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Opiate Conference Attendees Hear About Ohio  
Courts' Efforts to Combat Epidemic (p. 5)

# CNO REVIEW

June 2016



## Obergefell at One Year

Ohio's probate courts share experiences since the U.S.  
Supreme Court's decision on gay marriage (See story on p. 6)

## About Court News Ohio

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Submissions can be e-mailed to [CNO@sc.ohio.gov](mailto:CNO@sc.ohio.gov) or sent through the U.S. mail to:

Court News Ohio  
65 S. Front Street  
10th Floor  
Columbus, Ohio 43215

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**On the Cover:** The celebration in front of the United States Supreme Court upon the announcement of the Court's decision in *Obergefell v. Hodges* on June 26, 2015. Photo Credit: Matt Popovich

# Cases

Visit [courtnewsohio.gov](http://courtnewsohio.gov) for the most current decisions from the Ohio Supreme Court, Courts of Appeals, and Court of Claims.

## Supreme Court of Ohio

### A Public Body's Prearranged Discussion by E-mail Violates Ohio's Open Meetings Act

A private prearranged discussion of public business by the majority of a public body's members either face-to-face or by other means such as telephone, e-mail, text, or tweet, violates the Ohio Open Meetings Act, the Supreme Court ruled May 3. In a 5-2 vote, the Court ruled former Olentangy Local School District Board of Education member Adam White can pursue his lawsuit against the school board for violating the Open Meetings Act. White alleged the violation happened when the board president sparked an exchange of e-mails with the other board members and school officials to respond to a newspaper editorial. The decision, authored by Justice **Terrence O'Donnell**, reverses the decision of the Fifth District Court of Appeals, which approved a trial court's dismissal of White's suit.

White v. King et al.  
Slip Opinion No. 2016-Ohio-2770

### Abuse and Molestation Exclusion Precludes Insurance Coverage for Church's Child Abuse Incident

The Supreme Court ruled May 12 that an abuse and molestation exclusion in a commercial insurance policy bars coverage for damages awarded against an employer found liable for an employee's physical abuse of a child in the care, custody, or control of the employer. A unanimous Court found Grange Mutual Casualty's insurance policy exclusion does not allow coverage to World Harvest Church for a 2006 incident regarding the beating of a 2 ½-year-old child in its daycare center. The church settled a lawsuit with

the child's parents for \$3.1 million and sought to have Grange reimburse it for a portion of the settlement. Writing for the Court, Chief Justice **Maureen O'Connor** concluded the Tenth District Court of Appeals incorrectly found Grange responsible to cover a portion of the "vicarious liability" claims against World Harvest, more than \$642,000 of the parents' attorney fees, and nearly \$230,000 in postjudgment interest.

World Harvest Church v. Grange Mut. Cas. Co.  
Slip Opinion No. 2016-Ohio-2913

### Law Presuming Juvenile's Statement in Police Custody Was Voluntary Ruled Unconstitutional

In the context of interrogating juveniles in police custody, a state law that presumes the suspect's statements are voluntary if electronically recorded is unconstitutional, the Supreme Court ruled April 28. In a 5-2 decision, the Court found R.C. 2933.81 (B) violates the due process rights of juveniles. Writing for the Court, Justice **Judith L. French** directed a Hamilton County Common Pleas Court to reconsider then 15-year-old Tyshawn Barker's confession to murder, robbery and tampering with evidence charges that led to a 25 years to life in prison sentence.

State v. Barker  
Slip Opinion No. 2016-Ohio-2708

### Sex-Offender Registration Termination Not Available for Pre-2008 Offenses

The Supreme Court ruled May 18 that a statutory procedure allowing sex offenders to terminate reporting requirements available to Adam Walsh Act (AWA) offenders who committed certain sexual offenses after the state's 2008 implementation of the AWA is not available to Megan's Law sex offenders

who committed crimes before the 2008 implementation date. A majority of the court voted to deny Aaron K. Von's request to terminate his registration duties. He argued that even though he had been convicted of sexual assault of a child in 1997 in Colorado, an Ohio judge could allow him to end his reporting requirements based on the 2008 Ohio law. Writing for the majority, Justice **Terrence O'Donnell** stated that Von was subject to the requirements of the 1996 Megan's Law, which had no provision for terminating a sex offender's duty to comply with registration requirements.

