

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
1.2 **referred**

1.3 **S.F. No. 5097:** A bill for an act relating to family law; providing rights for parents with
1.4 disabilities; amending Minnesota Statutes 2022, sections 259.53, by adding a subdivision;
1.5 260C.201, by adding a subdivision; 518.1751, by adding a subdivision.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Page 1, line 15, after the period, insert "(b)" and after "agency" insert "that conducted
1.8 the postplacement assessment and filed the report with the court under subdivision 2"

1.9 Page 1, line 16, before the period, insert ", conduct a new postplacement assessment
1.10 that is inclusive of the prospective parent's use of supportive parenting services, and file a
1.11 revised report with the court under subdivision 2. This paragraph does not confer additional
1.12 responsibility to the agency to provide supportive parenting services directly to the
1.13 prospective parent"

1.14 Page 1, line 17, delete everything after the period

1.15 Page 1, delete lines 18 and 19

1.16 Page 1, line 20, delete "(b)" and insert "(c)" and delete "rights" and insert "ability"

1.17 Page 1, after line 23, insert:

1.18 "(d) For purposes of this subdivision, "disability" and "supportive parenting services"
1.19 have the meanings given in section 260C.201, subdivision 13."

1.20 Page 2, line 14, delete "section" and insert "subdivision"

1.21 Page 2, line 17, after the period, insert "(c)"

1.22 Page 2, line 18, delete "section" and insert "subdivision"

1.23 Page 2, line 25, delete "(c)" and insert "(d)"

1.24 Page 2, delete section 3 and insert:

1.25 "Sec. 3. Minnesota Statutes 2022, section 518.17, is amended by adding a subdivision to
1.26 read:

1.27 Subd. 2a. **Parents with disabilities.** (a) A court shall not deny nor restrict a parent's
1.28 parenting time or custody due to the parent's disability. A party raising disability as a basis
1.29 for denying or restricting parenting time has the burden to prove by clear and convincing
1.30 evidence that a parent's specific behaviors during parenting time would endanger the health
1.31 or safety of the child. If the party meets the burden, a parent with a disability shall have the
1.32 opportunity to demonstrate how implementing supportive services can alleviate any concerns.

2.1 The court may require a parent with a disability to use supportive parenting services to
2.2 facilitate parenting time.

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

2.8 (c) For purposes of this subdivision, "disability" and "supportive parenting services"
2.9 have the meanings given in section 260C.201, subdivision 13."

2.10 Amend the title numbers accordingly

2.11 And when so amended the bill do pass and be re-referred to the Committee on Health
2.12 and Human Services. Amendments adopted. Report adopted.

2.13 _____
2.14 (Committee Chair)

2.15 April 3, 2024.....

2.16 (Date of Committee recommendation)