Senate Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 186

SENATE BILL 1095

AN ACT

AMENDING SECTIONS 25-351, 25-403.02 AND 25-403.05, ARIZONA REVISED STATUTES; RELATING TO CHILD CUSTODY AND VISITATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 25-351, Arizona Revised Statutes, is amended to read:

25-351. Domestic relations education; plan; administration

A. ~~On or before January 1, 1997,~~ The superior court in each county shall adopt and implement an educational program for the purpose of educating persons about the impacts that divorce, the restructuring of families and judicial involvement have on children.

B. The supreme court shall adopt minimum standards for educational programs. The presiding judge of the superior court in each county shall submit an educational program plan to the supreme court for approval. The plan shall be consistent with the minimum standards that are adopted by the supreme court, including the length and nature of the program, the qualifications of program providers and the means by which the program will be evaluated and maintained. EACH PROGRAM SHALL ALSO INCLUDE INFORMATION REGARDING THE NOTIFICATION REQUIREMENTS OF SECTION 25-403.05, SUBSECTION B.

C. The presiding judge of the superior court or a judge who is designated by the presiding judge shall administer the program in each county and may provide or contract with political subdivisions in this state or private entities to provide the program to participants who are required to attend.

Sec. 2. Section 25-403.02, Arizona Revised Statutes, is amended to read:

25-403.02. Parenting plans

A. Before an award is made granting joint custody, the parents shall submit a proposed parenting plan that includes at least the following:

1. Each parent's rights and responsibilities for the personal care of the child and for decisions in areas such as education, health care and religious training.

2. A schedule of the physical residence of the child, including holidays and school vacations.

3. A procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of conciliation services or private counseling.

4. A procedure for periodic review of the plan's terms by the parents.

5. A statement that the parties understand that joint custody does not necessarily mean equal parenting time.

6. A STATEMENT THAT EACH PARTY HAS READ, UNDERSTANDS AND WILL ABIDE BY THE NOTIFICATION REQUIREMENTS OF SECTION 25-403.05, SUBSECTION B.

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

Sec. 3. Section 25-403.05, Arizona Revised Statutes, is amended to read:

25-403.05. Sexual offenders; murderers; custody and parenting time; notification of risk to child

A. Unless the court finds that there is no significant risk to the child and states its reasons in writing, the court shall not grant a person sole or joint physical or legal custody of a child or unsupervised parenting time with a child if the person:

1. Is a registered sex offender.

2. Has been convicted of murder in the first degree and the victim of the murder was the other parent of the child who is the subject of the order. In making its finding, the court may consider, among other factors, the following:

(a) Credible evidence that the convicted parent was a victim of domestic violence, as defined in section 13-3601, committed by the murdered parent.

(b) Testimony of an expert witness that the convicted parent suffered trauma from abuse committed by the murdered parent.

B. A CHILD'S PARENT OR CUSTODIAN MUST IMMEDIATELY NOTIFY THE OTHER PARENT OR CUSTODIAN IF THE PARENT OR CUSTODIAN KNOWS THAT A CONVICTED OR REGISTERED SEX OFFENDER OR A PERSON WHO HAS BEEN CONVICTED OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705 MAY HAVE ACCESS TO THE CHILD. THE PARENT OR CUSTODIAN MUST PROVIDE NOTICE BY FIRST CLASS MAIL, RETURN RECEIPT REQUESTED, BY ELECTRONIC MEANS TO AN ELECTRONIC MAIL ADDRESS THAT THE RECIPIENT PROVIDED TO THE PARENT OR CUSTODIAN FOR NOTIFICATION PURPOSES OR BY OTHER COMMUNICATION ACCEPTED BY THE COURT.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House April 20, 2010,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 22, 2010,

by the following vote: 16 Ayes,

13 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21 day of April, 2010

at 2:00 o'clock P. M.

Secretary to the Governor

Approved this 27th day of

April, 2010,

at 2:55 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of April, 2010,

at 8:32 o'clock a M.

Secretary of State

S.B. 1095