

REFERENCE TITLE: custody; parenting time; child preference

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1373**

Introduced by  
Senators Bolick: Farnsworth

AN ACT

AMENDING SECTION 25-403, 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.**

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

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

30 7. Whether one parent intentionally misled the court to cause an  
31 unnecessary delay, to increase the cost of litigation or to persuade the  
32 court to give a legal decision-making or a parenting time preference to  
33 that parent.

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

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

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

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

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