

1 5610.E AMH APPE H2854.1

2 ESB 5610 - H AMD 668 ADOPTED 4/7/95

3 By Representative Appelwick

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5 On page 1, after line 6, strike all material through "by law." on
6 line 17, and insert the following:

7 "If a court, during a judicial proceeding under this title relating
8 to a parenting plan or child custody, finds by a preponderance of the
9 evidence that a person has intentionally made a false allegation of
10 child abuse or neglect or has induced another person to make a false
11 allegation of child abuse or neglect during the judicial proceeding,
12 the court may impose a monetary penalty not to exceed one thousand
13 dollars against the person making or inducing another to make the
14 accusation. The monetary penalty shall be awarded to the person
15 against whom the false allegation is made. When the court imposes the
16 monetary penalty, the court may also provide that reasonable attorneys'
17 fees may be imposed if the person entitled to the monetary penalty
18 incurs attorneys' fees to recover the penalty. The award may be
19 enforced in the same manner as other civil judgments. A "person" means
20 a witness, a party, or a party's attorney.

21 The remedy provided by this section is in addition to any other
22 remedy provided by law.

23 This section shall not apply to unemancipated minors."

24 EFFECT: The provision is restructured to more clearly provide that
25 the court may make this finding during the actual proceeding in which
26 the allegation is made rather than in a different proceeding. This may
27 clarify that this section is not intended to be a civil action in tort
28 for damages arising from the false allegation.

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