

1.1 moves to amend H.F. No. 260 as follows:

1.2 Page 4, after line 24, insert "(t) "Virtual parenting time" has the meaning given in
1.3 section 518.1705, subdivision 2, paragraph (d)."

1.4 Page 6, line 33, after "including" insert "virtual parenting time or other"

1.5 Page 11, line 13, after "through" insert "virtual parenting time or other"

1.6 Page 15, after line 18, insert:

1.7 "ARTICLE 6

1.8 VIRTUAL PARENTING TIME

1.9 Section 1. Minnesota Statutes 2014, section 518.1705, subdivision 2, is amended to read:

1.10 Subd. 2. **Plan elements.** (a) A parenting plan must include the following:

1.11 (1) a schedule of the time each parent spends with the child;

1.12 (2) a designation of decision-making responsibilities regarding the child; ~~and~~

1.13 (3) a method of dispute resolution; and

1.14 (4) virtual parenting time, if the equipment necessary for virtual parenting time
1.15 is reasonably available.

1.16 (b) A parenting plan may include other issues and matters the parents agree to
1.17 regarding the child.

1.18 (c) Parents voluntarily agreeing to parenting plans may substitute other terms for
1.19 physical and legal custody, including designations of joint or sole custody, provided that
1.20 the terms used in the substitution are defined in the parenting plan.

1.21 (d) For purposes of this subdivision, "virtual parenting time" means reasonable
1.22 and uncensored time during which a parent and the parent's child communicate during
1.23 reasonable hours by using communication tools such as a telephone, electronic mail,
1.24 instant messaging, video conferencing or other wired or wireless technologies via the
1.25 Internet, or other medium of communication. Virtual parenting time may only be used to

2.1 supplement parenting time with the child. Virtual parenting time may not be used as a
 2.2 replacement or as a substitute for parenting time with the child.

2.3 Sec. 2. Minnesota Statutes 2014, section 518.1705, subdivision 3, is amended to read:

2.4 Subd. 3. **Creating parenting plan; restrictions on creation; alternative.** (a) Upon
 2.5 the request of both parents, a parenting plan must be created in lieu of an order for child
 2.6 custody and parenting time unless the court makes detailed findings that the proposed
 2.7 plan is not in the best interests of the child.

2.8 (b) If both parents do not agree to a parenting plan, the court may create one on its
 2.9 own motion, except that the court must not do so if it finds that a parent has committed
 2.10 domestic abuse against a parent or child who is a party to, or subject of, the matter
 2.11 before the court. If the court creates a parenting plan on its own motion, it must not use
 2.12 alternative terminology unless the terminology is agreed to by the parties.

2.13 (c) If an existing order does not contain a parenting plan, the parents must not be
 2.14 required to create a parenting plan as part of a modification order under section 518A.39.

2.15 (d) A parenting plan must not be required during an action under section 256.87.

2.16 (e) If the parents do not agree to a parenting plan and the court does not create one
 2.17 on its own motion, orders for custody and parenting time must be entered under sections
 2.18 518.17 and 518.175 or section 257.541, as applicable.

2.19 (f) If the parents cannot agree on whether virtual parenting time equipment is
 2.20 reasonably available for purposes of subdivision 2, paragraph (a), clause (4), the court
 2.21 shall decide whether the equipment is reasonably available, taking into consideration:

2.22 (1) the best interests of the child;

2.23 (2) each parent's ability to handle any additional expenses for virtual parenting
 2.24 time; and

2.25 (3) any other factors the court considers material.

2.26 Sec. 3. Minnesota Statutes 2014, section 518.1705, subdivision 9, is amended to read:

2.27 Subd. 9. **Modification of parenting plans.** (a) Parents may modify by agreement:

2.28 (1) the schedule of the time each parent spends with the child or;

2.29 (2) the decision-making provisions of a parenting plan by agreement; or

2.30 (3) the parenting plan by adding virtual parenting time.

2.31 To be enforceable, modifications must be confirmed by court order. A motion to
 2.32 modify decision-making provisions or the time each parent spends with the child may be
 2.33 made only within the time limits provided by section 518.18.

3.1 (b) The parties may agree, but the court must not require them, to apply the best
3.2 interests standard in section 257.025 or 518.17, as applicable, for deciding a motion for
3.3 modification that would change the child's primary residence, provided that:

3.4 (1) both parties were represented by counsel when the parenting plan was approved;
3.5 or

3.6 (2) the court found the parties were fully informed, the agreement was voluntary,
3.7 and the parties were aware of its implications.

3.8 (c) If the parties do not agree to apply the best interests standard, section 518.18,
3.9 paragraph (d), applies.

