

SENATE BILL 765

D4

6lr2529

By: Senators Raskin, Benson, Ferguson, Guzzone, Hough, King, Lee, Muse, Ramirez, Ready, Rosapepe, and Young Young, and Zirkin

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2016

CHAPTER _____

1 AN ACT concerning

2 **CINA, Guardianship, Adoption, Custody, and Visitation – ~~Blindness~~ Disability of**
3 **Parent, 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~~ disability of~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 a party is relevant only to the extent that the court finds, based on ~~clear and~~
 2 ~~convincing~~ evidence in the record, that the ~~blindness~~ disability affects the best
 3 interest of the child; requiring, in a certain custody or visitation proceeding, the party
 4 alleging that the ~~blindness~~ disability of the other party affects the best interest of
 5 the child to bear a certain burden of proof; ~~defining a certain term; altering the~~
 6 definition of “disability” in certain provisions of law; providing for the construction
 7 of “disability” in certain provisions of law; and generally relating to the ~~blindness~~
 8 disability of certain individuals in certain CINA, guardianship, adoption, custody,
 9 and visitation proceedings.

10 BY repealing and reenacting, with amendments,
 11 Article – Courts and Judicial Proceedings
 12 Section 3–819(b)(2) and 3–819.2(a) ~~and (g)~~
 13 Annotated Code of Maryland
 14 (2013 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, without amendments,
 16 Article – Courts and Judicial Proceedings
 17 Section 3–819.2(g)
 18 Annotated Code of Maryland
 19 (2013 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article – Family Law
 22 Section 5–338(b), 5–350, 5–3A–35(b), 5–3B–19, 5–525(a), ~~(d), and (j),~~ and
 23 9–107
 24 Annotated Code of Maryland
 25 (2012 Replacement Volume and 2015 Supplement)

26 BY repealing and reenacting, without amendments,
 27 Article – Family Law
 28 Section 5–3A–35(a) and 5–525(d) and (j)
 29 Annotated Code of Maryland
 30 (2012 Replacement Volume and 2015 Supplement)

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

33 Article – Courts and Judicial Proceedings

34 3–819.

35 (b) (2) (i) 1. In this paragraph, “disability” means:

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

~~B. A mental impairment or deficiency;~~

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

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

~~2. "Disability" includes:~~

~~A. Any degree of paralysis or amputation;~~

~~B. Blindness or visual impairment;~~

~~C. Deafness or hearing impairment;~~

~~D. Muteness or speech impediment;~~

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

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

A. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;

B. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

C. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

2. "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

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

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

6 ~~2. THIS SUBPARAGRAPH APPLIES ONLY TO A PARENT,~~
7 ~~GUARDIAN, OR CUSTODIAN WHO IS BLIND.~~

8 ~~3. IN MAKING A DISPOSITION ON A CINA PETITION~~
9 ~~UNDER THIS SUBTITLE, THE BLINDNESS OF A CHILD’S PARENT, GUARDIAN, OR~~
10 ~~CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON~~
11 ~~CLEAR AND CONVINCING EVIDENCE IN THE RECORD, THAT THE BLINDNESS AFFECTS~~
12 ~~THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE~~
13 ~~AND ATTENTION TO THE CHILD AND THE CHILD’S NEEDS.~~

14 ~~4. THE PARENT, GUARDIAN, OR CUSTODIAN SHALL HAVE~~
15 ~~THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD~~
16 ~~PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE ABILITY OF THE PARENT,~~
17 ~~GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD~~
18 ~~AND THE CHILD’S NEEDS.~~

19 ~~5. THE COURT MAY:~~

20 ~~A. REQUIRE THE PROVISION OF SUPPORTIVE~~
21 ~~PARENTING SERVICES; AND~~

22 ~~B. REVIEW THE NEED FOR THE CONTINUATION OF~~
23 ~~SUPPORTIVE PARENTING SERVICES WITHIN A REASONABLE PERIOD OF TIME.~~

24 ~~6. IF THE COURT FINDS THAT THE BLINDNESS OF THE~~
25 ~~PARENT, GUARDIAN, OR CUSTODIAN AFFECTS THE ABILITY OF THE PARENT,~~
26 ~~GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD~~
27 ~~AND THE CHILD’S NEEDS, THE COURT SHALL SPECIFICALLY STATE IN WRITING:~~

