

**Band Assembly Bill XX-XX-XX-23**

A Bill enacting a new section in Part A (Guardianship of Children) of Subchapter 5 (Guardianships) of Chapter 13 (Child Protection) of Title 8 (Children and Families) and enacting a new section in Subchapter 6 (Procedures for the Adoption of Children) of Chapter 13 (Child Protection) of Title 8 (Children and Families) of Mille Lacs Band Statutes.

The District I Representative introduced the following Bill on the XX day of [Month], 2023.

**BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:**

**Section 1. Enacting a new Section in Part A (Guardianship of Children) of Subchapter 5 (Guardianships) of Chapter 13 (Child Protection) of Title 8 (Children and Families) of Mille Lacs Band Statutes.**

**§ 3220. Rights of Visitation.**

(a) **If parent is deceased.** If a parent of a child is deceased, the parents and grandparents of the deceased parent may be granted reasonable visitation rights to the child during minority by the district court upon finding that visitation rights would be in the best interests of the child and would not interfere with the parent child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

(b) **Family court proceedings.**

(1) In all proceedings for dissolution, custody, legal separation, annulment, or parentage, 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, upon the request of the parent or grandparent of a party, grant reasonable visitation rights to the child, after dissolution of marriage, legal separation, annulment, or determination of parentage during minority if it finds that:

- (i) visitation rights would be in the best interests of the child; and
- (ii) such visitation would not interfere with the parent-child relationship.

45 (2) The court shall consider the amount of personal contact between the  
46 parents or grandparents of the party and the child prior to the application.

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48 (3) If a motion for grandparent visitation has been heard and denied, unless  
49 agreed to in writing by the parties, no subsequent motion may be filed  
50 within six (6) months after disposition of a prior motion on its merits.

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52 (c) **If child has resided with grandparents.** If a child has resided with grandparents  
53 or great-grandparents for a period of twelve (12) months or more, and is  
54 subsequently removed from the home by the child's parents, the grandparents or  
55 great-grandparents may petition the district court for an order granting them  
56 reasonable visitation rights to the child during minority. The court shall grant the  
57 petition if it finds that visitation rights would be in the best interests of the child  
58 and would not interfere with the parent and child relationship.

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60 (d) **If child has resided with other person.**

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62 (1) If a child has resided in a household with a person, other than a foster  
63 parent, for two (2) years or more and no longer resides with the person, the  
64 person may petition the district court for an order granting the person  
65 reasonable visitation rights to the child during the child's minority. The  
66 court shall grant the petition if it finds that:

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68 (i) visitation rights would be in the best interests of the child;

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70 (ii) the petitioner and child had established emotional ties creating a  
71 parent and child relationship; and

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73 (iii) visitation rights would not interfere with the relationship between  
74 the custodial parent and the child.

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76 (2) The court shall consider the reasonable preference of the child, if the court  
77 considers the child to be of sufficient age to express a preference.

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79 (e) **Exception for adopted children.** This section shall not apply if the child has been  
80 adopted by a person other than a stepparent or grandparent. Any visitation rights  
81 granted pursuant to this section prior to the adoption of the child shall be  
82 automatically terminated upon such adoption.

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84 (f) **Visitation proceedings not to be combined with proceeding under Chapter 6.**  
85 Proceedings under this section may not be combined with a proceeding under  
86 Chapter 6 of this title.

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88 **Section 2. Enacting a new Section in Subchapter 6 (Procedures for the Adoption of**  
89 **Children) of Chapter 13 (Child Protection) of Title 8 (Children and Families) of Mille Lacs**  
90 **Band Statutes.**

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92 **§ 3247. Grandparent Visitation with an Adopted Child.**  
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94 (a) **Generally.**

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96 (1) A grandparent of a child adopted by a stepparent may petition and a court  
97 may grant an order setting visitation with the child if:

98 (i) the grandparent is the parent of:

100 (A) a deceased parent of the child; or

101 (B) a parent of the child whose parental relationship was  
102 terminated by a decree of adoption; and

103 (ii) the court determines that the requested visitation:

104 (A) is in the best interests of the child; and

105 (B) would not interfere with the parent and child relationship.

106 (2) Failure to comply with the terms of an order for visitation granted under  
107 this subsection is not a basis for revoking, setting aside, or otherwise  
108 challenging the validity of a consent, relinquishment, or adoption of a  
109 child.

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112 (b) **Establishment of interference with parent and child relationship.** The court  
113 may not deny visitation rights under this section based on allegations that the  
114 visitation rights would interfere with the relationship between the custodial parent  
115 and the child unless after a hearing the court determines by a preponderance of the  
116 evidence that interference would occur. The burden of proof shall rest on the party  
117 seeking visitation rights under this section.

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120 (c) **Visitation proceedings not to be combined with proceeding under Chapter 6.**  
121 Proceedings under this section may not be combined with a proceeding under  
122 Chapter 6 of this title.

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124 **EFFECTIVE DATE.** This bill shall be effective upon enactment.  
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