

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 309**

**Representatives Gonzales, Rezabek**

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

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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 blindness 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, "blind" has the same meaning as in section 11  
3304.28 of the Revised Code. 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 is blind: 17

<u>(1) Exercising custody, parenting time, or visitation rights with a minor;</u>	18
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<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 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.</u>	23
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<b><u>Sec. 2131.032.</u></b> <u>(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.</u>	27
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<u>(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.</u>	33
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<b><u>Sec. 2131.033.</u></b> <u>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.</u>	37
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<b><u>Sec. 2131.034.</u></b> <u>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</u>	43
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<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