28 ~~A. THE BASIS FOR THE FINDING; AND~~

29 ~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE~~
30 ~~PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE~~
31 ~~FINDING.~~

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

~~(2) (I) “DISABILITY” MEANS:~~

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

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

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

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

~~(2) (II) “Disability” includes:~~

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

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

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

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

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

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

~~(3) “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.~~

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

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S 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 (2) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE
 5 ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

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

11 ~~(2) (i) THIS PARAGRAPH APPLIES ONLY TO A RELATIVE OR~~
 12 ~~NONRELATIVE WHO IS BLIND.~~

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

18 ~~(iii) THE RELATIVE OR NONRELATIVE SHALL HAVE THE~~
 19 ~~OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD~~
 20 ~~PREVENT A FINDING THAT THE BLINDNESS AFFECTS THE BEST INTEREST OF THE~~
 21 ~~CHILD.~~

22 ~~(iv) THE COURT MAY:~~

23 ~~1. REQUIRE THE PROVISION OF SUPPORTIVE~~
 24 ~~PARENTING SERVICES; AND~~

25 ~~2. REVIEW THE NEED FOR THE CONTINUATION OF~~
 26 ~~SUPPORTIVE PARENTING SERVICES WITHIN A REASONABLE PERIOD OF TIME.~~

27 ~~(v) IF THE COURT FINDS THAT THE BLINDNESS OF THE~~
 28 ~~RELATIVE OR NONRELATIVE AFFECTS THE BEST INTEREST OF THE CHILD, THE~~
 29 ~~COURT SHALL SPECIFICALLY STATE IN WRITING:~~

30 ~~1. THE BASIS FOR THE FINDING; AND~~

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

Article – Family Law

5–338.

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

~~(H) 1. “DISABILITY” MEANS:~~

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

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

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

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

~~{(i)} 2. “Disability” includes:~~

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

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

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

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

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

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

~~(H) “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.~~

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

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

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

(II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

(2) ~~(H)~~ A local department may not withhold consent for the sole reason that:

~~{(i)} 1.~~ the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

~~{(ii)} 2.~~ a prospective adoptive parent has a disability.

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

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

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

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

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

5-350.

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

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

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

4 (b) (1) (i) In this subsection~~], “disability” means:]~~ ~~THE FOLLOWING~~
5 ~~WORDS HAVE THE MEANINGS INDICATED.~~

6 (H) ~~1. “DISABILITY” MEANS:~~

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

9 ~~[2.] B. a mental impairment or deficiency;~~

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

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

14 ~~(ii) 2. “Disability” includes:~~

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

16 ~~[2.] B. blindness or visual impairment;~~

17 ~~[3.] C. deafness or hearing impairment;~~

18 ~~[4.] D. muteness or speech impediment;~~

19 ~~[5.] E. physical reliance on a service animal or a~~
20 ~~wheelchair or other remedial appliance or device; and~~

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

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

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

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

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

9 (II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH
 10 THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

11 (2) ~~(H)~~ A guardian may not withhold consent for the sole reason that:

12 ~~{(i)}~~ ~~1.~~ the race, religion, color, or national origin of a prospective
 13 adoptive parent differs from that of the child or parent; or

14 ~~{(ii)}~~ ~~2.~~ a prospective adoptive parent has a disability.

15 ~~(H) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A~~
 16 ~~PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.~~

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

20 ~~3. IF THE GUARDIAN WITHHOLDS CONSENT, THE~~
 21 ~~GUARDIAN SHALL SPECIFICALLY STATE IN WRITING:~~

22 ~~A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND~~

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

26 5-3A-35.

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

28 (1) the child placement agency consents; and

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

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

~~(H) 1. “DISABILITY” MEANS:~~

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

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

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

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

~~{(i)} 2. “Disability” includes:~~

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

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

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

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

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

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

~~(H) “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.~~

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

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

1 **3. 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 **(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH**
5 **THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.**

6 (2) ~~(H)~~ A child placement agency may not withhold consent for the sole
7 reason that:

8 ~~{(i)}~~ ~~1.~~ the race, religion, color, or national origin of a prospective
9 adoptive parent differs from that of the child or parent; or

10 ~~{(ii)}~~ ~~2.~~ a prospective adoptive parent has a disability.

