

House Engrossed

family court; admissibility; evidence

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

HOUSE BILL 2968

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-469.03; AMENDING TITLE 25, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 25-419 AND 25-420; RELATING TO JUDICIAL PROCEEDINGS INVOLVING CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 4, article 1, Arizona Revised Statutes,
3 is amended by adding section 8-469.03, to read:

4 8-469.03. Child welfare; dependency; termination of
5 parent-child relationship; permanent
6 guardianship; parental criminal history;
7 admissibility; definition

8 A. NOTWITHSTANDING ANY OTHER LAW, IN ANY CHILD WELFARE, DEPENDENCY,
9 TERMINATION OF PARENT-CHILD RELATIONSHIP OR PERMANENT GUARDIANSHIP MATTER
10 BROUGHT PURSUANT TO THIS TITLE, THE CRIMINAL HISTORY OF A PARENT SHALL BE
11 ADMISSIBLE AS EVIDENCE, SHALL BE AVAILABLE TO THE COURT AND TO ALL PARTIES
12 AND SHALL NOT BE SEALED OR WITHHELD. THE CRIMINAL HISTORY OF A PARENT
13 SHALL BE CONSIDERED PRESUMPTIVELY RELEVANT TO THE SAFETY OF A CHILD AND
14 THE FITNESS OF THE PARENT.

15 B. FOR THE PURPOSES OF THIS SECTION, "CRIMINAL HISTORY" INCLUDES
16 ALL OF THE FOLLOWING:

- 17 1. ARREST RECORDS.
- 18 2. CHARGING RECORDS.
- 19 3. CONVICTIONS.
- 20 4. SENTENCING.
- 21 5. PROBATION INFORMATION.
- 22 6. ANY OTHER RECORDS ARISING FROM A CRIMINAL INVESTIGATION,
23 PROSECUTION OR DISPOSITION OF A CRIMINAL MATTER.

24 Sec. 2. Title 25, chapter 4, article 1, Arizona Revised Statutes,
25 is amended by adding sections 25-419 and 25-420, to read:

26 25-419. Submission of evidence; court discretion; prejudicial
27 rulings; definitions

28 A. IN ANY MATTER INVOLVING LEGAL DECISION-MAKING OR PARENTING TIME,
29 THE COURT SHALL NOT APPLY ANY RULE TO EXCLUDE RELEVANT EVIDENCE BASED
30 SOLELY ON THE FORMAT OF THE EVIDENCE, HEARSAY CLASSIFICATION OF THE
31 EVIDENCE OR PROCEDURAL PROCESS IF THE EVIDENCE BEING OFFERED IS ANY OF THE
32 FOLLOWING:

- 33 1. RELATED TO A CHILD'S:
 - 34 (a) SAFETY.
 - 35 (b) MENTAL OR EMOTIONAL WELL-BEING.
 - 36 (c) TRAUMA INDICATORS.
 - 37 (d) EXPRESSED WISHES AS TO LEGAL DECISION-MAKING OR PARENTING TIME.
- 38 2. RELATED TO THE BEHAVIOR OF EITHER PARENT.
- 39 3. OFFERED IN GOOD FAITH.
- 40 4. NOT OFFERED SOLELY TO HARASS EITHER PARENT OR DELAY THE
41 PROCEEDING.

42 B. AFTER THE ADMISSION OF EVIDENCE PURSUANT TO SUBSECTION A OF THIS
43 SECTION, THE COURT SHALL DO ALL OF THE FOLLOWING:

- 44 1. EVALUATE THE RELIABILITY, SOURCE AND WEIGHT OF THE EVIDENCE.

1 2. CONSIDER THE RELIABILITY, CORROBORATION AND AUTHENTICITY OF THE
2 EVIDENCE, INCLUDING THE SOURCE OF THE EVIDENCE, HOW THE EVIDENCE WAS
3 COLLECTED OR OBTAINED AND ANY POTENTIAL BIAS THAT MAY BE ASSOCIATED WITH
4 THE EVIDENCE.

5 C. IF EVIDENCE THAT IS ADMITTED PURSUANT TO SUBSECTION A OF THIS
6 SECTION IS HEARSAY EVIDENCE, THE COURT SHALL DO BOTH OF THE FOLLOWING:

7 1. ASSESS WHETHER TESTIMONY REGARDING THE EVIDENCE IS UNAVAILABLE
8 OR IF THE TESTIMONY WOULD CAUSE HARM TO A CHILD.

9 2. ASSESS THE RELIABILITY AND WEIGHT OF THE EVIDENCE, INCLUDING
10 WHETHER THE EVIDENCE RELATES TO ANY OF THE FOLLOWING FACTORS:

11 (a) THE SAFETY OF A CHILD.

12 (b) ABUSE.

13 (c) TRAUMA INDICATORS.

14 (d) PROTECTIVE CONCERNS.

15 D. IF EVIDENCE THAT IS RELEVANT TO THE SAFETY OF A CHILD, THE
16 FITNESS OF A PARENT OR THE ABUSE OF A CHILD IS DELAYED OR DISCOVERED
17 IMMEDIATELY BEFORE AN EVIDENTIARY HEARING AT WHICH THE EVIDENCE WOULD BE
18 ADMITTED AND THE DELAY OR LATE DISCOVERY OF THE EVIDENCE IS FOR GOOD
19 CAUSE, THE COURT SHALL CONTINUE THE EVIDENTIARY HEARING TO THE EARLIEST
20 PRACTICABLE DATE TO ALLOW FOR THE DISCLOSURE AND SUBMISSION OF THE
21 EVIDENCE. BEFORE GRANTING A CONTINUANCE OF AN EVIDENTIARY HEARING
22 PURSUANT TO THIS SUBSECTION, THE COURT SHALL MAKE SPECIFIC FINDINGS ON THE
23 RECORD AS TO THE FINDING OF GOOD CAUSE. GOOD CAUSE SHALL BE LIBERALLY
24 CONSTRUED IN FAVOR OF ADMITTING EVIDENCE THAT IS RELATED TO THE SAFETY OF
25 A CHILD. FOR THE PURPOSES OF THIS SUBSECTION, "GOOD CAUSE" INCLUDES
26 DELAYS THAT ARE CAUSED BY ANY OF THE FOLLOWING:

27 1. A THIRD-PARTY CUSTODIAN OF RECORDS.

