

House Engrossed

domestic relations; court appointments; fees

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

HOUSE BILL 2255

AN ACT

AMENDING SECTIONS 25-405 AND 25-406, 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 25-405, Arizona Revised Statutes, is amended to
3 read:

4 25-405. Interviews by court; evaluations; expert
5 requirements; expert fees

6 A. The court may interview the child in chambers to ascertain the
7 child's wishes as to the child's custodian and as to parenting time.

8 B. The court may ~~seek the advice of professional personnel, whether~~
9 ~~or not employed by the court on a regular basis~~ TAKE TESTIMONY FROM AN
10 EXPERT REGARDING:

11 1. PARENTING TIME AND LEGAL DECISION-MAKING ONLY IF THE EXPERT HAS
12 SPECIALIZED EXPERTISE IN CHILD DEVELOPMENT OR SUBSTANTIAL CLINICAL
13 EXPERIENCE WITH CHILDREN IN A THERAPEUTIC SETTING.

14 2. MENTAL HEALTH, PHYSICAL HEALTH, DOMESTIC VIOLENCE OR SUBSTANCE
15 ABUSE ONLY IF THE EXPERT HAS SPECIALIZED EXPERTISE OR SUBSTANTIAL CLINICAL
16 EXPERIENCE, OR BOTH, AND IN THE SAME MATTER AS THEIR TESTIMONY.

17 C. TESTIMONY FROM AN EXPERT MUST BE SUPPORTED BY THE CANON OF THEIR
18 PROFESSION AND ADHERE TO GUIDELINES OF THEIR PROFESSIONAL LICENSING BOARD.

19 D. The advice given shall be in writing and shall be made available
20 by the court to counsel, on request, under such terms as the court
21 determines. Counsel may examine as a witness any ~~professional personnel~~
22 EXPERT consulted by the court, ~~unless that right is waived.~~

23 E. NOTWITHSTANDING ANY OTHER LAW, THE COURT MAY NOT ORDER A
24 PSYCHIATRIC EVALUATION OF A PARTY TO A LEGAL DECISION-MAKING OR PARENTING
25 TIME PROCEEDING UNLESS THAT PARTY HAS DEMONSTRATED BEHAVIOR THAT PRESENTS
26 A HIGH RISK OF HARM TO THE CHILD.

27 F. THE FEES OF EXPERTS PURSUANT TO THIS SECTION SHALL BE PAID BY
28 THE COURT AND SHALL NOT BE CHARGED TO EITHER PARENT.

29 Sec. 2. Section 25-406, Arizona Revised Statutes, is amended to
30 read:

31 25-406. Evaluations; experts

32 ~~A. In contested legal decision-making and parenting time~~
33 ~~proceedings, and in other custody proceedings if a parent or the child's~~
34 ~~custodian so requests, the court may order an investigation and report~~
35 ~~concerning legal decision-making or parenting time arrangements for the~~
36 ~~child. The investigation and report may be made by the court social~~
37 ~~service agency, the staff of the juvenile court, the local probation or~~
38 ~~welfare department or a private person. The report must include a written~~
39 ~~affirmation by the person completing the report that the person has met~~
40 ~~the training requirements prescribed in subsection C of this section.~~

41 ~~B. If an investigation and report are ordered pursuant to this~~
42 ~~section or if the court appoints a family court advisor, the court shall~~
43 ~~allocate cost based on the financial circumstances of both parties.~~

44 ~~C. The court shall require a court appointed attorney for a child,~~
45 ~~a court appointed advisor or any person who conducts an investigation or~~

1 ~~prepares a report pursuant to this section to receive training that meets~~
2 ~~the following minimum standards:~~
3 ~~1. Six initial hours of training on domestic violence.~~
4 ~~2. Six initial hours of child abuse training.~~
5 ~~3. Four subsequent hours of training every two years on domestic~~
6 ~~violence and child abuse.~~
7 ~~D. A person who has completed professional training to become~~
8 ~~licensed or certified may use that training to completely or partially~~
9 ~~fulfill the requirements in subsection C of this section if the training~~
10 ~~included at least six hours each on domestic violence and child abuse and~~
11 ~~meets the minimum standards. Subsequent professional training in these~~
12 ~~subject matters may be used to partially or completely fulfill the~~
13 ~~training requirements prescribed in subsection C of this section if the~~
14 ~~training meets the minimum standards.~~
15 ~~E. A physician who is licensed pursuant to title 32, chapter 13 or~~
16 ~~17 is exempt from the training requirements prescribed in subsection C of~~
17 ~~this section.~~
18 ~~F. A. In preparing a report concerning a child, the investigator~~
19 ~~AN EVALUATION, THE EXPERT~~ may consult any person who may have information
20 about the child or the child's potential legal decision-making and
21 parenting time ~~arrangements.~~
22 ~~G. B. The court shall mail the investigator's report~~ ~~EXPERT SHALL~~
23 ~~PROVIDE THE EVALUATION~~ to counsel at least ten days before the hearing.
24 The ~~investigator~~ ~~EXPERT~~ shall make available to counsel the names and
25 addresses of all persons whom the ~~investigator~~ ~~EXPERT~~ has consulted. Any
26 party to the proceeding may call for examination of the ~~investigator~~
27 ~~EXPERT~~ and any person consulted by the ~~investigator~~ ~~EXPERT~~.