

As Reported by the House Civil Justice Committee

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 199

Senator Blessing

**Cosponsors: Senators Manning, Cirino, Reineke, Rulli, Thomas, Yuko
Representative Hillyer**

A BILL

To amend sections 517.23, 517.24, 517.25, 1901.06, 1
1907.13, 2105.19, 2106.18, 2107.52, 2108.82, 2
2109.21, 2111.01, 2111.011, 2111.02, 2111.021,
3 2111.022, 2111.03, 2111.031, 2111.04, 2111.041,
4 2111.05, 2111.06, 2111.08, 2111.091, 2111.12,
5 2111.13, 2111.131, 2111.18, 2111.181, 2111.19,
6 2111.20, 2111.23, 2111.26, 2111.33, 2111.37,
7 2111.38, 2111.39, 2111.44, 2111.46, 2111.47,
8 2111.49, 2111.50, 2112.01, 2117.06, 2117.07,
9 2131.09, 2151.412, 2301.01, 2305.111, 2501.02,
10 2503.01, 3107.071, 4505.101, 4505.104, 4513.60,
11 4513.601, 4513.61, 4513.62, 4513.63, 4513.64,
12 4513.65, 4513.66, 4513.69, 4717.26, 5103.15,
13 5103.153, 5122.01, 5122.10, 5167.12, 5721.10,
14 and 5808.19; to enact sections 2111.023,
15 5301.93, 5801.20, 5801.21, 5801.22, 5801.23, and
16 5801.24; and to repeal sections 2111.07,
17 2111.15, 2111.34, 2111.35, 2111.36, and 2111.45
18 of the Revised Code and to amend Section 3 of
19 H.B. 518 of the 134th General Assembly to make
20 changes to the law related to the disinterment
21 of bodies buried in cemeteries; cremation; the
22

presentment of claims against an estate;	23
residential PACE lien priority; persons	24
prohibited from benefiting by the death of	25
another; the Guardianship Law; the Ohio Trust	26
Law; the transfer of a decedent's vehicle or	27
watercraft at public auction; Medicaid prior	28
authorization requirements for prescription	29
drugs, Medicaid managed care, and drugs used for	30
medication-assisted treatment, withdrawal	31
management, or detoxification; and the law	32
regarding involuntary treatment for mentally ill	33
persons subject to a court order; to convert one	34
part-time judgeship of the Fulton County County	35
Court to a full-time judgeship effective January	36
1, 2023, until that court is abolished on	37
January 1, 2024; to modify the qualifications	38
for office for judges of municipal courts,	39
county courts, courts of common pleas, courts of	40
appeals, and justices of the Supreme Court; to	41
permit a public children services agency or	42
private child placing agency to accept the	43
voluntary permanent surrender of a child in the	44
agency's temporary custody; to allow conservancy	45
district law enforcement officials and natural	46
resource and wildlife officers to dispose of	47
motor vehicles abandoned on public or private	48
property within their jurisdiction; and to enact	49
the Scout's Honor Law to eliminate the	50
limitations period for a civil action based on a	51
claim of childhood sexual abuse only for	52
purposes of filing claims against a bankruptcy	53
estate.	54

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 517.23, 517.24, 517.25, 1901.06, 55
1907.13, 2105.19, 2106.18, 2107.52, 2108.82, 2109.21, 2111.01, 56
2111.011, 2111.02, 2111.021, 2111.022, 2111.03, 2111.031, 57
2111.04, 2111.041, 2111.05, 2111.06, 2111.08, 2111.091, 2111.12, 58
2111.13, 2111.131, 2111.18, 2111.181, 2111.19, 2111.20, 2111.23, 59
2111.26, 2111.33, 2111.37, 2111.38, 2111.39, 2111.44, 2111.46, 60
2111.47, 2111.49, 2111.50, 2112.01, 2117.06, 2117.07, 2131.09, 61
2151.412, 2301.01, 2305.111, 2501.02, 2503.01, 3107.071, 62
4505.101, 4505.104, 4513.60, 4513.601, 4513.61, 4513.62, 63
4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4717.26, 5103.15, 64
5103.153, 5122.01, 5122.10, 5167.12, 5721.10, and 5808.19 be 65
amended and sections 2111.023, 5301.93, 5801.20, 5801.21, 66
5801.22, 5801.23, and 5801.24 of the Revised Code be enacted to 67
read as follows: 68

Sec. 517.23. (A) Subject to divisions (B), (D), and (E) of 69
this section, the board of township trustees, the trustees or 70
directors of a cemetery association, or the other officers 71
having control and management of a cemetery or the officer of a 72
municipal corporation who has control and management of a 73
municipal cemetery shall disinter or grant permission to 74
disinter any remains buried in the cemetery in either of the 75
following circumstances: 76

(1) ~~If the surviving spouse of the decedent is eighteen~~ 77
~~years of age or older, within~~ Within thirty days after the 78
~~filing of an application of the surviving spouse made for~~ 79
disinterment is filed with the cemetery in accordance with 80
division (A) of section 517.24 of the Revised Code and payment 81
~~by the applicant~~ of the reasonable costs and expense of 82

disinterment, <u>is made by the following applicants:</u>	83
<u>(a) A designated representative, or successor, to whom the</u>	84
<u>decedent had assigned the right of disposition in a written</u>	85
<u>declaration pursuant to section 2108.70 of the Revised Code and</u>	86
<u>who had exercised such right at the time of the declarant's</u>	87
<u>death;</u>	88
<u>(b) If no designated representative exercised the right of</u>	89
<u>disposition pursuant to section 2108.70 of the Revised Code, the</u>	90
<u>surviving spouse of the decedent who is eighteen years of age or</u>	91
<u>older.</u>	92
(2) On order of a probate court issued under division (B)	93
of section 517.24 of the Revised Code and payment by the person	94
who applied for the order under that division of the reasonable	95
costs and expense of disinterment.	96
(B) No disinterment shall be made pursuant to this section	97
and section 517.24 of the Revised Code if the decedent died of a	98
contagious or infectious disease until a permit has been issued	99
by the board of health of a general health district or of a city	100
health district.	101
(C) Upon disinterment of remains under division (A) (1) or	102
(2) of this section, the involved board, trustees, directors,	103
other officers, or officer of the municipal corporation shall	104
deliver or cause to be delivered the disinterred remains to the	105
applicant <u>surviving spouse under division (A) (1) of this section</u>	106
or, if the disinterment was pursuant to court order issued under	107
division (B) of section 517.24 of the Revised Code, to the	108
person who applied for the order under that division.	109
(D) The board of township trustees, the trustees or	110
directors of a cemetery association, or the other officers	111

having control and management of a cemetery or the officer of a 112
municipal corporation who has control and management of a 113
municipal cemetery may disinter or grant permission to disinter 114
and, if appropriate, may reinter or grant permission to reinter 115
any remains buried in the cemetery to correct an interment error 116
in the cemetery if the board, trustees, directors, other 117
officers, or officer of the municipal corporation comply with 118
the internal rules of the cemetery pertaining to disinterments 119
and if the board, trustees, directors, other officers, or 120
officer of the municipal corporation provide notice of the 121
disinterment to the ~~decedent's last known next of kin~~person who 122
has been assigned or reassigned the rights of disposition for 123
the deceased person under the provisions of section 2108.70 or 124
2108.81 of the Revised Code. The board, trustees, directors, 125
other officers, or officer of the municipal corporation may 126
correct an interment error under this division without a court 127
order or an application by a person. 128

(E) (1) A person who is an interested party and who is 129
eighteen years of age or older and of sound mind may apply to 130
the probate court of the county in which the decedent is buried 131
for an order to prevent the ~~decedent's surviving spouse~~ 132
applicant under division (A) (1) of this section from having the 133
remains of the decedent disinterred. An application to prevent 134
the disinterment of the remains of the decedent shall be in 135
writing, subscribed and verified by oath, and include all of the 136
following: 137

(a) If applicable, a statement that the applicant assumed 138
financial responsibility for the funeral and burial expenses of 139
the decedent; 140

(b) If division (E) (1) (a) of this section is inapplicable 141

relative to the applicant, a statement that the applicant did 142
not assume financial responsibility for the funeral and burial 143
expenses of the decedent; 144

(c) A statement that the applicant is eighteen years of 145
age or older and of sound mind; 146

(d) The relationship of the applicant to the decedent; 147

(e) A statement of the applicant's reasons to oppose the 148
disinterment of the remains of the decedent. 149

(2) An applicant for an order to prevent the disinterment 150
of the remains of the decedent under division (E) of this 151
section promptly shall give notice of the filing of the 152
application by certified mail, return receipt requested, to the 153
~~decedent's surviving spouse~~applicant under division (A) (1) of 154
this section. The notice shall indicate that the applicant has 155
filed an application for an order to prevent the disinterment of 156
the remains of the decedent. 157

(F) As used in this section and in section 517.24 of the 158
Revised Code: 159

(1) "Cemetery" and "interment" have the same meanings as 160
in section 1721.21 of the Revised Code. 161

(2) "Disinterment" means the recovery of human remains by 162
exhumation, disentombment, or disinurnment. "Disinterment" does 163
not include the raising and lowering of remains to accommodate 164
two interments within a single grave and does not include the 165
repositioning of an outside burial container that encroaches an 166
adjoining burial space. 167

Sec. 517.24. (A) An application by ~~a surviving spouse~~an 168
applicant for disinterment under section 517.23 of the Revised 169

Code shall be in writing and shall state ~~that whether~~ the 170
applicant is the designated representative to whom the decedent 171
has assigned the right of disposition of the decedent's body in 172
a written declaration pursuant to section 2108.70 of the Revised 173
Code and exercised such right at the time of the declarant's 174
death or, if none, the surviving spouse of the decedent, that 175
the applicant is eighteen years of age or older and of sound 176
mind, the disease of which the decedent died, and the place at 177
which the remains shall be reinterred. ~~The application shall be~~ 178
~~subscribed and verified by oath~~If the applicant is the 179
designated representative to whom the decedent has assigned the 180
right of disposition in a written declaration pursuant to 181
section 2108.70 of the Revised Code, a copy of the declaration 182
that appointed the applicant shall be attached to the 183
application. If the applicant is the surviving spouse, the 184
application shall state one of the following: 185

(1) That to the best of the applicant's knowledge the 186
decedent did not sign a declaration of assignment pursuant to 187
section 2108.72 of the Revised Code or it is not available to 188
the applicant; 189

(2) That to the best of the applicant's knowledge the 190
assignee pursuant to a declaration of assignment pursuant to 191
section 2108.72 of the Revised Code did not exercise the right 192
of disposition. 193

(B) (1) A person who is eighteen years of age or older and 194
of sound mind and who is not ~~the surviving spouse of the~~ 195
~~decedent involved~~qualified to file an application to disinter 196
pursuant to division (A) (1) of section 517.23 of the Revised 197
Code may obtain a court order under this division for the 198
disinterment of the remains of the decedent. Any person who is 199

eighteen years of age or older and of sound mind, including, but 200
not limited to, the person who assumed financial responsibility 201
for the funeral and burial expenses of the decedent, and who 202
wishes to obtain a court order for the disinterment of the 203
remains of the decedent may file an application in the probate 204
court of the county in which the decedent is buried requesting 205
the court to issue an order for the disinterment of the remains 206
of the decedent. The application shall be in writing, subscribed 207
and verified by oath, and include all of the following: 208

(a) If applicable, a statement that the applicant assumed 209
financial responsibility for the funeral and burial expenses of 210
the decedent; 211

(b) If division (B)(1)(a) of this section is inapplicable 212
relative to the applicant, a statement that the applicant did 213
not assume financial responsibility for the funeral and burial 214
expenses of the decedent; 215

(c) A statement that the applicant is eighteen years of 216
age or older and of sound mind; 217

(d) The relationship of the applicant to the decedent; 218

(e) A statement of the place at which the remains will be 219
reinterred; 220

(f) The name, the relationship to the decedent, and the 221
address of the decedent's surviving spouse; of the person who 222
has been assigned the rights of disposition for the deceased 223
person under the provisions of sections 2108.70 to 2108.90 of 224
the Revised Code; of all persons who would have been entitled to 225
inherit from the decedent under Chapter 2105. of the Revised 226
Code if the decedent had died intestate; and, if the decedent 227
had a will, of all legatees and devisees named in the decedent's 228

will;	229
<u>(g) A true and correct copy of the decedent's written</u>	230
<u>declaration of assignment pursuant to section 2108.70 of the</u>	231
<u>Revised Code, if any, or one of the following:</u>	232
<u>(i) A statement that to the best of the applicant's</u>	233
<u>knowledge the decedent did not sign a written declaration of</u>	234
<u>assignment or it is not available to the applicant;</u>	235
<u>(ii) A statement that to the best of the applicant's</u>	236
<u>knowledge the assignee pursuant to a declaration of assignment</u>	237
<u>pursuant to section 2108.72 of the Revised Code did not exercise</u>	238
<u>the right of disposition.</u>	239
(2) (a) Subject to division (B) (2) (b) of this section, upon	240
the filing of an application for an order for disinterment of	241
remains under division (B) of this section, the applicant	242
promptly shall give notice as described in this division by	243
certified mail, return receipt requested, to the decedent's	244
surviving spouse; <u>to the person who has been assigned the rights</u>	245
<u>of disposition for the deceased person under the provisions of</u>	246
<u>sections 2108.70 to 2108.90 of the Revised Code; to all persons</u>	247
who would have been entitled to inherit from the decedent under	248
Chapter 2105. of the Revised Code if the decedent had died	249
intestate; if the decedent had a will, to all legatees and	250
devisees named in the decedent's will; and to the board of	251
township trustees, the trustees or directors of a cemetery	252
association, or the other officers having control and management	253
of the cemetery in which the remains of the decedent are	254
interred or to the officer of a municipal corporation who has	255
control and management of a municipal cemetery in which the	256
remains of the decedent are interred. The notice shall indicate	257
that an application for disinterment of the remains of the	258

decedent has been filed.	259
(b) A person entitled to be given the notice described in	260
division (B) (2) (a) of this section may waive the right to	261
receive the notice by filing a written waiver of that right in	262
the probate court.	263
(c) The fact that the notice required by division (B) (2)	264
(a) of this section has been given, subject to division (B) (2)	265
(d) of this section, to all persons described in division (B) (2)	266
(a) of this section who have not waived their right to receive	267
the notice and, if applicable, the fact that certain persons	268
described in that division have waived their right to receive	269
the notice in accordance with division (B) (2) (b) of this section	270
shall be evidenced by an affidavit of the applicant for the	271
order for disinterment, and the applicant shall file the	272
affidavit in the probate court.	273
(d) An applicant for an order for disinterment is not	274
required to give a notice pursuant to division (B) (2) (a) of this	275
section to persons whose names or places of residence are	276
unknown and cannot with reasonable diligence be ascertained, and	277
the applicant shall file an affidavit in the probate court	278
specifying any persons who were not given notice pursuant to	279
division (B) (2) (a) of this section and the reason for not giving	280
notice to those persons.	281
(3) (a) Except as otherwise provided in division (B) (3) (b)	282
of this section, upon the filing of an application for	283
disinterment of remains and the giving of the required notice	284
under division (B) (2) of this section, the probate court	285
promptly shall conduct a hearing to determine whether to issue	286
an order for disinterment of the remains of the decedent, <u>taking</u>	287
<u>into account the provisions of section 2108.82 of the Revised</u>	288

~~Code. Except as otherwise provided in division (B) (3) (a) of this~~ 289
~~section, at the hearing, the court, in its discretion, may issue~~ 290
~~an order for disinterment of the decedent's remains if good~~ 291
~~cause for disinterment is shown. If a person who is an~~ 292
~~interested party and who is eighteen years of age or older and~~ 293
~~of sound mind establishes by a preponderance of the evidence at~~ 294
~~the hearing that the issuance of an order for disinterment of~~ 295
~~the decedent's remains under division (B) (3) of this section~~ 296
~~would be against the decedent's religious beliefs or~~ 297
~~ascertainable desires, the court shall not issue the requested~~ 298
~~order unless the court finds a compelling reason to issue it. If~~ 299
~~the court is not so prohibited from issuing the requested order~~ 300
~~and exercises its discretion to issue issues the requested order~~ 301
for disinterment of the decedent's remains in accordance with 302
division (B) (3) of this section, the court promptly shall 303
deliver the order to the applicant. An order of the court for 304
disinterment of the decedent's remains shall specify that the 305
board of township trustees, the trustees or board of the 306
cemetery association, or other officers having control and 307
management of the cemetery or the officer of a municipal 308
corporation who has control and management of the municipal 309
cemetery shall have a period of at least thirty days from the 310
receipt of the order to perform the ordered disinterment. 311

(b) The court is not required to conduct a hearing under 312
division (B) (3) (a) of this section if each person entitled to be 313
given the notice described in division (B) (2) (a) of this section 314
has waived that right by filing a written waiver of the right to 315
receive the notice in the probate court. 316

Sec. 517.25. If the board of township trustees, the 317
trustees or board of a cemetery association, or the other 318
officers in charge of a cemetery refuse to disinter or grant 319

permission for disinterment after a ~~surviving spouse person~~ 320
makes application under ~~sections~~ division (A) (1) of section 321
517.23 ~~and or~~ under division (B) (1) of section 517.24 of the 322
Revised Code, the probate court of the county in which the 323
decedent is buried shall issue a writ of mandamus requiring the 324
officers to disinter the remains or to grant permission for 325
their disinterment. 326

Sec. 1901.06. (A) A municipal judge during the judge's 327
term of office shall be a qualified elector and a resident of 328
the territory of the court to which the judge is elected or 329
appointed. A municipal judge shall have been admitted to the 330
practice of law in this state for at least one year preceding 331
appointment or the commencement of the judge's term and shall 332
~~have been~~, for a total of at least six years preceding 333
appointment or the commencement of the judge's term, ~~engaged in~~ 334
~~the practice of law in this state or shall have either~~ served as 335
a judge of a court of record in any jurisdiction in the United 336
States, ~~or both~~ done any of the following: 337

(1) Engaged in the practice of law in this state; 338

(2) Practiced in a federal court in this state, regardless 339
of whether at the time of that practice the person was admitted 340
to the practice of law in this state or practiced in the courts 341
of this state; 342

(3) Engaged in the authorized practice of law as in-house 343
counsel for a business in this state or as an attorney for a 344
government entity in this state, regardless of whether at the 345
time of that practice the person was admitted to the practice of 346
law in this state or practiced in the courts of this state. 347

(B) Except as provided in section 1901.08 of the Revised 348

Code, the first election of any newly created office of a 349
municipal judge shall be held at the next regular municipal 350
election occurring not less than one hundred days after the 351
creation of the office. Except as otherwise provided in division 352
(G) of section 1901.01 of the Revised Code, the institution of a 353
new municipal court shall take place on the first day of January 354
next after the first election for the court. 355

Sec. 1907.13. (A) A county court judge, at the time of 356
filing a nominating petition for the office or at the time of 357
appointment to the office and during the judge's term of office, 358
shall be a qualified elector and a resident of the county court 359
district in which the judge is elected or appointed. A county 360
court judge does not have to be a resident of an area of 361
separate jurisdiction in the county court district to which the 362
judge may be assigned pursuant to section 1907.15 of the Revised 363
Code. Every county court judge shall have been admitted to the 364
practice of law in this state for at least one year preceding 365
the judge's appointment or the commencement of the judge's term 366
and shall have been engaged, except as otherwise provided in 367
division (B) of this section, for a total of at least six years 368
preceding the judge's appointment or the commencement of the 369
judge's term, shall have done any of the following: 370

(1) Engaged in the practice of law in this state, except 371
that the; 372

(2) Practiced in a federal court in this state, regardless 373
of whether at the time of that practice the person was admitted 374
to the practice of law in this state or practiced in the courts 375
of this state; 376

(3) Engaged in the authorized practice of law as in-house 377
counsel for a business in this state or as an attorney for a 378

government entity in this state, regardless of whether at the 379
time of that practice the person was admitted to the practice of 380
law in this state or practiced in the courts of this state. 381

(B) The six-year practice requirement specified in 382
division (A) of this section does not apply to a county court 383
judge who is holding office on ~~the effective date of the~~ 384
~~amendment of this section by H.B. 487 of the 129th general~~ 385
~~assembly~~September 10, 2012, and who subsequently is a candidate 386
for that office. 387

(C) Judges of a county court shall be elected by the 388
electors of the county court district at the general election in 389
even-numbered years as set forth in section 1907.11 of the 390
Revised Code for a term of six years commencing on the first day 391
of January following the election for the county court or on the 392
dates specified in section 1907.11 of the Revised Code for 393
particular county court judges. Their successors shall be 394
elected in even-numbered years every six years. 395

All candidates for county court judge shall be nominated 396
by petition. The nominating petition shall be in the general 397
form and signed and verified as prescribed by section 3513.261 398
of the Revised Code and shall be signed by the lesser of fifty 399
qualified electors of the county court district or a number of 400
qualified electors of the county court district not less than 401
one per cent of the number of electors who voted for governor at 402
the most recent regular state election in the district. A 403
nominating petition shall not be accepted for filing or filed if 404
it appears on its face to contain signatures aggregating in 405
number more than twice the minimum aggregate number of 406
signatures required by this section. A nominating petition shall 407
be filed with the board of elections not later than four p.m. of 408

the ninetieth day before the day of the general election. 409

Sec. 2105.19. (A) Except as provided in division (C) of 410
this section, no person who is convicted of, pleads guilty to, 411
or is found not guilty by reason of insanity of a violation of 412
or complicity in the violation of section 2903.01, 2903.02, or 413
2903.03 of the Revised Code or a violation of division (A) of 414
section 2903.04 of the Revised Code that is not a proximate 415
result of a felony violation of section 2903.06 of the Revised 416
Code, or of an existing or former law of any other state, the 417
United States, or a foreign nation, substantially equivalent to 418
a violation of or complicity in the violation of any of these 419
sections, no person who is indicted for a violation of or 420
complicity in the violation of any of those sections or laws and 421
subsequently is adjudicated incompetent to stand trial on that 422
charge, and no juvenile who is found to be a delinquent child by 423
reason of committing an act that, if committed by an adult, 424
would be a violation of or complicity in the violation of any of 425
those sections or laws, shall in any way benefit by the death. 426
All property of the decedent, and all money, insurance proceeds, 427
or other property or benefits payable or distributable in 428
respect of the decedent's death, shall pass or be paid or 429
distributed as if the person who caused the death of the 430
decedent had predeceased the decedent. 431

(B) A person prohibited by division (A) of this section 432
from benefiting by the death of another is a constructive 433
trustee for the benefit of those entitled to any property or 434
benefit that the person has obtained, or over which the person 435
has exerted control, because of the decedent's death. A person 436
who purchases any such property or benefit from the constructive 437
trustee, for value, in good faith, and without notice of the 438
constructive trustee's disability under division (A) of this 439

section, acquires good title, but the constructive trustee is 440
accountable to the beneficiaries for the proceeds or value of 441
the property or benefit. 442

(C) A person who is prohibited from benefiting from a 443
death pursuant to division (A) of this section either because 444
the person was adjudicated incompetent to stand trial or was 445
found not guilty by reason of insanity, or the person's guardian 446
appointed pursuant to Chapter 2111. of the Revised Code or other 447
legal representative, may file a complaint to declare the 448
person's right to benefit from the death in the probate court in 449
which the decedent's estate is being administered or that 450
released the estate from administration. The complaint shall be 451
filed no later than sixty days after the person is adjudicated 452
incompetent to stand trial or found not guilty by reason of 453
insanity. The court shall notify each person who is a devisee or 454
legatee under the decedent's will, or if there is no will, each 455
person who is an heir of the decedent pursuant to section 456
2105.06 of the Revised Code that a complaint of that nature has 457
been filed within ten days after the filing of the complaint. 458
The person who files the complaint, and each person who is 459
required to be notified of the filing of the complaint under 460
this division, is entitled to a jury trial in the action. To 461
assert the right, the person desiring a jury trial shall demand 462
a jury in the manner prescribed in the Civil Rules. 463

A person who files a complaint pursuant to this division 464
shall be restored to the person's right to benefit from the 465
death unless the court determines, by a preponderance of the 466
evidence, that the person would have been convicted of a 467
violation of, or complicity in the violation of, section 468
2903.01, 2903.02, or 2903.03 of the Revised Code or a violation 469
of division (A) of section 2903.04 of the Revised Code that is 470

not a proximate result of a felony violation of section 2903.06 471
of the Revised Code, or of a law of another state, the United 472
States, or a foreign nation that is substantially similar to any 473
of those sections, if the person had been brought to trial in 474
the case in which the person was adjudicated incompetent or if 475
the person were not insane at the time of the commission of the 476
offense. 477

(D) Notwithstanding section 2105.32 of the Revised Code, 478
if a probate court determines by clear and convincing evidence 479
that an individual committed an act that would be a violation of 480
section 2903.01, 2903.02, or 2903.03 of the Revised Code or a 481
violation of division (A) of section 2903.04 of the Revised Code 482
that is not a proximate result of a violation of section 2903.06 483
of the Revised Code, or of a law of any other state, the United 484
States, or a foreign nation substantially equivalent to any of 485
those sections, and the victim of the act was the individual's 486
spouse, the court, at its discretion and in the interests of 487
justice, may choose to apply the rule of law established in 488
division (A) of this section. 489

Sec. 2106.18. (A) Upon the death of a married resident who 490
owned at least one automobile at the time of death, the interest 491
of the deceased spouse in one or more automobiles that are not 492
transferred to the surviving spouse due to joint ownership with 493
right of survivorship established under section 2131.12 of the 494
Revised Code, that are not transferred to a transfer-on-death 495
beneficiary or beneficiaries designated under section 2131.13 of 496
the Revised Code, and that are not otherwise specifically 497
disposed of by testamentary disposition may be selected by the 498
surviving spouse. This interest shall immediately pass to the 499
surviving spouse upon transfer of the title or titles in 500
accordance with section 4505.10 of the Revised Code. The sum 501

total of the values of the automobiles selected by a surviving spouse under this division, as specified in the affidavit that the surviving spouse executes pursuant to division (B) of section 4505.10 of the Revised Code, shall not exceed sixty-five thousand dollars. Each automobile that passes to a surviving spouse under this division shall not be considered an estate asset and shall not be included in the estate inventory.

(B) The Except as otherwise provided by division (C) of this section, the executor or administrator, with the approval of the probate court, may transfer title to an automobile owned by the decedent to any of the following:

(1) The surviving spouse, when the automobile is purchased by the surviving spouse pursuant to section 2106.16 of the Revised Code;

(2) A distributee;

(3) A purchaser.

(C) The executor or administrator may transfer title to an automobile owned by the decedent without the approval of the probate court to any of the following:

(1) A legatee entitled to the automobile under the terms of the will;

(2) A distributee if the distribution of the automobile is made without court order pursuant to section 2113.55 of the Revised Code;

(3) A purchaser if the sale of the automobile is made pursuant to section 2113.39 of the Revised Code;

(4) A purchaser if the sale of the automobile is made at a public auction conducted in the manner provided in section

2113.41 of the Revised Code. 530

(D) As used in ~~division (A) of this section, "automobile"~~ 531
~~includes a motorcycle and includes a truck if the truck was used~~ 532
~~as a method of conveyance by the deceased spouse or the deceased~~ 533
~~spouse's family when the deceased spouse was alive~~"motor 534
vehicle" as defined in section 4505.01 of the Revised Code and 535
an "all-purpose vehicle" and "off-highway motorcycle" as defined 536
in section 4519.01 of the Revised Code. 537

Sec. 2107.52. (A) As used in this section: 538

(1) "Class member" means an individual who fails to 539
survive the testator but who would have taken under a devise in 540
the form of a class gift had the individual survived the 541
testator. 542

(2) "Descendant of a grandparent" means an individual who 543
qualifies as a descendant of a grandparent of the testator or of 544
the donor of a power of appointment under either of the 545
following: 546

(a) The rules of construction applicable to a class gift 547
created in the testator's will if the devise or the exercise of 548
the power of appointment is in the form of a class gift; 549

(b) The rules for intestate succession if the devise or 550
the exercise of the power of appointment is not in the form of a 551
class gift. 552

(3) (a) "Devise" means an includes a primary devise, an 553
alternative devise, a devise in the form of a class gift, ~~or~~ and 554
an exercise of a power of appointment. 555

(b) Except as otherwise provided in this division, the 556
amendment to division (A) (3) (a) of this section in this act 557

shall be given retroactive effect to the fullest extent 558
permitted under Ohio Constitution, Article II, Section 28. The 559
amendment shall not be given retroactive effect in those 560
instances where doing so would invalidate or supersede any 561
instrument that conveys real property or any interest in the 562
real property, recorded in the office of the county recorder in 563
which that real property is situated. 564

(4) "Devisee" means any of the following: 565

(a) A class member if the devise is in the form of a class 566
gift; 567

(b) An individual or class member who was deceased at the 568
time the testator executed the testator's will or an individual 569
or class member who was then living but who failed to survive 570
the testator; 571

(c) An appointee under a power of appointment exercised by 572
the testator's will. 573

(5) "Per stirpes" means that the shares of the descendants 574
of a devisee who does not survive the testator are determined in 575
the same way they would have been determined under division (A) 576
of section 2105.06 of the Revised Code if the devisee had died 577
intestate and unmarried on the date of the testator's death. 578

(6) "Stepchild" means a child of the surviving, deceased, 579
or former spouse of the testator or of the donor of a power of 580
appointment and not of the testator or donor. 581

(7) "Surviving devisee" or "surviving descendant" means a 582
devisee or descendant, whichever is applicable, who survives the 583
testator by at least one hundred twenty hours. 584

(8) "Testator" includes the donee of a power of 585

appointment if the power is exercised in the testator's will. 586

(B) (1) As used in "surviving descendants" in divisions (B) 587
(2) (a) and (b) of this section, "descendants" means the 588
descendants of a deceased devisee or class member under the 589
applicable division who would take under a class gift created in 590
the testator's will. 591

(2) Unless a contrary intent appears in the will, if a 592
devisee fails to survive the testator and is a grandparent, a 593
descendant of a grandparent, or a stepchild of either the 594
testator or the donor of a power of appointment exercised by the 595
testator's will, either of the following applies: 596

(a) If the devise is not in the form of a class gift and 597
the deceased devisee leaves surviving descendants, a substitute 598
gift is created in the devisee's surviving descendants. The 599
surviving descendants take, per stirpes, the property to which 600
the devisee would have been entitled had the devisee survived 601
the testator. 602

(b) If the devise is in the form of a class gift, other 603
than a devise to "issue," "descendants," "heirs of the body," 604
"heirs," "next of kin," "relatives," or "family," or a class 605
described by language of similar import that includes more than 606
one generation, a substitute gift is created in the surviving 607
descendants of any deceased devisee. The property to which the 608
devisees would have been entitled had all of them survived the 609
testator passes to the surviving devisees and the surviving 610
descendants of the deceased devisees. Each surviving devisee 611
takes the share to which the surviving devisee would have been 612
entitled had the deceased devisees survived the testator. Each 613
deceased devisee's surviving descendants who are substituted for 614
the deceased devisee take, per stirpes, the share to which the 615

deceased devisee would have been entitled had the deceased 616
devisee survived the testator. For purposes of division (B) (2) 617
(b) of this section, "deceased devisee" means a class member who 618
failed to survive the testator by at least one hundred twenty 619
hours and left one or more surviving descendants. 620

(C) For purposes of this section, each of the following 621
applies: 622

(1) Attaching the word "surviving" or "living" to a 623
devise, such as a gift "to my surviving (or living) children," 624
is not, in the absence of other language in the will or other 625
evidence to the contrary, a sufficient indication of an intent 626
to negate the application of division (B) of this section. 627

(2) Attaching other words of survivorship to a devise, 628
such as "to my child, if my child survives me," is, in the 629
absence of other language in the will or other evidence to the 630
contrary, a sufficient indication of an intent to negate the 631
application of division (B) of this section. 632

(3) A residuary clause is not a sufficient indication of 633
an intent to negate the application of division (B) of this 634
section unless the will specifically provides that upon lapse or 635
failure the nonresiduary devise, or nonresiduary devises in 636
general, pass under the residuary clause. 637

(4) Unless the language creating a power of appointment 638
expressly excludes the substitution of the descendants of an 639
appointee for the appointee, a surviving descendant of a 640
deceased appointee of a power of appointment may be substituted 641
for the appointee under this section, whether or not the 642
descendant is an object of the power of appointment. 643

(D) Except as provided in division (A), (B), or (C) of 644

this section, each of the following applies: 645

(1) A devise, other than a residuary devise, that fails 646
for any reason becomes a part of the residue. 647

(2) If the residue is devised to two or more persons, the 648
share of a residuary devisee that fails for any reason passes to 649
the other residuary devisee, or to other residuary devisees in 650
proportion to the interest of each in the remaining part of the 651
residue. 652

(3) If a residuary devise fails for any reason in its 653
entirety, the residue passes by intestate succession. 654

(E) This section applies only to outright devises and 655
appointments. Devises and appointments in trust, including to a 656
testamentary trust, are subject to section 5808.19 of the 657
Revised Code. 658

(F) This section applies to wills of decedents who die on 659
or after March 22, 2012. 660

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 661
Revised Code and in accordance with division (B) of this 662
section, the probate court for the county in which the declarant 663
or deceased person resided at the time of death may, on its own 664
motion or the motion of another person, assign to any person the 665
right of disposition for a declarant or deceased person. 666

(B) In making a determination for purposes of division (A) 667
of this section and division (C) of section 2108.79 of the 668
Revised Code, the court shall consider the following: 669

(1) Whether evidence presented to, or in the possession of 670
the court, demonstrates that the person who is the subject of 671
the motion and the declarant or deceased person had a close 672

personal relationship; 673

(2) The reasonableness and practicality of any plans that 674
the person who is the subject of the motion may have for the 675
declarant's or deceased person's funeral, burial, cremation, ~~or~~ 676
final disposition, redisposition, or disinterment, including the 677
degree to which such plans allow maximum participation by all 678
persons who wish to pay their final respects to the deceased 679
person; 680

(3) The willingness of the person who is the subject of 681
the motion to assume the responsibility to pay for the 682
declarant's or deceased person's funeral, burial, cremation, ~~or~~ 683
final disposition, redisposition, or disinterment, and the 684
desires of that person; 685

(4) The convenience and needs of other ~~families~~ family 686
members and friends wishing to pay their final respects to the 687
declarant or deceased person; 688

(5) The express written desires of the declarant or 689
deceased person; 690

(6) The religious beliefs or other evidence of the desires 691
of the declarant or deceased person; 692

(7) The conduct of the persons involved in the proceedings 693
related to the circumstances concerning the deceased person, the 694
deceased person's estate, and other family members; 695

(8) The length of time that has elapsed since the original 696
or last disposition; 697

(9) Whether there is a change of circumstances, including, 698
but not limited to, any of the following: 699

(a) A change to the physical or environmental conditions 700

of the cemetery or other location of the deceased person's 701
bodily remains or the surrounding area; 702

(b) A change to the financial condition of the cemetery 703
operator or organization containing the deceased person's bodily 704
remains; 705

(c) A change related to the residence of the deceased 706
person's family members; 707

(d) A change to the burial arrangements for the deceased 708
person's family members. 709

A change of circumstances does not include a mere change 710
of the representative who has been assigned the right to direct 711
the disposition of the deceased person's bodily remains. 712

