Index

References are to text sections. SPF Standard Probate Forms

Cross references to another main heading are in CAPITAL LETTERS.

ABANDONMENT

Children

Neglected. See DEPENDENT AND NEGLECTED CHILDREN

Support. See SUPPORT AND MAINTENANCE

Eminent domain proceedings, 105:58

Funds. See UNCLAIMED FUNDS

Spouse. See SUPPORT AND MAINTENANCE, at Abandonment and neglect, and at Nonsupport

ABATEMENT

Actions by guardians, 66:5 to 66:8

Beguests or devises, 30:166 to 30:168, 49:9

Specific bequests and devises, 49:9

Election of spouse proceeding, 21:38

ABORTION

Complaints for in juvenile court, 108:32, 108:33, 110:32, 110:34

Appeals, 109:121

Confidentiality of complainant, 109:111

Consent hearings, quantum of proof, 108:22, 110:22

Hearings, 109:43, 109:62

Minor, by, 108:21

Notice of appeal, 109:121

Notification of parent, guardian, or custodian, 109:10

Order, 109:147

Parental consent, without, 109:119 to 109:121, 109:143

Abuse, affidavit of, 109:144, 109:145

Appeal from dismissal, 109:184

Order authorizing, 109:183

Records, 109:60

Appeal, on, 109:121

Right to appeal, notification of upon dismissal, 109:72

Right to counsel, 109:45

Appeals, 109:123

Venue, 109:7

Without notification of parent, guardian, or custodian, 109:2, 109:10

Consent, 108:21, 108:22, 108:32, 108:33

Hearings, quantum of proof, 108:22

Minor's complaint for, 108:21

Parental, complaint for abortion without, 109:143

Abuse, affidavit, 109:144, 109:145

ABORTION—Cont'd

Consent, 108:21, 108:22, 108:32, 108:33—Cont'd

Parental, complaint for abortion without, 109:143—Cont'd

Appeal from denial, 109:184

Order authorizing, 109:183

ABUSE

Abortion, complaint by minor for without parental consent, affidavit of abuse, 109:144, 109:145

Aged persons, by caretakers, Ch 103

See also PROTECTIVE SERVICES FOR ADULTS

Children. See CHILD ABUSE

ACCIDENTS

Common disaster statute, Ch 16

See also PRESUMPTION OF ORDER OF DEATH

Nonresidents involved in, service of process, 4:18

Wrongful death. See WRONGFUL DEATH

ACCOUNTS AND ACCOUNTING

Administrators. See EXECUTORS AND ADMINISTRATORS, at Accounts and accounting

Adoption, by petitioner, SPF 18.9

Bank accounts. See BANKS AND BANKING, at Accounts

Executors. See EXECUTORS AND ADMINISTRATORS, at Accounts and accounting

Fiduciaries. See FIDUCIARIES, at Accounts and accounting

Guardians. See GUARDIANSHIP, at Accounts and accounting

Jurisdiction, 3:6

Settlements, vacation or modification of judgment due to fraud; probate court's jurisdiction, **3:4**

Surviving partners, by, 60:14

Trustees. See TRUSTEES, at Accounts and accounting

ACCUSED

Arrests. See ARRESTS

Defendants. See DEFENDANTS

Pleas. See PLEAS

ACKNOWLEDGMENTS

Agreement to make will, Ch 51

Paternity, 18:2, 19:2

Power of attorney, Ch 61, 61:37

See also POWER OF ATTORNEY, generally

Durable power of attorney for health care, 61:25

Financial matters, 61:46

Short form, attestation, 61:45

Will, 27:5, 27:8

ACTIONS

See also particular action or court concerned

Administrators, by or against. See EXECUTORS AND ADMINISTRATORS, at Actions against, and at Actions by

ACTIONS—Cont'd

Adoption. See ADOPTION

Antenuptial agreements, to set aside. See ANTENUPTIAL AGREEMENTS, at Action to set aside

Appeals. See APPEALS

Artificial insemination, nonspousal, disclosure of information by physician, 110:33

Assault by minor, liability, 110:42

Charitable trusts, against, 4:31, 32:3

Civil procedure rules. See CIVIL RULES OF PROCEDURE

Claims against estates. See CLAIMS AGAINST ESTATES

Construction of wills. See CONSTRUCTION OF WILLS, at Action for

Contest of will. See CONTEST OF WILL

Criminal prosecutions. See CRIMINAL PROSECUTIONS

Custody of children. See CUSTODY OF CHILDREN

Declaratory judgments. See DECLARATORY JUDGMENTS

Eminent domain. See EMINENT DOMAIN

Executors, by or against. See EXECUTORS AND ADMINISTRATORS, at Actions against, and at Actions by

Fiduciaries, by or against. See FIDUCIARIES, at Actions against, and at Actions by Guardians, by or against. See GUARDIANSHIP, at Actions against guardian, and at Actions by guardian

Habeas corpus. See HABEAS CORPUS

Heirs, by, 44:51

Illegitimate child, 109:141

See also PATERNITY PROCEEDINGS

Jurisdiction. See JURISDICTION

Juvenile proceedings

See JUVENILE COURTS

See particular subject concerned

Land sale proceedings. See LAND SALE PROCEEDINGS

Limitation. See LIMITATION OF ACTIONS

Mother and child relationship, establishment, 110:23

Parentage, to establish, 19:7, 109:141

Parties. See PARTIES TO ACTIONS

Paternity. See PATERNITY PROCEEDINGS

Probating wills. See PROBATE OF WILLS

Revivor

Action pending against decedent at time of death, notice to fiduciary, Equivalent to presentation of claim, **90:19**

Personal representative, against, 87:1

Rules of Civil Procedure. See CIVIL RULES OF PROCEDURE

Sale of land

See GUARDIANSHIP, at Sale of land by

See LAND SALE PROCEEDINGS

Support and maintenance. See SUPPORT AND MAINTENANCE, at Actions

Theft by minor, liability, 110:42

Trusts

Amendment, 34:12

Transfer of property, 34:12

Validity, **34:12**

ACTIONS—Cont'd

Vandalism by minor, 110:42

Verifications, 3:30

Will construction. See CONSTRUCTION OF WILLS, at Action for

Will contests. See CONTEST OF WILL

Wills, probate. See PROBATE OF WILLS

Wrongful death. See WRONGFUL DEATH

ACTS

See particular act concerned

ADEMPTION

Land sale proceeding, 97:7

Partnership property, 60:11

Specific bequests, 49:4

ADMINISTRATION OF ESTATES

Generally, Ch 2, Ch 69

See also ESTATES; EXECUTORS AND ADMINISTRATORS; NO ADMINISTRATION

Ancillary administration. See ANCILLARY ADMINISTRATION

Application for authority, SPF 4.0

Attorney fees. See ATTORNEY FEES, at Estates, administration

Checklist, 2:121

Medicaid payments, 2:121

Release, 2:122

Client interview checklist, 2:123

Close of, admission of will to probate after, 37:4

Costs. See Expenses, this heading

Damages, 83:3

Declaratory judgment, person's right to estate, 6:6

Documents, initial preparation, 2:8

Domiciliary, Ch 69

Exempted property, automobile, 2:21

Expenses

See also ESTATES, at Expenses

Allocation to principal or income, 33:18

Attorney fees. See ATTORNEY FEES, at Estates, administration

Estate tax deduction, 2:78

Explanation to family, 2:2

Land sale proceeding to pay, 92:12

Priority when paying claims against estates, 90:4, 90:6

Explanation of will to family, 2:1

Forms, 69:34 to 69:38

Heirs, determination. See HEIRS, at Determination proceedings

Heirs-at-law, determination. See HEIRS-AT-LAW

Letters of administration, 69:3 to 69:16

See also EXECUTORS AND ADMINISTRATORS, at Letters of administration

Letters testamentary. See EXECUTORS AND ADMINISTRATORS, at Letters testamentary

ADMINISTRATION OF ESTATES—Cont'd

Missing person's estate, 33:31 to 33:34

Presumed decedent, 9:7

See also PRESUMED DECEDENTS, generally

Name of decedent, variations, 2:7

No administration. See NO ADMINISTRATION

Notice, recovery program, SPF 7.0

Notice, release from administration, SPF 5.0 to SPF 5.6, SPF 5.10, SPF 5.12

Perpetuities, rule against, Ch 46

See also STATUTE AGAINST PERPETUITIES

Presumed decedent's estate, 9:7

See also PRESUMED DECEDENTS, generally

Probate applications, preparation, 2:8

Probate court jurisdiction. See PROBATE COURTS, at Estate administration proceedings

Real property

See also ESTATES, at Real property

Estate tax. See ESTATE TAX

Land sale proceedings. See LAND SALE PROCEEDINGS

Release from

See also NO ADMINISTRATION

Forms, SPF 5.0 to SPF 5.6, SPF 5.10, SPF 5.12

Relief from, value limit, 2:3, 2:108

Special administration, Ch 70

See also EXECUTORS AND ADMINISTRATORS, at Special administrators

Time limitation and extension, 2:3, 74:20, 75:19, 75:20, 76:13

Timetable, 2:120

ADMINISTRATIVE AGENCIES AND PROCEDURE

Eminent domain, Ch 105

Guardianship for mentally retarded and developmentally disabled persons, 3:6

ADMINISTRATORS

See EXECUTORS AND ADMINISTRATORS

ADMISSIBILITY OF EVIDENCE

See also EVIDENCE

Parol evidence, inadmissibility, 44:39, 44:40

Paternity proceedings, 110:27

Prior sexual conduct, 19:7

Prior delinquency adjudication, impeachment, 108:4, 109:51, 110:4

ADMISSION TO PROBATE

See PROBATE OF WILLS, at Admission

ADMISSIONS

Custody of children, 109:81

Juvenile adjudicatory hearings, 109:57

ADOLESCENTS

See MINORS

ADOPTION Generally, Ch 99 Abandoned children, 99:22 Accounting by petitioner, SPF 18.9, 99:28 Adult, of, SPF 19.0, SPF 19.1, 15:28, 17:3, 99:5 Age of adoptive parents, 99:9 Agencies to arrange. See ADOPTION AGENCIES Appeals, 99:51 Approval Application, 99:22 Effect, 99:37 Associations or organizations to arrange. See ADOPTION AGENCIES Attorney fees, 99:31 Attorneys, conflict of interest, 99:31 Best interests of child, consideration, 99:8 Birth certificate, 99:29, 99:49, 99:79 to 99:83 Breach of contract inapplicable, 99:51 Certificate for parents, SPF 18.8 Children's services board, powers and duties, 99:7 Confidentiality, 99:29 Consent, SPF 18.3, 99:30 to 99:42 Agency, 99:34 Consent not required Judgment entry finding, SPF 18.4 Persons listed, SPF 18.1 Execution, 99:36 Foreign children, 99:42 Guardian, 99:34, 99:38 Imprisoned father, 99:39 Minor adoptee, 99:35, 99:36 Minor parent, 99:33 Natural parents, 99:30, 99:31 Conflict of interest, 99:31 Putative father, 99:32, 99:40 Relinquishment Agency, to, 99:14, 99:37, 99:41 Failure to communicate or support, 99:39 Putative father, 99:40 Withdrawal, 99:36, 99:37, 99:41 Withheld by agency, 99:3, 99:34 Construction of statutes, 99:2 Contract to adopt, 99:24 Costs, attorney fees, 99:31 Criminal record of adoptive parents, 99:12 Decree, final, SPF 18.6, SPF 18.7, 99:49 Adult, adoption of, SPF 19.1 Foreign decrees, 99:6, 99:52, 110:19 Immigration and Naturalization Service approval, 99:6, 99:52

Vacating, 7:3
Definitions, 99:1, 99:32

ADOPTION—Cont'd

Delinquent children, disclosure requirements, 99:26 Descent and distribution, 15:28, 99:53 to 99:56 Designation of heir distinguished from, 17:3 Disclosure of adoption information Inspection of social and medical histories, 99:29 Petition, 99:29 Probate courts, jurisdiction, 3:9, 99:3, 99:29 Prohibitions, 99:29 Release by parent or sibling, 99:29 Violations, 99:29 Wrongful adoption actions, 99:29 Disclosure requirements, delinquent children, 99:2, 99:26 Disinheriting adopted child, 30:242 Dismissal of petition, 99:50 Failure to communicate, 99:38, 99:39 Holiday cards, 99:39, 99:47 Justification for, 99:31 Biological parent, interference by, 99:31, 99:39 Failure to provide maintenance and support, 99:38, 99:39 Father's consent required Abandonment of mother, effect, 99:8, 99:36 Imprisonment, 99:39 Fees. See Costs, this heading Final decree. See Decree, final, this heading Foreign children, 99:6, 99:42, 110:19 Foreign decrees, 99:6, 99:52, 110:19 Immigration and Naturalization Service approval, 99:6, 99:52 Forms, 99:57 to 99:84 Fraud, effect on, 99:51 Grandchild, adopted child considered as for will purposes, 44:23 Grandparents, by, 99:8 Grandparents' visitation rights, 99:3, 99:21 Guardian ad litem, 99:4, 99:27 Hearing, 99:43 to 99:48 Adversarial nature, 99:46 Continuance, 99:48 Date, 99:43 Determination by court, 99:47 Judgment entry setting, SPF 18.1 Notice, SPF 18.2, 99:44 Persons present, 99:45 Procedure, 99:45 to 99:48 History, 99:2 Homosexuals, by, 99:8 Identification of adopted child in will, 30:27 Illegal, 99:23 Illegitimate child, consent, 99:32, 99:40 Independent placements, 99:3, 99:22, 99:30, 99:57, 99:58

ADOPTION—Cont'd Inheritance rights, 99:53 to 99:56 Adoption, effect on, 99:53 Stranger to the adoption doctrine, 99:54 Testamentary language, effect on, 99:55 Interlocutory order, SPF 18.5, 99:49 Legal effect, 99:53 Vacation, 99:49 Investigation, 99:27 Appointment of investigator, 99:27 Foster caregiver, 99:27 Report, 99:27 Issue, defined for will construction, 47:3 Jurisdiction, 3:2, 3:4, 99:3, 107:12 Custody matters certified to juvenile court, probate court retaining adoption jurisdiction, 107:5 Juvenile court, placement, 99:15 Lapse statute, effect, 47:3 Lists of prospective children and parents, 99:20 Medical history, 5:7, 99:27, 99:49, 99:51 Correction or expansion, 99:29 Reporting after final decree, 99:29 Minors as natural parents, effect, 99:33 Neglected children, 99:15 Nonresident children, placement, 99:6, 99:42 Notice, 4:38, 99:39 Hearing, SPF 18.2 Order for, SPF 18.1 Social and medical histories, correction or expansion, 99:29 Objections, putative father, by, 6:4, 99:32 Orphaned children, 99:22 Parent and child relationship, establishment of, 110:19 Parties, 99:4 Paternity, acknowledgment, 99:84 Petition, 99:25 Caption, 3:24 Dismissal, 99:50 Hearing on. See Hearing, this heading Minor, adoption of, SPF 18.0 Standing to bring, 99:4 Placement for adoption, 99:13 to 99:23 See also ADOPTION AGENCIES Pretermitted heir status, 48:5 See also PRETERMITTED HEIRS, generally Probate court, 99:3, 107:12 Forms, 99:57 to 99:84 Jurisdiction, 3:2, 3:4 Race of adoptive parents, 99:10 Reciprocal recognition, 99:6

ADOPTION—Cont'd Records and reports, 99:24 to 99:29 Agencies, 99:26 Disclosure requirements, violent or criminal histories of juvenile, 99:26 Approval, SPF 18.6 Confidentiality, 99:29 Wrongful adoption actions, 99:29 Petitioner, from, SPF 18.9 Prospective children and parents, 99:20 Releases of adoption information, 99:29 Social and medical histories, 99:27, 99:29, 99:49, 99:51 Correction or expansion, 99:29 Registration, 99:79 Religion of adoptive parents, 99:11 Requirements, 99:57 to 99:84 Semiannual review, 99:16 to 99:19 Social history, 99:27, 99:49, 99:51 Correction or expansion, 99:29 Reporting after final decree, 99:29 Social security benefits, rights of adopted child, 99:56 Special needs child, 99:7 Standing to bring petition, 99:4 Statutory construction, 99:2 Stepparents, by, 99:8, 99:21, 99:58 Best interests standard inapplicable, 99:3, 99:31 Burden of proof, failure of biological father to communicate with or support child, 99:47 Stranger to the adoption doctrine, 99:54 Suitability of adoptive parents, 99:8 to 99:12 Age, 99:9 Criminal record, regulation of persons with, 99:12 Race, 99:10 Religion, 99:11 Support by natural parent precluding adoption without consent, 99:39 Temporary placement, 99:30 Vacation, 99:30, 99:32, 99:38, 99:40 Will contest, adopted child as party to, 39:8 Wills, identification of adopted child, 30:27 **ADOPTION AGENCIES** Generally, 99:13 to 99:23 See also ADOPTION, generally Advertising, 99:30 Certification, 99:30 Consent, 99:14, 99:34 In loco parentis, 99:14 Withholding, 99:3, 99:34 Lists of prospective adoptive children and parents, 99:20 Records and reports, 99:26

Disclosure of violent or criminal histories of juvenile, 99:26

ADOPTION AGENCIES—Cont'd

Semiannual review, 99:16 to 99:19

Surrender agreements, 99:14, 99:37, 99:62

ADULT FOSTER CARE

See FOSTER HOMES

ADVANCEMENTS FROM ESTATES

Generally, Ch 20

Defined, 20:1

Effect on issue of heir, 20:4

Fiduciaries making, 30:38, 56:6, 56:9

Forms, 30:79 to 30:83

Gift, irrevocable, 20:1

Hotchpot, 20:3

Intent, 20:1

Determination, 20:1

Parental intent, 20:1

Pretermitted heirs, rights, 20:5, 48:2

Property, mixing, 20:3

Valuation, 20:2

ADVERSE PARTIES

See DEFENDANTS

See PARTIES TO ACTIONS

ADVERTISING

See also NOTICE

Adoptions, 99:30

Eminent domain, advertising signs, highest and best use of property, 105:30

Highways, along; removal by order, compensation, 105:4

Legal. See NOTICE

AFFIDAVITS

See also particular subject concerned

Abortion, complaint by minor for without parental consent, affidavit of abuse, 109:144, 109:145

Admission of will to probate, notice given, 37:2

Child abuse, 110:5, 110:6

Child custody, 109:131

Estates by the entireties, recording, 92:39

Fiduciary account hearings, proof of additional notice abolished, 2:95

Guardians, SPF 16.1

Heirs, to show descent of title, 92:35

Hospitalization of mentally ill

Content, 102:23

Emergency hospitalization, 102:20, 102:21

Filing, 102:23

Incompetent to stand trial, 102:44

Not guilty by reason of insanity, 102:44

Involuntary commitment, 102:23, 102:24

AFFIDAVITS—Cont'd

Judges, disqualification, 106:20

Probate court judges, 3:52

Land sale proceeding, private sale, 96:7

Mentally ill. See Hospitalization of mentally ill, this heading

Parties to action, unknown, 4:24, 4:46, 4:47

Appropriation of property, 105:62

Partnership; surviving partner giving notice, purchase of deceased partner's share, 60:9

Probate judge, to disqualify for prejudice, 3:52

Real property passing under intestate succession, 92:35

Service, proof, 4:10

Trustee, of, 33:24

Voluntary assignment, claims, 85:60

AFFILIATE TRANSACTIONS ACT

Generally, 33:17

AFFIRMATIONS

See OATHS AND AFFIRMATIONS

AFFIRMATIVE DEFENSES

See also DEFENSES, generally

Support and maintenance, failure to pay; inability to pay as defense, 110:3

AFTERBORN CHILDREN

Heirs. See PRETERMITTED HEIRS

Parent and child. See PARENT AND CHILD

AGE REQUIREMENTS

Anatomical gifts, eligibility, 30:12

Attestation, 27:2, 27:9, 30:44

Executors, 69:20

Marriage, 108:20, 110:20

Powers of appointment, 26:4

Testators, 26:2, 26:4

AGED PERSONS

Abused, neglected, or exploited, probate courts referring information to law enforcement agencies, **65:29**

Caretaker abusing, neglecting, or exploiting, Ch 103

See also PROTECTIVE SERVICES FOR ADULTS

Incompetence due to age, guardianship. See GUARDIANSHIP, generally

Legal disability, 62:1, 62:3

See also DISABILITY, PERSONS UNDER, generally

Protective services, Ch 103

See also PROTECTIVE SERVICES FOR ADULTS

AGENCY

Power of attorney, attestation, 61:45

AGREEMENT TO MAKE WILL

Generally, Ch 51

See also WILLS, at Agreement to make

AGREEMENTS

Antenuptial. See ANTENUPTIAL AGREEMENTS Contracts. See CONTRACTS Interstate. See INTERSTATE AGREEMENTS Separation. See SEPARATION AGREEMENTS

AGRICULTURAL LANDS

See FARMLANDS

AGRICULTURAL PRODUCTS

See CROPS

AGRICULTURAL SOCIETIES

Appropriations; escheat, proceeds from, 24:1

AGRICULTURE

Crops. See CROPS

Farmland. See FARMLANDS

Funds; escheat, proceeds from sale of real property to, 24:2

AIDING AND ABETTING

Juvenile delinquency, 110:2

AIDING AND ABETTING, JUVENILE DELINQUENCY

Jurisdiction of juvenile court, 110:1 to 110:12

AIRCRAFT AND AVIATION

Accidents, service of process on nonresidents, 4:18

ALCOHOL ABUSE TREATMENT PROGRAMS

Protective supervision order, testing of parent or caregiver, 109:77 Temporary custody orders, testing of parent or caregiver, 109:78

ALCOHOLIC BEVERAGES

Minors, purchase by; misrepresentation of age, 108:1, 110:1

ALCOHOLISM

Incompetence due to, guardianship. See GUARDIANSHIP, generally Legal disability, alcoholic considered to be under, **62:3**See also DISABILITY, PERSONS UNDER, generally Testamentary capacity, **26:6**

ALIENATION

Future interests, 10:4

ALIENS

See also NONRESIDENTS

Adoption of foreign children, 99:7, 110:19

Beneficiaries of trusts or estates, 79:2

Death, notice to foreign consul, 69:36

Estates, administration, 79:1, 79:2

Power of attorney, 79:2

Testators, 26:3, 91:19

ALIMONY

See also SUPPORT AND MAINTENANCE, generally

ALIMONY—Cont'd

Claim against estate for, **85:11** Long arm jurisdiction, **4:18**

AMENDMENT OF PLEADINGS

Generally, 109:6
Juvenile proceedings, 107:6, 109:6
Adult cases, 110:6

AMENDMENTS

Pleadings. See AMENDMENT OF PLEADINGS Trusts, **34:12** Wills, **35:6**

AMERCEMENT OF OFFICIALS

Generally, 3:41

AMERICAN INDIANS

Guardianship, 63:33

ANATOMICAL GIFTS

Generally, 30:12

Card for donor, 30:12

Cremation after removal of donated organs, 30:12

Declaration of, power of attorney, 61:37

Dental schools, to, 30:12

Donees, rights, 30:12

Donors

Age, eligibility, 30:12

Card, 30:12

Eligible, **30:12**

Drivers' licenses, provision for, 30:12

Eyes, enucleation, 30:12

Forms, 3:53, 3:54, 30:70

Guardian consenting to, 65:11

Hospitals, to, 30:12

Identification cards, provisions for, 30:12

Instrument of gift, 30:12, 30:70

Liability, 30:12

Medical schools, to, 30:12

Minors, by, 30:12

Parent consenting to donation by child, probate court's powers, 3:6

Pituitary glands, 30:12

Procedure for making, 30:12

Universities and colleges, to, 30:12

Waiver by coroners, 30:12

Will, by, 30:12, 30:70

ANCILLARY ADMINISTRATION

Generally, SPF 4.1, 69:4, 91:4, 91:5, 91:16 to 91:24

Application, 91:23

Appointment, 30:35, 69:4

Certificate of assets, liabilities to domiciliary, 91:24

ANCILLARY ADMINISTRATION—Cont'd

Domiciliary administration

Not commenced, 69:4

Sale of land, 91:5

Election right of surviving spouse, 21:27

Foreign will, admitting to record, 91:16, 91:17, 91:19

Presumed decedent's estate, 9:2

Procedure when no domiciliary representative appointed, 69:4

Wills, foreign; admitting to record, 91:16, 91:17, 91:19

Year's allowance, 90:15

ANNUITIES

Estate tax, 2:76, 111:9, 111:10, 111:94

Federal income tax, 114:3

Power of attorney, 61:46

ANNULMENT OF MARRIAGE

Custody of children. See CUSTODY OF CHILDREN, DOMESTIC

Surviving spouse, termination of rights, 21:85

Wills, effect, 21:85, 41:12

ANSWERS

Defenses. See DEFENSES

Pleadings. See PLEADINGS

ANTE MORTEM DECLARATION OF WILL VALIDITY

Generally, Ch 35

Amendment of will after, 35:6

Appeal from, 35:7

Collateral attack, 35:7

Domicile of testator, defined, 35:2

Failure to file not admission of improper execution, 35:2, 35:4, 35:8

Hearing, 35:4

Revocation or modification of will, 35:6

Judgment, 35:5, 35:6

Jurisdiction of probate court, 35:1

Contested, 36:6

Modification of will by testator subsequent to, 35:6

Other actions, applicability of proceedings to, 35:4

Parties defendant, 35:3, 35:6

Failure to name, effect on subsequent will contest, 35:8

Petition for declaratory judgment, 35:2

Probate, applicability, 35:1

Probate court jurisdiction, 35:1

Revocation of will after, 35:6, 41:1

Service of process, 35:3, 35:6

Statutory provisions, 35:1

Witnesses, number of, 34:5

ANTE MORTEM PROBATE OF WILL

See ANTE MORTEM DECLARATION OF WILL VALIDITY

ANTENUPTIAL AGREEMENTS

Action to set aside, Ch 101

Probate court jurisdiction, 101:2

Statute of limitations, 101:1

Arbitration allowed, 101:5

Beneficiaries not considered creditors, 85:19

Confidential relationship, 101:6

Conflict of laws, 101:11

Consideration supporting agreement, 101:4

Declaratory judgment to determine validity, 6:9

Defined, 101:1

Disproportionate division of property, effect, 101:9

Divorce

Applicability, 101:5

Appreciation, nonpassive, 101:5

Divorce, applicability, 101:5

Divorce settlement included in, 101:7

Election against the will not barred when agreement does not prohibit, 21:16, 101:10

Fairness requirement, 101:7

Fraud, effect, 101:8

Full disclosure requirement, 101:7

Mansion house, disclaiming interest; effect, 21:58

Nature of agreement, 101:2

Nonpassive appreciation, 101:5

Oral, enforceability, 101:3

Overreaching, effect, 101:8

Performance of parties prior to death, effect, 101:5

Postnuptial agreements void, exception, 101:3

Probate court, jurisdiction over, 3:4

Will provisions differing from, 101:10

ANTI-LAPSE STATUTE

Generally, Ch 47, 15:44 to 15:50, 30:137 to 30:144, 44:42 to 44:48

Adopted child, applicability, 47:3

Avoidance, 47:1

Class, deceased member, 47:4

Common law, operation prior to anti-lapse statute, 47:2

Designated heir, applicability, 47:3

Illegitimate child, 47:3

Paternity not yet determined, 47:5

Insurance policies, applicability, 47:1

Issue, defined, 47:3

Knowledge of, 47:1

Lapsed legacy, 32:2, 47:7

Order of death, presumption, 16:3, 47:1

Presumption of knowledge, 47:1

Putative child, 47:5

Relative, defined, 47:2

Residue, lapsed, 32:2, 47:7

Share and share alike, 47:4

ANTI-LAPSE STATUTE—Cont'd

Trust, inapplicable to, 47:6

Uniform Simultaneous Death Act, 47:1

ANTIQUES AND HEIRLOOMS

Life estate, 30:149

APPEALS

See also COURTS OF APPEALS

Abortion without parental consent, 109:2

Complaint, dismissal, 109:184

Adoption, 99:51

Priority, 99:51

Ante mortem declaration of will validity, 35:7

As of right, 8:3

Attorney's fees for administering estate, 81:21

Bond, 8:10

As stay of execution, 8:11

Compulsory education, 108:23, 110:23

Contest of jurisdiction to probate, 36:10

Cross appeals

Filing of notice, 8:7, 8:9

When notice not required, 8:8

Custody actions, calendar priority, 107:11, 109:113, 109:120

Death of party, effect, 8:6

Docket, 8:6

Accelerated or regular calendar, 8:6

Docketing statement, 8:6

Eminent domain, 105:56

Estate tax, 2:85

Evidence, returned or suppressed, from, 109:20, 109:119

Executor or administrator, removal, 82:4

Fiduciary, removal, 53:35, 58:12

Filing

Date, 8:4

Electronic, 8:3, 8:6, 99:51

Notice, 8:3

Final orders. See FINAL ORDERS

Guardian

Appointment of, 63:65 to 63:68

Termination or removal, 58:12, 67:1

Hospitalization of mentally ill, 102:34

Inventory and appraisal, 80:26

Juvenile cases, 109:119 to 109:123

Adult cases, 110:41

Amenability to care or rehabilitation, 109:119

Precedence on docket, 109:120

Right to appeal, 109:119 to 109:123

Traffic offenders, 109:119

Magistrate's report, juvenile courts, 109:49

APPEALS—Cont'd Notice, 8:9 Contents, 8:5, 8:9 Filing, **8:3** Running of time, 8:4 Suspension, 8:3, 110:41 Service, 8:6 Timely filing, 8:4 Parentage actions, 109:123 Perfection, 8:9 See also Notice, this heading Probate, 2:14 Admission of will to, appeal prohibited, 38:2 Lost, spoliated, or destroyed will, 40:4 Contest of jurisdiction to, 36:10 Refusal to admit will to, 38:2 Lost, spoliated, or destroyed will, **40:4** Probate court, from. See PROBATE COURTS, at Appeals from Questions of law and fact, on. See QUESTIONS OF LAW AND FACT, at Appeals on Right to, 8:3 Juvenile proceeding, from, 109:119 to 109:123 Service, 8:6 Special performance, 51:5 Statutory provisions, 8:1 Suppression of evidence, from, 109:20, 109:119 Surviving spouse, election, 21:36 Tax, estate tax, 2:85, 111:52 to 111:56 Transcripts from lower courts, 8:13 Trustees, appointment and removal, 58:12 Wills Contests, 39:19 Probate. See Probate, this heading Wills, harmless error, 27:12 Wrongful death, award of compensatory damages, 12:23 **APPEARANCE** Subpoena for. See SUBPOENAS Summons. See SUMMONS **APPOINTMENTS** Executors and administrators. See EXECUTORS AND ADMINISTRATORS, at Appointment Fiduciaries. See FIDUCIARIES, at Appointment APPORTIONMENT, TAXES See particular tax concerned **APPRAISALS** Eminent domain proceedings. See EMINENT DOMAIN, at Valuation Estates Inventory. See INVENTORY AND APPRAISAL OF ESTATES

Land sales. See LAND SALE PROCEEDINGS

APPRAISALS—Cont'd

Guardians selling land. See GUARDIANSHIP, at Sale of land by

Land sale proceedings. See LAND SALE PROCEEDINGS, at Appraisement

Partnerships, deceased partner's share of assets. See PARTNERSHIPS, at Appraisals, deceased partner's share

Voluntary assignment, 85:56

APPRECIATION

Antenuptial agreements, 101:5

APPROPRIATION OF PROPERTY

See EMINENT DOMAIN

APPROPRIATIONS

Detention homes, 106:17 to 106:19

Juvenile courts, 106:13

ARBITRATION AND AWARD

Claims against estates, disputed, 88:11 to 88:15

ARMED FORCES

Service. See MILITARY SERVICE

Veterans. See VETERANS

ARRESTS

Child abuse offenders, 110:7

Children, of, 109:25

Contributing to delinquency, 110:7

Fiduciaries suspected of concealing or embezzling assets, for refusal to appear before probate court, **57:2**

Warrant for juvenile court charges, 109:167

ART GALLERIES AND MUSEUMS

Probate court's authorization to deposit works in, 2:16

ARTIFICIAL INSEMINATION

Generally, 99:31, 110:22

Consents required, married woman, 110:22

Disclosure of information by physician, 110:33

Donor information, 110:22

Husband regarded as natural father of child, 99:31, 110:22

Married woman

Consents required, 110:22, 110:33

Husband regarded as natural father of child, 99:31, 110:22, 110:33

Medical records, 110:33

Non-spousal, 99:31, 110:22

Generally, 110:33

Parent-child relationship, establishment, 18:2, 19:13

Paternity proceedings, 18:2

Paternity proceedings, 19:10

ASSAULT AND BATTERY

Juvenile offenders, liability of parents, 110:42

ASSESSMENTS

REAL PROPERTY. See REAL PROPERTY, TAXATION, generally Special, detention homes, funding, **106:17**

ASSETS OF ESTATES

See also ESTATES, generally

Adjust, guardians duty of, 63:13

Automobile, transfer, 2:21, 2:107, 21:77 to 21:81, 30:95, 69:34, 76:15 to 76:17

Number of automobiles, 2:22, 2:121, 30:95, 76:15 to 76:18

Probate court

With approval of, 21:77, 76:18

Without approval of, 21:78, 76:18

Probate court approval, 21:77

Boats and watercraft, 2:21, 2:107

Business of decedent, liability for debts, 2:49

Collection by executor or administrator, 70:5, 76:13

Rents, 2:50, 74:2, 74:15, 74:16, 91:11

Concealed or embezzled, Ch 57

Action, 57:17

Arrest, 57:2

Burden of proof, 57:13

Citation, 57:2

Civil action, proceedings not substitute for, 57:6

Complaint, 57:8

Dismissal, 57:10

Removal, judgment on, 57:4

Dead man's statute, applicability, 57:16

Declaratory judgment, 57:17

Defense, 57:12

Dismissal of appeal, 57:18

Adjudication of all issues, inquiry into, 57:18

Enforcement, 57:2

Evidence, 57:13, 57:14

Ex parte proceeding, 57:11

Extra-county powers, 57:3

Fiduciary, by; removal grounds, 58:7

Guilty finding, effect, 57:5

Inventory, exception to, 57:7

Judgment, 57:4

Guilty verdict, 57:5

Jurisdiction, 57:2

Jury trial, 57:15

Quasi-criminal proceedings, 57:6

Recovery proceedings, 57:6, 57:7

Standard of proof, 57:13

Statutes, scope, 57:1

Stock, right to possession, 57:2

Title to assets, determination, 57:9

Witness, 57:14

Wrongful death claim proceeds, 57:2

ASSETS OF ESTATES—Cont'd Descent and distribution, Ch 15 See also DESCENT AND DISTRIBUTION Determination, 2:6 Distribution, Ch 76, 2:99 to 2:107 Application, **76:7 to 76:13** Automobiles, transfer. See Automobile, transfer, this heading Commissioner's report, 69:29 to 69:32 Court's inquiry, 76:10 Fiduciary's accounting, 2:105 Forms, 76:21 to 73:36 "Heir hunter," 76:8 Heir hunters, 2:105, 76:8 In kind, SPF 10.0 to SPF 10.3, 2:103, 30:145 to 30:148, 76:14 Application, 76:21 Approval, 76:23 Intestate succession, 2:102, 2:106 Report of, 76:22 Schedule of property, 76:21 Intestate succession, 21:49 Legacies, 2:100, 2:101 Liability of executor or administrator, 2:3, 2:101, 76:4 No administration, 2:108 et seq. Generally, 2:108 et seq. Application, 2:114 Certificate of transfer of real property interest, 2:118 Effect of probate court order, 2:115 et seq. Election of surviving spouse to receive mansion house, 2:117 Probate court order, 2:115, 2:115 et seq. Summary release, generally, 2:112 Value of assets which may be transferred, 2:113 Notice, 76:2, 76:29 Order, 2:101 Hearing on application, 2:105 Order, hearing on application, 2:105 Probate court's jurisdiction, 3:4 Real property, proceeds of sale, 2:59, 97:6 Rents collected by fiduciary, 2:50, 74:2, 74:15, 74:16, 91:11 Report, 55:7 Return, 76:11 Setting aside assets to satisfy claims, 76:5, 76:11 Third-parties, 76:8 Time for, 76:1, 76:8 Duty of guardian to settle and adjust, 63:13 Embezzled. See Concealed or embezzled, this heading Family allowance considered as, 2:22 Guardians, duty to settle and adjust, 63:13 Insufficient to pay claims, 90:5 Land sale proceeding, commencement, 91:8 Inventory and appraisal. See INVENTORY AND APPRAISAL OF ESTATES

```
ASSETS OF ESTATES—Cont'd
  Land sale proceedings. See LAND SALE PROCEEDINGS
  Mortgage, paying, 49:10
  Motor vehicle, transfer. See Automobile, transfer, this heading
  Newly discovered, 80:40
    Inventory, 80:8
  Nonprobate, 2:6
    Exclusion from inventory and appraisal, 80:7
       Transfer on death designation for motor vehicles. watercraft, or outboard motors,
  Notice, sale, 75:12
  Outboard motor, transfer, 2:107
  Personal property
    Court order for sale, 2:51
    Escheat, 24:2
    Sale of, SPF 9.0 to SPF 9.3, 2:51, 75:4 to 75:7
       See also Sale, generally, this heading
       Auction, 75:5
       Credit, 75:6
       Executor or administrator, to, 75:8
       Liability of executors or administrators, 75:8
       Promissory notes, 75:7
       Report, 75:9
  Real property
    See also LAND SALE PROCEEDINGS
    Certificates of transfer, 2:44, 2:106, 2:121
    Debts, liability, 92:5
    Distribution, 2:106
    Escheat, 24:2
    Incomplete contracts, completion, 2:52, 92:36 to 92:39
    Management, Ch 74, 2:50, 74:15, 74:16, 91:11
       Accounting, 2:50
      Application, 2:50
       Fees of fiduciary, 2:50
       Termination of fiduciary's authority, 2:50
    Mortgages
      Heirs' rights, 90:22, 90:23
       Releases, 93:21 to 93:25
    Partition. 93:26 to 93:29
    Remainder, Ch 10
       Defined, 10:2
       Forfeiture for waste by life tenant, Ch 23
         See also LIFE ESTATES, at Waste by tenant
       Protection of interest, 2:104, 76:19, 76:20
    Sale of, Ch 91, 2:52 to 2:60, 75:4 to 75:7, 92:33 to 92:36
       See also LAND SALE PROCEEDINGS; Sale, generally, this heading
    Specific devises, 30:99 to 30:101
    Transfer and indorsement, 92:35
  Reduction, legatees to share, 21:26
  Release by tax commissioner, 2:24, 111:79 to 111:81
```

ASSETS OF ESTATES—Cont'd

Sale, 2:51

Authority, Will, under, 30:172

Beneficiary's consent, 75:20

Credit on, Real property, 97:16 to 97:23

Duty to sell, 75:3

Entry authorizing, 75:13

Forms, 75:10 to 75:25

Guardian's consent, 75:21

Land sale proceedings. See LAND SALE PROCEEDINGS

Notice, 75:12

Personal property. See Personal property, this heading

Personal property tax, to pay, 92:10, 92:11

Real estate broker, employment of, 75:22 to 75:25

Will authorizing, Ch 75, 2:51, 30:172, 91:1, 92:37

Schedule of assets, SPF 6.1

Will, incorporation in, SPF 6.1, 30:19

Set aside for payment of rejected claims, 76:5, 76:11

Settlement, guardians duty of, 63:13

Surviving spouse, effect of election, 21:26

Tax returns as evidence, 2:6

Third-party distribution, 76:8

Time for distribution, 76:1

Title, determination

Probate court, by, 80:23

Proceeding against fiduciary for concealing or embezzling assets, 57:9

Transfers, 2:71, 33:7

Unclaimed funds, disposition, Ch 78

Forms, 78:4 to 78:9

Transfer to owner from county treasury, 78:1, 78:8, 78:9

Wages owed decedent, 2:24, 2:119

ASSIGNMENT

Benefit of creditors, for, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT

Dower. See DOWER, at Assignment

Partnerships, deceased partner's interest in assets, 60:29

Voluntary, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT

ASSOCIATIONS

Cemetery associations, gifts to, 13:3

Insolvency, voluntary assignment, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT, generally

ATTACHMENT

See also GARNISHMENT

Administrator's compensation, by creditor, 81:7

Executor's compensation, by creditor, 81:7

Special administrators, against, 70:2

ATTESTATION

Generally, 27:9, 27:10, 30:42

See also WITNESSES TO WILLS

Age, 27:2, 27:9, 28:2, 30:43, 30:61, 30:193

Deed, transfer on death, 14:20

Disabled testator, 30:42

Hospitalized testator, 30:42

Irrevocable trust, 30:204, 30:211, 30:214

Power of attorney. See Attestation and signature at POWER OF ATTORNEY

Trusts, irrevocable, 30:204, 30:211, 30:214

ATTORNEY

See ATTORNEYS

ATTORNEY FEES

Adoption, 99:31

Assets of estate, award from; probate court's discretion, 44:4

Claim against estate, rejected on requisition; action on, 81:17, 89:7

Claims against estate

Presentation, 85:14

Rejected on requisition; action on, 81:17

Declaratory Judgment Act, 6:2

Eminent domain proceedings, 105:59

Estates, administration, 4:53, 81:14, 81:14 to 81:22, 81:26, 81:27

Appeal, 81:21

Burden of proof on executor or administrator, 81:20

Expert testimony, 81:20

Explanation to family, 2:2

Management of real property, 2:50, 81:5

Minimum fee schedule, 81:18

Probate court, jurisdiction, 3:14, 81:5, 81:13, 81:14, 81:19

Procedure for allowance of fees, 81:13

Refused, when, 81:16

Sale of land, 2:59

Vacation of erroneous order, 81:22

Exclusion proper, 19:12

Guardianship

Authority to pay, 65:71, 65:72

Personal injury actions, assistance to infants' guardians, 3:6, 65:28

Termination, 67:12

Land sale proceedings, 93:4, 97:9, 97:13

Murder case, mortgage executed to defense attorneys by accused prior to conviction, 22:3

Payment from estate, 54:1

Probate of will, 81:26, 81:27

Explanation to family, 2:2

Settlement of suit by guardian, 66:23

Support and maintenance actions, 109:73

Paternity proceedings, 19:3

Will contests, 39:18, 81:10, 81:15

ATTORNEY GENERAL

Appointment as administrator, 2:15, 3:2

Charitable trusts

Future interests, representation, 4:30

Intervention, 32:3

Necessary party, as, 32:3

Powers and duties, 4:31, 32:3

Representation of beneficiary by, 55:21

Service of process on, 4:31, 32:3

Estate tax, confidentiality of information, 2:62, 111:37 to 111:42

Presumed decedents, complaint to establish presumption by, 9:5, 9:9 to 9:12

Service of process on, charitable trusts, actions involving, 4:31, 32:3

Will contests, 39:8

ATTORNEY IN FACT

See POWER OF ATTORNEY

ATTORNEY-CLIENT PRIVILEGE

Generally, **5:2 to 5:6**

Attorney-witness to will called to testify, 5:4

Waiver, **66:2**

See also WAIVER, at Attorney-client privilege

Actual. 5:6

Implied, 5:5

ATTORNEYS

Adoptions, conflict of interest, 99:31

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Attorney general. See ATTORNEY GENERAL

Child abuse to be reported by, 110:1 to 110:12

Clients, defined, 5:2

Conflict of interest, adoptions, 99:31

Court appointment, 109:45

Disbarment, permanent; fiduciary making personal use of trust property, 56:2

Drafting wills, malpractice, 30:57, 30:58

Estate, representing, 30:34, 84:13, 84:14

See also Fiduciary, for, this heading

Fees for administering estate. See ATTORNEY FEES, at Estates, administration

Executor of estate, attorney who drafted will as, 30:36, 30:45

Fees. See ATTORNEY FEES

Fiduciary, for, Ch 54, 81:14

Absence of fiduciary, service on attorney, 54:4

Agent of fiduciary, as, 54:5

Duplication of fiduciary's services, employment unwarranted, 54:1

Fees. See ATTORNEY FEES

Not bound to employ attorney designated in will, 30:34

Probate court, filing in, 54:1

Qualifications, 54:1

Responsibilities, 54:7

Homeowner's association, 54:7

ATTORNEYS—Cont'd Fiduciary, for, Ch 54, 81:14—Cont'd Selection, 54:1 Discretion, 54:2 Self-dealing, 56:6 Service on, 54:3, 54:5 Statute, scope, 54:4 Guardian ad litem, serving as, 109:46 Guardians, representation of, prohibitions, 30:32, 65:26 Insurance benefit applications, duties, 2:119 Juvenile proceedings, counsel, 106:5, 109:30 Legacy to Precautions, 30:43 Serving as fiduciary's attorney, 54:2 Magistrates, juvenile, 109:49 Malicious prosecution claim against evidence, 5:8 Privileged communications from clients, 5:2 Waiver Implied, 5:5 Waiver, 5:6 Waiver. See also WAIVER, at Attorney-client privilege Right to Complaint for abortion in juvenile court, 109:45 Juvenile proceedings, 106:5, 109:30, 109:45 Waiver, 109:45 Paternity proceedings, 19:10 Waiver, 106:5 Service of process on, 4:36 Signing of pleadings, 3:25 Trust preparation, malpractice, 30:57, 33:23 Waiver of right to, juvenile proceedings, 109:45 Withdrawal, juvenile proceedings, from, 109:46 Witness to will, 44:40 Drafting attorney as witness to will, 27:9, 30:44 Serving also as executor, 30:45 **AUCTIONS** Escheated land, 24:2 Estate Personal property, 2:51, 75:5, 75:10 to 75:25 Real property. See LAND SALE PROCEEDINGS, at Public sale Executors or administrators, by, 2:57, 96:5, 96:27 to 96:34 Land sale. See LAND SALE PROCEEDINGS, at Public sale **AUDITORS, COUNTY** Conveyances, endorsement by, 92:35 Escheat, powers and duties, 24:2 Estate tax, powers and duties See also ESTATE TAX, generally Confidentiality of information, 2:62, 111:37 to 111:42

AUDITORS, COUNTY-Cont'd

Personal property tax, powers and duties. See PERSONAL PROPERTY, TAXATION, generally

AUDITS

Estate tax returns by tax commissioner. See ESTATE TAX, generally

AUTOMOBILES

See MOTOR VEHICLES

AUTOPSIES

Consent. 30:11

Guardian, 62:44:1, 65:12

Liability, 30:11

Pituitary glands, removal during, 30:12

AWARDS

See DAMAGES

BABIES

See MINORS

BAIL

Child support, failure to comply with order, 110:39

Election against will, contempt; for, 21:32

Juvenile delinquency proceedings, contempt, 109:49

Juvenile proceedings, 109:31

Adult offenders, 110:7

Parent of delinquent, for liability, 109:110, 109:164, 110:44

Transfer from juvenile court, 109:182, 109:185

BAILMENTS

Power of attorney, 61:46

BANKS AND BANKING

Accounts

See also Deposits, this heading

Checking account as inter vivos gift, 13:23

Estate, for, 2:25

Gift causa mortis, as, 14:8

Guardianship, certificate, SPF 15.81

Inter vivos gift, as, 13:22 to 13:27

Passbook, delivery, 13:7

Joint. See Joint accounts, this heading

Payable on death accounts

Beneficiaries, 14:18

Gift causa mortis, as, 14:18

Presumption of order of death statute, no application, 16:2

Release without consent of tax commissioner, 2:10

Specific legacy, 30:89, 30:90

Survivorship accounts. See Survivorship accounts, this heading

Title determination, making during proceeding against fiduciary, 57:9

Transfer of estate property, release by tax commissioner, 2:24

Certificates of deposit, fiduciary investment, 49:9, 56:1

BANKS AND BANKING—Cont'd

Checking account as inter vivos gift, 13:23

Deposits

See also Accounts, this heading

Estate property, transfer and delivery, 111:79 to 111:81

Estate tax, 111:62, 111:65

Reduction of fiduciary bond, for, 53:43 to 53:46

Specific legacy, 30:89, 30:90

Estate analysis, limitation, 54:6

Fiduciary, bank as. See FIDUCIARIES, at Corporate

Gifts causa mortis, 14:8

Guardianship, certificate, SPF 15.81

Joint accounts

Declaratory judgment, complaint for, 6:8

Inter vivos gifts, 13:24

Presumption of order of death statute, no application, 16:2

Right of survivorship, with, 13:25

Survivorship rights, with. See Survivorship accounts, this heading

Payable on death accounts

Beneficiaries, 14:18

Gift causa mortis, as, 14:18

Power of attorney, 61:46

Practice of law, unauthorized, 54:6

Safe deposit boxes. See SAFE DEPOSIT BOXES

Savings accounts

See also Accounts, this heading

Gift causa mortis, as, 14:8

Inter vivos gift, as, 13:22

Securities, deposits in, 55:42

Survivorship accounts

Declaratory judgment, complaint for, 6:8

Estate inventory, not to be included in, 2:19

Existence, determination, 13:25

Inter vivos gift, as, 13:22 to 13:27

Guardian's rights, 13:26

Lifetime of parties, ownership, 13:25

Trusts

See TRUST COMPANIES

See TRUSTS

BATTERED CHILD ACT

Generally, 110:1 to 110:12

BEER AND MALT BEVERAGES

Minors, purchase by; misrepresentation of age, 108:1, 110:1

BENEFICIARIES

See also HEIRS

Charitable bequests. See LEGACIES AND DEVISES, at Charitable bequests

Gifts causa mortis. See GIFTS CAUSA MORTIS

Inter vivos gifts. See INTER VIVOS GIFTS, generally

BENEFICIARIES—Cont'd

Intestate succession. See DESCENT AND DISTRIBUTION

Legacies. See LEGACIES AND DEVISES

List, SPF 1.0

Next of Kin. See NEXT OF KIN

Payable on death accounts, 14:18

Trusts, 33:7

Trusts. See TRUSTS, at Beneficiaries

Wrongful death actions, 12:7, 12:12, 12:19

Forms, 12:24 to 12:29

BEQUESTS

See LEGACIES AND DEVISES

BEVERAGES, ALCOHOLIC

Minors, purchase by; misrepresentation of age, 108:1, 110:1

BINDOVER ORDERS

Juvenile proceedings, 109:63 to 109:70, 109:182, 109:185

BIRTH CERTIFICATES

Adopted child, 99:29, 99:79 to 99:83

Correction of birth record, 99:80, 99:81

Illegitimate child, legitimized, 99:84

Legitimized child, 99:84

New

Adopted child, 99:79

Change of name, 100:9

Legitimized child, 99:84

Unrecorded birth, 99:82, 99:83

BLIND PERSONS

See also DISABILITY, PERSONS UNDER, generally

Testator as, 26:6, 30:47

BLOOD

Tests, paternity action, 110:24

BOARDS

See particular board concerned

BOATS AND WATERCRAFT

Assets of estates, 2:21, 2:107

Descent and distribution, 2:21, 14:21, 21:79

Disclaimer of succession, 11:14

Inventory and appraisal of estates, 2:21

Transfer to surviving spouse, 2:21, 2:107, 21:19, 21:77 to 21:79, 21:78

Transfer-on-death, 14:21, 21:19, 21:79, 76:17, 76:18, 80:7

BONA FIDE PURCHASERS, ESTATE PROPERTY

Debts, liability, 92:5

Deed as evidence, 2:58, 97:16 to 97:23

Dower interest, 93:19

Fraudulent conveyances, land sale proceeding, 93:6, 93:7

BONA FIDE PURCHASERS, ESTATE PROPERTY—Cont'd

Uniform Simultaneous Death Act, 16:1

BONDS, SURETY

See also particular subject concerned

Action on, limitation of action, 53:10

Administrator. See EXECUTORS AND ADMINISTRATORS, at Bonds

Appeals. See APPEALS, at Bond

Excuse of bond of fiduciary in will, 53:6

Executors and administrators. See EXECUTORS AND ADMINISTRATORS, at Bonds

Fiduciaries. See FIDUCIARIES, at Bond

Forfeiture, adult offenders tried in juvenile courts, 110:12

Guardians, 63:74, 63:75

See GUARDIANSHIP, at Bond

Heirs. See HEIRS, at Bond

Indemnifying bond, legatee or distributee, of, 76:24

Juvenile court personnel

Deputy clerks, 106:23

Judges acting as clerks, 106:21

Juvenile proceedings, adult offenders for suspended sentences, 110:12

Master commissioners, 3:38

New bond, entry approving, 53:51

Partnership, for deceased partner's interest in assets, 60:9, 60:30

Presumed decedents' estate, beneficiaries, 9:7

Probate court personnel

Deputy clerks, 3:42

Judges, 3:31

Master commissioners, 3:38

Reduction, 2:16

Support and maintenance, guarantee of payments, 109:73

Testamentary trustees, 33:32

Voluntary assignment, 85:46 to 85:53

BONDS AND NOTES

See also SECURITIES, generally

Appraisal, 2:19

Estate tax on, 2:66

Gifts causa mortis, as, 14:6

Guardian's bond, SPF 15.3

Inter vivos gift, as, 13:17

Power of attorney, 61:46

Surety bonds. See BONDS, SURETY

U.S. treasury bonds; federal estate tax, redemption, 112:21

BREACH OF CONTRACT

See CONTRACTS, at Breach

BREACH OF TRUST

Trustee, 34:15

BROKERS

See REAL ESTATE BROKERS AND SALESPERSONS

BROTHERS

See also NEXT OF KIN

Descent and distribution, 15:32

Illegitimate brother inheriting from legitimate brother, 18:5

BUILDING AND LOAN ASSOCIATIONS

Deposits, reduction of fiduciary bond, for, 53:43 to 53:47

BUILDING PERMITS

Rescission, effect, 105:2

BURIALS

See FUNERALS AND BURIALS

BUSINESS

Continuation by executors or administrators, Ch 73, 2:47 to 2:49, 30:39, 30:174, 30:175, 74:12 to 74:18

Extraordinary service, as, 81:10

Land sale proceeding for expenses, 92:18

Time limit, 4 months, 2:47, 2:48, 30:39

Corporations. See CORPORATIONS

Family-owned business exclusion, federal estate tax, 113:9

Guardian, operation by, 65:22

Partnerships. See PARTNERSHIPS

Power of attorney, 61:46

CAMPS AND CAMPING

Juvenile rehabilitation, 106:17 to 106:19

CAPITAL IMPROVEMENTS

See EMINENT DOMAIN, generally

CAPTIONS

Generally, 3:18 to 3:24

Adoption, 3:24

Adversary action, 3:22

Estate of decedent, 3:18

General, 3:23

Guardianship of incompetent, 3:19

Guardianship of minor, 3:19

Jury demand, 3:44

Trusteeship of estate, 3:21

CARETAKER AUTHORIZATION AFFIDAVIT

Grandparent and grandchild, 61:11

CARS

See MOTOR VEHICLES

CAVEAT EMPTOR

Land sale, 96:12

CEMETERIES

See also CEMETERY ASSOCIATIONS

Gravestones and monuments, powers of executors and administrators, 30:71, 30:72

Lots, arrangements specified in will, 30:65, 30:66

Perpetual care of graves, 30:72

CEMETERY ASSOCIATIONS

Gifts to, 13:3

CERTIFICATES

Generally, see particular subject concerned

Birth. See BIRTH CERTIFICATES

Licenses. See also LICENSES AND PERMITS

Tax. See particular tax concerned

CHANGE OF NAME

See NAMES, at Change

CHANGE OF VENUE

See VENUE, at Change of

CHARITABLE BEQUESTS

See LEGACIES AND DEVISES, at Charitable bequests

CHARITABLE CONTRIBUTIONS

See also GIFTS AND GRANTS

Statute against perpetuities, applicability, 46:12

CHARITABLE INSTITUTIONS

See also CHARITABLE ORGANIZATIONS, for private institutions

Children, for

Adoption proceedings, powers and duties. See ADOPTION AGENCIES

Placement in, Interstate compact, 109:125

Patients, mental

See at Institutionalization

See MENTALLY ILL PERSONS, at Hospitalization

See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

CHARITABLE ORGANIZATIONS

See also CHARITABLE INSTITUTIONS, for public agencies

Gifts and bequests to, estate tax deductions, Federal, 113:12

CHARITABLE TRUSTS

Generally, 4:31, 30:73 to 30:76, 30:153 to 30:158, 32:3

Actions, 4:31, 32:3

Future interest, 4:30

Attorney general, powers and duties, 4:31, 32:3

Future interests, representation, 4:30

Intervention, 32:3

Necessary party, as, 32:3

Production, 4:31, 32:3

Construction, 32:2, 44:14

Service of process on attorney general, 4:31, 32:3

CHARITABLE TRUSTS—Cont'd

Declaratory judgment, parties to action, 4:31, 32:3

Deviation, 4:31, 32:3

Endowment fund, use of income only, form, 30:156

Enforcement by attorney general, 4:31, 32:3

Equitable construction, 44:15

Future interests, representation by attorney general, 4:30

Intervention by attorney general, 4:31, 32:3

Liberal construction, 32:2, 44:13, 44:15

Not in being, trustee appointed for land sale proceeding, 92:27

Probate court jurisdiction, 3:2

Public interest, 4:31, 32:3

Purposes, modification, 4:31, 32:3

Qualified community foundation, merger with; fiduciary duties, 2:92 to 2:98, 55:9

