



2016 Legislative Priorities

Support

HB 2103 (service providers; domestic violence) – Representative Allen

The Domestic Violence Shelter Fund is a funding source that was established to provide funding for domestic violence shelters. The fund is made up of court filing fees, tax check offs, and rotary fees. Updates have been made to the fund over the years, but there is a need to make statutory changes that reflect how the fund is currently administered. HB 2103 would make technical and conforming changes to the 9 statutes that regulate the fund, including repealing two statutes that are no longer necessary. Additionally, the bill will change the purpose of the fund from “shelter” to “services” in order to be more reflective of services provided by domestic violence service providers. HB 2103 passed out of the Senate Health and Human Services committee on 3/09/16.

SB 1410 (sexual assault victim advocates; privilege) - Senator Hobbs

SB 1410 will give sexual assault victim advocates the same privileged communications granted to domestic violence victim advocates when working with survivors. This legislation was introduced last year and nearly made it through the legislative process but due to session ending quickly the bill failed to make it to the Governor's desk. SB 1410 passed out of the Military Affairs and Public Safety committee on 3/17/16.

HB 2001 (unlawful distribution of private images) – Representative Mesnard

This legislation will create a crime of unlawful distribution of private images, also known as non-consensual pornography or "revenge porn." This new crime that continues to impact victims of sexual and domestic violence was passed into law in 2013, but due to a lawsuit filed against the state the law has not been able to go into effect. HB 2001 is a fix to the current language that was in question by the lawsuit and should fix any concerns that were laid out. HB 2001 passed out of the Senate unanimously on 3/07/16 and was signed by the Governor on March 11th, 2016.

HB 2488 (sexual assault; parental rights; prohibition) – Representative Bowers

Currently under Arizona law a rapist can petition for and be granted legal decision-making and parenting time with a child that was conceived as a result of the rape. HB 2488 would prohibit this action if the person was convicted of sexual assault. We support any efforts to change our family law statutes regarding rapists' parental rights, but given the low rates of sexual assault convictions, a stronger bill would require a clear and convincing standard rather than conviction. This legislation passed out of Senate Judiciary on 3/10/16.

Oppose

SB 1447/SB 1316 (consumer lending; licensure; regulation) - Senator Kavanagh

Sponsored by Senator Kavanagh, SB 1447 is similar to legislation last year that would the set up high cost debt trap loans. Given the economic abuse that many domestic violence survivors experience, survivors utilize these loans for a time being until they are more financially secure or have found safety. By creating these debt trap loans, survivors could find themselves further in debt making it difficult to leave an unsafe relationship or forcing a survivor to return to their abuser. SB 1447 failed in the Senate Finance committee on 2/10/16. However, a strike everything amendment to SB 1316 with the language from this bill has passed out of committee. SB 1316 was retailed on the COW calendar on 3/09/16.

HB 2596 (public assistance; limitations; benefit card) – Representative Olson

HB 2596 places additional restrictions on the Supplemental Nutrition Assistance Program (SNAP) which would lead to more families and children losing benefits. Survivors often utilize SNAP benefits while seeking safety and achieving economic stability. Restricting a survivor's access to benefits could place them at risk. HB 2596 passed out of the House on 3/01/16 and has been transmitted to the Senate. It has been assigned to the Health and Human Services committee, as well as, the Appropriations committee in the Senate.

HB 2217(investigators; legal decision-making; parenting time) – Representative Kern

This legislation makes significant changes to how investigators, or custody evaluators, are regulated and ordered in family court proceedings. These changes include limiting the amount of hours that can be billed without returning to court and requesting more time with an investigator, regulating the percentages of who pays for the investigator and requiring evidence to support the findings of the investigator. These changes would make it difficult for domestic violence survivors to gain access to an investigator in these situations and could force survivors to continuously come back to court to get more time with an investigator to make findings of domestic violence. HB 2217 failed during Third Read on 3/02/16.

Tracking

SB 1299 (child support action; affirmative defense) – Senator Driggs

SB 1299 would allow an individual who owes back child support to plead as an affirmative defense that the person who is owed the back child support voluntarily relinquished physical custody of the child. Arizona court rule allows a party to file a petition to then enforce court-ordered child support. SB 1299 if signed into law would establish an affirmative defense to such a petition. It would also require the court in determining if the relinquishment was voluntary to take into consideration if there was any evidence or history of domestic violence, parental kidnapping or custodial interference. SB 1299 will be heard in the Children and Family Affairs committee on 3/14/16.

SB 1297 (paternity; preliminary injunction) – Senator Driggs

SB 1297 would require the Arizona court to issue a preliminary injunction to the parties who make the legal decisions and parenting time action if the petitioner has filed certain types of paternity documents. In Arizona, a court rule can allow parties to file a petition to enforce court-ordered child support. This petition must set forth pertinent information and indicate the support sought. SB 1299 would establish an affirmative defense to this petition. This legislation passed out of the Senate with an amendment clarifying this is only for cases establishing legal decision-making and parenting time. The bill will be heard in the Children and Family Affairs committee on 3/14/16.

HB 2586 (dependency; households; felony reports) – Representative Brophy McGee

HB 2586 would require the Department of Child Safety (DCS) to adopt new rules that would establish requirements regarding the return of a child to the home in several pertinent situations. These situations include when a person living in the home who has access to the child has been arrested for and charged with a felony that involved conduct that poses an imminent threat to a child. The legislation also determines how the department will determine imminent threat to the child and the protective capacity of the non-offending parent. HB 2586 passed out of the House on 3/01/16 and has not yet been assigned to a committee.