In re Von  
Slip Opinion No. 2016-Ohio-3020

## Court of Claims

### Court of Claims: Former Bowling Green Football Player Settles Concussion Claim for \$712,500

Bowling Green State University (BGSU) has agreed to pay \$712,500 to a former red-shirt freshman offensive lineman who claimed football team coaches and medical staff failed to withhold him from practices after suffering repeated concussions, which has led to a permanent brain injury. Cody Silk, who joined the BGSU football team in 2010, sued the university in the Ohio Court of Claims, alleging the failure to diagnose him with two concussions led him to participate in full contact practices until a third concussion occurred. At that point team doctors medically disqualified him from playing football at the university.

Cody Silk v. Bowling Green State University  
Case No. 2013-00472

# HappeningNow

News and Notes from Courthouses Across the Buckeye State

## Franklin County Municipal Court Opens Self-Help Center

For residents who can't afford legal representation, navigating the court system can be intimidating.

At the Franklin County Municipal Court, those residents now have access to the new Self Help Resource Center, where, for those who qualify, there are resources to help in their self-represented civil case in municipal court.

"It's the logistical matters that are tough for people to figure out on their own, so that's what we're trying to provide is the logistics of getting through municipal court," **Kayla Callahan**, the staff attorney at the help center, said.

Callahan is working under a contract between the municipal court and the Ohio State University Moritz College of Law. Her role is not to provide legal advice, but to help provide information about a number of topics.

"Landlord-tenant, small claims, some debt collection, sealing of the records, and other consumer issues is our main focus right now. Also, providing general information about how to present yourself in court," Callahan said.

The center is housed in a building adjacent to the Franklin County Municipal Court in downtown Columbus. There are free handouts on various legal topics available. **Gene Edwards**, legal research supervisor at the court, says for those who financially qualify, there are additional services.

"We have computer terminals set up that will be a really key component for people coming in wanting to explore sealing of their records because one of the chief challenges there is helping someone understand how to find their own records and evaluate for themselves whether or not they qualify or are eligible to apply," Edwards said.

Edwards added the center has been a collaborative effort in the Franklin County legal community, with the start-up costs from the Columbus Bar Foundation, and an added court fee to generate operating funds.

"It's really exciting to think about the kinds of additional resources or opportunities we can make available out of such a wonderful space like this," he said.

"The Franklin County Municipal Court, the Moritz College of Law, the Franklin County Commissioners, and the Columbus Law Library Fund of the Columbus Bar Foundation are to be commended for collaborating on opening the center to increase access for justice for self-represented litigants," Ohio Supreme Court Chief Justice **Maureen O'Connor** said. "Not only is this initiative a great example of serving the public and demonstrating leadership by all involved, but it also implements one of the recommendations of the Supreme Court's Task Force on Access to Justice."

"We have computer terminals set up that will be a really key component for people coming in wanting to explore sealing of their records because one of the chief challenges there is helping someone understand how to find their own records and evaluate for themselves whether or not they qualify or are eligible to apply,"

— Gene Edwards  
Legal Research Supervisor  
Franklin Co. Municipal Court

## Law Students Help Low-Income Clients in Domestic Relations Court

Elliousa Baier gained real-world experience at Portage County Domestic Relations Court in her final semester at the University of Akron School of Law. With the help of an experienced attorney, she and three other third-year law students were the first to go through the domestic relations clinic course and help low-income clients with family law matters like dissolutions and uncontested divorces.

"There are a lot of classes in law school where you're able to draft mock documents and things like that, but this is one where you're actually doing it for a real client and able to come into Judge Giulitto's courtroom and actually argue a case," Baier said.

