

REFERENCE TITLE: domestic relations; domestic violence

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

## **HB 2995**

Introduced by  
Representative Fink

AN ACT

AMENDING SECTIONS 25-403.03, 25-404 AND 25-411, ARIZONA REVISED STATUTES;  
RELATING TO LEGAL DECISION-MAKING AND PARENTING TIME.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-403.03, Arizona Revised Statutes, is amended  
3 to read:

4 25-403.03. Domestic violence and child abuse; court  
5 considerations; definitions

6 ~~A. Notwithstanding subsection D of this section, joint legal~~  
7 ~~decision-making shall not be awarded if the court makes a finding of the~~  
8 ~~existence of significant domestic violence pursuant to section 13-3601 or~~  
9 ~~if the court finds by a preponderance of the evidence that there has been~~  
10 ~~a significant history of domestic violence.~~

11 ~~B. The court shall consider evidence of domestic violence as being~~  
12 ~~contrary to the best interests of the child. The court shall consider the~~  
13 ~~safety and well-being of the child and of the victim of the act of~~  
14 ~~domestic violence to be of primary importance. The court shall consider a~~  
15 ~~perpetrator's history of causing or threatening to cause physical harm to~~  
16 ~~another person.~~

17 ~~C. To determine if a person has committed an act of domestic~~  
18 ~~violence the court, subject to the rules of evidence, shall consider all~~  
19 ~~relevant factors including the following:~~

- 20 ~~1. Findings from another court of competent jurisdiction.~~
- 21 ~~2. Police reports.~~
- 22 ~~3. Medical reports.~~
- 23 ~~4. Records of the department of child safety.~~
- 24 ~~5. Domestic violence shelter records.~~
- 25 ~~6. School records.~~
- 26 ~~7. Witness testimony.~~

27 ~~D. If the court determines that a parent who is seeking sole or~~  
28 ~~joint legal decision-making has committed an act of domestic violence~~  
29 ~~against the other parent, there is a rebuttable presumption that an award~~  
30 ~~of sole or joint legal decision-making to the parent who committed the act~~  
31 ~~of domestic violence is contrary to the child's best interests. This~~  
32 ~~presumption does not apply if both parents have committed an act of~~  
33 ~~domestic violence. For the purposes of this subsection, a person commits~~  
34 ~~an act of domestic violence if that person does any of the following:~~

- 35 ~~1. Intentionally, knowingly or recklessly causes or attempts to~~  
36 ~~cause sexual assault or serious physical injury.~~
- 37 ~~2. Places a person in reasonable apprehension of imminent serious~~  
38 ~~physical injury to any person.~~
- 39 ~~3. Engages in a pattern of behavior for which a court may issue an~~  
40 ~~ex parte order to protect the other parent who is seeking child custody or~~  
41 ~~to protect the child and the child's siblings.~~

42 ~~E. To determine if the parent has rebutted the presumption the~~  
43 ~~court shall consider all of the following:~~

- 1           ~~1. Whether the parent has demonstrated that being awarded sole or~~  
2 ~~joint legal decision-making or substantially equal parenting time is in~~  
3 ~~the child's best interests.~~
- 4           ~~2. Whether the parent has successfully completed a batterer's~~  
5 ~~prevention program.~~
- 6           ~~3. Whether the parent has successfully completed a program of~~  
7 ~~alcohol or drug abuse counseling, if the court determines that counseling~~  
8 ~~is appropriate.~~
- 9           ~~4. Whether the parent has successfully completed a parenting class,~~  
10 ~~if the court determines that a parenting class is appropriate.~~
- 11           ~~5. If the parent is on probation, parole or community supervision,~~  
12 ~~whether the parent is restrained by a protective order that was granted~~  
13 ~~after a hearing.~~
- 14           ~~6. Whether the parent has committed any further acts of domestic~~  
15 ~~violence.~~
- 16           ~~F. If the court finds that a parent has committed an act of~~  
17 ~~domestic violence, that parent has the burden of proving to the court's~~  
18 ~~satisfaction that parenting time will not endanger the child or~~  
19 ~~significantly impair the child's emotional development. If the parent~~  
20 ~~meets this burden to the court's satisfaction, the court shall place~~  
21 ~~conditions on parenting time that best protect the child and the other~~  
22 ~~parent from further harm. The court may:~~
  - 23           ~~1. Order that an exchange of the child must occur in a protected~~  
24 ~~setting as specified by the court.~~
  - 25           ~~2. Order that an agency specified by the court must supervise~~  
26 ~~parenting time. If the court allows a family or household member to~~  
27 ~~supervise parenting time, the court shall establish conditions that this~~  
28 ~~person must follow during parenting time.~~
  - 29           ~~3. Order the parent who committed the act of domestic violence to~~  
30 ~~attend and complete, to the court's satisfaction, a program of~~  
31 ~~intervention for perpetrators of domestic violence and any other~~  
32 ~~counseling the court orders.~~
  - 33           ~~4. Order the parent who committed the act of domestic violence to~~  
34 ~~abstain from possessing or consuming alcohol or controlled substances~~  
35 ~~during parenting time and for twenty-four hours before parenting time.~~
  - 36           ~~5. Order the parent who committed the act of domestic violence to~~  
37 ~~pay a fee for the costs of supervised parenting time.~~
  - 38           ~~6. Prohibit overnight parenting time.~~
  - 39           ~~7. Require a bond from the parent who committed the act of domestic~~  
40 ~~violence for the child's safe return.~~
  - 41           ~~8. Order that the address of the child and the other parent remain~~  
42 ~~confidential.~~
  - 43           ~~9. Impose any other condition that the court determines is~~  
44 ~~necessary to protect the child, the other parent and any other family or~~  
45 ~~household member.~~

