



The Ability Center

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Katherine Hunt Thomas, Esq.,
on behalf of The Ability Center of Greater Toledo
House Civil Justice Committee
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Chairman Hillyer, Vice Chair Grendell, Ranking Minority Representative Galonski, and Representatives Kirk, Lampton, Merrin, Seitz, Stewart, Swearingen, White, Brown, Crossman, Leland, and Skindell

On behalf of The Ability Center of Greater Toledo, I ask your support for SB202, a bill that would outlaw discrimination on the basis of disability in custody decisions in Ohio. As of 2020, 17 other states have passed legislation making it unlawful to discriminate against parents with disabilities in custody decisions, and 11 have legislation pending. This legislation is important to provide parents with disabilities with equal rights in custody decisions and ensure that children are not separated from their parents solely because they have a disability.

A 2012 Investigation and Report by the National Council on Disability found that parents with disabilities are overly, and often inappropriately, referred to child welfare services, and once involved, are permanently separated at disproportionately high rates.¹ The study also found that parents with disabilities who are engaged in custody or visitation disputes regularly encounter discriminatory practices.² The view that a disability alone may harm a child is antiquated and discriminatory. Kids belong with their parents!

These statistics match reports from consumers who have called into The Ability Center with the same issues. We regularly hear from parents who are being evaluated negatively simply because they are blind or have a mobility impairment. In 2015, the DOJ and HHS released federal guidance on discrimination in custody decisions because of the volume of calls they received regarding discrimination on the basis of disability in custody.³

Passing SB 202 will also help Ohio decision makers by ensuring that they are following federal law. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act prohibit public entities from discriminating on the basis of disability, and enshrining those protections in state law will help guide custody decision makers on how to make custody decisions without making unjustified assumptions based on a person's disability.

We appreciate the support that this bill has gotten thus far from our general assembly and are excited to see it continue to move forward.

¹ National Council on Disability, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children*(2012), available at <https://ncd.gov/publications/2012/Sep272012>.

² *Id.* at Chapter 17.

³ U.S. Department of Justice, U.S. Department of Health and Human Services, *Protecting the Rights of Parents and Prospective Parents with Disabilities: Technical Assistance for State and Local Child Welfare Agencies and Courts under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act* (2015), available at <https://www.hhs.gov/sites/default/files/disability.pdf>.