

Resolution 2019-01

Regarding Protecting the Civil Rights of Blind Parents in Kentucky

WHEREAS, protecting the rights of parents with disabilities is a notion that, incredibly, was rejected by the United States Supreme Court in the case of *Buck v. Bell* 274 U.S. 200 (1927), in which Justice Oliver Wendell Holmes wrote, "It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind"; and

WHEREAS, this insulting and unjustified view that people with disabilities, including blind people, are somehow "manifestly unfit" to be parents (or otherwise to live the lives they want and to participate as members of society with all rights and privileges associated therewith) has too often continued to prevail in the courts even as we move further into the twenty-first century; and

WHEREAS, this bias is reflected in matters involving adoption and guardianship and in contested child custody proceedings, because blind parents have been perceived by the courts, child protection agencies, guardians ad litem, hospital staff, and others as incapable of caring adequately for their children's needs, which has resulted in blind parents routinely being denied the right to be parents without unfair bias or unnecessary overreach by government entities; and

WHEREAS, for most people a fundamental aspect of living life to the fullest includes the joy of being a parent and sharing in the nurturing, growth, and development of a child; and

WHEREAS, being a parent and raising children is a fundamental right which is protected under the Constitution of the United States of America by the First and Ninth Amendments thereto and under the Fourteenth Amendment as applied to the states; and

WHEREAS, many in the membership assembled today known, within their own

families and friends, or have experienced such discriminatory treatment in the state of Kentucky; and

WHEREAS, language has been crafted, creating a Bill regarding the rights of blind parents in Kentucky, slated to be reintroduced in the 2019-2020 Kentucky Legislative Session, with the support and cosponsorship of State Representative McKenzie Cantrell, 38th District: now, therefore

BE IT RESOLVED by the National Federation of the Blind of Kentucky in Convention assembled this twenty first day of September, 2019, in the City of Louisville, Kentucky, that this organization call upon our state legislature to enact this Bill that will establish procedural safeguards to protect the right of blind people in Kentucky to be parents and prohibit discriminatory presumptions of manifest unfitness solely because a parent (or prospective parent) happens to be blind; and

BE IT FURTHER RESOLVED that we urge state legislature to pass the Bill regarding protecting the rights of these blind parents, guardians, or prospective parents, in the state of Kentucky; and

BE IT FURTHER RESOLVED that we, the National Federation of the Blind of Kentucky commit to provide any support, evidence to the legislative body, and information necessary to assist the swift passage of this Bill to ensure the rights of blind parents as it is introduced in this 2019-2020 Kentucky Legislative Session.