

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-010549

03/21/2011

JUDGE PRO TEM DENISE TOMAIKO
FOR COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IN RE THE MATTER OF
KRISTINA NGUYEN

CLIFFORD I LEVENSON

AND

TAM NGOC PHAM

TAM NGOC PHAM
P O BOX 11982
PHOENIX AZ 85061

CITS - OTHER
FAMILY COURT SERVICES-CCC

HEARING ON MODIFICATION OF CHILD SUPPORT

Courtroom 404 - SEA

4:07 p.m. This is the time set for Hearing on Modification of Child Support arising from Petitioner/Mother's pro per *Petition to Modify a Child Support Order* filed on June 24, 2010 and Mother's *Motion to Amend Petitioner's Petition for Modification of Child Support (to Include Enforcement of Child Support Arrears)* filed on September 29, 2010 and March 2, 2011. The Petitioner/Mother, Kristina Nguyen (hereinafter referred to as "Mother"), is present with above-named counsel. The Respondent/Father, Tam Ngoc Pham (hereinafter referred to as "Father"), is present on his own behalf. Language Line Court Interpreter, Josephine, is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to commencement of proceedings, the Language Line Court Interpreter, Josephine is sworn. Kristina Nguyen and Tam Ngoc Pham are also sworn with the assistance of Language Line Court Interpreter, Josephine.

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LET THE RECORD REFLECT that the parties met informally with a Family Court Conference Center Officer prior to the commencement of today's hearing. The Court has been advised that the parties have reached partial agreements.

Area of Agreement:

- The parties agree to respective incomes and commencement date of the modified order.

Areas of Disagreement:

- Father's parenting time.
- Childcare expenses.

Mother's position: Mother is requesting a credit of \$400.00 per month for childcare expenses and requests that Father be given credit of zero to three days of parenting time per year.

Father's position: Agrees to give Mother credit of \$300.00 per month for childcare expenses and requests a credit of four to 20 days of parenting time per year.

Father testifies that he agrees to give Mother credit of \$300 per month in childcare expenses because she previously paid \$100.00 to \$200.00 per month in childcare expenses. Father states that the children only attend childcare half days because they are in school.

Mr. Levinson advises the Court that there are three children between the parties. Although Mother's childcare costs were previously \$100.00 to \$300.00 per week, Mother's childcare costs have increased to \$400.00 per month because of a new childcare provider.

Mother testifies that she pays her godmother cash for providing childcare expenses until this child support matter is resolved.

Discussion is held regarding Father's parenting time.

Based upon the matters presented herein,

THE COURT FINDS that there is a continuing and substantial change in the circumstances of the parties warranting modification of the child support amount.

Pursuant to the testimony of the parties, review of the court file, and the Child Support Guideline Worksheet filed herein,

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IT IS ORDERED granting the Mother's Petition to Modify Child Support Amount Pursuant to Guidelines.

Based upon the testimony presented herein,

The Court attributes a gross monthly income to Father of \$1,733.33 and a gross monthly income to Mother of \$1,200.00. Father is given credit for seven days of parenting time per year. Mother is given credit for \$300.00 per month for childcare expenses.

Mother is advised in open court that upon Father's request, she is to provide Father with proof of the childcare expenses paid by a traceable form (i.e., check or money order).

IT IS ORDERED setting Father's child support obligation at \$713.34 per month. This represents an increase from Father's current child support obligation of \$367.28 per month.

IT IS THEREFORE ORDERED that Father shall pay to Mother for child support of the minor child/ren of the parties, the sum of \$713.34 per month, plus \$5.00 per month Clearinghouse fee for a total monthly obligation of **\$718.34**, payable through the Support Payment Clearinghouse on the 1st day of each month commencing November 1, 2010 by Order of Assignment.

LET THE RECORD REFLECT an Order of Assignment is initiated electronically by the above-named deputy clerk.

Until the wage assignment becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to the following:

**Support Payment Clearinghouse
P. O. Box 52107
Phoenix, Arizona 85072-2107**

Payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

WARNING: If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

IT IS FURTHER ORDERED that at any time a wage assignment is not paying the full amount of the child support obligation, Father shall pay the difference between the court-ordered child support obligation and what is paid through wage assignment directly to the Support Payment Clearinghouse.

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IT IS FURTHER ORDERED that any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk of Court, in writing, within ten (10) days of the change pursuant to A.R.S. §25-322 (C). Failure to notify the Clerk of Court of any change may be considered contempt of Court.

IT IS FURTHER ORDERED that all non-covered medical expenses incurred for the health and protection of the minor child(ren) shall be paid by the parties in proportion to their incomes as reflected on the most recent Child Support Guideline Worksheet shall be assigned 41% to Mother and 59% to Father.

The parties shall account to one another for the children's uncovered healthcare expenses in accordance with Section 9.A of the Arizona Child Support Guidelines, which provides that a party seeking reimbursement for uninsured medical, dental, or vision costs shall make request for reimbursement to the other party within 180 days after the date the services occur and shall provide receipts or other evidence of payments actually made upon request of the other party. The party responsible for reimbursement must pay his or her share, or make acceptable payment arrangements, within 45 days after receipt of the request.

FILED: Child Support Guideline Worksheet

4:52 p.m. Matter concludes.

IT IS ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED this 21st day of March, 2011.

/s/ HONORABLE DENISE TOMAIKO

DENISE TOMAIKO
JUDGE PRO TEM OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

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**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least seven (7) days before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.