

DRAFT “VIRTUAL VISITATION” BILL

Amends the Minnesota Code, Family Law, Chapter 518 Marriage Dissolution.

A bill for an act

relating to family law; providing for Virtual Visitation rights on behalf of the child; expanding grandparent visitation rights;

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

Section 1. Minnesota Statutes 2006, section 518.003,

subdivision 5, is amended to read:

Parenting time. "Parenting time" means the time a parent spends with a child regardless of the custodial designation regarding the child. Parenting time can be in-person time and any electronic communication time.

subdivision 6, is added to read:

“Electronic communication” means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

Section 2. Minnesota Statutes 2006, section 518.17,

subdivision 1, (13) is amended to read:

(13) except in cases in which a finding of domestic abuse as defined in section 518B.01 has been made, the disposition of each parent to encourage and permit frequent and continuing contact *that includes in-person time and any electronic communication* by the other parent with the child.

Section 3. Minnesota Statutes 2006, section 518.1705,

subdivision 2, (1)(b) is added to read:

(1)(b) Parenting time can consist of in-person time and any electronic communication desired by either or both parents.

Section 4. Minnesota Statutes 2006, section 518.175,

subdivision 1, (e) is added to read:

(e) The court may grant a reasonable amount of Electronic Communication at reasonable hours to either or both parents when the child is not in the parent's physical custody if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide the reasonableness of its availability

(f) Electronic Communication with the child may be used only to supplement a parent's periods of visitation with the child. Electronic Communication may not be used as a replacement or as a substitute for custody or a parent's periods of visitation with the child.

(g) The amount of time Electronic Communication is used shall not be a factor in the calculation of Child Support.

subdivision 1a, (c) is added to read:

(c) Any supervised parenting time shall include any electronic communication between a child and the supervised parent.

subdivision 3, (b) is added to read:

(b) The court may not use the availability of Electronic Communication as a factor to justify or in support of a relocation by the custodial parent out of the immediate area or state.

Section 5. Minnesota Statutes 2006, section 518.1752,

Is amended to read:

In all proceedings for dissolution or legal separation, after the commencement of the proceeding or at any time after completion of the proceedings, and continuing during the minority of the child, the court may make an order granting visitation and any electronic communication rights to grandparents under section 257C.08, subdivision 2.