

COMMITTEE ON HEALTH AND HUMAN SERVICES

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1127

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Heading change

3 The chapter heading of title 25, chapter 4, Arizona Revised Statutes,
4 is changed from "CHILD CUSTODY AND VISITATION" to "LEGAL DECISION-MAKING AND
5 PARENTING TIME".

6 Sec. 2. Heading change

7 The article heading of title 25, chapter 4, article 1, Arizona Revised
8 Statutes, is changed from "CHILD CUSTODY" to "LEGAL DECISION-MAKING AND
9 PARENTING TIME".

10 Sec. 3. Repeal

11 Sections 25-401 and 25-402, Arizona Revised Statutes, are repealed.

12 Sec. 4. Title 25, chapter 4, article 1, Arizona Revised Statutes, is
13 amended by adding new sections 25-401 and 25-402, to read:

14 25-401. Definitions

15 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 1. "IN LOCO PARENTIS" MEANS A PERSON WHO HAS BEEN TREATED AS A PARENT
17 BY A CHILD AND WHO HAS FORMED A MEANINGFUL PARENTAL RELATIONSHIP WITH A CHILD
18 FOR A SUBSTANTIAL PERIOD OF TIME.

19 2. "JOINT LEGAL DECISION-MAKING" MEANS BOTH PARENTS SHARE
20 DECISION-MAKING AND NEITHER PARENT'S RIGHTS OR RESPONSIBILITIES ARE SUPERIOR
21 EXCEPT WITH RESPECT TO SPECIFIED DECISIONS AS SET FORTH BY THE COURT OR THE
22 PARENTS IN THE FINAL JUDGMENT OR ORDER.

23 3. "LEGAL DECISION-MAKING" MEANS THE LEGAL RIGHT AND RESPONSIBILITY TO
24 MAKE ALL NONEMERGENCY LEGAL DECISIONS FOR A CHILD INCLUDING THOSE REGARDING
25 EDUCATION, HEALTH CARE, RELIGIOUS TRAINING AND PERSONAL CARE DECISIONS. FOR
26 THE PURPOSES OF INTERPRETING OR APPLYING ANY INTERNATIONAL TREATY, FEDERAL
27 LAW, A UNIFORM CODE OR THE STATUTES OF OTHER JURISDICTIONS OF THE UNITED
28 STATES, LEGAL DECISION-MAKING MEANS LEGAL CUSTODY.

29 4. "LEGAL PARENT" MEANS A BIOLOGICAL OR ADOPTIVE PARENT WHOSE PARENTAL
30 RIGHTS HAVE NOT BEEN TERMINATED. LEGAL PARENT DOES NOT INCLUDE A PERSON
31 WHOSE PATERNITY HAS NOT BEEN ESTABLISHED PURSUANT TO SECTION 25-812 OR
32 25-814.

33 5. "PARENTING TIME" MEANS THE SCHEDULE OF TIME DURING WHICH EACH
34 PARENT HAS ACCESS TO A CHILD AT SPECIFIED TIMES. EACH PARENT DURING THEIR

1 SCHEDULED PARENTING TIME IS RESPONSIBLE FOR PROVIDING THE CHILD WITH FOOD,
2 CLOTHING AND SHELTER AND MAY MAKE ROUTINE DECISIONS CONCERNING THE CHILD'S
3 CARE.

4 6. "SOLE LEGAL DECISION-MAKING" MEANS ONE PARENT HAS THE LEGAL RIGHT
5 AND RESPONSIBILITY TO MAKE MAJOR DECISIONS FOR A CHILD.

6 7. "VISITATION" MEANS A SCHEDULE OF TIME THAT OCCURS WITH A CHILD BY
7 SOMEONE OTHER THAN A LEGAL PARENT.

8 25-402. Jurisdiction

9 A. BEFORE IT CONDUCTS A PROCEEDING CONCERNING LEGAL DECISION-MAKING OR
10 PARENTING TIME, INCLUDING A PROCEEDING TO DETERMINE THE LEGAL DECISION-MAKING
11 OR VISITATION OF A NONPARENT, A COURT IN THIS STATE FIRST MUST CONFIRM ITS
12 AUTHORITY TO DO SO TO THE EXCLUSION OF ANY OTHER STATE, INDIAN TRIBE OR
13 FOREIGN NATION BY COMPLYING WITH THE UNIFORM CHILD CUSTODY JURISDICTION AND
14 ENFORCEMENT ACT, THE PARENTAL KIDNAPPING PREVENTION ACT AND ANY APPLICABLE
15 INTERNATIONAL LAW CONCERNING THE WRONGFUL ABDUCTION OR REMOVAL OF CHILDREN.

16 B. THE FOLLOWING PERSONS MAY REQUEST LEGAL DECISION-MAKING OR
17 PARENTING TIME UNDER THE FOLLOWING CIRCUMSTANCES:

18 1. A PARENT IN ANY PROCEEDING FOR MARITAL DISSOLUTION, LEGAL
19 SEPARATION, ANNULMENT, PATERNITY OR MODIFICATION OF AN EARLIER DECREE OR
20 JUDGMENT.

21 2. A PERSON OTHER THAN A PARENT, BY FILING A PETITION FOR THIRD PARTY
22 RIGHTS UNDER SECTION 25-409 IN THE COUNTY IN WHICH THE CHILD PERMANENTLY
23 RESIDES.

24 Sec. 5. Repeal

25 Sections 25-403, 25-403.01 and 25-403.02, Arizona Revised Statutes, are
26 repealed.

27 Sec. 6. Title 25, chapter 4, article 1, Arizona Revised Statutes, is
28 amended by adding new sections 25-403, 25-403.01 and 25-403.02, to read:

29 25-403. Parenting plans

30 A. IF THE CHILD'S PARENTS CANNOT AGREE ON A PLAN FOR LEGAL
31 DECISION-MAKING OR PARENTING TIME, EACH PARENT SHALL SUBMIT A PROPOSED
32 PARENTING PLAN.

33 B. CONSISTENT WITH THE CHILD'S BEST INTERESTS IN SECTION 25-403.01 AND
34 SECTIONS 25-403.03, 25-403.04 AND 25-403.05, THE COURT SHALL ADOPT A
35 PARENTING PLAN THAT PROVIDES FOR BOTH PARENTS TO SHARE LEGAL DECISION-MAKING
36 REGARDING THEIR CHILD AND THAT MAXIMIZES THEIR RESPECTIVE PARENTING TIME.

