

1.1 A bill for an act

1.2 relating to family law; increasing the parenting time presumption; amending
1.3 Minnesota Statutes 2010, sections 518.131, subdivision 7; 518.175, subdivision
1.4 1.

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

1.6 Section 1. Minnesota Statutes 2010, section 518.131, subdivision 7, is amended to read:

1.7 Subd. 7. **Guiding factors.** The court shall be guided by the factors set forth in
1.8 chapter 518A (concerning child support), and sections 518.552 (concerning maintenance),
1.9 518.17 to 518.175 (concerning custody and parenting time and the presumption of
1.10 minimum parenting time), and 518.14 (concerning costs and attorney fees) in making
1.11 temporary orders and restraining orders.

1.12 Sec. 2. Minnesota Statutes 2010, section 518.175, subdivision 1, is amended to read:

1.13 Subdivision 1. **General.** (a) In all proceedings for dissolution or legal separation,
1.14 subsequent to the commencement of the proceeding and continuing thereafter during
1.15 the minority of the child, the court shall, upon the request of either parent, grant such
1.16 parenting time on behalf of the child and a parent as will enable the child and the parent to
1.17 maintain a child to parent relationship that will be in the best interests of the child.

1.18 If the court finds, after a hearing, that parenting time with a parent is likely
1.19 to endanger the child's physical or emotional health or impair the child's emotional
1.20 development, the court shall restrict parenting time with that parent as to time, place,
1.21 duration, or supervision and may deny parenting time entirely, as the circumstances
1.22 warrant. The court shall consider the age of the child and the child's relationship with the
1.23 parent prior to the commencement of the proceeding.

2.1 A parent's failure to pay support because of the parent's inability to do so shall not be
2.2 sufficient cause for denial of parenting time.

2.3 (b) The court may provide that a law enforcement officer or other appropriate person
2.4 will accompany a party seeking to enforce or comply with parenting time.

2.5 (c) Upon request of either party, to the extent practicable an order for parenting
2.6 time must include a specific schedule for parenting time, including the frequency and
2.7 duration of visitation and visitation during holidays and vacations, unless parenting time
2.8 is restricted, denied, or reserved.

2.9 (d) The court administrator shall provide a form for a pro se motion regarding
2.10 parenting time disputes, which includes provisions for indicating the relief requested, an
2.11 affidavit in which the party may state the facts of the dispute, and a brief description of
2.12 the parenting time expeditor process under section 518.1751. The form may not include
2.13 a request for a change of custody. The court shall provide instructions on serving and
2.14 filing the motion.

2.15 (e) In the absence of other evidence, there is a rebuttable presumption that a parent is
2.16 entitled to receive at least ~~25~~ 35 percent of the parenting time for the child. For purposes
2.17 of this paragraph, the percentage of parenting time may be determined by calculating the
2.18 number of overnights that a child spends with a parent or by using a method other than
2.19 overnights if the parent has significant time periods on separate days when the child is in
2.20 the parent's physical custody but does not stay overnight. The court may consider the age
2.21 of the child in determining whether a child is with a parent for a significant period of time.

2.22 **Sec. 3. EFFECTIVE DATE; APPLICATION.**

2.23 (a) Section 2 is effective July 1, 2013, and applies to orders adopted or modified
2.24 on or after that date.

2.25 (b) There must be no modification of an existing parenting time order based on the
2.26 amendment to the parenting time presumption under section 2 until July 1, 2014, unless
2.27 the child's environment presently endangers the child's physical or emotional health or
2.28 impairs the child's emotional development.