

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2184

Introduced by

Senators Clemens, Boehm

Representatives K. Anderson, Frelich, D. Ruby

1 A BILL for an Act to amend and reenact section 14-09-06.5 of the North Dakota Century Code,
2 relating to additional parenting time after a false allegation of harm to a child.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-09-06.5 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-09-06.5. Allegation of harm to child - Effect.**

7 1. If the court finds that an allegation of harm to a child by one parent against the other is
8 false and not made in good faith, the court shall order the parent making the false
9 allegation to pay court costs and reasonable attorney's fees incurred by the other
10 parent in responding to the allegation.

11 2. Unless a party shows ~~good cause why~~ **by clear and convincing evidence that** additional
12 parenting time should not be ordered, if the court finds an allegation of harm to a child
13 by one parent against the other is false and not made in good faith, a court shall order
14 additional parenting time to the parent responding to the false allegation to indemnify
15 that parent for any denial of court-ordered parenting time that resulted from an
16 investigation by ~~any person~~ **the department of health and human services, or a**
17 **governmental agency in another state with authority to investigate an allegation of**
18 **harm to a child,** which did not result in a finding of harm, abuse, or neglect.

19 3. The additional parenting time:

20 a. Must be of the same type and duration of parenting time that was denied;

- 1 b. May include weekend, holiday, and summer parenting time; and
- 2 c. Must occur within two years of the date the court finds the allegation was false
- 3 and not made in good faith.
- 4 4. A court shall give deference to the proposed additional parenting time schedule of the
- 5 parent entitled to additional parenting time under subsection 2 ~~may determine when~~
- 6 determining the schedule of the additional parenting time subject to subsection 3.