11 ~~(H) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A~~
12 ~~PROSPECTIVE ADOPTIVE PARENT WHO IS BLIND.~~

13 ~~2. THE PROSPECTIVE ADOPTIVE PARENT SHALL HAVE~~
14 ~~THE OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD~~
15 ~~PREVENT THE WITHHOLDING OF CONSENT.~~

16 ~~3. IF THE CHILD PLACEMENT AGENCY WITHHOLDS~~
17 ~~CONSENT, THE AGENCY SHALL SPECIFICALLY STATE IN WRITING:~~

18 ~~A. THE BASIS FOR THE WITHHOLDING OF CONSENT; AND~~

19 ~~B. THE REASON THAT THE PROVISION OF SUPPORTIVE~~
20 ~~PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE~~
21 ~~WITHHOLDING OF CONSENT.~~

22 5-3B-19.

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

25 (1) all factors necessary to determine the prospective adoptee’s best
26 interests; and

27 (2) any report prepared for the court.

28 (b) (1) (i) In this subsection~~], “disability” means:]~~ ~~THE FOLLOWING~~
29 ~~WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) 1. "DISABILITY" MEANS:~~~~{1.} A. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~~~{2.} B. a mental impairment or deficiency;~~~~{3.} C. a record of having a physical or mental impairment as defined under this paragraph; or~~~~{4.} D. being regarded as having a physical or mental impairment as defined under this paragraph.~~~~{(ii)} 2. "Disability" includes:~~~~{1.} A. any degree of paralysis or amputation;~~~~{2.} B. blindness or visual impairment;~~~~{3.} C. deafness or hearing impairment;~~~~{4.} D. muteness or speech impediment;~~~~{5.} E. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and~~~~{6.} F. intellectual disability, as defined in § 7-101 of the Health General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.~~~~(H) "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.~~~~1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;~~~~2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR~~

1 3. 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 (II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH
 5 THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

6 (2) ~~(H)~~ In ruling on an adoption petition under this subtitle, a court may
 7 not deny the petition solely because the petitioner:

8 ~~{(i)} 1.~~ is single or unmarried; or

9 ~~{(ii)} 2.~~ has a disability.

10 ~~(H) 1. THIS SUBPARAGRAPH APPLIES TO A PETITIONER~~
 11 ~~WHO IS BLIND.~~

12 ~~2. THE PETITIONER SHALL HAVE THE OPPORTUNITY TO~~
 13 ~~PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT A DENIAL OF A~~
 14 ~~PETITION UNDER THIS SECTION.~~

15 ~~3. IF THE COURT DENIES THE PETITION, THE COURT~~
 16 ~~SHALL SPECIFICALLY STATE IN WRITING:~~

17 ~~A. THE BASIS FOR THE DENIAL; AND~~

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

21 5-525.

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

24 ~~(2) (I) "DISABILITY" MEANS:~~

25 ~~{(i)} 1. a physical disability, infirmity, malformation, or~~
 26 ~~disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;~~

27 ~~{(ii)} 2. a mental impairment or deficiency;~~

28 ~~{(iii)} 3. a record of having a physical or mental impairment as~~
 29 ~~defined under this subsection; or~~

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

~~[(2)] (H) "Disability" includes:~~

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

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

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

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

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

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

~~(3) "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.~~

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

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

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

(2) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

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

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

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

9 ~~(3) (i) THIS PARAGRAPH APPLIES TO A PARENT OR GUARDIAN
10 WHO IS BLIND.~~

11 ~~(H) THE PARENT OR GUARDIAN SHALL HAVE THE
12 OPPORTUNITY TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD
13 PREVENT A DETERMINATION TO COMMIT THE CHILD TO THE CUSTODY OR
14 GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN AN
15 OUT-OF-HOME PLACEMENT.~~

16 ~~(HH) IF THE LOCAL DEPARTMENT COMMITS THE CHILD TO THE
17 CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACES THE CHILD IN
18 AN OUT-OF-HOME PLACEMENT, THE LOCAL DEPARTMENT SHALL SPECIFICALLY
19 STATE IN WRITING:~~

20 ~~1. THE BASIS FOR THE DETERMINATION; AND~~

21 ~~2. THE REASON THAT THE PROVISION OF SUPPORTIVE
22 PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO PREVENT THE
23 DETERMINATION.~~

24 (j) The Administration shall adopt regulations that:

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

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

28 (ii) implement the intent of this section;

29 (2) ~~(H)~~ prohibit a local department from seeking the custody or
30 guardianship of a child for placement in foster care solely because the child's parent or
31 guardian lacks shelter or has a disability or solely because the child's parents are
32 financially unable to provide treatment or care for a child with a developmental disability
33 or mental illness; ~~AND~~