Service of process, 4:31, 32:3

Termination, service of process, 4:31, 32:3

CHEATING

See FRAUD

CHECKLISTS

Administration of decedent's estate, client interview, 2:123

Client interview, 2:123

Release from administration, 2:122

CHECKS

Gift causa mortis, as, 14:5

Inter vivos gift, as, 13:19

Unclaimed funds, state income tax, 115:16

CHILD

See MINORS

CHILD ABUSE

Adjudication, 109:169

Affidavits, 110:5

Amendment, 110:6

Appeal pending, provision for child, 109:119

Arrest warrant, 109:167

Attorney representing interests of child, 109:46

Charges, 110:5

Children services agency, permanent custody of child by, 109:80

Motion for, 109:83

Complaints, 109:2 to 109:8, 109:134

Time for filing, 109:5

Confidentiality of reports, 109:111

County human services department, permanent custody of child by, 109:171

Custody of child, 109:25

See also CUSTODY OF CHILDREN, INSTITUTIONAL

Permanent custody of child by children services agency, 109:80, 109:81

Motion for, 109:83

Permanent custody of child by county human services department, 109:171

CHILD ABUSE—Cont'd Defined, 108:17, 110:17 Discovery, 109:34 Caseworker files, 109:34 Request for, 109:152 Dispositional hearings Modification or termination of orders, 109:115 Review, 109:117 Scheduling, 109:72 Dispositional orders for delinquent child, 109:90 Emergency medical care, 109:40 Emergency orders, 109:41 Ex parte orders, 109:41 Guardian ad litem, appointment, 109:46 Hearing Order, 110:51 Proof, 108:18, 110:18 Jurisdiction, 107:1, 107:7, 110:1 to 110:12 Juvenile court, 108:17, 110:17 Jurisdiction, 107:7 Modification of dispositional orders, 109:115 Privileged information, psychiatrists and psychologists, 109:54 Reporting requirements, 110:1 to 110:12 Review of dispositional orders, 109:117 Sentence, order, 110:51 Social history, court report, 109:36 Summons by publication, 109:162 Temporary care orders, 109:41 Termination of dispositional order, 109:115 Testimony of child, 109:40 Unfit parents, 108:17, 110:17 Venue, 109:7 **CHILD SUPPORT** See SUPPORT AND MAINTENANCE, at Child support **CHILDBIRTH** See BIRTH **CHILDREN** Generally, see MINORS Abuse. See CHILD ABUSE Adoption. See ADOPTION Custody. See CUSTODY OF CHILDREN

CHILDREN'S SERVICES

Adoption, powers and duties, **99:7**, **109:110** Case plans, **109:75** Child abuse, reporting, **110:1 to 110:12**

Illegitimate. See ILLEGITIMATE CHILDREN

Support. See SUPPORT AND MAINTENANCE, at Child support

CHILDREN'S SERVICES—Cont'd

Custody of children, 109:76 to 109:82, 109:110

See also CUSTODY OF CHILDREN, INSTITUTIONAL, generally

Permanent, 109:80, 109:81

Motion for, 109:83

Temporary, 109:78

Handicapped children, 109:110

CHIROPRACTORS

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Physician-patient privilege inapplicable, 5:7, 109:54

Privileged communications, 5:13

Protected relationships, 5:13

CHURCHES

See RELIGIOUS ORGANIZATIONS

CITATIONS

Assets, concealed or embezzled, 57:2

Surviving spouse, election. See SURVIVING SPOUSE, at Election by

CITIES

See MUNICIPAL CORPORATIONS

CIVIL ACTIONS

See ACTIONS, generally

CIVIL RIGHTS

Mentally ill persons, hospitalization, 102:54

CIVIL RULES OF PROCEDURE

Declaratory judgment action, 6:3

Eminent domain, applicability, 105:42

Paternity proceedings, applicability, 110:26

Probate divisions of common pleas courts, applicability, 4:1

Will contests, applicability, 39:7, 39:8, 39:11

CIVIL SERVICE

See PUBLIC EMPLOYEES

CLAIMS

See also COMPLAINTS

Counterclaims and cross-claims. See COUNTERCLAIMS AND CROSS-CLAIMS

Estates, against. See CLAIMS AGAINST ESTATES

Pleadings. See PLEADINGS

CLAIMS AGAINST ESTATES

Generally, Ch 84

Acceleration of bar against, 2:27, 85:29, 85:30, 86:1

Actions

Claim rejected on requisition, party giving bond to be party to action, 89:6

Commencement, when, **89:8**, **89:9**

Successor fiduciary, 89:8

Death, resignation or removal of fiduciary, effect, 89:8

CLAIMS AGAINST ESTATES—Cont'd

Actions—Cont'd Defense by heir, when, 89:13 Estate assets set aside for, 76:5 Presentation, as, 85:29 Rejected claims, 2:31, 85:34, 85:35, 89:8 to 89:13, 89:14 to 89:18 Attorney fees when claim allowed, 81:17 Removal or resignation of fiduciary, effect, 89:8 Revivor, 87:1 Venue, 89:12 Administration costs, 49:9 Will determining liability, 49:7 Administrator Bringing claim, Ch 84, 84:9 Claim against, 3:6 Not yet appointed, claimant may induce appointment, 85:10 Removal not to revive barred claim, 84:1 Special, not liable, 70:2 Advancement to pay, land sale proceeding to reimburse lender, 92:8, 92:19 Affidavit supporting, Ch 86, 88:10 Agent of executor or administrator, presentation to, 85:3 Alimony, 85:11 Allowed claims Contingent claim, 85:27 Court order, 88:8 Entry. 84:15 Exceptions to, 88:6 Failure to allow or reject, 85:34 Memorandum, 85:34 Statute of limitations not applicable, 92:5 Subsequent rejection, 89:5 Time for, 85:34 Ancillary proceedings, 91:16 to 91:24 Antenuptial agreement beneficiary, 85:19 Arbitration, 88:11 to 88:15 Attorney appointed to represent estate, 84:13, 84:14 Barred claim, Ch 86, 2:27 Fiduciary, removal, 84:1 Not revived by successor's appointment, 84:1 Revivor, 84:1 Setoff, 85:32 Broker's claim for real estate commission, 2:27 Business, decedent's, 2:49 Certificate of indebtedness, 91:12 Chattel owner need not present, 85:24 to 85:28 Closing the administration prohibited, when, 85:1 Compromise, 85:40, 85:42 Contingent claims, 2:27, 85:24 to 85:28 Allowance or rejection, 85:27 Definition, 85:24, 85:27

```
CLAIMS AGAINST ESTATES—Cont'd
  Contingent claims, 2:27, 85:24 to 85:28—Cont'd
    Exception, 85:26
    Filing time, 85:25
    Presentation, 85:24 to 85:28
    Probate court, filing claim with, 85:1
    Promissory note, 85:24
    Setoffs, 85:28
    Statutory provisions, 85:25
    Tort action, unliquidated claim; not considered as, 85:24
  Contract debts, 85:6
  Contributions by devisees and legatees, 49:1
  Controversial, 88:11 to 88:15
  Counterclaim not presentation, 85:12
  Debts not due, 90:20, 90:21
  Demand for payment, rejection, 89:1
    Presumption, 85:34
  Discharge, 30:84 to 30:88, 80:9
  Disputed, 88:11 to 88:15
  Divorce, costs, 85:6
  Entry allowing claim, 84:15
  Estate recovery program, SPF 7.0
  Estate tax, 111:73 to 111:96
    Deductions, 2:78, 84:8
  Exceptions, 85:31
  Execution of judgment, 90:24 to 90:28
  Executors and administrators, by. See Administrator, this heading
  Exemption of devises or bequests, 49:1
  Fiduciary
    See also Administrator, this heading
    Account, exceptions to precluded, 88:9
    Against, jurisdiction, 3:6
    Allowance, 2:27, 2:28
    Compromise, 2:28
    Disputes, resolution, 2:28
    Rejection, 2:28
    Removal not to revive barred claim, 84:1
    Signature on claims, 84:4
  Forms, 84:9 to 84:11
  Funds for payment, 2:25
  Hearings, Ch 88, 2:29, 84:2, 84:10, 84:11
    Motion to assign for, 88:3
    Notice, 88:4
       Contents, 88:5
       Service, 88:5
    Witnesses, 88:7
  Improper payment, 2:32
    Fiduciary's liability, 90:3
  Inheritance tax, deduction, 84:8
  Inquiry by court appointed attorney, 84:3
```

```
CLAIMS AGAINST ESTATES—Cont'd
  Insolvent estate, 88:16 to 88:18
  Insufficient assets to pay, 90:5
    Land sale proceeding, 91:8
  Insurance beneficiary, testamentary trustee as; effect, 33:6
     Spendthrift provisions, 33:8
  Insurance proceeds, ex-wife's entitlement to insurance proceeds, 85:22
  Interest, owed by decedent, Ch 85
  Jurisdiction, 3:6, 84:7, 89:11
  Last illness, expenses, 2:25, 85:6
  Late filing, 86:1
    Limit of statute, 86:2
    Petition for, 86:1
    Purpose of statute, 86:1
    Statutory provisions, Ch 86
  Liability, 49:1
    Improper payment, fiduciary's liability, 90:3
    Real property, 92:5
  Liens, 2:34
     Discharge of debts after judicial sale, 49:11
  Limitation of actions. See LIMITATION OF ACTIONS, at Estates, claims against
  Medicaid estate recovery program, SPF 7.0, 2:27, 49:11, 85:40
  Mental patient, support of, 85:31
  Merger of claims, 49:11
  Money only, complaint for, 85:44
  Mortgages, 2:34, 90:22, 90:23
    Contribution by devisee, 49:1, 49:9, 49:10
     No right of exoneration, 2:34
  Negligence action brought by unemancipated child against deceased parent's estate not
       barred by parental immunity, 85:10
  Note, 85:23
  Notice
    Hearings. See Hearings, this heading
    Insolvency, 88:18
    Late claim. See Late filing, this heading
    Presentation, 84:2
    Publication, by, 84:12
    Rejection, 2:28, 89:2, 89:3, 89:16, 89:18
    Tort claim, 85:3
  Order of payment, 2:26, 49:6 to 49:8, 90:4
     Funeral, burial and cemetery expenses, 90:4, 90:7
  Payment, Ch 90
     Administrative costs, 49:7, 49:9
     Assets
       All liable, 49:9
       Application, 49:6 to 49:8
    Contribution, 49:1
    Improper, 2:32
       Fiduciary's liability, 90:3
    Income, from, 49:9
```

CLAIMS AGAINST ESTATES—Cont'd

Payment, Ch 90—Cont'd

Insufficient assets, 90:5

Land sale proceedings, 91:8

Principal, from, 49:9

Priority, 2:26, 49:6 to 49:8, 90:4, 90:5

Residuary estate, from, 49:7

Undevised real property, 49:1

When allowed, 90:1

Who must pay, 49:9

Whole estate liable, 49:11

Will, provision in, 49:7

Personal injury suit, 85:21

Personal property primarily liable, 49:6

Presentation, Ch 84, 2:27, 84:9, 85:43, 90:19

Action equivalent to, 85:29

Administrator as sole creditor, 84:6

Agent of fiduciary, 85:3

Antenuptial agreement beneficiaries, 85:19

Attorney for estate, to, 85:3

Attorneys fees, 85:14

Contingent claims, 85:24 to 85:28

Counterclaim not considered to be, 85:12

Creditor defined, 85:4

Exceptions, 84:6, 85:15 to 85:28

Fiduciary not appointed, 85:10

Guardian fees, 85:14

Insurance company, to, 85:3

Late, Ch 86

See also Late filing, this heading

Manner, 85:29

Notice, 84:2

Required, when, 85:1, 85:3, 85:5 to 85:13

Signature of fiduciary, 84:4

Statutes regarding, 85:5

Successor executor or administrator appointed, effect, 85:14

Tax lien on share of another, 85:9

Time limit, Ch 84, 85:29

Purpose, 85:2

Trust beneficiary, 85:17

Priority, 2:26, 49:6 to 49:8, 90:4, 90:5

Probate court

Filing claim with, **85:1**, **85:43**

Jurisdiction, **3:4**, **3:6**

Promissory notes, 85:23

Default on, 85:6

Real estate commission, claim for, 2:27

Real property liens

Discharge of debts after judicial sale, 49:11

Tax lien not considered as claim, 2:34

CLAIMS AGAINST ESTATES—Cont'd Recovery program, SPF 7.0 Reinstatement, Ch 86 Rejection, Ch 89, 2:28, 84:6 Actions on, 89:8 Allowed claim, 89:5 Contingent claim, 85:27 Court order, 88:8 Failure to allow or reject, 85:34 Forced, 89:4 Plain and unequivocal, requirements, 89:2, 89:8 Presumption of, after demand, 85:34 Requisition of heir, devisee, or legatee, 89:6 Time for, 85:34 Rent Co-tenant's property, 85:8 Use, 91:11 Reserve funds to satisfy, 2:101, 76:5, 76:11 Residuary estate, payable from, 49:7 Resolution of all claims required, 88:1 Return of distributed assets to satisfy, 2:101, 76:3 Revival, 85:37 Savings clause, 85:31 Schedule, 2:33, 88:2 Secured claim, contribution, 49:10 Services furnished as payment, 85:18 Setoff Barred claim, 85:32 Contingent claims, 85:28 Settlement, 85:40, 85:41 State, by, 85:16, 89:10 Subrogation, 2:26, 2:121, 85:1, 90:4, 90:19 Successor executor or administrator appointed, effect, 85:14 Support payments, effect of laches, 85:33 Surviving spouse Contribution for secured claim, 49:10 Election against the will, 49:8 Time for allowing or rejecting, 85:34 Time for presentation, 2:27, 85:13 Exceptions, 2:27 Tort claim, presentation, **85:3**, **85:5** to **85:13** United States, by, 85:16, 85:31, 89:10 Priority, 90:4, 90:17 Wages or earnings, 85:7 Waiver of claims, 49:11 Sole heir or devisee, by, 85:36 Will clause, 49:7 Will contest, effect, 85:31 Will provision for payment of, 85:20

CLERGY

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Privileged communications, exempt from testimony, 5:11

CLERICAL ERRORS

Correction, 3:33, 3:34

CLERKS OF COURTS

See also particular court concerned

Records, juvenile delinquency complaint, when victim 65 or older or disabled, 109:112 Service of process, powers and duties, 4:14 to 4:21

CLINICAL COUNSELORS

Evaluation of incompetent person, SPF 17.1

CLOSE CORPORATIONS

Estate tax, 111:44, 111:85

COAL

Eminent domain, 105:5, 105:34

CODICILS

Generally, Ch 28

Attestation, age of witnesses, 28:2, 30:198, 30:199

Charitable bequests or devises, 30:153 to 30:158

Effect when executed within six months of death, 32:1

Construed with will, 44:13

Contested, 35:8, 39:21 to 39:26

See also CONTEST OF WILL, generally

Contradictory to will, 28:4

Date of testator's death controlling, 28:1

Defective codicil, 28:3

Defective will, curing, 28:3, 43:2

Defined, 28:1

Execution, 27:1, 28:2

Forms, 30:198, 30:199

Lost, spoliated, or destroyed will, 40:3

Probate without will, prohibition, 40:4

Republication of will, 28:3, 43:2

Requirements, 28:2

Revival of will by, 43:3

Revocation of codicil by subsequent will, 28:5

Revocation of will by, 28:4, 41:8

Superseding will, prohibition, 28:1

Use, 28:3, 30:54

When practicable, 28:3

COERCION

Gift causa mortis, effect, 14:3

COGNOVIT NOTES

Claims against estate on, Ch 85

COMMENCEMENT OF ACTIONS

See ACTIONS, generally

COMMERCIAL ACTIVITY TAX

Generally, 115:18

COMMERCIAL PAPER

Partnerships, promissory notes for deceased partner's interest in assets, 60:28

COMMERCIAL TRANSACTIONS

See particular subject concerned

COMMITMENT

Children. See CUSTODY OF CHILDREN, INSTITUTIONAL, at Commitment Jail, to. See IMPRISONMENT

Mentally ill. See MENTALLY ILL PERSONS, at Hospitalization

Mentally retarded. See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS, at Institutionalization

COMMODITIES

Power of attorney, 61:46

COMMON LAW

Marriages. See COMMON LAW MARRIAGES

Perpetuities, rule against, Ch 46

See also STATUTE AGAINST PERPETUITIES

COMMON LAW MARRIAGES

Jurisdiction, probate court, 69:1

Medical bills, payment responsibility, 90:18

Probate court, jurisdiction, 69:1

Surviving spouse, suitable executor, 69:5

COMMON LAW RULE AGAINST PERPETUITIES

Generally, Ch 46

See also STATUTE AGAINST PERPETUITIES

COMMON PLEAS COURTS

See COURTS OF COMMON PLEAS

COMMUNICABLE DISEASES

Juvenile delinquent engaging in sexual activity, notification of victims of crime, 109:61

COMMUNITY MENTAL HEALTH AGENCIES

Defined, 102:4

COMPACTS, INTERSTATE

See INTERSTATE AGREEMENTS

COMPANIES

Business. See BUSINESS

Corporations. See CORPORATIONS

COMPENSATION

Administrators. See EXECUTORS AND ADMINISTRATORS, at Compensation Appraisers for estate land sales, **94:2**

COMPENSATION—Cont'd

Attorneys. See ATTORNEY FEES

Decedent's wages, release by employer, 2:24, 2:119

Executors. See EXECUTORS AND ADMINISTRATORS, at Compensation

Fiduciaries. See FIDUCIARIES, at Compensation

Guardians. See GUARDIANSHIP, at Compensation

Juvenile court employees, 106:16, 106:25

Power of attorney, 61:46

Trustees. See TRUSTEES, at Compensation

COMPETENCY

Defendants. See DEFENDANTS, at Incompetent to stand trial

Juvenile court, determination by, 109:53

Witnesses, minors, adjudicatory hearings, 109:58

COMPLAINTS

See also ACTIONS, generally

Abandoned children, petitions to determine, 15:52, 15:53

Abortion, for, 108:32, 108:33, 110:32, 110:34

Minor, by, 108:21, 110:21

Notification of parent, guardian or custodian; without, 109:2

Parental consent, without, 109:143

Abuse, affidavit of, 109:144, 109:145

Appeal from dismissal, 109:184

Order authorizing, 109:183

Child abuse, 109:2 to 109:8, 109:134, 110:5

Amendment, 110:6

Time for filing, 109:5

Child support, 109:129

Concealed or embezzled assets, recovery, 56:8

Contents, 109:3, 109:4, 109:129 to 109:142

Custody of child, 109:2 to 109:8, 109:129

Time for filing, 109:5

Declaratory judgment, for, 6:7 to 6:9

Defect in, 109:12

Delinquent child, 109:2 to 109:8, 109:132

Dependent child, 109:134

Time for filing, 109:5

Detention, child placed in, time for filing, 109:5

Durable power of attorney for health care, decisions and determinations made under, 61:35

Form, 109:3, 109:4, 109:129 to 109:142

Incompetent to stand trial, complaint to restore heirship rights, 22:2

Inheritance from dead victim, complaint to restore right to, 22:2

Juvenile actions, 109:2 to 109:8, 109:129 to 109:142, 109:132

See also JUVENILE COURTS, at Complaint

Notice to school officials, 109:8

Time for filing, 109:5

Juvenile courts, service of process, 109:10

Land sale proceedings, 92:2

COMPLAINTS—Cont'd

Neglect of child, 109:2 to 109:8, 109:134

Time for filing, 109:5

Not guilty by reason of insanity, complaint to restore heirship rights, 22:2

Paternity proceedings, 109:141

Presumed decedent, establishment of presumption, 9:2, 9:9

Recovery of concealed or embezzled assets, 56:8

Shelter care, child placed in, 109:30

Time for filing, 109:5

Surviving spouse, purchase of realty, 2:41 to 2:43

Transfer or certification to juvenile court, 109:3

Unruly child, 109:2 to 109:8, 109:133

Will construction action, 44:7

Will contests, 39:22

Errors in, 39:11

COMPROMISES

See SETTLEMENTS

CONCEALMENT

Estate assets. See ASSETS OF ESTATES, at Concealed or embezzled Wills. See WILLS, at Withholding

CONCLUSIONS OF LAW

Juvenile court, 109:59, 110:14

Permanent custody of minor, prior to, 109:80, 109:81

CONDEMNATION OF PROPERTY

See EMINENT DOMAIN

CONDITIONS OF INHERITANCE

In terrorem clause, 30:30

Marriage to particular religious group, 30:23

CONFIDENTIAL INFORMATION

See PRIVILEGED INFORMATION

CONFINEMENT

See IMPRISONMENT

CONFLICT OF INTEREST

Generally, 3:16

Adoptions, attorneys, 99:31

Attorney and guardian ad litem, 109:46

Judges, probate courts, 3:51, 69:18

Parent and child, in juvenile proceedings, 109:46

CONFLICT OF LAWS

Antenuptial agreements, 101:11

Probate of nonresident's will, 36:4

Separation agreements, 101:11

Wrongful death actions, 12:5

Uninsured motorist, 12:5

CONSANGUINITY

Equal degree of descendants, 15:21 to 15:25, 15:44 to 15:50

CONSENT

See particular subject concerned

CONSERVANCY DISTRICTS

Eminent domain, 105:5

CONSERVATORSHIP

Generally, SPF 20.0 to SPF 20.2, 63:64

Appointment, SPF 20.1

Defined, 63:8

Letters of, SPF 20.2

Liability, 63:69

Reference list, 63:88

Termination, 67:14

CONSIDERATION

Antenuptial agreement, 101:4

Separation agreement, 101:4

CONSTABLES

See also LAW ENFORCEMENT OFFICERS

Amercement, 3:41

CONSTITUTIONALITY

Juvenile courts, 106:2, 106:10, 108:10

Legitimation proceedings, requirement of mother's consent, 19:3

CONSTRUCTION OF STATUTES

See STATUTORY CONSTRUCTION

CONSTRUCTION OF WILLS

Generally, Ch 44, 21:87

Action for, Ch 44

Committee comment, 44:1

Declaratory judgment action, preferability, 44:2

Former will, admissibility, 44:39

Jurisdiction, 44:1

Moot question, action not to be based on, 44:3

Parties, 44:6

Probate court's powers and duties, 44:4

Trust established, 4:31, 32:3

Actual words control, rather than testator's presumed intention, 44:18

Ambiguity, 44:10, 44:17, 44:20

Latent, 44:38

Law, question of, 44:20

Patent, 44:37

Attorney fees, court's discretion to award, 44:4

Cash money, 44:21

Children, 44:25

Circumstances surrounding execution, 44:39

Class gift, 44:16

```
CONSTRUCTION OF WILLS—Cont'd
  Codicil, with, 44:13
  Competency of testator, 44:3
  Complaint, 44:7
  Conflicting provisions, 44:12
  Debts, 44:22
  Declaratory judgments, 6:6, 6:7 to 6:10
    Undue influence, 6:6, 26:10
  Descendant, defined, 47:3
  Descent and distribution statutes, effect on testator's intent, 44:10
  Ejusdem generis doctrine, 44:10, 44:24, 44:39
  Equally share and share alike, 44:16, 44:33, 47:4
  Equitable, 44:10
  Evidence
    Extrinsic, 44:36 to 44:41
    Parol, 44:39
    Testator's intent, 44:39
  Four corners, 44:12
  Funeral expenses, 44:22
  General principles, 32:2, 44:8
  Grammatical errors, 44:14
  Grandchildren, 44:23
  Heirs, 44:25
  Heirs of the body, 44:25
  Home and its contents, 44:10, 44:24, 44:39
  Intent of testator, determination, 44:4
  Irreconcilable conflicts, 44:12
  Issue, defined, 44:26, 47:3
  Language, 44:17 to 44:20
    Ambiguous, 44:20
    Capable of different constructions, how resolved, 44:20
    Construction, 44:10
    Court supplying, 44:19
    Definitions, 44:21 to 44:35
    In light of surrounding circumstances, 44:39
    Legal words, 44:19
    Plain and ordinary meaning of words, 44:19
    Rejection by court, 44:18
    Repetitions, 44:20
    Share and share alike, 44:16, 44:33, 47:4
    Technical words, 44:19
    Trust, creation inferred without actual use of trustee or trust, 44:19
    Unambiguous, 44:19
    Words control, rather than testator's presumed intention, 44:18
  Legal words, 44:19
  Liberal, 32:2, 44:11, 44:14
  Nature of action, 44:3
  Nearest of kin, 44:28
  Next of kin, 44:28
  Nieces and nephews, 44:29
```

CONSTRUCTION OF WILLS-Cont'd

Parol evidence, 44:36

Patent ambiguity, 44:37

Per stirpes, 44:30

Pleadings, 44:7

Precedent, 44:9

Principles, 32:2, 44:8

Probate court jurisdiction, 3:14, 6:6

Provision in will for interpretation, 44:5

Punctuation errors, 44:14

Purpose, 44:3

Residuary disposition, 44:47

Rules, 32:2, 44:8

Securities, 44:31

Shall, 44:32

Share and share alike, 44:16, 44:17, 44:30, 44:33, 47:4

Statutes, presumption of testator's knowledge, 44:10

Stock, 44:34

Surrounding circumstances, 44:39

Technical words, 44:19

Trustee, by, 44:5

Two interpretations possible, procedure, 44:10

Unborn remaindermen, 44:6

Validity of will not to be issue, 44:3

Virtual representation doctrine, 44:6

Words control, rather than testator's presumed intention, 44:18

CONSTRUCTIVE TRUSTS

See TRUSTS

CONSULS

Death of alien, notice to, 69:36

CONTEMPT

Election against will, referees, 21:32

Fiduciaries

Failure to cooperate in embezzlement proceedings, 57:2, 57:21 to 57:24

Failure to file account, inventory, or report, 55:10, 80:4

Genetic tests, failure to submit to, 19:3

Guardians, failure to file account, 65:21

Juvenile courts. See JUVENILE COURTS, at Contempt

Land sale proceedings, purchaser's failure to complete purchase, 96:10

Probate court, 1:5

Support and maintenance action, 110:30

Costs and attorney fees, 109:73

CONTEST OF WILL

Generally, Ch 39

Administrator estopped from contesting will, 39:5

Adopted children, parties to, 39:8

Agreement and release prior to filing, 39:21

Amendment of complaint, joinder of additional parties, 39:8, 39:11

CONTEST OF WILL-Cont'd Ante mortem declaration of will validity, effect, 35:8, 39:2 Appeal, 39:19 Attorney fees, 39:18, 81:10, 81:15 Attorney general as party, 39:8 Audio tape recordings, admissibility, 30:50, 30:52 Burden of proof, 39:13 Capacity, 39:6 Charitable bequest, 30:29 Clauses discouraging, 30:29 to 30:31 Commencement of action, 39:7 Common pleas court, mistakenly docketing action in; effect, 39:2, 39:7 Complaint for Errors in. 39:11 Filing, 39:7, 39:22 Considerations by the jury, 39:15 Constitutional right to jury trial, 39:15 Counterclaim, pleading as, 39:1, 39:11 Court costs, 39:18 Creditors as parties, 39:8 Creditor's claim, effect on, 72:1 to 72:3 Cross-claim, pleading as, 39:1, 39:11 Declaratory judgment not substitute for, 39:1 Designated heir bringing, 17:2 Directed verdicts, 39:17 Dismissal, 39:26 Discovery violations, 39:12 Failure of parties, 39:8 Not on the merits, 39:16 Revival after voluntary dismissal, 39:16 Distribution, effect on, 2:101, 72:1 to 72:3 Election Heir estopped from contesting will, 39:5 Surviving spouse not estopped by, 21:14 Estate, claim against; effect on, 85:31 Executors' and administrators' powers during, 72:1 to 72:3 Estopped from contesting will, 39:5 Extraordinary service, as, 81:10 Expert testimony, 39:13, 39:15 Extension of time, 3:63 Filing time, 2:14 Foreign will, 39:20 Forfeiture, 30:30 Forms, 39:21 to 39:26 Guardian filing action for ward, 39:4 Illegitimate child, standing to bring, 19:4, 39:4 In terrorem clause, 30:30 Interested persons, 39:4 Judgment notwithstanding verdict, 39:17 Judgment on verdict, 39:24

CONTEST OF WILL-Cont'd Jurisdiction, 1:5, 3:2, 36:10, 36:11 See also PROBATE OF WILLS, at Jurisdiction Jury trial, 39:15 Lack of capacity to contest, 39:6 Legal disability, person under; time for commencing action, 39:7 Limitation of action, 2:14, 39:2, 39:7 Medical records, confidentiality, 39:14 Motion pictures, admissibility, 30:50 Notice, 39:10 Opening statement, 39:13 Opposing party, claim against; contest action not considered to be, 39:8, 39:11 Parties, 39:8 Defect, 39:8 Failure, dismissal of action, 39:8 Individual capacity, service, 39:10 Joinder, amendment to complaint, 39:8, 39:11 Official capacity, service, 39:10 Service of process, 39:10 Withdrawal, 39:9 Photographs, admissibility, 30:53 Physician-patient privilege, 5:7 Pleading, **39:11** Powers of fiduciaries during, 72:1 to 72:3 Estopped from contesting will, 39:5 Extraordinary service, as, 81:10 Pre-trial procedure, 39:12 Prima facie evidence, 39:13 Privileged information, physician-patient communications, 5:7 Probate court jurisdiction, 3:9 Probate court order, effect, 39:13 Revivor attempt, 43:3 Right to bring, 39:4 to 39:6 Rules of civil procedure to govern, 39:7, 39:8, 39:11 Savings clause, effect, 39:16 Service of process, 39:7, 39:10 Publication, by, 4:23, 4:45 to 4:47, 39:10 Settlement agreements, 39:25 Standing to bring, 39:4 to 39:6 Statutes, Ch 39 Summary judgment, 39:17 Survival of action, 39:5 Surviving spouse, election does not estop, 21:14 Trial, 39:13 to 39:15 Vacation of order of probate, 7:4, 39:2 Verdict, 39:15, 39:17, 39:23 **CONTINUANCES** Adoption hearings, 99:48

Index-48

Eminent domain proceedings, 105:73

CONTINUANCES—Cont'd

Juvenile proceedings

Adjudicatory hearings, 109:43

Dispositional hearing, 109:72

CONTRACTS

Adoption, 99:24

Agreement to make will. See WILLS, at Agreement to make

Breach

Adoption, inapplicable, 99:51

Declaratory judgments, 6:6

Claims against estate arising out of, Ch 85

Construction by declaratory judgment, 6:6, 6:9, 6:10

Fiduciaries, liability, 60:15 to 60:18

Incompetent person, enforcement, 64:5

Oral contracts, will

Not to make, 51:10

To make, Ch 51

See also WILLS, at Agreement to make

Partnership, controlling winding up, 60:13

Public, construction by declaratory judgment, 6:6

Public. See CONTRACTS, PUBLIC

Ratification, guardian, by, 66:24

Rescission, claim against estate for damages, 85:5 to 85:13

Secured transactions. See SECURED TRANSACTIONS

Surrogacy, Uniform Parentage Act, 19:14

Wards making, ratification by guardian, 65:24

Will

Agreement not to make, 51:10

Agreement to make, Ch 51

See also WILLS, at Agreement to make

CONTRIBUTION

Afterborn heirs, 49:1

Devisee or legatee, by, 49:1

Mortgage, effect, 49:1, 49:9, 49:10

Insolvent heirs, 49:1

Legatee or devisee, by, 49:1

Real property sale to satisfy, 2:59, 97:6

Nonprobate beneficiary, probate court jurisdiction, 3:11

Pretermitted heirs, 48:2, 49:1

Secured claim, for, 49:10

Specific bequests, residuary estate to be exhausted first, 49:9

Surviving spouse, construction for secured claim, 49:10

Who must make, 49:9

CONTRIBUTIONS, CHARITABLE

See GIFTS AND GRANTS

CONTROLLED SUBSTANCES

Abuse. See DRUG OFFENSES, at Abuse

CONVERSION

Embezzlement. See EMBEZZLEMENT

Interest award, 13:2

CONVEYANCES

See also DEEDS; LEASES

Charge on title to property, intestate succession, 2:102, 2:106, 21:50

Conditional grant or devise, 30:121

Deceptive writings to secure, 35:6

Dower interest, 93:19

Endorsement, 92:35

Estate by the entireties with survivorship deed, 92:39

Estate property, 2:58, 97:5

See also ASSETS OF ESTATES, at Sale; LAND SALE PROCEEDINGS

Completion of contracts by fiduciaries, Executors and administrators, 75:17, 75:18

Debts, liability for, 92:5

Forms, 92:33 to 92:36

Released from administration, 2:108 et seq.

Vacation of order settling account, 2:98, 55:34, 55:49

Estate property, application for certificate of transfer, filing of, 92:32

Fraudulent, 35:6

Decedent, by; common pleas jurisdiction, 91:13

Land sale proceedings. See LAND SALE PROCEEDINGS, at Fraudulent conveyances

IRA contributions, keogh plans, exempt from use to satisfy judgment, 93:1

Power of attorney, 61:37, 61:45, 61:46

Presumed decedent's property, 9:7

Recording, endorsement, 92:35

Rule in Shelley's case, 45:1

Survivorship tenancy, 2:6

Transfers, 92:35

Transfers To Minors Act, 68:6

Form, 13:28

Trust assets, vacation of order settling account, 2:98, 55:34, 55:49

CONVICTS

See PRISONERS

CORONERS

Amercement, 3:41

Child abuse, reporting, **110:1** to **110:12**

CORPORATIONS

See also particular type concerned

Close corporations, estate tax, 111:85

Installment payments, 111:44

Dissolution, attorney-client privilege, applicability, 5:1

Executor, nonresident corporation as; probate court has no duty to appoint, 30:35

Foreign. See FOREIGN CORPORATIONS

Guardian, as, 63:41

Guardianship of estates, 30:32, 30:183

Insolvent, assignment for benefit of creditors, 85:45 to 85:61

CORPORATIONS—Cont'd

Inter vivos gift to, 13:3

Legacies or devises to. See LEGACIES AND DEVISES, at Charitable bequests

Long-arm jurisdiction, minimum contacts, 4:18

Nonprofit. See NONPROFIT CORPORATIONS

Securities. See SECURITIES

Service of process on, 4:15, 4:21, 4:50

Publication, by, 4:45 to 4:47

Stock. See STOCK

Voluntary assignment, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT

CORPSES

Anatomical gifts. See ANATOMICAL GIFTS

Autopsies, 30:11

Burials. See FUNERALS AND BURIALS

CORRECTIONAL INSTITUTIONS

Detention of minors in, 109:27, 109:28

Gifts to, **13:3**

CORRUPTION OF MINORS

Jurisdiction, 110:1 to 110:12

COSTS

See COURT COSTS; FEES AND COSTS

COUNTERCLAIMS AND CROSS-CLAIMS

Cross appeals

Filing of notice, 8:7, 8:9

When notice not required, 8:8

Land sale proceedings, lien, recorded, 93:13

Presentation of claim against estate, not considered to be, 85:12

Will contest actions, 39:1, 39:11

COUNTIES

Administrative agencies. See particular agency or office

Appropriations, juvenile courts, to, 106:13

Auditors. See AUDITORS, COUNTY

Commissioners. See COUNTY COMMISSIONERS

Employees. See PUBLIC EMPLOYEES

Funds. See FUNDS, PUBLIC, for general provisions

Gifts and bequests to, 13:3, 44:43

See also LEGACIES AND DEVISES, at Charitable bequests

Juvenile rehabilitation facilities, 106:17 to 106:19

See also JUVENILE REHABILITATION

Legacy to, 13:3, 44:43

Police. See SHERIFFS

Prosecutors. See PROSECUTORS, COUNTY

Recorders. See RECORDERS, COUNTY

COUNTRIES, FOREIGN

See FOREIGN COUNTRIES

COUNTY

See COUNTIES

COUNTY AUDITORS

See AUDITORS, COUNTY

COUNTY COMMISSIONERS

See also COUNTIES, generally

Detention homes

Establishment, 106:17

Funding, 106:17

Juvenile courts, appropriations, 106:13

Schools, forestry camps, and other facilities

Establishment, 106:18

Funding, 106:18

COUNTY COURTS

Clerks, powers and duties. See CLERKS OF COURTS, generally

Costs. See COURT COSTS

COURT COSTS

See also particular action or court concerned

Assault by minor, 110:42

Paternity proceedings, 110:24

Genetic tests taxed as, 110:24

Support and maintenance actions, 109:73

Theft offense, minor defendant, 110:42

Vandalism action, minor defendant, 110:42

COURT RULES

See RULES OF COURTS

COURTS

Generally, 3:1

See also particular court by name

Actions. See ACTIONS

Appellate. See APPEALS; COURTS OF APPEALS; STATE; SUPREME COURT

Calendar. See DOCKETS

Clerks. See CLERKS OF COURTS

Common pleas. See COURTS OF COMMON PLEAS

Contempt. See CONTEMPT

Costs. See COURT COSTS

Dockets. See DOCKETS

Judges

See JUDGES

See particular court concerned

Judgments. See JUDGMENTS

Jurisdiction. See JURISDICTION

Juvenile, Ch 106, 106:20 to 106:25

See also JUVENILE COURTS

Magistrates. See MAGISTRATES

Pleadings. See PLEADINGS

Powers, 1:5

COURTS-Cont'd

Probate. Ch 3

See also PROBATE COURTS

Referees. See MAGISTRATES

Rules. See RULES OF COURTS

Service of process. See SERVICE OF PROCESS

Supreme court. See SUPREME COURT, STATE

Trials

See also TRIALS

Jury trials. See JURY TRIALS

Venue. See VENUE

Verdicts. See VERDICTS

Witnesses. See WITNESSES AND TESTIMONY

COURTS OF APPEALS

See also APPEALS, generally

Clerks. See CLERKS OF COURTS, generally

Docket, 8:6

See also DOCKETS, generally

Docketing statement, 8:6

Jurisdiction, probate matters, Ch 8

Powers, 3:1

Probate court, appeal from, Ch 8

COURTS OF COMMON PLEAS

See also COURTS; PROBATE COURTS

Certification to juvenile court, 107:11

Clerks

See also CLERKS OF COURTS, generally

Administrative judge as, 106:14

Juvenile court clerks, as, 106:14

Contempt. See CONTEMPT, generally

Conveyance, fraudulent; by decedent, 91:13

Costs. See Fees and costs, this heading

Divisions, 1:5, 3:1

Domestic relations. See Domestic relations division, this heading

Probate. See PROBATE COURTS

Docket. See DOCKETS, generally

Domestic relations division, juvenile courts, Ch 106, 106:20 to 106:25

See also JUVENILE COURTS

Execution of judgment. See EXECUTION OF JUDGMENT

Fees and costs

See also COURT COSTS, generally

Eminent domain proceedings, 105:44

Abandonment, 105:59

Foreclosure filed prior to land sale proceeding, jurisdiction, 91:14

Garnishment. See GARNISHMENT

Judges, juvenile courts. See JUVENILE COURTS, at Judges

Jurisdiction

Concurrent with probate court, 3:14

Minor, over, 107:9

COURTS OF COMMON PLEAS—Cont'd

Jurisdiction—Cont'd

Paternity proceedings, 19:6, 107:7, 110:20

Stock certificates; lost, stolen, or destroyed, 75:31 to 75:35

Jury trials. See JURY TRIALS

Juvenile courts, Ch 94, 106:20 to 106:25

See also JUVENILE COURTS

Magistrates. See MAGISTRATES

Powers, 3:1

Probate division. See PROBATE COURTS

Referees. See MAGISTRATES

Sentences. See SENTENCES

Special fiduciary, appointment, 3:6

Transcripts. See TRANSCRIPTS

Trials

See TRIALS

Jury trials. See JURY TRIALS

Venue, paternity proceedings, 110:20

Witnesses. See WITNESSES AND TESTIMONY

COUSINS

See also NEXT OF KIN

Descent and distribution, 15:33 to 15:35

COVENANTS

See also CONTRACTS

Restrictive, real property, enforcement, jurisdiction, 3:2

CREDIT

See also DEBTORS AND CREDITORS

Estates, real property deferred payments, **75:6**

Voluntary assignment, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT

CREDITORS

See DEBTORS AND CREDITORS

CREMATION

Instructions in will, 30:69

Representative appointment, form, 30:265

CRIMES AND OFFENSES

Criminal forfeiture proceedings, 109:127, 109:128

Drug offenses. See DRUG OFFENSES

Embezzlement. See EMBEZZLEMENT

Felonies. See FELONIES

Fraud. See FRAUD

Homicide. See HOMICIDE

Homicide. See MURDER

Minors charged as adults, 107:8

Prosecution. See CRIMINAL PROSECUTIONS

Sentences. See SENTENCES

Traffic offenses. See TRAFFIC OFFENSES

CRIMES AND OFFENSES—Cont'd

Victims. See VICTIMS OF CRIME

CRIMINAL PROSECUTIONS

Accused. See DEFENDANTS

Appeals. See APPEALS, generally

Arrests. See ARRESTS

Child, of; transfer from juvenile court, 109:63 to 109:70, 109:182, 109:185

Amenability hearing, 109:67

Appeals, 109:71

Preliminary hearing, 109:63

Notice, 109:67

Complaints. See COMPLAINTS

Costs. See COURT COSTS, generally

Defendants. See DEFENDANTS

Defenses. See DEFENSES

Jury trials. See JURY TRIALS, generally

Juvenile procedure rules, applicability, 108:4

Juveniles, 107:9, 109:182, 109:185

Right to counsel, 109:45

Pleas, juvenile proceedings, adult offenders, 110:47

Sentences. See SENTENCES

CROPS

Gross estate determination, tax purposes, 2:70

Land sale proceeding, 96:12

Life tenant entitled to, 23:2

CROSS-CLAIMS

See COUNTERCLAIMS AND CROSS-CLAIMS

CROSS-EXAMINATIONS

Juvenile proceedings, 109:72

CRUELTY

Aged persons treated cruelly by caretakers, Ch 103

See also PROTECTIVE SERVICES FOR ADULTS

Child. See CHILD ABUSE

CUSTODIANS

See FIDUCIARIES, generally

CUSTODY OF CHILDREN

Admissions, 109:81

Domestic

Generally, 110:13, 110:13 to 110:18

Appeals, Calendar priority, 107:11

Appeals, Calendar priority, 109:113, 109:120

Award, 110:13

Best interests of child, 109:77, 109:78, 110:14

Choice by child, 110:13

Declaring in open court or in chambers, 110:13

Continuing jurisdiction, 110:13, 110:13 to 110:18

CUSTODY OF CHILDREN—Cont'd

Domestic—Cont'd

Decree

Modification. See Modification of custody order, this heading

Out-of-state court, 110:17

Foreign decree, 110:17

Guardianship, 63:79 to 63:86

See also GUARDIANSHIP

Habeas corpus writ, 109:2 to 109:8, 110:16

Interference with, 109:140

Arrest warrant, 109:167

Hearing and sentence, order, 110:51

Jurisdiction, 107:1, 110:1 to 110:12

Jurisdiction, 107:3, 110:13, 110:13 to 110:18

Certification to juvenile court, 107:13, 109:135, 109:136

Concurrent jurisdiction, 109:115

Continuing jurisdiction, 107:7, 110:13, 110:13 to 110:18

Improperly obtained custody, effect, 110:17

Juvenile courts, 107:13, 109:6, 109:115, 109:120, 110:13, 110:17

State, determination, 110:17

Uniform Child Custody Jurisdiction Act, 110:17

Juvenile rules of procedure, applicability, 109:50, 110:13

Long arm jurisdiction, 4:18

Modification of custody order, 109:113, 110:14

Case certified from common pleas court, 107:11, 109:135, 109:136

Order. See Decree, this heading

Paternity judgment, subsequent to, 110:13, 110:29

Permanent, Privileged information, psychiatrists and psychologists, 109:54

Proceedings, Pending in another state, 110:17

Protective supervision, 109:77

Religious considerations, 110:13

Religious practices of parent, effect, 109:73

Temporary, 109:41

Termination of custody order, 109:115

Uniform Child Custody Jurisdiction Act, 110:17

Venue, 110:17

Violations, Effect on jurisdiction, 110:17

Visitation rights, 110:21

See also VISITATION RIGHTS

Ward of another state, 110:17

Wrongful removal of child, 110:18

Institutional, 109:72

Adequate parental care

Determination of, 109:80, 109:81

Lacking, disposition of child, 109:76 to 109:82

Adjudicatory hearings, Reasonable efforts determination, 109:74

Administrative review, 109:116

Affidavits, 109:131

Agencies for, powers and duties, 109:73

Jurisdiction, 107:1

Juvenile courts, powers and duties, 110:13, 110:13 to 110:18

See also JUVENILE COURTS, at Custody of child, powers and duties

CUSTODY OF CHILDREN—Cont'd Institutional, 109:72—Cont'd Aiding and abetting to leave commitment, Jurisdiction of juvenile court, 110:1 to 110:12 Best interests of child Long-term foster care, 109:82 Permanent custody, 109:81 Temporary custody, 109:78 Termination of parental rights, 109:81 Case plans, 109:75 Children services agency, commitment to, 109:76 to 109:82 Children's services board, commitment to, 109:110 Commitment, 109:50 Adult sentence, 109:88 Children services agency, 109:76 to 109:82 Children's services board, 109:110 Discharge. See Discharge, this heading Limits on, prior to January 1, 2002, 109:87 Youth services department. See YOUTH SERVICES DEPARTMENT, at Commitment of children to Commitment, prior to January 1, 2002, 109:84 Complaints, 109:2 to 109:8, 109:129 to 109:142 Notice to parents required, 109:10 Permanent custody, for, 109:4 Summons, 109:10 to 109:13 Temporary custody, for, 109:4 Time for filing, 109:5 County human services department Permanent custody, 109:171 Temporary custody, 109:170 Detention, Hearing, 109:30 Determination, 109:76 to 109:82 Discharge Early release, 109:89 Institution or agency applying for, 107:10 Youth services department commitment, from. See YOUTH SERVICES DEPARTMENT, at Release of children Disposition of child. See Placement, this heading Dispositional hearings, Reasonable efforts determination, 109:74 Exclusion of parents during child's testimony, 109:50, 109:56 Foster homes. See FOSTER HOMES Grounds for court taking, 109:25 Guardianship, 63:79 to 63:86 See also GUARDIANSHIP Habeas corpus writ, 109:2 to 109:8, 110:16 Institution or agency taking permanent custody, 109:80, 109:81 Interference with custody, Jurisdiction, 110:1 to 110:12

CUSTODY OF CHILDREN—Cont'd

Institutional, 109:72—Cont'd

Legal custody, 109:79, 109:82

Long-term foster care, 109:82

Notice, Release of child, to committing court, 109:89

Orders, 109:76, 109:168 to 109:172

Parental rights, termination. See Permanent, this heading

Parole violation, complaint for, 109:142

Pending appeal of juvenile case, 109:119

Permanent, 109:80, 109:81

Agreement without approval of juvenile court, 108:24, 110:24

Best interests of child, determination, 109:81

Bifurcated hearings, 109:72

Case plan, 109:75

Children services agency, 109:80, 109:81

Complaint for, 109:4

Constitutionality, 108:14, 110:14

County human services department, 109:171

Evidence, 109:4

Clear and convincing standard, 109:80, 109:81

Findings of fact and conclusions of law, 109:80, 109:81

Grounds, 109:80, 109:81, 110:16

Guardian ad litem, report of, 109:80, 109:81

Habeas corpus action not res judicata, 110:16

Incarceration of parent, effect, 109:80, 109:81

Institution or agency taking, 109:80, 109:81

Juvenile court, exclusive jurisdiction, 107:7

Long-term foster care as alternative, 109:80, 109:81

Medical and social histories, 99:14, 109:110

Motion for, 109:83

Notice, 109:10

Planned permanent living arrangement, 109:82

Reports of child welfare agency, admissibility, 109:51

Right to counsel, 109:10

Voluntary surrender, revocation, 109:110

Placement, 109:76 to 109:82

See also CHILDREN'S SERVICES

Criteria, 109:72

Permanent, 109:171

Children services agency, with, 109:80, 109:81

Temporary, 109:41, 109:78, 109:170

Planned permanent living arrangement, 109:82

Protective supervision, 109:77

Psychological evaluation of parent, 109:50

Records and reports, Youth services department. See YOUTH SERVICES

DEPARTMENT, at Records and reports

Rehabilitation facilities, 106:17 to 106:19

See also JUVENILE REHABILITATION

Release of children. See Discharge, this heading

Religious considerations, 109:73

CUSTODY OF CHILDREN—Cont'd

Institutional, 109:72—Cont'd

Residual parental rights, 109:79, 109:82

Review proceedings

Administrative review, 109:116

Juvenile court, by, 109:117

Runaway child, 109:28

Temporary, 109:41, 109:78

Agreement without approval of juvenile court, 108:24, 110:24

Best interests of child, 109:78

Case plan, 109:75

Children services agency, 109:78

Complaint for, 109:4

Continuance order as final order, 109:119

County human services department, 109:170

Disposition order, 109:90

Extension, 109:78

Hearsay evidence, 109:41

Pending hearing, 109:148, 109:149

Right to counsel, 109:45

Termination, 109:78

Time in agency custody, permanent custody after twelve months, 109:80, 109:83

Termination of parental rights. See Permanent, this heading

Transportation to places of commitment, expenses, 109:126

Visitation rights, 110:21

See also VISITATION RIGHTS

Warrant for court taking, 109:13, 109:163

Youth services department, commitment to. See YOUTH SERVICES DEPART-MENT, at Commitment of children to

CUYAHOGA COUNTY

See COUNTIES, for general provisions

Juvenile court. See JUVENILE COURTS, generally

Probate court. See PROBATE COURTS, generally

CY PRES DOCTRINE

Generally, 32:2, 32:3, 44:15

Equitable construction, 44:15

DAMAGES

Administration of estates, 83:3

Assault by minors, 110:42

Embezzlement of trust funds, 57:5, 57:25

Eminent domain surveys by state agencies, 105:6

Juvenile delinquents, liability, 110:42

Assault by minor, 110:42

Theft or vandalism by minor, 110:42

Motor vehicle operation by minor, 110:43

Parental liability for children, 109:164, 110:42

See also Juvenile delinquents, liability, this heading

Tenant for life damaging real property, 23:4

DAMAGES—Cont'd

Theft by minor, 110:42

Trust funds, embezzlement, 57:5, 57:25

Vandalism by minor, 110:42

Wards, sustained by, forms, 66:25 to 66:29

Waste, liability, tenant for life, 23:4

Will, concealing, 12:24 to 12:29

Wrongful death actions, 12:19

See also WRONGFUL DEATH, at Damages

DAY CARE CENTERS

Employees, reporting child abuse, 110:1 to 110:12

DEAD BODIES

See CORPSES

DEAD MAN'S STATUTE

Generally, 5:14

Concealed or embezzled assets of estates, applicability to, 57:16

Constitutionality, 57:16

Deaf-mute terminology, 5:14

Inter vivos transfers, proof of validity, 5:14

DEAF PERSONS

See also DISABILITY, PERSONS UNDER, generally

Testamentary capacity, 26:6

DEATH

See also DECEDENTS

Appeals, effect, 8:6

Autopsies. See AUTOPSIES

Benefits. See DEATH BENEFITS

Burials. See FUNERALS AND BURIALS

Claimant, of, Ch 87

Defined, 30:12

Devisees or legatees, Ch 47

See also ANTI-LAPSE STATUTE

Executors and administrators. See EXECUTORS AND ADMINISTRATORS, at Death of

Fiduciaries, 53:34

Cofiduciary's death, effect on surviving fiduciaries, Ch 59

Gifts in contemplation of. See GIFTS CAUSA MORTIS

Heirs, Ch 47

See also ANTI-LAPSE STATUTE

Legatees or devisees, Ch 47

See also ANTI-LAPSE STATUTE

Life insurance. See LIFE INSURANCE

Order of

Murder then suicide, 13:22 to 13:27, 16:2

Presumption, Ch 16, 30:140, 30:141

See also PRESUMPTION OF ORDER OF DEATH

Transfer-on-death deed, 14:20

DEATH—Cont'd

Parents, of; dependent child, finding by court, 108:14, 110:14

Parties to actions. See PARTIES TO ACTIONS

Power of attorney, effect, 61:7 to 61:11

Attestation

Attorney in fact, affidavit by, 61:13

Death or disability of principal, action without knowledge of, 61:12

Standby guardian for minor child of principal, 61:10

Presumed decedents' law, Ch 9

See also PRESUMED DECEDENTS

Presumption of order, Ch 16, 30:140, 30:141

See also PRESUMPTION OF ORDER OF DEATH

Property transfers in contemplation of, estate tax, 2:71, 111:4

Servicemen, presumed, when missing in action, 9:1

See also PRESUMED DECEDENTS

Simultaneous Death Act. See UNIFORM SIMULTANEOUS DEATH ACT

Surviving spouse

See also SURVIVING SPOUSE, at Death

Presumption of order. See PRESUMPTION OF ORDER OF DEATH

Uniform Simultaneous Death Act. See UNIFORM SIMULTANEOUS DEATH ACT

Vacation of settlement of fiduciary's account, deceased's executor or administrator applying for, 55:25

