

REFERENCE TITLE: child support; preborn children

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2144

Introduced by
Representative Olson

AN ACT

AMENDING SECTION 25-320, ARIZONA REVISED STATUTES; RELATING TO CHILD
SUPPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-320, Arizona Revised Statutes, is amended to
3 read:

4 25-320. Child support; factors; guidelines; methods of
5 payment; additional enforcement provisions;
6 definitions

7 A. In a proceeding for dissolution of marriage, legal separation,
8 maintenance or child support, the court may order either or both parents
9 owing a duty of support to a child, ~~WHO IS~~ born to or adopted by the
10 parents, ~~to~~ to pay an amount reasonable and necessary for support of the
11 child, without regard to marital misconduct.

12 B. If child support has not been ordered by a child support order
13 and if the court deems child support appropriate, the court shall direct,
14 using a retroactive application of the child support guidelines to the
15 date of filing a dissolution of marriage, legal separation, maintenance or
16 child support proceeding OR THE DATE OF A POSITIVE PREGNANCY TEST THAT IS
17 CONFIRMED BY A LICENSED HEALTH CARE PROFESSIONAL, WHICHEVER FIRST OCCURS,
18 the amount that the parents shall pay for the past support of the child
19 and the manner in which payment shall be paid, taking into account any
20 amount of temporary or voluntary support that has been paid. Retroactive
21 child support is enforceable in any manner provided by law.

22 C. If the parties lived apart before the date of the filing for
23 dissolution of marriage, legal separation, maintenance or child support
24 and if child support has not been ordered by a child support order, the
25 court may order child support retroactively to the date of separation, but
26 not more than three years before the date of the filing for dissolution of
27 marriage, legal separation, maintenance or child support. The court must
28 first consider all relevant circumstances, including the conduct or
29 motivation of the parties in that filing and the diligence with which
30 service of process was attempted on the obligor spouse or was frustrated
31 by the obligor spouse. If the court determines that child support is
32 appropriate, the court shall direct, using a retroactive application of
33 the child support guidelines, the amount that the parents must pay for the
34 past support of the child and the manner in which payments must be paid,
35 taking into account any amount of temporary or voluntary support that has
36 been paid.

37 D. The supreme court shall establish guidelines for determining the
38 amount of child support. The amount resulting from the application of
39 these guidelines is the amount of child support ordered unless a written
40 finding is made, based on criteria approved by the supreme court, that
41 application of the guidelines would be inappropriate or unjust in a
42 particular case. The supreme court shall review the guidelines at least
43 once every four years to ensure that their application results in the
44 determination of appropriate child support amounts. The supreme court
45 shall base the guidelines and criteria for deviation from them on all

1 relevant factors, considered together and weighed in conjunction with each
2 other, including:

3 1. The financial resources and needs of the child.
4 2. The financial resources and needs of the custodial parent.
5 3. The standard of living the child would have enjoyed if the child
6 lived in an intact home with both parents to the extent it is economically
7 feasible considering the resources of each parent and each parent's need
8 to maintain a home and to provide support for the child when the child is
9 with that parent.

10 4. The physical and emotional condition of the child, and the
11 child's educational needs.

12 5. The financial resources and needs of the noncustodial parent.

13 6. The medical support plan for the child. The plan should include
14 the child's medical support needs, the availability of medical insurance
15 or services provided by the Arizona health care cost containment system
16 and whether a cash medical support order is necessary.

17 7. Excessive or abnormal expenditures, destruction, concealment or
18 fraudulent disposition of community, joint tenancy and other property held
19 in common.

20 8. The duration of parenting time and related expenses.

21 9. THE DIRECT MEDICAL AND PREGNANCY-RELATED EXPENSES OF THE MOTHER
22 IF THE CHILD IS A PREBORN CHILD.

23 E. Even if a child is over the age of majority when a petition is
24 filed or at the time of the final decree, the court may order support to
25 continue past the age of majority if all of the following are true:

26 1. The court has considered the factors prescribed in subsection D
27 of this section.

28 2. The child has severe mental or physical disabilities as
29 demonstrated by the fact that the child is unable to live independently
30 and be self-supporting.

31 3. The child's disability began before the child reached the age of
32 majority.

33 F. If a child reaches the age of majority while the child is
34 attending high school or a certified high school equivalency program,
35 support shall continue to be provided during the period in which the child
36 is actually attending high school or the equivalency program but only
37 until the child reaches nineteen years of age unless the court enters an
38 order pursuant to subsection E of this section. Notwithstanding any other
39 law, a parent paying support for a child over the age of majority pursuant
40 to this section is entitled to obtain all records related to the
41 attendance of the child in the high school or equivalency program.

42 G. If a personal check for support payments and handling fees is
43 rightfully dishonored by the payor bank or other drawee, the person
44 obligated to pay support shall make any subsequent support payments and
45 handling fees only by cash, money order, cashier's check, traveler's check

1 or certified check. If a person WHO IS required to pay support other than
2 by personal check demonstrates full and timely payment for twenty-four
3 consecutive months, that person may pay support by personal check if these
4 payments are for the full amount, are timely tendered and are not
5 rightfully dishonored by the payor bank or other drawee.

6 H. Subsection G of this section does not apply to payments made by
7 means of an assignment.

8 I. If after reasonable efforts to locate the obligee the clerk or
9 support payment clearinghouse is unable to deliver payments for the period
10 prescribed in section 25-503 due to the failure of the person to whom the
11 support has been ordered to be paid to notify the clerk or support payment
12 clearinghouse of a change in address, the clerk or support payment
13 clearinghouse shall not deliver further payments and shall return the
14 payments to the obligor consistent with the requirements of section
15 25-503.

