

1 AN ACT relating to domestic relations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 403.240 is amended to read as follows:

- 4 (1) If a party fails to comply with a provision of a decree or temporary order or  
5 injunction, the obligation of the other party to make payments for support or  
6 maintenance or to permit visitation or parenting time is not suspended; but a  
7 party~~he~~ may move the court to grant an appropriate order.
- 8 (2) The failure of either party, without good cause, to comply with a provision of a  
9 decree or temporary order or injunction, including a provision with respect to  
10 visitation, parenting time, or child support shall constitute contempt of court, and  
11 the court shall remedy the failure to comply.
- 12 (3) Good cause for failure~~not~~ to comply with a provision of a decree or temporary  
13 order or injunction with respect to visitation or parenting time shall include:  
14 (a) Mutual consent of the parties;~~;~~  
15 (b) Reasonable belief by either party that there exists the possibility of  
16 endangerment to the physical, mental, moral, or emotional health of the child,  
17 or endangerment to the physical safety of either party;~~;~~ or  
18 (c) Extraordinary circumstances as determined by the court.
- 19 (4) The court may, if no reasonable cause is found for denial of visitation or parenting  
20 time~~;~~  
21 (a) Order additional periods of visitation or parenting time to the prevailing  
22 party. The additional periods of visitation or parenting time may:  
23 1. Be of the same type and duration as the visitation or parenting time  
24 that was denied;  
25 2. Include weekend, holiday, and summer visitation or parenting time;  
26 and  
27 3. Be scheduled in accordance with the preference of the prevailing

1                    party;

2            (b) Order that that the additional period of visitation or parenting time occur  
3            within two (2) years of the date the court finds the party failed to comply  
4            with a provision of a decree or temporary order or injunction with respect to  
5            visitation or parenting time; and

6            (c) Award attorney's fees to the prevailing party.

7            (5) If a party's visitation or parenting time is temporarily suspended by a court order  
8            based upon allegations of child abuse or neglect against the party, the court shall  
9            order additional visitation or parenting time to the party whose time was  
10           suspended if the Cabinet for Health and Family Services investigates and makes  
11           no finding of abuse or neglect.

12           ➔Section 2. This Act may be cited as the Time Taken Back Act.