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**DCSE Policy & Procedures Unit**  
**Policy Update**  
**PPU 05-10-009**  
**October 19, 2005**

**SUBJECT: HAYDEN Protocol for Interstate Cases**  
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Please contact the Policy Unit if you have any questions regarding these or any other changes at  
\*DCSE-POLICYQUESTIONS, CSE.POLICY or (602) 274-7951.

**The IV-D PARTNERS should send POLICY inquiries directly to PGriffin@azdes.gov**  
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This message is being sent to all IV-D staff working interstate cases where Hayden issues are present and the SOL may have run.

The AG has concluded that it is permissible for DCSE to initiate a case to another jurisdiction after the Arizona statute of limitations has expired to attempt enforcement under another state's longer statute of limitations.

DCSE may be able to save a case from Hayden consequences by initiating the case to another jurisdiction if the case has an **Arizona order, NCP lives in another state and that jurisdiction has a longer statute of limitations.**

**For example**, if NCP lives in California, a state that has no statute of limitations, DCSE can initiate the case to California and ask them to register the Arizona order, get a judgment and enforce it. Pursuant to UIFSA, California could apply either the Arizona or the California SOL. Such a case should not be closed without first trying to obtain a judgment through the other jurisdiction. This process is no different than any other transmittal for enforcement. Certified copies of the orders must be sent along with a certified pay history and arrears calculation.

**Initiation to another jurisdiction to obtain a judgment should not be done if:**

\*There has been a ruling by an Arizona court that the arrears are barred. In such a case, that ruling would be entitled to full faith and credit by the OJ.

\*The OJ does not have a longer SOL. A worker can check the SOLs of other states by going to the Interstate Referral Guide at OCSE. <http://ocse.acf.hhs.gov/ext/irg/sps/selectastate.cfm>

\*The case has a foreign order. Cases with foreign orders should be analyzed using the SOL of the issuing state and the state in which the Obligor resides.

\*If there has been a substantial period of time during which no collection activities or contacts with the obligor have occurred, the court may rule that the claim is barred by equitable defenses such as laches. Such cases should be elevated to DCSE management and/or legal counsel to assess whether initiating the case under the particular circumstances is appropriate.

\*NCP does not currently reside in the state to which the transmittal is going. The state must have personal jurisdiction over the NCP.

\*If the OJ declines to pursue the action despite having a longer SOL, the case should be elevated to DCSE management and/or legal counsel to determine whether further action should be taken to press the issue.

Please contact the Policy Unit at \*DCSE-POLICYQUESTIONS if you have any questions or concerns about this change.