(C) There shall be no disinterment or other change of the 713
original or last disposition unless the court makes a finding of 714
compelling reasons based upon the factors listed in division (B) 715
of this section. 716

(D) Except to the extent considered under division (B) (3) 717
of this section, the following persons do not have a greater 718
claim to the right of disposition than such persons otherwise 719
have pursuant to law: 720

(1) A person who is willing to assume the responsibility 721
to pay for the declarant's or deceased person's funeral, burial, 722
cremation, or final disposition; 723

(2) The personal representative of the declarant or 724
deceased person. 725

Sec. 2109.21. (A) An administrator, special administrator, 726
administrator de bonis non, or administrator with the will 727
annexed shall be a resident of this state and shall be removed 728

on proof that the administrator is no longer a resident of this 729
state. 730

(B) (1) To qualify for appointment as executor or trustee, 731
an executor or a trustee named in a will or nominated in 732
accordance with any power of nomination conferred in a will, may 733
be a resident of this state or, as provided in this division, a 734
nonresident of this state. To qualify for appointment, a 735
nonresident executor or trustee named in, or nominated pursuant 736
to, a will shall be an individual who is related to the testator 737
by consanguinity or affinity, or a person who resides in a state 738
that has statutes or rules that authorize the appointment of a 739
nonresident person who is not related to the testator by 740
consanguinity or affinity, as an executor or trustee when named 741
in, or nominated pursuant to, a will. No such executor or 742
trustee shall be refused appointment or removed solely because 743
the executor or trustee is not a resident of this state. 744

The court may require that a nonresident executor or 745
trustee named in, or nominated pursuant to, a will assure that 746
all of the assets of the decedent that are in the county at the 747
time of the death of the decedent will remain in the county 748
until distribution or until the court determines that the assets 749
may be removed from the county. 750

(2) In accordance with this division and section 2129.08 751
of the Revised Code, the court shall appoint as an ancillary 752
administrator a person who is named in the will of a nonresident 753
decedent, or who is nominated in accordance with any power of 754
nomination conferred in the will of a nonresident decedent, as a 755
general executor of the decedent's estate or as executor of the 756
portion of the decedent's estate located in this state, whether 757
or not the person so named or nominated is a resident of this 758

state. 759

To qualify for appointment as an ancillary administrator, 760
a person who is not a resident of this state and who is named or 761
nominated as described in this division, shall be an individual 762
who is related to the testator by consanguinity or affinity, or 763
a person who resides in a state that has statutes or rules that 764
authorize the appointment of a nonresident of that state who is 765
not related to the testator by consanguinity or affinity, as an 766
ancillary administrator when the nonresident is named in a will 767
or nominated in accordance with any power of nomination 768
conferred in a will. If a person who is not a resident of this 769
state and who is named or nominated as described in this 770
division so qualifies for appointment as an ancillary 771
administrator and if the provisions of section 2129.08 of the 772
Revised Code are satisfied, the court shall not refuse to 773
appoint the person, and shall not remove the person, as 774
ancillary administrator solely because the person is not a 775
resident of this state. 776

The court may require that an ancillary administrator who 777
is not a resident of this state and who is named or nominated as 778
described in this division, assure that all of the assets of the 779
decedent that are in the county at the time of the death of the 780
decedent will remain in the county until distribution or until 781
the court determines that the assets may be removed from the 782
county. 783

(C) (1) A guardian of the estate shall be a resident of 784
this state, except that the court may appoint a nonresident of 785
this state as a guardian of the estate if any of the following 786
applies: 787

(a) The nonresident is named in a will by a parent of a 788

minor.	789
(b) The nonresident is selected by a minor over the age of fourteen <u>twelve</u> years as provided by section 2111.12 of the Revised Code.	790 791 792
(c) The nonresident is nominated in or pursuant to a durable power of attorney under section 1337.24 of the Revised Code or a writing as described in division (A) of section 2111.121 of the Revised Code.	793 794 795 796
(2) A guardian of the estate, other than a guardian named in a will by a parent of a minor, selected by a minor over the age of fourteen <u>twelve</u> years, or nominated in or pursuant to a durable power of attorney or writing described in division (C) (1)(c) of this section, may be removed on proof that the guardian of the estate is no longer a resident of this state.	797 798 799 800 801 802
(3) The court may appoint a resident or nonresident of this state as a guardian of the person.	803 804
(D) Any fiduciary, whose residence qualifications are not defined in this section, shall be a resident of this state, and shall be removed on proof that the fiduciary is no longer a resident of this state.	805 806 807 808
(E) Any fiduciary, in order to assist in the carrying out of the fiduciary's fiduciary duties, may employ agents who are not residents of the county or of this state.	809 810 811
(F) Every fiduciary shall sign and file with the court a statement of permanent address and shall notify the court of any change of address. A court may remove a fiduciary if the fiduciary fails to comply with this division.	812 813 814 815
Sec. 2111.01. As used in Chapters 2101. to 2131. of the	816

Revised Code:	817
(A) "Guardian," other than a guardian under sections 5905.01 to 5905.19 of the Revised Code, means any person, association, or corporation appointed by the probate court to have the care and management of the person, the estate, or both of an incompetent or minor. When applicable, "guardian" includes, but is not limited to, a limited guardian, an interim guardian, a standby guardian, and an emergency guardian appointed pursuant to division (B) of section 2111.02 of the Revised Code. "Guardian" also includes an agency under contract with the department of developmental disabilities for the provision of protective service under sections 5123.55 to 5123.59 of the Revised Code when appointed by the probate court to have the care and management of the person of an incompetent.	818 819 820 821 822 823 824 825 826 827 828 829 830
(B) "Ward" means any person <u>incompetent or minor</u> for whom a guardian is acting or for whom the probate court is acting pursuant to section 2111.50 of the Revised Code.	831 832 833
(C) "Resident guardian" means a guardian appointed by a probate court to have the care and management of property in this state that belongs to a nonresident ward.	834 835 836
(D) "Incompetent" means either of the following:	837
(1) Any person <u>adult</u> who is so mentally impaired, as a result of a mental or physical illness or disability, as a result of intellectual disability, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide;	838 839 840 841 842 843 844
(2) Any person <u>adult</u> confined to a correctional	845

institution within this state.	846
(E) "Next of kin" means any person who would be entitled to inherit from a ward under Chapter 2105. of the Revised Code if the ward dies intestate.	847 848 849
(F) "Conservator" means a conservator appointed by the probate court in an order of conservatorship issued pursuant to section 2111.021 of the Revised Code.	850 851 852
(G) "Parent" means a natural parent or adoptive parent of a minor child whose parental rights and responsibilities have not been terminated by a juvenile court or another court of <u>competent jurisdiction</u> .	853 854 855 856
(H) "Financial harm" means impairment of an individual's financial assets by unlawfully obtaining or exerting control over the individual's real or personal property in any of the following ways:	857 858 859 860
(1) Without the consent of the individual or the person authorized to give consent on the individual's behalf;	861 862
(2) Beyond the scope of the express or implied consent of the individual or the person authorized to give consent on the individual's behalf;	863 864 865
(3) By deception;	866
(4) By threat;	867
(5) By intimidation;	868
(6) By fraud;	869
(7) By undue influence.	870
<u>(I) "Limited guardian" means a guardian appointed with specific limited powers, including, but not limited to,</u>	871 872

overseeing the care and management of mental health, placement, 873
visitation, or other specified limited powers, as outlined in 874
the letters of guardianship. 875

(J) "Standby guardian" means a person nominated in a 876
writing to be a guardian of the person, the estate, or both, of 877
one or more of a nominator's minor children or incompetent adult 878
children pursuant to section 2111.121 of the Revised Code. 879

(K) "Interim guardian" means a person appointed as 880
guardian when an existing guardian is temporarily or permanently 881
removed or resigns and if the welfare of the ward requires 882
immediate action, for a maximum period of fifteen days that may 883
be extended for up to two subsequent thirty-day periods for good 884
cause shown and notice of hearing to the ward and interested 885
parties. 886

(L) "Emergency guardian" means a person appointed as 887
guardian when an emergency exists and it is reasonably certain 888
that immediate action is required to prevent significant injury 889
to the person or estate of a ward, for a maximum period of 890
seventy-two hours that may be extended up to an additional 891
thirty days for good cause shown and notice of hearing to the 892
ward and interested parties. 893

(M) "Successor guardian" means a person appointed by the 894
court when a ward is still in need of a guardian of the person, 895
the estate, or both, but the current guardian dies, resigns, or 896
is removed, or an interim guardianship expires. 897

Sec. 2111.011. (A) The clerk of the probate court shall 898
furnish a guardianship guide, prepared either by the attorney 899
general with the approval of the Ohio judicial conference or by 900
the Ohio judicial conference under division (B) of this section, 901

to a guardian of an incompetent at either of the following 902
times, whichever is applicable: 903

(1) Upon the appointment of the guardian under section 904
2111.02 of the Revised Code; 905

(2) If the guardian was appointed prior to the effective 906
date of this section, upon the first filing by the guardian with 907
the probate court of either of the following, as applicable, 908
after that effective date: 909

(a) A guardian's account, other than a final account, that 910
is required to be filed under section 2109.302 of the Revised 911
Code; 912

(b) A guardian's report that is required to be filed under 913
section 2111.49 of the Revised Code. 914

(B) (1) If the attorney general subsequently prepares any 915
updated version of the guardianship guide, the updated guide 916
shall include the rights of a ward as stated in any relevant 917
provision of the Revised Code that is then current. The clerk of 918
the probate court shall furnish the most recent version of the 919
guide to a guardian at either of the following times, whichever 920
is applicable: 921

(a) Upon the appointment of the guardian under section 922
2111.02 of the Revised Code after the most recent version of the 923
guide is prepared; 924

(b) If the guardian was appointed prior to the date of the 925
most recent version of the guide, upon the first filing by the 926
guardian with the probate court of either of the documents 927
described in divisions (A) (2) (a) and (b) of this section, as 928
applicable, after that date. 929

(2) In the alternative, the Ohio judicial conference may create, at their cost, an alternative guardianship guide for use in all probate courts. The alternative guardianship guide shall be distributed in accordance with all provisions contained in this ~~act~~section. The court shall furnish this alternative guardianship guide in accordance with the provisions of this section.

(C) The probate court shall establish a form for a guardian to sign acknowledging that the guardian received a guardianship guide pursuant to this section.

(D) Upon receiving a guardianship guide, the guardian shall sign the form specified in division (C) of this section. The signed form shall be kept permanently in the guardianship file of the probate court.

Sec. 2111.02. (A) If found necessary, a probate court on its own motion or on application by any interested party shall appoint, subject to divisions (C) and (D) of this section and to section 2109.21 and division (B) of section 2111.121 of the Revised Code, a guardian of the person, the estate, or both, of a minor or incompetent, provided the person for whom the guardian is to be appointed is a resident of the county or has a legal settlement in the county. If the person for whom the guardian is to be appointed is an adult, the person must be a qualified respondent as described in section 2112.21 of the Revised Code and have the opportunity to have the assistance of counsel in the proceeding for the appointment of that guardian. An interested party includes, but is not limited to, a person nominated in a durable power of attorney under division (E) of section ~~1337.24~~ 1337.12 of the Revised Code or in a writing as described in division (A) of section 2111.121 of the Revised

Code. 960

Except when the guardian of an incompetent is an agency 961
under contract with the department of developmental disabilities 962
for the provision of protective services under sections 5123.55 963
to 5123.59 of the Revised Code, or another agency or corporation 964
appointed by the court, the guardian of an incompetent, by 965
virtue of the appointment as guardian, shall be the guardian of 966
the minor children of the guardian's ward upon the filing of a 967
separate application under a new case number, unless the court 968
appoints some other person as their guardian. 969

When the primary purpose of the appointment of a guardian 970
is, or was, the collection, disbursement, or administration of 971
moneys awarded by the veterans administration to the ward, or 972
assets derived from those moneys, no court costs shall be 973
charged in the proceeding for the appointment or in any 974
subsequent proceedings made in pursuance of the appointment, 975
unless the value of the estate, including the moneys then due 976
under the veterans administration award, exceeds one thousand 977
five hundred dollars. 978

(B) (1) If the probate court finds it to be in the best 979
interest of an incompetent or minor, it may appoint pursuant to 980
divisions (A) and (C) of this section, on its own motion or on 981
application by an interested party, a limited guardian with 982
specific limited powers. The sections of the Revised Code, 983
rules, and procedures governing guardianships apply to a limited 984
guardian, except that the order of appointment and letters of 985
authority of a limited guardian shall state the reasons for, and 986
specify the limited powers of, the guardian. The court may 987
appoint a limited guardian for a definite or indefinite period. 988
An incompetent or minor for whom a limited guardian has been 989

appointed retains all of the incompetent's or minor's rights in 990
all areas not affected by the court order appointing the limited 991
guardian. 992

(2) If a guardian appointed pursuant to division (A) of 993
this section is temporarily or permanently removed or resigns, 994
and if the welfare of the ward requires immediate action, at any 995
time after the removal or resignation, the probate court may 996
appoint, ex parte and with or without notice to the ward or 997
interested parties, an interim guardian for a maximum period of 998
fifteen days. If the court appoints the interim guardian ex 999
parte or without notice to the ward, the court, at its first 1000
opportunity, shall enter upon its journal with specificity the 1001
reason for acting ex parte or without notice, and, as soon as 1002
possible, shall serve upon the ward a copy of the order 1003
appointing the interim guardian. For good cause shown, after 1004
notice to the ward and interested parties and after a hearing, 1005
the court may extend an interim guardianship for a specified 1006
period, but not to exceed ~~an additional thirty days~~two 1007
subsequent thirty-day periods. 1008

(3) If a guardian appointed pursuant to division (A) of 1009
this section dies, resigns, is removed, or an interim 1010
guardianship established pursuant to division (B)(2) of this 1011
section expires, and the ward is still in need of a guardian of 1012
the person, the estate, or both, notice of the vacancy shall be 1013
provided to the ward and sent to the ward's nearest next of kin 1014
by regular United States mail, provided the court knows the 1015
address of that next of kin. The court may appoint a successor 1016
guardian upon application by any interested party after 1017
providing notice to the ward, or may appoint a successor 1018
guardian subject to divisions (C) and (D) of this section if the 1019
court finds it necessary to determine the suitability of the 1020

applicants or it would otherwise be in the ward's best interest. 1021
If a successor guardian application has not been filed by an 1022
interested party within thirty days of the notice of the 1023
vacancy, the court may appoint a successor guardian sua sponte 1024
and without a hearing or further notice to the ward, except that 1025
the court shall provide notice to the ward following the 1026
appointment of the successor guardian. 1027

(4) If a minor or incompetent has not been placed under a 1028
guardianship pursuant to division (A) of this section and if an 1029
emergency exists and it is reasonably certain that immediate 1030
action is required to prevent significant injury to the person 1031
or estate of the minor or incompetent, at any time after it 1032
receives notice of the emergency, the court, ex parte, may issue 1033
any order that it considers necessary to prevent injury to the 1034
person or estate of the minor or incompetent, or may appoint an 1035
emergency guardian for a maximum period of seventy-two hours. A 1036
written copy of any order issued by a court under this division 1037
shall be served upon the incompetent or minor as soon as 1038
possible after its issuance. Failure to serve that order after 1039
its issuance or prior to the taking of any action under its 1040
authority does not invalidate the order or the actions taken. 1041
The powers of an emergency guardian shall be specified in the 1042
letters of appointment, and shall be limited to those powers 1043
that are necessary to prevent injury to the person or estate of 1044
the minor or incompetent. If the court acts ex parte or without 1045
notice to the minor or incompetent, the court, at its first 1046
opportunity, shall enter upon its journal a record of the case 1047
and, with specificity, the reason for acting ex parte or without 1048
notice. For good cause shown, after notice to the minor or 1049
incompetent and interested parties, and after a hearing, the 1050
court may extend an emergency guardianship for a specified 1051

period, but not to exceed an additional thirty days. 1052

(C) Prior to the appointment of a guardian or limited 1053
guardian under division (A) or (B)(1) of this section, the court 1054
shall conduct a hearing on the matter of the appointment. The 1055
hearing shall be conducted in accordance with all of the 1056
following: 1057

(1) The proposed guardian or limited guardian shall appear 1058
at the hearing and, if appointed, shall swear under oath that 1059
the proposed guardian or limited guardian has made and will 1060
continue to make diligent efforts to file a true inventory in 1061
accordance with section 2111.14 of the Revised Code and find and 1062
report all assets belonging to the estate of the ward and that 1063
the proposed guardian or limited guardian faithfully and 1064
completely will fulfill the other duties of a guardian, 1065
including the filing of timely and accurate reports and 1066
accountings. 1067

(2) If the hearing is conducted by a magistrate, the 1068
procedures set forth in Civil Rule 53 shall be followed. 1069

(3) If the hearing concerns the appointment of a guardian 1070
or limited guardian for an alleged incompetent, the burden of 1071
proving incompetency shall be by clear and convincing evidence. 1072

(4) Upon request of the applicant, the alleged incompetent 1073
for whom the appointment is sought or the alleged incompetent's 1074
counsel, or any interested party, a recording or record of the 1075
hearing shall be made. 1076

(5) Evidence of a less restrictive alternative to 1077
guardianship may be introduced, and when introduced, shall be 1078
considered by the court. 1079

(6) The court may deny a guardianship based upon a finding 1080

that a less restrictive alternative to guardianship exists. 1081

(7) If the hearing concerns the appointment of a guardian 1082
or limited guardian for an alleged incompetent, the alleged 1083
incompetent has all of the following rights: 1084

(a) The right to be represented by independent counsel of 1085
the alleged incompetent's choice; 1086

(b) The right to have a friend or family member of the 1087
alleged incompetent's choice present; 1088

(c) The right to have evidence of an independent expert 1089
evaluation introduced; 1090

(d) If the alleged incompetent is indigent, upon the 1091
alleged incompetent's request: 1092

(i) The right to have counsel and an independent expert 1093
evaluator appointed at court expense; 1094

(ii) If the guardianship, limited guardianship, or standby 1095
guardianship decision is appealed, the right to have counsel 1096
appointed and necessary transcripts for appeal prepared at court 1097
expense. 1098

(D) (1) If a person has been nominated to be a guardian of 1099
the estate of a minor in or pursuant to a durable power of 1100
attorney under section 1337.24 of the Revised Code or a writing 1101
as described in division (A) of section 2111.121 of the Revised 1102
Code, the person nominated has preference in appointment over a 1103
person selected by the minor. A person who has been nominated to 1104
be a guardian of the person of a minor in or pursuant to a 1105
durable power of attorney or writing of that nature does not 1106
have preference in appointment over a person selected by the 1107
minor, but the probate court may appoint the person named in the 1108

durable power of attorney or the writing, the person selected by 1109
the minor, or another person as guardian of the person of the 1110
minor. 1111

(2) A person nominated as a guardian of an incompetent 1112
adult child pursuant to a durable power of attorney under 1113
division (E) of section ~~1337.24~~ 1337.12 of the Revised Code or 1114
pursuant to section 2111.121 of the Revised Code shall have 1115
preference in appointment over a person applying to be guardian 1116
if the person nominated is competent, suitable, and willing to 1117
accept the appointment, and if the incompetent adult child does 1118
not have a spouse or an adult child and has not designated a 1119
guardian prior to the court finding the adult child incompetent. 1120

Sec. 2111.021. A competent adult ~~who is physically infirm~~ 1121
may petition the probate court of the county in which the 1122
petitioner resides, to place, for a definite or indefinite 1123
period of time, the petitioner's person, any or all of the 1124
petitioner's real or personal property, or both under a 1125
conservatorship with the court. A petitioner either may grant 1126
specific powers to the conservator or court or may limit any 1127
powers granted by law to the conservator or court, except that 1128
the petitioner may not limit the powers granted to the court by 1129
this section and may not limit the requirement for bond as 1130
determined by the court. The petition shall state whether the 1131
person of the competent adult will be placed under the 1132
conservatorship, shall state with particularity all real and 1133
personal property that will be placed under the conservatorship, 1134
shall state the powers granted and any limitation upon the 1135
powers of the conservator or court, and shall state the name of 1136
a proposed suitable conservator. 1137

After a hearing, if the court finds that the petition was 1138

voluntarily filed and that the proposed conservator is suitable, 1139
the court shall issue an order of conservatorship. Upon issuance 1140
of the order, all sections of the Revised Code governing a 1141
guardianship of the person, the estate, or both, whichever is 1142
involved, except those sections the application of which 1143
specifically is limited by the petitioner, and all rules and 1144
procedures governing a guardianship of the person, the estate, 1145
or both, shall apply to the conservatorship, including, but not 1146
limited to, applicable bond and accounting requirements. 1147

A conservatorship shall terminate upon a judicial 1148
determination of incompetency, the death of the petitioner, the 1149
order of the probate court, or the execution of a written 1150
termination notice by the petitioner. A termination notice shall 1151
take effect upon execution by the petitioner, and shall be filed 1152
with the court and served upon the conservator. A termination 1153
notice executed by a petitioner relative to a conservatorship of 1154
the estate and the termination of a conservatorship of the 1155
estate based upon a termination notice are void unless the 1156
termination notice is filed with the court within fourteen days 1157
after its execution. Modification of the powers of a conservator 1158
or the court may be made by the petitioner upon motion to the 1159
court at any time during the conservatorship. Neither the 1160
establishment of a conservatorship nor the filing of a petition 1161
for conservatorship with the probate court shall be considered 1162
as evidence of mental impairment under section 2111.01 of the 1163
Revised Code. 1164

Upon motion to the probate court and a showing of good 1165
cause, the court may make confidential, or remove from 1166
confidential status, any file, record, petition, motion, 1167
account, or paper, except for an index, docket, or journal, that 1168
pertains to a conservatorship and that is in the possession of 1169

the court. 1170

Sec. 2111.022. (A) A probate court, on its own motion or 1171
on application of an interested party, may issue an emergency ex 1172
parte order freezing the financial assets of an individual whom 1173
the court or applicant has reason to believe is missing or has 1174
gone or been taken ~~to another state~~ away if it is reasonably 1175
certain that immediate action is required to prevent significant 1176
financial harm to the individual. The order may freeze the 1177
individual's assets for a period not exceeding seventy-two 1178
hours. If the individual is located, a written copy of the order 1179
shall be served upon the individual as soon as possible after 1180
its issuance. The court, at its first opportunity, shall enter 1181
upon its journal a record of the case and, with specificity, the 1182
reason for the action. For good cause shown, after notice to the 1183
individual and after a hearing, the court may extend the 1184
emergency order for a specified period of not more than thirty 1185
additional days. 1186

(B) The powers of the probate court under this section are 1187
in addition to and not in derogation of any powers the court has 1188
under division ~~(B)(3)~~ (B)(4) of section 2111.02 of the Revised 1189
Code. 1190

Sec. 2111.023. (A) If found necessary, a probate court, on 1191
its own motion or on application by any interested party, may 1192
appoint a representative to act on behalf of an alleged 1193
incompetent, for the following limited purposes: 1194

(1) Taking all actions necessary to make an application 1195
for medical assistance pursuant to the applicable provisions of 1196
the Revised Code and administrative rules and regulations of the 1197
department of medicaid. 1198

(2) Executing on behalf of the alleged incompetent, 1199
pursuant to the administrative rules and regulations of the 1200
department of medicaid, any affidavits or other documents that 1201
are necessary to attest all of the following: 1202

(a) The alleged incompetent has a physical or mental 1203
impairment that substantially limits the ability to access 1204
verifications or documents necessary for the department of 1205
medicaid to process medicaid applications. 1206

(b) The alleged incompetent has no available 1207
representative to assist in accessing any public assistance. 1208

(c) To the best of the affiant's or representative's 1209
knowledge, the alleged incompetent has not granted any person a 1210
durable power of attorney, or if a durable power of attorney has 1211
been granted, the agent under that power of attorney is 1212
unavailable or has failed to act on behalf of the alleged 1213
incompetent in accessing any public assistance. 1214

(d) The alleged incompetent has no court-appointed 1215
guardian. 1216

(3) Executing on behalf of the alleged incompetent any 1217
documents that may be necessary to seek public assistance from 1218
the department of medicaid or its designees, the county 1219
departments of job and family services, or other agencies 1220
administering public benefits as designees of the department of 1221
medicaid. Those documents include, but are not limited to, forms 1222
and applications related to home and community-based services 1223
medicaid waivers, level of care assessments, the supplemental 1224
nutrition assistance program, and the Ohio works first program 1225
established under Chapter 5107. of the Revised Code. 1226

(4) Executing on behalf of the alleged incompetent the 1227

documents that may be necessary to maintain medical assistance 1228
or other public assistance for which the alleged incompetent has 1229
previously been determined to be eligible. 1230

(B) Except as otherwise provided in this division, the 1231
probate court shall conduct a hearing on the motion or 1232
application for the appointment of a representative under 1233
division (A) of this section. If an application for guardianship 1234
of the alleged incompetent is pending before the probate court, 1235
the court may appoint such representative without conducting a 1236
hearing. However, at the hearing on the application for 1237
guardianship, the court shall address the continued need for a 1238
representative of the alleged incompetent under that division. 1239

(C) The proposed representative shall appear at the 1240
hearing conducted by the probate court under division (B) of 1241
this section. If appointed by the probate court, the 1242
representative shall attest all of the following under oath: 1243

(a) The representative has made reasonable efforts to 1244
determine if the alleged incompetent has a physical or mental 1245
impairment that substantially limits the ability to access 1246
verifications or documents necessary for an application for 1247
public assistance or to access the means of self-support. 1248

(b) The representative has made reasonable efforts to 1249
determine if another person is available to represent the 1250
alleged incompetent in the actions authorized in division (A) of 1251
this section and in reference to 42 CFR 435.907. 1252

(c) The representative shall notify any administrative 1253
agency to which an application is made by the representative on 1254
behalf of the alleged incompetent of any changes in 1255
circumstances that would permit the alleged incompetent, or a 1256

legal representative on behalf of the alleged incompetent, to 1257
obtain necessary verifications or documents or to access the 1258
means of self-support, within ten calendar days of being made 1259
aware of those changes. 1260

(d) The representative shall maintain the confidentiality 1261
of any information provided by the applicable state or federal 1262
agency, as required by the applicable state or federal law. 1263

Sec. 2111.03. A person applying for appointment as a 1264
guardian, including, but not limited to, as a limited guardian, 1265
pursuant to section 2111.02 of the Revised Code, shall file with 1266
the probate court an application that contains a statement of 1267
the whole estate of the ward, its probable value, and the 1268
probable annual rents of the ward's real property, and that also 1269
contains the following: 1270

(A) A statement whether the applicant ever has been 1271
charged with or convicted of any crime involving theft, physical 1272
violence, or sexual, alcohol, or substance abuse, and, if the 1273
applicant has been so charged or convicted, the date and place 1274
of each charge and each conviction; 1275

(B) A statement whether a limited guardianship is sought 1276
and, if sought, a specification of the limited powers that are 1277
requested and a statement whether the limited guardianship is to 1278
be for a definite or indefinite period; 1279

(C) In the case of an application for the appointment of a 1280
guardian of a minor, all of the following: 1281

(1) Name, age, and residence of the minor; 1282

(2) Name and residence of each parent of the minor; 1283

(3) Name, degree of kinship, age, and address of next of 1284

kin of the minor, if no parent is living or if a parent of the 1285
minor is absent, under disability, or for other reason cannot be 1286
notified; 1287

~~(4) Name and residence address of the person having~~ 1288
~~custody of the minor.~~The affidavit as set forth in section 1289
3127.23 of the Revised Code; 1290

(5) The name and contact information of any person 1291
nominated in a writing pursuant to section 2111.121 of the 1292
Revised Code. 1293

(D) In the case of an application for the appointment of a 1294
guardian of an alleged incompetent, all of the following: 1295

(1) Name, age, and residence of the person for whom such 1296
appointment is sought; 1297

(2) Facts upon which the application is based; 1298

(3) Name, degree of kinship, age, and address of the next 1299
of kin of the alleged incompetent; 1300

(4) The proposed ward's military service, if applicable; 1301

(5) The name and contact information of any person 1302
nominated pursuant to division (E) of section 1337.12 of the 1303
Revised Code or nominated in a writing pursuant to section 1304
2111.121 of the Revised Code; 1305

(6) A statement of expert evaluation under Rule 66 of the 1306
Rules of Superintendence for the Courts of Ohio, by a licensed 1307
physician, licensed clinical psychologist, licensed independent 1308
social worker, licensed professional clinical counselor, 1309
clinical nurse specialist, certified nurse practitioner, 1310
physician assistant, or other qualified person as determined by 1311
the court, who has evaluated or examined the proposed ward 1312

within three months prior to the date of the statement of expert 1313
evaluation regarding the need for establishing the guardianship. 1314

The court, on its own motion, shall proceed as provided in 1315
this chapter, upon suggestion by the bureau of workers' 1316
compensation that any person who has made application for or 1317
been awarded compensation or death benefits as an employee or 1318
the dependent of a killed employee is a minor or incompetent. In 1319
that case, no application need be filed and the bureau shall 1320
furnish the court with the name and residence of such person and 1321
the name, degree of kinship, age, and address of the father, 1322
mother, or next of kin of such person insofar as known by the 1323
bureau. 1324

Sec. 2111.031. In connection with an application for the 1325
appointment of a guardian for an alleged incompetent, the court 1326
may appoint physicians, and other qualified persons as 1327
determined by the court, to examine, investigate, or represent 1328
the alleged incompetent, to assist the court in deciding whether 1329
a guardianship is necessary. If the person is determined to be 1330
an incompetent and a guardian is appointed for the person, the 1331
costs, fees, or expenses incurred to so assist the court shall 1332
be charged either against the estate of the person or against 1333
the applicant, unless the court determines, for good cause 1334
shown, that the costs, fees, or expenses are to be recovered 1335
from the county, in which case they shall be charged against the 1336
county. If the person is not determined to be an incompetent or 1337
a guardian is not appointed for the person, the costs, fees, or 1338
expenses incurred to so assist the court shall be charged 1339
against the applicant, unless the court determines, for good 1340
cause shown, that the costs, fees, or expenses are to be 1341
recovered from the county, in which case they shall be charged 1342
against the county. 1343

A court may require the applicant to make an advance 1344
deposit of an amount that the court determines is necessary to 1345
defray the anticipated costs of examinations of an alleged 1346
incompetent and to cover fees or expenses to be incurred to 1347
assist it in deciding whether a guardianship is necessary. 1348

This section does not affect or apply to the duties of a 1349
probate court investigator under sections 2111.04 and 2111.041 1350
of the Revised Code. 1351

Sec. 2111.04. (A) Except for an interim, successor, or 1352
emergency guardian appointed under division (B) (2) ~~or~~, (3), or 1353
(4) of section 2111.02 of the Revised Code, no guardian of the 1354
person, the estate, or both shall be appointed until at least 1355
seven days after the probate court has caused written notice, 1356
setting forth the time and place of the hearing, to be served as 1357
follows: 1358

(1) In the appointment of the guardian of a minor, notice 1359
shall be served as follows: 1360

(a) Upon the minor, if over the age of ~~fourteen~~twelve, by 1361
personal service; 1362

(b) Upon each parent of the minor whose name and address 1363
is known or with reasonable diligence can be ascertained, 1364
provided the parent is free from disability other than minority; 1365

(c) Upon the next of kin of the minor who are known to 1366
reside in this state, if there is no living parent, the name and 1367
address of the parent cannot be ascertained, or the parent is 1368
under disability other than minority; 1369

(d) Upon the person having the custody of the minor. 1370

(2) In the appointment of the guardian of an incompetent, 1371

notice shall be served as follows: 1372

(a) (i) Upon the person for whom appointment is sought by 1373
personal service, by a probate court investigator, or in the 1374
manner provided in division (A) (2) (a) (ii) of this section. The 1375
notice shall be in boldface type and shall inform the alleged 1376
incompetent, in boldface type, of the alleged incompetent's 1377
rights to be present at the hearing, to contest any application 1378
for the appointment of a guardian for the alleged incompetent's 1379
person, estate, or both, and to be represented by an attorney 1380
and of all of the rights set forth in division (C) (7) of section 1381
2111.02 of the Revised Code. 1382

(ii) If the person for whom appointment is sought is a 1383
resident of, or has a legal settlement in, the county in which 1384
the court has jurisdiction, but is absent from that county, the 1385
probate court may designate, by order, a temporary probate court 1386
investigator, in lieu of a regular probate court investigator 1387
appointed or designated under section 2101.11 of the Revised 1388
Code, to make the personal service of the notice described in 1389
division (A) (2) (a) (i) of this section upon the person for whom 1390
appointment is sought. 1391

(b) Upon the next of kin of the person for whom 1392
appointment is sought who are known to reside in this state. 1393

(B) After service of notice in accordance with division 1394
(A) of this section and for good cause shown, the court may 1395
appoint a guardian prior to the time limitation specified in 1396
that division. 1397

~~(C) Notice may not be waived by the person for whom the~~ 1398
~~appointment is sought~~For good cause shown, the requirement of 1399
notice under division (A) of this section may be waived, except 1400

for the notice to the proposed ward. 1401

(D) From the service of notice until the hearing, no sale, 1402
gift, conveyance, or encumbrance of the property of an alleged 1403
incompetent shall be valid as to persons having notice of the 1404
proceeding. 1405

Sec. 2111.041. (A) At the time of the service of notice 1406
upon an alleged incompetent, as required by division (A) (2) (a) 1407
of section 2111.04 of the Revised Code, the court shall require 1408
a ~~regular~~ probate court investigator appointed or designated 1409
under section 2101.11 of the Revised Code or appoint a temporary 1410
probate court investigator to investigate the circumstances of 1411
the alleged incompetent, and, to the maximum extent feasible, to 1412
communicate to the alleged incompetent in a language or method 1413
of communication that the alleged incompetent can understand, 1414
the alleged incompetent's rights as specified in that division, 1415
and subsequently to file with the court a report that contains 1416
all of the following: 1417

(1) A statement indicating that the notice was served and 1418
describing the extent to which the alleged incompetent's rights 1419
to be present at the hearing, to contest any application for the 1420
appointment of a guardian for the alleged incompetent's person, 1421
estate, or both, and to be represented by an attorney were 1422
communicated to the alleged incompetent in a language or method 1423
of communication understandable to the alleged incompetent; 1424

(2) A brief description, as observed by the investigator, 1425
of the physical and mental condition of the alleged incompetent; 1426

(3) A recommendation regarding the necessity for a 1427
guardianship or a less restrictive alternative; 1428

(4) A recommendation regarding the necessity of appointing 1429

pursuant to section 2111.031 of the Revised Code, an attorney to 1430
represent the alleged incompetent. 1431

(B) The report that is required by division (A) of this 1432
section shall be made a part of the record in the case and shall 1433
be considered by the court prior to establishing any 1434
guardianship for the alleged incompetent. 1435

Sec. 2111.05. (A) When the whole estate of a ward does not 1436
exceed twenty-five thousand dollars in value, the guardian may 1437
apply to the probate court for an order to terminate the 1438
guardianship of the estate. Upon proof that it would be for the 1439
best interest of the ward to terminate the guardianship, the 1440
court may order the guardianship terminated, ~~and direct the~~
~~guardian, if.~~ 1441
1442

