



OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

Fiscal Note & Local Impact Statement

Bill: H.B. 595 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. Cupp and Rezabek

Local Impact Statement Procedure Required: No

Subject: Makes various changes to probate law related to trusts and wills

State & Local Fiscal Highlights

- The bill's trust and will validation provisions will generate minimal additional annual expenses for the probate divisions of the courts of common pleas that likely can be handled with existing staff and appropriated resources.
- The bill permits the creation of probate court guardianship funds, guardianship services boards (including the hiring of employees), and the charging of fees for specified services. The cost to operate a board, as well as the amount of money that may be generated and disbursed from such funds annually, is uncertain.
- The bill's notice of person's death and disposition of property provisions are unlikely to create additional expenses for county coroners.
- The bill has no direct fiscal effect on the state.

Detailed Fiscal Analysis

Trusts and wills

The bill makes various changes to the probate law concerning the validity of wills and trusts and the processes within the probate courts concerning wills and trusts. The bill may increase the number of probate court hearings by allowing a person to validate a trust prior to death in the same way that a will may be validated under current law. The bill's trust and will validation provisions will generate minimal additional annual expenses for the probate divisions of the courts of common pleas that likely can be handled with existing staff and appropriated resources.

Guardianship services

Probate court guardianship services fund

The bill allows probate courts to accept funds (or other program assistance) from or charge fees for services to certain entities.¹ Those moneys are to be credited to the

¹ Entities include individuals, corporations, agencies, or organizations, including a county board of alcohol, drug addiction, and mental health services or a county board of developmental disabilities.

county probate court guardianship services fund, which the bill creates. Counties are also permitted to accept funds and charge fees jointly and to establish a multi-county probate court guardianship services fund. The amount of money that may be generated and disbursed from such funds annually is uncertain.

These moneys are required to be used to help ensure the treatment of any person who is subject to a guardianship including involuntary commitment proceedings, and the establishment and management of adult guardianships and all associated expenses. Permitted uses include the acquisition of equipment, hiring and training of staff, community services programs, volunteer guardianship training services, employment of magistrates, related services for the efficient operation of the court, and establishment of a county or multi-county guardianship services board.

Guardianship services boards

Under the bill, the judge of a probate court is permitted to establish a guardianship services board by appointing at least one member. Other appointing entities may include the board of directors for the county board of developmental disabilities or the county board of alcohol, drug addiction, and mental health services. The purpose of the board is to serve as guardians for wards appointed by the probate court. The guardianship services board may hire employees, including a director, to be paid from the probate court guardianship services fund and may charge a reasonable fee to wards overseen by the board.

County coroners

Under current law, a coroner is required to notify any relatives of a deceased person of the death, while under the bill a coroner is required to make a reasonable effort. The bill also requires coroners: (1) to make a reasonable effort to determine the identity of the person who has been assigned rights of disposition for the deceased person, (2) to notify that person of the death, (3) to return the body to that person, and (4) to release all money, clothing, and other valuable personal effects of the deceased to that person. County coroners generally should be able to absorb the bill's notice of person's death and disposition of property provisions into their daily operations with no discernible ongoing fiscal effects.