This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2804

03/26/2025 Authored by Hudson and Dippel
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

A bill for an act

relating to family law; modifying visitation rights to a minor child; amending Minnesota Statutes 2024, section 257C.08, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2024, section 257C.08, subdivision 2.

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

Section 1. Minnesota Statutes 2024, section 257C.08, subdivision 1, is amended to read:

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

Sec. 2. Minnesota Statutes 2024, section 257C.08, is amended by adding a subdivision to read:

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

(1) the parents received notice of the hearing;

(2) the court finds that a substantial established relationship exists between the petitioner and the minor child;

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

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

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

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

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

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

(d) The court shall consider whether mediation between the parent or legal guardian and the minor child's grandparent or great-grandparent would be in the best interests of the minor child by supporting effective dispute resolution and communication and reducing acrimony between the parent or legal guardian and the petitioner. The matter may be set for mediation prior to, concurrent with, or subsequent to the setting of the matter for a hearing. Community dispute resolution programs described in chapter 494 may provide mediation services for matters under this subdivision.

(e) The court shall not consider time apart between grandparent or great-grandparent and the minor grandchild as a factor in making its determination.

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

Sec. 3. Minnesota Statutes 2024, section 257C.08, is amended by adding a subdivision to read:

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

(1) has been adjudicated; or

(2) has a temporary or permanent order issued.

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

Sec. 4. **REPEALER.**

Minnesota Statutes 2024, 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.