

SENATE BILL No. 276

By Committee on Federal and State Affairs

2-24

1 AN ACT concerning children and families; preserving families that
2 include a parent who is blind; providing for certain considerations
3 relating to cases involving legal custody, residency, parenting time,
4 children in need of care, adoption, foster care and guardianship.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) The purpose of sections 1 through 3, and amendments
8 thereto, is to protect the best interests of children parented by blind
9 individuals or children who could be parented by blind individuals through
10 the establishment of procedural safeguards that require adherence to the
11 federal Americans with disabilities act of 1990, and respect for the due
12 process and equal protection rights of parents and prospective parents who
13 are blind in the context of child welfare, foster care, family law and
14 adoption.

15 (b) The legislature hereby finds and declares that:

16 (1) Blind individuals continue to face unfair, preconceived and
17 unnecessary societal biases as well as antiquated attitudes regarding such
18 individuals' ability to successfully parent their children;

19 (2) blind individuals face these biases and preconceived attitudes in
20 family and dependency law proceedings where legal custody, residency
21 and parenting time are at stake and in public and private adoption,
22 guardianship and foster care proceedings;

23 (3) because of these societal biases and antiquated attitudes, children
24 of blind parents are unnecessarily being removed from their parents' care
25 or being restricted from enjoying meaningful time with their parents; and

26 (4) children are being denied the opportunity to enjoy the experience
27 of living in loving homes with blind parents or other blind caretakers.

28 Sec. 2. As used in sections 1 through 3, and amendments thereto:

29 (a) "Blind" or "blindness" means a central visual acuity of 20/200 or
30 less in the better eye with the use of a correcting lens. An eye that has a
31 limitation in the field of vision so that the widest diameter of the visual
32 field subtends an angle no greater than 20 degrees is considered to have a
33 central visual acuity of 20/200 or less. The term "blind" or "blindness"
34 includes any degenerative condition that reasonably can be expected to
35 result in blindness.

36 (b) "Family foster home" means a child care facility that is a private

1 residence, including any adjacent grounds, where a person provides care
2 for 24 hours per day for one or more children in foster care and for which
3 a license is required under K.S.A. 65-501 et seq., and amendments thereto.

4 (c) "Supportive parenting services" means services, including, but not
5 limited to, services, aids and supports that may assist a parent or
6 prospective parent who is blind in the effective use of non-visual
7 techniques and other alternative methods to enable the parent or
8 prospective parent to discharge parental responsibilities as successfully as
9 a parent who is not blind.

10 Sec. 3. (a) In any action brought under article 22 or article 27 of
11 chapter 23 of the Kansas Statutes Annotated, and amendments thereto:

12 (1) A parent's blindness shall not serve as a basis for denial or
13 restriction of legal custody, residency or parenting time when such legal
14 custody, residency or parenting time is determined to be otherwise in the
15 best interests of the child;

16 (2) (A) if a parent's blindness is alleged to not be in the best interests
17 of a child, the party asserting such allegation shall have the burden of
18 proving by clear and convincing evidence that the parent's blindness is not
19 in the best interests of the child;

20 (B) if a party asserting an allegation described in subparagraph (A)
21 has satisfied such party's burden of proof, the blind parent shall have the
22 opportunity to present evidence that, with the implementation of
23 supportive parenting services, placement with such parent is in the best
24 interests of the child; and

25 (C) the court may issue an order requiring that supportive parenting
26 services be implemented, and the parties may request that the court review
27 the need for continuing such supportive parenting services after a
28 reasonable period of time; and

29 (3) if a court denies or otherwise restricts a blind parent's request for
30 legal custody, residency or parenting time, the court shall make specific
31 findings of fact stating the basis for its decision, including reasons why the
32 provision of supportive parenting services is not a reasonable
33 accommodation that is required to prevent such denial or restriction.

34 (b) In any action brought under article 21 of chapter 59 of the Kansas
35 Statutes Annotated, and amendments thereto, a prospective parent's
36 blindness shall not serve as a basis for the denial of such prospective
37 parent's participation in any adoption when such adoption is determined to
38 be otherwise in the best interests of the child.

39 (c) In any action brought under article 30 of chapter 59 of the Kansas
40 Statutes Annotated, and amendments thereto, an individual's blindness
41 shall not serve as a basis for the denial of such individual's appointment as
42 a guardian when such appointment is determined to be otherwise in the
43 best interests of the child.

1 (d) An individual's blindness shall not serve as a basis for the denial
2 or restriction of such individual's licensure as a family foster home.

3 (e) (1) In any action brought under article 22 of chapter 38 of the
4 Kansas Statutes Annotated, and amendments thereto, an individual's
5 blindness shall not serve as a basis for an order of temporary custody,
6 adjudication, disposition, finding of unfitness or termination of parental
7 rights.

8 (2) If a court issues an order of temporary custody, adjudication,
9 disposition, finding of unfitness or termination of parental rights that is
10 adverse to an individual who is a party to the proceeding and who is blind,
11 the court shall make specific findings of fact stating the basis for its
12 decision, including reasons why the provision of supportive parenting
13 services is not a reasonable accommodation that is required to prevent
14 such adverse order.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.