



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

FACT SHEET FOR S.B. 1329

family court; professional personnel; liability

Purpose

Enables a parent to bring a civil action against court-appointed professional personnel if the professional has deviated from prescribed ethics and standards.

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 ([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 ([A.R.S. § 25-406](#)).

The specific ethics and standards that court-appointed professional personnel must follow depend on the regulatory board with which the individuals are licensed. Court-appointed psychologists, for example, are regulated by the Arizona Board of Psychologist Examiners (Board), which incorporates the Ethics Code for Behavior Analysts published by the Behavior Analyst Certification Board ([A.A.C. R4-26-406](#)). Additionally, the Board may investigate evidence that appears to show that a psychologist is psychologically incompetent, guilty of unprofessional conduct or mentally or physically unable to safely engage in the practice of psychology. Claims of unprofessional conduct brought against a court-appointed psychologist must be independently reviewed by three Board members, each of whom must provide the Board's executive director with an independent recommendation on whether to open an investigation ([A.R.S. § 32-2081](#)).

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

Provisions

1. Allows a parent to bring a civil action against any professional personnel appointed by the court in any matter involving legal decision-making or parenting time if the professional personnel deviates from ethics and standards prescribed by the professional's licensing agency and licensing requirements.
2. Requires a parent to commence the action within four years after the cause of action accrues.
3. Becomes effective on the general effective date.