

ARIZONA STATE SENATE

Committee Analysis Report Joint Legislative Ad Hoc Committee on Family Court Orders

Committee Co-Chairs: Senator Mark Finchem, Representative Rachel Keshel

Date: October 2025

PURPOSE OF THE COMMITTEE: To take public comment and expert testimony on issues related to family court proceedings, including but not limited to court-ordered therapeutic intervention. The committee will determine whether legislative reforms are needed to address the impact of family court orders on families and children.

EXECUTIVE SUMMARY: Throughout its hearings, the committee heard consistent themes from agency officials, board members, and public witnesses: (1) limited oversight and fragmented accountability for court-ordered behavioral-health professionals; (2) process constraints on the Commission on Judicial Conduct (CJC) that leave most complaints unresolved from the public's perspective; (3) gaps in centering child voice, civil rights, and safety in proceedings; and (4) significant financial burdens tied to reunification programs and court-appointed services. (5) The apparent abandonment of the pole star "best interests of the child." These insights point to legislative options ranging from restructuring Arizona's family court model to adopting Kayden's Law (VAWA 2022 custody-safety provisions) and related reforms. Public interest in this issue is significant. The hearings drew thousands of Arizonans, in-person, live, and on demand:

- April 14: 357 live / 630 Video On Demand
- May 12: 1,166 live / 846 Video On Demand
- June 16: 1,003 live / 1,004 Video On Demand
- August 27: 557 live / 498 Video On Demand

In total, more than 6,000 combined views and downloads underscore the depth of concern across the state and the demand for reform. More than 12 legislators from across America have contacted the Arizona Senate about the state's efforts on family court reform.

BASIS FOR FINDINGS: This report synthesizes testimony, transcripts, and materials submitted to the Committee, distilling recurring issues, quantifiable data points, and statutory or policy gaps.

COMMON THEMES HEARD BY THE COMMITTEE:

A) Oversight gaps for court-ordered psychologists and allied professionals

1. The Board of Psychologist Examiners described a claims process (since 2015) for court-ordered services: three board members independently screen claims; if one or more find merit, the claim advances to a formal complaint (investigation).
2. The Board cannot remove a psychologist from a case or overturn opinions; its authority is limited to professional conduct and discipline.
3. Average volume noted as approximately nine (9) claims per year across FY2019–FY2024, with roughly 40% advancing to complaint; overall complaints (from all sources) are far more numerous than claims stemming from court orders.

4. Board members affirmed that acting outside the scope of a court order could constitute unprofessional conduct. However, investigators do not directly interview children, and there is no in-house child advocate function inside Board investigations.

B) Child voice, guardian ad litem (GAL), and 'best interest' clarity

1. Members probed how 'best interest of the child' is operationalized. Witnesses stated that psychologists are guided by the court's order, not a separate child rights framework.
2. Testimony suggested the need for more consistent appointments and the use of a dedicated child specialist, operating under a recognized standard of care, particularly in long-running or highly adversarial matters.

C) Reunification programs and evidence standards

1. Legislators raised concerns over high costs (commonly over \$15,000) and the uncertain efficacy of reunification programs.
2. No empirical evidence exists to show that these types of programs are in the child's best interest, despite claims to the contrary.
3. Regulatory boards do not evaluate the effectiveness of such programs; questions have been raised about the appropriate standards of evidence and safety oversight.
4. A board member noted that 'parental alienation' is not a formal psychological diagnosis, highlighting the need for scientific rigor for any theory relied upon.

D) Fragmented accountability & quasi-judicial immunity

1. The Commission on Judicial Conduct (CJC) can only investigate judges' conduct (not legal error, and not non-judge actors).
2. The data presented indicated that approximately 85–90% of complaints are dismissed because many submissions contest rulings rather than alleging judicial misconduct.
3. The Committee discussed quasi-judicial immunity for non-judges (e.g., therapeutic interventionists, evaluators, parenting coordinators) and the absence of a clear standard of practice, specific domestic violence, sexual violence, and child abuse training for the court-appointed actors.

E) Cost, access, and due-process strain on families

1. Public testimony detailed significant financial burdens, including mandated counselors and programs not covered by insurance, contempt fines with accruing interest, disputes over school tuition or activity fees, and difficulties in obtaining third-party records.
2. Agencies described limited and difficult coordination with DCS for records; Attorney General referrals primarily occur for unlicensed practice rather than substantive disputes.

