

# HOUSE BILL 976

D4

6lr1993

---

By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2016

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **CINA, Guardianship, Adoption, Custody, and Visitation – Blindness of Parent,**  
3 **Guardian, Custodian, or Party**

4 FOR the purpose of establishing that, in making a disposition on a child in need of  
5 assistance (CINA) petition, the blindness of a child's parent, guardian, or custodian  
6 is relevant only to the extent that the court finds, based on clear and convincing  
7 evidence in the record, that the blindness affects the ability of the parent, guardian,  
8 or custodian to give proper care and attention to the child and the child's needs;  
9 granting certain blind individuals the opportunity to prove that certain supportive  
10 parenting services would prevent a certain finding, determination, denial, or  
11 withholding of consent in certain proceedings; authorizing the juvenile court to  
12 require the provision of certain supportive parenting services and review the need  
13 for the continuation of the services within a reasonable period of time; requiring a  
14 court, a local department of social services, a guardian, or a child placement agency,  
15 in certain proceedings, to specifically state in writing the basis for a certain finding,  
16 denial, determination, or withholding of consent and the reason that the provision of  
17 certain supportive parenting services is not a reasonable accommodation to prevent  
18 the finding, denial, determination, or withholding of consent under certain  
19 circumstances; establishing that, in determining whether to grant custody and  
20 guardianship to a relative or a nonrelative, the blindness of the relative or  
21 nonrelative is relevant only to the extent that the court finds, based on clear and  
22 convincing evidence in the record, that the blindness affects the best interest of the  
23 child; requiring the Social Services Administration to adopt certain regulations;  
24 establishing that, in any custody or visitation proceeding, the blindness of a party is  
25 relevant only to the extent that the court finds, based on clear and convincing  
26 evidence in the record, that the blindness affects the best interest of the child;  
27 requiring, in a certain custody or visitation proceeding, the party alleging that the  
28 blindness of the other party affects the best interest of the child to bear a certain  
29 burden of proof; defining a certain term; altering a certain definition; and generally  
30 relating to the blindness of certain individuals in certain CINA, guardianship,  
31 adoption, custody, and visitation proceedings.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Courts and Judicial Proceedings  
3 Section 3–819(b)(2) and 3–819.2(a) and (g)  
4 Annotated Code of Maryland  
5 (2013 Replacement Volume and 2015 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Family Law  
8 Section 5–338(b), 5–350, 5–3A–35(b), 5–3B–19, 5–525(a), (d), and (j), and  
9 9–107  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – Family Law  
14 Section 5–3A–35(a)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 3–819.

21 (b) (2) (i) 1. In this paragraph[, “disability” means:] **THE FOLLOWING**  
22 **WORDS HAVE THE MEANINGS INDICATED.**

23 [A. A physical disability, infirmity, malformation, or  
24 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

25 B. A mental impairment or deficiency;

26 C. A record of having a physical or mental impairment as  
27 defined under this paragraph; or

28 D. Being regarded as having a physical or mental  
29 impairment as defined under this paragraph.

30 2. “Disability” includes:

31 A. Any degree of paralysis or amputation;

32 B. Blindness or visual impairment;

- 1 C. Deafness or hearing impairment;
- 2 D. Muteness or speech impediment;
- 3 E. Physical reliance on a service animal or a wheelchair or  
4 other remedial appliance or device; and
- 5 F. Intellectual disability, as defined in § 7–101 of the Health  
6 – General Article, and any other mental impairment or deficiency that may have  
7 necessitated remedial or special education and related services.]

