

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 54

SENATE BILL 1198

AN ACT

AMENDING TITLE 8, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-136; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-509.01; AMENDING TITLE 8, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-831; AMENDING TITLE 14, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 14-5213; AMENDING TITLE 25, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-417; RELATING TO RIGHTS OF BLIND PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 8-136, to read:

4 8-136. Adoptive parent's blindness; certification; grant of
5 adoption; burden of proof; specific written
6 findings; definitions

7 A. A COURT MAY NOT REFUSE TO DO EITHER OF THE FOLLOWING:

8 1. CERTIFY A PROSPECTIVE ADOPTIVE PARENT AS ACCEPTABLE TO ADOPT
9 CHILDREN BASED ON THE PROSPECTIVE ADOPTIVE PARENT'S BLINDNESS, IF THE
10 PROSPECTIVE ADOPTIVE PARENT IS OTHERWISE ACCEPTABLE TO ADOPT CHILDREN.

11 2. GRANT AN ADOPTION TO A POTENTIAL ADOPTIVE PARENT BASED ON THE
12 PROSPECTIVE ADOPTIVE PARENT'S BLINDNESS, IF THE ADOPTION IS DETERMINED TO
13 BE OTHERWISE IN THE BEST INTERESTS OF THE CHILD.

14 B. IF A PROSPECTIVE ADOPTIVE PARENT'S BLINDNESS IS ALLEGED TO HAVE
15 A DETRIMENTAL IMPACT ON A CHILD, THE PARTY WHO RAISES THE ALLEGATION HAS
16 THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE
17 PROSPECTIVE ADOPTIVE PARENT'S BEHAVIOR ENDANGERS OR IS LIKELY TO ENDANGER
18 THE HEALTH, SAFETY OR WELFARE OF THE CHILD.

19 C. IF THE COURT DENIES OR LIMITS THE GRANT OF THE ADOPTION TO THE
20 PROSPECTIVE ADOPTIVE PARENT, THE COURT SHALL MAKE SPECIFIC WRITTEN
21 FINDINGS THAT STATE THE BASIS OF THE DENIAL OR LIMITATION.

22 D. FOR THE PURPOSES OF THIS SECTION:

23 1. "BLINDNESS" MEANS HAVING EITHER OF THE FOLLOWING:

24 (a) A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE
25 WITH THE USE OF A CORRECTING LENS.

26 (b) A DEGENERATIVE CONDITION THAT REASONABLY CAN BE EXPECTED TO
27 RESULT IN A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH
28 THE USE OF A CORRECTING LENS.

29 2. "CENTRAL VISUAL ACUITY OF 20/200 OR LESS" INCLUDES HAVING A
30 LIMITATION IN THE FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE
31 VISUAL FIELD SUBTENDS AN ANGLE OF NOT MORE THAN TWENTY DEGREES.

32 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
33 amended by adding section 8-509.01, to read:

34 8-509.01. Prospective foster parent's blindness; burden of
35 proof; specific written findings; definitions

36 A. THE DEPARTMENT MAY NOT REFUSE TO LICENSE A FOSTER HOME BASED ON
37 A PROSPECTIVE FOSTER PARENT'S BLINDNESS, IF THE FOSTER HOME OTHERWISE
38 QUALIFIES FOR LICENSURE.

39 B. IF A PROSPECTIVE FOSTER PARENT'S BLINDNESS IS ALLEGED TO HAVE A
40 DETRIMENTAL IMPACT ON THE OPERATION OF THE FOSTER HOME, THE PERSON WHO
41 RAISES THE ALLEGATION HAS THE BURDEN OF SHOWING BY CLEAR AND CONVINCING
42 EVIDENCE THAT THE PROSPECTIVE FOSTER PARENT'S BEHAVIOR ENDANGERS OR IS
43 LIKELY TO ENDANGER THE HEALTH, SAFETY OR WELFARE OF A CHILD PLACED WITH
44 THE FOSTER HOME.

