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## **Tavia Galonski** **State Representative, Ohio's 35<sup>th</sup> House District**

Chairman Hillyer and my colleagues on the House Civil Justice Committee, thank you for giving me and Vice Chair Grendell the opportunity to provide sponsor testimony on House Bill 488, or the Guardianship Modernization Act. This legislation is the result of three years of hard work by the Ohio Association of Probate Judges, and provides a much-needed update to Guardianship Law will ensure that Ohio law is consistent with the Ohio Revised Code.

The updates that HB 488 intends to make will ensure that Chapter 2111 of the Ohio Revised Code reflects the amendments made in 2016 to Superintendence Rule 66, which outlines processes and procedures related to guardianship administration. These changes are five years overdue, and it is imperative that we eliminate any inconsistencies between Sup. R. 66 and the Revised Code.

An important provision of HB 488 is its expansion of the duties of a guardian to identify individuals with whom the minor ward wishes to maintain contact. This will protect the ward from being distanced or alienated from family and friends who may not be their "natural" parents. It also clarifies the process by which natural parents nominate guardians for their child, and allows minors to select their guardian at age 12 instead of age 14, which will align Guardianship Law with current adoption statutes.

The bill also updates the application process for guardianship of a minor as well guardianship of an incompetent, also known as conservatorship. It requires that the application for guardianship of an incompetent to include a statement of expert evaluation by a licensed physician that expresses the need to establish or maintain guardianship. It also requires, in the event that an adult ward alleges competence, that their guardian provide clear and convincing evidence to support the need to establish or continue guardianship.

While this legislation makes a number of other changes to the Guardianship Law, the final one I will discuss today is the ability to appoint a guardian ad litem should the court determine that there is a conflict of interest between a guardian and a ward. This will protect both adult and minor wards who may be in legal disputes with their guardians in situations involving the ward's property or funds.

Thank you again for this opportunity to speak to you today about House Bill 488. I, as well as Vice Chair Grendell, welcome any questions you may have regarding this legislation.