

House Engrossed

custody; parenting time; child preference

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2642

AN ACT

AMENDING SECTIONS 25-403 AND 25-405, ARIZONA REVISED STATUTES; RELATING TO  
LEGAL DECISION-MAKING AND PARENTING TIME.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-403, Arizona Revised Statutes, is amended to  
3 read:

4 25-403. Legal decision-making; best interests of child

5 A. The court shall determine legal decision-making and parenting  
6 time, either originally or on petition for modification, in accordance  
7 with the best interests of the child. The court shall consider all  
8 factors that are relevant to the child's physical and emotional  
9 well-being, including:

10 1. The past, present and potential future relationship between the  
11 parent and the child.

12 2. The interaction and interrelationship of the child with the  
13 child's parent or parents, the child's siblings and any other person who  
14 may significantly affect the child's best interest.

15 3. The child's adjustment to home, school and community.

16 4. ~~If the child is of suitable age and maturity,~~ The wishes of the  
17 child as to legal decision-making and parenting time. IF THE CHILD IS AT  
18 LEAST FOURTEEN YEARS OF AGE AND IS SUFFICIENTLY MATURE SO THAT THE CHILD  
19 CAN INTELLIGENTLY AND VOLUNTARILY EXPRESS A PREFERENCE FOR ONE PARENT, THE  
20 CHILD HAS THE RIGHT TO SELECT THE PARENT WHOM THE CHILD CHOOSES REGARDING  
21 CUSTODY AND PARENTING TIME. THE CHILD'S SELECTION IS CONSIDERED  
22 PRESUMPTIVE UNLESS THE COURT DETERMINES THAT THE CHILD'S WISHES ARE NOT IN  
23 THE BEST INTEREST OF THE CHILD. IF THE CHILD IS UNDER FOURTEEN YEARS OF  
24 AGE BUT IS OF SUITABLE AGE AND MATURITY, THE COURT SHALL STRONGLY CONSIDER  
25 THE CHILD'S WISHES REGARDING CUSTODY AND PARENTING TIME UNLESS THE COURT  
26 DETERMINES THAT THE CHILD'S WISHES ARE NOT IN THE BEST INTEREST OF THE  
27 CHILD.

28 5. The mental and physical health of all individuals involved.

29 6. Which parent is more likely to allow the child frequent,  
30 meaningful and continuing contact with the other parent. This paragraph  
31 does not apply if the court determines that a parent is acting in good  
32 faith to protect the child from witnessing an act of domestic violence or  
33 being a victim of domestic violence or child abuse.

34 7. Whether one parent intentionally misled the court to cause an  
35 unnecessary delay, to increase the cost of litigation or to persuade the  
36 court to give a legal decision-making or a parenting time preference to  
37 that parent.

38 8. Whether there has been domestic violence or child abuse pursuant  
39 to section 25-403.03.

40 9. The nature and extent of coercion or duress used by a parent in  
41 obtaining an agreement regarding legal decision-making or parenting time.

42 10. Whether a parent has complied with chapter 3, article 5 of this  
43 title.

44 11. Whether either parent was convicted of an act of false  
45 reporting of child abuse or neglect under section 13-2907.02.

1           B. In a contested legal decision-making or parenting time case, the  
2 court shall make specific findings on the record about all relevant  
3 factors and the reasons for which the decision is in the best interests of  
4 the child.

5           Sec. 2. Section 25-405, Arizona Revised Statutes, is amended to  
6 read:

7           25-405. Interviews by court; professional assistance;  
8                           advocate

9           A. The court ~~may~~, **ON THE CHILD'S REQUEST, SHALL** interview the child  
10 in chambers to ascertain the child's wishes as to the child's custodian  
11 and as to parenting time.

12           B. The court may seek the advice of professional personnel, whether  
13 or not employed by the court on a regular basis. The advice given shall  
14 be in writing and shall be made available by the court to counsel, on  
15 request, under such terms as the court determines. Counsel may examine as  
16 a witness any professional personnel consulted by the court, unless that  
17 right is waived.