1 THE COURT SHALL NOT PREFER A PARENT'S PROPOSED PLAN BECAUSE OF THE PARENT'S
2 OR CHILD'S SEX.

3 C. PARENTING PLANS SHALL INCLUDE AT LEAST THE FOLLOWING:

4 1. A DESIGNATION OF THE LEGAL DECISION-MAKING AS JOINT OR SOLE AS
5 DEFINED IN SECTION 25-401.

6 2. EACH PARENT'S RIGHTS AND RESPONSIBILITIES FOR THE PERSONAL CARE OF
7 THE CHILD AND FOR DECISIONS IN AREAS SUCH AS EDUCATION, HEALTH CARE AND
8 RELIGIOUS TRAINING.

9 3. A PRACTICAL SCHEDULE OF PARENTING TIME FOR THE CHILD, INCLUDING
10 HOLIDAYS AND SCHOOL VACATIONS.

11 4. A PROCEDURE FOR THE EXCHANGES OF THE CHILD, INCLUDING LOCATION AND
12 RESPONSIBILITY FOR TRANSPORTATION.

13 5. A PROCEDURE BY WHICH PROPOSED CHANGES, DISPUTES AND ALLEGED
14 BREACHES MAY BE MEDIATED OR RESOLVED, WHICH MAY INCLUDE THE USE OF
15 CONCILIATION SERVICES OR PRIVATE COUNSELING.

16 6. A PROCEDURE FOR PERIODIC REVIEW OF THE PLAN'S TERMS BY THE PARENTS.

17 7. A PROCEDURE FOR COMMUNICATING WITH EACH OTHER ABOUT THE CHILD,
18 INCLUDING METHODS AND FREQUENCY.

19 8. A STATEMENT THAT EACH PARTY HAS READ, UNDERSTANDS AND WILL ABIDE BY
20 THE NOTIFICATION REQUIREMENTS OF SECTION 25-403.05, SUBSECTION B.

21 D. IF THE PARENTS ARE UNABLE TO AGREE ON ANY ELEMENT TO BE INCLUDED IN
22 A PARENTING PLAN, THE COURT SHALL DETERMINE THAT ELEMENT. THE COURT MAY
23 DETERMINE OTHER FACTORS THAT ARE NECESSARY TO PROMOTE AND PROTECT THE
24 EMOTIONAL AND PHYSICAL HEALTH OF THE CHILD.

25 E. SHARED LEGAL DECISION-MAKING DOES NOT NECESSARILY MEAN EQUAL
26 PARENTING TIME.

27 25-403.01. Legal decision-making; parenting time; best
28 interests of child

29 A. THE COURT SHALL DETERMINE LEGAL DECISION-MAKING AND PARENTING TIME,
30 EITHER ORIGINALLY OR ON PETITION FOR MODIFICATION, IN ACCORDANCE WITH THE
31 BEST INTERESTS OF THE CHILD. THE COURT SHALL CONSIDER ALL FACTORS RELEVANT
32 TO THE CHILD'S PHYSICAL AND EMOTIONAL WELL-BEING, INCLUDING:

33 1. THE PAST, PRESENT AND POTENTIAL FUTURE RELATIONSHIP BETWEEN THE
34 PARENT AND THE CHILD.

35 2. THE INTERACTION AND INTERRELATIONSHIP OF THE CHILD WITH THE CHILD'S
36 PARENT OR PARENTS, THE CHILD'S SIBLINGS AND ANY OTHER PERSON WHO MAY
37 SIGNIFICANTLY AFFECT THE CHILD'S BEST INTERESTS.

1 4. WHETHER THE JOINT LEGAL DECISION-MAKING ARRANGEMENT IS LOGISTICALLY
2 POSSIBLE.

3 C. AN ORDER FOR SOLE LEGAL DECISION-MAKING DOES NOT ALLOW THE PARENT
4 DESIGNATED AS SOLE LEGAL DECISION-MAKER TO ALTER UNILATERALLY A COURT-ORDERED
5 PARENTING TIME PLAN.

6 D. A PARENT WHO IS NOT GRANTED SOLE OR JOINT LEGAL DECISION-MAKING IS
7 ENTITLED TO REASONABLE PARENTING TIME TO ENSURE THAT THE MINOR CHILD HAS
8 SUBSTANTIAL, FREQUENT, MEANINGFUL AND CONTINUING CONTACT WITH THE PARENT
9 UNLESS THE COURT FINDS, AFTER A HEARING, THAT PARENTING TIME WOULD SERIOUSLY
10 ENDANGER THE CHILD'S PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

11 Sec. 7. Section 25-403.03, Arizona Revised Statutes, is amended to
12 read:

13 25-403.03. Domestic violence and child abuse

14 A. Notwithstanding subsection D of this section, joint ~~custody~~ LEGAL
15 DECISION-MAKING shall not be awarded if the court makes a finding of the
16 existence of significant domestic violence pursuant to section 13-3601 or if
17 the court finds by a preponderance of the evidence that there has been a
18 significant history of domestic violence.

19 B. The court shall consider evidence of domestic violence as being
20 contrary to the best interests of the child. The court shall consider the
21 safety and well-being of the child and of the victim of the act of domestic
22 violence to be of primary importance. The court shall consider a
23 perpetrator's history of causing or threatening to cause physical harm to
24 another person.

25 C. To determine if a person has committed an act of domestic violence
26 the court, subject to the rules of evidence, shall consider all relevant
27 factors including the following:

- 28 1. Findings from another court of competent jurisdiction.
- 29 2. Police reports.
- 30 3. Medical reports.
- 31 4. Child protective services records.
- 32 5. Domestic violence shelter records.
- 33 6. School records.
- 34 7. Witness testimony.

35 D. If the court determines that a parent who is seeking ~~custody~~ SOLE
36 OR JOINT LEGAL DECISION-MAKING has committed an act of domestic violence
37 against the other parent, there is a rebuttable presumption that an award of

1 ~~custody~~ SOLE OR JOINT LEGAL DECISION-MAKING to the parent who committed the
2 act of domestic violence is contrary to the child's best interests. This
3 presumption does not apply if both parents have committed an act of domestic
4 violence. For the purposes of this subsection, a person commits an act of
5 domestic violence if that person does any of the following:

6 1. Intentionally, knowingly or recklessly causes or attempts to cause
7 sexual assault or serious physical injury.

8 2. Places a person in reasonable apprehension of imminent serious
9 physical injury to any person.

10 3. Engages in a pattern of behavior for which a court may issue an ex
11 parte order to protect the other parent who is seeking child custody or to
12 protect the child and the child's siblings.

