



Ohio Judicial Conference

The Voice of Ohio Judges

Senate Judiciary Committee

Paul Pfeifer

Proponent Testimony on House Bill 464

Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, I thank you for this opportunity to submit proponent testimony for House Bill 464 on behalf of the Ohio Judicial Conference. I am Paul Pfeifer, Executive Director of the Judicial Conference.

I am testifying today to discuss four provisions in H.B. 464 that would positively impact Ohio's courts and help the courts provide better service to Ohio's citizens.

Private Judging Reform

H.B. 464 would give elected judges the discretion to order the referral of a case to a private judge, rather than mandate it upon request of the parties. The bill would require the parties to create a provision in their private judging agreement to allow for termination of the relationship with the private judge, as the parties see fit. The bill also clarifies that when the referred action is concluded, whether by resolution or termination, jurisdiction is automatically returned to the elected judge so they can adjudicate any subsequent motions or modifications. These simple changes would reform private judging while allowing the practice to continue in appropriate cases.

Guardianship Nonprofit Appointment

This proposal would allow probate courts to appoint appropriate non-profit corporations organized under the laws of this state to be guardians of the person. This approach is presently available only for wards with developmental disabilities and non-profit corporations with a contractual relationship with the Department of Developmental Disabilities. These revisions to R.C. 2111.10 would create a small county alternative to the Guardianship Services Board as currently permitted in R.C. 2111.52. Recently, the OJC collaborated with Representative Skindell on amended language to further strengthen this proposal by clarifying that the nonprofit corporation appointed as guardian of a ward must be domiciled in Ohio and shall not be the residential caregiver, health care provider or employer of the ward.

Name Change Modernization

This proposal would modernize Chapter 2717 of the Revised Code and conform to the work of the Ohio Bureau of Motor Vehicles in its Ohio REAL ID program issuing federally compliant drivers' licenses and identification cards according to Department of Homeland Security regulations. The change amends the

existing name change procedure to make the process faster, more efficient and at a lower cost to applicants by eliminating hearing and publication notice mandates and granting probate courts more discretion to determine the best way to administer each action on a case-by-case basis. The proposal would also enact a new statutory procedure to allow probate courts to correct specific errors in a person's chain of identity so the individual's current legal name is conformed for all purposes in all identity documents.

The proposed statutory changes will improve public service by simplifying the process for changing a person's legal name or correcting errors or inconsistencies in their legal name in various identity documents.

Mental Health APRN Proposal

This proposal would permit specially trained mental health nurse practitioners to testify and provide opinions on civil commitment hearings at both the initial phase and at extension hearings. Current law requires that doctors provide these opinions, and probate courts have reported having to cancel mental health hearings because there were no doctors available to testify. This is both a due process concern as well as a treatment concern. The shortage of psychiatrists exists throughout Ohio, but is especially acute in rural areas. Every county will benefit from this change permitting certain qualified advanced practice nurses to testify when doctors are unavailable.

We thank you for the opportunity to testify in support of H.B. 464. We also thank the sponsors, Representative Grendell and Representative Rogers, as well as the initial sponsor, Speaker Cupp, for their hard work on this bill. I am available to answer any questions you may have.