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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 500
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 500's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Kick and McClain

Local Impact Statement Procedure Required: No

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Highlights

- The bill's visitation petition provisions may generate minimal at most additional annual expenses for the probate divisions of the courts of common pleas and likely handled with existing staff and appropriated resources. The payment of costs to the probate division for the petition and visitation-related costs will likely generate some offsetting revenue.

Detailed Analysis

The bill establishes 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," defined as any person who has a significant, ongoing relationship with an incompetent or ward based on strong affection. If a person other than the incompetent or ward seeks to rebut the above presumption, that person has the burden of proving by clear and convincing evidence that the visitation is not in the best interest of the incompetent or ward.

The bill permits a person as described above to petition for reasonable visitation with an incompetent or ward in the probate court in the county in which the incompetent or ward resides or the probate court which appointed a guardian for the ward.

In ruling on such a petition for reasonable visitation, the probate court must issue a statement of facts and law and may impose reasonable restrictions on the visits, including reasonable time or frequency limitations, or required monitoring of visits. The probate court may assess costs of the petition or visitation, including the costs of monitoring visits, on any party to the proceeding. The court may also impose sanctions for reasonable attorney's fees against a petitioner who brings a petition in bad faith or against a party that unjustifiably

interferes with or denies the visitation. The bill prohibits the court from assessing costs or sanctions against an incompetent or ward that is the subject of the petition.

The bill will create additional work in the form of hearings and increased complexity for certain cases adjudicated by probate courts, however, the number of affected cases is expected to be relatively small. Any related additional expenses will be minimal at most and likely handled with existing staff and appropriated resources, and offset somewhat by the assessment and collection of allowable costs.