



HF3204: CHILD-CENTERED FAMILY LAW REFORM

Background: This bill represents the collaborative efforts of three organizations that have different opinions on some family law matters, but who chose to work together and find common ground. Several years of work and consultation with other stakeholders has produced this package of child-centered policy changes that will significantly improve family law in Minnesota.

- Establishes a statutory public policy statement encouraging substantial parenting time for fit parents.
- Provides for compensatory parenting time when a substantial amount of court-ordered parenting time has been unreasonably denied to one parent.
- Gives parties access to temporary hearings for parenting time issues as well as accelerated temporary relief when access to a child or financial resources is being unreasonably denied.
- Enables courts to award costs and fees against parties whose unreasonable failure to comply with an order or decree forces the other party to seek enforcement or other relief.
- Emphasizes that the current 25% statutory parenting time baseline is a floor not a ceiling.
- Adds a child's mental health and safety to a court's considerations in parenting time proceedings.
- Inserts "parenting time" in two statutes to correct an oversight in recent family law legislation and replaces the outdated term "visitation" in the parenting time statute.

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The Honorable Jamie Becker-Finn, Chair
Judiciary Finance and Civil Law Committee
Minnesota House of Representatives
559 State Office Building
St. Paul, MN 55155

Dear Representative Becker-Finn,

I write as the chair of the Minnesota chapter of National Parents Organization. We fully support the bipartisan House Bill 3204/SF2759.

National Parents Organization (NPO) is a 501(c)3 organization that advocates for children's best interests after parental separation or divorce. We are the largest U.S. organization working to improve the lives of children and strengthen society by protecting every child's right to the love and care of both parents after separation or divorce.

We fully support this bill because it provides for:

- Expedited relief for when a Child's access to one of their Parents has been unreasonably denied.
- More effective penalties for repeatedly violating court ordered parenting time.
- Temporary child support when a parent has cut off access to the couple's finances.

This bill has been fully vetted over the past several years by those who have an interest in family law reform, including parents of course. We look forward to the passage of this bill and the implementation of these needed changes.

Sincerely,

Charlie Hurd
Minnesota Chair for National Parents Organization.



March 2024

Minnesota HF3204: IS NOT CHILD-CENTERED FAMILY LAW REFORM

WE APPRECIATE THE EFFORTS - HF3204 needs work!

Background:

- This bill does not reflect collaborative efforts. Our four groups, despite initiating the last genuine collaboration, and hours of discussion, were not consulted regarding this bill. To imply otherwise is misleading. Moreover, the proposed policy

changes are unlikely to enhance family law in Minnesota; rather, they may escalate conflict.

Policy Statements:

- The statutory public policy statement, intended to promote substantial parenting time for fit parents, fails to amend Minnesota State Statute effectively. The language is convoluted and lacks specificity, potentially fueling disputes over interpretation.

Compensatory Parenting Time:

- The provision for compensatory parenting time requires a parent to prove denial of parenting time for 14 consecutive days or more. However, most parenting time orders in Minnesota do not extend for such prolonged periods, rendering this clause impractical and offering no relief to affected parents. Notably, deprivation of parenting time is already a felony in the state.

Temporary Hearings:

- The bill aims to grant parties access to temporary hearings for parenting time issues and expedited relief when access to a child or financial resources is unreasonably denied. Unfortunately, the absence of user-friendly self-help forms, as seen in Missouri, perpetuates a preference for attorney-led motions, posing challenges for individuals with limited means to navigate the family court system.

Costs and Fees:

- HF3204 modifies the court's authority to award costs and fees.

Parenting Time Baseline:

- While HF3204 underscores that the current 25% statutory parenting time baseline is a minimum standard, it fails to establish a rebuttable presumption of equal shared parenting, as proposed in HF808.

Child Well-being:

- A child's mental health and safety already form part of the Best Interest Standards, guiding courts in parenting time proceedings.