F) Training, competence, and data transparency

1. Continuing education (including ethics) is required for psychologists; however, the extent of family-court-specific training differs from the Arizona Supreme Court's criminal-court training infrastructure.
2. Failure by the court to properly vet contractors and verify that they have the necessary training in the appropriate disciplines for child custody cases.

3. Use of programs that are based on theories rather than scientifically proven programs.

FINDINGS: Child safety and the child’s voice are not systematically centered across all touchpoints. Accountability mechanisms are siloed—boards regulate licensees, the CJC regulates judges, but no single body addresses outcomes produced by quasi-judicial actors. Costly mandates such as reunification programs can price families out of due process. Parental rights are sometimes implied to be severed if parents refuse, or cannot afford, reunification programs, even when statute does not allow such coercion.

LEGISLATIVE OPTIONS:

A) Structural Options — Court Organization

Intent: Reduce silo effects, diffuse concentrated influence of recurring court-appointed vendors, and normalize evidentiary rigor akin to general civil practice.

1. Elements to codify:
2. Domestic relations matters are assigned to general civil divisions, which adhere to strict rules of evidence and require written findings of fact regarding the safety of children.
3. Jury-eligibility pilot for narrowly defined, discrete factual determinations (e.g., credibility findings in documented child-abuse allegations) while preserving judicial authority for custody orders.
4. Standardized case-management tracks capping the number and cost of auxiliary appointees unless the court makes written, evidence-based findings of necessity.
5. Cross-training expectations for judges rotating through domestic calendars.
6. Uniform court rules, policies, and principles for all counties in Arizona.
7. Require all court-appointed advisors to be licensed in Arizona, disclose all financial relationships with the court, state, or parties, and certify in writing that they are not under investigation by a professional licensing board.
8. Temporary custody orders shall not exceed 180 days and shall not place the child with a parent alleged to have committed abuse or coercive control without an evidentiary hearing prioritizing child safety. ARS 25-403.
9. Amend the definition of “harm” under DCS to include psychological abuse.
10. Add legislation to streamline processes and standards, aiding law enforcement in understanding and protecting children and victims from abuse and death.

B) If Family Court is retained, re-charter as a 'Child Safety & Family Justice Division

1. Adopt a statutory mission statement that prioritizes child safety.
2. Mandate specialized, recurring training for judges and appointees.
3. Create an independent child-advocacy unit embedded in the court structure.
4. Set hard cost/appointment caps unless justified explicitly on the record.

C) Kayden’s Law–Aligned Child-Safety Package (34 U.S.C. 10446(c)(1)(P))

1. Safety-First Presumption: In any custody/parenting-time order, courts must prioritize child safety when credible evidence of abuse (physical, sexual, coercive control, or serious neglect) is presented; safety findings must be written and explicit.
2. Evidentiary Guardrails: Limit admissibility of non-scientific theories (e.g., 'parental alienation' as a diagnosis). Require qualified experts with demonstrable training in child

abuse, trauma, and intimate-partner violence; require corroboration standards and trauma-informed child interviews by neutral, trained professionals; allow child input through a GAL or child specialist when age-appropriate.

3. Interim Protections: Until safety findings are made, restrict unsupervised contact with alleged abusers; apply a rebuttable presumption against custody for a parent credibly found to have abused the child.
4. Judicial Training & Certification: Mandatory, recurring DV/child-abuse education for judges and appointees before hearing contested custody; completion is publicly reported.
5. Program Scrutiny: Prohibit court-ordered reunification 'camps' or programs absent peer-reviewed evidence of efficacy and a finding that the program does not endanger the child; require transparent pricing, insurance acceptance or waivers, and written outcome reporting to the court.
6. Cost Controls: Sliding-scale fee schedules for court-ordered services; establish a state fund or fee-shifting when the court mandates high-cost interventions so indigency never blocks a safe arrangement.
7. Penalties: Provide sanctions for knowingly false allegations and for willful failure to disclose material abuse-related evidence—balanced to avoid chilling legitimate reports.

