



ARIZONA STATE SENATE
Fifty-Seventh Legislature, Second Regular Session

FACT SHEET FOR S.B. 1656

family court; professional personnel; requirements

Purpose

Prescribes additional requirements for court appointed professional personnel (personnel).

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. Require the court to schedule an evidentiary hearing before appointing personnel and perform all of the following at the evidentiary hearing:
 - a) identify the professional personnel the court seeks to appoint;
 - b) specify in writing the scope of appointment and the duties of the personnel; and
 - c) assess the ability of each parent to pay any fees associated with the personnel.
2. Provides each parent with the opportunity to conduct discovery before the evidentiary hearing and take the deposition of the personnel.
3. Requires personnel to make an audio or video recording of each interaction the personnel has with a parent of child in the course of the personnel's appointment and likewise entitles a parent to also make an audio or video recording of such interactions.

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4. Prohibits personnel from claiming qualified immunity during the course of the personnel's appointment.
5. Requires the court to provide all of the following in writing after the appointment of personnel:
 - a) whether either parent objected to the personnel appointment;
 - b) the specific scope of appointment and duties of the professional personnel, including:
 - i. the number of hours and the total cost required for the personnel to complete the appointment and provide a report to the court;
 - ii. the documents and materials the personnel will require to complete the appointment and provide a report to the court; and
 - iii. the expected date the personnel's report will be filed with the court and provided to the parents.
 - c) the circumstances that require the personnel's appointment;
 - d) information on how either parent may object to or ask for clarification of the personnel's court report;
 - e) an explanation of the factors the court considered when determining the apportionment of the personnel's fees between the parents; and
 - f) the number of times the court has previously appointed the personnel and any relationship the court has with the personnel.
6. Requires appointed personnel, if more time is required to complete the court's appointment and file the report with the court, to file a written request with the court that specifies the reasons why more time is required.
7. Requires personnel to be in good standing with the personnel's licensing agency.
8. Requires complaints regarding the personnel's conduct that cannot be resolved by the parents to be directed to the personnel's licensing agency.
9. Requires the court, upon appointing personnel, to provide notice to both parents containing a statement explaining that the court is not required to understand the ethical requirements of appointed personnel and that complaints regarding personnel must be directed to the personnel's licensing agency.
10. 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.
11. Requires a parent to commence the action within four years after the cause of action accrues.
12. Makes technical and conforming changes.
13. Becomes effective on the general effective date.

Prepared by Senate Research

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