



# Ohio Judicial Conference

The Voice of Ohio Judges

**House Civil Justice Committee**  
**Judge Timothy J. Grendell**  
**Proponent Testimony on House Bill 464**  
**November 17, 2020**

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, I thank you for this opportunity to submit proponent testimony for House Bill 464 on behalf of the Ohio Judicial Conference.

I am Judge Tim Grendell of the Geauga County Probate/Juvenile Court, which I have served since 2011. Prior to that, I was a State Senator, past Chair of the Senate Judiciary Committee, and State Representative. I am a Past President of the Ohio Association of Juvenile Court Judges, the Second Vice President of the Ohio Association of Probate Judges, and serve as a Board Member of the National College of Probate Judges.

I am testifying today to discuss the probate judges' support for H.B. 464. Earlier this year, Judge Randall Fuller from Delaware County Domestic Relations Court testified in support of the OJC's Private Judging Reform proposal for R.C. 2701.10. Since Judge Fuller's testimony, the OJC's Probate Law & Procedure Committee has worked with the legislature to develop three additional proposals for consideration in this bill: Guardianship Nonprofit Appointment, Name Change Modernization and a Mental Health APRN Proposal.

## **Guardianship Nonprofit Appointment**

This proposal would allow probate courts to appoint appropriate non-profit corporations organized under the laws of this state to be guardians of the person. This approach is presently available only for wards with developmental disabilities and non-profit corporations with a contractual relationship with the Department of Developmental Disabilities. These revisions to R.C. 2111.10 would create a small county alternative to the Guardianship Services Board as currently permitted in R.C. 2111.52.

Recently, the OJC collaborated with Rep. Skindell on amended language to further strengthen this proposal by clarifying that the nonprofit corporation appointed as guardian of a ward must be domiciled in Ohio and shall not be the residential caregiver, health care provider or employer of the ward.

### **Name Change Modernization**

This proposal would modernize Chapter 2717 of the Revised Code by amending the existing name change procedure to make the process faster, more efficient and at a lower cost to applicants by eliminating hearing and publication notice mandates and granting probate courts more discretion to determine the best way to administer each action on a case-by-case basis. The proposal would also enact a new statutory procedure in to allow probate courts to correct specific errors in a person's chain of identity so the individual's current legal name is conformed for all purposes in all identity documents.

The proposed statutory changes will improve public service by simplifying the process for changing a person's legal name or correcting errors or inconsistencies in their legal name in various identity documents. It will also improve judicial efficiency by giving courts discretion to determine the best way to handle each case. This will aid probate courts in facilitating the work of the Ohio Bureau of Motor Vehicles in its Ohio REAL ID program issuing federally compliant drivers' licenses and identification cards according to Department of Homeland Security regulations.

### **Mental Health APRN Proposal**

This proposal would permit specially trained mental health nurse practitioners to testify and provide opinions on civil commitment hearings at both the initial phase and at extension hearings. Two years ago, in H.B. 111 of the 132nd General Assembly, the legislature allowed mental health APRNs to initiate emergency hospitalization of those with a serious mental illness, which begins the civil commitment process. That enactment was important because the number of psychiatrists who practice in hospital and community settings has dropped substantially. In some areas where there were not enough doctors available to work through the initial process, mentally ill people were simply being returned to the streets.

Probate courts have reported having to cancel extension hearings because there were no doctors available to testify. This is both a due process concern as well as a treatment concern. The shortage of psychiatrists exists throughout Ohio, especially in rural areas. Every county will benefit from this change permitting certain qualified advanced practice nurses to testify when doctors are unavailable.

We thank you for the opportunity to testify on the probate judges' proposals. I am available to answer any questions you may have.