D) Independent Child-Advocacy & Data Infrastructure

1. Statewide Office of the Child's Counsel/Advocate (OCA): Appointed in cases lasting more than 60–90 days or involving abuse allegations; OCA has a statutory right to be heard; child interviews are audio- or video-recorded; OCA may recommend services and challenge unsafe orders.
2. Custody & Services Outcomes Registry: Courts and boards must report appointments, costs, providers, outcomes, and complaints; publish annual dashboards; flag repeat-concern providers for enhanced review.
3. Create an Independent Child-advocacy unit embedded in the Court structure.

E) Accountability for Non-Judge 'Quasi-Judicial' Actors

1. Statutorily define and narrow quasi-judicial immunity for non-judges (e.g., therapeutic interventionists, parenting coordinators, evaluators): immunity attaches only for good-faith acts within the four corners of a court order; bad faith, willful misconduct, or acts beyond the order are not immune and are subject to civil liability and licensure sanctions. All appointees must be licensed and insured.
2. Create a direct complaint pathway: a single portal routes complaints about appointees to the correct board and simultaneously logs them in the statewide registry; require inter-agency MOUs (Boards–DCS–AG–Courts) for record-sharing. Send an annual report to the legislature.
3. Add the standard of practice as noted in Kayden's Law.

F) Training, Qualification, and Practice Standards

1. Board-recognized specialty training for anyone seeking court appointments in custody matters (child abuse, trauma, DV, forensic methods). Publish a roster of qualified experts;

require ongoing continuing education and Supreme Court–administered refreshers, akin to criminal-court trainings.

2. Evidence-integration duty: Appointees must address contradictory professional reports in writing; failure to do so is sanctionable.
3. Supervision safeguards: Prohibit use of non-enrolled/non-credentialed personnel for any individual acting in a court-appointed role under a licensee; require that competence be documented and disclosed to parties and the court.
4. Falsification of training requirements is to be considered a criminal offense.
5. The child's wishes regarding legal decision-making and parenting time. If the child is at least fourteen years of age and is sufficiently mature to intelligently and voluntarily express a preference for one parent, the child has the right to select the parent with whom the child chooses to have custody and parenting time. The child's selection is considered presumptive unless the court determines that the child's wishes are not in the best interest of the child. If the child is under fourteen years of age but of suitable age and maturity, the court shall strongly consider the child's wishes regarding custody and parenting time, unless the court determines that the child's wishes are not in the child's best interest. The court must make findings of fact.

G) Judicial Conduct & Reporting Clarifications

1. Clarify mandated-reporting duties for judges: codify that judges must report child-abuse disclosures encountered in proceedings, with limited discretion; require on-the-record notation of referrals to DCS or law enforcement. Revise mandatory reporting laws.

H) Attorneys' Fees/Cost Structure

1. The Court shall not award any Party greater than 15% of that Party's disposable income (meaning income after traditional cost of living, i.e., Mortgage/rent, vehicle payment, food bill, health and life insurance/ vehicle insurance, utilities, routine but affirmed expenses for school, day care, etc). With a cap of \$15,000.00 per case for the life of that case (or collection of cases, or consolidated cases).

I) Reporting Requirements - Funding

1. Mandate annual reporting from the courts and DCS to the legislature, including a detailed itemized summary of all federal grants or funds received and their distribution.

CONCLUSION: The Committee's work revealed consistent concerns about safety, accountability, and affordability in Arizona's family court model. Reform is necessary to ensure transparency, evidence-based practice, and protection of children. The weight of testimony was not only measured in policy gaps but also in human stories.

One such account, submitted by Hope Mater and read aloud by Representative Keshel, illustrates the stakes with devastating clarity. Hope described how her children, Alec (age 7) and Lydia (age 6), were tragically killed by their father, Brock, after repeated warnings to the court were ignored. Despite documented abuse, a psychiatric hospitalization, and concerning evaluations, the court granted 50/50

custody without meaningful safeguards. Judge Michael Valenzuela dismissed her pleas for medication monitoring, telling her she could 'ask him' directly—even though she was the abused spouse. Ultimately, Brock killed both children before taking his own life. This tragedy underscores the systemic failures identified throughout committee hearings: inadequate oversight of professionals, fragmented accountability, lack of child-centered protocols, and judicial immunity that shields negligence from consequence. Alec and Lydia's story is not an isolated incident, but a symbol of why thousands of Arizonans tuned into these hearings and why reform is urgently needed. The committee concludes: Arizona's family court system must change—placing child safety above all else, ensuring judicial and professional accountability, and preventing future families from experiencing preventable loss