Wrongful. See WRONGFUL DEATH

DEATH BENEFITS

Estate tax, 2:68, 2:76, 111:19, 111:62, 111:67, 111:94

Transfer, estate property, 111:81

DEATH OF CLAIMANT

Generally, Ch 87

DEBTORS AND CREDITORS

See also CREDIT

Administrator, appointment, 69:9

Assignment for benefit of creditor. See VOLUNTARY ASSIGNMENT

Deceptive writings to secure debt, 35:6

Declaratory judgments to determine creditors, 6:6

Defined, 85:4

Disability trusts, 33:20

Estates

See CLAIMS AGAINST ESTATES

See DEBTS OWED TO ESTATES

Execution of judgment. See EXECUTION OF JUDGMENT

Forgiveness from debt as inter vivos gift, 13:18

Gift causa mortis, creditor's rights, 14:17

Inter vivos gifts

Creditors' rights, 13:13

Forgiveness or release from debt as, 13:18

Medicaid, notice of, 2:28

Moving to avoid creditors, service by publication, 4:45 to 4:47

Notice of insolvency of estate, 88:18

DEBTORS AND CREDITORS—Cont'd

Release from debt as inter vivos gift, 13:18

Settlor, creditor of, 34:10

Spendthrift trusts, 33:8

State claims not requiring presentation, 85:16

Survivorship tenancies, effect, 2:6

Time limit to file with authentication, 60:12

Trusts

Beneficiaries, 34:13

Settlors, **34:10**

Voluntary assignment, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT

Wills

Construction action, creditor as party to, 44:6

Contests, creditors as parties to, 39:8

Discharging claim against estate, 30:84 to 30:88

DEBTS OWED TO ESTATES

Beneficiary owing, set off, 77:1

Descent and distribution, effect, 77:2

Settlement, 85:40, 85:41

Wages, 2:24, 2:119

Will discharging, 30:84 to 30:88

Inclusion in inventory, 80:9

DECEDENTS

See also CORPSES; DEATH

Action pending against, substitution of parties, 87:1

Dismissal for failure to substitute, 87:3

Motion for, 87:3

Alien, notice to surviving spouse and heirs, 69:36

Burial lots, 30:65, 30:66

See also FUNERALS AND BURIALS

Debts owed by. See CLAIMS AGAINST ESTATES

Debts owed to. See DEBTS OWED TO ESTATES

Embryo donor, as, 110:33

Estates

See also ESTATES

Administration

See ADMINISTRATION OF ESTATES

See EXECUTORS AND ADMINISTRATORS

Tax

See ESTATE TAX

See FEDERAL ESTATE TAX

Federal income tax, Ch 114

Funeral expenses. See FUNERALS AND BURIALS, at Expenses

Income tax, federal, Ch 114

Intestate succession. See DESCENT AND DISTRIBUTION

Last illness. See LAST ILLNESS

Name, variations, 2:7

DECEDENTS—Cont'd

Nonresident

See also ESTATES, at Nonresident decedent

Allowance, 21:55, 90:15

Ancillary administration, 91:16 to 91:24

Ancillary administrator's powers when no domiciliary representative appointed, 69.4

Presumed decedents' law, Ch 9, 9:9 to 9:12

See also PRESUMED DECEDENTS

Probate. See PROBATE OF WILLS

Real property contracts, incomplete, 2:52, 92:36 to 92:39

Residence, determination prior to issuance of letters of administration, 69:4

Support and maintenance allowance for family of. See FAMILY ALLOWANCE

Surviving spouse of. See SURVIVING SPOUSE

Testators, as. See TESTATORS

Tombstones, 30:71, 30:72

Wages, release of, 2:24, 2:119

Wills. See WILLS

DECEPTION

See also FALSE STATEMENTS; FRAUD

Conveyance obtained by, 35:6

Debt secured by, 35:6

Encumbrance obtained by, 35:6

DECLARATIONS

Living wills. See LIVING WILLS, generally

Mental health. See MENTALLY ILL PERSONS at Declaration for mental health treatment

DECLARATORY JUDGMENTS

Generally, Ch 6

Alternative to other remedies, as, 6:6

Antenuptial agreements, validity, 6:9

Assets of estates, concealed or embezzled, 57:17

Charitable trust, parties to action, 4:31, 32:3

Civil action, as, 6:1

Civil rules of procedure, applicability, **6:3**

Claim against estate, action on rejected claim, 85:35

Complaints, 6:7 to 6:9

Concealed or embezzled assets action, 57:17

Contracts construed by, 6:6

Creditor bringing action for, 6:6

Devisee bringing action for, 6:6

Docket, advancement on, 6:3

Estates, regarding, 6:6

Executors and administrators seeking, 6:6 to 6:10, 44:3 to 44:7, 44:50

Fiduciaries, by, 6:6 to 6:10, 44:3 to 44:7, 44:50

Force and effect, 6:2

Guardians seeking, 6:6

Heirship determination, 3:55 to 3:62

DECLARATORY JUDGMENTS—Cont'd

Issues of fact, determination, 6:5

Joint and survivorship bank account, determination of validity, 6:8

Judgment order, 6:10

Jurisdiction, 6:6

Jury trial, 6:5

Liberal construction, 6:2

Municipal ordinances, determination of validity, 6:6

Oral lease, determination, 6:6

Parties to actions, 6:4

Charitable trusts, 4:31, 32:3

Putative father, 6:4

Person, defined, 6:4

Probate courts. 3:2

Refusal by court to render, 6:1

Right to, 6:6

Standing to bring, 6:6

Sui generis, 6:1

Title to property, 6:6

Trial procedure, 6:3

Trustees seeking, 6:6 to 6:10

Trusts, construction, 6:7

Wills

Ante mortem declaration of validity, Ch 35

See also ANTE MORTEM DECLARATION OF WILL VALIDITY, generally

Charitable trusts, parties to action, 4:31, 32:3

Construction, 6:7 to 6:10, 44:2

Contest, not to be used as substitute for, 39:1

DECREES

See also JUDGMENTS

Adoption, 99:49

Foreign decrees, 99:6, 99:52, 110:19

Custody action. See CUSTODY OF CHILDREN, DOMESTIC, at Decree

Declaratory judgments, Ch 6

See also DECLARATORY JUDGMENTS

Presumed death, 9:12

Vacation, 9:8

Probate court, of; appeal, Ch 8

DEEDS

Declaratory judgments, 6:6

Estate by the entireties with survivorship deed, 92:39

Fiduciaries executing, 55:51, 74:18

Fraudulent conveyances. See FRAUDULENT CONVEYANCES

Guardians selling real property, 98:17

Incompetent making, 64:5

Land sale proceeding, 97:1, 97:5

Power of attorney, 61:36, 61:45, 61:46

See also POWER OF ATTORNEY

Reformation, probate court jurisdiction, 3:4

DEEDS-Cont'd

Rule in Shelley's case abolished, 45:2

Purpose and effect of statute, 45:3 to 45:5

Survivorship tenancy, 2:6

Estate by the entireties, 92:39

Transfer-on-death deed, 14:20

Validity, jurisdiction, 3:6

Wills, incorporation into by reference, 31:1

DEFAULT

Trusts, **34:3**

DEFENDANTS

See also PARTIES TO ACTIONS

Bail. See BAIL

Defect in complaint or indictment, 109:12

Guardian as, 66:14 to 66:16

Legal counsel for. See ATTORNEYS

Minor as, 66:16

Nonsupport of dependents, 110:3

Pleadings. See PLEADINGS

Prehearing motions, 109:12

Summons, 4:53

DEFENSES

See also PLEADINGS

Affirmative. See AFFIRMATIVE DEFENSES

Denials, juvenile adjudicatory hearings, 109:57

DEFINITIONS

See also particular subject concerned

See also STATUTORY CONSTRUCTION

Abuse, 104:2

Abused child, 108:17, 110:17

Adoption, 99:1

Adult, 104:2

Advancement from estate, 20:1

Aged persons, protective services, 103:3

Antenuptial agreements, 101:1

Attorneys' clients, 5:2

Bequest, 30:15, 44:35

Caretaker, 104:2

Chief clinical officer, 102:7

Child, age jurisdiction of juvenile court, 107:8

Children, 44:25, 47:3

Abuse, 108:17, 110:17

Delinquent, 108:1, 110:1

Dependent, 108:14, 110:14

Neglected, 108:11

Traffic offender, 108:6

Unruly, 108:8

Clients of attorneys, 5:2

DEFINITIONS—Cont'd Codicil, **28:1** Community mental health agency, 102:4 Conservator, 63:8 Contingent claims, 85:24 Creditor, 85:4 Death, 30:12 Demonstrative legacy, 30:15 Dependent child, 108:14, 108:16, 110:14, 110:16 Descendant, 47:3 Descent, 15:2 Destroyed will, 40:1 Disability, legal, Ch 62 Disclaimers of succession to property, 11:1 Distribution, 15:2 Domicile, 36:1, 63:11 Emergency guardian, 63:7 Emergency protective services, 104:2 Eminent domain, 105:1 Federal income tax purposes, 116:1 Equally share and share alike, 44:16, 44:33, 47:4 Escheat, 24:1 Estates, taxation, 111:1, 112:2 Federal estate tax. See Federal estate tax, this heading Gross estate, 2:64 Federal estate tax Gross estate, 113:4 Taxable estate, 113:13 Fiduciaries, 3:6 General legacy, 30:15 Gifts, 13:1 Gross estate, 2:64 Federal estate tax, 113:4 Guardian, 63:2 Guardianship, person or estate, of, 63:9 Health officer, 102:6 Heir apparent or presumptive, 15:5 Heirs, 15:4, 15:5, 44:25 Heirs-at-law, 2:4, 15:4 Incapacitated, 104:2 Income tax, state, 115:2 Incompetent person, SPF 17.1, 63:1 Inheritance, 44:35 Inter vivos gifts, 13:1

Interim guardian, 63:6 Intestate, 15:3

Intestate property, **15:3** Issue, **44:26**, **47:3**

Juvenile delinquents, **108:1**, **110:1** Juvenile traffic offenders, **108:6**

DEFINITIONS—Cont'd Least restrictive alternative, 63:11, 63:13 Legal custody, 109:79 Legal settlement, 63:10 Licensed clinical psychologist, 102:5 Limited guardian, 63:5 Lost will, 40:1 Mansion house, 21:57 Mental health organization, regulated community, 61:17 Mental illness, 102:1 Mentally ill persons, hospitalization, 102:1 to 102:9 Independent expert evaluation, 102:8 Residence, 102:9 Subject to by court order, 102:2 Grave and imminent risk to substantial rights of individual or others, 102:2 Minors. See Children, this heading Misappropriation, 104:2 Neglect, 104:2 Neglected child, 108:11, 108:16, 110:16 Next of kin, 15:4, 15:39 to 15:41, 44:28 Niece or nephew, 44:29 Notice, **4:2** Parent and child relationship, adoption, 99:32 Per capita, 15:21 to 15:25 Per stirpes, 15:21 to 15:25, 44:30 Personal property tax, 117:1 Power of attorney, 61:13 Pretermitted, 48:1 Privileged communications, 5:1 Probate courts, 3:3 Protective services, 104:2 Protective services for adults, 103:3 Psychiatrist, 102:3 Psychologist, licensed clinical, 102:5 Putative father, adoption, 99:32 Regulated community mental health organization, 61:17 Relative of testator, 47:1, 47:2 Residence, 36:1, 63:12 Resident guardian, 63:4 Residuary legacy, 30:15 Securities, 44:31 Separation agreement, 101:1 Sexual abuse, 104:2 Shall, 44:32 Specific bequest, 30:15 Spoliated will, 40:1 Stocks, 44:34 Supplemental services, 33:20 Disabled beneficiary, 33:20 Undue hardship, estate tax, 111:44

DEFINITIONS—Cont'd

Unruly child, 108:8

Verbal abuse, 104:2

Ward, **63:3**

Wills, **25:1**

DEFRAUDING

See FRAUD

DELINQUENT TAXES

See particular tax concerned

DELINQUENTS

See JUVENILE DELINQUENCY

DEMONSTRATIVE LEGACIES

Generally, 30:16, 30:106 to 30:108, 49:2

See also LEGACIES AND DEVISES, generally

DENIALS

Juvenile adjudicatory hearings, 109:57

DENTAL SCHOOLS

Anatomical gifts to, 30:12

DENTISTS AND DENTISTRY

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Anatomical gifts, 30:12

Child abuse to be reported, 110:1 to 110:12

Privileged communications, 5:7, 39:13

Discovery, 5:7

Exemption from testimony, 5:7, 5:8

Waiver, 5:8

Waiver, 5:8

Privileged communications, admissibility of records in criminal actions, 99:22

DEPARTMENTS, STATE

See particular department concerned

DEPENDENT AND NEGLECTED CHILDREN

Generally, 108:10, 108:12, 108:14 to 108:16

See also CHILD ABUSE; SUPPORT AND MAINTENANCE

Abandoned children

Inheritance to parents prohibited, 15:51 to 15:56

Parent barred from recovery in wrongful death action, 12:19 to 12:21

Adjudication, 109:169

Adoption, 99:15

Alcohol and Drug Addiction Services Department, testing of parent or caregiver, 109:77, 109:78

Appeals, pending, provision for, 109:119

Apprehension, 109:29

Arrest warrant, 109:167

Children services agency, motion for permanent custody, 109:83

Complaints, time for filing, 109:5

DEPENDENT AND NEGLECTED CHILDREN—Cont'd

Confidentiality of reports, 109:111

Constitutionality of statute, 108:14

Contributing to, 109:167

Custody jurisdiction based on. See CUSTODY OF CHILDREN, INSTITUTIONAL

Custody of child, permanent custody of child by children services agency, motion for, 109:83

Defined, 108:11, 108:14

Dependent child, distinguished, 108:16

Detention or shelter hearing, 109:30

See also CUSTODY OF CHILDREN, INSTITUTIONAL; DETENTION HOMES

Discovery, 109:34

Caseworker files, 109:34

Request for, 109:152

Disposition, 109:76 to 109:82

Dispositional hearings

Modification of orders, 109:115

Review of orders, 109:117

Scheduling, 109:72

Termination of orders, 109:115

Emergency orders, 109:41

Evidence of dependency, 108:14, 109:3

Evidence of neglect, 108:11

Constitutionality of statute, 108:14

Ex parte orders, 109:41

Guardian ad litem, appointment, 109:46

Hearing

Parent's presence in courtroom, 109:56

Proof, 108:11, 108:12, 108:15

Hearsay evidence, 109:50, 109:51

Interstate agreements, 109:125

Jurisdiction, 107:1, 107:7

Modification of dispositional orders, 109:115

Neglected child, distinguished, 108:16

Newborns, 108:14

Permanent custody, complaint for, summons, 109:10

Privileged information, psychiatrists and psychologists, 109:54

Rehabilitation facilities, 106:17 to 106:19

See also JUVENILE REHABILITATION

Review of dispositional orders, 109:117

Statute, purpose, 108:14

Summons by publication, 109:162

Temporary orders, 109:41

Termination of dispositional order, 109:115

Unfit parents, 108:10 to 108:16

Venue, 109:7

DEPOSITIONS

Abused children, 109:40

DEPOSITIONS—Cont'd

Child abuse victims, 109:40

Sex offense victims, Videotape depositions, 109:37 to 109:39

Eminent domain, 105:16

Juvenile proceeding, 109:35

Paternity proceedings regarding unborn children, 19:7

Suppression, 4:52

Videotaped, child sex offense victims, 109:37 to 109:39

Wills, 2:12, 37:10 to 37:13, 38:1

DEPOSITS

See BANKS AND BANKING, at Deposits

DESCENT AND DISTRIBUTION

Generally, Ch 15

See also UNIFORM SIMULTANEOUS DEATH ACT

Abandoned children. See DEPENDENT AND NEGLECTED CHILDREN

Adoption, effect on, 15:28, 99:53 to 99:56

Advancements, Ch 20

See also ADVANCEMENTS FROM ESTATES

Forms, 30:79 to 30:83

Ancillary administration, 91:16 to 91:24

See also ANCILLARY ADMINISTRATION, generally

Appraisal. See INVENTORY AND APPRAISAL OF ESTATES

Automobiles, 2:21, 21:77 to 21:81, 30:95, 69:34, 76:15 to 76:17

Boats and watercraft, 2:21, 14:21, 21:79, 76:16

Brothers, **15:32**

Charts

Children of decedent, shares, 15:23, 15:25

Cousins' shares, 15:36 to 15:38

Equal degree of consanguinity, 15:46, 15:48, 15:50

Grandchildren of decedent, shares, 15:23, 15:25

Grandparents of decedent, shares, 15:35

Next of kin, shares, 15:41

Surviving spouse's share, 15:8

Child and heirs of deceased child, 15:21 to 15:25

Child without issue dying before parent, 15:27

Construction of statute, 15:1

Controlling statutes, 15:1

Cousins, 15:38

Death, presumption of order of, Ch 16, 30:140, 30:141

See also PRESUMPTION OF ORDER OF DEATH

Debts owed decedent, 77:2

Definitions, 15:2 to 15:5

Designation of heir. See DESIGNATED HEIRS

Devises after death of devisee, Ch 47, 15:44 to 15:50, 30:137 to 30:144

See also ANTI-LAPSE STATUTE

Disclaimer of succession to property, Ch 11

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Distribution of assets

Forms, 76:21 to 73:36

```
DESCENT AND DISTRIBUTION—Cont'd
  Distribution of assets—Cont'd
    In kind
       Application, 76:21
      Approval, 76:23
      Report, 76:22
      Schedule of property, 76:21
  Election to take under statute of, 2:35 to 2:45
    See also SURVIVING SPOUSE, at Election by, and at Election against the will
    Forms, 21:87 to 21:98
  Equal consanguinity of descendants, 15:21 to 15:25, 15:44 to 15:50
     Wrongful death actions, apportionment of damages, 12:26
  Estate, administration of, Ch 69
    See also EXECUTORS AND ADMINISTRATORS
    Forms, 69:34 to 69:38
  Estate tax, apportionment, Ch 112
    See also ESTATE TAX
    Equitable, 112:2
  Examples, 15:10 to 15:19
  Future interests, Ch 10
  Grandchildren of decedent, chart illustrating shares, 15:21 to 15:25
  Grandparents, 15:35
    Lack of, 15:39 to 15:41
    Lineal descendants, 15:44 to 15:50
  Heirs, 15:21 to 15:25
    Action to determine, 3:55 to 3:62
    At-law, designation, Ch 17, 99:5
       See also DESIGNATED HEIRS
    Defined, 15:5
    Heir apparent or presumptive, defined, 15:5
  Homicide by heir, effect, Ch 22
    See also MURDER, at Person convicted of not to benefit from death
  Household goods, surviving spouse electing to receive in satisfaction of monetary
      share, 15:8
  Illegitimate children. See ILLEGITIMATE CHILDREN, at Descent and distribution
  Intestate property
    Construction, 15:1
    Defined, 15:3
  Judgment, 47:3
  Legacies after death of legatee, Ch 47, 15:44 to 15:50, 30:137 to 30:144
    See also ANTI-LAPSE STATUTE
  Limitation of action, effect on paternity proceedings, 19:7
  Lineal descendants, 15:20
    Adopted children as, 15:28
    Grandparents, of, 15:44 to 15:50
    Lack of, 15:39 to 15:41
  Mansion house, election by surviving spouse. See Surviving spouse, this heading
  Motor vehicles, 2:21, 21:2 to 21:12, 21:77 to 21:81, 30:95, 69:34, 76:15 to 76:17
  Motorcycles, 21:77
  Next of kin, 15:39 to 15:41
```

DESCENT AND DISTRIBUTION—Cont'd

Northwest Ordinance, effect, 1:3

Outboard motors, transfer to surviving spouse, 76:16

Parents of decedent, rights, 15:31

Per capita, 15:21 to 15:25, 15:44 to 15:50

Per stirpes, 15:21 to 15:25

Exception, 15:21 to 15:25

Posthumous children, 15:26

Presumed decedent's estate, 9:5

Presumption of order of death, Ch 16

See also PRESUMPTION OF ORDER OF DEATH

Real property

Election by surviving spouse, 2:111, 15:8, 21:44 to 21:47

Escheat. Ch 24, 15:43

Transfer and indorsement, 92:35

Renunciation, rescinding; probate court jurisdiction, 3:14

Representation, right of, 15:39 to 15:41

Right solely statutory, 15:1

Rights of surviving spouse, examples, 15:10 to 15:19

Service by publication, 4:45 to 4:47

Shelley's case rule abolished, 45:2

Purpose and effect of statue, 45:3 to 45:5

Sisters, 15:32

Statute, 15:1

Controlling, 15:1

Pari materia, in, 15:1

Purpose, 15:1

Stepchildren, 15:42

Surviving spouse, 2:102, 15:6 to 15:8

See also SURVIVING SPOUSE, generally

Automobile, 15:6

Charts illustrating share, 15:8

Family allowance, 15:6

Not included in intestate share, 21:51

Heir-at-law, as, 15:7

Household goods, Election to receive in satisfaction of monetary share, 15:8

Mansion house, 15:6, 15:8, 21:44 to 21:47

Election to receive in satisfaction of monetary share, 2:111, 15:8

Monetary share, payment to, 21:48 to 21:50

Next of kin, as, 15:7

Surviving spouse, death prior to election, 15:8

Symbols used in charts, 15:9

DESIGNATED HEIRS

Generally, Ch 17, 15:29, 99:5

See also UNIFORM SIMULTANEOUS DEATH ACT

Adoption, contrasted with, 17:3

Advantages, 30:31

Anti-lapse statute, effect, 47:3

Contributions to debt payments, 49:1

INDEX

DESIGNATED HEIRS—Cont'd

Declaration, 17:1

Effect, 17:2, 30:31

Ex parte proceedings, as, 17:1

Impeachment, 17:4

Journal entry as prima-facie evidence, 17:1

Method, 17:1

Notice to heir unnecessary, 17:1

Order of court, 17:1

Vacation, 17:4

Pre-deceasing designator, 17:2

Pretermitted, Ch 48

See also PRETERMITTED HEIRS

Rights similar to, when will made prior to designation, 17:2

Revocation, 17:2

Right of inheritance, 17:2

Ambulatory, 17:2

Status, 17:2

Vacating, 17:4, 30:31

Will

Contest by heir, 17:2

Made prior to designation, 17:2

Witnesses to declaration, 17:1

DESTITUTE PERSONS

See INDIGENT PERSONS

DESTROYED RECORDS

See LOST INSTRUMENTS AND RECORDS

DESTRUCTION OF PROPERTY

Minor committing, parental liability, 110:42 Will withholding, criminal sanctions, 50:5

DETENTION

See ARRESTS

DETENTION HOMES

Generally, 106:17 to 106:19

Admissions, 109:29

Adults, separation from, 109:27

Complaints, time for filing, 109:5

District homes, joint boards, 106:17

Funding, 106:17

Hearings, 109:30

Rehearings, 109:12, 109:30

Notice to parent of child's admission, 109:30

Placement of children in

Juvenile delinquents, 109:178

Juvenile delinquents, prior to January 1, 2002, 109:84

Juvenile traffic offenders, 109:27

Reasonable efforts determination, 109:74

DETENTION HOMES—Cont'd

Placement of children in-Cont'd

Temporary, 109:41

Probation or parole revocation hearing pending, 109:118

Rehearings, 109:12, 109:30

Reports, admission, 109:29

Schooling costs of children, 109:73

Separation from adults, 109:27

Telephone rights, 109:30

Visitation rights, 109:30

DEVELOPMENTALLY DISABLED PERSONS

See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

DEVISES

See LEGACIES AND DEVISES

DIRECTED VERDICTS

Will contest, 39:17

DISABILITY, PERSONS UNDER

Contract, enforcement, 64:5

Deaf-mute terminology, 5:14

Deed, making, 64:5

Developmental. See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

Gift from, 64:5

Guardians. See GUARDIANSHIP, generally

Land sale proceedings, person under disability as party to, 92:26

Legal

Heirs convicted of homicide. See MURDER, at Person convicted of not to benefit from death

Limitation of actions, 62:5

Surviving spouse under, 2:37, 21:35, 21:96 to 21:98

Vacation of settlement of fiduciary's account, applying for, 55:24

Mentally ill persons, 62:1, 62:3

See also MENTALLY ILL PERSONS

Mentally retarded. See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

Minors as, 62:1, 62:2

Necessities, purchase, 64:5

Physically disabled persons, 62:3

See also DISABLED PERSONS, generally

Disability trusts, 33:20

Powers of attorney, effect, 61:7 to 61:11

Attestation

Attorney in fact, affidavit by, 61:13

Death or disability of principal, action without knowledge, 61:12

Standby guardian for minor child of principal, 61:10

Statutory provisions, 62:1

Surviving spouse, election, 21:35

DISABILITY, PERSONS UNDER-Cont'd Unsound mind, **62:1**, **62:3** DISABLED PERSONS Deaf-mute terminology, 5:14 Disability trusts, 33:20 Legal disability, considered to be under, 62:3 Testamentary trusts, probate court jurisdiction, 3:2, 3:4 Victims of crime, juvenile delinquency, disposition of case, 109:67 DISCLAIMER OF SUCCESSION TO PROPERTY Generally, Ch 11, 11:24 Administration proceedings not commenced, 11:16 Binding effect, 11:21 Conditions barring right to disclaim, 11:7 Contents, 11:5 Definitions, 11:1 Delivery of instrument, 11:14 to 11:17 Descent Nontestamentary interest, 11:18 Testamentary power of appointment, 11:18 Testate or intestate interest, 11:18 Distribution without knowledge of disclaimer, liability, 11:12 Distribution without liability, 11:13 Effect, 11:19 to 11:23 Property belonging to other persons, 11:22 Effective date, 11:19 Existing rights and procedures not abridged, 11:23 **Fiduciary** Authorization, 11:1 Disposition of rights after disclaimer, 11:18 Preparation by, 11:3 Rights not barred, 11:7 Filing County recorder's office, 11:17 Probate court, location, 11:16 Fraudulent conveyance, as, 11:1 Future interest, 11:20 Guardian preparing, 11:4 Incompetent person as disclaimant, guardian or personal representative preparing disclaimer, 11:4 Ineffective instruments, 11:10 Instrument, delivery, 11:14 to 11:17 Intestate succession, definition of disclaimant to, 11:1 Invalid disclaimer, 11:13 Liability Distribution without knowledge of disclaimer, 11:12 Distribution without knowledge that disclaimer invalid, 11:13

Minor as disclaimant, guardian or personal representative preparing disclaimer, 11:4

Motor, outboard, 11:14 Motor vehicles, 11:14

DISCLAIMER OF SUCCESSION TO PROPERTY—Cont'd

Nontestamentary instrument

Definition of disclaimant to, 11:1

Interest created by, 11:14

Partial, 11:8

Personal representative preparing, 11:4

Power of appointment, effect on estate tax, 2:75

Preparation

Disclaimant other than fiduciary, by, 11:2

Fiduciary, by, 11:3

Guardian or personal representative, by, 11:4

Present interest, 11:20

Property belonging to other persons, effect, 11:22

Real property, filing disclaimer in county recorder's office, 11:17

Requisites of effectiveness, 11:8, 11:10

Right to disclaim interest not finally ascertained, 11:11

Rights, 11:7

Spendthrift provision, 11:9

Spouse's interest, 11:17

Surviving tenant by the entireties or tenant of survivorship tenancy as disclaimant,

11:1

Testamentary instrument, interest created by, 11:15

Testamentary succession, definition of disclaimant to, 11:1

Time requirements, 11:4, 11:6

Waiver, executing, 11:7

Watercraft, 11:14

DISCLOSURE

See PRIVILEGED INFORMATION, generally

DISCOVERY

Abused children, request for, 109:152

Dependent children, request for, 109:152

Depositions. See DEPOSITIONS

Documents, production. See Production of documents, this heading

Eminent domain proceedings, 105:20

Juvenile proceedings, 109:32 to 109:35, 109:153

Enforcement, 109:33

Motions for, 109:32

Neglect, dependency, and abuse actions, 109:34

Caseworker files, 109:34

Police reports, 109:33

Restrictions, 109:33

Motions to compel, 109:153

Hearing, 109:12

Neglected children, request for, 109:152

Privileged information, physician-patient communications, 5:7

Production of documents, subpoena, 4:51, 4:52

Requests for, abused, dependent, neglected children, 109:152

Service of requests, 4:35

DISCRIMINATION

Hospitalization of mentally ill, 102:62

DISINHERITANCE

Afterborn or pretermitted heirs, 30:22, 30:129, 48:5

Children; will clause providing for disinheritance if surviving spouse takes against will, validity, 21:26

Clauses, 30:23

In terrorem clause, 30:30

Forms, 30:128 to 30:132

Pretermitted heir, effect, 30:22, 30:129, 48:5

Spouse, 30:26

DISMISSAL OF ACTIONS

Adoption, **99:50**

Decedent as party to action, failure to substitute, 87:3

Will contests, 39:26

Failure of parties, 39:8

Not on the merits, 39:16

Revival after voluntary dismissal, 39:16

DISOBEDIENCE

See CONTEMPT

DISSOLUTION OF MARRIAGE

Children, care, custody, and control, 110:13 to 110:18

See also CUSTODY OF CHILDREN, DOMESTIC; SUPPORT AND MAINTE-NANCE; VISITATION RIGHTS

Separation agreements. See SEPARATION AGREEMENTS

Spouse presumed dead, 9:7

Surviving spouse, termination of rights, 21:85

Wills, effect, 21:85, 41:12

DISTRIBUTION AND DESCENT

See DESCENT AND DISTRIBUTION

DISTRIBUTION IN KIND

Generally, SPF 10.0 to SPF 10.3, 2:103, 30:145 to 30:148, 76:14

Intestate succession, 21:49

DISTRIBUTION OF ESTATE ASSETS

See ASSETS OF ESTATES, at Distribution

DISTRICTS

Detention homes. See DETENTION HOMES, at District homes

DIVORCE

Annulment of marriage. See ANNULMENT OF MARRIAGE

Antenuptial agreements, applicability, 101:5

Bank accounts with frozen funds, inter vivos gifts, 13:22 to 13:27

Children, care, custody, and control, 110:13 to 110:18

See also CUSTODY OF CHILDREN, DOMESTIC; SUPPORT AND MAINTE-NANCE; VISITATION RIGHTS

Claim against estates for costs ordered under decree, 85:5 to 85:13

Guardian appointed for defendant, 3:6

DIVORCE—Cont'd

Incompetent ward, of, 66:11

Competency to testify, determination, 66:11

Land sale proceeding, divorced spouse as party to, 92:25

Life insurance, ex wife's entitlement to proceeds of policy, though other beneficiary named, 85:22

Long arm jurisdiction, 4:18

Power of attorney, effect on, 61:13

Separation agreements, applicability, 101:5

Surviving spouse, termination of rights, 21:85

Wills, effect, 21:85, 41:12

DO NOT RESUSCITATE ORDER

Power of attorney, 61:36

DOCKETS

See also particular court concerned

Appeals from probate courts, 8:6

Declaratory judgments, advancement on, 6:3

DOCTORS

See PHYSICIANS

DOCUMENTARY EVIDENCE

Discovery. See DISCOVERY, at Production of documents

Subpoena for production, 4:51, 4:52

DOCUMENTS

Evidence, as. See DOCUMENTARY EVIDENCE

Power of attorney, access, 61:46

Records. See RECORDS AND REPORTS

DOMESTIC CORPORATIONS

See CORPORATIONS

DOMESTIC RELATIONS

Adoption. See ADOPTION

Alimony. See ALIMONY

Annulment. See ANNULMENT OF MARRIAGE

Child custody. See CUSTODY OF CHILDREN, DOMESTIC

Divorce. See DIVORCE

Husband and wife. See HUSBAND AND WIFE

Illegitimate children. See ILLEGITIMATE CHILDREN

Marriage. See MARRIAGE

Next of kin. See NEXT OF KIN

Parent and child. See PARENT AND CHILD

DOMESTIC VIOLENCE

Child abuse. See CHILD ABUSE

DOMICILE

See RESIDENCY REQUIREMENTS

DOMICILIARY ADMINISTRATION

Generally, Ch 69

Index-78

DOMICILIARY ADMINISTRATION—Cont'd

See also ADMINISTRATION OF ESTATES, generally

DONATIONS

Gifts. See GIFTS AND GRANTS Legacies. See LEGACIES AND DEVISES

DOUBLE JEOPARDY

Juvenile proceedings, 106:7

DOWER

Affidavit of spouse, interest, 93:19

Assignment, guardian's powers, 65:81 to 66:84, 98:13

Conveyances, 93:19

Debts, interest subject to, 93:17

Distributive share in lieu of, 93:18

Estate tax, 111:3

Guardian selling real property, effect, 98:13

Guardianship, spouse under, 65:81 to 66:84, 93:19

Inchoate dower, 93:14

Incompetents. See Mentally ill persons, this heading

Land sale proceeding, 92:25, 93:14 to 93:19

See also LAND SALE PROCEEDINGS, at Dower

Mentally ill persons

Conveyance free from dower, 98:13

Guardian, powers and duties, 93:19

Land sale, 98:13

Right of dower, barred, 98:13

Minor heirs, 65:81 to 66:84

Mortality tables, determination of interest, 93:16, 93:19

Payments in lieu of, 93:23

Real property, sale by fiduciary, effect on, 93:23

Release

Guardian's powers, 65:83, 65:84

Spouse, mentally ill, 98:13

Surviving spouse, 21:85

Termination, 93:15

Vested, 93:14

DRAFTING WILLS

Generally, Ch 30, 30:1

Adopted child, identification, 30:27

Alternate beneficiaries, need for, 30:18

Ambiguity, 30:2

Attestation clause, 30:42

Attorney for estate, 30:34

Audio tape recordings, 30:52

Beneficiary

Alternate, 30:18

Clauses, 30:15

Presence during, 30:41

Brevity, 30:3

DRAFTING WILLS—Cont'd Charitable bequest, 30:29 Clarity, 30:3 Clauses Attestation clause, 30:42 Beneficiary clauses, 30:15 to 30:23 In terrorem clause, 30:30 Introductory. See Introductory clause, this heading Will contests, discouraging, 30:29 to 30:31 Codicils, 30:54 Compensation of executor, 30:40 Confidential information, 5:2 to 5:6 Corrections, 30:42 Death bed will, statement of location in introductory clause, 30:7 Debts, payment, 30:10 Designation of heir, 30:31 Disinheritance clause, 30:23 Dispositive clause, 30:3 Domicile of testator, declaration, 30:6 Drafting attorney Executor, as, 30:45 Testimony by, 5:3, 5:4 Witness, as, 27:9, 30:44 Erasures, 30:42 Exclusion amounts, Economic Growth and Tax Relief Reconciliation Act, 30:1 Former will, revocation, 30:8 General recommendations, Ch 30 Gift Limitation, 30:23 Memorial prayers, 30:14 Guardian, testamentary, 30:32 In terrorem clause, 30:30 Incorporation by reference, 30:19 Insane testator, 30:47 Instruments, incorporation by reference, Ch 31 See also WILLS, at Documents and records, incorporation by reference Inter vivos trust provisions, revocation or modification, 30:9, 31:4 Introductory clause, 30:5 Revocation of former wills, 30:9 Testamentary capacity, stated in, 30:7 Language, 30:2 Length, **30:3** Location of testator when making, statement in introductory clause, 30:6 Malpractice, legal, 30:57, 30:58 Masses, 30:14 Medicaid assistance, 30:35 Motion pictures, use, 30:50 Name of testator, 30:5 Pages, 30:41 Photographs, admissibility, 30:53

DRAFTING WILLS—Cont'd

Review, periodic, 30:56

Self-dealing, executor, 30:37

Surviving spouse, statement as to bequest in lieu of statutory rights, 30:24

Automobiles, 30:24

Taxes, payment, 30:10

Testamentary guardian, 30:32

Testamentary trustee, 30:33

Testator

Disabled, 30:41

Hospitalized, 30:41

Identification, 30:5

Intent, 30:3

Testimony by drafting attorney, 5:3, 5:4

Undue influence, avoiding, 30:41

Video tape recordings, 30:51

Voice recorder, 30:48

Witnesses. See WITNESSES TO WILLS

DRIVERS' LICENSES

Anatomical gift, provision for, 30:12

Durable power of attorney for health care, notation, 61:17, 61:19 to 61:25

Minors

Guardian, liability for damage, 65:18

Mandatory suspension, 109:98

Probationary licenses, 110:43

Unruly, suspension or revocation, 109:107

DRUG ABUSE

Delinquents, by; mandatory disposition, prior to January 1, 2002, 109:85

DRUG OFFENSES, ABUSE

Testamentary capacity, 26:6

Treatment programs. See DRUG TREATMENT PROGRAMS

DRUG TREATMENT PROGRAMS

Protective supervision order, testing of parent or caregiver, 109:77

Temporary custody orders, testing of parent or caregiver, 109:78

Unruly children, disposition, 109:108

DRUNK DRIVING

Delinquents, mandatory disposition, prior to January 1, 2002, 109:85

DRUNKENNESS

Fiduciary, removal grounds, 58:7

DURESS

See COERCION

DYNASTY TRUST

Rule against perpetuities, 46:14

EASEMENTS

Eminent domain, fair market value, 105:27

EASEMENTS—Cont'd

Income tax, federal, 116:19

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT

Exclusion amounts, 30:1

Federal estate tax, 113:1 to 113:22

EDUCATION

Generally, see SCHOOLS AND SCHOOL DISTRICTS Colleges. See UNIVERSITIES AND COLLEGES

EJECTMENT

Mortgaged property, 74:9

ELDERLY

See AGED PERSONS

ELECTION BY SURVIVING SPOUSE

See SURVIVING SPOUSE, at Election by

ELECTRIC COMPANIES

Eminent domain powers, 105:2

ELECTRONIC FILING

Appeals, 8:3, 8:6, 99:51

ELECTRONICALLY MONITORED HOUSE ARREST AND DETENTION

Juvenile delinquents, prior to January 1, 2002, 109:84

EMBALMERS AND FUNERAL DIRECTORS

Eyes, enucleation, 30:12

EMBEZZLEMENT

See also ASSETS OF ESTATES, at Concealed or embezzled Fiduciaries, by, Ch 57, 80:45

EMBRYO DONATION

Decedent as donor, 110:33

Uniform Parentage Act, 19:13, 110:33

EMERGENCY

Guardianship, SPF 17.1A

EMERGENCY INTERVENTION PROCEDURES FOR MENTALLY RETARDED INDIVIDUALS

See MENTALLY RETARDED INDIVIDUALS

EMERGENCY MEDICAL SERVICES

Juveniles under court jurisdiction, 109:41

EMINENT DOMAIN

Generally, Ch 105

Abandonment of proceedings, 105:58

Access rights, fair market value of, 105:27

Advertising devices

Removal by order, 105:4

Signs, highest and best use of property, 105:30

Air space, jurisdiction, 105:3

Index-82

EMINENT DOMAIN—Cont'd Answer to petition, 105:10, 105:72 Contents, 105:10 Extensions, 105:10 Failure to file, effect, 105:11 General denial, 105:71 Appeals, 105:56, 105:57 Compensation of owner, 105:56 Appraisals of property, 105:7, 105:8, 105:11, 105:23, 105:64, 105:65 See also Valuation, this heading Declaration of value, 105:75, 105:76 Report of appraisals, 105:67 Attorney fees, 105:59 Bonus value of lease, 105:44 Burden of proof, 105:22 Certificate of appropriation, 105:82 Civil procedure rules, applicability, 105:5, 105:13, 105:32, 105:42 Evidence, 105:21 Coal, 105:5, 105:34 Compensation of owner, 105:3, 105:11, 105:14 Appeal, 105:56 Coal, 105:5, 105:34 Comparable sales as evidence, 105:35 Damage to section of property, 105:29, 105:39 Deposits. See Deposits of compensation, this heading Distribution, 105:53 to 105:55, 105:80, 105:81 Dust and dirt from traffic on new highway, 105:39 Evidence, comparable sales, 105:32, 105:35 Fair market value, 105:23 Interest, 105:54 Jury to assess, 105:8, 105:42 Physical taking prior to, prohibition, 105:3, 105:8 Relocation assistance, 105:40 Right of lessee or subtenant to share in, 105:26, 105:44 Settlement, 105:79 Several owners, effect, 105:26 Special benefits, 105:39 Timber on land, separate valuation, 105:25 Zoning change, effect, 105:24 Conservancy districts, powers, 105:5 Consolidation of cases, 105:7, 105:18, 105:26, 105:42 Continuance, motion for, 105:73 Damages Cost to cure, 105:29 During surveys and inspections, 105:6 Injury to nearby property, 105:27 Section of property, compensation, 105:29, 105:39 Defect in proceedings, 105:13 Definitions, 105:1 Federal income tax purposes, 116:1

EMINENT DOMAIN—Cont'd

Definitions, 105:1—Cont'd

Taking, 105:3, 105:36, 105:45

Demonstrative evidence, 105:33

Depositions, use, 105:16

Deposits of compensation, 105:8

Distribution, 105:44, 105:80, 105:81

Interest, 105:54

Notice, 105:55

Retention when ownership disputed, 105:44

Withdrawal by owner, 105:8, 105:37, 105:54, 105:69, 105:70

Design of public improvement not basis for denial of petition, 105:7

Discovery required, 105:20

Easements

Air space, 105:3

Fair market value, 105:27

Egress or ingress impaired, 105:39

Electric utilities, by, 105:2

Entry prior to filing petition, 105:6

Evidence, 105:20 to 105:40

Civil procedure rules, applicability, 105:21

Demonstrative, 105:33

Exceptions, 105:5

Expert testimony, 105:32

Cross-examination, 105:32

Rehabilitation cost, as to, 105:32

Vacant or vandalized property, as to, 105:30

Failure to file answer to petition, effect, 105:11

Fair market value, 105:23

See also Valuation, this heading

Access rights, 105:27

Compensation to be based on, 105:23, 105:30

Demonstrative evidence, 105:33

Easements, 105:27

Evidence of comparable sales, 105:32, 105:35

Highest and best use, holding for future development, 105:30

Lease, exceeding amount of contract rental, 105:53

Leasehold interest, 105:26

Lost profits, 105:25

Lottery ticket sales, 105:34

Prior appropriation action sales, inadmissible evidence, 105:35

Single award, 105:26

Time of taking, 105:35, 105:36

Zoning change, effect, 105:24

Federal income tax, Ch 116

Fees and costs, 105:53

Abandonment of proceedings, 105:59

Government-owned property, 105:2

Guardian ad litem, appointment, 105:19

INDEX

EMINENT DOMAIN—Cont'd Hearings, 105:10, 105:12

Motion for distribution, 105:55 Public purpose determination, 105:21 Highest and best use, 105:34 Highways, 105:2 Improper description in resolution, effect, 105:7 Income tax, federal, Ch 116 Ingress and egress to property restricted, compensation, 105:23, 105:27 Injunction against, 105:7, 105:10 Interest on judgment, 105:54 Interference with property as, 105:3 Joinder of parties, 105:13 Jurisdiction, 76:14, 105:2 Jury instructions, 105:25, 105:42 Jury to determine compensation, 105:11, 105:14, 105:42, 105:77, 105:78 Selection, 105:15 Lessee's rights, 105:26, 105:53 Subtenant's rights, 105:53 Lost profits, use in determining fair market value, 105:25 Lottery ticket sales, 105:34 Median strip impairing ingress and egress, 105:39 Moratorium, 116:21 Municipal powers, 105:2 Notice, 105:9 Opening and closing case, property owner's privilege, 105:17 Orders of court, 105:43 Owner of land Burden of proof, 105:22 Compensation. See Compensation of owner, this heading Opinion as to valuation, 105:31 Rights, 105:2 Several owners, effect, 105:26 Unknown, 105:62 Parties to actions in proceedings, 105:13 Petition, 105:7, 105:61 Answer. See Answer to petition, this heading Presumptions, 105:10, 105:12, 105:22, 105:36 Possession of premises, 105:53, 105:68 Appeal, effect, 105:57 Probate court jurisdiction, 3:2 Purchase price as evidence of value, 105:33 Purpose of requested appropriation, determination, 105:10 Quick take, 105:37 Rehabilitation, expert testimony as to, 105:32 Relocation assistance, 105:40 Residue, damage to, 105:39 Right of entry, 105:6 Entry not considered trespass, 105:36

EMINENT DOMAIN—Cont'd

Roads

Access removed, considered taking, 105:36

Making or repairing, special provisions, 105:2, 105:8, 105:35

Sanitary districts, powers, 105:5

Service of process, 105:9

Affidavit as to unknown heirs, 105:62

Publication, by, 4:45 to 4:47, 105:63

State action, moratorium, 116:21

Subtenant's rights, 105:53

Surveys and inspections, 105:6

Timber on land, separate valuation, 105:25

Time of taking, 105:36, 105:45

Exigent circumstances, 105:37

Quick take, 105:37

Transportation department

Actions against, venue, 105:5

Powers, 105:5

Trial date, advancement, 105:74

Uniform procedure, 105:5

Urban renewal, effect, 105:36

Use

Factor in valuation, 105:30

Legal, valuation on the basis of, 105:38

Vacant property shell, expert testimony as to, 105:30

Valuation

Charge to jury, 105:25, 105:42

Comparable sales as evidence, 105:32, 105:35

Expert testimony, 105:32

Highest and best use, 105:30

Lease, 105:26

Legal use of property, based on, 105:38

Opinion of property owner, 105:31

Purchase price as evidence, 105:34

Special benefits, effect, 105:28

Time of taking, 105:36

Unusual facts and circumstances, 105:36

Zoning change, effect, 105:24

Vandalized property shell, expert testimony as to, 105:30

Verdict, 105:42, 105:77, 105:78

View of premises by jury, 105:41

Waiver of jury trial, 105:42

War time, special provisions, 105:8, 105:37

Withdrawal of deposit by owner, effect, 105:8, 105:37, 105:54, 105:69, 105:70

Zoning change, effect on compensation, 105:24

EMOTIONALLY DISTURBED PERSONS

See MENTALLY ILL PERSONS

EMPLOYER AND EMPLOYEE

Compensation. See COMPENSATION

Index-86

EMPLOYER AND EMPLOYEE—Cont'd

Death of employee, wages, release, 2:24, 2:119

Estate tax, 111:68

Garnishment of employee's wage. See GARNISHMENT

Legacies and devises, general pecuniary legacy to employee, 30:114

Power of attorney, 61:46

Witness at juvenile proceeding, employee as; penalization by employer prohibited, 109:124

Wrongful death actions, Ch 12

See also WRONGFUL DEATH, generally

ENCUMBRANCES

Generally, Ch 42

See also LIENS

Actions to enforce, service by publication, 4:45 to 4:47

Conditional grant or devise of real estate, 30:121

Deceptive writings to secure, 35:6

Incompetent person's property, 64:5

Land sale proceedings, property subject to, 93:9 to 93:13

See also LAND SALE PROCEEDINGS, at Encumbrances, property subject to

Leases. See LEASES

Liens. See LIENS

ENDANGERING CHILDREN

Generally, 108:17, 109:139, 110:17

See also CHILD ABUSE; DEPENDENT AND NEGLECTED CHILDREN

Arraignment, 110:47

Arrest warrant, 109:167

Hearing and sentence, order on, 110:51

Jurisdiction, 107:1, 110:1 to 110:12

ENGLISH PROBATE COURTS

Generally, 1:1

ENTERING

See RIGHT OF ENTRY

EQUAL CONSANGUINITY

Descent, 15:21 to 15:25, 15:44 to 15:50

EQUAL PROTECTION CLAUSE

Legitimation proceedings, requirement of mother's consent, constitutionality, 19:3

ERIE COUNTY

See COUNTIES, generally

ERRORS

See APPEALS, generally

See MISTAKES, ACCIDENTS, AND SURPRISES

ESCAPE

Mentally ill, from hospital, 102:61

ESCHEAT

Generally, Ch 24

ESCHEAT—Cont'd

City lands, disposition, 24:2

Definitions, 24:1

Doubt to be resolved against state, 24:3

Estates, under intestate succession, 15:43

Federal statutes, 24:5

Heir discovered subsequent to distribution, recovery, 24:3

Interest of state, 24:4

Land sale proceeding, state and city to be party, 92:28

Property subject to, 24:2

Recovery of funds, 24:3

Rural lands, disposition, 24:2

State's interest, 24:4

Statutory provisions, 24:2

Federal statutes, 24:5

Unclaimed funds of estate distinguished from, 78:3

Uniform Simultaneous Death Act, 24:2, 24:3, 78:3

Veteran in federal facility, 24:5

ESTATE BY THE ENTIRETIES

Generally, 2:6

With survivorship deed, 92:39

ESTATE TAX

Generally, Ch 111

Federal, Ch 113

Additional, 2:61, 111:46

Notice, 111:79

Payment, Notice, 111:84

Rates, 111:33

Additional, Notice, 111:79

Administration of estate, deductions, 2:34, 2:78, 111:27

Administrative conferences, 111:48

Agricultural products, gross estate determination, 2:70

Alternate valuation date, 2:63

Directions to executor, 30:173

Amending return, 111:76

Annuities, 2:76, 111:9, 111:10, 111:81, 111:94

Appeals, 2:85, 111:52 to 111:56

Reconsideration, 111:56

Apportionment among interested persons, Ch 112, 2:81, 111:1

Actions by fiduciary to recover, 112:20

Charitable deductions, 112:5

Definitions, 112:2

Equitable, 112:2

Exceeding value of residuary estate, 112:3

Exemptions, deductions, or credits; effect, 112:5, 112:8, 112:9

Federal tax deduction property, 112:4

Generation-skipping transfer tax, 112:14

Gifts, apportionment against, 112:3

Interest, 112:12

ESTATE TAX—Cont'd

Interests not part of residuary estate, 112:3 Marital deductions, 112:5 Nonresidents, 112:22, 112:23 Notice, 112:15, 112:16 Objections, 112:16 Penalties, 112:12 Present and future interests mixed, 112:11 Probate courts determining, 112:16 Qualified farm property, 112:10 Qualified terminable interest property, 112:13 Surviving spouse, elective share or intestate share, 112:6 Uncollectible amounts, reapportionment, 112:21 Withholding taxes from distribution, 112:18 Audit by tax commissioner, 2:83 to 2:85, 111:48 Amended returns, 111:76 Appeal, 111:52 to 111:56 Exceptions to. See Exceptions to tax commissioner's audit, this heading Auditors, county. See AUDITORS, COUNTY, at Estate tax, powers and duties Bona fide debts, 111:29 Bonds and notes, 2:66 Cash, 2:67 Certificate of determination, 111:40 Charitable bequests, deductions, 2:78, 111:31 Principal or income, allocation of receipts or expenditures, 33:18 Claims against estate, deductions, 2:34, 2:78 Close corporations, 111:85 Installment payments, 111:44 Collection, additional estate tax, 111:79 Commercial activity tax, 115:18 Computation, 2:80 Confidentiality of information, 2:62, 111:42 Constitutional provisions, 111:2 Contemplation of death, transfer, 2:71 Exclusions, 2:71 Contributions of employer, 111:19 County auditors. See AUDITORS, COUNTY, at Estate tax, powers and duties County of decedent, defined, 111:1 County treasurers. See TREASURERS, COUNTY, at Estate tax, powers and duties Credits, 2:80 Curtesy, 111:3 Date of valuation, 2:63, 111:21 Death benefit plans, proceeds, 2:76, 111:19, 111:62, 111:67, 111:94 Debts due to decedent, 2:70 Deductions, 111:26 et seq. Charitable, 2:78, 111:31 Principal or income, allocation of receipts or expenditures, 33:18 Claims against estate, 2:34, 2:78 Death benefit plan annuities, 2:76

Apportionment among interested persons, Ch 112, 2:81, 111:1—Cont'd

ESTATE TAX—Cont'd Deductions, 111:26 et seq.—Cont'd Gross estate, from, 111:26 et seq. Life insurance, 2:68 Marital, 2:79, 33:18, 111:26 Qualified family-owned business interests, 111:32 Qualified terminable interest property, 111:18, 111:26 et seq. Straddling estates, 111:28 Vietnam, active duty; for, 2:78 Definitions, 111:1 Gross estate, 2:64 Deposits, 2:67 Consent of tax commissioner, 111:62, 111:65 Determination by tax commissioner, 111:40 See also Audit by tax commissioner, this heading Dower, 111:3 Due date, 111:84 Estimates, 111:73 to 111:96 Exceptions to tax commissioner's audit, 2:83, 111:51, 111:52 Orders of probate court, 111:55 Probate court, filing with, 2:84 Time for filing, 111:53 Exemptions, 111:26 et seq. Annuities, 2:76, 111:9, 111:10 Debts of obligations of estate, 84:8 Gross estate of \$25,000 or less, 2:62, 111:72 Highway patrol retirement system benefits, 111:10 Municipal retirement system benefits, 2:76 Police and fire pension fund, 111:10 Public employees retirement system benefits, 2:76, 111:10 Public safety officers death benefit fund, 111:10 School employees retirement system benefits, 2:76, 111:10 Statutory, 111:27 Teachers retirement system benefits, 2:76, 111:10 Extension of filing time, 111:38, 111:88 Farmland, valuation, 111:1, 111:22, 111:80 to 111:92, 111:96 Federal. See FEDERAL ESTATE TAX Certificate, 2:62, 111:42 Estimate of gross estate, 111:73 to 111:96 Extension of time, 111:38, 111:88 Instructions, 111:73 to 111:75 Return, with probate court, 111:39, 111:73 to 111:75 Foreign estate taxes, 111:57 Forms, 111:73 to 111:96 Request for, 111:89 Formula for valuation, 111:22 Funeral expenses, deductions, 2:78 Generation-skipping transfer tax, 111:36, 111:77 Apportionment among interested persons, 112:14

INDEX

ESTATE TAX—Cont'd Gifts. See Transfers, this heading Gross estate Annuities, 111:9 Death benefits, 111:19 Deductions, 111:26 et seq. Defined, 2:64 Estimates to be filed, 111:73 to 111:96 Joint property, 111:11 to 111:14 Life insurance, 111:16 Life interest subject to federal marital deduction, 111:18 Life interest subject to qualified terminable interest property deduction, 111:18, 111:26 et seq. Payments made on, Notice, 111:84 Retirement system benefits, 111:10 Surviving spouse's interest, 111:3 Survivorship property, 111:11 to 111:14 \$338,333 or more, 111:75 Transfers to be included, 2:74, 111:4 to 111:8 \$25,000 or less, **2:62**, **111:42**, **111:72** United States treasury bond, 2:63 Valuation, 2:63, 2:64 to 2:79 Hearings, 2:83, 111:48 Administrative conferences, 111:48 Appeals, 2:84, 111:54 Highway patrol retirement system benefits exempt, 111:10 Household goods, 2:70 Income interest for life, 2:77 Income received after decedent's death, income tax not deductible, 111:30 Inheritance taxes not deductible, 111:30 Insurance, 2:68 Federal civil service, 2:76 Life insurance, 2:68, 111:16 Military service, 2:76 Intangible personalty, payable from residuary estate, 49:7 Interest, 2:82, 111:45 Additional tax, 111:46 Apportionment, 112:12 Fiduciaries' liability, 112:17 Late payment, 2:82 Postponed payments, 111:47 Joint tenancy, 2:69, 111:11 to 111:14 Judgments, 2:70 Jurisdiction, 2:85 Land contract, 2:67 Land sale proceeding, to pay, 92:11 Legacies, 111:30 Liability, 111:58 to 111:61 Liens, 111:59, 111:86 Life estates, 2:72, 111:5

ESTATE TAX—Cont'd Life insurance proceeds, 2:68, 111:16, 111:62, 111:66, 111:94 Testamentary trustee as beneficiary, 33:6 Life interest subject to federal marital deduction, 111:18 Life interest subject to qualified terminable interest property deduction, 111:18, 111:26 et seq. Limitation of actions Estate tax return, filing, 2:62, 111:88 Exception to estimate by tax commissioner, 111:42 Liability subsequent to filing of return, 111:61 Machinery, 2:70 Marital deduction, 2:79, 111:26 Principal or income, allocation of receipts or expenditures, 33:18 Military service, 111:20 Mortgages Deductions, 2:67, 2:78, 111:29 Motor vehicle, 2:70 Municipal retirement system benefits exempt, 2:76 Municipal tax, 115:17 Mutual funds, valuation, 111:24 Nonresident decedent, 111:34, 111:78 Apportionment of tax, 112:22, 112:23 Reciprocal exemption, 111:35 Transfer of assets, 111:70, 111:79 to 111:81 Notes, 2:67 Notice Appeal of tax commissioner's audit, 111:54 Apportionment, 112:15 Hearing before tax commissioner, 2:83 Payment, of, 111:51 Partnerships, 2:70 Payments, 30:184 to 30:189, 111:43 to 111:51 Additional tax, 111:46 Application for extension of time, 111:88, 111:93 Certification, 111:87 Close corporation interests, installment payments, 111:44 Deferral, 2:62 Deficient, 111:50 Due date. 2:82 Extension for undue hardship, 111:44, 111:95 Extensions, 2:82 Application for, 111:88, 111:93 Undue hardship, 111:95 Notice, 111:84 Residuary estate, from, 49:7 Undue hardship, extension of time, 111:44 Penalties, 111:41 Apportionment among interested persons, 112:12 Fiduciaries' liability, 111:41, 112:17 Pension, 2:76

