

Ohio Senate Judiciary Committee
October 25, 2021
Proponent Testimony S.B. 202
Prohibit blindness from denying or limiting care of minors
Submitted by Barbara Pierce

Chair Manning, Vice Chair McColley, Ranking Member Thomas, and Members of the Ohio Senate Judiciary Committee

Thank you for the opportunity to submit testimony in support of S.B. 202. I am a member of the National Federation of the Blind of Ohio. We are a consumer organization that believes in the full capacity of blind people and has the power, influence, diversity, and determination to help transform the dreams of blind people into reality. We believe in blind people because we are blind people. Our democratically elected leaders and our diverse nationwide membership are blind people, our families, and our friends.

The National Federation of the Blind fully supports not considering disability an impediment to caring for minors. We believe that S.B. 202 will accomplish this task of battling low expectations and misconceptions of the capabilities of disabled parents.

1. Without this bill newborns have been removed from their parents' care because a social worker assumed that a blind person could not care for an infant.
2. Disabled parents have been denied custody of children in divorce cases because the nondisabled spouse finds it convenient to claim that the disabled parent cannot keep the child safe despite the fact that disabled people around the state successfully care for their children every day.
3. Disabled parents and prospective disabled parents have been denied equal consideration in foster care and adoption.

On a personal note I have raised three children who are now successful adults with families of their own. When I was six months pregnant with our first child, the spouse of my husband's colleague on the faculty of Oberlin College dropped by my home to ask how I was planning to care for a child. I asked her if she would have been able to answer that question when she was carrying her son. She admitted that she could not have, but it was clear that she thought that she had the right to question my competence. As it turned out, I had no difficulty caring for my children. Luckily no social worker ever interceded with the same question. But I have blind friends who have gone through social worker visits because someone has reported them to Children's Services—the charges were found to be without merit—and I have advised lawyers who were defending blind parents in custody disputes over the issue of ability to care for children. When we have lined up blind parents to testify to the ability of blind people to keep children safe, the cases have been dropped.

But no parent should have to prove competence simply because he or she is blind or disabled. Sometimes the best person to care for a child is a disabled grandparent or sibling. Disabled people can provide foster care and love to needy kids. Disability should not prevent these people from caring for children who need a home.

The legislature must establish procedural safeguards that require adherence to the Americans with Disabilities Act and respect for the due process and equal protection rights of disabled parents or prospective disabled parents in child welfare, foster care, family law, and adoption. You have the power to add Ohio to the momentum that is gathering across the country for this kind of preventative legislation that has been passed in ten other states in the past few years, from Maryland to Utah to Illinois.

The National Federation of the Blind of Ohio would like to thank the committee for its hard work on this vital legislation that would protect the rights of disabled parents throughout the state of Ohio.

Sincerely,
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