

# AZ JUDICIAL CONFERENCE

*Family Law in the  
Spotlight*



## FAMILY LAW IN THE SPOTLIGHT

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# FAMILY LAW IN THE SPOTLIGHT

2026 JUDICIAL CONFERENCE



**Hon. Randi L. Burnett** - Pima County Superior Court, Presiding Judge Family Bench  
**Liana Garcia** - Director of Govt. Affairs, Administration of Courts

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# NEW, NEW, NEW



## H.B. 2861

- Adds § 25-202.01
- Amends §§ 25-201, 25-203, 25-204, and 25-205
- Adds language to chapter on post-nuptial agreements

## S.B. 1211

- Amends § 13-719
- Adds felony aggravated harassment involving DV to list of offenses where victim can obtain a lifetime Injunction against Defendant

## H.B. 2594

- Amends §§ 16-153, 25-403.06, 41-162, 41-165 and 41-166
  - Adds § 25-1502
  - If a party w/ SLDM is in Address Confidentiality program (§ 41-162), other party loses access to the child's records & prescriptions
  - Court cannot order disclosure of address without meeting strict scrutiny.
- 

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# NEW, NEW, NEW



## HB 4042

- Amends §§ 8-533 and 8-535
- Requires potential fathers to file a paternity action AND serve the mother within 30 days of being served with notice of adoption

## SB 1723

- Amends §§ 13-3602 and 13-3967
- Adds ability to order *ex parte* that Defendant provide identifying info to Plaintiff if Defendant previously harmed Plaintiff AND finds that harm would result without info.
- Allows Family Court to modify an OOP after a contested hearing only as to child in common if it's in child's best interest and limited to effectuating parenting time.

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# CURRENT STATUS?

Family Law



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# HB 2995

## The Alec & Lydia Act

Sweeping changes to  
A.R.S. § 25-403.03, 25-404, and 25-411.

"As a declared public policy of this State and notwithstanding section 25-103(b), the Court SHALL consider domestic violence, including child abuse, as CONTRARY TO A CHILD'S BEST INTERESTS." ARS 25-403.03(A)



### Is DV Present?

DV Defined  
Coercive Control  
Evidentiary Requirements  
Required Findings

### Rebuttal

The Presumption  
Restrictions on the Court  
Findings  
DV Treatment  
Outcomes

### Aftermath

Safety Precautions  
The Court may...  
How Many Findings?  
Future Modifications

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# STEP 1


*is DV present?*

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# DV DEFINED

## 25-403.03 (M) (2) defines DV as...

- Any act or offense listed in A.R.S. § 13-3601 (A)
- **\*\*NEW\*\* Coercive Control**

Perpetrated by **one parent against the other**, or against a minor living in either home. 

## But not...

- Defense of oneself per A.R.S. § 13-404
- Defense of another per A.R.S. § 13-406



2. "DOMESTIC VIOLENCE":  
 (a) MEANS, WHEN PERPETRATED BY ONE PARENT AGAINST THE OTHER PARENT OR AGAINST A MINOR CHILD LIVING IN EITHER PARENT'S HOUSEHOLD, AN ACT OR ACTS CONSISTING OF EITHER OF THE FOLLOWING:  
 (i) ANY ACT OR OFFENSE PRESCRIBED IN SECTION 13-3601, SUBSECTION A.  
 (ii) COERCIVE CONTROL.  
 (b) DOES NOT INCLUDE EITHER OF THE FOLLOWING:  
 (i) DEFENSE OF ONESELF AS DESCRIBED IN SECTION 13-404.  
 (ii) DEFENSE OF ANOTHER PERSON AS DESCRIBED IN SECTION 13-406.



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- Sexual or physical assault
- Threats to kill or injure **a person**, oneself, or a pet
- Stalking, harassment
- Confinement, restraint by words or actions
- Isolation from friends and family
- Demeaning, degrading, humiliating words or actions
- Threats to publish sensitive info or sexually explicit material of the other **or their family**

"A **pattern of violent, threatening, coercive or emotionally abusive conduct by one parent against the other** without consent or justification."

- Threatening reports to law enforcement
- Threatening, using or initiating civil litigation to force the other to defend against false claims, or to control the other's activity
- Damaging property owned, possessed by the other **or their family**
- Displaying, accessing, assembling or cleaning a firearm (or other dangerous weapon) in the other's presence with the implication to use the weapon in violation of state/fed. law
- Monitoring or regulating financial activity, resources or access to services
- Jeopardizing the immigration status of the other **or their family** (either by act or conscious omission)
- Forcing the other to commit a crime against their stated wishes
- Using surveillance or tracking tech to do any of the above actions or aggravate any of the above

# COERCIVE CONTROL



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DV must be established by a **preponderance of the evidence**

# EVIDENTIARY REQUIREMENTS

Subject to the evidentiary standard in effect, the Court SHALL consider all of the following

1. Witness testimony
2. A determination from another court
3. Law enforcement, DCS, other govt' agency reports
4. Victim's medical / behavioral health records \*
5. Records from a DV shelter \*
6. Educational / school records
7. "Other acts of DV against any person that tend to prove the existence of coercive control. Even if those acts have been decided, predate the last decree, or could have been litigated at another time or place."

25-403.03 (C)(1 - 7)

Corroboration from exhibits and witnesses NOT REQUIRED.

\* If the alleged victim agrees to release said records.

C. A DOMESTIC VIOLENCE CLAIM SHALL BE ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE. CORROBORATION FROM EXHIBITS OR WITNESS TESTIMONY OF ANOTHER PERSON IS NOT REQUIRED. SUBJECT TO THE EVIDENTIARY STANDARD IN EFFECT FOR THAT PROCEEDING, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

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B. BEFORE ENTERING AN ORDER FOR LEGAL DECISION-MAKING OR PARENTING TIME, THE COURT SHALL RESOLVE ANY DOMESTIC VIOLENCE ALLEGATION BY MAKING SPECIFIC WRITTEN FINDINGS ON THE RECORD ABOUT EACH OF THE FOLLOWING CONSIDERATIONS FOR WHICH EVIDENCE WAS ADMITTED AT A TRIAL OR OTHER EVIDENTIARY HEARING:

1. A THOROUGH DESCRIPTION OF THE EVIDENCE THAT JUSTIFIED OR PREVENTED A FINDING UNDER SUBSECTION C OF THIS SECTION THAT DOMESTIC VIOLENCE OCCURRED.

2. AFTER CONSIDERING EACH FACTOR PRESCRIBED IN SUBSECTION E OF THIS SECTION, A THOROUGH EXPLANATION FOR WHY A PARENT WHO COMMITTED DOMESTIC VIOLENCE DID OR DID NOT REBUT THE MANDATORY PRESUMPTION THAT IS IMPOSED BY SUBSECTION D OF THIS SECTION.

3. A THOROUGH EXPLANATION FOR WHY THE COURT'S CHOICE OF PRECAUTIONS PRESCRIBED IN SUBSECTION H OF THIS SECTION IS IN THE CHILD'S BEST INTERESTS.

# REQUIRED FINDINGS

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# REQUIRED FINDINGS

*But Remember...*

Is the Court required to make findings on (C)(1) - (C)(7) to provide a **"thorough description of the evidence"** on whether DV occurred?

C. A DOMESTIC VIOLENCE CLAIM SHALL BE ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE. CORROBORATION FROM EXHIBITS OR WITNESS TESTIMONY OF ANOTHER PERSON IS NOT REQUIRED. SUBJECT TO THE EVIDENTIARY STANDARD IN EFFECT FOR THAT PROCEEDING, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

1. FACTUAL DETERMINATIONS RELATED TO DOMESTIC VIOLENCE FROM A COURT OF COMPETENT JURISDICTION.
2. EVIDENCE THAT IS COLLECTED AND REPORTS THAT ARE PREPARED BY A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF CHILD SAFETY AND ANY OTHER GOVERNMENT AGENCY.
3. THE ALLEGED VICTIM'S MEDICAL OR BEHAVIORAL HEALTH RECORDS, IF THE VICTIM WAIVES THE ASSOCIATED PRIVILEGE AND ANY SEPARATE RIGHT TO CONFIDENTIALITY UNDER STATE OR FEDERAL LAW.
4. RECORDS FROM A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 36-3001, IF THE VICTIM PROVIDES INFORMED WRITTEN CONSENT.
5. EDUCATIONAL AND SCHOOL RECORDS.
6. OTHER ACTS OF DOMESTIC VIOLENCE AGAINST ANY PERSON THAT TEND TO PROVE THE EXISTENCE OF COERCIVE CONTROL, EVEN IF THOSE OTHER ACTS HAVE BEEN DECIDED, PREDATE THE LAST DECREE OR COULD HAVE BEEN LITIGATED AT ANOTHER TIME OR PLACE.
7. WITNESS TESTIMONY.

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## STEP 2

*Rebutting the Presumption*

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# THE PRESUMPTION

D. IF THE COURT DETERMINES THAT A PARENT HAS COMMITTED DOMESTIC VIOLENCE, THERE IS A MANDATORY REBUTTABLE PRESUMPTION THAT AN AWARD OF LEGAL DECISION-MAKING OR PARENTING TIME TO THAT PARENT IS CONTRARY TO THE CHILD'S BEST INTERESTS. THE COURT MAY NOT DO EITHER OF THE FOLLOWING:

#1 Require the victim to prove that the DV was severe & frequent enough to justify a restriction of LDM & PT of the other parent.



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# RESTRICTION ON OFFSETTING DV

The Court MAY NOT:

#2

Describe the DV as mutual or apply the presumption to both parties unless...

- Both parties lacked justification for their DV

**AND**

- Both parties inflicted similar injury to the other.

The Court **SHALL** apply the presumption only to the parent whose conduct and motivations were **more serious**.

What happens if presumption applies to both?



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# RESTRICTIONS ON OFFSETTING DV

## Are written findings required?

2. DESCRIBE THE PARENTS' DOMESTIC VIOLENCE AS MUTUAL OR APPLY THE PRESUMPTION OF THIS SUBSECTION TO BOTH PARENTS, UNLESS BOTH PARENTS LACKED JUSTIFICATION FOR THEIR DOMESTIC VIOLENCE TO A SIMILAR DEGREE AND INFLECTED SIMILAR INJURY. THE COURT SHALL OTHERWISE APPLY THE PRESUMPTION ONLY TO THE PARENT WHOSE CONDUCT AND MOTIVATION WERE MORE SERIOUS UNDER THE DEFINITION OF DOMESTIC VIOLENCE.

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# REBUTTAL


## Subsection B(2) → required finding

2. AFTER CONSIDERING EACH FACTOR PRESCRIBED IN SUBSECTION E OF THIS SECTION, A THOROUGH EXPLANATION FOR WHY A PARENT WHO COMMITTED DOMESTIC VIOLENCE DID OR DID NOT REBUT THE MANDATORY PRESUMPTION THAT IS IMPOSED BY SUBSECTION D OF THIS SECTION.

## Subsection E → 5 subparts

E. IF A PARENT WHO COMMITTED DOMESTIC VIOLENCE SEEKS TO REBUT THE MANDATORY PRESUMPTION IMPOSED BY SUBSECTION D OF THIS SECTION, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

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# REBUTTAL

**E. If a parent who committed DV seeks to rebut the mandatory presumption, THE COURT SHALL CONSIDER all of the following:**

1. The severity & frequency of DV against any person, and whether that DV was aggravated by...
  - a) Physical injury
  - b) Emotional trauma
  - c) Use / threatened use of a firearm or other weapon
  - d) Strangulation [per A.R.S. § 13-1204 (B) (1)]
  - e) Multiple forms of **coercive control**
2. Extent to which the parent denied, deflected, or minimized the DV during treatment, forensic assessment, disclosure/discovery, or in the courtroom
3. Whether the severity OR frequency of the DV can be mitigated by the passage of time
4. Whether the child has imitated any aspect of the parent's DV behaviors
5. Whether the offender completed DV treatment.

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# DV TREATMENT

**E. If a parent who committed DV seeks to rebut the mandatory presumption, THE COURT SHALL CONSIDER all of the following:**

## DOMESTIC VIOLENCE TREATMENT

A Certificate Of Completion must be accompanied by ALL of the following...

1. Waiver permitting the offender's treatment records released to the Court & victim
2. Proof the program was relevant and proportionate to the DV supported by credible evidence (per the criteria in AZ Admin. Code for Misdemeanor DV)
3. The demonstrated understanding by the parent of the DV's harm to the other parent and child
4. Proof that the program addressed AND helped reduce any tendency to minimization or rationalization of the parent's DV

**Certificate alone CANNOT be considered**

**How many programs in your jurisdiction meet the treatment standards?**

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## THE COURT CANNOT CONSIDER... (SUBSECTION F)

The Court SHALL DISREGARD all of the following factors as IRRELEVANT to the mandatory presumption imposed by subsection D:

1. The child's absence from the scene of any DV
2. The child's (un)awareness that DV occurred
3. The child's preference for reinstating, maintaining or increasing contact with the parent who committed DV



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## REBUTTAL OUTCOMES (SUBSECTION G)

**PASS**

DV PARENT MAY BE AWARDED...

- ✓ SLDM OR JLDM → requires clear & convincing evidence
- ✓ Unsupervised PT → requires clear & convincing evidence
- ✓ Supervised PT → preponderance of the evidence

**FAIL**

No LDM  
No PT




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# STEP 3

## Adopt Precautions

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### **SAFETY PRECAUTIONS**

THE 3<sup>RD</sup> REQUIRED FINDING - SUBSECTION (B)(3)

A thorough explanation for why the Court's choice of precautions prescribed in subsection H of this section is in the child's best interests.

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# SAFETY PRECAUTIONS

## THE 3<sup>RD</sup> REQUIRED FINDING - SUBSECTION H

H. FOR A PARENT WHO HAS COMMITTED DOMESTIC VIOLENCE, THE COURT SHALL ADOPT PRECAUTIONS THAT PRIORITIZE THE PERSONAL SAFETY AND PHYSICAL, MENTAL AND EMOTIONAL WELL-BEING OF THE CHILD AND OTHER PARENT. THESE PRECAUTIONS MAY DO ALL OF THE FOLLOWING:



New section is similar to the old subsection (F) that required proof **TO THE COURT'S SATISFACTION** that PT would not endanger the child or impair emotional development.

*Old Subsection (F)* → If the parent meets this burden **TO THE COURT'S SATISFACTION**, the Court shall place conditions on parenting time that best protect the child and other parent from further harm.

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## The Court may...

- Allow exchanges only at protected locations or a safe exchange location (per 24-403.10)
- Limit PT, including no overnights
- Order supervised PT (and require DV parent to pay)
  - Other parent cannot supervise\*\*
  - Layperson must affirm to the Court they...\*\*
    - Have received and read court order
    - Provide phone number, email, and address to both parents
    - Promise to intervene and contact law enforcement, DCS, and other parent if DV parent endangers the child or becomes psychologically or physically abusive
    - Agrees to appear at future court hearings and testify

- Suspend access to the child, in any form, until the DV parent can petition to modify pursuant to 25-411
- Require DV parent to complete an assessment, attend a DV perpetrator program, or attend counseling
- If Court finds DV parent also abused any substance (including alcohol), may order them to abstain from possessing or consuming that substance and order random testing to ensure compliance\*
- Require a bond for the child's safe return from DV parent
- Require child's and victim parent's address remains confidential
- Impose any other condition necessary to protect the child, the parent, and any other family or household member.

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**AND  
THAT'S IT!**  
*Just one more question....*

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**HOW MANY FINDINGS DO I  
NEED TO MAKE?**



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# IT DEPENDS...

