



Adult Advocacy  
Centers

January 13, 2021

**Katherine Yoder**

*Executive Director*

Adult Advocacy Centers

P.O. Box 9118

Columbus, Ohio 43209

Dear Senator Gavarone,

*We, the undersigned, are advocates in the disability and victim services communities. Together we are requesting that Ohio expand the work started by House Bill 158 in 2016, which aimed to replace references to “mentally retarded person” in the Ohio Revised Code. While that legislation was an important step, the bill was not broad enough, leaving behind many equally degrading and hurtful terms, such as “idiot,” “deaf and dumb,” “mentally retarded,” “lunatics,” “mental defective,” “crippled child/children,” “derangement” and “handicapped.” These antiquated terms are rooted in historical trauma, stereotyping and oppression, which can easily result in additional, unnecessary harm for people with disabilities.*

*We ask that you, as an elected official, take action to review and change all Ohio laws that include these derogatory terms, including language in the state constitution. A full list of the citations in question can be found attached to this letter. The substitute language we recommend is meant to act as the start of a conversation, and we welcome further collaboration. Taking this action would ensure that respect for individuals with disabilities is reflected in all aspects of our society, including the laws that govern us.*

*Thank you for your time and consideration on this matter. I look forward to discussing the next steps.*

*Sincerely,*

**Katherine E. Yoder**

*Executive Director, Adult Advocacy Centers*

**Additional Signatories:**



**Advocacy and Protective Services Inc.**

*Kristen Henry, Executive Director*

**The Arc of Ohio**

*Gary Tonks, Chief Executive Officer*

**Canopy Child Advocacy Center**

*Jennifer Johnson, Director*

**DeafPhoenix**

*Stephanie Bowman, Chief Executive Officer*

**Deaf World Against Violence Everywhere**

*Rose Larson, Executive Director*

**Disability Rights Ohio**

*Kerstin Sjoberg, Executive Director*

**Down Syndrome Association of Central Ohio**

*Kari Jones, President*

**Easterseals Central and Southeast Ohio**

*Pandora Shaw-Dupras, Chief Executive Officer*

**The Forensic Nursing Network**

*Laura Kaiser, Executive Director*

**Human Trafficking and Social Justice Institute**

*Dr. Celia Williamson, Director*

*Distinguished Professor, Social Work, University of Toledo*

**Mental Health & Addiction Advocacy Coalition**

*Joan Englund, Executive Director*

**Mental Health America of Ohio**

*Tonya Fulwider, Associate Director*

**Mental Health & Recovery Board of Ashland County**

*Steve Stone, Executive Director*

**National Association of Social Workers Ohio Chapter**

*Danielle Smith, Executive Director*

**Ohio Association of County Behavioral Health Authorities**

*Cheri Walter, Chief Executive Officer*

**Ohio Association of County Boards of Developmental Disabilities**

*Bridget Gargan, Executive Director*

**Ohio Association of the Deaf**

*Irene Tunanidas, President*

**Ohio Crime Victim Justice Center**

*Catherine Harper Lee, Executive Director*

**Ohio Developmental Disabilities Council**

*Carolyn Knight, Executive Director*

**Ohio Domestic Violence Network**

*Mary O'Doherty, Executive Director*

**Ohio Psychological Association**

*Michael Rainey, Executive Director*

**Ohio Self Determination Association**

*Dana Charlton, Executive Director*

**Ohio Statewide Independent Living Council**

*Jeremy Morris, Executive Director*

**Ohio Victim Witness Association**

*Liz Poprocki, Executive Director*

**People First of Ohio**

*Kraig Walker, State Coordinator*

*Michael Richards, Chapter Coordinator*

**Pro Seniors**

*Dimity Orlet, Executive Director*

Citation	Term Used and Offensive Language Included in Code	Suggested Language
Ohio Constitution, Article V, Section 6	<p><i>Title of section: <u>Idiots or Insane Persons</u></i></p> <p><i>"No <u>idiot</u>, or insane person, shall be entitled to the privileges of an elector."</i></p> <p><a href="https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=5.06">https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=5.06</a></p>	Suggest that this language be totally eliminated without any substitution.
