

House Bill 2810

Sponsored by Representative BERGER (at the request of Matt Minahan)

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**.

Allows court to impose fine to enforce provisions of judgment relating to parenting plan.

A BILL FOR AN ACT

Relating to violations of parenting plans; creating new provisions; and amending ORS 107.434.

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

SECTION 1. ORS 107.434 is amended to read:

107.434. (1) The presiding judge of each judicial district shall establish an expedited parenting time enforcement procedure that may or may not include a requirement for mediation. The procedure must be easy to understand and initiate. Unless the parties otherwise agree, the court shall conduct a hearing no later than 45 days after the filing of a motion seeking enforcement of a parenting time order. The court shall charge a filing fee of \$50, subject to waiver or deferral of the fee under ORS 21.680 to 21.698. The court shall provide forms for:

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

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

(A) A notice of the remedies imposable under subsection (2) of this section and the availability of a waiver of any mediation requirement; and

(B) A notice in substantially the following form:

When pleaded and shown in a separate legal action, violation of court orders, including visitation and parenting time orders, may also result in a finding of contempt, which can lead to fines, imprisonment or other penalties, including compulsory community service.

(c) A motion, affidavit and order that may be filed by either party and providing for waiver of any mediation requirement on a showing of good cause.

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

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

(A) Specifying a detailed parenting time schedule;

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 (B) Imposing additional terms and conditions on the existing parenting time schedule; or
- 2 (C) Ordering additional parenting time, in the best interests of the child, to compensate for
- 3 wrongful deprivation of parenting time;
- 4 (b) Order the party who is violating the parenting plan provisions to post bond or security;
- 5 (c) Order either or both parties to attend counseling or educational sessions that focus on the
- 6 impact of violation of the parenting plan on children;
- 7 (d) Award the prevailing party expenses, including, but not limited to, attorney fees, filing fees
- 8 and court costs, incurred in enforcing the party's parenting plan;
- 9 (e) Terminate, suspend or modify spousal support;
- 10 (f) Terminate, suspend or modify child support as provided in ORS 107.431; [or]
- 11 (g) Schedule a hearing for modification of custody as provided in ORS 107.135 (11); **or**
- 12 **(h) Impose a fine not to exceed \$500.**

13 **SECTION 2. The amendments to ORS 107.434 by section 1 of this 2009 Act apply to vio-**
14 **lations of parenting plans occurring on or after the effective date of this 2009 Act.**

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