

**Written Testimony to the Ohio House Civil Justice Committee
November 29, 2022**

Chairman Hillyer, Vice-Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, my name is Todd Elzey and I come before you today to testify in support of S.B. 202.

Today I offer testimony on my own behalf as a resident of Columbus, Ohio, and as the elected Treasurer of the National Federation of the Blind (NFB) of Ohio.

You may recall that I previously testified before the House Civil Justice Committee regarding the House version (H.B. 352) of this legislation. I want to make clear at the outset, that while I believe H.B. 352 would have achieved the same goal, I believe that the language used in S.B. 202 is both clearer and stronger. Thus, I believe that S.B. 202 will provide a better defined standard and will thus be easier for the Courts and other parties to interpret and implement. Consequently, I believe that S.B. 202 provides better protection of the parental rights of parents who happen to have disabilities.

S.B. 202 is intended to ensure that a person's disability is not used to deny or limit the individual's right to parent children. The NFB of Ohio knows that blindness is not what defines us or our ability to function as parents and guardians of our children. Unfortunately, not everyone in our society holds the same views.

The NFB of Ohio several times each year assists blind Ohioans who are fighting to keep their children. In some cases, the children have been taken either by CPS workers or hospital social workers simply because these individuals do not believe a blind person is capable of parenting a child. Children have even been taken from parents shortly after the birth of the child without the parent(s) having been given any opportunity to demonstrate that they are capable of caring for their child.

In fact, in many cases, when a CPS or other social worker shows up at a blind parent's door it almost immediately becomes the parent's burden to prove that they can care for the child, rather than the worker showing that the child is endangered.

Parents who are not blind or disabled do not have their parenting questioned or their child taken unless there is substantial evidence showing that the child is endangered. In fact, in many instances even when a parent's behavior or the family situation is not in the best interest of the child, the parent is given multiple opportunities to rectify the situation before the child is ripped from the family.

While I and the NFB of Ohio, like everyone want to ensure that children remain safe and are not put in dangerous environments, we also want to ensure that blind and disabled parents have the same rights to raise their children as do non-disabled parents.

As I indicated earlier, I am also testifying today on my own behalf because I have experienced this situation personally in a different context. Unfortunately, a pattern has developed where

blind and disabled parents who are married to non-disabled parents parent their children for years without any problems or complaints at all while married. Then as soon as the parents divorce, many non-disabled parents then say to the Courts that the disabled parent should not get custody of or in some cases even visitation with their children, because they cannot safely parent because of their disability.

I was married to my ex-wife for 10 years. We had three children who we adopted from Taiwan. My ex-wife was a Registered Nurse who worked in a hospital Intensive Care Unit. She worked long hours, including regular overnight shifts. So, I was routinely the regular caregiver for our three children. In addition, I also participated in raising a stepson from her prior relationship. At no time during our 10-year marriage did either she or anyone else ever question my ability to parent for any reason. In particular, no one ever raised any concerns at all because of my legal blindness or my hearing loss.

However, shortly after I filed divorce papers, I received a text from her saying basically that I would never get custody of the kids because they would not be safe with me because of my vision and hearing. Of course, I immediately consulted a divorce attorney. The attorney advised me that I could try and fight for custody, but that the burden would fall on me to show that my hearing and vision would not impact my ability to parent. He also told me that it would likely be a long and expensive process that would drag the kids through testifying in court, going through evaluations, etc. Then he said that even with all that I might still lose if the Court believed that I couldn't parent independently because of my vision and hearing. So, I elected to reach a visitation settlement agreement, rather than fight, to save my children having to go through that process. As it turned out, eventually my ex-wife didn't even stick to the visitation agreement, and I didn't think I could enforce it because she continually said that I couldn't take care of the kids because of my vision and hearing. So today I do not have the relationship I should have with my children because of not having regular time with them. This is one of my greatest regrets in life.

I believe that if S.B. 202 had been law when I went through my divorce, I would have had a much better chance of having joint custody of my children because the burden would have been switched, and my ex-wife would have had to show by clear and convincing evidence that my disabilities endangered the welfare of the children. This would have been a much different situation than me having to prove I was capable of being a parent despite my disabilities.

So today I ask you as an individual resident of Ohio and as an elected representative of the National Federation of the Blind of Ohio to join 16 other States in passing this legislation that will protect the rights of Ohioans with disabilities to be parents.

Respectfully Submitted

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