ESTATE TAX—Cont'd

Personal effects, gross estate determination, 2:70 Police and firemen's disability and pension fund benefits exempt, 111:10 Power of appointment, 2:72, 2:75, 111:6, 111:15 Probate courts. See PROBATE COURTS, at Estate tax, powers and duties Profit sharing plans, 2:76 Promissory note, gross estate determination, 2:67 Public employees retirement system benefits exempt, 2:76, 111:10 Public safety officers death benefit fund, 111:10 Qualified family-owned business interests, 111:32 Qualified farm use. See Farmland, valuation, this heading Qualified terminable interest property deduction, 111:18, 111:26 et seq. Qualified use, establishment, 111:1, 111:22 Rates. 2:80, 111:1, 111:33 Additional tax, 2:61, 111:33, 111:79 Nonresident estate tax, 111:34, 111:78 Reciprocal exemption, 111:35 Real property Appraisals, conclusiveness, 80:10 Determination of gross estate, 2:65 Disclosure, certification, 111:87 Out-of-state situs excluded, 2:65 Reconsideration on appeal, 111:56 Refunds, 2:86, 111:50 Amended return, due to, 111:76 Release of assets, 2:24, 111:79 to 111:81 Release or consent of tax commissioner, 111:62 Failure to comply with requirements, 111:69 Religious organizations, gifts to exempt, 30:14 Remaindermen, 2:70, 111:47 Retirement plans, 2:76, 111:10 Returns, 2:3, 2:62, 111:37 to 111:42, 111:73 to 111:78 Additional estate tax, 111:46 Amending due to error, 111:76 Audit by tax commissioner. See Audit by tax commissioner, this heading Confidentiality, 2:62, 111:42 Correctness of items, 111:49 Exceptions, 111:42 Extension of filing time, 2:62, 111:38, 111:88 Failure to file, 2:62, 111:40 Penalties, 2:62 Nonresident, 111:78 Ohio estate tax resident return All resident filings for dates of death on or after January 1, 2001 through December 31, 2001 (ET-2), 111:74 All resident filings for dates of death prior to January 1, 2001 (ET-2), 111:73 Estate with dates of death on or after January 1, 2002 with a gross value over \$338,333 (ET-2), **111:75** Time for filing, 2:62

Reversionary interests, 2:70, 2:73, 111:7, 111:47

ESTATE TAX—Cont'd Royalties, 2:70 Safe deposit box, limitation on opening, 111:62, 111:68 Safe deposit box, opening, 2:9 School employees retirement system benefits exempt, 2:76, 111:10 Securities, 2:66 Limitation on transfer of, 111:64 Valuation, 111:25 Sole proprietorship, 2:70 Sources, 111:58 to 111:61 Statutes of limitations. See Limitation of actions, this heading Transfers, consent of tax commissioner, 111:62, 111:63 Valuation, 2:66 Straddling estates, deduction, 111:28 Surviving spouse Deduction for property interests, 111:26 Exemption, 111:26 Interest, 111:3 Transfers, 111:71 Survivorship property, 2:69 Tax commissioner, powers and duties. See Audit by tax commissioner, this heading Tax refunds, inclusion in gross estate valuation, 2:70 Taxable estate, determination, 2:61, 111:26 et seq. Taxes not deductible, 111:30 Teachers retirement system benefits exempt, 2:76, 111:10 Time for payment, 111:43 Trailer, 2:70 Transfers, 2:71, 111:1, 111:4 to 111:8 Consent, 111:82, 111:84 Consideration inadequate, effect, 111:17 Enjoyment, retained, 2:72 Generation-skipping, 111:36 In contemplation of death, 2:71, 111:4 Interest in property retained by decedent, effect, 111:8 Life estates, 111:5 Nonresident decedents, 111:70, 111:80 Religious organization, exemptions, 30:14 Retained enjoyment, with, 2:72 Reversionary interest retained, 2:73 Revocation or alteration of decedent, subject to, 111:8 Straddling estates deduction, 111:28 Subject to change, 2:74 Surviving spouse, 111:71 Treasurers, county. See TREASURERS, COUNTY, at Estate tax, powers and duties Treasury bonds to pay, not considered as sale of bond, 2:51 Undue hardship, extension of time for payment, 111:44, 111:95 United States Treasury H bonds, valuation, 111:25 Valuation, 2:64 to 2:79

See also Gross estate, generally, this heading

```
ESTATE TAX—Cont'd
  Valuation, 2:64 to 2:79—Cont'd
    Date, 111:21
    Formula, 111:22
    Qualified farm property, 111:23
    Stocks and securities, 2:66
  Verification, 2:83 to 2:85
  Vietnam service, death allowance, 111:20
    Exclusion, 111:20
  Wages of decedent, 111:68
ESTATES
  Actions. See PROBATE COURTS, at Estate administration proceedings
  Administration. Ch 2
    See also ADMINISTRATION OF ESTATES; EXECUTORS AND ADMINISTRA-
         TORS, at Notice
    No administration. See NO ADMINISTRATION
  Advancements from. See ADVANCEMENTS FROM ESTATES
  Ancillary administration, 91:16 to 91:24
    See also ANCILLARY ADMINISTRATION
  Arbitration of claims against, 88:11 to 88:15
  Assets. See ASSETS OF ESTATES
  Attorney to represent, 30:34, 84:13, 84:14
    See also ATTORNEYS, at Fiduciary, for
    Fees. See ATTORNEY FEES, at Estates, administration
  Automobiles, transfer, 2:21, 2:107, 21:77 to 21:81, 30:95, 69:34, 76:15 to 76:17
  Beneficiaries
    See HEIRS
    See LEGACIES AND DEVISES
  Boats and watercraft, transfer to surviving spouse, 2:21, 2:107, 21:19, 21:77, 21:78
  Claims against, Ch 84
    See also CLAIMS AGAINST ESTATES
  Closed, probate court jurisdiction, 3:10
  Commissioner's report on distribution, 69:29 to 69:32
  Concealed assets. See ASSETS OF ESTATES, at Concealed or embezzled
  Contingent claims. See CLAIMS AGAINST ESTATES, at Contingent claims
  Conveyance of whole interest, 44:42 to 44:48
    See also Whole to pass, this heading
  Debts owed by. See CLAIMS AGAINST ESTATES
  Debts owed to. See DEBTS OWED TO ESTATES
  Descent and distribution, Ch 15
    See also DESCENT AND DISTRIBUTION
  Disclaimer of succession to property, Ch 11
    See also DISCLAIMER OF SUCCESSION TO PROPERTY
  Distributions, Ch 76, 2:99 to 2:107
    See also ASSETS OF ESTATES, at Distribution
    Forms, 76:21 to 73:36
    In kind
      Application, 76:21
      Approval, 76:23
```

```
ESTATES—Cont'd
  Distributions, Ch 76, 2:99 to 2:107—Cont'd
    In kind—Cont'd
       Report, 76:22
      Schedule of property, 76:21
  Election of surviving spouse. See SURVIVING SPOUSE, at Election by
  Embezzled assets. See ASSETS OF ESTATES, at Concealed or embezzled
  Entireties, estate by the, 2:6
    With survivorship deed, 92:39
  Escheat, Ch 24, 15:43
    See also ESCHEAT, generally
  Execution of judgment, 90:24 to 90:28
  Executors and administrators, Ch 69
    See also EXECUTORS AND ADMINISTRATORS
    Forms, 69:34 to 69:38
  Exempt from administration. See NO ADMINISTRATION
  Expenses
    See also ADMINISTRATION OF ESTATES, at Expenses
    Appraiser's fee, 2:18
      Land sale proceedings, 94:2
    Attorney's fees, 81:14, 81:26, 81:27
      Explanation to family, 2:2
      Probate court fixing amount, 81:13, 81:14
    Estate tax deduction, 2:34, 2:78
    Executors' and administrators'. See EXECUTORS AND ADMINISTRATORS, at
         Compensation
    Extraordinary, 81:9 to 81:11
    Funeral expenses, 2:25, 90:7, 90:7 to 90:11, 92:7
    Land sale proceedings, 94:2
    Real property sale, 2:56, 96:20 to 96:26
      Distribution of proceeds, 2:59, 97:6
    Will contest actions, 39:18
  Family allowance, 2:22, 21:19, 21:51, 90:12, 90:15, 91:1, 91:8 to 91:10, 91:12,
      91:13, 92:9
    See also FAMILY ALLOWANCE
    Preference, 21:51, 90:13
    Reduction, 21:51
  Federal estate tax, Ch 113
    See also FEDERAL ESTATE TAX
  Federal income tax, Ch 114
    Adjusted gross income, 114:4
    Credits, 114:8
    Deductions, 114:3
    Itemized deductions, 114:5
    Minimum gross income, 114:2
    Personal exemptions, 114:6
    Taxable income, 114:7
  Fee simple
    Absolute, 44:43, 44:46
    Burden of proof, 44:43, 44:44
```

```
ESTATES—Cont'd
  Fee simple—Cont'd
    Failure to pass, 44:44
    Life estate, becoming, 44:44
    Limitation over, 44:45
  Fee tail, statute limiting. See STATUTE AGAINST PERPETUITIES
  Fiduciaries
    See EXECUTORS AND ADMINISTRATORS
    See FIDUCIARIES
  Forfeiture by beneficiary for withholding will, Ch 50
  Future interests. See FUTURE INTERESTS
  Guardianship. See GUARDIANSHIP, at Estate, of
  Hearings
    Claims, 84:10, 84:11
    Distribution order
      Application, 2:105
      In kind, SPF 10.2
    Inventory and appraisal, 2:23, 80:14, 80:40
  Heirs. See HEIRS
  Income tax
    Federal, Ch 114
      See also INCOME TAX, FEDERAL
    Municipal, Filing, 2:88
    State, Ch 115
      Adjustments, 115:7, 115:7 to 115:9
      Credits, 115:13
      Filing, 2:87
      Rates, 115:10
      Unclaimed funds, reporting, 115:16
  Insolvent, 88:16 to 88:18, 90:2
  Intestate succession, 15:3
    See also DESCENT AND DISTRIBUTION
  Inventory and appraisal, Ch 80
    See also INVENTORY AND APPRAISAL OF ESTATES
  Judgments against, liability, 90:24 to 90:28
  Land sale proceedings, Ch 91
    See also LAND SALE PROCEEDINGS
    Forms, 92:33 to 92:36
      Application for certificate of transfer, filing of, 92:33
  Legacies. See LEGACIES AND DEVISES
  Liens. See LIENS
  Life estates. See LIFE ESTATES
  Life insurance proceeds
    Estate tax, 2:68
    Testamentary trustee as beneficiary, 33:5
  Missing persons, 33:33 to 33:36
  Mortgages. See MORTGAGES, at Estates
```

```
ESTATES—Cont'd
  Motor vehicles, transfer, 2:21, 2:107, 21:2 to 21:12, 21:77 to 21:81, 30:95, 69:34,
       76:15 to 76:17
    Probate court
       With approval of, 21:77, 76:18
       Without approval of, 21:78, 76:18
  Motorcycles, transfer, 21:77 to 21:81
  Municipal income tax, filing, 2:88, 115:17
  Newly discovered assets, disposition, 80:8, 80:40
    Reopening estate
      Application, 80:43
      Judgment entry, 80:44
    Report, 80:41
    Requalification of executors or administrators, order, 80:41, 80:42
  No administration. See NO ADMINISTRATION
  Nonresident decedent
    Ancillary administration, 91:16 to 91:24
       See also ANCILLARY ADMINISTRATION
    Certificate of debts and liabilities, 91:24
    Estate tax, 111:78
      Additional, 111:78
      Apportionment, 112:23
      Transfer of assets, 111:80
  Notice
    See also EXECUTORS AND ADMINISTRATORS, at Notice
    Distribution order, hearing on application, 2:105
    No administration, 2:110
  Outboard motors, transfer to surviving spouse, 2:107, 15:6
  Partnership, deceased member of, 60:1 to 60:6, 60:19 to 60:36
  Perpetuities, rule against, Ch 46
    See also STATUTE AGAINST PERPETUITIES
  Personal property
    See also ASSETS OF ESTATES, generally
    Escheat, 24:2
    Sale of, Ch 75, SPF 9.0 to SPF 9.3, 2:51
      Auction, 75:5
      Court order, 2:51
      Credit, 75:6
      Executor or administrator, to, 75:8
      Liability of executors and administrators, 75:8
      Promissory notes, 75:7
      Report, 75:9
  Personal property tax, liability, 2:34
  Planning
    Banks, unauthorized practice of law, 54:6
    Forms, 30:60 to 30:265
  Power of attorney, 61:46
  Presumed decedent, 9:7
  Real property
    See also ASSETS OF ESTATES, generally
```

```
ESTATES—Cont'd
  Real property—Cont'd
    Certificates of transfer, 2:44, 2:106, 2:121
    Debts, liability, 92:5
    Escheat, 24:2
    Incomplete contracts, completion, 2:52, 92:36 to 92:39
    Management, Ch 74, 2:50, 91:11
       Accounting, 2:50
      Application, 2:50
      Fees of fiduciary, 2:50
      Termination of fiduciary's authority, 2:50
    Mansion house, 2:35 to 2:40, 21:30, 21:58, 30:24
      Uniform Simultaneous Death Act, 21:30
    Mortgages
      Heirs' rights, 90:22, 90:23
      Releases, 93:21 to 93:25
    Partition, 93:26 to 93:29
    Remainder, Ch 10
      Defined, 10:2
      Forfeiture for waste by life tenant, Ch 23
         See also LIFE ESTATES, at Waste by tenant
      Protection of interest, 2:104, 76:19, 76:20
    Sale of, Ch 91, 2:52 to 2:60, 92:33 to 92:36
      See also LAND SALE PROCEEDINGS
     Specific devises, 30:99 to 30:101
    Surviving spouse's rights. See SURVIVING SPOUSE
    Transfer and indorsement, 92:35
  Remaindermen. See REMAINDERMEN
  Residence property, specific devise, 30:101
  Residuary, 30:159 to 30:165
    Death of devisee or legatee, effect, Ch 47, 15:44 to 15:50, 30:137 to 30:144
       See also ANTI-LAPSE STATUTE
    Taxes payable from, 30:184 to 30:189, 49:7
  Reversion, forfeiture, Ch 23
    See also LIFE ESTATES, at Waste by tenant
  Rule against perpetuities, applicability, 46:10
  Rule in Shelley's case abolished, 45:2
    Purpose and effect of statute, 45:3 to 45:5
  Sale of assets, Ch 75, 2:51
    Authority
      Probate court, 2:51
       Will, under, Ch 75, 2:51, 91:1
    Credit on
      Personal property, 75:6
      Real property, 96:18
    Land sale proceedings. See LAND SALE PROCEEDINGS
    Personal property, 75:4 to 75:7
      See also Personal property, this heading
    Personal property tax, to pay, 92:10, 92:11
    Real property. See LAND SALE PROCEEDINGS
```

ESTATES—Cont'd

Sale of assets, Ch 75, 2:51—Cont'd

Will authorizing, Ch 75, 2:51, 30:172, 91:1

Surviving spouse. See SURVIVING SPOUSE

Survivorship. See SURVIVORSHIP

Taxation

See also EXECUTORS AND ADMINISTRATORS, at Tax returns, duties

Estate tax, 111:73 to 111:96

See also ESTATE TAX

Federal estate tax, Ch 113

See also FEDERAL ESTATE TAX

Federal income tax, Ch 114

See also INCOME TAX, FEDERAL, at Estates

Personal property tax. See Personal property tax, this heading

Transfer of real property

Certificate of transfer, SPF 12.0 to SPF 12.2

Transfers of assets, 2:71

Trucks, transfer, 2:122, 21:77 to 21:81, 69:34, 76:15 to 76:17

Trustees, constructive; convicted murderer, 22:3

Trusteeship, caption, 3:21

Unclaimed funds, disposition, Ch 78

Forms, 78:4 to 78:9

Transfer to owner from county treasury, 78:1, 78:8, 78:9

Wages owed decedent, 2:24, 2:119

Whole to pass, 44:42 to 44:48

Burden of proof, 44:43, 44:44

Statutes, 44:42

Wills. See WILLS

EVIDENCE

Admissibility. See ADMISSIBILITY OF EVIDENCE

Advancement from estate, 20:1

Capacity to make will, burden of proof, 26:7

Clergyman's privilege, 5:1

Death, order of, Ch 16

Death, Uniform Simultaneous Death Act, 16:1

Designation of heir, 17:1

Documentary. See DOCUMENTARY EVIDENCE

Eminent domain proceedings, 105:20 to 105:40

Extrinsic, will construction, 44:36 to 44:41

False demonstration doctrine, 44:41

Gifts causa mortis, 14:1, 14:4, 14:8

Influence, undue; when making will, 6:6, 26:10

Juvenile proceedings. See JUVENILE COURTS, at Evidence

Motion pictures, use re will, 30:50

Motion to suppress, juvenile proceedings, 109:12, 109:20

Newly discovered, effect

Relief from judgment, 7:1

Vacating judgment, supporting, 7:1

Parol evidence, will construction, 44:36

INDEX

EVIDENCE—Cont'd

Parole, inadmissibility, 44:40

Paternity proceedings, 19:6, 110:27

Power of attorney, 61:5

Presumed decedents' law, 9:6

Records and reports. See DOCUMENTARY EVIDENCE

Sound recording, wills, 30:48

Testator's intent, 44:39

Testimony. See WITNESSES AND TESTIMONY

Transcripts. See TRANSCRIPTS

Uniform Simultaneous Death Act, 16:1

Voice recording, wills, 30:48

Wills

Capacity to make, burden of proof, 26:7

Construction, parol evidence, 44:36

Lost, spoliated, or destroyed will, admission to probate, 40:2

Validity petition, failure to file, 35:2, 35:4, 35:8

Voice recorder, 30:48

Witnesses and testimony. See WITNESSES AND TESTIMONY

EX PARTE PROCEEDINGS

Adoption records, contempt proceedings, 99:29

Juvenile court, 109:41

EXAMINATIONS

Mental. See MEDICAL AND MENTAL EXAMINATIONS

Witnesses. See WITNESSES AND TESTIMONY

EXECUTION OF JUDGMENT

Adult cases tried in juvenile courts, 110:12

Claims against estate on, Ch 85

Estate assets, 90:24 to 90:28

Judicial sales. See JUDICIAL SALES

Stay, bond, 8:11

EXECUTION OF WILLS

Generally, Ch 27, 30:41

Codicil, 28:2

Witnesses, age of, 28:2, 30:198

Date of execution on each page of will, 30:41

Fraud, 26:12

Harmless error, 27:12

Lost, spoliated, or destroyed wills, 40:3

Motion pictures, admissibility, 30:50

Original document only, 30:41

Tape recordings, 30:48 to 30:53

Testator's name or initials on each page, 30:41

Time of, 27:10

Undue influence, 26:10

Videotaping, 30:48 to 30:53

Voice recorder, 30:48

EXECUTORS AND ADMINISTRATORS

Generally, Ch 69, 2:3

See also FIDUCIARIES, for general provisions

Accounts and accounting, Ch 55, SPF 13.0 to SPF 13.9, 2:3, 2:92 to 2:98

See also FIDUCIARIES, at Accounts and accounting, for general provisions

Account, to, 55:47

Executor's fees, 81:13

Trust funds, personal use; statute prohibiting inapplicable, 56:5

Assets in possession of fiduciary to be listed, 2:93

Business of decedent, continuation by, 30:174, 30:175, 73:1, 74:12 to 74:18

Time limit, 4 months, 73:1

Certificate of service of account to heirs and beneficiaries, SPF 13.9

Citation to file, 55:10

Contents, 2:93, 55:4

Court ordering additional, 55:2

Distributions, 2:93, 2:105, 55:7

Generally, 2:105

Heir hunters, 2:105

Exceptions, 2:95, 55:9, 55:18, 55:19

Exhibition of assets, 55:6

Extension of administration, application and entry, SPF 13.8

Extraordinary service, not considered as, 81:11

Filing, 55:1 to 55:10, 55:43 to 55:45

Final account, 55:8

Approval, SPF 13.3, 55:13

Crediting allowance of fiduciary's fees, 81:13

Reopening, 91:10

Time for, 55:2

Hearings, 2:93, 55:11 to 55:15

Motion to vacate settlement, on, 2:97

Notice, SPF 13.5

Unborn children, representation, 55:20

Waiver of notice, SPF 13.7

Mail, filing by, 55:3

Newly discovered assets, 80:8, 80:40

Notice of filing, 55:11, 55:15

Waiver, 55:17

Notice of hearing, SPF 13.5, 55:14, 55:15

Prior accounts, 55:16

Waiver, SPF 13.7

Partial accounts, Waiver, 55:50

Prior accounts, 55:16

Hearing, notice, 55:16

Probate court jurisdiction, 55:12

Real estate management, 2:50, 74:3

Rejection of improper or incomplete filing, 55:3

Removal for failure to provide, 58:4

Sale of personal property, 2:51, 75:14, 75:15

Settlements, SPF 13.3, 2:96, 55:22

Sole heir as executor, partial accountings not required, 55:8

EXECUTORS AND ADMINISTRATORS—Cont'd

Accounts and accounting, Ch 55, SPF 13.0 to SPF 13.9, 2:3, 2:92 to 2:98—Cont'd Time for filing, 2:92, 55:1 Vacation of order settling, 55:23 to 55:34 Burden of proof, 55:33 Contents of motion for, 55:31 Death of party prior to filing motion for, 55:25 Executor or administrator making motion for, 55:30 Fraud, 55:23 Good cause shown, 55:26 Liability, limitation of action, 55:28 Motion, 2:97 Notice made solely by newspaper publication, 55:29 Notice of hearing, 55:32 Person not party to proceeding, motion by, 55:26, 55:27 Person under legal disability applying for, 55:24 Taxation department's motion, 2:84 Verification, 55:5 Waiver, 55:9 Partial accounting, SPF 13.4, 2:92, 55:50 Wasteful or unfaithful administration, 53:30, 53:55, 53:56 Actions against, 92:21 Limitation. See LIMITATION OF ACTIONS, at Executors and administrators, actions against Presumed decedent, return of, 9:7 Probate court jurisdiction, 3:6 Remedies, generally, 83:1 Service by publication, **4:23**, **4:45** to **4:47** Special administrator, 70:2 Successor bringing action against predecessor, Ch 83 Time for, 76:13 Actions by, 44:3 to 44:7, 92:20 Appeals by. See Appeals by, this heading Damage to property, 91:11 Extracounty and extrastate proceedings, 91:16 to 91:24 Heirship, determination, 3:55 to 3:62 See also HEIRS, at Determination proceedings Medicaid assistance denial, 2:31 Predecessor, against, Ch 83 Presumed decedent, return of, 9:7 Real property management, 2:51 Real property sale, 92:33 to 92:36 Service by publication, 4:45 to 4:47 Special administrators, 70:2, 70:5 to 70:7 Successor administrator or executor, 39:3 Will construction, 44:3 to 44:7 Administrators Bond Effect on suitability, 69:13

EXECUTORS AND ADMINISTRATORS—Cont'd Administrators—Cont'd De bonis non Appointment, 69:3, 71:2 to 71:4 Discovery of will after administration of intestate estate commenced, 39:3 Duties, 69:3, 71:5 Letters of administration, 30:35, 71:1 Minor as, 69:12 Next of kin, 69:6, 69:11 Preferred class, 69:14 Residency requirements, 52:1, 58:5, 69:4, 69:18 Special. See Special administrators, this heading Surviving spouse, 69:10 Trust company as, 69:7 With will annexed, Ch 71, 30:35, 69:18, 69:19 Appointment, 2:15 Bond, 2:16 Parties, will contests, 39:8 Real property, sale by, 91:7 Advantages of appointing person other than sole legatee or surviving spouse, 30:35 Affidavits, notice to surviving spouse and heirs, 37:2 Age requirements, 69:20 Alternate, 30:35 Ancillary administration, 91:16 to 91:24 See also ANCILLARY ADMINISTRATION Antenuptial agreement, 101:10 Appeals by, removal, 82:4 Appointment, Ch 69, SPF 4.5, 2:15, 30:35, 30:169 Acceptance, 69:35 Alternate, 30:35 Claimant may induce appointment, 85:10 Competency, 69:19 Conflict of interest, 69:18, 69:27 Consent, 69:16 Delay, Ch 70, 70:5 to 70:7 Discovery of will after administration of intestate estate commenced, 39:3 Discretion of probate court, 69:14 Forms, 69:34 to 69:38 Hearing, SPF 4.4 Illegal, 53:18 Informal, **53:17** Letters, Ch 69, SPF 4.5, 30:35 See also Letters of administration, and Letters testamentary, this heading Special administrator, 70:8 Minor, 69:12 Next of kin, 69:6, 69:11 Notice. See Notice, this heading

Priority, **69:5 to 69:9** Qualifications, **69:19**

```
EXECUTORS AND ADMINISTRATORS—Cont'd
  Appointment, Ch 69, SPF 4.5, 2:15, 30:35, 30:169—Cont'd
    Refusal, 2:15, 30:35, 69:17, 69:18
       Conflict of interest, 69:27
       Nominee, by, 69:28
       Probate court, by, 69:27
    Renunciation, SPF 4.3, 2:15, 69:16, 69:38
       Surviving spouse or next of kin, by, 69:3
     Revocation due to divorce, dissolution, separation or annulment, 21:85, 41:12,
    Surviving spouse, 69:10
    Transfer, 69:16
  Appraisals by. See INVENTORY AND APPRAISAL OF ESTATES
  Appraisers, appointment by, 2:18, 80:29 to 80:31
  Attorney for, Ch 54, 84:13, 84:14
    See also ATTORNEYS, at Fiduciary, for
    Action on rejected claim, service on, 85:35
    Fees, 81:14 to 81:22
    Presentation of claim to, 85:3
    Purchasing land at own sale, 96:8
    Refusing attorney designated in will, 30:34, 54:1, 54:2, 69:19
  Attorney who drafted will as executor, 30:36, 30:45
  Bodily infirmities not disqualifying, 69:19
  Bonds, Ch 53, SPF 4.2, 2:16, 30:35, 30:36
    See also FIDUCIARIES, at Bond, for general provisions
    Actions on
       Estate, against, 83:3
       Limitation of actions, 53:10
       Successor fiduciary, by, 83:3
    Additional, 2:16, 53:5, 53:14
       Land sale proceedings, 94:6, 94:7, 94:9
    Administrator with will annexed, 2:16
    Art objects, effect on amount, 2:16
    Attorney who drafted will as executor, 30:36
    Distribution prior to estate tax apportionment, 112:19
    Motion to require, 53:36
    Next of kin, 30:36, 30:170
    Payment for estate property by surviving spouse, effect, 21:69
    Personal property deposited in lieu of, 2:16, 53:43 to 53:47
    Real property
       Management, 2:50, 74:1
       Sale, 2:56, 94:6 to 94:10, 95:1
    Reduction, 2:16, 53:41, 53:42
    Securities in lieu of, 2:16, 53:43 to 53:47
    Special administrators, 70:6, 70:7
    Sureties, Ch 53
       See also FIDUCIARIES, at Bond
       Indemnity bond to surety, 53:30, 53:55, 53:56
       Release, 53:48 to 53:50
```

Waiver, 30:170, 30:171, 53:4, 69:2, 69:17

EXECUTORS AND ADMINISTRATORS—Cont'd Business of decedent, continuation by, Ch 73, 2:47 to 2:49, 30:39, 30:174, 30:175, 74:12 to 74:18 Extraordinary service, as, 81:10 Land sale proceeding for expenses, 92:18 Time limit, 4 months, 2:6, 2:47, 2:48, 30:39 Certificate of service of account to heirs and beneficiaries, SPF 13.9 Certificate of termination, SPF 13.6 Filing, 55:9 Claim for allowance, notice, 2:27 Claims against estates, Ch 84, 84:9 See also CLAIMS AGAINST ESTATES Coexecutors, power to nominate, 53:4, 69:2, 69:17 Collection of assets by, 75:29, 75:30, 76:13 Rents. 2:50, 74:2, 74:15, 74:16, 91:11 Common law marriage, surviving spouse as executor or administrator, 69:5 Compensation, Ch 81, 30:40, 30:177 Attachment by creditor, 81:7 Computation, 81:2 Determination by other than percentage, 81:3 Denial, 81:5 Estate tax deduction, 2:78 Explanation to family, 2:2 Extraordinary services, 81:8 to 81:13 Failure to file account, inventory, or report; effect, 55:10 Joint fiduciaries, 81:4 Land sale proceeding, 97:12 Legacy in lieu of, 81:3 Procedure for allowance of, 81:13 Real property Land sale proceeding, 96:20 to 96:26, 97:9, 97:12 Management, 2:50, 74:4 Reduction, 81:5 Renouncing, 30:40, 81:3, 81:12 Special administrators, 70:3 Statutes, 81:8 to 81:13 Successor executors or administrators, 81:1, 81:4 Will establishing, 30:40, 30:177, 81:3, 81:12 Wrongful, interest, 81:6 Competency, 69:19 Concealing assets, Ch 57, 80:45 See also ASSETS OF ESTATES, at Concealed or embezzled Conflict of interest, 69:18 Purchasing land at own sale, 96:8 Contempt of court, embezzlement proceedings, failure to cooperate, 57:2, 57:21 to 57:24 Corporation, nonresident; probate court has no duty to appoint, 30:35 Counsel to, Ch 54 See also Attorney for, this heading; ATTORNEYS, at Fiduciary, for Creditor as, 69:8

EXECUTORS AND ADMINISTRATORS—Cont'd

De bonis non. See Administrators, this heading

Death of, Ch 71, 69:23

Successor cannot bring action, 83:2

Debts owed by testator. See CLAIMS AGAINST ESTATES

Debts owed to testator. See DEBTS OWED TO ESTATES

Decedent died intestate, procedure, 2:15

Declaratory judgments sought by, 6:6 to 6:10, 44:3 to 44:7, 44:50

Discharge upon final account approval, 55:13

Distributees, residuary; bond, 53:11

Distribution of assets by. See ASSETS OF ESTATES, at Distribution

Divorced spouse as, 69:22

Duties. See Powers and duties, this heading

Eligibility, 2:15

Embezzlement of assets, Ch 57, 80:45

See also ASSETS OF ESTATES, at Concealed or embezzled

Estate tax, duties, 111:73 to 111:96

See also ESTATE TAX

Execution of judgment, 90:24 to 90:28

Expenses

See at Expenses

See Compensation, this heading

See ESTATES

Extension of time, application for, 75:29, 75:30

Extraordinary services

Compensation for, 81:3, 81:8 to 81:13

Procedure for allowance of, 81:13

Determination, 81:9

Federal income tax return, duties, 2:90

Fees. See Compensation, this heading

Fines and forfeitures, use of trust funds, 56:4

Foreign, real property, sale by, 91:4

Former representative, suit against, Ch 83

Fraud

Concealment of assets. See ASSETS OF ESTATES, at Concealed or embezzled

Limitation of action, 85:29, 86:2

Orders by probate court, remedies, 2:96, 55:20, 55:21, 55:23, 55:49

Funds

Concealment or embezzlement, Ch 57, 80:45

See also ASSETS OF ESTATES, at Concealed or embezzled

Investment. See Investments by, this heading

Personal use, 56:1 to 56:5

Unclaimed, 33:31 to 33:34, 33:34

Funeral expenses of deceased, payment, 30:65, 30:71, 30:72

Guardianship, eligibility, 30:32, 63:42

Hearing

Accounts, 2:94, 2:95, 55:11 to 55:15, 55:17, 55:46, 55:48

Unborn children, representation, 55:20

Allowance of fees, 81:13

Appointment, SPF 4.4

EXECUTORS AND ADMINISTRATORS—Cont'd Hearing—Cont'd Vacation of order settling account, 55:32 Heirship, petition for proceedings to determine, 3:55 to 3:62 See also HEIRS, at Determination proceedings Insurance company representing, presentation of claim to, 85:3 Insurance trust, payment to, 33:6 Interest in estate, 69:19 Inventory and appraisal. See INVENTORY AND APPRAISAL OF ESTATES Investigation of, 55:35 to 55:38 Forms, 56:10 to 56:13 Investments by, 55:35 to 55:38 Unclaimed funds, Ch 78 Joint executors or administrators, compensation, 81:1, 81:4 Land sale proceeding, 97:12 Land sale proceedings. See LAND SALE PROCEEDINGS Leasing property, power to sell does not confer, 75:2 Legal advertising by. See Notice, this heading Legatees, residuary; as, 53:11 Letters of administration, SPF 4.5, 69:3 to 69:16 De bonis non administrator, issued to, 71:1 Discretion of probate court, 69:14 Priority of appointment, 69:3, 69:5 to 69:9 Probate court jurisdiction, 69:1 Reference list, 69:39 Refusal. 69:27, 69:28 Residence of decedent, effect, 69:4 Statutes, 69:2, 69:3 With will annexed, **69:18**, **69:19** Written acceptance of duties prior to issuance, 69:15 Letters of appointment. See Appointment, this heading Letters testamentary, 30:35, 69:17 to 69:28 Applicant's competency, determination, 69:19 Probate court jurisdiction, 69:1 Written acceptance of duties prior to issuance, 69:26 Liability, 2:15 Business of decedent continued by, 2:46, 30:174, 30:175, 73:1, 73:4, 74:12 to 74:18 Claims against estate, 2:101 Devisee or legatee Dying before contribution made, 49:11 Insolvent, when contribution due estate, 49:1 Distribution of assets, 2:3, 2:101, 76:4 Estate tax, 111:60 Failure to file return, 111:41 Late filing, 112:17 Improper payment of claim against estate, 90:3 Insolvent devisee or legatee, when contribution due estate, 49:1

Land sale proceedings, 91:8

Confirmation of sale, effect, 97:3

```
EXECUTORS AND ADMINISTRATORS—Cont'd
  Liability, 2:15—Cont'd
    Land sale proceedings, 91:8—Cont'd
       Representations concerning, 96:11
       Title not vested in decedent, 93:6
    Limitation, certain powers granted to other persons, 69:3
    Partnership interest, 60:16
       Certificate as notice, 60:16
       Immunity not available, when, 60:17
    Personal property of estate, sale, 75:8
    Special administration, 70:2
    Surviving spouse, to, 2:101, 76:4
    Trust funds, use of, 56:3
    Unclaimed funds of estates, 78:2
  Litigation needlessly provoked by, not entitled to additional compensation, 81:11
  Mansion house, application for transfer by, 2:44, 21:46
  Medicaid
    Recovery program, notice to, 2:15
  Mental capacity lacking, disqualifying, 69:19
  Military service, effect, 58:7
  Mineral rights, powers, 93:1
  Minor as, 69:20
  Mortgages, 74:6 to 74:10
  Newly discovered assets, disposition, 80:8, 80:40
    Reopening estate
       Application, 80:43
       Judgment entry, 80:44
    Report, 80:41
    Regualification of executors and administrators, 80:41, 80:42
  Next of kin as, 69:6
    Nonresidency, effect, 30:35
  Nonresident, 2:15, 30:35, 58:5, 69:4, 69:24
    Extracounty and extrastate proceedings, 91:16 to 91:24
    Retention of assets in decedent's county, 52:3, 69:24
    Service by publication, 4:45 to 4:47
  Notice
    Alien, deceased; for, 69:36
    Appointment, Ch 69
    Apportionment of estate tax, 112:16
    Business of decedent, continuing, 73:2
    Citation to surviving spouse regarding election, 2:35, 21:86, 30:25
    Claim against estate; hearing, 84:2, 84:10, 84:11
    Distribution of assets, 76:2, 76:29
    Filing of account, 55:11, 55:15
       Waiver, 55:17
    Hearing
       Account, 2:94, 2:95, 55:4, 55:11, 55:14 to 55:17, 55:48
       Fees, 81:13
       Inventory, on, 2:23, 80:14, 80:40
       Motion for vacation of order settling accounts, 55:32
```

EXECUTORS AND ADMINISTRATORS—Cont'd Notice—Cont'd Hearing—Cont'd Prior accounts, 55:14 Inventory Hearing on, 2:23, 80:14, 80:40 Notice of hearing by certified mail, 2:23, 80:14 Taking, 80:13 Medicaid assistance, 2:15 Probate Contest of jurisdiction to, 36:6, 36:9 Denial, 37:12, 38:1 Lost, spoiled, or destroyed will, 2:121 Lost, spoliated, or destroyed will, 40:2 Real estate Management, 74:1 Sale of, 2:57, 96:27 to 96:34 Title adversely affected by omission of publication, 69:37 Removal of, 58:18 Spouse, sale of personal property, 2:51, 75:12 Oaths by, inventories, 80:17 Old age not to disqualify, 69:20 Parties defendant. See Actions against, this heading Parties plaintiff. See Actions by, this heading Partition, recovery after, 91:12 Partnership, deceased member's estate, 60:19 to 60:36 Certificate as notice, 60:16 Liability for debt or obligation of partnership, 60:16 Immunity not available, when, 60:17 Penalties, embezzlement of funds, 57:5, 57:25 Permission by court for continuation of business, 2:6, 2:46 Perpetual care grave, authority, 30:72 Personal property See also ASSETS OF ESTATES, at Personal property Sale, Forms, 75:10 to 75:25 Tax returns, Duty to file, 2:89 Tax returns, duty to file, 2:89 Personal use of assets, 56:1 to 56:5 Physical disability, effect, 69:19 Plaintiffs, as, substitute, 92:49, 92:50 Power to nominate, 53:4, 69:2, 69:17 Letters testamentary issued to nominee, 2:15, 30:35, 69:17, 69:18, 69:28 Notice to persons holding Custody of wills, of, 30:55 Denial of admission to probate, 38:1, 38:4 Powers and duties, 30:172 to 30:178 See also particular subject concerned, this heading Abandoned children, proof, 15:51 to 15:56 Acceptance, 69:35 Will contests, during, 72:1 to 72:3

EXECUTORS AND ADMINISTRATORS—Cont'd

Predecessor, action against, Ch 83

Preferred class, 69:14 Presumed decedent's estate, decree vacated, 9:7 Priority, explanation, 2:8 Probate judge not to be, 69:18 Promissory notes, authority to sell, 75:7 Prosecution of decedent's claims, 73:5 Qualifications, 69:19 Competency of applicant, determination, 69:19 Old age not disqualifying, 69:20 Physical debility disqualifying, 69:19 Quiet title action, power to bring, 75:1 Real property See also ASSETS OF ESTATES, at Real property Certificates of transfer Application for, intestate succession, 2:44, 21:46, 21:50 Contracts, completion by, 2:52, 92:36 to 92:39 Management by, Ch 74, 2:50, 91:11 Extraordinary service, as, 81:10 Partition Remaindermen, protection of interest by, 2:104, 76:19, 76:20 Rights of fiduciaries, 93:26 to 93:29 Sale, Ch 91, 92:33 See also LAND SALE PROCEEDINGS Tax payments, Extraordinary service, as, 81:10 Termination of authority to manage, property transferring to heirs, 74:5 Certificate of transfer for record, 74:5 Filing, time for, 74:5 Will directing executor to sell, 74:1 Records and reports Accounting. See Accounts and accounting, this heading Business of decedent, continuing, 73:3 Claims against estate, schedule, 88:2 Insolvent estate, 90:2 Personal property, sale, 75:9 Recovery from distributees after partition, 91:12 Remedy of successor fiduciary, Ch 83 Removal, Ch 58, Ch 82 Antagonistic and adverse interest, **69:19** Appeal, 58:12, 82:4 Application, 82:3 Best interests of estate served by as standard, 58:2, 58:10 Certificate of, SPF 13.6 Conflict of interest, 82:1 Court's discretion, 82:2 Discretion of probate court, 82:2 Failure to execute indemnity bond to surety, 53:30 Failure to furnish additional bond, 53:15 Final appealable order, 82:1

Removal, Ch 58, Ch 82—Cont'd Forms, 58:16 to 58:19, 82:5 to 82:7 Grounds, 58:7, 82:1 Interest of trust demanding, 58:6 Land sale, effect on, 91:8 Moving out of state, 69:4 Not to revive barred claim, 84:1 Special administrator, 70:2 Statutory provisions, 82:1 Wrongful death action, refusing to bring, 12:15, 82:1, 82:3 Rents, application toward estate debts, 91:11 Renunciation, 2:15, 69:38 Surviving spouse or next of kin, by, 69:3 Residency requirements, Ch 52, 2:15, 30:35, 58:5, 69:4 See also Nonresident, this heading Resignation, Ch 58 Restraint of, through declaratory judgment action, 6:6 Rights of successor against former, Ch 83 Sale of assets, authority, Ch 75, 2:51, 30:172 See also ASSETS OF ESTATES, at Sale Application, 75:10 Beneficiary's consent, 75:20 Forms, 65:30 to 66:32, 75:10 to 75:25 Guardian's consent, 75:21 Invalid, remedy of purchaser, 96:9 Private sale, 96:19 to 96:29 Public sale, 96:30 to 96:34 Real estate broker, employment of, 75:22 to 75:25 Real property. See LAND SALE PROCEEDINGS Securities transactions by, not considered extraordinary service, 81:11 Self-dealing, 30:37, 75:8 Separation agreement, 101:10 Service of process on by publication, 4:45 to 4:47 Special administrators, Ch 70, 70:5 to 70:7 Actions by, 70:2 Appointment, 70:1 Probate court, by, 69:14 Bond, conditions, 70:6, 70:7 Compensation, 70:3 **Duties**, 70:2 Nature of office, 70:2 Powers, 70:2 Termination, 70:2 Statements, private sale of property, 65:32, 96:26 Stock, sale by, price, 75:4 Successors Action on rejected claim, 89:8 Appointment, 30:35 Barred claim not received by appointment of, 84:1

EXECUTORS AND ADMINISTRATORS—Cont'd

EXECUTORS AND ADMINISTRATORS—Cont'd Successors—Cont'd Compensation, effect, 81:1 Land sale proceedings, powers, 97:5 Begun by predecessor, substituting for, 92:20 Power to nominate, 53:4, 69:2, 69:17 Sureties. See FIDUCIARIES, at Bond Surviving spouse as Common law marriage, suitability, 69:5 Nonresidency, effect, 30:35 Purchases from estate when acting as, 91:7 Survivorship, multiple fiduciaries, Ch 59 Tax returns, duties Estate tax, 111:37 to 111:42, 111:73 to 111:96 Federal income tax, 2:90 Termination. See Removal, this heading Testimony by, 5:14 Transfer of appointment, 69:16 Traveling expenses, 81:10 Trust company, executor or administrator, as, 30:36, 69:7, 69:21 Trustee, as; bond, 53:2, 53:3 Unclaimed funds, disposition, Ch 78 Forms, 78:4 to 78:9 Unsuitable persons, 69:10 to 69:13 Use of assets by, **56:1 to 56:5** Violations, embezzlement, Ch 57, 80:45 See also ASSETS OF ESTATES, at Concealed or embezzled Waiver of appointment, 69:16 Wills Contests Extraordinary service, as, 81:10 Powers during, 72:1 to 72:3 Standing to bring, 39:5 Notice of custody of, 30:55 Power to nominate conferred in, 53:4, 69:2, 69:17 With will annexed, Ch 71, 30:35, 69:18, 69:19 Appointment, 2:15 Bond, 2:16 Parties, will contests, 39:8 Real property, sale by, 91:7 Witnesses, as, 5:14, 30:45 Wrongful death action, refusal to file, 12:15, 82:1, 82:3 Removal for, 82:5 to 82:7 **EXPENSES**

Generally, see also FEES AND COSTS Court actions. See COURT COSTS

EXPERT WITNESSES

Attorney fees for administration of estates, 81:21 Eminent domain proceedings, 105:30, 105:32

EXPERT WITNESSES—Cont'd

Fees and costs, paternity proceedings, 110:24 Paternity proceedings, 110:24 Fees, 110:24

Will contests, 39:13, 39:15

EXPLOITATION

Aged persons exploited by caretakers Generally, Ch 103 See also PROTECTIVE SERVICES FOR ADULTS

EXPUNGEMENT OF RECORDS

Child's right to, 109:113, 109:154, 109:155 Juvenile offenders, 109:113, 109:154, 109:155 Juvenile records, 109:23

EXTRADITION

Delinquent child, 109:125 Juvenile proceedings, adult offenders, 109:126

EYES

Enucleation Generally, 30:12 See also ANATOMICAL GIFTS, generally

FACT, QUESTIONS OF

See QUESTIONS OF LAW AND FACT

FAITH HEALING

Children, of, 108:11, 109:139, 110:1 to 110:12

FALSE DEMONSTRATION DOCTRINE

Generally, 44:41

FALSE STATEMENTS

Encumbrance of property, 35:6 Fiduciaries, accounting, 55:49 Judgment, relief from, 7:1 Service by publication, 4:45 to 4:47 Tampering with records, wills, 35:6

FAMILY ALLOWANCE

Generally, 2:22, 21:51 to 21:56, 90:12 Application, SPF 7.1 Apportionment, SPF 7.2 Barring spouse from statutory rights, 30:133 Illegitimate child, rights, 21:54, 90:14 Land sale proceeding to pay, 92:9 Mansion house, 90:16 Nonresident decedent, 21:55, 90:15 Preference, 21:51, 90:13 Priority when paying claims against estates, 90:4, 90:12 to 90:16

FAMILY ALLOWANCE—Cont'd

Surviving spouse, 2:22, 21:19, 21:51, 90:1, 90:12 to 90:17, 91:8 to 91:10, 91:12, 91:13, 92:9

Electing to take against will

Effect, 21:19

Relation to, 15:6

Election for the will, Effect, 15:6

Entitled to under descent and distribution statute, 15:6

Intestate share, not included in, 21:51

Net estate, deduction from, 15:6

Uniform Simultaneous Death Act, 21:56

FAMILY IMMUNITY DOCTRINE

Negligence action brought by unemancipated child against deceased parent's estate not barred by, **85:10**

FAMILY OWNED BUSINESS

Estate tax deduction, 111:32

FARMLANDS

Estate tax valuation, 111:90 to 111:92, 111:96

Worksheet for developing the value of qualified farm property (ET-35), 111:91

Specific devise, 30:102

Surviving spouse purchasing estate property, 21:73

FATHERS

Generally, see PARENT AND CHILD

Paternity proceedings. See PATERNITY PROCEEDINGS

Support. See SUPPORT AND MAINTENANCE

FEDERAL ESTATE TAX

Generally, Ch 113

Alternate valuation, 113:7

Apportionment among interested persons, Ch 112, 112:1

See also ESTATE TAX, at Apportionment among interested persons, for general provisions

Equitable, 112:2

Charitable deductions, 113:12

Credits, 113:15 to 113:17

State or foreign death taxes, 112:7

Date of valuation, 113:6

Alternate, 113:7

Deductions, 113:10 to 113:12

Before widow's share computed, 21:24

Charitable, 113:12

Marital, 113:11

Definitions

Gross estate, 113:4

Taxable estate, 113:13

Delinquent payments, 113:19

Disclaimers, 2:91, 113:23

Economic Growth and Tax Relief Reconciliation Act of 2001, 113:1 to 113:22

Exclusion, family-owned business, 113:9

FEDERAL ESTATE TAX—Cont'd

Extension of payment date, 113:19

Family-owned business exclusion, 113:9

Farms, valuation rule, 2:91

Fiduciary's liability, 113:20

Generation skipping transfer tax, 2:91, 113:22

Gifts within three years of death, 2:91

Rate, 113:14

Gross estate, 113:4 to 113:10

Definition, 113:4

Transfers within three years of death, 113:5

Valuation, 113:6, 113:7

Land sale proceeding to pay, 92:10

Liability, effect, 2:61

Fiduciary, 113:20

Used to determine Ohio estate tax, 2:83

Marital deduction, 113:11

Orphan's deduction, 2:91

Payment, 113:19

Liability for, Fiduciary, 112:20

Rate, 113:14

Retirement plan benefits, effect, 2:91

Return, 113:3, 113:18, 113:24

Filing, 2:3, 2:91

Special use valuation, 113:6

Spousal joint property, 113:8

State death tax credit, 113:17

Stock transfer, 2:91

Surviving spouse taking against will, effect, 21:24

Taxable estate, definition, 113:13

Taxpayer Relief Act of 1997, effect, 113:1, 113:4, 113:6, 113:9, 113:12, 113:13,

113:16, 113:19, 113:22

Time for filing return, 113:18

Time for making payment, 2:91, 113:19

Transfers within three years of death, 113:5

Rate, 113:14

Unified credit, 113:16

U.S. treasury bonds, redemption, 113:21

Valuation of estate, 113:7

Alternate valuation, 113:7

Special use valuation, 113:6

Spousal joint property, 113:7

FEDERAL GIFT TAX

Credits, apportionment among interested persons, effect, 112:8

FEDERAL GOVERNMENT

See UNITED STATES

FEDERAL INCOME TAX

See INCOME TAX, FEDERAL

Index-116

FEE SIMPLE ESTATES

See ESTATES, at Fee simple

FEE TAIL ESTATES

Statute limiting, Ch 46

FEE TAIL ESTATES, STATUTE LIMITING

See also STATUTE AGAINST PERPETUITIES

FEES AND COSTS

See also particular subject concerned

Administration of estates. See ADMINISTRATION OF ESTATES, at Expenses

Administrators. See EXECUTORS AND ADMINISTRATORS, at Compensation

Appraisers, 2:18

Attorney fees. See ATTORNEY FEES

Court costs. See COURT COSTS

Dispute resolution, 3:17

Eminent domain, 105:53

Abandonment of proceedings, 105:59

Executors. See EXECUTORS AND ADMINISTRATORS, at Compensation

Genetic tests, paternity proceedings, 110:24

Inventory, hearing on, 80:16

Juvenile courts, 109:126

Mediation, 3:17

Paternity proceedings, 110:24

Probate courts. See PROBATE COURTS, at Fees and costs

FELONIES

Fingerprinting child, 109:21 to 109:24

Juvenile courts. See JUVENILE COURTS

Minor charged with, 107:9

Transfer of case, 109:63 to 109:70, 109:182, 109:185

Photographing child, 109:21 to 109:24

Tampering with will, **50:5**

FEMALES

Artificial insemination, 99:31, 110:22

Juvenile delinquent

See also JUVENILE DELINQUENCY, generally

Trials, 109:49

Widow. See SURVIVING SPOUSE

Wife. See HUSBAND AND WIFE

FIDUCIARIES

See also EXECUTORS AND ADMINISTRATORS; GUARDIANSHIP;

TESTAMENTARY TRUSTEES; TRUSTEES

Absent from state, service on attorney, 54:4

Accounts and accounting, Ch 55, SPF 13.0 to SPF 13.9

Account contents, certificate of service, 55:4

Affidavit proving additional notice of hearing abolished, 2:95

Citation to file, 55:10

Cofiduciaries, 55:5

Filing by surviving fiduciaries, 55:2, 59:4

FIDUCIARIES—Cont'd Accounts and accounting, Ch 55, SPF 13.0 to SPF 13.9—Cont'd Contents, 55:4 Court ordering additional, Accounting, requesting, 55:2 Distribution of assets, report, SPF 13.1, 2:105, 55:7 Exceptions, 55:9, 55:18, 55:19 Claims against estates, 88:9 Trust funds, personal use; statute prohibiting inapplicable, 56:5 Exhibition of assets, 55:6 Filing of account, 55:1 to 55:10, 55:43 to 55:45 Final account, 55:8 Approval, SPF 13.3, 55:13 Hearings, 55:11 to 55:15 Notice, SPF 13.5, 55:15 Prior accounts, notice, 55:16 Unborn children, representation, 55:20 Waiver of notice, SPF 13.7 Jurisdiction, exclusive, 3:14 Mail, filing by, 55:3 Notice Filing, of, **55:11**, **55:15** Hearing on account, of, SPF 13.5, 55:14, 55:15 Prior accounts, hearing on, 55:16 Waiver of notice of filing, SPF 13.7, 55:17 Oath requirement, abolishment, 2:93 Order settling Effect. 55:22 Vacation, 55:23 to 55:34 Prior accounts, 55:16 Hearing, notice, 55:16 Probate court jurisdiction, 55:12 Rejection of improper or incomplete filing, 55:3 Release of surety, application for, 53:33 Removal for failure to provide, 2:92, 58:4 Settlement, SPF 13.3, 55:22 Testamentary charitable trust and qualified community foundation, merger, 2:93 Time for filing, Ch 55, 55:1 Vacation of order settling, 55:23 to 55:34 Burden of proof, 55:33 Contents of motion for, 55:31 Death of party prior to filing motion for, 55:25 Fiduciary making motion for, 55:30 Fraud, 55:23 Good cause shown, 55:26 Liability, limitation of action, 55:28 Notice made solely by newspaper publication, 55:29 Notice of hearing, 55:32 Person not party to proceeding, motion by, 55:26, 55:27 Person under legal disability applying for, 55:24