13 E. To determine if the parent has rebutted the presumption the court
14 shall consider all of the following:

15 1. Whether the parent has demonstrated that being awarded sole ~~custody~~
16 or joint ~~physical~~ LEGAL DECISION-MAKING or ~~legal-custody~~ SUBSTANTIALLY EQUAL
17 PARENTING TIME is in the child's best interests.

18 2. Whether the parent has successfully completed a batterer's
19 prevention program.

20 3. Whether the parent has successfully completed a program of alcohol
21 or drug abuse counseling, if the court determines that counseling is
22 appropriate.

23 4. Whether the parent has successfully completed a parenting class, if
24 the court determines that a parenting class is appropriate.

25 5. If the parent is on probation, parole or community supervision,
26 whether the parent is restrained by a protective order that was granted after
27 a hearing.

28 6. Whether the parent has committed any further acts of domestic
29 violence.

30 F. If the court finds that a parent has committed an act of domestic
31 violence, that parent has the burden of proving to the court's satisfaction
32 that parenting time will not endanger the child or significantly impair the
33 child's emotional development. If the parent meets this burden to the
34 court's satisfaction, the court shall place conditions on parenting time that
35 best protect the child and the other parent from further harm. The court
36 may:

1 1. Order that an exchange of the child must occur in a protected
2 setting as specified by the court.

3 2. Order that an agency specified by the court must supervise
4 parenting time. If the court allows a family or household member to
5 supervise parenting time, the court shall establish conditions that this
6 person must follow during parenting time.

7 3. Order the parent who committed the act of domestic violence to
8 attend and complete, to the court's satisfaction, a program of intervention
9 for perpetrators of domestic violence and any other counseling the court
10 orders.

11 4. Order the parent who committed the act of domestic violence to
12 abstain from possessing or consuming alcohol or controlled substances during
13 parenting time and for twenty-four hours before parenting time.

14 5. Order the parent who committed the act of domestic violence to pay
15 a fee ~~to the court to defray~~ FOR the costs of supervised parenting time.

16 6. Prohibit overnight parenting time.

17 7. Require a bond from the parent who committed the act of domestic
18 violence for the child's safe return.

19 8. Order that the address of the child and the other parent remain
20 confidential.

21 9. Impose any other condition that the court determines is necessary
22 to protect the child, the other parent and any other family or household
23 member.

24 G. The court shall not order joint counseling between a victim and the
25 perpetrator of domestic violence. The court may ~~refer a victim to~~
26 ~~appropriate counseling and shall~~ provide a victim with written information
27 about available community resources related to domestic violence.

28 H. The court may request or order the services of the division of
29 children and family services in the department of economic security if the
30 court believes that a child may be the victim of child abuse or neglect as
31 defined in section 8-201.

32 I. In determining whether the absence or relocation of a parent shall
33 be weighed against that parent in determining ~~custody~~ LEGAL DECISION-MAKING
34 or parenting time, the court may consider whether the absence or relocation
35 was caused by an act of domestic violence by the other parent.

1 (a) Credible evidence that the convicted parent was a victim of
2 domestic violence, as defined in section 13-3601, committed by the murdered
3 parent.

4 (b) Testimony of an expert witness that the convicted parent suffered
5 trauma from abuse committed by the murdered parent.

6 B. A child's parent or custodian must immediately notify the other
7 parent or custodian if the parent or custodian knows that a convicted or
8 registered sex offender or a person who has been convicted of a dangerous
9 crime against children as defined in section 13-705 may have access to the
10 child. The parent or custodian must provide notice by first class mail,
11 return receipt requested, by electronic means to an electronic mail address
12 that the recipient provided to the parent or custodian for notification
13 purposes or by other communication accepted by the court.

14 Sec. 10. Section 25-403.07, Arizona Revised Statutes, is amended to
15 read:

16 25-403.07. Identification of a primary caretaker and public
17 assistance

18 The court may specify one parent as the primary caretaker of the child
19 and one home as the primary home of the child for the purposes of defining
20 eligibility for public assistance. This finding does not diminish the rights
21 of either parent and does not create a presumption for or against either
22 parent in a proceeding for the modification of a ~~custody~~ LEGAL
23 DECISION-MAKING OR PARENTING TIME order.

24 Sec. 11. Section 25-403.08, Arizona Revised Statutes, is amended to
25 read:

26 25-403.08. Resources and fees

27 A. In a proceeding regarding sole ~~custody~~ or joint ~~custody~~ LEGAL
28 DECISION-MAKING OR PARENTING TIME, either party may request attorney fees,
29 costs and expert witness fees to enable the party with insufficient resources
30 to obtain adequate legal representation and to prepare evidence for the
31 hearing.

32 B. If the court finds there is a financial disparity between the
33 parties, the court may order payment of reasonable fees, expenses and costs
34 to allow adequate preparation.

35 Sec. 12. Section 25-403.09, Arizona Revised Statutes, is amended to
36 read:

37 25-403.09. Child support

1 A. For any ~~custody~~ PARENTING TIME order entered under this article,
2 the court shall determine an amount of child support in accordance with
3 section 25-320 and guidelines established pursuant to that section.

4 B. An award of joint ~~custody~~ LEGAL DECISION-MAKING OR A SUBSTANTIALLY
5 EQUAL PARENTING TIME PLAN does not diminish the responsibility of either
6 parent to provide for the support of the child.

7 Sec. 13. Section 25-404, Arizona Revised Statutes, is amended to read:
8 25-404. Temporary orders

9 A. A party to a ~~custody~~ LEGAL DECISION-MAKING AND PARENTING TIME
10 proceeding may move for a temporary ~~custody~~ order. This motion must be
11 supported by pleadings as provided in section 25-411. The court may award
12 temporary ~~custody~~ LEGAL DECISION-MAKING AND PARENTING TIME under the
13 standards of section ~~25-403~~ 25-403.01 after a hearing, or, if there is no
14 objection, solely on the basis of the pleadings.

15 B. If a proceeding for dissolution of marriage or legal separation is
16 dismissed, any temporary ~~custody~~ LEGAL DECISION-MAKING OR PARENTING TIME
17 order is vacated unless a parent or the child's custodian moves that the
18 proceeding continue as a ~~custody~~ LEGAL DECISION-MAKING OR PARENTING TIME
19 proceeding and the court finds, after a hearing, that the circumstances of
20 the parents and the best interest of the child require that a ~~custody~~ LEGAL
21 DECISION-MAKING OR PARENTING TIME PLAN decree be issued.

