

The Senate Committee on Judiciary offered the following substitute to HB 79:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights  
2 of persons with disabilities, so as to provide that blind persons shall not be discriminated  
3 against by the courts, Department of Human Services, or a child-placing agency in matters  
4 relating to child custody, guardianship, foster care, visitation, placement, or adoption; to  
5 provide for definitions; to amend Code Section 19-9-3 of the Official Code of Georgia  
6 Annotated, relating to establishment and review of child custody and visitation, so as to  
7 prohibit discrimination of blind persons in child custody proceedings; to provide for rules  
8 and regulations; to provide for legislative findings and a purpose; to provide an effective  
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 (a) The Georgia General Assembly finds that:

13 (1) Blind individuals continue to face unfair societal biases regarding their ability to  
14 successfully provide parental care;

15 (2) Blind individuals face unfair societal biases in family and dependency law  
16 proceedings, public and private adoption, guardianship, and foster care proceedings;

17 (3) Children of blind individuals are being unnecessarily removed or restricted from  
18 parental care; and

19 (4) Children are being denied the opportunity to enjoy loving homes with blind parents  
20 or other blind caretakers.

21 (b) The purpose of this Act is to protect the best interests of children parented by blind  
22 individuals or children who could be parented by blind individuals through the  
23 establishment of procedural safeguards that require adherence to due process and equal  
24 protection rights of blind parents in the context of child welfare, foster care, adoption, and  
25 family law.

**SECTION 2.**

26  
27 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons  
28 with disabilities, is amended by adding a new Code section to read as follows:

29 "30-4-5.

30 (a) As used in this Code section, the term:

31 (1) 'Blind' means:

32 (A) Having vision that is 20/200 or less in the best corrected eye; or

33 (B) Having vision that subtends an angle of not greater than 20 degrees in the best  
34 corrected eye.

35 (2) 'Department' means the Department of Human Services.

36 (3) 'Supportive parenting services' means services that may assist a blind parent or  
37 prospective blind parent in the effective use of nonvisual techniques and other alternative  
38 methods to enable the parent or prospective blind parent to successfully discharge  
39 parental responsibilities.

40 (b)(1) Neither a court, the department, nor a child-placing agency shall deny a party child  
41 placement, child custody, visitation, guardianship, foster care, or adoption solely because  
42 the party is blind, but may consider such factors as provided in paragraph (3) of  
43 subsection (a) of Code Section 19-9-3.

44 (2) Where a parent or prospective parent's blindness is alleged to have a detrimental  
45 impact on a child, the party raising the allegation shall bear the burden of proving by a  
46 preponderance of the evidence that the parent's or prospective parent's blindness is  
47 endangering or will likely endanger the health, safety, or welfare of the child. If this  
48 burden is met, such parent or prospective parent shall have the opportunity to demonstrate  
49 how the implementation of supportive parenting services can alleviate parental care  
50 concerns, and the court may require such services with an opportunity to review the  
51 continuation of such services within a reasonable period of time.

52 (3) Where a court determines that a blind parent's right to custody, visitation, foster care,  
53 guardianship, or adoption should be denied or limited in any manner, the court shall make  
54 specific findings stating the basis for such a determination and why the provision of  
55 supportive parenting services is not a reasonable accommodation to prevent such denial  
56 or limitation.

57 (c) The department shall promulgate rules or regulations not later than December 31, 2019,  
58 implementing the provisions of this Code section."

59

**SECTION 3.**

60 Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to establishment  
61 and review of child custody and visitation, is amended by revising subparagraph (a)(3)(I) as  
62 follows:

63 "(I) The mental and physical health of each parent, except to the extent as provided in  
64 Code Section 30-4-5;"

65

**SECTION 4.**

66 This Act shall become effective upon its approval by the Governor or upon its becoming law  
67 without such approval.

68

**SECTION 5.**

69 All laws and parts of laws in conflict with this Act are repealed.