

I\_134\_1627-1

134th General Assembly  
Regular Session  
2021-2022

Sub. S. B. No. 202

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**A BILL**

To enact sections 2131.03, 2131.031, 2131.032,  
2131.033, 2131.034, 2131.035, and 2131.036 of  
the Revised Code to prohibit a person's  
disability from being the basis to deny or limit  
custody, parenting time, visitation, adoption,  
or service as a guardian or foster caregiver,  
regarding a minor.

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

**Section 1.** That sections 2131.03, 2131.031, 2131.032,  
2131.033, 2131.034, 2131.035, and 2131.036 of the Revised Code  
be enacted to read as follows:

**Sec. 2131.03.** As used in sections 2131.03 to 2131.036 of  
the Revised Code, "disability" has the same meaning as in the  
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102.

**Sec. 2131.031.** (A) No court, public children services  
agency, private child placing agency, or private noncustodial  
agency shall deny or limit a person from any of the following  
solely on the basis that the person has a disability:



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<u>(1) Exercising custody, parenting time, or visitation</u>	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) Division (A) of this section shall not be construed to</u>	23
<u>guarantee or grant a person with a disability a right to conduct</u>	24
<u>activities or exercise authority as described in that division.</u>	25
<b><u>Sec. 2131.032.</u></b> (A) <u>A court, public children services</u>	26
<u>agency, private child placing agency, or private noncustodial</u>	27
<u>agency, when determining whether to grant a person with a</u>	28
<u>disability the right to conduct activities or exercise authority</u>	29
<u>as described in division (A) of section 2131.031 of the Revised</u>	30
<u>Code, shall determine whether modifications or supportive</u>	31
<u>services designed to assist the person regarding the activities</u>	32
<u>or authority are necessary and reasonable.</u>	33
<u>(B) A public children services agency, private child</u>	34
<u>placing agency, or private noncustodial agency shall provide its</u>	35
<u>reasons for a determination under division (A) of this section.</u>	36
<u>(C) A court shall make specific written findings of fact</u>	37
<u>and conclusions of law providing the basis for its determination</u>	38
<u>under division (A) of this section.</u>	39
<b><u>Sec. 2131.033.</u></b> <u>If modifications and supportive services</u>	40
<u>are determined to be necessary and reasonable under section</u>	41
<u>2131.032 of the Revised Code, the court, public children</u>	42
<u>services agency, private child placing agency, or private</u>	43
<u>noncustodial agency that made the determination may require the</u>	44
<u>modifications or services to be implemented to assist the person</u>	45

with a disability to conduct the activities or exercise the 46  
authority as described in division (A) of section 2131.031 of 47  
the Revised Code. The court, public children services agency, 48  
private child placing agency, or private noncustodial agency 49  
imposing the modifications or services shall review their 50  
continued necessity and reasonableness after a reasonable amount 51  
of time. 52

Sec. 2131.034. If modifications and supportive services 53  
are not determined reasonable under section 2131.032 of the 54  
Revised Code, the court, public children services agency, 55  
private child placing agency, or private noncustodial agency 56  
that made the determination shall deny or limit conduct of 57  
activities or exercise of authority described under division (A) 58  
of section 2131.031 of the Revised Code by the person with a 59  
disability. 60

Sec. 2131.035. A person with a disability may bring an 61  
action or, in the case of a court determination, file a motion, 62  
to challenge either of the following: 63

(A) The modifications or supportive services required 64  
under section 2131.033 of the Revised Code; 65

(B) The limitation or denial under section 2131.034 of the 66  
Revised Code. 67

Sec. 2131.036. A court shall do one of the following 68  
regarding an action or motion under section 2131.035 of the 69  
Revised Code: 70

(A) Affirm the modifications or supportive services 71  
required under section 2131.033 of the Revised Code or 72  
limitation or denial under section 2131.034 of the Revised Code 73  
and make specific written findings of fact and conclusions of 74

law providing the basis for its decision as to why reasonable 75  
modifications or supportive services are necessary in order to 76  
conduct the activity or exercise the authority in question or 77  
insufficient to alleviate any concerns. With regard to a motion 78  
to challenge a court determination, the court shall consider, 79  
and address in its decision, any new arguments or evidence 80  
provided with the motion. 81

(B) Rescind the modifications or supportive services or 82  
limitation or denial and grant the person the right to conduct 83  
activities or exercise authority described in section 2131.031 84  
of the Revised Code, with or without reasonable modifications or 85  
support services. 86