22 C. If a ~~custody~~ LEGAL DECISION-MAKING OR PARENTING TIME proceeding
23 commenced in the absence of a petition for dissolution of marriage or legal
24 separation is dismissed, any temporary custody order thereby is vacated.

25 Sec. 14. Section 25-406, Arizona Revised Statutes, is amended to read:
26 25-406. Investigations and reports

27 A. In contested ~~custody~~ LEGAL DECISION-MAKING AND PARENTING TIME
28 proceedings, and in other custody proceedings if a parent or the child's
29 custodian so requests, the court may order an investigation and report
30 concerning ~~custodial~~ LEGAL DECISION-MAKING OR PARENTING TIME arrangements for
31 the child. The investigation and report may be made by the court social
32 service agency, the staff of the juvenile court, the local probation or
33 welfare department, ~~—~~ or a private person. The report must include a written
34 affirmation by the person completing the report that the person has met the
35 training requirements prescribed in subsection C.

1 B. If an investigation ~~or~~ AND report ~~is~~ ARE ordered pursuant to this
2 section or if the court appoints a family court advisor, the court shall
3 allocate cost based on the financial circumstances of both parties.

4 C. ~~Beginning on July 1, 2006,~~ The court shall require A COURT
5 APPOINTED ATTORNEY FOR A CHILD, A COURT APPOINTED ADVISOR OR any person who
6 conducts an investigation or prepares a report pursuant to this section to
7 receive training that meets the minimum standards prescribed by the domestic
8 relations committee, established pursuant to section 25-323.02 as follows:

- 9 1. Six initial hours of TRAINING ON domestic violence ~~training~~.
- 10 2. Six initial hours of child abuse training.
- 11 3. Four subsequent hours of training every two years on domestic
12 violence and child abuse.

13 D. A person ~~that~~ WHO has completed professional training to become
14 licensed or certified may use that training to completely or partially
15 fulfill the requirements in subsection C if the training included at least
16 six hours each on domestic violence and child abuse ~~if the training~~ AND meets
17 the minimum standards prescribed by the domestic relations committee.
18 Subsequent professional training in these subject matters may be used to
19 partially or completely fulfill the training requirements prescribed in
20 subsection C if the training meets the minimum standards prescribed by the
21 domestic relations committee.

22 E. A physician who is licensed pursuant to title 32, chapter 13 or 17
23 is exempt from the training requirements prescribed in subsection C.

24 F. In preparing a report concerning a child, the investigator may
25 consult any person who may have information about the child or the child's
26 potential ~~custodial~~ LEGAL DECISION-MAKING AND PARENTING TIME arrangements.

27 G. The court shall mail the investigator's report to counsel at least
28 ten days ~~prior to~~ BEFORE the hearing. The investigator shall make available
29 to counsel the names and addresses of all persons whom the investigator has
30 consulted. Any party to the proceeding may call for examination of the
31 investigator and any person consulted by the investigator.

32 Sec. 15. Section 25-407, Arizona Revised Statutes, is amended to read:
33 25-407. Legal decision-making and parenting time hearings;
34 priority; costs; record

35 A. ~~Custody~~ LEGAL DECISION-MAKING AND PARENTING TIME proceedings shall
36 receive priority in being set for hearing.

1 B. The court may tax as costs the payment of necessary travel and
2 other expenses incurred by any person whose presence at the hearing the court
3 deems necessary to determine the best interest of the child.

4 C. The court, without a jury, shall determine questions of law and
5 fact. If it finds that a public hearing may be detrimental to the child's
6 best interest, the court may exclude the public from a custody hearing, but
7 may admit any person who has a direct and legitimate interest in the
8 particular case or a legitimate educational or research interest in the work
9 of the court.

10 D. If the court finds that to protect the child's welfare, the record
11 of any interview, report, investigation, ~~or~~ testimony in a ~~custody~~ LEGAL
12 DECISION-MAKING OR PARENTING TIME proceeding should be kept secret, the court
13 may then make an appropriate order sealing the record.

14 Sec. 16. Section 25-408, Arizona Revised Statutes, is amended to read:

15 25-408. Rights of each parent; parenting time; relocation of
16 child; exception; enforcement; access to records

17 ~~A. A parent who is not granted custody of the child is entitled to~~
18 ~~reasonable parenting time rights to ensure that the minor child has frequent~~
19 ~~and continuing contact with the noncustodial parent unless the court finds,~~
20 ~~after a hearing, that parenting time would endanger seriously the child's~~
21 ~~physical, mental, moral or emotional health.~~

22 ~~B.~~ A. If by written agreement or court order both parents are
23 entitled to ~~custody~~ JOINT LEGAL DECISION-MAKING or UNSUPERVISED parenting
24 time and both parents reside in the state, at least sixty days' advance
25 written notice shall be provided to the other parent before a parent may do
26 either of the following:

- 27 1. Relocate the child outside the state.
- 28 2. Relocate the child more than one hundred miles within the state.

29 ~~C.~~ B. The notice required by this section shall be made by certified
30 mail, return receipt requested, or pursuant to the Arizona rules of family
31 law procedure. The court shall sanction a parent who, without good cause,
32 does not comply with the notification requirements of this subsection. The
33 court may impose a sanction that will affect ~~custody~~ LEGAL DECISION-MAKING or
34 parenting time only in accordance with the child's best interests.

35 ~~D.~~ C. Within thirty days after notice is made the nonmoving parent
36 may petition the court to prevent relocation of the child. After expiration
37 of this time any petition or other application to prevent relocation of the

1 child may be granted only on a showing of good cause. This subsection does
2 not prohibit a parent who is seeking to relocate the child from petitioning
3 the court for a hearing, on notice to the other parent, to determine the
4 appropriateness of a relocation that may adversely affect the other parent's
5 ~~custody~~ LEGAL DECISION-MAKING or parenting time rights.

6 ~~E.~~ D. Subsection ~~B-~~ A of this section does not apply if provision for
7 relocation of a child has been made by a court order or a written agreement
8 of the parties that is dated within one year of the proposed relocation of
9 the child.

10 ~~F.~~ E. Pending the determination by the court of a petition or
11 application to prevent relocation of the child:

12 1. A parent with sole ~~custody~~ LEGAL DECISION-MAKING or a parent with
13 joint ~~custody~~ LEGAL DECISION-MAKING and primary ~~physical-custody~~ RESIDENCE OF
14 A CHILD who is required by circumstances of health or safety or employment of
15 that parent or that parent's spouse to relocate in less than sixty days after
16 written notice has been given to the other parent may temporarily relocate
17 with the child.

