



**ARIZONA STATE SENATE**  
*Fifty-Seventh Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1657

family court; attorney fees; cap

Purpose

Requires the court to award attorney fees from the community assets of the parties in a marital or domestic relations proceeding, except when there are no community assets the court may award attorney fees in an amount up to 15 percent of a party's disposable income or \$8,000, whichever is greater.

Background

After considering the financial resources and reasonableness of the positions taken by each party in any dissolution of marriage, legal decision-making or parenting time proceeding the court may order a party to pay reasonable costs and expenses to the other party for maintaining or defending the proceeding. On request of a party or another court of competent jurisdiction, the court must make specific findings concerning the portions of awarded fees and expenses that are based on the financial resources of the parties and the reasonableness of the positions taken. The court must award reasonable costs and attorney fees to the other party if it finds that a party filed a petition that is: 1) not filed in good faith; 2) not grounded in fact or based on law; and 3) filed for an improper purpose, including to harass the other party, cause an unnecessary delay or to increase the cost of litigation to the other party. Costs and expenses may include attorney fees, deposition costs and other reasonable expenses as the court finds necessary ([A.R.S. § 25-324](#)).

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

Provisions

1. Requires the court, when entering an award of attorney fees in a marital or domestic relations proceeding, to order that the total award be paid from the community assets of the parties, unless there are no community assets.
2. Caps the amount of attorney fees that the court may assess against a party when there are no community assets at 15 percent of that party's disposable income or \$8,000, whichever is greater.
3. Becomes effective on the general effective date.

Prepared by Senate Research  
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ZD/KS/ci