



Protecting the Right of Blind Parents to Raise a Family and Retain Custody of Their Children: A2113 (Simon)/S4407 (Parker)

All Americans have the constitutional right to establish a family, to decide freely and responsibly on the number of children they will have, and to the same degree of fairness and impartial due process in determining issues related to the custody of their offspring on an equal basis, free from preconceived conclusions regarding ability to parent.

Many people are not aware of techniques that blind people use to accomplish everyday tasks. Therefore, judges, social workers, and state officials dealing with issues of child custody involving a person who is blind often lack knowledge or understanding how about everyday tasks can be performed without vision, and thus mistakenly assume that a blind person cannot parent effectively. As a result, blind Americans are often wrongfully stripped of child custody based solely on the presumption that the best interest of a child cannot be met by a parent who happens to be blind. In effect, a parent who is blind always bears the burden of proving competency or fitness, even when the law otherwise places that burden on the State.

One of many devastating reports of discrimination against blind parents occurred when the state of Missouri wrongfully deemed a blind couple unable to care for their 2-day old daughter, who remained in protective custody until the family was reunited after a 57-day battle. These parents had done nothing to demonstrate parental incompetence other than happening to have had a child and been blind. Yet, the agency solely considered their blindness and decided to act. In fact, in the Missouri case the parents had voluntarily contacted social service officials in order to seek advice and assistance and to ensure that all their child's needs were being met.

A blind mother in Troy, New York, who voluntarily placed her children in foster care for reasons unrelated to her blindness, was later denied the right to have her children returned to her, such denial based solely on her blindness. For approximately four years, this mother was permitted to see her children only three times per week, for a total of five hours, and only with sighted supervision. This case was settled in 2015 with the assistance of attorneys retained by the National Federation of the Blind, and full custody was granted.

Using alternative techniques, blind people can provide safe and loving homes for their children. For example, blind people put small tactile dots over markers on home appliances so that they can independently operate them. Blind parents may have their young children wear a small bell on their shoes so that the parent will know the child's location. Blind parents will also pull a stroller behind them rather than push the stroller in front of them so their long white cane or guide dog will find obstacles or enter an intersection before the child and stroller do.

The Blind Persons' Right to Parent Act, A2113 (Simon)/S4407 (Parker), is currently pending. The Senate bill passed unanimously in both 2018 and 2019. We call upon the Legislature and the Governor to enact this legislation to protect blind parents from arbitrary custody decisions based on misconceptions about blindness.