Verification, 55:5

FIDUCIARIES—Cont'd Accounts and accounting, Ch 55, SPF 13.0 to SPF 13.9—Cont'd Waiver of requirement, 55:9 Wasteful or unfaithful administration, 53:30, 53:55, 53:56 Actions against Limitation. See LIMITATION OF ACTIONS, at Fiduciaries, actions against Personal use of trust funds by, 56:2 Probate court jurisdiction, 3:6 Substitution of judgment doctrine, 56:4 Actions by, 44:50 Appeals. See Appeals by, this heading Will construction, 44:3 to 44:7 See also CONSTRUCTION OF WILLS, at Action for Administrators. See EXECUTORS AND ADMINISTRATORS Agents, nonresident; employing, 52:7 Appeals by, removal, 53:35, 58:12 Appointment, SPF 4.5, 2:15 Defective, Third party's attack on fiduciary's acts prohibited, 53:20 Illegal, 53:18 Informal, 53:17 Refusal, 69:27, 69:28 Will, made in; probate court must appoint, 69:19 Attorney for. See ATTORNEYS, at Fiduciary, for Bond, Ch 53, SPF 4.2 Actions on Estoppel from questioning validity of appointment, 53:19 Limitation, 53:10 Additional, 2:16, 53:5, 53:14 Land sale proceedings, 94:6, 94:7, 94:9 Surety's liability, 53:28 Amount, **53:6** Art objects, effect on amount, 2:16 Conditions, 53:9 Defective, third party's attack on fiduciary's acts prohibited, 53:20 Deposit in lieu of, 2:16, 53:43 to 53:47 Dispensing with, 53:6 Entry approving, 53:51 Surety's liability, 53:28 Exceptions, 53:4 Informal or illegal appointment, effect, 53:17, 53:18 Informality not to void, 53:16 Invalid, when, 53:16 Joint fiduciaries, 53:8 Motion to require, 53:36 New bond, 53:14 Personal property deposited in lieu of, 2:16, 53:43 to 53:47 Reduction, 2:16, 53:7, 53:41, 53:42 Reference list, 53:57 Securities in lieu of, 2:16, 53:1, 53:43 to 53:47 Statutory provisions, 53:1

```
FIDUCIARIES—Cont'd
  Bond, Ch 53, SPF 4.2—Cont'd
    Sureties. Ch 53
       Action against, 53:26
       Application for release, 53:32
       Corporate sureties, 53:23
       Debt made uncollectible by fiduciary's act, liability, 53:27
       Extent and commencement of liability, 53:27
       Fiduciary's application for release, 53:33
       Indemnity bond to surety, 53:30, 53:55, 53:56
       Land sale proceedings, additional; surety's liability, 95:1
       Liability, 53:26, 55:28
       New bond, 53:28
       Personal sureties, 53:22
       Release, 53:24, 53:48 to 53:50
       Statutory requirements, 53:24, 53:25
       Vacation of order setting fiduciary's account, liability, 55:28
    Unknown or nonresident persons, funds of, 33:31, 33:32
    Waiver, 30:170, 30:171, 53:6
  Business of decedent, continuing, 2:47 to 2:49
    Time limit, 4 months, 2:47, 2:48
  Certificate of service, account contents, 55:4
  Certificate of termination, SPF 13.6
  Charitable trusts. See CHARITABLE TRUSTS
  Claims against estates, options, 2:30
  Cofiduciaries
    Accounting, 55:5
    Bond, 53:8
    Removal or resignation, Ch 59
  Compensation
    Denial, grounds, 58:11
    Explanation to family, 2:2
    Failure to file account, effect, 55:10
    Land sale proceedings, 93:4
  Concealing of assets, Ch 57, 80:45
    See also ASSETS OF ESTATES, at Concealed or embezzled
  Conflict of interest, removal, 58:7
  Consolidation, liability of predecessor fiduciaries, 53:29
  Construction of will, action for, 44:3 to 44:7
     See also CONSTRUCTION OF WILLS, at Action for
  Contempt of court, embezzlement proceedings, failure to cooperate, 57:2, 57:21 to
       57:24
  Contracts, liability, 60:15 to 60:18
  Corporate, 30:36
    Transactions of trust assets, 56:6, 56:8
  Counsel to. See ATTORNEYS, at Fiduciary, for
  Custodians for transfers to minors, forms, 13:28
  De bonis non. See EXECUTORS AND ADMINISTRATORS, at Administrators
    Cofiduciary's death, effect on surviving fiduciaries, Ch 59
```

```
FIDUCIARIES—Cont'd
  Death, 53:34—Cont'd
    Passing of title to surviving fiduciary, 59:1, 59:3, 59:5
  Declaratory judgments sought by, 6:6 to 6:10, 44:3 to 44:7, 44:50
    See also DECLARATORY JUDGMENTS, generally
  Deeds executed by, 55:51, 74:18
  Definitions, 3:6
  Deposit and investment of funds by, 56:1
  Discharge upon final account approval, 55:13
  Disclaiming succession to property, 11:3
    Disposition following, 11:18
    Rights not barred, 11:7
    When permitted, 11:1
  Disqualification, grounds, 69:19
  Distribution of assets, 2:99 to 2:107
    Report, 55:7
  Eligibility, 2:15
  Embezzlement of assets, Ch 57, 80:45
    See also ASSETS OF ESTATES, at Concealed or embezzled
  Environmental cleanup costs, liability for, 74:11
  Estate administration, Ch 69
    See also EXECUTORS AND ADMINISTRATORS
    Forms, 69:34 to 69:38
  Federal income tax return, duties, 2:90
  Fees. See Compensation, this heading
  Fines and forfeitures, use of trust funds, 56:2
  Fraud by
    Accounting, 2:96, 55:49
    Grounds for removal, 58:7
    Remedies, 2:96, 55:20, 55:21, 55:23, 55:49
  Funds
    Concealment, Ch 57, 57:19, 80:45
      See also ASSETS OF ESTATES, at Concealed or embezzled
    Deposit, 56:1
    Investment, 56:1
    Personal use, 56:1 to 56:5
    Unclaimed, 33:31 to 33:34, 33:34
  Guardianship
    See also GUARDIANSHIP
    Acceptance, SPF 15.2
  Hearing
    Accounts, 55:11 to 55:15
      Unborn children, representation, 55:20
    Appointment, SPF 4.4
  Identifying tax number, federal, 2:90
  Income tax, federal, estimated tax, 114:13
  Indebtedness to deceased not disqualifying, 69:19
  Inventory. See INVENTORY AND APPRAISAL OF ESTATES, generally
  Investigation of, forms, 56:10 to 56:13
  Investments by. See INVESTMENTS
```

FIDUCIARIES—Cont'd Joint fiduciaries. See Cofiduciaries, this heading Jurisdiction of probate court, 3:6 Land sale proceedings. See LAND SALE PROCEEDINGS Liability, 2:15 Claim, improper payment, 2:32 Environmental cleanup costs, liability for, 74:11 Estate tax Failure to file return, 111:41 Limitation, certain powers granted to other persons, 69:3 Medicaid benefits, maintaining eligibility of, 56:3 Trust funds, use of, 56:3 Mental retardation and developmental disabilities department as, bond, 53:13 Merger, liability of predecessor fiduciaries, 53:29 Military service, effect, 58:7 Misconduct, Ch 56 Named in will, probate court must appoint, 69:19 Nonresident agents, employing, 52:7 Notice Account, filing of, 2:94, 55:11, 55:15 Appointment, hearing on, SPF 4.4 Attorney, 54:3 Contest of jurisdiction to probate, 36:6, 36:9 Election by surviving spouse, 21:2 to 21:12 Hearing on account, 2:94, 2:95, 55:11, 55:14, 55:15, 55:48 Prior accounts, 55:16 Waiver, 55:17, 55:46 Removal, of, 58:9, 58:18 Surety, for release of, 53:49 Vacation of order settling accounts, hearing on motion for, 55:32 Penalties for embezzlement of funds, 57:5, 57:25 Personal property Sale, SPF 9.0 to SPF 9.3 Forms, 65:30 to 66:32 Tax returns, 2:89, 117:6 Personal use of assets, 56:1, 56:1 to 56:5 Plaintiffs, as, substitute, 92:49, 92:50 Power of attorney, 61:46 Powers of appointment, person eighteen or over, 26:2 Probate court Guidance, seeking, 44:1, 44:2 Jurisdiction, 3:6 Probate of wills. See PROBATE OF WILLS, generally Real property, sale See also LAND SALE PROCEEDINGS Forms, 96:19 to 96:26 Records and reports, accounts. See Accounts and accounting, this heading Removal, Ch 58, 58:3 Accounting, failure to provide, 2:92, 58:4 Appeal, 58:12

FIDUCIARIES—Cont'd

Removal, Ch 58, 58:3—Cont'd

Application, written, 58:3 Cofiduciary, effect, Ch 59 Concealing or embezzling assets, 57:4 Court's discretion, 58:10 Failure to execute indemnity bond to surety, 53:30 Failure to furnish additional bond, 53:15 Failure to give bond, **53:33**, **58:4** Appeal, 53:35 Forms, 58:16 to 58:19 Grounds, 58:2 to 58:11 Interest of trust demanding, 58:6 Moving out of state, **52:6**, **58:5** Not to revive barred claim, 84:1 Notice, **58:9** Refusal to remove, grounds, 58:8 Residency requirements, Ch 52, 2:15, 30:35, 58:5 Resignation, Ch 58 Acceptance, 58:1 Cofiduciary, effect, 59:2 Restraint of, through declaratory judgment action, 6:6 Sale of assets See also Personal property, and Real property, this heading Forms, 65:30 to 66:32 Private sale, Forms, 96:19 to 96:26 Public sale. 96:27 to 96:34 Schedule of claims, filing, 88:2 Securities, deposit, 55:42 Self-dealing by, 30:37, 56:6, 56:6 to 56:9, 75:8 Service by publication, 4:45 to 4:47 Special fiduciary, appointment, 3:6 Statements as to private sale of property, 96:26 Statements for private sale of property, 65:32 Stock, transfer to, 55:52 Substitution of judgment doctrine, actions against fiduciary for personal use of trust funds, **56:4** Successor Recovering on bond of predecessor, 53:25 Release of surety on predecessor's bond, 53:34 Transfers to Minors Act, 13:29 to 13:31 Sureties, Ch 53 See also Bond, this heading Survivorship, multiple fiduciaries, Ch 59 Tax returns, duties, estate tax, 111:73 to 111:96, 115:1 Termination, certificate of, SPF 13.6 Testamentary charitable trusts, merger, 2:92 to 2:98, 55:9 Testamentary trustees. See TESTAMENTARY TRUSTEES Testimony by, 5:14

FIDUCIARIES—Cont'd

Transfers to Minors Act, 68:6

Forms, 13:28

Trust company as, 69:7, 69:21

Bond not required, 53:4

Trustees. See TRUSTEES

Unauthorized practice of law, 54:6

Unclaimed funds, 33:31 to 33:34, 33:34

Use of assets by, 56:1 to 56:5

Violations, embezzlement. See ASSETS OF ESTATES, at Concealed or embezzled

Will, appointed in; probate court must appoint, 69:19

Will construction, action for, 44:3 to 44:7

See also CONSTRUCTION OF WILLS, at Action for

Will contest, powers during, 72:1 to 72:3

See also CONTEST OF WILL

With will annexed. See EXECUTORS AND ADMINISTRATORS, at With will annexed

Witnesses, as, 5:14

Wrongful death actions, fiduciaries in foreign states initiating, 12:2

FILING

See particular subject concerned

FINAL ORDERS

Generally, 8:2

See also DECREES; JUDGMENTS

Admission of will to probate not considered as, 2:14, 39:1

Adoption, SPF 18.6, SPF 18.7

Adult, of, SPF 19.1

Eminent domain proceedings, 105:43

Hospitalization of mentally ill, 102:34

Inventory of estate, approval, 80:26

Land sale proceedings, 92:32

Probate of will, 2:14, 39:1

FINANCIAL INSTITUTIONS

See also particular type concerned

Deposits of estate property, transfer and delivery, 111:79 to 111:81

Fiduciaries, as. See FIDUCIARIES, at Corporate

FINDINGS OF FACT

Juvenile court, 109:59, 110:14

Magistrate's decision, 109:49

Reasonable efforts determination, 109:74

Magistrate's decision, juvenile court, 109:49

Permanent custody of minor, prior to, 109:80, 109:81

FINES AND FORFEITURES

See also particular subject concerned

Collection. See EXECUTION OF JUDGMENT

Concealment of assets, penalty, 57:5, 57:25, 57:26

Contest of will or trust, 30:30

FINES AND FORFEITURES—Cont'd

Criminal forfeiture, 109:127

Quantum of proof, 109:128

Juvenile delinquents, traffic offenses, 109:104

Tenants for life, forfeiture, Ch 23

See also LIFE ESTATES, at Waste by tenant

FINGERPRINTS

Juveniles, 109:21 to 109:24, 109:150, 109:151, 110:1 to 110:12

FIREARMS

Youth services department, release of children, 107:88

FIREMEN, ESTATE TAX, EXEMPTIONS

Police and fire pension fund, 111:10

Public safety officers death benefit fund, 111:10

FOOD, NUTRITION OR HYDRATION

Refusal of or withdrawal of consent to under durable power of attorney for health care, **61:33**

Withholding or withdrawal of under living will, 61:33

FORECLOSURE

Estate property, 74:8

Land sale proceedings, priority over, 93:5

Probate court jurisdiction, 3:14

Service by publication, 4:45 to 4:47

FOREIGN CORPORATIONS

Insurance companies. See FOREIGN INSURANCE COMPANIES

Service of process on, 4:21, 4:50

Publication, by, 4:45 to 4:47

FOREIGN COUNTRIES

Aliens. See ALIENS

Children, adoption, 99:6, 99:42, 110:19

Custody proceedings, recognition of decree in Ohio, 110:17

Legacies or devises. See LEGACIES AND DEVISES, at Charitable bequests

Partnerships, filing inventory of deceased partner's share, 60:27

Service of process in, 4:21

Wills. See FOREIGN WILLS

FOREIGN INSURANCE COMPANIES

Service of process on, 4:18

FOREIGN STATES

Custody proceedings, jurisdiction, 110:17

Interstate agreements. See INTERSTATE AGREEMENTS

Residents of. See NONRESIDENTS

Wrongful death actions, fiduciaries initiating, 12:2

FOREIGN WILLS

Admission to probate, 27:11

Admission to record, 91:16, 91:17, 91:19

Full faith and credit, 3:14

FOREIGNERS

See ALIENS; NONRESIDENTS

FORESTRY CAMPS

Juveniles, for, 106:17 to 106:19

FORESTRY CAMPS, JUVENILES, FOR

See also JUVENILE REHABILITATION

FORFEITURE BY WRONGDOING RULE

Hearsay, **5:14**, **44:40**, **57:16** Hearsay, juvenile courts, **109:51**

FORFEITURES

See FINES AND FORFEITURES

FORMS

See also LEGAL INSTRUMENTS

Absent person, trustee for, 33:31 to 33:34

Administrators and executors, 69:34 to 69:39

Adoption, 99:57 to 99:84

Anatomical gifts, 30:12

Ancillary administration, 91:16 to 91:24

Appeals, 8:9 to 8:13

Appropriation of property, 105:61 to 105:82

Assignment for benefit of creditors, 85:45 to 85:61

Births, registration, 99:79 to 99:83

Change of name, 100:10 to 100:16

Minor, 100:11

Claims against estate, 84:9 to 84:11

Complaints, 109:129 to 109:142, 109:132

Death, presumption, 9:9 to 9:12

Deed of gift, 13:28 to 13:31

Designation of heir, 17:1 to 17:7

Disclaimer, 11:24

Emergency guardianship, SPF 17.1A

Eminent domain, 105:61 to 105:82

Estate tax, 111:73 to 111:96

Executors and administrators, 69:34 to 69:39

Federal income tax, 114:11 to 114:14

Fiduciaries, 53:36 to 53:57

Gift, deed of, 13:28 to 13:31

Guardians, management of property of ward, 65:40 to 65:44

Guardianship, emergency, SPF 17.1A

Heir, designation, 17:1 to 17:7

Incompetents, evaluation by counselor, SPF 17.1

Inventory and appraisal, 80:27 to 80:45

Juvenile court, 106:20 to 106:25

Legitimation of child, 17:1 to 17:7

Living will, declaration, 61:57

Marriage, 108:26 to 108:31, 110:26 to 110:31

Medicaid estate recovery program, SPF 7.0

FORMS—Cont'd

Mental health department institutions to use, 102:66

Mentally ill, hospitalization, 102:66

Mentally retarded, institutionalization, 102:66

Name change, 100:10 to 100:16

Minor, 100:11

New trial, 7:7

New trial or to vacate judgment, 7:6

Partners, surviving, 60:19 to 60:36

Paternity, acknowledgment, 19:17

Power of attorney, 61:45

Durable power of attorney, 61:47

Health care, for, 61:49 to 61:54

Financial matters. 61:46

Short, attestation, 61:45

Springing power of attorney, 61:48

Presumption of death, 9:9 to 9:12

Probate court, general forms, 3:18 to 3:30, 3:31 to 3:52

Real property, transfer, 92:35

Application for certificate of transfer, filing of, 2:121, 92:33

Standard probate forms, SPF 1.0 to SPF 22.4

Stock, reissuance of certificate, 75:31 to 75:35

Summons, 109:10

Surviving partners, 60:19 to 60:36

Surviving spouse, service of citation to elect, waiver, SPF 8.6

Transfer of real property, 92:35

Transfers to Minors Act, 13:28 to 13:31

Trust provisions in will, 30:216 to 30:264

Trustees, absent persons, for, 33:31 to 33:34

Trusts, 30:60 to 30:265

Vacating judgment, 7:7

Wills, 30:60 to 30:265

Procedure on, 37:5 to 37:17

Wrongful death claims, 12:24 to 12:29

FOSTER HOMES

Adult facilities, aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Long-term foster care, 109:82

Permanent custody of abused, neglected, or dependent children

Long-term foster care as alternative to, 109:80, 109:81

Planned permanent living arrangement, 109:82

Placement of children in, 109:172

Planned permanent living arrangement, 109:82

School district requesting removal of foster child who disrupts educational process, juvenile court jurisdiction, 107:1

FOUNDATIONS

See CHARITABLE INSTITUTIONS; CHARITABLE ORGANIZATIONS; CHARITABLE TRUSTS

FRANCHISE TAX

See PERSONAL PROPERTY, TAXATION

FRANKLIN COUNTY

See COUNTIES, generally

Court of common pleas. See COURTS OF COMMON PLEAS, generally

FRAUD

See also FALSE STATEMENTS

Adoption, effect on, 99:51

Conveyances. See FRAUDULENT CONVEYANCES

Encumbrance of property, 35:6

Executors and administrators. See EXECUTORS AND ADMINISTRATORS, at Fraud

Fiduciaries. See FIDUCIARIES, at Fraud by

Gift causa mortis, effect, 14:3

Inter vivos gift, effect, 13:12

Judgment, relief from, 7:1

Service by publication, **4:23**, **4:45** to **4:47**

Statute of frauds. See STATUTE OF FRAUDS

Tampering with records, wills, 35:6

Testamentary capacity, 26:11 to 26:14

Wills, 26:11 to 26:14

Distinguished from undue influence, 26:11

Effect, in, 26:14

Execution, 26:12, 26:13

Inducement, 26:13

Tampering with, 35:6

FRAUDULENT CONVEYANCES

Generally, 35:6

Decedent, by; common pleas jurisdiction, 91:13

Disclaimer of succession to property as, when, 11:1

Land sale proceedings. See LAND SALE PROCEEDINGS, at Fraudulent conveyances

FREEWAYS

See HIGHWAYS AND ROADS

FULL FAITH AND CREDIT

Legitimation proceedings, 19:3

FUNDS

Gifts. See GIFTS AND GRANTS

Investments. See INVESTMENTS

Public

Accounts and accounting. See ACCOUNTS AND ACCOUNTING, generally

General revenue fund, Escheat, proceeds from, 15:43, 24:2, 92:28

Unclaimed. See UNCLAIMED FUNDS

FUNERALS AND BURIALS

See also CEMETERIES

Arrangements for burial, 30:13, 30:265

Body, disposition, 30:13, 30:265

Index-128

FUNERALS AND BURIALS—Cont'd

Claims against estate, 2:25, 90:4

Arising subsequent to death, 90:4, 90:7

Order of payment, 90:4, 90:7

Executors and administrators, duties, 30:64 to 30:70

Expenses, 2:25, 90:4, 90:7 to 90:11, 92:7

Expenses

Claim against estate for, time limitation when executor acted as funeral director, 84:5

Claim arising subsequent to death, 90:4, 90:7

Estate tax deduction, 2:78

Executors and administrators, duties, 2:25, 82:3, 90:4, 90:7 to 90:11, 92:7

Land sale proceeding to pay, 92:7

Surviving spouse, reimbursement, 21:82

Land sale proceedings for, 92:7

Will, arrangements stated in, 30:13

Wrongful death, reimbursed from damages, 12:6

Goods and services, 30:265

Instructions, 30:13

Preneed funeral contracts, 90:4, 90:7

Rights to custody of spouse's dead body, 21:83

Wills, arrangements specified in, 30:64 to 30:70

FUTURE INTERESTS

Generally, Ch 10

Actions involving, 4:30, 33:38, 33:39

Service by publication, 4:45 to 4:47

GARNISHMENT

Administrator's compensation, by creditor, 81:7

Election against will, contempt; for, 21:32

Executor's compensation, by creditor, 81:7

Juvenile delinquency proceedings, contempt, 109:49

GENERATION SKIPPING TRANSFERS AND TRUSTS

Generally, 2:90, 30:10, 113:22

Apportionment among interested persons, 112:14

Forms, 30:208 to 30:210

Pour-over wills, 30:209, 30:210

Returns, 111:77, 113:24

Spendthrift provisions, effect on exclusion, 33:10

Wife's pour-over to her generation-skipping trust or all to husband, otherwise to husband's generation-skipping trust, **30:210**

GENETIC TESTS

Contempt for failure to submit to, 19:3, 19:9

DNA testing of juvenile delinquents, 108:5, 110:24

Juvenile offenders, of, 19:10

Paternity proceedings, 18:2, 19:7, 19:9, 110:24

Deceased father, on, 19:10

Retrospective application of law, 19:6

GIFTS AND GRANTS

See also CHARITABLE TRUSTS; LEGACIES AND DEVISES

Advancements from estates, forms, 30:79 to 30:83

Anatomical gifts, declaration of, power of attorney, 61:37

Anatomical gifts. See ANATOMICAL GIFTS

Bequests. See LEGACIES AND DEVISES

Causa mortis, Ch 14

See also GIFTS CAUSA MORTIS

Class

Deceased members, effect of anti-lapse statute, 47:4

Rules of construction for gift to, 44:16

Equally share and share alike, 44:16, 44:33, 47:4

Counties, to, 13:3, 44:43

Definitions, 13:1

Devises. See LEGACIES AND DEVISES

Disclaimer of succession to. Ch 11, 11:24

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Endowment fund, use of income only, form, 30:156

Expectation of death, made in, Ch 14

See also GIFTS CAUSA MORTIS

Gift causa mortis. See GIFTS CAUSA MORTIS

Gifts inter vivos. See INTER VIVOS GIFTS

Governmental grants. See APPROPRIATIONS

Guardians, by, 65:22

Illegitimate child, right to take when testamentary gift to children, 18:6

In contemplation of death. See GIFTS CAUSA MORTIS

In terrorem clause, 30:30

Incompetent, from, 64:5

Inter vivos. See INTER VIVOS GIFTS

Legacies. See LEGACIES AND DEVISES

Limitation in will, 30:23

Minors, to, 68:6

Forms, 13:28

Mortmain statute. See LEGACIES AND DEVISES, at Charitable bequests

Municipal corporations, to, 13:3

Religious organizations, to; stated in will, 30:14

Tax. See FEDERAL GIFT TAX

Townships, to, 13:3

Transfers to Minors Act, 68:6

Forms, 13:28

Trusts incorporated to receive. See CHARITABLE TRUSTS

GIFTS CAUSA MORTIS

Generally, Ch 14

Acceptance by donee, 14:1

Apprehension or expectation of death as prerequisite, 14:1, 14:15

Bank accounts, 14:8, 14:18

Bonds, 14:6

Capacity of donor, 14:2

Checks drawn on donor's account, 14:5

Index-130

GIFTS CAUSA MORTIS—Cont'd Constructive delivery, 14:12 Creditor's rights, 14:17 Death as prerequisite, 14:1, 14:16

Defeasible until donor's death, **14:16**

Definitions, 14:1

Delivery, 14:1, 14:11 to 14:14

Constructive, 14:12 Symbolic, 14:12

Third person, to, 14:13

Donors

Capacity, effect, 14:1, 14:2

Relinquishing control, necessity for, 14:14

Revocation by, 14:16

Elements, 14:1, 14:4, 14:8

Estate tax, 2:71

Evidence, 14:1, 14:4, 14:8

Fraud, effect, 14:3

Life insurance as, 14:9

Mortgages, 14:6

Notes, 14:6

Payable on death accounts, 14:18

Personal note of donor, 14:5

Personal property only, 14:4 to 14:10

Revocation, 14:16

Setting aside, grounds, 14:3

Symbolic delivery, 14:12

Transfer-on-Death Security Registration Act, 14:19

Trust, 14:10

Undue influence, effect, 14:3

United States government bonds, 14:7

Written obligations, 14:6

GIFTS INTER VIVOS

See INTER VIVOS GIFTS

GRAND JURIES

Juvenile proceedings with adult defendants transferred to, 110:7

GRANDCHILDREN

Legacies and devises, 30:110

GRANDPARENTS

See also NEXT OF KIN

Adoption, by, 99:8

Descent and distribution, 15:21 to 15:25, 15:33 to 15:35

Lack of, 15:39 to 15:41

Lineal descendants, 15:44 to 15:50

Power of attorney

Caretaker authorization affidavit, grandparent and grandchild, 61:11

Visitation rights, 99:3, 99:21, 110:15, 110:21

Wards, 65:20

GRANDPARENTS—Cont'd

Wrongful death action against insurance company, 12:1

GRANTS

See GIFTS AND GRANTS

GRAVES AND GRAVEYARDS

See CEMETERIES

GUARDIANS

See GUARDIANSHIP

GUARDIANS AD LITEM

Account, approval, 66:35

Actions by, 109:46

Adoption proceedings, 99:4, 99:27

Appointment, 3:6, 4:30, 33:38, 33:39, 66:18, 109:46

Forms, 66:30 to 66:35

Counsel for ward, as, 109:46

Distinguished from guardian of estate or person, 66:21

Eminent domain proceedings, 105:19

Guardian of estate or person distinguished from, 66:21

Legitimation proceedings, 19:2

Permanent custody hearing, report submitted at, 109:80, 109:81

Powers and duties, 109:46

Unborn children, appointed for, 4:30, 33:38, 33:39

Withdrawal, 109:46

GUARDIANSHIP

Generally, Ch 65, SPF 15.0 to SPF 17.5

See also FIDUCIARIES, for general provisions

Accounts and accounting, Ch 55, SPF 15.8, 3:6, 65:21, 67:11

See also FIDUCIARIES, at Accounts and accounting, for general provisions

Court investigators, appointment, 63:52

Exceptions to requirement, 55:9

Filing, 55:1 to 55:10, 65:5

Failure to file, removal of guardian for, 65:6

Final account, Termination of guardianship, 67:11

Forms, 65:34 to 65:38

Resident guardian of nonresident ward, by, 65:73 to 66:76

Termination, 67:11

Time for filing, 55:1

Waiver, SPF 13.0, 2:92, 55:9, 55:39

Actions against guardian, 66:14 to 66:16

Service by publication, 4:45 to 4:47

Actions by guardian, Ch 66

Divorce action continuation, 66:8

Incompetent, for, 66:10 to 66:13

Juvenile proceedings. See JUVENILE COURTS, at particular subject concerned

Leasing authority of guardian, 65:61 to 66:68

Majority of ward, effect, 66:5

Nonresident ward, 66:17

```
GUARDIANSHIP—Cont'd
  Actions by guardian, Ch 66—Cont'd
    Party defendant, 66:14 to 66:16
    Personal injury claims, Forms, 66:25 to 66:29
    Powers and duties, 63:13
    Real property
       Improvements, 65:61 to 65:68
       Sale, 92:44, 98:2 to 98:7
    Representation of ward as plaintiff, 66:10 to 66:13
    Settlement, 66:22
       Attorney fees, 66:23
    Substitution of guardian, 66:9
    Survival of action, 66:5 to 66:8
    Termination of guardianship, effect, 66:6
    Ward as necessary party, 66:14
  Ad litem. See GUARDIANS AD LITEM
  Administrators as, 30:32, 63:42
  Adult wards, alternatives to, 68:7
    Adult protective services, 68:7
    Institutionalization, 68:7
    Power of attorney, 68:7
  Affidavit, SPF 16.1
  Agents, employment of, 65:14, 65:22
  Alternatives to, Ch 68
    Adult protective services, 68:7
    Adult wards, 68:7
    Gifts, 68:6
    Institutionalization, 68:7
    Power of attorney, 68:7
    Testamentary trust, 68:2
  American Indians, 63:33
  Amount less than $10,000, termination of guardianship, 67:21, 67:22
  Anatomical gifts, consent, probate court's powers, 65:11
  Appeal
    Appointment, 63:65 to 63:68
    Termination, from, 63:65 to 63:68, 67:1
  Application for appointment. See Appointment, this heading
  Appointment, Ch 63, 3:14, 63:81
    Appeal, 63:65 to 63:68
    Application, SPF 16.0, SPF 17.0, 63:14 to 63:22, 63:79 to 63:86, 63:80
       Contents, 63:17
       Hearing, 63:20
       Interested party, 63:16
       Investigation by court, 63:19
       Venue, 63:15
       Who may apply, 63:16
    Best interests of minor, 63:59
    Choice of minor, 30:32, 63:51
    Court discretion, 63:53
    Definitions, 63:1 to 63:13
```

```
GUARDIANSHIP—Cont'd
  Appointment, Ch 63, 3:14, 63:81—Cont'd
    Hearing, SPF 15.1
    Improper, incompetent person, 67:1
    Incompetent, for, SPF 17.5
    Jurisdiction, 63:34, 67:1
    Life support termination, for, 63:44
    Minors, for, SPF 16.5
    Nonresidency, effect. See Nonresidency, this heading
    Nonresident next of kin, powers, 64:4
    Nonresident ward, 63:29, 98:21
    Notice, Ch 64, 63:70-63:72, 63:79, 63:80
       Application, of, 63:18
       Improperly given, termination of guardianship, 67:1
    Oath, SPF 15.9
    Probate court, by, 110:13
    Residency requirement, 63:15
    Selection by minor ward, 63:51
    Statutory provisions, 63:55 to 63:60
    Venue, 63:15
    Will, by, 30:32, 30:180 to 30:184, 63:24, 63:24 to 63:26
       Revocation, 21:85, 41:12
  Assets of estates
    Settle and adjust, duty to, 63:13
  Assets of estates, consent to sale of, 75:21
  Attorney fees. 65:71, 65:72
    Infants in personal injury actions, assistance to guardian, 3:6, 65:28
    Termination, upon, 67:12
  Attorney-client privilege, waiver, 66:2
  Attorneys for guardians of minors, prohibitions, 30:32, 65:26
  Autopsy or post-mortem, consent, 62:44:1, 65:12
  Bank certificates, SPF 15.81
  Best interests of ward, representing, 66:10 to 66:16
  Biennial report, 63:76, 65:7
  Bond, Ch 53, SPF 15.3, 63:22, 63:73, 63:82 to 63:85
    Action on, limitation, 53:10
    Additional, land sale by guardian, 98:16
    Exemption, 2:16, 53:4, 61:9, 63:22
    Mortgage in lieu of, 53:1, 53:31
    Real property sale by, 2:56, 94:6 to 94:10, 95:1, 98:16
    Sureties
       See also FIDUCIARIES, at Bond
       Additional bond for land sale by guardian, liability, 98:16
    Waiver in nomination, 63:22
    Waiver or reduction, 53:4
  Bond of, 63:74, 63:75
  Business of ward, operation, 65:22
  Captions, 3:19
  Caretaker authorization affidavit, grandparent and grandchild, 61:11
  Claims against estate or trust, forms, 66:25 to 66:29
```

GUARDIANSHIP—Cont'd

Compensation, 65:27, 65:69, 65:70

Sale of land by, 98:5, 98:20 Commission, 96:20 to 96:26 Consent Adoption, to, 99:34, 99:38 Marriage of minor ward, to, 108:20, 108:27 to 108:30, 110:20, 110:27 to 110:30 Not given or improperly given, effect, 67:1 Sale of real property, 91:7, 92:42, 98:2, 98:12 Conservatorship, 63:64 Liability, 63:69 Contracts, ratification by, 66:24 Contracts by ward, ratification by guardian, 65:24 Corporation as, 30:32, 30:183, 63:41 Residency requirements, 63:41 Costs, 63:46 to 63:50 Criminal proceedings involving ward, powers, 65:15 Death, 67:1 Sale of land, effect, 98:7 Declaratory judgments sought by, 6:6 See also DECLARATORY JUDGMENTS, generally Defendant, guardian as, **66:14**, **66:15** Definitions, 63:1 to 63:13 Deposit of funds, 65:21 Determining need for guardian, 63:35 Disclaimer of succession to property, Ch 11 See also DISCLAIMER OF SUCCESSION TO PROPERTY Divorce of incompetent ward, determination of competency to testify, 66:11 Dower interest of ward, 65:81 to 66:84, 98:13 Eligibility, 30:32 Emancipation of ward, settlement of claims, 68:12 to 68:17 Emergency guardian, SPF 17.1A, 63:7, 63:63 Endangering children, 109:139 See also ENDANGERING CHILDREN Estate, of, 65:21 to 65:26 Accounting, waiver, SPF 13.0, 2:92, 55:39 Corporation as guardian, 30:32, 30:183 Marriage of ward, effect, 67:1 Nonresident ward, 63:29, 65:73 to 66:76 Powers and duties, 63:13 Valued under \$10,000, **68:8 to 68:11** Termination, 67:2, 67:6 Waiver when annual payments under \$5000, 68:4 Executor as, 30:32, 63:42 Expenditure of funds Application, SPF 15.7, 65:33 Approval by probate court, **65:22** Expert evaluation, 63:77 Fees. See Compensation, this heading

GUARDIANSHIP—Cont'd Fiduciaries See also FIDUCIARIES, for general provisions Acceptance, SPF 15.2 Fiduciary relationship, 65:1 Funds Deposit upon termination of guardianship, 68:8 to 68:11 Investment powers, 55:35 to 55:38 Forms, 65:40 to 65:44 Gifts made by, 65:22 Health care treatment for ward, authorizing, 65:9 Hearings Appointment, SPF 15.1 Termination, on; ward's presence, 63:20 Home for ward, purchase, forms, 65:40 to 66:44 Incompetent, of See also Mentally ill persons, for, and Mentally retarded persons, for, this heading Action for, 66:7, 66:10 to 66:13 Appeal from selection, 63:65 to 63:68 Appointment, SPF 17.5 Defined, 63:1 Divorce action, guardian may not file for ward, 66:11 Dower interest, 98:13 Estate valued under \$10,000, Termination, 67:2, 67:6 Expert evaluation, SPF 17.1 Least restrictive alternative, 67:9 Minor children of ward, guardian for, 63:31 Notice of hearing, SPF 17.3, SPF 17.4 Payment or delivery of estate without appointment of guardian, 68:8, 68:9 Presumption when adjudicated as incompetent, 67:7 Restoration to competency, 67:8 Revocation of inter vivos trust, 66:12 Service, 64:3 Civil action, in, 66:3 Settlement of injury claims involving, 65:16 Standard of proof, 67:7 Surviving spouse as, election by guardian, 21:71 Termination, 67:4 to 67:9 Application of ward, on, 67:5 Initiating proceedings, 67:5 Necessity no longer exists, 67:4 Restoration to sanity, as determination of, 67:8 Test of competency, 67:7 Injury to minor, settlement, SPF 22.0 to SPF 22.4 Injury to ward, settlement, setting aside, 7:2 Inter vivos trust of ward, guardian revoking, 66:12

Interim guardian, 63:6, 63:62 Inventory, SPF 15.5, 65:21 Forms, 65:34 to 65:38

```
GUARDIANSHIP—Cont'd
  Inventory, SPF 15.5, 65:21—Cont'd
    Inventory, filing, 65:4
       Failure to file, removal of guardian for, 65:6
  Investigation, mortgages, 65:49 to 66:52
  Investigator's report, SPF 17.8
  Investment powers, 55:35 to 55:38, 65:21, 65:40 to 66:44
  Involuntary
    Mental examination, 64:1
    Standards, 64:1, 67:1
  Joint, death of, 67:1
  Jurisdiction, 63:14, 63:34
    Life support removal, 3:12, 61:28, 65:9
    Termination, 63:60
  Juvenile courts, jurisdiction, 63:34
  Land sale by. See Sale of land by, this heading
  Leases, 65:61 to 66:68
  Letters of, SPF 15.4, 63:22, 63:85, 67:1
  Liability, personal, 63:69
  Life support removal, 3:12, 61:28, 63:44, 65:9
  Life-prolonging treatment, consent, 65:9
  Limited guardian, 63:5, 63:61
  Loans, 65:45 to 66:60
  Loyalty, duty of, 65:1
  Marriage of ward
    Consent, 108:20, 108:27 to 108:30, 110:20, 110:27 to 110:30
    Effect, 67:1
  Medical decisions, 3:12, 61:28, 65:9, 65:10
  Mentally ill persons, for, 3:6
    See also Incompetent, this heading
    Abuse or exploitation, probate courts information to law enforcement agencies,
         65:29
    Caption, 3:19
    Divorce of ward, determination of competency to testify, 66:11
    Examination, 63:45
       Advance deposit, 63:50
       Person adjudged competent, costs, 63:48
       Person adjudged incompetent, costs, 63:47
    Expert evaluation, SPF 17.1
    Termination of guardianship, 67:1, 67:19, 67:20
  Mentally retarded persons, for, 3:6
    See also Incompetent, this heading
    Expert evaluation, SPF 17.1
    Termination of guardianship, 67:1, 67:19, 67:20
  Methods for alternatives to, 68:1
  Mineral rights. See MINERAL RIGHTS, at Guardians
  Minor, of, 63:79 to 63:86
     Abuse or exploitation, probate courts referring information to law enforcement
         agencies, 65:29
    Adoption, consent to, 99:34, 99:38
```

Age of choice, 63:51, 67:10 Age of majority, termination, 67:10 Alternatives to, Ch 68 Gifts, 68:6 Testamentary trust, 68:2 Appeal from selection, 63:65 to 63:68 Appointment, SPF 16.5 Attorneys for guardians of, prohibitions, 30:32, 65:26 Best interests of minor, standard in selecting guardian, 63:59 Caption, 3:19 Chief medical officer, 102:64 Corporation as guardian of estate only, 63:41 Death of guardian, 67:1 Designation by parent in a power of attorney or writing, 63:54 Endangering, 108:17, 109:139, 110:17 Estate valued under \$10,000 Delivery of assets to agency providing protective services, 67:2, 67:6 Termination, 67:2, 67:6 Good cause Termination, 67:2 Hospitalization, mentally ill, 102:64 Investigator, appointment, 63:52 Jurisdiction, 63:56 Juvenile court jurisdiction, 63:34 Liability for acts of, 65:18 Marriage, consent to, 108:20, 108:27 to 108:30 Mentally ill, Hospitalization, 102:64 Mentally ill, hospitalization, 102:64 Notice of hearing, SPF 16.3, SPF 16.4 Payment or delivery of estate without appointment of guardian, 68:10, 68:11 Personal injury settlements, 66:25 to 66:29 Selection by, SPF 16.2, 30:32, 63:45, 63:58 Service, 64:2 Civil action, 66:4 Settlement of injury claims involving, 65:16 Statutory provisions, 63:51 to 63:60 Successor guardians, 67:10 Termination, 67:10 Forms, 67:15 to 67:18 Veterans guardianship law, effect, 63:32 Will, selection by, 63:24, 63:24 to 63:26 Mortgages, 65:45 to 66:60 Investigation, 65:49 to 66:52 Negligence, immunity from prosecution, 66:20 Next of kin, SPF 15.0 Nomination, Ch 63, 61:46

GUARDIANSHIP—Cont'd

Minor, of, 63:79 to 63:86—Cont'd

GUARDIANSHIP—Cont'd Nonresidency Guardians, of, 2:15, 30:32, 58:5, 58:7, 63:30 Collection of money by, 65:73 to 66:76 Payment of money to, 65:22, 98:22 Sale of realty for foreign ward, 98:22 Service by publication, 4:45 to 4:47 Wards, of, 63:29, 64:4, 65:73 to 66:76 Actions filed or defended by guardian, 66:17 Notice Application to determine emancipation, 68:16 Appointment Improperly given notice, termination of guardianship, 67:1 Incompetent, for, 63:70 to 63:72, 64:3 Minor, for, 63:79, 63:80, 64:2, 64:3 Contents, 64:1 Effect, 64:5 Hearing Incompetent, SPF 17.3, SPF 17.4 Minors, SPF 16.3, SPF 16.4 Incompetent Appointment, 63:70 to 63:72, 64:3 Termination, 67:16, 67:17 Appointment, 63:79, 63:80, 64:2 Termination, 67:16, 67:17 Mortgage, of, 65:47 Nonresident ward, 64:4 Real estate, Sale of, 2:57, 96:27 to 96:34 Termination of guardianship, 67:1, 67:16, 67:17 Waiver, SPF 15.1, 64:6 Oath of guardian, SPF 15.9 Objections by ward to guardian's authorizing of health or professional care, 65:10 Operation of, Ch 65 Payable on death accounts, 65:23 Person, of, powers and duties, 65:8 to 65:26 Personal injury settlements, forms, 66:25 to 66:29 Personal property Sale, Forms, 65:30 to 66:32 Transactions, Forms, 65:30 to 66:32 Personal property, inventory, 63:13 Persons who may serve, 63:40 Physician-patient privilege, 5:8 Waiver, **66:2** Physician's certificate, SPF 17.1 Plaintiffs, guardians as, substitute, 92:49, 92:50 Power of attorney Caretaker authorization affidavit, grandparent and grandchild, 61:11 Effect when guardian appointed for principal, 61:9 Nomination of guardian, 61:46

GUARDIANSHIP—Cont'd Power of attorney—Cont'd Person nominated for as guardian also, 58:5, 61:9, 63:23 Powers and duties, **65:1 to 65:6** Bring suit on behalf of ward, 63:13 Defend all suits against ward, 63:13 Assets, settling and adjusting, 63:13 Biennial report, filing, 65:7 Bring suit on behalf of ward, 63:13 Collect all debts due to ward, 63:13 Compound doubtful debts, 63:13 Debts, 63:13 Estate, of, 63:13, 65:21 to 65:26, 65:40 to 66:44 Forms, 65:30 to 66:32 Guardian of the person, 63:12 Home for ward, purchase, 65:40 to 66:44 Inventory, 63:13, 65:4, 65:5 Loyalty, duty of, 65:1 Payment of debts, 63:13 Person, of, 65:4 to 66:26 Probate court orders, 63:13 Probate courts, jurisdiction, 3:6, 3:14, 63:34, 67:1 Safety deposit boxes, prohibition against opening, 63:13 Collect all debts due to. 63:13 Compound doubtful debts, 63:13 Defend all suits against, 63:13 Pay just debts from estate, 63:13 Powers and duties of guardian of the person, 63:12 Pre-existing, 63:40 Probate courts Jurisdiction, 3:6, 3:14, 63:34, 67:1 Powers and duties, 3:2, 65:21 to 65:26 Proceedings, 63:34 to 63:49 Burden of proof, 63:36 Costs, 63:46 to 63:50 Determining need for guardian, 63:35 Hearings, 63:39 Investigators, role of, 63:45 Jury, use of, **63:37** Least restrictive alternative, 63:38 Physicians, role of, 63:45 Who may serve, 63:40 Professional care for ward, authorizing, 65:9 Ratification of contracts by, 66:24 Real property Appraisal, 65:63 to 66:65 Sale of property, 2:56, 92:45, 92:48, 94:4 to 94:10 Improvements, 65:61 to 66:68

GUARDIANSHIP—Cont'd Real property—Cont'd Leases, 65:61 to 66:68 Mortgages, 65:45 to 66:60 Sale of. See Sale of land by, this heading Real property inventory, 63:13 Records and reports, SPF 17.7 Accounts. See Accounts and accounting, this heading Biennial report, 63:76 Investigator's report, SPF 17.8 Lease and improvement of real property, 65:65, 65:67 Mortgages, 65:51, 65:52, 65:54 to 66:60 Release of ward's funds, application, SPF 15.6 Removal of guardian, 3:6, 3:14, 63:13, 65:6 Appeal, 58:12, 63:65 to 63:68 Contested by guardian, 67:1 Grounds, 58:7, 67:1 Jurisdiction of probate court, 67:1 Moving from county or state, 52:5 Nonresident ward, 65:77 to 66:80 Residency requirements, 30:32, 52:4, 63:30 See also Nonresidency, this heading Appointment, 63:15 Corporation as guardian, 63:41 Ward, 63:28, 63:29 Resident guardian, 63:4 Safe deposit boxes, 63:13 Disposition of contents, 65:21 Opening, 65:37, 65:38 Sale of land by, Ch 98, 92:33 to 92:3 Action to obtain authority for, 98:2 to 98:7 Appraisal, 2:56, 92:45, 92:48, 94:4 to 94:10, 98:15 Appraisers, Appointment, 98:15 Bond, 98:16 Commencement of action, 98:9 Compensation, 98:5, 98:20 Complaint, 92:1, 92:44, 92:47 Confirmation, 98:17 Consent to or demand for, 98:2 Death of guardian, effect, 98:7 Death of ward, effect, 98:6 Debts of ward, for, 98:2 Deed, 98:17 Deferred payments, 98:18 Dower interest, 65:81 to 66:84, 98:13 Education of ward, for, 98:2 Entire interest included, when, 98:5 Equitable interest, 98:5

Proceeds distributed for, 98:19, 98:20

Expenses

GUARDIANSHIP—Cont'd Sale of land by, Ch 98, 92:33 to 92:3—Cont'd Expenses—Cont'd Realtor's commission, 98:20 Foreign guardian, by, 98:22 Fractional interest, 92:46, 92:48, 98:5 Compensation of guardian, 98:20 Invalid, remedy of purchaser, 96:9 Joint wards, 98:4 Legal interest, 98:5 Liens Discharge, 98:2 Release, 98:14 Mortgages, 98:14 Release, 98:14 Notice of sale, 2:25, 96:27 to 96:34 Parties to actions, 98:10 Platting, 98:3 Pleadings and procedure, Ch 92, 93:21 Private, Forms, 96:19 to 96:26 Proceeds, 98:19 Public, 96:27 to 96:34 Purposes, 98:2 Realtor's commission, 98:20 Release and satisfaction of liens, 98:14 Security for deferred payments, 98:18 Several wards' interests joined, 98:4 Specific devise, 97:7 Statutory provisions, 98:1, 98:2 Successor guardian, by, 98:7 Summary proceeding, 98:8 Taxes, distribution of proceeds for, 98:19 Terms of sale, 98:18 Value of property less than \$3000, 98:8 Venue of action, 98:11 Nonresident ward, 98:21 Waste, property suffering, 98:2 Sale of property, 65:22 Schools and school districts, guardian's residence determining ward's residence, 65:19 Serve, who may, 63:40 Service Incompetent, action involving, 66:3 Minor, action involving, 66:4 Service of process on guardian Incompetent person, 4:7, 4:29 Minor, waiver, 4:34 Publication, by, 4:45 to 4:47 Settlement for minor, SPF 22.0 to SPF 22.4 Setting aside, 7:2

GUARDIANSHIP—Cont'd Settlement of claims Injury claims, 65:16 Without appointment of, 68:12 to 68:17 Spouse as guardian, 63:43 Substitution, 66:9 Successor, 67:10 Appointment, 30:32 Provided in will, 30:32 Sale of land by, 98:7 Suits, duty to defend, 63:13 Summary proceeding, sale of land by guardian, 98:8 Support, 65:17 Support and maintenance of ward, 65:8 Monies paid to ward, 68:2 to 68:6 Surety bond. See Bond, this heading Surviving parent not chosen, 63:53 Appeal, 63:65 to 63:68 Surviving spouse, purchase for, 21:71 Taxes of ward, preparation and filing, 65:21 Termination Accounting, 67:11 Age of majority, 67:10 Amount less than \$10,000, 67:21, 67:22 Appeal, 67:1 Attorney fees, 67:12 Cause, 67:1 Good, 67:2 Death of guardian, 67:4 Discretionary Guardian, 67:2 Ward, 67:3 Effect of order, 67:13 Estate valued under \$10,000, 67:2, 68:8 to 68:11 Forms, 67:15 to 67:20 Good cause, **67:10** Incompetency of guardian, 67:4 Incompetent ward, 67:4 to 67:9, 67:18, 67:19 Restoration to sanity, as determination of, 67:8 Initiating proceedings, 67:1 Jurisdiction of probate court, 63:60 Mandatory, 67:1 Marriage of ward, 67:1 Minor ward, Ch 67 Forms, 67:15 to 67:18 Notice, 67:1 Order, effect of, 67:13 Proceedings, 67:1 Removal of guardian, 67:4 Resident guardian of nonresident ward, 65:77 to 66:80

GUARDIANSHIP—Cont'd

Termination—Cont'd

Resignation of guardian, 67:4

Test of competency, 67:1

Ward moving to other state, 67:3

Testamentary designation by parent, 63:53

Testamentary guardians, 30:32, 30:180 to 30:184, 63:24, 63:24 to 63:26

Testimony by guardians, 5:14

Trust company, guardian, as, 69:7, 69:21

Trusts, revocation, 65:25

Unfit, 108:11

Venue, application for appointment of guardian, 63:15

Veterans administration, collection of moneys from, 63:32

Visitation, 65:13

Visitation of ward, authorizing, 65:5

Waiver of notice, SPF 15.1

Wards, of

Claims, 66:25 to 66:29

Contracts by, Ratification by guardian, 65:24

Corporation as guardian of estate only, 63:41

Death, Land sale by guardian, effect, 98:6

Delivery of estate to, upon termination of guardianship, 68:8 to 68:11

Incompetent

See Incompetent, this heading

See particular type of incompetency

See this heading

Joint, sale of real property, 98:4

Legal disability, considered to be under, 62:1, 62:5

See also DISABILITY, PERSONS UNDER, generally

Marriage, 67:1, 108:20, 108:27 to 108:30, 110:20, 110:27 to 110:30

Mentally ill. See Mentally ill persons, for, this heading

Mentally retarded. See Mentally retarded persons, for, this heading

Minors. See Minor, of, this heading

Nonresident, 63:28

See also Nonresidency, this heading

Probate court jurisdiction, 3:2

Real property, guardian selling. See Sale of land by, this heading

Residency requirement, 63:28

Residency requirements, 63:28, 63:29

Safe deposit box

Disposition of contents, 65:21

Opening, 65:37, 65:38

Settlement of injury claims involving, 65:16

Support, 65:17

Visitation rights, grandparents, 65:20

Who may serve, 63:40

Will contest, guardian's standing to bring, 39:4

Wills, appointment by, 63:24, 63:24 to 63:26

Witnesses, guardians as, 5:14

GUARDIANSHIP AD LITEM

Appointment, time for, 66:19

HABEAS CORPUS

Custody of child, 109:2 to 109:8, 110:16

Parties to action, 110:16

Dependent child, 110:16

Hospitalization of mentally ill, 102:37

Jurisdiction, juvenile court, 107:1, 110:16

Juvenile courts, jurisdiction, 107:1, 110:16

Juvenile delinquency proceeding, 109:122

Neglected child, 110:16

Termination of parental rights, decision not res judicata, 110:16

Unruly child, 109:122

HABITUAL TRUANCY

Juvenile delinquency, 108:1, 110:1

HANDICAPPED PERSONS

Blind persons. See BLIND PERSONS

Deaf persons. See DEAF PERSONS

Legal disability, considered to be under. See DISABILITY, PERSONS UNDER, generally

HEALTH

Examination. See MEDICAL AND MENTAL EXAMINATIONS

Hospitals. See HOSPITALS

Mental

See MENTALLY ILL PERSONS

See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED

PERSONS

Physicians. See PHYSICIANS

Power of attorney, 61:46

HEALTH CARE SERVICES AND FACILITIES

See also HOSPITALS

Juvenile proceedings, 109:41

Wrongful living, no cause of action against facility for giving life-prolonging treatment against patient's request, **61:30**, **61:35**

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA)

Generally, 114:2, 114:3, 114:5

Power of attorney, 61:46

HEARING IMPAIRED PERSONS

See DEAF PERSONS

HEARINGS

See also ACTIONS

Abortion, complaint for in juvenile court, 109:43, 109:62

Adjudicatory, conduct by magistrate, 109:49

Administrators. See EXECUTORS AND ADMINISTRATORS, at Hearing

Adoption, SPF 18.1

```
HEARINGS—Cont'd
  Business of decedent, executor or administrator continuing, 73:2
  Claims against estates, Ch 88, 2:29
    Motion to assign for, 88:3
    Notice, 88:4
       Contents, 88:5
       Service, 88:5
    Witnesses, 88:7
  Complaints. See COMPLAINTS
  Detention of child, 109:30
  Discovery motion, on, 109:12
  Emergency intervention procedures for mentally retarded individuals, 104:6, 104:11
  Eminent domain, 105:12
  Estate tax returns, on, 2:83
  Estates. See ESTATES, at Hearings
  Executors. See EXECUTORS AND ADMINISTRATORS, at Hearing
  Fiduciaries. See FIDUCIARIES, at Hearing
  Guardians, appointment of, 63:20
  Hospitalization of mentally ill, 102:25
    Case presented by attorney, 102:28
      Elements, 102:28
    Clear and convincing evidence standard, 102:28
       Remission as a result of medication, 102:28
    Full hearing, 102:27
       Waiver, 102:27
    Habeas corpus, 102:37
    Initial hearing, 102:26
      Procedure, 102:26
      Time, 102:26
       Waiver, 102:26
    Magistrate's decision, objections to, 102:35
    Pre-hearing procedure, 102:24
      Detention orders, 102:24
      Examination of patients, 102:24
         Court appointment of examiner, 102:24
      Notices, 102:24
      Review of affidavit, 102:24
      Rights of patients, 102:24
    Procedure, 102:28
       Rules, 102:28
    Rehearing, 102:36
    Review hearings, 102:32
    Summary, 102:40
  Land sale proceedings, 2:56
  Probate of will. See PROBATE OF WILLS, at Hearing
  Protective services for adults. See PROTECTIVE SERVICES FOR ADULTS, at Hear-
      ings
  Protective supervision order, 109:77
  Shelter care, for, 109:30
  Summons to appear, 109:10 to 109:13
```

HEARINGS—Cont'd

Wills, on validity, 35:4 to 35:6

HEARSAY

Exceptions, 5:14

Forfeiture by wrongdoing rule, juvenile courts, 109:51

HEIR, DESIGNATION OF

See DESIGNATED HEIRS

HEIR-AT-LAW

See HEIRS-AT-LAW

HEIRLOOMS

Life estate, 30:149

HEIRS

Generally, SPF 1.0

See also DESCENT AND DISTRIBUTION; HEIRS-AT-LAW

Absent, pretermitted heir status, Ch 48

See also PRETERMITTED HEIRS

Actions by, 44:51

Withholder of will, against, 50:4

Address ascertained, 2:5

Advancement of inheritance. Ch 20

See also ADVANCEMENTS FROM ESTATES

Forms, **30:79 to 30:83**

Afterborn, Ch 48, 30:128, 30:129

See also PRETERMITTED HEIRS

Age ascertained, 2:5

Alienation of property by, 55:34, 92:5

Alternate beneficiary, 30:18

Ante mortem declaration of will validity, parties defendant, 35:3, 35:6

Failure to name, effect on subsequent will contest, 35:8

Apparent, 15:5

Assets, third-party distribution, 76:8

At-law. See HEIRS-AT-LAW

Bond

Claims against estate, to secure, 76:12

Land sale proceeding, to prevent, 91:12

Rejection on requisition by, 89:6, 89:16, 89:17

Charitable trust representation, 55:21

Classes, declaratory judgment ascertaining, 6:6

Concealment of existing wills by, Ch 50

Consanguinity, 15:21 to 15:25

Consent

Distribution in kind, 2:103, 30:145 to 30:148, 76:14

Real property sale, SPF 11.0, 2:52, 91:7, 92:30, 92:42

Contest of will. See CONTEST OF WILL

Contributions to debt payments, 49:1

Death of

Assign of heir, party to will contest action, 39:8

```
HEIRS—Cont'd
  Death of-Cont'd
    Legacy or devise, effect, Ch 47, 15:44 to 15:50, 30:137 to 30:144
       See also ANTI-LAPSE STATUTE
    Presumption of order of, Ch 16, 30:140, 30:141
       See also PRESUMPTION OF ORDER OF DEATH
  Declaratory judgments sought by, 6:6 to 6:10
    See also DECLARATORY JUDGMENTS, generally
  Definitions, 15:4, 44:25
  Descent and distribution, 15:4
    See also DESCENT AND DISTRIBUTION
  Designation. See DESIGNATED HEIRS
  Determination proceedings, 3:55 to 3:62
    Probate court jurisdiction, 3:4, 6:6
  Disabilities, 22:1
  Disinheritance of child, 30:128 to 30:132
  Distributions to
    Application, 2:101
    Forms, 76:21 to 73:36
    In kind
       Application, 76:21
      Approval, 76:23
      Report, 76:22
      Schedule of property, 76:21
  Escheat, heir discovered subsequent to, 24:3
  Estate tax apportioned among, Ch 112
    Equitable, 112:2
  Foreign, disposition of property, 79:2
  Homicide convictions, effect on right to inherit, Ch 22
    See also MURDER, at Person convicted of not to benefit from death
  Illegitimate children. See ILLEGITIMATE CHILDREN, at Inheritance
  Indebtedness to estate, Ch 77
  Intestate succession, 15:4
    See also DESCENT AND DISTRIBUTION
  Judgment lien against, land sale proceeding, 93:11
  Land sale proceedings
    See also LAND SALE PROCEEDINGS, generally
    Heir bringing, 93:9
    Party defendant, as, 92:22
    Satisfying claims of, 92:16
  Liability
    Decedent's debts, 49:1
    Return of assets distributed to, to satisfy claims against estate, 76:3
  Liens on share of estate, Ch 77
  Limitation of actions, paternity proceedings, 19:7
  List, SPF 1.0
  Locating, 2:105, 76:8
  Minors, effect on land sale, 2:52, 91:7, 92:33
  Mortgages, rights, 90:22, 90:23
  Name ascertained, 2:5
```

