

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 202**

**Senators Hackett, Antonio**

**Cosponsors: Senators Maharath, Cirino, Craig, Brenner, Romanchuk, Yuko**

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**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.** (A) Except when necessary to serve the best 13  
interests of a minor, 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

(1) Exercising custody, parenting time, or visitation 18

<u>rights with a minor;</u>	19
<u>(2) Adopting a minor;</u>	20
<u>(3) Serving as a foster caregiver for a minor;</u>	21
<u>(4) Appointment as a guardian for a minor.</u>	22
<u>(B) A determination of detrimental impact under section</u>	23
<u>2131.032 of the Revised Code may be considered when determining</u>	24
<u>the best interests of the minor, with respect to the</u>	25
<u>requirements of this section.</u>	26
<u>Sec. 2131.032. (A) A court may determine that a person's</u>	27
<u>disability has or could have a detrimental impact on a minor if</u>	28
<u>a party demonstrates, by clear and convincing evidence, that a</u>	29
<u>disability-connected behavior endangers the health, safety, or</u>	30
<u>welfare of the minor. The burden of proof is on the party</u>	31
<u>asserting the detrimental impact.</u>	32
<u>(B) Before making a determination under division (A) of</u>	33
<u>this section, the court shall permit the person with the</u>	34
<u>disability to demonstrate how supportive services could</u>	35
<u>alleviate any detrimental impact on the minor.</u>	36
<u>Sec. 2131.033. When making a determination under section</u>	37
<u>2131.032 of the Revised Code, a court may order that supportive</u>	38
<u>services that alleviate possible detrimental impact be</u>	39
<u>implemented, with an opportunity to review the need for</u>	40
<u>continuation of such services, after a reasonable amount of</u>	41
<u>time.</u>	42
<u>Sec. 2131.034. If a court determines that the exercise of</u>	43
<u>custody, parenting time, or visitation rights, adoption, service</u>	44
<u>as a foster caregiver, or appointment as a guardian, regarding a</u>	45
<u>minor should be denied or limited in any manner, it shall make</u>	46

<u>specific written findings of fact and conclusions of law</u>	47
<u>providing the basis for such determination and why supportive</u>	48
<u>services are insufficient to alleviate any detrimental impact</u>	49
<u>determined under section 2131.032 of the Revised Code.</u>	50