Subsection B requires 3 specific THOROUGH written findings

**Subsection C**  
Contains...  
**7 FACTORS**  
that SHALL be considered

**Subsection E**  
Contains...  
**5 FACTORS**  
(with 8 SUBFACTORS)  
that SHALL be considered

**Subsection H**  
Contains...  
**9 SPECIFIC, POSSIBLE PRECAUTIONS**  
&  
**1 CATCH-ALL provision**

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L. A PARENT WHO HAS COMMITTED DOMESTIC VIOLENCE AS DEFINED IN SECTION 25-403.03 AND WHO PREVIOUSLY FAILED TO REBUT THE MANDATORY PRESUMPTION IMPOSED BY SECTION 25-403.03, SUBSECTION D REMAINS SUBJECT TO THE SAME PRESUMPTION IN ANY MODIFICATION PROCEEDING THAT IS BROUGHT PURSUANT TO THIS SECTION, REGARDLESS OF THE ALLEGATIONS MADE IN THE NEW PLEADINGS. THE QUESTION OF WHETHER EVIDENCE NOW EXISTS TO OVERCOME THE MANDATORY PRESUMPTION IMPOSED BY SECTION 25-403.03, SUBSECTION D SHALL BE RESOLVED, AS A PRELIMINARY MATTER, WHEN THE COURT DECIDES WHETHER A SUFFICIENT CHANGE OF CIRCUMSTANCES HAS OCCURRED TO ALLOW A MODIFICATION OF A LEGAL DECISION-MAKING OR PARENTING TIME ORDER.

New addition to ARS 25-411

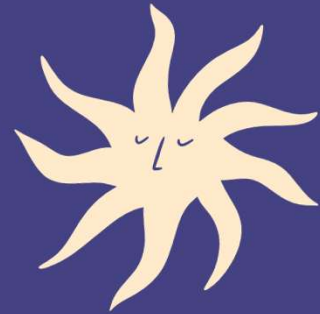
25-403.03(J) → If a parent fails to overcome the mandatory presumption, then the presumption shall continue to apply in any subsequent modification proceeding



# FUTURE PETITIONS

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25-404(D) → Requires written findings pursuant to 25-403.03 for all **TEMPORARY LDM & PT ORDERS** if either party alleges DV



25-403.03(I) → The Court may not order a victim of DV, whether the child or a parent, to join the DV parent in "any inpatient or outpatient treatment program, **COUNSELING PROGRAM OR FORENSIC ASSESSMENT**, whether telephonic, virtual or in person."



## **FUTURE PETITIONS**

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# **QUESTIONS**

Hon. Randi L. Burnett:  
[rburnett@sc.pima.gov](mailto:rburnett@sc.pima.gov); (520) 724-8005

Hon. Laine McDonald:  
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## FAMILY LAW IN THE SPOTLIGHT

### 2026 Family Court Bills – Passed & Signed

#### HB2594 - family court; address confidentiality

**Prime Sponsor:** Rep. Rachel Keshel (R)

##### **Summary**

Requires courts in family law matters to use a substitute address and seal residence information for parties who participate in the Address Confidentiality Program and prohibits disclosure except under specified circumstances. Limits a noncustodial parent's access to records when the custodial parent has sole legal decision-making authority and participates in the Address Confidentiality Program due to the other parent's actions, while allowing alternative methods to provide required information. Prohibits courts from treating participation in the Address Confidentiality Program as evidence of parental alienation, lack of cooperation, or instability. Classifies knowingly obtaining, attempting to obtain, or disclosing protected address information for the purpose of harassment, stalking, or domestic violence against a party to a family law matter as a class 6 (lowest) felony. Increases the classification to a class 5 (second lowest) felony if the conduct involves surveillance of a minor, use of a third party, or repeated attempts.

Signed by Governor **Jun 4, 2026**

#### HB2861 - postnuptial agreements

**Prime Sponsor:** Rep. Quang H. Nguyen (R)

##### **Summary**

Authorizes parties to a "postnuptial agreement" (defined) to contract regarding property rights, disposition, spousal support and other specified matters. Requires a postnuptial agreement to be in writing and signed by both parties, provides that it becomes effective on execution and makes it unenforceable if the challenging party proves by clear and convincing evidence that the agreement involved fraud, coercion or undue influence, lacked full knowledge, was not fair and equitable or did not reflect mutual intent. Provides that a postnuptial agreement may not adversely affect a child's right to support, allows amendment or revocation only by written agreement and tolls statutes of limitations during the marriage.

Signed by Governor **Apr 7, 2026**

# 2026 Family Court Bills – Likely to Become Law\*

(\*as of 6/10/26)

## HB2995 - domestic relations; domestic violence

**Prime Sponsor:** Rep. Lisa Fink (R)

### Summary

Strengthens domestic violence considerations in legal decision-making and parenting time cases by requiring courts to treat domestic violence, including coercive control, as contrary to a child's best interests and to assign primary importance to the safety of the child and the victim. Requires courts to make specific, detailed findings on domestic violence allegations, apply a mandatory rebuttable presumption against awarding legal decision-making or parenting time to a parent who committed domestic violence, and prioritize these requirements over conflicting presumptions or policies. Expands the evidence courts must consider to establish domestic violence and limits factors that may rebut the presumption, while restricting courts from ordering joint treatment or counseling involving a victim and a perpetrator. Requires courts to make written findings on domestic violence allegations in temporary orders and to treat allegations of domestic violence as a primary factor when modifying existing legal decision-making or parenting time orders.

### Last Action

**Placed On House Final Reading Calendar**

Final Reading Jun 11, 2026

## SB1723 - domestic violence; release conditions

**Prime Sponsor:** Sen. J.D. Mesnard (R)

### Summary

Authorizes a court issuing an order of protection, after a hearing, to require a defendant to provide identifying information to the plaintiff, including residence, employment or vehicle information, if the court finds a prior history of harm and reasonable cause to believe physical harm would otherwise result. Requires courts determining release conditions for a defendant charged with certain offenses involving domestic violence that resulted in physical harm to consider specified factors relating to the seriousness, frequency, timing and impact of prior domestic violence. Requires a court in child custody determinations involving domestic violence to consider additional factors and specifies that completion of programs or classes alone does not establish rehabilitation or rebut the statutory presumption against awarding custody. Provides that, after an order-of-protection hearing has occurred, the superior court in a Title 25 family-law action, may modify the order of protection, but only as it applies to a child who is both common to the parties and listed in the order of protection.

### Last Action

**House passed (51 - 0 - 9 - 0 - 0)**

Third Reading Jun 10, 2026

## **HB4042 - termination; parent-child relationship; service**

**Prime Sponsor:** Rep. Jeff Weninger (R)

### **Summary**

Requires a potential father to serve the mother with a copy of a filed paternity action within 30 days after completion of service of notice, instead of only filing the action. Provides that a potential father who fails to timely serve the mother waives the right to notice of termination proceedings and that the father's consent to termination of parental rights is not required.

### **Last Action**

**Senate passed (27 - 2 - 1 - 0 - 0)**

Third Reading Jun 9, 2026/ Transmit to Governor Jun 10, 2026

## 2026 Family Court Bills – Still alive but probably not for long (6/10/26)

### HB2144 - child support; preborn children

**Prime Sponsor:** Rep. Justin Olson (R)

#### **Summary**

Authorizes the court to order child support for a "preborn child" (defined) beginning on the date of a positive pregnancy test confirmed by a licensed health care professional. Requires the court to consider the direct medical and pregnancy-related expenses of the mother when determining child support for a preborn child and limits the amount of support to those expenses, excluding expenses related to an abortion. Allows a mother who is required or ordered to undergo genetic testing in a child support proceeding to elect to undergo the testing during pregnancy or after the birth of the child.

### HB2371 - arbitration; divorce proceedings; artificial intelligence

**Prime Sponsor:** Rep. Teresa Martinez (R)

#### **Summary**

Allows parties to a divorce proceeding to use artificial intelligence-assisted arbitration only with written consent of both parties and only if the parties do not share minor children. Allows either party to withdraw consent at any time before a recommendation or binding determination is issued. Makes a binding determination issued through artificial intelligence-assisted arbitration appealable to the superior court for de novo review.

### HB2662 - parenting time; expert testimony; qualifications

**Prime Sponsor:** Rep. Michele Peña (R)

#### **Summary**

Restricts expert witness testimony in parenting time proceedings involving alleged domestic violence or abuse by allowing such testimony only from experts with demonstrated expertise and clinical experience working with victims, and prohibits experts from relying solely on experience as a court appointee. Exempts law enforcement officers with experience and training in recognizing domestic violence or abuse from the expert-witness qualification limits. Limits admissible psychological testing, diagnoses, and concepts to those that are empirically established and generally accepted as valid and reliable. Prohibits the use of polygraph examinations, voice-stress analysis, and similar psychological measures as evidence.

## **HB2968 - family court; admissibility; evidence**

**Prime Sponsor:** Rep. Walt Blackman (R)

### **Summary**

Requires courts in dependency, guardianship, termination of parental rights, legal decision-making and parenting time cases to admit a parent's criminal history as evidence and treat it as presumptively relevant to child safety and parental fitness. Prohibits a court from excluding relevant evidence related to child safety, well-being or parental behavior solely because of the format, hearsay classification or procedural issues if the evidence is offered in good faith. Requires courts to evaluate the reliability and weight of admitted evidence and make written findings regarding its relevance and credibility. Authorizes courts to continue evidentiary hearings to allow admission of late-discovered safety-related evidence for good cause and requires equal opportunity for both parents to submit evidence.

## **SB1049 - spousal maintenance; income; property**

**Prime Sponsor:** Sen. Wendy Rogers (R)

### **Summary**

Revises the eligibility standards for spousal maintenance by requiring the court to consider whether the spouse seeking maintenance can meet reasonable needs through a combination of earning ability, apportioned property, and other income sources. Limits spousal maintenance awards to a maximum of four years. Modifies the factors used by the Supreme Court guidelines by specifying that the standard of living factor equals one-half of the marital standard of living, instead of the entire marital standard of living.

## 2026 Family Court Bills – all the bills that died along the way

### HB2615 - parenting time; supervision; professional supervisor

**Prime Sponsor:** Rep. Walt Blackman (R)

#### Summary

Requires a court, after an evidentiary hearing in which the court determines supervised parenting time is required, to order supervised parenting time with a professional supervisor in high-risk cases or when a party is subject to a current or prior order of protection or injunction against harassment within the preceding ten years, and allows the court to order supervised parenting time with a nonprofessional supervisor only when neither condition applies. Establishes minimum qualifications, training, background checks, insurance, and continuing education requirements for professional supervisors and training and qualifications for nonprofessional supervisors. Prohibits courts from appointing a specific supervisor without the parties' agreement and requires the parties to select and retain the supervisor. Limits supervised parenting time to between 8:00 a.m. and 8:00 p.m., prohibits overnight visits and requires supervisors to monitor interactions, document visits and report incidents or violations.

### HB2124 - parental alienation; hearings; findings; requirements

**Prime Sponsor:** Rep. Lisa Fink (R)

#### Summary

Requires the court, in any proceeding to establish or modify legal decision-making or parenting time, to make specific findings of fact on the record resolving all claims of parental alienation. Requires the court, if it finds parental alienation, to identify the favored parent's alienating behaviors, explain how those behaviors caused the child's rejection of the nonfavored parent, and distinguish parental alienation from estrangement based on the evidence. Prohibits a finding of parental alienation if the favored parent establishes a reasonable and independent cause for the child's rejection by a preponderance of the evidence. Limits appellate review to whether the court made the required findings when relief is sought.

### HB2664 - domestic relations; temporary orders; hearings

**Prime Sponsor:** Rep. Michele Peña (R)

#### Summary

Requires courts to reevaluate temporary legal decision-making and parenting time orders within six months of issuance and, on request, to hold an evidentiary hearing to determine whether continuation or modification serves the child's best interests. Requires courts issuing temporary orders to make specific factual findings addressing the best-interest factors and to schedule a

minimum of 120 minutes for evidentiary hearings on temporary legal decision-making and parenting time.

## **HB2967 - custodial interference**

**Prime Sponsor:** Rep. Walt Blackman (R)

### **Summary**

Modifies custodial interference to require malicious or bad faith conduct for violations involving joint legal custody and scheduled parenting time exchanges. Expands defenses for parents who withhold a child based on a “good faith” (defined) and reasonable belief of immediate danger, including circumstances involving abuse, neglect, coercive control, failure to appear for exchanges, or pending investigations, and recognizes reliance on contemporaneous professional guidance. Adjusts offense classifications and penalties to distinguish first and second violations involving scheduled exchanges from third violations, and conditions violations on findings of intentional interference or bad faith rather than safety-motivated conduct.

## **HB2969 - behavioral health crisis; temporary orders**

**Prime Sponsor:** Rep. Michele Peña (R)

### **Summary**

Requires courts to issue immediate temporary orders suspending in-person parenting time and to hold expedited hearings when a parent undergoes involuntary inpatient behavioral health commitment, and establishes disclosure duties and confidentiality protections for voluntary commitments. Requires courts to order a lethality and psychosis risk assessment, consider specified risk factors, and make written findings before granting or expanding unsupervised parenting time following a behavioral health commitment. Requires courts to address firearms access and impose safety conditions consistent with state and federal law in cases involving inpatient behavioral health crises. Expands parenting plan requirements to include notice and safety planning for behavioral health crises. Requires court clerks to transmit records to the Commission on Judicial Conduct if a child is seriously injured or killed after expansion of parenting time without required findings. Expands training requirements for court-appointed professionals to include behavioral health crisis and child safety risk assessment.

## **HB2989 - family court; records; access; confidentiality**

**Prime Sponsor:** Rep. Rachel Keshel (R)

### **Summary**

Requires the court to restrict a parent’s access to a child’s records as necessary to protect confidentiality and safety when a parent or child participates in the Address Confidentiality Program, is protected by an order of protection or injunction, or has been subject to domestic violence or coercive control. Authorizes the court to revoke access upon a preponderance showing of misuse, require electronic exchanges, prohibit direct contact with providers, redact identifying location information, limit the scope of records provided, and require good cause before issuing subpoenas. Grants providers immunity for good faith refusals to release records based on court orders or

confidentiality protections. Places the burden on the requesting parent to prove by clear and convincing evidence that access is necessary and cannot be provided through alternative means in cases involving domestic violence, stalking, coercive control, or address confidentiality.

## **HB4003 - family court; false statements; penalties**

**Prime Sponsor:** Rep. Rachel Keshel (R)

### **Summary**

Establishes standards in domestic relations proceedings that protect a parent from civil or criminal liability for making good faith allegations of domestic violence or abuse in legal decision-making or parenting time cases. Prohibits the court from using an unsubstantiated allegation, recantation, or conflicting testimony as evidence of bad faith. Prohibits a court from imposing liability or sanctions unless the court finds by a preponderance of the evidence that an allegation was false, knowingly made, and intended to interfere with parenting time or legal decision-making. Authorizes a court to impose monetary sanctions or attorney fees for knowingly false allegations and requires referral for perjury prosecution in specified circumstances. Requires family court judicial officers to receive biennial training on distinguishing false and unsubstantiated allegations, trauma, coercive control, and bias.

## **SB1139 - family court; therapeutic intervention; experts**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Prohibits a court, in legal decision-making or parenting time proceedings, from ordering therapeutic interventions or other paid services, or requiring a parent to pay for such services, without the consent of both parents, and allows either parent to revoke consent at any time. Limits the admissibility of expert testimony on therapeutic intervention, child development, health, domestic violence, or substance abuse to experts with specified training, clinical experience, and adherence to established professional standards. Requires any person who provides expert testimony, evaluations, investigations, or reports in these proceedings to meet the same qualification standards.

## **SB1147 - family court; post decree; experts**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Allows a court, after entry of a decree of dissolution of marriage, to appoint professional personnel only after an evidentiary hearing or if both parties agree in writing. Requires the court to notify the parties of proposed professional personnel, and allows each party to conduct discovery and propose alternatives. Prohibits the appointment if no evidence supports the need for professional personnel after discovery, and limits supporting evidence to specified factors. Requires the court, after the evidentiary hearing, to issue a written order detailing the reasons for the appointment, duration, allocation of payment responsibility, and reporting requirements. Authorizes the appointment to be vacated if the court fails to comply with these requirements.

## **SB1150 - family court; judicial training**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Requires each judge appointed to serve in family court to complete a minimum of 40 hours of training in the recognition and discipline of domestic violence, sexual assault, post-traumatic stress disorder, and mental health conditions.

## **SB1328 - domestic relations; parents' rights**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Declares that the public policy of Arizona and domestic relations laws are to protect and promote parents' rights and the Parents' Bill of Rights, and that a child has a right to equal access to both co-parents.

## **SB1329 - family court; professional personnel; liability**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Authorizes a parent to bring a civil action against court-appointed professional personnel in a legal decision-making or parenting time matter for deviations from applicable professional ethics and licensing standards, and establishes a four-year statute of limitations.

