As Introduced

132nd General Assembly

Regular Session **H. B. No. 309**

2017-2018

Representatives Gonzales, Rezabek

Cosponsors: Representatives Hambley, Goodman, Retherford, Boggs, Thompson, Miller, Dean, Kent

A BILL

To enact sections 2131.03, 2131.031, 2131.032, 2131.033, and 2131.034 of the Revised Code to generally prohibit a person's blindness from being used 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, and 2131.034 of the Revised Code be enacted to read as follows:

Sec. 2131.03. As used in sections 2131.03 to 2131.034 of the Revised Code, "blind" has the same meaning as in section 3304.28 of the Revised Code.

Sec. 2131.031. (A) Except when necessary to serve the best interests of a minor, 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 because the person is blind:

(1) Exercising custody, parenting time, or visitation rights with a minor;

(2) Adopting a minor;

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

(4) Appointment as a guardian for a minor.

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

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

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

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

Sec. 2131.034. If a court determines that the exercise of custody, parenting time, or visitation rights, adoption, service as a foster caregiver, or appointment as a guardian, regarding a

minor should be denied or limited in any manner, it shall make specific written findings of fact and conclusions of law providing the basis for such determination and why supportive services are insufficient to alleviate any detrimental impact determined under section 2131.032 of the Revised Code.