Ohio Constitution, Article VII, Section 1	<p><i>"<u>Institutions for the benefit of the insane, blind, and deaf and dumb</u>, shall always be fostered and supported by the state; and be subject to such regulations as may be prescribed by the General Assembly."</i></p> <p><a href="https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=7.01">https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=7.01</a></p>	Suggest <i>Facilities for and services to persons who, by reason of disability, require care, treatment, or habilitation</i> be substituted. <i>*Note: It is fully recognized that the state of Ohio operates and funds institutions in Ohio and should continue to do so. Language substitution is being requested to respect individuals with disabilities, not to change the intent of the Constitution.</i>
ORC §1.02(C)	<p><i>"<u>Of unsound mind</u>' includes all forms of derangement or intellectual disability."</i></p> <p><b>History:</b> Amended by 131st General Assembly File No. TBD, HB 158, §1, eff. 10/12/2016.</p> <p><b>Effective Date:</b> 01-03-1972 .</p> <p><a href="http://codes.ohio.gov/orc/gp1.02">http://codes.ohio.gov/orc/gp1.02</a></p>	Suggest <i>"Of unsound mind"</i> means that the <i>person lacks the relevant mental capacity</i> be substituted.

<p>ORC §154.02(A)(1)</p>	<p><i>"Mental hygiene and retardation, including housing for mental hygiene and retardation patients under Section 16 of Article VIII, Ohio Constitution."</i></p> <p><b>History:</b> Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.</p> <p><b>Effective Date:</b> 09-14-2000; 07-01-2005; 2006 HB699 03-29-2007.</p> <p><a href="http://codes.ohio.gov/orc/154.02">http://codes.ohio.gov/orc/154.02</a></p>	<p>Suggest <i>individuals with developmental disabilities or mental health disorders</i> be substituted.</p>
<p>ORC §154.20</p>	<p><i>"Capital facilities for mental hygiene or retardation."</i></p> <p><b>History:</b> Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.</p> <p>Amended by 128th General Assembly ch.28, SB 79, §1, eff. 10/6/2009.</p> <p><b>Effective Date:</b> 09-14-2000; 2006 HB699 03-29-2007.</p> <p><a href="http://codes.ohio.gov/orc/154.20">http://codes.ohio.gov/orc/154.20</a></p> <p><a href="http://codes.ohio.gov/orc/154.20">http://codes.ohio.gov/orc/154.20</a></p>	<p>Suggest <i>individuals with developmental disabilities or mental health disorders</i> be substituted.</p>

<p>ORC §1743.05</p>	<p><i>Title of section: Corporations organized for care of <u>deaf and dumb</u> persons</i></p> <p><i>"Any corporation organized for the purpose of providing a home for <u>deaf and dumb</u> persons may enter into a contract with the board of county commissioners of any county, or with the proper officers of any municipal infirmary, for the care and maintenance in such home of any <u>deaf and dumb</u> person who is an inmate of the county home or of such municipal infirmary, or who is entitled to admission thereto."</i></p> <p><b>Effective Date:</b> 07-01-2000.  <a href="http://codes.ohio.gov/orc/1743.05">http://codes.ohio.gov/orc/1743.05</a></p>	<p>Suggest <u>deaf person(s)</u> be substituted.</p>
<p>ORC § 2923.1213(B)(1)(b)</p>	<p><i>"...has not been adjudicated as a <u>mental defective</u>, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to court order, and is not an involuntary patient other than one who is a patient only for purposes of observation, as described in division (D)(1)(i) of that section"</i></p> <p><b>Effective Date:</b> 3-23-2015  <a href="https://codes.ohio.gov/orc/2923.1213">https://codes.ohio.gov/orc/2923.1213</a></p>	<p>Suggest removing without substitution.</p>
<p>ORC § 2923.125(D)(1)(i)</p>	<p><i>The applicant has not been adjudicated as a <u>mental defective</u>..."</i></p> <p><b>Effective Date:</b> 11-5-2018  <a href="https://codes.ohio.gov/orc/2923.125">https://codes.ohio.gov/orc/2923.125</a></p>	<p>Suggest removing without substitution.</p>
<p>ORC § 2923.128(B)(1)(f)</p>	<p><i>"On or after the date on which the license was issued, the licensee is adjudicated as a <u>mental defective</u> or is committed to a mental institution."</i></p> <p><b>Effective Date:</b> 3-23-2015.  <a href="http://codes.ohio.gov/orc/2923.128">http://codes.ohio.gov/orc/2923.128</a></p>	<p>Suggest <u>under adjudication of incompetence</u> be substituted.</p>

