



April 11, 2024

The Honorable Jamie Becker-Finn  
Chair, Judiciary Finance and Civil Law Committee  
Minnesota House of Representatives  
559 State Office Building  
St. Paul, MN 55155

The Honorable Peggy Scott  
Republican Lead, Judiciary Finance and Civil Law Committee  
Minnesota House of Representatives  
335 State Office Building  
St. Paul, MN 55155

**Re: Legal Aid letter of support for HF 5049-- Family law; rights provided for parents with disabilities**

Dear Chair Becker-Finn, Lead Scott, and Members of the Committee:

Legal Aid and the Minnesota Disability Law Center write in strong support of HF 5049. The Minnesota Disability Law Center is the federally designated Protection and Advocacy agency for people with disabilities in Minnesota and provides free legal help to people with disabilities on disability rights issues across Minnesota.

This bill would help protect parents with disabilities in adoptions, child protection, and custody and parenting time cases. In order to use disability as a factor in any of these decisions, findings have to be made that the parent's disability endangers the health or safety of the child *and* supportive services would not resolve the issue.

Even though parenting is a fundamental right, parents with disabilities are much more likely to be involved in child protection and have their children permanently removed from their homes. Parents with disabilities are less likely to receive custody and receive less visitation time than parents without disabilities. This is largely due to bias and a lack of understanding by the decision makers that often view parents with disabilities as less capable or intellectually inferior regardless of their actual disabilities. The Minnesota Disability Law Center has interacted with many parents with disabilities who have received adverse family law decisions because of how the court or agency has perceived their disabilities.

HF 5049 establishes that prior to using a parent's disability as a factor in family law decisions, courts and agencies must provide clear and convincing evidence that the parent's disability interferes with a child's health or safety and that the parent's disability-related limitations cannot be mitigated with supports. By doing so, HF 5049 will help combat bias and force decision makers to take a more thoughtful approach in family law matters that involve parents with disabilities.

Thank you for allowing Legal Aid to share its views. We urge passage of HF 5049.

Sincerely,



Jennifer Purrington

Legal Director/Deputy Director  
Minnesota Disability Law Center



Ellen Smart  
Staff Attorney  
Legal Services Advocacy Project

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Catherine Enz, MPH  
Regarding H.F. 5049  
Pro  
April 12<sup>th</sup>, 2024

House Judiciary Finance and Civil Law Committee:

My name is Catherine Enz I am an adopted daughter of two blind parents, a successful healthcare industry professional, and a disability justice advocate. I am writing this testimony to express my support for H.F. 5049 a bill that will ensure parental rights for parents with disabilities.

At seven months old I was adopted from South Korea by my loving parents, who both happen to be completely blind. I grew up in Edina, went to college at Hamline University, and got my graduate degree at the University of Minnesota. Throughout my whole life I've been asked the questions, "what's it like having blind parents?" my response is always, "I don't know. What's it like having sighted parents?". Having blind parents is my "normal"—I couldn't imagine it any other way. I have cherished loving family memories, embarrassing moments I wish I could forget, trips I always want to remember, and lessons I learned from them. But it's not because they are blind parents; it's because they are extraordinary parents, period.

My parents may have done things in a different way than yours because they had to use non-visual skills to raise my sister and me. However, my parents do cook, and clean, and cheer me on in sports games, and help me with homework, and tell when I'm sick, and knew when I was misbehaving, and any other critical parental function. But the general public's assumption is that doing things my parents' way is worse, simply because they cannot imagine doing it without vision.

That mindset is the reason why disabled parents don't currently have equal rights to parent in Minnesota. I truly believe that if everyone understood parents with disabilities CAN do the same things parents without disabilities can do, they would support H.F. 5049. Because they can, they just may do it in a different way, but that does not mean it's a worse way or harms the child.

I am not saying there aren't "bad" parents with disabilities, I'm sure there are, just like there are "bad" parents without disabilities. In these unfortunate situations proper action needs to be taken. This bill will not change that, it will only ensure that showing someone is a "bad" parent needs to be more clearly evident than just having a disability. In the simplest terms, this bill is saying that having a disability does not automatically make someone a "bad" parent. Which from my personal experience I can undoubtedly say it does not.