1 ~~G. The court shall not order joint counseling between a victim and~~  
2 ~~the perpetrator of domestic violence. The court may provide a victim with~~  
3 ~~written information about available community resources related to~~  
4 ~~domestic violence.~~

5 A. IN ANY LEGAL DECISION-MAKING OR PARENTING TIME MATTER, THE COURT  
6 SHALL CONSIDER DOMESTIC VIOLENCE AS CONTRARY TO THE BEST INTERESTS OF THE  
7 CHILD AND SHALL ASSIGN PRIMARY IMPORTANCE TO THE SAFETY AND WELL-BEING OF  
8 BOTH THE CHILD AND DOMESTIC VIOLENCE VICTIM. IF AN EXPRESS OR IMPLIED  
9 CONFLICT ARISES BETWEEN THE REQUIREMENTS OF THIS SECTION AND A COMPETING  
10 PRESUMPTION, MANDATE OR PUBLIC POLICY IN THIS TITLE, THE PROVISIONS OF  
11 THIS SECTION TAKE PRIORITY.

12 B. IN ANY LEGAL DECISION-MAKING OR PARENTING TIME MATTER, THE COURT  
13 SHALL MAKE SPECIFIC AND DETAILED FINDINGS ON THE RECORD ABOUT EACH FACTOR  
14 THAT IS REQUIRED BY THIS SECTION. THE COURT SHALL EXPLAIN IN DETAIL WHY  
15 THE COURT'S FINDINGS REGARDING DOMESTIC VIOLENCE SERVE THE CHILD'S BEST  
16 INTERESTS, INCLUDING THE PRESUMPTION PRESCRIBED IN SUBSECTION F OF THIS  
17 SECTION AND ANY REBUTTAL TO THE PRESUMPTION THAT IS OFFERED PURSUANT TO  
18 SUBSECTION G OF THIS SECTION. ON APPEAL, THE LEGAL SUFFICIENCY OF EACH  
19 FINDING AND EXPLANATION SHALL BE REVIEWED DE NOVO. THE COURT'S FINDINGS  
20 MUST ADDRESS ALL OF THE FOLLOWING:

- 21 1. COERCIVE CONTROL.
- 22 2. EVIDENCE THAT MAY SUPPORT A DOMESTIC VIOLENCE CLAIM.
- 23 3. THE IMPACT, SEVERITY AND CIRCUMSTANCES OF AN ACT OR ACTS OF  
24 DOMESTIC VIOLENCE THAT HAVE OCCURRED.
- 25 4. THE MANDATORY PRESUMPTION AGAINST AWARDED LEGAL DECISION-MAKING  
26 OR PARENTING TIME TO A PARENT WHO HAS COMMITTED AN ACT OR ACTS OF DOMESTIC  
27 VIOLENCE.
- 28 5. WHETHER A PARENT WHO HAS COMMITTED AN ACT OR ACTS OF DOMESTIC  
29 VIOLENCE REBUTTED THE MANDATORY PRESUMPTION UNDER SUBSECTION F OF THIS  
30 SECTION.

31 C. A CLAIM OF AN ACT OR ACTS OF DOMESTIC VIOLENCE SHALL BE  
32 ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE. CORROBORATION FROM  
33 EXHIBITS OR WITNESS TESTIMONY IS NOT REQUIRED. SUBJECT TO THE EVIDENTIARY  
34 STANDARD APPLIED TO THAT PROCEEDING PURSUANT TO THE ARIZONA RULES OF  
35 FAMILY LAW PROCEDURE, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

- 36 1. FACTUAL DETERMINATIONS OF AN ACT OR ACTS OF DOMESTIC VIOLENCE  
37 FROM A COURT OF COMPETENT JURISDICTION.
- 38 2. EVIDENCE THAT IS COLLECTED AND REPORTS THAT ARE PREPARED BY A  
39 LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF CHILD SAFETY AND ANY OTHER  
40 GOVERNMENT AGENCY.
- 41 3. THE ALLEGED VICTIM'S MEDICAL OR BEHAVIORAL HEALTH RECORDS, IF  
42 THE VICTIM WAIVES THE ASSOCIATED PRIVILEGE OR OTHER RIGHT TO  
43 CONFIDENTIALITY.
- 44 4. RECORDS FROM A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE AS  
45 DEFINED IN SECTION 36-3001.

