



Changes in State Legislation to Protect the Rights of Parents with Disabilities

Table 1: Legislation listed by state – Updated June 4, 2018

State	Legislation	Status	Disability Type(s) Covered	Summary
Arizona	2018 AZ Senate Bill 1198	Passed in 2018	Blind	<p>Parent's blindness cannot be used to prevent visitation or custody in child welfare cases.</p> <p>Public and private adoption agencies cannot use a prospective parent's blindness as reason to deny opportunity to adopt children or become foster parents.</p> <p>If a parent's or prospective parent's blindness is alleged to have detrimental effect on a child, the party (i.e., agency or other parent) making the claim must prove by clear and convincing evidence that the blindness endangers or will likely endanger the health, safety, or welfare of the child.</p> <p>Requires courts make written findings why the parent's blindness makes them unfit to have custody or visitation or adopt or become a foster parent.</p>
Arkansas	1997 Ark. Senate Bill 489	Passed in 1997	All disabilities	Requires state child welfare agency provide parents with disabilities reasonable accommodations in accordance with the ADA for reunification services and family preservation supports.

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California	2000 Cal. Assembly Bill 2152	Passed in 2000	All disabilities	Requires California's Medicaid program pay for adaptive baby care equipment.
California	2010 Cal. Senate Bill 1188	Passed in 2010	All disabilities	Prohibits family courts from ruling against a parent with a disability simply because they have a disability.
Colorado	2018 CO. House Bill 18-1104	Passed in 2018	All disabilities	<p>States that a parent's disability must not serve as a basis for denial or restriction of parenting time or parental responsibilities.</p> <p>Requires child welfare agency to include reasonable accommodations within parent's treatment plan.</p> <p>Prohibits a parent's disability from serving as a basis for denial of adopting, becoming a foster parent, or guardianship, when it is otherwise determined to be in the best interest of the child</p> <p>Requires courts to consider the benefits of providing supportive parenting services when determining parental responsibilities, parenting time, adoption placements, foster care, and guardianship.</p>
Hawaii	2018 HI HCR 162	Not yet passed	Blind	<p>Parent's blindness cannot be used to prevent visitation or custody in family law or child welfare cases.</p> <p>Public and private adoption agencies cannot use a prospective parent's blindness as reason to deny opportunity to adopt children or become foster parents.</p>

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				<p>If a parent's or prospective parent's blindness is alleged to have detrimental effect on a child, the party (i.e., agency or other parent) making the claim must prove by clear and convincing evidence that the blindness endangers or will likely endanger the health, safety, or welfare of the child.</p> <p>If party satisfies that burden, the parent or prospective parent must have opportunity to show how supportive services can alleviate concerns.</p>
Idaho	2002 Idaho House Bill 577	Passed in 2002	All disabilities	<p>Allows parents with disabilities the right to present evidence and information regarding the use of adaptive parenting equipment and support services in custody or visitation disputes.</p> <p>Prohibits discrimination against parents with disabilities in custody and visitation disputes.</p> <p>Requires family courts to make specific findings concerning the disability and what, if any, affect the disability has on the best interests of the child.</p>
Idaho	2002 Idaho House Bill 579	Passed in 2002	All disabilities	<p>Defines disability in accordance with the ADA.</p> <p>Defines adaptive equipment and supportive services.</p> <p>Prohibits discrimination against prospective parents with disabilities who want to adopt.</p>

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Idaho	2003 Idaho House Bill 160	Passed in 2003	All disabilities	Removes disability as grounds for termination of parental rights.
Idaho	2003 Idaho House Bill 167	Passed in 2003	All disabilities	Prohibits discrimination against parents with disabilities by child welfare agency. Requires the agency increase knowledge about adaptive equipment and support services for parents with disabilities.
Illinois	2017 Ill. House Bill 2626	Passed in 2017	All disabilities	States a parent's blindness cannot be reason to deny custody or visitation. States a parent's blindness cannot be reason to deny opportunity to adopt or become a foster parent. If opposing party asserts that a parent's blindness makes them unfit to care for child, that party must prove to court by clear and convincing evidence the blindness endangers or will likely endanger the health, safety, or welfare of the child. Requires blind parent have the opportunity to demonstrate to court how supportive services will alleviate any concerns that have been raised. Allows courts to require supportive services for a reasonable period of time. Requires courts make written findings why the parent's blindness makes them unfit to have custody