## **SB1330 - family court; right to jury**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Authorizes a parent who is awarded less than 35 percent parenting time or no legal decision-making authority to request a jury trial to determine parenting time or legal decision-making in a contested proceeding. Requires the jury to make specific findings on the statutory best-interest factors and the reasons the verdict serves the child's best interests, and gives priority to these jury trials over other civil cases.

## **SB1644 - mandatory reporting; family court**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Expands the list of mandatory reporters of child abuse, neglect, and related offenses to include judicial officers presiding over family court matters, their staff, clerks of the court, court reporters, and sheriff's deputies who are present in a family courtroom. Requires these family court personnel to immediately report qualifying conduct under the same standards that apply to existing mandatory reporters.

## **SB1656 - family court; professional personnel; requirements**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Requires the court, before appointing professional personnel in a family court matter, to hold an evidentiary hearing, identify the proposed professional, define the scope and duties in writing, and assess each parent's ability to pay associated fees. Requires the court to allow discovery and depositions of proposed professional personnel, to issue detailed written findings and disclosures after appointment, and to require professional personnel to request court approval for additional time beyond the approved scope. Requires appointed professional personnel to record all interactions with parents or children, to be properly licensed and in good standing, and prohibits them from claiming qualified immunity. Authorizes a parent to bring a civil action against appointed professional personnel for deviations from applicable ethical or licensing standards.

## **SB1657 - family court; attorney fees; cap**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Requires the court, in any domestic relations proceeding, to order attorney fee awards to be paid from the community assets of the parties and, if no community assets exist, prohibits the court from assessing attorney fees against a party in an amount that exceeds the greater of 15 percent of that party's disposable income or \$8,000.

## **SB1658 - legal decision-making; jury trial**

**Prime Sponsor:** Sen. Mark Finchem (R)

### **Summary**

Reorders the statutory best-interest factors the court must consider in legal decision-making and parenting time determinations and creates a presumption against awarding joint legal decision-making or equal parenting time to a parent convicted of false reporting of child abuse or neglect. Authorizes a parent who receives less than 35% parenting time or is denied joint legal decision-making under a temporary order to request a jury trial. Requires juries in contested cases to make specific findings on the statutory best-interest factors and gives jury trial requests priority over other civil cases. Authorizes a parent to request appointment of professional personnel to interview a child in chambers through family conciliation services.

## **SB1720 - equal parenting time; best interests**

**Prime Sponsor:** Sen. Shawna Bolick (R)

### **Summary**

Requires a court to presume that "equal parenting time" (defined) is in the best interests of a child if both parents are fit, willing and able to share equal parenting time and both reside within 25 miles of the child's school or educational setting. Authorizes the court to rebut the presumption by a preponderance of the evidence and requires the court to make specific findings on the record if it awards parenting time that is not equal. Specifies circumstances in which the presumption does not apply, including domestic violence, certain protective orders, risks to the child's health or safety, court-ordered treatment requirements or when the child is younger than six years of age.

Senate Engrossed House Bill

family court; address confidentiality

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

# HOUSE BILL 2594

AN ACT

AMENDING SECTIONS 16-153 AND 25-403.06, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-1502; AMENDING SECTIONS 41-162, 41-165 AND 41-166, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC RELATIONS PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-153, Arizona Revised Statutes, is amended to  
3 read:

4 16-153. Voter registration; confidentiality; definitions

5 A. Eligible persons, and any other registered voter who resides at  
6 the same residence address as the eligible person, may request that the  
7 general public be prohibited from accessing the eligible person's  
8 identifying information, including any of the following:

9 1. That person's documents and voting precinct number contained in  
10 that person's voter registration record.

11 2. If the person is a public official, the address of a property  
12 held in trust by the public official.

13 B. Eligible persons may request this action by filing an affidavit  
14 that states all of the following on an application form developed by the  
15 administrative office of the courts in agreement with an association of  
16 counties and an organization of peace officers:

17 1. The person's full legal name, residential address and date of  
18 birth.

19 2. Unless the person is the spouse of a peace officer or the spouse  
20 or minor child of a deceased peace officer or the person is a former  
21 public official or former judge, the position the person currently holds  
22 and a description of the person's duties, except that an eligible person  
23 who is protected under an order of protection or injunction against  
24 harassment shall instead attach a copy of the order of protection or  
25 injunction against harassment.

26 3. The reasons for reasonably believing that the person's life or  
27 safety or that of another person is in danger and that sealing the  
28 identifying information and voting precinct number of the person's voting  
29 record will serve to reduce the danger.

30 C. The affidavit shall be filed with the presiding judge of the  
31 superior court in the county in which the affiant resides. To prevent  
32 multiple filings, an eligible person who is a peace officer, prosecutor,  
33 public defender, code enforcement officer, corrections or detention  
34 officer, corrections support staff member or law enforcement support staff  
35 member shall deliver the affidavit to the peace officer's commanding  
36 officer, or to the head of the prosecuting, public defender, code  
37 enforcement, law enforcement, corrections or detention agency, as  
38 applicable, or that person's designee, who shall file the affidavits at  
39 one time. In the absence of an affidavit that contains a request for  
40 immediate action and is supported by facts justifying an earlier  
41 presentation, the commanding officer, or the head of the prosecuting,  
42 public defender, code enforcement, law enforcement, corrections or  
43 detention agency, as applicable, or that person's designee, shall not file  
44 affidavits more often than quarterly.

1 D. On receipt of an affidavit or affidavits, the presiding judge of  
2 the superior court shall file with the clerk of the superior court a  
3 petition on behalf of all requesting affiants. The petition shall have  
4 attached each affidavit presented. In the absence of an affidavit that  
5 contains a request for immediate action and that is supported by facts  
6 justifying an earlier consideration, the presiding judge may accumulate  
7 affidavits and file a petition at the end of each quarter.

8 E. The presiding judge of the superior court shall review the  
9 petition and each attached affidavit to determine whether the action  
10 requested by each affiant should be granted. The presiding judge of the  
11 superior court shall order the sealing for five years of the information  
12 contained in the voter record of the affiant and, on request, any other  
13 registered voter who resides at the same residence address if the  
14 presiding judge concludes that this action will reduce a danger to the  
15 life or safety of the affiant.

16 F. The recorder shall remove the restrictions on all voter records  
17 submitted pursuant to subsection E of this section by January 5 in the  
18 year after the court order expires. The county recorder shall send by  
19 mail one notice to either the health professional, election officer,  
20 public official, former public official, peace officer, spouse of a peace  
21 officer, spouse or minor child of a deceased peace officer, public  
22 defender, prosecutor, code enforcement officer, corrections or detention  
23 officer, corrections support staff member, law enforcement support staff  
24 member, employee of the department of child safety or employee of adult  
25 protective services who has direct contact with families in the course of  
26 employment or the employing agency of the peace officer, public defender,  
27 prosecutor, code enforcement officer, corrections or detention officer,  
28 corrections support staff member or law enforcement support staff member  
29 who was granted an order pursuant to this section of the order's  
30 expiration date at least six months before the January 5 removal date. If  
31 the notice is sent to the employing agency, the employing agency shall  
32 immediately notify the person who was granted the order of the upcoming  
33 expiration date. The county recorder may coordinate with the county  
34 assessor and county treasurer to prevent multiple notices from being sent  
35 to the same person.

36 G. On entry of the court order, the clerk of the superior court  
37 shall file the court order with the county recorder. On receipt of the  
38 court order the county recorder shall seal the voter registration of the  
39 persons listed in the court order not later than one hundred twenty days  
40 from the date of receipt of the court order. To include a subsequent  
41 voter registration in the court order, a person listed in the court order  
42 shall present to the county recorder at the time of registration a  
43 certified copy of the court order or shall provide the county recorder the  
44 recording number of the court order. The information in the registration  
45 shall not be disclosed and is not a public record.

1 H. If the court denies an affiant's requested sealing of the voter  
2 registration record, the affiant may request a court hearing. The hearing  
3 shall be conducted by the court where the petition was filed.

4 I. On motion to the court, if the presiding judge of the superior  
5 court concludes that a voter registration record has been sealed in error  
6 or that the cause for the original affidavit no longer exists, the  
7 presiding judge may vacate the court order prohibiting public access to  
8 the voter registration record.

9 J. On request by a person who is protected under an order of  
10 protection or injunction against harassment and presentation of an order  
11 of protection issued pursuant to section 13-3602, an injunction against  
12 harassment issued pursuant to section 12-1809 or an order of protection or  
13 injunction against harassment issued by a court in another state or a  
14 program participant in the address confidentiality program pursuant to  
15 title 41, chapter 1, article 3, the county recorder shall seal the voter  
16 registration record of the person who is protected and, on request, any  
17 other registered voter who resides at the residence address of the  
18 protected person. The record shall be sealed not later than one hundred  
19 twenty days from the date of receipt of the court order. The information  
20 in the registration shall not be disclosed and is not a public record. ON  
21 THE RENEWAL OF THE CERTIFICATION OF A PROGRAM PARTICIPANT IN THE ADDRESS  
22 CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 3, THE  
23 COUNTY RECORDER SHALL CONTINUE OR RENEW THE SEALING OF THE VOTER  
24 REGISTRATION RECORD OF THE PERSON WHO IS PROTECTED AND, ON REQUEST ANY  
25 OTHER HOUSEHOLD RESIDENT WHO IS CERTIFIED AS A PROGRAM PARTICIPANT  
26 PURSUANT TO SECTION 41-163, SUBSECTION D AND WHO IS A REGISTERED  
27 VOTER. THE VOTER REGISTRATION RECORD OF A PROGRAM PARTICIPANT IN THE  
28 ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 3  
29 SHALL REMAIN SEALED AFTER THE DEATH OF THE PROGRAM PARTICIPANT.

30 K. For the purposes of this section:

31 1. "Code enforcement officer" means a person who is employed by a  
32 state or local government and whose duties include performing field  
33 inspections of buildings, structures or property to ensure compliance with  
34 and enforce national, state and local laws, ordinances and codes.

35 2. "Commissioner" means a commissioner of the superior court or  
36 municipal court.

37 3. "Corrections support staff member" means an adult or juvenile  
38 corrections employee who has direct contact with inmates.

39 4. "Election officer" means a state, county or municipal employee  
40 who holds an election officer's certificate issued pursuant to section  
41 16-407.

42 5. "Eligible person" means a health professional, election officer,  
43 public official, former public official, peace officer, spouse of a peace  
44 officer, spouse or minor child of a deceased peace officer, justice,  
45 judge, commissioner, hearing officer, public defender, prosecutor, member

1 of the commission on appellate court appointments, code enforcement  
2 officer, adult or juvenile corrections officer, corrections support staff  
3 member, probation officer, member of the board of executive clemency, law  
4 enforcement support staff member, employee of the department of child  
5 safety or employee of adult protective services who has direct contact  
6 with families in the course of employment, national guard member who is  
7 acting in support of a law enforcement agency, person who is protected  
8 under an order of protection or injunction against harassment or  
9 firefighter who is assigned to the Arizona counter terrorism information  
10 center in the department of public safety.

11 6. "Former public official" means a person who was duly elected or  
12 appointed to Congress, the legislature or a statewide office, who ceased  
13 serving in that capacity and who was the victim of a dangerous offense as  
14 defined in section 13-105 while in office.

15 7. "Health professional" means an individual who is licensed  
16 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

17 8. "Hearing officer" means a hearing officer who is appointed  
18 pursuant to section 28-1553.

19 9. "Judge" means a judge or former judge of the United States  
20 district court, the United States court of appeals, the United States  
21 magistrate court, the United States bankruptcy court, the United States  
22 immigration court, the Arizona court of appeals, the superior court or a  
23 municipal court.

24 10. "Justice" means a justice of the United States or Arizona  
25 supreme court or a justice of the peace.

26 11. "Law enforcement support staff member" means a person who  
27 serves in the role of an investigator or prosecutorial assistant in an  
28 agency that investigates or prosecutes crimes, who is integral to the  
29 investigation or prosecution of crimes and whose name or identity will be  
30 revealed in the course of public proceedings.

31 12. "Peace officer":

32 (a) Has the same meaning prescribed in section 1-215.

33 (b) Includes a federal law enforcement officer or agent who resides  
34 in this state and who has the power to make arrests pursuant to federal  
35 law.

36 13. "Prosecutor" means a current or former United States attorney,  
37 county attorney, municipal prosecutor or attorney general and includes a  
38 current or former assistant or deputy United States attorney, county  
39 attorney, municipal prosecutor or attorney general.

40 14. "Public defender" means a federal public defender, county  
41 public defender, county legal defender or county contract indigent defense  
42 counsel and includes an assistant or deputy federal public defender,  
43 county public defender or county legal defender.

1           15. "Public official" means a person who is duly elected or  
2 appointed to Congress, the legislature, a statewide office or a county,  
3 city or town office.

4           Sec. 2. Section 25-403.06, Arizona Revised Statutes, is amended to  
5 read:

6           25-403.06. Parental access to prescription medication and  
7 records; address confidentiality program;  
8 applicability

9           A. Unless otherwise provided by court order or law, on reasonable  
10 request both parents are entitled to have equal access to prescription  
11 medication, documents and other information concerning the child's  
12 education and physical, mental, moral and emotional health, including  
13 medical, school, police, court and other records, directly from the  
14 custodian of the records or from the other parent.

15           B. A person who does not comply with a reasonable request shall  
16 reimburse the requesting parent for court costs and attorney fees incurred  
17 by that parent to force compliance with this section.

18           C. A parent with joint legal custody shall not designate one  
19 pharmacy in a single location as the only source of the child's  
20 prescription medication without THE agreement of the other parent.

21           D. A parent who attempts to restrict the release of documents or  
22 information by the custodian or attempts to withhold prescription  
23 medication without a prior court order is subject to appropriate legal  
24 sanctions.

25           E. IF A PARENT HAS SOLE LEGAL DECISION-MAKING AUTHORITY AND THAT  
26 PARENT IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED  
27 PURSUANT TO SECTION 41-162 BECAUSE OF THE ACTIONS OF THE OTHER PARENT,  
28 SUBSECTION A OF THIS SECTION DOES NOT APPLY TO THE PARENT WHO DOES NOT  
29 HAVE SOLE LEGAL DECISION-MAKING AUTHORITY. THE PARENT WITH LEGAL  
30 DECISION-MAKING AUTHORITY WHO IS A PARTICIPANT IN THE ADDRESS  
31 CONFIDENTIALITY PROGRAM MAY PROVIDE THE INFORMATION REQUIRED PURSUANT TO  
32 THIS SUBSECTION BY EMAIL, CELL PHONE APPLICATION OR REGULAR MAIL.

33           Sec. 3. Title 25, chapter 11, article 1, Arizona Revised Statutes,  
34 is amended by adding section 25-1502, to read:

35           25-1502. Participants in address confidentiality program; use  
36 of substitute address; applicability; violations;  
37 classification

38           A. IN ANY MATTER BROUGHT PURSUANT TO THIS TITLE, IF A PARTY TO THE  
39 MATTER IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED  
40 PURSUANT TO SECTION 41-162, THE COURT SHALL USE THE PARTY'S ADDRESS  
41 CONFIDENTIALITY PROGRAM SUBSTITUTE ADDRESS IN ALL FILINGS, NOTICES AND  
42 COMMUNICATIONS RELATING TO THE MATTER.

43           B. AN ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANT'S RESIDENCE  
44 ADDRESS SHALL BE SEALED IN ALL COURT RECORDS AND MAY NOT BE DISCLOSED TO  
45 ANY PARTY OR ATTORNEY.

1 C. THE PARTY WHO IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY  
2 PROGRAM MAY RECEIVE SERVICE AS PRESCRIBED IN SECTION 41-162, SUBSECTION C.

3 D. THE COURT MAY NOT CONSIDER A PARTY'S PARTICIPATION IN THE  
4 ADDRESS CONFIDENTIALITY PROGRAM AS EVIDENCE OF ANY OF THE FOLLOWING:

- 5 1. PARENTAL ALIENATION.
- 6 2. FAILURE TO COOPERATE WITH THE OTHER PARTY.
- 7 3. INSTABILITY.

8 E. ANY PERSON WHO INTENTIONALLY OR KNOWINGLY OBTAINS OR DISCLOSES  
9 INFORMATION IN VIOLATION OF THIS SECTION OR SECTION 41-165 IS GUILTY OF A  
10 CLASS 1 MISDEMEANOR.