Judge **Paula Giulitto** of the Portage County Domestic Relations Court came up with the idea and contacted the law school.

"What we learn in law school is difficult to carry over into practice. You don't get to meet clients, you don't get to learn how to have your personality interact with them and paint out realistic expectations for their case and then present the case. These students had that opportunity and to the benefit of the litigants who would have otherwise not had that guidance," Judge Giulitto said.

According to intern Lauren Knight, feedback from the clients was positive. "They have no idea, a lot of times, what exactly the court process, is so having someone to help them get through that, to help guide them through that, is just very comforting to them, I think," Knight said.

Ravenna attorney Tim Thomas mentored the clinic interns during the semester.

"Domestic relations law is a unique area where not only are you dealing with the law but you have a lot of situations where counseling is going to be important," Thompson said. "You're an attorney and counselor-at-law because you're dealing with very emotional issues and you're only doing a part of your job if you're just taking care of the legalities."

Judge Giulitto was pleased with how well the interns were prepared.

## Opiate Conference Attendees Hear About Ohio Courts' Efforts to Combat Epidemic

The role of Ohio courts in the battle against Ohio's opiate epidemic was in the spotlight May 2 as Ohio Supreme Court Chief Justice **Maureen O'Connor** spoke to attendees of the seventh annual opiate conference in Columbus.

Chief Justice O'Connor talked about the multi-jurisdictional efforts that are underway, including the medication-assisted treatment program that began receiving funding in January 2014 among Ohio courts, the Ohio Department of Mental Health and Addiction Services (OhioMHAS), and local Alcohol and Drug Addiction Service Boards. The approach being used by drug courts in the 15 counties participating in the program, including medication, counseling, and therapy, is showing promising results, according to Chief Justice O'Connor.



"After six months in the program, participants showed a significant decrease in heroin use and criminal justice involvement, a significant increase in stable housing situations, and twice as many were employed. Taken as a whole, these improvements indicate that the program is demonstrating positive effects across a wide range of client problems and issues,"

— Chief Justice Maureen O'Connor

"After six months in the program, participants showed a significant decrease in heroin use and criminal justice involvement, a significant increase in stable housing situations, and twice as many were employed. Taken as a whole, these improvements indicate that the program is demonstrating positive effects across a wide range of client problems and issues," Chief Justice O'Connor said.

The Supreme Court, the OhioMHAS, and the Ohio Department of Job and Family Services are also collaborating on a study to find out why parents in the child welfare system with addiction issues are not participating in family dependency treatment courts or successfully completing treatment programs.

"We must provide Ohioans battling addiction with a fighting chance at sustained recovery. It is not just in their interest. It is in the interest of their families, their communities, and our state," she added.

Ohio's 2016 Opiate Conference: Advancing Prevention, Intervention, Treatment, and Recovery was hosted by the Ohio Association of County Behavioral Health Authorities, in partnership with the OhioMHAS and the Ohio Department of Rehabilitation and Correction. The two-day conference brought together professionals, including judges and attorneys, from across Ohio to learn about Ohio's opiate epidemic and to continue developing local ideas and solutions.

## Ceremony Completes Transformation from Law Students to Lawyers



New lawyers took the oath to uphold the Ohio and U.S. constitutions during ceremonies on May 2 before the Ohio Supreme Court. About 200 were sworn in by Chief Justice **Maureen O'Connor** during a special session of the Court in the Palace Theatre in Columbus.

"It is such a wonderful duty of the Chief Justice and justices to participate in a court session that admits you to the bar thus transforming you from law students to lawyers," Chief Justice O'Connor said.

Justice **Judith Ann Lanzinger** called on the new legal counselors "to speak for others and to stand up for them as their legal representative."

"Everyone can take on pro bono work, and by doing your best for others, it's possible that this experience will allow you to do good for yourself as well because volunteering can morph into connections and opportunities for paid employment. That's in addition to the 'psychic' income that you will get in helping others," Justice Lanzinger said.

