

Senate Engrossed House Bill
parents' bill of rights; remedies

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2249

AN ACT

AMENDING SECTION 1-602, ARIZONA REVISED STATUTES; RELATING TO THE PARENTS'
BILL OF RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 1-602, Arizona Revised Statutes, is amended to
3 read:
4 1-602. Parents' bill of rights; governmental interference
5 restricted; burden of proof; civil actions;
6 definitions
7 A. All parental rights are exclusively reserved to a parent of a
8 minor child without obstruction or interference from this state, any
9 political subdivision of this state, any other governmental entity or any
10 other institution, including:
11 1. The right to direct the education of the minor child.
12 2. All rights of parents identified in title 15, including the
13 right to access and review all records relating to the minor child.
14 3. The right to direct the upbringing of the minor child.
15 4. The right to direct the moral or religious training of the minor
16 child.
17 5. The right to make all health care decisions for the minor child,
18 including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless
19 otherwise prohibited by law.
20 6. The right to request, access and review all written and
21 electronic medical records of the minor child unless otherwise prohibited
22 by law or unless the parent is the subject of an investigation of a crime
23 committed against the minor child and a law enforcement official requests
24 that the information not be released.
25 7. The right to consent in writing before a biometric scan of the
26 minor child is made pursuant to section 15-109.
27 8. The right to consent in writing before any record of the minor
28 child's blood or deoxyribonucleic acid is created, stored or shared,
29 except as required by section 36-694, or before any genetic testing is
30 conducted on the minor child pursuant to section 12-2803 unless authorized
31 pursuant to section 13-610 or a court order.
32 9. The right to consent in writing before this state or any of its
33 political subdivisions makes a video or voice recording of the minor
34 child, unless the video or voice recording is made during or as a part of
35 a court proceeding, by law enforcement officers during or as part of a law
36 enforcement investigation, during or as part of an interview in a criminal
37 or child safety services investigation or to be used solely for any of the
38 following:
39 (a) Safety demonstrations, including the maintenance of order and
40 discipline in the common areas of a school or on pupil transportation
41 vehicles.
42 (b) A purpose related to a legitimate academic or extracurricular
43 activity.
44 (c) A purpose related to regular classroom instruction.
45 (d) Security or surveillance of buildings or grounds.

1 (e) A photo identification card.

2 10. The right to be notified promptly if an employee of this state,
3 any political subdivision of this state, any other governmental entity or
4 any other institution suspects that a criminal offense has been committed
5 against the minor child by someone other than a parent, unless the
6 incident has first been reported to law enforcement and notifying the
7 parent would impede a law enforcement or child safety services
8 investigation. This paragraph does not ~~create~~ ESTABLISH any new
9 obligation for school districts and charter schools to report misconduct
10 between students at school, such as fighting or aggressive play, that is
11 routinely addressed as a student disciplinary matter by the school.

12 11. The right to obtain information about a child safety services
13 investigation involving the parent pursuant to section 8-807.

14 12. THE RIGHT TO CONSENT IN WRITING AND BE INFORMED IF ANY SCHOOL
15 EMPLOYEE FACILITATES OR IMPLEMENTS ANY FORM OF SOCIAL TRANSITIONING FOR
16 THE MINOR CHILD, INCLUDING ADDRESSING OR REFERRING TO THE MINOR CHILD BY A
17 NAME OR NICKNAME OTHER THAN THE MINOR CHILD'S LEGAL NAME OR A NATURAL
18 DERIVATIVE OF THAT NAME OR REFERRING TO THE MINOR CHILD USING PRONOUNS,
19 TITLES OR PERSONAL IDENTIFIERS THAT DO NOT ALIGN WITH THE MINOR CHILD'S
20 SEX. A SCHOOL DISTRICT OR SCHOOL EMPLOYEE MAY NOT FACILITATE OR IMPLEMENT
21 ANY FORM OF SOCIAL TRANSITIONING FOR A MINOR CHILD WITHOUT THE WRITTEN
22 CONSENT OF EACH OF THE PARENTS OF THE MINOR CHILD.

23 13. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN PARAGRAPH 2 OF
24 THIS SUBSECTION, THE RIGHT TO REQUEST, REVIEW AND ACCESS THE MINOR CHILD'S
25 COMPLETE EDUCATIONAL RECORD. A SCHOOL EMPLOYEE MAY NOT WITHHOLD
26 INFORMATION FROM A PARENT REGARDING THE PARENT'S MINOR CHILD, INCLUDING
27 ANY INFORMATION IN THE MINOR CHILD'S EDUCATIONAL RECORD REGARDING THE
28 MINOR CHILD'S PHYSICAL, EMOTIONAL, MENTAL OR ACADEMIC WELL-BEING.

29 B. This section does not authorize or allow a parent to engage in
30 conduct that is unlawful or to abuse or neglect a child in violation of
31 the laws of this state. This section does not prohibit courts, law
32 enforcement officers or employees of a government agency responsible for
33 child welfare from acting in their official capacity within the scope of
34 their authority. This section does not prohibit a court from issuing an
35 order that is otherwise allowed by law.

36 C. Any attempt to FACILITATE, encourage or coerce OR ANY COMPLETED
37 ACT THAT FACILITATES, ENCOURAGES OR COERCES a minor child to withhold
38 information from the child's parent is grounds for discipline of an
39 employee of this state, any political subdivision of this state, any other
40 governmental entity or any other institution, except for law enforcement
41 personnel WHO HAVE PROBABLE CAUSE TO BELIEVE THAT A CRIME WAS COMMITTED BY
42 THE MINOR CHILD'S PARENT AND WHO WITHHOLDS THAT INFORMATION IN THE COURSE
43 OF AN INVESTIGATION OF THAT CRIME. THIS STATE, A POLITICAL SUBDIVISION OF
44 THIS STATE, A GOVERNMENTAL ENTITY OR AN INSTITUTION MAY NOT MAINTAIN A

1 POLICY THAT ALLOWS AN EMPLOYEE TO FACILITATE, ENCOURAGE OR COERCE A MINOR
2 CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S PARENT.

3 D. Unless those rights have been legally waived or legally
4 terminated, parents have inalienable rights that are more comprehensive
5 than those listed in this section. This chapter does not prescribe all
6 rights of parents or preempt or foreclose claims or remedies in support of
7 parental rights that are available under the constitution, statutes or
8 common law of this state. Unless otherwise required by law, the rights of
9 parents of minor children shall not be limited or denied.

10 E. Except as prescribed in subsections F and ~~G~~ H of this section,
11 this state, a political subdivision of this state or any other
12 governmental entity, or any official of this state, a political
13 subdivision of this state or any other governmental entity acting under
14 color of law, shall not interfere with or usurp the fundamental right of
15 parents to direct the upbringing, education, health care and mental health
16 of their children. A parent may bring suit against a governmental entity
17 or official described in this subsection based on any violation of the
18 statutory rights set forth in this chapter or any other action that
19 interferes with or usurps the fundamental right of parents to direct the
20 upbringing, education, health care and mental health of their children in
21 the superior court in the county in which the violation or other action
22 occurs or in federal court, if authorized by federal law, or before an
23 administrative tribunal of appropriate jurisdiction. A parent may raise a
24 violation of this chapter as a claim or a defense. IN ANY ACTION BROUGHT
25 UNDER THIS SECTION, A SHOWING OF A VIOLATION OF THE RIGHTS GUARANTEED OR
26 RECOGNIZED BY THIS SECTION ESTABLISHES A REBUTTABLE PRESUMPTION OF
27 IRREPARABLE HARM.

