

# SENATE BILL 704

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By: **Senator Gladden**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

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## 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; and generally relating to the blindness of  
30 certain individuals in certain CINA, guardianship, adoption, custody, and visitation  
31 proceedings.

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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:

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

24 B. A mental impairment or deficiency;

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

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

29 2. “Disability” includes:

30 A. Any degree of paralysis or amputation;

31 B. Blindness or visual impairment;

32 C. Deafness or hearing impairment;

1 D. Muteness or speech impediment;

2 E. Physical reliance on a service animal or a wheelchair or  
3 other remedial appliance or device; and

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

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

13 (iii) **1. IN THIS SUBPARAGRAPH, “SUPPORTIVE PARENTING**  
14 **SERVICES” MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL IN THE**  
15 **EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS**  
16 **TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES**  
17 **TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO IS NOT BLIND.**

18 **2. THIS SUBPARAGRAPH APPLIES ONLY TO A PARENT,**  
19 **GUARDIAN, OR CUSTODIAN WHO IS BLIND.**

20 **3. IN MAKING A DISPOSITION ON A CINA PETITION**  
21 **UNDER THIS SUBTITLE, THE BLINDNESS OF A CHILD’S PARENT, GUARDIAN, OR**  
22 **CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON**  
23 **CLEAR AND CONVINCING EVIDENCE IN THE RECORD, THAT THE BLINDNESS AFFECTS**  
24 **THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE**  
25 **AND ATTENTION TO THE CHILD AND THE CHILD’S NEEDS.**

26 **4. THE PARENT, GUARDIAN, OR CUSTODIAN SHALL HAVE**  
27 **THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
28 **PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE ABILITY OF THE PARENT,**  
29 **GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD**  
30 **AND THE CHILD’S NEEDS.**

31 **5. THE COURT MAY:**

32 **A. REQUIRE THE PROVISION OF SUPPORTIVE**  
33 **PARENTING SERVICES; AND**

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

3                   **6. IF THE COURT FINDS THAT THE BLINDNESS OF THE**  
 4 **PARENT, GUARDIAN, OR CUSTODIAN AFFECTS THE ABILITY OF THE PARENT,**  
 5 **GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD**  
 6 **AND THE CHILD’S NEEDS, THE COURT SHALL SPECIFICALLY STATE IN WRITING:**

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

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

11 3–819.2.

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

14                   **(2) (I) “DISABILITY” MEANS:**

15                   [(i)] **1. A physical disability, infirmity, malformation, or**  
 16 **disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;**

17                   [(ii)] **2. A mental impairment or deficiency;**

18                   [(iii)] **3. A record of having a physical or mental impairment as**  
 19 **defined under this subsection; or**

20                   [(iv)] **4. Being regarded as having a physical or mental**  
 21 **impairment as defined under this subsection.**

22                   **[(2)] (II) “Disability” includes:**

23                   [(i)] **1. Any degree of paralysis or amputation;**

24                   [(ii)] **2. Blindness or visual impairment;**

25                   [(iii)] **3. Deafness or hearing impairment;**

26                   [(iv)] **4. Muteness or speech impediment;**

27                   [(v)] **5. Physical reliance on a service animal or a wheelchair or**  
 28 **other remedial appliance or device; and**

1                    [(vi)] **6.** Intellectual disability, as defined in § 7–101 of the Health  
2 – General Article, and any other mental impairment or deficiency that may have  
3 necessitated remedial or special education and related services.

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

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

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

21                    **(III) THE RELATIVE OR NONRELATIVE SHALL HAVE THE**  
22 **OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD**  
23 **PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE**  
24 **CHILD.**

25                    **(IV) THE COURT MAY:**

26                    1. **REQUIRE THE PROVISION OF SUPPORTIVE**  
27 **PARENTING SERVICES; AND**

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

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

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

1                                   **2. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
 2 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
 3 **FINDING.**

4                                   **Article – Family Law**

5 5–338.

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

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

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

11                                   [2.] **B.** a mental impairment or deficiency;

12                                   [3.] **C.** a record of having a physical or mental impairment  
 13 as defined under this paragraph; or

14                                   [4.] **D.** being regarded as having a physical or mental  
 15 impairment as defined under this paragraph.

16                                   **[(ii)] 2. “Disability” includes:**

17                                   [1.] **A.** any degree of paralysis or amputation;

18                                   [2.] **B.** blindness or visual impairment;

19                                   [3.] **C.** deafness or hearing impairment;

20                                   [4.] **D.** muteness or speech impediment;

21                                   [5.] **E.** physical reliance on a service animal or a  
 22 wheelchair or other remedial appliance or device; and

23                                   [6.] **F.** intellectual disability, as defined in § 7–101 of the  
 24 Health – General Article, and any other mental impairment or deficiency that may have  
 25 necessitated remedial or special education and related services.