(1) If the ward is a minor, the court may direct the 1443
guardian to deposit the assets of the guardianship in a 1444
depository authorized to receive fiduciary funds, payable to the 1445
ward when the ward attains minor upon attaining the age of 1446
majority, or the court may authorize the delivery of the assets 1447
to the natural guardian of the minor, to the person by whom the 1448
minor is maintained, to the executive director of children 1449
services in the county, or to the minor's own self. A receipt 1450
verifying the deposit of assets shall be submitted to the court. 1451
Release of any funds held in a depository for the benefit of the 1452
minor shall be by court order, including the release of funds to 1453
the minor upon attaining the age of majority. In the alternative 1454
and for good cause shown, the court may direct the guardian to 1455
deliver the assets to a suitable person. The person receiving 1456
the assets shall hold and dispose of them in the manner the 1457
court directs. 1458

(2) If the ward is an incompetent, and the court orders 1459

the guardianship terminated, the court may authorize the deposit 1460
of the assets of the guardianship in a depository authorized to 1461
receive fiduciary funds in the name of a suitable person to be 1462
designated by the court, ~~or if.~~ A receipt verifying the deposit 1463
of assets shall be submitted to the court. Release of any funds 1464
held in a depository for the benefit of the incompetent shall be 1465
by court order. If the assets do not consist of money, the court 1466
may authorize delivery to a suitable person to be designated by 1467
the court. The person receiving the assets shall hold and 1468
dispose of them in the manner the court directs. 1469

(B) If the court refuses to grant the application to 1470
terminate the guardianship, or if no such application is 1471
presented to the court, the guardian only shall be required to 1472
render account upon the termination of the guardianship, upon 1473
order of the probate court made ~~upon~~ on its own motion, or upon 1474
the order of the court made on the motion of a person interested 1475
in the wards or their property, for good cause shown, and set 1476
forth upon the journal of the court. 1477

(C) If the estate of a minor is twenty-five thousand 1478
dollars or less ~~and the ward is a minor,~~ the court, without the 1479
appointment of a guardian by the court, or if a guardian is 1480
appointed by the court, without the giving of bond, may 1481
authorize the deposit in a depository authorized to receive 1482
fiduciary funds, payable to the guardian when appointed, or to 1483
the ~~ward when the ward attains~~ minor upon attaining the age of 1484
majority, ~~or the court may authorize delivery to the natural~~ 1485
~~guardian of the minor, to the person by whom the minor is~~ 1486
~~maintained, to the executive director who is responsible for the~~ 1487
~~administration of children services in the county, or to the~~ 1488
~~minor's own self.~~ A receipt verifying the deposit of assets 1489
shall be submitted to the court. Release of any funds held in a 1490

depository for the benefit of the minor shall be by court order, 1491
including the release of the funds to the minor upon attaining 1492
the age of majority. In the alternative and for good cause 1493
shown, the court may authorize delivery of the assets to a 1494
suitable person. The person receiving the assets shall hold and 1495
dispose of them in the manner the court directs. 1496

(D) If the whole estate of a person ~~over~~eighteen years of 1497
age ~~or older~~, who has been adjudged incompetent, does not exceed 1498
twenty-five thousand dollars in value, the court, without the 1499
appointment of a guardian by the court or if a guardian is 1500
appointed by the court, without the giving of bond, may 1501
authorize the deposit of the estate assets in a depository 1502
authorized to receive fiduciary funds in the name of a suitable 1503
person to be designated by the court, ~~or if~~. A receipt verifying 1504
the deposit of assets shall be submitted to the court. Release 1505
of any funds held in a depository for the benefit of the 1506
incompetent shall be by court order. If the assets do not 1507
consist of money, the court may authorize delivery to a suitable 1508
person to be designated by the court. The person receiving the 1509
assets shall hold and dispose of them in the manner the court 1510
directs. 1511

Sec. 2111.06. (A) If the powers of the person appointed as 1512
guardian of a minor or incompetent are not limited by the order 1513
of appointment, the person shall be guardian both of the person 1514
and estate of the ward. In every instance, the court shall 1515
appoint the same person as guardian of the person and estate of 1516
the ward, unless in the opinion of the court the interests of 1517
the ward will be promoted by the appointment of different 1518
persons as guardians of the person and of the estate. 1519

(B) A guardian of the person of an incompetent shall 1520

oversee the physical placement, maintenance, and care of the 1521
ward. 1522

(C) A guardian of the person of a minor shall be appointed 1523
as to a minor having no ~~father or mother~~ living parent, whose 1524
parents are unsuitable persons to have the custody of the minor 1525
and to provide for the education of the minor as required by 1526
section 3321.01 of the Revised Code, or whose interests, in the 1527
opinion of the court, will be promoted by the appointment of a 1528
guardian. A guardian of the person shall have the custody and 1529
provide for the maintenance of the ward, and if the ward is a 1530
minor, the guardian shall also provide for the education of the 1531
ward as required by section 3321.01 of the Revised Code. 1532

(D) (1) A guardian of the person of a minor shall have the 1533
legal custody of the minor. 1534

(2) As used in division (D) (1) of this section, "legal 1535
custody" means a legal status that vests in the custodian the 1536
right to have physical care and control of the minor, and to 1537
determine where and with whom the minor shall live, and the 1538
right and duty to protect, train, and discipline the minor and 1539
to provide the minor with food, shelter, education, and medical 1540
care, all subject to any residual parental rights, privileges, 1541
and responsibilities. 1542

(E) Before exercising its jurisdiction to appoint a 1543
guardian of a minor, the court shall comply with the 1544
jurisdictional standards of sections 3127.01 to 3127.53 of the 1545
Revised Code. 1546

Sec. 2111.08. ~~The wife and husband are the joint natural~~ 1547
~~guardians of their minor children and are equally charged with~~ 1548
~~their care, nurture, welfare, and education and the care and~~ 1549

~~management of their estates. The wife and husband have equal 1550
powers, rights, and duties and neither parent has any right 1551
paramount to the right of the other concerning the parental 1552
rights and responsibilities for the care of the minor or the 1553
right to be the residential parent and legal custodian of the 1554
minor, the control of the services or the earnings of such 1555
minor, or any other matter affecting the minor; provided that if 1556
either parent, to the exclusion of the other, is maintaining and 1557
supporting the child, that parent shall have the paramount right 1558
to control the services and earnings of the child. Neither 1559
parent shall forcibly take a child from the guardianship of the 1560
parent who is the residential parent and legal custodian of the 1561
child. 1562~~

~~If the wife and husband live apart, the court may award 1563
the guardianship of a minor to either parent, and the state in 1564
which the parent who is the residential parent and legal 1565
custodian or who otherwise has the lawful custody of the minor 1566
resides has jurisdiction to determine questions concerning the 1567
minor's guardianship. Married parents are the joint natural 1568
guardians of their minor children. 1569~~

Sec. 2111.091. ~~No attorney who represents any other person 1570
and who is appointed as a guardian under this chapter or under 1571
any other provision of the Revised Code shall do either of the 1572
following: 1573~~

(A) ~~Act as a person with co-responsibility for any 1574
guardianship asset for which the guardian is responsible; 1575~~

(B) ~~Be a cosignatory on any financial account related to 1576
the guardianship, including any checking account, savings 1577
account, or other banking or trust account. 1578~~

Sec. 2111.12. (A) A minor over the age of ~~fourteen~~twelve 1579
years may select a guardian who shall be appointed if a suitable 1580
person. If a minor over the age of ~~fourteen~~twelve years fails 1581
to select a suitable person, an appointment may be made without 1582
reference to the minor's wishes. The minor shall not select one 1583
person to be the guardian of the minor's estate only and another 1584
to be the guardian of the person only, unless the court that 1585
appoints the guardian is of the opinion that the interests of 1586
that minor will be promoted by that selection. 1587

(B) A surviving parent by a will in writing may ~~appoint~~ 1588
nominate a guardian for any of the surviving parent's children, 1589
whether born at the time of making the will or afterward, to 1590
continue during the minority of the child or for a less time. 1591

When the ~~father or mother~~ parent of a minor ~~names~~ 1592
nominates a person as guardian of the estate of that minor in a 1593
will, the person ~~named~~ nominated shall have preference in 1594
appointment over the person selected by the minor. A person 1595
~~named~~ nominated in that will as guardian of the person of that 1596
minor shall have no preference in appointment over the person 1597
selected by the minor, but in that event the probate court may 1598
appoint the person named in the will, the person selected by the 1599
minor, or some other person. 1600

~~Whenever a testamentary guardian is appointed, the~~ 1601
~~testamentary guardian's duties, powers, and liabilities in all~~ 1602
~~other respects shall be governed by the law regulating guardians~~ 1603
~~not appointed by will.~~ 1604

(C) A parent pursuant to a durable power of attorney under 1605
section 1337.24 of the Revised Code or a writing as described in 1606
division (A) of section 2111.121 of the Revised Code may 1607
nominate a person to be a guardian for one or more of the 1608

parent's minor children, whether born at the time of the making 1609
of the nomination or afterward. 1610

Sec. 2111.13. (A) When a guardian is appointed to have the 1611
custody and maintenance of a ward, and to have charge of the 1612
education of the ward if the ward is a minor, the guardian's 1613
duties are as follows: 1614

(1) To ~~protect and control the person~~ oversee the physical 1615
placement, maintenance, and care of the ward; 1616

(2) To provide suitable maintenance for the ward when 1617
necessary, which shall be paid out of the estate of such ward 1618
upon the order of the guardian of the person; 1619

(3) To provide ~~such the~~ maintenance and education for such 1620
ward ~~as that~~ the amount of the ward's estate justifies when the 1621
ward is a minor and has no ~~father or mother~~ parent, or has a 1622
~~father or mother~~ parent who fails to maintain or educate the 1623
ward, which shall be paid out of such ward's estate upon the 1624
order of the guardian of the person; 1625

(4) To obey all the orders and judgments of the probate 1626
court touching the guardianship; 1627

(5) To identify both family and nonfamily members with 1628
whom the ward desires to communicate, and to facilitate the 1629
contact that the guardian believes is in the best interest of 1630
the ward. Any dispute regarding visitation of the ward shall be 1631
reviewed as provided in Rule 66 of the Rules of Superintendence 1632
for the Courts of Ohio. 1633

(B) Except as provided in section 2111.131 of the Revised 1634
Code, no part of the ward's estate shall be used for the 1635
support, maintenance, or education of such ward unless ordered 1636
and approved by the court. 1637

(C) A guardian of the person may authorize or approve the provision to the ward of medical, health, or other professional care, counsel, treatment, or services unless the ward or an interested party files objections with the probate court, or the court, by rule or order, provides otherwise.

(D) Unless a person with the right of disposition for a ward under section 2108.70 or 2108.81 of the Revised Code has made a decision regarding whether or not consent to an autopsy or post-mortem examination on the body of the deceased ward under section 2108.50 of the Revised Code shall be given, a guardian of the person of a ward who has died may consent to the autopsy or post-mortem examination.

(E) If a deceased ward did not have a guardian of the estate, the estate is not required to be administered by a probate court, and a person with the right of disposition for a ward, as described in section 2108.70 or 2108.81 of the Revised Code, has not made a decision regarding the disposition of the ward's body or remains, the guardian of the person of the ward may authorize the burial or cremation of the ward.

(F) A guardian who gives consent or authorization as described in divisions (D) and (E) of this section shall notify the probate court as soon as possible after giving the consent or authorization.

Sec. 2111.131. (A) The probate court may enter an order that authorizes a person under a duty to pay or deliver money or personal property to a minor who does not have a guardian of the person and estate or a guardian of the estate, to perform that duty in ~~amounts~~ an amount not exceeding ~~five~~ twenty-five thousand dollars ~~annually~~, by paying or delivering the money or property to any of the following:

- (1) The guardian of the person only of the minor; 1668
- (2) The minor's natural guardians, if any, as determined 1669
pursuant to section 2111.08 of the Revised Code; 1670
- (3) The minor; 1671
- (4) Any person who has the care and custody of the minor 1672
and with whom the minor resides, other than a guardian of the 1673
person only or a natural guardian; 1674
- (5) A financial institution incident to a deposit in a 1675
federally insured savings account in the sole name of the 1676
minor. A receipt verifying the deposit shall be submitted to 1677
the court. Release of any funds held in a depository for the 1678
benefit of the minor shall be upon court order, including the 1679
release of funds to the minor upon attaining the age of 1680
majority. 1681
- (6) A custodian designated by the court in its order, for 1682
the minor under sections 5814.01 to 5814.10 of the Revised Code; 1683
- (7) A trust for the benefit of the minor pursuant to 1684
section 2111.182 of the Revised Code. 1685
- (B) An order entered pursuant to division (A) of this 1686
section authorizes the person or entity specified in it, to 1687
receive the money or personal property on behalf of the minor 1688
from the person under the duty to pay or deliver it, in ~~amounts~~ 1689
an amount not exceeding five-twenty-five thousand dollars 1690
annually. Money or personal property so received by guardians of 1691
the person only, natural guardians, and custodians as described 1692
in division (A) (4) of this section may be used by them only for 1693
the support, maintenance, or education of the minor involved. 1694
The order of the court is prima-facie evidence that a guardian 1695
of the person only, a natural guardian, or a custodian as 1696

described in division (A) (4) of this section has the authority 1697
to use the money or personal property received. 1698

(C) A person who pays or delivers moneys or personal 1699
property in accordance with a court order entered pursuant to 1700
division (A) of this section is not responsible for the proper 1701
application of the moneys or property by the recipient. 1702

Sec. 2111.18. (A) If personal injury, damage to tangible 1703
or intangible property, or damage or loss on account of personal 1704
injury or damage to tangible or intangible property is caused to 1705
a ward by wrongful act, neglect, or default that would entitle 1706
the ward to maintain an action and recover damages for the 1707
injury, damage, or loss, and when any ward is entitled to 1708
maintain an action for damages or any other relief based on any 1709
claim or is subject to any claim to recover damages or any other 1710
relief based on any claim, the guardian of the estate of the 1711
ward may adjust and settle the claim with the advice, approval, 1712
and consent of the probate court. 1713

If it is proposed that a claim be settled for the net 1714
amount of twenty-five thousand dollars or less after payment of 1715
fees and expenses as allowed by the court, the court, upon 1716
application by a guardian of the person of the ward, or any 1717
suitable person whom the court may authorize to receive and 1718
receipt for the settlement, may authorize the settlement without 1719
the appointment of a guardian of the estate of the ward and 1720
authorize the delivery of the moneys as provided in section 1721
2111.05 of the Revised Code. The court may authorize the person 1722
receiving the moneys to execute a complete release on account of 1723
the receipt. The payment shall be a complete and final discharge 1724
of that claim. In the settlement, if the ward is a minor, the 1725
parent or parents of the minor may waive all claim for damages 1726

on account of loss of service of the minor, and that claim may 1727
be included in the settlement. If the claimant is a minor, 1728
records of proceedings pursuant to this section are not subject 1729
to disclosure to any person who is not a party to the 1730
settlement, or made available for publication or inspection, 1731
except upon motion and show of good cause. 1732

(B) Nothing in this section is intended to create or imply 1733
a duty upon a guardian of the person of the ward to apply for 1734
authority to exercise any power authorized in this section. No 1735
inference of impropriety or liability of a guardian of the 1736
person of the ward or others associated with the guardian of the 1737
person of the ward arises as a result of the guardian of the 1738
person of the ward not applying for authority to exercise a 1739
power authorized in this section. 1740

Sec. 2111.181. If personal injury, damage to tangible or 1741
intangible property, or damage or loss on account of personal 1742
injury or damage to tangible or intangible property is caused to 1743
a minor who claims to be emancipated, by wrongful act, neglect, 1744
or default that would entitle the minor to maintain an action 1745
and recover damages for the injury, damage, or loss, and if any 1746
minor who claims to be emancipated is entitled to maintain an 1747
action for damages or any other relief based on any claim, or is 1748
subject to any claim to recover damages or any other relief 1749
based on any claim, the minor who claims to be emancipated may 1750
file an application in the probate court in the county where the 1751
minor then resides, praying for a finding by the court that the 1752
minor is in fact emancipated for the sole purpose of settlement 1753
of the claim, and authorizing, approving, and consenting to the 1754
settlement of the claim by the minor without the appointment of 1755
a guardian. 1756

Upon a hearing on the application, after five days' 1757
written notice of the time and place of the hearing has been 1758
given to each of the living parents of the minor, whose name and 1759
address is known, provided the parent is free from disability 1760
other than minority, or, if there is no living parent, after 1761
that notice to the next of kin of the minor known to reside in 1762
the county, the court may find the minor to be emancipated, may 1763
authorize, approve, and consent to the settlement of the claim 1764
by the minor without the appointment of a guardian, may 1765
authorize the minor to receive and receipt for the settlement, 1766
and, upon the minor executing and delivering a full and complete 1767
release for the injuries, damages, losses, or claims, may 1768
authorize the delivery and payment of the moneys to the minor, 1769
to a trustee or guardian of the estate of the minor appointed by 1770
the court for the benefit of the minor, or to a depository 1771
authorized to receive fiduciary funds to hold the moneys payable 1772
to the ~~ward-minor~~ when the ~~ward-minor~~ attains the age of 1773
majority, or for the benefit of the minor, as the court may 1774
direct. 1775

Upon the finding of the probate court that the minor was, 1776
at the time of the injury, damage, loss, or claim, an 1777
emancipated minor, and provided the notice required by this 1778
section has been given to each living parent, whose name and 1779
address is known, then the release executed by the emancipated 1780
minor shall be a full and complete discharge and release of any 1781
claim that either or both of the parents might have by reason of 1782
the personal injury, damage to tangible or intangible property, 1783
damage or loss on account of personal injury, or damage to 1784
tangible or intangible property, or any other claim of the 1785
minor. 1786

Sec. 2111.19. A guardian, whether appointed by a court in 1787

this state or elsewhere, may complete the contracts of the ward 1788
for the purchase or sale of real property~~or~~. An appointed 1789
successor guardian may complete any authorized contract relating 1790
to real property entered into by a guardian who has died or been 1791
removed. The appointed successor guardian shall proceed in the 1792
manner provided by sections 2113.48 to 2113.50 of the Revised 1793
Code. 1794

Sec. 2111.20. The guardian of the person and estate, or of 1795
the estate only, may sell all or any part of the personal 1796
property of the ward if the sale is for the best interest of the 1797
ward, with prior court approval. 1798

Sec. 2111.23. Whenever a ward, for whom a guardian of the 1799
estate or of the person and estate has been appointed, is 1800
interested in any suit or proceeding in the probate court, such 1801
guardian shall in all such suits or proceedings act as guardian 1802
ad litem for such ward, except as to suits or proceedings in 1803
which the guardian has an adverse interest. In a suit or 1804
proceeding in which the guardian has an adverse interest, the 1805
court shall appoint a guardian ad litem to represent that ward. 1806

Whenever a minor or other person under legal disability, 1807
for whom no guardian of the estate or of the person and estate 1808
has been appointed, is interested in any suit or proceeding in 1809
such court, the court may appoint a guardian or a guardian ad 1810
litem. ~~In a suit or proceeding in which the guardian has an~~ 1811
~~adverse interest, the court shall appoint a guardian ad litem to~~ 1812
represent such minor or other person under legal disability. 1813

Sec. 2111.26. A guardian may lease ~~the possession and use~~ 1814
~~of~~ to others the real property of the ~~guardian's~~ ward or any 1815
part of it for a term of years, renewable or otherwise, by 1816
perpetual lease, with or without the privilege of purchase, or 1817

may lease upon the terms and for the time that the probate court 1818
approves any lands belonging to the ward containing coal, 1819
gypsum, petroleum oil, natural gas, gravel, stone, or any other 1820
mineral substance for the purpose of drilling, mining, or 1821
excavating for and removing any of those substances, or the 1822
guardian may modify or change in any respect any lease 1823
previously made. 1824

The lease, or modification or change in a lease previously 1825
made, may be made when the guardian of the person and estate or 1826
of the estate only applies to the court by which the guardian 1827
was appointed and the court finds that the lease or modification 1828
or change is necessary for the support of the ward or of the 1829
ward's family, for the payment of the just debts of the ward, 1830
for the ward's education, if a minor, to secure the improvement 1831
of the real property of the ward and increase the rent, to pay 1832
any liens or claims against the real property, if the court 1833
finds that the real property is suffering unavoidable waste, or 1834
that in any other respect it will be for the best interests of 1835
the ward or those persons for whom the ward is required by law 1836
to provide. 1837

Sec. 2111.33. (A) ~~A~~ Upon motion, a guardian may use the 1838
moneys and personal property of the guardian's ward to improve 1839
the ward's real property. The guardian shall file in the probate 1840
court in which the guardian was appointed a ~~petition~~ motion 1841
containing the following: 1842

- (1) A description of the premises to be improved; 1843
- (2) ~~The~~ If applicable, the amount of rent the premises 1844
yield at the time the ~~petition~~ motion is filed; 1845
- (3) In what manner the improvement is proposed to be made; 1846

- (4) The proposed expenditures for the improvement; 1847
- (5) The rent the premises will probably yield when so 1848
improved, if any; 1849
- (6) A statement of the value of the ward's personal 1850
property; 1851
- (7) Other facts that are pertinent to the question whether 1852
the improvement should be made; 1853
- ~~(8) A prayer that the guardian be authorized to use so 1854
much of the ward's money and personal property that is necessary 1855
to make the improvement; 1856~~
- ~~(9) The character of the disability of the ward, and if it 1857
is incompetency, whether the disability is curable or not, 1858
temporary, or confirmed, and its duration; 1859~~
- ~~(10) The names, ages, and residence of the family of the 1860
ward, including the spouse and those known to be residents of 1861
the county who have the next estate of inheritance from the 1862
ward. All of those persons, as well as the ward, shall be made 1863
defendants and notified of the pendency and prayer of the 1864
petition in the manner that the court directs. 1865~~
- (B) If the property is so situated that, to the best 1866
interests of the ward's estate, it can be advantageously 1867
improved in connection with the improvement of property adjacent 1868
to it, the petition shall show this and have a prayer to so 1869
improve the property. The court may appoint a guardian ad litem to 1870
report to the court the guardian ad litem's opinion whether the 1871
improvement proposed will be necessary, reasonable, and 1872
beneficial to the estate of the ward. 1873
- Sec. 2111.37.** If a nonresident minor, or incompetent, ~~or~~ 1874

~~person confined in a state, charitable, or correctional~~ 1875
~~institution~~ has real property or rights, credits, moneys, or 1876
other personal property in this state, the probate court of the 1877
county in which the property or a part of it is situated may 1878
appoint a resident guardian of the ward to manage, collect, 1879
lease, and take care of the ward's property. The appointment may 1880
be made whether or not a ward has a guardian, trustee, or other 1881
conservator in the state of the ward's residence, and, if the 1882
ward has a guardian, trustee, or other conservator in the state 1883
of the ward's residence, the control and authority of the 1884
resident guardian appointed in this state shall be superior as 1885
to all property of the ward in this state. 1886

The first appointment of a resident guardian of a 1887
nonresident ward shall extend to all the property and effects of 1888
the ward in this state and exclude the jurisdiction of the 1889
probate court of any other county. 1890

Sec. 2111.38. The resident guardian of a nonresident ward 1891
shall give bond and be bound and controlled by all the statutes 1892
of this state as though the resident guardian were a guardian of 1893
a ward resident in this state, and shall have all of the 1894
authority of a guardian of a resident ward including the 1895
authority to lease or sell real property belonging to the ward. 1896

Unless removed by the probate court, a resident guardian 1897
of a nonresident minor shall hold that appointment until the 1898
minor dies or arrives at the age of majority, whether or not the 1899
minor ~~is~~ was over fourteen years of age at the time of 1900
appointment prior to the effective date of this section or 1901
whether or not the minor is over twelve years of age at the time 1902
of appointment on or after the effective date of this section. A 1903
resident guardian of any other nonresident ward shall hold that 1904

appointment until the death of the ward or until the court is 1905
satisfied that the necessity for the guardianship no longer 1906
exists. 1907

All moneys due to the nonresident ward while the resident 1908
guardianship continues shall be paid over to the ward's foreign 1909
guardian ~~so far as necessary or proper for the ward's support~~ 1910
~~and maintenance~~ if it is in the ward's best interest. If the ward 1911
dies, the moneys shall be paid to the ward's ancillary 1912
administrator or other legal representative, provided that the 1913
court that appointed the resident guardian has satisfactory 1914
proof, as provided by section 2111.39 of the Revised Code, of 1915
the authority of the foreign guardian, administrator, or other 1916
legal representative to receive the moneys or properties of the 1917
nonresident ward, that the security given by the foreign 1918
guardian, administrator, or other legal representative is 1919
sufficient to protect the ward's interest or estate, and that 1920
the court considers it best for the ward or the ward's estate. 1921

Sec. 2111.39. When a foreign legal representative of a 1922
nonresident ~~ward~~ minor or incompetent applies to have all or any 1923
of the moneys or property in the possession or under the control 1924
of the resident guardian of the ~~ward~~ nonresident minor or 1925
incompetent paid or delivered to the foreign representative, the 1926
foreign representative shall file a petition or motion in the 1927
probate court by which the resident guardian was appointed. The 1928
resident guardian shall be given thirty days' notice of the time 1929
of hearing on the petition or motion, and the foreign 1930
representative shall produce an exemplification under the seal 1931
of the office, if there is a seal, of the proper court of the 1932
state of the foreign representative's residence containing all 1933
the entries on record in relation to the foreign 1934
representative's appointment and qualification, authenticated as 1935

required by the act of congress in those cases. Upon the 1936
hearing, the court shall make an order that it considers for the 1937
best interests of the nonresident ~~ward~~minor or ~~the nonresident~~
~~ward's estate~~incompetent. 1938
1939

Sec. 2111.44. ~~Applications~~Proceedings for the sale of real 1940
property by resident guardians of ~~wards who live out of this~~
~~state~~nonresident minors or incompetents shall be made in the 1941
county in which the land is situated. If the real property is 1942
situated in two or more counties, the ~~application~~proceedings 1943
shall be ~~made~~commenced in one of the counties in which a part 1944
of it is situated. Additional ~~security that~~bond may be ~~approved~~
ordered by the ~~probate~~ court of the county in which the 1945
~~application is made~~ shall be ~~required from the guardian~~
proceedings are commenced if considered necessary and in the
nonresident minor's or incompetent's best interest. 1946
1947
1948
1949
1950

Sec. 2111.46. When a guardian has been appointed for a 1951
minor before the minor is over ~~fourteen~~twelve years of age, the 1952
guardian's power shall continue until the ward arrives at the 1953
age of majority, unless removed for good cause or unless the 1954
ward selects another suitable guardian. After the selection is 1955
made and approved by the probate court and the person selected 1956
is appointed and qualified, the powers of the former guardian 1957
shall cease. The former guardian's final account as guardian 1958
shall then be filed and settled in court. 1959

Upon the termination of a guardianship of the person, 1960
estate, or both of a minor before the minor reaches eighteen 1961
years of age, if a successor guardian is not appointed and if 1962
the court finds that the minor is without proper care, the court 1963
shall certify a copy of its finding together with as much of the 1964
record and any further information that the court considers 1965

necessary, or as the juvenile court may request, to the juvenile court for further proceedings. Upon that certification, the juvenile court shall have exclusive jurisdiction respecting the minor.

Sec. 2111.47. (A) Except as provided in this division, for any guardianship of an incompetent, upon written request by the ward, the ward's attorney, or any interested party made at any time after the original appointment of the guardian, a hearing shall be held in accordance with section 2111.02 of the Revised Code to evaluate the continued necessity of the guardianship. Upon written request by the ward, the ward's attorney, or any interested party, the court shall conduct a minimum of one hearing under this division in the calendar year in which the guardian was appointed, and upon such written request, shall conduct a minimum of one hearing in each of the following calendar years. On its own motion or upon written request by the ward, the ward's attorney, or any interested party, the court may, in its discretion, conduct a hearing within the first one hundred twenty days after appointment of the guardian or conduct more than one hearing in a calendar year.

(B) If the ward alleges competence, the burden of proving incompetence shall be upon the guardian, by clear and convincing evidence. The statement of expert evaluation filed with the application for appointment of the guardian or the most recent statement of expert evaluation filed with the guardian's annual or biennial report, or both statements, may satisfy the guardian's burden of proof unless contradicted by medical evidence or a statement from a licensed physician, licensed clinical psychologist, licensed independent social worker, licensed professional clinical counselor, clinical nurse specialist, certified nurse practitioner, physician assistant,

or developmental disabilities team member, submitted by the 1997
ward. 1998

(C) Upon reasonable notice to the guardian, to the ward, 1999
and to the person on whose application the appointment was made, 2000
and upon satisfactory proof that the necessity for the 2001
guardianship no longer exists or that the letters of appointment 2002
were improperly issued, the probate court shall order that the 2003
guardianship of an incompetent terminate and shall make an 2004
appropriate entry upon the journal. ~~Thereupon~~ Upon such entry, 2005
the guardianship shall cease, the accounts of the guardian shall 2006
be settled by the court, and the ward shall be restored to the 2007
full control of the ward's property as before the appointment. 2008
~~Such~~ The entry terminating the guardianship of an incompetent 2009
person shall have the same effect as a determination by the 2010
court that such person is competent. 2011

Sec. 2111.49. (A) (1) Subject to division (A) (3) of this 2012
section, the guardian of an incompetent person shall file a 2013
guardian's report with the court two years after the date of the 2014
issuance of the guardian's letters of appointment and biennially 2015
after that time, or at any other time upon the motion or a rule 2016
of the probate court. The report shall be in a form prescribed 2017
by the court and shall include all of the following. 2018

(a) The present address of the place of residence of the 2019
ward; 2020

(b) The present address of the guardian; 2021

(c) If the place of residence of the ward is not the 2022
ward's personal home, the name of the facility at which the ward 2023
resides and the name of the person responsible for the ward's 2024
care; 2025

(d) The approximate number of times during the period 2026
covered by the report that the guardian has had contact with the 2027
ward, the nature of those contacts, and the date that the ward 2028
was last seen by the guardian; 2029

(e) Any major changes in the physical or mental condition 2030
of the ward observed by the guardian; 2031

(f) The opinion of the guardian as to the necessity for 2032
the continuation of the guardianship; 2033

(g) The opinion of the guardian as to the adequacy of the 2034
present care of the ward; 2035

(h) The date that the ward was last examined or otherwise 2036
seen by a physician and the purpose of that visit; 2037

(i) A statement by a licensed physician, licensed clinical 2038
psychologist, licensed independent social worker, licensed 2039
professional clinical counselor, clinical nurse specialist, 2040
certified nurse practitioner, physician assistant, or 2041
developmental disability team ~~that~~ member, or other qualified 2042
person who has evaluated or examined the ward within three 2043
months prior to the date of the report as to the need for 2044
continuing the guardianship. The court may waive the requirement 2045
of filing further biennial statements of expert evaluation if, 2046
in the opinion of the qualified evaluator, it is reasonably 2047
certain that the ward's condition will not improve and that the 2048
necessity for guardianship will continue to exist. 2049

(2) The court shall review a report filed pursuant to 2050
division (A)(1) of this section to determine if a continued 2051
necessity for the guardianship exists. The court may direct a 2052
probate court investigator to verify aspects of the report. 2053

(3) Division (A)(1) of this section applies to guardians 2054

appointed prior to, as well as on or after, the effective date 2055
of this section. A guardian appointed prior to that date shall 2056
file the first report in accordance with any applicable court 2057
rule or motion, or, in the absence of such a rule or motion, 2058
upon the next occurring date on which a report would have been 2059
due if division (A) (1) of this section had been in effect on the 2060
date of appointment as guardian, and shall file all subsequently 2061
due reports biennially after that time. 2062

(B) If, upon review of any report required by division (A) 2063
(1) of this section, the court finds that it is necessary to 2064
intervene in a guardianship, the court shall take any action 2065
that it determines is necessary, including, but not limited to, 2066
terminating or modifying the guardianship. 2067

~~(C) Except as provided in this division, for any 2068
guardianship, upon written request by the ward, the ward's 2069
attorney, or any other interested party made at any time after 2070
the expiration of one hundred twenty days from the date of the 2071
original appointment of the guardian, a hearing shall be held in 2072
accordance with section 2111.02 of the Revised Code to evaluate 2073
the continued necessity of the guardianship. Upon written 2074
request, the court shall conduct a minimum of one hearing under 2075
this division in the calendar year in which the guardian was 2076
appointed, and upon written request, shall conduct a minimum of 2077
one hearing in each of the following calendar years. Upon its 2078
own motion or upon written request, the court may, in its 2079
discretion, conduct a hearing within the first one hundred 2080
twenty days after appointment of the guardian or conduct more 2081
than one hearing in a calendar year. If the ward alleges 2082
incompetence, the burden of proving incompetence shall be upon the 2083
applicant for guardianship or the guardian, by clear and 2084
convincing evidence. 2085~~

Sec. 2111.50. (A) (1) At all times, the probate court is 2086
the superior guardian of wards who are subject to its 2087
jurisdiction, and all guardians who are subject to the 2088
jurisdiction of the court shall obey all orders of the court 2089
that concern their wards or guardianships. 2090

(2) (a) Subject to divisions (A) (2) (b) and (c) of this 2091
section, the control of a guardian over the person, the estate, 2092
or both of the guardian's ward is limited to the authority that 2093
is granted to the guardian by the Revised Code, relevant 2094
decisions of the courts of this state, and orders or rules of 2095
the probate court. 2096

(b) Except for the powers specified in division (E) of 2097
this section and unless otherwise provided in or inconsistent 2098
with another section of the Revised Code, the probate court may 2099
confer upon a guardian any power that this section grants to the 2100
probate court in connection with wards. Nothing in this section 2101
is intended to create or imply a duty upon a guardian to apply 2102
for authority to exercise any power authorized in this section. 2103
No inference of impropriety or liability of the guardian or 2104
others associated with the guardian shall arise as a result of a 2105
guardian not applying for authority to exercise a power 2106
authorized in this section. 2107

(c) For good cause shown, the probate court may limit or 2108
deny, by order or rule, any power that is granted to a guardian 2109
by a section of the Revised Code or relevant decisions of the 2110
courts of this state. 2111

(B) In connection with any person whom the probate court 2112
has found to be an incompetent or a minor subject to 2113
guardianship and for whom the court has appointed a guardian, 2114
the court has, subject to divisions (C) to (E) of this section, 2115

all the powers that relate to the person and estate of the ward 2116
and that the ward could exercise if present and not a minor or 2117
under a disability, except the power to make or revoke a will. 2118
These powers include, but are not limited to, the power to do 2119
any of the following: 2120

(1) Convey, release, or disclaim the present, contingent, 2121
or expectant interests in real or personal property of the ward, 2122
including, but not limited to, dower and any right of 2123
survivorship incident to a transfer on death designation, 2124
payable on death designation, survivorship tenancy, joint 2125
tenancy, or tenancy by the entirety; 2126

(2) Exercise, release, or disclaim powers as a trustee, 2127
personal representative, custodian for a minor, guardian, or 2128
donee of a power of appointment; 2129

(3) Subject to division (B)(4) of this section, enter into 2130
contracts that may not extend beyond the minority, disability, 2131
or life of the ward; 2132

(4) Create, amend, or revoke revocable trusts of property 2133
of the estate of the ward that may extend beyond the minority, 2134
disability, or life of the ward; 2135

(5) Exercise options to purchase securities or other 2136
property; 2137

(6) Exercise rights to elect options under annuities and 2138
insurance policies, including changing beneficiaries of 2139
insurance policies, retirement plans, individual retirement 2140
accounts, and annuities, and to surrender an annuity or 2141
insurance policy for its cash value; 2142

