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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3308

- 03/17/2016 Authored by Pugh, Lesch, Gruenhagen, Whelan and Lohmer
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices
- 03/29/2016 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance
- 04/07/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time
- 05/02/2016 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
 1.2 relating to civil law; requiring the court to provide information on alternative
 1.3 dispute resolution to parties in family law cases; amending Minnesota Statutes
 1.4 2014, section 518.168.

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

1.6 Section 1. Minnesota Statutes 2014, section 518.168, is amended to read:

1.7 **518.168 HEARINGS.**

1.8 (a) Custody proceedings shall receive priority in being set for hearing.

1.9 (b) The court may tax as costs the payment of necessary travel and other expenses
 1.10 incurred by a person whose presence at the hearing the court deems necessary to determine
 1.11 the best interests of the child.

1.12 (c) The court without a jury shall determine questions of law and fact. If it finds that
 1.13 a public hearing may be detrimental to the child's best interests, the court may exclude
 1.14 the public from a custody hearing, but may admit any person who has a direct interest in
 1.15 the particular case.

1.16 (d) If the court finds it necessary for the protection of the child's welfare that the
 1.17 record of an interview, report, investigation, or testimony in a custody proceeding be kept
 1.18 secret, the court may make an appropriate order sealing the record.

1.19 (e) At the first hearing or an initial appearance before the court under this chapter,
 1.20 the court shall provide an information sheet to the parties explaining that:

1.21 (1) in cases where alternative dispute resolution is required under rule 310.01 of
 1.22 the Rules of General Practice, the parties have the choice of alternative dispute resolution
 1.23 methods including mediation, arbitration, and other processes to resolve the divorce or
 1.24 custody matter;

2.1 (2) the parties may choose which method of alternative dispute resolution to use; and

2.2 (3) the court administrator can provide additional information about resources for
2.3 alternative dispute resolution.

2.4 The state court administrator shall prepare an alternative dispute resolution information
2.5 sheet that the court must use to satisfy the requirements of this section. The information
2.6 sheet must contain a brief explanation of mediation and other available forms of alternative
2.7 dispute resolution used in family law cases. Each party who is present at the first hearing
2.8 or an initial appearance must receive a copy of the information sheet. The court shall
2.9 obtain the signatures of the parties who are present, verifying that the parties have received
2.10 the information sheet on alternative dispute resolution in each case.

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to cases
2.12 filed on or after that date.