



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2626

by Rep. Laura Fine

SYNOPSIS AS INTRODUCED:

New Act

Creates the Parental Rights for the Blind Act. Contains statements of legislative findings and purpose. Defines terms. Provides that a person's blindness shall not serve as a basis for denial or restriction of parenting time, the allocation of parental responsibilities, participation in adoption proceedings, foster care placement, or guardianship appointment. Provides that if a person'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 blindness endangers or will likely endanger the health, safety, or welfare of the child. Provides that if the burden is met, the person with blindness shall have the opportunity to demonstrate that the implementation of supportive parenting services will alleviate any concerns that have been raised. Provides that the court may require that the supportive parenting services be put in place, with an opportunity to review the need for continuation of the services within a reasonable period of time. Provides that if a court determines that a blind person's parental rights 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.

LRB100 06188 HEP 16222 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Parental Rights for the Blind Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) blind individuals continue to face unfair,
8 preconceived, and unnecessary societal biases as well as
9 antiquated attitudes regarding their ability to
10 successfully parent their children;

11 (2) blind individuals face these biases and
12 preconceived attitudes in family and dependency law
13 proceedings in which the allocation of parental
14 responsibilities and parenting time are at stake and in
15 public and private adoption, guardianship, and foster care
16 proceedings;

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

21 (4) children are being denied the opportunity to enjoy
22 the experience of living in loving homes with blind parents
23 or other blind caregivers.

1 Section 10. Purpose. The purpose of this Act is to protect
2 the best interests of children cared for or parented by blind
3 individuals or children who could be cared for or parented by
4 blind individuals through the establishment of procedural
5 safeguards that require adherence to the Americans with
6 Disabilities Act and respect for the due process and equal
7 protection rights of blind parents or prospective blind parents
8 in the context of child welfare, foster care, family law, and
9 adoption.

10 Section 15. Definitions. As used in this Act:

11 "Blindness" means central visual acuity of 20/200 or less
12 in the better eye with the use of a correcting lens. An eye
13 that has a limitation in the field of vision so that the widest
14 diameter of the visual field subtends an angle no greater than
15 20 degrees is considered to have a central visual acuity of
16 20/200 or less. "Blindness" includes a degenerative condition
17 that reasonably can be expected to result in blindness.

18 "Supportive parenting services" means services that assist
19 a person with blindness in the effective use of non-visual
20 techniques and other alternative methods to enable the person
21 to discharge parental responsibilities as successfully as a
22 person who does not have blindness.

23 Section 20. Prohibitions; burden of proof.

1 (a) A person's blindness shall not serve as a basis for
2 denial or restriction of parenting time or the allocation of
3 parental responsibilities if the parenting time or the
4 allocation of parental responsibilities is determined to be
5 otherwise in the best interests of the child.

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

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

13 (d) If a person's blindness is alleged to have a
14 detrimental impact on a child, the party raising the allegation
15 bears the burden of proving by clear and convincing evidence
16 that the blindness endangers or will likely endanger the
17 health, safety, or welfare of the child.

18 (e) If the burden under subsection (d) is met, the person
19 with blindness shall have the opportunity to demonstrate that
20 the implementation of supportive parenting services will
21 alleviate any concerns that have been raised. The court may
22 require that the supportive parenting services be put in place,
23 with an opportunity to review the need for continuation of the
24 services within a reasonable period of time.

25 (f) If the court determines that the right of a person with
26 blindness to the allocation of parental responsibilities,

1 parenting time, foster care, guardianship, or adoption should
2 be denied or limited in any manner, the court shall make
3 specific written findings stating the basis for such a
4 determination and why the provision of supportive parenting
5 services is not a reasonable accommodation that must be made to
6 prevent the denial or limitation.