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LEGISLATURE *of* THE STATE *of* KANSAS
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MEMORANDUM

To: House Committee on Children and Seniors
From: Office of Revisor of Statutes
Date: March 15, 2022
Subject: SB 276: Providing considerations in family law, adoption, foster care, guardianship and child in need of care proceedings for a parent or prospective parent who is blind.

Senate Bill 276 would establish certain considerations for parents or other individuals who are blind in family law actions, adoptions, guardianship and child in need of care actions.

Section 1 would establish the purpose of the sections to be "to protect the best interests of children parents by blind individuals or child who could be parents by blind individuals through the establishment of procedural safeguards..." Sections 2 proposes definitions for "blind" or "blindness," "family foster home" and "supportive parenting services" used throughout section 3.

Section 3 would prohibit the denial or restriction of legal custody, residency or parenting time based on a parent's blindness, when otherwise the custody, residency or time would be in the best interests of the child in actions brought under the Kansas parentage act or in the dissolution of a marriage. Those who allege that a parent's blindness is not to be in the best interests of the child have the burden of proof for the allegation. If the burden of proof is satisfied the blind parent would have the opportunity to present evidence that, with supportive parenting services, placement is in the best interests of the child. The court may issue an order requiring that supportive parenting services be implemented, and parties may request to have the court review the needs for such services. A court may deny or restrict a blind parent's request for legal custody, residency or parenting time, but must include specific findings of fact for the decision and include reasons why the supportive services are not a reasonable accommodation for preventing the denial or restrictions.

Section 3 would also prohibit the denial or restrictions, if otherwise in the best interests of the child, based on the person's blindness in other actions that include participation in any adoption, guardianship, family foster home licensure and the revised Kansas code for care of children.