11 F. ANY PERSON WHO INTENTIONALLY OR KNOWINGLY OBTAINS OR DISCLOSES  
12 INFORMATION IN VIOLATION OF THIS SECTION OR SECTION 41-165 FOR THE PURPOSE  
13 OF HARASSMENT, STALKING OR DOMESTIC VIOLENCE AGAINST A PARTY TO A MATTER  
14 THAT IS BROUGHT PURSUANT TO THIS TITLE IS GUILTY OF A CLASS 6 FELONY.

15 Sec. 4. Section 41-162, Arizona Revised Statutes, is amended to  
16 read:

17 41-162. Address confidentiality program; duties of secretary  
18 of state; substitute address; application  
19 assistants

20 A. ~~On or before December 31, 2012,~~ The secretary of state shall  
21 establish the address confidentiality program to allow persons who have  
22 been subjected to domestic violence offenses, sexual offenses or stalking  
23 to keep their residence addresses confidential and not accessible to the  
24 general public. Participants in the program shall receive a substitute  
25 address that becomes the participant's lawful address of record.

26 B. The secretary of state shall:

- 27 1. Designate a substitute address for a program participant that is  
28 used by state and local government entities as set forth in this section.
- 29 2. Receive mail sent to a program participant at a substitute  
30 address and forward the mail to the program participant as set forth in  
31 paragraph 3 of this subsection.
- 32 3. Receive first-class, certified or registered mail on behalf of a  
33 program participant and forward the mail to the program participant for no  
34 charge. The secretary of state may arrange to receive and forward other  
35 classes or kinds of mail at the program participant's expense. The  
36 secretary of state is not required to track or otherwise maintain records  
37 of any mail received on behalf of a program participant unless the mail is  
38 certified or registered mail.

39 C. Notwithstanding any other law and except as provided by court  
40 rule, a program participant may be served by registered mail or by  
41 certified mail, return receipt requested, addressed to the program  
42 participant at the program participant's substitute address with any  
43 process, notice or demand required or allowed by law to be served on the  
44 program participant. This subsection does not prescribe the only means, or

1 necessarily the required means, of serving a program participant in this  
2 state.

3 D. A COURT MAY NOT ORDER THE DISCLOSURE OF A PROGRAM PARTICIPANT'S  
4 RESIDENCE ADDRESS OR LOCATION INFORMATION UNLESS THE COURT FINDS, BY CLEAR  
5 AND CONVINCING EVIDENCE, THAT DISCLOSURE OF A PROGRAM PARTICIPANT'S  
6 RESIDENCE ADDRESS IS ESSENTIAL TO A COMPELLING STATE INTEREST AND THAT NO  
7 REASONABLE ALTERNATIVE EXISTS TO ACCOMPLISH THAT PURPOSE WITHOUT THE  
8 DISCLOSURE OF THE PROGRAM PARTICIPANT'S RESIDENCE ADDRESS.

9 ~~D.~~ E. The secretary of state may designate as an application  
10 assistant any person who:

11 1. Provides counseling, referral or other services to victims of  
12 domestic violence, a sexual offense or stalking.

13 2. Completes any training and registration process required by the  
14 secretary of state.

15 ~~E.~~ F. Any assistance and counseling rendered by the secretary of  
16 state or an application assistant to an applicant related to this section  
17 is not legal advice.

18 Sec. 5. Section 41-165, Arizona Revised Statutes, is amended to  
19 read:

20 41-165. Disclosure of actual address prohibited; exceptions;  
21 violations; classification

22 A. The secretary of state shall not disclose any address or  
23 telephone number of a program participant other than the substitute  
24 address designated by the secretary of state, except under any of the  
25 following circumstances:

26 1. The information is required by direction of a court order.  
27 ~~, except that~~ Any person to whom a program participant's address or  
28 telephone number ~~has been~~ IS disclosed PURSUANT TO THIS PARAGRAPH shall  
29 not disclose the address or telephone number to any other person unless  
30 ~~permitted~~ ALLOWED to do so by order of the court or as otherwise provided  
31 by law.

32 2. The secretary of state grants a request by a state or local  
33 government entity pursuant to section 41-167, subsection D.

34 B. The secretary of state shall provide immediate notification of  
35 disclosure to a program participant if disclosure is made pursuant to  
36 subsection A of this section.

37 C. If, at the time of application, an applicant or an individual  
38 identified pursuant to section 41-163, subsection C, paragraph 10 is  
39 subject to a court order related to dissolution of marriage proceedings,  
40 child support or the allocation of parental responsibilities or parenting  
41 time, the secretary of state shall notify the court that issued the order  
42 of the certification of the program participant in the address  
43 confidentiality program and the substitute address designated by the  
44 secretary of state. If, at the time of application, an applicant or an  
45 individual identified pursuant to section 41-163, subsection C, paragraph

1 10 is involved in a court action related to dissolution of marriage  
2 proceedings, child support or the allocation of parental responsibilities  
3 or parenting time, the secretary of state shall notify the court having  
4 jurisdiction over the action of the certification of the applicant in the  
5 address confidentiality program and the substitute address designated by  
6 the secretary of state.

7 D. A person shall not intentionally or knowingly obtain OR ATTEMPT  
8 TO OBTAIN a program participant's actual address or telephone number,  
9 WHETHER from the secretary of state or a state or local government entity,  
10 OR BY ANY OTHER MEANS, knowing that the person is not authorized to obtain  
11 the address information.

12 E. An employee of the secretary of state or a state or local  
13 government entity shall not intentionally or knowingly disclose a program  
14 participant's actual address or telephone number unless the disclosure is  
15 permissible by law. This subsection ~~only~~ applies ONLY if an employee  
16 obtains a program participant's actual address or telephone number during  
17 the course of the employee's official duties and, at the time of  
18 disclosure, the employee has specific knowledge that the actual address or  
19 telephone number disclosed belongs to a program participant.

20 F. Any person who intentionally or knowingly obtains OR ATTEMPTS TO  
21 OBTAIN or discloses information in violation of this section is guilty of  
22 a class 1 misdemeanor.

23 G. ANY PERSON WHO INTENTIONALLY OR KNOWINGLY OBTAINS OR ATTEMPTS TO  
24 OBTAIN OR DISCLOSES INFORMATION IN VIOLATION OF THIS SECTION FOR THE  
25 PURPOSE OF HARASSMENT, STALKING OR DOMESTIC VIOLENCE AGAINST A PARTY TO A  
26 MATTER THAT IS BROUGHT PURSUANT TO TITLE 25 IS GUILTY OF A CLASS 6  
27 FELONY. IF THE CONDUCT INVOLVES SURVEILLANCE OF A MINOR, USE OF A THIRD  
28 PARTY OR REPEATED ATTEMPTS, THE PERSON IS GUILTY OF A CLASS 5 FELONY.

29 Sec. 6. Section 41-166, Arizona Revised Statutes, is amended to  
30 read:

31 41-166. Program participants; substitute address; use by  
32 state or local government entities

33 A. The program participant, and not the secretary of state, is  
34 responsible for requesting that a state or local government entity use the  
35 program participant's substitute address as the program participant's  
36 residential, work or school address for all purposes for which the state  
37 or local government entity requires or requests the residential, work or  
38 school address.

39 B. Except as otherwise provided in this section or unless the  
40 secretary of state grants a state or local government entity's request for  
41 disclosure pursuant to section 41-167, if a program participant submits a  
42 current and valid address confidentiality program authorization card to  
43 the state or local government entity, the state or local government entity  
44 shall accept the substitute address designation on the card as the program  
45 participant's address for use as the program participant's residential,

1 work or school address when creating a new public record. The substitute  
2 address given to the state or local government entity is considered the  
3 last known address for the program participant used by the state or local  
4 government entity until the time that the state or local government entity  
5 receives notification pursuant to section 41-164. The state or local  
6 government entity may make a photocopy of the card for the records of the  
7 state or local government entity and shall immediately return the card to  
8 the program participant.

9 C. Except as otherwise provided in this section or by order of the  
10 court, if a program participant submits a current and valid address  
11 confidentiality program authorization card to the court, the court shall  
12 accept the substitute address designation on the card as the program  
13 participant's address for use as the program participant's residential,  
14 work or school address. The substitute address given to the court is  
15 considered the last known address for the program participant used by the  
16 court until the time that the court receives notification pursuant to  
17 section 41-164. The court may make a photocopy of the card for the court  
18 file and shall return the card to the program participant.

19 D. When a person with an existing voter registration record becomes  
20 a program participant, the secretary of state shall secure the PROGRAM  
21 participant's voter registration record and notify the appropriate county  
22 recorder of the PROGRAM participant's secured status, current residence  
23 address and substitute address for the county recorder to revise the  
24 PROGRAM participant's voter registration record so that the PROGRAM  
25 participant's address can be kept confidential in the same manner as  
26 prescribed by section 16-153. A program participant who is not already  
27 registered to vote may register to vote using the substitute address and  
28 must provide the election official with the PROGRAM participant's actual  
29 residence address for precinct designation purposes. If the PROGRAM  
30 participant registers to vote other than online or at a driver license  
31 examination facility, the PROGRAM participant shall present a completed  
32 voter registration form with the PROGRAM participant's substitute address  
33 and address confidentiality program AUTHORIZATION card to the appropriate  
34 election official. ON THE RENEWAL OF THE CERTIFICATION OF A PROGRAM  
35 PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM, THE COUNTY RECORDER  
36 SHALL CONTINUE OR RENEW THE SEALING OF THE VOTER REGISTRATION RECORD OF  
37 THE PERSON WHO IS PROTECTED AND, ON REQUEST, ANY OTHER REGISTERED VOTER  
38 WHO RESIDES AT THE RESIDENCE ADDRESS OF THE PROTECTED PERSON. THE VOTER  
39 REGISTRATION RECORD OF A PROGRAM PARTICIPANT IN THE ADDRESS  
40 CONFIDENTIALITY PROGRAM SHALL REMAIN SEALED AFTER THE DEATH OF THE PROGRAM  
41 PARTICIPANT.

42 E. A designated election official shall use the actual address of a  
43 program participant for precinct designation and all official  
44 election-related purposes and shall keep the program participant's actual  
45 address confidential from the public. The election official shall use the

1 substitute address for all correspondence and mailings placed in the  
2 United States mail. The substitute address shall not be used as an actual  
3 residence address for voter registration.

4 F. A state or local government entity's access to a program  
5 participant's voter registration shall be governed by the disclosure  
6 process set forth in section 41-167.

7 G. A program participant who completes an application to register  
8 to vote at a driver license examination facility while receiving a driver  
9 license or an identification card is required to have the program  
10 participant's actual address on the driver license or identification card.  
11 A program participant whose driver license has the substitute address may  
12 register to vote, if otherwise eligible, pursuant to subsection ~~F~~ D of  
13 this section.

14 H. The substitute address shall not be used for purposes of  
15 listing, appraising or assessing property taxes and collecting property  
16 taxes. If a program participant would like to keep records maintained by  
17 the county assessor and county treasurer confidential, the program  
18 participant shall comply with section 11-484.

19 I. If a program participant is required by law to swear or affirm  
20 to the program participant's address, the program participant may use the  
21 PROGRAM participant's substitute address.

22 J. The substitute address shall not be used for purposes of  
23 assessing any taxes or fees on a motor vehicle or for titling or  
24 registering a motor vehicle. Notwithstanding any law to the contrary, any  
25 record that includes a program participant's actual address pursuant to  
26 this subsection shall be confidential and not available for inspection by  
27 anyone other than the program participant.

28 K. The substitute address shall not be used on any document related  
29 to real property recorded with a recorder. If a program participant would  
30 like to keep real property records confidential, the program participant  
31 shall comply with section 11-483.

32 L. A public school shall accept the substitute address as the  
33 PROGRAM PARTICIPANT'S address of record and shall verify student  
34 enrollment eligibility through the secretary of state. The secretary of  
35 state shall facilitate the transfer of student records from one school to  
36 another.

37 M. Except as otherwise provided in this section, a program  
38 participant's actual address and telephone number maintained by a state or  
39 local government entity or disclosed by the secretary of state is not a  
40 public record that is subject to inspection. This subsection ~~shall~~ DOES  
41 not apply to the following:

42 1. Any public record created more than ninety days before the date  
43 that the program participant applied to be certified in the ADDRESS  
44 CONFIDENTIALITY program.

1           2. A program participant who voluntarily requests that a state or  
2 local government entity use the PROGRAM participant's actual address or  
3 voluntarily gives the actual address to the state or local government  
4 entity.  
5           N. For any public record created within ninety days before the date  
6 that a program participant applied to be certified in the ADDRESS  
7 CONFIDENTIALITY program, a state or local government entity shall redact  
8 the actual address from a public record or change the actual address to  
9 the substitute address in the public record, if a program participant who  
10 presents a current and valid ADDRESS CONFIDENTIALITY program authorization  
11 card requests the entity that maintains the public record to use the  
12 substitute address instead of the actual address on the public record.

House Engrossed

~~firearm destruction~~  
(now: postnuptial agreements; enforcement)

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

# CHAPTER 26

## HOUSE BILL 2861

AN ACT

AMENDING SECTION 25-201, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-202.01; AMENDING SECTIONS 25-203, 25-204 AND 25-205, ARIZONA REVISED STATUTES; RELATING TO MARITAL AGREEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-201, Arizona Revised Statutes, is amended to  
3 read:

4 25-201. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Prenuptial agreement" means an agreement between prospective  
7 spouses that is made in contemplation of marriage and that is effective on  
8 marriage.

9 2. "POSTNUPTIAL AGREEMENT" MEANS AN AGREEMENT ENTERED INTO DURING  
10 MARRIAGE TO DIVIDE OR DELINEATE ONE OR BOTH SPOUSE'S PROPERTY INTERESTS.

11 ~~2.~~ 3. "Property means an interest, present or future, legal or  
12 equitable, vested or contingent, in real or personal property, including  
13 income and earnings.

14 Sec. 2. Title 25, chapter 2, article 1, Arizona Revised Statutes,  
15 is amended by adding section 25-202.01, to read:

16 25-202.01. Enforcement of postnuptial agreements; exception

17 A. A POSTNUPTIAL AGREEMENT MUST BE IN WRITING AND SIGNED BY BOTH  
18 PARTIES.

19 B. THE POSTNUPTIAL AGREEMENT BECOMES EFFECTIVE ON EXECUTION BY BOTH  
20 PARTIES.

21 C. THE POSTNUPTIAL AGREEMENT IS NOT ENFORCEABLE IF THE PERSON  
22 AGAINST WHOM ENFORCEMENT IS SOUGHT PROVES ONE OR MORE OF THE FOLLOWING:

23 1. THE POSTNUPTIAL AGREEMENT IS NOT FREE FROM ANY TAIN OF FRAUD,  
24 COERCION OR UNDUE INFLUENCE.

25 2. THE PERSON DID NOT ACT WITH FULL KNOWLEDGE OF THE PROPERTY  
26 INVOLVED AND THE PERSON'S RIGHTS IN THE POSTNUPTIAL AGREEMENT.

27 3. THE POSTNUPTIAL AGREEMENT IS NOT FAIR AND EQUITABLE.

28 4. THE POSTNUPTIAL AGREEMENT DOES NOT REFLECT A MUTUAL INTENT TO  
29 DIVIDE OR DELINEATE ONE OR BOTH SPOUSE'S PROPERTY INTERESTS.

30 D. THE BURDEN IS ON THE PARTY SEEKING TO CHALLENGE THE POSTNUPTIAL  
31 AGREEMENT TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE POSTNUPTIAL  
32 AGREEMENT IS NOT ENFORCEABLE.

33 Sec. 3. Section 25-203, Arizona Revised Statutes, is amended to  
34 read:

35 25-203. Scope of agreement

36 A. Parties to a premarital OR POSTNUPTIAL agreement may contract  
37 with respect to:

38 1. The rights and obligations of each of the parties in any of the  
39 property of either or both of them whenever and wherever acquired or  
40 located.

41 2. The right to buy, sell, use, transfer, exchange, abandon, lease,  
42 consume, expend, assign or create a security interest in, mortgage,  
43 encumber, dispose of or otherwise manage and control property.

44 3. The disposition of property on separation, marital dissolution,  
45 death or the occurrence or nonoccurrence of any other event.

1           4. The modification or elimination of spousal support.

