

Senate Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 31

# **SENATE BILL 1073**

AN ACT

AMENDING SECTION 25-407, ARIZONA REVISED STATUTES; RELATING TO LEGAL  
DECISION-MAKING AND PARENTING TIME.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-407, Arizona Revised Statutes, is amended to  
3 read:

4 25-407. Legal decision-making and parenting time hearings;  
5 priority; costs; record

6 A. Legal decision-making and parenting time proceedings shall receive  
7 priority in being set for hearing. IF A PARTY TO A LEGAL DECISION-MAKING OR  
8 PARENTING TIME ACTION FILES A MOTION FOR TEMPORARY ORDERS IN ANY PRE-DECREE  
9 MATTER, THE COURT SHALL HOLD AN EVIDENTIARY HEARING WITHIN SIXTY DAYS AFTER  
10 THE PARTY FILES THE MOTION UNLESS:

11 1. THE FILING PARTY WAIVES THE REQUIREMENT FOR A HEARING TO BE  
12 CONDUCTED WITHIN SIXTY DAYS AFTER THE PARTY FILES THE MOTION.

13 2. TEMPORARY ORDERS ARE ESTABLISHED THROUGH A SEPARATE CONFERENCE OR  
14 HEARING WITHIN SIXTY DAYS AFTER THE PARTY FILES THE MOTION.

15 3. EXTRAORDINARY CIRCUMSTANCES EXIST AND THE COURT IS NOT ABLE TO  
16 SCHEDULE THE HEARING. IF THE COURT IS NOT ABLE TO SCHEDULE THE HEARING  
17 WITHIN SIXTY DAYS AFTER THE MOTION IS FILED, IT MUST MAKE A WRITTEN FINDING  
18 ON THE RECORD AS TO THE CAUSE OF THE DELAY.

19 B. SUBSECTION A OF THIS SECTION DOES NOT PRECLUDE ANY OTHER CONFERENCE  
20 OR HEARING.

21 ~~B.~~ C. The court may ~~tax~~ CHARGE as costs the payment of necessary  
22 travel and other expenses incurred by any person whose presence at the  
23 hearing the court deems necessary to determine the best interest of the  
24 child.

25 ~~C.~~ D. The court, without a jury, shall determine questions of law and  
26 fact. If it finds that a public hearing may be detrimental to the child's  
27 best interest, the court may exclude the public from a custody hearing, but  
28 may admit any person who has a direct and legitimate interest in the  
29 particular case or a legitimate educational or research interest in the work  
30 of the court.

31 ~~D.~~ E. If the court finds that to protect the child's welfare, the  
32 record of any interview, report, investigation or testimony in a legal  
33 decision-making or parenting time proceeding should be kept secret, the court  
34 may then make an appropriate order sealing the record.

APPROVED BY THE GOVERNOR APRIL 3, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2013.

Passed the House March 27, 2013,

Passed the Senate February 21, 2013,

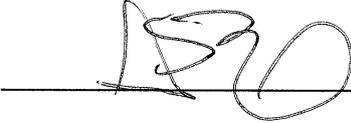
by the following vote: 50 Ayes,

by the following vote: 29 Ayes,

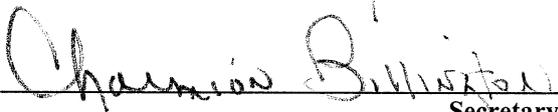
8 Nays, 2 Not Voting

0 Nays, 1 Not Voting

  
Speaker of the House

  
President of the Senate

Pro Tempore  
  
Chief Clerk of the House

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of April, 2013,

at 3:45 o'clock P M.

  
Secretary to the Governor

Approved this 3rd day of

April, 2013,

at 4:12 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 4<sup>th</sup> day of April, 2013,

at 8:49 o'clock a M.

  
Secretary of State

S.B. 1073