I hope my testimony can shed some light on why this bill is so critical to pass for keeping Minnesota families together. Thank you for your consideration of this important matter.

TESTIMONY supporting H.F.5049  
Extending Protections and Due Process for Blind and Disabled Parents  
Submitted by Steve Jacobson, Edina Minnesota

As a blind parent with two children who are now both self-sufficient adults, I am extremely aware of the need for this legislation. Please help by providing your support.

The public's understanding of disabilities, especially blindness, is often based upon picturing oneself with that disability. More than once, people have said to me something like "I try to imagine how I could be a parent with my eyes closed, and I just don't know how you do it." During my lifetime, I have seen people act upon their limited view of the capabilities of blind people as though their view, formed without experience or training, was proven fact.

For example, I was traveling with my kids one day when they were still quite young, and we were preparing to cross a street. My kids had been studying in school during that past week about crossing streets. I decided it was a good time to try to bring what they were learning into their real-world experience. I asked them to watch the light and tell me when they thought we should cross, which they did successfully.

After we crossed, a complete stranger came up to us and, without ever addressing me, thanked my kids for being so grown up and helping their dad across the street. In my experience, it is generally not acceptable for strangers to talk directly with children traveling with their parents without at least checking in with the parent.

In her eyes, there was no recognition of the fact that I had traveled independently for thirty years before raising kids, and that I still do so. The fact that this had been a teaching moment never occurred to her. However, in her mind, My children were taking care of me rather than giving me any credit for raising them. In fact, I was not even treated as she would likely have treated other adults.

Over the years, I have observed that the idea that blindness is defined by closing one's eyes without any training or experience is often present even in those who are well educated. Social workers, medical personnel, and even lawyers and judges sometimes form their opinions in this way. To such people, blindness by itself is enough to raise questions about one's ability to be a good parent without pointing to any specific issue. It can, all by itself, be the reason to grant custody to the other parent without even considering issues associated with that other parent.

This bill does not assume all disabled people are good parents. Not everybody in any group, including those with normal vision, are good parents. It only asks for the same consideration given to others by our legal system and in other areas of human services. If there is an issue that is being raised, it must be specific. Blindness or other disability by itself does not make one a good or bad parent. Also, sometimes there are specific issues that can be easily corrected that can easily be resolved before a final ruling is made.

My heart says that this bill should not be needed. Unfortunately, my experience and observations indicate to me that this bill is absolutely necessary to insured that blind parents are treated fairly. Even more important, this bill also increases the safety of kids by making certain that real issues around parenting are examined and considered, rather than having real issues obscured by blanket assumptions about disabled parents. Please, please help by supporting the passage of this bill.

## TESTIMONY supporting H.f.5049

By Nadine Jacobson, MSW  
Edina Minnesota

My experience in the social work field as well as raising two children as a blind parent has given me a unique perspective on the need for this bill. Your help and support are very much needed and appreciated.

During my time working in the social work field, I have been blessed to have been associated with people who were very willing to learn how I accomplished various tasks as a blind person. When people have the opportunity to work with those of us who are disabled, a broader understanding can be established.

Even so, as a blind parent dealing with people outside of my circle of acquaintances, I have been surprised at the lack of basic knowledge of how blind people handle tasks and responsibilities associated with being a parent, even among professionals. This has caused me to reflect upon this as a trained social worker. How does this affect our ability to interact with disabled parents in general? Although I can't speak to what is a part of the educational requirements for my profession today, there was not adequate exposure in my day to how disabled people perform the tasks of life. It is probably not possible to provide the exposure that would guarantee that every one of us who are in this field can put aside our own stereotypes as we deal with people having diverse backgrounds. As a result, I have witnessed decisions made by social workers that I felt were simply incorrect. Yet, the recourse to get a decision corrected, even if successful, takes too long.