Legal Terminology:

- HF3204 introduces the term "parenting time" in two statutes to rectify an oversight in recent family law legislation and replaces the outdated term "visitation" in the parenting time statute, a commendable initiative.

NOTES

[Minnesota Statute 609.26](#) defines the felony crime of depriving parenting rights as follows: "Whoever intentionally takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent

substantially to deprive that parent of rights to parenting time or custody.” Simply keeping a child beyond what’s permitted in the parenting time order, though, doesn’t automatically lead to a felony criminal charge for depriving parenting rights. It must be substantial in the act. A recent Minnesota Supreme Court ruling went into what this means in State v. Culver (A17-1968).

The Court focused its ruling on the critical phrase of the statute: “where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody.” It ruled that the evidence must be viewed objectively, rather than subjectively from the defendant’s point of view.

It was also determined that the term ‘substantial’ requires the depriving parenting rights act to be “considerable in importance, value, degree, amount or extent.” This requires analyzing both qualitative and quantitative factors, such as the nature of the days, as well as the number of days, missed.

The quantitative analysis is rather straight-forward – how many days has the defendant been depriving parenting rights. The qualitative factor looks beyond that though, recognizing that all parenting time is different in quality. Factors such as the age of the child, whether the parenting time was for day-visits or overnights, or whether any holidays or special events were involved. The analysis is case specific.

Based on these points of analysis, the Court upheld a district court conviction for depriving parenting time when the defendant denied seven visits (including overnights) over a 15-day period and refused to provide alternative parenting time (as required by the order), which essentially amounted to completely ignoring the court parenting time order.



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Minnesota HF3204: Opposition

Opposition to Minnesota HF3204:

- **Lack of consensus; vital stakeholders excluded from deliberations.** Collaboration with “three” groups, including two lawyer groups, for HF3204 did not involve the most involved and vocal family law reform citizen groups. These groups were not consulted, leading to a bill that lacks consensus among key stakeholder groups in Minnesota.
- Serious concerns arise regarding the bill's implications. While some topics in HF3204 are indeed necessary to address, this bill does not do what it claims. The broad, vague, and subjective solutions it proposes will likely result in increased confusion, litigation, and conflict among parents. Detailed concerns and commentary on specific language with HF3204 are available in a separate document.
- The primary beneficiary of this bill appears to be the divorce lawyer lobby rather than parents or children. Despite claims of positive change, HF3204 is more of a setback and window dressing, failing to meet its purported goals. Instead, it may necessitate costly legal assistance for parents to navigate its complexities, and uncertainties due to lack of clarity, leaving individual judges to interpret policy inconsistently.

Background:

- For 25 years, family law reform advocate Molly K. Olson has been actively engaged in collaborative efforts to amend MN Chapter 518. Despite convening numerous task forces and work groups, including the Family Law Work Group in 2019, no consensus was reached on the issues addressed in HF3204. The sudden inclusion of a new Minnesota shared parenting group with no prior involvement in family law reform, raises concerns.

Stakeholders:

- Historically, stakeholders in family law reform in Minnesota have comprised two main groups: the divorce industry lobby and affected citizen groups. The divorce industry lobby, including the MN Bar Association, AAML, AFCC, and DV, has exerted significant influence over legislative changes. Conversely, citizen groups such as the Center for Parental Responsibility and MN Shared Parenting Action Group, advocate for meaningful change that prioritizes children, parents, and families. They have demonstrated willingness to compromise.
- We withhold support for HF3204 until further work is done on the bill. Instead, we endorse the following bills, which align more closely with our objectives for positive change in family law:
 - HF1909/SF849 – 40% parenting time bill (Rep. Hudson)
 - HF808/SF900 – 47-53% parenting time bill (Rep. Scott)
 - HF3794/SF3598 – 50-50 parenting time bill (Rep. Wiens)
 - HF3331/SF3296 – Protecting the fundamental right of parent-child relationship per MN Supreme Court and U.S. Supreme Court (Rep. Scott)