

1 HB24
2 199408-2
3 By Representative Hollis
4 RFD: Children and Senior Advocacy
5 First Read: 05-MAR-19
6 PFD: 02/14/2019

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to blind individuals; to define terms; to
9 provide legislative findings; to provide that the blindness of
10 an individual may not serve as a basis for denial or
11 restriction of visitation or custody in family or dependency
12 cases, denial of adoption or denial of foster care when the
13 visitation, custody, adoption, or placement in foster care is
14 determined to be otherwise in the best interest of the child;
15 to provide for a burden of proof; and to provide for
16 supportive parenting services under certain conditions.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. For the purposes of this act, the
19 following terms have the following meanings:

20 (1) BLINDNESS. A central visual acuity of 20/200 or
21 less in the better eye with the use of a correcting lens. An
22 eye that has a limitation in the field of vision so that the
23 widest diameter of the visual field subtends an angle no
24 greater than 20 degrees is considered to have a central visual
25 acuity of 20/200 or less. The term also includes a
26 degenerative condition that reasonably can be expected to
27 result in blindness.

1 (2) SUPPORTIVE PARENTING SERVICES. Services that may
2 assist a blind parent or prospective blind parent in the
3 effective use of non-visual techniques and other alternative
4 methods to enable the parent or prospective parent to
5 discharge parental responsibilities as successfully as a
6 parent who is not blind.

7 Section 2. The Legislature finds the following:

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

11 (2) Blind individuals should be afforded equal
12 opportunity in family and dependency proceedings where custody
13 and visitation are at stake and in public and private
14 adoption, guardianship, and foster care proceedings.

15 Section 3. The purpose of this act is to protect the
16 best interests of children parented by blind individuals or
17 children who could be parented by blind individuals through
18 the establishment of procedural safeguards that require
19 adherence to the Americans with Disabilities Act and respect
20 for the due process and equal protection rights of blind
21 parents or prospective blind parents in the context of child
22 welfare, foster care, family law, and adoption.

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

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

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

9 (d) Where a parent or prospective parent's blindness
10 is alleged to have a detrimental impact on a child, the party
11 raising the allegation bears the burden of proving that the
12 behaviors are endangering or will likely endanger the health,
13 safety, or welfare of the child and that there exists no
14 reasonable supporting parenting services to alleviate those
15 concerns.

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

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Children and Se-
nior Advocacy..... 05-MAR-19

Read for the second time and placed
on the calendar..... 03-APR-19

Read for the third time and passed
as amended..... 23-APR-19

Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk