

REFERENCE TITLE: civil court supremacy; due process

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

HB 2604

Introduced by
Representative Blackman

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; RELATING TO COURTS OF RECORD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 1, Arizona Revised Statutes, is
3 amended by adding article 5, to read:

4 ARTICLE 5. CIVIL COURT SUPREMACY AND DUE PROCESS

5 12-181. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CIVIL COURT" MEANS THE SUPERIOR COURT AND ANY OTHER STATE COURT
8 OF COMPETENT JURISDICTION.

9 2. "NEUTRAL PRINCIPLES OF LAW" MEANS OBJECTIVE CIVIL LEGAL
10 STANDARDS APPLIED WITHOUT REFERENCE TO RELIGIOUS, IDEOLOGICAL OR CULTURAL
11 DOCTRINE.

12 3. "PRIVATE TRIBUNAL" MEANS ANY NONGOVERNMENTAL BODY, PANEL,
13 MEDIATOR, COUNCIL, FORUM OR OTHER ENTITY THAT PURPORTS TO RESOLVE DISPUTES
14 OR ISSUE DECISIONS AFFECTING LEGAL RIGHTS OR OBLIGATIONS.

15 4. "VOLUNTARY ARBITRATION" MEANS ARBITRATION ENTERED INTO
16 KNOWINGLY, FREELY AND WITHOUT COERCION, COMPULSION, PENALTY OR RETALIATION
17 FOR REFUSAL.

18 5. "VULNERABLE PERSON" MEANS A MINOR OR ANY PERSON SUBJECT TO
19 DEPENDENCY, COERCION, INTIMIDATION OR A SUBSTANTIAL IMBALANCE OF POWER.

20 12-181.01. Supremacy of civil courts

21 A. A PRIVATE TRIBUNAL MAY NOT:

22 1. SUPERSEDE OR DISPLACE THE JURISDICTION OF CIVIL COURTS.
23 2. RESTRICT, PENALIZE, DISCOURAGE OR CONDITION ACCESS TO CIVIL
24 COURTS.

25 3. CLAIM EXCLUSIVE, COMPULSORY OR BINDING AUTHORITY OVER ANY
26 PERSON.

27 B. ANY AGREEMENT OR PROVISION THAT ATTEMPTS TO WAIVE OR LIMIT
28 ACCESS TO CIVIL COURTS OR JUDICIAL REVIEW IS VOID AS AGAINST PUBLIC
29 POLICY.

30 C. CIVIL COURTS RETAIN INHERENT AUTHORITY TO REVIEW ANY PRIVATE
31 ADJUDICATION FOR:

- 32 1. JURISDICTION.
33 2. VOLUNTARINESS.
34 3. PROCEDURAL FAIRNESS AND DUE PROCESS.
35 4. COMPLIANCE WITH CONSTITUTIONAL AND STATUTORY LAW.

36 12-181.02. Nonwaivable rights and voluntariness

37 A. A PERSON MAY NOT WAIVE THE RIGHT TO:

- 38 1. DUE PROCESS OF LAW.
39 2. EQUAL PROTECTION OF THE LAWS.
40 3. PERSONAL LIBERTY.
41 4. BODILY INTEGRITY.
42 5. PROTECTION FROM ABUSE, VIOLENCE, NEGLECT OR EXPLOITATION.

43 B. CONSENT TO ADJUDICATION BY A PRIVATE TRIBUNAL IS INVALID IF THE
44 CONSENT IS OBTAINED THROUGH:

- 45 1. FAMILY PRESSURE.

