

As Passed by the Senate

134th General Assembly

Regular Session

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Sub. S. B. No. 202

Senators Hackett, Antonio

**Cosponsors: Senators Maharath, Cirino, Craig, Brenner, Romanchuk, Yuko,
Manning, Blessing, Gavarone, Hottinger, Johnson, Kunze, Peterson, Rulli,
Schaffer, Schuring, Thomas, Wilson**

A BILL

To enact sections 2131.03, 2131.031, 2131.032, 1
2131.033, 2131.034, 2131.035, and 2131.036 of 2
the Revised Code to prohibit a person's 3
disability from being the basis to deny or limit 4
custody, parenting time, visitation, adoption, 5
or service as a guardian or foster caregiver, 6
regarding a minor. 7

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

Section 1. That sections 2131.03, 2131.031, 2131.032, 8
2131.033, 2131.034, 2131.035, and 2131.036 of the Revised Code 9
be enacted to read as follows: 10

Sec. 2131.03. As used in sections 2131.03 to 2131.036 of 11
the Revised Code, "disability" has the same meaning as in the 12
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102. 13

Sec. 2131.031. (A) No court, public children services 14
agency, private child placing agency, or private noncustodial 15
agency shall deny or limit a person from any of the following 16

solely on the basis that 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) Division (A) of this section shall not be construed to 23
guarantee or grant a person with a disability a right to conduct 24
activities or exercise authority as described in that division. 25

Sec. 2131.032. (A) A court, public children services 26
agency, private child placing agency, or private noncustodial 27
agency, when determining whether to grant a person with a 28
disability the right to conduct activities or exercise authority 29
as described in division (A) of section 2131.031 of the Revised 30
Code, shall determine whether modifications or supportive 31
services designed to assist the person regarding the activities 32
or authority are necessary and reasonable. 33

(B) A public children services agency, private child 34
placing agency, or private noncustodial agency shall provide its 35
reasons for a determination under division (A) of this section. 36

(C) A court shall make specific written findings of fact 37
and conclusions of law providing the basis for its determination 38
under division (A) of this section. 39

Sec. 2131.033. If modifications and supportive services 40
are determined to be necessary and reasonable under section 41
2131.032 of the Revised Code, the court, public children 42
services agency, private child placing agency, or private 43
noncustodial agency that made the determination may require the 44

modifications or services to be implemented to assist the person 45
with a disability to conduct the activities or exercise the 46
authority as described in division (A) of section 2131.031 of 47
the Revised Code. The court, public children services agency, 48
private child placing agency, or private noncustodial agency 49
imposing the modifications or services shall review their 50
continued necessity and reasonableness after a reasonable amount 51
of time. 52

Sec. 2131.034. If modifications and supportive services 53
are not determined reasonable under section 2131.032 of the 54
Revised Code, the court, public children services agency, 55
private child placing agency, or private noncustodial agency 56
that made the determination shall deny or limit conduct of 57
activities or exercise of authority described under division (A) 58
of section 2131.031 of the Revised Code by the person with a 59
disability. 60

Sec. 2131.035. A person with a disability may bring an 61
action or, in the case of a court determination, file a motion, 62
to challenge either of the following: 63

(A) The modifications or supportive services required 64
under section 2131.033 of the Revised Code; 65

(B) The limitation or denial under section 2131.034 of the 66
Revised Code. 67

Sec. 2131.036. A court shall do one of the following 68
regarding an action or motion under section 2131.035 of the 69
Revised Code: 70

(A) Affirm the modifications or supportive services 71
required under section 2131.033 of the Revised Code or 72
limitation or denial under section 2131.034 of the Revised Code 73

and make specific written findings of fact and conclusions of 74
law providing the basis for its decision as to why reasonable 75
modifications or supportive services are necessary in order to 76
conduct the activity or exercise the authority in question or 77
insufficient to alleviate any concerns. With regard to a motion 78
to challenge a court determination, the court shall consider, 79
and address in its decision, any new arguments or evidence 80
provided with the motion. 81

(B) Rescind the modifications or supportive services or 82
limitation or denial and grant the person the right to conduct 83
activities or exercise authority described in section 2131.031 84
of the Revised Code, with or without reasonable modifications or 85
support services. 86