

REFERENCE TITLE: domestic relations; court appointments; fees

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

HB 2255

Introduced by
Representatives Keshel: Fink

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; professional assistance; 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~~ WHEN THE BEST INTERESTS OF
10 THE CHILD CANNOT BE DETERMINED WITHOUT THE ADVICE OF THE PROFESSIONAL.
11 The advice given shall be in writing and shall be made available by the
12 court to counsel, on request, under such terms as the court determines.
13 Counsel may examine as a witness any professional personnel consulted by
14 the court, unless that right is waived.

15 C. A COURT-ORDERED EVALUATION OF THE BEST INTERESTS OF THE CHILD IN
16 A LEGAL DECISION-MAKING OR PARENTING TIME MATTER CONDUCTED PURSUANT TO
17 THIS SECTION SHALL BE PERFORMED BY A PROFESSIONAL WHO HAS DEMONSTRATED
18 BOTH EXPERTISE AND CLINICAL EXPERIENCE IN CHILD DEVELOPMENT OR WORKING
19 WITH VICTIMS OF DOMESTIC VIOLENCE OR ABUSE OR WHO HAS SIGNIFICANT
20 INTERACTION WITH THE PARENTS AND CHILDREN THAT ARE THE SUBJECT OF THE
21 PROCEEDING.

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

26 E. THE FEES OF PROFESSIONALS WHO GIVE ADVICE TO THE COURT PURSUANT
27 TO THIS SECTION SHALL BE PAID BY THE COURT AND SHALL NOT BE CHARGED TO
28 EITHER PARENT.

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

31 25-406. Investigations and reports; licensed professionals;
32 fees

33 A. In contested legal decision-making and parenting time
34 proceedings, and in other custody proceedings if a parent or the child's
35 custodian so requests, the court may order an investigation and report
36 concerning legal decision-making or parenting time arrangements for the
37 child. The investigation and report ~~may~~ SHALL be made by ~~the court social~~
38 ~~service agency, the staff of the juvenile court, the local probation or~~
39 ~~welfare department or a private person. The report must include a written~~
40 ~~affirmation by the person completing the report that the person has met~~
41 ~~the training requirements prescribed in subsection C of this section. A~~
42 LICENSED PROFESSIONAL WHO HAS DEMONSTRATED BOTH EXPERTISE AND CLINICAL
43 EXPERIENCE IN CHILD DEVELOPMENT OR WORKING WITH VICTIMS OF DOMESTIC
44 VIOLENCE OR ABUSE OR WHO HAS SIGNIFICANT INTERACTION WITH THE PARENTS AND
45 CHILDREN THAT ARE THE SUBJECT OF THE PROCEEDING.

1 B. If an investigation and report 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~~ PAY THE
4 COSTS OF THE INVESTIGATION AND REPORT.

5 ~~C. The court shall require a court appointed attorney for a child,~~
6 ~~a court appointed advisor or any person who conducts an investigation or~~
7 ~~prepares a report pursuant to this section to receive training that meets~~
8 ~~the following minimum standards:~~

9 ~~1. Six initial hours of training on domestic violence.~~

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 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 of this section if the training~~
16 ~~included at least six hours each on domestic violence and child abuse and~~
17 ~~meets the minimum standards. Subsequent professional training in these~~
18 ~~subject matters may be used to partially or completely fulfill the~~
19 ~~training requirements prescribed in subsection C of this section if the~~
20 ~~training meets the minimum standards.~~

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

24 ~~F.~~ C. In preparing a report concerning a child, the investigator
25 LICENSED PROFESSIONAL may consult any person who may have information
26 about the child or the child's potential legal decision-making and
27 parenting time arrangements.

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