

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

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2 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. For the purposes of this act, the
14 following terms have the following meanings:

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

23 (2) SUPPORTIVE PARENTING SERVICES. Services that may
24 assist a blind parent or prospective blind parent in the
25 effective use of non-visual techniques and other alternative

1 methods to enable the parent or prospective parent to
2 discharge parental responsibilities as successfully as a
3 parent who is not blind.

4 Section 2. The Legislature finds the following:

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

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

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

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

24 (b) A prospective parent's blindness may not serve
25 as a basis for his or her denial of participation in public or

1 private adoption when the adoption is determined to be
2 otherwise in the best interest of the child.

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

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

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

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-APR-19, as amended.

Jeff Woodard
Clerk

Senate

21-MAY-19

Passed