(7) Exercise the right to an elective share in the estate 2143
of the deceased spouse of the ward pursuant to Chapter 2106. of 2144

the Revised Code; 2145

(8) Make gifts, in trust or otherwise, to relatives of the 2146
ward and, consistent with any prior pattern of the ward of 2147
giving to charities or of providing support for friends, to 2148
charities and friends of the ward. 2149

(C) Except for the powers specified in division (D) of 2150
this section, all powers of the probate court that are specified 2151
in this chapter and that relate either to any person whom it has 2152
found to be an incompetent or a minor subject to guardianship 2153
and for whom it has appointed a guardian and all powers of a 2154
guardian that relate to the guardian's ward or guardianship as 2155
described in division (A) (2) of this section, shall be exercised 2156
in the best interest, as determined in the court's or guardian's 2157
judgment, of the following: 2158

(1) The ward whom the probate court has found to be an 2159
incompetent or a minor subject to guardianship; 2160

(2) The dependents of the ward; 2161

(3) The members of the household of the ward. 2162

(D) If the court is to exercise or direct the exercise, 2163
pursuant to division (B) of this section, of the power to make 2164
gifts in trust or otherwise, the following conditions shall 2165
apply: 2166

(1) The exercise of the particular power shall not impair 2167
the financial ability of the estate of the ward whom the probate 2168
court has found to be an incompetent or a minor subject to 2169
guardianship and for whom the court has appointed a guardian, to 2170
provide for the ward's foreseeable needs for maintenance and 2171
care; 2172

(2) If applicable, the court shall consider any of the following:	2173 2174
(a) The estate, income, and other tax advantages of the exercise of a particular power to the estate of a ward whom the probate court has found to be an incompetent or a minor subject to guardianship and for whom the court has appointed a guardian;	2175 2176 2177 2178
(b) Any pattern of giving of, or any pattern of support provided by, the ward prior to the ward's incompetence;	2179 2180
(c) The disposition of property made by the ward's will or revocable trust;	2181 2182
(d) If there is no knowledge of a will or revocable trust of the ward, the ward's prospective heirs;	2183 2184
(e) Any relevant and trustworthy statements of the ward, whether established by hearsay or other evidence.	2185 2186
(E) (1) The probate court shall cause notice as described in division (E) (2) of this section to be given and a hearing to be conducted prior to its exercise or direction of the exercise of any of the following powers pursuant to division (B) of this section:	2187 2188 2189 2190 2191
(a) The exercise, release, or disclaimer of powers as a donee of a power of appointment;	2192 2193
(b) Unless <u>If</u> the amount of the gift is no more than one thousand dollars, the making of a gift, in trust or otherwise;	2194 2195
(c) The power to create, amend, or revoke a revocable trust as described in division (B) (4) of this section;	2196 2197
(d) The power to exercise rights to elect options under annuities and insurance policies, including changing	2198 2199

beneficiaries of insurance policies, retirement plans, 2200
individual retirement accounts, and annuities, and to surrender 2201
an annuity or insurance policy for its cash value, as described 2202
in division (B) (6) of this section. 2203

(2) The notice required by division (E) (1) of this section 2204
shall be given to the following persons: 2205

(a) Unless a guardian of a ward has applied for the 2206
exercise of a power specified in division (E) (1) of this 2207
section, to the guardian; 2208

(b) To the ward whom the probate court has found to be an 2209
incompetent or a minor subject to guardianship; 2210

(c) If known, to a guardian who applied for the exercise 2211
of a power specified in division (E) (1) of this section, to the 2212
prospective heirs of the ward whom the probate court has found 2213
to be an incompetent or a minor subject to guardianship under 2214
section 2105.06 of the Revised Code, to the beneficiaries under 2215
the last known will of the ward or under an existing revocable 2216
trust of the ward, and to any person who has a legal interest in 2217
property that may be divested or limited as the result of the 2218
exercise of a power specified in division (E) (1) of this 2219
section; 2220

(d) To all of the following as applicable: 2221

(i) The heirs at law and next of kin of the ward; 2222

(ii) The beneficiaries under an existing will or revocable 2223
trust of the ward; 2224

(iii) The beneficiaries of any insurance policies, 2225
retirement plans, individual retirement accounts, and annuities 2226
owned by the ward; 2227

(iv) The beneficiaries under any proposed revocable trust 2228
and the proposed beneficiaries under any changes in the 2229
designation of beneficiaries of any insurance policies, 2230
retirement plans, individual retirement accounts, or annuities 2231
as described in division (E) (2) (d) (iii) of this section. 2232

(e) To any other persons the court orders. 2233

(F) When considering any question related to, and issuing 2234
orders for, medical or surgical care or treatment of 2235
incompetents or minors subject to guardianship, the probate 2236
court has full parens patriae powers unless otherwise provided 2237
by a section of the Revised Code. 2238

Sec. 2112.01. As used in this chapter: 2239

(A) "Adult" means an individual who is eighteen years of 2240
age or older. 2241

(B) "Guardian" has the same meaning as in section 2111.01 2242
of the Revised Code. 2243

(C) "Guardian of the person" means a person appointed by 2244
the court to make decisions regarding the support, care, 2245
education, health, and welfare of a ward. "Guardian of the 2246
person" does not include a guardian ad litem. 2247

(D) "Guardian of the estate" means a person appointed by 2248
the court to administer the estate of a ward. 2249

(E) "Ward" means any adult who has been adjudicated 2250
incompetent and for whom a guardian is acting or for whom the 2251
probate court is acting pursuant to section 2111.50 of the 2252
Revised Code. 2253

(F) "Emergency" means a circumstance that makes it 2254
reasonably certain that immediate action is required to prevent 2255

significant injury to a respondent's health, safety, welfare, or 2256
property and for which the appointment of a guardian or issuance 2257
of a protective order is necessary because no other person has 2258
authority and is willing to act on the respondent's behalf. 2259

(G) "Guardianship order" means an order appointing a 2260
guardian. 2261

(H) "Guardianship proceeding" means a judicial proceeding 2262
in which an order for the appointment of a guardian is sought or 2263
has been issued. 2264

(I) "Home state" means the state in which the respondent 2265
was physically present, including any period of temporary 2266
absence, for at least six consecutive months immediately before 2267
the filing of an application for appointment of a guardian or 2268
the issuance of a protective order or, if none, the state in 2269
which the respondent was physically present, including any 2270
period of temporary absence, for at least six consecutive months 2271
ending within the six months prior to the filing of the 2272
application. 2273

(J) "Party" means the respondent, applicant, guardian, or 2274
other person allowed by the court to participate in a 2275
guardianship or protective proceeding. 2276

(K) "Person," except in the terms guardian of the person 2277
and protected person, means an individual, parent, corporation, 2278
business trust, estate, trust, partnership, limited liability 2279
company, association, joint venture, government, governmental 2280
agency or instrumentality, public corporation, or other legal or 2281
commercial entity. 2282

(L) "Protected person" means an adult for whom a 2283
protective order has been issued. 2284

(M) "Protective order" means an order appointing a guardian or other order under division ~~(B) (3)~~ (B) (4) of section 2111.02 of the Revised Code related to the management of an adult's person, property, or both or an order under section 2111.022 of the Revised Code related to the management of an individual's property.

(N) "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.

(O) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(P) "Respondent" means an adult for whom a protective order or the appointment of a guardian is sought.

(Q) "Significant-connection state" means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

(R) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(S) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. "State" includes an Indian tribe or band that is recognized by federal law or formally acknowledged by a state.

Sec. 2117.06. (A) All creditors having claims against an estate, including claims arising out of contract, out of tort, on cognovit notes, or on judgments, whether due or not due, secured or unsecured, liquidated or unliquidated, shall present

their claims in one of the following manners: 2314

(1) After the appointment of an executor or administrator 2315
and prior to the filing of a final account or a certificate of 2316
termination, in one of the following manners: 2317

(a) To the executor or administrator, or to an attorney 2318
who is identified as counsel for the executor or administrator 2319
in the probate court records for the estate of the decedent, in 2320
a writing; 2321

(b) ~~To the executor or administrator in a writing, and to~~ 2322
~~the probate court by filing in a copy of the writing with it that~~ 2323
includes the probate court case number of the decedent's estate; 2324

(c) In a writing ~~that is sent by ordinary mail addressed~~ 2325
~~to the decedent and that is actually received by the executor or~~ 2326
administrator, or by an attorney who is identified as counsel 2327
for the executor or administrator in the probate court records 2328
for the estate of the decedent, within the appropriate time 2329
specified in division (B) of this section and without regard to 2330
whom the writing is addressed. For purposes of this division, if 2331
an executor or administrator is not a natural person, the 2332
writing shall be considered as being actually received by the 2333
executor or administrator only if the person charged with the 2334
primary responsibility of administering the estate of the 2335
decedent actually receives the writing within the appropriate 2336
time specified in division (B) of this section. 2337

(2) If the final account or certificate of termination has 2338
been filed, in a writing to those distributees of the decedent's 2339
estate who may share liability for the payment of the claim. 2340

(B) Except as provided in section 2117.061 of the Revised 2341
Code, all claims shall be presented within six months after the 2342

death of the decedent, whether or not the estate is released 2343
from administration or an executor or administrator is appointed 2344
during that six-month period. Every claim presented shall set 2345
forth the claimant's address. 2346

(C) Except as provided in section 2117.061 of the Revised 2347
Code, a claim that is not presented within six months after the 2348
death of the decedent shall be forever barred as to all parties, 2349
including, but not limited to, devisees, legatees, and 2350
distributees. No payment shall be made on the claim and no 2351
action shall be maintained on the claim, except as otherwise 2352
provided in sections 2117.37 to 2117.42 of the Revised Code with 2353
reference to contingent claims. 2354

(D) In the absence of any prior demand for allowance, the 2355
executor or administrator shall allow or reject all claims, 2356
except tax assessment claims, within thirty days after their 2357
presentation, provided that failure of the executor or 2358
administrator to allow or reject within that time shall not 2359
prevent the executor or administrator from doing so after that 2360
time and shall not prejudice the rights of any claimant. Upon 2361
the allowance of a claim, the executor or the administrator, on 2362
demand of the creditor, shall furnish the creditor with a 2363
written statement or memorandum of the fact and date of the 2364
allowance. 2365

(E) If the executor or administrator has actual knowledge 2366
of a pending action commenced against the decedent prior to the 2367
decedent's death in a court of record in this state, the 2368
executor or administrator shall file a notice of the appointment 2369
of the executor or administrator in the pending action within 2370
ten days after acquiring that knowledge. If the administrator or 2371
executor is not a natural person, actual knowledge of a pending 2372

suit against the decedent shall be limited to the actual 2373
knowledge of the person charged with the primary responsibility 2374
of administering the estate of the decedent. Failure to file the 2375
notice within the ten-day period does not extend the claim 2376
period established by this section. 2377

(F) This section applies to any person who is required to 2378
give written notice to the executor or administrator of a motion 2379
or application to revive an action pending against the decedent 2380
at the date of the death of the decedent. 2381

(G) Nothing in this section or in section 2117.07 of the 2382
Revised Code shall be construed to reduce the periods of 2383
limitation or periods prior to repose in section 2125.02 or 2384
Chapter 2305. of the Revised Code, provided that no portion of 2385
any recovery on a claim brought pursuant to that section or any 2386
section in that chapter shall come from the assets of an estate 2387
unless the claim has been presented against the estate in 2388
accordance with Chapter 2117. of the Revised Code. 2389

(H) Any person whose claim has been presented and has not 2390
been rejected after presentment is a creditor as that term is 2391
used in Chapters 2113. to 2125. of the Revised Code. Claims that 2392
are contingent need not be presented except as provided in 2393
sections 2117.37 to 2117.42 of the Revised Code, but, whether 2394
presented pursuant to those sections or this section, contingent 2395
claims may be presented in any of the manners described in 2396
division (A) of this section. 2397

(I) If a creditor presents a claim against an estate in 2398
accordance with division (A) (1) (b) of this section, the probate 2399
court shall not close the administration of the estate until 2400
that claim is allowed or rejected. 2401

(J) The probate court shall not require an executor or administrator to make and return into the court a schedule of claims against the estate.

(K) If the executor or administrator makes a distribution of the assets of the estate pursuant to section 2113.53 of the Revised Code and prior to the expiration of the time for the presentation of claims as set forth in this section, the executor or administrator shall provide notice on the account delivered to each distributee that the distributee may be liable to the estate if a claim is presented prior to the filing of the final account and may be liable to the claimant if the claim is presented after the filing of the final account up to the value of the distribution and may be required to return all or any part of the value of the distribution if a valid claim is subsequently made against the estate within the time permitted under this section.

Sec. 2117.07. An executor or administrator may accelerate the bar against claims against the estate established by section 2117.06 of the Revised Code by giving written notice to a potential claimant that identifies the decedent by name, states the date of the death of the decedent, identifies the executor or administrator by name and mailing address, and informs the potential claimant that any claims the claimant may have against the estate are required to be presented to the executor or administrator in a writing in the manner provided in section 2117.06 of the Revised Code within the earlier of thirty days after receipt of the notice by the potential claimant or six months after the date of the death of the decedent. A claim of that potential claimant that is not presented in the manner provided by section 2117.06 of the Revised Code within the earlier of thirty days after receipt of the notice by the

potential claimant or six months after the date of the death of 2433
the decedent is barred by section 2117.06 of the Revised Code in 2434
the same manner as if it was not presented within six months 2435
after the date of the death of the decedent. 2436

Sec. 2131.09. (A) A trust of real or personal property 2437
created by an employer as part of a stock bonus plan, pension 2438
plan, disability or death benefit plan, or profit-sharing plan, 2439
for the benefit of some or all of the employees, to which 2440
contributions are made by the employer or employees, or both, 2441
for the purpose of distributing to the employees or their 2442
beneficiaries the earnings or the principal, or both earnings 2443
and principal, of the fund so held in trust is not invalid as 2444
violating the rule against perpetuities, any other existing law 2445
against perpetuities, or any law restricting or limiting the 2446
duration of trusts; but the trust may continue for the time that 2447
is necessary to accomplish the purposes for which it was 2448
created. 2449

The income arising from any trust within the 2450
classifications mentioned in this division may be accumulated in 2451
accordance with the terms of the trust for as long a time as is 2452
necessary to accomplish the purposes for which the trust was 2453
created, notwithstanding any law limiting the period during 2454
which trust income may be accumulated. 2455

No rule of law against perpetuities or the suspension of 2456
the power of alienation of the title to property invalidates any 2457
trust within the classifications mentioned in this division 2458
unless the trust is terminated by decree of a court in a suit 2459
instituted within two years after June 25, 1951. 2460

(B) (1) No rule of law against perpetuities or suspension 2461
of the power of alienation of the title to property, any other 2462

existing law against perpetuities, or any law restricting or 2463
limiting the duration of trusts shall apply with respect to any 2464
interest in real or personal property held in trust if both of 2465
the following apply: 2466

(a) The instrument creating the trust specifically states 2467
that the rule against perpetuities or the provisions of division 2468
(A) of section 2131.08 of the Revised Code shall not apply to 2469
the trust. 2470

(b) The trustee has unlimited power, or one or more 2471
persons have the unlimited power to direct the trustee or to 2472
approve the trustee's decision, either to sell all trust assets 2473
or to terminate the entire trust. 2474

(2) Division (B)(1) of this section shall apply to the 2475
interpretation of a testamentary or inter vivos trust instrument 2476
that creates an interest in real or personal property in 2477
relation to which one or more of the following conditions apply: 2478

(a) The instrument creating the testamentary or inter 2479
vivos trust is executed in this state. 2480

(b) The sole trustee or one of the trustees is domiciled 2481
in this state. 2482

(c) The testamentary or inter vivos trust is administered 2483
in this state or the situs of a substantial portion of the 2484
assets subject to the testamentary portion of the testamentary 2485
or inter vivos trust is in this state, even though some part or 2486
all of those assets are physically deposited for safekeeping in 2487
a state other than this state. 2488

(d) The instrument creating the testamentary or inter 2489
vivos trust states that the law of this state is to apply. 2490

(3) Subject to division (C) of this section, division (B)	2491
of this section shall be effective with respect to all of the	2492
following:	2493
(a) An interest in real or personal property in trust	2494
created under the terms of a will of a decedent dying on or	2495
after March 22, 1999;	2496
(b) An interest in real or personal property created under	2497
the terms of an inter vivos or testamentary trust instrument	2498
executed on or after March 22, 1999;	2499
(c) An interest in real or personal property in trust	2500
created by the exercise of a general power of appointment on or	2501
after March 22, 1999;	2502
(d) An interest in real or personal property in trust	2503
created by the exercise of a nongeneral power of appointment	2504
over any portion of a trust that meets the requirements of	2505
division (B) of this section, but only if the date of creation	2506
of that nongeneral power of appointment is on or after the	2507
effective date of this section <u>March 27, 2013</u> .	2508
(C) The exercise of a nongeneral power of appointment	2509
granted over any portion of a trust to which the rule against	2510
perpetuities does not apply because the terms of the trust meet	2511
the requirements of division (B) of this section shall	2512
nevertheless be subject to section 2131.08 of the Revised Code,	2513
except that interests created pursuant to the exercise of a	2514
nongeneral power of appointment that has a date of creation on	2515
or after the effective date of this section <u>March 27, 2013</u> ,	2516
shall be required to vest not later than one thousand years	2517
after the date of creation of that power.	2518
(D) For purposes of this section, the instrument creating	2519

a trust subject to a power reserved by the grantor to amend, 2520
revoke, or terminate the trust shall include the original 2521
instrument establishing the trust and all amendments to the 2522
instrument made prior to the time at which the reserved power 2523
expires by reason of the death of the grantor, by release of the 2524
power, or otherwise. 2525

(E) The amendment of division (B) (1) of this section and 2526
divisions (D) and (F) of this section are intended to clarify 2527
the provisions of divisions (B) and (C) of this section as 2528
originally enacted and apply to trust instruments that are in 2529
existence prior to, on, or after ~~the effective date of this~~ 2530
~~section~~ March 22, 1999. 2531

(F) For purposes of this section: 2532

(1) "General power of appointment" means a power that is 2533
exercisable in favor of the individual possessing the power, the 2534
individual's estate, the individual's creditors, or the 2535
creditors of the individual's estate other than either of the 2536
following: 2537

(a) A power that is limited by an ascertainable standard 2538
as defined in section 5801.01 of the Revised Code; 2539

(b) A power of withdrawal held by an individual, but only 2540
to the extent that it does not exceed the amount specified in 2541
section 2041(b) (2) or 2514(e) of the "Internal Revenue Code of 2542
1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., as amended. 2543

(2) "Nongeneral power of appointment" means any power of 2544
appointment that is not a general power of appointment. 2545

(3) The "date of creation" of a nongeneral power of 2546
appointment created by the exercise of one or more powers of 2547
appointment, except by the exercise of a general power of 2548

appointment exercisable by deed, shall be the date of creation 2549
of the first of those powers of appointment to be exercised. 2550

(4) "Exercisable by deed" has the same meaning as in 2551
section 2131.08 of the Revised Code. 2552

Sec. 2151.412. (A) Each public children services agency 2553
and private child placing agency shall prepare and maintain a 2554
case plan for any child to whom the agency is providing services 2555
and to whom any of the following applies: 2556

(1) The agency filed a complaint pursuant to section 2557
2151.27 of the Revised Code alleging that the child is an 2558
abused, neglected, or dependent child; 2559

(2) The agency has temporary or permanent custody of the 2560
child; 2561

(3) The child is living at home subject to an order for 2562
protective supervision; 2563

(4) The child is in a planned permanent living 2564
arrangement. 2565

Except as provided by division (A) (2) of section 5103.153 2566
of the Revised Code, a private child placing agency providing 2567
services to a child who is the subject of a voluntary permanent 2568
custody surrender agreement entered into under division ~~(B) (2)~~ 2569
(B) (4) of section 5103.15 of the Revised Code is not required to 2570
prepare and maintain a case plan for that child. 2571

(B) Each public children services agency shall prepare and 2572
maintain a case plan for any child for whom the agency is 2573
providing in-home services pursuant to an alternative response. 2574

(C) (1) The director of job and family services shall adopt 2575
rules pursuant to Chapter 119. of the Revised Code setting forth 2576

the content and format of case plans required by division (A) of 2577
this section and establishing procedures for developing, 2578
implementing, and changing the case plans. The rules shall at a 2579
minimum comply with the requirements of Title IV-E of the 2580
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 2581

(2) The director of job and family services shall adopt 2582
rules pursuant to Chapter 119. of the Revised Code requiring 2583
public children services agencies and private child placing 2584
agencies to maintain case plans for children and their families 2585
who are receiving services in their homes from the agencies and 2586
for whom case plans are not required by division (A) of this 2587
section. The rules for public children services agencies shall 2588
include the requirements for case plans maintained for children 2589
and their families who are receiving services in their homes 2590
from public children services agencies pursuant to an 2591
alternative response. The agencies shall maintain case plans as 2592
required by those rules; however, the case plans shall not be 2593
subject to any other provision of this section except as 2594
specifically required by the rules. 2595

(D) Each public children services agency and private child 2596
placing agency that is required by division (A) of this section 2597
to maintain a case plan shall file the case plan with the court 2598
prior to the child's adjudicatory hearing but no later than 2599
thirty days after the earlier of the date on which the complaint 2600
in the case was filed or the child was first placed into shelter 2601
care. If the agency does not have sufficient information prior 2602
to the adjudicatory hearing to complete any part of the case 2603
plan, the agency shall specify in the case plan the additional 2604
information necessary to complete each part of the case plan and 2605
the steps that will be taken to obtain that information. All 2606
parts of the case plan shall be completed by the earlier of 2607

thirty days after the adjudicatory hearing or the date of the 2608
dispositional hearing for the child. 2609

(E) Any agency that is required by division (A) of this 2610
section to prepare a case plan shall attempt to obtain an 2611
agreement among all parties, including, but not limited to, the 2612
parents, guardian, or custodian of the child and the guardian ad 2613
litem of the child regarding the content of the case plan. If 2614
all parties agree to the content of the case plan and the court 2615
approves it, the court shall journalize it as part of its 2616
dispositional order. If the agency cannot obtain an agreement 2617
upon the contents of the case plan or the court does not approve 2618
it, the parties shall present evidence on the contents of the 2619
case plan at the dispositional hearing. The court, based upon 2620
the evidence presented at the dispositional hearing and the best 2621
interest of the child, shall determine the contents of the case 2622
plan and journalize it as part of the dispositional order for 2623
the child. 2624

(F) (1) All parties, including the parents, guardian, or 2625
custodian of the child, are bound by the terms of the 2626
journalized case plan. A party that fails to comply with the 2627
terms of the journalized case plan may be held in contempt of 2628
court. 2629

(2) Any party may propose a change to a substantive part 2630
of the case plan, including, but not limited to, the child's 2631
placement and the visitation rights of any party. A party 2632
proposing a change to the case plan shall file the proposed 2633
change with the court and give notice of the proposed change in 2634
writing before the end of the day after the day of filing it to 2635
all parties and the child's guardian ad litem. All parties and 2636
the guardian ad litem shall have seven days from the date the 2637

notice is sent to object to and request a hearing on the 2638
proposed change. 2639

(a) If it receives a timely request for a hearing, the 2640
court shall schedule a hearing pursuant to section 2151.417 of 2641
the Revised Code to be held no later than thirty days after the 2642
request is received by the court. The court shall give notice of 2643
the date, time, and location of the hearing to all parties and 2644
the guardian ad litem. The agency may implement the proposed 2645
change after the hearing, if the court approves it. The agency 2646
shall not implement the proposed change unless it is approved by 2647
the court. 2648

(b) If it does not receive a timely request for a hearing, 2649
the court may approve the proposed change without a hearing. If 2650
the court approves the proposed change without a hearing, it 2651
shall journalize the case plan with the change not later than 2652
fourteen days after the change is filed with the court. If the 2653
court does not approve the proposed change to the case plan, it 2654
shall schedule a hearing to be held pursuant to section 2151.417 2655
of the Revised Code no later than thirty days after the 2656
expiration of the fourteen-day time period and give notice of 2657
the date, time, and location of the hearing to all parties and 2658
the guardian ad litem of the child. If, despite the requirements 2659
of division (F) (2) of this section, the court neither approves 2660
and journalizes the proposed change nor conducts a hearing, the 2661
agency may implement the proposed change not earlier than 2662
fifteen days after it is submitted to the court. 2663

(3) If an agency has reasonable cause to believe that a 2664
child is suffering from illness or injury and is not receiving 2665
proper care and that an appropriate change in the child's case 2666
plan is necessary to prevent immediate or threatened physical or 2667

emotional harm, to believe that a child is in immediate danger 2668
from the child's surroundings and that an immediate change in 2669
the child's case plan is necessary to prevent immediate or 2670
threatened physical or emotional harm to the child, or to 2671
believe that a parent, guardian, custodian, or other member of 2672
the child's household has abused or neglected the child and that 2673
the child is in danger of immediate or threatened physical or 2674
emotional harm from that person unless the agency makes an 2675
appropriate change in the child's case plan, it may implement 2676
the change without prior agreement or a court hearing and, 2677
before the end of the next day after the change is made, give 2678
all parties, the guardian ad litem of the child, and the court 2679
notice of the change. Before the end of the third day after 2680
implementing the change in the case plan, the agency shall file 2681
a statement of the change with the court and give notice of the 2682
filing accompanied by a copy of the statement to all parties and 2683
the guardian ad litem. All parties and the guardian ad litem 2684
shall have ten days from the date the notice is sent to object 2685
to and request a hearing on the change. 2686

(a) If it receives a timely request for a hearing, the 2687
court shall schedule a hearing pursuant to section 2151.417 of 2688
the Revised Code to be held no later than thirty days after the 2689
request is received by the court. The court shall give notice of 2690
the date, time, and location of the hearing to all parties and 2691
the guardian ad litem. The agency shall continue to administer 2692
the case plan with the change after the hearing, if the court 2693
approves the change. If the court does not approve the change, 2694
the court shall make appropriate changes to the case plan and 2695
shall journalize the case plan. 2696

(b) If it does not receive a timely request for a hearing, 2697
the court may approve the change without a hearing. If the court 2698

approves the change without a hearing, it shall journalize the 2699
case plan with the change within fourteen days after receipt of 2700
the change. If the court does not approve the change to the case 2701
plan, it shall schedule a hearing under section 2151.417 of the 2702
Revised Code to be held no later than thirty days after the 2703
expiration of the fourteen-day time period and give notice of 2704
the date, time, and location of the hearing to all parties and 2705
the guardian ad litem of the child. 2706

(G) (1) All case plans for children in temporary custody 2707
shall have the following general goals: 2708

(a) Consistent with the best interest and special needs of 2709
the child, to achieve a safe out-of-home placement in the least 2710
restrictive, most family-like setting available and in close 2711
proximity to the home from which the child was removed or the 2712
home in which the child will be permanently placed; 2713

(b) To eliminate with all due speed the need for the out- 2714
of-home placement so that the child can safely return home. 2715

(2) The director of job and family services shall adopt 2716
rules pursuant to Chapter 119. of the Revised Code setting forth 2717
the general goals of case plans for children subject to 2718
dispositional orders for protective supervision, a planned 2719
permanent living arrangement, or permanent custody. 2720

(H) In the agency's development of a case plan and the 2721
court's review of the case plan, the child's health and safety 2722
shall be the paramount concern. The agency and the court shall 2723
be guided by the following general priorities: 2724

(1) A child who is residing with or can be placed with the 2725
child's parents within a reasonable time should remain in their 2726
legal custody even if an order of protective supervision is 2727

required for a reasonable period of time; 2728

(2) If both parents of the child have abandoned the child, 2729
have relinquished custody of the child, have become incapable of 2730
supporting or caring for the child even with reasonable 2731
assistance, or have a detrimental effect on the health, safety, 2732
and best interest of the child, the child should be placed in 2733
the legal custody of a suitable member of the child's extended 2734
family; 2735

(3) If a child described in division (H) (2) of this 2736
section has no suitable member of the child's extended family to 2737
accept legal custody, the child should be placed in the legal 2738
custody of a suitable nonrelative who shall be made a party to 2739
the proceedings after being given legal custody of the child; 2740

(4) If the child has no suitable member of the child's 2741
extended family to accept legal custody of the child and no 2742
suitable nonrelative is available to accept legal custody of the 2743
child and, if the child temporarily cannot or should not be 2744
placed with the child's parents, guardian, or custodian, the 2745
child should be placed in the temporary custody of a public 2746
children services agency or a private child placing agency; 2747

(5) If the child cannot be placed with either of the 2748
child's parents within a reasonable period of time or should not 2749
be placed with either, if no suitable member of the child's 2750
extended family or suitable nonrelative is available to accept 2751
legal custody of the child, and if the agency has a reasonable 2752
expectation of placing the child for adoption, the child should 2753
be committed to the permanent custody of the public children 2754
services agency or private child placing agency; 2755

(6) If the child is to be placed for adoption or foster 2756

care, the placement shall not be delayed or denied on the basis 2757
of the child's or adoptive or foster family's race, color, or 2758
national origin. 2759

(I) The case plan for a child in temporary custody shall 2760
include at a minimum the following requirements if the child is 2761
or has been the victim of abuse or neglect or if the child 2762
witnessed the commission in the child's household of abuse or 2763
neglect against a sibling of the child, a parent of the child, 2764
or any other person in the child's household: 2765

(1) A requirement that the child's parents, guardian, or 2766
custodian participate in mandatory counseling; 2767

(2) A requirement that the child's parents, guardian, or 2768
custodian participate in any supportive services that are 2769
required by or provided pursuant to the child's case plan. 2770

(J) (1) Prior to January 1, 2023, a case plan for a child 2771
in temporary custody may include, as a supplement, a plan for 2772
locating a permanent family placement. The supplement shall not 2773
be considered part of the case plan for purposes of division (E) 2774
of this section. 2775

(2) On and after January 1, 2023, a case plan for a child 2776
in temporary custody shall include a permanency plan for the 2777
child unless it is documented that such a plan would not be in 2778
the best interest of the child. The permanency plan shall 2779
describe the services the agency shall provide to achieve 2780
permanency for the child if reasonable efforts to return the 2781
child to the child's home, or eliminate the continued removal 2782
from that home, are unsuccessful. Those services shall be 2783
provided concurrently with reasonable efforts to return the 2784
child home or eliminate the child's continued removal from home. 2785

(3) The director of job and family services, pursuant to 2786
Chapter 119. of the Revised Code, shall adopt rules necessary to 2787
carry out the purposes of division (J) of this section. 2788

(K)(1) A public children services agency may request that 2789
the superintendent of the bureau of criminal identification and 2790
investigation conduct a criminal records check with respect to a 2791
parent, guardian, custodian, prospective custodian, or 2792
prospective placement whose actions result in a finding after 2793
the filing of a complaint as described in division (A)(1) of 2794
this section that a child is an abused, neglected, or dependent 2795
child. The public children services agency shall request that 2796
the superintendent obtain information from the federal bureau of 2797
investigation as part of the criminal records check. 2798

(2) At any time on or after the date that is ninety days 2799
after September 10, 2012, a prosecuting attorney, or an 2800
assistant prosecuting attorney appointed under section 309.06 of 2801
the Revised Code, may request that the superintendent of the 2802
bureau of criminal identification and investigation conduct a 2803
criminal records check with respect to each parent, guardian, 2804
custodian, prospective custodian, or prospective placement whose 2805
actions resulted in a finding after the filing of a complaint 2806
described in division (A)(1) of this section that a child is an 2807
abused, neglected, or dependent child. Each prosecuting attorney 2808
or assistant prosecuting attorney who makes such a request shall 2809
request that the superintendent obtain information from the 2810
federal bureau of investigation as part of the criminal records 2811
check for each parent, guardian, custodian, prospective 2812
custodian, or prospective placement who is a subject of the 2813
request. 2814

(3) A public children services agency, prosecuting 2815

attorney, or assistant prosecuting attorney that requests a 2816
criminal records check under division (K) (1) or (2) of this 2817
section shall do both of the following: 2818

(a) Provide to each parent, guardian, custodian, 2819
prospective custodian, or prospective placement for whom a 2820
criminal records check is requested a copy of the form 2821
prescribed pursuant to division (C) (1) of section 109.572 of the 2822
Revised Code and a standard fingerprint impression sheet 2823
prescribed pursuant to division (C) (2) of that section and 2824
obtain the completed form and impression sheet from the parent, 2825
guardian, custodian, prospective custodian, or prospective 2826
placement; 2827

(b) Forward the completed form and impression sheet to the 2828
superintendent of the bureau of criminal identification and 2829
investigation. 2830

(4) A parent, guardian, custodian, prospective custodian, 2831
or prospective placement who is given a form and fingerprint 2832
impression sheet under division (K) (3) (a) of this section and 2833
who fails to complete the form or provide fingerprint 2834
impressions may be held in contempt of court. 2835

Sec. 2301.01. (A) There shall be a court of common pleas 2836
in each county held by one or more judges, each of whom has been 2837
admitted to practice as an attorney at law in this state for at 2838
least one year preceding the judge's appointment or commencement 2839
of the judge's term, resides in the county, is elected by the 2840
electors therein, and ~~has,~~ for a total of at least six years 2841
preceding the judge's appointment or commencement of the judge's 2842
term, ~~engaged in the practice of law in this state or~~ has either 2843
served as a judge of a court of record in any jurisdiction in 2844
the United States, ~~or both, resides in the county, and is~~ 2845

~~elected by the electors therein~~ done any of the following: 2846

(1) Engaged in the practice of law in this state; 2847

(2) Practiced in a federal court in this state, regardless 2848
of whether at the time of that practice the person was admitted 2849
to practice as an attorney at law in this state or practiced in 2850
the courts of this state; 2851

(3) Engaged in the authorized practice of law as in-house 2852
counsel for a business in this state or as an attorney for a 2853
government entity in this state, regardless of whether at the 2854
time of that practice the person was admitted to practice as an 2855
attorney at law in this state or practiced in the courts of this 2856
state. 2857

(B) Each judge of a court of common pleas shall be elected 2858
for six years at the general election immediately preceding the 2859
year in which the term, as provided in sections 2301.02 and 2860
2301.03 of the Revised Code, commences, and the judge's 2861
successor shall be elected at the general election immediately 2862
preceding the expiration of that term. 2863

Sec. 2305.111. (A) As used in this section: 2864

(1) "Childhood sexual abuse" means any conduct that 2865
constitutes any of the violations identified in division (A)(1) 2866
(a) or (b) of this section and would constitute a criminal 2867
offense under the specified section or division of the Revised 2868
Code, if the victim of the violation is at the time of the 2869
violation a child under eighteen years of age or a child with a 2870
developmental disability or physical impairment under twenty-one 2871
years of age. The court need not find that any person has been 2872
convicted of or pleaded guilty to the offense under the 2873
specified section or division of the Revised Code in order for 2874

the conduct that is the violation constituting the offense to be 2875
childhood sexual abuse for purposes of this division. This 2876
division applies to any of the following violations committed in 2877
the following specified circumstances: 2878

(a) A violation of section 2907.02 or of division (A) (1), 2879
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 2880
of the Revised Code; 2881

(b) A violation of section 2907.05 or 2907.06 of the 2882
Revised Code if, at the time of the violation, any of the 2883
following apply: 2884