<p>ORC § 2923.13(A)(5)</p>	<p><i>"The person is under adjudication of mental incompetence, has been adjudicated as <u>mental defective</u>, has been committed to a mental institution has been found by a court to be mentally ill person subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation."</i></p> <p><b>History:</b> Amended by 130th General Assembly File No. TBD, HB 234, §1, eff. 3/23/2015. Amended by 130th General Assembly File No. TBD, SB 43, §1, eff. 9/17/2014. Amended by 129th General Assembly File No.190, HB 495, §1, eff. 3/27/2013. Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.</p> <p><b>Effective Date:</b> 04-08-2004; 03-14-2007; 2008 SB184 09-09-2008.</p> <p><a href="http://codes.ohio.gov/orc/2923.1213">http://codes.ohio.gov/orc/2923.1213</a></p>	<p>Suggest removing without substitution due to redundance.</p>
<p>ORC § 2945.491</p>	<p><i>"Taking testimony of <u>mentally retarded person or developmentally disabled person victim</u>"</i></p> <p><b>History:</b> Amended by 131st General Assembly File No. TBD, HB 158, §1, eff. 10/12/2016.</p> <p><b>Effective Date:</b> 01-30-2004.</p> <p><a href="http://codes.ohio.gov/orc/Search/2945.49">http://codes.ohio.gov/orc/Search/2945.49</a></p>	<p>Suggest <u>individuals with intellectual and developmental disabilities</u> be substituted.</p>