1 C. IF THE DEPARTMENT DENIES OR LIMITS THE LICENSING OF THE FOSTER
2 HOME OPERATED BY THE PROSPECTIVE FOSTER PARENT, THE DEPARTMENT SHALL MAKE
3 SPECIFIC WRITTEN FINDINGS THAT STATE THE BASIS OF THE DENIAL OR
4 LIMITATION.

5 D. FOR THE PURPOSES OF THIS SECTION:

6 1. "BLINDNESS" MEANS HAVING EITHER OF THE FOLLOWING:

7 (a) A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE
8 WITH THE USE OF A CORRECTING LENS.

9 (b) A DEGENERATIVE CONDITION THAT REASONABLY CAN BE EXPECTED TO
10 RESULT IN A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH
11 THE USE OF A CORRECTING LENS.

12 2. "CENTRAL VISUAL ACUITY OF 20/200 OR LESS" INCLUDES HAVING A
13 LIMITATION IN THE FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE
14 VISUAL FIELD SUBTENDS AN ANGLE OF NOT MORE THAN TWENTY DEGREES.

15 Sec. 3. Title 8, chapter 4, article 9, Arizona Revised Statutes, is
16 amended by adding section 8-831, to read:

17 8-831. Parent's blindness; burden of proof; specific written
18 findings; definitions

19 A. A COURT MAY NOT DO EITHER OF THE FOLLOWING:

20 1. AUTHORIZE THE REMOVAL OF A CHILD FROM THE CHILD'S HOME BASED ON
21 THE BLINDNESS OF THE CHILD'S PARENT, IF IT IS OTHERWISE IN THE BEST
22 INTERESTS OF THE CHILD TO REMAIN IN THE CHILD'S HOME.

23 2. REFUSE TO ALLOW THE VISITATION BY OR REUNIFICATION OF A PARENT
24 WITH A CHILD BASED ON THE BLINDNESS OF THE PARENT, IF THE VISITATION OR
25 REUNIFICATION IS OTHERWISE IN THE BEST INTERESTS OF THE CHILD.

26 B. IF A PARENT'S BLINDNESS IS ALLEGED TO HAVE A DETRIMENTAL IMPACT
27 ON A CHILD, THE PARTY WHO RAISES THE ALLEGATION HAS THE BURDEN OF PROVING
28 BY CLEAR AND CONVINCING EVIDENCE THAT THE PARENT'S BEHAVIOR ENDANGERS OR
29 IS LIKELY TO ENDANGER THE HEALTH, SAFETY OR WELFARE OF THE CHILD.

30 C. IF THE COURT GRANTS REMOVAL OF THE CHILD OR DENIES OR LIMITS THE
31 PARENT'S VISITATION OR REUNIFICATION WITH THE CHILD, THE COURT SHALL MAKE
32 SPECIFIC WRITTEN FINDINGS THAT STATE THE BASIS OF THE REMOVAL, DENIAL OR
33 LIMITATION.

34 D. FOR THE PURPOSES OF THIS SECTION:

35 1. "BLINDNESS" MEANS HAVING EITHER OF THE FOLLOWING:

36 (a) A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE
37 WITH THE USE OF A CORRECTING LENS.

38 (b) A DEGENERATIVE CONDITION THAT REASONABLY CAN BE EXPECTED TO
39 RESULT IN A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH
40 THE USE OF A CORRECTING LENS.

41 2. "CENTRAL VISUAL ACUITY OF 20/200 OR LESS" INCLUDES HAVING A
42 LIMITATION IN THE FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE
43 VISUAL FIELD SUBTENDS AN ANGLE OF NOT MORE THAN TWENTY DEGREES.

1 Sec. 4. Title 14, chapter 5, article 2, Arizona Revised Statutes,
2 is amended by adding section 14-5213, to read:

3 14-5213. Prospective guardian's blindness; burden of proof;
4 specific written findings; definitions

5 A. A COURT MAY NOT REFUSE TO APPOINT AN INDIVIDUAL AS GUARDIAN OF A
6 MINOR BASED ON THE INDIVIDUAL'S BLINDNESS IF THE APPOINTMENT IS DETERMINED
7 TO BE OTHERWISE IN THE BEST INTERESTS OF THE MINOR.