(i) The actor is the victim's natural parent, adoptive 2885
parent, or stepparent or the guardian, custodian, or person in 2886
loco parentis of the victim. 2887

(ii) The victim is in custody of law or a patient in a 2888
hospital or other institution, and the actor has supervisory or 2889
disciplinary authority over the victim. 2890

(iii) The actor is a teacher, administrator, coach, or 2891
other person in authority employed by or serving in a school for 2892
which the state board of education prescribes minimum standards 2893
pursuant to division (D) of section 3301.07 of the Revised Code, 2894
the victim is enrolled in or attends that school, and the actor 2895
is not enrolled in and does not attend that school. 2896

(iv) The actor is a teacher, administrator, coach, or 2897
other person in authority employed by or serving in an 2898
institution of higher education, and the victim is enrolled in 2899
or attends that institution. 2900

(v) The actor is the victim's athletic or other type of 2901
coach, is the victim's instructor, is the leader of a scouting 2902
troop of which the victim is a member, or is a person with 2903

temporary or occasional disciplinary control over the victim. 2904

(vi) The actor is a mental health professional, the victim 2905
is a mental health client or patient of the actor, and the actor 2906
induces the victim to submit by falsely representing to the 2907
victim that the sexual contact involved in the violation is 2908
necessary for mental health treatment purposes. 2909

(vii) The victim is confined in a detention facility, and 2910
the actor is an employee of that detention facility. 2911

(viii) The actor is a cleric, and the victim is a member 2912
of, or attends, the church or congregation served by the cleric. 2913

(2) "Cleric" has the same meaning as in section 2317.02 of 2914
the Revised Code. 2915

(3) "Mental health client or patient" has the same meaning 2916
as in section 2305.51 of the Revised Code. 2917

(4) "Mental health professional" has the same meaning as 2918
in section 2305.115 of the Revised Code. 2919

(5) "Sexual contact" has the same meaning as in section 2920
2907.01 of the Revised Code. 2921

(6) "Victim" means, except as provided in division (B) of 2922
this section, a victim of childhood sexual abuse. 2923

(B) Except as provided in section 2305.115 of the Revised 2924
Code and subject to division (C) of this section, an action for 2925
assault or battery shall be brought within one year after the 2926
cause of the action accrues. For purposes of this section, a 2927
cause of action for assault or battery accrues upon the later of 2928
the following: 2929

(1) The date on which the alleged assault or battery 2930

occurred; 2931

(2) If the plaintiff did not know the identity of the 2932
person who allegedly committed the assault or battery on the 2933
date on which it allegedly occurred, the earlier of the 2934
following dates: 2935

(a) The date on which the plaintiff learns the identity of 2936
that person; 2937

(b) The date on which, by the exercise of reasonable 2938
diligence, the plaintiff should have learned the identity of 2939
that person. 2940

~~(C) An (C) (1) Except as provided in division (C) (2) of 2941
this section, an action for assault or battery brought by a 2942
victim of childhood sexual abuse based on childhood sexual 2943
abuse, or an action brought by a victim of childhood sexual 2944
abuse asserting any claim resulting from childhood sexual abuse, 2945
shall be brought within twelve years after the cause of action 2946
accrues. For purposes of this section, a cause of action for 2947
assault or battery based on childhood sexual abuse, or a cause 2948
of action for a claim resulting from childhood sexual abuse, 2949
accrues upon the date on which the victim reaches the age of 2950
majority. If the defendant in an action brought by a victim of 2951
childhood sexual abuse asserting a claim resulting from 2952
childhood sexual abuse that occurs on or after August 3, 2006, 2953
has fraudulently concealed from the plaintiff facts that form 2954
the basis of the claim, the running of the limitations period 2955
with regard to that claim is tolled until the time when the 2956
plaintiff discovers or in the exercise of due diligence should 2957
have discovered those facts. 2958~~

(2) Only for purposes of making claims against a 2959

bankruptcy estate, an action for assault or battery brought by a 2960
victim of childhood sexual abuse based on childhood sexual 2961
abuse, or an action brought by a victim of childhood sexual 2962
abuse asserting any claim resulting from childhood sexual abuse, 2963
may be brought at any time after the cause of action accrues. 2964

(3) For purposes of this section, a cause of action for 2965
assault or battery based on childhood sexual abuse, or a cause 2966
of action for a claim resulting from childhood sexual abuse, 2967
accrues upon the date on which the victim reaches the age of 2968
majority. 2969

Sec. 2501.02. (A) Each judge of a court of appeals shall 2970
have been admitted to practice as an attorney at law in this 2971
state for at least one year preceding the judge's appointment or 2972
commencement of the judge's term and~~have~~, for a total of six 2973
years preceding the judge's appointment or commencement of the 2974
judge's term, engaged in the practice of law in this state or 2975
shall have either served as a judge of a court of record in any 2976
jurisdiction in the United States, ~~or both~~done any of the 2977
following: 2978

(1) Engaged in the practice of law in this state; 2979

(2) Practiced in a federal court in this state, regardless 2980
of whether at the time of that practice the person was admitted 2981
to practice as an attorney at law in this state or practiced in 2982
the courts of this state; 2983

(3) Engaged in the authorized practice of law as in-house 2984
counsel for a business in this state or as an attorney for a 2985
government entity in this state, regardless of whether at the 2986
time of that practice the person was admitted to practice as an 2987
attorney at law in this state or practiced in the courts of this 2988

state. 2989

(B) One judge shall be chosen in each court of appeals 2990
district every two years, and shall hold office for six years, 2991
beginning on the ninth day of February next after the judge's 2992
election. 2993

(C) In addition to the original jurisdiction conferred by 2994
Section 3 of Article IV, Ohio Constitution, the court of appeals 2995
shall have jurisdiction upon an appeal upon questions of law to 2996
review, affirm, modify, set aside, or reverse judgments or final 2997
orders of courts of record inferior to the court of appeals 2998
within the district, including the finding, order, or judgment 2999
of a juvenile court that a child is delinquent, neglected, 3000
abused, or dependent, for prejudicial error committed by such 3001
lower court. 3002

The court of appeals, on good cause shown, may issue writs 3003
of supersedeas in any case, and all other writs, not specially 3004
provided for or prohibited by statute, necessary to enforce the 3005
administration of justice. 3006

Sec. 2503.01. The supreme court shall consist of a chief 3007
justice and six justices, each of whom has been admitted to 3008
practice as an attorney at law in this state for at least one 3009
year preceding appointment or commencement of the justice's term 3010
and ~~has~~, for a total of at least six years preceding appointment 3011
or commencement of the justice's term, ~~engaged in the practice~~ 3012
~~of law in this state or~~ has either served as a judge of a court 3013
of record in any jurisdiction of the United States, ~~or~~ both done 3014
any of the following: 3015

(A) Engaged in the practice of law in this state; 3016

(B) Practiced in a federal court in this state, regardless 3017

of whether at the time of that practice the person was admitted 3018
to practice as an attorney at law in this state or practiced in 3019
the courts of this state; 3020

(C) Engaged in the authorized practice of law as in-house 3021
counsel for a business in this state or as an attorney for a 3022
government entity in this state, regardless of whether at the 3023
time of that practice the person was admitted to practice as an 3024
attorney at law in this state or practiced in the courts of this 3025
state. 3026

Sec. 3107.071. If a parent enters into a voluntary 3027
permanent custody surrender agreement under division ~~(B)(2)~~(B) 3028
(4) of section 5103.15 of the Revised Code on or after September 3029
18, 1996, the parent's consent to the adoption of the child who 3030
is the subject of the agreement is required unless all of the 3031
following requirements are met: 3032

(A) In the case of a parent whose child, if adopted, will 3033
be an adopted person as defined in section 3107.45 of the 3034
Revised Code: 3035

(1) The parent does all of the following: 3036

(a) Signs the component of the form prescribed under 3037
division (A)(1)(a) of section 3107.083 of the Revised Code; 3038

(b) Checks either the "yes" or "no" space provided on the 3039
component of the form prescribed under division (A)(1)(b) of 3040
section 3107.083 of the Revised Code and signs that component; 3041

(c) If the parent is the mother, completes and signs the 3042
component of the form prescribed under division (A)(1)(c) of 3043
section 3107.083 of the Revised Code. 3044

(2) The agency provides the parent the opportunity to 3045

sign, if the parent chooses to do so, the components of the form 3046
prescribed under divisions (A) (1) (d), (e), and (f) of section 3047
3107.083 of the Revised Code; 3048

(3) The agency files with the juvenile and probate courts 3049
the form prescribed under division (A) (1) of section 3107.083 of 3050
the Revised Code signed by the parent, provides a copy of the 3051
form signed by the parent to the parent, and keeps a copy of the 3052
form signed by the parent in the agency's records. 3053

The court shall keep a copy of the form signed by the 3054
parent in the court records. 3055

(B) In the case of a parent whose child, if adopted, will 3056
be an adopted person as defined in section 3107.38 of the 3057
Revised Code: 3058

(1) The parent does both of the following: 3059

(a) Signs the component of the form prescribed under 3060
division (B) (1) (a) of section 3107.083 of the Revised Code; 3061

(b) If the parent is the mother, completes and signs the 3062
component of the form prescribed under division (B) (1) (b) of 3063
section 3107.083 of the Revised Code. 3064

(2) The agency provides the parent the opportunity to 3065
sign, if the parent chooses to do so, the components of the form 3066
prescribed under divisions (B) (1) (c), (d), and (e) of section 3067
3107.083 of the Revised Code at the time the parent enters into 3068
the agreement with the agency; 3069

(3) The agency files the form signed by the parent with 3070
the juvenile and probate courts, provides a copy of the form 3071
signed by the parent to the parent, and keeps a copy of the form 3072
signed by the parent in the agency's records. 3073

The court shall keep a copy of the form signed by the 3074
parent in the court records. 3075

Sec. 4505.101. (A) (1) Any repair garage or place of 3076
storage in which a motor vehicle with a value of less than three 3077
thousand five hundred dollars has been left unclaimed for 3078
fifteen days or more following completion of the requested 3079
repair or the agreed term of storage shall send a notice to 3080
remove the motor vehicle to the last known address of any owner 3081
and any lienholder of the motor vehicle. The repair garage or 3082
place of storage shall send the notice by certified or express 3083
mail with return receipt requested, by certified mail with 3084
electronic tracking, or by a commercial carrier service 3085
utilizing any form of delivery requiring a signed receipt. In 3086
order to identify any owner or lienholder, prior to sending a 3087
notice, the repair garage or place of storage shall cause a 3088
search to be made of the records of an applicable entity listed 3089
in division (F) (1) of section 4513.601 of the Revised Code. Any 3090
notice to a lienholder shall state where the motor vehicle is 3091
located and the value of the vehicle. If the person who 3092
requested the repair or who agreed to the storage of the motor 3093
vehicle is not the owner or a lienholder of the motor vehicle as 3094
indicated in the title records, the repair garage or place of 3095
storage also shall notify the sheriff of the county or the 3096
~~police department~~ law enforcement agency of the municipal 3097
corporation, township, port authority, conservancy district, or 3098
township or joint police district in which the repair garage or 3099
place of storage is located that the repair garage or place of 3100
storage is in possession of the vehicle. 3101

(2) The repair garage or place of storage may obtain a 3102
certificate of title to the motor vehicle if all of the 3103
following apply: 3104

(a) The motor vehicle remains unclaimed by any owner or lienholder of the vehicle for fifteen days after the sending of the required notice. 3105
3106
3107

(b) For the notice, the repair garage or place of storage has either received the signed receipt or has been notified that the delivery was not possible. Unless the lienholder claims the motor vehicle within fifteen days from the sending of the notice, the lienholder's lien is invalid. 3108
3109
3110
3111
3112

(c) An agent of the repair garage or place of storage that sent the notice executes an affidavit, in a form established by the registrar of motor vehicles by rule, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth an itemized statement of the value of the motor vehicle; the length of time that the motor vehicle has remained unclaimed; that a notice to remove the vehicle has been sent to any titled owner or lienholder in a manner authorized by division (A) (1) of this section; and that a search of title records has been made in accordance with division (A) (1) of this section. 3113
3114
3115
3116
3117
3118
3119
3120
3121
3122
3123
3124

(B) A towing service or storage facility that is in possession of a vehicle may obtain a certificate of title to the vehicle as provided in division (C) of this section if all of the following apply: 3125
3126
3127
3128

(1) The vehicle was towed under division (B) of section 4513.601 of the Revised Code. 3129
3130

(2) The vehicle has a value of less than three thousand five hundred dollars. 3131
3132

(3) The vehicle has been left unclaimed for sixty days 3133

after the date the earliest notice required by division (F) of 3134
section 4513.601 of the Revised Code is received, as evidenced 3135
by a receipt signed by any person, or the towing service or 3136
storage facility has been notified that the delivery was not 3137
possible. 3138

(4) An agent of the towing service or storage facility 3139
executes an affidavit, in a form established by the registrar of 3140
motor vehicles by rule, affirming that all of the requirements 3141
of this section necessary to authorize the issuance of a 3142
certificate of title for the motor vehicle have been met. The 3143
affidavit shall set forth an itemized statement of the value of 3144
the motor vehicle; that notices to remove the vehicle have been 3145
sent to the owner and any lienholder as required under division 3146
(F) of section 4513.601 of the Revised Code; the length of time 3147
that the motor vehicle has remained unclaimed after the date the 3148
earliest notice required under division (F) of section 4513.601 3149
of the Revised Code was received or the towing service or 3150
storage facility was notified that delivery was not possible; 3151
and that a search of the records of the applicable entity has 3152
been made for outstanding liens on the motor vehicle. 3153

(C) (1) The clerk of courts shall issue a certificate of 3154
title, free and clear of all liens and encumbrances as follows: 3155

(a) To a repair garage or place of storage that presents 3156
an affidavit that complies with all of the requirements of 3157
division (A) of this section; 3158

(b) To a towing service or storage facility that presents 3159
an affidavit in compliance with division (B) of this section. 3160

(2) A repair garage or place of storage may use the 3161
process established under division (A) of this section in order 3162

to take title to a motor vehicle even if the person who 3163
requested the repair or who agreed to the storage of the motor 3164
vehicle is not the owner or a lienholder of the motor vehicle as 3165
indicated in the title records. 3166

(3) Upon receipt of the certificate of title, a repair 3167
garage or place of storage, or a towing service or storage 3168
facility, shall pay to the clerk of courts the value of the 3169
motor vehicle minus both of the following: 3170

(a) If the motor vehicle was towed by the party seeking 3171
title to the motor vehicle under this section, a towing fee; 3172

(b) Storage fees for the period of time the vehicle was 3173
stored without payment. 3174

The clerk of courts shall deposit any money received under 3175
this section into the county general fund. 3176

(D) Whoever violates this section shall be fined not more 3177
than two hundred dollars, imprisoned not more than ninety days, 3178
or both. 3179

(E) As used in this section: 3180

(1) "Repair garage or place of storage" means any business 3181
with which a person entered into an agreement for the repair of 3182
a motor vehicle or any business with which a person entered into 3183
an agreement for the storage of a motor vehicle. 3184

(2) "Towing service or storage facility" means any for- 3185
hire motor carrier that removes a motor vehicle under the 3186
authority of section 4513.601 of the Revised Code and any place 3187
to which such a for-hire motor carrier delivers a motor vehicle 3188
towed under that section. 3189

(3) "Value" means the wholesale value for that make and 3190

model of motor vehicle at the time an affidavit is submitted 3191
under division (C) of this section, as provided in a vehicle 3192
valuation guide that is generally available and recognized by 3193
the motor vehicle industry, minus both of the following: 3194

(a) The estimated cost of repairs to restore the motor 3195
vehicle to the wholesale value for that make and model of motor 3196
vehicle; 3197

(b) The cost of any agreed-upon repairs. 3198

Sec. 4505.104. (A) A towing service or storage facility 3199
that is in possession of a motor vehicle may obtain a 3200
certificate of title to the vehicle as provided in division (B) 3201
of this section if all of the following apply: 3202

(1) The motor vehicle was towed or stored pursuant to 3203
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 3204

(2) A search was made of the records of an applicable 3205
entity listed in division (F)(1) of section 4513.601 of the 3206
Revised Code to ascertain the identity of the owner and any 3207
lienholder of the motor vehicle. 3208

(3) Upon obtaining the identity in division (A)(2) of this 3209
section, notice was sent to the last known address of the owner 3210
and any lienholder, by certified or express mail with return 3211
receipt requested, by certified mail with electronic tracking, 3212
or by a commercial carrier service utilizing any form of 3213
delivery requiring a signed receipt. The notice shall inform the 3214
owner and lienholder that the towing service or storage facility 3215
will obtain title to the motor vehicle if not claimed within 3216
sixty days after the date the notice was received. 3217

(4) The motor vehicle has been left unclaimed for sixty 3218
days after one of the following: 3219

(a) The date the notice sent under division (A) (3) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A) (3) of this section was not possible.

(5) A sheriff, chief of ~~police~~ a law enforcement agency, or state highway patrol trooper, natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation.

(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after September 30, 2021, affirming that conditions in divisions (A) (1) to (5) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A) (1) to (5) of this section are met.

(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility shall retain any money arising from the disposal of the vehicle.

(D) A towing service or storage facility that obtains title to a motor vehicle under this section shall notify the entity that ordered the motor vehicle into storage that the

motor vehicle has been so disposed. The towing service or 3249
storage facility shall provide the notice on the last business 3250
day of the month in which the service or facility obtained title 3251
to the motor vehicle. 3252

(E) As used in this section, "towing service or storage 3253
facility" means any for-hire motor carrier that removes a motor 3254
vehicle under the authority of section 4513.60, 4513.61, or 3255
4513.66 of the Revised Code and any place to which such a for- 3256
hire motor carrier delivers a motor vehicle towed under those 3257
sections. 3258

Sec. 4513.60. (A) (1) The sheriff of a county or chief of 3259
~~police~~ a law enforcement agency of a municipal corporation, 3260
township, port authority, conservancy district, or township or 3261
joint police district, within the sheriff's or chief's 3262
respective territorial jurisdiction, upon complaint of any 3263
person adversely affected, may order into storage any motor 3264
vehicle, other than an abandoned junk motor vehicle as defined 3265
in section 4513.63 of the Revised Code, that has been left on 3266
private residential or private agricultural property for at 3267
least four hours without the permission of the person having the 3268
right to the possession of the property. The sheriff or chief ~~of~~ 3269
~~police~~, upon complaint of a repair garage or place of storage, 3270
may order into storage any motor vehicle, other than an 3271
abandoned junk motor vehicle, that has been left at the garage 3272
or place of storage for a longer period than that agreed upon. 3273
When ordering a motor vehicle into storage pursuant to this 3274
division, a sheriff or chief ~~of police~~ may arrange for the 3275
removal of the motor vehicle by a towing service and shall 3276
designate a storage facility. 3277

(2) A towing service towing a motor vehicle under division 3278

(A) (1) of this section shall remove the motor vehicle in 3279
accordance with that division. The towing service shall deliver 3280
the motor vehicle to the location designated by the sheriff or 3281
chief ~~of police~~ not more than two hours after the time it is 3282
removed from the private property, unless the towing service is 3283
unable to deliver the motor vehicle within two hours due to an 3284
uncontrollable force, natural disaster, or other event that is 3285
not within the power of the towing service. 3286

(3) Subject to division (B) of this section, the owner of 3287
a motor vehicle that has been removed pursuant to this division 3288
may recover the vehicle only in accordance with division (D) of 3289
this section. 3290

(4) As used in this section, "private residential 3291
property" means private property on which is located one or more 3292
structures that are used as a home, residence, or sleeping place 3293
by one or more persons, if no more than three separate 3294
households are maintained in the structure or structures. 3295
"Private residential property" does not include any private 3296
property on which is located one or more structures that are 3297
used as a home, residence, or sleeping place by two or more 3298
persons, if more than three separate households are maintained 3299
in the structure or structures. 3300

(B) If the owner or operator of a motor vehicle that has 3301
been ordered into storage pursuant to division (A) (1) of this 3302
section arrives after the motor vehicle has been prepared for 3303
removal, but prior to its actual removal from the property, the 3304
towing service shall give the owner or operator oral or written 3305
notification at the time of such arrival that the vehicle owner 3306
or operator may pay a fee of not more than one-half of the fee 3307
for the removal of the motor vehicle established by the public 3308

utilities commission in rules adopted under section 4921.25 of 3309
the Revised Code, in order to obtain release of the motor 3310
vehicle. However, if the vehicle is within a municipal 3311
corporation and the municipal corporation has established a 3312
vehicle removal fee, the towing service shall give the owner or 3313
operator oral or written notification that the owner or operator 3314
may pay not more than one-half of that fee to obtain release of 3315
the motor vehicle. That fee may be paid by use of a major credit 3316
card unless the towing service uses a mobile credit card 3317
processor and mobile service is not available at the time of the 3318
transaction. 3319

Upon payment of the applicable fee, the towing service 3320
shall give the vehicle owner or operator a receipt showing both 3321
the full amount normally assessed and the actual amount received 3322
and shall release the motor vehicle to the owner or operator. 3323
Upon its release, the owner or operator immediately shall move 3324
it so that it is not on the private residential or private 3325
agricultural property without the permission of the person 3326
having the right to possession of the property, or is not at the 3327
garage or place of storage without the permission of the owner, 3328
whichever is applicable. 3329

(C) (1) Each county sheriff and each chief of ~~police~~ a law 3330
enforcement agency of a municipal corporation, township, port 3331
authority, conservancy district, or township or joint police 3332
district shall maintain a record of motor vehicles that the 3333
sheriff or chief orders into storage pursuant to division (A) (1) 3334
of this section. The record shall include an entry for each such 3335
motor vehicle that identifies the motor vehicle's license 3336
number, make, model, and color, the location from which it was 3337
removed, the date and time of its removal, the telephone number 3338
of the person from whom it may be recovered, and the address of 3339

the place to which it has been taken and from which it may be 3340
recovered. A sheriff or chief ~~of police~~ shall provide any 3341
information in the record that pertains to a particular motor 3342
vehicle to any person who, either in person or pursuant to a 3343
telephone call, identifies self as the owner or operator of the 3344
motor vehicle and requests information pertaining to its 3345
location. 3346

(2) Any person who registers a complaint that is the basis 3347
of a sheriff's or ~~police~~ chief's order for the removal and 3348
storage of a motor vehicle under division (A) (1) of this section 3349
shall provide the identity of the law enforcement agency with 3350
which the complaint was registered to any person who identifies 3351
self as the owner or operator of the motor vehicle and requests 3352
information pertaining to its location. 3353

(D) (1) The owner or lienholder of a motor vehicle that is 3354
ordered into storage pursuant to division (A) (1) of this section 3355
may reclaim it upon both of the following: 3356

(a) Payment of all applicable fees established by the 3357
public utilities commission in rules adopted under section 3358
4921.25 of the Revised Code or, if the vehicle was towed within 3359
a municipal corporation that has established fees for vehicle 3360
removal and storage, payment of all applicable fees established 3361
by the municipal corporation. 3362

(b) Presentation of proof of ownership, which may be 3363
evidenced by a certificate of title to the motor vehicle, a 3364
certificate of registration for the motor vehicle, or a lease 3365
agreement. 3366

When the owner of a vehicle towed under this section 3367
retrieves the vehicle, the towing service or storage facility in 3368

possession of the vehicle shall give the owner written notice 3369
that if the owner disputes that the motor vehicle was lawfully 3370
towed, the owner may be able to file a civil action under 3371
section 4513.611 of the Revised Code. 3372

(2) Upon presentation of proof of ownership as required 3373
under division (D)(1)(b) of this section, the owner of a motor 3374
vehicle that is ordered into storage under division (A)(1) of 3375
this section may retrieve any personal items from the motor 3376
vehicle without retrieving the vehicle and without paying any 3377
fee. However, a towing service or storage facility may charge an 3378
after-hours retrieval fee established by the public utilities 3379
commission in rules adopted under section 4921.25 of the Revised 3380
Code if the owner retrieves the personal items after hours, 3381
unless the towing service or storage facility fails to provide 3382
the notice required under division (B)(3) of section 4513.69 of 3383
the Revised Code, if applicable. The owner of a motor vehicle 3384
shall not do either of the following: 3385

(a) Retrieve any personal item that has been determined by 3386
the sheriff or chief ~~of police~~, as applicable, to be necessary 3387
to a criminal investigation; 3388

(b) Retrieve any personal item from a vehicle if it would 3389
endanger the safety of the owner, unless the owner agrees to 3390
sign a waiver of liability. 3391

For purposes of division (D)(2) of this section, "personal 3392
items" do not include any items that are attached to the motor 3393
vehicle. 3394

(3) If a motor vehicle that is ordered into storage 3395
pursuant to division (A)(1) of this section remains unclaimed by 3396
the owner for thirty days, the procedures established by 3397

sections 4513.61 and 4513.62 of the Revised Code apply. 3398

(E) (1) No person shall remove, or cause the removal of, 3399
any motor vehicle from any private residential or private 3400
agricultural property other than in accordance with division (A) 3401
(1) of this section or sections 4513.61 to 4513.65 of the 3402
Revised Code. 3403

(2) No towing service or storage facility shall fail to 3404
comply with the requirements of this section. 3405

(F) This section does not apply to any private residential 3406
or private agricultural property that is established as a 3407
private tow-away zone in accordance with section 4513.601 of the 3408
Revised Code. 3409

(G) Whoever violates division (E) of this section is 3410
guilty of a minor misdemeanor. 3411

Sec. 4513.601. (A) The owner of a private property may 3412
establish a private tow-away zone, but may do so only if all of 3413
the following conditions are satisfied: 3414

(1) The owner of the private property posts on the 3415
property a sign, that is at least eighteen inches by twenty-four 3416
inches in size, that is visible from all entrances to the 3417
property, and that includes all of the following information: 3418

(a) A statement that the property is a tow-away zone; 3419

(b) A description of persons authorized to park on the 3420
property. If the property is a residential property, the owner 3421
of the private property may include on the sign a statement that 3422
only tenants and guests may park in the private tow-away zone, 3423
subject to the terms of the property owner. If the property is a 3424
commercial property, the owner of the private property may 3425

include on the sign a statement that only customers may park in 3426
the private tow-away zone. In all cases, if it is not apparent 3427
which persons may park in the private tow-away zone, the owner 3428
of the private property shall include on the sign the address of 3429
the property on which the private tow-away zone is located or 3430
the name of the business that is located on the property 3431
designated as a private tow-away zone. 3432

(c) If the private tow-away zone is not enforceable at all 3433
times, the times during which the parking restrictions are 3434
enforced; 3435

(d) The telephone number and the address of the place from 3436
which a towed vehicle may be recovered at any time during the 3437
day or night; 3438

(e) A statement that the failure to recover a towed 3439
vehicle may result in the loss of title to the vehicle as 3440
provided in division (B) of section 4505.101 of the Revised 3441
Code. 3442

In order to comply with the requirements of division (A) 3443
(1) of this section, the owner of a private property may modify 3444
an existing sign by affixing to the existing sign stickers or an 3445
addendum in lieu of replacing the sign. 3446

(2) A towing service ensures that a vehicle towed under 3447
this section is taken to a location from which it may be 3448
recovered that complies with all of the following: 3449

(a) It is located within twenty-five linear miles of the 3450
location of the private tow-away zone, unless it is not 3451
practicable to take the vehicle to a place of storage within 3452
twenty-five linear miles. 3453

(b) It is well-lighted. 3454

(c) It is on or within a reasonable distance of a 3455
regularly scheduled route of one or more modes of public 3456
transportation, if any public transportation is available in the 3457
municipal corporation or township in which the private tow-away 3458
zone is located. 3459

(B) (1) If a vehicle is parked on private property that is 3460
established as a private tow-away zone in accordance with 3461
division (A) of this section, without the consent of the owner 3462
of the private property or in violation of any posted parking 3463
condition or regulation, the owner of the private property may 3464
cause the removal of the vehicle by a towing service. The towing 3465
service shall remove the vehicle in accordance with this 3466
section. The vehicle owner and the operator of the vehicle are 3467
considered to have consented to the removal and storage of the 3468
vehicle, to the payment of the applicable fees established by 3469
the public utilities commission in rules adopted under section 3470
4921.25 of the Revised Code, and to the right of a towing 3471
service to obtain title to the vehicle if it remains unclaimed 3472
as provided in section 4505.101 of the Revised Code. The owner 3473
or lienholder of a vehicle that has been removed under this 3474
section, subject to division (C) of this section, may recover 3475
the vehicle in accordance with division (G) of this section. 3476

(2) If a municipal corporation requires tow trucks and tow 3477
truck operators to be licensed, no owner of a private property 3478
located within the municipal corporation shall cause the removal 3479
and storage of any vehicle pursuant to division (B) of this 3480
section by an unlicensed tow truck or unlicensed tow truck 3481
operator. 3482

(3) No towing service shall remove a vehicle from a 3483
private tow-away zone except pursuant to a written contract for 3484

the removal of vehicles entered into with the owner of the 3485
private property on which the private tow-away zone is located. 3486

(C) If the owner or operator of a vehicle that is being 3487
removed under authority of division (B) of this section arrives 3488
after the vehicle has been prepared for removal, but prior to 3489
its actual removal from the property, the towing service shall 3490
give the vehicle owner or operator oral or written notification 3491
at the time of such arrival that the vehicle owner or operator 3492
may pay a fee of not more than one-half of the fee for the 3493
removal of the vehicle established by the public utilities 3494
commission in rules adopted under section 4921.25 of the Revised 3495
Code in order to obtain release of the vehicle. That fee may be 3496
paid by use of a major credit card unless the towing service 3497
uses a mobile credit card processor and mobile service is not 3498
available at the time of the transaction. Upon payment of that 3499
fee, the towing service shall give the vehicle owner or operator 3500
a receipt showing both the full amount normally assessed and the 3501
actual amount received and shall release the vehicle to the 3502
owner or operator. Upon its release, the owner or operator 3503
immediately shall move the vehicle so that the vehicle is not 3504
parked on the private property established as a private tow-away 3505
zone without the consent of the owner of the private property or 3506
in violation of any posted parking condition or regulation. 3507

(D) (1) Prior to towing a vehicle under division (B) of 3508
this section, a towing service shall make all reasonable efforts 3509
to take as many photographs as necessary to evidence that the 3510
vehicle is clearly parked on private property in violation of a 3511
private tow-away zone established under division (A) of this 3512
section. 3513

The towing service shall record the time and date of the 3514

photographs taken under this section. The towing service shall 3515
retain the photographs and the record of the time and date, in 3516
electronic or printed form, for at least thirty days after the 3517
date on which the vehicle is recovered by the owner or 3518
lienholder or at least two years after the date on which the 3519
vehicle was towed, whichever is earlier. 3520

(2) A towing service shall deliver a vehicle towed under 3521
division (B) of this section to the location from which it may 3522
be recovered not more than two hours after the time it was 3523
removed from the private tow-away zone, unless the towing 3524
service is unable to deliver the motor vehicle within two hours 3525
due to an uncontrollable force, natural disaster, or other event 3526
that is not within the power of the towing service. 3527

(E) (1) If an owner of a private property that is 3528
established as a private tow-away zone in accordance with 3529
division (A) of this section causes the removal of a vehicle 3530
from that property by a towing service under division (B) of 3531
this section, the towing service, within two hours of removing 3532
the vehicle, shall provide notice to the sheriff of the county 3533
or the ~~police department~~ law enforcement agency of the municipal 3534
corporation, township, port authority, conservancy district, or 3535
township or joint police district in which the property is 3536
located concerning all of the following: 3537

(a) The vehicle's license number, make, model, and color; 3538

(b) The location from which the vehicle was removed; 3539

(c) The date and time the vehicle was removed; 3540

(d) The telephone number of the person from whom the 3541
vehicle may be recovered; 3542

(e) The address of the place from which the vehicle may be 3543

recovered. 3544

(2) Each county sheriff and each chief of ~~police~~ a law 3545
enforcement agency of a municipal corporation, township, port 3546
authority, conservancy district, or township or joint police 3547
district shall maintain a record of any vehicle removed from 3548
private property in the sheriff's or chief's jurisdiction that 3549
is established as a private tow-away zone of which the sheriff 3550
or chief has received notice under this section. The record 3551
shall include all information submitted by the towing service. 3552
The sheriff or chief shall provide any information in the record 3553
that pertains to a particular vehicle to a person who, either in 3554
person or pursuant to a telephone call, identifies self as the 3555
owner, operator, or lienholder of the vehicle and requests 3556
information pertaining to the vehicle. 3557

(F) (1) When a vehicle is removed from private property in 3558
accordance with this section, within three business days of the 3559
removal, the towing service or storage facility from which the 3560
vehicle may be recovered shall cause a search to be made of 3561
either of the following to ascertain the identity of the owner 3562
and any lienholder of the vehicle: 3563

(a) The records of the bureau of motor vehicles; 3564

(b) The records of any vendor or vendors, approved by the 3565
registrar of motor vehicles, that are capable of providing real- 3566
time access to owner and lienholder information. 3567

The towing service or storage facility may search the 3568
national motor vehicle title information system in order to 3569
determine the state in which the vehicle is titled. The entity 3570
that provides the record of the owner and any lienholder under 3571
this division shall ensure that such information is provided in 3572

a timely manner. 3573

(2) Subject to division (F)(5) of this section, the towing 3574
service or storage facility shall send notice to the vehicle 3575
owner and any known lienholder as follows: 3576

(a) Within five business days after the applicable entity 3577
provides the identity of the owner and any lienholder of the 3578
motor vehicle, if the vehicle remains unclaimed, to the owner's 3579
and lienholder's last known address by certified or express mail 3580
with return receipt requested, by certified mail with electronic 3581
tracking, or by a commercial carrier service utilizing any form 3582
of delivery requiring a signed receipt; 3583

(b) If the vehicle remains unclaimed thirty days after the 3584
first notice is sent, in the manner required under division (F) 3585
(2)(a) of this section. 3586

(3) Sixty days after any notice sent pursuant to division 3587
(F)(2) of this section is received, as evidenced by a receipt 3588
signed by any person, or the towing service or storage facility 3589
has been notified that delivery was not possible, the towing 3590
service or storage facility, if authorized under division (B) of 3591
section 4505.101 of the Revised Code, may initiate the process 3592
for obtaining a certificate of title to the motor vehicle as 3593
provided in that section. 3594

(4) A towing service or storage facility that does not 3595
receive a signed receipt of notice, or a notification that 3596
delivery was not possible, shall not obtain, and shall not 3597
attempt to obtain, a certificate of title to the motor vehicle 3598
under division (B) of section 4505.101 of the Revised Code. 3599

(5) With respect to a vehicle concerning which a towing 3600
service or storage facility is not eligible to obtain title 3601

under section 4505.101 of the Revised Code, the towing service 3602
or storage facility need only comply with the initial notice 3603
required under division (F) (2) (a) of this section. 3604

(G) (1) The owner or lienholder of a vehicle that is 3605
removed under division (B) of this section may reclaim it upon 3606
both of the following: 3607

(a) Presentation of proof of ownership, which may be 3608
evidenced by a certificate of title to the vehicle, a 3609
certificate of registration for the motor vehicle, or a lease 3610
agreement; 3611

(b) Payment of the following fees: 3612

(i) All applicable fees established by the public 3613
utilities commission in rules adopted under section 4921.25 of 3614
the Revised Code, except that the lienholder of a vehicle may 3615
retrieve the vehicle without paying any storage fee for the 3616
period of time that the vehicle was in the possession of the 3617
towing service or storage facility prior to the date the 3618
lienholder received the notice sent under division (F) (2) (a) of 3619
this section; 3620

