



Representative Robert R. Cupp
Ohio House District 04

- Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, I appreciate the opportunity to address House Bill 595.
- This bill continues efforts to make the estate process less cumbersome and less expensive for the residents of Ohio.
- Among other benefits, this legislation would help Ohioans to avoid costly litigation arising from disputes over trusts and would encourage counties to partner with each other to more economically provide guardianship services, where feasible.
- The proposed bill is a product of the Ohio State Bar Association Section on Probate and Trust Law.
- Among the more significant provisions are the following:

- Clarifies and confirms when the terms of a trust may direct that the trustee and/or beneficiaries must settle disputes by arbitration;
- The anti-lapse statute prevents the creation of a substitute gift in the descendants of the deceased class member. The bill specifies that the exception applies only if the defined class is multi-generational;
- Adds a new chapter and deletes certain sections of the ORC to (1) allow for a living settlor to have the validity of his or her trust determined, just as a living testator may have the validity of his or her will determined under current law, (2) make some modifications to the provisions regarding testators, and (3) coordinate the two sets of provisions into a single chapter;
- Makes changes to bring about needed consistency within the “right of disposition statutes” relative to the body and property of a deceased;
- Clarifies the requirements for incorporating the terms of a trust into a testator’s will;

- Allows for the creation of a trust for the benefit of a minor resulting from a personal injury settlement until the beneficiary reaches age 25; and
- Authorizes the creation of county and multicounty guardianship services boards and funds
- This bill is supported by the Ohio State Bar Association and the Ohio Judicial Conference, and passed unanimously on the House Floor.
- With that, I urge your support for House Bill 595. I will now address questions.