

August 20, 2026

The Honorable April R. Grabman
Ashtabula County Prosecuting Attorney
25 West Jefferson Street
Jefferson, OH 44047

SYLLABUS: 2026-010

A probate court cannot hold its hearings
or other proceedings anywhere other
than at the county seat.



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OPINION NO. 2026-010

The Honorable April R. Grabman
Ashtabula County Prosecuting Attorney
25 West Jefferson Street
Jefferson, OH 44047

Dear Prosecutor Grabman:

You have requested an opinion on behalf of the Ashtabula County Board of County Commissioners regarding the following:

Is the requirement in R.C. 2101.01 that a probate division of the court of common pleas “shall be held at the county seat” exclusive? 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”?

For the reasons that follow, a probate court cannot hold its hearings or other proceedings anywhere other than at the county seat.

I

You have informed me that Ashtabula County is in the process of consolidating its county courts in the Village of Jefferson, the county seat. As a result, the county courthouse is strained for space. The juvenile and probate courts are operated by one judge. The juvenile court operates in the City of Ashtabula and has extra office space.

The county commissioners’ proposed solution is to house as little of the probate court as legally permissible in Jefferson while conducting most probate court activities, including hearings, in Ashtabula. Your question is whether the board of county commissioners has authority to do what you have described. It does not.

II

The probate court is subject to a specific statutory mandate. R.C. 2101.01 provides in relevant part:

A probate division of the court of common pleas *shall be held* at the county seat in each county in an office furnished by the board of county commissioners, in which the books, records, and papers pertaining to the probate division shall be deposited and safely kept by the probate judge. (Emphasis added.)

R.C. 2101.01(A).

When a statute uses “shall,” it “connotes a mandatory obligation,” unless the statute clearly says otherwise. *Gerrity v. Chervenak*, 2020-Ohio-6705, ¶23; *accord Wilson v. Lawrence*, 2017-Ohio-1410, ¶13. In other words, “[s]hall’ means ‘shall.’” *Kellom v. Quinn*, 86 F.4th 288, 293 (6th Cir. 2023) (quoting *Miller v. French*, 530 U.S. 327, 337 (2000)). And because the General Assembly said that the probate courts must be located in their respective county seats, without exception, that command is final.

Confirming this point, when the General Assembly wanted to, it provided clear authority for other county offices to be located outside the county seat. For example, with the sheriff’s consent, the board of county commissioners may establish the sheriff’s primary office outside the county seat of justice. R.C. 311.06(B). Similar provisions permit the county engineer’s office and the county coroner’s “primary quarters, laboratory,

and equipment” to be located elsewhere in the county. R.C. 315.11(B) and 313.07(B). There is no equivalent statutory authority, however, for alternatively locating a probate court.

A probate court has special functions that may explain the limitations placed on the office and its proceedings. For instance, record-keeping requirements for the probate court are unique. *See* R.C. 2101.11, 2101.12, and 2101.121. Unlike other judges, the probate judge may “perform the duties of clerk of the judge’s court” and appoint staff for that purpose. R.C. 2101.11(A)(1)(a). Records must be made readily available to the public, along with the necessary equipment to examine them. R.C. 2101.121. The probate court is required to maintain an administration docket, civil docket, guardian’s docket, journal of official business, and records of wills, marriages, naturalizations, births, deaths, and adoptions, among others. R.C. 2101.12.

By way of comparison, a juvenile court may be housed “at a convenient location within the county.” R.C. 2151.09. Sessions of a juvenile or domestic relations court can also be “held at such places throughout the county as the judge shall from time to time determine.” R.C. 2151.22. There is no equivalent statutory authority, however, for the probate court to be located anywhere other than the county seat.

My predecessor's analysis of this issue in 2018 provides further support. 2018 Ohio Atty.Gen.Ops. No. 2018-013. There has been a historical *presumption* that common pleas courts be located at the county seat in the absence of a legislative directive. *Id.*, at paragraph one of the syllabus. As explained, the courthouse is the county's "seat of justice," and the "seat of justice is part of the county seat" unless lawfully relocated. *Id.*, Slip Op. at 1-5; 2-115 to 2-120, citing *State ex rel. Hottle v. Bd. of Cty. Commrs*, 52 Ohio St.2d 117, 119 (1977).

In sum, the General Assembly clearly commanded that the probate court of common pleas be located at the county seat. R.C. 2101.01(A). And it provided no exceptions as it has done with other courts. Had the General Assembly intended to allow the probate court to be held in other locations throughout the county, it could have easily used the same language it adopted for the juvenile and domestic relations courts. Because it did not, I conclude that the limitation on the probate court is a deliberate policy choice by the legislature.

Conclusion

Consequently, it is my opinion, and you are hereby advised that:

A probate court cannot hold its hearings or other proceedings anywhere other than at the county seat.

Respectfully,

A handwritten signature in blue ink, appearing to read 'D. Andrew Wilson', with a stylized, cursive script.

D. ANDREW WILSON
Ohio Attorney General