18 2. A parent who shares joint ~~custody~~ LEGAL DECISION-MAKING and
19 substantially equal ~~physical-custody~~ PARENTING TIME and who is required by
20 circumstances of health or safety or employment of that parent or that
21 parent's spouse to relocate in less than sixty days after written notice has
22 been given to the other parent may temporarily relocate with the child only
23 if both parents execute a written agreement to permit relocation of the
24 child.

25 ~~G.~~ F. The court shall determine whether to allow the parent to
26 relocate the child in accordance with the child's best interests. The burden
27 of proving what is in the child's best interests is on the parent who is
28 seeking to relocate the child. To the extent practicable the court shall
29 also make appropriate arrangements to ensure the continuation of a meaningful
30 relationship between the child and both parents.

31 ~~H.~~ G. The court shall not deviate from a provision of any parenting
32 plan or other written agreement by which the parents specifically have agreed
33 to allow or prohibit relocation of the child unless the court finds that the
34 provision is no longer in the child's best interests. There is a rebuttable
35 presumption that a provision from any parenting plan or other written
36 agreement is in the child's best interests.

1 ~~H.~~ H. In determining the child's best interests the court shall
2 consider all relevant factors including:

3 1. The factors prescribed under section ~~25-403~~ 25-403.01.

4 2. Whether the relocation is being made or opposed in good faith and
5 not to interfere with or to frustrate the relationship between the child and
6 the other parent or the other parent's right of access to the child.

7 3. The prospective advantage of the move for improving the general
8 quality of life for the custodial parent or for the child.

9 4. The likelihood that the parent with whom the child will reside
10 after the relocation will comply with parenting time orders.

11 5. Whether the relocation will allow a realistic opportunity for
12 parenting time with each parent.

13 6. The extent to which moving or not moving will affect the emotional,
14 physical or developmental needs of the child.

15 7. The motives of the parents and the validity of the reasons given
16 for moving or opposing the move including the extent to which either parent
17 may intend to gain a financial advantage regarding continuing child support
18 obligations.

19 8. The potential effect of relocation on the child's stability.

20 ~~I.~~ I. The court shall assess attorney fees and court costs against
21 either parent if the court finds that the parent has unreasonably denied,
22 restricted or interfered with court-ordered parenting time.

23 ~~K.~~ J. Pursuant to section 25-403.06, ~~the noncustodial~~ EACH parent is
24 entitled to have access to documents and other information about the child
25 unless the court finds that access would endanger seriously the child's or
26 ~~the custodial~~ A parent's physical, mental, moral or emotional health.

27 Sec. 17. Repeal

28 Section ~~25-409~~, Arizona Revised Statutes, is repealed.

29 Sec. 18. Title 25, chapter 4, article 1, Arizona Revised Statutes, is
30 amended by adding a new section 25-409, to read:

31 ~~25-409.~~ 25-409. Third party rights

32 A. PURSUANT TO SECTION 25-402, SUBSECTION B, PARAGRAPH 2, A PERSON
33 OTHER THAN A LEGAL PARENT MAY PETITION THE SUPERIOR COURT FOR LEGAL
34 DECISION-MAKING AUTHORITY OR PLACEMENT OF THE CHILD. THE COURT SHALL
35 SUMMARILY DENY A PETITION UNLESS IT FINDS THAT THE PETITIONER'S INITIAL
36 PLEADING ESTABLISHES THAT ALL OF THE FOLLOWING ARE TRUE:

1 1. THE PERSON FILING THE PETITION STANDS IN LOCO PARENTIS TO THE
2 CHILD.

3 2. IT WOULD BE SIGNIFICANTLY DETRIMENTAL TO THE CHILD TO REMAIN OR BE
4 PLACED IN THE CARE OF EITHER LEGAL PARENT WHO WISHES TO KEEP OR ACQUIRE LEGAL
5 DECISION-MAKING.

6 3. A COURT OF COMPETENT JURISDICTION HAS NOT ENTERED OR APPROVED AN
7 ORDER CONCERNING LEGAL DECISION-MAKING OR PARENTING TIME WITHIN ONE YEAR
8 BEFORE THE PERSON FILED A PETITION PURSUANT TO THIS SECTION, UNLESS THERE IS
9 REASON TO BELIEVE THE CHILD'S PRESENT ENVIRONMENT MAY SERIOUSLY ENDANGER THE
10 CHILD'S PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

11 4. ONE OF THE FOLLOWING APPLIES:

12 (a) ONE OF THE LEGAL PARENTS IS DECEASED.

13 (b) THE CHILD'S LEGAL PARENTS ARE NOT MARRIED TO EACH OTHER AT THE
14 TIME THE PETITION IS FILED.

15 (c) A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR FOR LEGAL SEPARATION
16 OF THE LEGAL PARENTS IS PENDING AT THE TIME THE PETITION IS FILED.

17 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IT IS A REBUTTABLE
18 PRESUMPTION THAT AWARDING LEGAL DECISION-MAKING TO A LEGAL PARENT SERVES THE
19 CHILD'S BEST INTERESTS BECAUSE OF THE PHYSICAL, PSYCHOLOGICAL AND EMOTIONAL
20 NEEDS OF THE CHILD TO BE REARED BY A LEGAL PARENT. A THIRD PARTY MAY REBUT
21 THIS PRESUMPTION ONLY WITH PROOF SHOWING BY CLEAR AND CONVINCING EVIDENCE
22 THAT AWARDING LEGAL DECISION-MAKING TO A LEGAL PARENT IS NOT CONSISTENT WITH
23 THE CHILD'S BEST INTERESTS.

24 C. PURSUANT TO SECTION 25-402, SUBSECTION B, PARAGRAPH 2, A PERSON
25 OTHER THAN A LEGAL PARENT MAY PETITION THE SUPERIOR COURT FOR VISITATION WITH
26 A CHILD. THE SUPERIOR COURT MAY GRANT VISITATION RIGHTS DURING THE CHILD'S
27 MINORITY ON A FINDING THAT THE VISITATION IS IN THE CHILD'S BEST INTERESTS
28 AND THAT ANY OF THE FOLLOWING IS TRUE:

29 1. ONE OF THE LEGAL PARENTS IS DECEASED OR HAS BEEN MISSING AT LEAST
30 THREE MONTHS. FOR THE PURPOSES OF THIS PARAGRAPH, A PARENT IS CONSIDERED TO
31 BE MISSING IF THE PARENT'S LOCATION HAS NOT BEEN DETERMINED AND THE PARENT
32 HAS BEEN REPORTED AS MISSING TO A LAW ENFORCEMENT AGENCY.

