



ARIZONA STATE SENATE
Fifty-Seventh Legislature, Second Regular Session

FACT SHEET FOR S.B. 1147

family court; post decree; experts

Purpose

Prescribes requirements for the appointment of professional personnel by a court in a dissolution of marriage proceeding.

Background

Statute allows for either party to a marriage to initiate a proceeding for dissolution of marriage, annulment or legal separation. The petitioner must allege that the marriage is irretrievably broken, that one or both parties desire to live separate and apart and, in the case of a covenant marriage, that statutorily prescribed requirements for the dissolution or separation have been met ([A.R.S. § 25-314](#)). Conciliation court services are overseen by the superior court for married parties who are considering or who are in the process of divorce. Either party may invoke the jurisdiction of the court. The outcome of the court is to either: 1) preserve the marriage by effecting a conciliation between the parties; or 2) amicably settle the controversy between the spouses to avoid further litigation over the issue ([A.R.S. § 25-381.09](#)).

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

Provisions

1. Allows the court, after a decree of dissolution of marriage has been entered, to appoint professional personnel only if:
 - a) both parties to the decree agree in writing to the appointment of the professional personnel; and
 - b) the court enters an order appointing the professional personnel after an evidentiary hearing.
2. Requires the court, on the filing of a motion of either party or when the court determines that the appointment of professional personnel is required, to:
 - a) advise each party of the proposed professional personnel that the court may appoint;
 - b) allow each party to submit the name of proposed professional personnel that the court may appoint;
 - c) provide each party with a written explanation of the reason for appointing professional personnel; and
 - d) advise each party of the fees and any other expected costs of the professional personnel and the proposed length of time of the professional personnel's appointment.
3. Allows each party to conduct discovery before the scheduled evidentiary hearing.

4. Stipulates that the appointment of professional personnel must be considered unnecessary if, after each party conducts discovery, there is no evidence to support the appointment of the professional personnel.
5. Specifies that supporting evidence includes:
 - a) records of a recent criminal arrest or conviction of either party;
 - b) documented substance use by either party;
 - c) a documented act of violence involving either party or a child of either party;
 - d) a report from a state agency that a party's involvement with a child is not in the best interests of the child; and
 - e) the conviction of a violation of an order of protection, if the order of protection includes a party or a child of either party.
6. Requires the court to advise each party in writing of any additional reason for the appointment of professional personnel that is not provided in the court's initial explanation.
7. Requires each party to have time to conduct discovery relating to any additional reason for the appointment of professional personnel.
8. Instructs the court, following an evidentiary hearing and on the appointment of the professional personnel, to provide a written order that includes:
 - a) the reasoning for the appointment of the professional personnel;
 - b) the length of time of the professional personnel's appointment;
 - c) the professional personnel's fees and any other expected costs;
 - d) the court's determination of each party's ability to pay the outlined fees and costs;
 - e) the date that a report from the professional personnel must be filed with the court and a copy provided to each party;
 - f) the date that the parties may file a written objection to the findings in the professional personnel's filed report;
 - g) whether the professional personnel has qualified immunity for the professional personnel's conduct during the term of appointment; and
 - h) that the appointment of the professional personnel complies with the prescribed purpose and application of statute governing marital and domestic relations.
9. Stipulates that any order appointing professional personnel may be vacated or a report filed by professional personnel may be stricken and not considered in any subsequent proceeding if the court does not comply with the outlined requirements regarding the appointment of professional personnel.
10. Becomes effective on the general effective date.