

# House Bill 3392

Sponsored by Representative PILUSO; Senators DEMBROW, GELSER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes state policies and judicial practices regarding blindness in individuals who are parents, prospective parents or caretakers of children in domestic relations cases and juvenile dependency proceedings.

## A BILL FOR AN ACT

1  
2 Relating to the blindness of individuals caring for children.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds that:**

5 (1) **Individuals who are blind continue to face unfair, preconceived and unnecessary**  
6 **societal biases, as well as antiquated attitudes, regarding their ability to successfully parent**  
7 **or care for children.**

8 (2) **Individuals who are blind face these societal biases and antiquated attitudes in do-**  
9 **mestic relations and juvenile dependency proceedings in which custody and visitation are at**  
10 **stake and in public and private adoption, guardianship and foster care proceedings.**

11 (3) **Because of these societal biases and antiquated attitudes:**

12 (a) **Children of parents who are blind are being unnecessarily removed from the care of**  
13 **their parents who are blind or are being restricted from enjoying meaningful time with their**  
14 **parents who are blind; and**

15 (b) **Children are being denied the opportunity to enjoy the experience of living in loving**  
16 **homes with parents who are blind or other caretakers who are blind.**

17 (4) **It is necessary and appropriate for the state to establish policies that safeguard and**  
18 **protect the best interests of children parented or cared for by individuals who are blind.**

19 **SECTION 2. (1) As used in this section:**

20 (a) **"Blindness" means:**

21 (A) **Central visual acuity of 20/200 or less in the better eye with the use of correcting**  
22 **lenses;**

23 (B) **If visual acuity exceeds 20/200, a limitation in the field of vision so that the widest**  
24 **diameter of the visual field subtends an angle no greater than 20 degrees; or**

25 (C) **A degenerative condition that reasonably can be expected to result in blindness.**

26 (b) **"Supportive parenting services" means services that assist a parent who is blind or**  
27 **a prospective parent who is blind in the effective use of nonvisual techniques and other al-**  
28 **ternative methods to enable the parent or the prospective parent to discharge parental re-**  
29 **sponsibilities as successfully as a parent who is not blind.**

30 (2) **A parent's blindness may not serve as a basis for denial or restriction of custody or**  
31 **parenting time in domestic relations cases or juvenile dependency proceedings when the**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 custody or parenting time is determined to be otherwise in the best interests of the child.

2 (3) A prospective parent's blindness may not serve as a basis for the parent's denial of  
3 participation in public or private adoption proceedings when the adoption is determined to  
4 be otherwise in the best interests of the child.

5 (4) An individual's blindness may not serve as a basis for denial of the opportunity to  
6 provide foster care for a child or to be appointed as a guardian of a child when to do so would  
7 otherwise be in the best interests of the child.

8 (5)(a) When a party alleges that another party's blindness will have a detrimental impact  
9 on a child in a domestic relations case or a juvenile dependency proceeding, that party shall  
10 bear the burden of proving by clear and convincing evidence that the other party's blindness  
11 endangers or will likely endanger the health, safety or welfare of the child.

12 (b) When the burden under paragraph (a) of this subsection has been met, the parent  
13 who is blind or prospective parent who is blind shall have the opportunity to demonstrate  
14 how the implementation of supportive parenting services may alleviate concerns that exist  
15 regarding the endangerment of the health, safety or welfare of the child. A court may re-  
16 quire provision of supportive parenting services, subject to the opportunity to review the  
17 need for continuation of supportive parenting services within a reasonable period of time.

18 (6) When a court orders that the rights to custody, parenting time, provision of foster  
19 care, appointment as a guardian or adoption of a child should be denied to or limited in any  
20 manner for a parent who is blind, the court shall make specific written findings stating the  
21 basis for such a determination and why the provision of supportive parenting services is not  
22 a reasonable accommodation that may be made to prevent the denial or limitation.

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