**HB 309: A BILL PROTECTING PARENTAL RIGHTS FOR THE BLIND**

**Summary:**

Blind people continue to face unfair, preconceived, and unnecessary societal biases and antiquated attitudes about their ability to parent their children successfully. They face these biases and preconceived attitudes in family and dependency law proceedings, where custody and visitation are at stake, and in public and private adoption, guardianship, and foster care proceedings. Because of these biases and attitudes, children of blind parents are being removed from their parents’ care unnecessarily or are being restricted from enjoying meaningful time with their parents. Children are being denied the opportunity to enjoy the experience of living in loving homes with blind parents or other blind care givers. Newborns have been removed from their parents’ care because a social worker assumes that a blind person cannot care for an infant. Blind parents have been denied custody of children in divorce cases because the sighted spouse claims that the blind parent obviously cannot keep the child safe despite the fact that blind people around the state successfully care for their children every day. The Legislature must establish procedural safeguards that require adherence to the Americans with Disabilities Act and respect for the due process and equal protection rights of blind parents or prospective blind parents in child welfare, foster care, family law, and adoption.

**Protections and Prohibitions:**

1. A parent’s blindness shall not serve as a basis for denial or restriction of visitation or custody in family or dependency law cases when the visitation or custody is determined to be otherwise in the best interests of the child.
2. A prospective parent’s blindness shall not serve as a basis for denial of his or her participation in public or private adoption when the adoption is determined to be otherwise in the best interests of the child.
3. An individual’s blindness shall not serve as a basis for denial of foster care or guardianship when the appointment is determined to be otherwise in the best interests of the child.
4. Where a parent or prospective parent’s blindness is alleged to have a detrimental impact on a child, the party raising the allegation bears the burden of proving by clear and convincing evidence that the blindness-connected behavior endangers or will likely endanger the health, safety, or welfare of the child.
5. If this burden is met, the blind parent or prospective parent shall have the opportunity to demonstrate how the implementation of supportive parenting services can alleviate any concerns that have been raised. The court may require that such supportive parenting services be put in place, with an opportunity within a reasonable period of time to review the need for continuation of such services.
6. If a court determines that a blind parent’s right to custody, visitation, foster care, guardianship, or adoption should be denied or limited in any manner, the court shall make specific written findings stating the basis for such a determination and why the provision of supportive parenting services is not a reasonable accommodation to prevent such denial or limitation.

**WHAT YOU CAN DO:**

Co- sponsor HB 309, which passed unanimously in the House, to protect the rights of blind parents and prospective blind parents. Please contact House sponsors Representative Anne Gonzales at (614) 466-4847 or Representative Jeffrey Rezabek at (614) 466-2960 for more information.

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