

A bill for an act

relating to family law; imposing additional civil penalties for interference with parenting time; amending Minnesota Statutes 2006, section 518.175, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 518.175, subdivision 6, is amended to read:

Subd. 6. **Remedies.** (a) The court may provide for one or more of the following remedies for denial of or interference with court-ordered parenting time as provided under this subdivision. All parenting time orders must include notice of the provisions of this subdivision.

(b) If the court finds that a person has been deprived of court-ordered parenting time, the court shall order the parent who has interfered to allow compensatory parenting time to the other parent or the court shall make specific findings as to why a request for compensatory parenting time is denied. If compensatory parenting time is awarded, additional parenting time must be:

(1) at least of the same type and duration as the deprived parenting time and, at the discretion of the court, may be in excess of or of a different type than the deprived parenting time;

(2) taken within one year after the deprived parenting time; and

(3) at a time acceptable to the parent deprived of parenting time.

(c) If the court finds that a party has wrongfully failed to comply with a parenting time order or a binding agreement or decision under section 518.1751, the court ~~may~~

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~~(1)~~ shall impose a civil penalty ~~of up to \$500~~ on the party; of \$150 for the first instance, \$300 for the second instance, \$600 for the third instance, or \$1,000 for the fourth or subsequent instance, and may:

~~(2)~~ (1) require the party to post a bond with the court for a specified period of time to secure the party's compliance;

~~(3)~~ (2) award reasonable attorney's fees and costs;

~~(4)~~ (3) require the party who violated the parenting time order or binding agreement or decision of the parenting time expeditor to reimburse the other party for costs incurred as a result of the violation of the order or agreement or decision; or

~~(5)~~ (4) award any other remedy that the court finds to be in the best interests of the children involved.

A civil penalty imposed under this paragraph must be deposited in the county general fund ~~and. One-half of the amount deposited must be used to fund the costs of a parenting time expeditor program in a county with this program. In other counties, the civil penalty must be deposited in the state general fund.~~ The other half of the amount deposited in such a county and all of the amount deposited in other counties must go to the law enforcement agency that was active in enforcing this subdivision in the case that led to imposition of the civil penalty under this paragraph. If more than one law enforcement agency was involved in the case, the county must divide the money in proportion to their involvement.

(d) If the court finds that a party has been denied parenting time and has incurred expenses in connection with the denied parenting time, the court may require the party who denied parenting time to post a bond in favor of the other party in the amount of prepaid expenses associated with upcoming planned parenting time.

(e) Proof of an unwarranted denial of or interference with duly established parenting time may constitute contempt of court and may be sufficient cause for reversal of custody.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 2008, for failures to comply with parenting time orders on or after that date.