

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 352

Representatives Crawley, Ray

Cosponsors: Representatives Brent, Crossman, Fowler Arthur, Galonski, Howse, Ingram, Jarrells, John, Kelly, Lightbody, Lipps, Liston, Miller, A., Miller, J., Riedel, Seitz, Smith, K., Weinstein, White

A BILL

To enact sections 2131.03, 2131.031, 2131.032, 1
2131.033, and 2131.034 of the Revised Code to 2
generally prohibit a person's disability from 3
being used to deny or limit custody, parenting 4
time, visitation, adoption, or service as a 5
guardian or foster caregiver, regarding a minor. 6

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

Section 1. That sections 2131.03, 2131.031, 2131.032, 7
2131.033, and 2131.034 of the Revised Code be enacted to read as 8
follows: 9

Sec. 2131.03. As used in sections 2131.03 to 2131.034 of 10
the Revised Code, "disability" has the same meaning as in the 11
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102. 12

Sec. 2131.031. (A) Except when necessary to serve the best 13
interests of a minor, no court, public children services agency, 14
private child placing agency, or private noncustodial agency 15
shall deny or limit a person from any of the following because 16

<u>the person has a disability:</u>	17
<u>(1) Exercising custody, parenting time, or visitation</u>	18
<u>rights with a minor;</u>	19
<u>(2) Adopting a minor;</u>	20
<u>(3) Serving as a foster caregiver for a minor;</u>	21
<u>(4) Appointment as a guardian for a minor.</u>	22
<u>(B) A determination of detrimental impact under section</u>	23
<u>2131.032 of the Revised Code may be considered when determining</u>	24
<u>the best interests of the minor, with respect to the</u>	25
<u>requirements of this section.</u>	26
<u>Sec. 2131.032. (A) A court may determine that a person's</u>	27
<u>disability has or could have a detrimental impact on a minor if</u>	28
<u>a party demonstrates, by clear and convincing evidence, that a</u>	29
<u>disability-connected behavior endangers the health, safety, or</u>	30
<u>welfare of the minor. The burden of proof is on the party</u>	31
<u>asserting the detrimental impact.</u>	32
<u>(B) Before making a determination under division (A) of</u>	33
<u>this section, the court shall permit the person with the</u>	34
<u>disability to demonstrate how supportive services could</u>	35
<u>alleviate any detrimental impact on the minor.</u>	36
<u>Sec. 2131.033. When making a determination under section</u>	37
<u>2131.032 of the Revised Code, a court may order that supportive</u>	38
<u>services that alleviate possible detrimental impact be</u>	39
<u>implemented, with an opportunity to review the need for</u>	40
<u>continuation of such services, after a reasonable amount of</u>	41
<u>time.</u>	42
<u>Sec. 2131.034. If a court determines that the exercise of</u>	43
<u>custody, parenting time, or visitation rights, adoption, service</u>	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