

REFERENCE TITLE: equal parenting time; best interests

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

## **SB 1720**

Introduced by  
Senator Bolick

### AN ACT

AMENDING SECTIONS 25-403, 25-403.01 AND 25-403.02, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-403.11; AMENDING SECTIONS 25-404 AND 25-408, ARIZONA REVISED STATUTES; RELATING TO 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, Arizona Revised Statutes, is amended to  
3 read:

4 25-403. Legal decision-making; best interests of child

5 A. The court shall determine legal decision-making ~~and parenting~~  
6 ~~time~~, either originally or on petition for modification, in accordance  
7 with the best interests of the child. The court shall consider all  
8 factors that are relevant to the child's physical and emotional  
9 well-being, including:

10 1. The past, present and potential future relationship between the  
11 parent and the child.

12 2. The interaction and interrelationship of the child with the  
13 child's parent or parents, the child's siblings and any other person who  
14 may significantly affect the child's best ~~interest~~ INTERESTS.

15 3. The child's adjustment to home, school and community.

16 4. If the child is of suitable age and maturity, the wishes of the  
17 child as to legal decision-making ~~and parenting time~~.

18 5. The mental and physical health of all individuals involved.

19 6. Which parent is more likely to allow the child frequent,  
20 meaningful and continuing contact with the other parent. This paragraph  
21 does not apply if the court determines that a parent is acting in good  
22 faith to protect the child from witnessing an act of domestic violence or  
23 being a victim of domestic violence or child abuse.

24 7. Whether one parent intentionally misled the court to cause an  
25 unnecessary delay, to increase the cost of litigation or to persuade the  
26 court to give a legal decision-making ~~or a parenting time~~ preference to  
27 that parent.

28 8. Whether there has been domestic violence or child abuse pursuant  
29 to section 25-403.03.

30 9. The nature and extent of coercion or duress used by a parent in  
31 obtaining an agreement regarding legal decision-making ~~or parenting time~~.

32 10. Whether a parent has complied with chapter 3, article 5 of this  
33 title.

34 11. Whether either parent was convicted of an act of false  
35 reporting of child abuse or neglect under section 13-2907.02.

36 12. THE CHILD'S AGE, NEEDS AND EXISTING PARENTAL BONDS.

37 B. In a contested legal decision-making ~~or parenting time~~ case, the  
38 court shall make specific findings on the record about all relevant  
39 factors and the reasons for which the decision is in the best interests of  
40 the child.



1           3. A practical schedule of parenting time for the child, including  
2 holidays and school vacations.

3           4. A procedure for the exchanges of the child, including location  
4 and responsibility for transportation. The parenting plan must specify  
5 ~~when~~ **WHETHER** the exchange is required to take place at a safe exchange  
6 location pursuant to section 25-403.10.

7           5. A procedure by which proposed changes, relocation of where a  
8 child resides with either parent pursuant to section 25-408, disputes and  
9 alleged breaches may be mediated or resolved, which may include the use of  
10 conciliation services or private counseling.

11           6. A procedure for periodic review of the **PARENTING** plan's terms by  
12 the parents.

13           7. A procedure for parents to communicate with each other about the  
14 child, including methods and frequency.

15           8. A statement that each party has read, understands and will abide  
16 by the notification requirements of section 25-403.05, subsection B.

17           D. If the parents are unable to agree on any element to be included  
18 in a parenting plan, the court shall determine that element. The court  
19 may determine other factors that are necessary to promote and protect the  
20 emotional and physical health of the child.

21           E. Shared legal decision-making does not necessarily mean equal  
22 parenting time.

23           Sec. 4. Title 25, chapter 4, article 1, Arizona Revised Statutes,  
24 is amended by adding section 25-403.11, to read:

25           25-403.11. Parenting time; equal time; best interests of  
26           child; definition

27           A. **IN ANY PARENTING TIME PROCEEDING, THE COURT SHALL PRESUME THAT**  
28 **AN AWARD OF EQUAL PARENTING TIME IS IN THE BEST INTERESTS OF THE CHILD IF**  
29 **BOTH OF THE FOLLOWING APPLY:**

30           1. **BOTH PARENTS ARE DETERMINED BY THE COURT TO BE FIT, WILLING AND**  
31 **ABLE TO SHARE EQUAL PARENTING TIME.**

32           2. **BOTH PARENTS RESIDE WITHIN TWENTY-FIVE MILES OF THE CHILD'S**  
33 **SCHOOL OR OTHER EDUCATIONAL SETTING.**

