



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1373

custody; parenting time; child preference

Purpose

Allows a child to select which parent the child chooses regarding custody and parenting time if the child is at least 14 years old and can intelligently and voluntarily express preference for a parent.

Background

The court must determine legal decision-making and parenting time, either originally or on petition for modification, in accordance with the best interests of the child and consider all factors that are relevant to the child's physical and emotional wellbeing, including: 1) if the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time; 2) the past, present and potential future relationship between the parent and child; 3) the interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest; 4) the child's adjustment to home, school and community; 5) the mental and physical health of all individuals involved; 6) which parent is more likely to allow the child frequent, meaningful and continuing contact with the other parent, unless the parent is acting in good faith to protect the child from witnessing an act or being a victim of domestic violence or child abuse; 7) whether one parent intentionally misled the court to cause an unnecessary delay, increase the cost of litigation or persuade the court to give a legal decision-making or a parenting time preference to that parent; 8) whether there has been domestic violence or child abuse; 9) whether either parent was convicted of an act of false reporting of child abuse or neglect; 10) the nature and extent of coercion or duress used by a parent in obtaining an agreement regarding legal decision-making or parenting time; and 11) whether a parent has complied with the domestic relations education on children's issues requirement ([A.R.S. § 25-403](#)).

A *child custody determination* is any judgement, decree or other court order, including a permanent, temporary, initial and modification order, for legal or physical custody or visitation with respect to a child ([A.R.S. § 25-1002](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Grants a child the right to select which parent the child chooses regarding custody and parenting time if the child is:
  - a) at least 14 years old; and
  - b) sufficiently mature so that the child can intelligently and voluntarily express a preference for one parent.

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2. Requires the child's selection to be considered presumptive, unless the court determines that the child's wishes are not in the best interest of the child.
3. Removes the requirement for a child to be of suitable age and maturity for a court to consider the wishes of the child as to legal decision-making and parenting time as a determining factor.
4. Becomes effective on the general effective date.

Prepared by Senate Research

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KJA/EB/sr