1 2. COMMUNITY PRESSURE.
2 3. MORAL, IDEOLOGICAL OR SOCIAL COERCION.
3 4. FEAR OF OSTRACISM, PUNISHMENT, RETALIATION OR PENALTY.
4 C. COURTS SHALL APPLY A REBUTTABLE PRESUMPTION OF NONVOLUNTARINESS
5 WHERE A SUBSTANTIAL POWER IMBALANCE EXISTS BETWEEN A PARTY AND A PRIVATE
6 TRIBUNAL.
7 12-181.03. Testimonial equality and evidentiary neutrality
8 A. A COURT MAY NOT RECOGNIZE OR ENFORCE ANY DECISION, AWARD OR
9 AGREEMENT OF A PRIVATE TRIBUNAL IF THE PRIVATE TRIBUNAL APPLIED ANY RULE
10 OR PRACTICE IN WHICH THE CREDIBILITY, WEIGHT, ADMISSIBILITY OR SUFFICIENCY
11 OF TESTIMONY OR EVIDENCE WAS DETERMINED BY REFERENCE TO:
12 1. SEX.
13 2. AGE.
14 3. FAMILIAL OR MARITAL STATUS.
15 4. ANY CLASSIFICATION INCONSISTENT WITH EQUAL PROTECTION UNDER THE
16 CONSTITUTION OF THIS STATE OR THE UNITED STATES.
17 B. ALL PARTICIPANTS MUST BE AFFORDED TESTIMONIAL EQUALITY AND HAVE
18 SUBSTANTIALLY EQUAL OPPORTUNITY TO PRESENT EVIDENCE AND TESTIMONY, AND NO
19 TRIBUNAL RULE ASSIGNING GREATER OR LESSER EVIDENTIARY VALUE TO ANY CLASS
20 OF PERSONS SHALL BE ENFORCEABLE.
21 C. COURTS SHALL APPLY NEUTRAL PRINCIPLES OF LAW IN MAKING
22 DETERMINATIONS UNDER THIS SECTION WITHOUT INTERPRETING RELIGIOUS DOCTRINE
23 OR BELIEF.
24 12-181.04. Protection of women, children and vulnerable
25 persons
26 A. A PRIVATE TRIBUNAL DECISION MAY NOT BE ENFORCED IF IT:
27 1. DISCRIMINATES ON THE BASIS OF SEX, AGE, DISABILITY OR ANY
28 PROTECTED CLASS.
29 2. DIMINISHES PARENTAL, CUSTODIAL OR PROTECTIVE SAFEGUARDS FOR
30 CHILDREN.
31 3. SUBORDINATES PERSONAL SAFETY TO FAMILY UNITY, HONOR, CUSTOM OR
32 RECONCILIATION.
33 4. TREATS ABUSE, NEGLECT, VIOLENCE, EXPLOITATION OR THREATS TO
34 SAFETY AS SOLELY PRIVATE MATTERS.
35 B. IN MATTERS INVOLVING MARRIAGE, DISSOLUTION, CHILD CUSTODY,
36 SUPPORT, VISITATION, ABUSE, SEXUAL EXPLOITATION, PERSONAL SAFETY OR
37 DEPENDENCY, CIVIL COURTS SHALL CONDUCT INDEPENDENT REVIEW AND APPLY
38 ARIZONA LAW EXCLUSIVELY.
39 12-181.05. Transparency, recordkeeping and judicial oversight
40 A. A DECISION OF A PRIVATE TRIBUNAL MAY NOT BE ENFORCED UNLESS:
41 1. PROCEDURAL RULES OF THE PRIVATE TRIBUNAL WERE DISCLOSED IN
42 WRITING TO ALL PARTICIPANTS.
43 2. DOCUMENTATION EXISTS SHOWING EACH PARTICIPANT'S VOLUNTARY
44 PARTICIPATION.

1 3. RECORDS SUFFICIENT TO DEMONSTRATE VOLUNTARINESS AND PROCEDURAL
2 FAIRNESS ARE PRESERVED.

3 4. JUDICIAL REVIEW MAY OCCUR USING NEUTRAL PRINCIPLES OF LAW.

4 B. THIS SECTION DOES NOT REQUIRE DISCLOSURE OF CONFIDENTIAL
5 COMMUNICATIONS PROTECTED BY STATUTE, INCLUDING ATTORNEY CLIENT PRIVILEGE,
6 CLERGY PENITENT PRIVILEGE OR OTHER RECOGNIZED PRIVILEGES EXCEPT TO THE
7 LIMITED EXTENT NECESSARY TO ESTABLISH VOLUNTARINESS AND PROCEDURAL
8 FAIRNESS.

