

As Reported by the House Civil Justice Committee

134th General Assembly

Regular Session

2021-2022

Am. H. B. No. 352

Representatives Crawley, Ray

Cosponsors: Representatives Brent, Crossman, Fowler Arthur, Galonski, Howse, Ingram, Jarrells, John, Kelly, Lightbody, Lipps, Liston, Miller, A., Miller, J., Riedel, Seitz, Smith, K., Weinstein, White, Hillyer

A BILL

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

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

Section 1. That sections 2131.03, 2131.031, 2131.032, 7
2131.033, and 2131.034 of the Revised Code be enacted to read as 8
follows: 9

Sec. 2131.03. As used in sections 2131.03 to 2131.034 of 10
the Revised Code, "disability" has the same meaning as in the 11
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102. 12

Sec. 2131.031. Except as provided under section 2131.032 13
of the Revised Code, no court, public children services agency, 14
private child placing agency, or private noncustodial agency 15
shall deny or limit a person from any of the following because 16
the person has a disability: 17

<u>(A) Exercising custody, parenting time, or visitation</u>	18
<u>rights with a minor;</u>	19
<u>(B) Adopting a minor;</u>	20
<u>(C) Serving as a foster caregiver for a minor;</u>	21
<u>(D) Appointment as a guardian for a minor.</u>	22
Sec. 2131.032. <u>(A) A court may determine that a person who</u>	23
<u>has a disability has or could have a detrimental impact on a</u>	24
<u>minor if a party demonstrates, by clear and convincing evidence,</u>	25
<u>that the person endangers the health, safety, or welfare of the</u>	26
<u>minor and that the endangerment cannot be eliminated by</u>	27
<u>reasonable modifications or supportive services. The burden of</u>	28
<u>proof is on the party asserting the detrimental impact.</u>	29
<u>(B) Before making a determination under division (A) of</u>	30
<u>this section, the court shall require an evaluation to determine</u>	31
<u>how reasonable modifications and supportive services could</u>	32
<u>alleviate any detrimental impact on the minor.</u>	33
Sec. 2131.033. <u>When making a determination under section</u>	34
<u>2131.032 of the Revised Code, a court may order that reasonable</u>	35
<u>modifications and supportive services that alleviate possible</u>	36
<u>detrimental impact be implemented, with an opportunity to review</u>	37
<u>the need for continuation of such modifications and services,</u>	38
<u>after a reasonable amount of time.</u>	39
Sec. 2131.034. <u>If a court determines that the exercise of</u>	40
<u>custody, parenting time, or visitation rights, adoption, service</u>	41
<u>as a foster caregiver, or appointment as a guardian, regarding a</u>	42
<u>minor should be denied or limited in any manner, it shall make</u>	43
<u>specific written findings of fact and conclusions of law</u>	44
<u>providing the basis for such determination and why reasonable</u>	45
<u>modifications and supportive services are insufficient to</u>	46

alleviate any detrimental impact determined under section

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2131.032 of the Revised Code.

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