AN ACT TO PRESERVE FAMILIES THAT INCLUDE A PARENT WHO IS BLIND

1. Findings

The Legislature finds that ---

1. Blind individuals continue to face unfair, preconceived, and unnecessary societal biases as well as antiquated attitudes regarding their ability to successfully parent their children;
2. Blind individuals 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;
3. Because of these societal biases and antiquated attitudes, children of blind parents are unnecessarily being removed from their parents’ care or being restricted from enjoying meaningful time with their parents;
4. Children are being denied the opportunity to enjoy the experience of living in loving homes with blind parents or other blind care takers.
5. Purpose

To protect the best interests of children parented by blind individuals or children who could be parented by blind individuals through the establishment of procedural safeguards that require adherence to the ADA and respect for the due process and equal protection rights of blind parents or prospective blind parents in the context of child welfare, foster care, family law and adoption.

1. Definitions
2. Blindness: For purposes of this Title/Article, blindness is defined as central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye that has a limitation in the field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees is considered to have a central visual acuity of 20/200 or less. An individual shall also be considered blind if that individual has a degenerative condition that reasonably can be expected to result in blindness.
3. Supportive parenting services: For purposes of this Title/Article, supportive parenting services are services that may assist a blind parent or prospective blind parent in the effective use of non-visual techniques and other alternative methods to enable the parent or prospective parent to discharge parental responsibilities as successfully as a parent who is not blind.
4. Prohibitions
5. 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 interest of the child.
6. A prospective parent’s blindness shall not serve as a basis for his or her denial of participation in public or private adoption when the adoption is determined to be otherwise in the best interest of the child.
7. 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 interest of the child.
8. 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 behaviors are endangering or will likely endanger the health, safety or welfare of the child.
9. 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 to review the need for continuation of such services within a reasonable period of time.
10. 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 that must be made to prevent such denial or limitation.