8 **2. “DISABILITY” MEANS:**

9 **A. A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
10 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

11 **B. A RECORD OF HAVING A PHYSICAL OR MENTAL**  
12 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
13 **MAJOR LIFE ACTIVITIES; OR**

14 **C. BEING REGARDED AS HAVING A PHYSICAL OR**  
15 **MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN**  
16 **INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

17 **3. “SUPPORTIVE PARENTING SERVICES” MEANS**  
18 **SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF**  
19 **NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE**  
20 **INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS**  
21 **SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.**

22 (ii) [In] **SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (III)**  
23 **OF THIS PARAGRAPH, IN making a disposition on a CINA petition under this subtitle, a**  
24 **disability of the child’s parent, guardian, or custodian is relevant only to the extent that**  
25 **the court finds, based on evidence in the record, that the disability affects the ability of the**  
26 **parent, guardian, or custodian to give proper care and attention to the child and the child’s**  
27 **needs.**

28 **(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A PARENT,**  
29 **GUARDIAN, OR CUSTODIAN WHO IS BLIND.**

30 **2. IN MAKING A DISPOSITION ON A CINA PETITION**  
31 **UNDER THIS SUBTITLE, THE BLINDNESS OF A CHILD’S PARENT, GUARDIAN, OR**  
32 **CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON**  
33 **CLEAR AND CONVINCING EVIDENCE IN THE RECORD, THAT THE BLINDNESS AFFECTS**

1 THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE  
2 AND ATTENTION TO THE CHILD AND THE CHILD'S NEEDS.

3           **3. THE PARENT, GUARDIAN, OR CUSTODIAN SHALL HAVE**  
4 **THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
5 **PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE ABILITY OF THE PARENT,**  
6 **GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD**  
7 **AND THE CHILD'S NEEDS.**

8           **4. THE COURT MAY:**

9           **A. REQUIRE THE PROVISION OF SUPPORTIVE**  
10 **PARENTING SERVICES; AND**

11           **B. REVIEW THE NEED FOR THE CONTINUATION OF**  
12 **SUPPORTIVE PARENTING SERVICES WITHIN A REASONABLE PERIOD OF TIME.**

13           **5. IF THE COURT FINDS THAT THE BLINDNESS OF THE**  
14 **PARENT, GUARDIAN, OR CUSTODIAN AFFECTS THE ABILITY OF THE PARENT,**  
15 **GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD**  
16 **AND THE CHILD'S NEEDS, THE COURT SHALL SPECIFICALLY STATE IN WRITING:**

17           **A. THE BASIS FOR THE FINDING; AND**

18           **B. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
19 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
20 **FINDING.**

21 3-819.2.

22           (a) (1) In this section[, "disability" means:] **THE FOLLOWING WORDS HAVE**  
23 **THE MEANINGS INDICATED.**

24                   (i) A physical disability, infirmity, malformation, or disfigurement  
25 that is caused by bodily injury, birth defect, or illness, including epilepsy;

26                   (ii) A mental impairment or deficiency;

27                   (iii) A record of having a physical or mental impairment as defined  
28 under this subsection; or

29                   (iv) Being regarded as having a physical or mental impairment as  
30 defined under this subsection.

1 (2) “Disability” includes:

2 (i) Any degree of paralysis or amputation;

3 (ii) Blindness or visual impairment;

4 (iii) Deafness or hearing impairment;

5 (iv) Muteness or speech impediment;

6 (v) Physical reliance on a service animal or a wheelchair or other  
7 remedial appliance or device; and

8 (vi) Intellectual disability, as defined in § 7–101 of the Health –  
9 General Article, and any other mental impairment or deficiency that may have necessitated  
10 remedial or special education and related services.]

11 **(2) “DISABILITY” MEANS:**

12 **(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
13 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

14 **(II) A RECORD OF HAVING A PHYSICAL OR MENTAL**  
15 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
16 **MAJOR LIFE ACTIVITIES; OR**

17 **(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL**  
18 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
19 **MAJOR LIFE ACTIVITIES.**

20 **(3) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT**  
21 **MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL**  
22 **TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO**  
23 **DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS**  
24 **AN INDIVIDUAL WHO IS NOT BLIND.**

25 (g) **(1) [In] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS**  
26 **SUBSECTION, IN** determining whether to grant custody and guardianship to a relative or  
27 a nonrelative under this section, a disability of the relative or nonrelative is relevant only  
28 to the extent that the court finds, based on evidence in the record, that the disability affects  
29 the best interest of the child.

