

REFERENCE TITLE: custody; parenting time; child preference

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2606

Introduced by
Representative Parker B

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.

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

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

24 7. Whether one parent intentionally misled the court to cause an
25 unnecessary delay, to increase the cost of litigation or to persuade the
26 court to give a legal decision-making or a parenting time preference to
27 that parent.

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

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

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

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

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

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

42 25-405. Interviews by court; professional assistance

43 A. The court ~~may~~ **SHALL** interview the child in chambers to ascertain
44 if any domestic violence or child abuse pursuant to 25-403.03 has occurred

1 and to consider the child's wishes as to the child's custodian and as to
2 parenting time.

3 B. The court may seek the advice of professional personnel, whether
4 or not employed by the court on a regular basis. The advice given shall
5 be in writing and shall be made available by the court to counsel, on
6 request, under such terms as the court determines. Counsel may examine as
7 a witness any professional personnel consulted by the court, unless that
8 right is waived.