1           5. EDUCATIONAL AND SCHOOL RECORDS.  
2           6. A COLLATERAL ACT OR ACTS OF DOMESTIC VIOLENCE AGAINST ANY PERSON  
3 BY THE PARENT WHO IS THE SUBJECT OF THE ALLEGATION OF COMMITTING AN ACT OR  
4 ACTS OF DOMESTIC VIOLENCE.  
5           7. WITNESS TESTIMONY.  
6           D. IF THE COURT DETERMINES THAT A PARENT COMMITTED AN ACT OR ACTS  
7 OF DOMESTIC VIOLENCE, THE COURT SHALL CONSIDER AND WEIGH ALL OF THE  
8 FOLLOWING NONEXCLUSIVE FACTORS, AND ANY OTHER RELEVANT CONSIDERATIONS,  
9 WHEN ENTERING AN AWARD OF LEGAL DECISION-MAKING, A PARENTING TIME SCHEDULE  
10 AND OTHER FEATURES OF THE PARENTING PLAN REQUIRED BY SECTION 25-403.02.  
11 THE COURT SHALL DETERMINE WHETHER THE ACT OR ACTS OF DOMESTIC VIOLENCE  
12 MEET ANY OF THE FOLLOWING:  
13           1. RISKED OR INFLICTED PHYSICAL INJURY OR EMOTIONAL TRAUMA ON THE  
14 OTHER PARENT OR CHILD.  
15           2. INVOLVED THE THREAT OR USE OF A FIREARM OR OTHER DANGEROUS  
16 WEAPON.  
17           3. INVOLVED THE THREAT OR USE OF STRANGULATION AS DESCRIBED IN  
18 SECTION 13-1204, SUBSECTION B, PARAGRAPH 1.  
19           4. INVOLVED MULTIPLE FORMS OF COERCIVE CONTROL, INCLUDING WHETHER  
20 PHYSICAL VIOLENCE, NO MATTER HOW INFREQUENT, WAS USED TO INTENSIFY THE  
21 IMPACT OF OTHER FORMS OF COERCIVE CONTROL.  
22           5. COMPROMISED THE VICTIM'S EDUCATION, EMPLOYMENT OR CAREER GOALS.  
23           6. SIGNIFICANTLY DAMAGED THE VICTIM'S REPUTATION OR RELATIONSHIPS  
24 WITH FAMILY, FRIENDS OR OTHERS.  
25           7. CREATED A QUESTION AS TO WHETHER THE PARENT WHO COMMITTED THE  
26 ACT OR ACTS OF DOMESTIC VIOLENCE CAN SERVE AS A SUITABLE ROLE MODEL FOR  
27 THE CHILD, INCLUDING WITH RESPECT TO PARENTING TIME.  
28           8. REVEALED A DISDAIN FOR THE OTHER PARENT OR CHILD THAT WOULD  
29 COMPLICATE OR PREVENT EFFECTIVE LEGAL DECISION-MAKING.  
30           9. ARE DENIED, DEFLECTED OR MINIMIZED DURING TREATMENT, FORENSIC  
31 ASSESSMENT, FORMAL DISCOVERY OR COURTROOM PROCEEDINGS BY THE PARENT WHO  
32 COMMITTED THE ACT OR ACTS OF DOMESTIC VIOLENCE.  
33           10. OCCURRED OVER A PERIOD OF TIME AND WITH SUFFICIENT SEVERITY OR  
34 FREQUENCY THAT THE PASSAGE OF TIME OR REMOTENESS OF AN EARLIER ACT OR ACTS  
35 OF DOMESTIC VIOLENCE CONSTITUTE AN AGGRAVATING AND NOT A MITIGATING  
36 FACTOR.  
37           E. WHEN WEIGHING EVIDENCE OF A COLLATERAL ACT OR ACTS OF DOMESTIC  
38 VIOLENCE, THE COURT MAY CONSIDER THE PASSAGE OF TIME OR PRIOR JUDICIAL  
39 REVIEW. THE COURT MAY NOT REFUSE EVIDENCE OF A COLLATERAL ACT OR ACTS OF  
40 DOMESTIC VIOLENCE ON THE GROUNDS THAT THE ALLEGED ACT OR ACTS OF DOMESTIC  
41 VIOLENCE OR A RELATED LEGAL CLAIM HAS BEEN DECIDED, PREDATES THE LAST  
42 DECREE OR COULD HAVE BEEN LITIGATED AT ANOTHER TIME OR PLACE. THE COURT  
43 SHALL EVALUATE WHETHER EVIDENCE OF A COLLATERAL ACT OR ACTS OF DOMESTIC  
44 VIOLENCE DOES ANY OF THE FOLLOWING:

