



**Ohio SILC**  
Ohio Statewide Independent Living Council

**HB188**

**Interested Party Testimony**

**Ohio House of Representatives, Health Committee**

**Jeremy Morris**

**Executive Director, Ohio Statewide Independent Living Council**

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Chairman Lipps, Vice Chair Manning, Ranking Member Boyd, and members of the Ohio House Health Committee, thank you for the opportunity to provide Interested Party Testimony on HB188. My name is Jeremy Morris and I am the Executive Director of the Ohio Statewide Independent Living Council (SILC), a Council that is federally mandated in every state by the Rehabilitation Act of 1973.

As part of our work as a Council, we appreciate the opportunity to discuss legislation that impacts the disability community in Ohio and to be a resource to the General Assembly as they consider this legislation.

HB188 seeks to prevent an individual's blindness from being used to deny or limit custody, visitation, adoption, or service as a guardian.

In 2018, Colorado enacted HB18-1104: Family Preservation For Parents With Disability, which provides the following safeguards to Colorado parents with disabilities:

- That a parent's disability must not serve as a basis for denial or restriction of parenting time or parental responsibilities in a domestic law proceeding pursuant to title 14, without a clear nexus to the parent's ability to meet the needs of the child; in a minor guardianship proceeding pursuant to title 15, without a clear nexus to the parent's ability to meet the needs of the child; or a dependency and neglect proceeding pursuant to title 19, except when it impact the health or welfare of the child;
- That a parent's disability must not serve as a basis for denial of participation in a public or private adoption, or for denial of foster care or guardianship, when it is otherwise determined to be in the best interest of the child; and
- That the benefits of providing supportive parenting services must be considered by a court when determining parental responsibilities, parenting time, adoption placements,

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foster care, and guardianship, and the court may require that such supportive parenting services be provided or implemented, given the resources of the family.

Since the passage of HB18-1104 in Colorado, 16 additional states have passed similar legislation. Nationally, two-thirds of dependency statutes allow for the courts to reach a determination that a parent is unfit on the basis of the parent having a disability, and in every state there is language that allows for disability to be considered when determining the best interest of a child for purposes of custody determinations in family or dependency court.

As individuals with disabilities are becoming more integrated in their communities, more individuals are becoming parents as well. Research estimates that there are four million parents in the United States that have a disability. This equates to around six percent of the parent population and growing.

Commonly, in legislation from other states and in the proposed version in Ohio, there are provisions that allow the courts to specify if a situation exists that endangers the health, safety, or welfare of the minor. Importantly, if that situation occurs, it also gives the parent with a disability the ability to demonstrate how accommodations and supportive services can alleviate the detrimental impact. This allows for true due process in the cases being determined by the court, who may not have full understanding of various assistive technology, accommodations, or supportive services.

One example to highlight in the progression of legislation around parental rights for individuals with disabilities is South Carolina, in 2014 Senate Bill 687/House Bill 4469 was enacted that prohibited the discrimination against individuals that were blind in parental rights cases. A follow up bill was enacted in 2017, House Bill 3538/Senate Bill 291 to incorporate all disabilities and to include access to accommodations and supports. South Carolina's example creates a broad anti-discrimination law to protect the rights of all parents with disabilities regardless of the type of disability.

This legislation, or similar legislation, that includes all disabilities would provide protections against disability related discrimination as we see the number of parents with disabilities increase in Ohio.

Thank you for reviewing this submission of Interested Party testimony, my contact information is below if you have any additional questions after the hearing,

Jeremy Morris

Ohio Statewide Independent Living Council

[jmorris@ohiosilc.org](mailto:jmorris@ohiosilc.org)

614-892-0390