

As Introduced

**128th General Assembly
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H. B. No. 578

Representatives Letson, Stautberg

**Cosponsors: Representatives Pryor, Harris, Williams, B., Mecklenborg,
Stebelton, Garland, Harwood, Pillich, Brown, Heard, Hagan, DeGeeter,
Gerberry, Book, Mallory, Boyd, Balderson, Yuko, Newcomb, Belcher, Bolon,
Foley, Patten, Luckie, Lehner, Snitchler, Derickson, Driehaus, Goyal, Koziura,
Murray, Boose, Zehringer, Lundy, Walter, Szollosi, Winburn, Chandler,
Reece, Williams, S., Domenick, Phillips, O'Farrell, Skindell, Adams, R., Hite,
Huffman, Grossman, Okey, Bacon, Blessing, Maag, McGregor, Celeste,
Garrison**

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A B I L L

To amend section 2111.02, to enact sections 2112.01, 1
2112.011, 2112.02, 2112.03, 2112.04, 2112.05, 2
2112.21, 2112.22, 2112.23, 2112.24, 2112.25, 3
2112.26, 2112.27, 2112.31, 2112.32, 2112.41, 4
2112.42, and 2112.43, and to repeal section 5
2111.41 of the Revised Code to adopt the Transfer 6
of Adult Guardianship and Protective Proceedings 7
Jurisdiction Act. 8

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

Section 1. That section 2111.02 be amended and sections 9
2112.01, 2112.011, 2112.02, 2112.03, 2112.04, 2112.05, 2112.21, 10
2112.22, 2112.23, 2112.24, 2112.25, 2112.26, 2112.27, 2112.31, 11
2112.32, 2112.41, 2112.42, and 2112.43 of the Revised Code be 12
enacted to read as follows: 13

Sec. 2111.02. (A) When found necessary, ~~the~~ a probate court 14
on its own motion or on application by any interested party shall 15
appoint, subject to divisions (C) and (D) of this section and to 16
section 2109.21 and division (B) of section 2111.121 of the 17
Revised Code, a guardian of the person, the estate, or both, of a 18
minor or incompetent, provided the person for whom the guardian is 19
to be appointed is a resident of the county or has a legal 20
settlement in the county ~~and, except in the case of a minor, has~~ 21
~~had.~~ If the person for whom the guardian is to be appointed is an 22
adult, the person must be a qualified respondent as described in 23
section 2112.21 of the Revised Code and have the opportunity to 24
have the assistance of counsel in the proceeding for the 25
appointment of such guardian. An interested party includes, but is 26
not limited to, a person nominated in a durable power of attorney 27
as described in division (D) of section 1337.09 of the Revised 28
Code or in a writing as described in division (A) of section 29
2111.121 of the Revised Code. 30

Except when the guardian of an incompetent is an agency under 31
contract with the department of developmental disabilities for the 32
provision of protective services under sections 5123.55 to 5123.59 33
of the Revised Code, the guardian of an incompetent, by virtue of 34
such appointment, shall be the guardian of the minor children of 35
the guardian's ward, unless the court appoints some other person 36
as their guardian. 37

When the primary purpose of the appointment of a guardian is, 38
or was, the collection, disbursement, or administration of moneys 39
awarded by the veterans administration to the ward, or assets 40
derived from such moneys, no court costs shall be charged in the 41
proceeding for the appointment or in any subsequent proceedings 42
made in pursuance of the appointment, unless the value of the 43
estate, including the moneys then due under the veterans 44
administration award, exceeds one thousand five hundred dollars. 45

(B)(1) If the probate court finds it to be in the best interest of an incompetent or minor, it may appoint pursuant to divisions (A) and (C) of this section, on its own motion or on application by an interested party, a limited guardian with specific limited powers. The sections of the Revised Code, rules, and procedures governing guardianships apply to a limited guardian, except that the order of appointment and letters of authority of a limited guardian shall state the reasons for, and specify the limited powers of, the guardian. The court may appoint a limited guardian for a definite or indefinite period. An incompetent or minor for whom a limited guardian has been appointed retains all of the incompetent's or minor's rights in all areas not affected by the court order appointing the limited guardian.