2           5. The making of a will, trust or other arrangement to carry out  
3 the provisions of the agreement.

4           6. The ownership rights in and disposition of the death benefit  
5 from a life insurance policy.

6           7. The choice of law governing the construction of the agreement.

7           8. Any other matter, including their personal rights and  
8 obligations, not in violation of public policy or a statute imposing a  
9 criminal penalty.

10          B. The right of a child to support may not be adversely affected by  
11 a premarital [OR POSTNUPTIAL](#) agreement.

12          Sec. 4. Section 25-204, Arizona Revised Statutes, is amended to  
13 read:

14           25-204. [Amendment or revocation of agreement](#)

15           After marriage, a premarital [OR POSTNUPTIAL](#) agreement may be amended  
16 or revoked only by a written agreement signed by the parties. The amended  
17 agreement or the revocation is enforceable without consideration.

18          Sec. 5. Section 25-205, Arizona Revised Statutes, is amended to  
19 read:

20           25-205. [Limitation of actions](#)

21           A statute of limitations applicable to an action asserting a claim  
22 for relief under a premarital [OR POSTNUPTIAL](#) agreement is tolled during  
23 the marriage of the parties to the agreement. However, equitable defenses  
24 limiting the time for enforcement, including laches and estoppel, are  
25 available to either party.

APPROVED BY THE GOVERNOR APRIL 7, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2026.

Senate Engrossed House Bill

domestic relations; domestic violence

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

# HOUSE BILL 2995

AN ACT

AMENDING SECTIONS 25-403.03, 25-404 AND 25-411, ARIZONA REVISED STATUTES;  
RELATING TO FAMILY LAW.

(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. AS A DECLARED PUBLIC POLICY OF THIS STATE AND NOTWITHSTANDING  
6 SECTION 25-103, SUBSECTION B, THE COURT SHALL CONSIDER DOMESTIC VIOLENCE,  
7 INCLUDING CHILD ABUSE, AS CONTRARY TO A CHILD'S BEST INTERESTS. IN ANY  
8 LEGAL DECISION-MAKING AND PARENTING TIME MATTER, THE COURT SHALL ASSIGN  
9 THE HIGHEST PRIORITY TO THE PERSONAL SAFETY AND PHYSICAL, MENTAL AND  
10 EMOTIONAL WELL-BEING OF BOTH THE CHILD AND DOMESTIC VIOLENCE VICTIM.

11 B. BEFORE ENTERING AN ORDER FOR LEGAL DECISION-MAKING OR PARENTING  
12 TIME, THE COURT SHALL RESOLVE ANY DOMESTIC VIOLENCE ALLEGATION BY MAKING  
13 SPECIFIC WRITTEN FINDINGS ON THE RECORD ABOUT EACH OF THE FOLLOWING  
14 CONSIDERATIONS FOR WHICH EVIDENCE WAS ADMITTED AT A TRIAL OR OTHER  
15 EVIDENTIARY HEARING:

16 1. A THOROUGH DESCRIPTION OF THE EVIDENCE THAT JUSTIFIED OR  
17 PREVENTED A FINDING UNDER SUBSECTION C OF THIS SECTION THAT DOMESTIC  
18 VIOLENCE OCCURRED.

19 2. AFTER CONSIDERING EACH FACTOR PRESCRIBED IN SUBSECTION E OF THIS  
20 SECTION, A THOROUGH EXPLANATION FOR WHY A PARENT WHO COMMITTED DOMESTIC  
21 VIOLENCE DID OR DID NOT REBUT THE MANDATORY PRESUMPTION THAT IS IMPOSED BY  
22 SUBSECTION D OF THIS SECTION.

23 3. A THOROUGH EXPLANATION FOR WHY THE COURT'S CHOICE OF PRECAUTIONS  
24 PRESCRIBED IN SUBSECTION H OF THIS SECTION IS IN THE CHILD'S BEST  
25 INTERESTS.

26 C. A DOMESTIC VIOLENCE CLAIM SHALL BE ESTABLISHED BY A  
27 PREPONDERANCE OF THE EVIDENCE. CORROBORATION FROM EXHIBITS OR WITNESS  
28 TESTIMONY OF ANOTHER PERSON IS NOT REQUIRED. SUBJECT TO THE EVIDENTIARY  
29 STANDARD IN EFFECT FOR THAT PROCEEDING, THE COURT SHALL CONSIDER ALL OF  
30 THE FOLLOWING:

31 1. FACTUAL DETERMINATIONS RELATED TO DOMESTIC VIOLENCE FROM A COURT  
32 OF COMPETENT JURISDICTION.

33 2. EVIDENCE THAT IS COLLECTED AND REPORTS THAT ARE PREPARED BY A  
34 LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF CHILD SAFETY AND ANY OTHER  
35 GOVERNMENT AGENCY.

36 3. THE ALLEGED VICTIM'S MEDICAL OR BEHAVIORAL HEALTH RECORDS, IF  
37 THE VICTIM WAIVES THE ASSOCIATED PRIVILEGE AND ANY SEPARATE RIGHT TO  
38 CONFIDENTIALITY UNDER STATE OR FEDERAL LAW.

39 4. RECORDS FROM A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE AS  
40 DEFINED IN SECTION 36-3001, IF THE VICTIM PROVIDES INFORMED WRITTEN  
41 CONSENT.

42 5. EDUCATIONAL AND SCHOOL RECORDS.

43 6. OTHER ACTS OF DOMESTIC VIOLENCE AGAINST ANY PERSON THAT TEND TO  
44 PROVE THE EXISTENCE OF COERCIVE CONTROL, EVEN IF THOSE OTHER ACTS HAVE

1 BEEN DECIDED, PREDATE THE LAST DECREE OR COULD HAVE BEEN LITIGATED AT  
2 ANOTHER TIME OR PLACE.

3 7. WITNESS TESTIMONY.

4 D. IF THE COURT DETERMINES THAT A PARENT HAS COMMITTED DOMESTIC  
5 VIOLENCE, THERE IS A MANDATORY REBUTTABLE PRESUMPTION THAT AN AWARD OF  
6 LEGAL DECISION-MAKING OR PARENTING TIME TO THAT PARENT IS CONTRARY TO THE  
7 CHILD'S BEST INTERESTS. THE COURT MAY NOT DO EITHER OF THE FOLLOWING:

8 1. REQUIRE THE VICTIM TO PROVE THAT THE DOMESTIC VIOLENCE WAS  
9 SEVERE OR FREQUENT ENOUGH TO JUSTIFY RESTRICTING THE LEGAL DECISION-MAKING  
10 OR PARENTING TIME OF THE PARENT WHO COMMITTED DOMESTIC VIOLENCE.

11 2. DESCRIBE THE PARENTS' DOMESTIC VIOLENCE AS MUTUAL OR APPLY THE  
12 PRESUMPTION OF THIS SUBSECTION TO BOTH PARENTS, UNLESS BOTH PARENTS LACKED  
13 JUSTIFICATION FOR THEIR DOMESTIC VIOLENCE TO A SIMILAR DEGREE AND  
14 INFLECTED SIMILAR INJURY. THE COURT SHALL OTHERWISE APPLY THE PRESUMPTION  
15 ONLY TO THE PARENT WHOSE CONDUCT AND MOTIVATION WERE MORE SERIOUS UNDER  
16 THE DEFINITION OF DOMESTIC VIOLENCE.

17 E. IF A PARENT WHO COMMITTED DOMESTIC VIOLENCE SEEKS TO REBUT THE  
18 MANDATORY PRESUMPTION IMPOSED BY SUBSECTION D OF THIS SECTION, THE COURT  
19 SHALL CONSIDER ALL OF THE FOLLOWING:

20 1. THE SEVERITY AND FREQUENCY OF THE PARENT'S DOMESTIC VIOLENCE  
21 AGAINST ANY PERSON, INCLUDING AN ASSESSMENT OF WHETHER THAT VIOLENCE WAS  
22 AGGRAVATED BY ANY OF THE FOLLOWING:

23 (a) PHYSICAL INJURY OR EMOTIONAL TRAUMA.

24 (b) USE OR THREATENED USE OF A FIREARM OR OTHER DANGEROUS WEAPON.

25 (c) STRANGULATION AS DESCRIBED IN SECTION 13-1204, SUBSECTION B,  
26 PARAGRAPH 1.

27 (d) MULTIPLE FORMS OF COERCIVE CONTROL.

28 2. THE EXTENT TO WHICH THE PARENT DENIED, DEFLECTED OR MINIMIZED  
29 THE DOMESTIC VIOLENCE DURING TREATMENT, FORENSIC ASSESSMENT, MANDATORY  
30 DISCLOSURE, FORMAL DISCOVERY OR COURTROOM PROCEEDINGS.

31 3. WHETHER THE PARENT COMMITTED DOMESTIC VIOLENCE WITH SUFFICIENT  
32 SEVERITY OR FREQUENCY THAT THE PASSAGE OF TIME IS NOT A MITIGATING FACTOR.

33 4. WHETHER THE CHILD HAS IMITATED ANY ASPECT OF THE PARENT'S  
34 DOMESTIC VIOLENCE BEHAVIORS.

35 5. THE PARENT'S ATTENDANCE AT A DOMESTIC VIOLENCE TREATMENT  
36 PROGRAM. THE COURT MAY NOT CONSIDER A CERTIFICATE OF COMPLETION ALONE AS  
37 PROOF OF REHABILITATION. A CERTIFICATE OF COMPLETION MUST BE ACCOMPANIED  
38 BY ALL OF THE FOLLOWING:

39 (a) A WAIVER OF THE STATUTORY PRIVILEGE OR OTHER CONFIDENTIALITY  
40 NECESSARY TO RELEASE THAT PERSON'S TREATMENT RECORDS TO THE COURT AND THE  
41 VICTIM.

42 (b) PROOF THAT THE TREATMENT PROGRAM WAS BOTH RELEVANT AND  
43 PROPORTIONATE TO ANY DOMESTIC VIOLENCE FOR WHICH CREDIBLE EVIDENCE IS  
44 PRESENTED, TAKING INTO ACCOUNT THE CRITERIA THAT ARE OUTLINED IN THE

1 ARIZONA ADMINISTRATIVE CODE FOR THE TREATMENT OF MISDEMEANOR DOMESTIC  
2 VIOLENCE OFFENDERS.

3 (c) A DEMONSTRATED UNDERSTANDING OF HOW THE PARENT'S DOMESTIC  
4 VIOLENCE HARMED THE CHILD AND OTHER PARENT.

5 (d) PROOF THAT THE TREATMENT PROGRAM ADDRESSED AND HELPED REDUCE  
6 ANY TENDENCY TO MINIMIZE OR RATIONALIZE THE PARENT'S DOMESTIC VIOLENCE.

7 F. THE COURT SHALL DISREGARD ALL OF THE FOLLOWING FACTORS AS  
8 IRRELEVANT TO THE MANDATORY PRESUMPTION IMPOSED BY SUBSECTION D OF THIS  
9 SECTION:

10 1. THE CHILD'S ABSENCE FROM THE SCENE OF ANY DOMESTIC VIOLENCE.

11 2. THE CHILD'S UNAWARENESS THAT DOMESTIC VIOLENCE OCCURRED.

12 3. THE CHILD'S PREFERENCE FOR REINSTATING, MAINTAINING OR  
13 INCREASING CONTACT WITH THE PARENT WHO COMMITTED DOMESTIC VIOLENCE.

14 G. THE COURT MAY NOT GRANT ANY OF THE FOLLOWING TO A PARENT WHO IS  
15 RESTRICTED BY THE MANDATORY PRESUMPTION IMPOSED BY SUBSECTION D OF THIS  
16 SECTION:

17 1. SOLE LEGAL DECISION-MAKING OR JOINT LEGAL DECISION-MAKING,  
18 UNLESS THE PARENT OVERCOMES THE PRESUMPTION BY CLEAR AND CONVINCING  
19 EVIDENCE.

20 2. UNSUPERVISED PARENTING TIME, UNLESS THE PARENT OVERCOMES THE  
21 PRESUMPTION BY CLEAR AND CONVINCING EVIDENCE.

22 3. SUPERVISED PARENTING TIME, UNLESS THE PARENT OVERCOMES THE  
23 PRESUMPTION BY A PREPONDERANCE OF THE EVIDENCE.

24 H. FOR A PARENT WHO HAS COMMITTED DOMESTIC VIOLENCE, THE COURT  
25 SHALL ADOPT PRECAUTIONS THAT PRIORITIZE THE PERSONAL SAFETY AND PHYSICAL,  
26 MENTAL AND EMOTIONAL WELL-BEING OF THE CHILD AND OTHER PARENT. THESE  
27 PRECAUTIONS MAY DO ALL OF THE FOLLOWING:

28 1. REQUIRE THAT AN EXCHANGE OF THE CHILD OCCUR IN A PROTECTED  
29 LOCATION OR A SAFE EXCHANGE LOCATION AS PRESCRIBED IN SECTION 25-403.10  
30 THAT IS SPECIFIED BY THE COURT.

31 2. LIMIT PARENTING TIME, INCLUDING A PROHIBITION ON OVERNIGHT  
32 PARENTING TIME WITH THE CHILD.

33 3. DESIGNATE A PROFESSIONAL AGENCY OR ONE OR MORE LAYPEOPLE TO  
34 SUPERVISE PARENTING TIME. THE COURT MAY NOT APPOINT THE VICTIM OF  
35 DOMESTIC VIOLENCE TO SERVE AS THE SUPERVISOR, WHETHER ALONE OR WITH  
36 ANOTHER PERSON. THE COURT MAY NOT APPOINT A LAYPERSON TO SUPERVISE  
37 PARENTING TIME UNLESS THE PARENT BEING SUPERVISED AFFIRMS THAT THE PARENT  
38 WILL ENSURE THAT THE APPOINTED SUPERVISOR WILL DO ALL OF THE FOLLOWING:

39 (a) RECEIVE AND READ THE COURT'S ORDER.

40 (b) PROVIDE A RELIABLE TELEPHONE NUMBER, EMAIL ADDRESS AND  
41 RESIDENTIAL ADDRESS TO BOTH PARENTS.

42 (c) INTERVENE AND CONTACT AN APPROPRIATE LAW ENFORCEMENT AGENCY,  
43 THE DEPARTMENT OF CHILD SAFETY AND THE OTHER PARENT IF THE SUPERVISED  
44 PARENT'S BEHAVIOR ENDANGERS THE CHILD OR BECOMES PSYCHOLOGICALLY OR  
45 PHYSICALLY ABUSIVE.

1 (d) APPEAR FOR FUTURE COURT PROCEEDINGS AND TESTIFY REGARDING THE  
2 SUPERVISION.

3 4. REQUIRE THE PARENT WHO COMMITTED DOMESTIC VIOLENCE TO PAY A FEE  
4 FOR THE COSTS OF SUPERVISED PARENTING TIME.

5 5. SUSPEND ACCESS TO THE CHILD, IN ANY FORM, UNTIL THE PARENT WHO  
6 COMMITTED DOMESTIC VIOLENCE CAN PETITION TO MODIFY LEGAL DECISION-MAKING  
7 OR PARENTING TIME PURSUANT TO SECTION 25-411.

8 6. REQUIRE THE PARENT WHO COMMITTED DOMESTIC VIOLENCE TO ATTEND AND  
9 COMPLETE AN ASSESSMENT OR A PROGRAM OF INTERVENTION FOR PERPETRATORS OF  
10 DOMESTIC VIOLENCE AND ANY OTHER COUNSELING.

11 7. IF THE COURT FINDS THAT THE PARENT WHO COMMITTED DOMESTIC  
12 VIOLENCE HAS ALSO ABUSED ANY SUBSTANCE, INCLUDING ALCOHOL, REQUIRE THAT  
13 PARENT TO ABSTAIN FROM POSSESSING OR CONSUMING THAT SUBSTANCE AND ORDER  
14 RANDOM TESTING TO ENSURE COMPLIANCE.

15 8. REQUIRE A BOND FOR THE CHILD'S SAFE RETURN FROM THE PARENT WHO  
16 COMMITTED DOMESTIC VIOLENCE.

17 9. REQUIRE THAT THE ADDRESS OF THE CHILD AND OTHER PARENT REMAIN  
18 CONFIDENTIAL.

