



Ohio Legislative Service Commission

Bill Analysis

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H.B. 624*

130th General Assembly

(As Reported by H. Policy and Legislative Oversight)

Reps. Pelanda, Duffey, Grossman, Celebrezze, Fedor, Buchy, Rosenberger, C. Hagan, Smith, Schuring, Sprague

BILL SUMMARY

- Requires the probate court to furnish an Ohio guardianship guide to appointed guardians that must include the "bill of rights of a ward" as enumerated in the bill. And requires a guardian to sign a form acknowledging receipt of the guide.

CONTENT AND OPERATION

Ohio guardianship guide

The bill requires the clerk of the probate court to furnish to a guardian¹ the Ohio guardianship guide. The guide must include the "bill of rights of a ward,"² which are enumerated in the bill and listed below under "**Ward's bill of rights.**" The guide must be furnished upon the appointment of the guardian or, if the guardian was appointed

* This analysis was prepared before the report of the House Policy and Legislative Oversight Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ Under continuing law, "guardian" is defined as 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. "Guardian" also includes an agency under contract with the Department of Developmental Disabilities for the provision of protective service when appointed by the probate court to have the care and management of the person of an incompetent. R.C. 2111.01(A).

² Under continuing law, a "ward" means any person for whom a guardian is acting or for whom the probate court is acting under Ohio guardianship law. R.C. 2111.01(B).

prior to the bill's effective date, upon the first filing by the guardian with the probate court of either of the following:³

- A guardian's account, other than a final account, that is generally required to be filed biennially under current law;
- A report of a guardian of an incompetent person that is generally required to be filed biennially under current law.

The probate court must fulfill the requirements imposed by the bill, as described above, only if the Attorney General has prepared an Ohio guardianship guide. But the bill does not directly authorize or require that the Attorney General do so. Therefore, the requirements of the bill are conditional, and become effective, only when the Attorney General creates the guide and furthermore makes it available to the probate courts.⁴

If a guide has been made available by the Attorney General, the clerk of the probate court must furnish the most recent version of the guide to a guardian upon the guardian's appointment after the most recent version of the guide is prepared or, if the guardian was appointed prior to the date of the most recent version of the guide, upon the first filing by the guardian with the probate court of the guardian's account or report described above after that date.⁵

Form acknowledging receipt of guardianship guide

The bill requires the probate court to establish a form for a guardian to sign acknowledging that the guardian received the following:⁶

- The Ohio guardianship guide;
- The bill of rights of a ward.

The guardian must sign the form upon receiving the Ohio guardianship guide with a ward's bill of rights.⁷

³ R.C. 2111.011(A).

⁴ A guide, which has been created and made available by the current Attorney General, appears to meet the requirements of the bill.

⁵ R.C. 2111.011(B).

⁶ R.C. 2111.011(C).

⁷ R.C. 2111.011(D).



Ward's bill of rights

The bill states that a ward is entitled to certain rights that the guardian cannot change and continues to have these rights after a guardianship is established. These rights are as follows:⁸

- (1) To be treated with dignity and respect;
- (2) To privacy, which includes the right to privacy of the body and the right to private, uncensored communication with others by mail, telephone, or personal visits;
- (3) To exercise control over all aspects of life that the court has not delegated to the guardian;
- (4) To appropriate services suited to the ward's needs and conditions, including mental health services;
- (5) To have the guardian consider the ward's personal desires, preferences, and opinions;
- (6) To safe, sanitary, and humane living conditions within the least restrictive environment that meets the ward's needs;
- (7) To marry, if legally able;
- (8) To procreate, or to consent or object to sterilization;
- (9) To equal treatment under the law, regardless of race, religion, creed, sex, age, marital status, sexual orientation, or political affiliation;
- (10) To have explanations of any medical procedures or treatment;
- (11) To have personal information kept confidential;
- (12) To review personal records, including medical, financial, and treatment records;
- (13) To speak privately with an attorney, ombudsman, or other advocate;
- (14) To an attorney and independent expert evaluator, and to have these professionals paid by the court if the ward is indigent;

⁸ R.C. 2111.011(E).



(15) To petition the court to modify or terminate the guardianship;

(16) To bring a grievance against the guardian, request the court to review the guardian's actions, request removal and replacement of the guardian, or request that the court restore the ward's rights if it can be shown that the ward has regained the capacity to make some or all decisions;

(17) To request a hearing to review the continued need for the guardianship at least once a year;

(18) To drive, if legally able;

(19) To vote, if legally able.

HISTORY

ACTION	DATE
Introduced	09-22-14
Reported, H. Policy & Legislative Oversight	---

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