

Senate Engrossed House Bill
FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 317

HOUSE BILL 2519

AN ACT

AMENDING SECTIONS 25-403.02 AND 25-408, 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 25-403.02, Arizona Revised Statutes, is amended to
3 read:

4 25-403.02. Parenting plans

5 A. If the child's parents cannot agree on a plan for legal
6 decision-making or parenting time, each parent must submit a proposed
7 parenting plan.

8 B. Consistent with the child's best interests in section 25-403 and
9 sections 25-403.03, 25-403.04 and 25-403.05, the court shall adopt a
10 parenting plan that provides for both parents to share legal decision-making
11 regarding their child and that maximizes their respective parenting time.
12 The court shall not prefer a parent's proposed plan because of the parent's
13 or child's gender.

14 C. Parenting plans shall include at least the following:

15 1. A designation of the legal decision-making as joint or sole as
16 defined in section 25-401.

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

20 3. A practical schedule of parenting time for the child, including
21 holidays and school vacations.

22 4. A procedure for the exchanges of the child, including location and
23 responsibility for transportation.

24 5. A procedure by which proposed changes, RELOCATION OF WHERE A CHILD
25 RESIDES WITH EITHER PARENT PURSUANT TO SECTION 25-408, disputes and alleged
26 breaches may be mediated or resolved, which may include the use of
27 conciliation services or private counseling.

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

29 7. A procedure for communicating with each other about the child,
30 including methods and frequency.

31 8. A statement that each party has read, understands and will abide by
32 the notification requirements of section 25-403.05, subsection B.

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

37 E. Shared legal decision-making does not necessarily mean equal
38 parenting time.

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

40 25-408. Rights of each parent; parenting time; relocation of
41 child; exception; enforcement; access to prescription
42 medication and records

43 A. If by written agreement or court order both parents are entitled to
44 joint legal decision-making or ~~unsupervised~~ parenting time and both parents
45 reside in the state, at least ~~sixty~~ FORTY-FIVE days' advance written notice

1 shall be provided to the other parent before a parent may do either of the
2 following:

3 1. Relocate the child outside the state.

4 2. Relocate the child more than one hundred miles within the state.

5 B. The notice required by this section shall be made by certified
6 mail, return receipt requested, or pursuant to the Arizona rules of family
7 law procedure. The court shall sanction a parent who, without good cause,
8 does not comply with the notification requirements of this subsection. The
9 court may impose a sanction that will affect legal decision-making or
10 parenting time only in accordance with the child's best interests.

11 C. Within thirty days after notice is made the nonmoving parent may
12 petition the court to prevent relocation of the child. After expiration of
13 this time any petition or other application to prevent relocation of the
14 child may be granted only on a showing of good cause. This subsection does
15 not prohibit a parent who is seeking to relocate the child from petitioning
16 the court for a hearing, on notice to the other parent, to determine the
17 appropriateness of a relocation that may adversely affect the other parent's
18 legal decision-making or parenting time rights.

19 D. Subsection A of this section does not apply if provision for
20 relocation of a child has been made by a court order or a written agreement
21 of the parties that is dated within one year of the proposed relocation of
22 the child.

23 E. IF A CHILD IS RELOCATED PURSUANT TO THIS SECTION, UNLESS OTHERWISE
24 ORDERED BY THE COURT, ALL PARTIES MUST CONTINUE TO COMPLY WITH CURRENT COURT
25 ORDERS, REGARDLESS OF DISTANCE MOVED OR NOTICE REQUIRED.

26 ~~E.~~ F. Pending the determination by the court of a petition or
27 application to prevent relocation of the child:

28 1. A parent with sole legal decision-making or a parent with joint
29 legal decision-making and primary residence of a child who is required by
30 circumstances of health ~~or~~, safety ~~or~~, employment OR EVICTION of that parent
31 or that parent's spouse to relocate in less than ~~sixty~~ FORTY-FIVE days after
32 written notice has been given to the other parent may temporarily relocate
33 with the child.

34 2. A parent who shares joint legal decision-making and substantially
35 equal parenting time and who is required by circumstances of health ~~or~~,
36 safety ~~or~~, employment OR EVICTION of that parent or that parent's spouse to
37 relocate in less than ~~sixty~~ FORTY-FIVE days after written notice has been
38 given to the other parent may temporarily relocate with the child only if
39 both parents execute a written agreement to permit relocation of the child.

40 ~~F.~~ G. The court shall determine whether to allow the parent to
41 relocate the child in accordance with the child's best interests. The burden
42 of proving what is in the child's best interests is on the parent who is
43 seeking to relocate the child. To the extent practicable the court shall
44 also make appropriate arrangements to ensure the continuation of a meaningful
45 relationship between the child and both parents.

1 ~~G~~. H. The court shall not deviate from a provision of any parenting
2 plan or other written agreement by which the parents specifically have agreed
3 to allow or prohibit relocation of the child unless the court finds that the
4 provision is no longer in the child's best interests. There is a rebuttable
5 presumption that a provision from any parenting plan or other written
6 agreement is in the child's best interests.

7 ~~H~~. I. In determining the child's best interests the court shall
8 consider all relevant factors including:

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

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

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

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

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

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

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

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

26 ~~I~~. J. The court shall assess attorney fees and court costs against
27 either parent if the court finds that the parent has unreasonably denied,
28 restricted or interfered with court-ordered parenting time.

29 ~~J~~. K. Pursuant to section 25-403.06, each parent is entitled to have
30 access to prescription medication, documents and other information about the
31 child unless the court finds that access would endanger seriously the child's
32 or a parent's physical, mental, moral or emotional health.

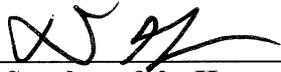
APPROVED BY THE GOVERNOR APRIL 10, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.

Passed the House March 10, 2015

by the following vote: 31 Ayes,

28 Nays, 1 Not Voting



Speaker of the House

Pro Tempore

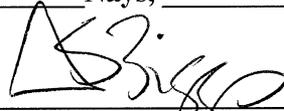


Chief Clerk of the House

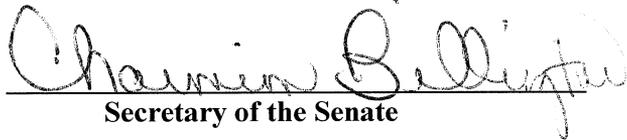
Passed the Senate April 2, 2015

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting



President of the Senate



Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2519

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

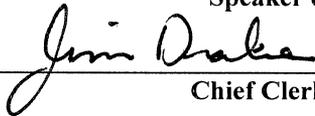
April 2, 20 15,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
6th day of April, 20 15,

at 9:13 o'clock A. M.


Secretary to the Governor

Approved this 10th day of

April, 20 15,

at 4:52 o'clock P M.

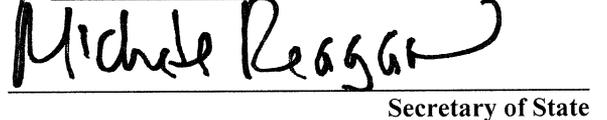

Governor of Arizona

H.B. 2519

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 14th day of April, 20 15,

at 2:00 o'clock P M.


Secretary of State