

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 500**

**Representatives Kick, McClain**

**Cosponsors: Representatives Hambley, Ingram, Lipps, Riedel, Romanchuk**

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**A BILL**

To enact sections 2111.53, 2111.532, 2111.533, 1  
2111.535, 2111.536, 2111.537, 2111.539, 2  
2111.5311, 2111.5313, and 2111.5314 of the 3  
Revised Code to allow certain persons to 4  
petition for visitation with an incompetent or 5  
ward if visitation has been interfered with or 6  
denied. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2111.53, 2111.532, 2111.533, 8  
2111.535, 2111.536, 2111.537, 2111.539, 2111.5311, 2111.5313, 9  
and 2111.5314 of the Revised Code be enacted to read as follows: 10

**Sec. 2111.53.** The general assembly, in enacting sections 11  
2111.53 to 2111.5314 of the Revised Code, hereby declares that 12  
every adult in this state has the right to visit with, and 13  
receive mail and telephone or electronic communications from, 14  
whomever the adult so chooses, unless a court has specifically 15  
ordered otherwise. 16

**Sec. 2111.532.** As used in sections 2111.533 to 2111.5314 17  
of the Revised Code, "interested person" means any person who 18

has a significant, ongoing relationship with an incompetent or ward based on strong affection. 19  
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Sec. 2111.533. There is a rebuttable presumption that it is in the best interest of an incompetent or ward to have visitation from the incompetent's or ward's spouse, adult child, adult grandchild, parent, adult sibling, or other interested person. 21  
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Sec. 2111.535. A spouse, adult child, adult grandchild, parent, adult sibling, or other interested person may petition the probate court in accordance with section 2111.536 of the Revised Code in the county where the incompetent or ward resides or in the probate court that appointed a guardian for the ward for reasonable visitation with the incompetent or ward. 26  
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Sec. 2111.536. The petition for reasonable visitation shall include the following information: 32  
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(A) That the petitioner is a person specified in section 2111.535 of the Revised Code; 34  
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(B) That the petitioner's visitation with the incompetent or ward has been unreasonably interfered with or denied; 36  
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(C) The identity of the person or persons who have unreasonably interfered with or denied the petitioner's visitation with the incompetent or ward. 38  
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Sec. 2111.537. Service of summons, by certified mail, upon the petition under section 2111.535 of the Revised Code shall be issued and served on the incompetent or ward who is the subject of the petition, the guardian, if applicable, and any individual alleged to have interfered with or denied visitation between the incompetent or ward and the petitioner. 41  
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Sec. 2111.539. If an incompetent or ward has the ability 47  
to consent to the visitation between the incompetent or ward and 48  
the petitioner and the incompetent or ward objects to the 49  
petition, the petitioner has the burden to prove by clear and 50  
convincing evidence that the incompetent's or ward's objection 51  
to the petition was procured by undue influence. 52

Sec. 2111.5311. If a person other than the incompetent or 53  
ward seeks to rebut the presumption set forth in section 54  
2111.533 of the Revised Code, that person has the burden of 55  
proving by clear and convincing evidence that the visitation is 56  
not in the best interest of the incompetent or ward because the 57  
petitioner has caused physical or financial harm against an 58  
elderly person or the visitation would be harmful to the 59  
physical or mental health of the incompetent or ward. 60

Sec. 2111.5313. In ruling on a petition for reasonable 61  
visitation under sections 2111.53 to 2111.5314 of the Revised 62  
Code, the probate court shall issue a statement of facts and 63  
law. The court may impose reasonable restrictions on the visits, 64  
including reasonable time or frequency limitations or requiring 65  
the visits to be monitored. The court shall consider imposing 66  
those reasonable restrictions on visitation before denying a 67  
petition. 68

Sec. 2111.5314. The probate court may assess costs of the 69  
petition or visitation, including the costs of monitoring 70  
visits, on any party to the proceeding. The court may also 71  
impose sanctions in the amount of reasonable attorney's fees 72  
against a petitioner who brings a petition under section 73  
2111.535 of the Revised Code in bad faith or against a party 74  
that unjustifiably interferes with or denies visitation between 75  
the petitioner and the incompetent or ward. The court shall not 76

assess costs or sanctions against an incompetent or ward that is  
the subject of the petition.

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