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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

**S.B. 202**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 202's Bill Analysis](#)

**Version:** As Reported by House Civil Justice

**Primary Sponsors:** Sens. Hackett and Antonio

**Local Impact Statement Procedure Required:** No

Ryan Sherrock, Economist

### **Highlights**

- Courts, public children services agencies, private child placing agencies, or private noncustodial agencies may experience a cost to determine if support services or modifications are necessary and reasonable for a person with a disability in cases involving custody, visitation, or other care arrangements. The impact is anticipated to be minimal.
- The bill provides that a civil action to challenge a state administrative order issued in a state of emergency be brought in the Court of Claims or an appropriate local court depending on the nature of the action. As a result of this provision, the number of civil actions that, because of future state of emergencies, could be filed in the Court of Claims instead of local trial courts is unforeseeable.

### **Detailed Analysis**

#### **Disability generally barred as a factor for minor's caretaker**

The bill specifies that a person's disability cannot be used solely as a reason to deny or limit custody, parenting time, visitation, adoption, or services as a guardian or foster caregiver to a minor. The bill requires a court, public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) to determine whether supportive services<sup>1</sup> or modifications designed to assist the person regarding the activities or authority are necessary

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<sup>1</sup> Under the bill, supportive services are any services provided through a program or agency at the federal, state, or local level that are intended to assist a person with a disability with day-to-day responsibilities and activities, including those associated with the care and supervision of a minor.

and reasonable when determining whether to grant a person with a disability the right to conduct the previously mentioned activities. In addition, these entities must provide reasons for a determination. Further, a court must make specific written findings of fact and conclusions of law providing the basis for its determination. If support services or modifications are determined to be necessary and reasonable, the court, PCSA, PCPA, or PNA that made the determination may require the supportive services or modifications to be implemented. The entity imposing the modifications or services must review their continued necessity and reasonableness after a reasonable amount of time. If it is found that supportive services or modifications are not determined reasonable, the court, PCSA, PCPA, or PNA is required to deny or limit the activities or exercise of authority. Under the bill, the person with a disability is permitted to bring an action or, in the case of a court determination, file a motion, to challenge (1) the modifications or supportive services required or (2) the limitation or denial. If an action is brought or a motion is filed, the court is required to either (1) affirm the modifications or supportive services or limitation or denial and make specific written finding of fact and conclusions of law providing the basis for its decision or (2) rescind the modifications or supportive services or limitation or denial and grant the person the right to conduct the activities or exercise authority as mentioned above. Local courts, PCSAs, PCPAs, and PNAs could realize an increase in costs to make these determinations. The costs are likely to be minimal. There could also be costs if an action is brought forward or if a motion is filed. These costs will depend on the number of such cases and the specifics of each individual case. In addition, if support services or modifications are required to be implemented and an individual is eligible for public programs that offer these, it is possible that the state or political subdivisions could incur additional costs.

## **Civil action to challenge administrative order issued in a state of emergency**

Under current law, a person may challenge an order or rule adopted or issued in response to a state of emergency by an administrative department, administrative department head, state agency, or statewide elected officer for damages, in a civil action for damages, declaratory judgment, injunctive relief, or other appropriate relief in an appropriate court located in the county where the person's residence or business is located.

The bill makes changes to that provision as follows:

- Specifies that if the civil action is for damages, the action may be brought only in the Court of Claims.
- Specifies that if the civil action is for declaratory judgment, injunctive relief, or other appropriate relief other than damages, the action may be brought in an appropriate court located in the county where the person's residence or business is located or in the Court of Claims.
- Specifies that if the civil action is for damages and also is for declaratory judgment, injunctive relief, or other appropriate relief, the action may be brought only in the Court of Claims.

As a result of these changes, the number of civil actions that, because of future state of emergencies, could be filed in the Court of Claims instead of local trial courts is unforeseeable.