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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 422

01/17/2023 Authored by Harder and Gillman
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to family law; modifying grandparent visitation rights; amending Minnesota
1.3 Statutes 2022, section 257C.08, subdivisions 1, 2, 3; repealing Minnesota Statutes
1.4 2022, section 257C.08, subdivision 7.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 257C.08, subdivision 1, is amended to read:

1.7 Subdivision 1. If parent is deceased. If a parent of an unmarried minor child is deceased,
1.8 the parents and grandparents of the deceased parent may be granted reasonable visitation
1.9 rights to the unmarried minor child during minority by the district court upon finding that
1.10 visitation rights would be in the best interests of the child and would not interfere with the
1.11 parent-child relationship. The court shall consider the amount of personal contact between
1.12 the parents or grandparents of the deceased parent and the child prior to the application.

1.13 Sec. 2. Minnesota Statutes 2022, section 257C.08, subdivision 2, is amended to read:

1.14 Subd. 2. Family court proceedings. (a) In all proceedings for dissolution, custody, legal
1.15 separation, annulment, or parentage, after the commencement of the proceeding, or at any
1.16 time after completion of the proceedings, and continuing during the minority of the child,
1.17 the court may, upon the request of the parent or grandparent of a party, grant reasonable
1.18 visitation rights to the unmarried minor child, after dissolution of marriage, legal separation,
1.19 annulment, or determination of parentage during minority if it finds that: (1) visitation rights
1.20 would be in the best interests of the child; and (2) such visitation would not interfere with
1.21 the parent-child relationship. The court shall consider the amount of personal contact between
1.22 the parents or grandparents of the party and the child prior to the application.

2.1 (b) If a motion for grandparent visitation has been heard and denied, unless agreed to  
2.2 in writing by the parties, no subsequent motion may be filed within six months after  
2.3 disposition of a prior motion on its merits.

2.4 Sec. 3. Minnesota Statutes 2022, section 257C.08, subdivision 3, is amended to read:

2.5 Subd. 3. **If child has resided an established relationship with grandparents**  
2.6 **grandparent or great-grandparent.** If an unmarried minor has ~~resided with grandparents~~  
2.7 ~~or great-grandparents for a period of 12 months or more, and is subsequently removed from~~  
2.8 ~~the home by the minor's parents~~ an established relationship with a grandparent or  
2.9 great-grandparent, the ~~grandparents~~ grandparent or ~~great-grandparents~~ great-grandparent  
2.10 may petition the district court for an order granting ~~them~~ the grandparent or great-grandparent  
2.11 reasonable visitation rights to the child during minority. The court shall grant the petition  
2.12 if it finds that visitation rights would be in the best interests of the child ~~and would not~~  
2.13 ~~interfere with the parent and child relationship.~~ The court must consider the amount of  
2.14 personal contact that occurred between the petitioning party and the child prior to the filing  
2.15 of the petition.

2.16 Sec. 4. **REPEALER.**

2.17 Minnesota Statutes 2022, section 257C.08, subdivision 7, is repealed.

**257C.08 RIGHTS OF VISITATION TO UNMARRIED PERSONS.**

Subd. 7. **Establishment of interference with parent and child relationship.** The court may not deny visitation rights under this section based on allegations that the visitation rights would interfere with the relationship between the custodial parent and the child unless after a hearing the court determines by a preponderance of the evidence that interference would occur.