Ohio State Bar Association President **John Holschuh** also offered advice, "Always do the right thing. Your reputation in the practice of law is everything. Your profession depends on it, and your reputation is what you will be known by."

More than 400 took the bar exam in February. The next bar exam will be administered in July.

The Ohio Supreme Court regulates the practice of law in the state, including the biennial registration of attorneys, discipline in cases of misconduct, and the administration of continuing legal education.

# Obergefell at One Year



The U.S. Supreme Court released a momentous ruling on June 26 last year ensuring the rights of same-sex couples to marry across the country. Reporters from television stations, newspapers, and web sites rushed to cover the first nuptial ceremonies of same-sex couples in states, such as Ohio, where gay marriage had been illegal but no longer was. Then the state's courts braced for an anticipated spike in requests for marriage licenses. And not much happened, court officials report.

“There was zero impact on the court’s operations. The sky didn’t fall.”

— Lisa Zeno Carano  
Summit County Probate Court

planned ahead should the ruling go the way it did. The Ohio Association of Probate Judges had discussed strategies for addressing any needed changes at a meeting held before the 2015 decision was released.

**Lisa Zeno Carano**, court administrator for the Summit County Probate Court, said the transition went smoothly

and there were no difficulties. Because officials knew a decision in the case was imminent, a few key staff met earlier in the year to discuss what they might need to do. The court had to update a few forms, remove language like “bride” and “groom” from the online and hard-copy applications for a marriage license, and make minor edits to the web site.

“There was zero impact on the court’s operations,” Zeno Carano said. “The sky didn’t fall.”

The first same-sex couple who came into the court that day for a marriage license and to get married had been together for 35 years, Zeno Carano said. That may have been the most memorable part of her day. Since then, same-sex couples have come to the court for marriage licenses, but over the past year Summit County’s number of licenses issued has remained about the same, she noted.

## Preparation Paid Off Across State

Lucas County also took preemptive steps to ready itself for a ruling. Staff checked with other states where same-sex marriage was already legal to see what changes had been implemented. Then they consulted with their case management vendor, which took steps preparing to update the court’s index, a database of marriage licenses granted in the county.

“A blind man could see that a decision allowing same-sex marriage was going to happen, either in this case or a later one” said **Charles Shaffer**, the probate court’s administrator. “We were going to change things anyway.”

Shaffer said 14 same-sex couples showed up on June 26 for licenses. Overall, though, the number of licenses authorized by the court in the last year hasn't dramatically changed. The county approved 4,100 licenses in 2015, and 170 of those were to same-sex couples in the last half of the year, according to Shaffer's review of the statistics.

Like many probate judges in the state, Lucas County **Judge Jack Puffenberger** only occasionally conducts weddings, so the county has ministers available at the courthouse to handle the high volume of out-of-state residents, mostly from Michigan, who request marriage licenses and must then wed in the county as required by Ohio law. After *Obergefell*, the court ensured that the ministers on site would perform both opposite-sex and same-sex marriages.

**Judge David Hejmanowski** of the Delaware County Probate Court said the staff there did advance planning as well, issued the county's first same-sex marriage licenses by 2 p.m. that day, and later granted a license to a same-sex couple who'd been in a committed relationship for 45 years.

Greene County **Judge Thomas O'Diam** stated that his court chose to make its application for marriage licenses gender neutral several months before the *Obergefell* ruling.

"If the decision had come down the opposite way, our modified form would still work and we would not have had to make any changes," Judge O'Diam said.

Probate court officials in Clark, Fairfield, and Meigs counties shared similar accounts of trouble-free operational transitions. They all remarked that additional staffing was unnecessary and technology updates were simple.

In Guernsey County, the local court system was criticized in the media because no judges were performing any civil weddings by the time *Obergefell* was decided. Since then, though, **Judge David Bennett** in the probate court has agreed to officiate over ceremonies by appointment.