26                                   **(III) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES**  
 27 **THAT MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL**  
 28 **TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO**

1 **DISCHARGE THE INDIVIDUAL'S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS**  
2 **AN INDIVIDUAL WHO IS NOT BLIND.**

3 (2) (I) A local department may not withhold consent for the sole reason  
4 that:

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

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

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

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

13 3. **IF THE LOCAL DEPARTMENT WITHHOLDS CONSENT,**  
14 **THE LOCAL DEPARTMENT SHALL SPECIFICALLY STATE IN WRITING:**

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

16 B. **THE REASON THAT THE PROVISION OF SUPPORTIVE**  
17 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
18 **WITHHOLDING OF CONSENT.**

19 5-350.

20 (a) A juvenile court may enter an order for a child's adoption under this Part IV  
21 of this subtitle only if:

22 (1) for an individual under the age of 18 years, the individual's guardian  
23 consents; and

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

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

27 (II) 1. **"DISABILITY" MEANS:**

28 [1.] A. a physical disability, infirmity, malformation, or  
29 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

1 [2.] B. a mental impairment or deficiency;

2 [3.] C. a record of having a physical or mental impairment  
3 as defined under this paragraph; or

4 [4.] D. being regarded as having a physical or mental  
5 impairment as defined under this paragraph.

6 [(ii)] 2. "Disability" includes:

7 [1.] A. any degree of paralysis or amputation;

8 [2.] B. blindness or visual impairment;

9 [3.] C. deafness or hearing impairment;

10 [4.] D. muteness or speech impediment;

11 [5.] E. physical reliance on a service animal or a  
12 wheelchair or other remedial appliance or device; and

13 [6.] F. intellectual disability, as defined in § 7-101 of the  
14 Health – General Article, and any other mental impairment or deficiency that may have  
15 necessitated remedial or special education and related services.

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

21 (2) (I) A guardian may not withhold consent for the sole 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.



1                   **3. IF THE GUARDIAN WITHHOLDS CONSENT, THE**  
2 **GUARDIAN SHALL SPECIFICALLY STATE IN WRITING:**

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

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

7 5-3A-35.

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

9                   (1) the child placement agency consents; and

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

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

13                   **(II) 1. "DISABILITY" MEANS:**

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

16                   [2.] **B.** a mental impairment or deficiency;

17                   [3.] **C.** a record of having a physical or mental impairment  
18 as defined under this paragraph; or

19                   [4.] **D.** being regarded as having a physical or mental  
20 impairment as defined under this paragraph.

21                   **[(ii)] 2. "Disability" includes:**

22                   [1.] **A.** any degree of paralysis or amputation;

23                   [2.] **B.** blindness or visual impairment;

24                   [3.] **C.** deafness or hearing impairment;

25                   [4.] **D.** muteness or speech impediment;

26                   [5.] **E.** physical reliance on a service animal or a  
27 wheelchair or other remedial appliance or device; and

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

4                   **(III) “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES**  
5 **THAT 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                   **(2) (I)**       A child placement agency may not withhold consent for the sole  
10 reason that:

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

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

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

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

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

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

22                   **B. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
23 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
24 **WITHHOLDING OF CONSENT.**

25 5–3B–19.

26                   **(a)**       In ruling on a petition for a prospective adoptee’s adoption under this subtitle,  
27 a court shall consider:

28                   **(1)**       all factors necessary to determine the prospective adoptee’s best  
29 interests; and

30                   **(2)**       any report prepared for the court.

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

3 (II) 1. **“DISABILITY” MEANS:**

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

6 [2.] **B.** a mental impairment or deficiency;

7 [3.] **C.** a record of having a physical or mental impairment  
 8 as defined under this paragraph; or

9 [4.] **D.** being regarded as having a physical or mental  
 10 impairment as defined under this paragraph.

11 [(ii)] 2. **“Disability” includes:**

12 [1.] **A.** any degree of paralysis or amputation;

13 [2.] **B.** blindness or visual impairment;

14 [3.] **C.** deafness or hearing impairment;

15 [4.] **D.** muteness or speech impediment;

16 [5.] **E.** physical reliance on a service animal or a  
 17 wheelchair or other remedial appliance or device; and

18 [6.] **F.** intellectual disability, as defined in § 7–101 of the  
 19 Health – General Article, and any other mental impairment or deficiency that may have  
 20 necessitated remedial or special education and related services.