19 10. IMPOSE ANY OTHER CONDITION THAT THE COURT DETERMINES IS  
20 NECESSARY TO PROTECT THE CHILD, THE OTHER PARENT AND ANY OTHER FAMILY OR  
21 HOUSEHOLD MEMBER.

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

26 J. IF A PARENT WHO HAS COMMITTED DOMESTIC VIOLENCE FAILS TO  
27 OVERCOME THE MANDATORY PRESUMPTION IMPOSED BY SUBSECTION D OF THIS  
28 SECTION, THE PRESUMPTION SHALL CONTINUE TO APPLY IN ANY SUBSEQUENT  
29 MODIFICATION PROCEEDING COMMENCED UNDER SECTION 25-411.

30 ~~H.~~ K. The court may request or order the services of the  
31 department of child safety if the court believes that a child may be the  
32 victim of child abuse or neglect as defined in section 8-201.

33 ~~I.~~ L. In determining whether the absence or relocation of a parent  
34 shall be weighed against that parent in determining legal decision-making  
35 or parenting time, the court may consider whether the absence or  
36 relocation was caused by an act of domestic violence by the other parent.

37 M. FOR THE PURPOSES OF THIS SECTION:

38 1. "COERCIVE CONTROL" MEANS A PATTERN OF VIOLENT, THREATENING,  
39 COERCIVE OR EMOTIONALLY ABUSIVE CONDUCT BY ONE PARENT AGAINST THE OTHER,  
40 WITHOUT CONSENT OR JUSTIFICATION, INCLUDING ANY OF THE FOLLOWING:

41 (a) SEXUAL OR OTHER PHYSICAL ASSAULT.

42 (b) THREATENING TO KILL OR INJURE A PERSON, INCLUDING ONESELF, OR A  
43 HOUSEHOLD PET.

44 (c) DISPLAYING, ACCESSING, ASSEMBLING OR CLEANING A FIREARM OR  
45 OTHER DANGEROUS WEAPON IN THE OTHER PARENT'S PRESENCE, IF THE

1 CIRCUMSTANCES IMPLY THAT WEAPON'S THREATENED USE IN VIOLATION OF STATE OR  
2 FEDERAL LAW.

3 (d) CONFINEMENT OR OTHER RESTRAINING WORDS OR ACTIONS TO RESTRICT  
4 THE OTHER PARENT'S FREEDOM OF MOVEMENT OR LAWFUL ACTIVITY.

5 (e) ISOLATION FROM FRIENDS AND FAMILY.

6 (f) MONITORING OR REGULATING FINANCIAL ACTIVITY, ECONOMIC RESOURCES  
7 OR ACCESS TO SERVICES.

8 (g) STALKING OR HARASSMENT.

9 (h) DEMEANING, DEGRADING OR HUMILIATING WORDS OR ACTIONS.

10 (i) THREATENING TO PUBLISH SENSITIVE INFORMATION, INCLUDING  
11 SEXUALLY EXPLICIT MATERIAL, OF THE OTHER PARENT OR MEMBER OF THE OTHER  
12 PARENT'S FAMILY.

13 (j) THREATENING TO MAKE REPORTS TO LAW ENFORCEMENT.

14 (k) THREATENING, INITIATING OR USING CIVIL LITIGATION, INCLUDING  
15 PROCEEDINGS UNDER THIS TITLE OR SECTION 13-3602, TO DO EITHER OF THE  
16 FOLLOWING:

17 (i) FORCE THE OTHER PARENT TO DEFEND AGAINST A LEGAL CLAIM THAT IS  
18 FALSE OR FRIVOLOUS.

19 (ii) REGULATE OR RESTRICT THE OTHER PARENT'S LAWFUL OR  
20 CONSTITUTIONALLY PROTECTED ACTIVITY.

21 (l) DAMAGING PROPERTY OWNED OR LAWFULLY POSSESSED BY THE OTHER  
22 PARENT OR MEMBER OF THE OTHER PARENT'S FAMILY.

23 (m) BY ACT OR CONSCIOUS OMISSION, JEOPARDIZING THE IMMIGRATION  
24 STATUS OF THE OTHER PARENT OR A MEMBER OF THE OTHER PARENT'S FAMILY.

25 (n) FORCING THE OTHER PARENT TO COMMIT A CRIME AGAINST THE OTHER  
26 PARENT'S STATED WISHES.

27 (o) USING SURVEILLANCE OR TRACKING TECHNOLOGY TO FACILITATE OR  
28 AGGRAVATE ANY OF THE BEHAVIORS LISTED IN THIS PARAGRAPH.

29 2. "DOMESTIC VIOLENCE":

30 (a) MEANS, WHEN PERPETRATED BY ONE PARENT AGAINST THE OTHER PARENT  
31 OR AGAINST A MINOR CHILD LIVING IN EITHER PARENT'S HOUSEHOLD, AN ACT OR  
32 ACTS CONSISTING OF EITHER OF THE FOLLOWING:

33 (i) ANY ACT OR OFFENSE PRESCRIBED IN SECTION 13-3601, SUBSECTION A.

34 (ii) COERCIVE CONTROL.

35 (b) DOES NOT INCLUDE EITHER OF THE FOLLOWING:

36 (i) DEFENSE OF ONESELF AS DESCRIBED IN SECTION 13-404.

37 (ii) DEFENSE OF ANOTHER PERSON AS DESCRIBED IN SECTION 13-406.

38 Sec. 2. Section 25-404, Arizona Revised Statutes, is amended to  
39 read:

40 25-404. Temporary orders

41 A. A party to a legal decision-making and parenting time proceeding  
42 may move for a temporary order. This motion must be supported by  
43 pleadings as provided in section 25-411. The court may award temporary  
44 legal decision-making and parenting time under the standards of section

1 25-403 after a hearing, or, if there is no objection, solely on the basis  
2 of the pleadings.

3 B. If a proceeding for dissolution of marriage or legal separation  
4 is dismissed, any temporary legal decision-making or parenting time order  
5 is vacated unless a parent or the child's custodian moves that the  
6 proceeding continue as a legal decision-making or parenting time  
7 proceeding and the court finds, after a hearing, that the circumstances of  
8 the parents and the best interest of the child require that a legal  
9 decision-making or parenting time plan decree be issued.

10 C. If a legal decision-making or parenting time proceeding  
11 commenced in the absence of a petition for dissolution of marriage or  
12 legal separation is dismissed, any temporary ~~custody~~ LEGAL DECISION-MAKING  
13 OR PARENTING TIME order thereby is vacated.

14 D. IF ANY PARTY TO A PROCEEDING FOR TEMPORARY LEGAL DECISION-MAKING  
15 OR PARENTING TIME ALLEGES DOMESTIC VIOLENCE AS DEFINED IN SECTION  
16 25-403.03, THE COURT SHALL MAKE WRITTEN FINDINGS THAT ARE CONSISTENT WITH  
17 SECTION 25-403.03, SUBSECTION B. THESE FINDINGS MAY BE CONFINED TO  
18 EVIDENCE THAT IS ADMITTED AT A TEMPORARY ORDERS HEARING.

19 Sec. 3. Section 25-411, Arizona Revised Statutes, is amended to  
20 read:

21 25-411. Modification of legal decision-making or parenting  
22 time; affidavit; contents; military families; acts  
23 of domestic violence

24 A. A person shall not make a motion to modify a legal  
25 decision-making or parenting time decree earlier than one year after its  
26 date, unless the court ~~permits~~ **ALLOWS** it to be made on the basis of  
27 affidavits that there is reason to believe the child's present environment  
28 may seriously endanger the child's physical, mental, moral or emotional  
29 health. At any time after a joint legal decision-making order is entered,  
30 a parent may petition the court for modification of the order on the basis  
31 of evidence that domestic violence involving a violation of section  
32 13-1201 or 13-1204, spousal abuse or child abuse occurred since the entry  
33 of the joint legal decision-making order. Six months after a joint legal  
34 decision-making order is entered, a parent may petition the court for  
35 modification of the order based on the failure of the other parent to  
36 comply with the provisions of the order. A motion or petition to modify  
37 an order shall meet the requirements of this section. Except as otherwise  
38 provided in this section, if a parent is a member of the United States  
39 armed forces, the court shall consider the terms of that parent's military  
40 family care plan to determine what is in the child's best interest during  
41 that parent's military deployment.

42 B. If the parent with whom the parent's child resides a majority of  
43 the time receives temporary duty, deployment, activation or mobilization  
44 orders from the United States military that involve moving a substantial  
45 distance away from the parent's residence, a court shall not enter a final

1 order modifying parental rights and responsibilities and parent-child  
2 contact in an existing order until ninety days after the deployment ends,  
3 unless a modification is agreed to by the deploying parent.

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

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

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

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

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

27 F. The court shall hear motions for modification because of  
28 deployment as expeditiously as possible.

29 G. If a military parent receives military temporary duty,  
30 deployment, activation or mobilization orders that involve moving a  
31 substantial distance away from the military parent's residence or that  
32 otherwise have a material effect on the military parent's ability to  
33 exercise parenting time, at the request of the military parent, for the  
34 duration of the military parent's absence the court may delegate the  
35 military parent's parenting time, or a portion of that time, to a child's  
36 family member, including a stepparent, or to another person who is not the  
37 child's parent but who has a close and substantial relationship to the  
38 minor child, if the court determines that is in the child's best interest.  
39 The court shall not allow the delegation of parenting time to a person who  
40 would be subject to limitations on parenting time. The parties shall  
41 attempt to resolve disputes regarding delegation of parenting time through  
42 the dispute resolution process specified in their parenting plan, unless  
43 excused by the court for good cause shown. A court order pursuant to this  
44 subsection does not establish separate rights to parenting time for a  
45 person other than a parent.

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

5 I. A decree or order that a court enters in contemplation of or  
6 during the military deployment of a parent outside of the continental  
7 United States shall specifically reference the deployment and include  
8 provisions governing the legal decision-making or parenting time  
9 arrangements, or both, of the minor child after the deployment ends.  
10 Either parent may file a petition with the court after the deployment ends  
11 to modify the decree or order, in compliance with subsection ~~H~~ M of this  
12 section. The court shall hold a hearing or conference on the petition  
13 within thirty days after the petition is filed.

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

19 K. If after a legal decision-making or parenting time order is in  
20 effect one of the parents is charged with a dangerous crime against  
21 children as defined in section 13-705, child molestation as defined in  
22 section 13-1410 or an act of domestic violence as prescribed in section  
23 13-3601 in which the victim is a minor, the other parent may petition the  
24 court for an expedited hearing. Pending the expedited hearing, the court  
25 may suspend parenting time or change legal decision-making ex parte.

26 L. A PARENT WHO HAS COMMITTED DOMESTIC VIOLENCE AS DEFINED IN  
27 SECTION 25-403.03 AND WHO PREVIOUSLY FAILED TO REBUT THE MANDATORY  
28 PRESUMPTION IMPOSED BY SECTION 25-403.03, SUBSECTION D REMAINS SUBJECT TO  
29 THE SAME PRESUMPTION IN ANY MODIFICATION PROCEEDING THAT IS BROUGHT  
30 PURSUANT TO THIS SECTION, REGARDLESS OF THE ALLEGATIONS MADE IN THE NEW  
31 PLEADINGS. THE QUESTION OF WHETHER EVIDENCE NOW EXISTS TO OVERCOME THE  
32 MANDATORY PRESUMPTION IMPOSED BY SECTION 25-403.03, SUBSECTION D SHALL BE  
33 RESOLVED, AS A PRELIMINARY MATTER, WHEN THE COURT DECIDES WHETHER A  
34 SUFFICIENT CHANGE OF CIRCUMSTANCES HAS OCCURRED TO ALLOW A MODIFICATION OF  
35 A LEGAL DECISION-MAKING OR PARENTING TIME ORDER.

36 ~~H~~ M. To modify any type of legal decision-making or parenting  
37 time order a person shall submit an affidavit or verified petition setting  
38 forth detailed facts supporting the requested modification and shall give  
39 notice, together with a copy of the affidavit or verified petition, to  
40 other parties to the proceeding, who may file opposing affidavits. The  
41 court shall deny the motion unless it finds that adequate cause for  
42 hearing the motion is established by the pleadings, in which case it shall  
43 set a date for hearing on why the requested modification should not be  
44 granted.

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

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

7           Sec. 4. Emergency

8           This act is an emergency measure that is necessary to preserve the  
9 public peace, health or safety and is operative immediately as provided by  
10 law.

11           Sec. 5. Short title

12           This act may be cited as the "Alec and Lydia Act".

House Engrossed Senate Bill  
domestic violence; release conditions

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

# SENATE BILL 1723

AN ACT

AMENDING SECTIONS 13-3602 AND 13-3967, ARIZONA REVISED STATUTES; RELATING  
TO COURT ORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3602, Arizona Revised Statutes, is amended to  
3 read:

4 13-3602. Order of protection; procedure; contents; arrest for  
5 violation; penalty; protection order from another  
6 jurisdiction; definition

7 A. A person may file a verified petition, as in civil actions, with  
8 a magistrate, justice of the peace or superior court judge for an order of  
9 protection for the purpose of restraining a person from committing an act  
10 included in domestic violence. If the person is a minor, the parent, legal  
11 guardian or person who has legal custody of the minor shall file the  
12 petition unless the court determines otherwise. The petition shall name  
13 the parent, guardian or custodian as the plaintiff and the minor is a  
14 specifically designated person for the purposes of subsection G of this  
15 section. If a person is either temporarily or permanently unable to  
16 request an order, a third party may request an order of protection on  
17 behalf of the plaintiff. After the request, the judicial officer shall  
18 determine if the third party is an appropriate requesting party for the  
19 plaintiff. For the purposes of this section, notwithstanding the location  
20 of the plaintiff or defendant, any court in this state may issue or  
21 enforce an order of protection.

22 B. An order of protection shall not be granted:

23 1. Unless the party who requests the order files a written verified  
24 petition for an order.

25 2. Against a person who is less than twelve years of age unless the  
26 order is granted by the juvenile division of the superior court.

27 3. Against more than one defendant.

28 C. The petition shall state the:

29 1. Name of the plaintiff. The plaintiff's address and contact  
30 information shall be disclosed to the court for purposes of service and  
31 notification. The address and contact information shall not be listed on  
32 the petition. Whether or not the court issues an order of protection, the  
33 plaintiff's address and contact information shall be maintained in a  
34 separate document or automated database and is not subject to release or  
35 disclosure by the court or any form of public access except as ordered by  
36 the court.

37 2. Name and address, if known, of the defendant.

38 3. Specific statement, including dates, of the domestic violence  
39 alleged.

40 4. Relationship between the parties pursuant to section 13-3601,  
41 subsection A and whether there is pending between the parties an action  
42 for maternity or paternity, annulment, legal separation or dissolution of  
43 marriage.

1           5. Name of the court in which any prior or pending proceeding or  
2 order was sought or issued concerning the conduct that is sought to be  
3 restrained.

4           6. Desired relief.

5           D. A fee shall not be charged for filing a petition under this  
6 section or for service of process. Each court shall provide, without  
7 charge, forms for purposes of this section for assisting parties without  
8 counsel. The court shall make reasonable efforts to provide the  
9 appropriate information to both parties on emergency and counseling  
10 services that are available in the local area.

11           E. The court shall review the petition, any other pleadings on file  
12 and any evidence offered by the plaintiff, including any evidence of  
13 harassment by electronic contact or communication, to determine whether  
14 the orders requested should issue without further hearing. The court  
15 shall issue an order of protection under subsection G of this section if  
16 the court determines that there is reasonable cause to believe any of the  
17 following:

18           1. The defendant may commit an act of domestic violence.

19           2. The defendant has committed an act of domestic violence within  
20 the past year or within a longer period of time if the court finds that  
21 good cause exists to consider a longer period.

22           F. For the purposes of determining the period of time under  
23 subsection E, paragraph 2 of this section, any time that the defendant has  
24 been incarcerated or out of this state shall not be counted. If the court  
25 denies the requested relief, it may schedule a further hearing within ten  
26 days, with reasonable notice to the defendant.

27           G. If a court issues an order of protection, the court may do any  
28 of the following:

29           1. Enjoin the defendant from committing a violation of one or more  
30 of the offenses included in domestic violence.

