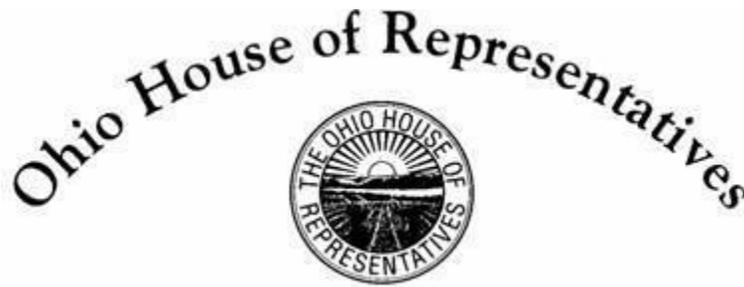


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Committees

Behavioral Health & Recovery  
Supports Committee

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Economic Development &  
Workforce Committee

Public Utilities Committee

**Sharon A. Ray**  
State Representative

**House Bill 352 Sponsor Testimony**

Chairman Hillyer, Vice-Chair Grendel, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 352, regarding prohibiting a person's disability from being used to deny or limit care of a minor.

This legislation is being brought before you today because it is important that we establish procedural safeguards for Ohioans with disabilities who have the same right as any parent to care for their children successfully. However, there are currently biases and preconceived attitudes that have made it possible for parents with disabilities to be denied the opportunity to foster, adopt, or raise their children in a loving environment simply because of their disability.

These preconceived attitudes have resulted in parents being denied the custody of their children in divorce cases and newborns being removed from their parents care because a social worker made an assumption that a person with a disability could not care for an infant as well as an able bodied individual. We need to establish procedural safeguards that require adherence to the Americans with Disabilities Act and respect the due process and equal protection rights of all parents in child welfare, foster care, family law, and adoption.

I would like to point to case that was brought to me by my joint sponsor, former representative and now Commissioner Erica Crawley. In 2013, a Columbus man named Dan was going through a divorce. Dan is blind and the mother of his son often pointed to his disability as evidence that he was unfit to parent his children. She would talk about how he could not drive therefore he could not get the boys to and from school, doctor's appointments, or transport them at all. Other things also came up like how he couldn't keep the house clean or cook. Multiple other issues came up throughout the case as well. Once a guardian ad-litem entered the case and was able to make recommendations to the court concerning the boys' best interest, based on observing things like the boy's interactions and relationships with their parents, both parents were able to obtain shared responsibility. The boys see both their parents every day and Dan is involved in both boys' school and extra-curricular activities such as scouts, sports and band. A person's disability should not be the sole basis on determining parental rights and responsibilities. A good parent will figure things out and do what is best for their children. Further, if a person uses supportive services to make their lives more manageable, the use of these services should not be used as evidence to support a claim that their blindness makes them unfit. Dan is gainfully employed,

provides for his family, pays child support, and splits the cost of extracurricular activities that his sons are involved in.

A person's disability does not limit their ability to be a responsible, productive, and engaging parent. In this case, an individual's blindness should not serve as a basis for denial or restriction of visitation or custody in family or dependency cases. Disability should not serve as a basis for denial of his or her participation in public or private adoption when the adoption is determined to be otherwise in the best interests of the child. Finally, an individual's disability should not serve as a basis for denial of foster care or guardianship when the appointment is determined to be otherwise in the best interests of the child.

This is not the first time this legislation has been introduced. This bill passed the House unanimously in the past two General Assemblies when carried by Reps. Jon Cross and Erica Crawley in the 133<sup>rd</sup>, and previously by Reps. Anne Gonzales and Jeff Rezabek in the 132<sup>nd</sup>. In both cases – the bill did not receive any opponent testimony in committee. It is important that we ensure the protection of parents with disabilities and their rights to care for their children. We ask for your favorable consideration of this legislation. Thank you again for the opportunity to testify. I will be happy to answer any questions you may have.