

Statutory Reference to Hearing Impairment; Prohibition on Blindness as a Determining Factor in Parental Rights; SB 343

SB 343 prohibits blindness from being a determinant factor for denial or restriction of legal custody, residency, or parenting time when it is determined to otherwise be in the best interest of a child. The bill makes certain findings and declarations of the Legislature with regard to parenting by blind individuals.

The bill also replaces statutory references to “hearing impairment” and similar terms with “hard of hearing,” “hearing loss,” or “deaf.”

The bill takes effect upon publication in the *Kansas Register*.

Prohibition on Blindness as a Determining Factor in Parental Rights

Definitions

The bill defines the following terms:

- “Blind” or “blindness” means a central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. The term “blind” or “blindness” includes any degenerative condition that reasonably can be expected to result in blindness;
- “Family foster home” means a child care facility that is a private residence, including any adjacent grounds, where a person provides care for 24 hours per day for one or more children in foster care and for which a license is required under statute; and
- “Supportive parenting services” means services including, but not limited to, services, aids, and supports that may assist a parent or prospective parent who is blind in the effective use of non-visual techniques and other alternative methods to enable the parent or prospective parent to discharge parental responsibilities as successfully as a parent who is not blind.

Legal Custody, Residency, or Parenting Time

The bill provides that, in any action brought under the Kansas Parentage Act or law related to dissolution of marriage, a parent’s blindness does not serve as a basis for denial or restriction of legal custody, residency, or parenting time when such legal custody, residency, or parenting time is determined to otherwise be in the best interest of the child.

The bill requires, if a parent’s blindness is alleged to not be in the best interests of a child, the party asserting such an allegation is required to prove by clear and convincing evidence that the parent’s blindness is not in the best interests of the child. The bill provides, if the party asserting the allegation satisfies the burden of proof, the parent who is blind has an

opportunity to present evidence that, with the implementation of supportive parenting services, placement with such parent is in the best interests of the child.

The bill allows the court to issue an order requiring supportive parenting services to be implemented and allows the parties to request the court review the need for continuing such supportive parenting services after a reasonable period of time. The bill requires a court, if it denies or otherwise restricts a request for legal custody by a parent who is blind, to make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation required to prevent such denial or restriction.

The bill provides that, in any action brought under the Kansas Adoption and Relinquishment Act, an individual's blindness does not serve as a basis for the denial of such prospective parent's participation in any adoption or, in any action brought under the Act for Obtaining a Guardian or a Conservator, or Both (KSA 59-3050), appointment as a guardian when such appointment is determined to be in the best interest of the child.

The bill also provides that an individual's blindness does not serve as the basis for the denial or restriction of licensure as a family foster home.

The bill provides, in any action brought under the Revised Kansas Code for Care of Children, that an individual's blindness does not serve as the basis for an order of temporary custody, adjudication, disposition, finding of unfitness, or termination of parental rights. The bill requires the court, if it issues such an adverse order, to make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable preventative accommodation.