(ii) If notice has been sent to the owner and lienholder 3621
as described in division (F) of this section, a processing fee 3622
of twenty-five dollars. 3623

(2) A towing service or storage facility in possession of 3624
a vehicle that is removed under authority of division (B) of 3625
this section shall show the vehicle owner, operator, or 3626
lienholder who contests the removal of the vehicle all 3627
photographs taken under division (D) of this section. Upon 3628
request, the towing service or storage facility shall provide a 3629
copy of all photographs in the medium in which the photographs 3630

are stored, whether paper, electronic, or otherwise. 3631

(3) When the owner of a vehicle towed under this section 3632
retrieves the vehicle, the towing service or storage facility in 3633
possession of the vehicle shall give the owner written notice 3634
that if the owner disputes that the motor vehicle was lawfully 3635
towed, the owner may be able to file a civil action under 3636
section 4513.611 of the Revised Code. 3637

(4) Upon presentation of proof of ownership, which may be 3638
evidenced by a certificate of title to the vehicle, a 3639
certificate of registration for the motor vehicle, or a lease 3640
agreement, the owner of a vehicle that is removed under 3641
authority of division (B) of this section may retrieve any 3642
personal items from the vehicle without retrieving the vehicle 3643
and without paying any fee. The owner of the vehicle shall not 3644
retrieve any personal items from a vehicle if it would endanger 3645
the safety of the owner, unless the owner agrees to sign a 3646
waiver of liability. For purposes of division (G)(4) of this 3647
section, "personal items" do not include any items that are 3648
attached to the vehicle. 3649

(H) No person shall remove, or cause the removal of, any 3650
vehicle from private property that is established as a private 3651
tow-away zone under this section or store such a vehicle other 3652
than in accordance with this section, or otherwise fail to 3653
comply with any applicable requirement of this section. 3654

(I) This section does not affect or limit the operation of 3655
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 3656
Code as they relate to property other than private property that 3657
is established as a private tow-away zone under division (A) of 3658
this section. 3659

(J) Whoever violates division (H) of this section is 3660
guilty of a minor misdemeanor. 3661

(K) As used in this section, "owner of a private property" 3662
or "owner of the private property" includes, with respect to a 3663
private property, any of the following: 3664

(1) Any person who holds title to the property; 3665

(2) Any person who is a lessee or sublessee with respect 3666
to a lease or sublease agreement for the property; 3667

(3) A person who is authorized to manage the property; 3668

(4) A duly authorized agent of any person listed in 3669
divisions (K) (1) to (3) of this section. 3670

Sec. 4513.61. (A) The sheriff of a county or chief of 3671
~~police~~ a law enforcement agency of a municipal corporation, 3672
township, port authority, conservancy district, or township or 3673
joint police district, within the sheriff's or chief's 3674
respective territorial jurisdiction, or a state highway patrol 3675
trooper, natural resources officer appointed pursuant to section 3676
1501.24 of the Revised Code, or wildlife officer designated 3677
pursuant to section 1531.13 of the Revised Code, upon 3678
notification to the sheriff ~~or,~~ chief of police, or department 3679
of natural resources, as applicable, of such action and of the 3680
location of the place of storage, may order into storage 3681
motor vehicle, including an abandoned junk motor vehicle as 3682
defined in section 4513.63 of the Revised Code, that: 3683

(1) Has come into the possession of the sheriff, ~~chief of~~ 3684
~~police, or state highway patrol trooper,~~ or officer as a result 3685
of the performance of the sheriff's, chief's, ~~or trooper's,~~ or 3686
officer's duties; or 3687

(2) Has been left on a public street or other property 3688
open to the public for purposes of vehicular travel, or upon or 3689
within the right-of-way of any road or highway, for forty-eight 3690
hours or longer without notification to the sheriff ~~or,~~ chief 3691
~~of police,~~ or department of the reasons for leaving the motor 3692
vehicle in such place. However, when such a motor vehicle 3693
constitutes an obstruction to traffic it may be ordered into 3694
storage immediately unless either of the following applies: 3695

(a) The vehicle was involved in an accident and is subject 3696
to section 4513.66 of the Revised Code; 3697

(b) The vehicle is a commercial motor vehicle. If the 3698
vehicle is a commercial motor vehicle, the sheriff, chief ~~of~~ 3699
~~police, or state highway patrol trooper,~~ or officer shall allow 3700
the owner or operator of the vehicle the opportunity to arrange 3701
for the removal of the motor vehicle within a period of time 3702
specified by the sheriff, chief ~~of police,~~ ~~or state highway~~ 3703
~~patrol trooper,~~ or officer. If the sheriff, chief ~~of police,~~ ~~or~~ 3704
~~state highway patrol trooper,~~ or officer determines that the 3705
vehicle cannot be removed within the specified period of time, 3706
the sheriff, chief ~~of police,~~ ~~or state highway patrol trooper,~~ 3707
or officer shall order the removal of the vehicle. 3708

Subject to division (C) of this section, the sheriff ~~or,~~ 3709
chief ~~of police,~~ or department shall designate the place of 3710
storage of any motor vehicle so ordered removed. 3711

(B) If the sheriff, chief ~~of police,~~ ~~or a state highway~~ 3712
~~patrol trooper,~~ or officer issues an order under division (A) of 3713
this section and arranges for the removal of a motor vehicle by 3714
a towing service, the towing service shall deliver the motor 3715
vehicle to the location designated by the sheriff ~~or,~~ chief ~~of~~ 3716
~~police,~~ or department not more than two hours after the time it 3717

is removed. 3718

(C) (1) The sheriff ~~or, chief of police,~~ or department 3719
shall cause a search to be made of the records of an applicable 3720
entity listed in division (F) (1) of section 4513.601 of the 3721
Revised Code to ascertain the identity of the owner and any 3722
lienholder of a motor vehicle ordered into storage by the 3723
sheriff ~~or, chief of police,~~ or by a state highway patrol 3724
trooper, or officer within five business days of the removal of 3725
the vehicle. Upon obtaining such identity, the sheriff ~~or,~~ 3726
~~chief of police,~~ or department shall send or cause to be sent 3727
to the owner or lienholder at the owner's or lienholder's last 3728
known address by certified or express mail with return receipt 3729
requested, by certified mail with electronic tracking, or by a 3730
commercial carrier service utilizing any form of delivery 3731
requiring a signed receipt. The notice shall inform the owner or 3732
lienholder that the motor vehicle will be declared a nuisance 3733
and disposed of if not claimed within ten days of the date of 3734
the sending of the notice. 3735

(2) The owner or lienholder of the motor vehicle may 3736
reclaim the motor vehicle upon payment of any expenses or 3737
charges incurred in its removal and storage, and presentation of 3738
proof of ownership, which may be evidenced by a certificate of 3739
title or memorandum certificate of title to the motor vehicle, a 3740
certificate of registration for the motor vehicle, or a lease 3741
agreement. Upon presentation of proof of ownership evidenced as 3742
provided above, the owner of the motor vehicle also may retrieve 3743
any personal items from the vehicle without retrieving the 3744
vehicle and without paying any fee. However, a towing service or 3745
storage facility may charge an after-hours retrieval fee 3746
established by the public utilities commission in rules adopted 3747
under section 4921.25 of the Revised Code if the owner retrieves 3748

the personal items after hours, unless the towing service or 3749
storage facility fails to provide the notice required under 3750
division (B) (3) of section 4513.69 of the Revised Code, if 3751
applicable. However, the owner shall not do either of the 3752
following: 3753

(a) Retrieve any personal item that has been determined by 3754
the sheriff, ~~chief of police, or a state highway patrol trooper,~~ 3755
or officer as applicable, to be necessary to a criminal 3756
investigation; 3757

(b) Retrieve any personal item from a vehicle if it would 3758
endanger the safety of the owner, unless the owner agrees to 3759
sign a waiver of liability. 3760

For purposes of division (C) (2) of this section, "personal 3761
items" do not include any items that are attached to the 3762
vehicle. 3763

(3) If the owner or lienholder of the motor vehicle 3764
reclaims it after a search of the applicable records has been 3765
conducted and after notice has been sent to the owner or 3766
lienholder as described in this section, and the search was 3767
conducted by the place of storage, and the notice was sent to 3768
the motor vehicle owner by the place of storage, the owner or 3769
lienholder shall pay to the place of storage a processing fee of 3770
twenty-five dollars, in addition to any expenses or charges 3771
incurred in the removal and storage of the vehicle. 3772

(D) If the owner or lienholder makes no claim to the motor 3773
vehicle within ten days of the date of sending the notice, and 3774
if the vehicle is to be disposed of at public auction as 3775
provided in section 4513.62 of the Revised Code, the sheriff ~~or~~ 3776
, chief of police, or department, without charge to any party, 3777

shall file with the clerk of courts of the county in which the 3778
place of storage is located an affidavit showing compliance with 3779
the requirements of this section. Upon presentation of the 3780
affidavit, the clerk, without charge, shall issue a salvage 3781
certificate of title, free and clear of all liens and 3782
encumbrances, to the sheriff ~~or, chief of police, or~~ 3783
department. If the vehicle is to be disposed of to a motor 3784
vehicle salvage dealer or other facility as provided in section 3785
4513.62 of the Revised Code, the sheriff ~~or, chief of police,~~ 3786
or department shall execute in triplicate an affidavit, as 3787
prescribed by the registrar of motor vehicles, describing the 3788
motor vehicle and the manner in which it was disposed of, and 3789
that all requirements of this section have been complied with. 3790
The sheriff ~~or, chief of police, or~~ department shall retain 3791
the original of the affidavit for the sheriff's ~~or, chief's, or~~ 3792
department's records, and shall furnish two copies to the motor 3793
vehicle salvage dealer or other facility. Upon presentation of a 3794
copy of the affidavit by the motor vehicle salvage dealer, the 3795
clerk of courts, within thirty days of the presentation, shall 3796
issue a salvage certificate of title, free and clear of all 3797
liens and encumbrances. 3798

(E) Whenever a motor vehicle salvage dealer or other 3799
facility receives an affidavit for the disposal of a motor 3800
vehicle as provided in this section, the dealer or facility 3801
shall not be required to obtain an Ohio certificate of title to 3802
the motor vehicle in the dealer's or facility's own name if the 3803
vehicle is dismantled or destroyed and both copies of the 3804
affidavit are delivered to the clerk of courts. 3805

(F) No towing service or storage facility shall fail to 3806
comply with this section. 3807

Sec. 4513.62. An unclaimed motor vehicle ordered into 3808
storage pursuant to division (A) (1) of section 4513.60 or 3809
section 4513.61 of the Revised Code is subject to one of the 3810
following: 3811

(A) The sheriff of the county or the chief of ~~police~~ a law 3812
enforcement agency of the municipal corporation, township, port 3813
authority, conservancy district, or township or joint police 3814
district, or the department of natural resources may dispose of 3815
it with a motor vehicle salvage dealer or scrap metal processing 3816
facility as defined in section 4737.05 of the Revised Code, or 3817
with any other facility owned by or under contract with the 3818
county, municipal corporation, port authority, ~~or conservancy~~ 3819
district, township, or department for the disposal of such motor 3820
vehicles. 3821

(B) The sheriff, ~~chief of police, or department~~, or a 3822
licensed auctioneer may sell the motor vehicle at public 3823
auction, after giving notice thereof by advertisement, published 3824
once a week for two successive weeks in a newspaper of general 3825
circulation in the county or as provided in section 7.16 of the 3826
Revised Code. 3827

(C) A towing service or storage facility may obtain title 3828
to the motor vehicle in accordance with section 4505.104 of the 3829
Revised Code. 3830

(1) Any moneys-money accrued by a county, municipal 3831
corporation, port authority, or township pursuant to division 3832
(A) or (B) of this section that ~~are~~ is in excess of the expenses 3833
resulting from the removal and storage of the vehicle shall be 3834
credited to the general fund of the county, municipal 3835
corporation, port authority, township, conservancy district, or 3836
joint police district, as the case may be. 3837

(2) Any money accrued by the department of natural resources pursuant to division (A) or (B) of this section that is in excess of the expenses resulting from the removal and storage of the vehicle shall be credited as follows: 3838
3839
3840
3841

(a) To the wildlife fund created under section 1531.17 of the Revised Code if the unclaimed motor vehicle was removed from property under the control or jurisdiction of the division of wildlife; 3842
3843
3844
3845

(b) To the state park fund created under section 1546.21 of the Revised Code if the unclaimed motor vehicle was removed from property under the control or jurisdiction of the department of natural resources other than property under the control or jurisdiction of the division of wildlife. 3846
3847
3848
3849
3850

Sec. 4513.63. ~~"Abandoned~~ (A) As used in this section, 3851
"abandoned junk motor vehicle" means any motor vehicle meeting 3852
all of the following requirements: 3853

~~(A)~~ (1) Left on private property for forty-eight hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer; 3854
3855
3856
3857
3858
3859

~~(B)~~ (2) Three years old, or older; 3860

~~(C)~~ (3) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; 3861
3862
3863

~~(D)~~ (4) Apparently inoperable; 3864

~~(E)~~ (5) Having a fair market value of one thousand five 3865

hundred dollars or less. 3866

(B) The sheriff of a county or chief of ~~police~~ a law 3867
enforcement agency of a municipal corporation, township, port 3868
authority, conservancy district, or township or joint police 3869
district, within the sheriff's or chief's respective territorial 3870
jurisdiction, or a state highway patrol trooper, natural 3871
resources officer appointed pursuant to section 1501.24 of the 3872
Revised Code, or wildlife officer designated pursuant to section 3873
1531.13 of the Revised Code, upon notification to the sheriff-~~or~~ 3874
, chief of police, or department of natural resources of such 3875
action, shall order any abandoned junk motor vehicle to be 3876
photographed by a law enforcement officer. The officer shall 3877
record the make of motor vehicle, the serial number when 3878
available, and shall also detail the damage or missing equipment 3879
to substantiate the value of one thousand five hundred dollars 3880
or less. The sheriff-~~or~~, chief of police, or department shall 3881
thereupon immediately dispose of the abandoned junk motor 3882
vehicle to a motor vehicle salvage dealer as defined in section 3883
4738.01 of the Revised Code or a scrap metal processing facility 3884
as defined in section 4737.05 of the Revised Code which is under 3885
contract to the county, township, port authority, ~~or~~ conservancy 3886
district, municipal corporation, or department, or to any other 3887
facility owned by or under contract with the county, township, 3888
port authority, ~~or~~ conservancy district, municipal corporation, 3889
or department for the destruction of such motor vehicles. The 3890
records and photograph relating to the abandoned junk motor 3891
vehicle shall be retained by the law enforcement agency or 3892
department ordering the disposition of such vehicle for a period 3893
of at least two years. The law enforcement agency or department 3894
shall execute in quadruplicate an affidavit, as prescribed by 3895
the registrar of motor vehicles, describing the motor vehicle 3896

and the manner in which it was disposed of, and that all 3897
requirements of this section have been complied with, and, 3898
within thirty days of disposing of the vehicle, shall sign and 3899
file the affidavit with the clerk of courts of the county in 3900
which the motor vehicle was abandoned. The clerk of courts shall 3901
retain the original of the affidavit for the clerk's files, 3902
shall furnish one copy thereof to the registrar, one copy to the 3903
motor vehicle salvage dealer or other facility handling the 3904
disposal of the vehicle, and one copy to the law enforcement 3905
agency or department ordering the disposal, who shall file such 3906
copy with the records and photograph relating to the disposal. 3907
~~Any moneys—~~ 3908

(C) (1) Any money arising from the disposal of an abandoned 3909
junk motor vehicle by a county, township, municipal corporation, 3910
or port authority, shall be deposited in the general fund of the 3911
county, township, ~~or the conservancy district,~~ municipal 3912
corporation, or port authority, as the case may be. 3913

(2) Any money arising from the disposal of an abandoned 3914
junk motor vehicle by the department of natural resources shall 3915
be deposited as follows: 3916

(a) To the wildlife fund created under section 1531.17 of 3917
the Revised Code if the abandoned junk motor vehicle was removed 3918
from property under the control or jurisdiction of the division 3919
of wildlife; 3920

(b) To the state park fund created under section 1546.21 3921
of the Revised Code if the abandoned junk motor vehicle was 3922
removed from property under the control or jurisdiction of the 3923
department of natural resources other than property under the 3924
control or jurisdiction of the division of wildlife. 3925

(D) Notwithstanding section 4513.61 of the Revised Code, 3926
any motor vehicle meeting the requirements of divisions ~~(C)~~(A) 3927
(3), ~~(D)~~(4), and ~~(E)~~(5) of this section which has remained 3928
unclaimed by the owner or lienholder for a period of ten days or 3929
longer following notification as provided in section 4513.61 of 3930
the Revised Code may be disposed of as provided in this section. 3931

Sec. 4513.64. (A) No person shall willfully leave an 3932
abandoned junk motor vehicle as defined in section 4513.63 of 3933
the Revised Code on private property for more than seventy-two 3934
hours without the permission of the person having the right to 3935
the possession of the property, or on a public street or other 3936
property open to the public for purposes of vehicular travel or 3937
parking, or upon or within the right-of-way of any road or 3938
highway, for forty-eight hours or longer without notification to 3939
the sheriff of the county or chief of ~~police~~a law enforcement 3940
agency of the municipal corporation, township, port authority, 3941
conservancy district, or township or joint police district, or 3942
to the department of natural resources of the reasons for 3943
leaving the motor vehicle in such place. 3944

For purposes of this section, the fact that a motor 3945
vehicle has been so left without permission or notification is 3946
prima-facie evidence of abandonment. 3947

Nothing contained in sections 4513.60, 4513.61, and 3948
4513.63 of the Revised Code shall invalidate the provisions of 3949
municipal ordinances or township resolutions regulating or 3950
prohibiting the abandonment of motor vehicles on streets, 3951
highways, public property, or private property within municipal 3952
corporations or townships. 3953

(B) Whoever violates this section is guilty of a minor 3954
misdemeanor and shall also be assessed any costs incurred by the 3955

county, township, joint police district, port authority, ~~or~~ 3956
conservancy district, municipal corporation, or department in 3957
disposing of the abandoned junk motor vehicle that is the basis 3958
of the violation, less any money accruing to the county, 3959
township, joint police district, port authority, ~~or~~ conservancy 3960
district, municipal corporation, or department from this 3961
disposal of the vehicle. 3962

Sec. 4513.65. (A) For purposes of this section, "junk 3963
motor vehicle" means any motor vehicle meeting the requirements 3964
of divisions ~~(B), (C), (D)~~ (A) (2), (3), (4), and ~~(E)~~ (5) of 3965
section 4513.63 of the Revised Code that is left uncovered in 3966
the open on private property for more than seventy-two hours 3967
with the permission of the person having the right to the 3968
possession of the property, except if the person is operating a 3969
junk yard or scrap metal processing facility licensed under 3970
authority of sections 4737.05 to 4737.12 of the Revised Code, or 3971
regulated under authority of a political subdivision; or if the 3972
property on which the motor vehicle is left is not subject to 3973
licensure or regulation by any governmental authority, unless 3974
the person having the right to the possession of the property 3975
can establish that the motor vehicle is part of a bona fide 3976
commercial operation; or if the motor vehicle is a collector's 3977
vehicle. 3978

No political subdivision shall prevent a person from 3979
storing or keeping, or restrict a person in the method of 3980
storing or keeping, any collector's vehicle on private property 3981
with the permission of the person having the right to the 3982
possession of the property; except that a political subdivision 3983
may require a person having such permission to conceal, by means 3984
of buildings, fences, vegetation, terrain, or other suitable 3985
obstruction, any unlicensed collector's vehicle stored in the 3986

open. 3987

The sheriff of a county, or chief of ~~police~~ a law 3988
enforcement agency of a municipal corporation or port authority, 3989
or conservancy district, within the sheriff's or chief's 3990
respective territorial jurisdiction, a state highway patrol 3991
trooper, a natural resources officer appointed pursuant to 3992
section 1501.24 of the Revised Code, or a wildlife officer 3993
designated pursuant to section 1531.13 of the Revised Code, a 3994
board of township trustees, the legislative authority of a 3995
municipal corporation or port authority, or the zoning authority 3996
of a township or a municipal corporation, may send notice, by 3997
certified mail with return receipt requested, to the person 3998
having the right to the possession of the property on which a 3999
junk motor vehicle is left, that within ten days of receipt of 4000
the notice, the junk motor vehicle either shall be covered by 4001
being housed in a garage or other suitable structure, or shall 4002
be removed from the property. 4003

No person shall willfully leave a junk motor vehicle 4004
uncovered in the open for more than ten days after receipt of a 4005
notice as provided in this section. The fact that a junk motor 4006
vehicle is so left is prima-facie evidence of willful failure to 4007
comply with the notice, and each subsequent period of thirty 4008
days that a junk motor vehicle continues to be so left 4009
constitutes a separate offense. 4010

(B) Whoever violates this section is guilty of a minor 4011
misdemeanor. 4012

Sec. 4513.66. (A) If a motor vehicle accident occurs on 4013
any highway, public street, or other property open to the public 4014
for purposes of vehicular travel and if any motor vehicle, 4015
cargo, or personal property that has been damaged or spilled as 4016

a result of the motor vehicle accident is blocking the highway, 4017
street, or other property or is otherwise endangering public 4018
safety, a public safety official may do either of the following 4019
without the consent of the owner but with the approval of the 4020
law enforcement agency conducting any investigation of the 4021
accident: 4022

(1) Remove, or order the removal of, the motor vehicle if 4023
the motor vehicle is unoccupied, cargo, or personal property 4024
from the portion of the highway, public street, or property 4025
ordinarily used for vehicular travel on the highway, public 4026
street, or other property open to the public for purposes of 4027
vehicular travel. 4028

(2) If the motor vehicle is a commercial motor vehicle, 4029
allow the owner or operator of the vehicle the opportunity to 4030
arrange for the removal of the motor vehicle within a period of 4031
time specified by the public safety official. If the public 4032
safety official determines that the motor vehicle cannot be 4033
removed within the specified period of time, the public safety 4034
official shall remove or order the removal of the motor vehicle. 4035

(B) (1) Except as provided in division (B) (2) of this 4036
section, the department of transportation, any employee of the 4037
department of transportation, or a public safety official who 4038
authorizes or participates in the removal of any unoccupied 4039
motor vehicle, cargo, or personal property as authorized by 4040
division (A) of this section, regardless of whether the removal 4041
is executed by a private towing service, is not liable for civil 4042
damages for any injury, death, or loss to person or property 4043
that results from the removal of that unoccupied motor vehicle, 4044
cargo, or personal property. Further, except as provided in 4045
division (B) (2) of this section, if a public safety official 4046

authorizes, employs, or arranges to have a private towing 4047
service remove any unoccupied motor vehicle, cargo, or personal 4048
property as authorized by division (A) of this section, that 4049
private towing service is not liable for civil damages for any 4050
injury, death, or loss to person or property that results from 4051
the removal of that unoccupied motor vehicle, cargo, or personal 4052
property. 4053

(2) Division (B)(1) of this section does not apply to any 4054
of the following: 4055

(a) Any person or entity involved in the removal of an 4056
unoccupied motor vehicle, cargo, or personal property pursuant 4057
to division (A) of this section if that removal causes or 4058
contributes to the release of a hazardous material or to 4059
structural damage to the roadway; 4060

(b) A private towing service that was not authorized, 4061
employed, or arranged by a public safety official to remove an 4062
unoccupied motor vehicle, cargo, or personal property under this 4063
section; 4064

(c) Except as provided in division (B)(2)(d) of this 4065
section, a private towing service that was authorized, employed, 4066
or arranged by a public safety official to perform the removal 4067
of the unoccupied motor vehicle, cargo, or personal property but 4068
the private towing service performed the removal in a negligent 4069
manner; 4070

(d) A private towing service that was authorized, 4071
employed, or arranged by a public safety official to perform the 4072
removal of the unoccupied motor vehicle, cargo, or personal 4073
property that was endangering public safety but the private 4074
towing service performed the removal in a reckless manner. 4075

(C) As used in this section:	4076
(1) "Public safety official" means any of the following:	4077
(a) The sheriff of the county, or the chief of police <u>a law enforcement agency</u> in the municipal corporation, township, port authority, <u>conservancy district</u> , or township or joint police district, in which the accident occurred;	4078 4079 4080 4081
(b) A state highway patrol trooper;	4082
(c) The chief of the fire department having jurisdiction where the accident occurred;	4083 4084
(d) A duly authorized subordinate acting on behalf of an official specified in divisions (C) (1) (a) to (c) of this section;	4085 4086 4087
(e) <u>A natural resources officer appointed pursuant to section 1501.24 of the Revised Code or a wildlife officer designated pursuant to section 1531.13 of the Revised Code.</u>	4088 4089 4090
(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code.	4091 4092
Sec. 4513.69. (A) A storage facility shall ensure that the facility remains open during both of the following periods of time to allow a vehicle owner or lienholder to retrieve a vehicle in the possession of the storage facility:	4093 4094 4095 4096
(1) Any time during which a towing service is towing a vehicle pursuant to section 4513.601 of the Revised Code and the vehicle will be held by the storage facility;	4097 4098 4099
(2) Between nine o'clock in the morning and noon on the day after any day during which the storage facility accepted for storage a vehicle towed under section 4513.60, 4513.601, or	4100 4101 4102

4513.61 of the Revised Code. 4103

(B) (1) A storage facility that accepts for storage 4104
vehicles towed under section 4513.60, 4513.601, or 4513.61 of 4105
the Revised Code shall ensure that a notice is conspicuously 4106
posted at the entrance to the storage facility that states the 4107
telephone number at which the owner or lienholder of a vehicle 4108
may contact the owner or a representative of the storage 4109
facility for the purpose of determining whether the person may 4110
retrieve a vehicle or personal items when the storage facility 4111
is closed. The storage facility also shall provide that 4112
telephone number to the sheriff of a county or chief of ~~police~~ 4113
the law enforcement agency of a municipal corporation, township, 4114
port authority, or conservancy district, or township or joint 4115
police district or the department of natural resources, as 4116
applicable. The storage facility shall ensure that a process is 4117
in place for purposes of answering calls at all times day or 4118
night. 4119

(2) After receiving a call from the owner or lienholder of 4120
a vehicle who seeks to recover a vehicle that was towed pursuant 4121
to section 4513.601 of the Revised Code, the storage facility 4122
shall ensure that, within three hours of receiving the phone 4123
call, a representative of the storage facility is available to 4124
release the vehicle upon being presented with proof of ownership 4125
of the vehicle, which may be evidenced by a certificate of title 4126
to the vehicle, a certificate of registration for the motor 4127
vehicle, or a lease agreement, and payment of an after-hours 4128
vehicle retrieval fee established under section 4921.25 of the 4129
Revised Code along with all other applicable fees. 4130

(3) If a storage facility receives a call from a person 4131
who seeks to recover personal items from a vehicle that was 4132

towed pursuant to section 4513.60 or 4513.61 of the Revised Code 4133
and the storage facility is not open to the public, the storage 4134
facility shall notify the person that an after-hours retrieval 4135
fee applies and shall state the amount of the fee as established 4136
by the public utilities commission in rules adopted under 4137
section 4921.25 of the Revised Code. The storage facility shall 4138
allow the person to retrieve personal items in accordance with 4139
division (D) (2) of section 4513.60 or division (C) (2) of section 4140
4513.61 of the Revised Code, but shall not charge an after-hours 4141
retrieval fee unless notice is provided in accordance with this 4142
division. 4143

(C) No storage facility shall fail to comply with division 4144
(A) or (B) of this section. 4145

Sec. 4717.26. (A) The crematory facility may schedule the 4146
time for the cremation of a dead human body to occur at the 4147
crematory facility's own convenience at any time after the 4148
conditions set forth in division (A) or (B) of section 4717.23 4149
of the Revised Code, as applicable, have been met and the 4150
decedent or body parts have been delivered to the facility, 4151
unless, in the case of a dead human body, the crematory facility 4152
has received specific instructions to the contrary on the 4153
cremation authorization form authorizing the cremation of the 4154
decedent executed under section 4717.21, 4717.24, or 4717.25 of 4155
the Revised Code. The crematory facility becomes responsible for 4156
a dead human body or body parts when the body or body parts have 4157
been delivered to or accepted by the facility or an employee or 4158
agent of the facility. 4159

(B) No crematory operator or crematory facility shall fail 4160
to do either of the following: 4161

(1) Upon receipt at the crematory facility of any dead 4162

human body that has not been embalmed, and subject to the 4163
prohibition set forth in division (C)(1) of this section, place 4164
the body in a holding or refrigerated facility at the crematory 4165
facility and keep the body in the holding or refrigerated 4166
facility until near the time the cremation process commences or 4167
until the body is held at the facility for eight hours or 4168
longer. If the body is held for eight hours or longer, place the 4169
body in a refrigerated facility at the crematory facility and 4170
keep the body in the refrigerated facility until near the time 4171
the cremation process commences; 4172

(2) Upon receipt of any dead human body that has been 4173
embalmed, place the body in a holding facility at the crematory 4174
facility and keep the body in the holding facility until the 4175
cremation process commences. 4176

(C) No crematory operator or crematory facility shall do 4177
either of the following, unless the instructions contained in 4178
the cremation authorization form authorizing the cremation of 4179
the decedent executed under section 4717.21, 4717.24, or 4717.25 4180
of the Revised Code specifically provide otherwise: 4181

(1) Remove any dead human body from the casket or 4182
alternative container in which the body was delivered to or 4183
accepted by the crematory facility; 4184

(2) Fail to cremate the casket or alternative container in 4185
which the body was delivered or accepted, in its entirety with 4186
the body. 4187

(D) No crematory facility shall simultaneously cremate 4188
more than one decedent or body parts removed from more than one 4189
decedent or living person in the same cremation chamber unless 4190
the cremation authorization forms executed under section 4191

4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 4192
cremation of each of the decedents or body parts removed from 4193
each decedent or living person specifically authorize such a 4194
simultaneous cremation. This division does not prohibit the use 4195
of cremation equipment that contains more than one cremation 4196
chamber. 4197

(E) No crematory facility shall permit any persons other 4198
than employees of the crematory facility, the authorizing agent 4199
for the cremation of the decedent who is to be, is being, or was 4200
cremated, persons designated to be present at the cremation of 4201
the decedent on the cremation authorization form executed under 4202
section 4717.21 or 4717.24 of the Revised Code, and persons 4203
authorized by the individual who is actually in charge of the 4204
crematory facility, to be present in the holding facility or 4205
cremation room while any dead human bodies or body parts are 4206
being held there prior to cremation or are being cremated or 4207
while any cremated remains are being removed from the cremation 4208
chamber. 4209

(F) (1) No crematory facility shall remove any dental gold, 4210
body parts, organs, or other items of value from a dead human 4211
body prior to the cremation or from the cremated remains after 4212
cremation unless the cremation authorization form authorizing 4213
the cremation of the decedent executed under section 4717.21 or 4214
4717.24 of the Revised Code specifically authorizes the removal 4215
thereof. 4216

(2) No crematory facility that removes any dental gold, 4217
body parts, organs, or other items from a dead human body or 4218
assists in such removal shall charge a fee for doing so that 4219
exceeds the actual cost to the crematory facility for performing 4220
or assisting in the removal. 4221

(G) Upon the completion of each cremation, the crematory facility shall remove from the cremation chamber all of the cremation residue that is practicably recoverable. If the cremation authorization form executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifies that the cremated remains are to be placed in an urn, the crematory facility shall place them in the type of urn specified on the authorization form. If the authorization form does not specify that the cremated remains are to be placed in an urn, the crematory facility shall place them in a temporary container. If not all of the recovered cremated remains will fit in the urn selected or the temporary container, the crematory facility shall place the remainder in a separate temporary container, and the cremated remains placed in the separate temporary container shall be delivered, released, or disposed of along with those in the urn or other temporary container. Nothing in this section requires a crematory facility to recover any specified quantity or quality of cremated remains upon the completion of a cremation, but only requires a crematory facility to recover from the cremation chamber all of the cremation residue that is practicably recoverable.

