



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1703

in loco parentis; prohibition

Purpose

Prohibits an employee of Arizona, of any political subdivision of Arizona, of any other governmental entity or of any other institution from standing in loco parentis to a parent's child without the parent's consent unless otherwise required by law and removes a person acting in loco parentis from statutorily outlined requirements. Contains requirements for enactment for initiatives and referendums (Proposition 105).

Background

Unless the rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in prescribed statute. Unless otherwise required by law, the rights of parents of minor children must not be limited or denied ([A.R.S. § 1-602](#)). Current statute allows for a person standing in loco parentis to petition the superior court for legal decision-making authority or placement of the child allowing for the person standing in loco parentis to have the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions (A.R.S. §§ [25-401](#) and [25-409](#)).

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

Provisions

1. Prohibits an employee of Arizona, of any political subdivision of Arizona, of any other governmental entity or of any other institution from standing in loco parentis to a parent's child without the parent's consent unless otherwise required by law.
2. Removes a person standing in loco parentis from outlined exemptions relating to employments of persons under 18 and 16 years old.
3. Removes a person standing in loco parentis from the list of eligible individuals who can receive an immunization at no cost from a local health department.
4. Removes a person standing in loco parentis from the list of people that must provide informed consent before a student gets immunized.
5. Removes a person standing in loco parentis from being required to present to the school administrator documentary proof of immunizations received and a schedule prepared by the student's physician or registered nurse practitioner or a health agency for completing additional required immunizations.

6. Adds an exception to when a court is required to deny a petition for the legal decision-making authority or placement of a child to include if:
 - a) the child has only one legal parent;
 - b) the parental rights of one of the child's legal parents have been terminated; or
 - c) the paternity of the child has not been established.
7. Allows a court to grant visitation rights if the parental rights of one of the child's legal parents have been terminated or, for loco parentis visitation, the marriage of one of the parents of the child have been dissolved for at least three months.
8. Removes a person standing in loco parentis from the list of people who must receive documentary proof of immunization if the person that has been immunized is a child.
9. Repeals statute relating to emergency consent for hospital care, medical attention or surgery by a person standing in loco parentis.
10. Removes a person who stands in loco parentis to the child from the definition of *person who has custody*.
11. Removes in loco parentis from the definition of *family member*, subject to the affirmative vote of at least three-fourths of the members of each house of the Legislature (Proposition 105).
12. Makes technical and conforming changes.
13. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Adds an exception to when a court is required to deny a petition for the legal decision-making authority or placement of a child to include if:
 - a) the child has only one legal parent;
 - b) the parental rights of one of the child's legal parents have been terminated; or
 - c) the paternity of the child has not been established.
2. Allows a court to grant visitation rights if the parental rights of one of the child's legal parents have been terminated or, for loco parentis visitation, the marriage of one of the parents of the child have been dissolved for at least three months.

Senate Action

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Prepared by Senate Research

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ZD/SB/sr