31           2. Grant one party the use and exclusive possession of the parties'  
32 residence on a showing that there is reasonable cause to believe that  
33 physical harm may otherwise result. If the other party is accompanied by a  
34 law enforcement officer, the other party may return to the residence on  
35 one occasion to retrieve belongings. A law enforcement officer is not  
36 liable for any act or omission in the good faith exercise of the officer's  
37 duties under this paragraph. While the order of protection is in effect,  
38 if a party was granted the use and exclusive possession of the parties'  
39 residence and subsequently moves out of the ~~house~~ RESIDENCE, the party  
40 must file a notice in writing with the court within five days after moving  
41 out of the residence. After receiving the notification from the plaintiff,  
42 the court shall provide notice to the defendant that the plaintiff has  
43 moved out of the residence and of the defendant's right to request a  
44 hearing pursuant to subsection L of this section.

1           3. Restrain the defendant from contacting the plaintiff or other  
2 specifically designated persons and from coming near the residence, place  
3 of employment or school of the plaintiff or other specifically designated  
4 locations or persons on a showing that there is reasonable cause to  
5 believe that physical harm may otherwise result.

6           4. If the court finds that the defendant is a credible threat to  
7 the physical safety of the plaintiff or other specifically designated  
8 persons, prohibit the defendant from possessing or purchasing a firearm  
9 for the duration of the order. If the court prohibits the defendant from  
10 possessing a firearm, the court shall also order the defendant to transfer  
11 any firearm owned or possessed by the defendant immediately after service  
12 of the order to the appropriate law enforcement agency for the duration of  
13 the order. If the defendant does not immediately transfer the firearm,  
14 the defendant shall transfer the firearm within twenty-four hours after  
15 service of the order.

16           5. If the order was issued after notice and a hearing at which the  
17 defendant had an opportunity to participate, require the defendant to  
18 complete a domestic violence offender treatment program that is provided  
19 by a facility approved by the department of health services or a probation  
20 department or any other program deemed appropriate by the court.

21           6. Grant relief that is necessary for the protection of the alleged  
22 victim and other specifically designated persons and that is proper under  
23 the circumstances.

24           7. Grant the plaintiff the exclusive care, custody or control of  
25 any animal that is owned, possessed, leased, kept or held by the  
26 plaintiff, the defendant or a minor child residing in the residence or  
27 household of the plaintiff or the defendant, and order the defendant to  
28 stay away from the animal and forbid the defendant from taking,  
29 transferring, encumbering, concealing, committing an act of cruelty or  
30 neglect in violation of section 13-2910 or otherwise disposing of the  
31 animal.

32           8. FOLLOWING A HEARING, REQUIRE THE DEFENDANT TO PROVIDE  
33 IDENTIFYING INFORMATION TO THE PLAINTIFF, INCLUDING THE DEFENDANT'S  
34 RESIDENCE, PLACE OF EMPLOYMENT OR VEHICLE INFORMATION, ON A SHOWING THAT  
35 THE DEFENDANT HAS A PRIOR HISTORY OF HARMING THE PLAINTIFF AND THERE IS  
36 REASONABLE CAUSE TO BELIEVE THAT WITHOUT THIS INFORMATION PHYSICAL HARM  
37 WOULD OTHERWISE RESULT.

38           H. The court shall not grant a mutual order of protection. If  
39 opposing parties separately file verified petitions for an order of  
40 protection, the courts after consultation between the judges involved may  
41 consolidate the petitions of the opposing parties for hearing. This does  
42 not prohibit a court from issuing cross orders of protection.

43           I. After granting an order of protection, the court shall provide  
44 the order to a law enforcement agency or a constable as set forth in  
45 subsection J of this section for service or to an entity that is

1 authorized in subsection K of this section to serve process. The agency  
2 or entity serving the order shall provide confirmation of service to the  
3 plaintiff as soon as practicable. If service of an order cannot be  
4 completed within fifteen days after the agency or entity receives the  
5 order, the agency or entity that is attempting service shall notify the  
6 plaintiff and continue to attempt service. This notification may be  
7 completed by a victim notification system, if available.

8 J. If the order of protection is provided to a law enforcement  
9 agency or a constable, service of an order of protection is as follows:

10 1. For each order of protection that is issued by a municipal  
11 court, if the defendant can be served within that city or town, the order  
12 shall be served by the law enforcement agency of that city or town. If  
13 the order can be served in another city or town, the order shall be served  
14 by the law enforcement agency of that city or town. If the order cannot be  
15 served within a city or town, the order shall be served by the sheriff or  
16 constable of the county in which the defendant can be served.

17 2. For each order of protection that is issued by a justice of the  
18 peace, the order of protection shall be served by the sheriff or constable  
19 of the county in which the defendant can be served or by a municipal law  
20 enforcement agency.

21 3. For each order of protection that is issued by a superior court  
22 judge or commissioner, the order of protection shall be served by the  
23 sheriff or constable of the county where the defendant can be served.

24 K. In addition to persons authorized to serve process pursuant to  
25 rule 4(d) of the Arizona rules of civil procedure, a peace officer or a  
26 correctional officer as defined in section 41-1661 who is acting in the  
27 officer's official capacity may serve an order of protection that is  
28 issued pursuant to this section. Service of the order of protection has  
29 priority over other service of process that does not involve an immediate  
30 threat to the safety of a person.

31 L. At any time during the period during which the order is in  
32 effect, a party who is under an order of protection or who is restrained  
33 from contacting the other party is entitled to one hearing on written  
34 request. No fee may be charged for requesting a hearing. A hearing that is  
35 requested by a party who is under an order of protection or who is  
36 restrained from contacting the other party shall be held within ten days  
37 from the date requested unless the court finds good cause to continue the  
38 hearing. If exclusive use of the home is awarded, the hearing shall be  
39 held within five days from the date requested. The hearing shall be held  
40 at the earliest possible time. An ex parte order that is issued under  
41 this section shall state on its face that the defendant is entitled to a  
42 hearing on written request and shall include the name and address of the  
43 judicial office where the request may be filed. After the hearing, the  
44 court may modify, quash or continue the order. If the exclusive use of  
45 the home is awarded to the party, the court, on written request of a

1 party, may hold additional hearings at any time if there is a change in  
2 circumstances related to the primary residence. AFTER A HEARING UNDER  
3 THIS PARAGRAPH HAS BEEN CONDUCTED, THE SUPERIOR COURT IN A TITLE 25 ACTION  
4 MAY MODIFY THE ORDER OF PROTECTION ONLY AS TO A CHILD WHO IS COMMON TO THE  
5 PARTIES AND WHO IS INCLUDED ON THE ORDER OF PROTECTION. SUCH A  
6 MODIFICATION MAY ONLY BE MADE IF IT IS IN THE BEST INTEREST OF THE CHILD,  
7 AND THE MODIFICATION SHALL BE LIMITED SOLELY TO EFFECTUATING PARENTING  
8 TIME ORDERS BETWEEN THE DEFENDANT AND THE COMMON CHILD.

9 M. The order shall include the following statement:

10 Warning

11 This is an official court order. If you disobey this  
12 order, you will be subject to arrest and prosecution for the  
13 crime of interfering with judicial proceedings and any other  
14 crime you may have committed in disobeying this order.

15 N. An order of protection that is not served on the defendant  
16 within one year after the date that the order is issued expires. An order  
17 is effective on the defendant on service of a copy of the order and  
18 petition. An order expires two years after service on the defendant. A  
19 modified order is effective on service and expires two years after service  
20 of the initial order and petition.

21 O. A supplemental information form that is used by the court or a  
22 law enforcement agency solely for the purposes of service of process on  
23 the defendant and that contains information provided by the plaintiff is  
24 confidential.

25 P. Each affidavit, declaration, acceptance or return of service  
26 shall be filed as soon as practicable but not later than seventy-two  
27 hours, excluding weekends and holidays, with the clerk of the issuing  
28 court or as otherwise required by court rule. This filing shall be  
29 completed in person, electronically or by fax.

30 Q. The supreme court shall maintain a central repository for orders  
31 of protection. Within twenty-four hours after the affidavit, declaration,  
32 acceptance or return of service has been filed, excluding weekends and  
33 holidays, the court from which the order or any modified order was issued  
34 shall enter the order and proof of service into the supreme court's  
35 central repository for orders of protection. The supreme court shall  
36 register the order with the national crime information center. The  
37 effectiveness of an order does not depend on its registration, and for  
38 enforcement purposes pursuant to section 13-2810, a copy of an order of  
39 the court, whether or not registered, is presumed to be a valid existing  
40 order of the court for a period of two years from the date of service of  
41 the order on the defendant.

42 R. A peace officer, with or without a warrant, may arrest a person  
43 if the peace officer has probable cause to believe that the person has  
44 violated section 13-2810 by disobeying or resisting an order that is  
45 issued in any jurisdiction in this state pursuant to this section, whether

1 or not such violation occurred in the presence of the officer. Criminal  
2 violations of an order issued pursuant to this section shall be referred  
3 to an appropriate law enforcement agency. The provisions for release  
4 under section 13-3883, subsection A, paragraph 4 and section 13-3903 do  
5 not apply to an arrest made pursuant to this section. For the purposes of  
6 this section, any court in this state has jurisdiction to enforce a valid  
7 order of protection that is issued in this state and that has been  
8 violated in any jurisdiction in this state.

9 S. A person who is arrested pursuant to subsection R of this  
10 section may be released from custody in accordance with the Arizona rules  
11 of criminal procedure or any other applicable statute. An order for  
12 release, with or without an appearance bond, shall include pretrial  
13 release conditions that are necessary to provide for the protection of the  
14 alleged victim and other specifically designated persons and may provide  
15 for any other additional conditions that the court deems appropriate,  
16 including participation in any counseling programs available to the  
17 defendant. The agency with custody of the defendant shall make reasonable  
18 efforts to contact the victim and other specifically designated persons in  
19 the order of protection, if known to the custodial agency, who requested  
20 notification immediately on release of the arrested person from custody.

21 T. The remedies provided in this section for enforcement of the  
22 orders of the court are in addition to any other civil and criminal  
23 remedies available. The superior court shall have exclusive jurisdiction  
24 to issue orders of protection in all cases if it appears from the petition  
25 that an action for maternity or paternity, annulment, legal separation or  
26 dissolution of marriage is pending between the parties. A municipal court  
27 or justice court shall not issue an order of protection if it appears from  
28 the petition that an action for maternity or paternity, annulment, legal  
29 separation or dissolution of marriage is pending between the parties.  
30 After issuance of an order of protection, if the municipal court or  
31 justice court determines that an action for maternity or paternity,  
32 annulment, legal separation or dissolution of marriage is pending between  
33 the parties, the municipal court or justice court shall stop further  
34 proceedings in the action and forward all papers, together with a  
35 certified copy of docket entries or any other record in the action, to the  
36 superior court where they shall be docketed in the pending superior court  
37 action and shall proceed as though the petition for an order of protection  
38 had been originally brought in the superior court. Notwithstanding any  
39 other law and unless prohibited by an order of the superior court, a  
40 municipal court or justice court may hold a hearing on all matters  
41 relating to its ex parte order of protection if the hearing was requested  
42 before receiving written notice of the pending superior court action. ~~NO~~  
43 AN order of protection shall NOT be invalid or determined to be  
44 ineffective merely because it was issued by a lower court at a time when  
45 an action for maternity or paternity, annulment, legal separation or

1 dissolution of marriage was pending in a higher court. After a hearing  
2 with notice to the affected party, the court may enter an order requiring  
3 any party to pay the costs of the action, including reasonable attorney  
4 fees, if any. An order that is entered by a justice court or municipal  
5 court after a hearing pursuant to this section may be appealed to the  
6 superior court as provided in title 22, chapter 2, article 4, section  
7 22-425, subsection B and the superior court rules of civil appellate  
8 procedure without regard to an amount in controversy. ~~No~~ A fee may NOT be  
9 charged to either party for filing an appeal. For the purposes of this  
10 subsection, "pending" means, with respect to an action for annulment,  
11 legal separation or dissolution of marriage or for maternity or paternity,  
12 either that:

13 1. An action has been commenced but a final judgment, decree or  
14 order has not been entered.

15 2. A post-decree proceeding has been commenced but a judgment,  
16 decree or order finally determining the proceeding has not been entered.

17 U. A peace officer who makes an arrest pursuant to this section or  
18 section 13-3601 is not civilly or criminally liable for the arrest if the  
19 officer acts on probable cause and without malice.

20 V. A valid protection order that is related to domestic or family  
21 violence and that is issued by a court in another state, a court of a  
22 United States territory or a tribal court shall be accorded full faith and  
23 credit and shall be enforced as if it were issued in this state for as  
24 long as the order is effective in the issuing jurisdiction. For the  
25 purposes of this subsection:

26 1. A protection order includes any injunction or other order that  
27 is issued for the purpose of preventing violent or threatening acts or  
28 harassment against, contact or communication with or physical proximity to  
29 another person. A protection order includes temporary and final orders  
30 other than support or child custody orders that are issued by civil and  
31 criminal courts if the order is obtained by the filing of an independent  
32 action or is a pendente lite order in another proceeding. The civil order  
33 shall be issued in response to a complaint, petition or motion that was  
34 filed by or on behalf of a person seeking protection.

35 2. A protection order is valid if the issuing court had  
36 jurisdiction over the parties and the matter under the laws of the issuing  
37 state, a United States territory or an Indian tribe and the person against  
38 whom the order was issued had reasonable notice and an opportunity to be  
39 heard. If the order is issued ex parte, the notice and opportunity to be  
40 heard shall be provided within the time required by the laws of the  
41 issuing state, a United States territory or an Indian tribe and within a  
42 reasonable time after the order was issued.

43 3. A mutual protection order that is issued against both the party  
44 who filed a petition or a complaint or otherwise filed a written pleading

1 for protection against abuse and the person against whom the filing was  
2 made is not entitled to full faith and credit if either:

3 (a) The person against whom an initial order was sought has not  
4 filed a cross or counter petition or other written pleading seeking a  
5 protection order.

6 (b) The issuing court failed to make specific findings supporting  
7 the entitlement of both parties to be granted a protection order.

8 4. A peace officer may presume the validity of and rely on a copy  
9 of a protection order that is issued by another state, a United States  
10 territory or an Indian tribe if the order was given to the officer by any  
11 source. A peace officer may also rely on the statement of any person who  
12 is protected by the order that the order remains in effect. A peace  
13 officer who acts in good faith reliance on a protection order is not  
14 civilly or criminally liable for enforcing the protection order pursuant  
15 to this section.

16 W. For the purposes of this section, "victim notification system"  
17 means an automated system that may provide plaintiffs and crime victims  
18 with an automated notification regarding the person's case.

19 Sec. 2. Section 13-3967, Arizona Revised Statutes, is amended to  
20 read:

21 13-3967. Release on bailable offenses before trial;  
22 definition

23 A. At his appearance before a judicial officer, any person who is  
24 charged with a public offense that is bailable as a matter of right shall  
25 be ordered released pending trial on his own recognizance or on the  
26 execution of bail in an amount specified by the judicial officer.

27 B. In determining the method of release or the amount of bail, the  
28 judicial officer, on the basis of available information, shall take into  
29 account all of the following:

30 1. The views of the victim.

31 2. The nature and circumstances of the offense charged.

32 3. Whether the accused has a prior arrest or conviction for a  
33 serious offense or violent or aggravated felony as defined in section  
34 13-706 or an offense in another state that would be a serious offense or  
35 violent or aggravated felony as defined in section 13-706 if committed in  
36 this state.

37 4. Evidence that the accused poses a danger to others in the  
38 community.

39 5. The results of a risk or lethality assessment in a domestic  
40 violence charge that is presented to the court.

41 6. The weight of evidence against the accused.

42 7. The accused's family ties, employment, financial resources,  
43 character and mental condition.

44 8. The results of any drug test submitted to the court.

1           9. Whether the accused is using any substance if its possession or  
2 use is illegal pursuant to chapter 34 of this title.

3           10. Whether the accused violated section 13-3407, subsection A,  
4 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01.

5           11. The length of residence in the community.

6           12. The accused's record of arrests and convictions.

7           13. The accused's record of appearance at court proceedings or of  
8 flight to avoid prosecution or failure to appear at court proceedings.

9           14. Whether the accused has entered or remained in the United  
10 States illegally.

11           15. Whether the accused's residence is in this state, in another  
12 state or outside the United States.

