As Introduced

132nd General Assembly Regular Session

Regular Session 2017-2018

H. B. No. 527

Representative LaTourette

Cosponsors: Representatives Antonio, Arndt, Kick, Romanchuk, Smith, K.

A BILL

То	enact section 2111.132 of the Revised Code to	1
	allow certain specified persons to petition the	2
	probate court for reasonable visitation with an	3
	incompetent or ward if visitation between the	4
	person and the incompetent or ward has been	5
	interfered with or denied.	6

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

Section 1. That section 2111.132 of the Revised Code be	7
enacted to read as follows:	8
Sec. 2111.132. (A) As used in this section, "interested	9
person" means any person who has a significant, ongoing	10
relationship with an incompetent or ward based on strong	11
affection.	12
(B) There is a rebuttable presumption that it is in the best interest of an incompetent or ward to have visitation from	13 14
the incompetent's or ward's spouse, adult child, adult	15
grandchild, parent, adult sibling, or other interested person.	16
(C) (1) A spouse, adult child, adult grandchild, parent,	17
adult sibling, or other interested person may petition the	18

probate court in the county where the incompetent or ward	
resides or in the probate court that appointed a guardian for	20
the ward for reasonable visitation with the incompetent or ward.	21
(2) The petition for reasonable visitation shall include	22
<pre>the following information:</pre>	23
(a) That the petitioner is a person specified in division	24
(B) of this section;	25
(b) That the petitioner's visitation with the incompetent	26
or ward has been unreasonably interfered with or denied;	27
(c) The identity of the person or persons who have	28
unreasonably interfered with or denied the petitioner's	29
visitation with the incompetent or ward.	30
(3) Service of summons, by certified mail, upon that	31
petition shall be issued and served on the incompetent or ward	32
who is the subject of the petition, the quardian, if applicable,	
and any individual alleged to have interfered with or denied	34
visitation between the incompetent or ward and the petitioner.	35
(D) If an incompetent or ward has the ability to consent	36
to the visitation between the incompetent or ward and the	37
petitioner and the incompetent or ward objects to the petition,	38
the petitioner has the burden to prove by clear and convincing	39
evidence that the incompetent's or ward's objection to the	40
petition was procured by undue influence.	41
(E) If a person other than the incompetent or ward seeks	42
to rebut the presumption set forth in division (B) of this	43
section, that person has the burden of proving by clear and	44
convincing evidence that the visitation is not in the best	45
interest of the incompetent or ward because the petitioner has	46
caused physical or financial harm against an elderly person or	47

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the visitation would be harmful to the physical or mental health		
of the incompetent or ward.		
(T) (1) To a literate and it is a Commence in the interest of the commence in	F.0	
(F)(1) In ruling on a petition for reasonable visitation	50	
under this section, the probate court shall issue a statement of	51	
facts and law. The court may impose reasonable restrictions on	52	
the visits, including reasonable time or frequency limitations	53	
or requiring the visits to be monitored. The court shall	54	
consider imposing those reasonable restrictions on visitation	55	
before denying a petition.		
(2) The probate court may assess costs of the petition or	57	
visitation, including the costs of monitoring visits, on any	58	
party to the proceeding. The court may also impose sanctions in	59	
the amount of reasonable attorney's fees against a petitioner	60	
who brings a petition under this section in bad faith or against	61	
a party that unjustifiably interferes with or denies visitation	62	
between the petitioner and the incompetent or ward. The court	63	
shall not assess costs or sanctions against an incompetent or	64	
ward that is the subject of the petition.	65	
Section 2. The General Assembly, in enacting this act,	66	
hereby declares that every adult in this state has the right to	67	
visit with, and receive mail and telephone or electronic		
communications from, whomever the adult so chooses, unless a		
court has specifically ordered otherwise.		
could had opecallically oracica officials.	70	