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## **S.F. No. 5097 – Rights of parents & prospective parents with disabilities in family law and child protection proceedings**

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### **Overview**

**S.F. 5097** prohibits courts and agencies from limiting or restricting a parent or prospective parent's rights based on the parent or prospective parent's disability in proceedings related to adoption, children in need of protection or services, and parenting time or custody. Agencies and courts must offer parents or prospective parents with disabilities the opportunity to implement supportive parenting services. Courts must make specific written findings for certain adverse actions against a parent or prospective parent with a disability. This bill defines "supportive parenting services" and "disability."

### **Summary**

**Section 1. Supportive parenting services for parents with disabilities.** This section prohibits an agency or court from denying a prospective parent the ability to proceed with an adoption due to the prospective parent's disability. A person who raises the prospective parent's disability as an issue must prove by clear and convincing evidence that specific behaviors of the prospective parent would endanger the health or safety of the child. If the burden is met, the prospective parent must have an opportunity to demonstrate how supportive parenting services may alleviate concerns. A court must make specific written findings if the court denies or limits the right of a prospective parent with a disability to adopt a child.

**Section 2. Supportive parenting services.** This section prohibits a person or agency from filing a child in need of protection or services petition based on a parent's disability. The petitioner must demonstrate that the child is in need of protection or services based on specific behaviors of the parent or a household member. If the petition makes the required showing, the court or local agency must offer supportive parenting services to the parent with disability. The court must make specific findings if the court removes the child from a parent's home.

**Section 3. Parents with disabilities.** This section prohibits a court from denying or restricting parenting time or custody based on a parent's disability. A party who raises the parent's disability as an issue must prove by clear and convincing evidence that specific behaviors of the parent would endanger the health or safety of the child. If the burden is met, the parent must have an opportunity to demonstrate how supportive parenting services may alleviate concerns. The court may require the use of supportive parenting services to facilitate parenting time and must make specific written findings in the event of a denial or restriction of custody or visitation for a parent with a disability.

**Section 4. Effective date.** Sections 1 to 3 are effective August 1, 2024 and apply to pleadings and motions pending on or after that date.