**A** **BILL**

TO AMEND SECTION 63‑17‑470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD SUPPORT AWARDS, SO AS TO AUTHORIZE THE AWARD OF RETROACTIVE CHILD SUPPORT IN THE DISCRETION OF THE COURT IN CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑17‑470 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) The court may order any child support payments to be made for a period prior to the commencement of the action if such an award is just and appropriate. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in subsection (C) and other equitable factors including, but not limited to:

(1) the father’s prior knowledge of the fact and circumstances of the child’s birth;

(2) the father’s prior willingness or refusal to help raise or support the child;

(3) the extent to which the mother previously informed the father of the child’s needs or attempted to seek or require his help in raising or supporting the child;

(4) the reasons the mother did not file the action earlier; and

(5) the extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father’s net income for the prior period was the same as his net income at the time the order for current child support is entered.”

SECTION 2. This act takes effect upon approval by the Governor.

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