

A bill for an act
relating to families; requiring parenting plans; amending Minnesota Statutes
2010, section 518.1705, subdivisions 2, 3, 4.

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

Section 1. Minnesota Statutes 2010, section 518.1705, subdivision 2, is amended to
read:

Subd. 2. **Plan elements.** (a) A parenting plan must include the following:

(1) a schedule of the time each parent spends with the child;

(2) a designation of decision-making responsibilities regarding the child; and

(3) a method of dispute resolution.

(b) A parenting plan may include other issues and matters the parents agree to
regarding the child.

~~(c) Parents voluntarily agreeing to parenting plans~~ A parenting plan or order may
substitute other terms for physical and legal custody, including designations of joint or
sole custody, provided that the terms used in the substitution are defined in the parenting
plan or order.

Sec. 2. Minnesota Statutes 2010, section 518.1705, subdivision 3, is amended to read:

Subd. 3. **Creating parenting plan; restrictions on creation; alternative.** (a)
~~Upon the request of both parents, a parenting plan must be created in lieu of an order for~~
~~child custody and parenting time~~ The court shall adopt a parenting plan proposed by
both parents unless the court makes detailed findings that the proposed plan is not in the
best interests of the child.

(b) If both parents do not agree to a parenting plan, the court ~~may create one~~ shall issue a parenting order on its own motion, except that the court must not do so if it unless the court:

(1) makes detailed findings that use of a parenting order is not feasible; or

(2) finds that a parent has committed domestic abuse against a parent or child who is a party to, or subject of, the matter before the court. If the court creates a parenting plan on its own motion, it must not use alternative terminology unless the terminology is agreed to by the parties.

(c) If an existing order does not contain a parenting plan, the parents must not be required to create a parenting plan as part of a modification order under section 518A.39.

(d) A parenting plan must not be required during an action under section 256.87.

(e) If the parents do not agree to a parenting plan and the court does not create one on its own motion, orders for custody and parenting time must be entered under sections 518.17 and 518.175 or section 257.541, as applicable.

Sec. 3. Minnesota Statutes 2010, section 518.1705, subdivision 4, is amended to read:

Subd. 4. **Custody designation.** ~~A final judgment and decree that includes a parenting plan using alternate terms to designate decision-making responsibilities or allocation of residential time between the parents must designate whether the parents have joint legal custody or joint physical custody or which parent has sole legal custody or sole physical custody, or both. This designation is solely for enforcement of the final judgment and decree where this designation is required for that enforcement and has no effect under the laws of this state, any other state, or another country that do not require this designation.~~ If the parenting plan or order does not designate legal and physical custody and such a designation is necessary for enforcement of the plan or order for any purpose, it must be presumed that the parents have joint legal and joint physical custody.