



**ARIZONA STATE SENATE**  
*Fifty-Seventh Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1139

family court; therapeutic intervention; experts

Purpose

Prohibits a court from ordering a parent's attendance to or payment for any type of therapeutic intervention or similar service without the consent of both parents. Prescribes additional requirements for court-ordered therapeutic intervention.

Background

Statute requires the court to determine legal decision-making and parenting time in accordance with the best interests of the child. In a contested legal decision-making or parenting time case, the court must make specific findings on the record about all relevant factors and the reasons for which the decision is in the best interests of the child ([A.R.S. Title 25, Chapter 4](#)). The court may interview the child to determine the child's wishes relating to custodianship and parenting time. In so doing, the court may seek advice from professional personnel, who may be employed by the court on a regular basis. Any advice given must be in writing and made available to counsel on request, under such terms as the court determines. Counsel is allowed to examine any professional consulted by the court, unless that right is waived ([A.R.S. § 25-405](#)).

In contested legal decision-making and parenting time proceedings, the court may order an investigation and report concerning such arrangements for the child. If an investigation and report are ordered, the court must allocate costs based on the financial circumstances of both parties. The report must include a written affirmation that the person conducting the investigation meets outlined training requirements, which include: 1) six initial hours of training on domestic violence; 2) six initial hours of child abuse training; and 3) four subsequent hours of training every two years on domestic violence and child abuse. A licensed physician is exempt from these training requirements ([A.R.S. § 25-406](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the court from ordering any type of therapeutic intervention or other paid service without the consent of both parents.
2. Prohibits the court from ordering one parent to pay for any type of therapeutic intervention or other paid service without the consent of both parents.
3. Allows either parent to revoke that parent's consent at any time.

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4. Defines *therapeutic intervention* as any therapy, treatment or counseling program designed to improve or maintain the parent-child relationship, the parent-parent relationship or both, including court-ordered behavioral intervention.
5. Defines *paid service* as any service that is provided in exchange for any form of compensation.
6. Allows expert testimony related to therapeutic intervention or other paid service, child development, mental or physical health, domestic violence or substance abuse to be admissible in any legal decision-making or parenting time proceeding only if the expert:
  - a) has specialized expertise in child development and substantial clinical experience with children in a therapeutic setting; and
  - b) has an opinion that is supported by the canons of the expert's profession, adheres to the guidelines of the expert's licensing board and does not rely on theories that are not clinically established as a standard of care.
7. Specifies that a person must meet the above qualifications before offering expert testimony, conducting an investigation or evaluation or submitting a report or recommendation to the court relating to legal decision-making or parenting time.
8. Becomes effective on the general effective date.

Prepared by Senate Research

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