## Issues on the Horizon

A more turbulent ride may be yet to come in the legislative arena. There's the statute defining who can marry in the state, based on a pre-*Obergefell* state constitutional amendment banning gay marriage. And while gender-neutral language was formally incorporated into state law beginning in the mid-1990s, lawyers working in these areas have pointed out that statutes governing parenting, adoptions, custody, and divorce have retained words such as "husband," "wife," "father," and "mother." Even a seemingly neutral word like "parent" is strictly defined in the Revised Code.

The Ohio State Bar Association has formed a subcommittee to review the laws and make recommendations to the Ohio General Assembly about amendments that may be needed to conform with the U.S. Supreme Court's ruling. Judge Hejmanowski said opinions vary about the best way to propose any legislative changes, such as in an omnibus bill or through more narrow legislation.

But as far as issuing marriage licenses around the state, probate court officials have described a straightforward and easy evolution.

"Just fine" was how **Erin McCabe**, deputy clerk in Meigs County, described her court's adjustment to *Obergefell*. "We adapt to new laws all the time," she added.

Ultimately, for whatever effort it took by the state's courts, Zeno Carano explained, "We're here to assist and here to serve the public."

### June 26, 2015

- U.S. Supreme Court releases decision in *Obergefell v. Hodges*.
- The Ohio Association of Probate Judges releases memo stating "it is the general consensus of this group that courts should immediately begin to issue marriage licenses to same sex couples who otherwise qualify."
- The Ohio Supreme Court orders that "all references to husband, wife, father, mother, parent, spouse and other terms expressing familial relationships" in the Rules of Superintendence for the Courts of Ohio and related forms and in the uniform domestic relations forms that are part of the Ohio Rules of Civil Procedure are to "be construed as gender neutral where appropriate to comply with the [*Obergefell*] decision ...."

### August 7, 2015

The Board of Professional Conduct issues Advisory Opinion 2015-1 with guidance for judges regarding the judicial ethical requirements that govern the performance of civil marriages of same-sex couples.

### March 15, 2016

Gender-neutral terms in Ohio Supreme Court rules and forms became effective following the adoption of the changes by Court's justices. The amendments removed gender-specific terms in Court rules and forms that address marriage and the related topics of divorce, child support, guardianships, adoption, domestic relations, and domestic violence.

## Ohio Committee Looks to Reform Bail and Pretrial Services

Looking to reform pretrial services and bail in Ohio, an Ad Hoc committee of the Ohio Sentencing Commission discussed statewide practices on April 28 with national consultants.

The Ad Hoc Committee on Bail and Pretrial Services Reform hosted two consultants with the National Institute of Corrections to learn more about how pretrial services and bail decisions can affect the court system. The committee is made up of judges, court administrators, clerk of courts, public defenders, prosecutors, sheriffs, victim representatives, pretrial services staff, and members of the judicial conference.

**Timothy Schnacke**, a criminal justice system analyst with more than 30 years of legal experience, gave a nationwide perspective, while **Lori Eville**, a correctional program specialist, guided the group in a gap analysis of risk-based evidence and decision making in regard to how courts handle bail and pretrial release decisions. She also presented ideas such as the state develop a legal structure to support the purpose of bail, including a pretrial justice system that considers risk and bail like a dedicated pretrial services agency.

The group also discussed the strengths in current Ohio pretrial services and bail decisions, opportunities for improvement, and what to prioritize in the future.

Ohio Sentencing Commission Director **Sara Andrews** said it will take about six to eight months for the committee to gather all the information needed to make recommendations to the full commission. A final report will then be delivered to the Ohio Supreme Court and the General Assembly for consideration and action.



## Ohio Awards \$1.6 Million to Juvenile Courts for Detention Alternatives and Security Enhancements

In an effort to reserve detention placement for certain youth, address challenges of troubled youth early, and improve detention services and conditions of confinement, the Ohio Department of Youth Services recently announced \$1,628,804 in funding to assist 23 counties through the agency's new Detention Alternatives and Enhancements Initiative.

