



Summary of Model Legislation to Prevent Discrimination Against Blind Parents

Notwithstanding important successes in other areas of disability rights, discrimination against parents with disabilities persists. Parents with disabilities are more likely to have their children removed by the child welfare system and have their parental rights terminated. Within the family law system, parents with disabilities are less likely to be awarded custody or visitation of their children. Lastly, prospective parents with disabilities are often denied the opportunity to adopt children or become foster parents. Although there are many reasons for the discrimination experienced by parents with disabilities, it is important to note that the child welfare, family law, and adoption systems are largely driven by state laws.

In 2017, the National Federation of the Blind (NFB) developed model state legislation aimed at prohibiting discrimination against parents who are blind or have low vision, titled "[A Bill on Parental Rights for the Blind](#)." Members of NFB across the United States are working with state legislatures to enact this bill. To date, Illinois (H. 2626) and South Carolina (S. 687, H. 4469) have passed laws based on NFB's model legislation and New York (A. 0171, A. 03266), Oregon (H. 3392), Virginia (H. 2273), and Ohio (H. 309) have legislation pending.

Key provisions of the model legislation include:

- Parent's blindness cannot be used to prevent visitation or custody in family law or child welfare cases.
- Public and private adoption agencies cannot use a prospective parent's blindness as reason to deny opportunity to adopt children or become foster parents.
- 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.
- If party satisfies that burden, the parent or prospective parent must have opportunity to show how supportive services can alleviate concerns.
- If court denies or limits parent or prospective right to custody, visitation, foster care, or adoption, court must make specific written findings stating basis for determination and why supportive services is not a reasonable accommodation.