33 2. THE CHILD WAS BORN OUT OF WEDLOCK AND THE CHILD'S LEGAL PARENTS ARE
34 NOT MARRIED TO EACH OTHER AT THE TIME THE PETITION IS FILED.

35 3. FOR GRANDPARENT OR GREAT-GRANDPARENT VISITATION, THE MARRIAGE OF
36 THE PARENTS OF THE CHILD HAS BEEN DISSOLVED FOR AT LEAST THREE MONTHS.

1 4. FOR IN LOCO PARENTIS VISITATION, A PROCEEDING FOR DISSOLUTION OF
2 MARRIAGE OR FOR LEGAL SEPARATION OF THE LEGAL PARENTS IS PENDING AT THE TIME
3 THE PETITION IS FILED.

4 D. A PETITION FILED UNDER SUBSECTION A OR C OF THIS SECTION MUST BE
5 VERIFIED OR SUPPORTED BY AFFIDAVIT AND MUST INCLUDE DETAILED FACTS SUPPORTING
6 THE PETITIONER'S CLAIM. THE PETITIONER MUST ALSO PROVIDE NOTICE OF THIS
7 PROCEEDING, INCLUDING A COPY OF THE PETITION AND ANY AFFIDAVITS OR OTHER
8 ATTACHMENTS, AND SERVE THE NOTICE PURSUANT TO THE ARIZONA RULES OF FAMILY LAW
9 PROCEDURE TO ALL OF THE FOLLOWING:

10 1. THE CHILD'S LEGAL PARENTS.

11 2. A THIRD PARTY WHO POSSESSES LEGAL DECISION-MAKING AUTHORITY OVER
12 THE CHILD OR VISITATION RIGHTS.

13 3. THE CHILD'S GUARDIAN OR GUARDIAN AD LITEM.

14 4. A PERSON OR AGENCY THAT POSSESSES PHYSICAL CUSTODY OF THE CHILD OR
15 CLAIMS LEGAL DECISION-MAKING AUTHORITY OR VISITATION RIGHTS CONCERNING THE
16 CHILD.

17 5. ANY OTHER PERSON OR AGENCY THAT HAS PREVIOUSLY APPEARED IN THE
18 ACTION.

19 E. IN DECIDING WHETHER TO GRANT VISITATION TO A THIRD PARTY, THE COURT
20 SHALL GIVE SPECIAL WEIGHT TO THE LEGAL PARENTS' OPINION OF WHAT SERVES THEIR
21 CHILD'S BEST INTERESTS AND CONSIDER ALL RELEVANT FACTORS INCLUDING:

22 1. THE HISTORICAL RELATIONSHIP, IF ANY, BETWEEN THE CHILD AND THE
23 PERSON SEEKING VISITATION.

24 2. THE MOTIVATION OF THE REQUESTING PARTY SEEKING VISITATION.

25 3. THE MOTIVATION OF THE PERSON OBJECTING TO VISITATION.

26 4. THE QUANTITY OF VISITATION TIME REQUESTED AND THE POTENTIAL ADVERSE
27 IMPACT THAT VISITATION WILL HAVE ON THE CHILD'S CUSTOMARY ACTIVITIES.

28 5. IF ONE OR BOTH OF THE CHILD'S PARENTS ARE DECEASED, THE BENEFIT IN
29 MAINTAINING AN EXTENDED FAMILY RELATIONSHIP.

30 F. IF LOGISTICALLY POSSIBLE AND APPROPRIATE, THE COURT SHALL ORDER
31 VISITATION BY A GRANDPARENT OR GREAT-GRANDPARENT IF THE CHILD IS RESIDING OR
32 SPENDING TIME WITH THE PARENT THROUGH WHOM THE GRANDPARENT OR
33 GREAT-GRANDPARENT CLAIMS A RIGHT OF ACCESS TO THE CHILD.

34 G. A GRANDPARENT OR GREAT-GRANDPARENT SEEKING VISITATION RIGHTS UNDER
35 THIS SECTION SHALL PETITION IN THE SAME ACTION IN WHICH THE FAMILY COURT
36 PREVIOUSLY DECIDED LEGAL DECISION-MAKING AND PARENTING TIME OR, IF NO SUCH

1 CASE EXISTED, BY SEPARATE PETITION IN THE COUNTY OF THE CHILD'S HOME STATE,
2 AS DEFINED IN SECTION 25-1002.

3 H. ALL VISITATION RIGHTS GRANTED UNDER THIS SECTION AUTOMATICALLY
4 TERMINATE IF THE CHILD IS ADOPTED OR PLACED FOR ADOPTION. IF THE CHILD IS
5 REMOVED FROM AN ADOPTIVE PLACEMENT, THE COURT MAY REINSTATE THE VISITATION
6 RIGHTS. THIS SUBSECTION DOES NOT APPLY IF THE CHILD IS ADOPTED BY THE SPOUSE
7 OF A NATURAL PARENT AFTER THE NATURAL PARENT REMARRIES.

8 Sec. 19. Section 25-410, Arizona Revised Statutes, is amended to read:

9 25-410. Judicial supervision

10 A. Except as otherwise agreed by the parties in writing at the time of
11 the ~~custody~~ LEGAL DECISION-MAKING OR PARENTING TIME ORDER OR DIVORCE decree,
12 the ~~custodian~~ PARENT DESIGNATED AS SOLE LEGAL DECISION-MAKER may determine
13 the child's upbringing, including the child's education, CARE, health, ~~care~~
14 and religious training, unless, on motion by the ~~noncustodial~~ OTHER parent,
15 the court, after a hearing, finds that in the absence of a specific
16 limitation of the ~~custodian's~~ PARENT DESIGNATED AS THE SOLE LEGAL
17 DECISION-MAKER'S authority, the child's physical health would be endangered
18 or the child's emotional development would be significantly impaired.

19 B. If either parent requests the order, or if all contestants agree to
20 the order, or if the court finds that in the absence of the order the child's
21 physical health would be endangered or the child's emotional development
22 would be significantly impaired, and if the court finds that the best
23 interests of the child would be served, the court shall order a local social
24 service agency to exercise continuing supervision over the case to assure
25 that the custodial or parenting time terms of the decree are carried out. At
26 the discretion of the court, reasonable fees for the supervision may be
27 charged to one or both parents, provided that the fees have been approved by
28 the supreme court.

