~~eases~~ eases for ~~passport denial~~ Passport Denial:

1. ~~An Interstate case~~ interstate case in which the ~~obligee~~ Obligee receives ~~temporary assistance for needy families~~ Temporary Assistance for Needy Families and ~~the state of~~ Arizona does not have an assignment of rights.
2. ~~Cases~~ A case in which federal law precludes action.

~~R6-7-403. R6-7-203.~~ Notice

- A. ~~The Title IV-D Agency DCSS~~ shall provide written notice to an ~~obligor~~ Obligor that the ~~obligor~~ Obligor has a ~~support arrearage~~ Support Arrearage in an amount that qualifies for ~~certification~~ Certification under federal statute, and that the ~~obligor~~ Obligor has been referred for ~~federal administrative offset~~ Federal Administrative Offset, ~~federal income tax refund offset~~ Federal Income Tax Refund Offset, and ~~passport denial~~ Passport Denial.
- B. ~~The Title IV-D Agency DCSS~~ shall send the notice to an ~~obligor~~ Obligor by first class mail. The mailing of the notice to the ~~obligor's~~ Obligor's last known address of record with ~~Title IV-D Agency DCSS~~ constitutes proper and sufficient notice.
- C. The notice shall inform the ~~obligor~~ Obligor of the right to contest the enforcement action.

~~R6-7-404. R6-7-204.~~ Administrative Review

- A. An ~~obligor~~ Obligor may file a written request for administrative review ~~by the Title IV-D Agency with DCSS~~ within 30 ~~business days~~ Business Days from the date on the notice mailed ~~in accordance with R6-7-403~~ according to R6-7-203.
- B. An ~~obligor~~ Obligor has the burden of proof regarding each issue raised in an administrative review.
- C. The issues in an administrative review are limited to:
 1. Whether there has been a mistake regarding the identity of the ~~obligor~~ Obligor; and
 2. The amount of the ~~obligor's arrearage~~ Obligor's Arrearage, if any.
- D. If an ~~obligor~~ Obligor alleges that there has been a mistake regarding the identity of the ~~obligor~~ Obligor, ~~the Title IV-D Agency DCSS~~ shall issue a final written determination by first class mail to all parties within two ~~business days~~ Business Days after receiving adequate documentation to determine the mistake in identity.
- E. For ~~all circumstances~~ a circumstance other than a mistake regarding the identity of the ~~obligor~~ Obligor, ~~the Title IV-D Agency DCSS~~ shall issue a final written determination by first class mail to all parties within 45 ~~business days~~ Business Days after receipt of the request for administrative review, or if additional information is required and provided, 45 ~~business days~~ Business Days after receipt of this information.
- F. In an interstate case, only the certifying ~~state~~ State has the authority to withdraw an ~~obligor~~ Obligor from the ~~passport denial~~ Passport Denial process.
- G. If an ~~obligor~~ Obligor does not request an administrative review within 30 ~~business days~~ Business Days, ~~the Title IV-D Agency's certification~~ DCSS's Certification for purposes of ~~passport denial~~ Passport Denial remains in effect.

H. If an ~~obligor~~ Obligor requests an administrative review within 30 ~~business days~~ Business Days and meets the requirements for withdrawal of ~~certification~~ Certification for ~~passport denial~~ Passport Denial in ~~R6-7-405~~, the ~~Title IV-D Agency~~ R6-7-205, DCSS shall notify OCSE to withdraw ~~certification~~ Certification for ~~passport denial~~ Passport Denial ~~in accordance with~~ under OCSE requirements.

~~R6-7-405. R6-7-205.~~ Withdrawal of Certification for Passport Denial

A. ~~The Title IV-D Agency~~ DCSS shall notify OCSE to withdraw ~~certification~~ Certification for ~~passport denial~~ Passport Denial for an ~~obligor~~ Obligor if one or more of the following applies:

1. ~~The Title IV-D Agency~~ DCSS makes a final determination during an administrative review that:
 - a. The case does not meet the criteria for ~~passport denial~~ Passport Denial in ~~R6-7-402~~ R6-7-202; or
 - b. There has been a mistake regarding the identity of the ~~obligor~~ Obligor;
2. The ~~obligor~~ Obligor has paid the ~~arrears~~ Arrearage down to:
 - a. An amount less than the amount that qualifies for ~~certification~~ Certification under federal statute, and has entered into a payment agreement with ~~the Title IV-D Agency~~ DCSS; or
 - b. Zero; or
 - c. An amount agreed to by the ~~Title IV-D Agency~~, DCSS, if the ~~arrears~~ Arrearage is owed to both the state Arizona and the ~~obligee~~ Obligee, provided the ~~obligor~~ Obligor agrees to and complies with any other terms required by ~~the Title IV-D Agency~~, DCSS, and the provisions of ~~R6-7-405(B)~~ subsection (B).

B. ~~The Title IV-D Agency~~ DCSS shall also notify OCSE to withdraw ~~certification~~ Certification for ~~passport denial~~ Passport Denial for an ~~obligor~~ Obligor if all of the following apply:

1. The ~~obligee~~ Obligee agrees to accept partial payment of the total ~~arrears~~ Arrearage owed by the ~~obligor~~ Obligor to the ~~obligee~~ Obligee, even though the payment does not comply with the requirements of ~~R6-7-405(A)(2)~~ subsection (A)(2) to pay ~~arrears~~ the Arrearage down to zero or an amount less than that which qualifies for ~~certification~~ Certification under federal statute;
2. The ~~obligor~~ Obligor and ~~obligee~~ Obligee agree to the amount of the partial payment in writing, and the document is signed by both parties and submitted to ~~the Title IV-D Agency~~ DCSS;
3. ~~The Title IV-D Agency~~ DCSS advises the ~~obligee~~ Obligee that ~~the Title IV-D Agency~~ DCSS may not have the opportunity to request ~~passport denial~~ Passport Denial for another 10 years;
4. The ~~obligee~~ Obligee provides ~~the Title IV-D Agency~~ DCSS with a signed, notarized statement acknowledging receipt of the advisement in subsection (3) before the notification to OCSE to withdraw ~~certification~~ Certification for ~~passport denial~~ Passport Denial;
5. The ~~obligor~~ Obligor enters into a payment agreement with ~~the Title IV-D Agency~~ DCSS for the remainder of the ~~arrears~~ Arrearage owed; and

6. ~~The Title IV-D Agency DCSS~~ consents to the agreement between the obligor Obligor and the obligee Obligee.
- C. ~~The Title IV-D Agency DCSS~~ shall notify OCSE by ~~facsimile, computer, or other~~ electronic or non-electronic means to withdraw ~~certification~~ Certification for ~~passport denial~~ Passport Denial, ~~in accordance with~~ under OCSE requirements.
- D. If an ~~obligor~~ Obligor fails to comply with the terms of any payment agreement with ~~the Title IV-D Agency, DCSS,~~ and the ~~arrears~~ Arrearage qualifies for ~~certification~~ Certification under federal statute, ~~the Title IV-D Agency DCSS~~ shall re-certify the ~~obligor~~ Obligor to OCSE for ~~passport denial~~ Passport Denial.

~~R6-7-406. R6-7-206.~~ Appeal from Administrative Review

A ~~Title IV-D Agency DCSS~~ determination made under this Article is subject to judicial review under ~~A.R.S. Title 12, Chapter 7, Article 6 (Judicial Review of Administrative Decisions), or other applicable law~~ [A.R.S. § 41-1993](#).

~~ARTICLE 5. RESERVED~~

~~ARTICLE 6. ARTICLE 3. TITLE IV-D DISTRIBUTION~~

R6-7-301. Definitions and Location of Definitions.

