

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-596-2025

**AN AMENDMENT TO CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-63 AND
SECTION 10-65 OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
CODE OF ORDINANCES TO CLARIFY THE PRIORITY OF ASSIGNMENT ORDERS
FOR THE FINANCE DEPARTMENT.**

BE IT ENACTED THAT:

This ordinance amends Chapter 10, Article II, Division 2, Section 10-63 and Section 10-65 of the Salt River Pima-Maricopa Indian Community Code of Ordinances effective immediately as follows:

Sec. 10-63. Order for support; methods of payment.

(a) The SRPMIC Finance Department, an employer, or another entity, will collect and disburse monies in the following priority:

- (1) Child support or court-ordered payments for the support of a family when combined with the child support obligation;
- (2) Spousal maintenance;
- (3) child support arrearages;
- (4) Past due spousal maintenance;
- (5) Restitution;
- (6) Court fines and costs;
- (7) Civil judgments.

(b) An obligation for child support shall be fully met before any payments may be applied to any other obligation under subsection (a).

- (1) If a payor is obligated to pay child support to more than one (1) payee and the amount available for disbursement is not sufficient to meet the total child support obligation, available monies shall be allocated to each payee as follows:
 - (i) The amount of child support ordered in each case shall be added to obtain the total support obligation.
 - (ii) The ordered amount in each case shall be divided by the total support obligation to obtain a percentage of the total amount due.
 - (iii) The amount available from the payor's income shall be multiplied by the percentage under subsection (b)(2) of this section to obtain the amount to be allocated to each payee.
- (2) If a payor cannot satisfy their child support obligation, and the SRPMIC Finance Department calculates and disburses a different support amount based on subsection

- (b)(1), then the SRPMIC Finance Department shall inform the recipient of the shortfall or non-payment.
- (3) The right of a payee entitled to receive support 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. A party entitled to receive support may also file a request for written judgment for support arrearages.
- (c) An obligation for anything other than child support shall be paid according to the priority mandated in subsection (a), chronologically in the order in which the obligation accrues. Each obligation shall be paid in its entirety, according to its priority, before proceeding to the next obligation.
- (d) An order of support shall include the following language: *Your child support order is subject to the Salt River Pima-Maricopa Indian Community's Code of Ordinances Section 10-63.*
- (e) For purposes of this chapter and section, the following terms have the following meanings:
- (1) Child support means that an order or agreement to pay child support is still in effect and has not expired or been rescinded, vacated, modified, superseded, or otherwise cancelled.
 - (2) Total child support obligation means the aggregate of all amounts owed for child support by a single payor, inclusive of all orders or agreements in effect at a given time, and may encompass payments to multiple individuals or entities.

Sec. 10-65. Assignment.

- (a) In a proceeding in which the court orders a person to pay support, the court shall assign to the person or agency entitled to receive the support that portion of the person's income. The order shall include per capita payments if the payor receives such payment, and/or income received from employment with any Community agency or any other employment outside the Community, if the payor receives wages or other income, necessary to pay the amount ordered by the court.
- (b) If the court has issued a previous child support order and the payor has failed to pay their court-ordered child support, the payee may file a verified petition, pursuant to the Community's civil rules of procedure, requesting the court to issue an ex parte order of assignment. The petition for the ex parte order of assignment may include payment for current support or child support arrearages. The petition shall include the following:
- (1) The name of the payee or agency entitled to receive support.
 - (2) The name and last known address of the payor, and the name of employer, if known.
 - (3) The monthly amount of any current support ordered by the court, and a certified copy of the order.
 - (4) The specific amount requested for any support arrearages.
 - (5) The name and address of the payor to whom it is requested the order of assignment be directed and the name of the person obligated to pay support.
- (c) After receipt of a request for an ex parte order of assignment, the court, without a hearing or notice to the payor, shall issue an order of assignment. The order of assignment shall include the last four digits of social security number of the obligated payor. On issuance of an ex parte

order of assignment, the court shall issue a notice directed to the payor including the following:

