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3 SUBSTITUTE FOR HB24
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8 SYNOPSIS: This bill would provide that a parent's
9 blindness may not serve as a basis for denial or
10 restriction of visitation or custody in family or
11 dependency cases, denial of a public or private
12 adoption, or denial of foster care or guardianship
13 when the visitation or custody, adoption, or
14 placement in foster care or guardianship is
15 determined to be otherwise in the best interest of
16 the child.

17 This bill would also establish a burden of
18 proof in these instances and would allow a court to
19 order supportive parenting services under certain
20 conditions.
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22 A BILL
23 TO BE ENTITLED
24 AN ACT
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26 Relating to blind individuals; to define terms; to
27 provide legislative findings; to provide that the blindness of

1 an individual may not serve as a basis for denial or
2 restriction of visitation or custody in family or dependency
3 cases, denial of adoption or denial of foster care when the
4 visitation, custody, adoption, or placement in foster care is
5 determined to be otherwise in the best interest of the child;
6 to provide for a burden of proof; and to provide for
7 supportive parenting services under certain conditions.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. For the purposes of this act, the
10 following terms have the following meanings:

11 (1) BLINDNESS. A central visual acuity of 20/200 or
12 less in the better eye with the use of a correcting lens. An
13 eye that has a limitation in the field of vision so that the
14 widest diameter of the visual field subtends an angle no
15 greater than 20 degrees is considered to have a central visual
16 acuity of 20/200 or less. The term also includes a
17 degenerative condition that reasonably can be expected to
18 result in blindness.

19 (2) SUPPORTIVE PARENTING SERVICES. Services that may
20 assist a blind parent or prospective blind parent in the
21 effective use of non-visual techniques and other alternative
22 methods to enable the parent or prospective parent to
23 discharge parental responsibilities as successfully as a
24 parent who is not blind.

25 Section 2. The Legislature finds the following:

1 (1) Blind individuals should be given equal
2 opportunity to successfully parent their children to the
3 fullest extent possible.

4 (2) Blind individuals should be afforded equal
5 opportunity in family and dependency proceedings where custody
6 and visitation are at stake and in public and private
7 adoption, guardianship, and foster care proceedings.

8 Section 3. The purpose of this act is to protect the
9 best interests of children parented by blind individuals or
10 children who could be parented by blind individuals through
11 the establishment of procedural safeguards that require
12 adherence to the Americans with Disabilities Act and respect
13 for the due process and equal protection rights of blind
14 parents or prospective blind parents in the context of child
15 welfare, foster care, family law, and adoption.

16 Section 4. (a) A parent's blindness may not serve as
17 a basis for denial or restriction of visitation or custody in
18 family or dependency cases when the visitation or custody is
19 determined to be otherwise in the best interest of the child.

20 (b) A prospective parent's blindness may not serve
21 as a basis for his or her denial of participation in public or
22 private adoption when the adoption is determined to be
23 otherwise in the best interest of the child.

24 (c) An individual's blindness may not serve as a
25 basis for denial of foster care or guardianship when the
26 appointment is determined to be otherwise in the best interest
27 of the child.

1 (d) Where a parent or prospective parent's blindness
2 is alleged to have a detrimental impact on a child, the party
3 raising the allegation bears the burden of proving that the
4 behaviors are endangering or will likely endanger the health,
5 safety, or welfare of the child and that there exists no
6 reasonable supporting parenting services to alleviate those
7 concerns.

8 (e) The court may require that the supportive
9 parenting services be put in place, with an opportunity to
10 review the need for continuation of such services within a
11 reasonable period of time.

12 Section 5. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.