8 B. IF AN INDIVIDUAL'S BLINDNESS IS ALLEGED TO HAVE A DETRIMENTAL
9 IMPACT ON A MINOR, THE PARTY WHO RAISES THE ALLEGATION HAS THE BURDEN OF
10 PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL'S BEHAVIOR
11 ENDANGERS OR IS LIKELY TO ENDANGER THE HEALTH, SAFETY OR WELFARE OF THE
12 MINOR.

13 C. IF THE COURT DENIES OR LIMITS THE BLIND INDIVIDUAL'S APPOINTMENT
14 AS GUARDIAN, THE COURT SHALL MAKE SPECIFIC WRITTEN FINDINGS THAT STATE THE
15 BASIS OF THE DENIAL OR LIMITATION.

16 D. FOR THE PURPOSES OF THIS SECTION:

17 1. "BLINDNESS" MEANS HAVING EITHER OF THE FOLLOWING:

18 (a) A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE
19 WITH THE USE OF A CORRECTING LENS.

20 (b) A DEGENERATIVE CONDITION THAT REASONABLY CAN BE EXPECTED TO
21 RESULT IN A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH
22 THE USE OF A CORRECTING LENS.

23 2. "CENTRAL VISUAL ACUITY OF 20/200 OR LESS" INCLUDES HAVING A
24 LIMITATION IN THE FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE
25 VISUAL FIELD SUBTENDS AN ANGLE OF NOT MORE THAN TWENTY DEGREES.

26 Sec. 5. Title 25, chapter 4, article 1, Arizona Revised Statutes,
27 is amended by adding section 25-417, to read:

28 25-417. Parent's blindness; burden of proof; specific written
29 findings; definitions

30 A. IN DETERMINING PARENTING TIME OR PARTICIPATION IN LEGAL
31 DECISION-MAKING, THE COURT MAY NOT CONSIDER A PARENT'S BLINDNESS, UNLESS
32 THE COURT SPECIFICALLY FINDS BOTH OF THE FOLLOWING:

33 1. THE BLINDNESS SIGNIFICANTLY OR SUBSTANTIALLY INHIBITS THE
34 PARENT'S ABILITY TO PROVIDE FOR THE PHYSICAL AND EMOTIONAL NEEDS OF THE
35 CHILD.

36 2. THE PARENT LACKS SUFFICIENT HUMAN, MONETARY OR OTHER RESOURCES
37 TO SUPPLEMENT THE PARENT'S ABILITY TO PROVIDE FOR THE PHYSICAL AND
38 EMOTIONAL NEEDS OF THE CHILD.

39 B. IF A PARENT'S BLINDNESS IS ALLEGED TO HAVE A DETRIMENTAL IMPACT
40 ON A CHILD, THE PARTY WHO RAISES THE ALLEGATION HAS THE BURDEN OF PROVING
41 BY CLEAR AND CONVINCING EVIDENCE THAT THE FINDINGS PRESCRIBED IN
42 SUBSECTION A OF THIS SECTION EXIST.

43 C. IF THE COURT DENIES OR LIMITS PARENTING TIME OR LEGAL
44 DECISION-MAKING, THE COURT SHALL MAKE SPECIFIC WRITTEN FINDINGS THAT STATE
45 THE BASIS OF THE DENIAL OR LIMITATION.

1 D. FOR THE PURPOSES OF THIS SECTION:
2 1. "BLINDNESS" MEANS HAVING EITHER OF THE FOLLOWING:
3 (a) A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE
4 WITH THE USE OF A CORRECTING LENS.
5 (b) A DEGENERATIVE CONDITION THAT REASONABLY CAN BE EXPECTED TO
6 RESULT IN A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH
7 THE USE OF A CORRECTING LENS.
8 2. "CENTRAL VISUAL ACUITY OF 20/200 OR LESS" INCLUDES HAVING A
9 LIMITATION IN THE FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE
10 VISUAL FIELD SUBTENDS AN ANGLE OF NOT MORE THAN TWENTY DEGREES.

APPROVED BY THE GOVERNOR MARCH 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018.