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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3331

05/19/2023 Authored by Scott, Wiens, Hudson, Fogelman, Harder and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to judiciary; requiring courts to recognize the fundamental right to the
1.3 parent-child relationship in child custody and parenting time determinations;
1.4 amending Minnesota Statutes 2022, section 518.155.

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

1.6 Section 1. Minnesota Statutes 2022, section 518.155, is amended to read:

1.7 518.155 CUSTODY DETERMINATIONS.

1.8 (a) Notwithstanding any law to the contrary, a court in which a proceeding for dissolution,
1.9 legal separation, or child custody has been commenced shall not issue, revise, modify or
1.10 amend any order, pursuant to sections 518.131, 518.165, 518.168, 518.17, 518.175 or 518.18,
1.11 which affects the custody of a minor child or the parenting time of a parent unless the court
1.12 has jurisdiction over the matter pursuant to the provisions of chapter 518D.

1.13 (b) Notwithstanding any law to the contrary, courts shall adhere to and uphold the opinion
1.14 issued in SooHoo v. Johnson, 731 N.W.2d 815 (Minn. 2007). A court or any practitioner
1.15 involved in providing recommendations to the court, in a proceeding for child custody or
1.16 parenting time determinations, must recognize and protect the fundamental right to the
1.17 parent-child relationship absent a finding of harm by clear and convincing evidence. The
1.18 court shall use appropriate judicial scrutiny afforded a fundamental right in decision making
1.19 prior to interfering, infringing, affecting, superseding, or limiting these rights. The court
1.20 shall equally protect the fundamental rights of each fit parent to the custody, care, and
1.21 control of the child. Marital status alone shall not restrict this fundamental right.