

REFERENCE TITLE: custody; parenting time; child preference.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2106

Introduced by
Representative Payne

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.

