2016 Resolution Regarding Blind Parents’ Rights (National)

Resolution 2016-08

Regarding Protecting the Civil Rights of Blind Parents

WHEREAS, protecting the rights of parents with disabilities is a notion that, incredibly, was rejected by the United States Supreme Court in the case of Buck v. Bell 274 U.S. 200 (1927), in which Justice Oliver Wendell Holmes wrote, “It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind”; and

WHEREAS, this insulting and unjustified view that people with disabilities, including blind people, are somehow “manifestly unfit” to be parents (or otherwise to live the lives they want and to participate as members of society with all rights and privileges associated therewith) has too often continued to prevail in the courts even as we move further into the twenty-first century; and

WHEREAS, this bias is reflected in matters involving adoption and guardianship and in contested child custody proceedings, because blind parents have been perceived by the courts, child protection agencies, guardians ad litem, hospital staff, and others as incapable of caring adequately for their children’s needs, which has resulted in blind parents routinely being denied the right to be parents without unfair bias or unnecessary overreach by government entities; and

WHEREAS, for most people a fundamental aspect of living life to the fullest includes the joy of being a parent and sharing in the nurturing, growth, and development of a child; and

WHEREAS, being a parent and raising children is a fundamental right which is protected under the Constitution of the United States of America by the First and Ninth Amendments thereto and under the Fourteenth Amendment as applied to the states; and

WHEREAS, in the case of blind parents, there is a need to protect this fundamental constitutional right; yet nearly forty states have no laws at all to protect the right of blind citizens to be parents and raise their children without being fearful of discriminatory treatment or unnecessary inquiries of fitness solely based on blindness: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind in Convention assembled this fourth day of July, 2016, in the City of Orlando, Florida, that this organization call upon state legislatures across the nation to enact laws that establish procedural safeguards to protect the right of blind people to be parents and prohibit discriminatory presumptions of manifest unfitness solely because a parent (or prospective parent) happens to be blind; and

BE IT FURTHER RESOLVED that we urge state attorneys general, in protecting the best interest of the child(ren) in each proceeding, to use their good offices affirmatively to protect blind parents in every state against discrimination and bias based solely upon blindness and to urge the courts, guardians ad litem, and officials of child protection agencies to base decisions about what is in the best interest of the child on issues regarding fitness to parent, not on blindness.

Resolution 2016-09