



ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: JUD DP 6-2-0-1

HB 2144: child support; preborn children

Sponsor: Representative Olson, LD 10

House Engrossed

Overview

Amends child support law to recognize a preborn child and to allow certain child support calculations and orders to begin based on a confirmed positive pregnancy test.

History

Under current law, a court may order either or both parents to pay child support. The Arizona Supreme Court is directed to establish child support guidelines in consideration of various listed statutory factors, including the financial resources of the parents, the needs of the child and the duration of parenting time ([A.R.S. § 25-320](#)).

As child support often is not ordered immediately when a case is filed, legal provision is made for retroactive child support. In such a case, if the court decides that child support is appropriate, then the court must:

- 1) calculate what support should have been paid for that past period by applying the child support guidelines retroactively back to the case filing date; and
- 2) set how that past-due amount will be paid, while crediting any temporary or voluntary support already paid during that time ([A.R.S. § 25-320](#)).

Provisions

1. Requires that, when the court orders retroactive child support, the retroactive application of the child support guidelines runs to the earlier of either:
 - a. the date of filing the dissolution, legal separation, maintenance or child support proceeding; or
 - b. the date of a positive pregnancy test that is confirmed by a licensed health care professional. (Sec. 1)
2. Adds that the Supreme Court, in establishing child support guidelines, must also consider the direct medical and pregnancy-related expenses of the mother of a preborn child. (Sec. 1)
3. Establishes limits and calculation rules for child support related to a preborn child by:
 - a. providing that, if the court enters an order for child support for the mother's medical and pregnancy-related expenses, the amount ordered for support of a preborn child may not exceed those direct medical and pregnancy-related expenses;
 - b. excluding, from pregnancy-related expenses, any expenses related to an elective abortion; and

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- c. requiring the amount ordered to be calculated from the date of a positive pregnancy test that is confirmed by a licensed health care professional. (Sec. 1)
4. Permits a mother to choose to undergo genetic testing either during the pregnancy or after the birth of the child, if ordered by the court in any marital or domestic relations proceeding. (Sec. 2)
5. Defines *preborn child*. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1)