(2) If a guardian appointed pursuant to division (A) of this section is temporarily or permanently removed or resigns, and if the welfare of the ward requires immediate action, at any time after the removal or resignation, the probate court may appoint, ex parte and with or without notice to the ward or interested parties, an interim guardian for a maximum period of fifteen days. If the court appoints the interim guardian ex parte or without notice to the ward, the court, at its first opportunity, shall enter upon its journal with specificity the reason for acting ex parte or without notice, and, as soon as possible, shall serve upon the ward a copy of the order appointing the interim guardian. For good cause shown, after notice to the ward and interested parties and after hearing, the court may extend an interim guardianship for a specified period, but not to exceed an additional thirty days.

(3) If a minor or incompetent has not been placed under a guardianship pursuant to division (A) of this section and if an emergency exists, and if it is reasonably certain that immediate

action is required to prevent significant injury to the person or 78
estate of the minor or incompetent, at any time after it receives 79
notice of the emergency, the court, ex parte, may issue any order 80
that it considers necessary to prevent injury to the person or 81
estate of the minor or incompetent, or may appoint an emergency 82
guardian for a maximum period of seventy-two hours. A written copy 83
of any order issued by a court under this division shall be served 84
upon the incompetent or minor as soon as possible after its 85
issuance. Failure to serve such an order after its issuance or 86
prior to the taking of any action under its authority does not 87
invalidate the order or the actions taken. The powers of an 88
emergency guardian shall be specified in the letters of 89
appointment, and shall be limited to those powers that are 90
necessary to prevent injury to the person or estate of the minor 91
or incompetent. If the court acts ex parte or without notice to 92
the minor or incompetent, the court, at its first opportunity, 93
shall enter upon its journal a record of the case and, with 94
specificity, the reason for acting ex parte or without notice. For 95
good cause shown, after notice to the minor or incompetent and 96
interested parties, and after hearing, the court may extend an 97
emergency guardianship for a specified period, but not to exceed 98
an additional thirty days. 99

(C) Prior to the appointment of a guardian or limited 100
guardian under division (A) or (B)(1) of this section, the court 101
shall conduct a hearing on the matter of the appointment. The 102
hearing shall be conducted in accordance with all of the 103
following: 104

(1) The proposed guardian or limited guardian shall appear at 105
the hearing and, if appointed, shall swear under oath that the 106
proposed guardian or limited guardian has made and will continue 107
to make diligent efforts to file a true inventory in accordance 108
with section 2111.14 of the Revised Code and find and report all 109

assets belonging to the estate of the ward and that the proposed 110
guardian or limited guardian faithfully and completely will 111
fulfill the other duties of guardian, including the filing of 112
timely and accurate reports and accountings; 113

(2) If the hearing is conducted by a referee, the procedures 114
set forth in Civil Rule 53 shall be followed; 115

(3) If the hearing concerns the appointment of a guardian or 116
limited guardian for an alleged incompetent, the burden of proving 117
incompetency shall be by clear and convincing evidence; 118

(4) Upon request of the applicant, the alleged incompetent 119
for whom the appointment is sought or the alleged incompetent's 120
counsel, or any interested party, a recording or record of the 121
hearing shall be made; 122

(5) Evidence of a less restrictive alternative to 123
guardianship may be introduced, and when introduced, shall be 124
considered by the court; 125

(6) The court may deny a guardianship based upon a finding 126
that a less restrictive alternative to guardianship exists; 127

(7) If the hearing concerns the appointment of a guardian or 128
limited guardian for an alleged incompetent, the alleged 129
incompetent has all of the following rights: 130

(a) The right to be represented by independent counsel of the 131
alleged incompetent's choice; 132

(b) The right to have a friend or family member of the 133
alleged incompetent's choice present; 134

(c) The right to have evidence of an independent expert 135
evaluation introduced; 136

(d) If the alleged incompetent is indigent, upon the alleged 137
incompetent's request: 138

(i) The right to have counsel and an independent expert 139

evaluator appointed at court expense; 140

(ii) If the guardianship, limited guardianship, or standby 141
guardianship decision is appealed, the right to have counsel 142
appointed and necessary transcripts for appeal prepared at court 143
expense. 144

(D)(1) When a person has been nominated to be a guardian of 145
the estate of a minor in or pursuant to a durable power of 146
attorney as described in division (D) of section 1337.09 of the 147
Revised Code or a writing as described in division (A) of section 148
2111.121 of the Revised Code, the person nominated has preference 149
in appointment over a person selected by the minor. A person who 150
has been nominated to be a guardian of the person of a minor in or 151
pursuant to a durable power of attorney or writing of that nature 152
does not have preference in appointment over a person selected by 153
the minor, but the probate court may appoint the person named in 154
the durable power of attorney or the writing, the person selected 155
by the minor, or another person as guardian of the person of the 156
minor. 157