<i>Notice</i>	
To:	The Payor (the person ordered to pay support)
<p>This is to notify you that part of your income or other monies had been judicially deducted from your (paycheck, per capita, lease payment) by the enclosed order of assignment that was issued on (date). The order of assignment has been issued for a child support order currently in place, based on the claim of (include name of payee), a requesting party, that you are obligated to pay this. If you believe the enclosed order of assignment is:</p>	
1)	Improper or unlawful;
2)	That your property is exempt by law; or
3)	That your employer or SRPMIC Finance Department is withholding more than is permitted by law, you may request a hearing before the court.
<p>You must file a request to terminate or adjust the order of assignment on forms provided by the court within Seven Days After Your Receipt of the Order For Assignment, request for an order of assignment and this notice. If you request a hearing, it will be held no more than ten days after you file your request with the court.</p>	
<p>Here are some other important things you should know:</p>	
1)	The order of assignment is effective immediately on service of the order to your employer or SRPMIC Finance Department.
2)	The employer or SRPMIC Finance Department served shall not withhold or deduct amounts specified in the ex parte order of assignment for 14 calendar days from the date of service to allow you, the payor, an opportunity to contest the order of assignment as provided in this section.
3)	A future employer or SRPMIC Finance Department may begin deductions sooner than the 14-day period after the order of assignment is received.
4)	No more than one-half of your disposable earnings for any pay period may be taken to satisfy an order issued. The amount of disposable earnings exempt from the order of assignment must be paid to you when due.
5)	Disposable income means the remaining portion of your wages, salary or compensation for personal services, including bonuses and commissions, or otherwise, and includes payments pursuant to a pension or retirement program or a deferred compensation plan, after deducting from such earnings the amounts required by law to be withheld.
<p>Any employer or SRPMIC Finance Department when it receives the order of assignment will deduct \$2.25 for handling fees. The employer or SRPMIC Finance Department, on whom the order of assignment, is served will continue to withhold the amount set in the order and will forward the payment to the payee until you file with the court. The petition shall be based on one of the following:</p>	
1)	The court adjusts the order of assignment because there has been a change of circumstances since the time of the issuance of the order, or there is other good cause to do so.
2)	The court terminates the order of assignment if all obligations have been satisfied, or will be satisfied within 90 days.

- 3) A notarized stipulation stating that the obligation to pay support has ended and that all arrearages either have been satisfied or have been waived, and the court terminates the order of assignment.

An employer may not refuse to hire, may not discharge or may not otherwise discipline you as a result of the order of assignment. Unless a court has expressly ordered otherwise, you must notify the court in writing of the address of your residence and of your employment and, within ten days, of a change in either one. Your failure to do so may subject you to sanctions for contempt of court. Official notices will be delivered to you at the most recent addresses you have provided to the court.

- (d) Any order of assignment shall be issued only for child support and child support arrearages. The order of assignment shall state the total amount that the employer or SRPMIC Finance Department shall withhold. The order of assignment also shall specify the monthly amount of current support and any other payment ordered for child support and child support arrears. If the payor's disposable earnings from the primary employer or other income source does not meet the support obligation, the court shall issue an order of assignment to a secondary employer or other income source of the payor in order to meet the full support obligation. If the payor's disposable earnings from the primary employer or other income source does not meet the support obligation, the payor is still obligated to pay the ordered amount until the payor obtains a modification, if applicable.
- (e) An order of assignment shall be served on any employer or SRPMIC Finance Department by first class mail return receipt requested, electronic transmission or personal delivery or pursuant to the Community's rules of civil procedure set forth in article II of chapter 5.
- (f) Any employer or the SRPMIC Finance Department who has received any order of assignment shall withhold the amount specified in the order of assignment, together with the handling fee in the amount of \$2.25 from the income of the person obligated to pay support. Once an order of assignment has been issued, the payor may not make any adjustments to tax or other holdings that would contravene the ability for the ordered child support payment amount to be withheld. Any employer or the SRPMIC Finance Department shall transmit the withheld monies to the support clearinghouse, if a support clearinghouse is available and being utilized by the Community, or the withheld monies shall be collected and disbursed to the appropriate party by the SRPMIC Finance Department. The handling fee shall be deducted monthly and disbursed to the Community's general fund. An employer or the SRPMIC Finance Department may combine in a single payment withheld monies for more than one payee, provided, when doing so, the employer or the SRPMIC Finance Department separately identifies the portion of the remittance that is attributable to each payor and shall include the last four (4) digits of each payor's social security number. An employer or the SRPMIC Finance Department shall notify the court in writing when the payor is no longer employed or the right to receive income or other monies has been terminated. If within ninety (90) days of the last payment, the employer or the SRPMIC Finance Department reemploys the payor or becomes obligated to pay the payor, the employer or the SRPMIC Finance Department is again bound by the order of assignment and is required to perform as required by this section.
- (g) After service of an ex parte order of assignment on the payor, the payor may request a hearing to dispute the ex parte order of assignment. The request filed with the court shall be made in writing, and the payor shall state under oath the specific grounds for the request. The court shall hold a hearing within ten (10) days after the request is filed. The court shall serve a copy

