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House Civil Justice Committee
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Sponsor Testimony SB 202

Good afternoon, Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee. Thank you for this opportunity to provide sponsor testimony on Senate Bill 202, which would 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. This legislation passed out of the House in the 133rd General Assembly with a unanimous vote but unfortunately ran out of time to make it across the finish line in the Senate.

Every Ohioan, regardless of whether or not they have a disability, is owed due process and equal protection under law. According to a report by the National Council on Disability¹, approximately 4 million parents in the United States are disabled. 13 percent of parents with physical disabilities have reported discriminatory treatment in custody cases. Additionally, parents who are deaf or blind report extremely high rates of child removal and loss of parental rights. Parents with disabilities are also more likely to lose custody of their children after divorce.

Senate Bill 202 does not endanger child welfare; it simply states that the basis for investigation into a child welfare situation should not be speculation or hypothetical concern solely because of a parent's disability.

After interested party meetings, we amended this bill to remove the "detrimental impact" determination language because Ohio law already requires courts to consider the best interests of the child in custody proceedings. Instead, Senate Bill 202 now permits a court to determine whether modifications or supportive services designed to assist the parent or parents with a disability are necessary and reasonable. If these services are determined to be reasonable, then a court may require these services be implemented to assist the parents.

¹ https://www.ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf

If modifications and supportive services are not determined reasonable, then the court that made the determination must deny or limit the conduct of the activity by the person with a disability. A person with a disability may bring an action or file a motion to challenge:

- the modifications or supportive services imposed
- the limitation or denial of the conduct or the activity or exercise of the authority in question, if modifications or supportive services are not determined to be required

If a person with a disability does challenge a determination, then a court must do one of the following:

- Affirm the modifications or supportive services required or the limitation or denial imposed and make specific findings of fact and conclusions of law providing the basis for its decision
- Rescind the modifications or supportive services or limitation or denial and grant the person the right to conduct the activity or exercise the authority in question, with or without reasonable modifications or supportive services

Senate Bill 202 will address the existing preconceived notions and biases against the ability of a person with a disability to be a successful and loving parent. As a legislative body, it is important that we implement policy that provides safeguards in the best interests of children while also adhering to the Americans with Disabilities Act and the civil rights of all people. With this legislation, we will ensure that families come first in Ohio.

Thank you for the opportunity to testify on this important legislation, and we are happy to answer any questions the committee may have at this time.