

State of Minnesota

H. F. No. 409

2.1 Sec. 2. **[518.1791] EFFECT ON CUSTODY AND PARENTING TIME;**
2.2 **CONCEPTION DUE TO CRIMINAL SEXUAL CONDUCT.**

2.3 (a) In any proceeding under section 518.131, 518.17, 518.175, or 518.18, a party may
2.4 file a motion to stay the proceeding pending a hearing on allegations, supported by an
2.5 affidavit, that the other party committed criminal sexual conduct as described in section
2.6 609.342 or 609.344 and the criminal sexual conduct resulted in the conception of the child.
2.7 The court must grant the motion and stay the proceeding pending the outcome of a hearing
2.8 on the motion.

2.9 (b) Upon a finding that the motioning party has proven the allegations by clear and
2.10 convincing evidence, the court must enter an order awarding:

2.11 (1) sole legal and sole physical custody of the child to the motioning party; and

2.12 (2) no parenting time with the child to the other party.

2.13 (c) For the purposes of proving a party has committed criminal sexual conduct as
2.14 described in section 609.342 or 609.344, any of the following is conclusive evidence that
2.15 the party committed criminal sexual conduct against the other party: proof of a criminal
2.16 conviction, as defined in section 609.02, subdivision 5; an Alford plea; a Norgaard plea; a
2.17 no contest plea; or any other judicial admission or finding of guilt, regardless of whether
2.18 the adjudication was stayed or executed.

2.19 (d) Upon a finding that the motioning party has not proven the allegations by clear and
2.20 convincing evidence, the court shall lift the stay.

2.21 (e) Records maintained by the court regarding proceedings on a motion subject to this
2.22 section are not accessible to the public except by court order for the purpose of enforcing
2.23 the order in the proceeding or for other good cause as determined by the court.

2.24 (f) Nothing in this section prevents the motioning party from taking legal action to obtain
2.25 an order for child support.

2.26 Sec. 3. Minnesota Statutes 2020, section 518.619, subdivision 2, is amended to read:

2.27 Subd. 2. **Exception.** If the court determines that there is probable cause that one of the
2.28 parties, or a child of a party, has been physically or sexually abused by the other party, or
2.29 that a parent has filed a motion under section 518.1791, the court shall not require or refer
2.30 the parties to mediation or any other process that requires parties to meet and confer without
2.31 counsel, if any, present.