34           B. **THE PRESUMPTION THAT EQUAL PARENTING TIME IS IN THE BEST**  
35 **INTERESTS OF THE CHILD MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE.**  
36 **IF THE COURT ENTERS A PARENTING TIME AWARD THAT DOES NOT INCLUDE EQUAL**  
37 **PARENTING TIME, THE COURT SHALL MAKE SPECIFIC FINDINGS ON THE RECORD ABOUT**  
38 **ALL RELEVANT FACTORS AND THE REASONS FOR WHICH AN AWARD OF EQUAL PARENTING**  
39 **TIME IS NOT IN THE BEST INTERESTS OF THE CHILD. IN DETERMINING THAT AN**  
40 **AWARD OF EQUAL PARENTING TIME IS NOT IN THE BEST INTERESTS OF THE CHILD,**  
41 **THE COURT MAY CONSIDER THE FOLLOWING FACTORS:**

42           1. **WHETHER THERE HAS BEEN DOMESTIC VIOLENCE OR CHILD ABUSE BY**  
43 **EITHER PARENT.**

44           2. **WHETHER THERE HAS BEEN ONGOING ABUSE OF DRUGS OR ALCOHOL BY**  
45 **EITHER PARENT.**

- 1           3. THE MENTAL HEALTH OF BOTH PARENTS.
- 2           4. THE GEOGRAPHIC LOCATION OF BOTH PARENTS.
- 3           5. WHETHER THERE HAS BEEN INTERFERENCE BY ONE PARENT WITH THE OTHER
- 4 PARENT'S RELATIONSHIP WITH THE CHILD.
- 5           6. THE PROVISIONS OF SECTION 25-403.05.
- 6           C. FOR THE PURPOSES OF THIS SECTION, "EQUAL PARENTING TIME" MEANS
- 7 THAT EACH PARENT IS AWARDED AT LEAST FORTY-FIVE PERCENT OF OVERNIGHT
- 8 VISITS WITH THE CHILD ANNUALLY, ALLOWING FOR ADJUSTMENTS FOR HOLIDAYS, THE
- 9 CHILD'S SCHOOL SCHEDULE AND THE PARENT'S EMPLOYMENT.

10           Sec. 5. Section 25-404, Arizona Revised Statutes, is amended to

11 read:

12           25-404. Temporary orders

13           A. A party to a legal decision-making and parenting time proceeding

14 may move for a temporary order. This motion must be supported by

15 pleadings as provided in section 25-411. The court may award temporary

16 legal decision-making and parenting time under the standards of ~~section~~

17 ~~SECTIONS~~ 25-403 AND 25-403.11 after a hearing, or, if there is no

18 objection, solely on the basis of the pleadings.

19           B. If a proceeding for dissolution of marriage or legal separation

20 is dismissed, any temporary legal decision-making or parenting time order

21 is vacated unless a parent or the child's custodian moves that the

22 proceeding continue as a legal decision-making or parenting time

23 proceeding and the court finds, after a hearing, that the circumstances of

24 the parents and the best interest of the child require that a legal

25 decision-making or parenting time plan decree be issued.

26           C. If a legal decision-making or parenting time proceeding

27 commenced in the absence of a petition for dissolution of marriage or

28 legal separation is dismissed, any temporary ~~custody~~ LEGAL DECISION-MAKING

29 OR PARENTING TIME order thereby is vacated.

30           Sec. 6. Section 25-408, Arizona Revised Statutes, is amended to

31 read:

32           25-408. Rights of each parent; parenting time; relocation of

33 child; exception; attorney fees; costs; access to

34 prescription medication and records

35           A. If by written agreement or court order both parents are entitled

36 to joint legal decision-making or parenting time and both parents reside

37 in ~~the~~ THIS state, at least forty-five days' advance written notice shall

38 be provided to the other parent before a parent may do either of the

39 following:

- 40           1. Relocate the child outside ~~the~~ THIS state.
- 41           2. Relocate the child more than one hundred miles within ~~the~~ THIS
- 42 state.

1 B. The notice required by this section shall be made by certified  
2 mail, return receipt requested, or pursuant to the Arizona rules of family  
3 law procedure. The court shall sanction a parent who, without good cause,  
4 does not comply with the notification requirements of this subsection.  
5 The court may impose a sanction that will affect legal decision-making or  
6 parenting time only in accordance with the child's best interests.

