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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4821

04/24/2022

Authored by Dettmer

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to family law; modifying visitation rights to an unmarried minor child;

1.3 amending Minnesota Statutes 2020, section 257C.08, by adding a subdivision;

1.4 repealing Minnesota Statutes 2020, section 257C.08, subdivisions 3, 4.

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

1.6 Section 1. Minnesota Statutes 2020, section 257C.08, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 3a. Parent-like relationships. (a) Upon petition by a grandparent,

1.9 great-grandparent, stepparent, or any person who has maintained a relationship similar to

1.10 a parental relationship with an unmarried minor child, the court may grant reasonable

1.11 visitation rights to that grandparent, great-grandparent, stepparent, or other person if:

1.12 (1) the parents are provided with notice of the hearing;

1.13 (2) the court determines that visitation with the petitioner is in the best interest of the

1.14 child; and

1.15 (3) the court determines that visitation with the petitioner would not interfere with the

1.16 parent-child relationship.

1.17 (b) In determining if a parental relationship exists between the petitioner and an unmarried

1.18 minor child, the court must consider all relevant factors including:

1.19 (1) whether the petitioning party has had significant personal contact with the minor

1.20 child;

2.1 (2) whether either parent of the child has taken steps to consent to, recognize, or support  
 2.2 the parent-like relationship between the petitioning party and the unmarried minor child;  
 2.3 or

2.4 (3) whether the petitioning party has contributed to the best interests of the parents and  
 2.5 the unmarried minor child by providing significant child care or financial resources to  
 2.6 provide basic essentials for the unmarried minor child.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.8 Sec. 2. **REPEALER.**

2.9 Minnesota Statutes 2020, section 257C.08, subdivisions 3 and 4, are repealed.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

**257C.08 RIGHTS OF VISITATION TO UNMARRIED PERSONS.**

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.

Subd. 4. **If child has resided with other person.** If an unmarried minor has resided in a household with a person, other than a foster parent, for two years or more and no longer resides with the person, the person may petition the district court for an order granting the person reasonable visitation rights to the child during the child's minority. The court shall grant the petition if it finds that:

- (1) visitation rights would be in the best interests of the child;
- (2) the petitioner and child had established emotional ties creating a parent and child relationship;  
and
- (3) visitation rights would not interfere with the relationship between the custodial parent and the child.

The court shall consider the reasonable preference of the child, if the court considers the child to be of sufficient age to express a preference.