The funds will benefit more than 5,000 youth in Allen, Ashtabula, Champaign, Clermont, Coshocton, Cuyahoga, Delaware, Fairfield, Franklin, Guernsey, Jefferson, Knox, Lorain, Lucas, Madison, Marion, Montgomery, Muskingum, Summit, Trumbull, Union, Warren, and Wayne counties.

Implementation grants will help fund physical plant enhancements as well as expand alternatives to secure detention, services, and supports provided within the facilities. Alternatives will divert an estimated 800 youth from secure detention through June 2017, with the development of evening assessment and reporting centers, crisis shelters, respite services, and increased use of electronic monitoring. Just under \$400,000 of the \$1.6 million has been earmarked to provide much-needed physical plant improvements to boost safety and security at the facilities.

Fairfield County Juvenile Court Judge **Terre L. Vandervoort** is excited to use funding to develop a day/evening reporting center as a detention alternative.

"This will strike the right balance in protecting the community, holding youth accountable, and providing skills and competencies young people need to succeed in the future," Judge Vandervoort said. "Youth served by alternatives will be able to maintain educational progress, continue employment, receive monitoring during high risk afternoon and evening hours, and benefit from programs and services to address their needs."

The court estimates the new reporting center will serve 250 youth and result in a savings of more than \$300,000 annually.

# The Agenda

Upcoming events, training opportunities, and conferences for judges and court staff. For more information, contact the event sponsor at the website provided.

## Conferences & Meetings

**June 14-16**  
**Probate/Domestic Relations/  
 Juvenile Judges Associations Summer  
 Conference**  
 Judges  
 Akron

**June 14-16**  
**Ohio Clerk of Courts Association  
 Summer Conference**  
 Cincinnati  
 occaohio.com

**June 15-17**  
**Ohio Common Pleas Judges Association  
 (OCPJA) Summer Conference**  
 Judges  
 Newark

### Judicial College Courses

[judicialeducation.ohio.gov](http://judicialeducation.ohio.gov)

**June 7**  
**Probation Officer Training Program: Introduction to  
 Offender Behavior Management (018)**  
 Probation Officers  
 Dayton

**June 7**  
**Fundamentals of Adult Guardianship Course  
 Adult Guardians**  
 (Laypersons)  
 BROADCAST

**June 8**  
**Fundamentals of Adult Guardianship Course**  
 Adult Guardians  
 (Professional)  
 BROADCAST

**June 13**  
**Probate Judges Pre-Conference**  
 Judges  
 Akron

**June 14**  
**Probation Officer Training Program: Introduction to  
 Cognitive Behavioral Interventions (015)**  
 Probation Officers  
 Toledo

**June 15**  
**Guardian ad Litem Continuing Education Course -  
 Interview**  
 Guardians ad Litem  
 Cleveland  
 1 p.m. – 4:30 p.m.

**June 16**  
**Judicial Candidates Seminar**  
 Judicial Candidates  
 Columbus  
 1:30 p.m. – 3:30 p.m.

**June 16**  
**Guardian ad Litem Continuing Education Course -  
 Interview**  
 Guardians ad Litem  
 Cleveland  
 8:30 a.m. - noon

**June 21**  
**Probation Officer Training Program: Introduction to  
 Offender Behavior Management (018)**  
 Probation Officers  
 Akron

**June 22**  
**Guardian ad Litem Pre Service Course**  
 Guardians ad Litem  
 Cincinnati

# Agenda (continued)

June 23 & 24

**Juvenile Court Clerks Seminar**  
Juvenile Court Clerks  
Mt. Sterling

June 24

**The Court and the Pro Se Litigant (2 of 2)**  
Judges & Magistrates  
Cleveland

June 28

**Probation Officer Training Program: Introduction to Cognitive Behavioral Interventions (015)**  
Probation Officers  
Columbus