7 C. Within thirty days after notice is made, the nonmoving parent  
8 may petition the court to prevent relocation of the child. After  
9 expiration of this time, any petition or other application to prevent  
10 relocation of the child may be granted only on a showing of good cause.  
11 This subsection does not prohibit a parent who is seeking to relocate the  
12 child from petitioning the court for a hearing, on notice to the other  
13 parent, to determine the appropriateness of a relocation that may  
14 adversely affect the other parent's legal decision-making or parenting  
15 time rights.

16 D. Subsection A of this section does not apply if provision for  
17 relocation of a child has been made by a court order or a written  
18 agreement of the parties that is dated within one year of the proposed  
19 relocation of the child.

20 E. If a child is relocated pursuant to this section, unless  
21 otherwise ordered by the court, all parties must continue to comply with  
22 current court orders, regardless of distance moved or notice required.

23 F. Pending the determination by the court of a petition or  
24 application to prevent relocation of the child:

25 1. A parent with sole legal decision-making or a parent with joint  
26 legal decision-making and primary residence of a child who is required by  
27 circumstances of health, safety, employment or eviction of that parent or  
28 that parent's spouse to relocate in less than forty-five days after  
29 written notice has been given to the other parent may temporarily relocate  
30 with the child.

31 2. A parent who shares joint legal decision-making and  
32 substantially equal parenting time and who is required by circumstances of  
33 health, safety, employment or eviction of that parent or that parent's  
34 spouse to relocate in less than forty-five days after written notice has  
35 been given to the other parent may temporarily relocate with the child  
36 only if both parents execute a written agreement to ~~permit~~ ALLOW  
37 relocation of the child.

38 G. The court shall determine whether to allow the parent to  
39 relocate the child in accordance with the child's best interests. The  
40 burden of proving what is in the child's best interests is on the parent  
41 who is seeking to relocate the child. To the extent practicable the court  
42 shall also make appropriate arrangements to ensure the continuation of a  
43 meaningful relationship between the child and both parents.

1 H. The court shall not deviate from a provision of any parenting  
2 plan or other written agreement by which the parents specifically have  
3 agreed to allow or prohibit relocation of the child unless the court finds  
4 that the provision is no longer in the child's best interests. There is a  
5 rebuttable presumption that a provision from any parenting plan or other  
6 written agreement is in the child's best interests.

7 I. In determining the child's best interests, the court shall  
8 consider all relevant factors, including:

9 1. The factors prescribed ~~under section~~ IN SECTIONS 25-403 AND  
10 25-403.11.

11 2. Whether the relocation is being made or opposed in good faith  
12 and not to interfere with or to frustrate the relationship between the  
13 child and the other parent or the other parent's right of access to the  
14 child.

15 3. The prospective advantage of the move for improving the general  
16 quality of life for the custodial parent or for the child.

17 4. The likelihood that the parent with whom the child will reside  
18 after the relocation will comply with parenting time orders.

19 5. Whether the relocation will allow a realistic opportunity for  
20 parenting time with each parent.

21 6. The extent to which moving or not moving will affect the  
22 emotional, physical or developmental needs of the child.

23 7. The motives of the parents and the validity of the reasons given  
24 for moving or opposing the move, including the extent to which either  
25 parent may intend to gain a financial advantage regarding continuing child  
26 support obligations.

27 8. The potential effect of relocation on the child's stability.

28 J. The court shall assess attorney fees and court costs against  
29 either parent if the court finds that the parent has unreasonably denied,  
30 restricted or interfered with court-ordered parenting time.

31 K. Pursuant to section 25-403.06, each parent is entitled to have  
32 access to prescription medication, documents and other information about  
33 the child unless the court finds that access would ~~endanger~~  
34 ENDANGER the child's or a parent's physical, mental, moral or emotional  
35 health.

36 Sec. 7. Legislative findings

37 The legislature finds:

38 1. That the public policy of this state is to promote the best  
39 interests of the child by encouraging frequent, meaningful and continuing  
40 contact with both parents following a legal separation or dissolution of  
41 marriage.

42 2. That children benefit emotionally, academically and  
43 developmentally when both parents are significantly involved in the  
44 child's life.

1           3. That equal parenting time reduces conflict, fosters stability  
2 and safeguards the fundamental rights of both the child and the child's  
3 parents.

4           4. That a rebuttable presumption that equal parenting is in the  
5 best interests of the child reduces unnecessary litigation and protects  
6 children from adversarial custody disputes.

7           Sec. 8. Short title

8           This act may be cited as the "Arizona Equal Shared Parenting Act".