

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. H. B. No. 188**

**Representatives Crawley, Cross**

**Cosponsors: Representatives Galonski, Riedel, Lipps, Boggs, Brent, O'Brien, Smith, K., Denson, Butler, Lightbody, Kelly, Miller, J., Stein, Sobecki, Kent, Carfagna, Manning, D., Ginter, West, Baldrige, Carruthers, Crossman, Cutrona, Fraizer, Ghanbari, Green, Greenspan, Grendell, Hicks-Hudson, Hillyer, Howse, Ingram, Jones, Koehler, Lanese, Lang, Liston, Patterson, Patton, Plummer, Reineke, Robinson, Rogers, Romanchuk, Russo, Strahorn, Sweeney, Sykes**

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**A BILL**

To enact sections 2131.03, 2131.031, 2131.032,  
2131.033, and 2131.034 of the Revised Code to  
generally prohibit a person's disability from  
being used to deny or limit custody, parenting  
time, visitation, adoption, or service as a  
guardian or foster caregiver, regarding a minor.

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

**Section 1.** That sections 2131.03, 2131.031, 2131.032,  
2131.033, and 2131.034 of the Revised Code be enacted to read as  
follows:

**Sec. 2131.03.** As used in sections 2131.03 to 2131.034 of  
the Revised Code, "disability" has the same meaning as in the  
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102.

**Sec. 2131.031.** (A) Except when necessary to serve the best  
interests of a minor, no court, public children services agency,

private child placing agency, or private noncustodial agency 15  
shall deny or limit a person from any of the following because 16  
the person has a disability: 17

(1) Exercising custody, parenting time, or visitation 18  
rights with a minor; 19

(2) Adopting a minor; 20

(3) Serving as a foster caregiver for a minor; 21

(4) Appointment as a guardian for a minor. 22

(B) A determination of detrimental impact under section 23  
2131.032 of the Revised Code may be considered when determining 24  
the best interests of the minor, with respect to the 25  
requirements of this section. 26

**Sec. 2131.032.** (A) A court may determine that a person's 27  
disability has or could have a detrimental impact on a minor if 28  
a party demonstrates, by clear and convincing evidence, that a 29  
disability-connected behavior endangers the health, safety, or 30  
welfare of the minor. The burden of proof is on the party 31  
asserting the detrimental impact. 32

(B) Before making a determination under division (A) of 33  
this section, the court shall permit the person with the 34  
disability to demonstrate how supportive services could 35  
alleviate any detrimental impact on the minor. 36

**Sec. 2131.033.** When making a determination under section 37  
2131.032 of the Revised Code, a court may order that supportive 38  
services that alleviate possible detrimental impact be 39  
implemented, with an opportunity to review the need for 40  
continuation of such services, after a reasonable amount of 41  
time. 42

Sec. 2131.034. If a court determines that the exercise of 43  
custody, parenting time, or visitation rights, adoption, service 44  
as a foster caregiver, or appointment as a guardian, regarding a 45  
minor should be denied or limited in any manner, it shall make 46  
specific written findings of fact and conclusions of law 47  
providing the basis for such determination and why supportive 48  
services are insufficient to alleviate any detrimental impact 49  
determined under section 2131.032 of the Revised Code. 50