A bill for an act

relating to family law; providing for grandparent visitation rights on behalf of the child; expanding grandparent visitation rights; specifying procedures; requiring mediation; amending Minnesota Statutes 2010, sections 257C.08, subdivision 1, by adding a subdivision; 518.1752; repealing Minnesota Statutes 2010, section 257C.08, subdivisions 2, 3.

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

Section 1. Minnesota Statutes 2010, section 257C.08, subdivision 1, is amended to read:

Subdivision 1. **~~If parent is deceased~~ Grandparent visitation.** ~~If a parent of an unmarried minor child is deceased, the parents and grandparents of the deceased parent may be granted~~ Upon request of a grandparent or great-grandparent of an unmarried minor child, the district court may grant reasonable visitation rights ~~to the unmarried minor~~ on behalf of the child ~~during minority by the district court~~ and the grandparent or great-grandparent upon finding that visitation rights would be in the best interests of the child and would not interfere with the parent and child relationship. The court shall consider the amount of personal contact between the ~~parents or~~ grandparents ~~of the deceased parent~~ or great-grandparents and the child prior to the application.

Sec. 2. Minnesota Statutes 2010, section 257C.08, is amended by adding a subdivision to read:

Subd. 4a. **Procedure; mediation.** (a) A person may seek visitation rights under this section:

(1) by filing a motion with the court in a proceeding where custody or visitation of the child is at issue or has previously been determined; or

(2) if no other proceeding exists, by filing a petition with the district court in the county where the child is permanently resident or where the child is found.

(b) If it appears on the face of a motion or petition brought under this section that the visitation is contested, the court shall order the matter set for mediation under section 518.619.

Sec. 3. Minnesota Statutes 2010, section 518.1752, is amended to read:

518.1752 GRANDPARENT VISITATION.

In all proceedings for dissolution or legal separation, 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 make an order granting visitation rights to grandparents under section 257C.08~~, subdivision 2~~.

Sec. 4. **REPEALER.**

Minnesota Statutes 2010, section 257C.08, subdivisions 2 and 3, are 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.

Subd. 3. **If child has resided with grandparents.** If an unmarried minor has resided with grandparents or great-grandparents for a period of 12 months or more, and is subsequently removed from the home by the minor's parents, the grandparents or great-grandparents may petition the district court for an order granting them reasonable visitation rights to the child during minority. The court shall grant the petition if it finds that visitation rights would be in the best interests of the child and would not interfere with the parent and child relationship.