

Senate Engrossed House Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 203

HOUSE BILL 2252

AN ACT

AMENDING SECTIONS 25-403.06 AND 25-408, 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 25-403.06, Arizona Revised Statutes, is amended to
3 read:

4 25-403.06. Parental access to prescription medication and
5 records

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

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

15 C. A PARENT WITH JOINT LEGAL CUSTODY SHALL NOT DESIGNATE ONE PHARMACY
16 IN A SINGLE LOCATION AS THE ONLY SOURCE OF THE CHILD'S PRESCRIPTION
17 MEDICATION WITHOUT AGREEMENT OF THE OTHER PARENT.

18 ~~E.~~ D. A parent who attempts to restrict the release of documents or
19 information by the custodian OR ATTEMPTS TO WITHHOLD PRESCRIPTION MEDICATION
20 without a prior court order is subject to appropriate legal sanctions.

21 Sec. 2. Section 25-408, Arizona Revised Statutes, is amended to read:

22 25-408. Rights of noncustodial parent; parenting time;
23 relocation of child; exception; enforcement; access
24 to prescription medication and records

25 A. A parent who is not granted custody of the child is entitled to
26 reasonable parenting time rights to ensure that the minor child has frequent
27 and continuing contact with the noncustodial parent unless the court finds,
28 after a hearing, that parenting time would endanger seriously the child's
29 physical, mental, moral or emotional health.

30 B. If by written agreement or court order both parents are entitled to
31 custody or parenting time and both parents reside in the state, at least
32 sixty days' advance written notice shall be provided to the other parent
33 before a parent may do either of the following:

- 34 1. Relocate the child outside the state.
- 35 2. Relocate the child more than one hundred miles within the state.

36 C. The notice required by this section shall be made by certified
37 mail, return receipt requested, or pursuant to the Arizona rules of family
38 law procedure. The court shall sanction a parent who, without good cause,
39 does not comply with the notification requirements of this subsection. The
40 court may impose a sanction that will affect custody or parenting time only
41 in accordance with the child's best interests.

42 D. Within thirty days after notice is made the nonmoving parent may
43 petition the court to prevent relocation of the child. After expiration of
44 this time any petition or other application to prevent relocation of the
45 child may be granted only on a showing of good cause. This subsection does

1 not prohibit a parent who is seeking to relocate the child from petitioning
2 the court for a hearing, on notice to the other parent, to determine the
3 appropriateness of a relocation that may adversely affect the other parent's
4 custody or parenting time rights.

5 E. Subsection B of this section does not apply if provision for
6 relocation of a child has been made by a court order or a written agreement
7 of the parties that is dated within one year of the proposed relocation of
8 the child.

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

11 1. A parent with sole custody or a parent with joint custody and
12 primary physical custody who is required by circumstances of health or safety
13 or employment of that parent or that parent's spouse to relocate in less than
14 sixty days after written notice has been given to the other parent may
15 temporarily relocate with the child.

16 2. A parent who shares joint custody and substantially equal physical
17 custody and who is required by circumstances of health or safety or
18 employment of that parent or that parent's spouse to relocate in less than
19 sixty days after written notice has been given to the other parent may
20 temporarily relocate with the child only if both parents execute a written
21 agreement to permit relocation of the child.

22 G. The court shall determine whether to allow the parent to relocate
23 the child in accordance with the child's best interests. The burden of
24 proving what is in the child's best interests is on the parent who is seeking
25 to relocate the child. To the extent practicable the court shall also make
26 appropriate arrangements to ensure the continuation of a meaningful
27 relationship between the child and both parents.

28 H. The court shall not deviate from a provision of any parenting plan
29 or other written agreement by which the parents specifically have agreed to
30 allow or prohibit relocation of the child unless the court finds that the
31 provision is no longer in the child's best interests. There is a rebuttable
32 presumption that a provision from any parenting plan or other written
33 agreement is in the child's best interests.

34 I. In determining the child's best interests the court shall consider
35 all relevant factors including:

36 1. The factors prescribed under section 25-403.

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

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

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

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

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

3 7. The motives of the parents and the validity of the reasons given
4 for moving or opposing the move including the extent to which either parent
5 may intend to gain a financial advantage regarding continuing child support
6 obligations.

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

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

11 K. Pursuant to section 25-403.06, the noncustodial parent is entitled
12 to have access to PRESCRIPTION MEDICATION, documents and other information
13 about the child unless the court finds that access would endanger seriously
14 the child's or the custodial parent's physical, mental, moral or emotional
15 health.

APPROVED BY THE GOVERNOR APRIL 5, 2012.

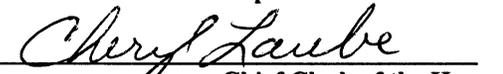
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2012.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 2, 2012,
by the following vote: 59 Ayes,

0 Nays, 1 Not Voting


Speaker of the House


Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
2 day of April, 2012,
at 3:20 o'clock P M.


Secretary to the Governor

Approved this 5th day of

April, 2012,

at 10:20 o'clock A M.


Governor of Arizona

H.B. 2252

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 5th day of April, 2012,

at 4:20 o'clock P M.


acting Secretary of State