ORC § 3313.55	<p><i>"In any case in which a board provides educational facilities under this section, the board that provides the facilities shall be entitled to all moneys authorized for the attendance of pupils as provided in Chapter 3317. Of the Revised Code, tuition as provided in section 3317.08 of the Revised Code, and such additional compensation as is provided for <u>crippled children</u> in sections 3323.01 o 3323.12 of the Revised Code."</i></p> <p><b>History:</b> Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 6/30/2011. Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 7/17/2009.</p> <p><b>Effective Date:</b> 10-10-2000.</p> <p><a href="http://codes.ohio.gov/orc/3313.55">http://codes.ohio.gov/orc/3313.55</a></p>	Suggest <u>child with a disability</u> be substituted.
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ORC § 3335.51	<p><i>"The objectives of the Ohio rehabilitation center shall be to rehabilitate <u>handicapped</u> or disabled persons whose rehabilitation requires extended residential care or intensive study and services; to cooperate with, aid, and supplement such public and private projects for rehabilitation as may be established in the various communities of the state; to provide training for persons seeking competence in the several disciplines pertaining to the field of rehabilitation; to conduct research and demonstrations in connection with the problems and techniques of rehabilitation; to disseminate information and promote public understanding respecting the problems incident to the rehabilitation of <u>the handicapped</u> and their return to productive usefulness; and to afford such other services of rehabilitation as the center may develop for the benefit of citizens of the state."</i></p> <p><b>Effective Date:</b> 09-14-1961. <a href="http://codes.ohio.gov/orc/3335.51">http://codes.ohio.gov/orc/3335.51</a></p>	Suggest that <u>handicapped</u> be deleted in the first mention and substituted with <u>persons with disabilities</u> in the second mention.
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<p>ORC § 3501.29(B)(1)(a) &amp; (b), (C), and (D)(2), and (F)</p>	<p><i><u>“Handicapped persons”</u></i></p> <p><i>“That polling places are free of barriers that would impede ingress and egress of <u>handicapped persons</u>.”</i></p> <p><i>“That the minimum number of special parking locations, also known as handicapped parking spaces or disability parking spaces, for <u>handicapped persons</u> are designed at each polling place in accordance with 28 C.F.R. Part 36, Appendix A, and in compliance with division (E) of section 4511.69 of the Revised Code.”</i></p> <p><i>“At any polling place that is exempted from compliance by the secretary of the state, the board of elections shall permit any <u>handicapped elector</u> who travels to that elector’s polling place, but who is unable to enter the polling place, to vote, with the assistance of two polling place officials of major political parties, in the vehicle that conveyed that elector to the polling place, or to receive and cast that elector’s ballot at the door of the polling place.”</i></p> <p><i>“Work with organizations that represent or provide services to <u>handicapped, disabled, or elderly citizens</u> to effect a wide dissemination of information about the availability of absentee voting, voting in the voter’s vehicle or at the door of the polling place, or other election services to <u>handicapped, disabled, or elderly citizens</u>.”</i></p> <p><b>History:</b> Amended by 130th General Assembly File No. 47, SB 109, §1, eff. 2/25/2014. Amended by 129th General Assembly File No.105, SB 295, §1, eff. 8/15/2012. Amended by 129th General Assembly File No.40, HB 194, §1 Made subject to referendum in the Nov. 6, 2012 election. The version of this section thus amended was repealed by 129th General Assembly File No.105, SB 295, §1, eff. 8/15/2012.</p> <p><b>Effective Date:</b> 08-22-1995; 08-22-2006.</p> <p><a href="http://codes.ohio.gov/orc/3501.29">http://codes.ohio.gov/orc/3501.29</a></p>	<p>Suggest <i>individuals with disabilities</i> or <i>elector with disabilities</i> be substituted.</p> <p>Suggest “handicapped” be deleted where redundant, as in “handicapped, disabled....”</p>
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<p>ORC § 4961.08</p>	<p><i>“Saving the rights of infants, lunatics, and persons imprisoned, for six months after their disability is removed, no action shall be brought for damages caused by such change or diversion, unless it is begun within six months from the filing of the certificate for the change with the secretary of state, and the publication of notice thereof by the company for four consecutive weeks in a newspaper published in such county.”</i></p> <p><b>Effective Date:</b> 10-07-1977.  <a href="http://codes.ohio.gov/orc/4961.08">http://codes.ohio.gov/orc/4961.08</a></p>	<p>Suggest <u>individuals adjudicated to be incompetent</u> be substituted.</p>
<p>ORC § 5119.70, Article I</p>	<p><i>“The party states find that the proper and expeditious treatment of the mentally ill and mentally retarded can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole.”</i></p> <p><b>History:</b> Renumbered from § 5119.50 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.  <b>Effective Date:</b> 07-01-1980.  <a href="http://codes.ohio.gov/orc/5119.70">http://codes.ohio.gov/orc/5119.70</a></p>	<p>Suggest <u>individuals with developmental disabilities</u> be substituted.</p>

