



Ohio Judicial Conference

The Voice of Ohio Judges

**House Civil Justice Committee
Judge Laura Gallagher
Proponent Testimony on House Bill 439
December 1, 2021**

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, I thank you for this opportunity to submit proponent testimony for House Bill 439 on behalf of the Ohio Judicial Conference.

I am Laura Gallagher, Cuyahoga County Probate Judge. I am currently in my third term, serving since 2009. I am President of the Ohio Probate Judges Association and Co-Chair of the Probate Law and Procedure Committee of the Ohio Judicial Conference.

The Probate Law & Procedure Committee of the Ohio Judicial Conference joins with mental health advocacy groups including NAMI Ohio, the Ohio Psychiatric Physicians Association, Treatment Advocacy Center and the Ohio Psychological Association in support of Ohio joining the 24 other states that include a psychiatric deterioration standard as a basis for inpatient civil commitment.

Under current law, individuals can be involuntarily hospitalized only if they represent a substantial risk of physical harm to self or others, or are gravely ill and unable to meet their basic needs. Expanding Ohio's definition of "mentally ill person subject to court order" to include a psychiatric deterioration standard would enable probate judges to consider a person's treatment history, ability to appreciate the importance of treatment, and the likelihood of future psychiatric deterioration without treatment.

This bill would allow the mental health system to intervene earlier, reducing mental harm and the length of time it takes to stabilize the person in the hospital. By intervening early, the risk of harm to self or others and the risk of needing hospitalization is decreased. Assisted outpatient treatment and other alternatives can be utilized to ensure treatment is received before the person's mental health deteriorates to a point of needing inpatient hospitalization. This can reduce the risk of arrest, incarceration, loss of housing and employment and other negative societal consequences while preserving mental health resources for those in greater need and maximizing the liberty of the individual to get treatment in a less-restricted manner.

The deterioration standard language in this bill has been developed and discussed by the above-mentioned groups, as well as other interested parties. The bill does differ from the group's original proposal in one aspect. Language requiring a "substantial risk to physical harm to self or others" was deleted in R.C. 5122.10, the Emergency Hospitalization section. We recommend restoring the deleted language in R.C. 5122.10, except for the word "physical." This would maintain the current law's requirement of a substantial risk of harm to self or others, while clarifying that "mental" harm can be as much or more of a danger as physical harm. That would also address concerns raised by this Committee during sponsor testimony.

We thank you for the opportunity to testify in support of H.B. 439. We thank the sponsors, Representative Galonski and Representative Hillyer, for introducing this needed legislation. We would be happy to work with this Committee on any improvements to the bill. I am available to answer any questions you may have.