

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2255
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 25-405, Arizona Revised Statutes, is amended to
3 read:

4 25-405. Interviews by court; professional assistance; expert
5 requirements; expert fees

6 A. The court may interview the child in chambers to ascertain the
7 child's wishes as to the child's custodian and as to parenting time.

8 B. The court may ~~[seek the advice of professional personnel];~~
9 ~~whether or not employed by the court on a regular basis [WHEN THE BEST~~
10 ~~INTERESTS OF THE CHILD CANNOT BE DETERMINED WITHOUT THE ADVICE OF THE~~
11 ~~PROFESSIONAL.] [TAKE TESTIMONY FROM AN EXPERT REGARDING:~~

12 1. PARENTING TIME AND LEGAL DECISION-MAKING ONLY IF THE EXPERT HAS
13 SPECIALIZED EXPERTISE IN CHILD DEVELOPMENT OR SUBSTANTIAL CLINICAL
14 EXPERIENCE WITH CHILDREN IN A THERAPEUTIC SETTING.

15 2. MENTAL HEALTH, PHYSICAL HEALTH, DOMESTIC VIOLENCE OR SUBSTANCE
16 ABUSE ONLY IF THE EXPERT HAS SPECIALIZED EXPERTISE AND SUBSTANTIAL
17 CLINICAL EXPERIENCE, BOTH, AND IN THE SAME MATTER AS THEIR TESTIMONY.

18 C. EXPERT TESTIMONY FROM A LICENSED PROFESSIONAL MUST BE SUPPORTED
19 BY THE CANON OF THEIR PROFESSION AND ADHERE TO GUIDELINES OF THEIR
20 PROFESSIONAL LICENSING BOARD.]

21 [D.]The advice given shall be in writing and shall be made
22 available by the court to counsel, on request, under such terms as the
23 court determines. Counsel may examine as a witness any ~~[professional~~
24 ~~personnel]~~ [EXPERT] consulted by the court~~[, unless that right is waived].~~

25 ~~[C. A COURT-ORDERED EVALUATION OF THE BEST INTERESTS OF THE CHILD~~
26 ~~IN A LEGAL DECISION-MAKING OR PARENTING TIME MATTER CONDUCTED PURSUANT TO~~
27 ~~THIS SECTION SHALL BE PERFORMED BY A PROFESSIONAL WHO HAS DEMONSTRATED~~
28 ~~BOTH EXPERTISE AND CLINICAL EXPERIENCE IN CHILD DEVELOPMENT OR WORKING~~

1 ~~WITH VICTIMS OF DOMESTIC VIOLENCE OR ABUSE OR WHO HAS SIGNIFICANT~~
2 ~~INTERACTION WITH THE PARENTS AND CHILDREN THAT ARE THE SUBJECT OF THE~~
3 ~~PROCEEDING.]~~

4 ~~[D.] [E.]~~ NOTWITHSTANDING ANY OTHER LAW, THE COURT MAY NOT ORDER A
5 PSYCHIATRIC EVALUATION OF ~~[A PARENT WHO IS]~~ A PARTY TO A LEGAL
6 DECISION-MAKING OR PARENTING TIME PROCEEDING UNLESS THAT ~~[PARENT]~~ ~~[PARTY]~~
7 HAS DEMONSTRATED BEHAVIOR THAT PRESENTS A HIGH RISK OF HARM TO THE CHILD.

8 ~~[F.] [G.]~~ THE FEES OF ~~[PROFESSIONALS WHO GIVE ADVICE TO THE COURT]~~
9 ~~[EXPERTS]~~ PURSUANT TO THIS SECTION SHALL BE PAID BY THE COURT AND SHALL
10 NOT BE CHARGED TO EITHER PARENT.

11 Sec. 2. Section 25-406, Arizona Revised Statutes, is amended to
12 read:

13 25-406. Evaluations; experts; fees

14 A. In contested legal decision-making and parenting time
15 proceedings, and in other custody proceedings if a parent or the child's
16 custodian so requests, the court may order an ~~[investigation and report]~~
17 [EVALUATION] concerning legal decision-making or parenting time
18 arrangements for the child. The ~~[investigation and report]~~ [EVALUATION]
19 ~~may~~ SHALL be ~~[made by] the court social service agency, the staff of the~~
20 ~~juvenile court, the local probation or welfare department or a private~~
21 ~~person. The report must include a written affirmation by the person~~
22 ~~completing the report that the person has met the training requirements~~
23 ~~prescribed in subsection C of this section. [A LICENSED PROFESSIONAL]~~
24 [PERFORMED BY AN EXPERT] WHO HAS DEMONSTRATED BOTH EXPERTISE AND CLINICAL
25 EXPERIENCE IN CHILD DEVELOPMENT ~~[OR WORKING WITH VICTIMS OF DOMESTIC~~
26 ~~VIOLENCE OR ABUSE OR WHO HAS SIGNIFICANT INTERACTION WITH THE PARENTS AND~~
27 ~~CHILDREN THAT ARE THE SUBJECT OF THE PROCEEDING].~~

28 B. If an ~~[investigation and report are]~~ [EVALUATION IS] ordered
29 pursuant to this section ~~[or if the court appoints a family court~~
30 ~~advisor], the court shall allocate cost based on the financial~~
31 ~~circumstances of both parties~~ PAY THE COSTS OF THE ~~[INVESTIGATION AND~~
32 ~~REPORT]~~ [EVALUATION].

33 [C. The court shall require a court appointed attorney for a child,
34 a court appointed advisor or any person who conducts an investigation or
35 prepares a report pursuant to this section to receive training that meets
36 the following minimum standards:

37 1. Six initial hours of training on domestic violence.

38 2. Six initial hours of child abuse training.

39 3. Four subsequent hours of training every two years on domestic
40 violence and child abuse.

41 D. A person who has completed professional training to become
42 licensed or certified may use that training to completely or partially
43 fulfill the requirements in subsection C of this section if the training
44 included at least six hours each on domestic violence and child abuse and
45 meets the minimum standards. Subsequent professional training in these
46 subject matters may be used to partially or completely fulfill the

1 training requirements prescribed in subsection C of this section if the
2 training meets the minimum standards.

3 E. A physician who is licensed pursuant to title 32, chapter 13 or
4 17 is exempt from the training requirements prescribed in subsection C of
5 this section.]

6 [F.] [C.] In preparing [a report concerning a child, the]
7 investigator [LICENSED PROFESSIONAL] [AN EVALUATION, THE EXPERT] may
8 consult any person who may have information about the child or the child's
9 potential legal decision-making and parenting time [arrangements].

10 [G.] [D.] The [court shall mail the] investigator's [LICENSED
11 PROFESSIONAL'S report] [EXPERT SHALL PROVIDE THE EVALUATION] to counsel at
12 least ten days before the hearing. The investigator [LICENSED
13 PROFESSIONAL] [EXPERT] shall make available to counsel the names and
14 addresses of all persons whom the investigator [LICENSED PROFESSIONAL]
15 [EXPERT] has consulted. Any party to the proceeding may call for
16 examination of the investigator [LICENSED PROFESSIONAL] [EXPERT] and any
17 person consulted by the investigator [LICENSED PROFESSIONAL] [EXPERT].

18 Enroll and engross to conform
19 Amend title to conform
And, as so amended, it do pass

QUANG H. NGUYEN
CHAIRMAN

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