(H) No crematory facility shall knowingly represent to an authorizing agent or a designee of an authorizing agent that an urn or temporary container contains the recovered cremated remains of a specific decedent or of body parts removed from a specific decedent or living person when it does not. This division does not prohibit the making of such a representation because of the presence in the recovered cremated remains of de minimus amounts of the cremated remains of another decedent or of body parts removed from another decedent or living person that were not practicably recoverable and that remained in the

cremation chamber after the cremated remains from previous 4253
cremations were removed. 4254

(I) No crematory facility or funeral director shall ship 4255
or cause to be shipped any cremated remains by a class or method 4256
of mail, common carrier service, or delivery service that does 4257
not have an internal system for tracing the location of the 4258
cremated remains during shipment and that does not require a 4259
signed receipt from the person accepting delivery of the 4260
cremated remains. 4261

(J) No crematory facility shall fail to establish and 4262
maintain a system for accurately identifying each dead human 4263
body in the facility's possession, and for identifying each 4264
decedent or living person from which body parts in the 4265
facility's possession were removed, throughout all phases of the 4266
holding and cremation process. 4267

(K) No crematory facility shall knowingly use or allow the 4268
use of the same cremation chamber for the cremation of dead 4269
human bodies, or human body parts, and animals. 4270

Sec. 5103.15. (A) (1) The parents, guardian, or other 4271
persons having the custody of a child may enter into an 4272
agreement with any public children services agency or private 4273
child placing agency, whereby the child is placed without the 4274
approval of the juvenile court in the temporary custody of the 4275
agency for a period of time of up to thirty days, except that an 4276
agreement for temporary custody can be for a period of time of 4277
up to sixty days without court approval if the agreement is 4278
executed solely for the purpose of obtaining the adoption of a 4279
child who is less than six months of age on the date of the 4280
execution of the agreement. 4281

(2) Except as provided in division (A)(3) of this section 4282
for agreements entered into to obtain the adoption of a child 4283
under the age of six months, any public children services agency 4284
or private child placing agency that obtains, without court 4285
approval, temporary custody of a child pursuant to an agreement 4286
executed in accordance with this division may request the 4287
juvenile court of the county in which the child has a residence 4288
or legal settlement for an original thirty-day extension of the 4289
temporary custody agreement. Upon the filing of a request for 4290
the extension of the temporary custody agreement, the juvenile 4291
court shall determine whether the extension is in the best 4292
interest of the child and may extend the temporary custody 4293
agreement for a period of thirty days beyond the initial thirty- 4294
day period for which court approval is not required by this 4295
division. The agency requesting the original extension shall 4296
file a case plan, prepared pursuant to section 2151.412 of the 4297
Revised Code, with the court at the same time that it files its 4298
request for an extension. 4299

At the expiration of the original thirty-day extension 4300
period, the agency may request the juvenile court to grant an 4301
additional thirty-day extension of the temporary custody 4302
agreement. Upon the filing of the request for the additional 4303
extension, the juvenile court may extend the temporary custody 4304
agreement for a period of thirty days beyond the original 4305
thirty-day extension period if it determines that the additional 4306
extension is in the best interest of the child. The agency shall 4307
file an updated version of the child's case plan at the same 4308
time that it files its request for an additional extension. 4309

At the expiration of an additional thirty-day extension 4310
period and at the expiration of the original thirty-day 4311
extension period if the agency does not request an additional 4312

thirty-day extension, the agency shall either return the child 4313
to the child's parents, guardian, or other person having custody 4314
of the child or file a complaint with the court pursuant to 4315
section 2151.27 of the Revised Code requesting temporary or 4316
permanent custody of the child. The complaint shall be 4317
accompanied by a case plan prepared in accordance with section 4318
2151.412 of the Revised Code. 4319

(3) Any public children services agency or private child 4320
placing agency that obtains, without court approval and solely 4321
for the purpose of obtaining the adoption of the child, 4322
temporary custody of a child who is under the age of six months 4323
pursuant to an agreement executed in accordance with this 4324
division may request the juvenile court in the county in which 4325
the child has a residence or legal settlement to grant a thirty 4326
day extension of the temporary custody agreement. Upon the 4327
filing of the request, the court shall determine whether the 4328
extension is in the best interest of the child and may extend 4329
the temporary custody agreement for a period of thirty days 4330
beyond the sixty day period for which the court approval is not 4331
required by this division. The agency requesting the extension 4332
shall file a case plan, prepared pursuant to section 2151.412 of 4333
the Revised Code, with the court at the same time that it files 4334
its request for an extension. 4335

At the expiration of the thirty day extension, the agency 4336
shall either return the child to the parents, guardian, or other 4337
person having custody of the child or file a complaint with the 4338
court pursuant to section 2151.27 of the Revised Code requesting 4339
temporary or permanent custody of the child. The complaint shall 4340
be accompanied by a case plan prepared in accordance with 4341
section 2151.412 of the Revised Code. 4342

(B) (1) Subject to, ~~except as provided in division (B) (2)~~ 4343
~~of this section,~~ juvenile court approval, the ~~parents, guardian,~~ 4344
~~or other persons having custody of a child following~~ may enter 4345
into an agreement with a public children services agency or 4346
private child placing agency surrendering the child into the 4347
permanent custody of the agency. 4348

(a) The parents, guardian, or other persons having custody 4349
of the child; 4350

(b) The parents of a child who is in the temporary custody 4351
of a public children services agency or private child placing 4352
agency. 4353

(2) An agency that enters into such an agreement under 4354
division (B) (1) of this section may take and care for the child 4355
or place the child in a family home. 4356

(3) A private child placing agency or public children 4357
services agency that seeks permanent custody of a child pursuant 4358
to division (B) (1) of this section shall file a request with the 4359
juvenile court of the county in which the child has a residence 4360
or legal settlement for approval of the agency's permanent 4361
surrender agreement with the parents, guardian, or other persons 4362
having custody of the child. Not later than fourteen business 4363
days after the request is filed, the juvenile court shall 4364
determine whether the permanent surrender agreement is in the 4365
best interest of the child. The court may approve the permanent 4366
surrender agreement if it determines that the agreement is in 4367
the best interest of the child and, in the case of an agreement 4368
between a parent and an agency, the requirements of section 4369
5103.151 of the Revised Code are met. The agency requesting the 4370
approval of the permanent surrender agreement shall file ~~a~~ with 4371
the court an original or amended case plan, prepared pursuant to 4372

section 2151.412 of the Revised Code, ~~with the court~~ at the same 4373
time that it files its request for the approval of the permanent 4374
surrender agreement. 4375

~~(2) The~~ (4) Notwithstanding division (B)(1) of this 4376
section, the parents of a child less than six months of age may 4377
enter into an agreement with a private child placing agency 4378
surrendering the child into the permanent custody of the agency 4379
without juvenile court approval if the agreement is executed 4380
solely for the purpose of obtaining the adoption of the child. 4381
The agency shall, not later than two business days after 4382
entering into the agreement, notify the juvenile court. The 4383
agency also shall notify the court not later than two business 4384
days after the agency places the child for adoption. The court 4385
shall journalize the notices it receives under division ~~(B)(2)~~ 4386
(B)(4) of this section. 4387

(C) The agreements provided for in this section shall be 4388
in writing, on forms prescribed and furnished by the department, 4389
and may contain any proper and legal stipulations for proper 4390
care of the child, and may authorize the public children 4391
services agency or private child placing agency when such 4392
agreements are for permanent care and custody to appear in any 4393
proceeding for the legal adoption of the child, and consent to 4394
the child's adoption, as provided in section 3107.06 of the 4395
Revised Code. If an agreement for permanent care and custody of 4396
a child is executed, social and medical histories shall be 4397
completed in relation to the child in accordance with section 4398
3107.09 of the Revised Code. The adoption order of the probate 4399
court judge made upon the consent shall be binding upon the 4400
child and the child's parents, guardian, or other person, as if 4401
those persons were personally in court and consented to the 4402
order, whether made party to the proceeding or not. 4403

(D) An agreement entered into under this section by a 4404
parent under age eighteen is as valid as an agreement entered 4405
into by a parent age eighteen or older. 4406

Sec. 5103.153. (A) (1) A juvenile court shall conduct a 4407
review hearing of an agreement the court approves under division 4408
(B) (1) of section 5103.15 of the Revised Code once every seven 4409
months after the agreement is entered into if a final decree or 4410
interlocutory order of adoption for the child who is the subject 4411
of the agreement has not been issued or become final and the 4412
agreement is still in effect. 4413

(2) A juvenile court shall conduct a review hearing of an 4414
agreement entered into under division ~~(B) (2)~~ (B) (4) of section 4415
5103.15 of the Revised Code once every six months after the 4416
court is notified of the agreement if the agreement is still in 4417
effect and the court has not been notified that the child who is 4418
the subject of the agreement has been placed for adoption. The 4419
private child placing agency that entered into the agreement 4420
shall file a case plan, prepared pursuant to section 2151.412 of 4421
the Revised Code, with the court at the review hearing. 4422

(B) A juvenile court shall give notice of a review hearing 4423
under division (A) of this section to each interested party. At 4424
the hearing, the court shall review the child's placement and 4425
custody arrangement. Based on the evidence presented at the 4426
hearing, the court may order that reasonable action be taken 4427
that the court determines is necessary and in the child's best 4428
interest or that an action that the court determines is not in 4429
the child's best interest be discontinued. 4430

Sec. 5122.01. As used in this chapter and Chapter 5119. of 4431
the Revised Code: 4432

(A) "Mental illness" means a substantial disorder of 4433
thought, mood, perception, orientation, or memory that grossly 4434
impairs judgment, behavior, capacity to recognize reality, or 4435
ability to meet the ordinary demands of life. 4436

(B) "Mentally ill person subject to court order" means a 4437
mentally ill person who, because of the person's illness: 4438

(1) Represents a substantial risk of physical harm to self 4439
as manifested by evidence of threats of, or attempts at, suicide 4440
or serious self-inflicted bodily harm; 4441

(2) Represents a substantial risk of physical harm to 4442
others as manifested by evidence of recent homicidal or other 4443
violent behavior, evidence of recent threats that place another 4444
in reasonable fear of violent behavior and serious physical 4445
harm, or other evidence of present dangerousness; 4446

(3) Represents a substantial and immediate risk of serious 4447
physical impairment or injury to self as manifested by evidence 4448
that the person is unable to provide for and is not providing 4449
for the person's basic physical needs because of the person's 4450
mental illness and that appropriate provision for those needs 4451
cannot be made immediately available in the community; 4452

(4) Would benefit from treatment for the person's mental 4453
illness and is in need of such treatment as manifested by 4454
evidence of behavior that creates a grave and imminent risk to 4455
substantial rights of others or the person; 4456

~~(5) (a)~~ (5) Represents a substantial risk of harm to self 4457
or others as manifested by evidence that indicates all of the 4458
following: 4459

(a) The person's judgment is impaired by a lack of 4460
understanding of having an illness or a need for treatment, or 4461

<u>both.</u>	4462
<u>(b) The person refuses treatment or is not adhering to prescribed treatment.</u>	4463 4464
<u>(c) The person has been diagnosed with one or more of the following conditions as defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association:</u>	4465 4466 4467 4468
<u>(i) Schizophrenia;</u>	4469
<u>(ii) Schizoaffective disorder;</u>	4470
<u>(iii) Bipolar disorder;</u>	4471
<u>(iv) Delusional disorder;</u>	4472
<u>(v) Major depressive disorder.</u>	4473
<u>(d) If not treated and based on the person's prior history, the person is reasonably expected to suffer mental deterioration and, as a result of that deterioration, meet one of the standards specified in division (B) (1), (2), (3), or (4) of this section.</u>	4474 4475 4476 4477 4478
<u>(6) (a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:</u>	4479 4480
<u>(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.</u>	4481 4482 4483
<u>(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:</u>	4484 4485
<u>(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack</u>	4486 4487 4488

of compliance has been a significant factor in necessitating 4489
hospitalization in a hospital or receipt of services in a 4490
forensic or other mental health unit of a correctional facility, 4491
provided that the thirty-six-month period shall be extended by 4492
the length of any hospitalization or incarceration of the person 4493
that occurred within the thirty-six-month period. 4494

(II) Within the forty-eight months prior to the filing of 4495
an affidavit seeking court-ordered treatment of the person under 4496
section 5122.111 of the Revised Code, the lack of compliance 4497
resulted in one or more acts of serious violent behavior toward 4498
self or others or threats of, or attempts at, serious physical 4499
harm to self or others, provided that the forty-eight-month 4500
period shall be extended by the length of any hospitalization or 4501
incarceration of the person that occurred within the forty- 4502
eight-month period. 4503

(iii) The person, as a result of the person's mental 4504
illness, is unlikely to voluntarily participate in necessary 4505
treatment. 4506

(iv) In view of the person's treatment history and current 4507
behavior, the person is in need of treatment in order to prevent 4508
a relapse or deterioration that would be likely to result in 4509
substantial risk of serious harm to the person or others. 4510

(b) An individual who meets only the criteria described in 4511
division ~~(B) (5) (a)~~ (B) (6) (a) of this section is not subject to 4512
hospitalization. 4513

(C) (1) "Patient" means, subject to division (C) (2) of this 4514
section, a person who is admitted either voluntarily or 4515
involuntarily to a hospital or other place under section 4516
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 4517

subsequent to a finding of not guilty by reason of insanity or 4518
incompetence to stand trial or under this chapter, who is under 4519
observation or receiving treatment in such place. 4520

(2) "Patient" does not include a person admitted to a 4521
hospital or other place under section 2945.39, 2945.40, 4522
2945.401, or 2945.402 of the Revised Code to the extent that the 4523
reference in this chapter to patient, or the context in which 4524
the reference occurs, is in conflict with any provision of 4525
sections 2945.37 to 2945.402 of the Revised Code. 4526

(D) "Licensed physician" means a person licensed under the 4527
laws of this state to practice medicine or a medical officer of 4528
the government of the United States while in this state in the 4529
performance of the person's official duties. 4530

(E) "Psychiatrist" means a licensed physician who has 4531
satisfactorily completed a residency training program in 4532
psychiatry, as approved by the residency review committee of the 4533
American medical association, the committee on post-graduate 4534
education of the American osteopathic association, or the 4535
American osteopathic board of neurology and psychiatry, or who 4536
on July 1, 1989, has been recognized as a psychiatrist by the 4537
Ohio state medical association or the Ohio osteopathic 4538
association on the basis of formal training and five or more 4539
years of medical practice limited to psychiatry. 4540

(F) "Hospital" means a hospital or inpatient unit licensed 4541
by the department of mental health and addiction services under 4542
section 5119.33 of the Revised Code, and any institution, 4543
hospital, or other place established, controlled, or supervised 4544
by the department under Chapter 5119. of the Revised Code. 4545

(G) "Public hospital" means a facility that is tax- 4546

supported and under the jurisdiction of the department of mental 4547
health and addiction services. 4548

(H) "Community mental health services provider" means an 4549
agency, association, corporation, individual, or program that 4550
provides community mental health services that are certified by 4551
the director of mental health and addiction services under 4552
section 5119.36 of the Revised Code. 4553

(I) "Licensed clinical psychologist" means a person who 4554
holds a current, valid psychologist license issued under section 4555
4732.12 of the Revised Code, and in addition, meets the 4556
educational requirements set forth in division (B) of section 4557
4732.10 of the Revised Code and has a minimum of two years' 4558
full-time professional experience, or the equivalent as 4559
determined by rule of the state board of psychology, at least 4560
one year of which shall be a predoctoral internship, in clinical 4561
psychological work in a public or private hospital or clinic or 4562
in private practice, diagnosing and treating problems of mental 4563
illness or intellectual disability under the supervision of a 4564
psychologist who is licensed or who holds a diploma issued by 4565
the American board of professional psychology, or whose 4566
qualifications are substantially similar to those required for 4567
licensure by the state board of psychology when the supervision 4568
has occurred prior to enactment of laws governing the practice 4569
of psychology. 4570

(J) "Health officer" means any public health physician; 4571
public health nurse; or other person authorized or designated by 4572
a city or general health district or a board of alcohol, drug 4573
addiction, and mental health services to perform the duties of a 4574
health officer under this chapter. 4575

(K) "Chief clinical officer" means the medical director of 4576

a hospital, community mental health services provider, or board 4577
of alcohol, drug addiction, and mental health services, or, if 4578
there is no medical director, the licensed physician responsible 4579
for the treatment provided by a hospital or community mental 4580
health services provider. The chief clinical officer may 4581
delegate to the attending physician responsible for a patient's 4582
care the duties imposed on the chief clinical officer by this 4583
chapter. In the case of a community mental health services 4584
provider, the chief clinical officer shall be designated by the 4585
governing body of the services provider and shall be a licensed 4586
physician or licensed clinical psychologist who supervises 4587
diagnostic and treatment services. A licensed physician or 4588
licensed clinical psychologist designated by the chief clinical 4589
officer may perform the duties and accept the responsibilities 4590
of the chief clinical officer in the chief clinical officer's 4591
absence. 4592

(L) "Working day" or "court day" means Monday, Tuesday, 4593
Wednesday, Thursday, and Friday, except when such day is a 4594
holiday. 4595

(M) "Indigent" means unable without deprivation of 4596
satisfaction of basic needs to provide for the payment of an 4597
attorney and other necessary expenses of legal representation, 4598
including expert testimony. 4599

(N) "Respondent" means the person whose detention, 4600
commitment, hospitalization, continued hospitalization or 4601
commitment, or discharge is being sought in any proceeding under 4602
this chapter. 4603

(O) "Ohio protection and advocacy system" has the same 4604
meaning as in section 5123.60 of the Revised Code. 4605

(P) "Independent expert evaluation" means an evaluation 4606
conducted by a licensed clinical psychologist, psychiatrist, or 4607
licensed physician who has been selected by the respondent or 4608
the respondent's counsel and who consents to conducting the 4609
evaluation. 4610

(Q) "Court" means the probate division of the court of 4611
common pleas. 4612

(R) "Expunge" means: 4613

(1) The removal and destruction of court files and 4614
records, originals and copies, and the deletion of all index 4615
references; 4616

(2) The reporting to the person of the nature and extent 4617
of any information about the person transmitted to any other 4618
person by the court; 4619

(3) Otherwise insuring that any examination of court files 4620
and records in question shall show no record whatever with 4621
respect to the person; 4622

(4) That all rights and privileges are restored, and that 4623
the person, the court, and any other person may properly reply 4624
that no such record exists, as to any matter expunged. 4625

(S) "Residence" means a person's physical presence in a 4626
county with intent to remain there, except that: 4627

(1) If a person is receiving a mental health service at a 4628
facility that includes nighttime sleeping accommodations, 4629
residence means that county in which the person maintained the 4630
person's primary place of residence at the time the person 4631
entered the facility; 4632

(2) If a person is committed pursuant to section 2945.38, 4633

2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 4634
residence means the county where the criminal charges were 4635
filed. 4636

When the residence of a person is disputed, the matter of 4637
residence shall be referred to the department of mental health 4638
and addiction services for investigation and determination. 4639
Residence shall not be a basis for a board of alcohol, drug 4640
addiction, and mental health services to deny services to any 4641
person present in the board's service district, and the board 4642
shall provide services for a person whose residence is in 4643
dispute while residence is being determined and for a person in 4644
an emergency situation. 4645

(T) "Admission" to a hospital or other place means that a 4646
patient is accepted for and stays at least one night at the 4647
hospital or other place. 4648

(U) "Prosecutor" means the prosecuting attorney, village 4649
solicitor, city director of law, or similar chief legal officer 4650
who prosecuted a criminal case in which a person was found not 4651
guilty by reason of insanity, who would have had the authority 4652
to prosecute a criminal case against a person if the person had 4653
not been found incompetent to stand trial, or who prosecuted a 4654
case in which a person was found guilty. 4655

(V) (1) "Treatment plan" means a written statement of 4656
reasonable objectives and goals for an individual established by 4657
the treatment team, with specific criteria to evaluate progress 4658
towards achieving those objectives. 4659

(2) The active participation of the patient in 4660
establishing the objectives and goals shall be documented. The 4661
treatment plan shall be based on patient needs and include 4662

services to be provided to the patient while the patient is 4663
hospitalized, after the patient is discharged, or in an 4664
outpatient setting. The treatment plan shall address services to 4665
be provided. In the establishment of the treatment plan, 4666
consideration should be given to the availability of services, 4667
which may include but are not limited to all of the following: 4668

(a) Community psychiatric supportive treatment; 4669

(b) Assertive community treatment; 4670

(c) Medications; 4671

(d) Individual or group therapy; 4672

(e) Peer support services; 4673

(f) Financial services; 4674

(g) Housing or supervised living services; 4675

(h) Alcohol or substance abuse treatment; 4676

(i) Any other services prescribed to treat the patient's 4677
mental illness and to either assist the patient in living and 4678
functioning in the community or to help prevent a relapse or a 4679
deterioration of the patient's current condition. 4680

(3) If the person subject to the treatment plan has 4681
executed an advance directive for mental health treatment, the 4682
treatment team shall consider any directions included in such 4683
advance directive in developing the treatment plan. 4684

(W) "Community control sanction" has the same meaning as 4685
in section 2929.01 of the Revised Code. 4686

(X) "Post-release control sanction" has the same meaning 4687
as in section 2967.01 of the Revised Code. 4688

(Y) "Local correctional facility" has the same meaning as 4689
in section 2903.13 of the Revised Code. 4690

(Z) "Clinical nurse specialist" and "certified nurse 4691
practitioner" have the same meanings as in section 4723.01 of 4692
the Revised Code. 4693

Sec. 5122.10. (A) (1) Any of the following who has reason 4694
to believe that a person is a mentally ill person subject to 4695
court order and represents a substantial risk of ~~physical~~ harm 4696
to self or others if allowed to remain at liberty pending 4697
examination may take the person into custody and may immediately 4698
transport the person to a hospital or, notwithstanding section 4699
5119.33 of the Revised Code, to a general hospital not licensed 4700
by the department of mental health and addiction services where 4701
the person may be held for the period prescribed in this 4702
section: 4703

(a) A psychiatrist; 4704

(b) A licensed physician; 4705

(c) A licensed clinical psychologist; 4706

(d) A clinical nurse specialist who is certified as a 4707
psychiatric-mental health CNS by the American nurses 4708
credentialing center; 4709

(e) A certified nurse practitioner who is certified as a 4710
psychiatric-mental health NP by the American nurses 4711
credentialing center; 4712

(f) A health officer; 4713

(g) A parole officer; 4714

(h) A police officer; 4715

(i) A sheriff; 4716

(j) A state highway patrol trooper. 4717

(2) If the chief of the adult parole authority or a parole 4718
or probation officer with the approval of the chief of the 4719
authority has reason to believe that a parolee, an offender 4720
under a community control sanction or post-release control 4721
sanction, or an offender under transitional control is a 4722
mentally ill person subject to court order and represents a 4723
substantial risk of ~~physical~~ harm to self or others if allowed 4724
to remain at liberty pending examination, the chief or officer 4725
may take the parolee or offender into custody and may 4726
immediately transport the parolee or offender to a hospital or, 4727
notwithstanding section 5119.33 of the Revised Code, to a 4728
general hospital not licensed by the department of mental health 4729
and addiction services where the parolee or offender may be held 4730
for the period prescribed in this section. 4731

~~(B)~~ (B) (1) A written statement shall be given to the 4732
hospital by the individual authorized under division (A) (1) or 4733
(2) of this section to transport the person. The statement shall 4734
specify the circumstances under which such person was taken into 4735
custody and the reasons for the belief that the person is a 4736
mentally ill person subject to court order and represents a 4737
substantial risk of ~~physical~~ harm to self or others if allowed 4738
to remain at liberty pending examination. This statement shall 4739
be made available to the respondent or the respondent's attorney 4740
upon request of either. 4741

A statement is not invalid if given to a general hospital 4742
when a person is transported to the general hospital under 4743
division (D) of this section or if the statement identifies a 4744
general hospital as the receiving hospital. A general hospital 4745

that receives a statement shall transmit the statement to a 4746
hospital as defined in section 5122.01 of the Revised Code when 4747
transferring a person to the hospital in accordance with this 4748
section. 4749

(2) If an individual authorized under division (A) (1) or 4750
(2) of this section to transport a person is transporting a 4751
person the individual believes to be a mentally ill person 4752
subject to a court order under division (B) (5) of section 4753
5122.01 of the Revised Code, the individual shall specify, in 4754
addition to the written statement required under division (B) (1) 4755
of this section, any available relevant information about the 4756
history of the person's mental illness, if the individual 4757
determines that the additional information has a reasonable 4758
bearing on the decision to transport the person. The additional 4759
information shall include information from anyone who has 4760
provided mental health or related support services to the person 4761
being transported, information from one or more family members 4762
of the person being transported, or information from the person 4763
being transported or anyone designated to speak on the person's 4764
behalf. 4765

(C) Every reasonable and appropriate effort shall be made 4766
to take persons into custody in the least conspicuous manner 4767
possible. A person taking the respondent into custody pursuant 4768
to this section shall explain to the respondent: the name and 4769
professional designation and affiliation of the person taking 4770
the respondent into custody; that the custody-taking is not a 4771
criminal arrest; and that the person is being taken for 4772
examination by mental health professionals at a specified mental 4773
health facility identified by name. 4774

(D) ~~If~~ Except as otherwise provided in this section, if a 4775

person taken into custody under this section is transported to a 4776
general hospital, the general hospital may admit the person, or 4777
provide care and treatment for the person, or both, 4778
notwithstanding section 5119.33 of the Revised Code, but by the 4779
end of twenty-four hours after arrival at the general hospital, 4780
the person shall be transferred to a hospital as defined in 4781
section 5122.01 of the Revised Code. 4782

(E) If a person taken into custody and transported to a 4783
general hospital as described in division (D) of this section is 4784
not medically stable at the end of the twenty-four-hour period 4785
described in that division, the general hospital may continue to 4786
provide care and treatment for the person until a treating 4787
physician deems the person to be medically stable to be 4788
transferred to a hospital as defined in section 5122.01 of the 4789
Revised Code. 4790

(F) If a person taken into custody and transported to a 4791
general hospital as described in division (D) of this section is 4792
unable to be transferred to a hospital as defined in section 4793
5122.01 of the Revised Code within twenty-four hours because of 4794
an inability to identify a hospital willing to accept the 4795
person, the general hospital may continue to provide care and 4796
treatment to the person until the person can be transferred to a 4797
hospital willing to accept the person. 4798

(G) If a licensed physician responsible for diagnosing or 4799
treating mental illness, a licensed clinical psychologist, a 4800
psychiatrist, or a health officer examines an individual 4801
described in division (D), (E), or (F) of this section at a 4802
general hospital and determines that the person is not a 4803
mentally ill person subject to a court order, the general 4804
hospital may release or discharge the person if the person is 4805

medically stable, unless a court has issued a temporary order of 4806
detention applicable to the person under section 5122.11 of the 4807
Revised Code. Nothing in this section shall be construed as 4808
requiring a general hospital to have the resources for or 4809
provide a licensed physician responsible for diagnosing or 4810
treating mental illness, a licensed clinical psychologist, a 4811
psychiatrist, or a health officer to make a determination 4812
whether a person is a mentally ill person subject to a court 4813
order. 4814

(H) A person transported or transferred to a hospital or 4815
community mental health services provider under this section 4816
shall be examined by the staff of the hospital or services 4817
provider within twenty-four hours after arrival at the hospital 4818
or services provider. If to conduct the examination requires 4819
that the person remain overnight, the hospital or services 4820
provider shall admit the person in an unclassified status until 4821
making a disposition under this section. After the examination, 4822
if the chief clinical officer of the hospital or services 4823
provider believes that the person is not a mentally ill person 4824
subject to court order, the chief clinical officer shall release 4825
or discharge the person immediately unless a court has issued a 4826
temporary order of detention applicable to the person under 4827
section 5122.11 of the Revised Code. After the examination, if 4828
the chief clinical officer believes that the person is a 4829
mentally ill person subject to court order, the chief clinical 4830
officer may detain the person for not more than three court days 4831
following the day of the examination and during such period 4832
admit the person as a voluntary patient under section 5122.02 of 4833
the Revised Code or file an affidavit under section 5122.11 of 4834
the Revised Code. If neither action is taken and a court has not 4835
otherwise issued a temporary order of detention applicable to 4836

the person under section 5122.11 of the Revised Code, the chief 4837
clinical officer shall discharge the person at the end of the 4838
three-day period unless the person has been sentenced to the 4839
department of rehabilitation and correction and has not been 4840
released from the person's sentence, in which case the person 4841
shall be returned to that department. 4842

Sec. 5167.12. If prescribed drugs are included in the care 4843
management system: 4844

(A) Medicaid MCO plans may include strategies for the 4845
management of drug utilization, but any such strategies are 4846
subject to the limitations and requirements of this section and 4847
the approval of the department of medicaid. 4848

(B) A medicaid MCO plan shall not impose a prior 4849
authorization requirement in the case of ~~a drug to which all~~ 4850
either of the following apply: 4851

(1) ~~The A drug that~~ is an antidepressant or 4852
antipsychotic-, or is a drug that is prescribed for the 4853
treatment of schizophrenia, schizotypal disorder, or delusional 4854
disorder, and to which all of the following apply: 4855

~~(2)-(a)~~ The drug is administered or dispensed in a 4856
standard tablet or capsule form, except that in the case of an 4857
antipsychotic, the drug also may be administered or dispensed in 4858
a long-acting injectable form. 4859

~~(3)-(b)~~ The drug is prescribed by any of the following: 4860

~~(a)-(i)~~ A physician whom the medicaid managed care 4861
organization that offers the plan allows to provide care as a 4862
psychiatrist through its credentialing process; 4863

~~(b)-(ii)~~ A psychiatrist who is practicing at a location on 4864

behalf of a community mental health services provider whose 4865
mental health services are certified by the department of mental 4866
health and addiction services under section 5119.36 of the 4867
Revised Code; 4868

~~(e)~~ (iii) A certified nurse practitioner, as defined in 4869
section 4723.01 of the Revised Code, who is certified in 4870
psychiatric mental health by a national certifying organization 4871
approved by the board of nursing under section 4723.46 of the 4872
Revised Code; 4873

~~(d)~~ (iv) A clinical nurse specialist, as defined in 4874
section 4723.01 of the Revised Code, who is certified in 4875
psychiatric mental health by a national certifying organization 4876
approved by the board of nursing under section 4723.46 of the 4877
Revised Code. 4878

~~(4)~~ (c) The drug is prescribed for a use that is indicated 4879
on the drug's labeling, as approved by the federal food and drug 4880
administration. 4881

(2) A drug used in medication-assisted treatment or a drug 4882
used in withdrawal management or detoxification, as each of 4883
those drugs is defined in section 5119.191 of the Revised Code, 4884
and to which both of the following apply: 4885

(a) The drug is prescribed by a licensed health care 4886
professional authorized to prescribe drugs, as defined in 4887
section 4729.01 of the Revised Code, who has obtained a waiver 4888
under the "Drug Addiction Treatment Act of 2000," 21 U.S.C. 4889
823(g), to dispense narcotic drugs to individuals for 4890
maintenance treatment or detoxification treatment. 4891

(b) The drug is prescribed for a use that is indicated on 4892
the drug's labeling, as approved by the federal food and drug 4893

administration. 4894

(C) ~~The~~ Except as provided in division (B)(2) of this 4895
section, the department shall authorize a medicaid MCO plan to 4896
include a pharmacy utilization management program under which 4897
prior authorization through the program is established as a 4898
condition of obtaining a controlled substance pursuant to a 4899
prescription. 4900

(D) Each medicaid managed care organization and medicaid 4901
MCO plan shall comply with sections 5164.091, 5164.10, 4902
5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if 4903
the organization were the department and the plan were the 4904
medicaid program. 4905

Sec. 5301.93. (A) As used in this section: 4906

(1) "PACE" means property assessed clean energy. 4907

(2) "Qualifying residential real property" means a single 4908
family residential dwelling, or other residential dwelling of 4909
three or fewer units. 4910

(3) "Residential PACE lien" means the encumbrance on the 4911
qualifying residential real property created by the special 4912
assessment for a residential PACE loan. 4913

(4) "Residential PACE loan" means the extension of 4914
financing that is offered to pay for the installation of cost 4915
effective energy improvements on a homeowner's qualifying 4916
residential real property and is repayable by the homeowner 4917
through a special assessment under section 717.25 or Chapter 4918
1710. of the Revised Code. 4919

(B) Notwithstanding any provision of law to the contrary, 4920
a residential PACE lien shall be all of the following: 4921

(1) Subordinate to all liens on the qualifying residential 4922
real property recorded prior to the time the residential PACE 4923
lien is recorded; 4924

(2) Subordinate to a first mortgage on the qualifying 4925
property recorded after the residential PACE lien is recorded; 4926

(3) Subject to division (B) (2) of this section, superior 4927
to any other lien on the qualifying residential real property 4928
recorded after the residential PACE lien is recorded. 4929

(C) Notwithstanding any other law to the contrary, in the 4930
event of a foreclosure sale of a qualifying residential real 4931
property, the holders of any mortgages or other liens, including 4932
delinquent special assessments secured by residential PACE 4933
liens, shall receive proceeds in accordance with the priorities 4934
established under division (B) of this section. 4935

Sec. 5721.10. Except as otherwise provided under section 4936
5301.93 or sections 5721.30 to 5721.43 of the Revised Code, the 4937
state shall have the first lien on the lands and lots described 4938
in the delinquent land list, for the amount of taxes, 4939
assessments, interest, and penalty charged prior to the delivery 4940
of such list. If the taxes have not been paid for one year after 4941
having been certified as delinquent, the state shall institute 4942
foreclosure proceedings in the manner provided by section 4943
323.25, sections 323.65 to 323.79, or sections 5721.01 to 4944
5721.28 of the Revised Code, unless a tax certificate respecting 4945
that property has been sold or assigned under section 5721.32 or 4946
5721.33 of the Revised Code, or unless such taxes are the 4947
subject of a valid delinquent tax contract under section 323.31 4948
of the Revised Code for which the county treasurer has not made 4949
certification to the county auditor that the delinquent tax 4950
contract has become void. The court shall levy, as costs in the 4951

foreclosure proceedings instituted on the certification of 4952
delinquency, the cost of an abstract or certificate of title to 4953
the property described in the certification, if it is required 4954
by the court, to be paid into the general fund of the county. 4955
Sections 5721.01 to 5721.28 of the Revised Code do not prevent 4956
the partial payment of such delinquent taxes, assessments, 4957
interest, and penalty during the period the delinquency is being 4958
discharged in accordance with a delinquent tax contract under 4959
section 323.31 of the Revised Code, but the partial payments may 4960
be made and received as provided by law without prejudice to the 4961
right of the state to institute foreclosure proceedings for any 4962
amount then remaining unpaid, if the county treasurer certifies 4963
to the county auditor that the delinquent tax contract has 4964
become void. 4965

Sec. 5801.20. As used in sections 5801.20 to 5801.24 of 4966
the Revised Code: 4967

(A) (1) "Applicable reporting period" means either of the 4968
following, as applicable: 4969

(a) The most recent four years, as of the date of 4970
preparation of a notice authorized under division (B) of section 4971
5801.22 or division (B) of section 5801.23 of the Revised Code; 4972

(b) If the trust became irrevocable during such four-year 4973
period, the period from the date the trust became irrevocable to 4974
the date of preparation of the notice. 4975

(2) If the trustee sending the notice accepted the 4976
trusteeship during the period described in division (A) (1) of 4977
this section, the "applicable reporting period" shall be from 4978
the date of the trustee's acceptance to the date of preparation 4979
of the notice. 4980

(B) "Departing trustee" means a trustee who is resigning 4981
or has been removed as trustee of a trust. 4982

(C) "Distributions objection period" means a forty-five- 4983
day period for providing the trustee of the noticing trust with 4984
objections under division (D) of section 5801.22 of the Revised 4985
Code. The period commences with the date the notice and 4986
trustee's reports described in division (B) of section 5801.22 4987
of the Revised Code are served on the recipient. 4988

(D) "Noticing trust" means a trust whose trustee is 4989
servicing or has served a notice and trustee reports under section 4990
5801.22 or 5801.23 of the Revised Code. 4991

(E) "Resignation or removal necessary parties" means the 4992
following persons: 4993

(1) In the case of a trustee resignation: 4994

(a) If the trust terms identify one or more persons to 4995
whom notice of the trustee's resignation must be provided, the 4996
persons so identified and any other persons who are current 4997
beneficiaries of the trust, determined as of the date of the 4998
notice described in division (B) of section 5801.23 of the 4999
Revised Code; 5000

(b) If the trust terms do not identify any persons to whom 5001
notice of the trustee's resignation must be provided, the 5002
qualified beneficiaries of the trust, determined as of the date 5003
of the notice described in division (B) of section 5801.23 of 5004
the Revised Code. 5005

(2) In the case of a trustee removal, the persons, if any, 5006
to whom notice of trustee removal is required to be provided 5007
under the trust terms and any other persons who are current 5008
beneficiaries of the trust, determined as of the date of the 5009

notice described in division (B) of section 5801.23 of the 5010
Revised Code. 5011

(3) Any co-trustee of the trust; 5012

(4) The successor trustee if one has been appointed or 5013
designated as provided in the trust terms or otherwise 5014
appointed, as provided in division (C) of section 5807.04 of the 5015
Revised Code or pursuant to other applicable law. 5016

(F) "Successor trustee" means a person, not previously 5017
serving as a co-trustee, who is to replace the departing trustee 5018
following the departing trustee's resignation or removal. 5019

(G) "Terminating distributions necessary parties" means: 5020

(1) The current beneficiaries of the trust, determined as 5021
of the date of the notice described in division (B) of section 5022
5801.22 of the Revised Code; 5023

(2) If the trust-terminating distributions include one or 5024
more mandatory distributions under the terms of the trust, all 5025
other persons living at the date of the notice who were current 5026
beneficiaries of the trust immediately prior to the triggering 5027
event that is the basis for the mandatory distributions; 5028

(3) Any co-trustee of the trust. 5029

(H) "Triggering event" means any event, such as a death, 5030
age attainment or other circumstance, that has occurred and that 5031
is the basis for a mandatory distribution under the terms of the 5032
trust. 5033

(I) "Trust-terminating distributions" means distributions 5034
that, when completed, will distribute the remaining net assets 5035
of a trust and thereby effectively terminate the trust, 5036
including any such distributions that are made pursuant to 5037

section 5808.18 of the Revised Code or under any similar 5038
statutory or common law applicable to the trust. 5039

(J) "Trustee indemnification clause" means a provision 5040
that indemnifies the trustee against loss arising from a claim 5041
relating to the trustee's administration of the trust. 5042

