



# Ohio Judicial Conference

The Voice of Ohio Judges

**House Behavioral Health Committee  
Judge Elinore Marsh Stormer  
Proponent Testimony on House Bill 249  
October 31, 2023**

Chair Pavliga, Vice Chair White, Ranking Member Brewer and members of the House Behavioral Health Committee, I thank you for this opportunity to submit proponent testimony for House Bill 249 on behalf of the Ohio Judicial Conference.

I am Judge Elinore Marsh Stormer from the Summit County Probate Court. I have been a judge for 30 years, serving in the municipal and common pleas courts before becoming a probate judge in 2012. In each court, I witnessed the toll that untreated mental illness takes on our community and resources.

I started treatment-based specialty dockets in every court I've served on. In Akron Municipal Court, I started the first Municipal Drug Court and first Mental Health Specialty Court in Ohio. Later, on the Summit County Court of Common Pleas, General Division, I was Administrative Judge and started a Reentry Court to assist felons returning to the community from prison. Each court was successful in keeping participants from being rearrested and became a model for Ohio. I know that recovery is real and that treatment works, but is it logical to wait until a person is arrested to get them into treatment?

As a probate judge in 2016, I began New Day Court, an Assisted Outpatient Treatment (AOT) court for those civilly committed. This is a collaborative program for those with serious mental illness who lack awareness and refuse their prescribed medication. As a result, they can get caught in the revolving door of hospitalization and arrest or civil commitment. In our program, the court uses its "black robe effect" to encourage participants to accept treatment long enough to realize that it is helping them. Prior to Covid, only 2.5% of those who completed my AOT program were re-hospitalized during the next several years.

I support H.B. 249, a change desperately needed to provide a doorway to treatment for those whose severe mental illness is deteriorating, but who refuse or cannot access treatment. It provides a missing piece to keep people out of hospitals and out of the criminal and civil justice systems. We should not wait for the person to become a "substantial risk" before offering evaluation and treatment.

Please note that this bill only lets specific people initiate emergency examination for someone who has already been diagnosed with a severe mental illness such as schizophrenia. It gets them into a medical facility so that they may be seen by a doctor. It does not apply to anyone with Alzheimer's or cognitive impairments, and it does not mandate hospitalization. It also will not affect those with a mental illness and a great support team who can help make decisions for the person.

Second, the bill does not mandate automatic civil commitments. Only about 30% of the people in Summit County who are brought to emergency rooms using an R.C. 5122 affidavit advance to civil commitment hearings. The other 70% receive appropriate treatment and are released. Remember, these are patients who have deteriorated enough that they are believed to be at risk to themselves or others.

So, what does this bill do? It allows people familiar with a seriously mentally ill person to ask for help when their loved one is objectively deteriorating, but does not yet meet the current criteria in the law. It means that they don't have to wait until that person is in danger of harming themselves or another to get them examined. Ultimately it will mean that far fewer people are actually committed.

It is infinitely better to take someone with a known illness to the hospital to be evaluated, treated and released to community services, or if warranted, hospitalized and stabilized, or if necessary, committed and put into an AOT program. Those with a serious, untreated illness absorb many services, including jail beds. It costs state and local governments so much to be unable to act when a person starts to deteriorate.

We know that with quick intervention, we can stave off a worsening condition. Each time a mentally ill person descends into darkness, it is harder to get them back to their original baseline. The longer it goes and the more times it happens, it becomes less and less likely that we can expect a return to complete functionality.

Can anyone argue that allowing those with a diagnosis of severe mental illness to go untreated is a good idea? H.B. 249 is a step in the right direction. I have personally watched those in my courts get treatment, get jobs, reunite with their families and go on to happy, productive lives. I urge you to take this important first step for the many people in Ohio who will benefit.

I thank you for the opportunity to submit testify in support of H.B. 249. I am available to answer any questions you may have.