

MAR 09 2018

SENATE 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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31 WHEREAS, thousands of blind parents have raised healthy
32 children who have grown into responsible, productive adults;
33 now, therefore,
34



S.R. NO. 61

1 BE IT RESOLVED by the Senate of the Twenty-ninth
2 Legislature of the State of Hawaii, Regular Session of 2018,
3 that the Hawaii State Judiciary and Department of Human Services
4 are requested to not use:

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- 6 (1) A parent's blindness as a basis for denial or
7 restriction of visitation or custody in family or
8 dependency law cases when the visitation or custody is
9 determined to be in the best interest of the child;
- 10
- 11 (2) A prospective parent's blindness as a basis for the
12 prospective parent's denial of participation in public
13 or private adoption when the adoption is determined to
14 be in the best interest of the child; or
- 15
- 16 (3) An individual's blindness as a basis for denial of
17 foster care or guardianship when the appointment is
18 determined to be in the best interest of the child;
19 and
- 20

21 BE IT FURTHER RESOLVED that if a parent or prospective
22 parent's blindness is alleged to have a detrimental impact on a
23 child, the Hawaii State Judiciary and Department of Human
24 Services are requested to:

- 25
- 26 (1) Place the burden of proof on the party raising the
27 allegation by requesting clear and convincing evidence
28 that the behaviors are endangering or will likely
29 endanger the health, safety, or welfare of the child;
30 and
- 31
- 32 (2) Provide the blind parent or prospective parent the
33 opportunity to demonstrate how the implementation of
34 supportive parenting services can alleviate any
35 concerns that have been raised; and
- 36
- 37



S.R. NO. 61

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

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