29 Sec. 20. Section 25-411, Arizona Revised Statutes, is amended to read:

30 25-411. Modification of legal decision-making or parenting
31 time; affidavit; contents; military families

32 A. A person shall not make a motion to modify a ~~custody~~ LEGAL
33 DECISION-MAKING OR PARENTING TIME decree earlier than one year after its
34 date, unless the court permits it to be made on the basis of affidavits that
35 there is reason to believe the child's present environment may seriously
36 endanger the child's physical, mental, moral or emotional health. At any
37 time after a joint ~~custody~~ LEGAL DECISION-MAKING order is entered, a parent

1 may petition the court for modification of the order on the basis of evidence
2 that domestic violence involving a violation of section 13-1201 or 13-1204,
3 spousal abuse or child abuse occurred since the entry of the joint ~~custody~~
4 LEGAL DECISION-MAKING order. Six months after a joint ~~custody~~ LEGAL
5 DECISION-MAKING order is entered, a parent may petition the court for
6 modification of the order based on the failure of the other parent to comply
7 with the provisions of the order. A motion or petition to modify a ~~custody~~
8 AN order shall meet the requirements of this section. Except as otherwise
9 provided in this section, if a ~~custodial~~ parent is a member of the United
10 States armed forces, the court shall consider the terms of that parent's
11 military family care plan to determine what is in the child's best interest
12 during ~~the custodial~~ THAT parent's military deployment.

13 B. If the parent with whom the parent's child resides a majority of
14 the time receives temporary duty, deployment, activation or mobilization
15 orders from the United States military that involve moving a substantial
16 distance away from the parent's residence a court shall not enter a final
17 order modifying parental rights and responsibilities and parent-child contact
18 in an existing order until ninety days after the deployment ends, unless a
19 modification is agreed to by the deploying parent.

20 C. The court shall not consider a parent's absence caused by
21 deployment or mobilization or the potential for future deployment or
22 mobilization as the sole factor supporting a real, substantial and
23 unanticipated change in circumstances pursuant to this section.

24 D. On motion of a deploying or nondeploying, mobilizing or absent
25 military parent, the court, after a hearing, shall enter a temporary order
26 modifying parental rights and responsibilities or parent-child contact during
27 the period of deployment or mobilization if:

28 1. A military parent who has ~~custody~~ LEGAL DECISION-MAKING or
29 parenting time pursuant to an existing court order has received notice from
30 military leadership that the military parent will deploy or mobilize in the
31 near future.

32 2. The deployment or mobilization would have a material effect on the
33 military parent's ability to exercise parental rights and responsibilities or
34 parent-child contact.

35 E. On motion of a deploying parent, if reasonable advance notice is
36 given and good cause is shown, the court shall allow that parent to present
37 testimony and evidence by electronic means with respect to parenting time or

1 parent-child contact matters instituted pursuant to this section if the
2 deployment of that parent has a material effect on that parent's ability to
3 appear in person at a regularly scheduled hearing. For the purposes of this
4 subsection, "electronic means" includes communication by telephone or video
5 teleconference.

6 F. The court shall hear motions for modification because of deployment
7 as expeditiously as possible.

8 G. If a military parent receives military temporary duty, deployment,
9 activation or mobilization orders that involve moving a substantial distance
10 away from the military parent's residence or that otherwise have a material
11 effect on the military parent's ability to exercise parenting time, at the
12 request of the military parent, for the duration of the military parent's
13 absence the court may delegate the military parent's parenting time, or a
14 portion of that time, to a child's family member, including a stepparent, or
15 to another person who is not the child's parent but who has a close and
16 substantial relationship to the minor child, if the court determines that is
17 in the child's best interest. The court shall not allow the delegation of
18 parenting time to a person who would be subject to limitations on parenting
19 time. The parties shall attempt to resolve disputes regarding delegation of
20 parenting time through the dispute resolution process specified in their
21 parenting plan, unless excused by the court for good cause shown. A court
22 order pursuant to this subsection does not establish separate rights to
23 parenting time for a person other than a parent.

24 H. All temporary modification orders pursuant to this section shall
25 include a specific transition schedule to facilitate a return to the
26 predeployment order within ten days after the deployment ends, taking into
27 consideration the child's best interests.

28 I. A ~~custody~~ decree or order that a court enters in contemplation of
29 or during the military deployment of a ~~custodial~~ parent outside of the
30 continental United States shall specifically reference the deployment and
31 include provisions governing the ~~custody~~ LEGAL DECISION-MAKING OR PARENTING
32 TIME ARRANGEMENTS, OR BOTH, of the minor child after the deployment ends.
33 Either parent may file a petition with the court after the deployment ends to
34 modify the decree or order, in compliance with subsection L of this section.
35 The court shall hold a hearing or conference on the petition within thirty
36 days after the petition is filed.

1 J. The court may modify an order granting or denying parenting time
2 rights whenever modification would serve the best interest of the child, but
3 the court shall not restrict a parent's parenting time rights unless it finds
4 that the parenting time would endanger seriously the child's physical,
5 mental, moral or emotional health.

6 K. If after a ~~custody~~ LEGAL DECISION-MAKING or parenting time order is
7 in effect one of the parents is charged with a dangerous crime against
8 children as defined in section 13-705, child molestation as defined in
9 section 13-1410 or an act of domestic violence as prescribed in section
10 13-3601 in which the victim is a minor, the other parent may petition the
11 court for an expedited hearing. Pending the expedited hearing, the court may
12 suspend parenting time or change ~~custody~~ LEGAL DECISION-MAKING ex parte.

13 L. To modify any type of ~~custody~~ LEGAL DECISION-MAKING OR PARENTING
14 TIME order a person shall submit an affidavit or verified petition setting
15 forth detailed facts supporting the requested modification and shall give
16 notice, together with a copy of the affidavit or verified petition, to other
17 parties to the proceeding, who may file opposing affidavits. The court shall
18 deny the motion unless it finds that adequate cause for hearing the motion is
19 established by the pleadings, in which case it shall set a date for hearing
20 on why the requested modification should not be granted.

21 M. The court shall assess attorney fees and costs against a party
22 seeking modification if the court finds that the modification action is
23 vexatious and constitutes harassment.

24 N. Subsection L of this section does not apply if the requested relief
25 is for the modification or clarification of ~~visitation~~ PARENTING TIME and not
26 for a change of ~~joint custody, joint legal custody, joint physical custody or~~
27 ~~sole custody~~ LEGAL DECISION-MAKING.