(2) A person nominated as a guardian of an incompetent adult 158
child pursuant to section 1337.09 or 2111.121 of the Revised Code 159
shall have preference in appointment over a person applying to be 160
guardian if the person nominated is competent, suitable, and 161
willing to accept the appointment, and if the incompetent adult 162
child does not have a spouse or an adult child and has not 163
designated a guardian prior to the court finding the adult child 164
incompetent. 165

Sec. 2112.01. As used in this chapter: 166

(A) "Adult" means an individual who is eighteen years of age 167
or older. 168

(B) "Guardian" has the same meaning as in section 2111.01 of 169

the Revised Code. 170

(C) "Guardian of the person" means a person appointed by the 171
court to make decisions regarding the support, care, education, 172
health, and welfare of a ward. "Guardian of the person" does not 173
include a guardian ad litem. 174

(D) "Guardian of the estate" means a person appointed by the 175
court to administer the estate of a ward. 176

(E) "Conservator" means a conservator appointed by the 177
probate court in an order of conservatorship issued pursuant to 178
section 2111.01 of the Revised Code. "Conservator" does not 179
include a guardian of the estate. 180

(F) "Ward" means any adult who has been adjudicated 181
incompetent and for whom a guardian is acting or for whom the 182
probate court is acting pursuant to section 2111.50 of the Revised 183
Code. 184

(G) "Emergency" means a circumstance that likely will result 185
in substantial harm to a respondent's health, safety, welfare, or 186
property and for which the appointment of a guardian or issuance 187
of a protective order is necessary because no other person has 188
authority and is willing to act on the respondent's behalf. 189

(H) "Guardianship order" means an order appointing a 190
guardian. 191

(I) "Guardianship proceeding" means a judicial proceeding in 192
which an order for the appointment of a guardian is sought or has 193
been issued. 194

(J) "Home state" means the state in which the respondent was 195
physically present, including any period of temporary absence, for 196
at least six consecutive months immediately before the filing of 197
an application for appointment of a guardian or the issuance of a 198
protective order or, if none, the state in which the respondent 199

was physically present, including any period of temporary absence, 200
for at least six consecutive months ending within the six months 201
prior to the filing of the application. 202

(K) "Party" means the respondent, applicant, guardian, or 203
other person allowed by the court to participate in a guardianship 204
or protective proceeding. 205

(L) "Person," except in the term protected person, means an 206
individual, parent, corporation, business trust, estate, trust, 207
partnership, limited liability company, association, joint 208
venture, government, governmental agency or instrumentality, 209
public corporation, or other legal or commercial entity. 210

(M) "Protected person" means an adult for whom a protective 211
order has been issued. 212

(N) "Protective order" means an order appointing a guardian 213
or other order related to the management of an adult's person, 214
property, or both. 215

(O) "Protective proceeding" means a judicial proceeding in 216
which a protective order is sought or has been issued. 217

(P) "Record" means information that is inscribed on a 218
tangible medium or that is stored in an electronic or other medium 219
and is retrievable in perceivable form. 220

(Q) "Respondent" means an adult for whom a protective order 221
or the appointment of a guardian is sought. 222

(R) "Significant-connection state" means a state, other than 223
the home state, with which a respondent has a significant 224
connection other than mere physical presence and in which 225
substantial evidence concerning the respondent is available. 226

(S) "Incompetent" has the same meaning as in section 2111.01 227
of the Revised Code. 228

(T) "State" means a state of the United States, the District 229

of Columbia, Puerto Rico, the United States Virgin Islands, or any 230
territory or insular possession subject to the jurisdiction of the 231
United States. "State" includes an Indian tribe or band that is 232
recognized by federal law or formally acknowledged by a state. 233

Sec. 2112.011. Chapter 2112. of the Revised Code may be cited 234
as the Transfer of Adult Guardianship and Protective Proceedings 235
Jurisdiction Act. 236

Sec. 2112.02. A probate court of this state may treat a 237
foreign country as if it were a state for the purpose of applying 238
this chapter. 239