16 J. An order for child support shall assign responsibility for
17 providing medical insurance for the child who is the subject of the
18 support order to one of the parents and shall assign responsibility for
19 the payment of any medical costs of the child that are not covered by
20 insurance according to the child support guidelines. Each parent shall
21 provide information to the court regarding the availability of medical
22 insurance for the child that is accessible and available at a reasonable
23 cost. In title IV-D cases, the parent responsible pursuant to court order
24 for providing medical insurance for the child shall notify the child
25 support enforcement agency in the department of economic security if
26 medical insurance has been obtained or if the child is no longer covered
27 under an insurance plan.

28 K. If the court finds that neither parent has the ability to obtain
29 medical insurance for the child that is accessible and available at a
30 reasonable cost, the court shall:

31 1. In a title IV-D case, in accordance with established title IV-D
32 criteria, establish a reasonable monthly cash medical support order to be
33 paid by the obligor. If medical assistance is being provided to a child
34 under title XIX of the social security act, cash medical support is
35 assigned to the state pursuant to section 46-407. On verification that
36 the obligor has obtained private insurance, the cash medical support order
37 terminates by operation of law on the first day of the month after the
38 policy's effective date or on the date the court, or the department in a
39 title IV-D case, is notified that insurance has been obtained, whichever
40 is later. If the private insurance terminates, the cash medical support
41 order automatically resumes by operation of law on the first day of the
42 month following the termination date of the policy.

43 2. Order one parent to provide medical insurance when it becomes
44 accessible and available at a reasonable cost.

1 3. Order that medical costs in excess of the cash medical support
2 amount shall be paid by each parent according to the percentage assigned
3 for payment of uninsured costs.

4 L. In a title IV-D case, if the court orders the noncustodial
5 parent to obtain medical insurance, the court shall also set an
6 alternative cash medical support order to be paid by that parent if the
7 child is not covered under an insurance plan within ninety days after
8 entry of the order or if the child is no longer covered by insurance. The
9 court shall not order the custodial parent to pay cash medical support.

10 M. In title IV-D cases, the superior court shall accept for filing
11 any documents that are received through electronic transmission if the
12 electronically reproduced document states that the copy used for the
13 electronic transmission was certified before it was electronically
14 transmitted.

15 N. The court shall presume, in the absence of contrary testimony,
16 that a parent is capable of full-time employment at least at the
17 applicable state or federal adult minimum wage, whichever is higher. This
18 presumption does not apply to noncustodial parents who are under eighteen
19 years of age and who are attending high school.

20 O. An order for support shall provide for an assignment pursuant to
21 sections 25-504 and 25-323.

22 P. Each licensing board or agency that issues professional,
23 recreational or occupational licenses or certificates shall record on the
24 application the social security number of the applicant and shall enter
25 this information in its database in order to aid the department of
26 economic security in locating parents or their assets or to enforce child
27 support orders. This subsection does not apply to a license that is
28 issued pursuant to title 17 and that is not issued by an automated drawing
29 system. If a licensing board or agency allows an applicant to use a
30 number other than the social security number on the face of the license or
31 certificate while the licensing board or agency keeps the social security
32 number on file, the licensing board or agency shall advise an applicant of
33 this fact.

34 Q. IF THE COURT ENTERS AN ORDER FOR CHILD SUPPORT FOR MEDICAL AND
35 PREGNANCY-RELATED EXPENSES OF THE MOTHER, THE AMOUNT OF CHILD SUPPORT
36 ORDERED FOR THE SUPPORT OF A PREBORN CHILD SHALL NOT EXCEED THE DIRECT
37 MEDICAL AND PREGNANCY-RELATED EXPENSES OF THE MOTHER OF THE PREBORN CHILD.
38 PREGNANCY-RELATED EXPENSES SHALL NOT INCLUDE ANY EXPENSES RELATED TO AN
39 ELECTIVE ABORTION. THE AMOUNT OF CHILD SUPPORT ORDERED PURSUANT TO THIS
40 SUBSECTION SHALL BE CALCULATED FROM THE DATE OF A POSITIVE PREGNANCY TEST
41 THAT IS CONFIRMED BY A LICENSED HEALTH CARE PROFESSIONAL.

42 ~~R.~~ R. The factors prescribed pursuant to subsection D of this
43 section are stated for direction to the supreme court. Except pursuant to
44 subsection E of this section and sections 25-501 and 25-809, the superior

1 court shall not consider the factors when making child support orders,
2 independent of the child support guidelines.

3 ~~R.~~ S. For the purposes of this section:

4 1. "Accessible" means that insurance is available in the geographic
5 region where the child resides.

6 2. "Child support guidelines" means the child support guidelines
7 that are adopted by the state supreme court pursuant to 42 United States
8 Code sections 651 through 669B.

9 3. "Date of separation" means the date the married parents ceased
10 to cohabit.

11 4. "PREBORN CHILD" MEANS THE OFFSPRING OF HUMAN BEINGS FROM
12 CONCEPTION UNTIL BIRTH.

13 ~~4.~~ 5. "Reasonable cost" means an amount that does not exceed the
14 higher of five ~~per cent~~ PERCENT of the gross income of the obligated
15 parent or an income-based numeric standard that is prescribed in the child
16 support guidelines.

17 ~~5.~~ 6. "Support" has the same meaning prescribed in section 25-500.

18 ~~6.~~ 7. "Support payments" means the amount of money ordered by the
19 court to be paid for the support of the minor child or children OR A
20 PREBORN CHILD.