28 F. In any action under subsection E of this section, the
29 governmental entity or official described in subsection E of this section
30 has the burden of proof to demonstrate both of the following:

31 1. That the interference or usurpation is essential to accomplish a
32 compelling government interest of the highest order, as long recognized in
33 the history and traditions of this state in the operation of its
34 regulatory powers.

35 2. That the method of interference or usurpation used by the
36 government is narrowly tailored and is not otherwise served by a less
37 restrictive means.

38 G. THIS STATE, ANY POLITICAL SUBDIVISION OF THIS STATE OR ANY
39 OFFICIAL ACTING UNDER COLOR OF LAW EXPRESSLY WAIVES ALL CLAIMS TO
40 SOVEREIGN, QUALIFIED OR DISCRETIONARY IMMUNITY FOR ANY VIOLATION OF THIS
41 SECTION.

42 ~~G~~ H. A governmental entity or official described in subsection E
43 of this section may interfere with or usurp the fundamental right of
44 parents to direct the upbringing, education, health care and mental health
45 of their children only if the governmental entity or official successfully

1 demonstrates both elements described in subsection F of this section. If
2 the governmental entity or official is unsuccessful, the court shall grant
3 appropriate relief, ~~such as~~ INCLUDING declaratory or injunctive relief,
4 compensatory damages and attorney fees, based on the facts of the case and
5 the law as applied to the facts. AT A MINIMUM, THE GOVERNMENTAL ENTITY IS
6 LIABLE TO THE MINOR CHILD'S PARENT IN AN AMOUNT OF \$500,000 FOR EACH
7 INSTANCE OF INTERFERING WITH OR USURPING A FUNDAMENTAL RIGHT, AND A
8 GOVERNMENT OFFICIAL IS PERSONALLY LIABLE TO THE MINOR CHILD'S PARENT IN AN
9 AMOUNT OF \$20,000 FOR EACH INSTANCE OF INTERFERING WITH OR USURPING A
10 FUNDAMENTAL RIGHT. A GOVERNMENTAL ENTITY THAT EMPLOYS THE OFFICIAL MAY
11 NOT INDEMNIFY AN OFFENDING OFFICIAL AND MAY NOT USE PUBLIC MONIES TO PAY
12 FOR THE OFFICIAL'S LIABILITY. THE RIGHT TO SUE BELONGS INDIVIDUALLY TO
13 EACH OF THE MINOR CHILD'S PARENTS, AND ONE PARENT MAY FILE SUIT EVEN IF
14 THE MINOR CHILD'S OTHER PARENT DOES NOT CONSENT TO THE ACTION.

15 I. IN ADDITION TO SUBSECTION H OF THIS SECTION, A MINOR CHILD'S
16 PARENT MAY BRING SUIT AGAINST AN EMPLOYEE WHO HAS OR WHO HAS ATTEMPTED TO
17 FACILITATE, ENCOURAGE OR COERCE A MINOR CHILD TO WITHHOLD INFORMATION FROM
18 THE MINOR CHILD'S PARENT. AT A MINIMUM, AN EMPLOYEE WHO IS FOUND LIABLE
19 IS PERSONALLY LIABLE IN AN AMOUNT OF \$20,000 FOR EACH INSTANCE IN WHICH
20 INFORMATION WAS WITHHELD FROM THE MINOR CHILD'S PARENT, AND A GOVERNMENTAL
21 ENTITY THAT EMPLOYS THE EMPLOYEE MAY NOT INDEMNIFY AN OFFENDING EMPLOYEE
22 AND MAY NOT USE PUBLIC MONIES TO PAY FOR THE EMPLOYEE'S LIABILITY. A
23 PARENT MAY BRING SUIT AGAINST THIS STATE, ANY POLITICAL SUBDIVISION OF
24 THIS STATE OR ANY OTHER GOVERNMENTAL ENTITY OR INSTITUTION THAT MAINTAINS
25 A POLICY THAT ALLOWS THE FACILITATION, ENCOURAGEMENT OR COERCION BY THE
26 EMPLOYEE OF A MINOR CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S
27 PARENT. AT A MINIMUM, THE GOVERNMENTAL ENTITY OR INSTITUTION THAT
28 MAINTAINED THE POLICY IS LIABLE TO THE MINOR CHILD'S PARENT FOR \$500,000
29 FOR EACH INSTANCE IN WHICH INFORMATION WAS WITHHELD FROM THE MINOR CHILD'S
30 PARENT. THE RIGHT TO SUE BELONGS INDIVIDUALLY TO EACH OF THE MINOR CHILD'S
31 PARENTS, AND ONE PARENT MAY FILE SUIT EVEN IF THE MINOR CHILD'S OTHER
32 PARENT DOES NOT CONSENT TO THE ACTION. THE STATUTE OF LIMITATIONS FOR AN
33 ACTION COMMENCED PURSUANT TO THIS SUBSECTION IS FIVE YEARS AFTER THE
34 CONDUCT CEASED AND THE MINOR CHILD'S PARENT BECAME AWARE OF THE CONDUCT.