A. Location of Definitions. Definitions applicable to Article 3 are found in the following:

<u>"Arizona Health Care Cost Containment System" or "AHCCCS"</u>	<u>R6-7-201(B)</u>
<u>"Arrearage"</u>	<u>R6-7-101(B)</u>
<u>"Assistance Unit"</u>	A.R.S. § 46-101
<u>"Cash Assistance"</u>	<u>R6-7-101(B)</u>
<u>"Cash Medical Support"</u>	<u>R6-7-101(B)</u>
<u>"Child Not on Grant"</u>	<u>R6-7-101(B)</u>
<u>"Current Assistance"</u>	<u>R6-7-101(B)</u>
<u>"Distribution"</u>	<u>R6-7-301(B)</u>
<u>"Division of Child Support Services" or "DCSS"</u>	<u>R6-7-101(B)</u>
<u>"Federal Income Tax Refund Offset"</u>	<u>R6-7-101(B)</u>
<u>"Fees and Costs"</u>	<u>R6-7-101(B)</u>
<u>"Former Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Futures"</u>	<u>R6-7-101(B)</u>
<u>"Handling Fee"</u>	<u>R6-7-101(B)</u>
<u>"Income Withholding Order"</u>	A.R.S. § 25-1202
<u>"IRS Tax Reversal"</u>	<u>R6-7-301(B)</u>
<u>"Medical Support Judgment"</u>	<u>R6-7-101(B)</u>

<u>"Never Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Obligee"</u>	<u>A.R.S. § 25-500</u>
<u>"Obligor"</u>	<u>A.R.S. § 25-500</u>
<u>"Office of Child Support Enforcement" or "OCSE"</u>	<u>R6-7-101(B)</u>
<u>"Past Support"</u>	<u>R6-7-101(B)</u>
<u>"Pregnancy and Childbirth Judgment"</u>	<u>R6-7-301(B)</u>
<u>"Prepaid Support"</u>	<u>R6-7-101(B)</u>
<u>"Related Payment"</u>	<u>R6-7-101(B)</u>
<u>"Spousal Maintenance"</u>	<u>R6-7-101(B)</u>
<u>"State"</u>	<u>A.R.S. § 25-1202</u>
<u>"Support"</u>	<u>A.R.S. § 25-500</u>
<u>"Support Payment Clearinghouse" or "Clearinghouse"</u>	<u>R6-7-101(B)</u>
<u>"Title IV-D Case"</u>	<u>R6-7-101(B)</u>
<u>"Title IV-E"</u>	<u>R6-7-101(B)</u>
<u>"Title XIX"</u>	<u>R6-7-101(B)</u>
<u>"Voluntary Payment"</u>	<u>R6-7-301(B)</u>

B. The following definitions apply to Article 3:

1. "Arizona Health Care Cost Containment System" or "AHCCCS" means the Arizona agency identified by the federal government as the Title XIX agency responsible for administering the Medicaid program in Arizona.
2. "Distribution" means application of Support and related collections to one or more specific obligations or debts.
3. "IRS Tax Reversal" means a rescission by the Internal Revenue Service of a Federal Income Tax Refund Offset that was previously received by DCSS.
4. "Pregnancy and Childbirth Judgment" means a final court order for the costs of pregnancy and childbirth.
5. "Voluntary Payment" means money received by DCSS on behalf of a child for whom no order for Support is established.

~~R6-7-601.~~ R6-7-302. Distribution

A. ~~The Title IV-D Agency DCSS shall distribute monies~~ an amount collected in a Title IV-D ~~case~~ Case ~~in accordance with state~~ under Arizona statute and federal law and the provisions of this Article in the following sequence to:

1. Current ~~child support~~ Support;
2. Current ~~spousal maintenance~~ Spousal Maintenance;
3. Current ~~cash medical support~~ Cash Medical Support;

4. ~~Child support judgments~~ A Support judgment for ~~arrearage an Arrearage~~ or ~~past support~~ Past Support, and the applicable corresponding interest;
 5. ~~Spousal maintenance judgments~~ A Spousal Maintenance judgment for ~~arrearage an Arrearage~~ or ~~past support~~ Past Support and the applicable corresponding interest;
 6. ~~Pregnancy and childbirth judgments~~ A Pregnancy and Childbirth Judgment and the corresponding interest;
 7. A Medical Support Judgment
 - a. ~~Cash medical support judgments~~ A Cash Medical Support judgment and the corresponding interest;
 - b. ~~Judgments~~ A Medical Support Judgment for uncovered medical costs and the corresponding interest;
 9. ~~Child support arrearages~~ A Child Support Arrearage not reduced to a written judgment and the corresponding interest;
 10. ~~Spousal maintenance arrearages~~ A Spousal Maintenance Arrearage not reduced to a written judgment and the corresponding interest;
 11. ~~Cash medical support arrearages~~ A Cash Medical Support Arrearage not reduced to a written judgment, and the corresponding interest;
 12. The Current month's ~~handling fee~~ Handling Fee;
 13. A Handling fees ~~Fee~~ owed to the Support Payment Clearinghouse;
 14. An IRS tax reversals ~~Tax Reversal~~;
 15. Other ~~fees or costs~~ Fees and Costs; and
 16. Futures.
- B.** An Arrearage payments ~~payment~~ distributed in a Title IV-D case Case ~~are~~ is applied first to the principal and then to the interest that accrued on that principal in the following order:
1. The oldest written judgment's principal and interest and then to each successive written judgment's principal and interest.
 2. An Arrearages ~~Arrearage~~ not reduced to a written judgment and the corresponding interest.
- C.** ~~The Title IV-D Agency DCSS~~ shall credit ~~amounts~~ an amount received as ~~support~~ Support from or on behalf of the ~~obligor~~ Obligor as the required ~~support~~ Support obligation for the month in which ~~they are~~ it is received unless ~~they are~~ it is submitted by an employer. ~~Payments~~ A payment submitted by an employer as the result of an ~~income withholding order~~ Income Withholding Order ~~are~~ is considered received in the month in which the income was withheld by the employer. The date of receipt for ~~income withholding order~~ an Income Withholding Order ~~payments~~ payment is the last day of the pay period from which the payment is withheld.
- D.** A ~~voluntary payment~~ Voluntary Payment received in a ~~cash assistance~~ Cash Assistance case shall be retained by ~~the Title IV-D Agency DCSS~~ and shared with the federal government. Any ~~monies~~ amount received in excess of ~~cash assistance~~ Cash Assistance owed to ~~the state~~ Arizona and the federal government shall be paid to the ~~obligee~~ Obligee.

~~R6-7-602.~~ R6-7-303. Receipt and Use of Foreign Currency or Other Foreign Payment

- A. An ~~obligor~~ Obligor acting under an order for ~~support~~ Support issued by a court or an administrative entity in the U.S. shall pay ~~support~~ Support and other obligations in U.S. dollars. If the ~~obligor~~ Obligor or payor pays in a foreign currency, check, draft, or other negotiable form of payment, ~~the Title IV-D Agency DCSS~~ shall give the ~~obligor~~ Obligor credit for the U.S. dollar equivalent of the foreign currency, check, draft, or other negotiable form of payment tendered. The U.S. dollar equivalent is based on the conversion rate used by ~~the state's~~ Arizona's bank on the date the payment is received.
- B. If an ~~obligor~~ Obligor or payor tenders payment in a foreign currency, draft, check, or other negotiable form of payment under a U.S. ~~support~~ Support order and the equivalent value in U.S. dollars is less than the ordered amount, the difference between the ordered amount and the amount tendered constitutes an unpaid amount owed.
- C. If an ~~obligor~~ Obligor or payor tenders payment in a foreign currency, draft, check, or other negotiable form of payment under a U.S. ~~support~~ Support order, and the equivalent value in U.S. dollars is more than the ordered amount, ~~the Title IV-D Agency DCSS~~ shall distribute the excess amount according to ~~R6-7-601(A).~~ R6-7-302(A).
- D. If an ~~obligor~~ Obligor or payor tenders payment in a foreign currency, draft, check, or other negotiable form of payment as required under a foreign ~~support~~ Support order, ~~the Title IV-D Agency DCSS~~ shall give the ~~obligor~~ Obligor credit for the amount tendered regardless of the conversion value in U.S. dollars.
- E. The Clearinghouse shall disburse ~~support~~ Support and ~~related payments~~ any Related Payment it receives in U.S. dollars.

