Ohio Judicial Conference

The Voice of Ohio Judges

Senate Judiciary Committee
Paul Pfeifer
Interested Party Testimony on Senate Bill 58

Chair Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, I thank you for this opportunity to submit interested party testimony for Senate Bill 58 on behalf of the Ohio Judicial Conference. I am Paul Pfeifer, Executive Director of the Ohio Judicial Conference.

The Judicial Conference supports the efforts behind Senate Bill 58. However, we believe the bill needs additional vetting before we can testify in support. To alleviate our main concern, we have proposed an amendment to the bill's new language in R.C. 2945.38(H)(4). The bill's language would allow a common pleas, county or municipal court to issue an interim order of civil commitment and appoint a "limited guardian" for mental health decisions. Our concern is that the population most likely to be found incompetent to stand trial is the same population that may already have a guardian appointed by the probate court. Having another court appoint a second guardian would create conflicts. Rather than order the interim civil commitment and appoint a guardian, we suggest allowing the common pleas, county or municipal courts to have the option of ordering an involuntary mental health assessment for the defendant pursuant to Chapter 5122. This is also known as "pink-slipping" and it initiates the civil commitment process through a hospital evaluation.

The probate judges report that a similar process is used in many counties where the common pleas, county or municipal court orders the hospitalization, at which point a doctor or nurse determines whether the patient should be pink-slipped for further evaluation and possible adjudication in the probate court. Our suggestion would clean up the jurisdictional lines and allow for a more efficient process for pink-slipping. An amendment allowing muni courts to pink-slip pursuant to R.C. 5122.10 would replace the bill's current language in R.C. 2945.38(H)(4).

There may be other as yet unresolved issues with the bill, and we hope to continue working with the sponsor, Senator Gavarone, and this Committee to further improve the bill's language. We thank you for considering our testimony. I am available to answer any questions you may have.