35 J. A MINOR CHILD'S PARENT MAY DEMONSTRATE THAT A GOVERNMENTAL
36 ENTITY OR INSTITUTION MAINTAINED A POLICY OF FACILITATING, ENCOURAGING OR
37 COERCING A MINOR CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S
38 PARENT THROUGH ANY OF THE FOLLOWING:

39 1. WRITTEN DOCUMENTS THAT ARE MAINTAINED BY THE GOVERNMENTAL ENTITY
40 OR INSTITUTION, INCLUDING AS GUIDANCE OR POLICY DOCUMENTS, EMAILS,
41 MEMORANDA OR SPREADSHEETS.

42 2. DEMONSTRATING THAT A PERSON WHO HAS SUPERVISORY AUTHORITY IN THE
43 GOVERNMENTAL ENTITY OR INSTITUTION REQUIRED OR RECOMMENDED THAT EMPLOYEES
44 ENGAGE IN THE CONDUCT.

1 3. DEMONSTRATING THAT THE GOVERNMENTAL ENTITY'S OR INSTITUTION'S
2 EMPLOYEES REGULARLY ENGAGED IN THE CONDUCT. A CAUSE OF ACTION ACCRUES
3 SEPARATELY FOR EACH INSTANCE OF FACILITATING, ENCOURAGING OR COERCING A
4 MINOR CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S PARENT.
5 FAILING TO ABIDE BY A PARENT'S EXPRESS REQUEST OR HIDING THE ISSUE FROM A
6 PARENT CONSTITUTES A SEPARATE VIOLATION THAT TRIGGERS A NEW ACCRUAL DATE,
7 REGARDLESS OF WHEN THE PARENT FIRST SUSPECTED A SOCIAL TRANSITION WAS
8 OCCURRING.

