

As Reported by the House Health Committee

133rd General Assembly

Regular Session

2019-2020

Am. H. B. No. 188

Representatives Crawley, Cross

**Cosponsors: Representatives Galonski, Riedel, Lipps, Boggs, Brent, O'Brien,
Smith, K., Denson, Butler, Lightbody, Kelly, Miller, J., Stein, Sobecki, Kent,
Carfagna, Manning, D., Ginter, West**

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
rights with a minor; 19

(2) Adopting a minor; 20

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

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

(B) A determination of detrimental impact under section 23
2131.032 of the Revised Code may be considered when determining 24
the best interests of the minor, with respect to the 25
requirements of this section. 26

Sec. 2131.032. (A) A court may determine that a person's 27
disability has or could have a detrimental impact on a minor if 28
a party demonstrates, by clear and convincing evidence, that a 29
disability-connected behavior endangers the health, safety, or 30
welfare of the minor. The burden of proof is on the party 31
asserting the detrimental impact. 32

(B) Before making a determination under division (A) of 33
this section, the court shall permit the person with the 34
disability to demonstrate how supportive services could 35
alleviate any detrimental impact on the minor. 36

Sec. 2131.033. When making a determination under section 37
2131.032 of the Revised Code, a court may order that supportive 38
services that alleviate possible detrimental impact be 39
implemented, with an opportunity to review the need for 40
continuation of such services, after a reasonable amount of 41
time. 42

Sec. 2131.034. If a court determines that the exercise of 43
custody, parenting time, or visitation rights, adoption, service 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