

REFERENCE TITLE: family court; professional personnel; requirements

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1656

Introduced by
Senator Finchem

AN ACT

AMENDING SECTION 25-405, 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 25-405, Arizona Revised Statutes, is amended to
3 read:

4 25-405. Interviews by court; professional assistance;
5 evidentiary hearings; court requirements;
6 recordings; notice; qualified immunity; civil
7 action

8 A. The court may interview the child in chambers to ascertain the
9 child's wishes as to the child's custodian and as to parenting time.

10 B. The court may seek the advice of professional personnel, whether
11 or not employed by the court on a regular basis. The advice given shall
12 be in writing and shall be made available by the court to counsel, on
13 request, under such terms as the court determines. Counsel may examine as
14 a witness any professional personnel consulted by the court, unless that
15 right is waived.

16 C. IF THE COURT SEEKS THE ADVICE OF PROFESSIONAL PERSONNEL, THE
17 COURT SHALL SCHEDULE AN EVIDENTIARY HEARING BEFORE APPOINTING THE
18 PROFESSIONAL PERSONNEL. AT THE EVIDENTIARY HEARING, THE COURT SHALL DO
19 ALL OF THE FOLLOWING:

20 1. IDENTIFY THE PROFESSIONAL PERSONNEL THE COURT SEEKS TO APPOINT.

21 2. SPECIFY IN WRITING THE SCOPE OF APPOINTMENT AND THE DUTIES OF
22 THE PROPOSED PROFESSIONAL PERSONNEL.

23 3. ASSESS THE ABILITY OF EACH PARENT TO PAY ANY FEES ASSOCIATED
24 WITH THE PROPOSED PROFESSIONAL PERSONNEL.

25 D. BEFORE THE EVIDENTIARY HEARING HELD PURSUANT TO SUBSECTION C OF
26 THIS SECTION, EACH PARENT SHALL HAVE THE OPPORTUNITY TO CONDUCT DISCOVERY
27 AND TAKE THE DEPOSITION OF THE PROPOSED PROFESSIONAL PERSONNEL. AFTER THE
28 EVIDENTIARY HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION AND
29 AFTER THE COURT HAS APPOINTED THE PROFESSIONAL PERSONNEL, THE COURT SHALL
30 PROVIDE IN WRITING ALL OF THE FOLLOWING:

31 1. WHETHER EITHER PARENT OBJECTED TO THE PROFESSIONAL PERSONNEL
32 APPOINTMENT.

33 2. THE SPECIFIC SCOPE OF APPOINTMENT AND DUTIES OF THE PROFESSIONAL
34 PERSONNEL, INCLUDING:

35 (a) THE NUMBER OF HOURS AND THE TOTAL COST REQUIRED FOR THE
36 PROFESSIONAL PERSONNEL TO COMPLETE THE APPOINTMENT AND PROVIDE A REPORT TO
37 THE COURT.

38 (b) THE DOCUMENTS AND MATERIALS THE PROFESSIONAL PERSONNEL WILL
39 REQUIRE TO COMPLETE THE APPOINTMENT AND PROVIDE A REPORT TO THE COURT.

40 (c) THE EXPECTED DATE THE PROFESSIONAL PERSONNEL'S REPORT WILL BE
41 FILED WITH THE COURT AND PROVIDED TO THE PARENTS.

42 3. THE CIRCUMSTANCES THAT REQUIRE THE PROFESSIONAL PERSONNEL'S
43 APPOINTMENT.

44 4. INFORMATION ON HOW EITHER PARENT MAY OBJECT TO OR ASK FOR
45 CLARIFICATION OF THE PROFESSIONAL PERSONNEL'S COURT REPORT.

1 5. AN EXPLANATION OF THE FACTORS THE COURT CONSIDERED WHEN
2 DETERMINING THE APPORTIONMENT BETWEEN THE PARENTS OF THE PROFESSIONAL
3 PERSONNEL'S FEES.

