

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 527**

**Representative LaTourette**

**Cosponsors: Representatives Antonio, Arndt, Kick, Romanchuk, Smith, K.**

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**A BILL**

To enact section 2111.132 of the Revised Code to  
allow certain specified persons to petition the  
probate court for reasonable visitation with an  
incompetent or ward if visitation between the  
person and the incompetent or ward has been  
interfered with or denied.

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

**Section 1.** That section 2111.132 of the Revised Code be  
enacted to read as follows:

**Sec. 2111.132.** (A) As used in this section, "interested  
person" means any person who has a significant, ongoing  
relationship with an incompetent or ward based on strong  
affection.

(B) There is a rebuttable presumption that it is in the  
best interest of an incompetent or ward to have visitation from  
the incompetent's or ward's spouse, adult child, adult  
grandchild, parent, adult sibling, or other interested person.

(C) (1) A spouse, adult child, adult grandchild, parent,  
adult sibling, or other interested person may petition the

probate court in the county where the incompetent or ward 19  
resides or in the probate court that appointed a guardian for 20  
the ward for reasonable visitation with the incompetent or ward. 21

(2) The petition for reasonable visitation shall include 22  
the following information: 23

(a) That the petitioner is a person specified in division 24  
(B) of this section; 25

(b) That the petitioner's visitation with the incompetent 26  
or ward has been unreasonably interfered with or denied; 27

(c) The identity of the person or persons who have 28  
unreasonably interfered with or denied the petitioner's 29  
visitation with the incompetent or ward. 30

(3) Service of summons, by certified mail, upon that 31  
petition shall be issued and served on the incompetent or ward 32  
who is the subject of the petition, the guardian, if applicable, 33  
and any individual alleged to have interfered with or denied 34  
visitation between the incompetent or ward and the petitioner. 35

(D) If an incompetent or ward has the ability to consent 36  
to the visitation between the incompetent or ward and the 37  
petitioner and the incompetent or ward objects to the petition, 38  
the petitioner has the burden to prove by clear and convincing 39  
evidence that the incompetent's or ward's objection to the 40  
petition was procured by undue influence. 41

(E) If a person other than the incompetent or ward seeks 42  
to rebut the presumption set forth in division (B) of this 43  
section, that person has the burden of proving by clear and 44  
convincing evidence that the visitation is not in the best 45  
interest of the incompetent or ward because the petitioner has 46  
caused physical or financial harm against an elderly person or 47

the visitation would be harmful to the physical or mental health 48  
of the incompetent or ward. 49

(F) (1) In ruling on a petition for reasonable visitation 50  
under this section, the probate court shall issue a statement of 51  
facts and law. The court may impose reasonable restrictions on 52  
the visits, including reasonable time or frequency limitations 53  
or requiring the visits to be monitored. The court shall 54  
consider imposing those reasonable restrictions on visitation 55  
before denying a petition. 56

(2) The probate court may assess costs of the petition or 57  
visitation, including the costs of monitoring visits, on any 58  
party to the proceeding. The court may also impose sanctions in 59  
the amount of reasonable attorney's fees against a petitioner 60  
who brings a petition under this section in bad faith or against 61  
a party that unjustifiably interferes with or denies visitation 62  
between the petitioner and the incompetent or ward. The court 63  
shall not assess costs or sanctions against an incompetent or 64  
ward that is the subject of the petition. 65

**Section 2.** The General Assembly, in enacting this act, 66  
hereby declares that every adult in this state has the right to 67  
visit with, and receive mail and telephone or electronic 68  
communications from, whomever the adult so chooses, unless a 69  
court has specifically ordered otherwise. 70