30 **(2) (I) THIS PARAGRAPH APPLIES ONLY TO A RELATIVE OR**  
31 **NONRELATIVE WHO IS BLIND.**

1           **(II) IN DETERMINING WHETHER TO GRANT CUSTODY AND**  
2 **GUARDIANSHIP TO A RELATIVE OR A NONRELATIVE UNDER THIS SECTION, THE**  
3 **BLINDNESS OF THE RELATIVE OR NONRELATIVE IS RELEVANT ONLY TO THE EXTENT**  
4 **THAT THE COURT FINDS, BASED ON CLEAR AND CONVINCING EVIDENCE IN THE**  
5 **RECORD, THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE CHILD.**

6           **(III) THE RELATIVE OR NONRELATIVE SHALL HAVE THE**  
7 **OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
8 **PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE**  
9 **CHILD.**

10           **(IV) THE COURT MAY:**

11                   **1. REQUIRE THE PROVISION OF SUPPORTIVE**  
12 **PARENTING SERVICES; AND**

13                   **2. REVIEW THE NEED FOR THE CONTINUATION OF**  
14 **SUPPORTIVE PARENTING SERVICES WITHIN A REASONABLE PERIOD OF TIME.**

15           **(V) IF THE COURT FINDS THAT THE BLINDNESS OF THE**  
16 **RELATIVE OR NONRELATIVE AFFECTS THE BEST INTEREST OF THE CHILD, THE**  
17 **COURT SHALL SPECIFICALLY STATE IN WRITING:**

18                   **1. THE BASIS FOR THE FINDING; AND**

19                   **2. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
20 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
21 **FINDING.**

22                                   **Article – Family Law**

23           5–338.

24           (b) (1) (i) In this subsection[, “disability” means:] **THE FOLLOWING**  
25 **WORDS HAVE THE MEANINGS INDICATED.**

26                                   **[1. a physical disability, infirmity, malformation, or**  
27 **disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;**

28                                   **2. a mental impairment or deficiency;**

29                                   **3. a record of having a physical or mental impairment as**  
30 **defined under this paragraph; or**

1                                   4.     being regarded as having a physical or mental impairment  
2 as defined under this paragraph.

3                                   (ii)   “Disability” includes:

4                                   1.     any degree of paralysis or amputation;

5                                   2.     blindness or visual impairment;

6                                   3.     deafness or hearing impairment;

7                                   4.     muteness or speech impediment;

8                                   5.     physical reliance on a service animal or a wheelchair or  
9 other remedial appliance or device; and

10                                  6.     intellectual disability, as defined in § 7–101 of the Health  
11 – General Article, and any other mental impairment or deficiency that may have  
12 necessitated remedial or special education and related services.]

13                                  **(II)   “DISABILITY” MEANS:**

14                                  **1.     A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
15 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

16                                  **2.     A RECORD OF HAVING A PHYSICAL OR MENTAL**  
17 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
18 **MAJOR LIFE ACTIVITIES; OR**

19                                  **3.     BEING REGARDED AS HAVING A PHYSICAL OR**  
20 **MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN**  
21 **INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

22                                  **(III)   “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES**  
23 **THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL**  
24 **TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO**  
25 **DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS**  
26 **AN INDIVIDUAL WHO IS NOT BLIND.**

27                                  (2)   **(I)**   A local department may not withhold consent for the sole reason  
28 that:

29                                  **[(i)]   1.**   the race, religion, color, or national origin of a prospective  
30 adoptive parent differs from that of the child or parent; or

1                    [(ii)] 2. a prospective adoptive parent has a disability.

2                    (II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A  
3 PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.

4                    2. THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE  
5 THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD  
6 PREVENT THE WITHHOLDING OF CONSENT.

7                    3. IF THE LOCAL DEPARTMENT WITHHOLDS CONSENT,  
8 THE LOCAL DEPARTMENT SHALL SPECIFICALLY STATE IN WRITING:

9                    A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND

10                    B. THE REASON THAT THE PROVISION OF SUPPORTIVE  
11 PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE  
12 WITHHOLDING OF CONSENT.

13 5–350.

14            (a) A juvenile court may enter an order for a child’s adoption under this Part IV  
15 of this subtitle only if:

16                    (1) for an individual under the age of 18 years, the individual’s guardian  
17 consents; and

18                    (2) for an individual who is at least 10 years old, the individual consents.

