

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 365

Senator Jones

Cosponsors: Senators Lehner, Seitz

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A B I L L

To enact section 2111.011 of the Revised Code to 1
provide a ward's bill of rights and to require 2
that a guardian receive the Ohio Guardianship 3
Guide prepared by the Attorney General and 4
acknowledge such receipt. 5

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

Section 1. That section 2111.011 of the Revised Code be 6
enacted to read as follows: 7

Sec. 2111.011. (A) If the attorney general has prepared an 8
Ohio guardianship guide that includes the bill of rights of a ward 9
as listed in division (E) of this section, the clerk of the 10
probate court shall furnish that guide to a guardian at either of 11
the following times, whichever is applicable: 12

(1) Upon the appointment of the guardian under section 13
2111.02 of the Revised Code; 14

(2) If the guardian was appointed prior to the effective date 15
of this section, upon the first filing by the guardian with the 16
probate court of either of the following, as applicable, after 17
that effective date: 18

(a) A guardian's account, other than a final account, that is 19

required to be filed under section 2109.302 of the Revised Code; 20

(b) A guardian's report that is required to be filed under 21
section 2111.49 of the Revised Code. 22

(B) If the attorney general has prepared an Ohio guardianship 23
guide under division (A) of this section and subsequently prepares 24
any updated version of the Ohio guardianship guide that includes 25
the bill of rights of a ward as listed in division (E) of this 26
section, the clerk of the probate court shall furnish the most 27
recent version of the guide to a guardian at either of the 28
following times, whichever is applicable: 29

(1) Upon the appointment of the guardian under section 30
2111.02 of the Revised Code after the most recent version of the 31
guide is prepared; 32

(2) If the guardian was appointed prior to the date of the 33
most recent version of the guide, upon the first filing by the 34
guardian with the probate court of either of the documents 35
described in divisions (A)(2)(a) and (b) of this section, as 36
applicable, after that date. 37

(C) The probate court shall establish a form for a guardian 38
to sign acknowledging that the guardian received the following: 39

(1) The Ohio guardianship guide; 40

(2) The bill of rights of a ward. 41

(D) Upon receiving the Ohio guardianship guide with a ward's 42
bill of rights pursuant to division (A) or (B) of this section, 43
the guardian shall sign the form specified in division (C) of this 44
section. 45

(E) A ward is entitled to certain rights that the guardian 46
cannot change, and continues to have these rights after a 47
guardianship is established. These rights are as follows: 48

(1) To be treated with dignity and respect; 49

<u>(2) To privacy, which includes the right to privacy of the</u>	50
<u>body and the right to private, uncensored communication with</u>	51
<u>others by mail, telephone, or personal visits;</u>	52
<u>(3) To exercise control over all aspects of life that the</u>	53
<u>court has not delegated to the guardian;</u>	54
<u>(4) To appropriate services suited to the ward's needs and</u>	55
<u>conditions, including mental health services;</u>	56
<u>(5) To have the guardian consider the ward's personal</u>	57
<u>desires, preferences, and opinions;</u>	58
<u>(6) To safe, sanitary, and humane living conditions within</u>	59
<u>the least restrictive environment that meets the ward's needs;</u>	60
<u>(7) To marry, if legally able;</u>	61
<u>(8) To procreate, or to consent or object to sterilization;</u>	62
<u>(9) To equal treatment under the law, regardless of race,</u>	63
<u>religion, creed, sex, age, marital status, sexual orientation, or</u>	64
<u>political affiliation;</u>	65
<u>(10) To have explanations of any medical procedures or</u>	66
<u>treatment;</u>	67
<u>(11) To have personal information kept confidential;</u>	68
<u>(12) To review personal records, including medical,</u>	69
<u>financial, and treatment records;</u>	70
<u>(13) To speak privately with an attorney, ombudsman, or other</u>	71
<u>advocate;</u>	72
<u>(14) To an attorney and independent expert evaluator, and to</u>	73
<u>have these professionals paid by the court if the ward is</u>	74
<u>indigent;</u>	75
<u>(15) To petition the court to modify or terminate the</u>	76
<u>guardianship;</u>	77
<u>(16) To bring a grievance against the guardian, request the</u>	78

<u>court to review the guardian's actions, request removal and</u>	79
<u>replacement of the guardian, or request that the court restore the</u>	80
<u>ward's rights if it can be shown that the ward has regained the</u>	81
<u>capacity to make some or all decisions;</u>	82
<u>(17) To request a hearing to review the continued need for</u>	83
<u>the guardianship at least once a year;</u>	84
<u>(18) To drive, if legally able;</u>	85
<u>(19) To vote, if legally able.</u>	86