



*Serving critical needs, one person at a time.*

HB 491 Proponent Testimony  
Kristen Henry, Executive Director  
Advocacy & Protective Services, Inc.  
Ohio House Judiciary Committee  
Chair Jim Thomas  
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Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg and members of the House Judiciary Committee, my name is Kristen Henry, and I am the Executive Director of Advocacy & Protective Services, Inc. (APSI). I am here today to provide proponent testimony on HB 488 sponsored by Representative Ray and Representative Baker. APSI is a not-for-profit organization which **provides guardianship, advocacy, and other decision-making supports according to Ohio law and by the authority of Ohio Probate Courts for eligible** adults 18 years of age and older who have a developmental disability. **APSI specializes in serving individuals with the highest level of needs in the least restrictive manner possible.**

HB 491 was introduced late last year to make updates to guardianship law, and we strongly support these efforts to modernize Ohio's statutes. The bill brings needed clarity to Revised Code Chapter 2111, and incorporates current practices reflected in the Ohio Supreme Court's Rules of Superintendence. For example, the bill defines and provides processes for limited, standby, interim, emergency, and successor guardians, which are all necessary procedures, especially as guardians transition due to an inability to continue serving.

HB 491 also addresses a difficulty faced in many areas of the state due to a shortage of healthcare professionals. Applicants for guardianship must obtain a statement of expert evaluation that establishes the need for the guardianship. This is an important procedural and substantive safeguard that limits guardianship to individuals who truly need that level of support. But current practice limits those statements to physician or licensed clinical psychologists, even though other medical and mental health professionals may be equally or better equipped to diagnosis and assess the individual's condition and need for guardianship. The bill expands the categories of professionals who may complete and initial statement of expert evaluation to be consistent with current law on subsequent statements of expert evaluation, while also maintaining high standards for the qualifications of these professionals.

Finally, the bill also continues the important work of prior legislation to update statutory language about people with disabilities through use of the phrase "incompetent adult" instead of referring to individuals in need of guardians as "incompetents."

Chair Thomas and members of the committee, thank you for allowing me to testify as an interested party on HB 491. I am happy to answer any questions at this time.