

SUBJECT: Authorizing a court to order retroactive child support for certain expenses

COMMITTEE: Juvenile Justice & Family Issues — committee substitute recommended

VOTE: 6 ayes — Dutton, Lujan, Cook, Leo-Wilson, J. Lopez, Smithee

2 nays — Talarico, Wu

1 absent — Martinez Fischer

SENATE VOTE: On final passage (April 20) — 31 - 0

WITNESSES: None (*considered in a formal meeting on May 16*)

BACKGROUND: Concerns have been raised that current law does not provide a legal mechanism for a mother to obtain prenatal or postnatal support or for expenses related to the delivery of a child.

DIGEST: CSSB 590 would establish that it would be presumed to be reasonable and in the best interest of the child for a court to order retroactive child support for the child beginning on the earliest possible date of the child's conception, as determined by:

- a physician using standard medical practice; or
- a preponderance of other evidence presented to the court, including the testimony of a parent of the child.

On proper showing, the court would be authorized to order the obligor to pay, as additional retroactive child support, an equitable portion of all prenatal or postnatal health care expenses of the mother and the child.

If a court rendered an order establishing a man's paternity of the child or establishing a child support obligation of a man who executed a valid acknowledgement of paternity, the court would be required to, on request of a party and on a proper showing, order retroactive child support as specified by the bill.

CSSB 590 would repeal a provision requiring a court to use certain child support guidelines in rendering an order for retroactive child support.

The bill would take effect September 1, 2023. The provisions relating to an order adjudicating paternity or an acknowledgement of paternity would apply only to an order rendered or acknowledgment executed on or after the bill's effective date.