

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 520

By: Simpson

AS INTRODUCED

An Act relating to blind persons; prohibiting denial or restriction of visitation, custody, adoption, foster care or guardianship of a child based on blindness of person; establishing burden of proof for certain allegation; authorizing implementation of certain services; authorizing certain review; requiring written findings for certain determinations; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 51 of Title 7, unless there is created a duplication in numbering, reads as follows:

A. A parent's blindness shall not serve as a basis for denial or restriction of visitation or custody in proceedings under Title 43 of the Oklahoma Statutes when the visitation or custody is determined to be otherwise in the best interests of the child.

B. A prospective parent's blindness shall not serve as a basis for denial of his or her participation in public or private adoption proceedings under the Oklahoma Adoption Code, Sections 7501-1.1 et

1 seq. of Title 10 of the Oklahoma Statutes, when the adoption is
2 determined to be otherwise in the best interests of the child.

3 C. A person's blindness shall not serve as a basis for denial
4 of his or her participation in foster care services under Title 10A
5 of the Oklahoma Statutes or serving as a guardian under Title 10A or
6 Title 30 of the Oklahoma Statutes when the appointment is determined
7 to be otherwise in the best interests of the child.

8 D. If the blindness of a parent, prospective parent or person
9 is alleged to have a detrimental impact on a child, the party
10 raising the allegation shall show by clear and convincing evidence
11 that the blindness-connected behavior endangers or will likely
12 endanger the health, safety or welfare of the child. If such burden
13 is met, the blind parent, prospective parent or person shall have
14 the opportunity to demonstrate how the implementation of supportive
15 parenting services can alleviate any concerns that have been raised.
16 The court may require that such supportive parenting services be put
17 in place, with an opportunity within a reasonable period of time to
18 review the need for continuation of such services.

19 E. If a court determines that a right to custody, visitation,
20 adoption, foster care or guardianship of a blind parent, prospective
21 parent or person should be denied or limited in any manner, the
22 court shall make specific written findings stating the basis for
23 such a determination and the reasons that the provision of
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1 supportive parenting services is not a reasonable accommodation to
2 prevent such denial or limitation.

3 SECTION 2. This act shall become effective November 1, 2019.
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