

Senate Bill 720

Sponsored by Senator WALKER (at the request of D.A.D.S. America)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs court to hold parent who willfully prevents other parent's share of time with child in violation of parenting plan in contempt of court.

Allows court to impose \$500 minimum fine to enforce provisions of judgment relating to parenting plan.

A BILL FOR AN ACT

1
2 Relating to violations of parenting time plan; creating new provisions; and amending ORS 107.434.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 107.434, as amended by section 59, chapter 702, Oregon Laws 2005, is
5 amended to read:

6 107.434. (1) The presiding judge of each judicial district shall establish an expedited parenting
7 time enforcement procedure that may or may not include a requirement for mediation. The proce-
8 dure must be easy to understand and initiate. Unless the parties otherwise agree, the court shall
9 conduct a hearing no later than 45 days after the filing of a motion seeking enforcement of a par-
10 enting time order. The court shall charge a filing fee of \$50, subject to ORS 21.605. The court shall
11 provide forms for:

12 (a) A motion filed by either party alleging a violation of parenting time or substantial violations
13 of the parenting plan. When a person files this form, the person must include a copy of the order
14 establishing the parenting time.

15 (b) An order requiring the parties to appear and show cause why parenting time should not be
16 enforced in a specified manner. The party filing the motion shall serve a copy of the motion and
17 the order on the other party. The order must include:

18 (A) A notice of the remedies imposable under [*subsection*] **subsections (2) and (3)** of this section
19 and the availability of a waiver of any mediation requirement; and

20 (B) A notice in substantially the following form:

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23 [*When pleaded and shown in a separate legal action,*] Violation of court orders, including
24 visitation and parenting time orders, may also result in a finding of contempt, which can lead to
25 fines, imprisonment or other penalties, including compulsory community service.
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28 (c) A motion, affidavit and order that may be filed by either party and providing for waiver of
29 any mediation requirement on a showing of good cause.

30 **(2) If a court finds that a parent has willfully deprived the other parent of parenting time**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **in violation of the provisions of a judgment relating to the parenting plan without clear and**
2 **convincing evidence in the record to justify the deprivation, the court shall hold the violating**
3 **parent in contempt as provided in ORS 33.015 to 33.155.**

4 [(2)] (3) In addition to any other remedy the court may impose to enforce the provisions of a
5 judgment relating to the parenting plan, the court may:

6 (a) Modify the provisions relating to the parenting plan by:

7 (A) Specifying a detailed parenting time schedule;

8 (B) Imposing additional terms and conditions on the existing parenting time schedule; or

9 (C) Ordering additional parenting time, in the best interests of the child, to compensate for
10 wrongful deprivation of parenting time;

11 (b) Order the party who is violating the parenting plan provisions to post bond or security;

12 (c) Order either or both parties to attend counseling or educational sessions that focus on the
13 impact of violation of the parenting plan on children;

14 (d) Award the prevailing party expenses, including, but not limited to, attorney fees, filing fees
15 and court costs, incurred in enforcing the party's parenting plan;

16 (e) Terminate, suspend or modify spousal support;

17 (f) Terminate, suspend or modify child support as provided in ORS 107.431; [or]

18 (g) Schedule a hearing for modification of custody as provided in ORS 107.135 (11)[.]; **or**

19 **(h) Impose a \$500 minimum fine.**

20 **SECTION 2. The amendments to ORS 107.434 by section 1 of this 2007 Act apply to vio-**
21 **lations of parenting plans occurring on or after the effective date of this 2007 Act.**

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