



Ohio Judicial Conference

The Voice of Ohio Judges

House Financial Institutions Committee

Judge James A. Shriver

Interested Party Testimony on House Bill 348

November 10, 2021

Chair Jordan, Vice Chair Ferguson, Ranking Member Crossman and members of the House Finance Institutions Committee, I thank you for this opportunity to submit interested party testimony for House Bill 348 on behalf of the Ohio Judicial Conference. I am Judge James A. Shriver. I have served on the Clermont County Common Pleas Court Probate/Juvenile Division since 2013. Previously, I served on the Clermont County Municipal Court for over 18 years. I am a Past Chair of the Ohio Judicial Conference, Co-Chair of the OJC's Court Administration and Juvenile Law & Procedure Committees, and have served on the OJC's Specialized Dockets Committee, the Criminal Law and Procedure Committee, the Committee on Community Corrections and the Probate Law and Procedure Committee. I am also a prior Chair of the Supreme Court of Ohio's Commission on Specialized Dockets and prior Chair of the OSBA's Criminal Justice Committee and Traffic Law Committees, and a past President of the Association of Municipal/County Judges of Ohio.

The Ohio Judicial Conference supports H.B. 348's proposed R.C. 169.052, which creates a "Small Estate Affidavit" procedure to allow a rightful heir to receive up to \$5000 in unclaimed funds by filing a sworn affidavit and supporting documents. The Judicial Conference worked with Representative Merrin, the Department of Commerce Division of Unclaimed Funds, and other interested parties during the 133rd General Assembly to make consensus changes to R.C. 169.052 to clarify the statute's intent and avoid conflicts with the probate court. Some of the improvements to the as-introduced version of R.C. 169.052 include extending the timeframe to at least 210 days to ensure potential creditors can make a claim against the decedent's estate, requiring confirmation that funeral expenses are paid or will be paid by the unclaimed funds, and documentation that an estate administration has not been commenced in probate court. With these changes, the Small Estate Affidavit process will positively impact heirs, the Division of Unclaimed Funds, and the probate court, by allowing a streamlined process for transfer of unclaimed funds without administration. The OJC does not have a position on the other provisions in the bill.

I thank you for the opportunity to submit testify in support of the R.C. 169.052 section of H.B. 348. We thank Representative Merrin for including our suggestions, and we look forward to working with him and members of this Committee to continue improving this bill. Although I am unable to testify in person, I would be happy to follow-up on any questions Committee members may have.