

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

(A) Exercising custody, parenting time, or visitation 18
rights with a minor; 19

(B) Adopting a minor; 20

(C) Serving as a foster caregiver for a minor; 21

(D) Appointment as a guardian for a minor. 22

Sec. 2131.032. (A) A court may determine that a person who 23
has a disability has or could have a detrimental impact on a 24
minor if a party demonstrates, by clear and convincing evidence, 25
that the person endangers the health, safety, or welfare of the 26
minor and that the endangerment cannot be eliminated by 27
reasonable modifications or supportive services. The burden of 28
proof is on the party asserting the detrimental impact. 29

(B) Before making a determination under division (A) of 30
this section, the court shall require an evaluation to determine 31
how reasonable modifications and supportive services could 32
alleviate any detrimental impact on the minor. 33

Sec. 2131.033. When making a determination under section 34
2131.032 of the Revised Code, a court may order that reasonable 35
modifications and supportive services that alleviate possible 36
detrimental impact be implemented, with an opportunity to review 37
the need for continuation of such modifications and services, 38
after a reasonable amount of time. 39

Sec. 2131.034. If a court determines that the exercise of 40
custody, parenting time, or visitation rights, adoption, service 41
as a foster caregiver, or appointment as a guardian, regarding a 42
minor should be denied or limited in any manner, it shall make 43
specific written findings of fact and conclusions of law 44
providing the basis for such determination and why reasonable 45
modifications and supportive services are insufficient to 46

<u>alleviate any detrimental impact determined under section</u>	47
<u>2131.032 of the Revised Code.</u>	48