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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3541

02/19/2020 Authored by Masin, Scott, Noor, Moller, Cantrell and others
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to family law; updating the notice to parties in custody and parenting time
1.3 cases; amending Minnesota Statutes 2018, section 518.168.

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

1.5 Section 1. Minnesota Statutes 2018, section 518.168, is amended to read:

1.6 518.168 HEARINGS.

1.7 (a) Custody proceedings shall receive priority in being set for hearing.

1.8 (b) The court may tax as costs the payment of necessary travel and other expenses
1.9 incurred by a person whose presence at the hearing the court deems necessary to determine
1.10 the best interests of the child.

1.11 (c) The court without a jury shall determine questions of law and fact. If it finds that a
1.12 public hearing may be detrimental to the child's best interests, the court may exclude the
1.13 public from a custody hearing, but may admit any person who has a direct interest in the
1.14 particular case.

1.15 (d) If the court finds it necessary for the protection of the child's welfare that the record
1.16 of an interview, report, investigation, or testimony in a custody proceeding be kept secret,
1.17 the court may make an appropriate order sealing the record.

1.18 (e) ~~At~~ Prior to the first hearing or ~~at~~ an initial appearance before the court under this
1.19 chapter, in conjunction with the mailing of the initial case management conference notice
1.20 if one is provided or with the notice of filing of a matter under this chapter, the court shall
1.21 provide an information sheet to the parties explaining:

2.1 (1) in cases where alternative dispute resolution is required under General Rules of
2.2 Practice, rule 310.01, that the parties have the choice of using alternative dispute resolution
2.3 methods including mediation, arbitration, and other processes to resolve the divorce or
2.4 custody matter;

2.5 (2) how mediation works and other available forms of alternative dispute resolution for
2.6 family law cases ~~work~~ can be used instead of the court process;

2.7 (3) that the parties may choose which method of alternative dispute resolution to use;
2.8 and

2.9 (4) that the court administrator is able to provide additional information about resources
2.10 for alternative dispute resolution.

2.11 Each party ~~who is present at the first hearing or at an initial appearance~~ must receive a copy
2.12 of the information sheet from the court.

2.13 (f) The state court administrator shall prepare an alternative dispute resolution information
2.14 sheet that the court must use to satisfy the requirements of paragraph (e). The information
2.15 sheet must provide a definition and explanation of mediation as well as the parties' option
2.16 to create their own parenting plan under section 518.1705. The information sheet must
2.17 explain that early neutral evaluation is not required. The information sheet in this section
2.18 must be provided to all parties even if the parties are represented by an attorney. The
2.19 information sheet must provide an explanation of mediation and an explanation of early
2.20 neutral evaluation to assist the participants in family court to make an informed decision
2.21 about the risks and benefits of either process. The definitions contained in the information
2.22 sheet shall not be provided in such a way as to encourage or coerce the participants to choose
2.23 one process over the other. The information sheet must inform the participants that mediation
2.24 is a facilitative process that does not coerce the participants to reach an agreement because
2.25 a mediator may not impose his or her own judgment on the issues for that of the parties.
2.26 The information sheet required by this paragraph must inform the participants that early
2.27 neutral evaluation is an adjudicative process that has a primary focus to tell the parties what
2.28 would happen in court. The neutrals evaluate the case and provide a candid assessment of
2.29 the strengths and weaknesses of the case.