Sec. 2112.03. (A) A probate court of this state may 240
communicate with a court in another state concerning a proceeding 241
arising under this chapter. The probate court may allow the 242
parties to participate in the communication. Except as otherwise 243
provided in division (B) of this section, the probate court shall 244
make a record of the communication. The record may be limited to 245
the fact that the communication occurred. 246

(B) Probate courts may communicate concerning schedules, 247
calendars, court records, and other administrative matters without 248
making a record. 249

Sec. 2112.04. (A) In a guardianship or protective proceeding 250
in this state, a probate court of this state may request the 251
appropriate court of another state to do any of the following: 252

(1) Hold an evidentiary hearing; 253

(2) Order a person in that state to produce evidence or give 254
testimony pursuant to the procedures of that state; 255

(3) Order that an evaluation or assessment be made of the 256
respondent; 257

(4) Order any appropriate investigation of a person involved 258
in the proceeding; 259

(5) Forward to the probate court of this state a certified 260
copy of the transcript or other record of a hearing under division 261
(A)(1) of this section or any other proceeding, any evidence 262
otherwise produced under division (A)(2) of this section, and any 263
evaluation or assessment prepared in compliance with an order 264
under division (A)(3) or (4) of this section; 265

(6) Issue any order necessary to assure the appearance in the 266
proceeding of a person whose presence is necessary for the probate 267
court to make a determination, including the respondent, ward, or 268
a protected person; 269

(7) Issue an order authorizing the release of medical, 270
financial, criminal, or other relevant information in that state, 271
including protected health information as authorized in 45 C.F.R. 272
164.504, as amended. 273

(B) If a court of another state in which a guardianship or 274
protective proceeding is pending requests assistance of the kind 275
provided in division (A) of this section, a probate court of this 276
state has jurisdiction for the limited purpose of granting the 277
request or making reasonable efforts to comply with the request. A 278
probate court of this state may require an advance deposit for 279
costs in an amount sufficient to obtain or provide the requested 280
assistance. 281

Sec. 2112.05. (A) In a guardianship proceeding or protective 282
proceeding, in addition to other procedures that may be available, 283
the testimony of a witness who is located in another state may be 284
offered by deposition or other means allowable in this state for 285
testimony taken in another state. The probate court on the court's 286
own motion may order that the testimony of a witness be taken in 287
another state and may prescribe the manner in which and the terms 288

upon which the testimony is to be taken. 289

(B) In a guardianship or protective proceeding, a probate court in this state may permit a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means. A probate court of this state shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony. 290
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(C) Documentary evidence transmitted from another state to a probate court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the best evidence rule. 296
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(D) A probate court of this state may adopt local rules of practice that promote the use of any device or procedure to facilitate the expeditious disposition of the cases. 300
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Sec. 2112.21. (A) A probate court of this state has jurisdiction to appoint a guardian or issue a protective order for a respondent if any of the following applies: 303
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(1) This state is the applicant's home state. 306

(2) On the date that the application is filed, this state is a significant-connection state, and either of the following applies: 307
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(a) The respondent does not have a home state, or a court of the respondent's home state has declined to exercise jurisdiction because this state is a more appropriate forum. 310
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(b) The respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and before the probate court makes the appointment or issues the order all of the following apply: 313
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<u>(i) An application for an appointment or order is not filed</u>	318
<u>in the respondent's home state.</u>	319
<u>(ii) An objection to the probate court's jurisdiction is not</u>	320
<u>filed by a person required to be notified of the proceeding.</u>	321
<u>(iii) The probate court in this state concludes that the</u>	322
<u>probate court is an appropriate forum under the factors set forth</u>	323
<u>in section 2112.24 of the Revised Code.</u>	324
<u>(3) This state does not have jurisdiction under division (A)</u>	325
<u>or (B) of this section, the respondent's home state and all</u>	326
<u>significant-connection states have declined to exercise</u>	327
<u>jurisdiction because this state is the more appropriate forum, and</u>	328
<u>jurisdiction in this state is consistent with the constitutions of</u>	329
<u>this state and the United States.</u>	330
<u>(4) The requirements for special jurisdiction under section</u>	331
<u>2112.22 of the Revised Code are met.</u>	332
<u>(B) In determining whether a respondent has a significant</u>	333
<u>connection with a particular state for purposes of this section,</u>	334
<u>the probate court may consider any of the following:</u>	335
<u>(1) The location of the respondent's family and other persons</u>	336
<u>required to be notified of the guardianship or protective</u>	337
<u>proceeding;</u>	338
<u>(2) The length of time the respondent at any time was</u>	339
<u>physically present in the state and the duration of any absence;</u>	340
<u>(3) The location of the respondent's property;</u>	341
<u>(4) The extent to which the respondent has ties to the state,</u>	342
<u>including, but not limited to, voting registration, state or local</u>	343
<u>tax return filing, vehicle registration, driver's license, social</u>	344
<u>relationships, and receipt of services.</u>	345
<u>Sec. 2112.22. (A) A probate court of this state lacking</u>	346

jurisdiction under section 2112.21 of the Revised Code has special 347
jurisdiction to do any of the following: 348

