

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Ohio Legislative Service Commission  
77 South High Street, 9<sup>th</sup> Floor, Columbus, OH 43215-6136 ✧ Phone: (614) 466-3615  
✧ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **Sub. S.B. 157** DATE: **June 19, 2007**

STATUS: **As Reported by Senate Judiciary--Civil Justice** SPONSOR: **Sen. Buehrer**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Authorizes a person to designate a guardian for the person's incompetent adult child and declares an emergency**

## State Fiscal Highlights

STATE FUND	FY 2007	FY 2008	FUTURE YEARS
<b>General Revenue Fund</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2007 is July 1, 2006 – June 30, 2007.

- The Ohio Department of Mental Retardation and Developmental Disabilities may experience a possible increase in expenditures from GRF appropriation line item 320-412, Protective Services, as a result of increased demand for guardianship services. Since 1983, the Department has contracted with Advocacy and Protective Services, Inc. (APSI), a nonprofit organization, for the provision of protective services.

## Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.



---

## ***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.

*LSC fiscal staff: Stephanie Suer, Budget Analyst*

*SB0157SR/rh*