

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1710

(SENATE AUTHORS: SENJEM)

DATE
03/04/2021

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to judiciary; providing for input by children regarding certain court-ordered
- 1.3 parenting time and custody change; amending Minnesota Statutes 2020, section
- 1.4 518.175, subdivision 6.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 518.175, subdivision 6, is amended to read:
- 1.7 Subd. 6. **Remedies.** (a) The court may provide compensatory parenting time when a
- 1.8 substantial amount of court-ordered parenting time has been made unavailable to one parent
- 1.9 unless providing the compensatory parenting time is not consistent with the child's best
- 1.10 interests.
- 1.11 (b) The court shall provide for one of the remedies as provided under this subdivision
- 1.12 for (1) a repeated and intentional denial of or interference with court-ordered parenting time,
- 1.13 or (2) a repeated and intentional failure to comply with a binding agreement or decision
- 1.14 under section 518.1751.
- 1.15 (c) If the court finds that a person has been deprived of court-ordered parenting time
- 1.16 under paragraph (b), the court shall order the parent who has interfered to allow compensatory
- 1.17 parenting time to the other parent. When compensatory parenting time is awarded, additional
- 1.18 parenting time must be:
- 1.19 (1) at least of the same type and duration as the deprived parenting time and, at the
- 1.20 ~~discretion~~ preference of the child, the court, may be in excess of or of a different type than
- 1.21 ~~the deprived parenting time~~ shall find according to the child's preference;
- 1.22 (2) taken within one year after the deprived parenting time; and

(3) at a time acceptable to the parent deprived of parenting time.

(d) If the court finds that a party has repeatedly and intentionally denied or interfered with court-ordered parenting time or failed to comply with a binding agreement or decision under section 518.1751, the court may in addition to awarding compensatory parenting time under paragraph (c):

(1) impose a civil penalty of up to \$500 on the party;

(2) require the party to post a bond with the court for a specified period of time to secure the party's compliance;

(3) award reasonable attorney's fees and costs;

(4) require the party who violated the parenting time order or binding agreement or decision of the parenting time expeditor to reimburse the other party for costs incurred as a result of the violation of the order or agreement or decision; or

(5) award any other remedy that the court finds to be in the best interests of the children involved.

A civil penalty imposed under this paragraph must be deposited in the county general fund and must be used to fund the costs of a parenting time expeditor program in a county with this program. In other counties, the civil penalty must be deposited in the state general fund.

(e) The court shall provide one or more of the remedies available in paragraph (d), clauses (1) to (5), if one of the following occurs:

(1) the court finds that a party has repeatedly and intentionally denied or interfered with court-ordered parenting time after a previous finding that the party repeatedly and intentionally denied or interfered with court-ordered parenting time; or

(2) the court finds that a party has failed to comply with a binding agreement or decision under section 518.1751 after a previous finding that the party failed to comply with a binding agreement or decision under section 518.1751.

(f) If the court makes written findings that any denial of or interference with court-ordered parenting time or the failure to comply with a binding agreement or decision under section 518.1751 was necessary to protect a child's physical or emotional health, the court is not required to comply with paragraphs (b) to (e).

(g) If the court finds that a party has been denied parenting time and has incurred expenses in connection with the denied parenting time, the court may require the party who denied

3.1 parenting time to post a bond in favor of the other party in the amount of prepaid expenses
3.2 associated with upcoming planned parenting time.

3.3 (h) Proof of an unwarranted denial of or interference with duly established parenting
3.4 time may constitute contempt of court and may be sufficient cause for reversal of custody.
3.5 When a minor child is ... years of age or older, the court must speak with the child before
3.6 making a custody change for that child.

3.7 (i) All parenting time orders must include notice of the provisions of this subdivision.