of the request for and notice of hearing on the person entitled to receive support/payee. If the payor files a request for hearing within seven days after receipt of the order of assignment, the court may order SRPMIC Finance Department not to disburse any monies received pursuant to the order of assignment until further order of the court. The payor may dispute the withholding only for one or more of the following grounds:

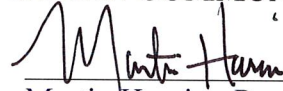
- (1) There is an error in the identity of the payor.
 - (2) There is an error in the amount of support.
 - (3) There is a finding of invalidity of the order for support.
 - (4) Current support is no longer owed, if the order of assignment includes a payment for current support.
 - (5) Arrearages are not owed and the order of assignment mistakenly includes a payment for arrearages.
- (h) If the payor's disposable earnings from the primary employer or other income source does not meet the support obligation, the payor is still obligated to pay the ordered amount until the payor obtains a modification, if applicable.
- (i) If a payor is obligated to pay child support for more than one (1) payee and the amount available for withholding is not sufficient to meet the total child support obligation, any monies withheld from the payor's income shall be allocated to each payee pursuant to the guidelines in Section 10-63(b).
- (j) The person entitled to receive support, the payee, shall notify the SRPMIC Finance Department in writing of any change of residential address within ten (10) days of any change.
- (k) Any order of assignment may be adjusted if there has been a change of circumstances since the date the order of assignment was issued or for good cause.
- (l) Any Community legal agencies or a person obligated to pay or entitled to receive support may file a request to terminate any order of assignment if the obligation to pay support has ended or will end within ninety (90) days after the filing of the request and if all arrearages either have been paid or will be paid within the period or have been waived. The request shall state the reason why termination is requested. A copy of the request shall be served pursuant to the Community's rules of civil procedure set forth in article II of chapter 5 on all other parties. A party receiving this notice may request a hearing within twenty (20) days, or within thirty (30) days if service is made outside this state. On proof of service and if a hearing has not been requested within the time allowed, the court shall issue an order terminating the order of assignment as appropriate. Within two (2) business days after the date the order is issued, the court shall transmit a copy of the order terminating the order of assignment to the employer or SRPMIC Finance Department. If a hearing is requested, the court shall set the hearing within twenty (20) days after receiving the request and shall issue an appropriate order. A person who is ordered to pay support may request the court to terminate an order of assignment at any time if an employer is making deductions on multiple assignments for an obligation for the same minor children. Notwithstanding any law to the contrary, the court shall not charge a fee to a person who files a request to terminate an order of assignment if an employer is making deductions on multiple assignments for an obligation for the same minor children.
- (m) If a request to adjust or terminate an order of assignment is filed, the court may order that the SRPMIC Finance Department not disburse any monies in dispute until further order of the court.
- (n) The court shall issue an order terminating the order of assignment if the parties, file a notarized stipulation with the court that all obligations of support have been satisfied and that the payor

is no longer obligated to pay support. The stipulation shall state that the current obligation of support no longer exists and that all arrearages either have been satisfied or waived. Within five business days after the date the stipulation is filed, the court shall transmit a copy of the order terminating the order of assignment to the employer or SRPMIC Finance Department and parties.

C E R T I F I C A T I O N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1(c)(1) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 2nd day of July, 2025, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 9 for; 0 opposed, 0 abstentions, and 0 excused.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL



Martin Harvier, President

ATTEST:



Erica Harvier, Council Secretary

Approved as to Form by the
Office of the General Counsel
Jeff Harmon
April 24, 2025

