



Representative Robert R. Cupp
Ohio House District 04

Representative Jeffery S. Rezabek
Ohio House District 43

Good afternoon Chair Butler, Vice Chair Lanese and Ranking Member Boggs. Representative Rezabek and I appreciate the opportunity to offer informal testimony in support of House Bill 595, which we expect to be referred to your committee in the coming weeks. House Bill 595 continues the movement toward making the estate process less cumbersome and less expensive for the citizens of Ohio. Among other benefits, this legislation would allow Ohioans to avoid costly litigation arising from disputes over trusts and would encourage counties to partner with each other to provide costly guardianship services, where feasible.

The proposed bill does the following:

- Clarifies and confirms when the terms of a trust may direct that the trustee and/or beneficiaries must settle disputes by arbitration;
- Clarifies that the exception to the antilapse statutes, which prevents the creation of a substitute gift in the descendants of the deceased class member, only if the defined class is multi-generational;
- Adds a new chapter and deletes certain sections of the ORC to (1) allow for a living settlor to have the validity of his or her trust determined, just as a living testator may have the validity of his or her will determined under current law, (2) make some modifications to the provisions regarding testators, and (3) coordinate the two sets of provisions into a single chapter;
- Makes changes needed to bring about consistency within the right of disposition statutes relative to the body and property of the deceased;
- Clarifies the requirements for incorporating the terms of a trust into a testator's will;

- Extends the time period that a court created trust for a minor beneficiary can exist; and
- Authorizes the creation of county and multicounty guardianship services boards.

This bill is supported by the Ohio State Bar Association and the Ohio Judicial Conference.

We thank you for your kind attention, and I will be happy to address questions that you may have.