1           1. ESTABLISHES RECURRING BEHAVIOR BY THE PARENT ALLEGED TO HAVE  
2 COMMITTED AN ACT OR ACTS OF DOMESTIC VIOLENCE, INCLUDING COERCIVE CONTROL.  
3           2. PROVES THE MOTIVE, OPPORTUNITY, INTENT, PREPARATION, PLAN,  
4 KNOWLEDGE, IDENTITY OR ABSENCE OF MISTAKE OR ACCIDENT BY THE PARENT  
5 ALLEGED TO HAVE COMMITTED AN ACT OR ACTS OF DOMESTIC VIOLENCE.  
6           3. EXPLAINS AN OTHERWISE EXCESSIVE RESPONSE BY THE ALLEGED VICTIM  
7 TO A MORE RECENT EVENT AS WELL AS OTHER REACTIVE OR PROTECTIVE BEHAVIOR BY  
8 THE ALLEGED VICTIM.  
9           F. IF THE COURT DETERMINES THAT A PARENT COMMITTED AN ACT OR ACTS  
10 OF DOMESTIC VIOLENCE, THERE IS A MANDATORY REBUTTABLE PRESUMPTION THAT AN  
11 AWARD OF LEGAL DECISION-MAKING OR PARENTING TIME TO THE PARENT WHO  
12 COMMITTED THE ACT OR ACTS OF DOMESTIC VIOLENCE IS CONTRARY TO THE CHILD'S  
13 BEST INTERESTS. THE COURT MAY NOT REQUIRE THE VICTIM OR CHILD TO PROVE  
14 THAT SHARED LEGAL DECISION-MAKING OR PARENTING TIME WOULD HARM THE CHILD.  
15 A REBUTTABLE PRESUMPTION DOES NOT ARISE IF MUTUAL ACTS OF DOMESTIC  
16 VIOLENCE OCCURRED. THE COURT MAY NOT DESCRIBE AN ACT OR ACTS OF DOMESTIC  
17 VIOLENCE AS MUTUAL OR ENTER A LEGAL DECISION-MAKING OR PARENTING TIME  
18 ORDER THAT TREATS DOMESTIC VIOLENCE AS MUTUAL, UNLESS THE EVIDENCE  
19 ESTABLISHES THAT BOTH PARENTS HAD THE SAME MOTIVE FOR THEIR ACTIONS,  
20 LACKED JUSTIFICATION TO SIMILAR DEGREES AND INFLECTED COMPARABLE HARM.  
21           G. TO DETERMINE WHETHER THE PARENT WHO COMMITTED AN ACT OR ACTS OF  
22 DOMESTIC VIOLENCE HAS REBUTTED THE MANDATORY PRESUMPTION PRESCRIBED IN  
23 SUBSECTION F OF THE SECTION, THE COURT SHALL DO ALL OF THE FOLLOWING:  
24           1. REVIEW THE COURT'S FINDINGS PRESCRIBED BY SUBSECTION D OF THIS  
25 SECTION AND APPLY THE COURT'S FINDINGS TO THE REBUTTAL DETERMINATION.  
26           2. CONSIDER A COLLATERAL ACT OR ACTS OF DOMESTIC VIOLENCE BY THE  
27 PARENT AGAINST ANYONE.  
28           3. NOT TREAT ANY OF THE FOLLOWING CONSIDERATIONS AS MITIGATION OR  
29 RELEVANT TO THE REBUTTAL OF THE MANDATORY PRESUMPTION:  
30           (a) THE CHILD'S ABSENCE FROM THE LOCATION WHERE THE ACT OR ACTS OF  
31 DOMESTIC VIOLENCE OCCURRED.  
32           (b) THE CHILD'S UNAWARENESS THAT A PARENT COMMITTED THE ACT OR ACTS  
33 OF DOMESTIC VIOLENCE.  
34           (c) THE CHILD'S PREFERENCE FOR REINSTATING, MAINTAINING OR  
35 INCREASING PARENTING TIME WITH A PARENT WHO COMMITTED THE ACT OR ACTS OF  
36 DOMESTIC VIOLENCE.  
37           4. CONSIDER THE PARENT'S ATTENDANCE AT A DOMESTIC VIOLENCE  
38 TREATMENT PROGRAM. THE COURT MAY NOT CONSIDER A CERTIFICATE OF COMPLETION  
39 ALONE AS PROOF OF REHABILITATION. A PARENT WHO WISHES TO USE ATTENDANCE  
40 AT A DOMESTIC VIOLENCE TREATMENT PROGRAM AS REBUTTAL EVIDENCE MUST DO ALL  
41 OF THE FOLLOWING:  
42           (a) WAIVE THE ASSOCIATED STATUTORY PRIVILEGE OR OTHER  
43 CONFIDENTIALITY NECESSARY TO RELEASE THAT PERSON'S TREATMENT RECORDS TO  
44 THE COURT AND THE VICTIM.

