

Parental Rights Legislation Fact Sheet

Enact legislation to establish procedural safeguards which protect the bond between blind parents and their children.

As recently as ninety years ago, the involuntary sterilization of people with disabilities to prevent them from becoming parents was an acceptable practice in the United States. Writing for the Supreme Court in *Buck v. Bell*, 274 U.S. 200 (1927) Justice Oliver Wendell Holmes said “It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind”. While forced sterilization is no longer being imposed upon people with disabilities across the nation, their right to parent is still at risk in 2017.

On this very day, newborn infants are being taken away from their blind mothers in hospitals for no reason other than the fact that the mother is blind. In divorce cases where child custody is at issue, blind parents are often presumed to be incapable of fulfilling the responsibilities of parenting, and as a result custody is awarded to the sighted parent regardless of other circumstances in the case.

In abuse and neglect cases where a child is likely to be removed from the home, courts and guardians ad litem often consider grandparents as a desired placement option to maintain the family connection; however, when the grandparent is blind, he or she is not considered a viable option even if it means placing the child with a non-relative.

Though being blind or sighted has nothing to do with the ability to be a good parent, the underlying assumption in all of these situations is that a blind person is simply not able to provide adequate care for a child or attend to the child’s needs. Mistaken notions about the capabilities of blind people often lead to unfair biases against blind people who want to be foster parents, against blind litigants in contested custody proceedings and adoption cases, or in situations where a blind grandparent offers to step-in and provide a stable home for a child even on a temporary basis.

The model parental rights bill will establish the following procedural safeguards:
A parent’s blindness shall not serve as a basis for denial or restriction of visitation or custody in family or dependency law cases when the visitation or custody is determined to be otherwise in the best interest of the child.

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

An individual’s blindness shall not serve as a basis for denial of foster care or guardianship when the appointment is determined to be otherwise in the best interest of

the child.

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

If this burden is met, the blind parent or prospective parent shall have the opportunity to demonstrate how the implementation of supportive parenting services can alleviate any concerns that have been raised. The court may require that such supportive parenting services be put in place, with an opportunity to review the need for continuation of such services within a reasonable period of time.

If a court determines that a blind parent's right to custody, visitation, foster care, guardianship, or adoption should be denied or limited in any manner, the court shall make specific written findings stating the basis for such a determination and why the provision of supportive parenting services is not a reasonable accommodation that must be made to prevent such denial or limitation.

**PRESERVE FAMILIES THAT INCLUDE A BLIND PARENT AND PROTECT THE BOND
BETWEEN BLIND PARENTS AND THEIR CHILDREN.
Enact legislation to establish procedural safeguards now.**

For more information, contact:

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