



ENACTMENT NEWS

House Bill 279

Wrongful Death

Effective April 3, 2023

On January 3, 2023, Governor DeWine signed House Bill 279 (Rep. Brown & Rep. Stewart) into law. The bill modifies the wrongful death law regarding “other next of kin.”

“Interested Persons” Entitled to Notice of Wrongful Death and Survival Claims

The bill creates a procedure to determine who qualifies as “an interested person entitled to notice pursuant to Rule 70 of the Rules of Superintendence of the Courts of Ohio.” Pursuant to the bill, a surviving spouse, child or parent of the decedent is an interested person. If a wrongful death application is filed prior to or on the date that is two years after the death of the decedent, all other next of kin are also interested persons. If an application is filed more than two years after the death of the decedent, no other next of kin are interested persons *unless* they file a written notice of claim in the probate court prior to the date that is two years after the death of the decedent. The notice of claim must include the claimant’s name, address, telephone number, and relation to the decedent. Note: the “other next of kin” written notice requirement does not specify in which probate court the claim must be filed. (R.C. 2125.02(B)).

Definition of “Other Next of Kin”

The bill defines “other next of kin” as “the nearest surviving relatives of the decedent after accounting for the parents, children, or spouse” (R.C. 2125.02(I)(7)).

The Ohio House passed the bill by a vote of 90-0 on June 25, 2021, and the Senate passed the bill by a vote of 31-0 on December 14, 2022. The House concurred in the Senate amendments by a vote of 89-0 on December 14, 2022.