

Senate Engrossed

custody; parenting time; child preference

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

SENATE BILL 1373

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.