1 (b) ESTABLISH THAT THE TREATMENT PROGRAM WAS BOTH RELEVANT AND  
2 PROPORTIONATE TO THE ACT OR ACTS OF DOMESTIC VIOLENCE FOR WHICH THE PARENT  
3 WAS ADJUDICATED.

4 (c) DEMONSTRATE AN UNDERSTANDING OF HOW THE PARENT'S ACT OR ACTS OF  
5 DOMESTIC VIOLENCE HARMED THE FAMILY.

6 (d) PROVE THAT THE TREATMENT PROGRAM ADDRESSED AND HELPED REDUCE  
7 ANY TENDENCY TO MINIMIZE OR RATIONALIZE THE ACT OR ACTS OF DOMESTIC  
8 VIOLENCE.

9 5. EVALUATE WHETHER A PARENT'S CHOSEN TREATMENT PROGRAM WAS  
10 RELEVANT AND PROPORTIONATE TO THAT PERSON'S HISTORY OF DOMESTIC VIOLENCE.  
11 IN MAKING THIS EVALUATION, THE COURT SHALL CONSIDER THE CRITERIA OUTLINED  
12 IN THE ARIZONA ADMINISTRATIVE CODE THAT GOVERNS TREATMENT STANDARDS FOR  
13 MISDEMEANOR DOMESTIC VIOLENCE OFFENDERS.

14 H. IF THE PARENT WHO COMMITTED AN ACT OR ACTS OF DOMESTIC VIOLENCE  
15 FAILS TO OVERCOME THE MANDATORY PRESUMPTION PRESCRIBED IN SUBSECTION F OF  
16 THIS SECTION, THE COURT SHALL DO ALL OF THE FOLLOWING:

17 1. NOT GRANT JOINT LEGAL DECISION-MAKING OR SOLE LEGAL  
18 DECISION-MAKING AUTHORITY TO THAT PARENT.

19 2. IMPOSE RESTRICTIONS ON THE MANNER AND FREQUENCY OF THAT PARENT'S  
20 INTERACTIONS WITH THE CHILD THAT ARE CONSISTENT WITH THE PROVEN ACT OR  
21 ACTS OF DOMESTIC VIOLENCE, INCLUDING ANY OF THE FOLLOWING:

22 (a) ORDER THAT AN EXCHANGE OF THE CHILD OCCUR IN A PROTECTED  
23 LOCATION OR A SAFE EXCHANGE LOCATION AS PRESCRIBED IN SECTION 25-403.10  
24 THAT IS SPECIFIED BY THE COURT.

25 (b) LIMIT PARENTING TIME, INCLUDING A PROHIBITION ON OVERNIGHT  
26 PARENTING TIME WITH THE CHILD.

27 (c) DESIGNATE A PROFESSIONAL AGENCY OR ONE OR MORE PERSONS TO  
28 SUPERVISE PARENTING TIME. THE COURT MAY NOT APPOINT THE VICTIM OF THE ACT  
29 OR ACTS OF DOMESTIC VIOLENCE TO SERVE AS THE SUPERVISOR, WHETHER ALONE OR  
30 WITH ANOTHER PERSON. THE COURT MAY NOT APPOINT A PERSON TO SUPERVISE  
31 PARENTING TIME UNLESS THE PARENT BEING SUPERVISED AFFIRMS TO THE COURT  
32 THAT THE APPOINTED SUPERVISOR WILL DO ALL OF THE FOLLOWING:

33 (i) RECEIVE AND READ THE COURT'S ORDER.

34 (ii) PROVIDE A RELIABLE TELEPHONE NUMBER, EMAIL ADDRESS AND  
35 RESIDENTIAL ADDRESS TO BOTH PARENTS.

36 (iii) INTERVENE AND CONTACT AN APPROPRIATE LAW ENFORCEMENT AGENCY,  
37 THE DEPARTMENT OF CHILD SAFETY AND THE OTHER PARENT IF THE SUPERVISED  
38 PARENT'S BEHAVIOR ENDANGERS THE CHILD OR BECOMES PSYCHOLOGICALLY ABUSIVE.