28 Sec. 21. Section 25-413, Arizona Revised Statutes, is amended to read:
29 25-413. Domestic relations education and mediation fund; report

30 A. Each county treasurer shall establish a domestic relations
31 education and mediation fund consisting of monies received pursuant to
32 section 12-284, subsection C.

33 B. The presiding judge of the superior court shall use fund monies to
34 establish, maintain and enhance programs designed to educate persons about
35 impacts on children of dissolution of marriage, legal separation and
36 restructuring of families and programs for mediation of ~~visitation~~ PARENTING

1 TIME or ~~custody~~ LEGAL DECISION-MAKING disputes under this chapter or chapter
2 6 of this title.

3 C. The county treasurer shall disburse monies from the fund only at
4 the direction of the presiding judge of the superior court.

5 D. On notice of the presiding judge, the county treasurer shall invest
6 monies in the fund and monies earned from investment shall be credited to the
7 fund.

8 E. Monies that are expended from the fund shall be used to supplement,
9 and not supplant, any state or county appropriations that would otherwise be
10 available for programs described in subsection B of this section.

11 F. On or before August 10 of each year, the county treasurer shall
12 submit a report to the presiding judge that shows the amount of monies in the
13 domestic relations education and mediation fund.

14 Sec. 22. Repeal

15 Section 25-415, Arizona Revised Statutes, is repealed.

16 Sec. 23. Title 25, chapter 4, article 1, Arizona Revised Statutes, is
17 amended by adding a new section 25-415, to read:

18 25-415. Sanctions for litigation misconduct

19 A. THE COURT SHALL SANCTION A LITIGANT FOR COSTS AND REASONABLE
20 ATTORNEY FEES INCURRED BY AN ADVERSE PARTY IF THE COURT FINDS BY CLEAR AND
21 CONVINCING EVIDENCE THAT THE LITIGANT HAS DONE ANY ONE OR MORE OF THE
22 FOLLOWING:

23 1. INTENTIONALLY PRESENTED A CLAIM UNDER SECTION 25-403.01, 25-403.03
24 OR 25-403.04 WITH KNOWLEDGE THAT THE CLAIM WAS FALSE.

25 2. INTENTIONALLY ACCUSED AN ADVERSE PARTY OF MAKING A FALSE CLAIM
26 UNDER SECTION 25-403.01, 25-403.03 OR 25-403.04 WITH KNOWLEDGE THAT THE CLAIM
27 WAS ACTUALLY TRUE.

28 3. VIOLATED A COURT ORDER COMPELLING DISCLOSURE OR DISCOVERY UNDER
29 RULE 65 OF THE ARIZONA RULES OF FAMILY LAW PROCEDURE, UNLESS THE COURT FINDS
30 THAT THE FAILURE TO OBEY THE ORDER WAS SUBSTANTIALLY JUSTIFIED OR THAT OTHER
31 CIRCUMSTANCES MAKE AN AWARD OF EXPENSES UNJUST.

32 B. IF THE COURT MAKES A FINDING AGAINST ANY LITIGANT UNDER SUBSECTION
33 A OF THIS SECTION, IT MAY ALSO:

34 1. IMPOSE ADDITIONAL FINANCIAL SANCTIONS ON BEHALF OF AN AGGRIEVED
35 PARTY WHO CAN DEMONSTRATE ECONOMIC LOSS DIRECTLY ATTRIBUTABLE TO THE
36 LITIGANT'S MISCONDUCT.

1 25-1002. Definitions

2 In this chapter, unless the context otherwise requires:

3 1. "Abandoned" means left without provision for reasonable and
4 necessary care or supervision.

5 2. "Child" has the same meaning prescribed in section 1-215.

6 3. "Child custody determination":

7 (a) Means any judgment, decree or other order of a court, including a
8 permanent, temporary, initial and modification order, for legal custody,
9 physical custody or visitation with respect to a child.

10 (b) Does not include an order relating to child support or any other
11 monetary obligation of an individual.

12 4. "Child custody proceeding":

13 (a) Means a proceeding, including a proceeding for divorce,
14 separation, neglect, abuse, dependency, guardianship, paternity, termination
15 of parental rights and protection from domestic violence, in which legal
16 custody, physical custody or visitation with respect to a child is an issue
17 or in which that issue may appear.

18 (b) Does not include a proceeding involving juvenile delinquency,
19 contractual emancipation or enforcement under article 3 of this chapter.

20 5. "Commencement" means the filing of the first pleading in a
21 proceeding.

22 6. "Court" means an entity authorized under the law of a state to
23 establish, enforce or modify a child custody determination.

24 7. "Home state" means:

25 (a) The state in which a child lived with a parent or a person acting
26 as a parent for at least six consecutive months immediately before the
27 commencement of a child custody proceeding, including any period during which
28 that person is temporarily absent from that state.

29 (b) If a child is less than six months of age, the state in which the
30 child lived from birth with a parent or person acting as a parent, including
31 any period during which that person is temporarily absent from that state.

32 8. "Initial determination" means the first child custody determination
33 concerning a particular child.

34 9. "Issuing court" means the court that makes a child custody
35 determination for which enforcement is sought under this chapter.

36 10. "Issuing state" means the state in which a child custody
37 determination is made.

1 11. "Modification" means a child custody determination that changes,
2 replaces, supersedes or is otherwise made after a previous determination
3 concerning the same child, whether or not it is made by the court that made
4 the previous determination.

5 12. "Person" means an individual, corporation, business trust, estate,
6 trust, partnership, limited liability company, association, joint venture,
7 government, governmental subdivision, agency or instrumentality, or public
8 corporation or any other legal or commercial entity.

9 13. "Person acting as a parent" means a person, other than a parent,
10 who meets both of the following requirements:

11 (a) Has physical custody of the child or has had physical custody for
12 a period of six consecutive months, including any temporary absence, within
13 one year immediately before the commencement of a child custody proceeding.

14 (b) Has been awarded legal custody by a court or claims a right to
15 legal custody under the law of this state.

16 14. "Physical custody" means the physical care and supervision of a
17 child.

18 15. "State" means a state of the United States, the District of
19 Columbia, Puerto Rico, the United States Virgin Islands or any territory or
20 insular possession subject to the jurisdiction of the United States.

21 16. "Tribe" means an Indian tribe or band or Alaskan native village
22 that is recognized by federal law or formally acknowledged by a state.

23 17. "Visitation" includes parenting time as defined in section ~~25-402~~
24 [25-401](#).

25 18. "Warrant" means an order issued by a court authorizing law
26 enforcement officers to take physical custody of a child."

27 Amend title to conform

and, as so amended, it do pass

CECIL P. ASH
Chairman

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