



Pro: Legal Aid letter for SF 5097-- Parental rights for those with disabilities provisions

Dear Chair Latz, Ranking Minority Member Limmer, and Members of the Committee:

Legal Aid and the Minnesota Disability Law Center write in strong support of SF 5097. 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.

SF 5097 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, SF 5097 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 SF 5097.

Sincerely,

Jennifer Purrington

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