9 K. WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO
10 THIS SECTION, THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A
11 GOVERNMENTAL ENTITY OR INSTITUTION, INCLUDING AN EDUCATIONAL INSTITUTION,
12 HAS AN AFFIRMATIVE DUTY TO INVESTIGATE AND DISCOVER ALL PREVIOUS INSTANCES
13 IN WHICH IT OR AN EMPLOYEE OF THIS STATE, A POLITICAL SUBDIVISION OF THIS
14 STATE OR A GOVERNMENTAL ENTITY OR INSTITUTION FACILITATED, ENCOURAGED OR
15 COERCED, OR ATTEMPTED TO FACILITATE, ENCOURAGE OR COERCE, A MINOR CHILD TO
16 WITHHOLD INFORMATION FROM THE MINOR CHILD'S PARENT BEFORE THE EFFECTIVE
17 DATE OF THIS AMENDMENT TO THIS SECTION. THIS STATE, A POLITICAL
18 SUBDIVISION OF THIS STATE OR A GOVERNMENTAL ENTITY OR INSTITUTION,
19 INCLUDING AN EDUCATIONAL INSTITUTION, OR AN EMPLOYEE OF THIS STATE, A
20 POLITICAL SUBDIVISION OF THIS STATE OR A GOVERNMENTAL ENTITY OR
21 INSTITUTION WHO FACILITATED, ENCOURAGED OR COERCED, OR ATTEMPTED TO
22 FACILITATE, ENCOURAGE OR COERCE, A MINOR CHILD TO WITHHOLD INFORMATION
23 FROM THE MINOR CHILD'S PARENT BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT
24 TO THIS SECTION SHALL DISCLOSE ANY KNOWN OFFENDING ACTION TO THE MINOR
25 CHILD'S PARENT. THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A
26 GOVERNMENTAL ENTITY OR INSTITUTION, INCLUDING AN EDUCATIONAL INSTITUTION,
27 OR AN EMPLOYEE OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A
28 GOVERNMENTAL ENTITY OR INSTITUTION IS CIVILLY LIABLE TO THE PARENT OF A
29 MINOR CHILD FOR ANY VIOLATION THAT WAS NOT DISCLOSED PURSUANT TO THIS
30 SUBSECTION IF THE VIOLATION WAS ACTUALLY KNOWN OR WOULD HAVE BEEN
31 DISCOVERED WITH REASONABLE DILIGENCE AND INVESTIGATION. THIS STATE, A
32 POLITICAL SUBDIVISION OF THIS STATE OR A GOVERNMENTAL ENTITY OR
33 INSTITUTION, INCLUDING AN EDUCATIONAL INSTITUTION, IS LIABLE TO THE MINOR
34 CHILD'S PARENT FOR AT LEAST \$500,000 FOR EACH INSTANCE THAT WAS NOT
35 DISCLOSED TO THE MINOR CHILD'S PARENT. AN EMPLOYEE OF THIS STATE, A
36 POLITICAL SUBDIVISION OF THIS STATE OR A GOVERNMENTAL ENTITY OR
37 INSTITUTION IS PERSONALLY LIABLE TO THE MINOR CHILD'S PARENT FOR AT LEAST
38 \$20,000 FOR EACH INSTANCE THAT WAS NOT DISCLOSED TO THE MINOR CHILD'S
39 PARENT. A GOVERNMENTAL ENTITY OR INSTITUTION MAY NOT INDEMNIFY AN
40 OFFENDING EMPLOYEE AND MAY NOT USE PUBLIC MONIES TO PAY FOR THE EMPLOYEE'S
41 LIABILITY OR AN INSURANCE POLICY TO COVER THE CIVIL LIABILITY.

42 ~~H.~~ L. For the purposes of this section: ~~—~~

43 1. "DISTINCT ACT OR OMISSION" MEANS AN ACT OR OMISSION THAT DIFFERS
44 FROM ANOTHER ACT OR OMISSION IN ONE OF THE FOLLOWING WAYS:

1 (a) THE GOVERNMENTAL ENTITY OR OFFICIAL WHO PERFORMED OR DIRECTED
2 THE ACT OR OMISSION IS DIFFERENT.

3 (b) THE SPECIFIC FUNDAMENTAL RIGHT THAT IS INVOLVED IS DIFFERENT.

4 (c) THE OCCASION OR EPISODE DURING WHICH THE ACT OR OMISSION
5 OCCURRED IS DIFFERENT AND THERE IS NOT A SINGLE, CONTINUOUS, UNINTERRUPTED
6 EXERCISE OF AUTHORITY.

7 (d) THE ACT OR OMISSION OCCURRED AFTER THE GOVERNMENTAL ENTITY OR
8 OFFICIAL RECEIVED ACTUAL OR CONSTRUCTIVE NOTICE, WHETHER THROUGH A WRITTEN
9 DEMAND, A PREVIOUS COURT ORDER OR AN EXPRESS ORAL OR WRITTEN OBJECTION
10 FROM THE MINOR CHILD'S PARENT.

