

House Research Act Summary

CHAPTER: 197

SESSION: 2014 Regular Session

TOPIC: Making changes to custody and parenting time provisions

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Overview

This act clarifies existing provisions on child custody and parenting time modification determinations.

Section

1 Factors when joint custody is sought.

- Adds a provision to existing law clarifying that there is no presumption for or against joint physical custody, except when domestic abuse, as defined in the order for protection statute has occurred between the parents.
- Adds a provision that when the court is considering awarding either joint legal or joint physical custody, then the court will not use one of the four factors considered to the exclusion of all the other factors.
- Instructs the court that a disagreement over sole or joint custody is not to be considered an inability of parents to cooperate when considering the factors in awarding joint legal or physical custody.

Changes the requirements of when the court must provide detailed findings. Previously, the court had to write detailed findings on the considerations when the court awards joint custody over the objection of a party, this act requires the court to make detailed factual findings on the considerations listed in this section whenever the parties disagree about an award of either sole or joint physical or legal custody.

- #### **2 Parenting time; general.** Clarifies that the court may reserve a parenting time determination or reserve the issue of future expansion of parenting time, and when the court has done so, the subsequent motion for parenting time shall be determined under section

Section

518.175, subdivision 5(a), which is section 3 of this act, which would allow for the best interest factors to determine parenting time when the parenting time requested is less than 54 percent and not a change in the child's primary residence.

- 3** **Modification of parenting plan or order for parenting time.** Adds to the provision allowing a change in parenting time plans that the consideration of the child's best interest includes a child's changing developmental needs. This section also adds that a modification increasing one parent's parenting time to nearly or slightly more than 50 percent is not a restriction of the other parent's parenting time. Under the previous law, a custodial parent's time can only be restricted when the parenting time is likely to endanger the child's physical or emotional health, impair the child's emotional development, or the parent has chronically failed to comply with court-ordered parenting time. This change would not require those things to be found if the requested parenting time was to increase the parenting time of the motioning party's time to up to 54.9 percent.