

ORS 107.434 Expedited parenting time enforcement procedure; fees; remedies.

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

[1997 c.707 §3; 2003 c.116 §6; 2003 c.737 §§50,51; 2005 c.702 §§57,58,59; 2007 c.493 §14]

Note: Section 15 (17), chapter 860, Oregon Laws 2007, provides:

Sec. 15. (17) In addition to the fee provided for in ORS 107.434 (1), for the period commencing September 1, 2007, and ending June 30, 2009, the clerk of the court shall collect a surcharge of \$3 upon the filing of a motion seeking enforcement of a parenting time order or a substantial violation of a parenting plan. [2007 c.860 §15(17)]