39 (iv) APPEAR FOR FUTURE COURT PROCEEDINGS AND TESTIFY REGARDING THE  
40 SUPERVISION.

41 (d) ORDER THE PARENT WHO COMMITTED THE ACT OR ACTS OF DOMESTIC  
42 VIOLENCE TO PAY A FEE FOR THE COSTS OF SUPERVISED PARENTING TIME.

1 (e) SUSPEND ACCESS TO THE CHILD, IN ANY FORM, UNTIL THE PARENT WHO  
2 COMMITTED AN ACT OR ACTS OF DOMESTIC VIOLENCE CAN PETITION FOR A  
3 MODIFICATION OF LEGAL DECISION-MAKING OR PARENTING TIME PURSUANT TO  
4 SECTION 25-411.

5 (f) ORDER THE PARENT WHO COMMITTED THE ACT OR ACTS OF DOMESTIC  
6 VIOLENCE TO ATTEND AND COMPLETE A PROGRAM OF INTERVENTION FOR PERPETRATORS  
7 OF DOMESTIC VIOLENCE AND ANY OTHER COUNSELING THE COURT ORDERS.

8 (g) IF THE COURT FINDS THAT THE PARENT WHO COMMITTED THE ACT OR  
9 ACTS OF DOMESTIC VIOLENCE HAS ALSO ABUSED ALCOHOL, OTHER INTOXICANTS OR  
10 CONTROLLED SUBSTANCES, THE COURT MAY ORDER THAT PARENT TO ABSTAIN FROM  
11 POSSESSING OR CONSUMING ALCOHOL, OTHER INTOXICANTS OR CONTROLLED  
12 SUBSTANCES.

13 (h) REQUIRE A BOND FOR THE CHILD'S SAFE RETURN FROM THE PARENT WHO  
14 COMMITTED THE ACT OR ACTS OF DOMESTIC VIOLENCE.

15 (i) ORDER THAT THE ADDRESS OF THE CHILD AND OTHER PARENT REMAIN  
16 CONFIDENTIAL.

17 (j) IMPOSE ANY OTHER CONDITION THAT THE COURT DETERMINES IS  
18 NECESSARY TO PROTECT THE CHILD, THE OTHER PARENT AND ANY OTHER FAMILY OR  
19 HOUSEHOLD MEMBER.

20 I. THE COURT MAY NOT ORDER A VICTIM OF DOMESTIC VIOLENCE, WHETHER  
21 THE CHILD OR A PARENT, TO JOIN THE PARENT WHO COMMITTED AN ACT OR ACTS OF  
22 DOMESTIC VIOLENCE IN ANY INPATIENT OR OUTPATIENT TREATMENT PROGRAM,  
23 COUNSELING PROGRAM OR FORENSIC ASSESSMENT, WHETHER TELEPHONIC, VIRTUAL OR  
24 IN PERSON.

25 ~~H~~. J. The court may request or order the services of the  
26 department of child safety if the court believes that a child may be the  
27 victim of child abuse or neglect as defined in section 8-201.

28 ~~I~~. K. In determining whether the absence or relocation of a parent  
29 shall be weighed against that parent in determining legal decision-making  
30 or parenting time, the court may consider whether the absence or  
31 relocation was caused by an act of domestic violence by the other parent.

32 L. FOR THE PURPOSES OF THIS SECTION:

33 1. "COERCIVE CONTROL":

34 (a) MEANS A PATTERN OF THREATENING, HUMILIATING OR INTIMIDATING  
35 ACTIONS THAT IS USED TO HARM, PUNISH OR FRIGHTEN A PERSON.

36 (b) INCLUDES ALL OF THE FOLLOWING:

37 (i) A PATTERN OF BEHAVIOR THAT TAKES AWAY A PERSON'S LIBERTY OR  
38 FREEDOM.

39 (ii) STRIPPING A PERSON'S SENSE OF SELF, BODILY INTEGRITY AND HUMAN  
40 RIGHTS.

41 (iii) ISOLATING A PERSON FROM FRIENDS AND FAMILY.

42 (iv) DEPRIVING A PERSON OF INDEPENDENCE.

43 (v) REGULATING A PERSON'S EVERYDAY BEHAVIOR.