~~R6-7-603.~~ R6-7-304. Allocation of Monies Received from Federal Income Tax Refund Offset to Arrearages

If ~~monies~~ the amount received from a ~~federal income tax refund offset~~ Federal Income Tax Refund Offset ~~do~~ does not satisfy the total ~~arrears~~ Arrearages for all cases submitted by ~~the Title IV-D Agency DCSS~~ to OCSE for payment owed by an ~~obligor~~ Obligor to multiple ~~obligees~~ Obligees, ~~the Title IV-D Agency DCSS~~ shall make a proportionate allocation to each ~~obligee~~ Obligee whose case was submitted for ~~federal income tax refund offset~~ Federal Income Tax Refund Offset. ~~The Title IV-D Agency DCSS~~ shall determine the proportionate share by dividing the total ~~arrears~~ Arrearages owed to each ~~obligee~~ Obligee by the total ~~arrears~~ Arrearages owed by the ~~obligor~~ Obligor and multiplying the resulting percentage by the amount of the ~~federal income tax refund offset~~ Federal Income Tax Refund Offset.

~~R6-7-604.~~ R6-7-305. Allocation of Other Than Internal Revenue Service Payments to Multiple Obligees

- A. If ~~the Title IV-D Agency DCSS~~ receives a ~~support~~ Support payment not paid by an ~~income withholding order~~ Income Withholding Order that is undesignated as to case or ~~obligee~~ Obligee and it does not satisfy the total

~~current support~~ Current Support owed by one ~~obligor~~ Obligor to multiple ~~obligees~~ Obligees, the ~~Title IV-D Agency~~ DCSS shall use the following procedure to determine the amount of ~~support~~ Support allocated to each ~~obligee~~ Obligee:

1. Determine the total ~~current support~~ Current Support owed by the ~~obligor~~ Obligor to all ~~obligees~~ Obligees;
2. Divide the ~~current support~~ Current Support that the ~~obligor~~ Obligor owes to each ~~obligee~~ Obligee by the total ~~current support~~ Current Support that the ~~obligor~~ Obligor owes to all ~~obligees~~ Obligees; and
3. Multiply the resulting percentage by the payment.

B. If the ~~Title IV-D Agency~~ DCSS receives a ~~support~~ Support payment not paid by an ~~income withholding order~~ Income Withholding Order that is undesignated as to case or ~~obligee~~ Obligee and it does not satisfy the total ~~arrearages~~ Arrearages or ~~past support~~ Past Support owed by one ~~obligor~~ Obligor to multiple ~~obligees~~ Obligees, the ~~Title IV-D Agency~~ DCSS shall use the following procedure to determine the amount of ~~support~~ Support allocated to each ~~obligee~~ Obligee:

1. Determine the total ~~arrearages~~ Arrearages owed by the ~~obligor~~ Obligor to all ~~obligees~~ Obligees;
2. Divide the ~~arrearages~~ Arrearages that the ~~obligor~~ Obligor owes to each ~~obligee~~ Obligee by the total ~~arrearages~~ Arrearages that the ~~obligor~~ Obligor owes to all ~~obligees~~ Obligees; and
3. Multiply the resulting percentage by the ~~arrearsage~~ Arrearsage or ~~past support~~ Past Support payment.

C. The ~~Title IV-D Agency~~ DCSS shall not use this procedure if:

1. The payment source is an ~~income withholding order~~ Income Withholding Order and the employer or payor has allocated under [A.R.S. §§ 25-504](#) or [25-505.01](#);
2. The case is governed by ~~R6-7-715~~ R6-7-416; or
3. The ~~support~~ Support owed to an ~~obligee~~ Obligee was not submitted for the enforcement action that resulted in the collection.

~~R6-7-605. R6-7-306.~~ Distribution of Monies Received from Federal Income Tax Refund Offset to Arrearages

If the ~~federal income tax refund offset~~ Federal Income Tax Refund Offset received from the Internal Revenue Service on behalf of an ~~obligor~~ Obligor is greater than the total ~~arrearages~~ Arrearages owed for all cases submitted for ~~federal income tax refund offset~~ Federal Income Tax Refund Offset, the ~~Title IV-D Agency~~ DCSS shall refund any excess ~~monies~~ amount to the ~~obligor~~ Obligor, unless the ~~obligor~~ Obligor agrees in writing that the ~~monies~~ amount may be applied to other obligations owed.

~~R6-7-606. R6-7-307.~~ Distribution of Futures

The ~~Title IV-D Agency~~ DCSS shall apply ~~futures~~ Futures as provided in [45 CFR 302.51\(b\)](#). (~~Office of the Federal Register, National Archives and Records Administration, October 1, 2004~~), which is incorporated by reference and on file with the Department. ~~This incorporation by reference does not include any later amendments or editions.~~

The Title IV-D Agency DCSS shall also follow the same regulation in ~~never assistance~~ a Never Assistance Case and ~~former assistance cases~~ a Former Assistance Case.

~~R6-7-607. R6-7-308.~~ Distribution of Prepaid Support

- A. The Title IV-D Agency DCSS shall treat ~~payments as prepaid support~~ a payment as Prepaid Support only if there is no alternative that would allow for prompt payment of ~~support~~ Support owed to an ~~obligee~~ Obligee in a future month.
- B. The Title IV-D Agency DCSS shall release any ~~prepaid support~~ Prepaid Support in the applicable future month for distribution ~~in accordance with R6-7-601(A).~~ according to R6-7-302(A).

~~R6-7-608. R6-7-309.~~ Distribution in Title IV-E Cases

- A. The Department DCSS shall retain ~~monies~~ an amount collected in a Title IV-E case for reimbursement of Title IV-E expenditures under A.R.S. § 8-243.02.
- B. While a case is current Title IV-E, ~~all support collected~~ DCSS shall ~~be disbursed~~ disburse all Support collected ~~in accordance with~~ according to 45 CFR 302.52 (Office of the Federal Register, National Archives and Records Administration, October 1, 2004), which is incorporated by reference and on file with the Department. ~~This incorporation by reference does not include any later amendments or editions.~~ If the collection is more than the current monthly ~~support~~ Support and exceeds the total Title IV-E expenditures, then ~~the Department DCSS~~ shall use the collection to pay any ~~arrears~~ Arrearage assigned to ~~the state~~ Arizona under A.R.S. § 46-407. If ~~arrears~~ all Arrearages have been paid, ~~the Department DCSS~~ shall pay any excess in a current Title IV-E case to the ~~Title IV-E Agency~~ Arizona Department of Child Safety for the benefit of the Title IV-E child.
- C. When a case is a former Title IV-E and ~~former assistance~~ a Former Assistance Case with ~~arrears~~ an Arrearage assigned to the state Arizona under A.R.S. § 46-407 and A.R.S. § 8-243.02, ~~the Department DCSS~~ shall first apply ~~arrears collections~~ an Arrearage collection to the ~~arrears~~ Arrearage assigned under A.R.S. § 46-407.

~~R6-7-609. R6-7-310.~~ Distribution in Current Assistance Cases with a Child Exempt from Assignment

- A. In a ~~current assistance case~~ Current Assistance Case, when a child is determined to be a Child Not on Grant, ~~the Title IV-D Agency DCSS~~ shall distribute ~~current support~~ Current Support collected for a Child Not on Grant on or after the end of the month in which the ~~current support~~ Current Support is collected. ~~Arrears that accrue and are~~ An Arrearage that accrues and is collected while the ~~assistance unit~~ Assistance Unit is receiving ~~cash assistance~~ Cash Assistance shall be distributed on or after the end of the month in which the ~~arrears are~~ Arrearage is collected.
- B. If a ~~child support~~ Support order for a Child Not on Grant covers children who are not subject to A.R.S. § 46-407(B), ~~the Title IV-D Agency DCSS~~ shall divide the ordered ~~child support~~ Support amount by the number of

children in the order. ~~The Title IV-D Agency DCSS~~ shall distribute the prorated share of the ~~child support~~ Support collected for the benefit of the Child Not on Grant.

