



March 28, 2022

SENT VIA EMAIL TO SENATOR MANNING

Re: SB202

Dear Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee:

My name is Dr. Kara Ayers and I am the Associate Director of our University of Cincinnati Center for Excellence in Developmental Disabilities (UCCEDD). It is the vision of our UCCEDD that all people, including children and adults with disabilities and their families, fully participate in society and live healthy, safe, self-determined, and productive lives. We know part of that vision for many people with disabilities is parenthood. It has certainly always been part of my vision and I am now a proud disabled parent of three children, ages 5, 11, and 14. My husband and I are both full-time wheelchair users. I've shared details of our experience as a family led by two parents with disabilities in an interview published just yesterday in the Columbus Dispatch (attached after this letter).

I am also a researcher who has studied parenting with disabilities. Among the important findings from this body of research: IQ is not correlated with likelihood to abuse or neglect children. Parents with intellectual disabilities are not more likely to harm their children than nondisabled parents. In the tragic event that any parent's involvement in their child's life is abusive or neglectful, Ohio has many longstanding laws and practices through which to respond. The proposed SB202 would reverse a discriminatory double standard that has been all-too often utilized in Ohio. More than any other state, Ohio cites "parental disability" as the primary and/or sole removal for removal of children from their families of origin. We also see disability wielded as an unfair tool to tilt the scales in many custody hearings because as it's stated currently, Ohio code allows such discrimination.



I have shared both my body of research as well as my personal experiences during my work with Senators Antonio and Hackett as part of an interested parties group working on this bill. It has been a true honor to take part in this process through such thoughtful conversation and follow-through. Issues like these, safety of children and sanctity of families, are ones that spark passion in all of us. We've listened, been heard, and worked together to craft the language you see today. SB202 is urgently needed in Ohio to allow us to live up to our commitment to treat people fairly and prevent discrimination against parents with disabilities.

Thank-you for your careful consideration of SB202 and reviewing my Letter of Support. My contact information is provided below and I welcome the opportunity to speak to you about this bill's importance or answer any additional questions you may have.

Sincerely,

Kara Ayers
Associate Director of the University of Cincinnati Center for Excellence in Developmental Disabilities (UCCEDD)
Director of the Center for Dignity on Healthcare for People with Disabilities
Assistant Professor, Division of Developmental and Behavioral Pediatrics and the University of Cincinnati College of Medicine
Kara.ayers@cchmc.org
937-305-8254

The Columbus Dispatch

NEWS

Disabled parents say their differences are being used against them in Ohio family courts



Anna Staver

The Columbus Dispatch

Published 10:00 p.m. ET March 27, 2022 | Updated 3:34 p.m. ET March 28, 2022

Kara Ayers was shopping for clothes with her children when a conversation with a store employee took a turn.

"The lady at the checkout asked me how I had my daughter," Ayers said. "I didn't understand at first."

The clerk explained. She asked whether "I had her vaginally or a c-section. I was like, 'Who says vaginally at the Kohl's checkout?'"

Ayers, who uses a wheelchair, was stunned but not surprised. Strangers routinely ask her all kinds of inappropriate questions about her marriage and her parenting.

Still, she considers herself lucky.

The Cincinnati doctor has heard much worse through her work as co-founder of the Disabled Parenting Project and associate director of the University of Cincinnati's Center for Excellence in Developmental Disabilities.

Ayers has worked on several cases where courts took children from their disabled parents or denied them equal custody. One case involved a mom with a visual impairment who was questioned about her ability to safely mix baby formula.

"There's ready made formula where you don't have to mix it," Ayers said. "That is a classic example of where we jumped to getting children's services involved, instead of providing a simple support of premade formula."

Legal discrimination against Ohio parents who are disabled

Judges and social workers don't always understand what it means to be a parent on the Autism spectrum, use a wheelchair, be Deaf or visually impaired.

Mental and physical disabilities are the only characteristics in state child welfare policies that can be grounds for removal of children, according to a 2017 parental disability report from the University of Minnesota. Everything else, such as addiction, abuse and neglect, are behaviors.

This can "contribute to discriminatory practices in child welfare," according to the report, "as it can lead those involved in the system to believe that parental disabilities lead to abuse, rather than focusing on how to appropriately provide services."

That's why Ayers and others are advocating for Senate Bill 202. A bipartisan piece of legislation to prohibit courts and child placing entities from "using a person's disability as a reason to deny or limit that person's care for a minor."

"We need a law like this because our current Ohio code is explicitly discriminatory towards parents with disabilities," Ayers said.

Sen. Bob Hackett, R-London, agreed. He's co-sponsoring SB 202 with Sen. Nickie Antonio, D-Lakewood.

The bill, and its companion in the Ohio House (HB 352), would require courts to demonstrate how a person's disability harms their children. And it would put the burden on the "party asserting the detrimental impact to show that impact by clear and convincing evidence."

Steps that could have saved Hackett a small fortune in legal fees.

His son is Type 1 diabetic, and his son's ex-wife used that illness to petition for full custody of their child during their divorce. A Kentucky judge agreed, citing her fears about a low blood sugar episode happening while Hackett's son had their child.

"He couldn't be with his daughter alone overnight," Hackett said.

He helped his son overturn that decision by paying to bring in experts and attorneys.

"When I read the bill," Hackett said. "I thought about how my son was discriminated against because he was a Type 1 diabetic."

Details matter: Thoughts from the community on SB 202 and HB 352

Not everyone in Ohio's disability community is on board with SB 202 and HB 352 as they currently stand. Even Ayers has some concerns about the language.

Ohio Center for Autism and Low Incidence Policy Director Teresa Kobelt had reservations about how some lawmakers want to evaluate people with persistent mental illness.

"There is already existing code that you can factor in health status," Kobelt said. "There's this myth that disability specific behavior is different than health."

She worries that creating a separate system for evaluating parental mental health would "further stereotypes of people with mental illness."

"In general, people are supportive of this bill if it is about not allowing discrimination and providing reasonable accommodations," Kobelt said. "But I think concerns come up that we're adding something different for people with disabilities."

And Ayers wanted the onus to understand and secure accommodations such as premixed formula to be on the state—not the parents.

She described a case where social services were called to visit a new mother in the hospital who was legally blind. She asked a nurse for assistance getting to the restroom, and the caseworker questioned whether she could use any bathroom unassisted.

"That sticks with me as something that makes me so angry," Ayers said. "She had just given birth 12 hours ago. To have someone judge that. We don't see vulnerability in women with disabilities."

Both Ayers and Kobalt said Ohio should train its case workers and family court judges on reasonable modifications.

A 2014 study funded by a grant from the National Institute of Child Health and Development found that parents with cognitive disabilities can usually be taught any parenting skills they're missing, and low IQ's aren't predictors of neglect.

"I understand their frustration," Antonio said. "Most of the time I share their frustration."

But getting all interested parties to agree on every detail in a piece of legislation is next to impossible.

"To me, getting this bill passed at this stage of the game is an incredible improvement over what we have right now, which is nothing," Antonio said.

Similar legislation failed to pass during the last General Assembly, and Antonio hopes to get this version across the finish line before this session ends in December.

"It's not my disability that has been detrimental to my kids," Ayers said. "It's our society's disbelief about my disability."

Anna Staver is a reporter for the USA TODAY Network Ohio Bureau, which serves the Columbus Dispatch, Cincinnati Enquirer, Akron Beacon Journal and 18 other affiliated news organizations across Ohio.

Get more political analysis by listening to the Ohio Politics Explained podcast