Ohio Revised Code
Section 1717.17 Humane society agent removal from office for just cause.

Effective: March 31, 2021

Legislation: House Bill 24 - 133rd General Assembly

(A) A probate judge of a county in which a humane society agent operates may revoke the approval of an appointment for just cause, under the procedure established in division (B) of this section.

(B)(1) A movant may commence the procedure by filing with the probate court a motion to revoke the appointment, in the form of an affidavit sworn to by the movant, describing the conduct that constitutes just cause for the motion. The probate judge, upon a review of the facts, may dismiss the motion without a hearing, or shall direct the clerk of the probate court to serve the humane society agent and the humane society with a summons and a copy of the motion and any accompanying memorandum in accordance with the Rules of Civil Procedure. The summons must state the time and place at which the probate court will conduct a hearing on the motion.

(2) The humane society agent may waive the right to a hearing. If the humane society agent waives the right to a hearing, the probate judge shall revoke the humane society agent's approval of appointment as prayed for in the motion. If the humane society agent does not waive the right to a hearing, the probate judge shall conduct a hearing on the motion.

(3) The humane society agent is entitled to the assistance of counsel at the hearing. The Rules of Evidence govern conduct of the hearing. At the hearing, the movant has the burden of proving, by a preponderance of the evidence, that just cause exists for the revocation of the humane society agent's appointment.

(4) If, after the hearing, the probate judge finds that the movant has not sustained the burden of proof, the probate judge shall deny the motion. If, after the hearing, the probate judge finds that the movant has sustained the burden of proof, the probate judge shall grant the motion and revoke the humane society agent's approval of appointment.