

# APPENDIX C:

Proposed H.B. 50-  
New Ohio Revised Code  
§2111.011

**As Reported by the House Finance Committee**

**131st General Assembly**

**Regular Session**

**Sub. H. B. No. 50**

**2015-2016**

**Representatives Pelanda, Grossman**

**Cosponsors: Representatives Sears, Driehaus, Stinziano, Rogers, Fedor,  
Rezabek, Blessing, Maag, Lepore-Hagan, LaTourette, Amstutz, Boyd, Kuhns**

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**A BILL**

To amend sections 2151.353, 2151.415, 2151.82, 1  
5101.141, and 5103.30 and to enact sections 2  
2111.011, 5101.1411, 5101.1412, 5101.1413, and 3  
5101.1414 of the Revised Code to extend the age 4  
for which a person is eligible for federal 5  
foster care and adoption assistance payments 6  
under Title IV-E to age twenty-one; to provide a 7  
ward's bill of rights; to require that a 8  
guardian receive the Ohio Guardianship Guide; to 9  
conform to recent amendments to federal Title 10  
IV-E program requirements; and to make an 11  
appropriation. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2151.353, 2151.415, 2151.82, 13  
5101.141, and 5103.30 be amended and sections 2111.011, 14  
5101.1411, 5101.1412, 5101.1413, and 5101.1414 of the Revised 15  
Code be enacted to read as follows: 16

**Sec. 2111.011.** (A) The clerk of the probate court shall 17  
furnish a guide, under division (B) of this section, to a 18

guardian at either of the following times, whichever is 19  
applicable: 20

(1) Upon the appointment of the guardian under section 21  
2111.02 of the Revised Code; 22

(2) If the guardian was appointed prior to the effective 23  
date of this section, upon the first filing by the guardian with 24  
the probate court of either of the following, as applicable, 25  
after that effective date: 26

(a) A guardian's account, other than a final account, that 27  
is required to be filed under section 2109.302 of the Revised 28  
Code; 29

(b) A guardian's report that is required to be filed under 30  
section 2111.49 of the Revised Code. 31

(B)(1) If the attorney general has prepared a guardianship 32  
guide and subsequently prepares any updated version of the 33  
guardianship guide that includes the bill of rights of a ward as 34  
listed in division (E) of this section, the clerk of the probate 35  
court shall furnish the most recent version of the guide to a 36  
guardian at either of the following times, whichever is 37  
applicable: 38

(a) Upon the appointment of the guardian under section 39  
2111.02 of the Revised Code after the most recent version of the 40  
guide is prepared; 41

(b) If the guardian was appointed prior to the date of the 42  
most recent version of the guide, upon the first filing by the 43  
guardian with the probate court of either of the documents 44  
described in divisions (A)(2)(a) and (b) of this section, as 45  
applicable, after that date. 46

(2) In the alternative, the Ohio judicial conference may 47  
create, by July 1, 2015, and at their cost, an alternative 48  
guardianship guide for use in all probate courts. The 49  
alternative guardianship guide shall be distributed in 50  
accordance with all provisions contained in this act, including 51  
the bill of rights of a ward, as outlined in division (E) of 52  
this section. No court or other entity shall create or 53  
distribute a substitute for the guardianship guides identified 54  
under this section. The court shall furnish this alternative 55  
guardianship guide in accordance with the provisions of this 56  
section. 57

(C) The probate court shall establish a form for a 58  
guardian to sign acknowledging that the guardian received the 59  
following: 60

(1) A guardianship guide; 61

(2) The bill of rights of a ward. 62

(D) Upon receiving a guardianship guide with the ward's 63  
bill of rights pursuant to division (A) or (B) of this section, 64  
the guardian shall sign the form specified in division (C) of 65  
this section. 66

(E) A ward is entitled to certain rights that the guardian 67  
cannot change, and continues to have these rights after a 68  
guardianship is established. These rights are as follows: 69

(1) To be treated with dignity and respect; 70

(2) To exercise control over all aspects of life that the 71  
court has not delegated to the guardian; 72

(3) To appropriate services suited to the ward's needs and 73  
conditions, including mental health services and excluding 74

<u>abortion services;</u>	75
<u>(4) To have the guardian consider the ward's personal desires, preferences, and opinions;</u>	76
<u>(5) To safe, sanitary, and humane living conditions within the least restrictive environment that meets the ward's needs;</u>	77
<u>(6) To marry, if legally able;</u>	78
<u>(7) To have explanations of any medical procedures or treatment;</u>	79
<u>(8) To have personal information kept confidential;</u>	80
<u>(9) To review personal records, including medical, financial, and treatment records;</u>	81
<u>(10) To speak privately with an attorney, ombudsman, or other advocate;</u>	82
<u>(11) To an attorney and independent expert evaluator, and to have these professionals paid by the court if the ward is indigent;</u>	83
<u>(12) To petition the court to modify or terminate the guardianship;</u>	84
<u>(13) 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;</u>	85
<u>(14) To request a hearing to review the continued need for the guardianship at least once a year;</u>	86
<u>(15) To drive, if legally able.</u>	87
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