S T A T E O F N E W Y O R K

4502

2015-2016 Regular Sessions

I N A S S E M B L Y

February 3, 2015

Introduced by M. of A. CLARK -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to enacting the "Blind Person's Right to Parent Act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "Blind Person's Right to Parent Act".

S 2. The domestic relations law is amended by adding a new article 14 to read as follows:

ARTICLE 14

BLIND PERSON'S RIGHT TO PARENT

SECTION 260. DEFINITIONS.

261. CONSIDERATION OF BLINDNESS DURING GUARDIANSHIP, CUSTODY OR VISITATION PROCEEDINGS.

S 260. DEFINITIONS. IN THIS ARTICLE, THE TERM "BLIND" OR "BLINDNESS" MEANS:

(A) VISION THAT IS 20/200 OR LESS IN THE BEST CORRECTED EYE; OR

(B) VISION THAT SUBTENDS AN ANGLE OF NOT GREATER THAN 20 DEGREES IN THE BEST CORRECTED EYE.

S 261. CONSIDERATION OF BLINDNESS DURING GUARDIANSHIP, CUSTODY OR VISITATION PROCEEDINGS. IN MAKING A DISPOSITION ON GUARDIANSHIP, CUSTODY OR VISITATION PROCEEDINGS WHERE A PARTY IS BLIND, THE COURT MAY NOT DENY THAT PARTY SOLELY BECAUSE THAT PARTY IS BLIND. THE BLINDNESS OF THE PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE CHILD.

S 3. Within 90 days of the passage of this act, the department of social welfare shall adopt regulations that prohibit a local district from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or legal guardian is blind.

S 4. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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