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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5049

03/20/2024 Authored by Hicks
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 family law; providing rights for parents with disabilities; amending
1.3 Minnesota Statutes 2022, sections 259.53, by adding a subdivision; 260C.201, by
1.4 adding a subdivision; 518.1751, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2022, section 259.53, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 7. Supportive parenting services for parents with disabilities. (a) A court or
1.9 agency shall not deny a prospective parent the ability to proceed with an adoption due to
1.10 the prospective parent's disability. A person who raises a prospective parent's disability as
1.11 a basis for denying an adoption has the burden to prove by clear and convincing evidence
1.12 that specific behaviors of the prospective parent would endanger the health or safety of the
1.13 child. If the person meets the burden, the prospective parent with a disability shall have the
1.14 opportunity to demonstrate how implementing supportive services would alleviate any
1.15 concerns. The court may require the agency to provide the opportunity to use supportive
1.16 parenting services to a prospective parent. Within a reasonable period of time, the prospective
1.17 parent has the right to a court hearing to review the need for continuing services. For purposes
1.18 of this section, "disability" and "supportive parenting services" have the meanings given in
1.19 section 260C.201, subdivision 13.

1.20 (b) If a court denies or limits the rights of a prospective parent with a disability to adopt
1.21 a child, the court shall make specific written findings stating the basis for the determination
1.22 and why providing supportive parenting services is not a reasonable accommodation that
1.23 could prevent the denial or limitation.

2.1 Sec. 2. Minnesota Statutes 2022, section 260C.201, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 13. **Supportive parenting services.** (a) A person or agency shall not file a petition
2.4 alleging that a child is in need of protection or services on the basis of a parent's disability.
2.5 To make a prima facie showing that a child protection matter exists, the petitioner must
2.6 demonstrate in the petition that the child is in need of protection or services due to specific
2.7 behaviors of a parent or household member. The local agency or court must offer a parent
2.8 with a disability the opportunity to use supportive parenting services to assist the parent if
2.9 the petitioner makes a prima facie showing that through specific behaviors, a parent with a
2.10 disability cannot provide for the child's safety, health, or welfare. If a court removes a child
2.11 from a parent's home, the court shall make specific written findings stating the basis for
2.12 removing the child and why providing supportive parenting services is not a reasonable
2.13 accommodation that could prevent the child's out-of-home placement.

2.14 (b) For purposes of this section, "supportive parenting services" means services that may
2.15 assist a parent with a disability in the effective use of techniques and methods to enable the
2.16 parent to discharge the parent's responsibilities to a child as successfully as a parent who
2.17 does not have a disability, including nonvisual techniques for a parent who is blind. For
2.18 purposes of this section, "disability" means:

2.19 (1) physical or mental impairment that substantially limits one or more of a parent's
2.20 major life activities;

2.21 (2) a record of having a physical or mental impairment that substantially limits one or
2.22 more of a parent's major life activities; or

2.23 (3) being regarded as having a physical or mental impairment that substantially limits
2.24 one or more of a parent's major life activities.

2.25 (c) The term "disability" must be construed in accordance with the ADA Amendments
2.26 Act of 2008, Public Law 110-325.

2.27 Sec. 3. Minnesota Statutes 2022, section 518.1751, is amended by adding a subdivision
2.28 to read:

2.29 Subd. 8. **Parents with disabilities.** (a) A court shall not deny nor restrict a parent's
2.30 parenting time or custody due to the parent's disability. A party raising disability as a basis
2.31 for denying or restricting parenting time has the burden to prove by clear and convincing
2.32 evidence that a parent's specific behaviors during parenting time would endanger the health
2.33 or safety of the child. If the party meets the burden, a parent with a disability shall have the

3.1 opportunity to demonstrate how implementing supportive services can alleviate any concerns.
3.2 The court may require a parent with a disability to use supportive parenting services to
3.3 facilitate parenting time. For purposes of this section, "disability" and "supportive parenting
3.4 services" have the meanings given in section 260C.201, subdivision 13.

3.5 (b) If a court denies or limits the right of a parent with a disability to custody of a child
3.6 or visitation with a child, the court shall make specific written findings stating the basis for
3.7 the denial or limitation and why providing supportive parenting services is not a reasonable
3.8 accommodation that could prevent denying or limiting the parent's custody or parenting
3.9 time.

3.10 **Sec. 4. EFFECTIVE DATE.**

3.11 Sections 1 to 3 are effective August 1, 2024, and apply to pleadings and motions pending
3.12 on or after that date.