

1 H.506

2 Introduced by Representatives Townsend of South Burlington and Yacovone  
3 of Morristown

4 Referred to Committee on

5 Date:

6 Subject: Domestic relations; parental rights

7 Statement of purpose of bill as introduced: This bill proposes to prohibit using  
8 a person's disability as a reason to deny or restrict the rights of a parent,  
9 prospective parent, foster parent, or guardian unless doing so is in the best  
10 interests of the child.

11 An act relating to preserving the rights of a parent with a disability

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS AND PURPOSE

14 The General Assembly finds that:

15 (1) Individuals with a disability continue to face unfair, preconceived,  
16 and unnecessary societal biases as well as antiquated attitudes regarding their  
17 ability to successfully parent their children.

18 (2) Individuals with a disability face these biases and preconceived  
19 attitudes in family and dependency law proceedings where custody and

1 visitation are at stake and in public and private adoption, guardianship, and  
2 foster care proceedings.

3 (3) Because of these societal biases and antiquated attitudes, children of  
4 individuals with a disability are unnecessarily being removed from their  
5 parents' care or being restricted from enjoying meaningful time with their  
6 parents.

7 (4) Children are being denied the opportunity to enjoy the experience of  
8 living in loving homes with parents or other care takers who have a disability.

9 (5) It is important to protect the best interests of children parented by  
10 individuals with a disability and children who could be parented by individuals  
11 with a disability through the establishment of procedural safeguards that  
12 require adherence to the Americans with Disabilities Act and respect for the  
13 due process and equal protection rights of parents with a disability or  
14 prospective parents with a disability in the context of child welfare, foster care,  
15 family law, and adoption.

16 Sec. 2. 15 V.S.A. § 665b is added to read:

17 § 665b. NONDISCRIMINATION; PARENT WITH A DISABILITY

18 (a) As used in this section:

19 (1) "Disability" with respect to an individual has the same meaning as  
20 9 V.S.A. § 4501.

1           (2) “Supportive parenting services” means services that may assist a  
2           parent with a disability or prospective parent with a disability in the effective  
3           use of nonvisual techniques and other alternative methods to enable the parent  
4           or prospective parent to discharge parental responsibilities as successfully as a  
5           parent who does not have a disability.

6           (b) A parent’s disability shall not serve as a basis for denial or restriction of  
7           parental rights or responsibilities or parent-child contact when those rights,  
8           responsibilities, and contact are determined to be otherwise in the best interests  
9           of the child.

10          (c) A prospective parent’s disability shall not serve as a basis for the  
11          person’s denial of participation in public or private adoption when the adoption  
12          is determined to be otherwise in the best interests of the child.

13          (d) An individual’s disability shall not serve as a basis for denial of foster  
14          care or guardianship when the appointment is determined to be otherwise in  
15          the best interests of the child.

16          (e) Where a parent or prospective parent’s disability is alleged to have a  
17          detrimental impact on a child, the party raising the allegation bears the burden  
18          of proving by clear and convincing evidence that the behaviors are  
19          endangering or will likely endanger the health, safety, or welfare of the child.  
20          If this burden is met, the parent or prospective parent shall have the  
21          opportunity to demonstrate how the implementation of supportive parenting

1 services can alleviate any concerns that have been raised. The court may  
2 require that such supportive parenting services be put in place, with an  
3 opportunity to review the need for continuation of such services within a  
4 reasonable period of time.

5 (f) If a court determines that a disabled parent's parental rights and  
6 responsibilities or right to parent-child contact, foster care, guardianship, or  
7 adoption should be denied or limited in any manner, the court shall make  
8 specific written findings stating the basis for such a determination and why the  
9 provision of supportive parenting services is not a reasonable accommodation  
10 that must be made to prevent such denial or limitation.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2022.