
DCSE Policy & Procedures Unit
Policy Update
PPU 07-09-015

Date: September 14, 2007

SUBJECT: Legislative Changes Homestead Property No Exemption (SB1247)

Please contact the Policy Unit if you have any questions regarding these or any other changes at
*DCSE-POLICYQUESTIONS, CSE.POLICY or (602) 771-8127.

The IV-D PARTNERS should send POLICY inquiries directly to *DCSE-POLICYQUESTIONS@azdes.gov

This Policy Update is to inform staff of new policy in support of Senate Bill 1247, Homestead Property No Exemption and becomes effective on September 19, 2007.

This change specifies that homestead property is not exempt from process or sale if there is a judgment lien on the property for debts owed in the following areas:

1. Child support arrearages
2. Spousal maintenance arrearages

This change clarifies that court-ordered support does not constitute a lien unless one of the following applies:

1. The debt is recorded as a judgment by the obligee.
2. A lien has been filed by the Department of Economic Security (DES) for child support at least 2 months in arrears.
3. The court assigns a security interest of the property for support.
4. Specifies that payment of child support arrearages and spousal maintenance arrearages through homestead monies may be enforced at a contempt proceeding.

As result of these changes Policy recommends filing an Administrative Lien against real property whenever possible.Using the Administrative Lien Process is extremely important in that it can benefit our cases due to the rapid increases recently in property foreclosures.

You may review the Administrative Lien policy in the **Online Policy and Procedures Manual (OPPM)** at: <http://dcsepc> under the Enforcement of Support topic, Administrative Lien.