

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3779

(SENATE AUTHORS: PAPPAS, Westlin and Housley)

DATE
02/15/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

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

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

1.16 Sec. 2. Minnesota Statutes 2022, section 257C.08, is amended by adding a subdivision to
1.17 read:

1.18 Subd. 3a. **If minor child has a substantial established relationship with grandparent**
1.19 **or great-grandparent.** (a) If a minor child has a substantial established relationship with
1.20 a grandparent or great-grandparent, the grandparent or great-grandparent may petition the
1.21 district court for an order granting the grandparent or great-grandparent reasonable visitation
1.22 rights to the minor child during minority. The court shall grant the petition if:

2.1 (1) the parents received notice of the hearing;

2.2 (2) the court finds that visitation with the grandparent or great-grandparent is in the best
2.3 interests of the minor child; and

2.4 (3) the court finds by clear and convincing evidence that visitation with the grandparent
2.5 or great-grandparent would not interfere with the parent-child relationship or the court finds
2.6 that the minor child's present environment may endanger the minor child's physical or
2.7 emotional health such that awarding visitation to the grandparent or great-grandparent is in
2.8 the minor child's best interests.

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

2.11 (1) whether the petitioning party has had significant personal contact with the minor
2.12 child; and

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

2.16 (c) In determining the best interests of the minor child, the court shall consider all relevant
2.17 factors, including the benefit to the minor child in maintaining an important and meaningful
2.18 connection and relationship that the minor child has developed with the minor child's
2.19 grandparent or great-grandparent.

2.20 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2022.

2.21 Sec. 3. Minnesota Statutes 2022, section 257C.08, is amended by adding a subdivision to
2.22 read:

2.23 Subd. 3b. **Effect of amendments.** (a) Amendments made to this section by this act apply
2.24 to an action commenced on or after January 1, 2022, that:

2.25 (1) has been adjudicated; or

2.26 (2) has a temporary or permanent order issued.

2.27 (b) By motion to the court, any party may request reconsideration pursuant to the
2.28 amendments made by this act.

2.29 Sec. 4. **REPEALER.**

2.30 Minnesota Statutes 2022, section 257C.08, subdivision 2, is repealed.

257C.08 RIGHTS OF VISITATION TO UNMARRIED PERSONS.

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

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