19            (b) (1) (i) In this subsection[, “disability” means:] **THE FOLLOWING**  
20 **WORDS HAVE THE MEANINGS INDICATED.**

21                    [1. a physical disability, infirmity, malformation, or  
22 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

23                    2. a mental impairment or deficiency;

24                    3. a record of having a physical or mental impairment as  
25 defined under this paragraph; or

26                    4. being regarded as having a physical or mental impairment  
27 as defined under this paragraph.

28                    (ii) “Disability” includes:

29                    1. any degree of paralysis or amputation;



- 1                                   2.     blindness or visual impairment;
- 2                                   3.     deafness or hearing impairment;
- 3                                   4.     muteness or speech impediment;
- 4                                   5.     physical reliance on a service animal or a wheelchair or
- 5 other remedial appliance or device; and
- 6                                   6.     intellectual disability, as defined in § 7–101 of the Health
- 7 – General Article, and any other mental impairment or deficiency that may have
- 8 necessitated remedial or special education and related services.]

**(II) “DISABILITY” MEANS:**

- 10                               1.     **A PHYSICAL OR MENTAL IMPAIRMENT THAT**
- 11 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**
- 12                               2.     **A RECORD OF HAVING A PHYSICAL OR MENTAL**
- 13 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**
- 14 **MAJOR LIFE ACTIVITIES; OR**
- 15                               3.     **BEING REGARDED AS HAVING A PHYSICAL OR**
- 16 **MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN**
- 17 **INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

**(III) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.**

**(2) (I)** A guardian may not withhold consent for the sole reason that:

- 24                               [(i)] 1.     the race, religion, color, or national origin of a prospective
- 25 adoptive parent differs from that of the child or parent; or
- 26                               [(ii)] 2.     a prospective adoptive parent has a disability.

**(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.**

1                   **2. THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE**  
2 **THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
3 **PREVENT THE WITHHOLDING OF CONSENT.**

4                   **3. IF THE GUARDIAN WITHHOLDS CONSENT, THE**  
5 **GUARDIAN SHALL SPECIFICALLY STATE IN WRITING:**

6                   **A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND**

7                   **B. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
8 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
9 **WITHHOLDING OF CONSENT.**

10 5-3A-35.

11           (a) A court may enter an order for a child's adoption under this subtitle only if:

12                   (1) the child placement agency consents; and

13                   (2) for a child who is at least 10 years old, the child consents.

14           (b) (1) (i) In this subsection[, "disability" means:] **THE FOLLOWING**  
15 **WORDS HAVE THE MEANINGS INDICATED.**

16                   1. a physical disability, infirmity, malformation, or  
17 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

18                   2. a mental impairment or deficiency;

19                   3. a record of having a physical or mental impairment as  
20 defined under this paragraph; or

21                   4. being regarded as having a physical or mental impairment  
22 as defined under this paragraph.

23                   (ii) "Disability" includes:

24                   1. any degree of paralysis or amputation;

25                   2. blindness or visual impairment;

26                   3. deafness or hearing impairment;

27                   4. muteness or speech impediment;

1                                 5.     physical reliance on a service animal or a wheelchair or  
2 other remedial appliance or device; and

3                                 6.     intellectual disability, as defined in § 7–101 of the Health  
4 – General Article, and any other mental impairment or deficiency that may have  
5 necessitated remedial or special education and related services.]

6                                 **(II) “DISABILITY” MEANS:**

7                                 **1.     A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
8 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

9                                 **2.     A RECORD OF HAVING A PHYSICAL OR MENTAL**  
10 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
11 **MAJOR LIFE ACTIVITIES; OR**

12                                **3.     BEING REGARDED AS HAVING A PHYSICAL OR**  
13 **MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN**  
14 **INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

15                                **(III) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES**  
16 **THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL**  
17 **TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO**  
18 **DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS**  
19 **AN INDIVIDUAL WHO IS NOT BLIND.**

20                                **(2)     (I)     A child placement agency may not withhold consent for the sole**  
21 **reason that:**