- C. Beginning July 1, 2003, for current ~~child support~~ Support and any ~~child support arrearages~~ Support Arrearage that ~~accrue~~ accrues during the period of assistance, ~~the Title IV-D Agency DCSS~~ shall distribute the prorated share of ~~child support~~ Support collected for the benefit of a child who is subject to [A.R.S. § 46-292\(G\)](#) on or after the end of the month in which it is collected.
- D. If a ~~child support~~ Support order for a child subject to [A.R.S. § 46-292\(G\)](#) also covers ~~children who are a child~~ who is not subject to [A.R.S. § 46-292\(G\)](#), ~~the Title IV-D Agency DCSS~~ shall divide the ordered ~~child support~~ Support amount by the number of children in the order. ~~The Title IV-D Agency DCSS~~ shall distribute the prorated share of the ~~child support~~ Support collected for the benefit of the child subject to [A.R.S. § 46-292\(G\)](#).

~~R6-7-610. R6-7-311.~~ Distribution of Cash Medical Support in Title XIX Cases

- A. ~~The Title IV-D Agency DCSS~~ shall retain ~~current cash medical support monies~~ a current Cash Medical Support amount for a child receiving Title XIX services under [A.R.S. § 46-407](#) where the recipient of services is ~~an individual~~ a person to whom court ordered medical support Support is owed.
- B. When a child is receiving Title XIX services, ~~the Title IV-D Agency DCSS~~ shall disburse all current ~~cash medical support~~ Cash Medical Support for that child to ~~the Title XIX Agency in accordance with AHCCCS as described in 45 CFR 302.51~~ on or after the end of the month in which the current ~~cash medical support~~ Cash Medical Support is collected. ~~The Title IV-D Agency DCSS~~ shall distribute ~~arrearages~~ an Arrearage that ~~accrue and are~~ accrues and is collected while the child is receiving Title XIX services on or after the end of the month in which the ~~arrearages are collected~~ Arrearage is collected.
- C. When a child is no longer receiving Title XIX services, ~~the Title IV-D Agency DCSS~~ shall disburse current ~~cash medical support~~ Cash Medical Support ~~in accordance with R6-7-701.~~ ~~The Title IV-D Agency DCSS~~ shall distribute ~~collections of cash medical support arrears~~ a Cash Medical Support Arrearage that accrued while the child was receiving Title XIX services ~~in accordance with R6-7-601 to the Title XIX Agency as described in R6-7-302 to AHCCCS.~~
- D. If a ~~cash medical support~~ Cash Medical Support order covers ~~children who are a child~~ who is not receiving Title XIX services and children who are a child who is receiving Title XIX services, ~~the Title IV-D Agency DCSS~~ shall divide the ordered ~~cash medical support~~ Cash Medical Support amount by the number of children in the order. ~~The Title IV-D Agency DCSS~~ shall distribute the prorated share of ~~cash medical support~~ Cash Medical Support for the benefit of ~~the children~~ a child receiving Title XIX services to ~~the Title XIX Agency AHCCCS~~ and the prorated share of ~~cash medical support~~ Cash Medical Support for the benefit of ~~the children~~ a child not receiving Title XIX services to the ~~obligee~~ Obligee.
- E. When a case is former Title XIX and ~~former assistance~~ a Former Assistance Case with ~~arrearages~~ an Arrearage assigned to ~~the state~~ Arizona under [A.R.S. § 46-407](#), ~~the Title IV-D Agency DCSS~~ shall first apply ~~arrearage~~

~~collections to the child and spousal support arrearages~~ an arrearage collection to the Support and Spousal Maintenance Arrearage assigned under [A.R.S. § 46-407](#).

~~R6-7-611.~~ ~~Expired~~ Renumbered

~~ARTICLE 7.~~ ARTICLE 4. TITLE IV-D DISBURSEMENT

R6-7-401. Definitions and Location of Definitions

A. Location of Definitions. Definitions applicable to Article 4 are found in the following:

<u>"Annual Fee"</u>	<u>R6-7-401(B)</u>
<u>"Arrearage"</u>	<u>R6-7-101(B)</u>
<u>"Assistance Unit"</u>	<u>R6-7-101(B)</u>
<u>"Business Day"</u>	<u>R6-7-101(B)</u>
<u>"Caregiver"</u>	<u>R6-7-101(B)</u>
<u>"Cash Assistance"</u>	<u>R6-7-101(B)</u>
<u>"Child Not on Grant"</u>	<u>R6-7-101(B)</u>
<u>"Child Support Case Registry" or "Registry"</u>	<u>R6-7-401(B)</u>
<u>"Conditionally Assigned Arrearage"</u>	<u>R6-7-401(B)</u>
<u>"Current Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Current Support"</u>	<u>R6-7-101(B)</u>
<u>"Department"</u>	<u>A.R.S. § 41-1951</u>
<u>"Disbursement"</u>	<u>R6-7-101(B)</u>
<u>"Division of Child Support Services" or "DCSS"</u>	<u>R6-7-101(B)</u>
<u>"Family Assistance Administration" or "FAA"</u>	<u>R6-7-401(B)</u>
<u>"Federal Fiscal Year"</u>	<u>R6-7-401(B)</u>
<u>"Federal Income Tax Refund Offset"</u>	<u>R6-7-101(B)</u>
<u>"Fees and Costs"</u>	<u>R6-7-101(B)</u>
<u>"Former Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Futures"</u>	<u>R6-7-101(B)</u>
<u>"Handling Fee"</u>	<u>R6-7-101(B)</u>
<u>"Income Withholding Order"</u>	<u>A.R.S. § 25-1202</u>
<u>"Injured Spouse Claim"</u>	<u>R6-7-101(B)</u>
<u>"IV-D Agency"</u>	<u>45 CFR 301.1</u>
<u>"Never Assigned Arrearage"</u>	<u>R6-7-401(B)</u>
<u>"Never Assistance Case"</u>	<u>R6-7-101(B)</u>
<u>"Obligee"</u>	<u>A.R.S. § 25-500</u>

<u>"Obligor"</u>	A.R.S. § 25-500
<u>"Past Support"</u>	R6-7-101(B)
<u>"Permanently Assigned Arrearage"</u>	R6-7-101(B)
<u>"Prepaid Support"</u>	R6-7-101(B)
<u>"Related Payment"</u>	R6-7-101(B)
<u>"State"</u>	A.R.S. § 25-1202
<u>"Support"</u>	A.R.S. § 25-500
<u>"Support Payment Clearinghouse" or "Clearinghouse"</u>	R6-7-101(B)
<u>"Temporarily Assigned Arrearage"</u>	R6-7-101(B)
<u>"Title IV-D Case"</u>	R6-7-101(B)
<u>"Unassigned Arrearage"</u>	R6-7-401(B)
<u>"Unassigned During-Assistance Arrearage"</u>	R6-7-401(B)
<u>"Unassigned Pre-Assistance Arrearage"</u>	R6-7-401(B)
<u>"Unreimbursed Cash Assistance"</u>	R6-7-101(B)

B. The following definitions apply ~~in this Article~~ to Article 4:

1. "Annual Fee" means the amount owed by the recipient of services once DCSS has collected Support in a Federal Fiscal Year under [42 U.S.C. 654\(6\)\(B\)\(ii\)](#) and [A.R.S. § 25-528](#).
2. "Child Support Case Registry" or "Registry" means certain automated records of all Title IV-D Cases, and all other cases in which a Support order is established, modified, or registered in Arizona on or after October 1, 1998.
3. "Conditionally Assigned Arrearage" is an Arrearage that:
 - a. Does not exceed the total cumulative amount of Unreimbursed Cash Assistance paid to a family as of the date the family stops receiving Cash Assistance;
 - b. Was a Temporarily Assigned Arrearage; and
 - c. Became conditionally assigned on the date that the family stopped receiving Cash Assistance or October 1, 2000, whichever date is later.
4. "Family Assistance Administration" or "FAA" means the administration within the Department's Division of Benefits and Medical Eligibility responsible for providing financial and nutrition assistance to eligible persons and determining medical eligibility.
5. "Federal Fiscal Year" means the 12 consecutive months beginning October 1 and ending September 30 during which the Office of Child Support Enforcement plans the use of its funds.
6. "Injured Spouse Claim" means a written request from the spouse of an Obligor stating that the spouse has an interest in an income tax refund based on a joint federal income tax return.
7. "Never Assigned Arrearage" means an Arrearage that:

- a. Accrues in a Never Assistance Case, or in a Former Assistance Case after an Assistance Unit's most recent period of Cash Assistance ends; and
 - b. Is not assigned.
8. “Unassigned Arrearage” means a previously permanently assigned and Temporarily Assigned Arrearage that exceeds the total cumulative amount of Unreimbursed Cash Assistance paid to a family as of the date the family stops receiving Cash Assistance and includes both an Unassigned During-Assistance Arrearage and an Unassigned Pre-Assistance Arrearage.
9. “Unassigned During-Assistance Arrearage” means a previously permanently assigned Arrearage that:
- a. Exceeds the total cumulative amount of Unreimbursed Cash Assistance paid to an Assistance Unit as of the date the Assistance Unit stops receiving Cash Assistance; and
 - b. Accrues during any period in which the Assistance Unit receives Cash Assistance for an Arrearage assigned to Arizona on or after October 1, 1997.
10. “Unassigned Pre-Assistance Arrearage” means a previously Temporarily Assigned Arrearage that:
- a. Exceeds the total cumulative amount of unreimbursed Cash Assistance paid to an Assistance Unit as of the date the Assistance Unit stops receiving Cash Assistance; and
 - b. Accrues before any period in which the Assistance Unit receives Cash Assistance for an Arrearage assigned to Arizona on or after October 1, 1997 but before October 1, 2009.

~~R6-7-701.~~ R6-7-402. Disbursement

- A. ~~The Title IV-D Agency DCSS shall disburse support~~ Support and ~~related payments~~ any Related Payment that the ~~Title IV-D Agency DCSS~~ receives in a Title IV-D case Case to one or more of the following recipients:
1. An ~~obligee~~ Obligee or an agent authorized in writing by an ~~obligee~~ Obligee or as determined by law;
 2. A ~~Title IV-D agency~~ Agency of another ~~state~~ State if the agency submits a request for ~~support~~ Support establishment or enforcement services and is authorized to receive ~~support~~ Support under ~~U.I.F.S.A.~~ the Uniform Interstate Family Support Act;
 3. The federal government, if Arizona is providing or has provided ~~cash assistance~~ Cash Assistance to the ~~assistance unit~~ Assistance Unit, or a member of the ~~assistance unit~~ Assistance Unit, or if Arizona is providing or has provided a Title IV-E foster care maintenance ~~payments~~ payment, or if the ~~annual \$25.00 fee~~ Annual Fee is owed, ~~pursuant to R6-7-611~~;
 4. A ~~state~~ State, if the ~~state~~ State is providing or has provided ~~cash assistance~~ Cash Assistance to the ~~assistance unit~~ Assistance Unit that does not exceed the total amount of ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance;
 5. An ~~obligor~~ Obligor, if a refund is due;
 6. A bankruptcy trustee;
 7. A ~~state~~ State or federal agency as authorized by law; and

8. A ~~caretaker~~ Caregiver under Arizona statute and ~~R6-7-712~~, R6-7-413.
- B.** ~~The Title IV-D Agency DCSS shall issue payments~~ a payment due to an ~~obligee~~ Obligee at the last known address filed with the Child Support Case Registry or the last address known to ~~F.A.A~~ the FAA.
- C.** If a payment to an ~~obligee~~ Obligee is returned to ~~the Title IV-D Agency DCSS~~ because it was undeliverable, ~~the Title IV-D Agency DCSS~~ shall make a reasonable effort to locate the ~~obligee~~ Obligee for the period authorized in A.R.S. § 25-503.
- D.** If ~~the Title IV-D Agency DCSS~~ is unable to locate ~~the obligee~~ an Obligee by the end of the period authorized in A.R.S. § 25-503, ~~the Title IV-D Agency DCSS~~ shall contact the ~~obligor~~ Obligor to request oral or written approval to apply the funds to ~~arrearages~~ any Arrearage and any other unpaid obligations owed to ~~the state~~ Arizona. If ~~the Title IV-D Agency DCSS~~ is unable after a reasonable effort to locate the ~~obligee~~ Obligee or ~~obligor~~ Obligor, and an ~~arrearage~~ Arrearage is still owed to ~~the state~~ Arizona, ~~the Title IV-D Agency DCSS~~ shall apply the ~~payments~~ payment to the ~~arrearage~~ Arrearage.
- E.** If an ~~obligee~~ Obligee requests that ~~the Title IV-D Agency DCSS~~ directly deposit ~~support~~ Support in a financial institution and the financial institution returns ~~those monies~~ the amount because the ~~obligee's~~ Obligee's account is closed, or the financial institution will not accept the deposit, ~~the Title IV-D Agency DCSS~~ shall make a reasonable effort to locate the ~~obligee~~ Obligee for the period authorized in A.R.S. § 25-503, after receiving notice that the account is closed or that the financial institution will not accept the deposit.
- F.** Neither the return of ~~monies~~ an amount to an ~~obligor~~ Obligor due to an inability to locate the ~~obligee~~ Obligee, nor the application of ~~monies~~ an amount to ~~arrearages~~ an Arrearage or other ~~support-related debts~~ Support-related debt terminates an ~~obligor's~~ Obligor's obligation ordered by a court or administrative entity.
- G.** ~~The Title IV-D Agency DCSS shall disburse support~~ Support that ~~the Title IV-D Agency DCSS~~ receives for a ~~current assistance case~~ Current Assistance Case within two ~~business days~~ Business Days of the last day of the month in which the Clearinghouse receives the payment.
- H.** Except as provided in subsections (G), (I), (J), (K), (L), and (M), ~~the Title IV-D Agency DCSS~~ shall disburse ~~support~~ Support within two ~~business days~~ Business Days of receipt by the Clearinghouse unless the Clearinghouse is unable to disburse the ~~support~~ Support for one or more of the following reasons:
1. ~~The Title IV-D Agency DCSS~~ does not have the ~~obligee's~~ Obligee's current address;
 2. ~~The Title IV-D Agency DCSS~~ or its payment posting contractor lacks sufficient information to identify the case to which the payment must be applied;
 3. An action is pending before ~~the Title IV-D Agency DCSS~~ to determine whether:
 - a. An administrative ~~income withholding order~~ Income Withholding Order is enforceable under A.R.S. § 25-505.01, or
 - b. A limited ~~income withholding order~~ Income Withholding Order is enforceable under A.R.S. § 25-505;
 4. The payment is for ~~futures~~ Futures that federal law requires ~~the Title IV-D Agency DCSS~~ to hold for ~~disbursement~~ Disbursement in a future month, or for ~~prepaid support~~ Prepaid Support;

