

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 57

SENATE BILL 1106

AN ACT

AMENDING SECTIONS 25-403 AND 25-817, ARIZONA REVISED STATUTES; RELATING TO
CHILD CUSTODY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 25-403. Custody; best interests of child

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

- 8 1. The wishes of the child's parent or parents as to custody.
9 2. The wishes of the child as to the custodian.
10 3. The interaction and interrelationship of the child with the child's
11 parent or parents, the child's siblings and any other person who may
12 significantly affect the child's best interest.
13 4. The child's adjustment to home, school and community.
14 5. The mental and physical health of all individuals involved.
15 6. Which parent is more likely to allow the child frequent and
16 meaningful continuing contact with the other parent. THIS PARAGRAPH DOES NOT
17 APPLY IF THE COURT DETERMINES THAT A PARENT IS ACTING IN GOOD FAITH TO
18 PROTECT THE CHILD FROM WITNESSING AN ACT OF DOMESTIC VIOLENCE OR BEING A
19 VICTIM OF DOMESTIC VIOLENCE OR CHILD ABUSE.

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

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

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

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

28 11. WHETHER THERE HAS BEEN DOMESTIC VIOLENCE OR CHILD ABUSE AS DEFINED
29 IN SECTION 25-403.03.

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

33 Sec. 2. Section 25-817, Arizona Revised Statutes, is amended to read:

34 25-817. Temporary orders; presumption of paternity

35 A. Pending a judicial determination of paternity, the court shall
36 issue a temporary order of support, and may issue a temporary order regarding
37 custody and parenting time, if any of the following applies:

38 1. Genetic testing affirms at least a ninety-five per cent probability
39 of paternity.

40 2. A notarized or witnessed statement is signed by both parents
41 acknowledging paternity or separate substantially similar notarized or
42 witnessed statements are signed acknowledging paternity and filed with the
43 department of health services pursuant to section 36-334 or filed with the
44 department of economic security.

1 3. The respondent admits or does not deny paternity in a written
2 response filed with the clerk of the court.

3 ~~4. There is other clear and convincing evidence as determined by a~~
4 ~~court.~~

5 B. A temporary order issued pursuant to this section does not
6 prejudice the rights of a person or child that are adjudicated at subsequent
7 hearings in the proceeding.

8 C. A temporary order issued pursuant to this section may be revoked or
9 modified and terminates when the final support, custody or parenting time
10 order is entered or when the petition for support, custody or parenting time
11 is dismissed.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 29, 20 09,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

[Signature]
Speaker of the House
Norman L. Joyce
Chief Clerk of the House

Passed the Senate June 27, 20 09,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate
Chaimin Bellipton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
1st day of July, 20 09

at 8:53 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 10th day of

July, 20 09,

at 9:52 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1106

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 10 day of July, 20 09,

at 12:30 o'clock P. M.

[Signature]
Secretary of State