11 2. "EDUCATIONAL RECORD" INCLUDES ATTENDANCE RECORDS, TEST SCORES
12 FROM SCHOOL-ADMINISTERED TESTS AND STATEWIDE ASSESSMENTS, GRADES,
13 EXTRACURRICULAR ACTIVITY OR CLUB PARTICIPATION RECORDS, EMAIL ACCOUNT
14 RECORDS, ONLINE OR VIRTUAL ACCOUNTS OR DATA, DISCIPLINARY RECORDS,
15 COUNSELING RECORDS, PSYCHOLOGICAL RECORDS, APPLICATIONS FOR ADMISSION,
16 HEALTH AND IMMUNIZATION INFORMATION, INCLUDING ANY MEDICAL RECORDS
17 MAINTAINED BY A HEALTH CLINIC OR MEDICAL FACILITY THAT IS OPERATED OR
18 CONTROLLED BY A SCHOOL DISTRICT OR THAT IS LOCATED ON SCHOOL DISTRICT
19 PROPERTY, TEACHER AND COUNSELOR EVALUATIONS, REPORTS OF THE MINOR CHILD'S
20 BEHAVIORAL PATTERNS, THERAPY NOTES AND TREATMENT PLAN.

21 3. "INSTANCE" MEANS EACH SEPARATE ACT OR OMISSION THAT INTERFERES
22 WITH OR USURPS A FUNDAMENTAL RIGHT EXCEPT THAT EACH DISTINCT ACT OR
23 OMISSION BEYOND THE FIRST ACT OR OMISSION CONSTITUTES AN ADDITIONAL
24 INSTANCE, UNLESS IT IS BY THE SAME GOVERNMENTAL ENTITY OR OFFICIAL
25 ENGAGING IN REPEATED ACTS OF THE SAME NATURE, DIRECTED AT THE SAME MINOR
26 CHILD AND THE SAME FUNDAMENTAL RIGHT AND OCCURS WITHIN A SINGLE SCHOOL
27 YEAR OR A TWELVE-MONTH PERIOD, THEN THE REPEATED ACTS CONSTITUTE A MINIMUM
28 OF ONE INSTANCE PER SCHOOL YEAR OR TWELVE-MONTH PERIOD.

29 4. "Parent" means the natural or adoptive parent or legal guardian
30 of a minor child.

31 5. "SOCIAL TRANSITIONING" MEANS THE PROCESS IN WHICH A PERSON GOES
32 FROM IDENTIFYING WITH AND LIVING AS A GENDER THAT CORRESPONDS TO THE
33 PERSON'S SEX TO IDENTIFYING WITH AND LIVING AS A GENDER THAT IS DIFFERENT
34 FROM THE PERSON'S SEX AND MAY INVOLVE SOCIAL, LEGAL OR PHYSICAL CHANGES.

35 6. "WITHOLD":

36 (a) MEANS TO KNOWINGLY FAIL TO DISCLOSE, CONCEAL OR PREVENT THE
37 COMMUNICATION OF INFORMATION TO A PARENT, WHETHER BY AN AFFIRMATIVE ACT OF
38 CONCEALMENT, BY DECLINING TO RESPOND TO A PARENT'S INQUIRY OR BY OMITTING
39 INFORMATION FROM A COMMUNICATION WITH THE PARENT IF THE GOVERNMENTAL
40 ENTITY OR EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE PARENT
41 WAS ENTITLED TO THAT INFORMATION PURSUANT TO THIS SECTION.

42 (b) DOES NOT INCLUDE A GOOD FAITH DELAY IN PROVIDING INFORMATION
43 THAT IS PENDING VERIFICATION OF THE INFORMATION'S ACCURACY IF THE
44 INFORMATION IS DISCLOSED TO THE PARENT WITHIN A REASONABLE TIME AND NOT
45 LATER THAN FIVE BUSINESS DAYS AFTER THE GOOD FAITH DELAY BEGINS.