

House Bill 79 (AS PASSED HOUSE AND SENATE)

By: Representatives Gilliard of the 162nd, Bruce of the 61st, and Thomas of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights
2 of persons with disabilities, so as to provide that legally blind persons shall not be
3 discriminated against by the courts, Department of Human Services, or a child-placing
4 agency in matters relating to child custody, guardianship, foster care, visitation, placement,
5 or adoption; to provide for definitions; to amend Code Section 19-9-3 of the Official Code
6 of Georgia Annotated, relating to establishment and review of child custody and visitation,
7 so as to prohibit discrimination of legally blind persons in child custody proceedings; to
8 provide for rules and regulations; to provide for legislative findings and a purpose; to provide
9 an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 (a) The Georgia General Assembly finds that:

- 13 (1) Blind individuals continue to face unfair societal biases regarding their ability to
14 successfully provide parental care;
- 15 (2) Blind individuals face unfair societal biases in family and dependency law
16 proceedings, public and private adoption, guardianship, and foster care proceedings;
- 17 (3) Children of blind individuals are being unnecessarily removed or restricted from
18 parental care; and
- 19 (4) Children are being denied the opportunity to enjoy loving homes with blind parents
20 or other blind caretakers.

21 (b) The purpose of this Act is to protect the best interests of children parented by blind
22 individuals or children who could be parented by blind individuals through the
23 establishment of procedural safeguards that require adherence to due process and equal
24 protection rights of blind parents in the context of child welfare, foster care, adoption, and
25 family law.

SECTION 2.

26
27 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons
28 with disabilities, is amended by adding a new Code section to read as follows:

29 "30-4-5.

30 (a) As used in this Code section, the term:

31 (1) 'Department' means the Department of Human Services.

32 (2) 'Legally blind' means:

33 (A) Having vision that is 20/200 or less in the best corrected eye; or

34 (B) Having vision that subtends an angle of not greater than 20 degrees in the best
35 corrected eye.

36 (3) 'Supportive parenting services' means services that may assist a legally blind parent
37 or prospective legally blind parent in the effective use of nonvisual techniques and other
38 alternative methods to enable the parent or prospective legally blind parent to
39 successfully discharge parental responsibilities.

40 (b)(1) Neither a court, the department, nor a child-placing agency shall deny a party child
41 placement, child custody, visitation, guardianship, foster care, or adoption solely because
42 the party is legally blind, but may consider such factors as provided in paragraph (3) of
43 subsection (a) of Code Section 19-9-3.

44 (2) Where a parent or prospective parent's disability of being legally blind is alleged to
45 have a detrimental impact on a child, the party raising the allegation shall bear the burden
46 of proving by a preponderance of the evidence that the parent's or prospective parent's
47 disability of being legally blind is endangering or will likely endanger the health, safety,
48 or welfare of the child. If this burden is met, such parent or prospective parent shall have
49 the opportunity to demonstrate how the implementation of supportive parenting services
50 can alleviate parental care concerns, and the court may require such services with an
51 opportunity to review the continuation of such services within a reasonable period of
52 time.

53 (3) Where a court determines that a legally blind parent's right to custody, visitation,
54 foster care, guardianship, or adoption should be denied or limited in any manner, the
55 court shall make specific findings stating the basis for such a determination and why the
56 provision of supportive parenting services is not a reasonable accommodation to prevent
57 such denial or limitation.

58 (c) The department shall promulgate rules or regulations not later than December 31, 2019,
59 implementing the provisions of this Code section."

60 **SECTION 3.**

61 Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to establishment
62 and review of child custody and visitation, is amended by revising subparagraph (a)(3)(I) as
63 follows:

64 "(I) The mental and physical health of each parent, except to the extent as provided in
65 Code Section 30-4-5 and paragraph (3) of subsection (a) of Code Section 19-9-3 and
66 such factors as provided in Code Section 15-11-26;"

67 **SECTION 4.**

68 This Act shall become effective upon its approval by the Governor or upon its becoming law
69 without such approval.

70 **SECTION 5.**

71 All laws and parts of laws in conflict with this Act are repealed.