June 28 & 29

**Certified Court Managers Seminar**  
Certified Court Managers  
Columbus

July 6

**Guardian ad Litem Continuing Education Course – Domestic Violence**  
Guardians ad Litem  
Athens  
1 p.m. – 4:30 p.m.

July 6

**Probation Officer Training Program: Introduction to Assessment & Case Planning (013)**  
Probation Officers  
Dayton

## Dispute Resolution Training

[sc.ohio.gov/JCS/disputeResolution](http://sc.ohio.gov/JCS/disputeResolution)

June 14 & 15

**Domestic Abuse Issues**  
Mediators and Other Professionals  
Columbus

June 15

**Parenting Coordinators Roundtable**

## Language Services Training

[sc.ohio.gov/JCS/interpreterSvcs/](http://sc.ohio.gov/JCS/interpreterSvcs/)

June 24

**Modes: Simultaneous & Consecutive**  
Oral Exam Candidates  
Columbus

## Supreme Court of Ohio

[sc.ohio.gov](http://sc.ohio.gov)

June 1

**Oral Arguments**

June 14

**Oral Arguments**

## Local Court Roundtables

[sc.ohio.gov/JCS/roundtables](http://sc.ohio.gov/JCS/roundtables)

**NOTE: All meetings at the Moyer Judicial Center in Columbus**

June 9

Juvenile Chief Probation Officers  
Courts with Population of Less than 100K

June 14

Juvenile Chief Deputy Clerks  
Midsized & Urban Courts  
Courts with Population Greater than 60K

