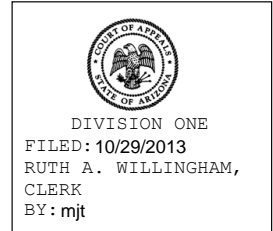


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

In re the Matter of:) 1 CA-CV 12-0676
)
VERA A. STILES,) DEPARTMENT E
)
Petitioner/Appellee,) **MEMORANDUM DECISION**
)
v.) (Not for Publication -
) Rule 28, Arizona Rules
GLEN J. STILES,) of Civil Appellate
) Procedure)
Respondent/Appellant.)
_____)

Appeal from the Superior Court in Maricopa County

Cause No. DR1997-006466

The Honorable Mina E. Mendez, Judge Pro Tem

AFFIRMED

Glen J. Stiles
In Propria Persona

Florence

T H O M P S O N, Judge

¶1 Glen J. Stiles (Father) appeals from the family court's ruling on his request for determination as to which child support order controls. For the reasons that follow, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 Vera Stiles (Mother) and Father were married in Washington and subsequently moved to Arizona. Shortly after the move, Mother gave birth to the couple's only child. The same year, Father was convicted and sent to prison in November 1996. The Arizona Department of Economic Security (ADES) filed a request to establish child support because Mother was receiving public assistance. Father was served with an order to appear, but failed to appear at the hearing in person or by telephone. In May 1997, the family court entered a default judgment and ordered Father to pay \$415 in child support for May 1997, \$646 to reimburse the state, and \$415 per month in child support beginning June 1, 1997.

¶3 In July 1997, Mother and the child moved back to Washington. Mother divorced Father in June 1999 and obtained a Washington child support order ordering Father to pay \$50 per month in child support to begin in June 1999.

¶4 Approximately ten years after the entry of the Arizona child support order, ADES had Father's monthly child support obligation reduced to \$0 because he was still incarcerated. ADES issued a state income tax refund offset notice in an effort to collect Father's arrearages. Once Father received notice of the collection efforts, he requested an administrative review. ADES completed the review in January 2008 and concluded that the

enforcement action was proper. Father sought judicial review of that decision, and ADES moved to dismiss arguing that his motion failed to state a claim for which relief could be granted. The matter was dismissed. Father then filed a motion to overturn child support order and arrearages on owed child support. ADES asserted that he had not sought relief from the child support order within a reasonable time, and the family court agreed. We affirmed on appeal. *State ex rel. Dep't of Econ. Sec. (Vera Stiles) v. Stiles*, 1 CA-CV 08-0554, 2009 WL 2003325 (Ariz. App. July 9, 2009) (mem. decision).

¶15 Approximately one year later, Father filed a request for determination of controlling child support order. ADES did not respond, but filed a notice that the child support case had been closed. The family court summarily denied Father's request. On appeal, we reversed and remanded for the family court to determine which child support order was controlling. *Stiles v. Stiles*, 1 CA-CV 11-0280, 2012 WL 1795237 (Ariz. App. May 17, 2012) (mem. decision). On remand, the family court made a lengthy ruling determining that "the Arizona order has always been and continues to be the controlling order." Father filed a motion for reconsideration that was denied.

¶16 Father timely appealed. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and Arizona Revised Statutes (A.R.S.) § 12-2101(A)(2) (Supp. 2011).

DISCUSSION

¶17 We first address Father's argument that Arizona did not have jurisdiction to issue its child support order because he was denied an opportunity to participate and be heard at the hearing. We do not know the exact reason Father was not transported to the child support hearing. It does not appear that he filed a motion to transport, and there is no minute entry regarding the matter. However, his contention that he was denied due process because he was not transported is without merit. "A prisoner's access to the courts is not absolute." *State v. Valentine*, 190 Ariz. 107, 110, 945 P.2d 828, 831 (App. 1997) (citing *Strube v. Strube*, 158 Ariz. 602, 604, 764 P.2d 731, 733 (1988)). Appearance by telephone is an appropriate alternative to personal appearance. *Id.* Father does not contend that he was denied the ability to appear by telephone. Therefore, we cannot hold that he was denied a meaningful opportunity to be heard.

¶18 Father also asserts that the Washington child support order is the controlling order under A.R.S. § 25-1227(B)(2) (2007). We disagree. The Uniform Interstate Family Support Act (UIFSA), of which A.R.S. § 25-1227 is a part, provides a methodology for reconciliation of multiple child support orders properly entered under the Uniform Reciprocal Enforcement of Support Act (URESAs), not orders entered after UIFSA was adopted.

See comments to the UIFSA, § 207. Multiple orders are not allowed under UIFSA. Both the Arizona and Washington orders were entered after UIFSA was adopted. See Comment, Jurisdictional Issues Under the Uniform Interstate Family Support Act, Vol. 16 at 244 (1999) (all states were mandated to adopt UIFSA in 1996). Because Arizona entered its order first, it had continuing exclusive jurisdiction as long as the obligor, the obligee, or the child remained in Arizona. A.R.S. §§ 25-1225(A)(1) & (C), -1227(B)(1); See Wash. Rev. Code § 26.21A.130. Father was still incarcerated in Arizona, thus, Washington did not have authority to issue its own order or modify Arizona's order until either party requested Arizona to relinquish jurisdiction. A.R.S. § 25-1225(B)(1) & (C); See Wash. Rev. Code § 26.21A.120(3). Neither party did so. Consequently, Arizona was the only state to have continuing exclusive jurisdiction, making its child support order the controlling order. See A.R.S. § 25-1227(B)(1).

CONCLUSION

¶19 Based on the foregoing, we affirm.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

LAWRENCE F. WINTHROP, Presiding Judge

/s/

MARGARET H. DOWNIE, Judge