5. A court or administrative order, bankruptcy stay, or state Arizona or federal law requires ~~the Title IV-D Agency DCSS~~ to retain ~~support~~ Support or to use a different ~~disbursement~~ Disbursement method or time-frame;
 6. ~~The Title IV-D Agency DCSS~~ lacks information regarding a ~~support~~ Support order, an agreement, or any other obligation owed to ~~the Department~~ Arizona;
 7. Support is returned to ~~the Title IV-D Agency DCSS~~ or the Clearinghouse due to the ~~obligee's~~ Obligee's incarceration or because the ~~obligee~~ Obligee or only child still covered by the order is deceased;
 8. A check received from an ~~obligor~~ Obligor or other payor has previously been dishonored, precluding the acceptance of a personal check under [A.R.S. § 25-503](#); or
 9. Other circumstances exist that prevent proper and timely ~~disbursement~~ Disbursement of ~~support~~ Support through no fault or lack of diligence on the part of ~~the Title IV-D Agency DCSS~~.
- I.** If a ~~federal income tax refund offset~~ Federal Income Tax Refund Offset is based on a joint federal income tax return, ~~the Title IV-D Agency DCSS~~ shall retain the offset for 180 days after receipt of the refund ~~monies~~ offset unless the Internal Revenue Service notifies ~~the Title IV-D Agency DCSS~~ of the resolution of an ~~injured spouse claim~~ Injured Spouse Claim, or until the spouse signs a waiver of any right to claim a portion of the refund. ~~The Title IV-D Agency DCSS~~ shall distribute and disburse a ~~federal income tax refund offset~~ Federal Income Tax Refund Offset that is based on a joint tax return ~~in accordance with R6-7-709, R6-7-710 and R6-7-711~~. The ~~offset collections do~~ An offset collection does not accrue interest and ~~the Title IV-D Agency DCSS~~ shall not pay interest on ~~these monies~~ a refund offset.
- J.** ~~If a [state income] tax refund is based on a joint income tax return and the department of economic security receives a written claim from the nonobligated spouse within forty five days after the notice of a setoff for overdue child support, the setoff only applies to that portion of the refund due to the obligor. The nonobligated spouse shall provide to the department of economic security copies of both the obligated and nonobligated spouse's federal W-2 forms and evidence of estimated tax payments supporting the proportionate share of each spouse's payment of tax. The department of economic security shall retain the amount of the set off refund due to the obligated spouse determined by a proration based on the tax payments of each spouse by estimated tax payment or tax withheld from wages. A.R.S. § 42-1122(S).~~
- If an Arizona income tax refund is based on a joint federal income tax return, and DCSS received a written claim from a Nonobligated Spouse within 45 days after the notice of an offset for overdue Support, the offset shall only apply to that portion of the refund due to the Obligor. The Nonobligated Spouse shall provide DCSS copies of both the Obligated Spouse's and Nonobligated Spouse's federal W-2 forms and evidence of any estimated tax payment supporting the proportionate share of each spouse's payment of tax. DCSS shall retain the amount of the offset refund due to the Obligated Spouse as provided in [A.R.S. § 42-1122](#).
- K.** ~~The Title IV-D Agency DCSS~~ shall distribute and disburse an Arizona income tax refund ~~setoff~~ offset that is based on a joint income tax return ~~in accordance with R6-7-604~~ as described in R6-7-302. ~~The Title IV-D~~

Agency DCSS shall not pay interest on ~~these monies~~ a refund offset except as provided in [A.R.S. §§ 42-1122](#) and [42-1123](#).

L. ~~The Title IV-D Agency DCSS shall retain a state~~ an Arizona lottery prize that has been ~~setoff~~ offset under ~~A.R.S. § 5-525~~ [A.R.S. § 5-575](#) for 30 days after the date on the notice of ~~setoff~~ offset and right to appeal as prescribed in ~~A.R.S. § 5-525~~ [A.R.S. § 5-575](#). ~~The Title IV-D Agency DCSS shall not pay interest on these monies~~ a lottery prize offset except as provided in ~~A.R.S. § 5-525~~ [A.R.S. § 5-575](#).

M. ~~In addition to the reasons for retaining support already stated in this rule, the Title IV-D Agency DCSS may retain support~~ Support for more than two ~~business days~~ Business Days if:

1. The amount received exceeds the amount due or owing, but is neither ~~futures~~ Futures nor ~~prepaid support~~ Prepaid Support;
2. The ~~obligee's~~ Obligee's and ~~obligor's~~ Obligor's financial accounts maintained by ~~the Title IV-D Agency DCSS~~ are out of balance;
3. An ~~obligor~~ Obligor has multiple cases and, in at least one case, has no known ~~obligation to support a child~~ Support obligation or a child covered by the ~~support~~ Support order is receiving Social Security benefits and [A.R.S. § 46-407](#) applies;
4. A personal or business check received for ~~support~~ Support in one case exceeds \$2,500 and there is no history of checks that exceed \$2,500 clearing in that case. In no event shall ~~the Title IV-D Agency DCSS~~ retain ~~these monies~~ the amount for more than 10 ~~business days~~ Business Days;
5. ~~The Title IV-D Agency DCSS~~ has received a notice of a stop payment order on a payment; or
6. The amount to be disbursed in a check is less than \$3.00. ~~When the amount held reaches \$3.00 or more, the Title IV-D Agency DCSS shall disburse the amount~~ funds when the amount held exceeds \$3.00.

N. If a ~~support~~ Support payment received by ~~the Title IV-D Agency DCSS~~ exceeds the amount due or owing and is neither ~~futures~~ Futures nor ~~prepaid support~~ Prepaid Support, ~~the Title IV-D Agency DCSS shall refund the excess to the obligor~~ Obligor at the last known address provided to the Child Support Case Registry.

O. If an ~~obligee~~ Obligee cannot be located before a case is closed, ~~the Title IV-D Agency DCSS shall send any undisbursed amounts owed to the obligee~~ Obligee ~~back to the obligor~~ Obligor.

~~R6-7-702. R6-7-403.~~ Disbursement in Never Assistance Cases through December 31, 2002

Except as provided in ~~R6-7-710 and R6-7-711~~ [R6-7-411](#) and [R6-7-412](#) for ~~federal income tax refund offsets~~ a Federal Income Tax Refund Offset, ~~the Title IV-D Agency DCSS shall disburse support~~ Support and ~~related payments~~ any Related Payment collected for an Arizona ~~never assistance case~~ Never Assistance Case to a recipient of services under Title IV-D or Title XIX of the Social Security Act as follows:

1. First, to ~~current support~~ Current Support;
2. Second, to the ~~handling fee~~ Handling Fee for the month in which ~~the Title IV-D Agency DCSS~~ receives the ~~support~~ Support;

3. Third, to ~~never assigned arrearages~~ a Never Assigned Arrearage;
4. Fourth, to ~~fees and costs~~ Fees and Costs and unpaid ~~handling fees~~ Handling Fees; and
5. Fifth, to ~~futures~~ Futures as provided in R6-7-307.

~~R6-7-703~~ R6-7-404. Disbursement in Never Assistance Cases on and after January 1, 2003

Except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for federal income tax refund offsets a Federal Income Tax Refund Offset, and ~~R6-7-611~~ under A.R.S. § 25-528 for the mandatory ~~annual fee~~ Annual Fee effective on and after October 1, 2009, the ~~Title IV-D Agency~~ DCSS shall disburse ~~support~~ Support and ~~related payments~~ any Related Payment collected for an Arizona ~~never assistance case~~ Never Assistance Case to a recipient of services under Title IV-D or Title XIX of the ~~Social Security Act~~ as follows:

1. First, to ~~current support~~ Current Support;
2. Second, to ~~never assigned arrearages~~ a Never Assigned Arrearage;
3. Third, to the ~~handling fee~~ Handling Fee for the month in which the ~~Title IV-D Agency~~ DCSS receives the ~~support~~ Support and unpaid ~~handling fees~~ Handling Fees;
4. Fourth, to ~~fees and costs~~ Fees and Costs; and
5. Fifth, to ~~futures~~ Futures as provided in R6-7-307.

~~R6-7-704~~ R6-7-405. Disbursement in Current Assistance Cases through December 31, 2002

Except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for federal income tax refund offsets a Federal Income Tax Refund Offset, the ~~Title IV-D Agency~~ DCSS shall disburse ~~support~~ Support and ~~related payments~~ any Related Payment collected for an Arizona Title IV-D ~~current assistance case~~ Current Assistance Case as follows:

1. First to ~~current support~~ Current Support assigned to the state of Arizona, not to exceed the total amount of ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance;
2. Second, to the handling fee for the month in which the ~~Title IV-D Agency~~ DCSS receives the ~~support~~ Support;
3. Third, to ~~temporarily assigned arrearages~~ a Temporarily Assigned Arrearage;
4. Fourth, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage;
5. Fifth, to ~~unassigned arrearages~~ an Unassigned Arrearage;
6. Sixth, to ~~fees and costs~~ Fees and Costs; and
7. Seventh, to ~~futures~~ Futures as provided in R6-7-307.

