



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA ex rel. DEPARTMENT OF ECONOMIC  
SECURITY (Linda Dann) v. JACK HAYDEN,  
CV-04-0303-PR**

**PARTIES AND COUNSEL:**

*Petitioner:* Jack Hayden, represented by Jeff C. Jackson, Esq., and by Daryl Manhart, Burch & Cracchiolo, P.A.

*Respondent:* State of Arizona ex rel. Department of Economic Security, represented by Assistant Attorney General Kathryn Harris Kupiszewski.

*Amici Curiae:* James Michael Pacheco, represented by Paul G. Ulrich, P.C.; and Kevin Le Clair and Tony Russell, represented by Bryan K. Stanley of Bill Spence, Ltd.

**FACTS:**

In 1981, Jack Hayden was ordered to pay child support. He failed to pay as ordered, and an arrearage accrued through 1995, when the child turned 18. During this time, the mother and child received public assistance, and the child's mother assigned the child's right to receive child support to the Arizona Department of Economic Security. The State garnished Father's wages and levied against his bank accounts, in an effort to collect the accrued child support as reimbursement for public assistance paid to the mother and child.

In 2002, Father filed a Petition for Order to Show Cause, seeking to terminate the State's efforts to collect child support arrearages. Father argued that the right to collect past due child support by any means expired three years after the child turned 18. Father relied on A.R.S. § 25-503(I), which has since been renumbered as A.R.S. § 25-503(H). That statute provides, in pertinent part:

H. The right of a party entitled to receive support or the department to receive child support payments as provided in the court order vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law. Unless it is reduced to a written money judgment, an unpaid child support judgment that became a judgment by operation of law expires three years after the emancipation of the last remaining unemancipated child who was included in the court order . . . . The filing of a request for a written money judgment before the end of that period preserves the right to judgment until the court grants a judgment or the court denies the request. A request does not need to be filed within three years if:

1. The court later determines that the actions or conduct of an obligor impeded the establishment of a written money judgment, including avoiding service or notice of that action, changing a name or social security number or leaving the state where the last support order was entered without notifying the party to whom support is ordered to be paid or the court or the department of that party's residential and mailing addresses.

2. The court later finds that the obligor threatened, defrauded or wrongfully coerced the obligee into not filing a request to reduce any support arrearages to a written money judgment.

The trial court ruled that A.R.S. § 25-503 did not prohibit the State from continuing its administrative collection efforts. Father appealed. The court of appeals affirmed the trial court's ruling.

**ISSUES:**

Does Arizona Revised Statute § 25-503(I) [now H] set up a two-tiered child support enforcement scheme, one for the enforcement of judgments and a second one for arrearages not reduced to a lump sum judgment but which nonetheless retain their distinct identity which could be enforced administratively beyond the statutory time limitation?

*This Summary was prepared by the Arizona Supreme Court Staff Attorney's Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.*