

Supports for Parents with Disabilities  
HF163/SF296

**The Problem:** Despite the 14<sup>th</sup> Amendment, the Olmstead Act, and the ADA, parents with disabilities are the only distinct community of Americans who must struggle to retain custody of their children. (Jonathan Young's Letter of Transmittal, National Council on Disability, September 17, 2012)

Minnesota Risk ratios: data from 2000-2009 (using MinnLink data from multiple agencies)

- Risk ratio for TPR for a parent with a disability label in his or her education records = **3.26**. *In other words, parents who had a disability label in their school records are more than three times more likely to have TPR than parents without a disability label.*
- Risk ratio for child welfare involvement for a parent with a disability label in his or her educational records = **2.37**. *In other words, parents who had a disability label are more than twice as likely to have child welfare involvement than their peers without such a label.*

The main difference between parenting with a disability and parenting with out a disability is economics!

**Action in other states:** Bills passed in other states have addressed attitudinal bias in child welfare and family court proceedings; lack of knowledge of disability, adaptive equipment, and family preservation services; problems in the production of good evidence and challenge of bad evidence; and laws leading to discrimination by allowing the removal of a child without showing a nexus between the disability and detriment to the child.

Arkansas 1997, Rhode Island 2000, Idaho 2002 & 2003, Kansas 2005, Vermont 2007, Maryland 2009, Missouri 2011. Massachusetts and South Carolina have legislation in progress in 2017.

California 2000

- This legislation caused adaptive baby care equipment to be included in the list of durable medical equipment covered by Medi-Cal (California's Medicaid program).
- The legislation is groundbreaking because it expands references to "conditions that interfere with normal activity" to include those that interfere with the ability to parent; identifies such conditions as meeting the definition of significant disability and thus rendering services medically necessary;
- and expands the rights of Medi-Cal beneficiaries to include receiving adaptive parenting equipment within the definition of durable medical equipment.

**The proposed solution:** Minnesota's common sense approach is to *proactively* support parents with disabilities and prevent an events leading to child welfare action. Legislation creates a pilot program, establishes an advisory council, appropriates funding, and requires a report

- Leaves the responsibility for child rearing and decision making in the hands of the parent.
- Promotes recognition of parenting capabilities with and without supports
- Reduces fear of having a child removed solely based on the presence of disability.
- Sliding scale of capitation based on parent disability and child's developmental needs?