HEIRS—Cont'd Next of kin. See NEXT OF KIN Not guilty by reason of insanity adjudication, effect on inheritance from victim, 22:1 Notice Business of decedent, executor or administrator continuing, 2:47, 73:2 Contest of jurisdiction to probate, 36:6, 36:9 Fiduciary's claim for allowance, 2:27 Inventory and appraisement hearing, 80:14 Probate of will, 2:8, 2:13, 37:2, 37:12 Denial, 37:12, 38:1 Lost, spoliated, or destroyed will, 40:2, 40:6 to 40:8 Surviving spouse purchasing personal property from estate, 2:43, 21:65 Notice, lost, spoiled, or destroyed will, 2:121 Partition action, right, 91:12 Posthumous children, 15:26 Presence during drafting of will, 30:41 Presumed decedent, of, 9:5 Presumptive, 15:5 Pretermitted, Ch 48, 30:128, 30:129 See also PRETERMITTED HEIRS Probate court's jurisdiction to determine, 3:4, 6:6 See also Determination proceedings, this heading Probate judges as, 3:51 Real property See also LEGACIES AND DEVISES Alienation or encumbrances by, 92:5 Management, 74:15, 74:16, 91:11 Sale Consent. See Consent, this heading Demand for, 91:7, 92:42, 92:43, 93:9 Remaindermen, protection of interest, 2:104, 76:19, 76:20 Rents, collection, 2:50, 74:15, 74:16, 91:11 Spouse of, excluded as defendant in land sale proceeding, 92:29 State not considered as, 24:3 Surviving spouse. See SURVIVING SPOUSE Testate successor. See LEGACIES AND DEVISES Third-party distribution of assets, 76:8 Unborn, representation in hearings, 55:20 Unknown heirs, parties to will contest actions, 39:8 Will construction action, party to, 44:6 Will contests, 39:4 to 39:6 See also CONTEST OF WILL Forms, 39:21 to 39:26 Witnesses to will, as, contributions to debt payments, 49:1

HEIRS-AT-LAW

See also HEIRS, generally Definition, 2:4, 15:4 Designation, 15:29, 99:5 Forms, 17:1 to 17:7

HEIRS-AT-LAW-Cont'd

Designation, 15:29, 99:5—Cont'd

Notice to release of estate from administration, 2:110

Determination, 2:4

Identification of, 2:4

In terrorem clause, 30:30

Notice of probate to, 2:8

Surviving spouse as, under descent and distribution statute, 15:7

HIGHER EDUCATION

See UNIVERSITIES AND COLLEGES

HIGHWAY PATROL RETIREMENT SYSTEM

Benefits, estate tax, 111:10

HIGHWAYS AND ROADS

Eminent domain actions. See EMINENT DOMAIN

Improvements, probate court jurisdiction, 3:2

HOME HEALTH AGENCIES

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

HOMEOWNER'S ASSOCIATION

Fiduciary's attorney, responsibilities, 54:7

HOMES

See also CHARITABLE INSTITUTIONS, generally

Detention. See DETENTION HOMES

Foster. See FOSTER HOMES

Private. See MANSION HOUSE

HOMESTEAD EXEMPTIONS

Generally, 93:20

HOMESTEADS

See MANSION HOUSE

HOMICIDE

Descent and distribution, effect, Ch 22

See also MURDER, at Person convicted of not to benefit from death

Wrongful death actions. See WRONGFUL DEATH, generally

HOMOSEXUALS

Adoption by, 99:8

HOSPITALIZATION OF MENTALLY ILL

See MENTALLY ILL PERSONS, at Hospitalization

HOSPITALS

Anatomical gifts to, 30:12

Mental. See MENTALLY ILL PERSONS, at Hospitalization

Privileged communications, 5:7, 5:8

Records and reports, confidentiality, will contests, 39:14

HOUSE

See MANSION HOUSE

HOUSEHOLD GOODS

See also PERSONAL PROPERTY

Gross estate determination for tax purposes, 2:70

Surviving spouse, purchase by, 21:62

HOUSING

Eminent domain. See EMINENT DOMAIN

Mansion house. See MANSION HOUSE

HUMAN SERVICES DEPARTMENTS, COUNTY

Child abuse, investigations, 110:1 to 110:12

Paternity proceedings, retroactive back child support to include AFDC and Medicaid reimbursement for state aid furnished illegitimate child, 110:30

Permanent custody of children, 109:171

Protective services for aged. See PROTECTIVE SERVICES FOR ADULTS

Temporary custody of children, 109:170

Pending hearing, 109:148, 109:149

HUMANE SOCIETIES

Agents, appointment; probate court jurisdiction, 3:2

HUSBAND AND WIFE

Alimony. See ALIMONY

Artificial insemination of married woman, nonspousal, 19:13, 99:31, 110:22, 110:33

Death of spouse. See SURVIVING SPOUSE

Divorce. See DIVORCE

Estates by the entireties, 2:6, 92:39

Federal estate tax, deductions, 113:11

Guardianship of spouse. See GUARDIANSHIP

Interspousal immunity, not applicable to wrongful death action, 12:16

Loss of consortium, wrongful death action, 12:11

Missing spouse's estate, 33:31 to 33:34

Nonsupport. See SUPPORT AND MAINTENANCE, at Abandonment and neglect, and at Nonsupport

Postnuptial agreements void, exception, 101:3

Privileged communications, 5:9

Waiver, **5:10**

Property, dower rights. See DOWER

Surviving spouse. See SURVIVING SPOUSE

Witnesses, in actions involving spouse, 5:9

Waiver of privilege, 5:10

IDENTIFICATION CARDS

Anatomical gift donation indicated, 30:12

ILLEGITIMATE CHILDREN

Acknowledgment of paternity filed with probate court

Form, 19:17

Legitimation method, as, 19:2

Presumption of father-child relationship, 18:2, 19:7

Adoption, consent requirements, 99:32, 99:40

AFDC and Medicaid reimbursement, retroactive back child support to include, 110:30

Anti-lapse statute, 47:3

ILLEGITIMATE CHILDREN—Cont'd Birth certificate, 99:84 Descent and distribution, Ch 18, 15:20, 15:30, 16:2, 17:2, 19:3, 19:4, 30:28 Common law rule, 18:1 History, **18:1** Illegitimate brother inheriting from legitimate brother, 18:5 Mother's marriage, effect, 18:4 Next of kin relationship with mother, 18:4 Paternity established, effect, 18:2 Paternity not yet established, 15:27, 15:30, 19:10, 47:5 Statutory provisions, 18:2 Equal protection clauses, applicability to legitimation application, 19:3 Family allowance, rights, 21:54, 90:14 Full faith and credit, legitimation proceedings, 19:3 Inheritance, 30:28 Affinity, by, 18:4 Descent and distribution. See Descent and distribution, this heading Father, through, 18:5, 19:1 Insurance policy proceeds, 19:5 Legitimation, after, 18:6 Marriage of pregnant woman, effect, 18:3 Mother, through, 18:5 Next of kin, from, 18:5 Paternity established, effect, 18:2 Rights under will, 18:6 Statute, effect, 18:2 Testamentary gift to children, right to take, 18:6 Insurance beneficiary, right to be, 19:5 Invalid marriage, presumption as to father-child relationship, 19:7 Legitimation, 16:2, 19:1 to 19:5, 19:1 to 19:14, 19:14 to 19:16 See also PATERNITY PROCEEDINGS Acknowledgment of paternity filed with probate court, 19:2 Birth certificate, 19:7, 99:84 Child filing application with probate court, 19:3 Consent of mother, 19:2 Descent and distribution, effect, 18:2 Determination of parent and child relationship between male minor and child, 19:1 Equal protection clauses, applicability, 19:3 Full faith and credit, 19:3 Guardian ad litem as party, 19:2 Historical provisions, 19:4 Inheritance, effect, 18:6 Juvenile court finding of putative father does not legitimate, 19:2 Requirement of mother's consent, constitutionality, 19:3 Statutory provisions, 19:1 Minor delivered of, marriage application, 108:20, 110:20 Neglected or dependent children, determination, 108:11, 108:14

Parent-child relationship

Definition, 19:9

Artificial insemination, non-spousal, 18:2

ILLEGITIMATE CHILDREN—Cont'd

Parent-child relationship—Cont'd

Establishment, 18:2, 19:1 to 19:5, 19:1 to 19:14, 19:14 to 19:16

See also Legitimation, this heading; PATERNITY PROCEEDINGS

Maternity proceedings, 18:2, 19:6, 110:23

See also PATERNITY PROCEEDINGS, for general provisions

Presumptions as to father-child relationship. See Presumptions as to father-child relationship, this heading

Paternity action, 109:141

See also PATERNITY PROCEEDINGS

Presumptions as to father-child relationship, 19:7

Conflicting presumptions, 19:7

Rebuttable by clear and convincing evidence, 19:7

Termination of parents' marriage, 19:7

Support orders, 19:8, 110:30

Surrogacy agreement, 19:14

Uniform Parentage Act, 110:19 to 110:34

Generally, 19:6 to 19:14, 110:34

Surrogacy agreement, 19:14

Will contest, standing to bring, 19:4, 39:4

Wrongful death actions, beneficiaries, 12:7

ILLITERATE PERSONS

Testamentary capacity, 26:6

ILLNESS, LAST

See LAST ILLNESS

IMMUNITY FROM PROSECUTION

Aged persons subject to abuse, neglect, or exploitation; reporting, 103:4

Child abuse, persons reporting, 110:1 to 110:12

Juvenile court witnesses, 109:50

IMPAIRMENT

Expert evaluation of incompetent person, SPF 17.1

IMPEACHMENT

Juvenile delinquency adjudication, by, 109:51, 109:111

IMPEACHMENT, JUVENILE DELINQUENCY ADJUDICATION, BY

Prohibition, 108:4

IMPRISONMENT

See also PRISONERS

Detention until court costs paid, considered imprisonment for debt, 109:28

Disability, prisoner considered to be under, 62:1, 62:3, 62:4

See also DISABILITY, PERSONS UNDER, generally

Fiduciaries, contempt of court, 57:2, 57:21 to 57:24

Legal disability, prisoner considered to be under, 62:1, 62:3, 62:4

See also DISABILITY, PERSONS UNDER, generally

Prisoners. See PRISONERS

IN TERROREM CLAUSE

Generally, 30:30, 30:134 to 30:136

INCOME TAX Federal, Ch 114 Additional taxes, 114:8 Adjusted gross income, 114:4 Adjustments applicable to gross income, 114:3 Aliens, 114:10 Alternate minimum tax, 114:8, 114:10 Annuities, 114:3 Appropriation of property, Ch 116 See also Eminent domain, this heading Capital gains changes under Taxpayer Relief Act of 1997, 114:7, 116:7 Changes, 114:1 Condemnation of property, Ch 116 See also Eminent domain, this heading Credits, 114:8 Deductions Allowable itemized, reduction, 114:1, 114:4, 114:6 Charitable contributions, 114:3 Eminent domain loss, 116:12 Gross income, applicable to, 114:3 Itemized, 114:5, 114:10 Long-term nursing home care insurance, 114:5 Depreciation, 114:3 Easements, acquisition, 116:19 Economic Growth and Tax Relief Reconciliation Act of 2001, effect, 113:3 to 113:22 Eminent domain, Ch 116 Adjusted basis of property, computation, 116:3 Allocation of proceeds and expenses, 116:13 Anticipatory placement, 116:18 Basis in replacement property, 116:11 Definitions, 116:1 Easements acquired by, 116:19 Gain Determination, 116:4 Election to defer, 116:9 Liability for tax, 116:10 Postponement of tax, 116:5 to 116:11 Reinvestment of proceeds, 116:10 Gains and losses in same transaction, 116:17 Interest on award, 116:20 Loss Deductions, 116:12 Determination, 116:4 Net proceeds, computation, 116:2 Partial condemnation, 116:14 Personal residence, 116:7 Real property used in trade or business, 116:6

Replacement period, 116:8 Return, 116:9, 116:12

INCOME TAX—Cont'd Federal, Ch 114—Cont'd Eminent domain. Ch 116—Cont'd Severance damages, 116:15, 116:16 Special assessments, 116:16 Estates, Ch 114 Adjusted gross income, 114:4 Credits, 114:8 Deductions, 114:3 Disclosure of decedent's prior year income tax return, 113:12 Itemized deductions, 114:5 Minimum gross income, 114:2 Personal exemptions, 114:6 Taxable income, 114:7 Estimated tax. 114:9 Fiduciaries, 114:13 Executor or administrator, duties, 2:90 Exemptions, Personal, 114:1, 114:6 Fiduciary return, 2:90, 114:11 Flat tax, 114:8 Forms, 114:11 to 114:14 Gross income Adjusted, 114:4 Adjustments, 114:3 Deductions, 114:3 Definition, 114:2 Exclusions, 114:3 Minimum, 114:2 Home sale, changes in capital gains, 116:7 Identification numbers, 114:10 Identifying tax number, fiduciary, 2:90 Income averaging, 114:1 Individual retirement accounts, 114:1 Installment payments, 114:10 Intangibles, amortization, 114:10 Interest, 114:1 Itemized deductions, 114:5, 114:10 Jobs and Growth Tax Relief Reconciliation Act of 2003, 114:1 Penalties Withdrawal of pensions and IRAs, 114:2 Penalties, Return, failure to file, 114:2 Personal exemptions, 114:1, 114:6 Personal injury awards, 114:2 Rates, 114:1, 114:7 Returns Disclosure of decedent's prior year income tax return, 113:12 Eminent domain gain, election to defer, 116:9 Failure to file, penalty, 114:2 Fiduciaries, 114:11 Filing, 114:2

```
INCOME TAX—Cont'd
  Federal, Ch 114—Cont'd
    Returns—Cont'd
       Minimum gross income, 114:2
       Signature, 114:10
       Withdrawal of pensions and IRAs, penalties, 114:2
    Revenue Reconciliation Act of 1990, 114:1, 114:4 to 114:6
    Self-employment tax, 114:4
    Severance damages, eminent domain, 116:15, 116:16
    Tax Reform Act of 1986, 114:1
    Taxable income, 114:7
    Taxpayer Relief Act of 1997, effect, 114:3, 114:5, 114:10
    Trusts, Ch 114
       Adjusted gross income, 114:4
       Credits, 114:8
       Deductions, 114:3
       Itemized deductions, 114:5
       Minimum gross income, 114:2
       Personal exemptions, 114:6
       Taxable income, 114:7
  Municipal
    County return of taxable business property, 117:9
    Estates filing, 2:88
    Intercounty return of taxable business property, 117:8
    Taxable business property returns, 117:8, 117:9
  State, Ch 115
    Adjustments, 115:1, 115:3
       Estates, 115:7, 115:7 to 115:9
       Individuals, 115:4 to 115:6
    Amended returns, 115:1, 115:15
    Credits, 115:1, 115:11
       Estates, 115:13
       Individuals, child and dependent care, 115:12
    Deductions, Taxable income adjustments, 115:4 to 115:9
    Definitions, 115:2
    Erroneous returns, 115:15
    Estates, 115:1
       Adjustments, 115:7, 115:7 to 115:9
       Credits, 115:13
       Filing, 2:87
       Rates, 115:10
       Unclaimed funds, reporting, 115:16
    Estimated taxes, 115:14
    Exemptions, 115:1, 115:3
    Income subject to tax, 115:3
    Individuals, 115:1
       Adjustments, 115:4 to 115:6
       Credits, 115:12
       Rates, 115:10
    Interest, 115:15
```

INCOME TAX—Cont'd

State, Ch 115—Cont'd

Married taxpayers, 115:15

Payment, 115:1, 115:15

Penalties, 115:14

Rates, 115:10

Refunds, 115:1

Returns, 115:1, 115:15 to 115:19

Time for payment, 115:15

Trusts

Business holdings, 115:1

Trusts, Unclaimed funds, reporting, 115:16

Unclaimed funds, reporting, 115:16

INCOMPETENT PERSONS

See also MENTALLY ILL PERSONS

See also MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

Guardians for. See GUARDIANSHIP, at Incompetent

INCORPORATION BY REFERENCE

Generally, Ch 31

See also WILLS, at Documents and records, incorporation by reference

INDEBTEDNESS

See DEBTORS AND CREDITORS

INDIGENT PERSONS

Attorney appointed for, 109:45

Guardianship for. See GUARDIANSHIP, generally

Juvenile proceedings

Counsel appointed, 106:5, 109:45

Transcripts, 109:60

Paternity proceedings, liability for cost of genetic tests, 110:24

INDIVIDUAL RETIREMENT ACCOUNTS (IRA)

Funds contributed by individual as exempt from use to satisfy judgment or order, 93:1

Roth IRAs, 114:1

Spousal contributions, 114:3

Testamentary trustees, 33:6

INDUSTRY

Businesses. See BUSINESS

Corporations. See CORPORATIONS

INFANTS

See MINORS

INFLUENCE, UNDUE

See UNDUE INFLUENCE

INFORMATION, PRIVILEGED

See PRIVILEGED INFORMATION

INHERITANCE TAX

Credits. See Deductions and credits, this heading

Deductions and credits

Claims against estates, 84:8

Debts of estate, 84:8

Determination of tax

Modification of order, 7:5

Redetermination. See Redetermination, this heading

Exemptions. See particular type of exemption, this heading

Gifts to religious organizations exempt, 30:14

Life insurance, testamentary trustee as beneficiary, 33:6

Modification of order determining, 7:5

Religious organizations, 30:14

Transfers, exempt. See particular subject, this heading

INJUNCTIVE RELIEF

Eminent domain, 105:7, 105:10

Jurisdiction, probate courts, 3:2

Life estate, waste by tenant, 23:4

Parental control of child, restraining order, 109:110

Probate court, jurisdiction, 3:2

Restraining orders, 109:110

See also PROTECTIVE SERVICES FOR ADULTS, at Temporary restraining order

INJURIES

Damages. See DAMAGES

Personal. See PERSONAL INJURIES

INMATES

See PRISONERS

INSANITY

See also MENTALLY ILL PERSONS

Not guilty by reason of. See NOT GUILTY BY REASON OF INSANITY

INSOLVENCY

Assignment for benefit of creditor, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT

Devisee or legatee, when contribution due estate, 49:1

Estates, 88:16 to 88:18, 90:2

Legatee or devisee, when contribution due estate, 49:1

INSPECTIONS

See particular subject concerned

INSTITUTIONS, PUBLIC

See also CHARITABLE INSTITUTIONS; CORRECTIONAL INSTITUTIONS

Hospitals. See HOSPITALS

Service of process on, 4:30

INSTRUMENTS, LEGAL

See LEGAL INSTRUMENTS

INSURANCE

See also particular type concerned

Agent for administrator, presentation of claim to, 85:3

Anti-lapse statute inapplicable, 47:1

Application for benefits, attorney's duties, 2:119

Attorney, duties, 2:119

Benefits not to be included in estate inventory, 2:19

Estate tax, gross estate determination, 2:68

Foreign companies. See FOREIGN INSURANCE COMPANIES

Gross estate determination for tax purposes, 2:68

Illegitimate child as beneficiary, 19:5

Inter vivos gift, as, 13:21

Life insurance. See LIFE INSURANCE

Policies, release of proceeds, 2:10

Power of attorney, 61:46

INTANGIBLE PROPERTY TAX

See PERSONAL PROPERTY, TAXATION

INTER VIVOS GIFTS

Generally, Ch 13

Acceptance by donee, 13:4, 13:9

Advancement from estate, Ch 20

See also ADVANCEMENTS FROM ESTATES, generally

Forms, 30:79 to 30:83

Bank accounts, 13:22 to 13:27

Passbook as delivery, 13:7

Bonds as, 13:17

Burden of proof, 13:2, 13:3

Fraud and undue influence, 13:12

Capacity of donor, 13:3

Check drawn on donor's account as, 13:19

Checking account as, 13:23

Choses in action, 13:15

Complete execution of transfer, 13:4, 13:8

Creditors' rights, 13:13

Debt, forgiveness or release, 13:18

Declarations by donor concerning, 13:2

Definitions, 13:1

Delivery, 13:6 to 13:8

Constructive, 13:7

Evidence of donative intent, as, 13:5

Symbolic, 13:7

Third party, to, 13:8

Donees

Acceptance by, 13:4, 13:9

Capacity, 13:3

Delivery to. See Delivery, this heading

Postponement of enjoyment of gift, 13:10

Donor

Capacity, 13:3

INTER VIVOS GIFTS—Cont'd Donor-Cont'd Intent. 13:4, 13:5 Statements of, 13:2, 13:5 Engagement rings, 13:2, 13:15 Evidence, 13:2 Donative intent, 13:5 Fraud, effect, 13:12 Insurance policy as, 13:21 Irrevocability, 13:1 Joint account as, 13:24, 13:25 Survivorship rights. See Survivorship accounts, this heading Minor making, 13:3 Money orders as, 13:20 Mortgage as, 13:17 Notes as, 13:17 Personalty, 13:15 Political subdivisions, to, 13:3 Postponed enjoyment, 13:10 Purchasers of property, rights, 13:14 Realty, 13:15 Release of debt as, 13:18 Revocable, when, 13:12 Safe deposit box, 13:27 Key as delivery, 13:7 Savings account as, 13:22 Savings bond as, 13:17 Stock, 13:16 Survivorship accounts, 13:22 to 13:27 Guardian's rights, 13:26 Trust, differentiated from, 13:11 See also INTER VIVOS TRUSTS Undue influence, effect, 13:12 Validity, 13:1 Dead man's statute to prove, 5:14 Elements, 13:1 Void, when, 13:10 Written obligations as, 13:17 Written promise as, 13:19

INTER VIVOS TRUSTS

Generally, 30:205 to 30:207
Accumulation of income, 33:11
Construction, 44:6
Contracts, liability of trustee, 60:15 to 60:18
Forms, 30:205 to 30:207
Incompetent person making, revocation by guardian, 66:12
Limitation of actions, 3:6
Modification, 30:9, 31:4, 44:49

INTER VIVOS TRUSTS—Cont'd

Probate court

Jurisdiction, 3:2 to 3:7, 3:4, 3:5

Termination by, 3:2

Qualified terminable interest property, form, 30:205

Reports of trustees, request, 33:19

Revocation, 30:9, 31:4

Self-dealing by trustees, 56:6

Surviving spouse

Distributive share, 21:25, 31:4

Election, not effective as to, 2:38

Termination, 3:2, 3:5

Testamentary trust, assets following, 3:7

Wife's pour-over will to her inter vivos trust agreement or to husband's intervivos trust agreement, 30:207

INTEREST

Conversion action, 13:2

Dower. See DOWER

Eminent domain compensation, 105:54

Estate tax, 2:82

Estates, claims against, Ch 85

Future, Ch 10

See also FUTURE INTERESTS

General legacies, 76:6

Taxes, on. See particular tax, this heading

Trust funds held by county treasurer, 79:2

INTERLOCUTORY ORDERS

Adoption, SPF 18.5

Vacation, **99:49**

Probate of will, 37:12

Refused, 38:1

INTERMENT

See FUNERALS AND BURIALS

INTERNAL REVENUE SERVICE

See also INCOME TAX, FEDERAL

Federal estate tax returns, liability used to determine Ohio estate tax, 2:83

INTERROGATORIES

Depositions. See DEPOSITIONS

Discovery. See DISCOVERY

INTERSPOUSAL IMMUNITY

Wrongful death action, inapplicable, 12:16

INTERSTATE AGREEMENTS

Children, placement, 109:125

Juveniles, on, 109:125

Jurisdiction of juvenile courts, 107:1

Placement of children, 109:125

INTERSTATE AGREEMENTS—Cont'd

Uniform Child Custody Jurisdiction Act, 110:17

INTERSTATE COMPACT ON JUVENILES

See INTERSTATE AGREEMENTS, generally

INTERVENTION

Paternity proceedings, 19:10

INTERVENTION PROCEDURES FOR MENTALLY RETARDED INDIVIDUALS

See MENTALLY RETARDED INDIVIDUALS

INTESTATE SUCCESSION

Generally, 15:3

See also DESCENT AND DISTRIBUTION

INTOXICATING LIQUOR

See LIQUOR CONTROL

INTOXICATION

Fiduciary, removal grounds, 58:7

INVENTORIES

See also APPRAISALS

Consignment, personal property tax, 117:3

Estates. See INVENTORY AND APPRAISAL OF ESTATES

Guardians, by

Forms, 65:34 to 65:38

Minor or incompetent, of, SPF 15.5, 65:21

Partnerships, deceased partner's share of assets, 60:19 to 60:36

INVENTORY AND APPRAISAL OF ESTATES

Generally, Ch 80, SPF 6.0 to SPF 6.3, 2:17 to 2:23, 33:29, 33:30

Advancements from estate, Ch 20

See also ADVANCEMENTS FROM ESTATES

Forms, 30:79 to 30:83

Antiques, appraiser, 2:18

Appeal, 80:26

Appraisers to aid in, 80:11, 80:29 to 80:31

Antiques, 2:18

Appointment, SPF 3.0, 2:18

Compensation, 80:11

Fees, 2:18

Meeting of, 2:20

Oath requirement, abolishment, 2:20, 94:3

Real property sales. See LAND SALE PROCEEDINGS, at Appraisers

Signing appraisal, 80:17

Automobile exempted, 2:21, 21:77, 30:95, 69:34

Boats and watercraft, 2:21, 21:77

Bond conditions, 2:19

Certificate of nonresident decedent's debts and liabilities, 91:24

Contents, 80:5 to 80:9, 80:34

Costs, 80:16

```
INVENTORY AND APPRAISAL OF ESTATES—Cont'd
  Debt discharged by will, 80:9
  Exceptions, 2:23, 80:9, 80:18 to 80:25
    Burden of proof, 80:24
    Concealment of assets action, 57:7
    Hearing, 80:20
       Construction trust, imposition of, 3:4
       Fraudulent appropriation of money, improper forum, 3:4, 84:7
    Questions raised, 80:22
    Res judicata, 80:25
    Set-off to surviving spouse, 80:22
    Time limit for filing, 80:18
    Title to assets, probate court jurisdiction, 80:23
    Who may file, 80:19
  Exceptions to, 80:38
  Extension, 2:23
  Failure to file, 53:33, 53:35, 58:4, 80:36
  Fees, appraisers, 2:18
  Filing, 2:17, 2:23, 80:3, 80:17, 80:34 to 80:37
    Enforcement of, 80:45
    Notice, 80:14
    Predecessors filing, 80:3
    Real property outside Ohio, separate schedule, 2:19
  Forms, 33:29, 33:30, 80:27 to 80:45
  Government bonds, 2:19
  Guardianship, under
    Forms, 65:34 to 65:38
    Real property, 65:63 to 66:65
  Hearing on, 2:43, 80:14, 80:40
    Exceptions, 80:20, 84:7
    Notice, SPF 6.3, 2:23
       Waiver, SPF 6.2
  Insurance benefits not to be included, 2:19
  Intestate succession, 2:102, 2:106, 2:109, 21:49
  Items, separate inclusion, 80:5
  Journal entry, 80:16
  Listing, 2:19
  Mandatory filing, 80:3
  Mansion house, 2:111
  Motor vehicles, 2:21, 21:77, 30:95, 69:34, 76:15, 76:17
  Motorcycles, 21:77
  Nature of proceeding, 80:21
  Newly discovered assets, 80:8
    Reopening estate
       Application, 80:43
       Judgment entry, 80:44
  No administration, effect, 2:108 et seq.
  No appraisal, 80:27
```

INVENTORY AND APPRAISAL OF ESTATES—Cont'd

Nonprobate assets, 2:122, 80:7

Transfer on death designation for motor vehicles. watercraft, or outboard motors,

2:122, 80:7

Notice, 80:13

Exception to inventory, 80:20

Filing, 80:14

Hearing, SPF 6.3, 2:23

Waiver, SPF 6.2

Inventory, 2:20

Oath requirement for executors abolished, 21:64

Objections, 2:43

Outboard motors, 21:77

Partnerships, 60:1 to 60:6, 60:19 to 60:36

Purpose, 80:1

Real property, Ch 94, 2:23, 2:56, 80:10, 92:45, 92:48

Contract to sell, doctrine of equitable conversion, 80:6

Forms, 94:4 to 94:10

Guardianship, under, **65:63 to 66:65**

Mansion house, 2:111

Release from administration, 2:108 et seq.

Reopening estate

Application, 80:43

Judgment entry, 80:44

Res judicata, exceptions to inventory, 80:25

Return of. See Filing, this heading

Safe deposit box, 2:17

Set-offs, 80:5

Hearing, **80:22**

Signing, 80:17

Summary proceeding, 2:23

Surviving spouse, notice and waiver, 2:20

Survivorship accounts not to be included, 2:19

Time for filing, 80:3

Time for making inventory, 80:2

Valuation, 2:19

Decedent's date of death, 80:10

Waiver, 2:18

Appraisal, 80:12

Notice of hearing, SPF 6.2

Witnesses, 80:15

INVESTIGATIONS

Emergency intervention procedures for mentally retarded individuals Investigations of abuse or neglect by MR/DD Board, **104:3**, **104:4**

INVESTMENT BONDS

See BONDS AND NOTES

INVESTMENTS

Certificates of deposit, fiduciaries, by, 49:9, 56:1

INVESTMENTS—Cont'd

Executors and administrators, by, 55:35 to 55:38

Unclaimed funds, Ch 78

Fiduciary's powers, 15:28, 17:2, 30:27, 30:242, 44:16, 44:23, 44:25, 99:53, 99:55

Fiduciary's powers, generally, 55:35 to 55:38

Guardians, by, 55:35 to 55:38, 65:21

Forms, 65:40 to 66:44

Ohio Uniform Prudent Investor Act, regulations for investment of trust assets, 33:17

Trust funds, powers of fiduciary

Disclosure of uninsurance, 56:6

Fees, 56:6

Uniform Prudent Investor Act, regulations for investment of trust assets, 33:17

IRON CURTAIN ACT

Generally, 79:2

ISSUE

See also HEIRS

Defined, 44:26, 47:3

ISSUES OF LAW AND FACT

See QUESTIONS OF LAW AND FACT

JAILS

Detention of minors in, 109:27, 109:28

Inmates

See also PRISONERS

Children, 109:27, 109:28

JEWELRY

Specific bequests, 30:96

JOBS

See EMPLOYER AND EMPLOYEE

JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Federal income tax, 114:1

JOINDER OF PARTIES

Eminent domain, 105:13

JOINT BANK ACCOUNTS

See BANKS AND BANKING, at Joint accounts

JOINT TENANCY

Specific devise, 30:103

JUDGES

See also particular court

Disqualification, 3:4

Juvenile courts. See JUVENILE COURTS, at Judges

Magistrates. See MAGISTRATES

Oath of office, 3:32, 106:22

Probate courts. See PROBATE COURTS, at Judges

Referees. See MAGISTRATES

JUDGMENT, EXECUTION

See EXECUTION OF JUDGMENT

JUDGMENT DEBTORS

Garnishment. See GARNISHMENT, generally

JUDGMENT ENTRIES

Declaratory judgments, 6:10

JUDGMENT LIEN

Land sale proceeding against heir, 93:11

JUDGMENTS

See also SENTENCES; VERDICTS

Appeals. See APPEALS

Child, disposition by juvenile court, 109:73

Contempt. See CONTEMPT, generally

Declaratory, Ch 6

See also DECLARATORY JUDGMENTS

Decrees. See DECREES

Enforcement. See EXECUTION OF JUDGMENT

Entries. See JUDGMENT ENTRIES

Gross estate determination for tax purposes, 2:70

Impeachment, service by publication, 4:45 to 4:47

Modification. See APPEALS

Notwithstanding verdict, will contest, 39:17

Paternity proceedings, genetic test results, based on, 110:29

Probate courts modifying or vacating, Ch 7, 3:4

Relief from, 7:1

Setting aside, 7:1

Settlements. See SETTLEMENTS

Summary judgments. See SUMMARY JUDGMENTS

Vacating, 7:1

Adoption order, 99:30, 99:32, 99:38, 99:40, 99:49

Form for, 7:7

Motion for, 7:6

Surviving spouse, election, 21:42

Will contests, 39:24

JUDGMENTS NOTWITHSTANDING VERDICT

Will contest, 39:17

JUDICIAL SALES

See also EXECUTION OF JUDGMENT

Invalid sale, remedy of purchaser, 96:9

Price, 96:17

Real property

Lien, when discharged of debts, 49:11

Price, 96:17

Subrogation rights of purchaser, 96:9

JUDICIARY

See COURTS; JUDGES

JURIES

See JURY TRIALS

JURISDICTION

See also particular court concerned

Abused children, 107:1, 107:7, 110:1 to 110:12

Appeals, 109:119

Adoption, 3:2, 3:4, 99:3, 107:12

Custody matters certified to juvenile court, probate court retaining adoption jurisdiction, 107:5

Age jurisdiction of juvenile court, 107:8

Aiding and abetting delinquency of minor, 110:1 to 110:12

Appeals. See APPEALS, generally

Appeals. See COURTS OF APPEALS

Children. Ch 107

Abuse, 107:1, 107:7, 110:1 to 110:12

Appeals, 109:50

Age jurisdiction of juvenile court, 107:8

Custody, 107:1, 110:13 to 110:18

See also CUSTODY OF CHILDREN, DOMESTIC, at Jurisdiction

Support, modification, 110:37

Consecutive commitment, juvenile delinquents, 109:83

Constitutional provisions, 3:1

Contest of will, 39:2

Continuing, juvenile court, 109:114

Contributing to dependency, neglect, unruliness or delinquency of minor, 107:1, 110:1 to 110:12

Corruption of minor, 110:1 to 110:12

Courts of common pleas. See COURTS OF COMMON PLEAS, at Jurisdiction

Custody action. See CUSTODY OF CHILDREN, DOMESTIC, at Jurisdiction

Declaratory judgments, 6:6

Dispute resolution, 3:17

Eminent domain, Ch 105

See also EMINENT DOMAIN, generally

Endangering children, 107:1, 110:1 to 110:12

Estate tax, 2:85

Estates. See PROBATE COURTS, at Estate administration proceedings

Fiduciaries, probate court jurisdiction, 3:6

Guardianship proceedings, 63:34, 63:56

Interference with custody, 107:1, 110:1 to 110:12

Juvenile courts. See JUVENILE COURTS, at Jurisdiction

Juvenile delinquency appeals, 109:119

Land sale proceedings

Foreclosure, 91:14

Lack of, 91:13

Long-arm jurisdiction, 4:18 to 4:21

Mandatory transfer, 109:64

Marriage by juveniles, 107:1

Mentally ill, hospitalization

Children, 107:1, 107:6, 108:19, 110:19

JURISDICTION—Cont'd

Mentally ill, hospitalization—Cont'd

Noncriminal cases, 102:22

Mentally retarded, institutionalization, 107:6, 108:19, 110:19

Nonsupport, 107:1, 110:1 to 110:12

Obscenity, disseminating or obtaining matter harmful to juveniles, 110:1 to 110:12

Partnership, winding up, 60:2

Paternity proceedings, 19:6, 107:1, 107:2, 110:20

Continuing jurisdiction, Modification or revocation of judgments, 110:31

Probate courts, Ch 3, 3:4

See also PROBATE COURTS, generally

Probating will, Ch 76

Protective services for adults, 103:2

Relinquishment by juvenile court, 109:64, 109:66, 109:69, 109:182, 109:185

Retention by juvenile court, 109:68

Stock certificates; lost, stolen, or destroyed, 75:31 to 75:35

Support and maintenance action, 107:1, 107:4, 110:35

Testamentary trusts, probate courts, 3:2, 3:4

Transfer, mandatory, 109:64

Trusts, 34:7

Uniform child custody jurisdiction law, 110:17

Uniform Parentage Act, 19:6

Venue. See VENUE

Wills. See PROBATE COURTS, at Wills

JURY DUTY

See JURY TRIALS, generally

JURY INSTRUCTIONS

Eminent domain proceedings, 105:25, 105:42

Will contest, 39:15

JURY TRIALS

Assets, concealed or embezzled, 57:15

Caption stating demand, 3:44

Concealing assets of estates, 57:15

Declaratory judgment action, 6:5

Demand for, 3:44

Embezzling assets of estates, 57:15

Eminent domain. See EMINENT DOMAIN, at Jury to determine compensation

Entry to draw jury, 3:45

Instructions to jurors. See JURY INSTRUCTIONS

Juvenile courts, 109:47

Adults, proceedings against, 110:10

Land sale proceeding, 91:13, 92:31

Notice

Clerk of courts, to, 3:46

Jurors, to, **3:49**

Paternity proceedings, 19:10

Probate courts, 3:44 to 3:50

Right to, 3:44

JURY TRIALS—Cont'd Will contests, 39:15 Wrongful death actions, 12:4 **JUVENILE COURTS** Generally, Ch 106, 106:20 to 106:25 Abortion, complaint for, 108:21, 108:22, 108:32, 108:33, 110:21, 110:22, 110:32, 110:34 Consent hearings, quantum of proof, 108:22, 110:22 Hearings, 109:43, 109:62 Minor, by, 108:21, 110:21 Right to counsel, 109:45 Venue, 109:7 Without notification of parent, guardian, or custodian, 109:2, 109:10, 109:143 Abuse, affidavit for, 109:144 to 109:146 Appeal from dismissal, 109:184 Order authorizing, 109:183 Abused child, probable cause finding. See CHILD ABUSE, generally Action to be avoided, 109:1 Adjudicatory hearings, 109:44, 109:55 to 109:59, 109:72 See also Hearings, generally, this heading Amendment of pleading, 107:6, 109:6 Commitment to rehabilitation facility, 106:17 to 106:19 Continuance, 109:43 Failure to hold, 109:30, 109:43 Finding as final order, 109:119 Location, 109:6 Minors as witnesses, competency, 109:58 Neglected or dependent child, determination, 108:11 Prehearing motions, 109:12 Reasonable efforts determination, 109:74 Scheduling, 109:12, 109:43 Administrative expenses, funding, 106:13 Adoption See also ADOPTION, generally Consent to, **SPF 18.3, 109:110** Proceedings, certification from probate court, 107:12 Adult cases, Ch 110, 109:137 to 109:142 See also particular offense concerned Affidavit, 110:5 Amendment, 110:6 Appeals, 110:41 Arraignment, order, 110:47 Bail, 110:7 Bonds for suspended sentences, 110:12 Charges, 110:5 Child abuse case. See CHILD ABUSE, generally Complaint, 109:137 to 109:142 See also Complaint, generally, this heading Court filing sua sponte, 110:8

```
JUVENILE COURTS—Cont'd
  Adult cases, Ch 110, 109:137 to 109:142—Cont'd
    Evidence, 110:11
    Extradition, 109:126
    Hearing charges against, 110:48, 110:49
       See also Hearings, generally, this heading
    Jurisdiction, 107:1, 107:2, 110:1 to 110:12
    Jury trials, 110:10
    Misdemeanor, charged with, 107:2
    Rules of procedure, applicability, 110:4
    Sentences, 110:12, 110:48, 110:49
       Suspension, 110:3
    Speedy trial, 110:9
    Summons. See Summons, generally, this heading
    Time for holding trial, 110:9
    Trial procedure, 110:10
    Warrant or summons, issuance, 110:7
  Affidavit, adults, against; for child abuse or contributing to delinquency, 110:5
     Amendment, 110:6
  Amenability hearings, transfer for criminal prosecution, 109:67
  Amendment of pleadings, 109:6
  Annual reports, 109:112
  Appeals from, 110:41
    Jurisdiction, 109:119 to 109:123
    Right to, 109:119 to 109:123
    Stay pending appeal, 109:119
  Appearance
    Child, 109:56, 109:165
    Subpoena for, 109:157, 109:159
    Summons, 109:157 to 109:167
  Appropriations, 106:13
  Assignment of cases, 108:4, 109:43
  Attorney representing party
    Appointment by court, 106:5, 109:45
    Detention or shelter hearing, 109:30
    Right to, 106:5, 109:45
    Waiver of right to, 109:45
    Withdrawal, 109:46
  Bail, 109:31
    Adult cases, 110:7
  Bailiffs, 106:16
  Binding over, 109:63 to 109:70, 109:182, 109:185
    Appeals, 109:71
    Preliminary hearing, 109:63
  Blood transfusion to child over parents' objections, 109:41
  Case plan, 109:75
  Cashbooks, 109:111
  Certification from other courts, 107:7
    Common pleas court, 107:11
    Complaint, as, 109:3
```

JUVENILE COURTS—Cont'd Certification from other courts, 107:7—Cont'd Probate court, 107:12 Child support Certification, 109:135, 109:136 Guidelines, 110:36 Modification, 110:36 Clerks, 106:14 Bond, 106:23 Oath of office, 106:24 Commitment of children by, 109:72 See also CUSTODY OF CHILDREN, INSTITUTIONAL, generally Common pleas court, transfer from, 107:11, 107:13 Compensation of employees, 106:16 Competency to stand trial, determination, 109:53 Complaint, 109:2 to 109:8, 109:129 to 109:142 Adults, against; for child abuse or contributing to delinquency, 109:137 to 109:142 Court filing sua sponte, 110:8 Amendment, 109:6 Certification from another court as, 109:3 Contents, 109:3, 109:4, 109:129 to 109:142 Custody of child, 109:2 to 109:8, 109:129 Defect in, defense or objection based on, 109:12 Filing, 109:2 to 109:8 Forms, 109:3, 109:4, 109:129 to 109:142 Judgment of detention when no complaint filed, 109:2, 109:30, 109:49 Notice to school officials, 109:8 Parole violation, 109:142 Screening prior to filing, 109:1 Service of process, 109:10, 109:157 Time for filing, 109:5 Traffic offender, juvenile, 109:2 to 109:8, 109:132 Transfer or certification from other court as, 109:3 Venue, 109:7 Victim of delinquent 65 or older or disabled, record, 109:112 Warrant, 109:13 Compulsory education appeals, 108:23, 110:23 Conclusions of law, 109:59, 110:14 Confidentiality of proceedings, 109:52 Constitutional issues in, 106:4 to 106:10 Constitutionality, 106:2, 106:10 Contempt, 109:124 Failure to answer service, 109:124 Support, enforcement, 110:30 Continuances Adjudicatory hearing, 109:43 Dispositional hearing, 109:72 Costs Appropriations, 106:13 Unpaid, detention due to, 109:28

JUVENILE COURTS—Cont'd

County commissioners to appropriate funds, 106:13

Criminal court, transfer of child to, 109:63 to 109:70

See also Transfer of cases, this heading

Amenability hearing, 109:67

Appeals, 109:71

Preliminary hearing, 109:63

Notice, 109:67

Cross-examinations, 109:72

Right of, 106:10

Custody of child, powers and duties, 110:13, 110:13 to 110:18

See also CUSTODY OF CHILDREN, DOMESTIC, generally; CUSTODY OF CHILDREN, INSTITUTIONAL

Agreements for institutional custody without approval of court, 108:24, 110:24

Certification to court, 109:135, 109:136

Complaint, 109:2 to 109:8, 109:129

Detention and shelter care, 109:25

Grounds for, 109:25

Jurisdiction, 107:13, 109:6, 109:120, 110:13, 110:13 to 110:18

Not a ward of another Ohio court, 107:7

Restraining orders, 109:110

Review proceedings, 109:117

Temporary disposition pending hearing, 109:41

Warrant for, 109:13, 109:163

Decrees. See Judgments, this heading

Delinquency. See JUVENILE DELINQUENCY

Dependent children. See DEPENDENT AND NEGLECTED CHILDREN, generally

Depositions, 109:35

Detention homes. See DETENTION HOMES

Detention or shelter hearings, 109:30, 109:168

See also Hearings, generally, this heading

Failure to hold, 109:30, 109:43

Rehearing, 109:12, 109:30

Discovery, 109:32 to 109:35, 109:153

Enforcement, 109:33

Hearing on motion, 109:12

Motions for, 109:32

Police reports, 109:33

Restrictions, 109:33

Dispositional hearings, 109:72

See also Hearings, generally, this heading

Appeal, 109:119

Continuances, 109:72

Cross-examination of medical examiners and social workers, 109:72

Custody, change, 107:7

Judgment, 109:73

Orders. See Dispositional orders, this heading

Procedure, 109:72

Reasonable efforts determination, 109:74

Restraining order, 109:110

JUVENILE COURTS—Cont'd

Dispositional hearings, 109:72—Cont'd Rights, advisement of, 109:119 Scheduling, 109:12, 109:72 Temporary custody, 109:78 Dispositional orders Delinquent children, 109:90 Long-term foster care, 109:82 Modification or termination, 109:115 Review, 109:117 Temporary custody, 109:78 Divorce or alimony Child custody, 107:7, 110:16 Jurisdiction over children, 107:3, 107:4 Dockets, 109:111 See also Records and reports, this heading Double jeopardy, 106:7 Due process, 106:10, 107:6, 108:10 Emergency medical treatment for child, 109:41 **Employees**, 106:16 Enhanced disposition, felony specifications, 109:91 Evidence Adult cases, 110:11 Detention or shelter hearing, 109:30 Dispositional hearing, 109:72 Motion to suppress, 109:12, 109:20 Evidence rules, applicability, 109:51 Ex parte proceedings, 109:41 Examination of child, 109:36 Transfer for criminal prosecution, 109:67 Waiver, 109:67 Expenses, 106:13 Facilities, schools, forestry camps, and other facilities, 106:18 Fees and costs, 109:126 Felony cases, transfer to adult court. See Transfer of cases, this heading Felony specifications, enhanced disposition, 109:91 Financial sanctions, disposition of delinquent children, 109:91 Findings of fact, 109:59, 110:14 Magistrate's decision, 109:49 Reasonable efforts determination, 109:74 Complaint, 109:3, 109:4, 109:129 to 109:142 Order committing child upon parole revocation, 109:181 Subpoena, 109:157, 109:159 Summons, 109:10, 109:157 Warrant against child, 109:163 Funding, county commissioners to appropriate funds, 106:13 Guardians ad litem. See GUARDIANS AD LITEM Habeas corpus writ, 110:16

JUVENILE COURTS—Cont'd Hearings, 109:12 Adjudicatory. See Adjudicatory hearings, this heading Adults, charges against, 110:48, 110:49 Order on hearing and sentence, 110:48, 110:49, 110:51 Summons, 109:166 Child's right to counsel, 106:5, 109:45 Conduct, 109:50 Confidential, 109:52 Detention. See Detention or shelter hearings, this heading Discovery motion, on, 109:12 Dispositional. See Dispositional hearings, this heading Early release from youth services department custody, 109:88, 109:89 Evidence rules, applicability, 109:51 Exclusion from, 109:52 Jury, without, 109:47 Magistrate's powers, 109:49, 109:175, 109:177 Notice, 109:10 to 109:13 Placement of child prior to, 109:26 Press's right to access, 109:52 Proposed actions, 109:41 Prosecuting attorney, 106:15, 109:48 Public's right to access, 109:52 Recording, 109:60 Release of child from youth services department institution, 107:10, 109:180 Early release, 109:88, 109:89 Revocation of probation or parole, 109:118 Right of child to counsel, 106:5, 109:45 Separation of children and adults, 109:52 Subpoena for attendance, 109:157, 109:159 Summons to appear, 109:10 to 109:13, 109:157 to 109:167 Temporary orders prior to, 109:41 Transfer for criminal prosecution. See Transfer of cases, this heading Violations by child released from youth services department institution, 109:181 Waiver of rights, 109:45 History, 106:2 Indigent persons Counsel appointed, 106:5, 109:45 Transcript, 109:60 Investigations Suspected juvenile offenders, 106:8 Transfer for criminal prosecution, 109:67 Journal, 109:111 Judges Affidavit for disqualification, 106:20 Assignment of cases, 108:4, 109:43 Bond when acting as clerk, 106:14, 106:21 Clerk, as, 106:14, 106:21 Disqualification, 110:1 to 110:12

Affidavit for, 106:20

JUVENILE COURTS—Cont'd Judges—Cont'd Expenses, 106:25 Oath of office, 106:22 Judgments, 109:73 Stay of execution, 109:119 Jurisdiction, Ch 107, 106:11, 107:1, 108:11 Adult cases, 110:1 to 110:12 Age jurisdiction, 107:8 Apprehension after age twenty-one, 107:8, 107:10 Certification, 107:5 Common pleas court, from, 107:11, 107:13 Probate court, from, 107:12 Child, 107:8 Child support, enforcement of, 107:14 Concurrent, child custody, 109:115 Consecutive commitment orders, juvenile delinquents, 109:83 Contempt of court, 109:124 Continuing, 109:114 Modification or termination of dispositional order, 109:115 Criminal, 107:8 Custody action, 110:13, 110:13 to 110:18 See also CUSTODY OF CHILDREN, DOMESTIC, at Jurisdiction; CUSTODY OF CHILDREN, INSTITUTIONAL, generally Duration, 107:10, 109:10 Enforcement of child support orders, 107:14 Felony cases, 109:68 Guardianship of minor, 63:34 Habeas corpus writ, 110:16 Mandatory transfer, 109:64 Murder, juvenile charged with, 107:8 Paternity proceedings, 19:6, 110:20 Relinquishment, 107:9, 109:50, 109:64, 109:66, 109:69, 109:182, 109:185 Child's right to counsel, 106:5, 109:45 Retention, 109:68 Termination, 107:10, 109:10 Transfer, mandatory, 109:64 Transfer to another county, 109:6, 109:7 Transfer to criminal court, 109:63 to 109:65, 109:66, 109:69 Waiver by child not permitted, 107:9 Jury trials, 110:10 Not held, 109:47 Juvenile delinquency. See JUVENILE DELINQUENCY Juvenile rehabilitation. See JUVENILE REHABILITATION Legal rights and privileges, notice of, 109:156 Magistrates, 109:49, 109:175, 109:177 Attorneys at law, 109:49 Quasi-judicial immunity, 109:49 Marriage of minor, consent, 108:20, 110:20 Medical treatment for child, 109:41

JUVENILE COURTS—Cont'd

Mental examination. See Examination of child, this heading

Mentally ill or mentally retarded child, jurisdiction, 108:19, 110:19

Misdemeanors, jurisdiction, 107:2

Modification of dispositional orders, 109:115

Motions

Continuing jurisdiction, for, 109:114

Prehearing, 109:12

Murder cases, transfer to adult court. See Transfer of cases, this heading

Neglected children. See DEPENDENT AND NEGLECTED CHILDREN, generally

Notice, 109:10 to 109:13

Continuing jurisdiction, 109:114

Detention or shelter hearing, 109:30

Proceeding without, 109:41

Proposed actions, 109:41

Orders

Committing child upon parole revocation, form, 109:181

Discovery, granting, 109:32 to 109:35

Dispositional. See Dispositional orders, this heading

Emergency, 109:41

Ex parte, 109:41

Mental or physical examination of child, 109:36

Parole violation, order committing child, form, 109:181

Restraining orders, 109:110

Stay, 109:119

Temporary, 109:41

Transfer for criminal prosecution, 109:63 to 109:70, 109:82, 109:185

Parties to actions, 109:9

Definition, 109:9

Right to counsel, 106:5, 109:45

Paternity action, 19:6, 109:141, 110:19 to 110:34, 110:34

See also PATERNITY PROCEEDINGS

Personal information systems, 109:32 to 109:35

Physical examination. See Examination of child, this heading

Placement of child, detention or shelter care, 109:25

Pleadings, amendment, 107:6, 109:6

Prehearing motions, 109:12

Preliminary hearings, transfer for criminal prosecution, 109:63

Pretrial preventive detention of juveniles, 106:9

Prevention of delinquency, participation, 106:19

Probate court

Certification from, 107:12

Powers, 107:6

Probation of child. See PROBATION, at Juveniles

Probation officers

Appointment, 106:16

Immunity from liability, 106:16, 109:2, 109:28

Prosecuting attorney, duties, 106:15, 109:48

Publication of statistics on cases by youth services department, 109:112

Recording proceedings, 109:60

JUVENILE COURTS—Cont'd Records and reports, 109:112 Attorney's access, 109:32 to 109:35 Child abuse, 110:1 to 110:12 Confidentiality, 109:111 Destruction of fingerprints and photographs, 109:22, 109:23 Jurisdiction, 110:1 to 110:12 Expungement, 109:113, 109:154, 109:155 Hearings, 109:60 Magistrate's decision, 109:49, 109:175, 109:177 Omissions, material, 109:32 Sealing of records, 109:113, 109:154, 109:155 Violations, **109:113** Youth services department, to, 109:112 Referral of child to, screening, 109:1 Release of child Form, 109:180 Parent or guardian, to, 109:25 Youth services department institution, 107:10, 109:180 Restraining orders, 109:110 Review of dispositional orders, 109:117 Revision of law, 106:1 Revocation of probation or parole, 109:118 Rights of child Appeal, to, 109:119 Attorney representing, 106:5, 109:45 Expungement of record, 109:113, 109:154, 109:155 Search and seizure, 109:18 to 109:20 Self-incrimination, privilege against, 106:8, 109:14 to 109:17 Transcript of proceedings, 109:60 Waiver, 109:45 Parents, by, 109:19 Rules of procedure, 109:50 See also particular subject concerned Applicability, 109:50 Construction, 106:3 Scope of text sections, 106:1 Self-incrimination, child's privilege, 106:8, 109:14 to 109:17 Sentencing adults, 109:12, 110:48, 110:49 Serious youthful offenders, 109:99 to 109:101 Service of process, 109:10 to 109:13 Child, on, 109:11 Publication, 109:12 Summons, 109:10, 109:11, 109:157 to 109:167 Sessions, 106:12 Social history of child, 109:36 Inspection, 109:111 Speedy trial rights, inapplicability, 109:43 Standard of proof, 106:6 Statutory purpose, 106:3

Stay of execution, conditions, 109:119 Subpoenas, 109:157, 109:159 Summons, 109:10 to 109:13, 109:157 to 109:167 Adult offender, on, 109:166 Issuance, form, and endorsement, 109:10 Service and return, 109:11 Support and maintenance of dependents Certification, 109:135, 109:136 Request for, 109:130 Visitation rights, 110:21 Jurisdiction, 110:15 Temporary orders, 109:41 Magistrate's decision, based on, 109:49 Termination of dispositional order, 109:115 Termination of parental rights. See CUSTODY OF CHILDREN, INSTITUTIONAL, at Permanent Terms of courts, 106:12 Cuyahoga county, 106:12 Testimony, 109:57 Time, adult cases, 110:9 Tobacco use by child, 108:8, 108:25, 110:25 Traffic cases. See TRAFFIC OFFENSES, at Juveniles, by Transcripts, 109:60 Transfer of cases, 109:6, 109:7 Certification as complaint, 109:2 to 109:8 Criminal prosecution, for, 109:63 to 109:70, 109:182, 109:185 Child's right to counsel, 106:5, 109:45 Home county of juvenile, 109:7 Mandatory transfer, 109:65 Uniform Child Custody Jurisdiction Act, 110:17 Unruly children. See UNRULY CHILDREN Venue, 109:6, 109:7 Paternity proceedings, 110:20 Visitation rights, 110:21 Jurisdiction, 110:15 Waiver Examination of child, 109:67 Jurisdiction, of; not permitted, 107:9 Rights, 109:45 Wards of court outside Ohio, 110:17 Warrant against child, 109:13, 109:163 Withdrawal, 108:10 Witnesses Child's right to confront, cross-examine, 106:10 Immunity, 109:50 Penalization by employer prohibited, 109:124 Separation, 109:56 Subpoena, 109:157, 109:159

