

HB1104_L.012

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB18-1104 be amended as follows:

- 1 Amend proposed committee amendment (HB1104_L.010), page 1, after
 2 line 2 insert:
 3 **"SECTION 1. Legislative declaration.** (1) (a) The general
 4 assembly finds and declares that:
 5 (I) Persons with disabilities continue to face unfair, preconceived,
 6 and unnecessary societal biases, as well as antiquated attitudes, regarding
 7 their ability to successfully parent their children;
 8 (II) Persons with disabilities have faced these biases and
 9 preconceived attitudes in family and dependency law proceedings
 10 concerning parental responsibilities and parenting time decisions, public
 11 and private adoptions, guardianship, and foster care;
 12 (III) Because of these societal biases and antiquated attitudes,
 13 children of persons with disabilities historically have been vulnerable to
 14 unnecessary removal from one or both of their parents' care or are
 15 restricted from enjoying meaningful time with one or both parents; and
 16 (IV) Children are denied the opportunity to enjoy the experience
 17 of living in loving homes with a parent or parents with a disability or
 18 other caretakers with a disability.
 19 (b) Therefore, the general assembly declares that to protect the
 20 best interests of children who are parented by persons with disabilities or
 21 children who could be parented by persons with disabilities:
 22 (I) Procedural safeguards are required in adherence to the federal
 23 "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.;
 24 and
 25 (II) It is necessary to have respect for the due process and equal
 26 protection rights of parents and prospective parents with disabilities in the
 27 context of child welfare, foster care, family law, guardianship, and
 28 adoption."
 29 Renumber succeeding sections accordingly.
 30 Page 1, line 6, strike "**protections - legislative**" and substitute
 31 "**protections - definitions**".
 32 Page 1, strike lines 7 through 36.
 33 Page 1, line 37, strike "(2)" and substitute "(1)".
 34 Page 2, line 24, strike "(2)(d)(I)" and substitute "(1)(d)(I)".
 35 Page 3, line 7, strike "(3)" and substitute "(2)".
 36 Page 4, line 35, strike "(2)." and substitute "(1)".
 37 Page 5, line 40, strike "(2)." and substitute "(2)".

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