

AMENDMENT NO. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1623*

House Bill No. 1140

by deleting Section 36-6-407(2) from SECTION 1 and by substituting instead the following:

(2) If the parties cannot agree upon an allocation of temporary parental responsibilities, either or both parties shall file a motion to address the issues of disagreement. If only one (1) party appears, the matter may be heard by default. The court shall hear a single issue of child support. If both parties appear and there is an issue of disagreement other than child support, the parties shall immediately meet with a mediator designated by the court to aid in the settlement of temporary issues. If a mediator is not available on site to meet with the parties, the court shall refer them to a mediator or they may mutually choose a mediator. The motion shall be deferred to the next available court docket or if there is no regularly scheduled docket within a period of ten (10) days, the court shall order an expedited hearing to establish temporary support and residential provisions. The mediator shall meet with the parties before the scheduled court appearance. Child support issues may be addressed in the mediation session. If mediation is unsuccessful in the settlement of the disputed issues, the parties shall return to court for a hearing before the judge. Before the hearing, each party shall submit a proposed temporary parenting plan and a verified statement of income as defined by title 36, chapter 5, and a verified statement that the plan is proposed in good faith and is in the best interest of the child. If only one (1) party files a proposed temporary parenting plan in compliance with this section, the court may adopt that party's temporary parenting plan upon a finding by the court that the plan is in the child's best interest. In determining whether the proposed temporary parenting plan

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serves the best interest of the child, the court may consider the allocation of residential time and support obligations contained the child support guidelines and related provisions in title 36, chapter 5. If the complainant has reason to fear for the safety of a child or to fear that the other parent may flee with a child, an application for an ex parte restraining order may accompany the complaint together with a proposed order for a show cause hearing. The ex parte order shall remain in effect until the show cause hearing, or until the parties resolve the matter between themselves or in mediation, and the court approves the agreed order. If the allegations made in the application for the temporary restraining order are not substantiated, the court shall consider the actions of the party making the unsubstantiated allegations in determining temporary custody. Parties who have not participated in mediation may be referred to mediation after the show cause hearing in the court's discretion.

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