~~R6-7-705~~ R6-7-406. Disbursement in Current Assistance Cases on and after January 1, 2003

A. For all ~~recipients~~ a recipient who applied for current assistance prior to October 1, 2009 and therefore assigned ~~their~~ the recipient's rights to ~~support~~ Support to the state Arizona, the ~~Title IV-D Agency~~ DCSS shall disburse

~~support Support~~ and ~~related payments any Related Payment~~, except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for ~~federal income tax refund offsets a Federal Income Tax Refund Offset~~, collected for an Arizona Title IV-D ~~current assistance case~~ Current Assistance Case as follows:

1. First, to ~~current support~~ Current Support assigned to the state of Arizona, not to exceed the total amount of ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance;
2. Second, to ~~temporarily assigned arrearages~~ a Temporarily Assigned Arrearage;
3. Third, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage;
4. Fourth, to ~~unassigned arrearages~~ an Unassigned Arrearage;
5. Fifth, to the ~~handling fee~~ Handling Fee for the month in which the ~~Title IV-D Agency~~ DCSS receives the ~~support Support~~ and other unpaid ~~handling fees~~ Handling Fees;
6. Sixth, to ~~fees and costs~~ Fees and Costs; and
7. Seventh, to ~~futures~~ Futures as provided in R6-7-307.

B. For ~~all recipients~~ a recipient who applied for current assistance on and after October 1, 2009, the ~~Title IV-D Agency~~ DCSS shall disburse ~~support Support~~ and ~~related payments any Related Payment~~, except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for ~~federal income tax refund offsets a Federal Income Tax Refund Offset~~, collected for an Arizona Title IV-D ~~current assistance case~~ Current Assistance Case as follows:

1. First, to ~~current support~~ Current Support assigned to the state of Arizona, not to exceed the total amount of ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance;
2. Second, to ~~temporarily assigned arrearages~~ a Temporarily Assigned Arrearage which were assigned prior to October 1, 2009;
3. Third, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage;
4. Fourth, to ~~never assigned arrearages~~ a Never Assigned Arrearage;
5. Fifth, to ~~conditionally assigned arrearages~~ a Conditionally Assigned Arrearage based on assignments entered prior to October 1, 2009;
6. Sixth, to ~~unassigned pre-assistance arrearages~~ an Unassigned Pre-Assistance Arrearage;
7. Seventh, to ~~unassigned during assistance arrearages~~ an Unassigned During-Assistance Arrearage;
8. Eighth, to the ~~handling fee~~ Handling Fee for the month in which the ~~Title IV-D Agency~~ DCSS receives the ~~support Support~~ and other unpaid ~~handling fees~~ Handling Fees;
9. Ninth, to ~~fees and costs~~ Fees and Costs; and
10. Tenth, to ~~futures~~ Futures as provided in R6-7-307.

~~R6-7-706. R6-7-407.~~ Disbursement in Current Assistance Cases with a Child Exempt from Assignment

A. The ~~Title IV-D Agency~~ DCSS shall disburse the prorated share of ~~support Support~~ received for a Child Not on Grant to the ~~obligee~~ Obligee after the end of the month in which it is received.

- B. If the ~~Title IV-D Agency~~ DCSS determines that a child is a Child Not on Grant, the unpaid share of ~~support~~ Support accrues as ~~never assigned arrearages~~ a Never Assigned Arrearage.
- C. If a Child Not on Grant is no longer subject to A.R.S. § 46-407(B), and instead is subject to the remaining provisions of A.R.S. §§ 46-407 and 46-408, ~~all any previously unpaid arrearages are~~ Arrearage is assigned to ~~the state.~~ Arizona.
- D. While an ~~assistance unit~~ Assistance Unit is receiving ~~cash assistance~~ Cash Assistance, the ~~Title IV-D Agency~~ DCSS shall disburse the prorated share of ~~support~~ Support received for a child subject to the provisions of A.R.S. § 46-292(G) to the ~~obligee~~ Obligee after the end of the month of current assistance.
- E. If the ~~Title IV-D Agency~~ DCSS determines that a child in an ~~assistance unit~~ Assistance Unit is subject to the provisions of A.R.S. § 46-292(G), the unpaid prorated share of ~~support~~ Support accrues as ~~never assigned arrearages~~ a Never Assigned Arrearage.

~~R6-7-707.~~ R6-7-408. Disbursement Under Federal Law from October 1, 1997 through September 30, 2000 for Former Assistance Cases

Except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for ~~federal income tax refund offsets a~~ Federal Income Tax Refund Offset, the ~~Title IV-D Agency~~ DCSS shall disburse ~~support~~ Support and ~~related payments~~ any Related Payment for a ~~former cash assistance case~~ Former Assistance Case as follows:

1. First, to ~~current support~~ Current Support;
2. Second, to the ~~handling fee~~ Handling Fee for the month in which the ~~Title IV-D Agency~~ DCSS receives the ~~support~~ Support;
3. Third, to ~~never assigned arrearages~~ a Never Assigned Arrearage;
4. Fourth, to ~~temporarily assigned arrearages~~ a Temporarily Assigned Arrearage;
5. Fifth, to the ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage;
6. Sixth, to ~~unassigned arrearages~~ an Unassigned Arrearage;
7. Seventh, to ~~unpaid handling fees~~ an unpaid Handling Fee;
8. Eighth, to ~~fees and costs~~ Fees and Costs; and
9. Ninth, to ~~futures~~ Futures as provided in ~~R6-7-606~~ R6-7-307.

~~R6-7-708.~~ R6-7-409. Disbursement Under Federal Law from October 1, 2000 through December 31, 2002 for Former Assistance Cases

Except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for ~~federal income tax refund offsets a~~ Federal Income Tax Refund Offset, the ~~Title IV-D Agency~~ DCSS shall disburse ~~support~~ Support and ~~related payments~~ any Related Payment for a ~~former cash assistance case~~ Former Assistance Case as follows:

1. First, to ~~current support~~ Current Support;

2. Second, to the ~~handling fee~~ Handling Fee for the month in which ~~the Title IV-D Agency~~ DCSS receives the ~~support~~ Support;
3. Third, to ~~never assigned arrearages~~ a Never Assigned Arrearage;
4. Fourth, to ~~unassigned pre-assistance arrearages~~ an Unassigned Pre-Assistance Arrearage;
5. Fifth, to ~~conditionally assigned arrearages~~ a Conditionally Assigned Arrearage;
6. Sixth, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage;
7. Seventh, to ~~unassigned during assistance arrearages~~ an Unassigned During-Assistance Arrearage;
8. Eighth, to ~~fees and costs~~ Fees and Costs; and
9. Ninth, to ~~futures~~ Futures as provided in R6-7-307.

~~R6-7-709.~~ R6-7-410. Disbursement Under Federal Law on and after January 1, 2003 for Former Assistance Cases

Except as provided in ~~R6-7-710 and R6-7-711~~ R6-7-411 and R6-7-412 for ~~federal income tax refund offsets a~~ Federal Income Tax Refund Offset, ~~the Title IV-D Agency~~ DCSS shall disburse ~~support~~ Support and ~~related payments~~ any Related Payment collected for a ~~former assistance case~~ Former Assistance Case, as follows:

1. First, to ~~current support~~ Current Support;
2. Second, to ~~never assigned arrearages~~ a Never Assigned Arrearage;
3. Third, to ~~unassigned pre-assistance arrearages~~ an Unassigned Pre-Assistance Arrearage;
4. Fourth, to ~~conditionally assigned arrearages~~ a Conditionally Assigned Arrearage;
5. Fifth, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage;
6. Sixth, to ~~unassigned during assistance arrearages~~ an Unassigned During-Assistance Arrearage;
7. Seventh, to the ~~handling fee~~ Handling Fee for the month in which ~~the Title IV-D Agency~~ DCSS receives the ~~support~~ Support and other unpaid ~~handling fees~~ Handling Fees;
8. Eighth, to ~~fees and costs~~ Fees and Costs; and
9. Ninth, to ~~futures~~ Futures as provided in R6-7-307.

