

REFERENCE TITLE: divorce; custody; court-appointed evaluation

State of Arizona  
Senate  
Forty-third Legislature  
Second Regular Session  
1998

## SB 1370

Introduced by  
Senator Petersen

### AN ACT

AMENDING SECTION 25-405, ARIZONA REVISED STATUTES; RELATING TO CHILD CUSTODY.

1 Be it enacted by the Legislature of the State of Arizona:

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

4 25-405. Interviews by court; professional assistance;  
5 restricted use

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

8 B. The court may seek the advice of professional personnel, whether  
9 or not employed by the court on a regular basis. The advice given shall be  
10 in writing and shall be made available by the court to counsel, upon request,  
11 under such terms as the court determines. Counsel may examine as a witness  
12 any professional personnel consulted by the court, unless such right is  
13 waived.

14 C. THE COURT SHALL SEEK THE ADVICE OF PROFESSIONAL PERSONNEL ONLY IF  
15 THE COURT DETERMINES THAT THERE IS SUFFICIENT DOCUMENTED EVIDENCE ENTERED IN  
16 THE COURT RECORD THAT INDICATES THAT THE CHILD'S HEALTH AND SAFETY ARE IN  
17 DANGER.

18 D. PROFESSIONAL PERSONNEL WHO OFFER ADVICE ARE NOT IMMUNE FROM CIVIL  
19 LIABILITY FROM ACTIONS THAT CONSTITUTE MALPRACTICE.