JUVENILE COURTS—Cont'd

JUVENILE DELINQUENCY See also for offenses not classified as delinquent acts See also TRAFFIC OFFENSES; UNRULY CHILDREN Acts constituting delinquency, 108:1 Acts of delinquency not a crime, 108:4 Adjudication, 108:9, 109:55 to 109:59, 110:9 Appeal, 109:119 Previous conviction, prior to January 1, 2002, 109:86 Adjudication, prior to January 1, 2002, 109:84 Adoption, disclosure requirements, 99:2 Adult Child becoming, jurisdiction, 107:10 Treatment as, in criminal prosecutions. See Criminal prosecution, this heading Age of child, proof of, 108:3 Waiver of defense of lack of, 109:12 Aggravated felonies committed by juveniles, 109:89 Commitment to youth services department, 109:179 Transfer to adult court, 109:63 to 109:70 Aggravated felonies committed by juveniles, prior to January 1, 2002, 109:84 Appeals Jurisdiction, 109:119 Pending, provision for child, 109:119 Apprehension, 109:29 Apprehension after age twenty-one, juvenile court lacks jurisdiction, 107:8, 107:10, 109:88 Arrest, 109:25 Bail. See Recognizance, this heading Burden of proof, 108:9 Beyond a reasonable doubt, 108:2, 110:2 Competency, 108:2 Defenses, 108:2 Commitment of children, 109:50, 109:179 See also CUSTODY OF CHILDREN, INSTITUTIONAL, generally Adult sentence, 109:88 Consecutive orders, 109:83 Limits on, prior to January 1, 2002, 109:87 Reduction for detention time, 109:127 Commitment of children, prior to January 1, 2002, 109:84 Competency to stand trial, determination, 108:9, 109:50, 109:53, 110:9 Complaints, 109:2 to 109:8, 109:132 Judgment of detention when no complaint filed, 109:2, 109:30, 109:49 Parole violation, 109:142 Victim of delinquent 65 or older or disabled, record, 109:112 Contributing to, 110:2 Affidavits, 110:5 Amendment, 110:6 Arraignment, order, 110:47 Arrest warrant, 109:167 Charges, 110:5 Hearing and sentence, order, 110:51

JUVENILE DELINQUENCY—Cont'd

Contributing to, 110:2—Cont'd

Jurisdiction of juvenile court, 107:1, 110:1 to 110:12

Summons, 109:166

Corrupt activity, criminal forfeiture, 109:127

Criminal acts, distinguished, 108:4

Criminal forfeiture rules, applicability, 109:127

Criminal liability, 108:1, 110:1

Criminal prosecution, 107:9, 109:63 to 109:70, 109:182, 109:185

Future prosecutions, effect, 107:9

Right to counsel, 106:5, 109:45

Custody. See CUSTODY OF CHILDREN, INSTITUTIONAL

Damages, liability. See DAMAGES, at Juvenile delinquents, liability

Defined, 108:1, 110:1

Delinquent acts, 108:1, 110:1

Detention, 109:25 to 109:31

See also CUSTODY OF CHILDREN, INSTITUTIONAL, at Detention

Court costs unpaid, detention due to, 109:28

Danger or threat to one or more persons, 109:26

Hearings, 109:168

Homes. See DETENTION HOMES

Pretrial, 109:26

Dispositional orders for delinquent child, 109:90, 109:91

DNA testing of delinquents, 19:10, 108:5, 110:24

Double jeopardy, 106:7

Drivers license, mandatory suspension, 109:98

Drug abuse offenses, mandatory disposition, prior to January 1, 2002, 109:85

Drug abuse or alcohol abuse counseling programs, prior to January 1, 2002, **109:84**

Drug offenses

Drivers license, mandatory suspension, 109:98

Forfeiture of property, 109:127

Drunk driving, mandatory disposition, prior to January 1, 2002, 109:85

Electronically monitored house detention, prior to January 1, 2002, 109:84

Evidence rules, applicability, 109:51

Expungement of records, 109:113, 109:154, 109:155

Extradition of delinquent children, 109:125

Felonies committed by juveniles

Commitment to youth services department, 109:89, 109:178, 109:179

Enhanced disposition, felony specifications, 109:91

Speedy trial provisions, applicability, 109:50, 109:70

Transfer to adult court, 107:9, 109:63 to 109:70, 109:182, 109:185

Victim impact statements, 109:61

Females, trials, 109:49

Financial sanctions, disposition of delinquent children, 109:91

Fingerprints, 109:21 to 109:24, 109:150

Forms, 109:151

Firearms, purchase of, 108:1, 110:1

Guardian, liability for acts of ward, 65:18

Habeas corpus writ, 109:122

Habitual truancy, 108:1

JUVENILE DELINQUENCY—Cont'd

Impeachment by delinquency adjudication, 109:51, 109:111 Prohibition, 108:4 Inheritance from dead victim prohibited, 22:1 Interrogation prior to detention hearing, 109:26 Interstate agreements, 109:125 Jurisdiction of juvenile courts, 107:1 Investigation of suspected juvenile offenders, 106:8 Jail confinement, 109:27, 109:28 Jurisdiction, 107:1, 107:7 Appeals, 109:119 Liquor, handling, 108:1, 110:1 Miranda rights, waiver, 109:14 to 109:17 Commitment offense paper, 109:15 Therapy, court ordered, 109:15 Murders committed by juveniles. See Felonies committed by juveniles, this heading No contest pleas, 109:12, 109:20, 109:50, 109:57 Not guilty child, expungement of records, 109:113, 109:154, 109:155 Notice Adjudication, prior to January 1, 2002, 109:84 Records, of. See Records and reports, this heading Parole violation, complaint for, 109:142 Photographs, 109:21 to 109:24, 109:150 Child, 109:21 to 109:24 Forms, 109:151 Practice and procedure, 106:1 Pretrial preventive detention of juveniles, 106:9 Prevention programs; juvenile courts, participation, 107:6 Probation. See PROBATION, at Juveniles Proof, burden, 108:9 Psychologist-client privilege, applicability, 109:54, 109:111 Miranda rights, 109:15 Recognizance, 109:31 Parent to enter into, 109:110, 109:164, 110:44 Transfer of case from juvenile court, 109:182, 109:185 Records and reports Adjudication records, Maintenance by school board, 108:4 Annual report by juvenile court, 109:112 Court cases, publication of statistics by youth services department, 109:112 Expungement of records, 109:113, 109:154, 109:155 Rehabilitation, 106:17 to 106:19 See also JUVENILE REHABILITATION Research program, 109:112 Restitution, order to pay, prior to January 1, 2002, 109:87 Runaways. See RUNAWAYS Sealing of records, 109:113, 109:154, 109:155 Search Delinquent child's residence and property, 110:46 Juvenile, of, 109:18 to 109:20 Second act, parent's liability, 110:44

JUVENILE DELINQUENCY—Cont'd

Self-incrimination, privilege against, 106:8, 109:14 to 109:17

Serious youthful offenders, 109:99 to 109:101

Sex offenses, 109:89 to 109:97

Classification, 109:89 to 109:93

Age, 109:90, 109:91

14-15 years old at time of committing offense, 109:91

16-17 years old at time of committing offense, 109:90

Hearing after completion of dispositions, 109:92

Subsequent petition for reclassification or declassification of orders, 109:93

Frequency and duration of registration, 109:97

Petitions

Dispute classification as sexual predator, out-of-state sexual offense determination, 109:94

Reclassification or declassification of orders, subsequent petition, 109:93

Records and information prior to release, responsibility of Department of Youth Services, 109:96

Standard of proof, 106:6

Tobacco use by child, 108:8, 108:25

Unfit parents, 108:11, 110:11

Venue, 109:7

Victims of crimes, right to recover damages, notice of, 109:61

JUVENILE PROCEEDINGS

See JUVENILE COURTS

JUVENILE REHABILITATION

Generally, 106:17 to 106:19

Amenability to, determination, 109:67

Appeal, 109:119

Detention homes, 106:17 to 106:19

See also DETENTION HOMES

Education, cost, 109:73

Eligibility, 109:70

Facilities

Detention homes. See DETENTION HOMES

Financing, 106:17 to 106:19

Funding, youth services department, from, 106:17 to 106:19

JUVENILE RULES OF PROCEDURE

Generally, 109:50

See also JUVENILE COURTS, at Rules of procedure

JUVENILE TRAFFIC OFFENDERS

See TRAFFIC OFFENSES, at Juveniles, by

KEOGH PLANS

Funds contributed by individual as exempt from use to satisfy judgment or order, 93:1 Testamentary trustees, 33:6

KIDNAPPING

Custody of child improperly obtained, 110:18

Parental Kidnapping Prevention Act, 110:18

KILLING

See MURDER

KIN

See NEXT OF KIN

KNOWLEDGE

See NOTICE

LABOR

See also EMPLOYER AND EMPLOYEE

Salary

See COMPENSATION

See WAGES AND HOURS

LAKE COUNTY

See COUNTIES, for general provisions

LAND

See also REAL PROPERTY

Conveyances. See CONVEYANCES

Deeds. See DEEDS

Eminent domain. See EMINENT DOMAIN

Estates

See also ESTATES

Sale. See LAND SALE PROCEEDINGS

Public. See LANDS, PUBLIC

Taxation. See REAL PROPERTY, TAXATION

LAND CONTRACTS

Completion by administrator or executor, 92:36 to 92:39

Gross estate, inclusion for estate tax purposes, 2:67

LAND SALE PROCEEDINGS

Generally, Ch 91

Ademption, 97:7

Administration costs, to pay, 92:12

Administrator de bonis non or administrator with will annexed bringing, 92:20

Advancement to pay estate debts, land sale to reimburse lender, 92:8, 92:19

Adversary proceeding, as, 91:13

Affidavit, private sale, 96:7

Ancillary administration, 91:5

Appraisement, Ch 94, 2:56, 92:45, 92:48

Actual view, necessity for, 94:3

Appraisers. See Appraisers, this heading

Fair cash value, 94:3

Forms, 94:4 to 94:10

Multiple counties, lands in, 94:1

Necessity for, when, 94:1

Private sale, new appraisal ordered, 96:6

Appraisers, Ch 94

Actual view, necessity for, 94:3

Appointment, 94:1

```
LAND SALE PROCEEDINGS—Cont'd
  Appraisers, Ch 94—Cont'd
    Compensation, 94:2
    Disinterested, construed, 94:2
    Purchasing appraised property, 94:2, 96:8
    Qualifications, 94:1
    Removal, 94:2
    Report, 94:3
  Attorney fees, 97:9, 97:13
  Auction. See Public sale, this heading
  Bad faith or collusion, refusal to confirm sale, 97:2
  Bond, 2:56, 94:6 to 94:10, 95:1
    Fiduciary selling land, 95:1
    Objecting party to give, 95:2 to 95:4
    Prevention of sale, 95:2
  Business of decedent, continuing; land sale to pay expenses, 92:18
  Cash payment, 96:18
  Caveat emptor, 96:12
  Certification, indebtedness, of, 91:12
  Charitable trust not in being, trustee appointed for, 92:27
  City as party, escheated property, 92:28
  Civil action, as, 91:13
  Claims and debts of estate, to pay, 97:6
  Commencement, 2:55, 91:8, 92:1, 92:42
    When, 91:12
    Who may bring, 92:3, 93:8
  Commission for real estate broker, 97:11
  Complaint, 2:55, 92:2, 92:47
    Forms, 92:40 to 92:55
    Less than all interested persons consenting, 92:43
  Confirmation of sale, 2:58, 97:1 to 97:3, 97:16 to 97:23
    Effect, 97:3, 97:4
    Fiduciary's liability, effect, 97:3
    Refusal, 97:2
    Registered land, 97:4
    Report, 97:2
    Sufficiency, 97:2
  Consent, 92:30
    Family homestead, 93:6
    Guardian, by, 98:2, 98:12
    Surviving spouse and heirs, SPF 11.0, 2:52, 91:7, 92:30, 92:42
  Contribution of parties in interest, 93:11
  Costs. See Expenses, this heading
  Counterclaims and cross-claims, recorded lien, on, 93:13
  Court ordering, 2:52
  Creditors
    Commencing, 92:3, 93:8
    Excluded as defendants, 92:29
    Time limit, 92:5
  Crops, 96:12
```

LAND SALE PROCEEDINGS—Cont'd

Deed, 2:58, 97:1, 97:5, 97:16 to 97:23 Deferred payments, 2:56, 96:18, 97:23 Demand for Beneficiary, by, 91:7 Guardian, by, 98:2 Disabled person, party to, 92:26 Distribution of proceeds, 2:59, 97:6 to 97:9 Attorney fees, 97:9 Claims and debts of estate, to pay, 97:6 Expenses of sale, to pay, 97:6 Legacies, to pay, 97:6 Method, 97:9 Priorities, 97:6, 97:9 Realty, as, 97:8 Taxes against property, to pay, 97:6, 97:14, 97:15 Divorced spouse as party to, 92:25 Dower, 93:14 to 93:19, 93:23 Conveyance by trustee or agent, 93:19 Debts, interest subject to, 93:17 Distributive share in lieu of, 93:18 Equitable interest in, 93:14 Inchoate dower, 93:14 Interest in dower, person having as party to, 92:25 Mentally ill persons, 93:19 Sale to be free of, 93:19 Termination, 93:15 Valuation, computing, 93:16 Vested, 93:14 Encumbrances, property subject to, 93:9 to 93:13 Cross-claim on recorded lien, 93:13 Dower. See Dower, this heading Judgment lien against heir, 93:11 Mortgage, **93:10** Probate court determining equities and priorities of lien, 93:11 Release and satisfaction, 93:12 Entire interest. See Interest in real property, sale, this heading Equitable interest, 93:2 Order of sale, effect, 96:2 Equities, probate court determining, 93:11 Escheated property, 92:28 Estate tax purposes, for, 92:11 Exceptions, 93:6 Exclusions, 92:12 to 92:19, 92:29 Execution of judgment, 96:17 Executors and administrators. See Fiduciary, this heading **Expenses** Attorney fees, 93:4, 97:9, 97:13 Distribution of proceeds to pay, 97:6 Fiduciary, compensation, 97:9, 97:12

```
LAND SALE PROCEEDINGS—Cont'd
  Expenses—Cont'd
     Probate court jurisdiction, 97:10
  Failure to sell by private sale, 96:7
  Federal estate tax, to pay, 92:10
  Fees, 94:2
  Fiduciary
    Compensation, 97:9, 97:12
    Duty, 91:8
    Fees, 93:4
    Foreign, by, 91:4
    Liability, 91:8, 96:11
    Lien, taxes paid by, 97:14
    Powers, Ch 91, 74:1, 74:2
    Successor, power to convey, 92:20, 97:5
  Final account closed with no debts remaining, land sale not permitted, 91:10
  Final orders, 92:32
  Forcing, 91:8
  Foreclosure
    Jurisdiction, 91:14
    Priority over, 93:5
  Foreign court ordering, 91:13, 96:3
  Foreign fiduciary, by, 91:4
  Foreign state, land in; Ohio court lacks jurisdiction, 91:13
  Forms, 92:35
  Fractional interests, 2:53, 91:7, 92:46, 92:48, 93:3
     Attorney fees, 93:4
    Partition action, priority over, 93:5
    Priority, 93:5
  Fraudulent conveyances, 93:6
    Bona fide purchaser, effect, 93:6, 93:7
    Creditor bringing action, 93:8
    Limitation of actions, 93:7
    Venue, 93:7
     When action permitted, 93:7
  Funeral expenses, for, 92:7
  Grounds, 2:54
  Guardian, consent to or demand for, 98:2, 98:12
     Sale of ward's land. See GUARDIANSHIP, at Sale of land by
  Hearings, 2:56
  Heir
     Commencing proceeding, 93:9
    Parties defendant, 92:22
    Satisfying claims of, 92:16
  Homestead, 93:20
    Effect, 93:6
    Exemption, 93:20
  Interest, due against real estate, distribution to, 2:59, 97:15, 98:19
  Interest in real property, sale, 93:1
    Dower. See Dower, this heading
```

```
LAND SALE PROCEEDINGS—Cont'd
  Interest in real property, sale, 93:1—Cont'd
    Entire interest, 93:2
       New appraisal necessary, 94:1
    Equitable interest. See Equitable interest, this heading
    Fractional interests. See Fractional interests, this heading
    Permanent leasehold estates, 93:1
  Judgment lien, 97:15
    Heir, against, 93:11
  Jurisdiction, foreclosure, 91:13
  Jury trial, 91:13, 92:31
  Legacy
    Charge on realty, 92:6
    Legatee
       Commencing, 92:3
       Party, 92:23
    Payment of, 92:6, 97:6
  Lienholder
    Party to, 92:24
    Probate court determining priority, 93:11
  Liens
    Fiduciary's, reimbursement of taxes paid by, 97:14
    Judgment lien, 97:15
    Priority, 97:15
    Taxes, 97:14
  Limitation of actions, 92:5
    Creditor's claim, 92:5
    Fraudulent conveyance, 93:7
  Lis pendens, 92:1
  Management before sale, 91:11
  Medical expenses, 92:7
  Mentally ill person as party to, 92:26
  Minor heirs, effect, 2:52, 91:7, 92:33
    Party to, 92:26
  Mistake or omission, sale report, 96:12
  Mortgage, property subject to, 92:15, 93:10, 96:16, 97:15
  Mortgagee as party to, 92:24
  Motion to commence, 92:3
  Not permitted when final account shows all debts paid, 91:10
  Notice
    Private sale, 96:7
    Public sale, 96:5
    Waiver, 92:4
  Objections to, 91:7, 95:2 to 95:4
    See also Prevention, this heading
  Order of, by court, 2:56
     Amount of property sold, court's discretion, 96:2
    Distribution, of, 93:11
    Effect, 96:3
    Equitable interest only, 96:2
```

LAND SALE PROCEEDINGS—Cont'd Order of, by court, 2:56—Cont'd Foreign court, 96:3 Necessity for, 96:1 Public sale, 96:4 Void without, 96:1 Parties, 2:55, 92:20, 92:21 to 92:29 Partition action Avoiding, 91:7 Distinguished from, 91:12 Fractional interests, sale; priority, 93:5 Plaintiff, 92:20 Pleadings and procedure, Ch 92, 93:21 Power of sale, 2:52, 91:7 Form, 92:33 Preliminary conditions, Ch 91 Pretermitted heir, interest, 48:6 Prevention, 91:8, 91:12, 95:3, 95:4 Bond, 95:2 Price, 2:57, 92:30, 96:13 to 96:17, 96:27 to 96:34 Court setting, 96:13 Mortgage, property subject to, 96:16 Priority, 93:5 Liens, probate court to determine, 93:11 Private sale, 2:57, 91:8 Affidavit, 96:7 Application, 96:7 Appraisal, new, 96:6 Failure to sell, 96:7 Forms, 96:19 to 96:26 Less than \$3,000 value, 92:4 Notice, 96:7 Price, 96:6, 96:14 Return of order, 96:7 Value under \$3,000, 92:4 Whole or parcel, 96:6 Probate court Approval by, 2:52 Commencement of, 92:3 Public sale, 2:57, 96:27 to 96:34 Auctioneer, 96:4 Notice, 96:5 Price, 96:15 Purchasers, 96:8 to 96:12 Administrator as, 96:8 Appraiser as, 94:2, 96:8 Assignee of, conveyance to, 96:8 Caveat emptor, 96:12 Contempt, failure to complete purchase, 96:10 Fiduciary's attorney as, 96:8

```
LAND SALE PROCEEDINGS—Cont'd
  Purchasers, 96:8 to 96:12—Cont'd
    Invalid sale, rights, 96:9
    Limitations, 96:10
    Persons prohibited from being, 96:8
    Rights, 96:9
    Surviving spouse as, 2:52, 91:7, 91:9
  Purposes, 2:53, 91:8
    Forms, 92:40 to 92:49
  Realtor's commission, 2:56, 97:11
  Receiver, appointment, 91:11
  Registered land, 92:1
    Confirmation, 97:4
  Release and satisfaction, 93:12
     Forms, 93:21 to 93:25
  Removal of appraisers, 94:2
  Rents, collection before sale, 91:11
  Report of appraisers, 94:3
  Report of sale, 97:2
  Representations of fiduciary, liability, 96:11
  Resale, 97:2
  Restrictions, encumbrances, dower, Ch 93
  Service of process, 92:30, 92:53
  Spouse of heir excluded as defendant, 92:29
  State as party, escheated property, 92:28
  Statutory provisions, 91:1, 91:2
  Subrogation, 92:7
  Successor executor or administrator substituting for predecessor in, 92:20
  Summary order, 2:60, 92:4, 92:51, 92:52
  Surplus, 92:6
  Surviving spouse
    Fiduciary, as; sale to self, 2:52
    Party defendant, as, 92:21, 92:25
    Purchaser, as, 2:52, 91:7, 91:9
    Satisfying claims of, 92:13
  Tax liens, 97:14
    Probate court may not foreclose, 93:12
  Taxes and assessments against land, proceeds of sale distributed for, 92:14, 97:6,
       97:14, 97:15
  Terms of sale, 2:56
  Testamentary power of sale, 91:6
  Testamentary trustee, by, 91:3
  Time limit, 92:5
    Creditor's claim, 92:5
  Title
    Dispute, to settle, 92:17
    Not vested in decedent, administrator's liability, 93:6
  Trials, 92:31
  Trust
    Constructive, fiduciary purchasing on behalf of heirs, 96:8
```

LAND SALE PROCEEDINGS—Cont'd

Trust-Cont'd

Property in, 93:6

Unborn person, trustee appointed for, 92:27

Value of property less than \$3000, 92:4

Venue, 2:55, 91:15

Fraudulent conveyance, 93:7

Will authorizing, Ch 75, 91:1

Right to sell under will, 91:1

Written consent, form, 92:33

LANDS, PUBLIC

Eminent domain, Ch 105

LANDS, PUBLIC, EMINENT DOMAIN

See also EMINENT DOMAIN

LAPSE STATUTE

Generally, Ch 47, 15:44 to 15:50, 30:137 to 30:144

See also ANTI-LAPSE STATUTE

LAST ILLNESS

Expenses as claim against estate, 2:25

LAST ILLNESS, EXPENSES AS CLAIM AGAINST ESTATE

Priority, 90:4, 90:18

Subrogation, 90:18

LAW, UNAUTHORIZED PRACTICE

Generally, 54:6

LAW ENFORCEMENT OFFICERS

See also CONSTABLES; SHERIFFS

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, **103:4**

Criminal identification and investigation of juveniles, 109:21 to 109:24

Police and fire pension fund, estate tax, 111:10

Public safety officers death benefit fund, estate tax exemption, 111:10

Records and reports of juveniles, 109:21 to 109:24

LAWS, CONSTRUCTION

See DEFINITIONS; STATUTORY CONSTRUCTION

LAWSUITS

See ACTIONS

LAWYERS

See ATTORNEYS

LEASES

Estate or trust, lease from; vacated order of settlement of account, 55:34, 55:49

Guardians, by, 65:61 to 66:68

Oral, declaratory judgment action, 6:6

Personal property taxes, 117:4

Power of attorney, 61:45, 61:46

LEGACIES AND DEVISES

See also ASSETS OF ESTATE; ESTATES; GIFTS AND GRANTS; HEIRS; WILLS

Abatement, Ch 48, 30:166 to 30:168, 49:9

Specific bequests and devises, 49:9

Ademption of specific bequest, 49:4

Advancements, Ch 20, 30:38, 56:6, 56:9

Forms, 30:79 to 30:83

Alternate beneficiary, 30:18

Anti-lapse statute, Ch 47, 15:44 to 15:50

See also ANTI-LAPSE STATUTE

Attorney, to

Precautions, 30:43

Serving as fiduciary's attorney, 54:2

Automobile title, transfer to surviving spouse, 2:21, 21:2 to 21:12, 21:77 to 21:81,

30:95, 69:34, 76:15

Charitable bequests, Ch 32

Codicil executed within six months of death, effect, 32:1

Cy pres doctrine, 32:2

Deviation doctrine, 32:2

Estate tax exemption, 2:78

Federal estate tax deduction, 113:12

Liberal construction, 32:2, 32:3, 44:15

Mortmain statute, repeal, 32:1

Purpose of statute, 32:1

Will contests, 30:29

Chattel property, specific bequest, 30:97

Class gift

Deceased members, effect of anti-lapse statute, 47:4

Declaratory judgment ascertaining members of class, 6:6

Concealment of existing will, effect, Ch 50

Conditional, 30:117 to 30:127

Devise of real estate, 30:121

Contributions to debt payments, 49:1

Mortgages, 49:1, 49:9, 49:10

Real property sale to satisfy, 2:59, 97:6

County, to, 44:43

Death of legatees, Ch 47, 30:137 to 30:144

See also ANTI-LAPSE STATUTE

Presumption of order, 16:3, 30:140, 30:141

Debt payments, contributions to, 49:1, 97:6

Real property sale to satisfy, 2:59

Declaratory judgments regarding, 6:6, 6:7 to 6:10

See also DECLARATORY JUDGMENTS

Definitions, 49:2

Bequest, 30:16, 44:35

Demonstrative legacies, 30:106 to 30:108

Defined, 30:15, 49:2

Descent and distribution. See DESCENT AND DISTRIBUTION

Disclaimers of succession to, Ch 11, 11:24

See also DISCLAIMER OF SUCCESSION TO PROPERTY

LEGACIES AND DEVISES—Cont'd Distribution, 2:100 Application for, **76:7 to 76:12** Return of, 2:100, 2:101 Election of surviving spouse, effect, 21:31 Employees, general pecuniary legacy to, 30:114 Estate tax Apportionment, Ch 112 Equitable, 112:2 Deductions, 111:30, 111:31 Farm property, 30:102 Future interests, Ch 10 General bequests, forms, 30:109 to 30:116, 30:113 to 30:116 General legacies, 30:17, 30:60 to 30:265 Cautions, 30:17 Defined, 21:72, 30:15, 49:2 Formula method, 30:17 Interest, 76:6 Presumption in favor of, 49:3 Stock, 49:5 Grandchildren, 30:110 House, conditional bequest; occupancy rights, 44:46 Household goods and effects, insurance on, specific bequest, 30:98 Interest, 76:6 Intestate succession. See DESCENT AND DISTRIBUTION Jewelry, specific bequest, 30:96 Joint tenancy, specific devise, 30:103 Land sale proceedings Legatee or devisee as party to, 92:23 Proceeds distributed for, 2:53, 92:6, 92:41 See also LAND SALE PROCEEDINGS, generally Lapsing, anti-lapse statute, Ch 47 See also ANTI-LAPSE STATUTE Limitation of actions, effect on paternity proceedings, 19:7 Mortgage lien, no right of exoneration, 74:8, 92:15 Motorcycle title, transfer to surviving spouse, 21:77 Notice to beneficiaries, will contest, 39:8 Probate judges, 3:51 Property disposition during guardianship, 44:48 Public authorities, to. See Charitable bequests, this heading Real estate Charge on, 91:8, 92:6 Not a charge on, 92:6 Specific devise, 30:99 Reduction of assets of estate, legatees to share, 21:26 Remaindermen, Ch 10 Residuary legacy, 30:17 Defined, 30:15 Specific devise, 30:101 Revocation, 41:4

LEGACIES AND DEVISES—Cont'd

Service by publication, 4:45 to 4:47

Specific bequests and devises, 2:100, 30:16, 30:89 to 30:105

Abatement, 49:9

Ademption, 49:4

Alternate gift advised, 30:16

Cautions, 30:16

Contribution, Residuary estate to be exhausted first, 49:9

Defined, 21:72, 30:15, 49:2

Land sale by guardian, 97:7

Rights of devisee or legatee, 44:48

Stock, 49:5

Surviving spouse, election by, 21:72

Statutory right, in lieu of, 30:24

Stock, specific and general legacies differentiated, 49:5

Surviving spouse. See SURVIVING SPOUSE

Tenancy in common, specific devise, 30:104, 30:105

Truck title, transfer to surviving spouse, 21:77 to 21:81, 69:34, 76:15

Trust estate, to, 30:163, 30:200 to 30:207, 30:201 to 30:207, 31:2

Unclaimed, Ch 78

Forms, 78:4 to 78:9

Uniform Simultaneous Death Act, 30:127, 30:139

Vested remainder, 44:10

Whole estate, 44:42 to 44:48

Will construction action, legatee or devisee as party to, 44:6

Witnesses to will, bequests or devises to, 30:43

LEGAL ADVERTISING

See NOTICE

LEGAL AGE

See AGE REQUIREMENTS

LEGAL COUNSEL

See ATTORNEYS

LEGAL DISABILITY

See DISABILITY, PERSONS UNDER; MENTALLY ILL PERSONS; MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

LEGAL INSTRUMENTS

See also particular instrument by name

Deeds. See DEEDS

Disclaimer of succession to property, contents, 11:5

Leases. See LEASES

Lost. See LOST INSTRUMENTS AND RECORDS

Wills, Ch 25, 30:60 to 30:265

See also WILLS

LEGAL RIGHTS SERVICE

Mentally ill persons, 102:65

LEGATEES

See HEIRS; LEGACIES AND DEVISES

LEGITIMATION

See ILLEGITIMATE CHILDREN, at Legitimation

LETTERS OF ADMINISTRATION

Generally, 69:3 to 69:16

See also EXECUTORS AND ADMINISTRATORS, at Letters of administration

LETTERS OF APPOINTMENT

See EXECUTORS AND ADMINISTRATORS, at Letters of administration, and at Letters testamentary

LETTERS OF CONSERVATORSHIP

Generally, SPF 20.2

LETTERS OF GUARDIANSHIP

Generally, 63:22, 63:85

LETTERS TESTAMENTARY

See EXECUTORS AND ADMINISTRATORS, at Letters testamentary

LEVIES

See particular subject of levy

LIABILITY

See particular subject concerned, at Liability

LICENSES AND PERMITS

See also particular subject concerned

See DRIVERS' LICENSES

Marriage licenses, 108:26 to 108:31, 110:26 to 110:31

Power of attorney, 61:46

LIENS

See also particular type by name

See JUDICIAL SALES, Sales to enforce

Actions to enforce, service by publication, 4:23, 4:45 to 4:47

Cross-claim, land sale proceeding, 93:13

Estate property, on, Ch 77, 2:59

Actions, 93:3

Discharged of debts when decedent's lands sold at judicial sale, 49:11

Failure to present, 2:34

Fractional interest, sale of, 92:46, 92:48, 93:3

Mortgages, 90:22, 90:23

Priority, 2:56, 93:11

Release, real property, 2:56, 93:12, 93:21 to 93:25

Intestate succession creating, 21:50

Tax, estate tax, 111:86

LIFE ESTATES

Generally, 30:149 to 30:152

Estate tax, effect, 2:72, 111:5

Heirlooms, in, 30:149

LIFE ESTATES—Cont'd

Increase, 44:45

Reduction, 44:45

Remaindermen, Ch 10, 2:104, 44:44

Protection of interest, Ch 23, 2:104, 76:19, 76:20

See also Waste by tenant, this heading

Rents, 91:11

Right to occupancy distinguished from, 44:46

Rule in Shelley's case, 45:1

Tenant's rights and duties, 23:1, 23:2

Waste by tenant, Ch 23

Actionable waste, 23:1

Damages, 23:4

Injunctive relief, 23:4

Standing to bring action, 23:3

Statutory provisions, 23:1

Construction, 23:1

LIFE INSURANCE

See also INSURANCE, generally

Beneficiaries

Convicted murderer not to benefit from death of murder victim, 22:3

Ex wife's entitlement to proceeds of policy, though other beneficiary named, 85:22

Minors as, Transfers to Minors Act, 13:28, 68:6

Trustee named in will, 33:5

Commingling proceeds in trust, 33:6

Estate tax, 2:68, 2:76, 33:6, 111:16, 111:62, 111:66, 111:94

Gift causa mortis, as, 14:9

Inheritance tax, 33:6

Presumed decedent's, 9:7

Decree vacated, effect, 9:7

Proceeds payable to estate, 2:68, 2:76

Release by tax commissioner, 111:81

Tax-free payments to terminally ill patients from, 114:2

Transfers to Minors Act, 68:6

Forms, 13:28

LIFE TENANTS

See LIFE ESTATES

LIMITATION OF ACTIONS

Abandoned children, determination proceedings, 15:56

Administrator, special, 70:2

Antenuptial agreements, action to set aside, 101:1

Bond actions, 53:10

Contesting wills, 2:14, 39:2, 39:7

Creditor's claim, Ch 84

Descent and distribution, effect on paternity proceedings, 19:7

Election by surviving spouse. See Surviving spouse, election, this heading

Estate tax. See ESTATE TAX, at Limitation of actions

LIMITATION OF ACTIONS—Cont'd

Estates, claims against, Ch 84, 2:27, 2:31, 70:2, 85:15 to 85:28, 86:1, 89:8

Acceleration of bar against, 2:27, 85:29, 85:30, 86:1

Contingent claims, 85:24 to 85:28

Exceptions, 89:10

Fraud by administrator alleged, 85:29, 86:2

Notice to distributees before expiration of period, 85:39

Other statutes, effect on, 85:38

Purpose, 85:2, 85:29

Rejection of claim, action on, 85:35, 89:8 to 89:13

State claims, 85:29

Executors and administrators, actions against

Appointment, failure to give notice, 69:37

Fraud alleged, 85:29, 86:2

Investment of unclaimed funds, 78:2

Special administrator, 70:2

Fiduciaries, actions against

Accounting, fraud by, 2:96, 55:49

Executors and administrators. See Executors and administrators, actions against, this heading

Personal use of trust funds by, 56:3

Vacation of order settling final account, 55:28

Heirship, determination; effect of paternity proceedings, 19:7

Inter vivos trust, 3:6

Land sale proceedings, 92:5

Creditor's claim, 92:5

Fraudulent conveyance, 93:7

Legacies and devices, effect of paternity proceedings, 19:7

Legal disability, persons under, 62:5

Partnerships, claims against, 60:12

Paternity proceedings, 19:2, 19:7, 19:8, 110:21

Separation agreement, action to set aside, 101:1

Special administrator, 70:2

Surviving spouse, election, 2:36, 21:13, 21:64

Forms, 21:101 to 21:108

Mansion house, 21:45

Will contests, 2:14, 39:2, 39:7

Wrongful death, 12:14

LIMITED PARTNERSHIPS

See PARTNERSHIPS, generally

LIQUOR CONTROL

Delinquent child, 108:1, 110:1

Minors, purchase by, 108:1, 110:1

LIS PENDENS

Land sale proceedings, 92:1

LIVING WILLS

Generally, 61:17 to 61:37

Absence of health care instrument, 61:28

LIVING WILLS—Cont'd

Advantages of executing, 61:26, 61:27

Conflict with durable power of attorney for health care, effect, 61:22

Do not resuscitate order, 61:36

Effective date, 61:23

Execution, 61:21

Foreign states, 61:29

Former law, **61:29**

Foreign declaration, effect, 61:29

Form, **61:57**

Health care declaration, 61:20

Life-sustaining equipment, withholding or withdrawal, 61:32

Notice, determinations made under, 61:31

Nutrition or hydration, withholding or withdrawal of, 61:33

Objections to determinations made under, 61:35

Operation of declaration, prerequisites, 61:23

Power of attorney for health care, conflict with; effect, 61:22

Pregnant patients, effect, 61:34

Revocation, 61:24

Withholding or withdrawal of life-sustaining equipment, 61:32, 61:33

LOANS

Power of attorney, **61:46**

LOCATION

See PLACE OR LOCATION

LONG FORM TESTIMONY

Generally, 2:12

LONG-ARM STATUTES

Minimum contacts required, 4:18

LORAIN COUNTY

See COUNTIES, for general provisions

Probate court jurisdiction, 3:3

LORD CAMPBELL'S ACT

Generally, Ch 12

See also WRONGFUL DEATH

LOSS OF SERVICES

Wrongful death action for compensation, 12:11

LOST INSTRUMENTS AND RECORDS

Stock certificates, 75:31 to 75:35

Wills

See also PROBATE OF WILLS, at Lost, spoliated, or destroyed wills

Forms, 40:5 to 40:12

Notice, 40:5, 40:6, 40:9, 40:10

LOYALTY

Trusts, duty to settlor, 34:11

LUCAS COUNTY

See COUNTIES, for general provisions

MACHINERY

Gross estate determination, tax purposes, 2:70

MAGISTRATES

Appointment, 3:35, 3:36, 109:49

Decisions, juvenile delinquency, 109:49

Election against will, 21:32

Juvenile courts, 109:49, 109:175, 109:177

Powers and duties, 109:49

Probate court deputy clerks as, 3:35, 3:36

Proceedings before, 109:49

Reports

Election under will, contempt, 21:32

Hospitalization of mentally ill, hearing on objections to, 102:35

MAHONING COUNTY

See COUNTIES, for general provisions

MAINTENANCE

See SUPPORT AND MAINTENANCE

MALICIOUS PROSECUTION

Attorney, claim against; evidence, 5:8

MALPRACTICE, LEGAL

Drafting wills, 30:57, 30:58

Witnesses, age of, 30:57, 30:58

Trust preparation, 30:57, 33:23

Wills, withholding, 30:57, 30:58, 50:6

Wrongful death claims, no duty to inquire about, 81:23

MANDATORY REPORTING ACT

Generally, 110:1 to 110:12

MANSION HOUSE

Generally, 21:57, 21:58

Antenuptial agreement disclaiming interest, effect, 21:58

Defined, 21:57

Election by surviving spouse. See Surviving spouse, this heading

Family allowance, 90:16

Improvements, surviving spouse, right to purchase; effect on, 2:40

Land sale proceedings, effect, 93:6, 93:20

Property covered, 21:73

Rental property, 21:58

Separation, effect, 21:58

Setoff, 93:6

Surviving spouse

Election by, effect, 2:38, 2:40, 21:5

Filing requirements, 21:46

Right to remain in not barred by, 21:30

Summary administration, 2:117

MANSION HOUSE—Cont'd

Surviving spouse—Cont'd

Election by, effect, 2:38, 2:40, 21:5—Cont'd

Time requirements, 21:45

Estopped from taking at appraisal value, probate court jurisdiction, 21:74

Free use for one year, 15:6, 21:58

Intestate share, 2:44, 15:8, 21:44 to 21:47

Payment of specific monetary share, 2:45

Purchase by, 2:40, 21:61, 21:73

Right to remain in, 2:35 to 2:40, 21:30, 21:58, 30:24

Barring spouse from statutory rights, 30:133

Uniform Simultaneous Death Act, 21:30

MANSLAUGHTER

See MURDER, generally

MARRIAGE

See also HUSBAND AND WIFE

Age requirements, 108:20, 110:20

Alimony. See ALIMONY

Annulment. See ANNULMENT OF MARRIAGE

Antenuptial agreements, action to set aside, Ch 101

See also ANTENUPTIAL AGREEMENTS, at Action to set aside

Application for license, 108:26, 110:26

Common law marriages. See COMMON LAW MARRIAGES

Consent to minor's marriage, 108:27 to 108:30, 110:27 to 110:30

Jurisdiction, 107:1

Dissolution. See DISSOLUTION OF MARRIAGE

Divorce. See DIVORCE

License, 108:26 to 108:31, 110:26 to 110:31

Application, 108:26, 110:26

Requirements, 108:26 to 108:31, 110:26 to 110:31

Minor, by, 107:1, 108:26 to 108:31, 110:26 to 110:31

Juvenile court consenting to, 108:20, 110:20

Marriage without consent, 108:8, 110:8

Premarital agreements, action to set aside. See ANTENUPTIAL AGREEMENTS, at Action to set aside

Presumption of spouse's death, dissolution, 9:7

Remarriage, revival of property rights under will, 21:85, 41:12

Ward, effect on guardianship, 67:1

Wills, effect, 26:3

Witnesses, consent to minor's marriage, 108:27 to 108:30, 110:27 to 110:30

MASSES

Will clause, 30:14

MATERNITY PROCEEDINGS

Generally, 18:2, 19:6, 110:23

See also PATERNITY PROCEEDINGS, for general provisions

MEDIATION

Probate court jurisdiction, 3:17

MEDICAID Power of attorney, benefits, 61:46 Recovery program Administration of estates Checklist Generally, 2:121 Release, 2:122 Appointment of fiduciary, 2:15 Assets of estates Distribution, no administration, 2:114 Summary release, 2:112 Creditor's claims, 85:40 Drafting a will, 30:35 Payment of debts and claims Notice to creditors, 2:28 Presentation of claims, 2:27 Property chargeable with payment of debts, 49:11 Release from administration Generally, 2:108 Application, 2:110 Notice, 2:110 Summary Generally, 2:112 Application, 2:114 Medicaid qualifying, 33:16 Transfer of property, 33:16 Voluntary distribution, 76:4 Testamentary trusts, resource limitation, 33:16 MEDICAL AND MENTAL EXAMINATIONS Child Order for pursuant to juvenile court proceeding, 109:36 Transfer for criminal prosecution, 109:67 Competency, to determine, 63:45, 109:53 Advance deposit, 63:50 Person adjudged competent, costs, 63:48 Person adjudged incompetent, costs, 63:47 Court ordering, 109:36 Fees, competency examination Advance deposit, 63:50 Person adjudged competent, 63:48 Person adjudged incompetent, 63:49 Jurisdiction, probate court, 3:2 Probate court jurisdiction, 3:2 MEDICAL DEVICES AND EQUIPMENT, LIFE-SUSTAINING OR LIFE-PROLONGING TREATMENT

Index-200

Consent, 65:9

Chronic vegetative state, authorization, 65:9

Discontinuation, guardian, by, 61:28, 65:9

MEDICAL RECORDS

Artificial insemination, nonspousal, 110:33

Embryo donation, 110:33

Privileged communications, admissibility of records in criminal actions, 99:22

Will contests, 39:2

MEDICAL SCHOOLS

Anatomical gifts to, 30:12

MEDICARE

Power of attorney, 61:46

MEDICINE

Practice of. See PHYSICIANS

MEMORANDUM OF TRUST

Generally, 33:4

MENTAL ANGUISH

Wrongful death action to recover damages for, 12:11

MENTAL EXAMINATIONS

See MEDICAL AND MENTAL EXAMINATIONS

MENTAL HEALTH DEPARTMENT

Buildings. See Institutions, this heading

Forms to be used by institutions, 102:66

Hospitalization of mentally ill, transfer of patients, 102:38

Institutions

See also at Hospitalization

See also CHARITABLE INSTITUTIONS

See also MENTALLY ILL PERSONS

Forms to be used by, 102:66

Patients. See MENTALLY ILL PERSONS, at Hospitalization

MENTAL HEALTH TREATMENT

See MENTALLY ILL PERSONS at Declaration for mental health treatment

MENTAL HOSPITALS

See MENTAL HEALTH DEPARTMENT; MENTALLY ILL PERSONS

MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES DEPARTMENT

Buildings. See Institutions, this heading

Fiduciary, as, bond, 53:13, 63:73

Institutions

See also at Institutionalization

See also CHARITABLE INSTITUTIONS

See also MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

Residents. See MENTALLY RETARDED AND DEVELOPMENTALLY DIS-ABLED PERSONS, at Institutionalization

Records and reports. See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS, at Institutionalization

Trustee, as. See Fiduciary, as, this heading

MENTAL RETARDATION TEAM

Evaluation of incompetent person, SPF 17.1

MENTALLY ILL PERSONS

Actions for commitment. See Hearings on hospitalization, this heading

Adjudication of insanity, 26:7

Assessment, 102:18

Attorney for, when commitment proceedings begin. See Hearings on hospitalization, this heading

Child. See MINORS, at Mentally ill

Civil commitment

Incompetent to stand trial, 102:48

Court options, 102:48

Voluntary admissions, application, 102:63

Community mental health board, commitment to, 102:30

Confidentiality of records, 102:60

Exceptions, 102:60

Consent of patient, 102:60

Exchange of information between facilities, 102:60

Family members of patient, 102:60

Medical records of patient, 102:60

Patients, access to own records, 102:60

Psychiatric records of patient, 102:60

Consent to medical treatment, 102:57

Major aversive interventions, 102:58

Medical emergencies, 102:57

Psychotropic medication, 102:59

Forcible administration, 102:59

Surgery, 102:56

Court approval for treatment, 102:55

Criminal cases

See NOT GUILTY BY REASON OF INSANITY

Criminal cases. See Incompetent to stand trial, this heading

Declaration for mental health treatment

Generally, 61:38

Capacity and formalities of execution, 61:39

Designation of proxy, 61:40

Operation of declaration, other provisions, 61:44

Probate court jurisdiction, 61:43

Time limit, **61:42**

Withholding or withdrawal of treatment, 61:41

Defendants. See DEFENDANTS, at Incompetent to stand trial

Definitions, 102:1 to 102:9

Dependent or neglected child, determination, 108:11, 108:14

Disability, considered to be under, 62:3

See also DISABILITY, PERSONS UNDER

Discharge from hospital, 102:31

Voluntary patients, 102:12

Judicial proceedings, subject to, 102:13

MENTALLY ILL PERSONS—Cont'd

Disclosure of information, 102:60 Consent of patient, 102:60 Not required, 102:60 Exchange of information between facilities, 102:60 Family members of patient, 102:60 Medical records of patient, 102:60 Patients, access to own records, 102:60 Psychiatric records of patient, 102:60 Tort, independent, 102:60 Discrimination prohibited, 102:62 Dower rights. See DOWER Emergency hospitalization, 102:20, 102:21 Affidavit, 102:20, 102:23 Examination of patients, 102:21 Explanation to patients, 102:20 Initiation of commitment, 102:20 Ohio Department of Health jurisdiction, 102:21 Rights of patients, 102:19, 102:21 Rules for commitment, 102:21 Standard for commitment, 102:21 Three-day custody, 102:21 Transfer of patients, 102:21 Written report, 102:21 Eminent domain proceedings, representation, 105:19 Escape from hospital, 102:61 Expert evaluation, SPF 17.1 Full hearing, 102:27 See also Hearings on hospitalization, this heading, for general provisions Guardianship. See GUARDIANSHIP, at Mentally ill persons, for Hearings on hospitalization, 102:25 Case presented by attorney, 102:28 Elements, 102:28 Clear and convincing evidence standard, 102:28 Remission as a result of medication, 102:28 Full hearing, 102:27 Waiver, 102:27 Habeas corpus, 102:37 Initial hearing, 102:26 Procedure, 102:26 Time, 102:26 Waiver, 102:26 Magistrates' decision, Objections to, 102:35 Pre-hearing procedure, 102:24 Detention orders, 102:24 Examination of patients, 102:24 Court appointment of examiner, 102:24 Notices, 102:24 Review of affidavit, 102:24 Rights of patients, 102:24

MENTALLY ILL PERSONS—Cont'd Hearings on hospitalization, 102:25—Cont'd Procedure, 102:28 Rules, 102:28 Rehearing, 102:36 Review hearings, 102:32 See also Review hearings, this heading Summary, 102:40 Hospitalization, Ch 102 Affidavit to commence proceedings, 102:23, 102:24 Attorney's role. See Hearings on hospitalization, this heading Community mental health board, commitment to, 102:30 Confidentiality of records, 102:60 Exceptions, 102:60 Consent to medical treatment, 102:55 Major aversive interventions, 102:58 Medical emergencies, 102:57 Psychotropic medication, 102:59 Forcible administration, 102:59 Surgery, 102:56 Court approval for treatment, 102:55 Court ordering. See Hearings on hospitalization, this heading Criminal cases See NOT GUILTY BY REASON OF INSANITY Criminal cases. See Incompetent to stand trial, this heading Definitions, 102:1 to 102:9 Independent expert evaluation, 102:8 Residence, 102:9 Discharge. See Discharge from hospital, this heading Disclosure of information, 102:60 Consent of patient, 102:60 Exchange of information between facilities, 102:60 Family members of patient, 102:60 Medical records of patient, 102:60 Patient, access to own records, 102:60 Psychiatric records of patient, 102:60 Tort, independent, 102:60 Discrimination prohibited, 102:62 Emergency admissions, 102:20, 102:21 Examination of patients, 102:21 Explanation to patients, 102:20 Initiation of commitment, 102:20 Rights of patients, 102:19, 102:21 Rules for, 102:20, 102:21 Standard for commitment, 102:21 Three-day custody, 102:21 Transfer of patients, 102:21 Written report, 102:21 Escape, 102:61

Full hearing, 102:27

```
MENTALLY ILL PERSONS—Cont'd
  Hospitalization, Ch 102—Cont'd
    Hearings. See Hearings on hospitalization, this heading
    Immunity, 102:63
    Interference with custody, 109:140, 109:167
    Involuntary, 102:17 to 102:19
       Assessment, 102:18
       Notice, 102:18
       Rights of patients, 102:19
       Rules, 102:17
    Judicial
       Affidavit, 102:23
       Commencement of proceedings, 102:23
       Disposition of persons, 102:29
         Status change, involuntary to voluntary admission, 102:29
       Habeas corpus, 102:37
       Hearings, 102:25
       Jurisdiction, 102:22
       Magistrate's decision, objections to, 102:35
       Pre-hearing procedure, 102:24
       Rehearing, 102:36
       Review hearings, 102:32
       Rights of patients, 102:19
    Legal rights service, 102:65
    Liability, 102:63
    Major aversive interventions conducted in, 102:58
    Minors, Guardianship, 102:64
    Not guilty by reason of insanity. See NOT GUILTY BY REASON OF INSANITY
    Notice
       Summary, 102:40
       Transfer of patients, 102:38
    Ombudsman program, 102:65
    Records and reports, Confidentiality, 102:60
    Review hearings. See Review hearings, this heading
    Rights of patients
       Generally, 102:54
       Civil rights, 102:54
       Communication, 102:54
       Forced labor, 102:54
       Interaction with members of opposite sex, 102:54
       Personal privileges, 102:54
       Privacy and dignity, 102:54
       Religious worship, 102:54
       Treatment rights, 102:53
       Written list of rights, 102:54
    Subject to by court order, 102:2
    Support, Claims against estate for, 85:31
    Transfer of patients, 102:38
       Mental health department, by, 102:38
       Notice, 102:38
```

```
MENTALLY ILL PERSONS—Cont'd
  Hospitalization, Ch 102—Cont'd
    Trial visits, 102:39
    Voluntary admissions, 102:10 to 102:14
       Application, 102:10
       Court review, 102:14
       Discharge of patients, 102:12
  Hospitals
    See at Institutions
    See Hospitalization, this heading
    See MENTAL HEALTH DEPARTMENT
  Incompetent to stand trial, 102:41 to 102:52
    Civil commitment, 102:48
       Court options, 102:48
    Conditional release, 102:50
    Discharge, 102:52
    Dispositions, 102:44
    Expert evaluation, nonsecured status or termination of commitment, 102:49
    Further commitment, 102:48
       Affidavit for, 102:44
    Hearings, 102:47
       Nonsecured status, 102:49
         Movement, safety threat of, 102:49
       Violation of conditional release, 102:50
    Jurisdiction of trial court, 102:41, 102:42
    Least restrictive alternative. 102:48
    Medication, 102:47
    Nonsecured status, 102:47
       Hearings, 102:49
         Movement, safety threat of, 102:49
    Report by treatment supervisor, 102:47
    Review process, 102:51
    Termination of commitment, 102:49
    Treatment, 102:47
       Duration, 102:47
    Voluntary status, not available until termination of original commitment, 102:43
  Inquests respecting, probate court jurisdiction over, 3:14
  Involuntary hospitalization, 102:17 to 102:19
    See also Hospitalization, generally, this heading
    Pre-hearing procedure, Notices, 102:24
    Rights of patients, 102:19
    Rules, 102:17
  Judicial hospitalization
    See also Hearings on hospitalization, this heading
    Affidavit, 102:23
       Content, 102:23
       Filing, 102:23
    Commencement of proceedings, 102:23
    Disposition of persons, 102:29
       Community mental health board, committed to, 102:30
```

```
MENTALLY ILL PERSONS—Cont'd
  Judicial hospitalization—Cont'd
    Disposition of persons, 102:29—Cont'd
       Status change, involuntary to voluntary admission, 102:29
    Emergency, 102:21
    Habeas corpus, 102:37
    Hearings, 102:25
       Clear and convincing evidence standard, 102:28
         Remission as a result of medication, 102:28
       Full hearing, 102:27
       Initial hearing, 102:26
       Procedure, 102:28
       Review hearings, 102:32
    Jurisdiction, Noncriminal cases, 102:22
    Magistrate's decision, objections to, 102:35
    Notification to Bureau of Criminal Identification and Investigation, 102:33
    Pre-hearing procedure, 102:24
       Detention orders, 102:24
       Examination of patients, 102:24
         Court appointment of examiner, 102:24
       Notices, 102:24
       Review of affidavit, 102:24
       Rights of patients, 102:24
    Rehearing, 102:36
    Review hearings, 102:32
    Rights of patients, 102:19
  Jurisdiction, 3:6
    Children, 107:6
    Juvenile court, 108:19, 110:19
  Land sale proceeding, party to, 92:26
  Legal disability, under, 62:1, 62:3
    See also DISABILITY, PERSONS UNDER, generally
  Legal rights service, 102:65
  Medical aid. See Hospitalization, this heading
  Minors
    Hospitalization, Guardianship, 102:64
    Outpatient treatment
       Availability without consent, 102:15
       Costs, 102:15
       Disclosure, 102:16
       Extension, 102:15
       Limit on duration, 102:15
       Termination, 102:15
  Not guilty by reason of insanity. See NOT GUILTY BY REASON OF INSANITY
  Notice, 102:18
  Notice of transfer of patient, 102:38
  Notification to Bureau of Criminal Identification and Investigation, 102:33
  Ombudsman program, 102:65
```

MENTALLY ILL PERSONS—Cont'd

Parties to actions, 3:6

Substitution, 87:1

Motion for, 87:3

Probable cause hearing. See Hearings on hospitalization, this heading, for general provisions

Probate court jurisdiction, 3:6

Records and reports

See also Hospitalization, this heading

Confidentiality, 102:60

Exceptions, 102:60

Tort, independent, 102:60

Review hearings, 102:32

See also Hearings on hospitalization, this heading, for general provisions

Rights of patients

Generally, 102:54

Civil rights, 102:54

Communication, 102:54

Forced labor, 102:54

Interaction with members of opposite sex, 102:54

Personal privileges, 102:54

Privacy and dignity, 102:54

Religious worship, 102:54

Treatment plan, Reevaluation, 102:53

Treatment rights, 102:53

Evaluation, 102:53

Humane treatment, 102:53

Unavailability of treatment, 102:53

Written treatment plan, 102:53

Written list of rights, 102:54

Service of process on, 4:7, 4:29, 4:49

Institutionalized person, 4:30

Support. See Hospitalization, this heading

Surviving spouse, effect on election, 2:37

Testator, as, 30:47

Transfer of patients, 102:38

Mental health department, by, 102:38

Notice, 102:38

Trial visits, 102:39

Voluntary hospitalization, 102:10 to 102:14

See also Hospitalization, generally, this heading

Application, 102:10

Court review, 102:14

Discharge, 102:12

Judicial proceedings, subject to, 102:13

Will, capacity to make, 26:7

See also TESTAMENTARY CAPACITY, at Insanity

MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

Child. See MINORS, at Mentally retarded

MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

—Cont'd

Disability, considered to be under, 62:3

See also DISABILITY, PERSONS UNDER, generally

Emergency intervention procedures

Generally, 104:1

Access by MR/DD Board to investigate, 104:4

Complaint to initiate emergency intervention, 104:8

Definitions, 104:2

Duration of final order, 104:13

Final order, 104:12, 104:13

Hearing after emergency telephone orders, 104:6

Hearing on complaint, 104:11

Investigations of abuse or neglect by MR/DD Board, 104:3, 104:4

Notice of complaint, 104:9

Protective services plan, 104:7

Standard for final order, 104:12

Telephone orders, 104:5, 104:6

Temporary order after filing complaint, 104:10

Expert evaluation, SPF 17.1

Fiduciaries for. See FIDUCIARIES

Guardianship, SPF 17.1, 3:6

See also GUARDIANSHIP, at Mentally retarded persons, for

Institutionalization

Interference with custody, 109:140, 109:167

Support, Claims against estate for, 85:31

Voluntary, Forms, 102:66

Institutions, state-supported. See MENTAL RETARDATION AND

DEVELOPMENTAL DISABILITIES DEPARTMENT, at Institutions

Involuntary institutionalization. See Institutionalization, this heading, for general provisions