1 ~~(H) FOR A PARENT OR GUARDIAN WHO IS BLIND:~~

2 ~~1. PROVIDE AN OPPORTUNITY FOR THE PARENT OR~~
3 ~~GUARDIAN TO PROVE THAT SUPPORTIVE PARENTING SERVICES WOULD PREVENT~~
4 ~~THE CHILD FROM BEING COMMITTED TO THE CUSTODY OR GUARDIANSHIP OF A~~
5 ~~LOCAL DEPARTMENT AND PLACED IN AN OUT OF HOME PLACEMENT; AND~~

6 ~~2. REQUIRE THE LOCAL DEPARTMENT TO SPECIFICALLY~~
7 ~~STATE IN WRITING THE BASIS FOR A DETERMINATION TO COMMIT THE CHILD TO THE~~
8 ~~CUSTODY OR GUARDIANSHIP OF A LOCAL DEPARTMENT AND PLACE THE CHILD IN~~
9 ~~AN OUT OF HOME PLACEMENT AND THE REASON THAT THE PROVISION OF~~
10 ~~SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO~~
11 ~~PREVENT THE DETERMINATION;~~

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

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

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

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

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

24 (ii) require the filing of a report with the court as provided in §
25 3-819.2 of the Courts Article; and

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

29 9-107.

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

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

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

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

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

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

~~[(2)] (H) "Disability" includes:~~

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

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

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

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

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

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

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

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

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

(II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.

(3) "SUPPORTIVE PARENTING SERVICES" MEANS SERVICES THAT MAY ASSIST A BLIND INDIVIDUAL AN INDIVIDUAL WITH A DISABILITY IN THE EFFECTIVE USE OF NONVISUAL TECHNIQUES AND OTHER ALTERNATIVE METHODS

1 TO ENABLE THE INDIVIDUAL TO DISCHARGE THE INDIVIDUAL'S RESPONSIBILITIES
 2 TO A CHILD AS SUCCESSFULLY AS AN INDIVIDUAL WHO ~~IS NOT BLIND~~ DOES NOT HAVE
 3 A DISABILITY, INCLUDING NONVISUAL TECHNIQUES FOR INDIVIDUALS WHO ARE
 4 BLIND.

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

9 ~~(2) (i) THIS PARAGRAPH APPLIES ONLY IF A PARTY IS BLIND.~~

10 ~~(ii)~~ (ii) IN ANY CUSTODY OR VISITATION PROCEEDING, THE
 11 ~~BLINDNESS~~ DISABILITY OF A PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE
 12 COURT FINDS, BASED ON ~~CLEAR AND CONVINCING~~ EVIDENCE IN THE RECORD, THAT
 13 THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD.

14 ~~(iii)~~ (2) THE PARTY ALLEGING THAT THE ~~BLINDNESS~~
 15 DISABILITY OF THE OTHER PARTY AFFECTS THE BEST INTEREST OF THE CHILD
 16 BEARS THE BURDEN OF PROVING ~~BY CLEAR AND CONVINCING EVIDENCE~~ THAT THE
 17 ~~BLINDNESS~~ DISABILITY OF THE OTHER PARTY AFFECTS THE BEST INTEREST OF THE
 18 CHILD.

19 ~~(iv)~~ (3) IF THE BURDEN OF PROOF IS MET, THE ~~BLIND~~ PARTY
 20 WHO HAS A DISABILITY SHALL HAVE THE OPPORTUNITY TO PROVE THAT
 21 SUPPORTIVE PARENTING SERVICES WOULD PREVENT A FINDING THAT THE
 22 ~~BLINDNESS~~ DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD.

23 ~~(v)~~ (4) IF THE COURT FINDS THAT THE ~~BLINDNESS~~
 24 DISABILITY OF A PARTY AFFECTS THE BEST INTEREST OF THE CHILD AND DENIES
 25 OR LIMITS CUSTODY OR VISITATION, THE COURT SHALL SPECIFICALLY STATE IN
 26 WRITING:

27 ~~1.~~ (I) THE BASIS FOR THE FINDING; AND

28 ~~2.~~ (II) THE REASON THAT THE PROVISION OF
 29 SUPPORTIVE PARENTING SERVICES IS NOT A REASONABLE ACCOMMODATION TO
 30 PREVENT THE FINDING.

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