

1 AN ACT relating to preserving families that include a parent who is blind.

2 WHEREAS, blind individuals continue to face unfair, preconceived, and
3 unnecessary societal biases as well as antiquated attitudes regarding their ability to
4 successfully parent their children; and

5 WHEREAS, blind individuals face these biases and preconceived attitudes in
6 family and dependency law proceedings where custody and visitation are at stake and in
7 public and private adoption, guardianship, and foster care proceedings; and

8 WHEREAS, because of these societal biases and antiquated attitudes, children of
9 blind parents are unnecessarily being removed from their parents' care or being restricted
10 from enjoying meaningful time with their parents; and

11 WHEREAS, children are being denied the opportunity to enjoy the experience of
12 living in loving homes with blind parents or other blind caretakers;

13 NOW, THEREFORE,

14 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

15 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO
16 READ AS FOLLOWS:

17 ***The General Assembly finds that in order to protect the best interests of children***
18 ***parented by blind individuals or children who could be parented by blind individuals,***
19 ***procedural safeguards shall be established that require adherence to the Americans***
20 ***with Disabilities Act of 1990 (Pub. L. No. 101-336), as amended, and respect for the***
21 ***due process and equal protection rights of blind parents or prospective blind parents in***
22 ***the context of child welfare, foster care, family law, and adoption.***

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO
24 READ AS FOLLOWS:

25 ***As used in Sections 1 to 3 of this Act unless the context otherwise requires:***

26 ***(1) "Blindness" means central visual acuity of 20/200 or less in the better eye with***
27 ***the use of a correcting lens. An eye that has a limitation in the field of vision so***

1 that the widest diameter of the visual field subtends an angle no greater than
2 twenty (20) degrees is considered to have a central visual acuity of 20/200 or less.
3 An individual shall also be considered blind if that individual has a degenerative
4 condition that reasonably can be expected to result in loss of sight; and

5 (2) "Supportive parenting services" means services that may assist a parent who has
6 blindness or a prospective parent who has blindness in the effective use of
7 nonvisual techniques and other alternative methods to enable the parent or
8 prospective parent to discharge parental responsibilities as successfully as a
9 parent who does not have blindness.

10 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) A parent's blindness shall not serve as a basis for denial or restriction of
13 visitation or custody in family or dependency law cases when the visitation or
14 custody is determined to be otherwise in the best interest of the child.

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

18 (3) An individual's blindness shall not serve as a basis for denial of foster care or
19 guardianship when the appointment is determined to be otherwise in the best
20 interest of the child.

21 (4) Where a parent or prospective parent's blindness is alleged to have a detrimental
22 impact on a child, the party raising the allegation bears the burden of proving by
23 clear and convincing evidence to a court that the behaviors are endangering or
24 will likely endanger the health, safety, or welfare of the child.

25 (5) If a parent or prospective parent's blindness is alleged to have a detrimental
26 impact on a child, the parent or prospective parent with blindness shall have the
27 opportunity to demonstrate how the implementation of supportive parenting

1 services can alleviate any concerns that have been raised. The court may require
2 that such supportive parenting services be put in place, with an opportunity to
3 review the need for continuation of such services within a reasonable period of
4 time.
5 (6) If a court determines that the right of a parent with blindness to custody,
6 visitation, foster care, guardianship, or adoption should be denied or limited in
7 any manner, the court shall make specific written findings stating the basis for
8 such a determination and why the provision of supportive parenting services is
9 not a reasonable accommodation that must be made to prevent the denial or
10 limitation.