22                                **[(i)]    1.     the race, religion, color, or national origin of a prospective**  
23 **adoptive parent differs from that of the child or parent; or**

24                                **[(ii)]   2.     a prospective adoptive parent has a disability.**

25                                **(II)    1.     THIS SUBPARAGRAPH APPLIES ONLY TO A**  
26 **PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.**

27                                **2.     THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE**  
28 **THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
29 **PREVENT THE WITHHOLDING OF CONSENT.**

30                                **3.     IF THE CHILD PLACEMENT AGENCY WITHHOLDS**  
31 **CONSENT, THE AGENCY SHALL SPECIFICALLY STATE IN WRITING:**

1                   **A.     THE BASIS FOR THE WITHHOLDING OF CONSENT; AND**

2                   **B.     THE REASON THAT THE PROVISION OF SUPPORTIVE**  
3 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
4 **WITHHOLDING OF CONSENT.**

5 5-3B-19.

6           (a)     In ruling on a petition for a prospective adoptee's adoption under this subtitle,  
7 a court shall consider:

8                   (1)     all factors necessary to determine the prospective adoptee's best  
9 interests; and

10                   (2)     any report prepared for the court.

11           (b)     (1)     (i)     In this subsection[, "disability" means:] **THE FOLLOWING**  
12 **WORDS HAVE THE MEANINGS INDICATED.**

13                             1.     a physical disability, infirmity, malformation, or  
14 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

15                             2.     a mental impairment or deficiency;

16                             3.     a record of having a physical or mental impairment as  
17 defined under this paragraph; or

18                             4.     being regarded as having a physical or mental impairment  
19 as defined under this paragraph.

20                   (ii)    "Disability" includes:

21                             1.     any degree of paralysis or amputation;

22                             2.     blindness or visual impairment;

23                             3.     deafness or hearing impairment;

24                             4.     muteness or speech impediment;

25                             5.     physical reliance on a service animal or a wheelchair or  
26 other remedial appliance or device; and

27                             6.     intellectual disability, as defined in § 7-101 of the Health  
28 – General Article, and any other mental impairment or deficiency that may have  
29 necessitated remedial or special education and related services.

1                   **(II) “DISABILITY” MEANS:**

2                   **1. A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
3 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

4                   **2. A RECORD OF HAVING A PHYSICAL OR MENTAL**  
5 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
6 **MAJOR LIFE ACTIVITIES; OR**

7                   **3. BEING REGARDED AS HAVING A PHYSICAL OR**  
8 **MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN**  
9 **INDIVIDUAL’S MAJOR LIFE ACTIVITIES.**

10                   **(III) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES**  
11 **THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL**  
12 **TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO**  
13 **DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS**  
14 **AN INDIVIDUAL WHO IS NOT BLIND.**

15                   **(2) (I) In ruling on an adoption petition under this subtitle, a court may**  
16 **not deny the petition solely because the petitioner:**

17                   **[(i)] 1. is single or unmarried; or**

18                   **[(ii)] 2. has a disability.**

19                   **(II) 1. THIS SUBPARAGRAPH APPLIES TO A PETITIONER**  
20 **WHO IS BLIND.**

21                   **2. THE PETITIONER SHALL HAVE THE OPPORTUNITY TO**  
22 **PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A DENIAL OF A**  
23 **PETITION UNDER THIS SECTION.**

24                   **3. IF THE COURT DENIES THE PETITION, THE COURT**  
25 **SHALL SPECIFICALLY STATE IN WRITING:**

26                   **A. THE BASIS FOR THE DENIAL; AND**

27                   **B. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
28 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
29 **DENIAL.**

1 (a) (1) In this section[, “disability” means:] **THE FOLLOWING WORDS HAVE**  
2 **THE MEANINGS INDICATED.**

3 [(i) a physical disability, infirmity, malformation, or  
4 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

5 (ii) a mental impairment or deficiency;

6 (iii) a record of having a physical or mental impairment as  
7 defined under this subsection; or

8 (iv) being regarded as having a physical or mental impairment  
9 as defined under this subsection.