I have observed that this also is the case in other professional fields as well. Education does not necessarily guarantee that people, whether they are judges or doctors, will overcome their particular stereotypes unless they have been given the experience to do so. For this reason, we need to have in law guarantees that protect blind and disabled parents as well as their children.

Please help to pass this bill.

Tuesday, April 16, 2024, 8:30 AM

Location: Room 5, Capitol

To Chair Becker-Finn, Vice Chair Frazier, and Members of the Committee:

I am grateful that HF 5049 has been introduced and grateful to testify in support. Next month, I will be 35 years old. My partner and I want to have children, and we are both blind. We have been planning our future according to a common variety of factors, such as how old we are, where we are in our careers, and how close I am to finishing my doctorate. Our blindness itself does not directly impact our choice to have children, but how people treat us because of our blindness certainly does impact our family planning. Education and employment are common factors in this decision, and discrimination against us as blind people has affected our progress in education and employment. For blind people, an additional factor comes into family planning decisions altogether: how the child welfare system, family courts, and adoption agencies treat us. For nondisabled people, their nondisabled identity does not lead them to consider this factor, but we do not have that luxury if we are disabled. This phenomenon highlights *nondisabled privilege*.

Every day, I run into people who think I'm helpless because I'm blind. Whether it's a bus driver telling an elderly woman with a walker to give up her seat so that I can sit in the front of a bus, or a waitress who asks my friend to decide what I'll be eating, I get regular reminders of the low expectations and misperceptions that loiter in our society. When people assume that we are helpless, and those people get involved in our rights to parent, we become very vulnerable to discrimination very quickly. People with nondisabled privilege may be officially appointed to positions relevant to our parental rights, or they may weaponize their privilege to insert themselves into our lives, exhibiting the "Karen" phenomenon, as documented in many social media videos.

HF 5049 is exceptionally good because it:

1. Places the burden of proof on the party alleging that the parent's disability is a problem, so that we, as the member of a minoritized group, are assumed competent until proven incompetent. The presumption of competence is already given to the privileged.
2. Allows the parent to demonstrate how supportive parenting services could bridge any gaps that have been substantiated by clear and convincing evidence, explicitly ensuring that we are given this opportunity that those with nondisabled privilege are given automatically.
3. Covers parts of the law that can be used to protect the rights of blind parents in a variety of areas where our rights are threatened, which can include family courts, child welfare, adoption, and even foster care.

In addition to being blind, I am also American Indian. I am in the first generation born after the Indian Child Welfare Act. I know through my family of the damage done to children by taking them away from their parents. We thought the eugenicist family separation practices were coming to an end, but then we learned about the consequences of my teenage-onset blindness. Eugenics teaches us that only certain kinds of people should be allowed to create and raise children, that we should seek a mythical kind of purity in genetics, lifestyles, and customs. Please reject eugenics.

Please help give disabled Minnesotans the peace of mind that, if we want to become parents, disability-based discrimination will not threaten our families. Please pass HF 5049.

Thank you in advance!

Justin MH Salisbury  
(he/him/his)

Minneapolis, MN  
House District 61B

[808salisbury@gmail.com](mailto:808salisbury@gmail.com)

Dear MN State House Members,

I write in support of H.F. 5049. This bill protects the rights of parents with disabilities. It is important to me as a person who is blind that people who are blind and choose to parent children have their rights protected in both adoption and child protection. As an active member of the National Federation of the Blind, we advocate for the rights of parents who are blind. I see many parents successfully raise children while they happen to be blind. Shifting the burden of proof to the agency or court raising a parenting concern due to disability will protect the parent's right to raise their child. The bill also offers the parent an opportunity to receive supportive parenting services if determined necessary in order to gain the correct skills to be a parent if a concern over parenting ability due to disability exists. This bill is important to me as a person who is blind, having many friends who are blind and also parents. I want to see their rights protected in the state of Minnesota. Please support S.F. 5097 to protect the rights of parents with disabilities in Minnesota.

Sincerely,

Matt Langland