3.10 Sec. 4. Minnesota Statutes 2014, section 518.175, subdivision 1, is amended to read:

3.11 Subdivision 1. **General.** (a) In all proceedings for dissolution or legal separation,
3.12 subsequent to the commencement of the proceeding and continuing thereafter during
3.13 the minority of the child, the court shall, upon the request of either parent, grant such
3.14 parenting time on behalf of the child and a parent as will enable the child and the parent to
3.15 maintain a child to parent relationship that will be in the best interests of the child. The
3.16 court, when issuing a parenting time order, may reserve a determination as to the future
3.17 establishment or expansion of a parent's parenting time. In that event, the best interest
3.18 standard set forth in subdivision 5, paragraph (a), shall be applied to a subsequent motion
3.19 to establish or expand parenting time.

3.20 (b) If the court finds, after a hearing, that parenting time with a parent is likely
3.21 to endanger the child's physical or emotional health or impair the child's emotional
3.22 development, the court shall restrict parenting time with that parent as to time, place,
3.23 duration, or supervision and may deny parenting time entirely, as the circumstances
3.24 warrant. The court shall consider the age of the child and the child's relationship with the
3.25 parent prior to the commencement of the proceeding.

3.26 (c) A parent's failure to pay support because of the parent's inability to do so shall
3.27 not be sufficient cause for denial of parenting time.

3.28 (d) The court may provide that a law enforcement officer or other appropriate person
3.29 will accompany a party seeking to enforce or comply with parenting time.

3.30 (e) Upon request of either party, to the extent practicable an order for parenting time
3.31 must, unless parenting time is restricted, denied, or reserved, include:

3.32 (1) a specific schedule for parenting time, including the frequency and duration of
3.33 visitation and visitation during holidays and vacations, ~~unless parenting time is restricted,~~
3.34 ~~denied, or reserved;~~ and

4.1 (2) virtual parenting time, as defined in section 518.1705, subdivision 2, paragraph
4.2 (d), at reasonable hours and for a reasonable duration, if the equipment is reasonably
4.3 available. If the parties cannot agree on whether the equipment is reasonably available,
4.4 the court shall decide whether the equipment for virtual parenting time is reasonably
4.5 available, taking into consideration:

4.6 (i) the best interests of the child;

4.7 (ii) each parent's ability to handle any additional expenses for virtual parenting
4.8 time; and

4.9 (iii) any other factors the court considers material.

4.10 (f) The court administrator shall provide a form for a pro se motion regarding
4.11 parenting time disputes, which includes provisions for indicating the relief requested, an
4.12 affidavit in which the party may state the facts of the dispute, and a brief description of
4.13 the parenting time expeditor process under section 518.1751. The form may not include
4.14 a request for a change of custody. The court shall provide instructions on serving and
4.15 filing the motion.

4.16 (g) In the absence of other evidence, there is a rebuttable presumption that a parent
4.17 is entitled to receive at least 25 percent of the parenting time for the child. For purposes of
4.18 this paragraph, the percentage of parenting time may be determined by calculating the
4.19 number of overnights that a child spends with a parent or by using a method other than
4.20 overnights if the parent has significant time periods on separate days when the child is in
4.21 the parent's physical custody but does not stay overnight. The court may consider the age
4.22 of the child in determining whether a child is with a parent for a significant period of time.

4.23 Sec. 5. Minnesota Statutes 2014, section 518.175, subdivision 5, is amended to read:

4.24 Subd. 5. **Modification of parenting plan or order for parenting time.** (a) If
4.25 modification would serve the best interests of the child, the court shall modify the
4.26 decision-making provisions of a parenting plan or an order granting or denying parenting
4.27 time, if the modification would not change the child's primary residence. Consideration of
4.28 a child's best interest includes a child's changing developmental needs.

4.29 (b) Except as provided in section 631.52, the court may not restrict parenting time
4.30 unless it finds that:

4.31 (1) parenting time is likely to endanger the child's physical or emotional health or
4.32 impair the child's emotional development; or

4.33 (2) the parent has chronically and unreasonably failed to comply with court-ordered
4.34 parenting time.

5.1 A modification of parenting time which increases a parent's percentage of parenting time
5.2 to an amount that is between 45.1 to 54.9 percent parenting time is not a restriction of
5.3 the other parent's parenting time.

5.4 (c) If a parent makes specific allegations that parenting time by the other parent
5.5 places the parent or child in danger of harm, the court shall hold a hearing at the
5.6 earliest possible time to determine the need to modify the order granting parenting time.
5.7 Consistent with subdivision 1a, the court may require a third party, including the local
5.8 social services agency, to supervise the parenting time or may restrict a parent's parenting
5.9 time if necessary to protect the other parent or child from harm. If there is an existing order
5.10 for protection governing the parties, the court shall consider the use of an independent,
5.11 neutral exchange location for parenting time.

5.12 (d) A parenting time order may be modified to include virtual parenting time, as
5.13 defined in section 518.1705, subdivision 2, paragraph (d). The court shall make this
5.14 determination in accordance with subdivision 1, paragraph (e), clause (2)."

5.15 Amend the title as follows:

5.16 Page 1, line 3, after the semicolon, insert "allowing virtual parenting time;"

5.17 Correct the title numbers accordingly