4 6. THE NUMBER OF TIMES THE COURT HAS PREVIOUSLY APPOINTED THE
5 PROFESSIONAL PERSONNEL AND ANY RELATIONSHIP THE COURT HAS WITH THE
6 PROFESSIONAL PERSONNEL.

7 E. IF THE PROFESSIONAL PERSONNEL WHO IS APPOINTED BY THE COURT
8 DETERMINES THAT MORE TIME IS REQUIRED TO COMPLETE THE COURT'S APPOINTMENT
9 AND FILE THE PROFESSIONAL PERSONNEL'S REPORT WITH THE COURT AND PROVIDE A
10 COPY OF THE REPORT TO THE PARENTS THAN WHAT IS PROVIDED FOR IN SUBSECTION
11 D, PARAGRAPH 2, SUBDIVISION (a) OF THIS SECTION, THE PROFESSIONAL
12 PERSONNEL SHALL FILE A WRITTEN REQUEST WITH THE COURT THAT DESCRIBES WITH
13 SPECIFICITY THE REASON OR REASONS THE PROFESSIONAL PERSONNEL REQUIRES
14 ADDITIONAL TIME.

15 F. APPOINTED PROFESSIONAL PERSONNEL SHALL MAKE AN AUDIO OR VIDEO
16 RECORDING OF EACH INTERACTION THE PROFESSIONAL PERSONNEL HAS WITH A PARENT
17 OR CHILD IN THE COURSE OF THE PROFESSIONAL PERSONNEL'S APPOINTMENT. A
18 PARENT IS ENTITLED TO MAKE AN AUDIO OR VIDEO RECORDING OF ANY INTERACTION
19 THE PARENT HAS WITH THE APPOINTED PROFESSIONAL PERSONNEL.

20 G. APPOINTED PROFESSIONAL PERSONNEL SHALL BE LICENSED AND IN GOOD
21 STANDING WITH THE PROFESSIONAL PERSONNEL'S LICENSING AGENCY. COMPLAINTS
22 REGARDING THE PROFESSIONAL PERSONNEL'S PROFESSIONAL CONDUCT OR ETHICS THAT
23 CANNOT BE RESOLVED BY THE PARENTS SHALL BE DIRECTED TO THE PROFESSIONAL
24 PERSONNEL'S LICENSING AGENCY. ON THE COURT'S APPOINTMENT OF PROFESSIONAL
25 PERSONNEL, THE COURT SHALL PROVIDE BOTH PARENTS WITH A NOTICE THAT
26 CONTAINS THE FOLLOWING STATEMENT:

27 THE COURT IS NOT REQUIRED TO UNDERSTAND THE ETHICAL AND
28 PROFESSIONAL CONDUCT REQUIREMENTS OF PROFESSIONAL PERSONNEL
29 APPOINTED BY THE COURT. ALL COMPLAINTS REGARDING PROFESSIONAL
30 PERSONNEL APPOINTED BY THE COURT SHALL BE DIRECTED TO THE
31 PROFESSIONAL PERSONNEL'S APPROPRIATE LICENSING AGENCY.

32 H. APPOINTED PROFESSIONAL PERSONNEL MAY NOT CLAIM QUALIFIED
33 IMMUNITY DURING THE COURSE OF THE PROFESSIONAL PERSONNEL'S APPOINTMENT.

34 I. A PARENT MAY BRING A CIVIL ACTION AGAINST ANY PROFESSIONAL
35 PERSONNEL WHO IS APPOINTED PURSUANT TO THIS SECTION FOR A DEVIATION FROM
36 THE PROFESSIONAL PERSONNEL'S ETHICS AND STANDARDS THAT ARE PRESCRIBED BY
37 THE PROFESSIONAL PERSONNEL'S LICENSING AGENCY AND LICENSING REQUIREMENTS.
38 A PARENT SHALL COMMENCE AN ACTION PURSUANT TO THIS SUBSECTION WITHIN FOUR
39 YEARS AFTER THE CAUSE OF ACTION ACCRUES.