

2023 Kansas Statutes

39-1116. Same; blindness of parent or prospective parent in parentage, dissolution of marriage, adoption, guardianship and child in need of care cases; considerations and restrictions. (a) In any action brought under article 22 or article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto:

(1) A parent's blindness shall not serve as a basis for denial or restriction of legal custody, residency or parenting time when such legal custody, residency or parenting time is determined to be otherwise in the best interests of the child;

(2) (A) if a parent's blindness is alleged to not be in the best interests of a child, the party asserting such allegation shall have the burden of proving by clear and convincing evidence that the parent's blindness is not in the best interests of the child;

(B) if a party asserting an allegation described in subparagraph (A) has satisfied such party's burden of proof, the blind parent shall have the opportunity to present evidence that, with the implementation of supportive parenting services, placement with such parent is in the best interests of the child; and

(C) the court may issue an order requiring that supportive parenting services be implemented, and the parties may request that the court review the need for continuing such supportive parenting services after a reasonable period of time; and

(3) if a court denies or otherwise restricts a blind parent's request for legal custody, residency or parenting time, the court shall make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation that is required to prevent such denial or restriction.

(b) In any action brought under article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, a prospective parent's blindness shall not serve as a basis for the denial of such prospective parent's participation in any adoption when such adoption is determined to be otherwise in the best interests of the child.

(c) In any action brought under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, an individual's blindness shall not serve as a basis for the denial of such individual's appointment as a guardian when such appointment is determined to be otherwise in the best interests of the child.

(d) An individual's blindness shall not serve as a basis for the denial or restriction of such individual's licensure as a family foster home.

(e) (1) In any action brought under article 22 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, an individual's blindness shall not serve as a basis for an order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights.

(2) If a court issues an order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights that is adverse to an individual who is a party to the proceeding and who is blind, the court shall make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation that is required to prevent such adverse order.

History: L. 2022, ch. 75, § 3; April 28.