Name
Address
City, State
Phone Number
Email Address
Petitioner/Respondent

ARIZONA SUPERIOR COURT
XXXXXXXXXXX COUNTY

Name, Petitioner, and Name, Respondent.	No. XXXXXXXXX **CLOSING ARGUMENT** Judge XXXXXXXXXX

The parties and their counsel appeared before this court for a Temporary Orders Hearing on XXXXXXXXXXXX, 2026. At the conclusion of the hearing, the court ordered each party to file a written Closing Argument by XXXXXXXXXXX, 2026, including analysis of this matter under the new version of A.R.S. § 25-403.03. As such, Petitioner/Respondent files this Closing Argument and states the following:

LEGAL BACKGROUND

The Alec and Lydia Act became effective in Arizona on or about June 22, 2026. This law is codified at A.R.S. § 25-403.03 and replaced the previous

version of the statute. The new law changed the law regarding domestic violence in family court in a number of ways. First, from the first sentences of the statute, it became clear that domestic violence is the highest priority in a case involving legal decision making and/or parenting time for minor children as described in A.R.S. § 25-403.03(A) as follows:

> As a declared public policy of this state and notwithstanding section 25-103, subsection B, the court shall consider domestic violence, including child abuse, as contrary to a child's best interests. In any legal decision-making and parenting time matter, the court shall assign the highest priority to the personal safety and physical, mental and emotional well-being of both the child and domestic violence victim.

In addition, the new law created mandatory presumptions based on any finding of domestic violence, which replaced the previous analysis of whether domestic violence rose to the level of "significant" domestic violence or not.

Under A.R.S. § 25-403.03(D), the court is required to apply a mandatory presumption that an award of legal decision making or parenting time is contrary to the child's best interests when the court determines that a parent has committed domestic violence. The court may not require the victim of domestic violence to prove that it was severe or frequent enough to justify these restrictions. *See* A.R.S. § 25-403.03(D)(1). Furthermore, the court shall not consider the child's absence or awareness or the domestic violence. *See* A.R.S. § 25-403.03(F).

The new law also clarified and expanded the definition of domestic violence. Under A.R.S. § 25-403.03(M)(2), domestic violence means, when perpetrated by one parent against the other parent or against a minor child living in either parent's household, act or acts consisting of any act or offense prescribed in A.R.S. § 13-3601(A) or coercive control. The definition excludes acts committed in lawful self-defense or defense of another person. A.R.S. § 25-403.03(M)(2).

The new law recognizes coercive control as a form of domestic violence. Coercive control means a pattern of violent, threatening, coercive, or emotionally abusive conduct by one parent against the other, without consent or justification. The statute identifies various forms of conduct that may constitute coercive control, including the following:

1. "Coercive control" means a pattern of violent, threatening, coercive or emotionally abusive conduct by one parent against the other, without consent or justification, including any of the following:

> (a) Sexual or other physical assault.
> (b) Threatening to kill or injure a person, including oneself, or a household pet.
> (c) Displaying, accessing, assembling or cleaning a firearm or other dangerous weapon in the other parent's presence, if the circumstances imply that weapon's threatened use in violation of state or federal law.
> (d) Confinement or other restraining words or actions to restrict the other parent's freedom of movement or lawful activity.
> (e) Isolation from friends and family.

(f) Monitoring or regulating financial activity, economic resources or access to services.
(g) Stalking or harassment.
(h) Demeaning, degrading or humiliating words or actions.
(i) Threatening to publish sensitive information, including sexually explicit material, of the other parent or member of the other parent's family.
(j) Threatening to make reports to law enforcement.
(k) Threatening, initiating or using civil litigation, including proceedings under this title or section 13-3602, to do either of the following:
(i) Force the other parent to defend against a legal claim that is false or frivolous.
(ii) Regulate or restrict the other parent's lawful or constitutionally protected activity.
(l) Damaging property owned or lawfully possessed by the other parent or member of the other parent's family.
(m) By act or conscious omission, jeopardizing the immigration status of the other parent or a member of the other parent's family.
(n) Forcing the other parent to commit a crime against the other parent's stated wishes.
(o) Using surveillance or tracking technology to facilitate or aggravate any of the behaviors listed in this paragraph.

See A.R.S. § 25-403.03(M)(1). (Note: In the actual court filing, we only listed the subsections we thought were relevant to the specific case).

If the presumption applies, the court must then determine whether the parent who committed domestic violence has rebutted the presumption. In making that determination, the court must consider the factors set forth in A.R.S. § 25-403.03(E), including the severity and frequency of the domestic violence; whether the violence involved physical injury, emotional trauma, use or threatened use of a firearm or other dangerous weapon, strangulation, or

multiple forms of coercive control; whether the parent denied, deflected, or minimized the domestic violence during treatment, forensic assessment, mandatory disclosure, formal discovery or courtroom proceedings; whether the parent committed domestic violence with sufficient severity of frequency that the passage of time is not a mitigating factor; whether the child has imitated the parent's domestic violence behaviors; and the parent's attendance at a domestic violence treatment program. *See* A.R.S. § 25-403.03(E).