(1) Appoint a guardian in an emergency pursuant to section 349
2112.02 of the Revised Code for a respondent who is physically 350
present in this state; 351

(2) Issue a protective order with respect to the adult or to 352
the real or tangible personal property located in this state; 353

(3) Appoint a guardian for a ward or protected person for 354
whom a provisional order to transfer the proceeding from another 355
state has been issued under procedures similar to section 2112.31 356
of the Revised Code. 357

(B) If an application for the appointment of a guardian in an 358
emergency is brought in this state and this state was not the 359
respondent's home state on the date that the application was 360
filed, the probate court shall dismiss the proceeding at the 361
request of the court of the home state, if any, whether dismissal 362
is requested before or after the emergency appointment. 363

Sec. 2112.23. Except as otherwise provided in section 2112.22 364
of the Revised Code, a probate court that has appointed a guardian 365
or issued a protective order consistent with this chapter has 366
exclusive and continuing jurisdiction over the proceeding until it 367
is terminated by the probate court or the appointment or order 368
expires by the appointment's or order's own terms. 369

Sec. 2112.24. (A) A probate court of this state having 370
jurisdiction under section 2112.21 of the Revised Code to appoint 371
a guardian or issue a protective order may decline to exercise the 372
court's jurisdiction if the probate court determines at any time 373
that a court of another state is a more appropriate forum. 374

(B) If a probate court of this state declines to exercise the 375

court's jurisdiction under division (A) of this section, the 376
probate court shall either dismiss or stay the proceeding. The 377
probate court may impose any condition that the probate court 378
considers just and proper, including the condition that an 379
application for the appointment of a guardian or issuance of a 380
protective order be filed promptly in another state. 381

(C) In determining whether it is an appropriate forum, the 382
probate court shall consider all relevant factors, including, but 383
not limited to, the following: 384

(1) Any expressed preference of the respondent; 385

(2) Whether abuse, neglect, or exploitation of the respondent 386
has occurred or is likely to occur and which state could best 387
protect the respondent from the abuse, neglect, or exploitation; 388

(3) The length of time the respondent was physically present 389
in or was a legal resident of this or another state; 390

(4) The distance of the respondent from the court in each 391
state; 392

(5) The financial circumstances of the respondent's estate; 393

(6) The nature and location of the evidence; 394

(7) The ability of the court in each state to decide the 395
issue expeditiously and the procedures necessary to present 396
evidence; 397

(8) The familiarity of the court of each state with the facts 398
and issues in the proceeding; 399

(9) The probate court's ability, if an appointment were made, 400
to monitor the conduct of the guardian; 401

(10) Any other factors that the probate court considers 402
relevant. 403

Sec. 2112.25. (A) If at any time a probate court of this 404

state determines that the probate court has acquired jurisdiction 405
to appoint a guardian or issue a protective order because of 406
unjustifiable conduct, the probate court may do any of the 407
following: 408

(1) Decline to exercise jurisdiction; 409

(2) Exercise jurisdiction for the limited purpose of 410
fashioning an appropriate remedy to ensure the health, safety, and 411
welfare of the respondent or the protection of the respondent's 412
property or to prevent a repetition of the unjustifiable conduct, 413
including staying the proceeding until an application for the 414
appointment of a guardian or issuance of a protective order is 415
filed in a court of another state having jurisdiction; 416

(3) Continue to exercise jurisdiction after considering all 417
of the following: 418

(a) The extent to which the respondent and all persons 419
required to be notified of the proceedings have acquiesced in the 420
exercise of the probate court's jurisdiction; 421

(b) Whether the probate court is a more appropriate forum 422
than the court of any other state under the factors set forth in 423
division (C) of section 2112.24 of the Revised Code; 424