13           C. If a judicial officer orders the release of a defendant who is  
14 charged with a felony either on his own recognizance or on bail, the  
15 judicial officer shall condition the defendant's release on the  
16 defendant's good behavior while so released. On a showing of probable  
17 cause that the defendant committed any offense during the period of  
18 release, a judicial officer may revoke the defendant's release pursuant to  
19 section 13-3968.

20           D. After providing notice to the victim pursuant to section  
21 13-4406, a judicial officer may impose any of the following conditions on  
22 a person who is released on his own recognizance or on bail:

23           1. Place the person in the custody of a designated person or  
24 organization agreeing to supervise him.

25           2. Place restrictions on the person's travel, associates or place  
26 of abode during the period of release.

27           3. Require the deposit with the clerk of the court of cash or other  
28 security, such deposit to be returned on the performance of the conditions  
29 of release.

30           4. Prohibit the person from possessing any deadly weapon or  
31 engaging in certain described activities or indulging in intoxicating  
32 liquors or certain drugs.

33           5. Require the person to report regularly to and remain under the  
34 supervision of an officer of the court.

35           6. Impose any other conditions deemed reasonably necessary to  
36 assure appearance as required including a condition requiring that the  
37 person return to custody after specified hours.

38           E. In addition to any of the conditions a judicial officer may  
39 impose pursuant to subsection D of this section, the judicial officer  
40 shall impose both of the following conditions on a person who is charged  
41 with a felony violation of chapter 14 or 35.1 of this title or section  
42 13-3212 ~~and who~~ OR A FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED  
43 IN SECTION 13-3601 THAT RESULTS IN PHYSICAL HARM AGAINST ANOTHER PERSON IF  
44 THE PERSON is released on his own recognizance or on bail:

45           1. Electronic monitoring where available.

1           2. A condition prohibiting the person from having any contact with  
2 the victim.

3           F. The judicial officer who authorizes the release of the person  
4 charged on his own recognizance or on bail shall do all of the following:

5           1. Issue an appropriate order containing statements of the  
6 conditions imposed.

7           2. Inform the person of the penalties that apply to any violation  
8 of the conditions of release.

9           3. Advise the person that a warrant for his arrest may be issued  
10 immediately on any violation of the conditions of release, including the  
11 failure to submit to deoxyribonucleic acid testing ordered pursuant to  
12 paragraph 4 of this subsection.

13           4. If the person is charged with a felony or misdemeanor offense  
14 listed in section 13-610, subsection 0, paragraph 3 and is summoned to  
15 appear, order the person to report within five days to the law enforcement  
16 agency that arrested the person or to the agency's designee and submit a  
17 sufficient sample of buccal cells or other bodily substances for  
18 deoxyribonucleic acid testing and extraction. If a person does not comply  
19 with an order issued pursuant to this paragraph, the court shall revoke  
20 the person's release.

21           G. At any time after providing notice to the victim pursuant to  
22 section 13-4406, the judicial officer who orders the release of a person  
23 on any condition specified in this section or the court in which a  
24 prosecution is pending may amend the order to employ additional or  
25 different conditions of release, including either an increase or reduction  
26 in the amount of bail. On application, the defendant shall be entitled to  
27 have the conditions of release reviewed by the judicial officer who  
28 imposed them or by the court in which the prosecution is pending.  
29 Reasonable notice of the application shall be given to the county attorney  
30 and the victim.

31           H. Any information that is stated or offered in connection with any  
32 order pursuant to this section need not conform to the rules pertaining to  
33 admissibility of evidence in a court of law.

34           I. This section does not prevent the disposition of any case or  
35 class of cases by forfeiture of bail or collateral security if such  
36 disposition is authorized by the court.

37           J. A judicial officer who orders the release of a juvenile who is  
38 enrolled in a school and who has been transferred to the criminal division  
39 of the superior court pursuant to section 8-327 or who has been charged as  
40 an adult pursuant to section 13-501 shall notify the appropriate school on  
41 the release of the juvenile from custody.

42           K. For the purposes of this section and section 13-3968, "judicial  
43 officer" means any person or court authorized pursuant to the constitution  
44 or laws of this state to bail or otherwise release a person before trial  
45 or sentencing or pending appeal.

House Engrossed

termination; parent-child relationship; service

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

# HOUSE BILL 4042

AN ACT

AMENDING SECTIONS 8-533 AND 8-535, ARIZONA REVISED STATUTES; RELATING TO  
TERMINATION OF THE PARENT-CHILD RELATIONSHIP.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-533, Arizona Revised Statutes, is amended to  
3 read:

4 8-533. Petition; who may file; grounds

5 A. Any person or agency that has a legitimate interest in the  
6 welfare of a child, including a relative, a foster parent, a physician,  
7 the department or a private licensed child welfare agency, may file a  
8 petition for the termination of the parent-child relationship alleging  
9 grounds contained in subsection B of this section.

10 B. Evidence sufficient to justify the termination of the  
11 parent-child relationship shall include any one of the following, and in  
12 considering any of the following grounds, the court shall also consider  
13 the best interests of the child:

14 1. That the parent has abandoned the child.

15 2. That the parent has neglected or wilfully abused a child. This  
16 abuse includes serious physical or emotional injury or situations in which  
17 the parent knew or reasonably should have known that a person was abusing  
18 or neglecting a child.

19 3. That the parent is unable to discharge parental responsibilities  
20 because of mental illness, mental deficiency or a history of chronic abuse  
21 of dangerous drugs, controlled substances or alcohol and there are  
22 reasonable grounds to believe that the condition will continue for a  
23 prolonged indeterminate period.

24 4. That the parent is deprived of civil liberties due to the  
25 conviction of a felony if the felony of which that parent was convicted is  
26 of such nature as to prove the unfitness of that parent to have future  
27 custody and control of the child, including murder of another child of the  
28 parent, manslaughter of another child of the parent or aiding or abetting  
29 or attempting, conspiring or soliciting to commit murder or manslaughter  
30 of another child of the parent, or if the sentence of that parent is of  
31 such length that the child will be deprived of a normal home for a period  
32 of years.

33 5. That the potential father failed to file a paternity action **AND**  
34 **TO SERVE THE MOTHER WITH A COPY OF THE FILED PATERNITY ACTION** within  
35 thirty days ~~of~~ **AFTER** completion of service of notice as prescribed in  
36 section 8-106, subsection G.

37 6. That the putative father failed to file a notice of claim of  
38 paternity as prescribed in section 8-106.01.

39 7. That the parents have relinquished their rights to a child to an  
40 agency or have consented to the adoption.

41 8. That the child is being cared for in an out-of-home placement  
42 under the supervision of the juvenile court, the division or a licensed  
43 child welfare agency, that the agency responsible for the care of the  
44 child has made a diligent effort to provide appropriate reunification  
45 services and that one of the following circumstances exists:

1 (a) The child has been in an out-of-home placement for a cumulative  
2 total period of nine months or longer pursuant to court order or voluntary  
3 placement pursuant to section 8-806 and the parent has substantially  
4 neglected or wilfully refused to remedy the circumstances that cause the  
5 child to be in an out-of-home placement.

6 (b) The child who is under three years of age has been in an  
7 out-of-home placement for a cumulative total period of six months or  
8 longer pursuant to court order and the parent has substantially neglected  
9 or wilfully refused to remedy the circumstances that cause the child to be  
10 in an out-of-home placement, including refusal to participate in  
11 reunification services offered by the department.

12 (c) The child has been in an out-of-home placement for a cumulative  
13 total period of fifteen months or longer pursuant to court order or  
14 voluntary placement pursuant to section 8-806, the parent has been unable  
15 to remedy the circumstances that cause the child to be in an out-of-home  
16 placement and there is a substantial likelihood that the parent will not  
17 be capable of exercising proper and effective parental care and control in  
18 the near future.

19 9. That the identity of the parent is unknown and continues to be  
20 unknown following three months of diligent efforts to identify and locate  
21 the parent.

22 10. That the parent has had parental rights to another child  
23 terminated within the preceding two years for the same cause and is  
24 currently unable to discharge parental responsibilities due to the same  
25 cause.

26 11. That all of the following are true:

27 (a) The child was cared for in an out-of-home placement pursuant to  
28 court order.

29 (b) The agency responsible for the care of the child made diligent  
30 efforts to provide appropriate reunification services.

31 (c) The child, pursuant to court order, was returned to the legal  
32 custody of the parent from whom the child had been removed.

33 (d) Within eighteen months after the child was returned, pursuant  
34 to court order, the child was removed from that parent's legal custody,  
35 the child is being cared for in an out-of-home placement under the  
36 supervision of the juvenile court, the division or a licensed child  
37 welfare agency and the parent is currently unable to discharge parental  
38 responsibilities.

39 12. Clear and convincing evidence that the parent committed a  
40 sexual assault against the petitioning parent and the child was conceived  
41 as a result of the sexual assault. If the parent who is the subject of  
42 the petition pleads guilty to or is convicted of a violation of section  
43 13-1406 or a violation of an offense in another jurisdiction that if  
44 committed in this state would be a violation of section 13-1406, the court  
45 may accept the guilty plea or conviction as evidence that the child was

1 conceived as a result of a sexual assault by that parent. For the  
2 purposes of this paragraph:

3 (a) "Oral sexual contact" has the same meaning prescribed in  
4 section 13-1401.

5 (b) "Sexual assault" means intentionally or knowingly engaging in  
6 sexual intercourse or oral sexual contact with a person without the  
7 consent of that person.

8 (c) "Sexual intercourse" has the same meaning prescribed in section  
9 13-1401.

10 C. Evidence considered by the court pursuant to subsection B of  
11 this section shall include any substantiated allegations of abuse or  
12 neglect committed in another jurisdiction.

13 D. In considering the grounds for termination prescribed in  
14 subsection B, paragraph 8 or 11 of this section, the court shall consider  
15 the availability of reunification services to the parent and the  
16 participation of the parent in these services.

17 E. In considering the grounds for termination prescribed in  
18 subsection B, paragraph 8 of this section, the court shall not consider  
19 the first sixty days of the initial out-of-home placement pursuant to  
20 section 8-806 in the cumulative total period.

21 F. The failure of an alleged parent who is not the child's legal  
22 parent to take a test requested by the department or ordered by the court  
23 to determine if the person is the child's natural parent is prima facie  
24 evidence of abandonment unless good cause is shown by the alleged parent  
25 for that failure.

26 Sec. 2. Section 8-535, Arizona Revised Statutes, is amended to  
27 read:

28 8-535. Notice of initial hearing; waiver; guardian ad litem

29 A. After the petition has been filed, the clerk of the superior  
30 court shall set a time and place for the initial hearing. Notice of the  
31 initial hearing and a copy of the petition shall be given to the parents  
32 of the child, the guardian of the person of the child, the person having  
33 legal custody of the child, any individual standing in loco parentis to  
34 the child, the tribe of any Indian child as defined by the federal Indian  
35 child welfare act of 1978 (25 United States Code section 1903) and the  
36 guardian ad litem of any party as provided for service of process in civil  
37 actions. In addition to the service of process requirements in civil  
38 actions, any parent, any Indian custodian and the tribe of an Indian child  
39 shall be notified of the initial hearing by certified or registered mail,  
40 return receipt requested, as required by the federal Indian child welfare  
41 act of 1978 (25 United States Code section 1912). The notice required by  
42 this subsection shall include the following statement:

1           You have a right to appear as a party in this proceeding. The  
2           failure of a parent to appear at the initial hearing, the  
3           pretrial conference, the status conference or the termination  
4           adjudication hearing may result in an adjudication terminating  
5           the parent-child relationship of that parent.

6           B. The initial hearing shall take place not sooner than ten days  
7           after the completion of service of notice.

8           C. Notice and appearance may be waived by a parent before the court  
9           or in writing and attested to by two or more credible witnesses who are  
10          eighteen or more years of age subscribing their names thereto in the  
11          presence of the person executing the waiver or shall be duly acknowledged  
12          before an officer authorized to take acknowledgements by the person  
13          signing the waiver of notice and appearance. The face of the waiver shall  
14          contain language explaining the meaning and consequences of the waiver and  
15          the termination of parental rights. The parent who has executed such a  
16          waiver shall not be required to appear.

17          D. If a parent does not appear at the initial hearing, the court,  
18          after determining that the parent has been served with proper legal  
19          notice, may find that the parent has waived the parent's legal rights and  
20          is deemed to have admitted the allegations of the petition by the failure  
21          to appear. The court may terminate the parent-child relationship as to a  
22          parent who does not appear based on the record and evidence presented as  
23          provided in rules prescribed by the supreme court.

24          E. At the initial hearing, the court shall:

25            1. Schedule a pretrial conference or status conference.

26            2. Schedule the termination adjudication hearing.

27            3. Instruct the parent that the failure to appear at the pretrial  
28          conference, status conference or termination adjudication hearing may  
29          result in an adjudication terminating the parent-child relationship as to  
30          a parent who does not appear.

31          F. On the motion of any party or on its own motion, the court shall  
32          appoint a guardian ad litem if it determines that there are reasonable  
33          grounds to believe that a party to the proceeding is mentally incompetent  
34          or is otherwise in need of a guardian ad litem.

35          G. The county attorney, on the request of the court or a  
36          governmental agency or on the county attorney's own motion, may intervene  
37          in any proceedings under this article to represent the interest of the  
38          child.

39          H. A potential father who fails to file a paternity action **AND TO**  
40          **SERVE THE MOTHER WITH A COPY OF THE FILED PATERNITY ACTION** within thirty  
41          days after completion of service of the notice prescribed in section  
42          8-106, subsection G waives his right to be notified regarding the  
43          termination of parental rights and his consent to the termination of  
44          parental rights is not required.

Senate Engrossed

aggravated harassment; lifetime injunctions

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

# **CHAPTER 8**

## **SENATE BILL 1211**

AN ACT

AMENDING SECTION 13-719, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-719, Arizona Revised Statutes, is amended to  
3 read:

4 13-719. Lifetime injunction; offenses; registration;  
5 previously sentenced defendants

6 A. At the time of sentencing, on the request of the victim or the  
7 prosecutor, the superior court shall issue an injunction that prohibits  
8 the defendant from contacting the victim if the defendant is convicted of  
9 any of the following offenses, whether completed or preparatory:

10 1. A dangerous offense as defined in section 13-105 that is a  
11 felony.

12 2. A serious offense or violent or aggravated felony as defined in  
13 section 13-706.

14 3. A felony offense included in chapter 14 or 35.1 of this title.

15 4. A felony offense as set forth in section 13-1204, subsection B.

16 5. A felony offense as set forth in section 13-1424.

17 6. A felony offense as set forth in section 13-2923.

18 7. A FELONY OFFENSE AS SET FORTH IN SECTION 13-2921.01 INVOLVING  
19 DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.

20 B. An injunction issued pursuant to subsection A of this section is  
21 effective immediately and shall be served on the defendant at the time of  
22 sentencing.

23 C. The court shall provide information to the department of public  
24 safety to register the injunction with the national crime information  
25 center and shall notify the victim of the injunction.

26 D. If the victim did not request an injunction at the time of  
27 sentencing pursuant to subsection A of this section or the sentencing  
28 occurred before September 24, 2022, the victim may submit a petition to  
29 the superior court requesting an injunction against a defendant who was  
30 sentenced for an offense listed in subsection A of this section, and the  
31 court may not charge a fee for filing the petition. A law enforcement  
32 agency shall serve an injunction issued pursuant to this subsection at no  
33 charge to the victim.

34 E. An injunction that is issued pursuant to this section does not  
35 expire and is valid for the defendant's natural lifetime unless any of the  
36 following occurs:

37 1. The defendant makes a showing to the court that either:

38 (a) The victim has died.

39 (b) The conviction has been dismissed, expunged or overturned or  
40 the defendant has been pardoned.

41 2. The victim submits a written request to the court for an early  
42 expiration. The court may hold a hearing to verify the victim's request  
43 to dismiss the injunction.

1           F. Notwithstanding any other law, a conviction that is designated a  
2 misdemeanor pursuant to section 13-604, set aside pursuant to section  
3 13-905 or sealed pursuant to section 13-911 does not affect the validity  
4 of a lifetime injunction that is issued pursuant to this section and does  
5 not prohibit a victim from submitting a petition to the superior court  
6 requesting a lifetime injunction.

APPROVED BY THE GOVERNOR MARCH 27, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2026.