



Ohio Judicial Conference

The Voice of Ohio Judges

House Civil Justice Committee Judge Jan Michael Long Proponent Testimony on House Bill 595

Chair Butler, Vice Chair Lanese, Ranking Member Boggs, and members of the House Civil Justice Committee, I thank you for this opportunity to submit proponent testimony for House Bill 595 on behalf of the Ohio Judicial Conference.

I am Judge Jan Michael Long. I have served on the Pickaway County Common Pleas Court Probate/Juvenile Division since 1996. Previously, I served in the Ohio Senate for 10 years where I represented at various times the counties of Athens, Gallia, Jackson, Lawrence, Meigs, Pickaway, Ross, Scioto and Vinton. I am the Co-Chair of the Ohio Judicial Conference's Probate Law & Procedure Committee, Past President of the Ohio Association of Probate Judges, and probate judge liaison to the Ohio State Bar Association's Estate Planning, Trust & Probate Law Section Council. I have served as an Adjunct Professor for the Columbus State Community College, teaching courses in Criminal Law, Government and the Law, Juvenile Procedure and Probate Practice and Procedure, and as an Assistant Prosecuting Attorney for Pickaway County and Assistant Law Director for the City of Circleville.

H.B. 595 contains several provisions that will improve probate law. For the sake of brevity I will focus my testimony on the two statutes proposed by the Ohio Judicial Conference.

Trust to Age 25 Authority

H.B. 595 would enact R.C. 2111.182 to grant judges the discretion to create a trust for minor beneficiaries until the beneficiary reaches age 25 when the trust would be in the minor's best interest. This is consistent with the current wrongful death statute, R.C. 2125.03, which grants probate court the discretion to create a trust for a minor beneficiary that extends to age 25. Current law allows a probate court to create a trust for a minor settlement beneficiary, but only up to age 18. H.B. 595 would allow a probate court to have continuing jurisdiction over a minor's settlement or judgment for injury or damaged property up to an additional seven years of maturation. The court would have discretion to release all or some of the funds before age 25 in certain situations, such as paying for college, starting a business, or buying a house. By granting the court continuing jurisdiction over the settlement, the court would prevent an 18-year-old beneficiary from using significant funds for unintended or inappropriate purposes.

Permissive Guardianship Board Expansion

H.B. 595 would enact R.C. 2111.52 to grant authority for probate courts to create their own guardianship board, similar to the successful guardianship board created by Judge Robert Montgomery in Franklin County. The response to Judge Montgomery's guardianship board has been so overwhelmingly positive that other courts are considering creating their own guardianship board, or joining with other counties to create a multi-county board, but creation of a guardianship board requires statutory authority. To avoid

any unintended complications to Judge Montgomery's board, the OJC recommended leaving the Franklin County Guardianship Board Statute, R.C. 2101.026, as is. R.C. 2111.52 was drafted to give probate courts permissive authority to create boards with their partners.

Thank you for the opportunity to testify in support of H.B. 595. We thank the sponsors, Representative Cupp and Representative Rezabek, their aides, and the OSBA for putting this bill together, and we look forward to working with them and members of this Committee in reviewing this bill. I am available to answer any questions you may have.