

1 HB24
2 195765-1
3 By Representative Hollis
4 RFD: Children and Senior Advocacy
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8 SYNOPSIS: Existing law does not especially provide
9 protection for blind individuals in regard to
10 custody and visitation, adoption, guardianship, and
11 foster care proceedings involving children.

12 This bill would provide that the blindness
13 of individuals may not serve as a basis for denial
14 or restriction of visitation or custody in family
15 or dependency law cases, adoption or denial of
16 foster care when the visitation, custody, adoption,
17 or placement in foster care is determined to be
18 otherwise in the best interest of the child.

19 This bill would provide that a person who
20 alleges that an individual's blindness would have a
21 detrimental impact on a child, the person raising
22 the allegation bears the burden of proving by clear
23 and convincing evidence that the blindness of the
24 individual is endangering or will likely endanger
25 the health, safety, or welfare of the child.

26 This bill would allow an individual who is
27 the subject of an allegation that his or her

1 blindness is endangering or will likely endanger
2 the health, safety, or welfare of the child to
3 rebut the allegations.

4 This bill would also require a court that
5 determines that a blind parent's right to custody,
6 visitation, foster care, guardianship, or adoption
7 should be denied or limited in any manner, to make
8 specific written findings stating the basis for a
9 determination and why the provision of supportive
10 parenting services is not a reasonable
11 accommodation that must be made to prevent the
12 denial or limitation.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to blind individuals; to provide that the
19 blindness of an individual may not serve as a basis for denial
20 or restriction of visitation or custody in family or
21 dependency law cases, adoption or denial of foster care when
22 the visitation, custody, adoption, or placement in foster care
23 is determined to be otherwise in the best interest of the
24 child; to provide that a person who alleges that the
25 individual's blindness would have a detrimental impact on a
26 child, the person raising the allegation bears the burden of
27 proving by clear and convincing evidence that the blindness of

1 the individual is endangering or will likely endanger the
2 health, safety, or welfare of the child; to allow an
3 individual who is the subject of an allegation that his or her
4 blindness is endangering or will likely endanger the health,
5 safety, or welfare of the child to rebut the allegations; and
6 to require a court to make certain finding if a blind parent's
7 right to custody, visitation, foster care, guardianship, or
8 adoption is denied or limited in any manner.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

26 Section 2. The Legislature finds the following:

1 (1) Blind individuals continue to face unfair,
2 preconceived, and unnecessary societal biases as well as
3 antiquated attitudes regarding their ability to successfully
4 parent their children.

5 (2) Blind individuals face these biases and
6 preconceived attitudes in family and dependency law
7 proceedings where custody and visitation are at stake and in
8 public and private adoption, guardianship, and foster care
9 proceedings.

10 (3) Because of these societal biases and antiquated
11 attitudes, children of blind parents are unnecessarily being
12 removed from their parents' care or being restricted from
13 enjoying meaningful time with their parents.

14 (4) Children are being denied the opportunity to
15 enjoy the experience of living in loving homes with blind
16 parents or other blind caretakers.

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

25 Section 4. (a) A parent's blindness may not serve as
26 a basis for denial or restriction of visitation or custody in
27 family or dependency law cases when the visitation or custody

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

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

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

11 (d) Where a parent or prospective parent's blindness
12 is alleged to have a detrimental impact on a child, the party
13 raising the allegation bears the burden of proving by clear
14 and convincing evidence that the behaviors are endangering or
15 will likely endanger the health, safety, or welfare of the
16 child.

17 (e) If the burden is met that the adoption or
18 placement of a child with a blind parent or prospective parent
19 may endanger the health, safety, or welfare of the child, the
20 blind parent or prospective parent shall have the opportunity
21 to demonstrate how the implementation of supportive parenting
22 services can alleviate any concerns that have been raised. The
23 court may require that the supportive parenting services be
24 put in place, with an opportunity to review the need for
25 continuation of such services within a reasonable period of
26 time.

1 (f) If a court determines that a blind parent's or
2 other individual right to custody, visitation, foster care,
3 guardianship, or adoption should be denied or limited in any
4 manner, the court shall make specific written findings stating
5 the basis for a determination and why the provision of
6 supportive parenting services is not a reasonable
7 accommodation that must be made to prevent the denial or
8 limitation.

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