



Ohio Association of Area Agencies on Aging  
*Advocacy. Action. Answers on Aging.*

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**Testimony before the Ohio House of Representatives  
Civil Justice Committee  
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Presented by:

**Duana Patton  
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President, Ohio Association of Area Agencies on Aging**

Chairman Hambley, Ranking Member Brown, and members of the Civil Justice Committee, thank you for the opportunity to provide written testimony in support of HB 500. My name is Duana Patton and I am the CEO of the Ohio District 5 Area Agency on Aging, and the President of the Ohio Association of Area Agencies on Aging Board of Directors.

We are part of a national network of over 600 on-the-ground organizations in each state, Area Agencies on Aging, mandated by the Older Americans Act, and charged with helping Americans thrive in our homes and communities as we age. For many years, home and community-based services have been the key to meaningful, cost-effective options for older adults and people with disabilities to live healthy, engaged, secure lives in our homes and communities. Area Agencies on Aging and our provider partners are at the forefront of the effort to ensure that older Ohioans are safe and healthy at home especially during this time.

Thank you to Representatives Kick and McClain for introducing HB 500. This bill creates a rebuttable presumption that it is in the best interest of an incompetent or ward to have visitation from specified relatives or an interested person and provides the circumstances for the rebuttal of the presumption.

It provides a process for family members to petition the probate court to seek visitation when a guardian has denied it. Currently there is no **explicit** right to petition the court for visitation in probate court rules. It is left to the discretion of the probate court judge in a particular county.

Several years ago, two sisters reached out to me and my team at the Area Agency on Aging, Inc. seeking assistance and advice. Their brother lived with their mother who suffered from dementia and he was refusing them access to the mom. He cancelled his mom's cell phone and wouldn't allow his sisters to see his mother. He was the legal guardian and power of attorney over financial and medical affairs. The Ombudsman Program Staff recommended the family contact Adult Protective Services (APS). APS was contacted, and their investigation did not substantiate any neglect or abuse. The sisters indicated that the mother would not have been able to speak for herself as she could not recall many of her family members due to her memory loss. Unfortunately, in the case APS and the Ombudsman Programs were not suited to address the families desire to gain visitation. Although APS, Ombudsman and guardianship programs are valuable, their authority did not provide the intervention the family needed.

Later that year, I was introduced to Kerri Kasem, the daughter of the late Casey Kasem. Ms. Kasem shared her story, which is familiar to most, as it played out in national media. Kerri and her siblings were kept from seeing their ailing father. Casey Kasem passed away without his loving children by his side. Kerri founded Kasem Cares and now is a family and elder abuse advocate across the country.

Last year Kerri Kasem forwarded me an email from an Ohio family who found themselves in the middle of a family dispute that resulted in a father being denied access to his adult (disabled) son who as living with his guardian. The guardian, a family member, had a

strained relationship with the father and refused him access to his son. It was the mother of the son who was desperate to find an advocate who would help her navigate options that would ensure the dad could call or visit his son. The family had already reached out to several state agencies with no resolution.

These are just two examples, and as I have advocated for HB 500, I have learned that there are others just like those mentioned above, who have watched older loved ones age and sometime pass, without being there to support or have closure.

Current Ohio rules and programs address elder abuse and guardianship. However, there are gaps when it comes to certain aspects of isolation. I believe that isolation is sometimes the first step of elder abuse. Studies show isolation will decrease an elder's lifespan, can increase chances of depression and can impact overall health and well-being. Area Agencies on Aging and other organizations have witnessed similar stories.

HB 500 provides a way to allow family members to petition a court for visitation while taking into account the health and safety of the individual who is potentially being isolated. We understand that there are other interested parties that have thoughts and suggestions about ways this can be achieved. We welcome continued discussion with interested parties to ensure that this bill addresses the need in a way that works for everyone impacted.

Thank you for the opportunity to offer written testimony in support of HB 500. Please feel free to contact me with any questions you may have. We look forward to continued conversations regarding ways this bill may be improved.