<p>ORC §5119.70, Article IX (a) &amp; (b), Article XI</p>	<p><i>"No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of <u>mental illness or mental retardation</u>, said person would be subject to incarceration in a penal or correctional institution."</i></p> <p><i>"To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail, or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for <u>mental illness or mental retardation</u>."</i></p> <p><i>"The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of <u>mental illness or mental retardation</u>."</i></p> <p><b>History:</b> Renumbered from § 5119.50 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013. <b>Effective Date:</b> 07-01-1980. <a href="http://codes.ohio.gov/orc/5119.70">http://codes.ohio.gov/orc/5119.70</a></p>	<p>Suggest <u>mental health disorders or intellectual and developmental disabilities</u> be substituted.</p>
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<p>ORC § 5123.021(A), (B)(1) &amp; (C),</p>	<p><i>“As used in this section, <u>mentally retarded individual</u> and <u>specialized services</u> have the same meanings as in section 5165.03 of the Revised Code.”</i></p> <p><i>“Except as provided in division (B)(2) of this section and rules adopted under division (E)(3) of this section, for purposes of section 5165.03 of the Revised Code, the department of developmental disabilities shall determine in accordance with section 1919(E)(7) of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations adopted under section 1919(f)(8)(A) of that act whether, because of the individual's physical and mental condition, a <u>mentally retarded individual</u> seeking admission to a nursing facility requires the level of services provided by a nursing facility and, if the individual requires that level of services, whether the individual requires specialized services for mental retardation.”</i></p> <p><i>“Except as provided in rules adopted under division (F)(3) of this section, the department of developmental disabilities shall review and determine, for each resident of a nursing facility who is <u>mentally retarded</u>, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental retardation.”</i></p> <p><b>History.</b> Amended by 131st General Assembly File No. TBD, HB 483, §101.01, eff. 10/12/2016. Amended by 131st General Assembly File No. TBD, HB 158, §1, eff. 10/12/2016. Amended by 128th General Assembly ch.28, SB 79, §1, eff. 10/6/2009.</p> <p><b>Effective Date:</b> 09-22-2000. <a href="http://codes.ohio.gov/orc/5123.02">http://codes.ohio.gov/orc/5123.02</a></p>	<p>Suggest <u>intellectual and developmental disabilities</u> be substituted.</p>
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<p>ORC § 5126.011</p>	<p><i>"Whenever a county board of <u>mental retardation</u>* and developmental disabilities is referred to or designated in any statute, rule, contract, grant, or other document, the reference or designation shall be deemed to refer to a county board of developmental disabilities."</i></p> <p>*Note: All 88 County Boards have removed "mental retardation" from their name.</p> <p><b>History.</b> Added by 128th General Assembly.28, SB 79, §1, eff. 10/6/2009. <a href="http://codes.ohio.gov/orc/5126.011">http://codes.ohio.gov/orc/5126.011</a></p>	<p>Suggest "mental retardation" be dropped without substitution.</p>
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<p>ORC § 5153.16(A)(6)</p>	<p><i>“Make available to the <u>bureau for children with mental handicaps</u> of the department of health at its request any information concerning a <u>crippled child</u> found to be in the need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency.”</i></p> <p><b>History:</b> Amended by 131st General Assembly File No. TBD, HB 493, §1, eff. 3/14/2017. Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013. Amended by 129th General Assembly File No.180, HB 279, §1, eff. 3/22/2013. Amended by 128th General Assemblych.180, SB 79, §1, eff. 10/6/2009.</p> <p><b>Effective Date:</b> 09-26-2003; 09-29-2005; 09-21-2006 <a href="http://codes.ohio.gov/orc/5153.16">http://codes.ohio.gov/orc/5153.16</a></p>	<p>Suggest code language be changed to align with the name of the state department, which is <i>Children with Medical Handicaps Program</i>. Suggest “crippled child” be changed to <i>child with a disability</i>.</p> <p><a href="https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/children-with-medical-handicaps/welcome-to">Link to CMH - https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/children-with-medical-handicaps/welcome-to</a></p>
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<p>ORC § 5165.03(A)(4) &amp; (B)(2)</p>	<p><i>“Mentally retarded individual means an individual who is <u>mentally retarded</u> or has a related condition, as described in the Social Security Act, section 1905(d), 42 U.S.C. 1396d(d).”</i></p> <p><i>“Except as provided in division (D) of this section, no nursing facility shall admit as a resident any <u>mentally retarded</u> individual unless the facility has received evidence that the department of developmental disabilities has determined both of the following under section 5123.021 of the Revised Code.”</i></p> <p><b>History:</b> Renumbered from § 5111.202 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013. Amended by 128th General Assemblych.9, SB 79, §1, eff. 10/6/2009.</p> <p><b>Effective Date:</b> 07-01-2000.</p> <p><a href="http://codes.ohio.gov/orc/5165.03">http://codes.ohio.gov/orc/5165.03</a></p>	<p>Suggest <i>individual with intellectual or developmental disabilities</i> be substituted.</p>
<p>ORC § 5709.45(H)(1)</p>	<p><i>“A tax levied under division (L) of section 5705.19 or section 5705.191 of the Revised Code for community <u>mental retardation</u> and developmental disabilities programs and services pursuant to Chapter 5126 of the Revised Code.”</i></p> <p><b>History:</b> Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017. Amended by 131st General Assembly File No. TBD, SB 235, §1, eff. 3/28/2017. Added by 131st General Assembly File No. TBD, HB 233, §1</p> <p><b>Effective Date:</b> 8/5/2016.</p> <p><a href="http://codes.ohio.gov/orc/5709.45">http://codes.ohio.gov/orc/5709.45</a></p>	<p>Suggest “mental retardation” be deleted without substitution.</p>