(c) Whether the court of any other state would have 425
jurisdiction under factual circumstances in substantial conformity 426
with the jurisdictional standards of section 2112.21 of the 427
Revised Code. 428

(B) If a probate court of this state determines that the 429
probate court has acquired jurisdiction to appoint a guardian or 430
issue a protective order because a party seeking to invoke the 431
court's jurisdiction engaged in unjustifiable conduct, the probate 432
court may assess against that party necessary and reasonable 433
expenses, including, but not limited to, attorney's fees, 434

investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. Except as otherwise provided by any provision of the Revised Code, the probate court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state. 435
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(C) As used in this section, "unjustifiable conduct" includes, but is not limited to, conduct by a person that attempts to create jurisdiction in this state by removing the adult from the adult's home state, secreting the adult, retaining the adult, or restraining or otherwise preventing the adult from returning to the adult's home state in order to prevent or deprive a court of the adult's home state from taking jurisdiction. 441
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Sec. 2112.26. If an application for the appointment of a guardian or issuance of a protective order is brought in this state and this state was not the respondent's home state on the date that the application was filed, in addition to complying with the notice requirements of this state, the applicant shall give notice of the application to those persons who would be entitled to notice of the application if a proceeding were brought in the respondent's home state. The notice must be given in the same manner as notice is required to be given in this state. 448
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Sec. 2112.27. Except for an application for the appointment of a guardian in an emergency or issuance of a protective order, if an application for the appointment of a guardian or issuance of a protective order is filed in this state and in another state and neither application has been dismissed or withdrawn, the following rules apply: 457
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(A) If the probate court in this state has jurisdiction under section 2112.21 of the Revised Code, the probate court may proceed 463
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with the case unless a court in another state acquires 465
jurisdiction under provisions similar to section 2112.21 of the 466
Revised Code before the appointment or issuance of the order. 467

(B) If the probate court in this state does not have 468
jurisdiction under section 2112.21 of the Revised Code, whether at 469
the time the application is filed or at any time before the 470
appointment or issuance of the order, the probate court shall stay 471
the proceeding and communicate with the court in the other state. 472
If the court in the other state has jurisdiction, the probate 473
court in this state shall dismiss the application unless the court 474
in the other state determines that the probate court in this state 475
is a more appropriate forum. 476

Sec. 2112.31. (A) A guardian appointed in this state may 477
petition the probate court to transfer the guardianship to another 478
state. 479

(B) Notice of a petition under division (A) of this section 480
must be given by the guardian to the persons that would be 481
entitled to notice of an application in this state for the 482
appointment of a guardian. 483

(C) On the probate court's own motion or on request of the 484
guardian, ward, protected person, or other person required to be 485
notified of the petition, the probate court shall hold a hearing 486
on a petition filed pursuant to division (A) of this section. 487

(D) The probate court shall issue a provisional order 488
granting a petition to transfer a guardianship of the person and 489
shall direct the guardian to petition for guardianship in the 490
other state if the probate court is satisfied that the 491
guardianship will be accepted by the court in the other state, and 492
the probate court finds all of the following: 493

(1) The ward is physically present in or is reasonably 494

expected to move permanently to the other state. 495

(2) An objection to the transfer has not been made, or, if an 496
objection has been made, the objector has not established that the 497
transfer would be contrary to the interests of the ward. 498

(3) Plans for care and services for the ward in the other 499
state are reasonable and sufficient. 500

(E) The probate court shall issue a provisional order 501
granting a petition to transfer a guardianship of the estate and 502
shall direct the guardian to petition for a guardianship of the 503
estate in the other state if the probate court is satisfied that 504
the guardianship of the estate will be accepted by the court of 505
the other state, and the probate court finds all of the following: 506

(1) The ward is physically present in or is reasonably 507
expected to move permanently to the other state, or the ward has a 508
significant connection to the other state and meets the 509
requirements of division (A)(2) of section 2112.21 of the Revised 510
Code. 511

(2) An objection to the transfer has not been made, or, if an 512
objection has been made, the objector has not established that the 513
transfer would be contrary to the interests of the protected 514
person. 515

(3) Adequate arrangements will be made for management of the 516
ward's property. 517

(F) The probate court shall issue a final order confirming 518
the transfer and terminating the guardianship upon the probate 519
court's receipt of both of the following: 520

(1) A provisional order accepting the proceeding from the 521
court to which the proceeding is to be transferred and that is 522
issued under provisions similar to section 2112.32 of the Revised 523
Code; 524

