



## Ohio Revised Code

### Section 5119.93 Initiation of proceedings; petition.

Effective: April 12, 2021

Legislation: House Bill 1 - 133rd General Assembly

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(A) A person may initiate proceedings for treatment for an individual suffering from alcohol and other drug abuse by filing a verified petition in the probate court. The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)." A spouse, relative, or guardian of the individual concerning whom the petition is filed shall file the petition. A petition filed under this division shall be kept confidential and shall not be disclosed by any person, except as needed for purposes of this section or when disclosure is ordered by a court.

(B) A petition filed under division (A) of this section shall set forth all of the following:

- (1) The petitioner's relationship to the respondent;
- (2) The respondent's name, residence address, and current location, if known;
- (3) The name and residence of the respondent's parents, if living and if known, or of the respondent's legal guardian, if any and if known;
- (4) The name and residence of the respondent's spouse, if any and if known;
- (5) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or a statement that the person is unknown;
- (6) The petitioner's belief, including the factual basis for the belief, that the respondent is suffering from alcohol and other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse;
- (7) If the petitioner's belief specified in division (B)(6) of this section is that the respondent is suffering from opioid or opiate abuse, the information provided in the petition under that division also shall include any evidence that the respondent has overdosed and been revived one or more



times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor.

(C)(1) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by a certificate of a physician who has examined the respondent within two days prior to the day that the petition is filed in the probate court. The physician shall be authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code. A physician who is responsible for admitting persons into treatment, if that physician examines the respondent, may be the physician who completes the certificate. The physician's certificate shall set forth the physician's findings in support of the need to treat the respondent for alcohol or other drug abuse. The certificate shall indicate if the respondent presents an imminent danger or imminent threat of danger to self, family, or others if not treated. Further, the certificate shall indicate the type and length of treatment required and if the respondent can reasonably benefit from treatment. If the physician's certificate indicates that inpatient treatment is required, the certificate shall identify any inpatient facilities known to the physician that are able and willing to provide the recommended inpatient treatment.

If the respondent refuses to undergo an examination with a physician concerning the respondent's possible need for treatment for alcohol or other drug abuse, the petition shall state that the respondent has refused all requests made by the petitioner to undergo a physician's examination. In that case, the petitioner shall not be required to provide a physician's certificate with the petition.

(2) Any petition filed pursuant to divisions (A) and (B) of this section shall contain a statement that the petitioner has arranged for treatment of the respondent. Further, the petition shall be accompanied by a statement from the person or facility who has agreed to provide the treatment that verifies that the person or facility has agreed to provide the treatment and the estimated cost of the treatment.

(D) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by both of the following:

(1) One of the following:

(a) A security deposit to be deposited with the clerk of the probate court that will cover half of the



estimated cost of treatment of the respondent;

(b) Documentation establishing that insurance coverage of the petitioner or respondent will cover at least half of the estimated cost of treatment of the respondent;

(c) Other evidence to the satisfaction of the court establishing that the petitioner or respondent will be able to cover some of the estimated cost of treatment of the respondent.

(2) One of the following:

(a) A guarantee, signed by the petitioner or another person authorized to file the petition, obligating the guarantor to pay the costs of the examinations of the respondent conducted by the physician and qualified health professional under division (B)(5) of section 5119.94 of the Revised Code, the costs of the respondent that are associated with a hearing conducted in accordance with section 5119.94 of the Revised Code and that the court determines to be appropriate, and the costs of any treatment ordered by the court;

(b) Documentation establishing that insurance coverage of the petitioner or respondent will cover the costs described in division (D)(2)(a) of this section;

(c) Documentation establishing that, consistent with the evidence described in division (D)(1)(c) of this section, the petitioner or respondent will cover some of the costs described in division (D)(2)(a) of this section.