

**Ohio Judicial Conference**

The Voice of Ohio Judges

**Senate Judiciary Committee**

**Paul Pfeifer**

**Proponent Testimony on House Bill 595**

Chair Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, I thank you for this opportunity to submit proponent testimony for House Bill 595 on behalf of the Ohio Judicial Conference.

I am Paul Pfeifer, Executive Director of the Ohio Judicial Conference, former Justice of the Supreme Court of Ohio and former State Senator and Representative. For the sake of brevity I will focus my testimony on the three provisions initiated by the Ohio Judicial Conference.

**Trust to Age 25 Authority**

H.B. 595 would enact R.C. 2111.182 to grant judges the discretion to create a trust for minor beneficiaries until the beneficiary reaches age 25 when the trust would be in the minor’s best interest. This is consistent with the current wrongful death statute, R.C. 2125.03, which grants probate court the discretion to create a trust for a minor beneficiary that extends to age 25. Current law allows a probate court to create a trust for a minor settlement beneficiary, but only up to age 18. H.B. 595 would allow a probate court to have continuing jurisdiction over a minor’s settlement or judgment for injury or damaged property up to an additional seven years of maturation. The court would have discretion to release all or some of the funds before age 25 in certain situations, such as paying for college, starting a business, or buying a house. By granting the court continuing jurisdiction over the settlement, the court would prevent an 18-year-old beneficiary from using significant funds for unintended or inappropriate purposes.

**Permissive Guardianship Board Expansion**

H.B. 595 would enact R.C. 2111.52 to grant authority for probate courts to create their own guardianship board, similar to the successful guardianship board created by Judge Robert Montgomery in Franklin County. The response to Judge Montgomery’s guardianship board has been so overwhelmingly positive that other courts are considering creating their own guardianship board, or joining with other counties to create a multi-county board, but creation of a guardianship board requires statutory authority. To avoid any unintended complications to Judge Montgomery’s board, the OJC recommended leaving the Franklin County Guardianship Board Statute, R.C. 2101.026, as is. R.C. 2111.52 was drafted to give probate courts permissive authority to create boards with their partners. The OJC and the Ohio Association of County Board Serving People with Developmental Disabilities (OACB) jointly submitted proposed language for amendment AM\_132\_3077 to clarify the statute’s intended flexibility for counties to create Guardianship Boards that worked for their county and for counties to band together to create regional boards.

**Uniform Determination of Indigence in Civil Filings**

Under current law, as you are aware, there is a uniform calculation for determination of indigence in criminal cases. There is no such uniform procedure for determining indigence in civil filings like name changes, petitions to seal records, divorce filings, and the like. This pending amendment would create a uniform calculation, to be used across all 88 counties, at a higher bar than what is used in criminal cases. The amendment also clarifies that a determination of indigence is not required for the filing itself, but that a hearing can be held at any time after the filing; this removes a hurdle of access to the courthouse without unnecessarily waiving court costs. This amendment ensures access to and uniform administration of justice.

Thank you for the opportunity to testify in support of H.B. 595. We thank the sponsors, Representative Cupp and former Representative Rezabek and the OSBA for putting this bill together, and we look forward to working with the members of this Committee in reviewing this bill. I am available to answer any questions you may have.