~~R6-7-710.~~ R6-7-411. Disbursement of Federal Income Tax Refund Offsets Under Federal Law from October 1, 1997 through September 30, 2000

The ~~Title IV-D Agency~~ DCSS shall disburse ~~support~~ Support collected through ~~federal income tax refund offset~~ Federal Income Tax Refund Offset ~~in accordance with~~ according to [26 U.S.C. 6402](#) and [42 U.S.C. 664](#), as follows:

1. First, to ~~temporarily assigned arrearages~~ a Temporarily Assigned Arrearage;
2. Second, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage; and
3. Third, to ~~never assigned~~ a Never Assigned Arrearage and ~~unassigned arrearages~~ an Unassigned Arrearage.

~~R6-7-711.~~ R6-7-412. Disbursement of Federal Income Tax Refund Offsets Under Federal Law on and after

October 1, 2000

- A. ~~The Title IV-D Agency DCSS shall disburse arrearages~~ an Arrearage collected through ~~federal income tax refund offset~~ a Federal Income Tax Refund Offset ~~in accordance with~~ according to [26 U.S.C. 6402](#) and [42 U.S.C. 664](#), as follows:
1. First, to ~~temporarily~~ a Temporarily Assigned Arrearage or ~~conditionally assigned arrearages~~ a Conditionally Assigned Arrearage owed to ~~the state of~~ Arizona;
 2. Second, to ~~permanently assigned arrearages~~ a Permanently Assigned Arrearage; and
 3. Third, to ~~never assigned~~ a Never Assigned Arrearage or ~~unassigned arrearages~~ an Unassigned Arrearage.
- B. ~~The Title IV-D Agency DCSS shall retain conditionally assigned arrearages~~ a Conditionally Assigned Arrearage collected through the ~~federal income tax refund offset~~ Federal Income Tax Refund Offset to reimburse ~~the state~~ Arizona and federal governments for ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance paid to the ~~assistance unit~~ Assistance Unit. ~~The Title IV-D Agency DCSS shall pay conditionally assigned arrearages~~ a Conditionally Assigned Arrearage collected from any source other than a ~~federal income tax refund offset~~ Federal Income Tax Refund Offset to the ~~obligee~~ Obligee.

~~R6-7-712. R6-7-413.~~ Caretaker Caregiver Disbursement

If an ~~obligee~~ Obligee with a ~~child support~~ Child Support case becomes the ~~caretaker~~ Caregiver of a child who is not the ~~obligee's~~ Obligee's child, ~~the Title IV-D Agency DCSS shall disburse support and related payments~~ any Related Payment owed to the ~~obligee~~ Obligee ~~in accordance with R6-7-703, under R6-7-704, R6-7-404, R6-7-405, R6-7-707, and R6-7-708, R6-7-408, and R6-7-409, as applicable. The support and related payments~~ any Related Payment for the ~~assistance unit~~ Assistance Unit shall be disbursed ~~in accordance with R6-7-705~~ according to R6-7-406.

~~R6-7-713. R6-7-414.~~ Past Support Judgments

If a court or an administrative entity orders ~~past support~~ Past Support that covers a period in which the ~~obligee~~ Obligee was on ~~cash assistance~~ Cash Assistance, the amount for that period is assigned to ~~the state~~ Arizona and the ~~Title IV-D Agency DCSS shall distribute collections in accordance with~~ under [A.R.S. § 46-408](#) and disburse ~~support~~ in accordance with this Article Support under this Article. If a child covered by the order was receiving Title IV-E foster care maintenance payments for any of the period covered by the judgment, the amount for that period is assigned to ~~the state~~ Arizona and collections shall be distributed ~~in accordance with R6-7-608~~ under [R6-7-309](#). A ~~past support~~ Past Support judgment ordered on and after September 26, 2008 does not accrue interest.

~~R6-7-714. R6-7-415.~~ Interest on Arrearages

- A. ~~The Title IV-D Agency DCSS~~ shall retain interest paid on ~~arrears~~ an Arrearage assigned to ~~the state of~~ Arizona that ~~do~~ does not exceed the total amount of ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance.
- B. From October 1, 1997 through September 31, 2000, ~~the Title IV-D Agency DCSS~~ shall allocate the amount of interest on ~~permanently assigned, temporarily assigned, never assigned, and unassigned arrears~~ a Permanently Assigned Arrearage, a Temporarily Assigned Arrearage, a Never Assigned Arrearage, and an Unassigned Arrearage based on a proportionate share of the total ~~amount of arrears~~ Arrearages owed. ~~The Title IV-D Agency DCSS~~ shall determine the percentage allocated to each ~~arrears~~ Arrearage type by dividing each ~~arrears~~ Arrearage type by the total ~~arrears~~ Arrearages and multiplying the resulting percentages by the total amount of interest accrued.
- C. On and after October 1, 2000, ~~the Title IV-D Agency DCSS~~ shall allocate the amount of interest on ~~permanently assigned, temporarily assigned, never assigned, and unassigned arrears~~ a Permanently Assigned Arrearage, a Temporarily Assigned Arrearage, a Never Assigned Arrearage, and an Unassigned Arrearage based on a proportionate share of the total amount of ~~arrears~~ Arrearages owed. ~~The Title IV-D Agency DCSS~~ shall determine the percentage allocated to each ~~arrears~~ Arrearage type by dividing each ~~arrears~~ Arrearage type by the total ~~arrears~~ Arrearages and multiplying the resulting percentages by the total amount of interest accrued.

~~R6-7-715. R6-7-416.~~ Unassigned Arrearages

- A. If a family stops receiving ~~cash assistance~~ Cash Assistance, ~~the Title IV-D Agency DCSS~~ shall compare ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance and any assigned arrears balance as of the last day of the month when the family ~~leaves assistance~~ discontinues receiving Cash Assistance. If the total amount of assigned ~~arrears~~ Arrearages and accrued interest exceeds ~~unreimbursed cash assistance~~ Unreimbursed Cash Assistance, ~~the Title IV-D Agency DCSS~~ shall unassign the excess amount and the excess amount becomes an Unassigned Arrearage. ~~These amounts are unassigned arrears.~~ ~~The Title IV-D Agency DCSS~~ shall unassign ~~arrears~~ an Arrearage as follows:
1. First, from the interest owed on ~~temporarily assigned arrears~~ a Temporarily Assigned Arrearage;
 2. Second, from the corresponding principal of the ~~temporarily assigned arrears~~ Temporarily Assigned Arrearage;
 3. Third, from the interest owed on ~~permanently assigned arrears~~ a Permanently Assigned Arrearage; and
 4. Fourth, from the corresponding principal on the ~~permanently assigned arrears~~ Permanently Assigned Arrearage.
- B. On and after October 1, 2000, if ~~the Title IV-D Agency DCSS~~ unassigns ~~arrears~~ a balance from ~~temporarily assigned amounts, these amounts are~~ a Temporarily Assigned Arrearage, the amount is ~~unassigned pre-assistance arrears~~ an Unassigned Pre-Assistance Arrearage. ~~The Title IV-D Agency DCSS~~ shall first

unassign the interest on ~~arrears~~ an Arrearage and second unassign the corresponding principal on ~~arrears~~ an Arrearage.

- C. On and after October 1, 2000, if ~~the Title IV-D Agency DCSS~~ unassigns ~~arrears~~ a balance from ~~permanently assigned amounts, these amounts are unassigned during assistance arrears~~ a Permanently Assigned Arrearage, this amount is an Unassigned During-Assistance Arrearage. ~~The Title IV-D Agency DCSS~~ shall first unassign the interest on ~~arrears~~ an Arrearage and second unassign the corresponding principal on ~~arrears~~ an Arrearage.
- D. For ~~arrears~~ a balance assigned before the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the federal government did not require ~~states~~ States to track periods of assignment. If ~~the Title IV-D Agency DCSS~~ cannot determine whether the ~~unassigned arrears were~~ Unassigned Arrearage was from a pre-assistance period or a during-assistance period, ~~the Title IV-D Agency DCSS~~ shall treat ~~those unassigned arrears~~ the Unassigned Arrearage as ~~unassigned pre-assistance arrears~~ an Unassigned Pre-Assistance Arrearage.

~~R6-7-716. — Expired~~

~~ARTICLE 8. EXPIRED~~

~~R6-7-801. — Expired~~