



Prosecutor April R. Grabman

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VIA EMAIL: OpinionsRequest@OhioAttorneyGeneral.gov

The Honorable Dave Yost
Ohio Attorney General
Opinions Unit
30 East Broad Street, 25th Floor
Columbus, Ohio 43215

RE: Location of Probate Court

Dear Attorney General Yost,

I am writing to request an opinion on behalf of the Ashtabula County Board of Commissioners regarding the O.R.C. Sec. 2101.01 requirement that the probate division of the court of common pleas "shall be held at the county seat..."

Ashtabula County, as you may know, is in the process of consolidating its county courts to be one county court that will be located in the Village of Jefferson, the county seat. This is likely to put a strain on the courthouse building's available space. In Ashtabula County the probate judge and the juvenile judge are the same elected official. The juvenile court building located in Ashtabula City has ample space for the purposes of housing probate court should that be a permissible use. The prospective strategy would be to house and process as little of the probate court as is legally permissible in Jefferson, while the rest, potentially including hearings, would be handled in Ashtabula.

Is the O.R.C. Sec. 2101.01 requirement that the probate division of the court of common pleas "shall be held at the county seat..." an exclusive requirement? Or would it be permissible for a county to establish a secondary location outside of the county seat for probate court to be held, so long as the furnished office in the county seat fulfills the statutory purpose of acting as a depository of "the books, records, and papers pertaining to the probate division..."? The Board of County Commissioners has asked that I request this formal opinion to guarantee statutory compliance.

Sincerely,

A handwritten signature in blue ink, appearing to read "April R. Grabman", is written over a horizontal line.

April R. Grabman
Ashtabula County Prosecutor