

OTS 5.6

5.6 PROBATE COURT PROCEEDINGS – MENTAL ILLNESS PROCEEDINGS

Problem A:

Where the indices of a probate court contain a notation of the name of a person in the chain of title to real property but no disclosure of the person's status is available because of Ohio Revised Code Section 5122.31, or any similar provision, should such notation alone cause an objection to be made as to the competency of such persons?

Standard A:

No.

Comment A:

Unless it affirmatively appears from the information disclosed, or permitted to be disclosed without a formal court order, that the probate court has denied or removed such person's rights to contract or other "civil rights" either in whole or in part, including the right to convey or contract for the conveyance of real property, an index notation alone is not sufficient information upon which to base an objection.

(Effective May 12, 1983)