



ARIZONA STATE SENATE
Fifty-Seventh Legislature, Second Regular Session

REVISED
FACT SHEET FOR S.B. 1330

family court; right to jury

Purpose

Grants a parent the right to request a jury trial to determine parenting time or legal decision-making when specified conditions are met.

Background

A court must determine legal decision-making and parenting time in accordance with the best interests of the child and must consider all relevant factors to the child's physical and emotional well-being, including: 1) if the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time; 2) the past, present and potential future relationship between the parent and child; 3) the interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest; 4) the child's adjustment to home, school and community; 5) the mental and physical health of all individuals involved; 6) which parent is more likely to allow the child frequent, meaningful and continuing contact with the other parent, except as prescribed for when the parent is acting in good faith to protect the child from witnessing an act or being a victim of domestic violence or child abuse; 7) whether one parent intentionally misled the court to cause an unnecessary delay, increase the cost of litigation or persuade the court to give a legal decision-making or a parenting time preference to that parent; 8) whether there has been domestic violence or child abuse; 9) whether either parent was convicted of an act of false reporting of child abuse or neglect; 10) the nature and extent of coercion or duress used by a parent in obtaining an agreement regarding legal decision-making or parenting time; and 11) whether a parent has completed the domestic relations educational program on children's issues requirement. During a contested legal decision-making or parenting time case the court must make specific findings on the record as to all outlined relevant factors and the reasons for which the decision is in the best interests of the child ([A.R.S. § 25-403](#)).

The Joint Legislative Budget Committee (JLBC) fiscal note for S.B. 1330 does not estimate a fiscal impact to the state General Fund. However, JLBC estimates that S.B. 1330 would result in increased county costs of up to \$1,000,000 associated with the additional workload required to conduct a jury trial relative to a bench trial before a judge ([JLBC fiscal note](#)).

Provisions

1. Allows a parent to request a jury trial to determine an award of parenting time or legal decision-making if during a parenting time or legal decision-making proceeding the parent is awarded:
 - a) less than 35 percent parenting time; or
 - b) no legal decision-making authority.

2. Requires the jury for a contested parenting time or legal decision-making proceeding to make specific findings on the record according to the prescribed factors relevant to a child's physical and emotional well-being and the reasons why the jury verdict is in the best interests of the child.
3. Requires a jury trial for a contested parenting time or legal decision-making proceeding to take priority over other civil cases.
4. Contains a statement of legislative intent.
5. Becomes effective on the general effective date.

Revisions

- Updates the fiscal impact statement.

Prepared by Senate Research

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