

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1127

AN ACT

AMENDING SECTION 25-403, ARIZONA REVISED STATUTES; RELATING TO CHILD CUSTODY.

(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. Custody; best interests of child

5 A. The court shall determine custody, either originally or on petition
6 for modification, in accordance with the best interests of the child. The
7 court shall consider all relevant factors, including:

8 1. The wishes of the child's parent or parents as to custody.

9 2. The wishes of the child as to the custodian.

10 3. The interaction and interrelationship of the child with the child's
11 parent or parents, the child's siblings and any other person who may
12 significantly affect the child's best interest.

13 4. The child's adjustment to home, school and community.

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

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

20 7. Whether one parent, both parents or neither parent has provided
21 primary care of the child.

22 8. The nature and extent of coercion or duress used by a parent in
23 obtaining an agreement regarding custody.

24 9. Whether a parent has complied with chapter 3, article 5 of this
25 title.

26 10. Whether either parent was convicted of an act of false reporting of
27 child abuse or neglect under section 13-2907.02.

28 11. Whether there has been domestic violence or child abuse ~~as defined~~
29 ~~in~~ PURSUANT TO section 25-403.03.

30 12. WHETHER A FALSE ALLEGATION OF DOMESTIC VIOLENCE OR CHILD ABUSE
31 PURSUANT TO SECTION 25-403.03 HAS BEEN MADE BY ONE PARENT AGAINST ANOTHER IN
32 ORDER TO CAUSE AN UNNECESSARY DELAY, TO INCREASE THE COST OF LITIGATION OR TO
33 PERSUADE THE COURT TO GIVE CUSTODY PREFERENCE TO ONE PARENT.

34 B. In a contested custody case, the court shall make specific findings
35 on the record about all relevant factors and the reasons for which the
36 decision is in the best interests of the child.