

17104405D

## SENATE BILL NO. 1199

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on February 1, 2017)

(Patron Prior to Substitute—Senator Favola)

A *BILL to amend the Code of Virginia by adding sections numbered 20-124.3:2, 63.2-901.2, and 63.2-1200.01, relating to rights of blind parents.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 20-124.3:2, 63.2-901.2, and 63.2-1200.01 as follows:**

**§ 20-124.3:2. Custody and visitation rights; blind parents.**

A. As used in this section:

"Blind" or "blindness" means (i) a visual acuity of 20/200 or less in the better eye with correcting lenses or a limited field of vision so that the widest diameter in the visual field subtends an angle no greater than 20 degrees, (ii) a medically indicated expectation of visual deterioration, or (iii) a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability.

"Supportive parenting services" means services that may assist a blind parent in the effective use of nonvisual techniques and other alternative methods to enable the blind parent to discharge parent responsibilities as successfully as a nonblind parent.

B. A parent's blindness shall not serve as the sole basis for the denial or restriction of custody or visitation, provided that the court finds such custody or visitation is otherwise in the best interests of the child.

C. If a party alleges that such parent's blindness should (i) be a factor to be considered as not in the best interests of the child or (ii) otherwise be a reason for the denial or restriction of custody or visitation, such party making such allegation must prove by clear and convincing evidence that the best interests of the child would not be served or met due to such parent's blindness or that such parent's blindness should serve as the basis for such denial or restriction.

D. If the party meets his burden pursuant to subsection C, the blind parent shall be afforded reasonable opportunity to demonstrate how supportive parenting services would appropriately address any threats to the best interests of the child or reasons to otherwise deny or restrict custody or visitation. Upon request of the blind parent or in its discretion, the court may order such supportive parenting services for the blind parent after the service provider has been provided with notice and an opportunity to be heard.

E. The court shall communicate in an accessible format the basis of the decision of custody or visitation wherein a blind parent's custody or visitation rights are denied or restricted. If a court does not order supportive parenting services for the blind parent pursuant to subsection D, the basis of such a decision shall also be in an accessible format.

**§ 63.2-901.2. Blind prospective foster parents.**

A. As used in this section:

"Blind" or "blindness" means (i) a visual acuity of 20/200 or less in the better eye with correcting lenses or a limited field of vision so that the widest diameter in the visual field subtends an angle no greater than 20 degrees, (ii) a medically indicated expectation of visual deterioration, or (iii) a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability.

"Supportive parenting services" means services that may assist a blind foster parent or blind prospective foster parent in the effective use of nonvisual techniques and other alternative methods to enable the blind foster parent or blind prospective foster parent to discharge foster parent responsibilities as successfully as a nonblind foster parent.

B. A blind foster parent's or blind prospective foster parent's blindness shall not serve as the sole basis for the denial of placement or approval of placement in such prospective foster care parent's home, or removal from such blind foster parent's home, provided that the court finds such a placement is otherwise in the best interests of the child and the blind foster parent or blind prospective foster parent is otherwise qualified to be a foster parent.

C. If a party alleges that such blind foster parent or blind prospective foster parent's blindness should (i) be a factor to be considered as not in the best interests of the child or (ii) otherwise be a reason to deny or remove a child from such a placement, the party making such allegation must prove by clear and convincing evidence that the best interests of the child would not be served or met due to such blind foster parent's or blind prospective foster parent's blindness or that such blindness should

60 *be a reason to deny or remove a child from such placement.*

61 *D. If the party meets his burden pursuant to subsection C, the blind foster parent or blind*  
62 *prospective foster parent shall be afforded reasonable opportunity to demonstrate how supportive*  
63 *parenting services would appropriately address any threats to the best interests of the child or reasons*  
64 *to deny or remove a child from such placement. Upon request of the blind foster parent or blind*  
65 *prospective foster parent or in its discretion, the court may order such supportive parenting services for*  
66 *the blind foster parent or blind prospective foster parent after the service provider has been provided*  
67 *with notice and an opportunity to be heard.*

68 *E. The court shall communicate in an accessible format the basis of the decision of a denial of*  
69 *placement or approval of placement in a blind prospective foster care parent's home or removal from a*  
70 *blind foster parent's home. If a court does not order supportive parenting services for the blind foster*  
71 *parent or blind prospective foster parent pursuant to subsection D, the basis of such a decision shall*  
72 *also be in an accessible format.*

73 **§ 63.2-1200.01. Blind prospective adoptive parents.**

74 *A. As used in this section:*

75 *"Blind" or "blindness" means (i) a visual acuity of 20/200 or less in the better eye with correcting*  
76 *lenses or a limited field of vision so that the widest diameter in the visual field subtends an angle no*  
77 *greater than 20 degrees, (ii) a medically indicated expectation of visual deterioration, or (iii) a*  
78 *medically diagnosed limitation in visual functioning that restricts the individual's ability to read and*  
79 *write standard print at levels expected of individuals of comparable ability.*

80 *"Supportive parenting services" means services that may assist a blind prospective adoptive parent in*  
81 *the effective use of nonvisual techniques and other alternative methods to enable the blind prospective*  
82 *adoptive parent to discharge parenting responsibilities as successfully as a nonblind parent.*

83 *B. A prospective adoptive parent's blindness shall not serve as the sole basis for the denial of entry*  
84 *of a final order of adoption naming such blind prospective adoptive parent as parent, provided that the*  
85 *court finds such an adoption is otherwise in the best interests of the child and such blind prospective*  
86 *adoptive parent is otherwise qualified to adopt.*

87 *C. If a party alleges that a prospective adoptive parent's blindness should (i) be a factor to be*  
88 *considered as not in the best interests of the child or (ii) otherwise be a reason to deny entry of a final*  
89 *order of adoption naming such blind prospective adoptive parent as parent, the party making such*  
90 *allegation must prove by clear and convincing evidence that the best interests of the child would not be*  
91 *served or met due to such blind prospective adoptive parent's blindness or that such blind prospective*  
92 *adoptive parent's blindness should be a reason to deny entry of a final adoption order naming such*  
93 *blind prospective adoptive parent as parent.*

94 *D. If the party meets his burden pursuant to subsection C, the blind prospective adoptive parent*  
95 *shall be afforded reasonable opportunity to demonstrate how supportive parenting services would*  
96 *appropriately address any threats to the best interests of the child or reasons to deny entry of such a*  
97 *final order. Upon request of the blind prospective adoptive parent or in its discretion, the court may*  
98 *order such supportive parenting services for the blind prospective adoptive parent after the service*  
99 *provider has been provided with notice and an opportunity to be heard.*

100 *E. The court shall communicate in an accessible format the basis of the decision of a denial of a*  
101 *final order of adoption naming the blind prospective adoptive parent as parent. If a court does not*  
102 *order supportive parenting services for the blind prospective adoptive parent pursuant to subsection D,*  
103 *the basis of such a decision shall also be in an accessible format.*