

CHAPTER 106—S.F.No. 1081

An act relating to custody; providing that evidence of domestic abuse is relevant to determinations of custody; amending Minnesota Statutes 1986, sections 518.17, subdivision 1; and 518B.01, by adding a subdivision.

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

Section 1. Minnesota Statutes 1986, section 518.17, subdivision 1, is amended to read:

Subdivision 1. **THE BEST INTERESTS OF THE CHILD.** "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (a) the wishes of the child's parent or parents as to custody;
- (b) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (c) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (d) the child's adjustment to home, school, and community;
- (e) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (f) the permanence, as a family unit, of the existing or proposed custodial home;
- (g) the mental and physical health of all individuals involved;
- (h) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any; ~~and~~
- (i) the child's cultural background; and
- (j) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents.

The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.

Sec. 2. Minnesota Statutes 1986, section 518B.01, is amended by adding a subdivision to read:

Subd. 17. EFFECT ON CUSTODY PROCEEDINGS. In a subsequent custody proceeding the court may consider, but is not bound by, a finding in a

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proceeding under this chapter that domestic abuse has occurred between the parties.

Approved May 13, 1987

CHAPTER 107—S.F.No. 1313

An act relating to insurance; liquor liability assigned risk plan; regulating assigned risk plan premiums; amending Minnesota Statutes 1986, section 340A.409, subdivision 3.

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

Section 1. Minnesota Statutes 1986, section 340A.409, subdivision 3, is amended to read:

Subd. 3. **ASSIGNED RISK PLAN.** (a) The purpose of the assigned risk plan is to provide coverage required by subdivision 1 to persons rejected under this subdivision.

(b) An insurer who offers liquor liability insurance that refuses to write the coverage required by subdivision 1 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety at the time of application for coverage to the assigned risk plan and the market assistance program.

A written notice of refusal must be provided to any applicant who has requested only liquor liability insurance if the insurer chooses to only offer liquor liability insurance in combination with other types of insurance.

A written notice of refusal must be provided by an insurer to any applicant who receives an offer of coverage from that insurer that is in excess of the rate charged by the assigned risk plan for similar coverage and risk. A notice is not required if the rate for the coverage offered is less than 20 percent in excess of the assigned risk plan rates, provided that the offered rate is the rate that the insurer has filed with the commissioner of commerce if the insurer is required to file its rates with the commissioner. If the insurer is not required to file its rates with the commissioner, the offered rate must be the rate generally charged by the insurer for similar coverage and risk.

A notice of refusal is not required to be filed if there is not an insurer offering liquor liability insurance in the state.

To be eligible to participate in the assigned risk plan an applicant must apply for coverage through the market assistance program. Application to the market assistance program must be made no later than the time of application to the assigned risk plan. If the market assistance program is unable to secure coverage then coverage may be extended by the assigned risk plan.

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