10 (2) “Disability” includes:

11 (i) any degree of paralysis or amputation;

12 (ii) blindness or visual impairment;

13 (iii) deafness or hearing impairment;

14 (iv) muteness or speech impediment;

15 (v) physical reliance on a service animal or a wheelchair or other  
16 remedial appliance or device; and

17 (vi) intellectual disability, as defined in § 7–101 of the Health –  
18 General Article, and any other mental impairment or deficiency that may have necessitated  
19 remedial or special education and related services.]

20 **(2) “DISABILITY” MEANS:**

21 **(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
22 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

23 **(II) A RECORD OF HAVING A PHYSICAL OR MENTAL**  
24 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
25 **MAJOR LIFE ACTIVITIES; OR**

26 **(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL**  
27 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
28 **MAJOR LIFE ACTIVITIES.**

1           **(3) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT**  
2 **MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL**  
3 **TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO**  
4 **DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS**  
5 **AN INDIVIDUAL WHO IS NOT BLIND.**

6           (d) (1) The local department shall provide 24-hour a day care and supportive  
7 services for a child who is committed to its custody or guardianship in an out-of-home  
8 placement on a short-term basis or placed in accordance with a voluntary placement  
9 agreement.

10           (2) (i) A child may not be committed to the custody or guardianship of  
11 a local department and placed in an out-of-home placement solely because the child’s  
12 parent or guardian lacks shelter or has a disability or solely because the child’s parents are  
13 financially unable to provide treatment or care for a child with a developmental disability  
14 or mental illness.

15                           (ii) The local department shall make appropriate referrals to  
16 emergency shelter services and other services for the homeless family with a child which  
17 lacks shelter.

18           **(3) (I) THIS PARAGRAPH APPLIES TO A PARENT OR GUARDIAN**  
19 **WHO IS BLIND.**

20                           **(II) THE PARENT OR GUARDIAN SHALL HAVE THE**  
21 **OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
22 **PREVENT A DETERMINATION TO COMMIT THE CHILD TO THE CUSTODY OR**  
23 **GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN AN**  
24 **OUT-OF-HOME PLACEMENT.**

25                           **(III) IF THE LOCAL DEPARTMENT COMMITS THE CHILD TO THE**  
26 **CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACES THE CHILD IN**  
27 **AN OUT-OF-HOME PLACEMENT, THE LOCAL DEPARTMENT SHALL SPECIFICALLY**  
28 **STATE IN WRITING:**

29   **1. THE BASIS FOR THE DETERMINATION; AND**

30   **2. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
31 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
32 **DETERMINATION.**

33           (j) The Administration shall adopt regulations that:

34                   (1) establish goals and specify permanency planning procedures that:

1 (i) maximize the prospect for reducing length of stay in out-of-home  
2 placement in the best interests of children; and

3 (ii) implement the intent of this section;

4 (2) (I) prohibit a local department from seeking the custody or  
5 guardianship of a child for placement in foster care solely because the child's parent or  
6 guardian lacks shelter or has a disability or solely because the child's parents are  
7 financially unable to provide treatment or care for a child with a developmental disability  
8 or mental illness; AND

9 (II) FOR A PARENT OR GUARDIAN WHO IS BLIND:

10 1. PROVIDE AN OPPORTUNITY FOR THE PARENT OR  
11 GUARDIAN TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT  
12 THE CHILD FROM BEING COMMITTED TO THE CUSTODY OR GUARDIANSHIP OF A  
13 LOCAL DEPARTMENT AND PLACED IN AN OUT-OF-HOME PLACEMENT; AND

14 2. REQUIRE THE LOCAL DEPARTMENT TO SPECIFICALLY  
15 STATE IN WRITING THE BASIS FOR A DETERMINATION TO COMMIT THE CHILD TO THE  
16 CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN  
17 AN OUT-OF-HOME PLACEMENT AND THE REASON THAT THE PROVISION OF  
18 SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO  
19 PREVENT THE DETERMINATION;

20 (3) specify the compelling reasons for placing a child in a local jurisdiction  
21 other than the local jurisdiction where the child's parent or guardian resides, under  
22 subsection (f)(3)(ii) of this section;