(K) "Trustee's report" means a report as described in 5043
division (C) of section 5808.13 of the Revised Code. 5044

(L) "Trustee succession objection period" means a forty- 5045
five-day period for providing to the departing trustee 5046
objections under division (D) of section 5801.23 of the Revised 5047
Code. The period commences with the date the notice and 5048
trustee's reports described in division (B) of section 5801.23 5049
of the Revised Code are served on the recipient. 5050

Sec. 5801.21. (A) A trustee may, but is not required to, 5051
use the process prescribed in sections 5801.22 and 5801.23 of 5052
the Revised Code, as applicable, when concluding the trustee's 5053
administration of an irrevocable trust. 5054

(B) Sections 5801.20 to 5801.24 of the Revised Code do not 5055
apply to a testamentary trust subject to the supervision of a 5056
probate court. 5057

(C) Except as otherwise provided in the Revised Code or 5058
other applicable law, including the common law, the provisions 5059
of sections 5801.22 and 5801.23 of the Revised Code may be used 5060
in combination with or in lieu of other options or proceedings 5061
available under the Revised Code or other applicable law, 5062
including the common law. 5063

(D) A trustee's substantial good-faith compliance with the 5064
requirements concerning the contents of the notices described in 5065
division (B) of section 5801.22 and division (B) of section 5066

5801.23 of the Revised Code is deemed sufficient. 5067

Sec. 5801.22. (A) When a trust is to terminate as a result 5068
of trust-terminating distributions and the trustee elects to use 5069
the provisions of this section, the trustee shall serve on the 5070
terminating distributions necessary parties the documents and 5071
information described in division (B) of this section. The 5072
trustee also may serve those documents and that information on 5073
other persons who the trustee reasonably believes may have an 5074
interest in the trust. Service shall be made within a reasonable 5075
period of time after the event or determination that requires or 5076
authorizes such distributions. 5077

(B) The documents and information to be served include 5078
both of the following: 5079

(1) A written notice, executed by or on behalf of the 5080
trustee, that includes the following information: 5081

(a) The date of the notice, corresponding to the date the 5082
notice is being sent; 5083

(b) A description of the terms of the trust that require 5084
or authorize the trust-terminating distributions or a citation 5085
to any statute that requires or authorizes the distributions; 5086

(c) If the terms of the trust require any of the proposed 5087
trust-terminating distributions, a description of any triggering 5088
event that is the basis for each mandatory distribution; 5089

(d) A description of the proposed trust-terminating 5090
distributions that includes the names of the proposed 5091
distributees and a description, in general or specific terms, of 5092
the assets proposed for distribution to each; 5093

(e) A description of the distributions objection period 5094

and the name, mailing address, electronic address if available, 5095
and telephone number of the person or office associated with the 5096
trustee to which any written objections should be sent; 5097

(f) A description of the process, described in division 5098
(C) of this section, that will be followed if the trustee 5099
receives no written objections within the distributions 5100
objection period; 5101

(g) A description of the process, described in division 5102
(D) of this section, that will be followed if the trustee 5103
receives a written objection within the distributions objection 5104
period; 5105

(h) A statement of the impending bar of claims against the 5106
trustee, as described in division (F) of this section, that will 5107
result if an objection is not timely made; 5108

(i) A statement that the trustee may rely upon the written 5109
statement of a recipient of the notice that such person consents 5110
to the proposed trust-terminating distributions and irrevocably 5111
waives the right to object to the distributions and any claim 5112
against the trustee for matters disclosed in the notice or the 5113
trustee's reports served with it and all other matters 5114
pertaining to the trustee's administration of the trust; 5115

(j) A statement that the trustee may complete the 5116
distributions described in the notice prior to the expiration of 5117
the distributions objection period if all of the persons on whom 5118
the notice was served deliver to the trustee written consents 5119
and irrevocable waivers of the kind described in division (E) of 5120
this section; 5121

(k) An exhibit showing the assets on hand at the date the 5122
notice is prepared and their respective values as shown in the 5123

regularly kept records of the trustee; 5124

(1) An estimate of any assets, income, taxes, fees, expenses, claims, or other items reasonably expected by the trustee to be received or disbursed before completion of the trust-terminating distributions but not yet received or disbursed, including trustee fees remaining to be paid. 5125
5126
5127
5128
5129

(2) One or more trustee's reports covering the applicable reporting period. 5130
5131

(C) If no written objection is received by the trustee within the distributions objection period: 5132
5133

(1) The notice and trustee's reports served pursuant to division (A) of this section shall be considered approved by each recipient of the notice and reports; 5134
5135
5136

(2) The trustee, within a reasonable period of time following the expiration of the distributions objection period, shall distribute the assets as provided in the notice; 5137
5138
5139

(3) Any person who was served such notice and reports shall be barred from bringing a claim against the trustee, and from challenging the validity of the trust, as provided in division (F) of this section. 5140
5141
5142
5143

(D)(1) If, after being served the notice and trustee's reports described in division (B) of this section, a qualified beneficiary or any other recipient of the notice wishes to object to matters disclosed in the notice or trustee's reports served, or any other matter pertaining to the trustee's administration of the trust, the person shall provide written notice of the objection to the trustee of the noticing trust within the distributions objection period. If the trustee receives a written objection within the distributions objection 5144
5145
5146
5147
5148
5149
5150
5151
5152

period, the trustee may do either of the following: 5153

(a) Submit the written objection to the court for 5154
resolution. The expense of commencing, conducting, and 5155
concluding such a proceeding shall be charged as ordered by the 5156
court. 5157

(b) (i) Resolve the objection with the objecting person by 5158
accepting a withdrawal of the person's objection or by written 5159
instrument, a written agreement as described in section 5801.10 5160
of the Revised Code, or other means. 5161

(ii) Any agreement or other written instrument executed by 5162
the objecting party pursuant to division (D) (1) (b) (i) of this 5163
section may include a release and a trustee indemnification 5164
clause, along with other terms agreed to by the parties. 5165
Reasonable expenses related to such written instrument or 5166
written agreement shall be charged to the trust. 5167

(2) Within a reasonable time after resolution of all 5168
timely objections under division (D) (1) of this section, the 5169
trustee shall distribute the remaining trust assets as provided 5170
in the notice, subject to any modifications provided for in the 5171
terms of the document setting forth the resolution of each such 5172
objection. 5173

(E) (1) The trustee may rely upon the written statement of 5174
a recipient of the notice and trustee's reports served under 5175
this section that the recipient: 5176

(a) Consents to the proposed trust-terminating 5177
distributions; 5178

(b) Irrevocably waives the right to object to the 5179
distributions; 5180

(c) Irrevocably waives any claims against the trustee for 5181
breach of trust as to matters disclosed in the notice and 5182
trustee's reports and all other matters pertaining to the 5183
trustee's administration of the trust. 5184

(2) The distributions described in the notice may be 5185
completed prior to the expiration of the distributions objection 5186
period if all of the persons on whom the notice and trustee's 5187
reports were served have delivered to the trustee similar 5188
written consents and irrevocable waivers. 5189

(F) (1) (a) Any person who was served a notice and trustee's 5190
reports that comply with the requirements of this section and 5191
who either consented to the proposed trust-terminating 5192
distributions or failed to timely provide the trustee a written 5193
objection as described in this section is barred from: 5194

(i) Bringing a claim against the trustee for breach of 5195
trust as to matters disclosed in the notice and trustee's 5196
reports and all other matters pertaining to the trustee's 5197
administration of the trust; 5198

(ii) Challenging the validity of the trust. 5199

Such claims shall be barred as described in division (F) 5200
(2) of this section. 5201

(b) If all of the terminating distributions necessary 5202
parties and all qualified beneficiaries of the trust have been 5203
served a notice and trustee's reports that comply with the 5204
requirements of this section and have either consented to the 5205
proposed trust-terminating distributions or failed to timely 5206
provide the trustee a written objection as described in this 5207
section, all other beneficiaries of the trust, including persons 5208
who may succeed to the interests in the trust of the 5209

beneficiaries served, shall be barred as described in division 5210
(F) (2) of this section. 5211

(2) The bar of claims under division (F) of this section 5212
applies: 5213

(a) To each person barred, the person's personal 5214
representatives and assigns, and the person's heirs who are not 5215
beneficiaries of the noticing trust; 5216

(b) To the same extent and with the same preclusive effect 5217
as if the court had entered a final order approving and settling 5218
the trustee's full account of its entire administration of the 5219
trust, notwithstanding the limitations periods otherwise 5220
applicable under section 5810.05 of the Revised Code. 5221

(G) Any beneficiary who receives trust assets as a result 5222
of a trust-terminating distribution described in the notice 5223
described in division (B) of this section and who is barred from 5224
bringing claims under division (F) of this section may be 5225
required to return all or any part of the value of the 5226
distributed assets if the trustee determines that the return of 5227
assets is necessary to pay, or reimburse the trustee for payment 5228
of, taxes, debts, or expenses of the trust, including reasonable 5229
expenses incurred by the trustee in obtaining the return of 5230
those assets. The beneficiary shall make the return 5231
expeditiously upon receipt of a written notice from the trustee 5232
requesting the return of all or any part of the value of those 5233
distributed assets. 5234

Sec. 5801.23. (A) When a trustee resigns or is removed 5235
from an irrevocable trust pursuant to the terms of the trust or 5236
otherwise and the departing trustee elects to use the provisions 5237
of this section, the departing trustee shall serve on the 5238

resignation or removal necessary parties the documents and 5239
information described in division (B) of this section. The 5240
trustee also may serve those documents and that information on 5241
other persons who the trustee reasonably believes may have an 5242
interest in the trust. Service shall be made within a reasonable 5243
period of time after such resignation or removal. 5244

(B) The documents and information to be served include all 5245
of the following: 5246

(1) A written notice, executed by or on behalf of the 5247
departing trustee, that includes all of the following 5248
information: 5249

(a) The date of the notice, corresponding to the date the 5250
notice is being sent; 5251

(b) A description of any terms of the trust or the Revised 5252
Code relevant to the resignation or removal of the departing 5253
trustee and the provisions, if applicable, regarding the 5254
appointment or designation of the successor trustee; 5255

(c) A description of any actions taken by the departing 5256
trustee, the beneficiaries of the trust, or other required 5257
parties pertaining to the resignation or removal of the 5258
departing trustee and, if applicable, the appointment or 5259
designation of the successor trustee; 5260

(d) The name and address of the successor trustee, if one 5261
has been appointed or designated; 5262

(e) If applicable, a statement confirming the successor 5263
trustee's acceptance of the trusteeship; 5264

(f) A description of the trustee succession objection 5265
period and the name, mailing address, electronic mail address if 5266

available, and telephone number of the person or office 5267
associated with the departing trustee to which any written 5268
objections should be sent; 5269

(g) A description of the process, described in division 5270
(C) of this section, that will be followed if the departing 5271
trustee receives no written objections within the trustee 5272
succession objection period; 5273

(h) A description of the process, described in division 5274
(D) of this section, that will be followed if the departing 5275
trustee receives a written objection within the trustee 5276
succession objection period; 5277

(i) A statement of the impending bar of claims against the 5278
departing trustee, as described in division (F) of this section, 5279
that will result if an objection is not timely made; 5280

(j) A statement that the departing trustee may rely upon 5281
the written statement of a recipient of the notice that such 5282
person consents to the delivery of the net assets of the trust 5283
to the successor trustee, or to one or more co-trustees as 5284
applicable, and irrevocably waives the right to object to the 5285
delivery of the assets and any claim against the departing 5286
trustee for matters disclosed in the notice or the trustee's 5287
reports served with it and all other matters pertaining to the 5288
departing trustee's administration of the trust; 5289

(k) A statement that the departing trustee may complete 5290
the delivery of the net assets of the trust to the successor 5291
trustee, or to one or more co-trustees as applicable, prior to 5292
the expiration of the trustee succession objection period if all 5293
of the persons on whom the notice was served deliver to the 5294
trustee written consents and irrevocable waivers of the kind 5295

<u>described in division (E) of this section;</u>	5296
<u>(l) An exhibit showing the assets on hand at the date the notice is prepared and their respective values as shown in the regularly kept records of the trustee;</u>	5297 5298 5299
<u>(m) An estimate of any assets, income, taxes, fees, expenses, claims, or other items reasonably expected by the departing trustee to be received or disbursed before delivery of the net assets of the trust to the successor trustee, or to one or more co-trustees as applicable, but not yet received or disbursed, including trustee fees remaining to be paid.</u>	5300 5301 5302 5303 5304 5305
<u>(2) One or more trustee's reports covering the applicable reporting period.</u>	5306 5307
<u>(C) If no written objection is received by the departing trustee within the trustee succession objection period:</u>	5308 5309
<u>(1) The notice and trustee's reports served pursuant to division (A) of this section shall be considered approved by each recipient of the notice and reports.</u>	5310 5311 5312
<u>(2) The departing trustee, within a reasonable period of time following the expiration of the trustee succession objection period, shall deliver the net trust assets to the successor trustee or to one or more co-trustees, as applicable.</u>	5313 5314 5315 5316
<u>(3) Any person who was served such notice and reports shall be barred from bringing a claim against the trustee, and from challenging the validity of the trust, as provided in division (F) of this section.</u>	5317 5318 5319 5320
<u>(D) (1) If, after being served the notice and trustee's reports described in division (B) of this section, a qualified beneficiary or any other recipient of the notice wishes to</u>	5321 5322 5323

object to matters disclosed in the notice or reports or any 5324
other matter pertaining to the departing trustee's 5325
administration of the trust, the person shall provide written 5326
notice of the objection to the departing trustee within the 5327
trustee succession objection period. If the departing trustee 5328
receives a written objection within the trustee succession 5329
objection period, the departing trustee may do either of the 5330
following: 5331

(a) Submit the written objection to the court for 5332
resolution. The expense of commencing, conducting, and 5333
concluding such a proceeding shall be charged as ordered by the 5334
court. 5335

(b) (i) Resolve the objection with the objecting person by 5336
accepting a withdrawal of the person's objection or by written 5337
instrument, a written agreement as described in section 5801.10 5338
of the Revised Code, or other means. 5339

(ii) Any agreement or other written instrument executed by 5340
the objecting party pursuant to division (D) (1) (b) (i) of this 5341
section may include a release and a trustee indemnification 5342
clause, along with other terms agreed to by the parties. 5343
Reasonable expenses related to such written instrument or 5344
written agreement shall be charged to the trust. 5345

(2) Within a reasonable time after resolution of all 5346
timely objections under division (D) (1) of this section, the 5347
departing trustee shall deliver the net trust assets to the 5348
successor trustee, or to one or more co-trustees as applicable, 5349
subject to any modifications provided for in the terms of the 5350
document setting forth the resolution of each such objection. 5351

(E) (1) The departing trustee may rely upon the written 5352

statement of a recipient of the notice and trustee's reports 5353
served under this section that the recipient consents to, and 5354
irrevocably waives the right to object to: 5355

(a) The departing trustee's resignation or removal; 5356

(b) The appointment of the successor trustee, if 5357
applicable; 5358

(c) Delivery of the net assets of the trust to the 5359
successor trustee or to one or more co-trustees, as applicable. 5360

(2) The statement shall also irrevocably waive any claims 5361
against the departing trustee for breach of trust as to matters 5362
disclosed in the notice and trustee's reports and all other 5363
matters pertaining to the departing trustee's administration of 5364
the trust. 5365

(3) The delivery of the net assets of the trust to the 5366
successor trustee, or to one or more co-trustees as applicable, 5367
may be completed prior to the expiration of the trustee 5368
succession objection period if all of the persons on whom the 5369
notice and trustee's reports were served have delivered to the 5370
departing trustee similar written consents and irrevocable 5371
waivers. 5372

(F) (1) Any person who was served a notice and trustee's 5373
reports that comply with the requirements of this section and 5374
who either consented to the delivery of the net assets of the 5375
trust to the successor trustee or one or more co-trustees as 5376
applicable or failed to timely provide the departing trustee a 5377
written objection as described in this section is barred from: 5378

(a) Bringing a claim against the departing trustee for 5379
breach of trust as to matters disclosed in the notice and 5380
trustee's reports and all other matters pertaining to the 5381

<u>departing trustee's administration of the trust;</u>	5382
<u>(b) Challenging the validity of the trust.</u>	5383
<u>Such claims shall be barred as described in division (F)</u>	5384
<u>(3) of this section.</u>	5385
<u>(2) If all of the resignation or removal necessary parties</u>	5386
<u>and all qualified beneficiaries of the trust have been served a</u>	5387
<u>notice and trustee's reports that comply with the requirements</u>	5388
<u>of this section and have either consented to the delivery of the</u>	5389
<u>net assets of the trust to the successor trustee or failed to</u>	5390
<u>timely provide the trustee a written objection as described in</u>	5391
<u>this section, all other beneficiaries of the trust, including</u>	5392
<u>persons who may succeed to the interests in the trust of the</u>	5393
<u>beneficiaries served, shall be barred as described in division</u>	5394
<u>(F)(3) of this section.</u>	5395
<u>(3) The bar of claims under divisions (F)(1) and (2) of</u>	5396
<u>this section applies:</u>	5397
<u>(a) To each person barred, the person's personal</u>	5398
<u>representatives and assigns, and the person's heirs who are not</u>	5399
<u>beneficiaries of the noticing trust;</u>	5400
<u>(b) To the same extent and with the same preclusive effect</u>	5401
<u>as if the court had entered a final order approving and settling</u>	5402
<u>the departing trustee's full account of its entire</u>	5403
<u>administration of the trust, notwithstanding the limitations</u>	5404
<u>periods otherwise applicable under section 5810.05 of the</u>	5405
<u>Revised Code.</u>	5406
<u>(c) To bar the person from bringing a claim against the</u>	5407
<u>successor trustee for failure to object to a matter that is</u>	5408
<u>subject to the bar of claims against the departing trustee to</u>	5409
<u>the same extent as the bar applies to claims against the</u>	5410

<u>departing trustee.</u>	5411
<u>Sec. 5801.24. (A) (1) Division (A) (2) of this section</u>	5412
<u>applies if both of the following apply:</u>	5413
<u>(a) A notice and trustee's reports under division (B) of</u>	5414
<u>section 5801.22 or division (B) of section 5801.23 of the</u>	5415
<u>Revised Code are served upon both of the following:</u>	5416
<u>(i) The personal representative for the estate of a</u>	5417
<u>deceased beneficiary of the noticing trust or the trustee of a</u>	5418
<u>subtrust that is a beneficiary of the noticing trust;</u>	5419
<u>(ii) One or more beneficiaries of the estate or subtrust</u>	5420
<u>whose fiduciary is served.</u>	5421
<u>(b) Both the fiduciary of the estate or subtrust and one</u>	5422
<u>or more beneficiaries of that estate or subtrust who are served</u>	5423
<u>do either of the following:</u>	5424
<u>(i) Consent to the proposed distributions or delivery of</u>	5425
<u>assets described in the notice;</u>	5426
<u>(ii) Fail to object within the applicable objection</u>	5427
<u>period.</u>	5428
<u>(2) If the criteria described in division (A) (1) of this</u>	5429
<u>section are met, the beneficiary of the estate or subtrust who</u>	5430
<u>is subject to the claims bar with respect to the administration</u>	5431
<u>of the noticing trust shall be barred to the same extent from</u>	5432
<u>bringing a claim against the fiduciary of the estate or subtrust</u>	5433
<u>for failure to object to a matter that is subject to the bar of</u>	5434
<u>claims against the trustee of the noticing trust.</u>	5435
<u>(B) The notices and trustee's reports served by the</u>	5436
<u>trustee of the noticing trust under section 5801.22 or 5801.23</u>	5437
<u>of the Revised Code shall be served on a person by any of the</u>	5438

<u>following means:</u>	5439
<u>(1) Handing them to the person;</u>	5440
<u>(2) Leaving them at either of the following locations:</u>	5441
<u>(a) At the person's office with a clerk or other person in</u>	5442
<u>charge or, if no one is in charge, in a conspicuous place in the</u>	5443
<u>office;</u>	5444
<u>(b) At the person's dwelling or usual place of abode with</u>	5445
<u>someone of suitable age and discretion who resides there;</u>	5446
<u>(3) Mailing them to the person's last known address by</u>	5447
<u>United States mail, in which event service is complete upon</u>	5448
<u>mailing;</u>	5449
<u>(4) Delivering them to a commercial carrier service for</u>	5450
<u>delivery to the person's last known address within three</u>	5451
<u>calendar days, in which event service is complete upon delivery</u>	5452
<u>to the carrier;</u>	5453
<u>(5) Sending them by electronic means to a facsimile number</u>	5454
<u>or electronic mail address provided by the person to be served</u>	5455
<u>or provided by his or her attorney, in which event service is</u>	5456
<u>complete upon transmission, but is not effective if the trustee</u>	5457
<u>of the noticing trust learns that they did not reach the person.</u>	5458
<u>(C) No trustee shall request or include a trustee</u>	5459
<u>indemnification clause in the notice and trustee's reports</u>	5460
<u>served under division (B) of section 5801.22 or division (B) of</u>	5461
<u>section 5801.23 of the Revised Code or in any documentation</u>	5462
<u>served by the trustee with the notice and trustee's reports.</u>	5463
<u>However, in the event such notice and trustee's reports are</u>	5464
<u>served and a written objection is received by the trustee within</u>	5465
<u>the applicable objection period, a trustee indemnification</u>	5466

clause may be included in an agreement or other written 5467
instrument executed by the objecting party pursuant to division 5468
(D) (1) (b) (i) of section 5801.22 or division (D) (1) (b) (i) of 5469
section 5801.23 of the Revised Code. 5470

Sec. 5808.19. ~~(A)~~(A) (1) As used in this section, unless 5471
otherwise provided in any other provision in this section: 5472

~~(1)~~(a) "Beneficiary" ~~means~~includes the beneficiary of a 5473
primary gift, the beneficiary of a future interest, and includes 5474
a class member if the future interest is in the form of a class 5475
gift. 5476

~~(2)~~(b) "Class member" means an individual who fails to 5477
survive the distribution date by at least one hundred twenty 5478
hours but who would have taken under a future interest in the 5479
form of a class gift had the individual survived the 5480
distribution date by at least one hundred twenty hours. 5481

~~(3)~~(c) "Descendant of a grandparent of the transferor" 5482
means an individual who would qualify as a descendant of a 5483
grandparent of the transferor under the rules of construction 5484
that would apply to a class gift under the transferor's will to 5485
the descendants of the transferor's grandparent. 5486

~~(4)~~(d) "Distribution date," with respect to a future 5487
interest, means the time when the future interest is to take 5488
effect in possession or enjoyment. The distribution date need 5489
not occur at the beginning or end of a calendar day but may 5490
occur at a time during the course of a day. 5491

~~(5)~~(e) "Future interest" means an alternative future 5492
interest or a future interest in the form of a class gift. 5493

~~(6)~~(f) "Future interest under the terms of a trust" means 5494
a future interest that was created by a transfer creating a 5495

trust or a transfer to an existing trust, or by an exercise of a 5496
power of appointment to an existing trust, that directs the 5497
continuance of an existing trust, designates a beneficiary of an 5498
existing trust, or creates a trust. 5499

~~(7)~~ (g) "Per stirpes" means that the shares of the 5500
descendants of a beneficiary who does not survive the 5501
distribution date by at least one hundred twenty hours are 5502
determined in the same way they would have been determined under 5503
division (A) of section 2105.06 of the Revised Code if the 5504
beneficiary had died intestate and unmarried on the distribution 5505
date. 5506

~~(8)~~ (h) "Revocable trust" means a trust that was revocable 5507
immediately before the settlor's death by the settlor alone or 5508
by the settlor with the consent of any person other than a 5509
person holding an adverse interest. A trust's characterization 5510
as revocable is not affected by the settlor's lack of capacity 5511
to exercise the power of revocation, regardless of whether an 5512
agent of the settlor under a power of attorney, or a guardian of 5513
the person or estate of the settlor, was serving. 5514

~~(9)~~ (i) "Stepchild" means a child of the surviving, 5515
deceased, or former spouse of the transferor and not of the 5516
transferor. 5517

~~(10)~~ (j) "Transferor" means any of the following: 5518

~~(a)~~ (i) The donor and donee of a power of appointment, if 5519
the future interest was in property as a result of the exercise 5520
of a power of appointment; 5521

~~(b)~~ (ii) The testator, if the future interest was devised 5522
by will; 5523

~~(c)~~ (iii) The settlor, if the future interest was conveyed 5524

by inter vivos trust. 5525

(2) Except as otherwise provided in this division, the 5526
amendment to division (A)(1)(a) of this section in this act 5527
shall be given retroactive effect to the fullest extent 5528
permitted under Ohio Constitution, Article II, Section 28. The 5529
amendment shall not be given retroactive effect in those 5530
instances where doing so would invalidate or supersede any 5531
instrument that conveys real property or any interest in the 5532
real property, recorded in the office of the county recorder in 5533
which that real property is situated. 5534

(B)(1)(a) As used in "surviving descendants" in divisions 5535
(B)(2)(b)(i) and (ii) of this section, "descendants" means the 5536
descendants of a deceased beneficiary or class member who would 5537
take under a class gift created in the trust. 5538

(b) As used in divisions (B)(2)(b)(i) and (ii) of this 5539
section, "surviving beneficiaries" or "surviving descendants" 5540
means beneficiaries or descendants, whichever is applicable, who 5541
survive the distribution date by at least one hundred twenty 5542
hours. 5543

(2) Unless a contrary intent appears in the instrument 5544
creating a future interest under the terms of a trust, each of 5545
the following applies: 5546

(a) A future interest under the terms of a trust is 5547
contingent on the beneficiary's surviving the distribution date 5548
by at least one hundred twenty hours. 5549

(b) If a beneficiary of a future interest under the terms 5550
of a trust does not survive the distribution date by at least 5551
one hundred twenty hours and if the beneficiary is a grandparent 5552
of the transferor, a descendant of a grandparent of the 5553

transferor, or a stepchild of the transferor, either of the 5554
following applies: 5555

(i) If the future interest is not in the form of a class 5556
gift and the deceased beneficiary leaves surviving descendants, 5557
a substitute gift is created in the beneficiary's surviving 5558
descendants. The surviving descendants take, per stirpes, the 5559
property to which the beneficiary would have been entitled had 5560
the beneficiary survived the distribution date by at least one 5561
hundred twenty hours. 5562

(ii) If the future interest is in the form of a class 5563
gift, other than a future interest to "issue," "descendants," 5564
"heirs of the body," "heirs," "next of kin," "relatives," or 5565
"family," or a class described by language of similar import 5566
that includes more than one generation, a substitute gift is 5567
created in the surviving descendants of the deceased beneficiary 5568
or beneficiaries. The property to which the beneficiaries would 5569
have been entitled had all of them survived the distribution 5570
date by at least one hundred twenty hours passes to the 5571
surviving beneficiaries and the surviving descendants of the 5572
deceased beneficiaries. Each surviving beneficiary takes the 5573
share to which the surviving beneficiary would have been 5574
entitled had the deceased beneficiaries survived the 5575
distribution date by at least one hundred twenty hours. Each 5576
deceased beneficiary's surviving descendants who are substituted 5577
for the deceased beneficiary take, per stirpes, the share to 5578
which the deceased beneficiary would have been entitled had the 5579
deceased beneficiary survived the distribution date by at least 5580
one hundred twenty hours. For purposes of division (B) (2) (b) (ii) 5581
of this section, "deceased beneficiary" means a class member who 5582
failed to survive the distribution date by at least one hundred 5583
twenty hours and left one or more surviving descendants. 5584

(C) For purposes of this section, each of the following 5585
applies: 5586

(1) Describing a class of beneficiaries as "surviving" or 5587
"living," without specifying when the beneficiaries must be 5588
surviving or living, such as a gift "for my spouse for life, 5589
then to my surviving (or living) children," is not, in the 5590
absence of other language in the trust instrument or other 5591
evidence to the contrary, a sufficient indication of an intent 5592
to negate the application of division (B) (2) (b) of this section. 5593

(2) Subject to division (C) (1) of this section, attaching 5594
words of survivorship to a future interest under the terms of a 5595
trust, such as "for my spouse for life, then to my children who 5596
survive my spouse" or "for my spouse for life, then to my then- 5597
living children" is, in the absence of other language in the 5598
trust instrument or other evidence to the contrary, a sufficient 5599
indication of an intent to negate the application of division 5600
(B) (2) (b) of this section. Words of survivorship under division 5601
(C) (2) of this section include words of survivorship that relate 5602
to the distribution date or to an earlier or an unspecified 5603
time, whether those words of survivorship are expressed as 5604
condition-precedent, condition-subsequent, or in any other form. 5605

(3) A residuary clause in a will is not a sufficient 5606
indication of an intent that is contrary to the application of 5607
this section, whether or not the will specifically provides that 5608
lapsed or failed devises are to pass under the residuary clause. 5609
A residuary clause in a revocable trust instrument is not a 5610
sufficient indication of an intent that is contrary to the 5611
application of this section unless the distribution date is the 5612
date of the settlor's death and the revocable trust instrument 5613
specifically provides that upon lapse or failure the 5614

nonresiduary devise, or nonresiduary devises in general, pass 5615
under the residuary clause. 5616

(D) If, after the application of divisions (B) and (C) of 5617
this section there is no surviving taker of the property, and a 5618
contrary intent does not appear in the instrument creating the 5619
future interest, the property passes in the following order: 5620

(1) If the future interest was created by the exercise of 5621
a power of appointment, the property passes under the donor's 5622
gift-in-default clause, if any, which clause is treated as 5623
creating a future interest under the terms of a trust. 5624

(2) If no taker is produced under division (D) (1) of this 5625
section and the trust was created in a nonresiduary devise in 5626
the transferor's will or in a codicil to the transferor's will, 5627
the property passes under the residuary clause in the 5628
transferor's will. For purposes of division (D) (2) of this 5629
section, the residuary clause is treated as creating a future 5630
interest under the terms of a trust. 5631

(3) If no taker is produced under divisions (D) (1) and (2) 5632
of this section, the transferor is deceased, and the trust was 5633
created in a nonresiduary gift under the terms of a revocable 5634
trust of the transferor, the property passes under the residuary 5635
clause in the transferor's revocable trust instrument. For 5636
purposes of division (D) (3) of this section, the residuary 5637
clause in the transferor's revocable trust instrument is treated 5638
as creating a future interest under the terms of a trust. 5639

(4) If no taker is produced under divisions (D) (1), (2), 5640
and (3) of this section, the property passes to those persons 5641
who would succeed to the transferor's intestate estate and in 5642
the shares as provided in the intestate succession law of the 5643

transferor's domicile if the transferor died on the distribution 5644
date. Notwithstanding division ~~(A) (10)~~ (A) (1) (j) of this 5645
section, for purposes of division (D) (4) of this section, if the 5646
future interest was created by the exercise of a power of 5647
appointment, "transferor" means the donor if the power is a 5648
nongeneral power, or the donee if the power is a general power. 5649

(E) This section applies to all trusts that become 5650
irrevocable on or after March 22, 2012. This section does not 5651
apply to any trust that was irrevocable before March 22, 2012, 5652
even if property was added to the trust on or after March 22, 5653
2012. 5654

Section 2. That existing sections 517.23, 517.24, 517.25, 5655
1901.06, 1907.13, 2105.19, 2106.18, 2107.52, 2108.82, 2109.21, 5656
2111.01, 2111.011, 2111.02, 2111.021, 2111.022, 2111.03, 5657
2111.031, 2111.04, 2111.041, 2111.05, 2111.06, 2111.08, 5658
2111.091, 2111.12, 2111.13, 2111.131, 2111.18, 2111.181, 5659
2111.19, 2111.20, 2111.23, 2111.26, 2111.33, 2111.37, 2111.38, 5660
2111.39, 2111.44, 2111.46, 2111.47, 2111.49, 2111.50, 2112.01, 5661
2117.06, 2117.07, 2131.09, 2151.412, 2301.01, 2305.111, 2501.02, 5662
2503.01, 3107.071, 4505.101, 4505.104, 4513.60, 4513.601, 5663
4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 5664
4717.26, 5103.15, 5103.153, 5122.01, 5122.10, 5167.12, 5721.10, 5665
and 5808.19 of the Revised Code are hereby repealed. 5666

Section 3. That sections 2111.07, 2111.15, 2111.34, 5667
2111.35, 2111.36, and 2111.45 of the Revised Code are hereby 5668
repealed. 5669

Section 4. That Section 3 of H.B. 518 of the 134th General 5670
Assembly be amended to read as follows: 5671

Sec. 3. (A) Effective January 1, 2024, the Fulton County 5672

County Court is abolished. 5673

(B) All causes, judgments, executions, and other 5674
proceedings pending in the Fulton County County Court at the 5675
close of business on December 31, 2023, shall be transferred to 5676
and proceed in the Fulton County Municipal Court on January 1, 5677
2024, as if originally instituted in the Fulton County Municipal 5678
Court. The Clerk of the Fulton County County Court or other 5679
custodian shall transfer to the Fulton County Municipal Court 5680
all pleadings, orders, entries, dockets, bonds, papers, records, 5681
books, exhibits, files, moneys, property, and persons that 5682
belong to, are in the possession of, or are subject to the 5683
jurisdiction of the Fulton County County Court, or any officer 5684
of that court, that pertain to those causes, judgments, 5685
executions, and proceedings at the close of business on December 5686
31, 2023. 5687

(C) All employees of the Fulton County County Court shall 5688
be transferred to and shall become employees of the Fulton 5689
County Municipal Court on January 1, 2024. 5690

(D) Effective January 1, 2023, the part-time judgeship in 5691
the Fulton County County Court originally elected in 1980 shall 5692
be abolished. ~~Effective January 1, 2024, the part-time judgeship~~ 5693
~~in the Fulton County County Court originally elected in 1982~~ 5694
~~shall be abolished.~~ 5695

(E) Effective January 1, 2023, the part-time judgeship of 5696
the Fulton County County Court originally elected in 1982 shall 5697
be converted to the full-time judgeship of the Fulton County 5698
County Court until the Fulton County County Court is abolished 5699
on January 1, 2024. 5700

(F) Effective January 1, 2023, notwithstanding division 5701

(A) (6) of section 141.04 of the Revised Code and division (A) of 5702
section 1907.16 of the Revised Code, the full-time judge of the 5703
Fulton County County Court under division (E) of this section 5704
shall receive the compensation set forth in division (A) (5) of 5705
section 141.04 of the Revised Code until the Fulton County 5706
County Court is abolished on January 1, 2024. 5707

Section 5. That existing Section 3 of H.B. 518 of the 5708
134th General Assembly is hereby repealed. 5709

Section 6. The amendments to section 2305.111 of the 5710
Revised Code by this act shall be known as the Scout's Honor 5711
Law. 5712

Section 7. The General Assembly, applying the principle 5713
stated in division (B) of section 1.52 of the Revised Code that 5714
amendments are to be harmonized if reasonably capable of 5715
simultaneous operation, finds that the following sections, 5716
presented in this act as composites of the sections as amended 5717
by the acts indicated, are the resulting versions of the 5718
sections in effect prior to the effective date of the sections 5719
as presented in this act: 5720

Section 2109.21 of the Revised Code as amended by both 5721
S.B. 117 and S.B. 124 of the 129th General Assembly. 5722

Section 2111.12 of the Revised Code as amended by both 5723
S.B. 117 and S.B. 124 of the 129th General Assembly. 5724