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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4148

02/22/2024 Authored by Harder 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 visitation rights to an unmarried minor child;
1.3 amending Minnesota Statutes 2022, section 257C.08, subdivisions 1, 3.

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

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

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

1.14 Sec. 2. Minnesota Statutes 2022, section 257C.08, subdivision 3, is amended to read:

1.15 Subd. 3. If child has resided a substantial established relationship with
1.16 grandparents. (a) If an unmarried minor has resided with grandparents or great-grandparents
1.17 for a period of 12 months or more, and is subsequently removed from the home by the
1.18 minor's parents, a substantial established relationship with grandparents or great-grandparents,
1.19 the grandparents or great-grandparents may petition the district court for an order granting
1.20 them reasonable visitation rights to the child during minority. The court shall grant the
1.21 petition if it finds that:

1.22 (1) the parents were provided with notice of the hearing;

2.1 (2) granting the grandparents or great-grandparents visitation rights would be in the best
2.2 interests of the child; and

2.3 (3) based on clear and convincing evidence, visitation with the grandparents or
2.4 great-grandparents would not interfere with the parent and child relationship or, in the
2.5 alternative, the child's present environment may endanger the child's physical or emotional
2.6 health such that an award of visitation would be in the child's best interests.

2.7 (b) In determining if a substantial established relationship exists between the petitioner
2.8 and unmarried minor child, the court shall consider all relevant factors, including:

2.9 (1) whether the petitioner has had significant personal contact with the minor child; and

2.10 (2) whether a parent or legal guardian of the child has taken steps to consent to, recognize,
2.11 or support the relationship and contact between the petitioning party and the minor child.

2.12 (c) In determining the best interests of the minor child, the court shall consider all relevant
2.13 factors, including the benefit to the child in maintaining important and meaningful
2.14 connections and relationships that the child has developed with the child's grandparents or
2.15 great-grandparents.