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

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

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

29 [(ii)] 2. has a disability.

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

3                                   **2. THE PETITIONER SHALL HAVE THE OPPORTUNITY TO**  
 4 **PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A DENIAL OF A**  
 5 **PETITION UNDER THIS SECTION.**

6                                   **3. IF THE COURT DENIES THE PETITION, THE COURT**  
 7 **SHALL SPECIFICALLY STATE IN WRITING:**

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

9                                   **B. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
 10 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
 11 **DENIAL.**

12 5-525.

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

15                                   **(2) (I) “DISABILITY” MEANS:**

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

18                                   **[(ii)] 2. a mental impairment or deficiency;**

19                                   **[(iii)] 3. a record of having a physical or mental impairment as**  
 20 **defined under this subsection; or**

21                                   **[(iv)] 4. being regarded as having a physical or mental impairment**  
 22 **as defined under this subsection.**

23                                   **[(2)] (II) “Disability” includes:**

24                                   **[(i)] 1. any degree of paralysis or amputation;**

25                                   **[(ii)] 2. blindness or visual impairment;**

26                                   **[(iii)] 3. deafness or hearing impairment;**

27                                   **[(iv)] 4. muteness or speech impediment;**

1                    [(v)] 5.     physical reliance on a service animal or a wheelchair or  
2 other remedial appliance or device; and

3                    [(vi)] 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                    (3)     “SUPPORTIVE PARENTING SERVICES” MEANS SERVICES THAT  
7 MAY ASSIST A BLIND INDIVIDUAL IN THE EFFECTIVE USE OF NONVISUAL  
8 TECHNIQUES AND OTHER ALTERNATIVE METHODS TO ENABLE THE INDIVIDUAL TO  
9 DISCHARGE THE INDIVIDUAL’S RESPONSIBILITIES TO A CHILD AS SUCCESSFULLY AS  
10 AN INDIVIDUAL WHO IS NOT BLIND.

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

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

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

23                    (3)     (I)     THIS PARAGRAPH APPLIES TO A PARENT OR GUARDIAN  
24 WHO IS BLIND.

25                    (II)    THE PARENT OR GUARDIAN SHALL HAVE THE  
26 OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD  
27 PREVENT A DETERMINATION TO COMMIT THE CHILD TO THE CUSTODY OR  
28 GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN AN  
29 OUT–OF–HOME PLACEMENT.

30                    (III)   IF THE LOCAL DEPARTMENT COMMITS THE CHILD TO THE  
31 CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACES THE CHILD IN  
32 AN OUT–OF–HOME PLACEMENT, THE LOCAL DEPARTMENT SHALL SPECIFICALLY  
33 STATE IN WRITING:

34                    1.     THE BASIS FOR THE DETERMINATION; AND

1                                   **2. THE REASON THAT THE PROVISION OF SUPPORTIVE**  
2 **PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE**  
3 **DETERMINATION.**

4           (j)     The Administration shall adopt regulations that:

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

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

8                           (ii)    implement the intent of this section;

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

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

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

19                           **2. REQUIRE THE LOCAL DEPARTMENT TO SPECIFICALLY**  
20 **STATE IN WRITING THE BASIS FOR A DETERMINATION TO COMMIT THE CHILD TO THE**  
21 **CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN**  
22 **AN OUT-OF-HOME PLACEMENT AND THE REASON THAT THE PROVISION OF**  
23 **SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO**  
24 **PREVENT THE DETERMINATION;**

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

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

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

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

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

6 (ii) require the filing of a report with the court as provided in §  
7 3-819.2 of the Courts Article; and

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

11 9-107.

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

14 **(2) (I) "DISABILITY" MEANS:**

15 [(i)] 1. a physical disability, infirmity, malformation, or  
16 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

17 [(ii)] 2. a mental impairment or deficiency;

18 [(iii)] 3. a record of having a physical or mental impairment as  
19 defined under this subsection; or

20 [(iv)] 4. being regarded as having a physical or mental impairment  
21 as defined under this subsection.

22 **[(2)] (II) "Disability" includes:**

23 [(i)] 1. any degree of paralysis or amputation;

24 [(ii)] 2. blindness or visual impairment;

25 [(iii)] 3. deafness or hearing impairment;

26 [(iv)] 4. muteness or speech impediment;

27 [(v)] 5. physical reliance on a service animal or a wheelchair or  
28 other remedial appliance or device; and

1                    [(vi)] **6.**     intellectual disability, as defined in § 7–101 of the Health  
2 – General Article, and any other mental impairment or deficiency that may have  
3 necessitated remedial or special education and related services.

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.