- 1 (vi) MONITORING, SURVEILLING, REGULATING OR CONTROLLING A PERSON'S  
2 FINANCES, ECONOMIC RESOURCES OR ACCESS TO SERVICES, OR THOSE OF THE  
3 PERSON'S CHILD OR RELATIVE.
- 4 (vii) MONITORING, SURVEILLING, REGULATING OR CONTROLLING A PERSON'S  
5 ACTIVITIES, COMMUNICATIONS OR MOVEMENTS, INCLUDING THROUGH THE USE OF  
6 TECHNOLOGY, OR THOSE OF THE PERSON'S CHILD OR RELATIVE.
- 7 (viii) NAME-CALLING, DEGRADING OR DEMEANING A PERSON OR THE  
8 PERSON'S CHILD OR RELATIVE ON A FREQUENT BASIS.
- 9 (ix) THREATENING TO HARM OR KILL A PERSON OR THE PERSON'S CHILD OR  
10 RELATIVE, INCLUDING WEARING, ACCESSING, DISPLAYING, USING OR CLEANING A  
11 WEAPON IN AN INTIMIDATING OR THREATENING MANNER.
- 12 (x) THREATENING TO COMMIT SUICIDE OR SELF HARM, WHEN USED AS A  
13 METHOD OF COERCION, CONTROL, PUNISHMENT, INTIMIDATION OR RETALIATION  
14 AGAINST A PERSON.
- 15 (xi) THREATENING TO HARM OR KILL AN ANIMAL THAT A PERSON OR THE  
16 PERSON'S CHILD OR RELATIVE HAS AN EMOTIONAL BOND WITH.
- 17 (xii) THREATENING TO PUBLISH A PERSON'S SENSITIVE PERSONAL  
18 INFORMATION, INCLUDING SEXUALLY EXPLICIT MATERIAL, OR THOSE OF THE  
19 PERSON'S CHILD OR RELATIVE.
- 20 (xiii) THREATENING TO MAKE REPORTS TO LAW ENFORCEMENT AUTHORITIES  
21 WITHOUT REASONABLE CAUSE.
- 22 (xiv) DAMAGING A PERSON'S PROPERTY OR HOUSEHOLD GOODS, OR THOSE OF  
23 THE PERSON'S CHILD OR RELATIVE.
- 24 (xv) THREATENING A PERSON OR THE PERSON'S CHILD OR RELATIVE WITH  
25 DEPORTATION, CONTACTING AUTHORITIES BASED ON PERCEIVED OR ACTUAL  
26 IMMIGRATION STATUS, WITHHOLDING ESSENTIAL DOCUMENTS REQUIRED FOR  
27 IMMIGRATION OR THREATENING TO WITHDRAW OR INTERFERE WITH AN ACTIVE  
28 IMMIGRATION APPLICATION OR PROCESS.
- 29 (xvi) FORCING A PERSON OR THE PERSON'S CHILD OR RELATIVE TO TAKE  
30 PART IN CRIMINAL ACTIVITIES OR CHILD ABUSE.
- 31 2. "COLLATERAL ACT" MEANS CONDUCT THAT, IN TIME, LOCATION, SEQUENCE  
32 AND CAUSATION, IS SUBSTANTIALLY DISTINCT FROM THE OCCURRENCES OR ACTS AT  
33 ISSUE BEFORE THE COURT.
- 34 3. "DOMESTIC VIOLENCE":  
35 (a) MEANS, WHEN PERPETRATED BY ONE PARENT AGAINST THE OTHER PARENT  
36 OR AGAINST A MINOR CHILD LIVING IN EITHER PARENT'S HOUSEHOLD, EITHER OF  
37 THE FOLLOWING:  
38 (i) DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.  
39 (ii) COERCIVE CONTROL.  
40 (b) DOES NOT INCLUDE DEFENSE OF SELF OR ANOTHER IF THE DEFENSIVE  
41 ACTS WERE PROPORTIONATE TO THE ASSAULT AND THE PARENT CLAIMING  
42 SELF-DEFENSE DID NOT PROVOKE THE ALTERCATION.



1 provided in this section, if a parent is a member of the United States  
2 armed forces, the court shall consider the terms of that parent's military  
3 family care plan to determine what is in the child's best interest during  
4 that parent's military deployment.

5 B. If the parent with whom the parent's child resides a majority of  
6 the time receives temporary duty, deployment, activation or mobilization  
7 orders from the United States military that involve moving a substantial  
8 distance away from the parent's residence, a court shall not enter a final  
9 order modifying parental rights and responsibilities and parent-child  
10 contact in an existing order until ninety days after the deployment ends,  
11 unless a modification is agreed to by the deploying parent.

12 C. The court shall not consider a parent's absence caused by  
13 deployment or mobilization or the potential for future deployment or  
14 mobilization as the sole factor supporting a real, substantial and  
15 unanticipated change in circumstances pursuant to this section.

16 D. On motion of a deploying or nondeploying, mobilizing or absent  
17 military parent, the court, after a hearing, shall enter a temporary order  
18 modifying parental rights and responsibilities or parent-child contact  
19 during the period of deployment or mobilization if:

20 1. A military parent who has legal decision-making or parenting  
21 time pursuant to an existing court order has received notice from military  
22 leadership that the military parent will deploy or mobilize in the near  
23 future.