The parent subject to the presumption may not be awarded sole or joint legal decision making or unsupervised parenting time unless the parent overcomes the presumption by clear and convincing evidence. To obtain supervised parenting time, the parent must overcome the presumption by a preponderance of the evidence. Therefore, the new law establishes a higher evidentiary burden before a parent who committed domestic violence may receive legal decision-making authority or unsupervised parenting time, while still requiring that the presumption be overcome before supervised parenting time may be awarded. *See* A.R.S. § 25-403.03(G).

In addition, when the court determines that a parent has committed domestic violence, the court shall adopt appropriate precautions to prioritize the personal safety and physical, mental, and emotional well-being of the child and the other parent. These precautions may include exchanges of the child in a protected location or a safe exchange location, a prohibition on overnight

parenting time, supervised parenting time with a professional agency or one or more laypeople, and any other condition the court determines is necessary to protect the child, the other parent, and other family or household members. *See* A.R.S. § 25-403.03(H).

The effect of the mandatory presumption is not limited to the proceeding in which the domestic violence finding is made. If the parent who committed domestic violence fails to overcome the presumption, the presumption continues to apply in any subsequent proceeding for modification under A.R.S. § 25-411. *See* A.R.S. § 25-403.03(J).

ARGUMENT

Petitioner/Respondent has a history of engaging in physical, verbal, and emotional abuse, as well as coercive control against Petitioner/Respondent. The evidence presented at trial established a pattern of conduct consistent with the conduct now recognized as coercive control under A.R.S. § 25-403.03(M)(1). This included . . . (description of evidence and testimony that was relevant to coercive control).

Such conduct falls within several of the statutory examples of coercive control, including the conduct addressed in A.R.S. § 25-403.03(M)(1) including: (list the specific subsections of the statue that are implicated by the evidence and testimony described in the previous paragraph).

Additional paragraphs as needed showing how specific evidence showed

use of coercive control under specific subsections of A.R.S. § 25-403.03(M)(1) and how the use of coercive control negatively affected the victim of it. Although this is primarily about coercive control, also include evidence of other types of domestic violence.

Under the amended statute, Petitioner/Respondent is not required to demonstrate that Petitioner/Respondent's domestic violence was sufficiently severe or frequent before the mandatory presumption applies. Once the court determines that Petitioner/Respondent committed domestic violence, the mandatory rebuttable presumption applies that awarding Petitioner/Respondent legal decision making or parenting time is contrary to the child's best interests. *See* A.R.S. § 25-403.03(D). Further, the child's absence from or lack of awareness of the domestic violence does not eliminate the statutory presumption. *See* A.R.S. § 25-403.03(F).

CONCLUSION

Petitioner/Respondent has committed acts of domestic violence both by (describe direct actions of domestic violence) toward Petitioner/Respondent. Petitioner/Respondent also engaged in a prolonged pattern of coercive control in which he/she not only attempted to control Petitioner/Respondent but also did in fact control him/her. This is considered domestic violence under Arizona law as much as the (direct actions of domestic violence).

With regard to the court's question about whether supervised parenting time can be awarded, the law states that the court cannot award supervised parenting time until Petitioner/Respondent takes the steps necessary to rebut the mandatory presumptions against any legal decision making or parenting time. See A.R.S. § 25-403.03(D) & (G). This requirement is not discretionary. The presumption in A.R.S. § 25-403.03(D) is described as a "mandatory rebuttable presumption." In addition, the statute specifically states that the court "may not" require the victim to prove the severity or frequency of the domestic violence.

The only exception is that the mandatory presumption is rebuttable, but Petitioner/Respondent did not present evidence to rebut the presumption because his/her position is that he/she did not commit any domestic violence. Once Petitioner/Respondent has rebutted that presumption, then the court can award parenting time with appropriate precautions as outlined in A.R.S. § 25-403.03(H).

Accordingly, the evidence and applicable law require the court to award Petitioner/Respondent sole legal decision-making authority with no parenting time for Petitioner/Respondent until he/she takes the steps necessary to rebut the mandatory presumption of no parenting time as found in A.R.S. § 25-403.03(D).

Filed electronically on XXXXXXXXXXXXXX, 2026.

_____
Petitioner/Respondent

COPY of the foregoing emailed/delivered
on XXXXXXXXXXX, 2026 to:

Judge XXXXXX
XXXXXXXX County Superior Court

Opposing Party/Counsel
Email Address

By_____