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Senate Judiciary Committee
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Sponsor Testimony SB 202

Good afternoon, Chair Manning, Vice Chair McColley, Ranking Member Thomas and members of the Senate Judiciary Committee. Thank you for this opportunity to provide sponsor testimony on Senate Bill 202, which would prohibit a person's disability from being used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster caregiver, regarding a minor. This legislation passed out of the House in the 133rd General Assembly with a unanimous vote but unfortunately ran out of time to make it across the finish line in the Senate.

This bill will do the following with respect to the best interests of the minor:

- Prohibit an individual's disability as a basis for denial of visitation or custody, participation in public or private adoption, and his or her participation in foster care or guardianship.
- Ensure allegations against the parent with a disability contain clear and convincing evidence as to how the behavior connected to their disability endangers the health, safety, or welfare of the child.
- The parent with a disability or prospective parent shall have the opportunity to demonstrate how the implementation of supportive parenting services can alleviate any concerns raised.

Every Ohioan, regardless of whether or not they have a disability, is owed due process and equal protection under law. According to a report by the National Council on Disability¹, approximately 4 million parents in the United States are disabled. 13 percent of parents with physical disabilities have reported discriminatory treatment in custody cases. Additionally, parents who are deaf or blind report extremely high rates of child removal and loss of parental rights. Parents with disabilities are also more likely to lose custody of their children after divorce.

Senate Bill 202 does not endanger child welfare; it simply states that the basis for investigation into a child welfare situation should not be speculation or hypothetical concern solely because of a parent's disability. The bill does permit a court to determine that a person's disability has or could have a

¹ https://www.ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf

detrimental impact on a minor. It must then be proven, by clear and convincing evidence, that a disability-connected behavior endangers the health, safety, or welfare of the minor.

Before the court can make this determination, it must allow the person with the disability to demonstrate how supportive services could alleviate the detrimental impact on the minor. The court may also order that supportive services be implemented. Only then, after making specific written findings of fact and specifying why supportive services cannot alleviate the impact, can the court make the decision to deny or limit a person's care for a minor.

Senate Bill 202 will address the existing preconceived notions and biases against the ability of a person with a disability to be a successful and loving parent. As a legislative body, it is important that we implement policy that provides safeguards in the best interests of children while also adhering to the Americans with Disabilities Act and the civil rights of all people. With this legislation, we will ensure that families come first in Ohio.

Thank you for the opportunity to testify on this important legislation, and I am happy to answer any questions the committee may have at this time.