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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3209

04/12/2023 Authored by Hudson, Engen, Niska, Torkelson, Nash and others
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 blind parents; amending Minnesota
1.3 Statutes 2022, sections 259.53, by adding a subdivision; 260C.201, by adding a
1.4 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 the blind. (a) A court or agency shall not
1.9 deny a petitioner the ability to proceed with an adoption due to the petitioner's blindness.
1.10 A person raising blindness as a basis for denying an adoption has the burden to prove by
1.11 clear and convincing evidence that specific behaviors of the parent will endanger the health
1.12 or safety of the child. If the person meets the burden, the blind prospective parent shall have
1.13 the opportunity to demonstrate how implementing supportive services can alleviate any
1.14 concerns. The court may require the agency to provide the opportunity to use supportive
1.15 parenting services to the prospective parent. Within a reasonable period of time, the
1.16 prospective parent has the right to a court hearing to review the need for continuing services.
1.17 For purposes of this section, "blindness" and "supportive parenting services" have the
1.18 meanings given in section 260C.201, subdivision 13.

1.19 (b) If a court denies or limits a blind prospective parent's right to adopt a child, the court
1.20 shall make specific written findings stating the basis for such a determination and why
1.21 providing supportive parenting services is not a reasonable accommodation that could
1.22 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 for the blind.** (a) A person or agency shall
2.4 not file a petition alleging that a child is in need of protection or services on the basis of a
2.5 parent's blindness. To make a prima facie showing that a child protection matter exists, the
2.6 petitioner must demonstrate in the petition that the child is in need of protection or services
2.7 due to specific behaviors of a parent or household member. The local agency or court must
2.8 offer a blind parent the opportunity to use supportive parenting services to assist the parent
2.9 if the petitioner makes a prima facie showing that through specific behaviors, the blind
2.10 parent cannot provide for the child's safety, health, or welfare. If a court removes a child
2.11 from a blind parent's home, the court shall make specific written findings stating the basis
2.12 for 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:

2.15 (1) "blindness" means a central visual acuity of 20 out of 200 or less in the better eye
2.16 with the use of a correcting lens, an eye that has a limitation in the field of vision so that
2.17 the widest diameter of the visual field subtends to an angle no greater than 20 degrees, or
2.18 when the individual has a degenerative condition that is reasonably expected to result in
2.19 either of these conditions; and

2.20 (2) "supportive parenting services" mean services that may assist a blind parent in
2.21 effectively using nonvisual techniques to parent a child as successfully as a parent who is
2.22 not blind, such as audio aids, training, or assistance from an individual or technology.

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

2.25 Subd. 8. **Blind parents.** (a) A court shall not deny nor restrict a parent's parenting time
2.26 or custody due to the parent's blindness. A party raising blindness as a basis for denying or
2.27 restricting parenting time has the burden to prove by clear and convincing evidence that a
2.28 parent's specific behaviors during parenting time will endanger the health or safety of the
2.29 child. If the party meets the burden, the blind parent shall have the opportunity to demonstrate
2.30 how implementing supportive services can alleviate any concerns. The court may require
2.31 a blind parent to use supportive parenting services to facilitate parenting time. For the
2.32 purposes of this section, "blindness" and "supportive parenting services" have the meanings
2.33 given in section 260C.201, subdivision 13.

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