(2) The documents required to terminate a guardianship in this state. 525
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(G) In determining whether a respondent has a significant connection with a particular state for purposes of this section, the probate court may consider any of the following: 527
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(1) The location of the respondent's family and other persons required to be notified of the guardianship or protective proceeding; 530
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(2) The length of time the respondent at any time was physically present in the state and the duration of any absence; 533
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(3) The location of the respondent's property; 535

(4) The extent to which the respondent has ties to the state, including, but not limited to, voting registration, state or local tax return filing, vehicle registration, driver's license, social relationships, and receipt of services. 536
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Sec. 2112.32. (A) To confirm transfer of a guardianship transferred to this state under provisions similar to section 2112.31 of the Revised Code, the guardian shall petition the probate court in this state to accept the guardianship of the person, guardianship of the estate, or both. The petition must include a certified copy of the other state's provisional order of transfer. 540
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(B) Notice of a petition under division (A) of this section must be given by the guardian to those persons that would be entitled to notice if the petition were an application for the appointment of a guardian or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state. 547
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(C) On the probate court's own motion or on the request of 554

the guardian, ward, protected person, or other person required to 555
be notified of the proceeding, the probate court shall hold a 556
hearing on a petition filed pursuant to division (A) of this 557
section. 558

(D) The probate court shall issue a provisional order 559
granting a petition filed under division (A) of this section 560
unless either of the following applies: 561

(1) An objection is made, and the objector establishes that 562
transfer of the proceeding would be contrary to the interests of 563
the ward or protected person. 564

(2) The guardian is ineligible for appointment in this state. 565

(E) The probate court shall issue a final order accepting the 566
proceeding and appointing the guardian as a guardian in this state 567
upon the probate court's receipt from the court from which the 568
proceeding is being transferred of a final order transferring the 569
proceedings to this state issued under provisions similar to 570
section 2112.31 of the Revised Code. 571

(F) In granting a petition under this section, the probate 572
court shall recognize a guardianship order from the other state, 573
including the determination of the incompetence of the ward and 574
the appointment of the guardian. Nothing in this section shall 575
limit the probate court's authority under Chapter 2111. of the 576
Revised Code. 577

(G) The denial by a probate court of this state of a petition 578
to accept a guardianship transferred from another state does not 579
affect the ability of the guardian to seek appointment as a 580
guardian in this state under section 2111.02 of the Revised Code 581
if the probate court has jurisdiction to make an appointment other 582
than by reason of the provisional order of transfer. 583

Sec. 2112.41. If a guardian has been appointed in another 584

state and an application for the appointment of a guardian of the 585
person is not pending in this state, the guardian appointed in the 586
other state, after giving notice to the appointing court of an 587
intent to register, may register the guardianship order in this 588
state by filing as a foreign judgment in a probate court, in any 589
appropriate county of this state, certified copies of the order 590
and letters of office. 591

Sec. 2112.42. If a guardian of the estate has been appointed 592
in another state and an application for the appointment of a 593
guardian of the estate is not pending in this state, the guardian 594
of the estate appointed in the other state, after giving notice to 595
the appointing court of an intent to register, may register a 596
protective order or guardianship in this state by filing as a 597
foreign judgment in a probate court of this state, in any county 598
in which property belonging to the ward or protected person is 599
located, certified copies of the order and letters of office and 600
of any bond. 601

Sec. 2112.43. (A) Upon the registration of a guardianship or 602
protective order from another state, the guardian may exercise in 603
this state all powers authorized in the order of appointment 604
except as prohibited under the laws of this state, including 605
maintaining actions and proceedings in this state and, if the 606
guardian is not a resident of this state, subject to any 607
conditions imposed upon nonresident parties. 608

(B) A probate court of this state may grant any relief 609
available under the Revised Code to enforce a registered order. 610

Section 2. That existing section 2111.02 and section 2111.41 611
of the Revised Code are hereby repealed. 612

Section 3. Sections 2112.01, 2112.011, 2112.02, 2112.03, 613
2112.04, 2112.05, 2112.31, 2112.32, 2112.41, 2112.42, and 2112.43 614
of the Revised Code, as enacted by this act, apply to guardianship 615
and protective proceedings begun before the effective date of this 616
act, regardless of whether a guardianship or protective order has 617
been issued pursuant to those proceedings. 618