REFERENCE TITLE: child custody; factors

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SB 1127

Introduced by
Senator Allen; Representatives Burges, Crandell: Senators Gray, Smith;
Representative Barton

AN ACT

AMENDING SECTION 25-403, ARIZONA REVISED STATUTES; RELATING TO CHILD CUSTODY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 25-403, Arizona Revised Statutes, is amended to read:

25-403. Custody; best interests of child

A. The court shall determine custody, either originally or on petition for modification, in accordance with the best interests of the child. The court shall consider all relevant factors, including:

1. The wishes of the child's parent or parents as to custody.

2. The wishes of the child as to the custodian.

3. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.

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

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

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

7. Whether one parent, both parents or neither parent has provided primary care of the child.

8. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.

9. Whether a parent has complied with chapter 3, article 5 of this title.

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

11. Whether there has been domestic violence or child abuse ~~as defined in~~ PURSUANT TO section 25-403.03.

12. WHETHER AN ALLEGATION OF DOMESTIC VIOLENCE OR CHILD ABUSE PURSUANT TO SECTION 25-403.03 HAS BEEN MADE BY ONE PARENT AGAINST ANOTHER IN BAD FAITH OR FOR AN IMPROPER PURPOSE, SUCH AS TO HARASS THE OTHER PARENT, TO CAUSE AN UNNECESSARY DELAY OR TO INCREASE THE COST OF LITIGATION.

B. In a contested custody case, the court shall make specific findings on the record about all relevant factors and the reasons for which the decision is in the best interests of the child.