
Detailed Fiscal Analysis

The bill authorizes a person to nominate by a durable power of attorney or a writing a guardian for a person's incompetent adult child.

It also removes the requirement that a guardian, other than a guardian named in a will by a parent of a minor, selected by a minor over the age of 14, or nominated in or pursuant to a durable power of attorney or a writing must be removed on proof that the guardian is no longer a resident of this state and instead provides that the guardian may be removed.

In addition, the bill specifies that a person nominated as a guardian of an incompetent adult child pursuant to a durable power of attorney or a writing has preference in appointment over a person applying to be guardian if the person nominated is competent, suitable, and willing to accept the appointment, and if the incompetent adult child does not have a spouse or an adult child and has not designated a guardian prior to the court finding the adult child incompetent.

State statute requires the Ohio Department of Mental Retardation and Developmental Disabilities to provide a statewide system of protective services for individuals with mental retardation or other developmental disabilities (mr/dd). Since 1983, the Department has contracted with Advocacy and Protective Services, Inc. (APSI), a nonprofit corporation, for the provision of protective services. APSI provides guardianships, limited guardianships, trustee (financial management), and protector services to individuals with mr/dd. These services are funded by GRF appropriation line item 320-412, Protective Services, and are received by about 5,000 individuals. There is the possibility of an increase in caseload as a result of the bill. Therefore, the cost of future contracts with APSI could increase.

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