

TESTIMONY OF ROBERT L TABOR

A proponent of SB 276

Good morning Chairman concannon and committee members,

First, we of the National Federation of the Blind and its Kansas affiliate wish to express our sincerest thanks for taking the time to listen and consider a matter of utmost importance.

Senate Bill 276 remedies a problem of long standing for blind parents who are often vexed by undue interference with their rights as a parent only because of their blindness. They are simply trying to live a normal family life as all law-abiding Americans without disabilities are entitled to due by the laws and Constitution of the United States In summary, this measure would preclude the sole use of a parent's blindness in denying parental rights in family and juvenile court proceedings, public and private adoptions, minor guardianship, and foster care placements. If blindness is considered as one of multiple factors, then the complaining party must demonstrate clear and convincing evidence of a nexus between the parent's blindness and the alleged

Parenting deficiencies. IF deficiencies are found, the family court, adoptions agency or child welfare agency must afford the blind parent the same opportunity to receive supportive parenting services as defined in Section 2C and which would be granted to non-disabled parents. If supportive parenting services are not provided, the court, child welfare agency, or adoptions agency must by clear and convincing evidence that supportive parenting services are insufficient to maintain child safety and well-being. In sum, the "best interest of the child", being the gold standard of childcare, remains front and center in SB 276.

Rest assured that the child protective service division of DCF will not be impeded by the enactment of the bill now before you. For example, a verified finding of child abuse by a parent or others in the household on investigation by DCF would provide a sufficient basis for intervention, regardless of the parent's visual acuity.

As to existing Federal and state law, The Americans With Disabilities Act (ADA) does not provide explicit guidance as to how family courts, child welfare bureaus, foster care and adoption agencies, are to meet their legal charge to ensure the best interest of the child while preserving the rights of a parent who is blind or disabled. I should also point out that some courts have historically interpreted the ADA in the narrowest possible scope possible in several areas including website accessibility standards. In other

words, if the applicable language of the statute does not require a particular action, the court is inclined not to require it either.

Regarding state law, KSA 38-2201©(1) enjoins a parent’s disability as the sole basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability and harm to the child. Section (C)(2) provides for consideration of accommodations such as adaptive equipment and other supports. However, the scope of the statute is limited to adjudication of Child In Need of Care (CINC) cases, while SB 276 is broader in scope and includes specific procedural safeguards.

I will also note that three of our neighboring states, namely Colorado, Nebraska, and Missouri have enacted similar or nearly identical legislation to SB 276. I am also very proud to acknowledge that SB 276 passed by unanimous vote in the Senate. This bill is non-partisan, carefully balances the interests of the child, the state, and blind parents, and it’s the right thing to do.

Respectfully submitted

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