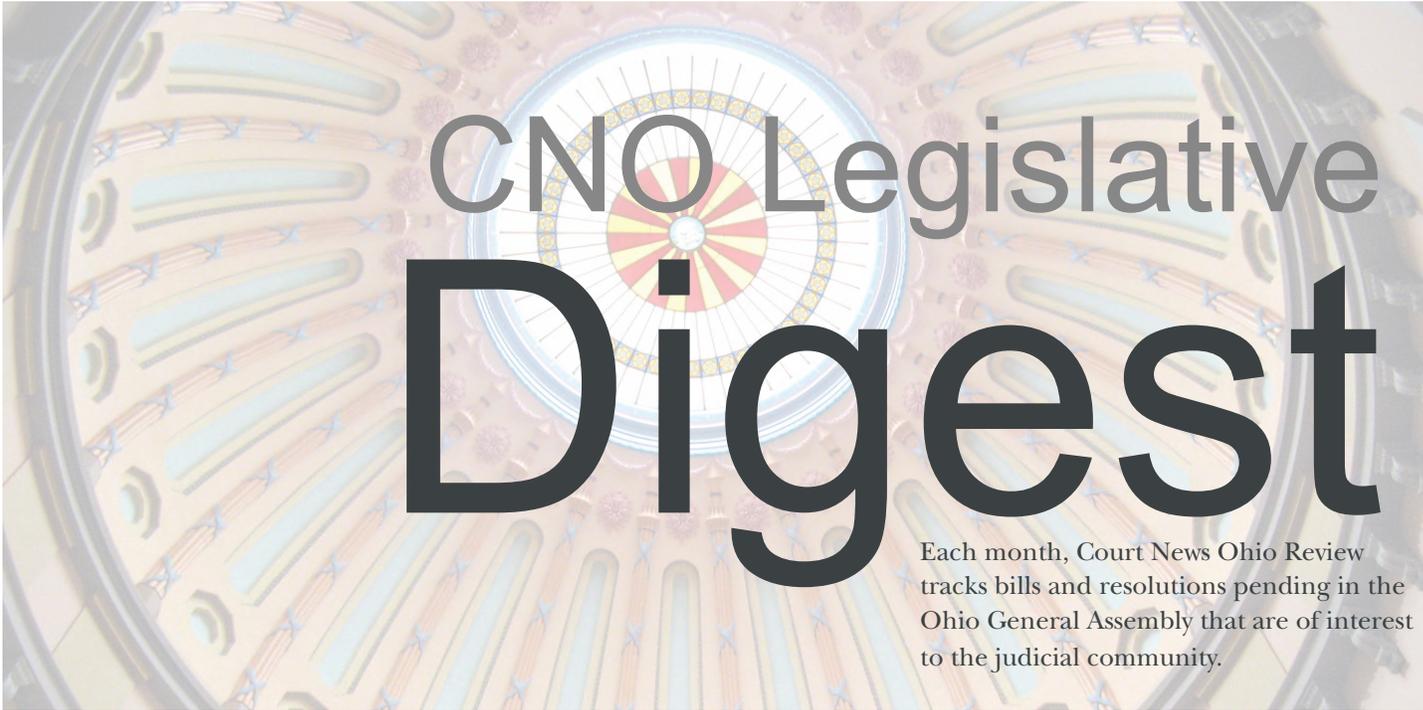
June 16

Juvenile Courts, Title IV-E  
All Counties

June 24

Domestic Relations Custody Evaluators  
All Counties





# CNO Legislative Digest

Each month, Court News Ohio Review tracks bills and resolutions pending in the Ohio General Assembly that are of interest to the judicial community.

## **SB 321, Sen. Keith Faber (R-Celina)**

To create a procedure within the Court of Claims to hear complaints alleging a denial of access to public records and to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees, and to expand the infrastructure record exemption under Public Records Law.

**STATUS:** Introduced May 2, 2016 and passed in the Senate May 11, 2016. Passed in the House on May 25, 2016.

## **HB 151, Rep. Marlene Anielski (R-Walton Hills)**

To expand the offenses of menacing by stalking and telecommunications harassment, to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person, to increase the penalty for assault when the victim is a volunteer firefighter, and to correct a cross reference in the theft statute to special purchase articles.

**STATUS:** Introduced in the House on April 13, 2015. Signed into law by Gov. John Kasich on May 17, 2016.

## **HB 347, Rep. Rob McColley (R-Napoleon), Rep. Tom Brinkman (R-Cincinnati)**

To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures.

**STATUS:** Introduced in House Sept. 29, 2015. Passed in the House on May 25, 2016.

## **HB 388, Rep. Gary Scherer (R-Circleville)**

To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to 10 years, and to modify the penalties for OVI

**STATUS:** Introduced on Nov. 5, 2015. Passed the House on May 18, 2016.

## **HB 387, Rep. Louis Terhar (R-Cincinnati), Rep. Jonathan Dever (R-Cincinnati)**

To raise the maximum allowable limit of the monetary jurisdiction of small claims divisions of municipal courts.

**STATUS:** Introduced in the House on Nov. 2, 2015. Passed the House on Feb. 24, 2016. Referred to the Senate Civil Justice Committee on April 12, 2016. Passed the Senate on May 24, 2016.

# Rule Amendment Summary

Each month, Court News Ohio Review summarizes select significant rule amendments proposed or enacted by the Ohio Supreme Court.



**Ancillary Court Services.** The Supreme Court approved new rules to provide further clarity regarding access to the judicial system for Ohioans who need foreign or sign language interpretation. The changes to rules 80 and 87, and the addition of rule 89, in the Rules of Superintendence for the Courts of Ohio take effect July 1 and will clarify that foreign language communication services are required for “ancillary court services,” other than a court or case function, with the type of service provided depending upon the significance and complexity of the situation. The new rules also add the designation “registered foreign language interpreters” for interpreters who’ve demonstrated language proficiency to interpret in a case or court function but aren’t certified by the Supreme Court because no certification exam exists.

**Probate Forms.** The Supreme Court adopted new probate forms to facilitate the involuntary treatment of alcohol and drug abusers and to permit someone applying for a name change to waive the public notice requirement under certain conditions. Additionally, the Court published for comment 11 new and two updated forms for adult guardianship cases and a few other probate matters.

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