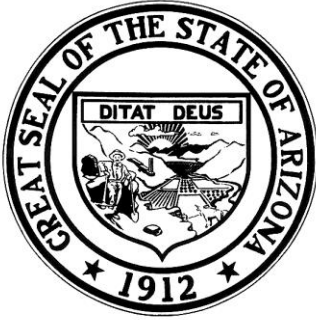


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2152**

Keshel Floor Amendment

-
- Allows either party in specified proceedings to request attorney fees, costs and expert witness fees for the purpose of adequate legal representation for the party with insufficient resources.
 - Authorizes the court, upon a finding of financial disparity between the parties, to order payment of reasonable fees, expenses and costs.
 - Specifies rules adopted by the Supreme Court must include a mandatory pre-trial conference to exchange evidence prior to the trial.
 - Makes a conforming change.

Amendment explanation prepared by S. Robinson
Phone Number 6-3273

jh
2/26/2025

ADDITIONAL COW
KESHEL FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2152
(Reference to House engrossed 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. Title 25, chapter 11, article 1, Arizona Revised
3 Statutes, is amended by adding section 25-1502, to read:
4 25-1502. Right to jury trial; domestic relations proceedings;
5 rules
6 A. IN ANY PROCEEDING FOR DISSOLUTION OF MARRIAGE OR DETERMINATION
7 OF LEGAL DECISION-MAKING OR PARENTING TIME FILED PURSUANT TO THIS TITLE,
8 EITHER PARTY TO THE MATTER MAY DEMAND A JURY TRIAL. THE DEMAND FOR A JURY
9 TRIAL SHALL BE MADE IN WRITING AND FILED WITH THE COURT. THE COURT SHALL
10 SET THE MATTER FOR A TRIAL DATE AT LEAST THIRTY DAYS AFTER THE DATE THE
11 PARTY REQUESTING A JURY TRIAL FILES THE WRITTEN DEMAND.
12 B. THE JURY MAY DETERMINE ISSUES OF FACT REGARDING ANY OF THE
13 FOLLOWING:
14 1. THE CLASSIFICATION OF PROPERTY AS SEPARATE PROPERTY OR COMMUNITY
15 PROPERTY.
16 2. THE VALUE OF COMMUNITY PROPERTY.
17 3. THE FOLLOWING FINDINGS REQUIRED BY STATUTE:
18 (a) THE BEST INTEREST OF THE CHILD USING THE FACTORS PRESCRIBED IN
19 SECTION 25-403.
20 (b) THE POTENTIAL RELOCATION OF EITHER PARTY PURSUANT TO SECTION
21 25-408.
22 (c) FINDINGS REGARDING THE SPOUSAL MAINTENANCE FACTORS PRESCRIBED
23 IN SECTION 25-319.
24 (d) FINDINGS REGARDING ALLEGATIONS OF DOMESTIC VIOLENCE OR CHILD
25 ABUSE, NEGLECT OR ABANDONMENT.
26 (e) THE DETERMINATION OF A CONTEMPT OF COURT ALLEGATION.

1 (f) ANY OTHER ISSUE MANDATED BY STATUTE THAT IS ALLEGED IN THE
2 PETITION.

3 C. THE COURT SHALL MAKE THE FOLLOWING ORDERS REGARDING MATTERS THAT
4 REQUIRE THE EXERCISE OF JUDICIAL DISCRETION:

5 1. ORDERS OF PARENTING TIME SCHEDULES AND CONDITIONS OF PARENTING
6 TIME AND OTHER ORDERS THAT ARE IN THE BEST INTEREST OF THE CHILD. THE
7 COURT SHALL INCORPORATE THE FACTUAL FINDINGS OF THE JURY AND THE FACTORS
8 PRESCRIBED IN SECTION 25-403 WHEN MAKING PARENTING TIME FINDINGS.

9 2. ORDERS OF CHILD SUPPORT, INCLUDING THE AMOUNT OF SUPPORT ORDERED
10 BASED ON THE JURY'S FACTUAL FINDINGS AND STATUTORY FACTORS.

11 3. ORDERS OF SPOUSAL MAINTENANCE, INCLUDING THE AMOUNT AND DURATION
12 OF SPOUSAL MAINTENANCE BASED ON THE JURY'S FACTUAL FINDINGS AND STATUTORY
13 FACTORS.

14 D. A JURY VERDICT UNDER THIS SECTION IS BINDING ON THE COURT. THE
15 COURT SHALL INCORPORATE THE JURY'S FINDING IN THE COURT'S FINAL ORDERS
16 EXCEPT WHEN OTHERWISE PRESCRIBED BY LAW.

17 [E. EITHER PARTY TO A PROCEEDING FILED PURSUANT TO THIS SECTION MAY
18 REQUEST ATTORNEY FEES, COSTS AND EXPERT WITNESS FEES TO ENABLE THE PARTY
19 WITH INSUFFICIENT RESOURCES TO OBTAIN ADEQUATE LEGAL REPRESENTATION AND TO
20 PREPARE EVIDENCE FOR THE TRIAL. IF THE COURT FINDS THERE IS A FINANCIAL
21 DISPARITY BETWEEN THE PARTIES, THE COURT MAY ORDER PAYMENT OF REASONABLE
22 FEES, EXPENSES AND COSTS.]

23 F. IF THE COURT FINDS THAT EITHER PARTY HAS INSUFFICIENT RESOURCES
24 TO OBTAIN LEGAL REPRESENTATION, ON REQUEST, THE COURT SHALL APPOINT
25 AN ATTORNEY TO REPRESENT THAT PARTY.]

26 [F.] [G.] THE SUPREME COURT MAY ADOPT RULES FOR FAMILY COURT JURY
27 TRIAL PROCEEDINGS CONSISTENT WITH THIS SECTION. [RULES ADOPTED BY THE
28 SUPREME COURT SHALL INCLUDE A MANDATORY PRE-TRIAL CONFERENCE TO BE HELD
29 BEFORE THE SCHEDULING OF A TRIAL PURSUANT TO THIS SECTION TO EXCHANGE ALL
30 EVIDENCED INTENDED TO BE PRESENTED BY EITHER PARTY AT THE TRIAL.]

31 Enroll and engross to conform

32 Amend title to conform

RACHEL KESHEL

2152FloorKESHEL.docx

02/26/2025

3:00 PM

C: LAT