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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **46**

January 12, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to family law; providing for grandparent visitation rights on behalf of the
1.3 child; expanding grandparent visitation rights; specifying procedures; requiring
1.4 mediation; amending Minnesota Statutes 2008, section 257C.08, subdivision 1,
1.5 by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2008, section 257C.08, subdivision 1, is amended to read:

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

1.17 Sec. 2. Minnesota Statutes 2008, section 257C.08, is amended by adding a subdivision
1.18 to read:

1.19 Subd. 1a. **Procedure; meditation.** (a) A person may seek visitation rights under
1.20 this section:

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

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

- 2.1 (b) If it appears on the face of a motion or petition brought under this section that
2.2 visitation is contested, the court shall order the matter set for mediation under section
2.3 518.619.