

1.1 moves to amend H.F. No. 292, the first engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 518.1705, subdivision 2, is amended to
1.4 read:

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

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

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

1.8 (3) a method of dispute resolution.

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

1.11 (c) ~~Parents voluntarily agreeing to parenting plans~~ A parenting plan or order may
1.12 substitute other terms for physical and legal custody, including designations of joint or
1.13 sole custody, provided that the terms used in the substitution are defined in the parenting
1.14 plan or order.

1.15 Sec. 2. Minnesota Statutes 2010, section 518.1705, subdivision 3, is amended to read:

1.16 Subd. 3. ~~Creating parenting plan; restrictions on creation; alternative~~ **Adoption**
1.17 **of parenting plan.** (a)(1) ~~Upon the request of both parents,~~ A parenting plan ~~must~~ shall be
1.18 ~~created~~ used in lieu of an order for child custody and parenting time.

1.19 (2) If the parents are unable to agree to the terms of a parenting plan, the court shall
1.20 require the parents to participate in mediation in order to develop a parenting plan. The
1.21 court may waive the mediation requirement if neither parent can afford mediation.

1.22 (3) Parents shall submit a parenting plan to the court. If there are unresolved issues,
1.23 the court shall resolve the issues and the results shall be incorporated into the parenting
1.24 plan.

1.25 (4) The court shall adopt a parenting plan proposed by both parents unless the court
1.26 makes detailed findings that the proposed plan is not in the best interests of the child.

2.1 (b) ~~If both parents do not agree to a parenting plan, the court may create one on its~~
2.2 ~~own motion, except that the court must not do so~~ If it the court

2.3 finds that a parent has committed domestic abuse against a parent or child who is a
2.4 party to, or subject of, the matter before the court a parenting plan is not required. ~~If the~~
2.5 ~~court creates a parenting plan on its own motion, it must not use alternative terminology~~
2.6 ~~unless the terminology is agreed to by the parties.~~

2.7 (c) If an existing order does not contain a parenting plan, the parents ~~must~~ shall not
2.8 be required to ~~create~~ use a parenting plan as part of a modification order under section
2.9 518A.39.

2.10 (d) A parenting plan ~~must~~ shall not be required during an action under section
2.11 256.87 or chapter 257.

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

2.15 Sec. 3. Minnesota Statutes 2010, section 518.1705, subdivision 4, is amended to read:

2.16 Subd. 4. **Custody designation.** ~~A final judgment and decree that includes a~~
2.17 ~~parenting plan using alternate terms to designate decision-making responsibilities or~~
2.18 ~~allocation of residential time between the parents must designate whether the parents~~
2.19 ~~have joint legal custody or joint physical custody or which parent has sole legal custody~~
2.20 ~~or sole physical custody, or both. This designation is solely for enforcement of the final~~
2.21 ~~judgment and decree where this designation is required for that enforcement and has no~~
2.22 ~~effect under the laws of this state, any other state, or another country that do not require~~
2.23 ~~this designation.~~ If the parenting plan does not designate legal and physical custody and
2.24 such a designation is necessary for enforcement of the plan for any purpose, it shall be
2.25 deemed that the parents have joint legal and joint physical custody.

2.26 Sec. 4. Minnesota Statutes 2010, section 518.1705, subdivision 6, is amended to read:

2.27 Subd. 6. **Restrictions on preparation of parenting plan.** (a) Dispute resolution
2.28 processes other than the judicial process may not be required in the preparation of a
2.29 parenting plan if a parent is ~~alleged~~ found by the court to have committed domestic abuse
2.30 toward a parent or child who is a party to, or subject of, the matter before the court.
2.31 In these cases, the court shall consider the appointment of a guardian ad litem and a
2.32 parenting plan evaluator.

2.33 (b) The court may not require a parenting plan that provides for joint legal custody
2.34 or use of dispute resolution processes, other than the judicial process, if the court finds that

3.1 section 518.179 applies or the court finds that either parent has engaged in the following
3.2 toward a parent or child who is a party to, or subject of, the matter before the court:

3.3 (1) acts of domestic abuse, including physical harm, bodily injury, and infliction of
3.4 fear of physical harm, assault, terroristic threats, or criminal sexual conduct;

3.5 (2) physical, sexual, or a pattern of emotional abuse of a child; or

3.6 (3) willful abandonment that continues for an extended period of time or substantial
3.7 refusal to perform parenting functions.

3.8 Sec. 5. **REPEALER.**

3.9 Minnesota Statutes 2010, section 518.1705, subdivision 5, is repealed.

3.10 Sec. 6. **EFFECTIVE DATE.**

3.11 Sections 1 to 5 are effective August 1, 2013."