

House Engrossed

domestic relations; temporary orders; hearings

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2254

AN ACT

AMENDING SECTIONS 25-404 AND 25-407, 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 25-404, Arizona Revised Statutes, is amended to
3 read:

4 25-404. Temporary orders

5 A. A party to a legal decision-making and parenting time proceeding
6 may move for a temporary order. This motion must be supported by
7 pleadings as provided in section 25-411. The court may award temporary
8 legal decision-making and parenting time under the standards of section
9 25-403 after a hearing, or, if there is no objection, solely on the basis
10 of the pleadings.

11 B. If a proceeding for dissolution of marriage or legal separation
12 is dismissed, any temporary legal decision-making or parenting time order
13 is vacated unless a parent or the child's custodian moves that the
14 proceeding continue as a legal decision-making or parenting time
15 proceeding and the court finds, after a hearing, that the circumstances of
16 the parents and the best interest of the child require that a legal
17 decision-making or parenting time plan decree be issued.

18 C. If a legal decision-making or parenting time proceeding
19 commenced in the absence of a petition for dissolution of marriage or
20 legal separation is dismissed, any temporary ~~custody~~ **LEGAL DECISION-MAKING**
21 **OR PARENTING TIME** order thereby is vacated.

22 **D. THE COURT SHALL REEVALUATE EACH TEMPORARY ORDER ISSUED PURSUANT**
23 **TO THIS SECTION WITHIN SIX MONTHS AFTER THE DATE OF THE ORDER. ON THE**
24 **REQUEST OF EITHER PARTY, THE COURT SHALL SET AN EVIDENTIARY HEARING TO**
25 **DETERMINE WHETHER CONTINUATION OF THE EXISTING TEMPORARY ORDER OR A**
26 **MODIFICATION OF THE EXISTING TEMPORARY ORDER IS IN THE BEST INTEREST OF**
27 **THE CHILD.**

28 Sec. 2. Section 25-407, Arizona Revised Statutes, is amended to
29 read:

30 25-407. Legal decision-making and parenting time hearings;
31 priority; costs; record; findings

32 A. Legal decision-making and parenting time proceedings shall
33 receive priority in being set for hearing. If a party to a legal
34 decision-making or parenting time action files a motion for temporary
35 orders in any pre-decree matter, the court shall hold an evidentiary
36 hearing within sixty days after the party files the motion unless:

37 1. The filing party waives the requirement for a hearing to be
38 conducted within sixty days after the party files the motion.

39 2. Temporary orders are established through a separate conference
40 or hearing within sixty days after the party files the motion.

41 3. Extraordinary circumstances exist and the court is not able to
42 schedule the hearing. If the court is not able to schedule the hearing
43 within sixty days after the motion is filed, ~~it~~ **THE COURT** must make a
44 written finding on the record as to the cause of the delay.

1 B. Subsection A of this section does not preclude any other
2 conference or hearing.

3 C. The court may charge as costs the payment of necessary travel
4 and other expenses incurred by any person whose presence at the hearing
5 the court deems necessary to determine the best interest of the child.

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

12 E. If the court finds that, to protect the child's welfare, the
13 record of any interview, report, investigation or testimony in a legal
14 decision-making or parenting time proceeding should be kept secret, the
15 court may then make an appropriate order sealing the record.

16 F. WHEN ISSUING A TEMPORARY ORDER REGARDING LEGAL DECISION-MAKING
17 OR PARENTING TIME AND AFTER EVALUATING THE EVIDENCE AVAILABLE AT THE TIME
18 OF THE HEARING, THE COURT SHALL MAKE SPECIFIC FACTUAL FINDINGS ON THE
19 RECORD. THE FINDINGS SHALL ADDRESS THE FACTORS CONSIDERED PURSUANT TO
20 SECTION 25-403 AND INDICATE WHICH FACTORS THE COURT CONSIDERED RELEVANT TO
21 THE BEST INTERESTS OF THE CHILD.

22 G. FOR ANY EVIDENTIARY HEARING ON A PETITION FOR TEMPORARY ORDERS
23 INVOLVING LEGAL DECISION-MAKING AND PARENTING TIME, THE COURT SHALL SET A
24 MINIMUM OF ONE HUNDRED TWENTY MINUTES OF HEARING TIME TO HEAR THE MATTER.