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Chairman Hillyer, Ranking Member Galonski, members of the Civil Justice Committee, thank you for hearing my testimony on HB 488, legislation that will update Ohio's guardianship laws.

House Bill 488 is the end result of the corroborative efforts of a Supreme Court Committee, the Ohio Bar Association, and Ohio Probate Judges. It contains recommendations from The Ohio Association of Probate Judges' Modernization Committee to update the Guardianship Law in Ohio Revised Code Chapter 2111. The Bill makes technical, procedural, and substantial changes to Ohio's Guardianship Law with respect to both adult and minor guardianships. The proposed changes would modernize the statutes to reflect the current practicalities of administering guardianships.

The bill's changes includes needed definitions that reflect 2016 changes to Superintendence Rule 66. With respect to minor guardianships, the changes include: reducing the age that a minor can select a guardian from 14 under current law to the age of 12; expanding the information required on an application for a guardianship of a minor; specifying that married parents are the joint natural guardians of their minor children; and proscribing that the guardian of the person of a minor has legal custody (the right to have physical custody and provide care, shelter, education) of the minor.

HB 488 expands the contents of the application for guardianship of an incompetent adult to include the name and contact information of any person nominated in a durable power of attorney for health care or in a other document designating a guardian of the person, estate, or both of the person. Under HB 488, the guardian's report must include a statement by a licensed physician, or another qualified person, who has evaluated the ward within three months prior to the date of the report as to the need for continuing guardianship. Under HB 488, the guardian of an incompetent *must* be the guardian of the minor children of the ward,

upon the filing of a separate application under a new case number,
unless the Court appoints some other person as guardian.

The Bill also includes times when the probate court must conduct a hearing to evaluate the continued necessity of the guardianship.

HB 488 allows a guardian of the person and estate, or estate only, to sell any part of the ward's personal property if the sale is in the ward's best interest.

HB 488 requires certain information when a depository is used for assets, which information must be provided to the Court and modifies the requirement of certain judicial actions when the amount is under \$25,000.

HB 488 allows for a court of common pleas, or a division of the court, to use the services of the County Prosecutor or employ an attorney other than the prosecuting attorney if the prosecuting attorney has a conflict of interest or fails or refuses to provide legal services when requested by a court. County Commissioners already have this statutory authority for their legal matters. This recognizes the separation of powers between the judicial and executive branches. Compensation for

such attorney is to be paid from the county general fund or another lawful court fund, at the judge's discretion. Hourly compensation shall not exceed the highest hourly compensation paid by the board of county commissioners for such attorney services for their legal matters.

H.B. 488's changes would also clarify the rights of an adult ward to review hearings. It sets forth the duty of the guardian to provide statements of expert evaluations to determine the need for establishing and maintaining the guardianship. The changes would allow the Court to accept a statement of expert evaluations signed by a qualified person other than a licensed physician.

The proposed changes included language describing the requirements of restricted bank account deposits to address continuing issues of confusion and compliance with banks. Changes also address the sale of the ward's property, use of the ward's funds from improving real property and the allowance of appointing guardian ad litem when the court determines that there may be a conflict of interest between the guardian and the ward.

This list of changes is not all inclusive and a complete list of statutory changes can be found in the LSC Bill Summary.

Passage of HB 488 will benefit and provide additional protections to adults and minors in need of a guardian in Ohio.

Judge Laura Gallagher, President of the Ohio Probate Judges Association and a member of the Supreme Court Committee that worked on this Bill for several years will be testifying this afternoon.

Thank you for your consideration, Representative Galonski, joint sponsor, will now be speaking to the bill. I am open to questions, but respectfully suggest that Judge Gallagher's testimony may be beneficial before such questions.