

Testimony to Anderson SF 1226 Parenting time and custody court determination requirement to consider developmental disability of a child

The current language contained in Minn. Stat. 518.17 subd. 1 (2) states “any special medical, mental health, or educational needs that the child may have that may require special parenting arrangements or access to recommended services”. This language focuses on the health of the child and, crucially, a parent’s ability to access help in addressing those needs, but it does not include a parent having to obtain special parenting arrangements due to a developmental disability. The current language of this subdivision does not include any reference to developmental disabilities and therefore could be interpreted by the Court as to exclude this factor as one that is required in an analysis of special parenting arrangements that a child may need. This is due to the lack of language specifically referencing children with developmental disabilities. If the language is amended to specifically reference a child’s developmental disability, a Court would have to include this factor in any analysis of what is in the child’s best interests with respect to special parenting arrangements or access to recommended services for a child with a developmental disability. This is important because a child’s developmental disability may present parenting issues that do not directly affect the child’s medical health, mental health or educational needs.

Ms. Sarsland can directly address issues that she and other parents are faced with that fall into the gray areas of these issues and which may cause significant impact on a child. The amended language would cover the significant impact that affects a child due to a developmental disability and would require a Court to consider the developmental disability in crafting parenting time schedules, and to consider requirements/doctor’s advice to have parents adhere to, which are unique to children with development disabilities. In contrast with medical, mental health or educational needs, the challenges that individuals with developmental disabilities are confronted with require special attention, are ongoing and last throughout a child’s life. These issues require individual and separate analysis due to the specific challenges associated therewith.

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