24 2. The deployment or mobilization would have a material effect on  
25 the military parent's ability to exercise parental rights and  
26 responsibilities or parent-child contact.

27 E. On motion of a deploying parent, if reasonable advance notice is  
28 given and good cause is shown, the court shall allow that parent to  
29 present testimony and evidence by electronic means with respect to  
30 parenting time or parent-child contact matters instituted pursuant to this  
31 section if the deployment of that parent has a material effect on that  
32 parent's ability to appear in person at a regularly scheduled hearing.  
33 For the purposes of this subsection, "electronic means" includes  
34 communication by telephone or video teleconference.

35 F. The court shall hear motions for modification because of  
36 deployment as expeditiously as possible.

37 G. If a military parent receives military temporary duty,  
38 deployment, activation or mobilization orders that involve moving a  
39 substantial distance away from the military parent's residence or that  
40 otherwise have a material effect on the military parent's ability to  
41 exercise parenting time, at the request of the military parent, for the  
42 duration of the military parent's absence the court may delegate the  
43 military parent's parenting time, or a portion of that time, to a child's  
44 family member, including a stepparent, or to another person who is not the  
45 child's parent but who has a close and substantial relationship to the

1 minor child, if the court determines that is in the child's best interest.  
2 The court shall not allow the delegation of parenting time to a person who  
3 would be subject to limitations on parenting time. The parties shall  
4 attempt to resolve disputes regarding delegation of parenting time through  
5 the dispute resolution process specified in their parenting plan, unless  
6 excused by the court for good cause shown. A court order pursuant to this  
7 subsection does not establish separate rights to parenting time for a  
8 person other than a parent.

9 H. All temporary modification orders pursuant to this section shall  
10 include a specific transition schedule to facilitate a return to the  
11 predeployment order within ten days after the deployment ends, taking into  
12 consideration the child's best interests.

13 I. A decree or order that a court enters in contemplation of or  
14 during the military deployment of a parent outside of the continental  
15 United States shall specifically reference the deployment and include  
16 provisions governing the legal decision-making or parenting time  
17 arrangements, or both, of the minor child after the deployment ends.  
18 Either parent may file a petition with the court after the deployment ends  
19 to modify the decree or order, in compliance with subsection ~~L~~ M of this  
20 section. The court shall hold a hearing or conference on the petition  
21 within thirty days after the petition is filed.

22 J. The court may modify an order granting or denying parenting time  
23 rights whenever modification would serve the best interest of the child,  
24 but the court shall not restrict a parent's parenting time rights unless  
25 it finds that the parenting time would endanger seriously the child's  
26 physical, mental, moral or emotional health.

27 K. If after a legal decision-making or parenting time order is in  
28 effect one of the parents is charged with a dangerous crime against  
29 children as defined in section 13-705, child molestation as defined in  
30 section 13-1410 or an act of domestic violence as prescribed in section  
31 13-3601 in which the victim is a minor, the other parent may petition the  
32 court for an expedited hearing. Pending the expedited hearing, the court  
33 may suspend parenting time or change legal decision-making ex parte.

34 L. AN ALLEGATION OF AN ACT OR ACTS OF DOMESTIC VIOLENCE AS DEFINED  
35 IN SECTION 25-403.03 SHALL BE A PRIMARY FACTOR IN THE COURT'S  
36 CONSIDERATION OF MODIFICATION OF A LEGAL DECISION-MAKING OR PARENTING TIME  
37 ORDER. THE COURT SHALL ALLOW A PARENT TO PRESENT EVIDENCE OF AN ACT OR  
38 ACTS OF DOMESTIC VIOLENCE THAT OCCURRED BEFORE THE EXISTING LEGAL  
39 DECISION-MAKING OR PARENTING TIME ORDER.

40 ~~L~~ M. To modify any type of legal decision-making or parenting  
41 time order a person shall submit an affidavit or verified petition setting  
42 forth detailed facts supporting the requested modification and shall give  
43 notice, together with a copy of the affidavit or verified petition, to  
44 other parties to the proceeding, who may file opposing affidavits. The  
45 court shall deny the motion unless it finds that adequate cause for

1 hearing the motion is established by the pleadings, in which case it shall  
2 set a date for hearing on why the requested modification should not be  
3 granted.

4 ~~M.~~ N. The court shall assess attorney fees and costs against a  
5 party seeking modification if the court finds that the modification action  
6 is vexatious and constitutes harassment.

7 ~~N.~~ O. Subsection ~~L~~ M of this section does not apply if the  
8 requested relief is for the modification or clarification of parenting  
9 time and not for a change of legal decision-making.