FACT SHEET FOR H.B. 2502

child support; date of pregnancy

Purpose

Authorizes a court, if a child support order has not been ordered and if the court deems child support appropriate, to retroactively apply the child support guidelines to the date of a positive pregnancy test confirmed by a licensed health care professional if this date occurs before the date of filing dissolution of marriage, legal separation, maintenance or child support proceeds.

Background

In a proceeding for dissolution of marriage, legal separation, maintenance or child support, the court may order either or both parents owing a duty of support to a child, born to or adopted by the parents, to pay an amount reasonable and necessary for support of the child, without regard to marital misconduct. If child support has not been ordered by a child support order and if the court deems child support appropriate, the court must direct, using a retroactive application of the child support guidelines to the date of filing a dissolution of marriage, legal separation, maintenance or child support proceeding, the amount that the parents must pay for the past support of the child and the manner in which the payment must be paid, taking into account any amount of temporary or voluntary support that has been paid. Retroactive child support is enforceable in any manner provided by law.

The Arizona Supreme Court is required to establish guidelines for determining the amount of child support. The amount resulting from the application of statutorily prescribed guidelines is the amount of child support ordered unless a written finding is made, based on criteria approved by the Arizona Supreme Court, that application of the statutorily prescribed guidelines would be inappropriate or unjust in a particular case. The Arizona Supreme Court must review the guidelines at least once every four years to ensure that their application results in the determination of appropriate child support amounts (A.R.S. § 25-320).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Authorizes a court, if a child support order has not been ordered and if the court deems child support appropriate, to retroactively apply the child support guidelines to the date of a positive pregnancy test confirmed by a licensed health care professional, if this date occurs before the date of filing dissolution of marriage, legal separation, maintenance or child support proceeds.
2. Stipulates that when a court requires parents to pay for past support of a child, the court must take into account any amount of temporary or voluntary support that has been paid from and after the date of a positive pregnancy test confirmed by a licensed health care professional.

3. Makes technical changes.

4. Becomes effective on the general effective date.

House Action

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3rd Read 3/13/23 31-26-3

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