



OHIO LEGISLATIVE SERVICE COMMISSION

Synopsis of Senate Committee Amendments*

Nicholas A. Keller

Sub. H.B. 595

132nd General Assembly
(As Reported by S. Judiciary)

-- Modifies the release of medical records provision of the House-passed bill to apply to a person eligible to be the personal representative of an estate or named as executor in a will and specifies that the records may be used also for purposes of deciding whether or not to file a personal injury or survivorship claim.

-- Requires the person who receives the deceased person's possessions from the coroner to deliver them to the executor or administrator of the deceased person's estate or to any other person legally entitled to any of the possessions.

-- Requires a will to comply with the law of the jurisdiction *in which the testator was physically present* at the time of the execution of the will relative to the admissibility of a will to probate.

-- Specifies procedures for adding members to a guardianship service board.

-- Makes communications between an attorney and a client who is acting as a fiduciary privileged and protected from disclosure to the same extent as if the client was not acting as a fiduciary.

-- Eliminates a requirement that the probate court approve a transfer of funds received by a fiduciary in the fiduciary's name as such fiduciary to the fiduciary's attorney for deposit in an interest on lawyer's trust account (IOLTA) and allows such a transfer if nominal in amount *or* if to be held for a short period of time.

-- Permits nonelderly, disabled applicants or recipients of Medicaid benefits or their spouses to establish their own special needs trust on or after December 13, 2016.

-- Provides a uniform process for the determination that a person is an indigent litigant for purposes of a civil action and provides for the waiver of certain court costs and fees for indigent litigants.

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

-- Provides that authenticated copies of wills "of persons not domiciled in this state," (added by the Senate Committee) executed and proved according to the laws of any state or territory, relative to property in this state, may be admitted to record in the probate court of a county where a part of that property is situated.

-- Prohibits a juvenile court from exercising jurisdiction in certain cases to determine custody or child support.

-- Permits a juvenile court to transfer jurisdiction over a support or custody action or order to an appropriate domestic relations court under certain circumstances.

-- Requires, if a child is subject to a support order issued by a domestic relations court, a juvenile court to notify the domestic relations court and child support enforcement agency (CSEA) under certain circumstances.