

State of Arizona  
Senate  
Forty-second Legislature  
Second Regular Session  
1996

**FILED**

**Jane Dee Hull  
Secretary of State**

CHAPTER 293

**SENATE BILL 1411**

AN ACT

AMENDING TITLE 25, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-337.02; RELATING TO CHILD CUSTODY.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 25, chapter 3, article 3, Arizona Revised Statutes, is amended by adding section 25-337.02, to read:

25-337.02. Violation of visitation rights; penalties

A. IF THE COURT FINDS, UPON VERIFIED PETITION, AND AFTER REASONABLE NOTICE TO AN ALLEGED VIOLATING PARENT AND AN OPPORTUNITY TO BE HEARD, THAT A PARENT HAS REFUSED WITHOUT GOOD CAUSE TO COMPLY WITH A VISITATION ORDER, THE COURT SHALL DO AT LEAST ONE OF THE FOLLOWING:

1. FIND THE VIOLATING PARENT IN CONTEMPT OF COURT.
2. ORDER VISITATION TIME TO MAKE UP FOR THE MISSED SESSIONS.
3. ORDER PARENT EDUCATION AT THE VIOLATING PARENT'S EXPENSE.
4. ORDER FAMILY COUNSELING AT THE VIOLATING PARENT'S EXPENSE.
5. ORDER CIVIL FINES NOT TO EXCEED ONE HUNDRED DOLLARS PER VIOLATION. FINE MONIES COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE TRANSMITTED MONTHLY TO THE COUNTY TREASURER. THE COUNTY TREASURER SHALL TRANSMIT THESE MONIES MONTHLY TO THE STATE TREASURER FOR DEPOSIT INTO THE ALTERNATIVE DISPUTE RESOLUTION FUND ESTABLISHED PURSUANT TO SECTION 12-135.
6. ORDER BOTH PARENTS TO PARTICIPATE IN MEDIATION OR SOME OTHER APPROPRIATE FORM OF ALTERNATIVE DISPUTE RESOLUTION AT THE VIOLATING PARENT'S EXPENSE.
7. MAKE ANY OTHER ORDER THAT MAY PROMOTE THE BEST INTERESTS OF THE CHILD OR CHILDREN INVOLVED.

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1           B. THE COURT SHALL HOLD A HEARING OR CONFERENCE BEFORE A JUDGE,  
2 COMMISSIONER OR PERSON APPOINTED BY THE COURT TO REVIEW NON-COMPLIANCE WITH  
3 A VISITATION ORDER WITHIN TWENTY JUDICIAL DAYS OF THE FILING OF THE PETITION.

4           C. COURT COSTS AND ATTORNEYS FEES INCURRED BY THE NON-VIOLATING PARENT  
5 ASSOCIATED WITH THE REVIEW OF NON-COMPLIANCE WITH A VISITATION ORDER SHALL  
6 BE PAID BY THE VIOLATING PARENT. IN THE EVENT THE CUSTODIAL PARENT PREVAILS,  
7 THE COURT IN ITS DISCRETION MAY AWARD COURT COSTS AND ATTORNEY FEES TO THE  
8 CUSTODIAL PARENT.

APPROVED BY THE GOVERNOR APRIL 29, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 1996