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# STATEHOUSE REPORT

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## **Bills would promote rights for wards in guardianship arrangements**

Ohio Attorney General Mike DeWine, State Senator Shannon Jones (R-Springboro) and State Representative Dorothy Pelanda (R-Marysville) recently unveiled legislation to establish a ward's bill of rights for those Ohioans who are under the care of a guardianship; they also introduced a new, user-friendly [Guardianship Guide](#) prepared by the Ohio Attorney General's Office.



*Rep. Dorothy Pelanda*

*Attorney Gen. Mike DeWine*

“People placed in guardianships are especially vulnerable, and there is a great need for volunteers, family members and attorneys to act on their behalf,” said Ohio Attorney General Mike DeWine. “My office created this guide to reduce confusion surrounding guardianships, so that individuals are better equipped to serve as guardians or protect relatives under guardianship.”

For individuals who are not able to take care of their basic needs, finances or medical issues, Ohio law gives probate courts the responsibility of assigning guardianship when less restrictive options are not feasible. Currently in Ohio there are 65,000 people who are under the care of a guardian, and that number is expected to rise as the Baby Boom generation ages.

Issues around guardianship were brought to the forefront of policymakers' attention following a [Columbus Dispatch series](#) on the topic.

Representative Pelanda has introduced [House Bill 624](#) that seeks to enact section 2111.01 of the Ohio Revised Code to provide a ward's bill of rights and to require that a guardian receive the Ohio Guardianship Guide prepared by the Ohio Attorney General. The rights of the ward are listed on pages 12-14 in the Guide.

Senator Jones has introduced a companion bill, [Senate Bill 365](#).

The bills also provides, in part, that:

- wards would be given copies of all records submitted to the court in their cases for review;

- wards would be allowed to speak privately with an attorney, ombudsman or other advocate, and would be able to meet with an attorney and independent expert evaluator (at the expense of the court if the ward is indigent);
- wards would be able to file a grievance against their guardian, ask the court to review a guardian's actions, and request removal and replacement of a guardian;
- wards would be able to ask a court to restore certain rights (i.e. driving, marriage) if able to demonstrate a capacity for such actions.



*Sen. Shannon Jones*

"This legislation and the Guide are meant to encourage best-practices and to raise awareness of the unique issues presented in caring for our juvenile and our elderly wards," said Representative Pelanda.

"The recent allegations regarding widespread abuse in the guardianship system are serious and disturbing," said Senator Jones. "This legislation is an important first step to ensure our most vulnerable Ohioans are treated with respect and dignity. I am grateful for the leadership of Attorney General DeWine and Representative Pelanda."

Copies of the Guardianship Guide are being mailed to Probate Courts across the state as well as to advocacy groups like the Ohio Area Agencies on Aging and Disability Rights Ohio.

For more information, please contact CCAO staff members Laura Abu-Absi ([labu-absi@ccao.org](mailto:labu-absi@ccao.org)) or John Leutz ([jleutz@ccao.org](mailto:jleutz@ccao.org)) or call (614) 221-5627.

## **Ohio EPA: Algae situation is complicated; possible fixes in 'Lame Duck' session**

With winter fast approaching, many are concerned the state will no longer focus on Lake Erie and harmful algal blooms. This summer's Toledo drinking water crisis prompted many environmental groups, Democratic lawmakers and even some farmers to urge the administration to declare the Maumee River Watershed "distressed," which would trigger tougher fertilizer regulations in the area.

In a recent interview to Gongwer News, [Ohio Environmental Protection Agency Director Craig Butler](#) recently said Lake Erie's algae problem requires a nuanced approach. Three years ago the administration responded to toxic algal blooms in Grand Lake St. Marys by designating it a distressed watershed. Local farmers had to comply with certain restrictions on handling and storage of manure and fertilizer.



*Director Craig Butler*

However, Director Butler said the toxic algae situation in the Western Lake Erie Basin is more complicated. "If you look at the Grand Lake St. Marys watershed, you can see that it truly was a distressed watershed. If you look at the western basin of the Maumee - there's no denying there's an issue there, but if you get more granular by trying to identify in the sub-watershed what those problems are - is it all agricultural? Is it wastewater treatment overflows? Is it failing septic systems? We've been looking at that," he said.

Ohio EPA and the administration are trying to pinpoint specific problems that contribute to nutrient loading in each watershed that flows into the lake. "You can come up with a prescription there that is tailored to a smaller watershed rather than paint it with a big, broad brush and say the whole thing is distressed, which is only focused on agriculture," he said. "We're trying to come up with a much more targeted strategy that will get us to the same goal than just automatically tagging the western basin as a distressed watershed."

[HB 490](#), one of the last mid-biennium review bills still before the legislature could see some algae-related amendments during lame duck. House Agriculture & Natural Resources Committee Chairman Dave Hall (R-Millersburg) has said he is working on some proposals. A substitute bill is in the works and will be presented once the legislature returns in November. The Chairman has also stated that some amendments will be in HB 490, but a broader solution will likely have to wait until the next biennial budget.

For additional information on water quality issues, please contact CCAO staffer Brian Mead at [bmead@ccao.org](mailto:bmead@ccao.org) or 614-220-7982.

## Legislation of Interest



[HB 638](#) **BUDGET STABILIZATION FUND** ([Beck, P.](#)) To require an annual deposit to the Budget Stabilization Fund equal to 5% of General Revenue Fund revenues for the preceding fiscal year. En. 131.43

[HB 639](#) **INCOME TAX** ([Beck, P.](#)) To phase out the income tax and income tax expenditures over ten years. Am. 5747.02 and 5747.41 and to enact section 5747.027

[HB 640](#) **CONTROLLED SUBSTANCES** ([Sprague, R.](#)) Authorizing the Ohio Attorney General to place certain substances on controlled substances schedule I. Am. 119.03, 3719.01, 3719.41, and 3719.43 and to enact sections 109.44, 3719.45, and 3719.46

[HB 641](#) **ANIMAL ABUSE** ([Celebrezze, N.](#)) To require violators of specified statutes in the Animal Cruelty Law to register with the Attorney General, to require the Attorney General to establish a registry of those violators, and to prohibit an animal shelter from placing for adoption an animal in the shelter's care with such a violator. Am. 959.99 and to enact sections 959.30 to 959.34

[HB 643](#) **ELECTION SPEECH** ([Duffey, M.](#)) To review provisions of the Election Law to ensure that Ohioans' constitutional right to free speech is protected.