28 2. CIRCUMSTANCES OUTSIDE THE CONTROL OF THE PARTY THAT IS SEEKING
29 TO ADMIT THE EVIDENCE.

30 3. UNFORESEEN EVENTS THAT INCLUDE ANY OF THE FOLLOWING:

31 (a) AN ILLNESS.

32 (b) AN EMERGENCY.

33 (c) A TECHNICAL ISSUE OR FAILURE.

34 E. NOTWITHSTANDING ANY OTHER LAW, THE CRIMINAL RECORD OF A PARENT
35 SHALL BE ADMITTED AS EVIDENCE IN ANY MATTER INVOLVING LEGAL
36 DECISION-MAKING OR PARENTING TIME.

37 F. THE COURT SHALL MAKE WRITTEN FINDINGS ON THE RECORD AS TO THE
38 RELEVANCE AND CREDIBILITY OF EVIDENCE OFFERED PURSUANT TO SUBSECTION A OF
39 THIS SECTION. IF THE COURT DETERMINES THE EVIDENCE IS CREDIBLE, THE COURT
40 SHALL ALLOW THE SUBMISSION OF THE EVIDENCE WITHOUT LIMITATION. FAILURE OF
41 A COURT TO MAKE THE WRITTEN FINDINGS REQUIRED BY THIS SUBSECTION
42 CONSTITUTES A REVERSIBLE ERROR.

43 G. THE COURT SHALL ALLOW THE SUBMISSION OF EVIDENCE PURSUANT TO
44 THIS SECTION BY BOTH PARENTS EQUALLY. ANY RULING BY THE COURT THAT ALLOWS
45 FOR UNEQUAL SUBMISSION OF EVIDENCE BY EITHER PARENT SHALL BE CONSIDERED

1 PREJUDICIAL AS A MATTER OF LAW. A PARENT WHO IS ADVERSELY AFFECTED BY THE
2 UNEQUAL SUBMISSION OF EVIDENCE SHALL BE ENTITLED TO IMMEDIATE APPELLATE
3 REVIEW OR RELIEF THROUGH A SPECIAL ACTION.

4 H. FOR THE PURPOSES OF THIS SECTION:

5 1. "GOOD FAITH" MEANS THE EVIDENCE IS OFFERED FOR THE PURPOSE OF
6 ASSESSING CHILD SAFETY OR PARENTAL BEHAVIOR.

7 2. "RELEVANT EVIDENCE" MEANS EVIDENCE THAT IS RELATED TO ANY OF THE
8 FOLLOWING:

9 (a) THE SAFETY OF A CHILD.

10 (b) TRAUMA OF A CHILD.

11 (c) THE EMOTIONAL WELL-BEING OF A CHILD.

12 (d) THE CHILD'S EXPRESSED WISHES AS TO LEGAL DECISION-MAKING OR
13 PARENTING TIME.

14 (e) THE BEHAVIOR OF EITHER PARENT.

15 25-420. Parental criminal history; admissibility; definition

16 A. NOTWITHSTANDING ANY OTHER LAW, IN ANY PARENTING TIME OR LEGAL
17 DECISION-MAKING MATTER BROUGHT PURSUANT TO THIS CHAPTER, THE CRIMINAL
18 HISTORY OF A PARENT SHALL BE ADMISSIBLE AS EVIDENCE, SHALL BE AVAILABLE TO
19 THE COURT AND TO ALL PARTIES AND SHALL NOT BE SEALED OR WITHHELD. THE
20 CRIMINAL HISTORY OF A PARENT SHALL BE CONSIDERED PRESUMPTIVELY RELEVANT TO
21 THE SAFETY OF A CHILD AND THE FITNESS OF THE PARENT.

22 B. FOR THE PURPOSES OF THIS SECTION, "CRIMINAL HISTORY" INCLUDES
23 INFORMATION ON ALL OF THE FOLLOWING:

24 1. ARREST RECORDS.

25 2. CHARGING RECORDS.

26 3. CONVICTIONS.

27 4. SENTENCING.

28 5. PROBATION INFORMATION.

29 6. ANY OTHER RECORDS ARISING FROM A CRIMINAL INVESTIGATION,
30 PROSECUTION OR DISPOSITION OF A CRIMINAL MATTER.

31 Sec. 3. Legislative findings

32 The legislature finds that:

33 1. It is in the best interest of this state to ensure that the
34 family court is equipped to hear and evaluate safety-related evidence that
35 is necessary to protect children.

36 2. It is important to remove procedural barriers to the submission
37 of evidence in a family law matter that unfairly silences protective
38 parents or serves to deny the admission of critical evidence related to a
39 child's safety and well-being.

40 3. It is in the best interest of this state to allow the court to
41 make determinations regarding the credibility of evidence but remove the
42 ability of a court to reject relevant evidence based solely on the form of
43 the evidence of procedural formalities.