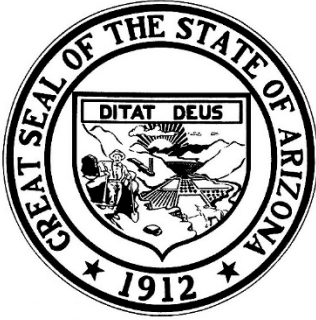


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2255**

Keshel Floor Amendment

-
- Strikes all language related to investigations in contested custody proceedings in the bill.
 - Asserts that, in preparing an evaluation, the expert may consult any relevant person.
 - Asserts that the expert must provide the evaluation to counsel at least 10 days before the hearing.

Amendment explanation prepared by Nathan M
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ls
2/17/2025

KESHEL SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2255

I move the following SUBSTITUTE amendment to the JUDICIARY Committee Amendment to HOUSE BILL 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; evaluations; 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 OR SUBSTANTIAL CLINICAL
17 EXPERIENCE, OR BOTH, AND IN THE SAME MATTER AS THEIR TESTIMONY.

18 C. TESTIMONY FROM AN EXPERT MUST BE SUPPORTED BY THE CANON OF THEIR
19 PROFESSION AND ADHERE TO GUIDELINES OF THEIR PROFESSIONAL LICENSING
20 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~~

1 ~~BOTH EXPERTISE AND CLINICAL EXPERIENCE IN CHILD DEVELOPMENT OR WORKING~~
2 ~~WITH VICTIMS OF DOMESTIC VIOLENCE OR ABUSE OR WHO HAS SIGNIFICANT~~
3 ~~INTERACTION WITH THE PARENTS AND CHILDREN THAT ARE THE SUBJECT OF THE~~
4 ~~PROCEEDING.]~~

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

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

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

14 ~~25-406. Evaluations; experts~~

15 ~~A. In contested legal decision-making and parenting time~~
16 ~~proceedings, and in other custody proceedings if a parent or the child's~~
17 ~~custodian so requests, the court may order an [investigation and report]~~
18 ~~[evaluation] concerning legal decision-making or parenting time~~
19 ~~arrangements for the child. The [investigation and report] [evaluation]~~
20 ~~may SHALL be [made by] the court social service agency, the staff of the~~
21 ~~juvenile court, the local probation or welfare department or a private~~
22 ~~person. The report must include a written affirmation by the person~~
23 ~~completing the report that the person has met the training requirements~~
24 ~~prescribed in subsection C of this section. [a licensed professional]~~
25 ~~[performed by an expert] WHO HAS DEMONSTRATED BOTH EXPERTISE AND CLINICAL~~
26 ~~EXPERIENCE IN CHILD DEVELOPMENT [or working with victims of domestic~~
27 ~~violence or abuse or who has significant interaction with the parents and~~
28 ~~children that are the subject of the proceeding].~~

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

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

38 ~~1. Six initial hours of training on domestic violence.~~

39 ~~2. Six initial hours of child abuse training.~~

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

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

RACHEL KESHEL

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02/17/2025

09:27 AM

H: NM/lis