

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092347

08/24/2011

JUDGE PRO TEM KIP MICUDA
FOR COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IV-D ATLAS NO. 000864157301
STATE OF ARIZONA, EX REL, DES
CHRISTINE M MUNTZ-ORTIZ

JOHN R WALSTON JR.

AND

RAFAEL A ORTIZ-MIRANDA

RAFAEL A ORTIZ-MIRANDA
3225 E BASELINE RD #2100
GILBERT AZ 85234

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
CITS - SE SPANISH
FAMILY COURT SERVICES-CCC

IV-D MODIFICATION OF CHILD SUPPORT

Courtroom: 304 SEF

2:58 p.m. This is the time set for Hearing on Modification of Child Support arising from Mother's *Verified Petition for Order to Show Cause Re: Modification of Parenting Time and Child Support and Petition to Enforce Order* filed on September 28, 2010. The Petitioner/Mother, Christine Muntz-Ortiz (hereinafter referred to as "Mother"), is present with above-named counsel. The Respondent/Father, Rafael Ortiz-Miranda (hereinafter referred to as "Father"), is present on his own behalf. The State is represented by Assistant Attorney General, Jennifer Mihalovich.

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

Prior to commencement of proceedings, Christine Muntz-Ortiz and Rafael Ortiz-Miranda are sworn.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092347

08/24/2011

LET THE RECORD REFLECT that the parties met informally with the Attorney General's Office prior to the commencement of today's hearing.

Counsel for the State advises the Court that the issue of child support was referred to this Court by Judge Beene on January 21, 2011. The issues of child custody and parenting time have been resolved.

Counsel for the State advises the Court of the State's position and recommendations and the positions of the parties.

As to the issue of parenting time, the parties are advised that the Court will attribute Father with parenting time pursuant to the parties' current parenting time orders.

Mr. Walston advises the Court that Father did not provide financial information to the State or Mother. Mr. Walston makes an oral request for attorney's fees, for sanctions to be imposed against Father, and for this matter to be reset.

Father testifies that although he provided the State with his financial information, he did not provide his financial information to Mother.

Counsel for the State advises the Court that the State has received financial information from both parties. The Court is also advised that Mother and Father were present on August 10, 2011. On August 9, 2011, Mr. Walston filed a *Notice of Conflict* so this matter was reset to today's date. Counsel for the State objects to Mr. Walston's oral Motion to Continue.

Based upon the matters presented herein,

IT IS ORDERED denying Mr. Walston's oral Motion to Continue.

The parties address the Court regarding their respective positions on Mother's and Father's incomes.

Based upon the matters presented,

THE COURT FINDS that there is a substantial or continuing change in circumstances warranting a modification of child support.

Based upon the testimony presented herein,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092347

08/24/2011

The Court attributes a gross monthly income to Father of \$3,333.20 and a gross monthly income to Mother of \$1,774.00.

IT IS ORDERED setting Father's child support obligation at \$750.00 per month effective February 1, 2011.

LET THE RECORD REFLECT an Order of Assignment is initiated electronically by the above-named deputy clerk (Order ID #353824).

IT IS ORDERED directing the Attorney General to provide an updated arrears calculation/payment history and to provide copies of same to each of the parties.

IT IS FURTHER ORDERED setting Father's payment on child support arrears at \$200.00 per month. Father's payment on child support arrears shall not be modified without order of the Court.

IT IS FURTHER ORDERED that Father shall pay to Mother for child support of the minor child/ren of the parties, the sum of \$750.00 per month, plus \$200.00 per month toward child support arrears, plus \$5.00 per month Clearinghouse fee for a total monthly obligation of \$955.00, payable through the Support Payment Clearinghouse on the 1st day of each month by Order of Assignment.

LET THE RECORD REFLECT an Order of Assignment is initiated electronically by the above-named deputy clerk (Order ID #353825).

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

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092347

08/24/2011

child support obligation and what is paid through wage assignment directly to the Support Payment Clearinghouse.

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.

Father has private medical insurance that is accessible to the child and available at a reasonable cost, which shall continue until further order of the Court. If, at any time, private medical insurance stops, Father is ordered to pay \$219.00 per month for cash medical support beginning upon the first day of the month following notice by either party or the employer to the Court or to DESE that insurance has been discontinued.

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 35% to Mother and 65% 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.

IT IS FURTHER ORDERED that the parties shall exchange income information every 24 months from the date of the entry of the Decree of Dissolution of Marriage for so long as the Court has jurisdiction to order child support. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

Court's further findings and orders are as contained in the formal written Order signed by the Court on August 24, 2011 and filed (entered) by the Clerk on August 24, 2011.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092347

08/24/2011

FILED: Modification Judgment and Order
Current Employer Information
Child Support Guideline Worksheet

Mr. Walston makes an oral motion for the Court to enter a judgment on Father's child support arrears. The Court notes that the request for enforcement in Mother's *Verified Petition for Order to Show Cause Re: Modification of Parenting Time and Child Support and Petition to Enforce Order* pertains to enforcement of the parties' Decree. Mother is directed to the Self-Service Center of the Maricopa County Superior Court for the appropriate forms and instructions for enforcement of the parties' child support order.

Self-Service Center, 201 West Javelina, Mesa, AZ. Automated telephone number: (602) 506-SELF. (Provides a variety of forms and instructions.) The parties may also obtain various forms from the Self-Service Center website at:
<<http://www.superiorcourt.maricopa.gov/ssc/sschome.html>>

3:32 p.m. Matter concludes.

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>.

**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.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092347

08/24/2011

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