23 (4) require the local department to make appropriate referrals to  
24 emergency shelter and other services for families with children who lack shelter;

25 (5) establish criteria for investigating and approving foster homes,  
26 including requirements for window coverings in accordance with § 5-505 of this subtitle;

27 (6) for cases in which the permanency plan recommended by the local  
28 department or under consideration by the court includes appointment of a guardian and  
29 rescission of the local department's custody or guardianship of a child:

30 (i) establish criteria for investigating and determining the  
31 suitability of prospective relative or nonrelative guardians; and

32 (ii) require the filing of a report with the court as provided in §  
33 3-819.2 of the Courts Article; and



1 (7) ensure that all children in foster care who are at least 18 years of age  
2 have a birth certificate, a Social Security card, health insurance information, medical  
3 records, and a driver's license or State-issued identification card at emancipation.

4 9–107.

5 (a) (1) In this section[, “disability” means:] **THE FOLLOWING WORDS HAVE**  
6 **THE MEANINGS INDICATED.**

7 [(i) a physical disability, infirmity, malformation, or disfigurement  
8 that is caused by bodily injury, birth defect, or illness, including epilepsy;

9 (ii) a mental impairment or deficiency;

10 (iii) a record of having a physical or mental impairment as defined  
11 under this subsection; or

12 (iv) being regarded as having a physical or mental impairment as  
13 defined under this subsection.

14 (2) “Disability” includes:

15 (i) any degree of paralysis or amputation;

16 (ii) blindness or visual impairment;

17 (iii) deafness or hearing impairment;

18 (iv) muteness or speech impediment;

19 (v) physical reliance on a service animal or a wheelchair or other  
20 remedial appliance or device; and

21 (vi) intellectual disability, as defined in § 7–101 of the Health –  
22 General Article, and any other mental impairment or deficiency that may have necessitated  
23 remedial or special education and related services.]

24 **(2) “DISABILITY” MEANS:**

25 **(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT**  
26 **SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;**

27 **(II) A RECORD OF HAVING A PHYSICAL OR MENTAL**  
28 **IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S**  
29 **MAJOR LIFE ACTIVITIES; OR**

1 (III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL  
2 IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S  
3 MAJOR LIFE ACTIVITIES.

4 (3) "SUPPORTIVE PARENTING SERVICES" MEANS SERVICES THAT  
5 MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL  
6 TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO  
7 DISCHARGE THE INDIVIDUAL'S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS  
8 AN INDIVIDUAL WHO IS NOT BLIND.

9 (b) (1) [In] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
10 SUBSECTION, IN any custody or visitation proceeding, a disability of a party is relevant  
11 only to the extent that the court finds, based on evidence in the record, that the disability  
12 affects the best interest of the child.

13 (2) (I) THIS PARAGRAPH APPLIES ONLY IF A PARTY IS BLIND.

14 (II) IN ANY CUSTODY OR VISITATION PROCEEDING, THE  
15 BLINDNESS OF A PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS,  
16 BASED ON CLEAR AND CONVINCING EVIDENCE IN THE RECORD, THAT THE  
17 DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD.

18 (III) THE PARTY ALLEGING THAT THE BLINDNESS OF THE OTHER  
19 PARTY AFFECTS THE BEST INTEREST OF THE CHILD BEARS THE BURDEN OF  
20 PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE BLINDNESS OF THE  
21 OTHER PARTY AFFECTS THE BEST INTEREST OF THE CHILD.

22 (IV) IF THE BURDEN OF PROOF IS MET, THE BLIND PARTY SHALL  
23 HAVE THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES  
24 WOULD PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF  
25 THE CHILD.

26 (V) IF THE COURT FINDS THAT THE BLINDNESS OF A PARTY  
27 AFFECTS THE BEST INTEREST OF THE CHILD AND DENIES OR LIMITS CUSTODY OR  
28 VISITATION, THE COURT SHALL SPECIFICALLY STATE IN WRITING:

29 1. THE BASIS FOR THE FINDING; AND

30 2. THE REASON THAT THE PROVISION OF SUPPORTIVE  
31 PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE  
32 FINDING.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2016.