9 C. SECRECY MAY NOT BE USED TO CONCEAL ABUSE, INTIMIDATE
10 PARTICIPANTS OR PREVENT ACCESS TO CIVIL COURTS.

11 12-181.06. Mandatory reporting and anti-retaliation

12 A. A PRIVATE TRIBUNAL, MEDIATOR OR ARBITRATOR MAY NOT SUPPRESS
13 REPORTING OF CRIMINAL CONDUCT, IMPOSE CONFIDENTIALITY TO CONCEAL ABUSE OR
14 RETALIATE AGAINST ANY PERSON SEEKING CIVIL OR CRIMINAL PROTECTION.

15 B. ANY RETALIATION AGAINST A PARTICIPANT FOR SEEKING CIVIL JUDICIAL
16 PROTECTION VOIDS ANY RESULTING DECISION AND CONSTITUTES GROUNDS FOR CIVIL
17 SANCTION.

18 C. THIS ARTICLE DOES NOT ALTER OR DIMINISH LEGALLY RECOGNIZED
19 PRIVILEGES THAT ARE OTHERWISE SUBJECT TO MANDATORY REPORTING LAWS OF THIS
20 STATE.

21 12-181.07. Preservation of autonomy and freedom of belief

22 A. THIS SECTION DOES NOT AUTHORIZE A COURT TO:

23 1. INTERPRET RELIGIOUS DOCTRINE OR THEOLOGY.

24 2. REGULATE WORSHIP, BELIEF, RELIGIOUS EXPRESSION OR SPIRITUAL
25 TEACHING.

26 3. INTERFERE WITH INTERNAL GOVERNANCE OR DISCIPLINE OF ANY
27 VOLUNTARY ASSOCIATION OR RELIGIOUS ORGANIZATION.

28 4. INVALIDATE NONBINDING SPIRITUAL COUNSEL OR PASTORAL GUIDANCE.

29 B. THE DOCTRINE OF ECCLESIASTICAL ABSTENTION, AS RECOGNIZED BY THE
30 CONSTITUTION OF THIS STATE AND CASE LAW, REMAINS FULLY INTACT.

31 12-181.08. Equal Application

32 THIS ARTICLE APPLIES EQUALLY TO ALL PERSONS, ORGANIZATIONS AND
33 ASSOCIATIONS WITHOUT REGARD TO RELIGION, CULTURE, RACE, SEX, ETHNICITY,
34 NATIONAL ORIGIN OR BELIEF.

35 Sec. 2. Severability

36 If a provision of this act or its application to any person or
37 circumstance is held invalid, the invalidity does not affect other
38 provisions or applications of the act that can be given effect without the
39 invalid provision or application, and to this end the provisions of this
40 act are severable.

41 Sec. 3. Legislative Intent

42 A. The legislature finds and declares:

43 1. The Constitution of the United States and the Constitution of
44 Arizona are the supreme law of this State and govern all persons,
45 agreements and adjudications within its jurisdiction.

1 2. Civil courts provide fundamental protections for due process,
2 equal protection, personal liberty, bodily integrity and the enforcement
3 of statutory rights.

4 3. Private associations, arbitration bodies, mediation panels,
5 councils and forums may provide valuable voluntary dispute resolution
6 without claiming binding adjudicatory authority or imposing penalties that
7 restrict access to civil justice.

8 4. There is a compelling state interest in ensuring that no private
9 tribunal exercises de facto adjudicatory authority that displaces civil
10 court jurisdiction, limits access to the courts or binds individuals
11 through coercion, retaliation or penalty.

12 B. The legislature intends to:

13 1. Prevent the establishment or operation of any parallel or
14 extra-constitutional legal system.

15 2. Ensure that all private adjudication remains subordinate to the
16 civil courts of this State.

17 3. Protect constitutional rights that are nonwaivable as a matter
18 of public policy.

19 4. Preserve voluntary dispute resolution and civic association
20 while ensuring uniform enforcement of civil law.

21 Sec. 4. Short title

22 Title 12, chapter 1, article 5, Arizona Revised Statutes, as added
23 by this act, may be cited as the "Arizona Civil Court Supremacy and Due
24 Process Act".