

MAR 09 2018

SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII STATE JUDICIARY AND DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A BASIS FOR DENYING PARENTAL RIGHTS.

1 WHEREAS, blind individuals face certain preconceived biases
2 and attitudes in family and dependency law proceedings where
3 custody and visitation are at stake and in public and private
4 adoption, guardianship, and foster care proceedings; and
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6 WHEREAS, some children of blind parents are unnecessarily
7 being removed from their parents' care or restricted from
8 enjoying meaningful time with their parents as a result of these
9 preconceived biases and attitudes; and
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11 WHEREAS, the National Federation of the Blind estimates
12 that as many as one in four households in which the parents are
13 blind have been visited by workers from child protection
14 services; and
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16 WHEREAS, the safety of children must be balanced with
17 respect for differences in religion, culture, ethnicity, race,
18 disability, and sexual orientation; and
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20 WHEREAS, blindness itself does not preclude a parent's
21 ability to raise kids; and
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23 WHEREAS, blind parents use alternative techniques, which
24 are variations on methods that are based on touch and hearing
25 rather than sight, to accomplish some tasks; and
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27 WHEREAS, there is research showing that children of blind
28 parents can perform better, on average, than those with sighted
29 parents in certain aspects; and
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1 WHEREAS, thousands of blind parents have raised healthy
2 children who have grown into responsible, productive adults;
3 now, therefore,
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5 BE IT RESOLVED by the Senate of the Twenty-ninth
6 Legislature of the State of Hawaii, Regular Session of 2018, the
7 House of Representatives concurring, that the Hawaii State
8 Judiciary and Department of Human Services are requested to not
9 use:
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- 11 (1) A parent's blindness as a basis for denial or
12 restriction of visitation or custody in family or
13 dependency law cases when the visitation or custody is
14 determined to be in the best interest of the child;
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16 (2) A prospective parent's blindness as a basis for the
17 prospective parent's denial of participation in public
18 or private adoption when the adoption is determined to
19 be in the best interest of the child; or
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21 (3) An individual's blindness as a basis for denial of
22 foster care or guardianship when the appointment is
23 determined to be in the best interest of the child;
24 and
25

26 BE IT FURTHER RESOLVED that if a parent or prospective
27 parent's blindness is alleged to have a detrimental impact on a
28 child, the Hawaii State Judiciary and Department of Human
29 Services are requested to:
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- 31 (1) Place the burden of proof on the party raising the
32 allegation by requesting clear and convincing evidence
33 that the behaviors are endangering or will likely
34 endanger the health, safety, or welfare of the child;
35 and
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37 (2) Provide the blind parent or prospective parent the
38 opportunity to demonstrate how the implementation of
39 supportive parenting services can alleviate any
40 concerns that have been raised; and
41



S.C.R. NO. 102

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chief Justice,
3 Administrative Director of the Courts, and Director of Human
4 Services.
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OFFERED BY:

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