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				or visitation and why support services is not a reasonable accommodation.
Kansas	2005 Kan. Senate Bill 230	Passed in 2006	All disabilities	<p>Prohibits discrimination against parents with disabilities.</p> <p>Requires parenting assessments consider reasonable accommodations, such as adaptive equipment or support services.</p> <p>Requires parenting assessments be conducted by, someone who has experience and knowledge of parents with disabilities.</p>
Kentucky	2018 KY House Bill 549	Not yet passed	Blind	<p>States a parent's blindness cannot be reason to deny custody or visitation.</p> <p>States a parent's blindness cannot be reason to deny opportunity to adopt or become a foster parent.</p> <p>If opposing party asserts that a parent's blindness makes them unfit to care for child, that party must prove to court by clear and convincing evidence the blindness endangers or will likely endanger the health, safety, or welfare of the child.</p> <p>Requires blind parent have the opportunity to demonstrate to court how supportive services will alleviate any concerns that have been raised.</p> <p>Allows courts to require supportive services for a reasonable period of time.</p>

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				Requires courts make written findings why the parent's blindness makes them unfit to have custody or visitation and why support services is not a reasonable accommodation.
Maryland	2009 Md. House Bill 689/Senate Bill 613	Passed in 2009	All disabilities	Defines disability according to the ADA. States that a parent's disability "only relevant to a certain extent" in CINA, guardianship, adoption, custody, and visitation disputes.
Maryland	2016 Md. House Bill 976/Senate Bill 765	Passed in 2016	All disabilities	In custody or visitation cases, disability can only be considered if the court finds, based on evidence in the record, that the disability affects the best interest of the child. If other parent asserts disability affects the best interest of the child, he or she has the burden of proving so.
Massachusetts	2017 Mass. House Bill 845/Senate Bill 896	Not yet passed	All disabilities	Requires courts to determine whether or not a parent's disability causes harm to their child, by requiring written findings in a custody or visitation determination. Requires courts to determine whether the harm to the child can be alleviated by adaptive equipment or supportive supports for the parent.
Minnesota	2017 Minn. Senate Bill 846	Not yet passed	All disabilities	Establishes a pilot project to assist a parent with a disability in childrearing tasks and to prevent

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				removal of a child from a parent solely because the parent has a disability.
Missouri	2011 Mo. House Bill 604/Senate Bill 555	Passed in 2011	All disabilities	<p>Prohibits discrimination on the basis of disability "without a specific showing that there is a relationship between the disability or disease and a substantial and significant risk of harm to a child.</p> <p>Applies to termination of parental rights and custody as well as foster and adoptive parents.</p>
Nebraska	2018 Neb. Legislative Bill 845	Passed in 2018	All disabilities	<p>States that in matters of custody in which one of the parents has a disability, that disability cannot be used to determine custody when the parent with a disability is a capable parent.</p> <p>Clarifies that the burden of proof is on the party asserting that the other is incapable or less capable of parenting effectively as a result of a disability.</p>
New York	2017 N.Y. Assembly Bill 02444	Not yet passed	All disabilities	States that if a parent has a disability but can demonstrate that accommodations can be made to ensure that the disability will not affect the child's safety, a judge or magistrate determining a judgment or order for custody shall not consider the parent's disability.
New York	2017 N.Y. Assembly Bill 0171/Senate Bill 03266	Not yet passed	Blind	States a parent's blindness cannot be reason to deny custody or visitation.

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				<p>States a parent's blindness cannot be reason to deny opportunity to adopt or become a foster parent.</p> <p>If opposing party asserts that a parent's blindness makes them unfit to care for child, that party must prove to court by clear and convincing evidence the blindness endangers or will likely endanger the health, safety, or welfare of the child.</p> <p>Requires blind parent have the opportunity to demonstrate to court how supportive services will alleviate any concerns that have been raised.</p> <p>Allows courts to require supportive services for a reasonable period of time.</p> <p>Requires courts make written findings why the parent's blindness makes them unfit to have custody or visitation and why support services are not a reasonable accommodation.</p>
Ohio	2017 OH. House Bill 309	Not yet passed	Blind	<p>Parent's blindness cannot be used to prevent visitation or custody in family law or child welfare cases.</p> <p>Public and private adoption agencies cannot use a prospective parent's blindness as reason to deny opportunity to adopt children or become foster parents.</p> <p>If a parent's or prospective parent's blindness is alleged to have detrimental effect on a child, the</p>

