

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO A RIGHT TO PARENT FOR BLIND PERSONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that blind individuals  
2 face certain preconceived biases and attitudes in family and  
3 dependency law proceedings where custody and visitation are at  
4 stake and in public and private adoption, guardianship, and  
5 foster care proceedings. As a result, some children of blind  
6 parents are unnecessarily being removed from their parents' care  
7 or restricted from enjoying meaningful time with their parents.

8           The purpose of this Act is to protect the best interests of  
9 children parented by blind individuals or children who could be  
10 parented by blind individuals by establishing procedural  
11 safeguards and equal protection rights of blind parents or  
12 prospective blind parents in the context of child welfare,  
13 foster care, family law, and adoption.

14           SECTION 2. Chapter 587A, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:



1        "§587A- Blind parents or prospective parents; parental  
2 rights. (a) A parent's blindness shall not serve as a basis  
3 for denial or restriction of visitation or custody in family or  
4 dependency law cases when the visitation or custody is  
5 determined to be in the best interest of the child.

6        (b) A prospective parent's blindness shall not serve as a  
7 basis for the prospective parent's denial of participation in  
8 public or private adoption when the adoption is determined to be  
9 in the best interest of the child.

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

13       (d) Where a parent or prospective parent's blindness is  
14 alleged to have a detrimental impact on a child, the party  
15 raising the allegation bears the burden of proving by clear and  
16 convincing evidence that the behaviors are endangering or will  
17 likely endanger the health, safety, or welfare of the child. If  
18 this burden is met, the blind parent or prospective parent shall  
19 have the opportunity to demonstrate how the implementation of  
20 supportive parenting services can alleviate any concerns that  
21 have been raised. The court may require that such supportive



1 parenting services be put in place, with an opportunity to  
2 review the need for continuation of such services within a  
3 reasonable period of time.

4 (e) Notwithstanding any provision in section 587A-33 to  
5 the contrary, if a court determines that a blind parent's right  
6 to custody, visitation, foster care, guardianship, or adoption  
7 should be denied or limited in any manner, the court shall make  
8 specific written findings stating the basis for such a  
9 determination and why the provision of supportive parenting  
10 services is not a reasonable accommodation that must be made to  
11 prevent such denial or limitation.

12 (f) For the purposes of this section:

13 "Blindness" means central visual acuity of 20/200 or less  
14 in the better eye with the use of a correcting lens; provided  
15 that an eye that has a limitation in the field of vision so that  
16 the widest diameter of the visual field subtends an angle no  
17 greater than twenty degrees shall be considered to have a  
18 central vision acuity of 20/200 or less; provided further that  
19 an individual shall also be considered blind if that individual  
20 has a degenerative condition that reasonably can be expected to  
21 result in blindness.



1        "Supportive parenting services" means services that may  
 2 assist a blind parent or prospective blind parent in the  
 3 effective use of non-visual techniques and other alternative  
 4 methods to enable the parent or prospective parent to discharge  
 5 parental responsibilities as successfully as a parent who is not  
 6 blind."

7        SECTION 3. This Act does not affect rights and duties that  
 8 matured, penalties that were incurred, and proceedings that were  
 9 begun before its effective date.

10       SECTION 4. New statutory material is underscored.

11       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Signature]*  
*Paul Pirriero*  
*Paul E. [Signature]*

*Kurt Ferrelle*



# S.B. NO. 715

**Report Title:**

Blind Persons; Parental Rights

**Description:**

Establishes parental rights for blind parents or prospective blind parents in the context of child welfare, foster care, family law, and adoption.

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