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				<p>party (i.e., agency or other parent) making the claim must prove by clear and convincing evidence that the blindness endangers or will likely endanger the health, safety, or welfare of the child.</p> <p>If party satisfies that burden, the parent or prospective parent must have opportunity to show how supportive services can alleviate concerns.</p> <p>If court denies or limits parent or prospective right to custody, visitation, foster care, or adoption, could must make specific written findings stating basis for determination and why supportive services is not a reasonable accommodation.</p>
Oregon	2013 OR. House Bill 2433	Passed in 2013	All disabilities	Prohibits court from considering party's disability in judgment awarding custody or visitation unless clear and convincing evidence shows awarding custody of child to party with disability is not in child's best interests and welfare.
Oregon	2017 OR. House Bill 3392	Not yet passed	Blind	<p>States a parent's blindness cannot be reason to deny custody or visitation.</p> <p>States a parent's blindness cannot be reason to deny opportunity to adopt or become a foster parent.</p> <p>If opposing party asserts that a parent's blindness makes them unfit to care for child, that party must prove to court by clear and</p>

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				<p>convincing evidence the blindness endangers or will likely endanger the health, safety, or welfare of the child.</p> <p>Requires blind parent have the opportunity to demonstrate to court how supportive services will alleviate any concerns that have been raised.</p> <p>Allows courts to require supportive services for a reasonable period of time.</p> <p>Requires courts make written findings why the parent's blindness makes them unfit to have custody or visitation and why support services are not a reasonable accommodation.</p>
Oregon	2018 OR Senate Bill 1526	Passed in 2018	All disabilities	Prohibits court from considering parent's disability in determining whether to terminate parental rights unless parent's conduct related to disability is of such nature and duration as to render parent incapable of providing proper care to child for extended periods of time.
Rhode Island	2000 R.I. House Bill 7750A	Passed in 2000	All disabilities	Eliminates disability as grounds for termination of parental rights.
Rhode Island	2018 R.I. House Bill 8027	Not yet passed	All disabilities	<p>Prevents court from using a parent's disability as reason to deny or restrict custody, foster care, or adoption unless court provides written findings.</p> <p>Where a parent or prospective parent's disability is alleged to have</p>

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				<p>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.</p> <p>Provides the parent or prospective parent with a disability the opportunity to demonstrate how the implementation of supportive parenting services can alleviate any concerns that have been raised.</p> <p>The family court may require that the 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.</p>
South Carolina	2013 S.C. Senate Bill 687/House Bill 4469	Passed in 2014	Blind	Requires that in making decisions regarding guardianship, adoption, custody, or visitation, the court cannot discriminate against blind parents.
South Carolina	2017 S.C. House Bill 3538/Senate Bill 291	Passed in 2017	All disabilities	<p>Prohibits discrimination against parents with disabilities in child custody, child protection, guardianship, and adoption matters.</p> <p>Removes disability as grounds for termination of parental rights.</p> <p>States parents must have access to reasonable accommodations and individualized supports.</p>

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Tennessee	2013 Tenn. Senate Bill 749/House Bill 693	Passed in 2013	All disabilities	States that a parent's disability does not create presumption for or against awarding custody but may be a factor to be considered by the court.
Utah	2017 Utah House Bill 150	Passed in 2017	All disabilities	Courts cannot consider the disability of a parent as a factor in awarding custody or modifying an award of custody unless the court makes specific findings that the disability inhibits the parent's ability to care for the child.
Vermont	2007 Vt. House Bill 635	Passed in 2007	All disabilities	Mandates that in child welfare proceedings, there should be an appropriate balance between protecting children and respecting the rights of a parent or guardian, including a parent or guardian with disabilities. Recognizes that people with a disability can be successful parents.
Virginia	2017 Va. House Bill 2273/Senate Bill 1199	Not yet passed	Blind	States a parent's blindness cannot not be the sole basis of the denial or restriction of such parent's custody or visitation rights. Requires a party who alleges that a parent's blindness should be a factor to be considered to not be in the best interests of the child to prove by clear and convincing evidence that the child's best interests would not be met due to such parent's blindness. Allows a blind parent to demonstrate how supportive parenting services would address any threats to the child's best

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				interests and further allows that such services be ordered by the court. Requires a court to make written findings where the court denies a blind parent custody or visitation blind parent or where supportive parenting services are not ordered. Prevents blind parents from being discriminated in adoption or foster care disputes.
Washington	2014 Wash. House Bill 2616	Passed in 2014	Intellectual Disabilities	Requires state child welfare agency work with intellectual disabilities agency to create appropriate service plan for a parent with an intellectual disability.
West Virginia	2015 W. Va. House Bill 2200	Passed in 2015	All disabilities	Requires courts to determine if child welfare made reasonable accommodations in accordance with the ADA to parents with disabilities.