Jurisdiction, 3:6

Children, 107:6

Juvenile court jurisdiction, powers, 108:19, 110:19

Legal disability, considered to be under, 62:3

See also DISABILITY, PERSONS UNDER

Minors. See MINORS, at Mentally retarded

Parties to actions, 3:6

Substitution, 87:1

Motion for, 87:3

Probate court jurisdiction, 3:6

Protective service system, 3:6

Records of institutionalization. See Institutionalization, this heading

Service of process on, 4:7, 4:29, 4:49

Institutionalized person, 4:30

Support. See Institutionalization, this heading

Trustees. See FIDUCIARIES

Voluntary institutionalization. See Institutionalization, this heading

MILITARY SERVICE

Death of servicemen, presumed decedents' law, 9:1, 9:9 to 9:12

See also PRESUMED DECEDENTS

Estate tax on death allowance, 111:20

Fiduciary duties, effect, 58:7

Missing servicemen, presumed decedents' law, 9:1, 9:9 to 9:12

See also PRESUMED DECEDENTS

Power of attorney, 61:46

Veterans. See VETERANS

MINERAL RIGHTS

Fiduciaries, powers, 93:1

Guardians, sale, 93:1

Life tenancy, effect, 23:2

MINORS

See also PARENT AND CHILD

Abandoned. See DEPENDENT AND NEGLECTED CHILDREN, generally

Abortion, complaint for abortion without parental consent, 109:143

Abuse, affidavit of, 109:144, 109:145

Juvenile court order, 109:147

Order authorizing, 109:183

Abortion, complaint for abortion without parental notification

Appeal from dismissal, 109:184

Abuse. See CHILD ABUSE

Actions involving, **Ch** 106

See also JUVENILE COURTS

Forms, 106:20 to 106:25

Guardian bringing or defending, 66:10 to 66:13

Administrator, as, 69:13

Adoption. See ADOPTION

Afterborn

See PARENT AND CHILD, at Posthumous children

See PRETERMITTED HEIRS

Alcoholic beverages. See LIQUOR CONTROL, at Minors

Anatomical gifts, 30:12

Application for finding of emancipation, 68:12 to 68:17

Arrest, 109:25

Assault by, parental liability, 110:42

Caretaker authorization affidavit, grandparent and grandchild, 61:11

Cash position, determination, 2:10

Change of name, 3:4, 100:11, 100:13 to 100:15

Probate court jurisdiction, 3:2

Charitable institutions for. See CHARITABLE INSTITUTIONS, at Children, for

Children, defined for will purposes, 44:25

Children services agency, commitment to, 109:76 to 109:82

Consent to marriage. See Marriage, consent, this heading

Corruption, jurisdiction, 110:1 to 110:12

Crimes and offenses by, liability of parent, 109:164

Assault, 110:42

Theft or vandalism, 110:42

MINORS—Cont'd

Criminal prosecution, transfer from juvenile court, 109:63 to 109:70, 109:182, 109:185 Amenability hearing, 109:67 Appeals, 109:71 Preliminary hearing, 109:63 Cruelty to. See CHILD ABUSE Custodians for transfers to minors, 13:28 to 13:31 Custody See CUSTODY OF CHILDREN **DOMESTIC** See INSTITUTIONAL Damages, liability, 110:42 See also DAMAGES, at Juvenile delinquents, liability Dangerous surroundings, removal from, 109:25 Defense, 66:16 Definitions. See DEFINITIONS, at Children Delinquents. See JUVENILE DELINQUENCY, at Felonies committed by juveniles Dependent See DEPENDENT AND NEGLECTED CHILDREN See SUPPORT AND MAINTENANCE Descent and distribution. See DESCENT AND DISTRIBUTION Detention See CUSTODY OF CHILDREN, INSTITUTIONAL, at Detention See DETENTION HOMES Determination of parent and child relationship between male minor and child, 19:1 Disability, considered to be under, 62:1, 62:2 See also DISABILITY, PERSONS UNDER Disinheriting, intent, 48:5 Divorce of parents. See CUSTODY OF CHILDREN, DOMESTIC Drivers' licenses, probationary, 110:43 Education. See SCHOOLS AND SCHOOL DISTRICTS Emancipation, application to probate court, 68:12 to 68:17 Emergency medical treatment, court order, 109:41 Eminent domain proceedings, representation, 105:19 Employment violations, jurisdiction, 110:1 to 110:12 Endangering, 108:17, 109:139, 110:17 Arrest warrant, 109:167 Jurisdiction, 110:1 to 110:12 Estates of, trustees' bond, 33:32 Executor, as, 69:20 Expungement of records, right to, 109:113, 109:154, 109:155 Extradition of delinquent children, 109:125 Felonies committed by. See JUVENILE DELINQUENCY Female, pregnant; consent of juvenile court for marriage, 108:20, 110:20 Fingerprints, 109:21 to 109:24 Violations, juvenile court jurisdiction, 110:1 to 110:12 Gifts to, **68:6** Forms, 13:28 Guardians. See GUARDIANS AD LITEM; GUARDIANSHIP

MINORS—Cont'd Homestead, consent required for land sale proceeding, 93:6 Ill or injured, taking custody of, 109:25 Illegitimate, 109:141 See also ILLEGITIMATE CHILDREN; PATERNITY PROCEEDINGS Intentional tort, child under seven incapable of committing, 110:42 Inter vivos gift, making, 13:3 Interstate compacts, 109:125 Jurisdiction of juvenile courts, 107:1 Placement of children, 109:125 Intestate succession. See DESCENT AND DISTRIBUTION Jail confinement, 109:27, 109:28 Jurisdiction Age jurisdiction of juvenile court, 107:8 Juvenile courts, 107:2 Ceases, when, 107:10 Uniform Child Custody Jurisdiction Act, 110:17 Juvenile courts, Ch 106 See also JUVENILE COURTS Land sale proceeding, party to, 92:26 Legal disability, considered to be under, 62:1, 62:2 See also DISABILITY, PERSONS UNDER Legitimacy See ILLEGITIMATE CHILDREN See PATERNITY PROCEEDINGS Liability Damages. See DAMAGES, at Juvenile delinquents, liability Motor vehicle operation, 110:43 Parental. See Crimes and offenses by, liability of parent, this heading Theft, 110:42 Vandalism, 110:42 Liquor, selling or purchasing. See LIQUOR CONTROL, at Minors Marriage, consent, 108:27 to 108:30, 110:27 to 110:30 Jurisdiction, 107:1 Juvenile court, by, 108:20, 110:20 Mental or physical examination Court order, 109:36 Transfer for criminal prosecution, 109:67 Mentally ill Hospitalization, Guardianship, 102:64 Interference with custody, 109:140, 109:167 Jurisdiction, 107:1, 107:6, 108:19, 110:19 Outpatient treatment Availability without consent, 102:15 Cost, 102:15 Disclosure, 102:16 Extension, 102:15 Limit on duration, 102:15 Termination, 102:15 Voluntary hospitalization, Court review, 102:14

MINORS—Cont'd Mentally retarded

Interference with custody, 109:140, 109:167 Jurisdiction, 107:1, 107:6, 108:19, 110:19 Motor vehicles Negligent operation, 110:43 Traffic offenses. See TRAFFIC OFFENSES, at Juveniles, by Name change, 100:4 to 100:8, 100:11, 100:13 to 100:15 Application, 100:4 Best interests of, 100:8 Hyphenated surname, 100:8 New birth certificate, issuance, 100:9 Notice to parents, 100:6 Waiver, 100:7 Probate court jurisdiction, 3:2, 100:5 Neglected. See DEPENDENT AND NEGLECTED CHILDREN Nonsupport. See SUPPORT AND MAINTENANCE Obscenity involving. See OBSCENITY, at Minors Orphans. See ORPHANS Parents See PARENT AND CHILD As, Adoption, legal rights, **109:110** Paternity, presumption, 19:3, 99:31, 110:22 Evidence to rebut, 99:31, 110:22 Illegitimate children. See ILLEGITIMATE CHILDREN, at Presumptions as to father-child relationship Rebuttal, 19:7 Paternity proceedings. See PATERNITY PROCEEDINGS **Payors** Delivery of monies to person specified by probate court order, 68:4 Liability, disposition of monies, 68:4 Personal injuries Pre-injury waiver of liability, 66:22 Settlements, SPF 22.0 to SPF 22.4, 66:25 to 66:29 Photographing while in custody, 109:21 to 109:24 Violations, juvenile court jurisdiction, 110:1 to 110:12 Planned permanent living arrangement, placement by children services agency, 109:82 Posthumous See PARENT AND CHILD, at Posthumous children See PRETERMITTED HEIRS Power of attorney Caretaker authorization affidavit, grandparent and grandchild, 61:11 Pregnant, consent of juvenile court for marriage, 108:20, 110:20 Probation. See PROBATION, at Juveniles Proceedings against. See JUVENILE COURTS Records, expungement, 109:113, 109:154, 109:155 Runaways See RUNAWAYS See UNRULY CHILDREN Schools for. See SCHOOLS AND SCHOOL DISTRICTS Index-213

MINORS—Cont'd

Service of process on, 4:5, 4:6, 4:28, 4:48, 109:11, 109:157 to 109:167

Settlement, vacating guardian's settlement, 7:2

Settlement of damage claims, 66:25 to 66:29

Settlements, SPF 22.0 to SPF 22.4

Sex offenses committed by. See JUVENILE DELINQUENCY

Sexually-oriented material involving, 109:139

Shelter care

See CUSTODY OF CHILDREN, INSTITUTIONAL

See DETENTION HOMES

Social history, court order, 109:36

Summons, service of; waiver, 4:34

Support. See SUPPORT AND MAINTENANCE, at Child support

Termination of parental rights. See CUSTODY OF CHILDREN, INSTITUTIONAL, at Permanent

Testamentary capacity, 26:4

Theft, liability, 110:42

Traffic offenders. See TRAFFIC OFFENSES, at Juveniles, by

Transfers to Minors Act, 68:6

Forms, 13:28

Trusts for. See TRUSTS, generally

Unborn. See UNBORN CHILDREN

Unruly. See UNRULY CHILDREN

Vandalism, liability, 110:42

Visitation rights, parents after divorce or separation, 110:15, 110:21

Warrant against, 109:13, 109:163

Will, making, 26:2, 26:4

Witnesses, as

Adjudicatory hearings, Competency, 109:58

Competency, Adjudicatory hearings, 109:58

Youth services department. See YOUTH SERVICES DEPARTMENT

MIRANDA RIGHTS

Juvenile delinquent, waiver by, 109:14 to 109:17

Commitment offense paper, 109:15

Therapy, court ordered, 109:15

MISDEMEANORS

Juvenile court jurisdiction, 107:2

Sentences. See SENTENCES

MISJOINDER

See JOINDER OF PARTIES

MISREPRESENTATION

See FALSE STATEMENTS; FRAUD

MISSING PERSONS

Estates, 33:31 to 33:34

Presumption of death, 9:1, 9:9 to 9:12

See also PRESUMED DECEDENTS

Servicemen. See PRESUMED DECEDENTS

MISSING PERSONS—Cont'd

Trusts and trustees for absentee, 33:31 to 33:34

MISTAKES, ACCIDENTS, AND SURPRISES

Wills, harmless error, 27:12

MONEY, PUBLIC

See FUNDS, PUBLIC

MONEY ORDERS

Inter vivos gift, as, 13:20

MONTGOMERY COUNTY

See COUNTIES, for general provisions

MORALLY DEPRAVED PERSONS

Testamentary capacity, 26:6

MORTGAGES

Attorney fees, to pay, defendant in murder case executing mortgage to defense attorneys prior to conviction, 22:3

Claim against estate, 2:34, 85:23, 90:22, 90:23

Discharge, 74:7

Ejectment action, 74:9

Estate tax

Deductions, 2:78, 111:29

Gross estate determination, 2:67

Estates

Assets, payment from, 49:10

Claims against, 2:34, 85:23, 90:22, 90:23

Contribution by devisee, 49:1, 49:9, 49:10

Fiduciary's power, **74:6 to 74:10**

Guardian's power, 65:456 to 66:60

Investigation, 65:49 to 66:52

No right of exoneration, 2:34, 49:10, 92:15

Sale of, security, 96:18, 97:23

Foreclosure. See FORECLOSURE

Gift causa mortis, as, 14:6

Guardian selling land subject to, 98:14

Release, 98:14

Inter vivos gift, as, 13:17

Land sale proceedings, property subject to, 92:15, 93:10, 96:16, 97:15

Possession of premises after death, 74:6

Power of attorney, 61:45, 61:46

Remedies, election, 74:10

Survivorship tenancy created subsequent to, effect, 2:6

MORTICIANS

Eyes, enucleation, 30:12

MORTMAIN STATUTE

See also LEGACIES AND DEVISES, at Charitable bequests Repeal, 32:1

MOTION PICTURES

Wills, admissibility, 30:50

MOTIONS

See also particular subject of motion

Clerical errors, correction, 3:33

Continuing jurisdiction, 109:114

Discovery. See DISCOVERY, at Motions to compel

Evidence, to suppress. See EVIDENCE, at Motion to suppress

Filing, **4:12**

Jurisdiction, continuing, 109:114

Juvenile proceedings. See JUVENILE COURTS, at Motions

New trials. See NEW TRIALS

Prehearing, 109:12

Service of process, 4:35

Signatures, 39:11, 92:3

Suppression. See EVIDENCE, at Motion to suppress

Temporary custody pending hearing, for, 109:148

MOTOR VEHICLE INSURANCE

Wrongful death actions, stacking of coverage, 12:12, 12:13

MOTOR VEHICLES

Certificates of title. See Transfer of ownership, this heading

Disclaimer of succession to property, 11:14

Drivers' licenses. See DRIVERS' LICENSES

Estate inventory, 2:21, 21:77, 30:95, 69:34, 76:15, 76:17

Gross estate determination, tax purposes, 2:70

Guardianship, powers and duties, wrongful death, 65:16

Minors, negligent operation; parental liability, 110:43

Negligent operation by minor, parental liability, 110:43

Surviving spouse, transfer to, 2:21, 2:107, 15:6, 21:19, 21:77 to 21:81, 30:95, 69:34, 76:15

Traffic offenses. See TRAFFIC OFFENSES

Transfer of ownership

Certificate of title, Death, upon, 2:21, 2:107

Decedent's vehicle, 2:21, 2:107, 21:2 to 21:12, 21:19, 21:77 to 21:81, 30:95, 69:34, 76:15, 76:17

Number of automobiles, 2:22, 2:121, 30:95, 76:15 to 76:18

Probate court, with approval of, 21:77, 21:78, 76:18

Transfer-on-death deed, 14:21

Wrongful death, 12:1

MOTORCYCLES

Surviving spouse, election to take under or against will, 21:77

MOVIES

Wills, admissibility, 30:50

MUNICIPAL CORPORATIONS

Charitable institutions. See CHARITABLE INSTITUTIONS Eminent domain. See EMINENT DOMAIN, generally

MUNICIPAL CORPORATIONS—Cont'd

Escheated property, powers and duties, 24:2

See also ESCHEAT

Gifts and bequests to, 13:3

See also LEGACIES AND DEVISES, at Charitable bequests

Ordinances. See MUNICIPAL ORDINANCES AND RESOLUTIONS

Resolutions. See MUNICIPAL ORDINANCES AND RESOLUTIONS

MUNICIPAL COURTS

Costs. See COURT COSTS

MUNICIPAL ORDINANCES AND RESOLUTIONS

Declaratory judgments for validity, 6:6

MURDER

Juvenile charged with, jurisdiction of juvenile court, 107:8

Person convicted of not to benefit from death, Ch 22

Constructive trustee, 22:3

Conviction under federal or foreign law, effect, 22:1

History, 22:1

Insanity incarceration, effect, 22:5

Joint and survivorship account owned by guilty party and decedent, effect, 13:22 to 13:27, 16:2, 22:4

Justifiable killing, effect, 22:5

Juvenile murderer, effect, 22:1, 22:5

Life insurance proceeds, 22:3

Mortgage executed to defense attorney by accused prior to conviction, 22:3

No contest plea, effect, 22:5

Suicide, effect, 22:5

Surviving spouse, effect, 22:3

MUSEUMS

Art galleries and museums, probate court's authorization to deposit works in, 2:16

MUTE PERSONS

See DISABILITY, PERSONS UNDER; DISABLED PERSONS

NAMES

Change, Ch 100, 3:2, 99:1

Application

Forms, SPF 21.0, SPF 21.2

Notice, 100:2

Consent, SPF 21.4

Judgment entry, SPF 21.1, SPF 21.3

Minor, 100:11

Minors, 3:4, 100:4 to 100:8

Application, 100:4

Form, **SPF 21.2**

Best interests of, 100:8

Hyphenated surname, 100:8

Judgment entry, SPF 21.3

Notice to parents, 100:6

Probate court jurisdiction, 100:5

NAMES—Cont'd

Change, Ch 100, 3:2, 99:1—Cont'd
Minors, 3:4, 100:4 to 100:8—Cont'd
Waiver of notice to parents, 100:7
New birth certificate, issuance, 100:9
Notice, 100:12, 100:15
Application, of, 100:2

Notice of hearing, SPF 21.5

Orders, 100:3

Probate court jurisdiction, 100:5

Decedents, determination of variations, 2:7

Notice of change, 100:12, 100:15

NEEDY PERSONS

See INDIGENT PERSONS

NEGLECT

See also ABANDONMENT

Aged persons, Ch 103

See also PROTECTIVE SERVICES FOR ADULTS

Children

See CHILD ABUSE

See DEPENDENT AND NEGLECTED CHILDREN

NEGLIGENCE

See also TORTS

Death caused by. See WRONGFUL DEATH

Wrongful death resulting from, Ch 12

See also WRONGFUL DEATH

NEW TRIALS

Judgment entry granting, 7:7

Motion for, 7:6

Service by publication, 4:23, 4:45 to 4:47

NEWBORNS

See also MINORS, generally

Birth certificates. See BIRTH CERTIFICATES

Illegitimate children. See ILLEGITIMATE CHILDREN

NEWSPAPERS

Legal notice. See NOTICE

Service by publication. See SERVICE OF PROCESS, at Publication, by

NEXT OF KIN

Anatomical gifts by

Eyes, objection to removal, 30:12

Pituitary glands, objection to removal, 30:12

Civil law rules determine, 15:39 to 15:41

Class, declaratory judgment ascertaining, 6:6

Construed, 15:4, 44:28

Declaratory judgments sought by, 6:6 to 6:10

See also DECLARATORY JUDGMENTS

NEXT OF KIN-Cont'd

Defined, 15:4, 15:39 to 15:41

Descent and distribution, 15:7, 15:39 to 15:41

See also DESCENT AND DISTRIBUTION

Disinheritance, 30:23

Executor or administrator, as, 69:6

Nonresidency, effect, 30:35

Heirs. See HEIRS

Intestate succession, 15:7, 15:39 to 15:41

See also DESCENT AND DISTRIBUTION

Representation, 15:39 to 15:41

Spouse as, under descent and distribution statute, 15:7

State not considered as, 24:3

Will construction action, party to, 44:6

Wrongful death actions, beneficiaries, 12:8, 12:11, 12:19, 12:24 to 12:29

NO ADMINISTRATION

Generally, 2:108 et seq.

Commissioner's report on distribution, 69:29 to 69:32

Election to receive mansion house, 2:111, 21:47

Forms, 69:34 to 69:39

Value limitation for relief, 2:3, 2:108

Wages, release of, 2:24, 2:119

NO CONTEST PLEAS

Juvenile delinquency complaint, 109:20, 109:50, 109:57

NONPROFIT CORPORATIONS

See also CORPORATIONS

Charitable trusts. See CHARITABLE TRUSTS

Gifts and bequests to, legacies or devises, 30:73 to 30:76, 30:153 to 30:158

See also LEGACIES AND DEVISES, at Charitable bequests

NONRESIDENTS

Administration of estate, 91:16 to 91:24

See also ANCILLARY ADMINISTRATION

Administrators not to be, 69:4, 69:18

Beneficiaries of trust funds, 33:31 to 33:34

Estates of nonresident decedents. See ESTATES, at Nonresident decedent

Executors. See EXECUTORS AND ADMINISTRATORS, at Nonresident

Guardians as. See GUARDIANSHIP, at Nonresidency

Juveniles, placement, 99:6

Long arm jurisdiction, 4:18

Minors, adoption, 99:6

Service of process on. See SERVICE OF PROCESS, at Nonresidents

Surviving spouse, election, 21:16

Trustee, 30:35

Wards. See GUARDIANSHIP, at Nonresidency

Witnesses to will, 2:12, 37:10 to 37:13

NORTHWEST ORDINANCE

Generally, 1:3

NOT GUILTY BY REASON OF INSANITY

Generally, 102:41 to 102:52

Affidavit for further commitment, 102:44

Conditional release, 102:50

Continuation of commitment, 102:1 to 102:9

Discharge, 102:52

Expert evaluation, nonsecured status or termination of commitment, 102:49

Hearings

Nonsecured status, 102:49

Movement, safety threat of, 102:49

Violation of conditional release, 102:50

Hearings on hospitalization, 102:45

Procedural rules, 102:28

Hospitalization

Least restrictive alternative, 102:46

Records sent to place of commitment, 102:46

Inheritance from dead victim prohibited, 22:1

Jurisdiction of trial court, 102:41, 102:42

Nonsecured status, hearings, 102:49

Movement, safety threat of, 102:49

Review process, 102:51

Termination of commitment, 102:49

Voluntary status, not available until termination of original commitment, 102:43

NOTARIES PUBLIC

Verifications, 3:26, 3:28

NOTES

Generally, see BONDS AND NOTES Promissory. See PROMISSORY NOTES Will discharging, **30:87**, **30:88**

NOTICE

See also particular subject concerned

See also SERVICE OF PROCESS

Adjudication, juvenile delinquency, prior to January 1, 2002, 109:84

Administrator of estate recovery program, SPF 7.0

Admission to probate. See Wills, admission to probate, this heading

Adoption, SPF 18.1, 4:38

Social and medical histories, correction or expansion, 99:29

Appeals. See APPEALS, at Notice

Application for appointment as guardian, 63:18

Claims against estates, hearings, 88:4

Contents of notice, 88:5

Service of notice, 88:5

Contempt proceedings, failure to pay child support, 109:124

Continuation of decedent's business, 2:47

Continuing jurisdiction, 109:114

Criminal prosecution of delinquents, 109:67

Defined, 4:2

Index-220

NOTICE—Cont'd

Detention of child, 109:25 to 109:31

Hearing, 109:30

Durable power of attorney for health care, decisions and determinations made under, 61:31

Emergency intervention procedures for mentally retarded individuals, notice of complaint, **104:9**

Eminent domain proceedings, appraisers, notice to, 105:66

Estate tax, apportionment, 112:15

Estates

See also EXECUTORS AND ADMINISTRATORS, at Notice

Distribution of assets, 76:2, 76:29

Public sales, 75:12, 75:15

Recovery program, SPF 7.0

Release from administration, 2:110

Executors and administrators. See EXECUTORS AND ADMINISTRATORS, at Notice

Guardians. See GUARDIANSHIP, at Notice

Heirs. See HEIRS, at Notice

Hospitalization of mentally ill

Notification to Bureau of Criminal Identification and Investigation, 102:33

Summary, 102:40

Transfer of patients, 102:38

Involuntary commitment hearings, 102:23

Involuntary hospitalization of mentally ill persons, 102:18

Jurisdiction, continuing, 109:114

Jury trial

Clerk of courts, to, 3:46

Jurors, to, 3:49

Living wills, determinations made under, 61:31

Name change, 100:12, 100:15

Party to action, unknown, 4:24, 4:46, 4:47

Appropriation of property, 105:62

Payment of debts and claims, medicaid, 2:28

Presumption of death, 9:11

Probate. See Wills, admission to probate, this heading

Probate courts

See at Probate courts

See particular proceedings concerned

See SERVICE OF PROCESS

Protective services for adults. See PROTECTIVE SERVICES FOR ADULTS, at Notice

Service. See SERVICE OF PROCESS, generally

Stock certificates, reissuance of lost or stolen, 75:23, 75:24

Surviving spouse. See SURVIVING SPOUSE, at Notice

Taxes, estate tax. See ESTATE TAX, at Notice

Trustee for missing person's estate, appointment, 33:35

Trustee to beneficiary, 34:5

Victims of crimes, damages recovery, 109:61

NOTICE—Cont'd

Wills, admission to probate, 2:8, 37:2, 40:12 Foreign wills, 91:20, 91:21

NUDITY

Photographing nude minors, 109:139

NUNCUPATIVE WILLS

Generally, **Ch 29** See also ORAL WILLS

NURSES AND NURSING

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Child abuse to be reported, 110:1 to 110:12

Privileged communications, 5:7

NURSING HOMES

Wrongful death, 12:1

OATHS AND AFFIRMATIONS

Accounts, fiduciary; abolishment of requirement, 55:5

Resigned fiduciaries, 58:1

Admission of foreign will, prerequisite abolished, 27:11

Appraisers of estates, 80:32, 94:5

Abolishment, 2:20, 94:3

Executor or administrator, appointment; oath requirement abolished, 82:4

Fiduciaries' bond, abolishment, 53:9

Fiduciary accounts, abolishment, 2:93

Guardians, SPF 15.9

Inventory of estate's assets, oath by executor; requirement abolished, 21:64

Juvenile courts

Deputy clerks, 106:24

Judges, 106:22

Mansion house transfer application, oath verification abolishment, 2:44, 21:50

Personal property sale, oath requirement abolished, 2:50, 75:9

Probate court master commissioners

Probate court deputy clerk, 3:43

Swearing, 3:40

Probate judges, 3:32

OBJECTIONS

See also DEFENSES; MOTIONS

Adoption, 99:32, 99:38

Durable power of attorney for health care, decisions and determinations made under, **61:35**

Living wills, determinations made under, 61:35

OBSCENITY

Deception to obtain matter harmful to juveniles, jurisdiction, 110:1 to 110:12

Disseminating matter harmful to juveniles, jurisdiction, 110:1 to 110:12

Minors

Disseminating matter harmful to, jurisdiction, 110:1 to 110:12

Involving, 109:139

Index-222

OHIO

See STATE

OHIO PRINCIPAL AND INCOME ACT

Trusts, 33:18

OHIO TRUST CODE

See TRUSTS

OHIO UNIFORM PRUDENT INVESTOR ACT

Trusts, 33:17

OPTIONS

Power of attorney, 61:46

ORAL WILLS

Generally, Ch 29

Forms, 29:4

Personal property, valid as to, 29:1

Real property, invalid as to, 29:1

Revocation of former written will, prohibition, 29:1, 41:1, 41:7, 41:8

Time for filing, 29:1

Witness, 29:2

Competency, 29:3

ORDERS

Abortion, complaint by minor for without parental consent, 109:183

Juvenile court order, 109:147

Attachment. See ATTACHMENT

Child support and maintenance, for, 109:173

Contempt. See CONTEMPT

Criminal prosecution of minor, transfer, 109:63 to 109:70, 109:185

Appeals, 109:71

Custody of children, institutional, 109:168 to 109:172

Discovery, compelling, 109:32 to 109:35

Garnishment. See GARNISHMENT

Juvenile courts. See JUVENILE COURTS, at Orders

Medical treatment of minor, 109:41

Mental examination of child, 109:36

Physical examination of child, 109:36

Social history of child, 109:36

Support orders. See SUPPORT AND MAINTENANCE, generally

Temporary, 109:41

Transfer of minor for criminal prosecution, 109:63 to 109:70, 109:185

Appeals, 109:71

ORDINANCES, MUNICIPAL

See MUNICIPAL ORDINANCES AND RESOLUTIONS

ORPHANS

Adoption, 99:22

OSTEOPATHS

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

OUTBOARD MOTORS

See BOATS AND WATERCRAFT

PANDERING OBSCENITY

See OBSCENITY

PARENT AND CHILD

See also MINORS, generally

Abandonment and neglect of child. See DEPENDENT AND NEGLECTED CHILDREN

Abuse of child. See CHILD ABUSE

Adequate parental care, disposition of child deemed without, 109:80, 109:81

Adoption

See also ADOPTION

Forms, 99:57 to 99:84

Anatomical gifts, probate court's powers, 3:6

Artificial insemination, 19:13, 99:31, 110:22, 110:33

Non-spousal, establishment of relationship, 18:2, 19:13

Assault by child, parental liability, 110:42

Child custody, 110:13, 110:13 to 110:18

See also CUSTODY OF CHILDREN, DOMESTIC

Dependent and neglected children. See DEPENDENT AND NEGLECTED CHILDREN

Descent and distribution. See DESCENT AND DISTRIBUTION

Embryo donation, 19:13, 110:33

Endangering children, 108:17, 109:139, 110:17

Arrest warrant, 109:167

Establishment of relationship, 18:2

Father and child relationship, action to determine, 18:2

Illegitimate child, 15:30, 109:141

See also ILLEGITIMATE CHILDREN; PATERNITY PROCEEDINGS

Interference with custody, 109:140

Arrest warrant, 109:167

Hearing and sentence, order, 110:51

Jurisdiction, 110:1 to 110:12

Intestate succession. See DESCENT AND DISTRIBUTION

Juvenile proceedings. See JUVENILE COURTS

Liability of parent

Assault by child, 110:42

Juvenile delinquency, 109:110, 109:164, 110:44

Motor vehicle operation by child, 110:43

Theft by child, 110:42

Vandalism by child, 110:42

Marriage, consent to minor's, 108:27 to 108:30, 110:27 to 110:30

Mother and child relationship, action to determine, 18:2, 110:23, 110:33

See also PATERNITY PROCEEDINGS, for general provisions

Motor vehicle operation by child, liability, 110:43

PARENT AND CHILD-Cont'd

Nonsupport. See SUPPORT AND MAINTENANCE, at Nonsupport

Parental rights and duties

Care, defined, 108:10 to 108:16

Commitment of child to children services agency, upon, 109:82

Court supervision, 109:110

Termination. See CUSTODY OF CHILDREN, INSTITUTIONAL, at Permanent

Paternity proceedings. See PATERNITY PROCEEDINGS

Posthumous children

Hearing on account of fiduciary, representation, 55:20

Intestate succession, 15:26

Pretermitted heir status. Ch 48

See also PRETERMITTED HEIRS

Presumption of paternity, 19:3, 99:31, 110:22

Rebuttal, 19:7

Relationship, establishment, 18:2

Child and male minor, between, 110:45

Service of summons on minor, parent waiving, 4:34

Stepchildren, descent and distribution. See DESCENT AND DISTRIBUTION, generally

Support and maintenance. See SUPPORT AND MAINTENANCE, at Child support Termination of parental rights. See CUSTODY OF CHILDREN, INSTITUTIONAL, at Permanent

Theft by child, parental liability, 110:42

Unborn children

See Posthumous children, this heading

See UNBORN CHILDREN

Unfit parent, 108:10 to 108:16

Uniform Parentage Act, 110:19 to 110:34, 110:34

Vandalism, liability, 110:42

Visitation rights after divorce or separation, 110:15, 110:21

See also VISITATION RIGHTS

Wills

Contests. See CONTEST OF WILL

Petition for declaratory judgment as to validity, 35:3, 35:6, 35:8

Wrongful death action, 12:11, 12:19

Parent, defined, 12:18

PARENTAGE ACT

Generally, 110:19 to 110:34, 110:34

See also PATERNITY PROCEEDINGS; UNIFORM PARENTAGE ACT

PARENTAL IMMUNITY

Negligence action brought by unemancipated child against deceased parent's estate not barred by, **85:10**

Wrongful death action inapplicable, 12:16

PARENTAL KIDNAPPING PREVENTION ACT

Generally, 110:18

PARKING VIOLATIONS

Juveniles, by, 108:6

PAROLE

Juveniles, revocation, 109:118

Revocation, 109:118

PARTIES TO ACTIONS

See also ACTIONS, generally

Adoption proceeding, 99:4

Attorney general as, actions against charitable trusts, 4:31, 32:3

Charitable trusts, actions against; attorney general to be party, 4:31, 32:3

Claim rejected on requisition, party giving bond to be party to action, 89:6

Contest of will. See CONTEST OF WILL, at Parties

Custody actions, 110:16

Death, notice, 87:2

Declaratory judgments, 6:4

Putative father, 6:4

Defendants. See DEFENDANTS

Directions and instructions, action for, 44:1, 44:2

Eminent domain proceedings, 105:13

Estates, land sale proceedings, 2:55, 92:20 to 92:29

Guardian, 66:10 to 66:16

Selling real property, 98:10

Heirship determination, 3:55 to 3:62

Incompetent persons, 3:6

Notice, 87:2

Infants, suits by, 66:10 to 66:13

Joinder. See JOINDER OF PARTIES

Juvenile proceedings, 109:9

Definition, 109:9

Right to counsel, 106:5, 109:45

Land sale proceedings, 2:55, 92:20, 92:21 to 92:29

Mental examinations, 109:36

Minors

Suit against, defense, 66:15, 66:16

Suits by, 66:10 to 66:13

Notice to unknown, 4:24, 4:46, 4:47

Appropriation of property, 105:62

Paternity proceedings, 19:8, 110:23

Physical examinations, 109:36

Presumed decedents' law, establishment of presumption, 9:3

Service of process on. See SERVICE OF PROCESS

Substitution, Ch 87

Dismissal for failure to substitute, 87:3

Fiduciary to be substitute party plaintiff, 92:49, 92:50

Motion for, 87:3

Unborn child, 4:30, 33:38, 33:39

Unknown, service of process, 4:24, 4:46, 4:47

Appropriation of property, 105:62

Wills

Construction action, 44:6

Contests. See CONTEST OF WILL, at Parties

PARTITION

Certificate of indebtedness, 93:26 to 93:29

Guardian waiving service of summons on minor ward, 4:34

Heir, rights, 91:12

Land sale proceeding

Distinguished from, 91:12

Sale of fractional interests; priority, 93:5

Limitation, 91:12

Pretermitted heir, action, 48:6

Proceeds, payment of, 74:17

Registered land, 97:21, 97:22

Service by publication, 4:45 to 4:47

PARTNERSHIPS

Accounts and accounting, surviving partners, by, 60:1, 60:14, 60:34 to 60:36

Ademption of property, 60:11

Appraisement, deceased partner's share, 60:3, 60:19 to 60:36

Appointment of appraiser, 60:3

Approval, 60:6

Exceptions to, 60:5

Filing with probate court, 60:3

Hearing and notice, 60:4

Articles, settlement of deceased partner's interest according to, 60:1, 60:15

Assets, deceased partner's interest, 60:1 to 60:6, 60:19 to 60:36

Consent, purchase of deceased partner's share, 60:8

Contract restriction of settlement, priority, 60:13

Creditors' rights, 60:9, 60:14

Death of partner

Accounting to representative of deceased partner's estate, 60:1

Disposition of property, will providing for, 30:20

Effect, 60:1

Estate liable for debts of partnership, 60:18

Inventory of share. See Inventory, deceased partner's share, this heading

Liability of executor or administrator for debt or obligation of partnership, 60:16

Certificate as notice, 60:16

Immunity not available, when, **60:17**

Debts, deceased partner's estate, liability, 60:18

Deceased partners. See Death of partner, this heading

Disposition of property after death of partner, will providing for, 30:20

Dissolution, death of partner, due to, 60:1

Gross estate determination for taxes, 2:70

Insolvency, assignment for benefit of creditors, 85:45 to 85:61

Inventory, deceased partner's share

Approval, 60:6

Exceptions to, 60:5

Filing with probate court, 60:3

Hearing and notice, 60:4

Jurisdiction, probate court, 3:2, 60:2

Legatee's interest, 60:11

PARTNERSHIPS—Cont'd

Liability, executor, administrator or trustee, 60:16

Certificate as notice, 60:16

Immunity not available, when, 60:17

Notice, purchase of deceased partner's share, 60:9

Partners

Death. See Death of partner, this heading

Surviving. See Surviving partners, this heading

Probate court

Consent to purchase deceased partner's share, 60:8

Jurisdiction, 60:2

Property, surviving partners purchasing. See Surviving partners, this heading

Realty, inventory and appraisement, 60:3

Receivership, 60:7, 60:10

Settlement

Articles or will providing, **60:15**

Contract prevails over will, 60:13

Enforceability, 60:13

Surety bond, purchase of deceased partner's share, 60:9, 60:30

Surviving partners, 60:1 to 60:6, 60:19 to 60:36

Failure to take out letters testamentary or of administration, 69:28

Purchasing interest of deceased partner, 60:7 to 60:10, 60:28

Settlement, articles or will may define manner of, 60:15

Title to property, transfer to surviving partners, 60:9, 60:29

Voluntary assignment, 85:45 to 85:61

Will may determine settlement, 60:15

Winding up, jurisdiction, 60:2

PATERNITY PRESUMPTION

Generally, 19:3, 99:31

Father-child relationship, 18:2, 19:7

Nonspousal artificial insemination of married woman, 99:31, 110:22, 110:33

Rebuttal, 19:7

PATERNITY PROCEEDINGS

Generally, 19:7, 109:141, 110:19 to 110:34, 110:34

See also ILLEGITIMATE CHILDREN

Acknowledgment, 19:7

Adoption purposes, for, 99:84

Form, 19:17

Administrative support orders, 110:34

Agreements, not bar to, 19:7

Appeals, 109:124

Artificial insemination, 19:10

Non-spousal, 18:2

Artificial insemination, non-spousal, 110:33

Child as witness, 110:27

Child support, 18:2

Paternity compliance plan, 110:40

Putative father's obligations, 19:6

Child's presence, 110:27

PATERNITY PROCEEDINGS—Cont'd Child's right to bring parentage action in juvenile court, 19:6 Civil rules, applicability, 108:9, 110:26

Complaint, 109:141

Compromise agreements, 110:32

Costs. See Fees and costs, this heading

Court's determination of putative father not to legitimize child, 19:2

Custody action following judgment, 110:13, 110:29

Depositions concerning unborn children, 19:7

Effect of Uniform Parentage Act, 110:19

Evidence, 19:6

Admissibility, 110:27

Deceased father, genetic tests on, 19:10, 110:27

Standard of proof, 110:27

Expert witnesses, fees, 110:24

Father and child relationship, establishment, 18:2

Fees and costs

Expert witnesses, 110:24

Genetic tests, 110:24

Genetic tests, 19:3, 19:7, 110:24

Deceased father, on, 19:10

Prepayment by state, informing defendant, 110:24

Retrospective application of law, 19:6, 110:24

HLA tests. See Genetic tests, this heading

Inheritance, rights under will, 18:6

Intervenors, 19:10

Judgments, 19:6

Continuing jurisdiction to modify or revoke, 110:31

Genetic test results, based on, 110:29

Modification, continuing jurisdiction for, 110:31

Revocation, continuing jurisdiction for, 110:31

Jurisdiction, 19:6, 107:1, 107:2, 107:7, 110:20

Jury trials, demand for, 19:10

Juvenile court, child's right to bring parentage action in, 19:6

Laches as defense to, 110:21, 110:29

Limitation of actions, 19:2, 19:7, 19:8, 110:21

Mother and child relationship, applicability of proceedings to determine, 18:2, 19:6, 110:23

Parties to action, 19:8, 110:23

Presumption. See PATERNITY PRESUMPTION

Pretrial procedure, 109:141

Procedure for establishing parentage, 19:10

Putative father, child support obligations, 19:6

Res judicata, 19:9

Right to counsel, 19:12, 110:25

Service of process, nonresident defendant, 19:6

Standing to sue, 19:8, 110:23

Stay of proceedings, 19:7

Summary judgments, 110:29

PATERNITY PROCEEDINGS—Cont'd

Support orders, 110:3, 110:29, 110:30

Complaint, 109:141

Retroactive support, 110:30, 110:35

Transcripts, 19:10

Trial, 110:28

Unborn children, stay of proceedings, 19:7

Uniform Parentage Act, 19:6

Effect, 110:19

Uniform Simultaneous Death Act, 19:10

Venue, 19:6, 110:20

Witnesses and testimony

Child as witness, 110:27

Fees, 110:24

Wrongful death actions, illegitimate children, 12:7

PATIENTS

Mentally ill. See MENTALLY ILL PERSONS, at Hospitalization

Mentally retarded. See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS, at Institutionalization

PAYABLE ON DEATH ACCOUNT

Trusts, beneficiaries, 33:7

PAYMENTS

See DEBTORS AND CREDITORS

Claims against estates. See CLAIMS AGAINST ESTATES

Tax. See particular tax concerned

PENAL INSTITUTIONS

GENERALLY, See CORRECTIONAL INSTITUTIONS; JAILS

Inmates. See IMPRISONMENT; PRISONERS

PENALTIES

See FINES AND FORFEITURES; SENTENCES

PER STIRPES

Generally, 15:21 to 15:25

See also DESCENT AND DISTRIBUTION, generally

PERPETUITIES, RULE AGAINST

Generally, Ch 46

See also STATUTE AGAINST PERPETUITIES

PERSONAL INJURIES

See also NEGLIGENCE; TORTS

Minors

Pre-injury waiver of liability, 66:22

Settlement of claims, 66:25 to 66:29

Settlements, SPF 22.0 to SPF 22.4

Wards, to, 66:25 to 66:29

PERSONAL PROPERTY

Ancestral, descent and distribution statutes; construction. See DESCENT AND DISTRIBUTION

Index-230

PERSONAL PROPERTY—Cont'd Assignment for benefit of creditor, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT, generally

Bequests. See LEGACIES AND DEVISES

Debts of estates; payment, primary liability, 49:6

Descent and distribution. See DESCENT AND DISTRIBUTION

Disclaimers of succession to, Ch 11, 11:24

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Distribution. See DESCENT AND DISTRIBUTION

Encumbrance on, effect, Ch 42

Estate property, sale, 75:4 to 75:7

See also ESTATES, at Personal property

Estate tax, Ch 111, 111:73 to 111:96

Estates. See ESTATES, at Personal property

Garnishment. See GARNISHMENT, generally

Gifts. See GIFTS AND GRANTS

Gross estate determination for tax purposes, 2:70

Individual rights, history, 25:5

Intestate, 15:3

Legacies. See LEGACIES AND DEVISES

Nuncupative will can bequeath, 29:1

Power of attorney, 61:5, 61:46

Sale of estate property. See ESTATES, at Personal property

Succession to, disclaimers, Ch 11, 11:24

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Surviving spouse purchasing from estate, 21:65

Motor vehicles, 21:62

TAxation

Records and reports. See Returns, this heading

Taxation, Ch 117

Definitions, 117:1

Estate tax, Ch 111, 111:73 to 111:96

See also ESTATE TAX

Fiduciaries, by, Filing return. See Returns, this heading

Inventories, consignment, 117:3

Leases, 117:4

Payments, Delinquent, 117:7

Returns

Contents, 117:2

Delinquent, 117:7

Fiduciaries, by, 2:89, 117:6

Inter-county, 117:5

Title, adjudication relative to; probate court jurisdiction, 3:5

Transfer, power of attorney, 61:5

Transfer tax. See ESTATE TAX

PETITIONS

See also COMPLAINTS

See also particular type concerned

Eminent domain, 105:7, 105:61

PHOTOGRAPHS

Children, juvenile delinquents, 109:21 to 109:24

Violations, juvenile court jurisdiction, 110:1 to 110:12

Forms, 109:151

Juvenile delinquents, 109:21 to 109:24

Violations, juvenile court jurisdiction, 110:1 to 110:12

Wills, admissibility, 30:50

PHYSICAL EXAMINATIONS

See MEDICAL AND MENTAL EXAMINATIONS

PHYSICIAN-PATIENT PRIVILEGE

See PHYSICIANS, at Privileged communications

PHYSICIANS

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Artificial insemination, nonspousal, 110:33

Autopsies, 30:11

Child, treatment of; emergency, 109:41

Child abuse to be reported by, 110:1 to 110:12

Embryo donation, 110:33

Emergency treatment of child, 109:41

Evaluation of incompetent person, SPF 17.1

Privileged communications, 5:7

Discovery, 5:7

Exemption from testimony, 5:7, 5:8

Waiver, 5:8

Juveniles, applicability, 109:54

Waiver, 5:8, 66:2

Will contests, 39:13, 39:14

PITUITARY GLANDS

Removal during autopsy, 30:12

PLACE OR LOCATION

Heirs, 2:105, 76:8

Trust situs, 34:7

PLAINTIFFS

See PARTIES TO ACTIONS

PLANNED PERMANENT LIVING ARRANGEMENT

Abused, neglected or dependent child, placement by children services agency, 109:82

PLATS AND PLATTING

Real property sale by guardian, 98:3

PLEADINGS

See also COMPLAINTS; DEFENSES

Captions. See CAPTIONS

Counterclaims and cross-claims. See COUNTERCLAIMS AND CROSS-CLAIMS

Filing, 4:12

Service of process, 4:35

Index-232

PLEADINGS—Cont'd

Signing, **3:25**

Verification, 3:26 to 3:30

Will construction action, 44:7

Will contests, 39:11

PLEAS

Juvenile proceedings, adult offender, 110:47

PODIATRISTS

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

POLICE

See LAW ENFORCEMENT OFFICERS

POLICE AND FIRE PENSION FUND

Benefits, estate tax, 111:10

POLICE REPORTS

Juvenile proceedings, discovery, 109:33

POLITICAL SUBDIVISIONS

See COUNTIES; MUNICIPAL CORPORATIONS; TOWNSHIPS

POOR PERSONS

See INDIGENT PERSONS

PORNOGRAPHY

See OBSCENITY

POST MORTEM EXAMINATIONS

See AUTOPSIES

POSTHUMOUS CHILDREN

See PARENT AND CHILD; PRETERMITTED HEIRS

POUR-OVER TRUST

Generally, 30:163, 30:207, 31:2

Committee comment, 33:2

Facts of independent significance, 33:2

Forms, 30:206, 30:207

Husband's pour-over will to his inter vivos trust agreement, 30:206

Wife's pour-over will to her inter vivos trust agreement or to husband's intervivos trust agreement, 30:207

Statute

Purpose, 33:2

Retroactive effect, 33:1

Statute of frauds, effect, 33:1

Surviving spouse, rights, 33:1

Termination, 33:1

Testamentary addition, 33:1

Trust estate, property becomes part of, 33:1

Unfunded trust, validity, 33:3

Validity of unfunded trust, 33:3

POUR-OVER WILLS

See POUR-OVER TRUST

POVERTY

See INDIGENT PERSONS

POWER OF APPOINTMENT

Age limitation, 26:4

Annulment of marriage, effect, 21:85, 41:12, 69:27

Antenuptial agreement and will contradictory, 101:10

Defective execution, probate court's power to effectuate, 44:10, 44:19

Disclaimer, estate tax, effect on, 2:75

Dissolution of marriage, effect, 21:85, 41:12, 69:27

Divorce, effect, 21:85, 41:12, 69:27

Estate tax, 111:6

Disclaimer of interest, 2:75, 111:15

Interests created by, compliance with statute against perpetuities, 46:6, 46:9

Release, partial, effect on estate tax, 2:75

Residuary clause of disposition not an exercise of, 44:47

Separation agreement

Effect, 21:85, 41:12, 69:27

Will contradicting, 101:10

Testamentary capacity, 26:4

Will and antenuptial agreement contradictory, 101:10

Will to specifically state, 30:21, 44:47

POWER OF ATTORNEY

Generally, Ch 61, 61:45, 61:45 to 61:49

Acknowledgment, durable power of attorney for health care, 61:25

Action without knowledge of death or disability, 61:11

Affidavit, 61:11, 61:45, 61:46

Agency, agreement, as, 61:13

Agency agreement, as, 61:13

Agent, transfer to, 61:16

Anatomical gift, 61:37

Annuities, 61:46

Attestation and signature

Generally, 61:1 to 61:37, 61:45, 61:46

Annuities, 61:46

Attorney in fact, affidavit by, 61:13

Bailments, 61:46

Banks and banking, 61:46

Bonds and notes, 61:46

Borrowing, 61:46

Business, **61:46**

Claims, **61:46**

Commodities, 61:46

Conveyances, 61:46

Death or disability of principal, action without knowledge of, 61:12

Deeds, 61:46

Delegation, 61:46

```
POWER OF ATTORNEY—Cont'd
  Attestation and signature—Cont'd
    Documents, 61:46
    Employment of agents, 61:46
    Estates, 61:46
    Foreign beneficiary, 79:2
    Forms
       Durable, 61:47
       Short, 61:45
       Statutory, 61:46
    Guardianship, nomination of guardian, 61:46
    Health Insurance Portability and Accountability Act (HIPPA), 61:46
    Insurance, 61:46
    Leases, 61:46
    Licenses and permits, 61:46
    Loans, 61:46
    Medicaid benefits, 61:46
    Medicare benefits, 61:46
    Military service benefits, 61:46
    Personal property transactions, 61:5, 61:46
    Real property transactions, 61:4, 61:46
    Self-dealing, 61:46
    Standby guardian for minor child of principal, 61:10
  Attorney in fact, affidavit by, 61:13
  Attorney in fact, removal and appointment of successor, 61:54
  Bailments, 61:46
  Banks and banking, 61:46
  Bonds and notes, 61:46
  Borrowing, 61:46
  Business, 61:46
  Caretaker authorization affidavit, grandparent and grandchild, 61:11
  Claims, 61:46
  Commodities, 61:46
  Contesting validity, 61:14
  Conveyances, 61:46
  Death or incompetency of principal, 61:7 to 61:11
  Deeds, 61:46
  Definitions, 61:13
  Delegation, 61:46
  Divorce, effect of, 61:13
  Do not resuscitate order, 61:36
  Documents, 61:46
  Durable power of attorney, 61:7, 61:47
    Health care, for, 61:17, 61:17 to 61:37, 61:49 to 61:54
       Advantages of executing, 61:26, 61:27
       Attending physician, designation, 61:50
       Attorney-in-fact, 61:19, 61:54
       Complaint, decisions and determinations made under, 61:35
       Consulting physician, designation, 61:51
       Effective date, 61:23
```

```
POWER OF ATTORNEY—Cont'd
  Durable power of attorney, 61:7, 61:47—Cont'd
    Health care, for, 61:17, 61:17 to 61:37, 61:49 to 61:54—Cont'd
       Execution, 61:21
       Expiration date, 61:52
       Foreign state, 61:29
       Former law, 61:29
       Guardian, designation, 61:53
       Life-sustaining treatment, refusal of or withdrawal of informed consent to, 61:32
       Living will conflicting with, effect, 61:22
       Notice of decisions and determinations made under, 61:31
       Nutrition or hydration, refusal of or withdrawal of informed consent to, 61:33
       Objections to decisions and determinations made under, 61:35
       Revocation, 61:24
       Witnesses, 61:25
    Springing, 61:8
  Effective date, 61:8
  Employment of agents, 61:46
  Estates, 61:46
  Evidence, 61:5
  Fees, county recorder, 61:6
  Fiduciaries, 61:46
  Foreign heir or beneficiary, 79:2
  Forms
    Durable
       General, 61:47
       Health care, 61:49
    Short, 61:45
    Statutory, 61:46
  Grandparent and grandchild, caretaker authorization affidavit, 61:11
  Guardian
    Effect of appointment, 61:9
    Person nominated for power of attorney as guardian also, 58:5, 61:9, 63:23
  Guardianship
    Generally, 61:46
    Caretaker authorization affidavit, grandparent and grandchild, 61:11
    Effect of appointment, 61:9
    Nomination of guardian, 61:46
  Guardianship, alternatives to, 68:7
  Health information, 61:46
  Health Insurance Portability and Accountability Act (HIPPA), 61:46
  Insurance, 61:46
  Leases, 61:46
  Licenses and permits, 61:46
  Loans, 61:46
  Medicaid benefits, 61:46
  Medicare benefits, 61:46
  Military service benefits, 61:46
  Mortgages, 61:46
  Nonresident beneficiary or heir, 79:2
```

POWER OF ATTORNEY—Cont'd

Options, 61:46

Personal property transactions, 61:46

Personalty, transfer, 61:5

Principal and agent, 61:46

Proprietary interest, 61:46

Real property transactions, 61:4, 61:46

Recording, 61:2

Fees of county recorder, 61:6

Revocation, 61:3

Transfer of personalty, 61:5

Recording transfer of personalty, 61:5

Records and reports, 61:46

Retirement plans, 61:46

Revocation, 61:3, 61:4, 61:7, 61:11, 61:55

Safe deposit boxes, 61:46

Self-dealing, 61:46

Social security benefits, 61:46

Springing power of attorney, 61:8, 61:48

Stock, 61:46

Transfers to agent, 61:16

Trusts, 61:46

Validity, contesting, 61:14

Validity, transfer to agent, 61:16

Written, **61:1**

POWERS

Appointment, of. See POWER OF APPOINTMENT

Attorney, of. See POWER OF ATTORNEY

Courts

See JURISDICTION

See particular court concerned

PRACTICE OF MEDICINE

See PHYSICIANS

PRAECIPES

See NOTICE; SUMMONS

PREEMPTION

Uniform Simultaneous Death Act, 16:1

PREGNANCY

Artificial insemination, 99:31, 110:22

Living will, effect, 61:34

Marriage during, husband presumed father of child, 19:3

Minor, marriage application, 108:20, 110:20

Paternity proceedings, 109:141

See also PATERNITY PROCEEDINGS

PRELIMINARY HEARINGS

Juvenile court, transfer for criminal prosecution, 109:63

PREMARITAL AGREEMENTS

See ANTENUPTIAL AGREEMENTS

PRESUMED DECEDENTS

Generally, Ch 9

See also UNIFORM SIMULTANEOUS DEATH ACT

Administration of estate, 9:7

Complaint, 9:2

Decree, 9:1

Vacation, 9:8

Evidence, 9:6

Insurance benefits, 9:7

Marriage, effect, 9:1, 9:7

Notice of action, 9:4

Parties to action, 9:3

Substitution as party to action, erroneously presumed decedent, 9:7

Title to property, effect, 9:7

When presumption arises, 9:1

PRESUMPTION OF DEATH

See PRESUMED DECEDENTS

PRESUMPTION OF ORDER OF DEATH

Generally, Ch 16, 30:140, 30:141

See also UNIFORM SIMULTANEOUS DEATH ACT

Anti-lapse statute, 16:3, 47:1

Applicability, 16:1

Assets, nonprobate, 16:2

Bank account, joint and survivorship; applicability, 16:2

Committee comment, 16:1

Descent and distribution, effect, 16:2

Devisee's death, effect, 16:3

Insurance policy, applicability, 16:2

Legatee's death, effect, 16:3

Savings bonds, applicability, 16:2

Statute, Ch 16

Construction, 16:3

Purpose, 16:1

Scope, 16:2

Testator overriding, 16:1

Stock, applicability, 16:2

Testamentary trust beneficiary, 16:2

Testator overriding statute, 16:1

Will, abrogating statute, 16:1

PRESUMPTIONS OF PATERNITY

Generally, 99:31, 110:22

Evidence to rebut, 99:31, 110:22

Nonspousal artificial insemination of married woman, 99:31, 110:22

PRETERMITTED HEIRS

Generally, Ch 48, 30:22, 30:128, 30:129

Index-238

PRETERMITTED HEIRS—Cont'd

Abatement by heirs, 48:2

Adopted child, status, 48:5

Advancement from estate, 20:5, 48:2

Afterborn child, status, 48:5

Chart, 48:3, 48:4

Contributions to, 48:2

Death, issue taking share, 48:2

Debt payments, contributions to by, 49:1

Defined, 48:1

Designated heir's rights similar to, when will made prior to designation, 17:2

Intent to disinherit, effect, 48:2, 48:5

Land, interest in, 48:6

Lineal descendants, share for, 48:2

Partition action, 48:6

Share, 48:2

Surviving spouse

Contribution, 48:2

Share not affected, 48:2

Testate succession, share considered as, 48:2

Uniform Simultaneous Death Act, 20:5, 30:22, 48:1 to 48:5

PRIMA-FACIE EVIDENCE

See EVIDENCE, generally

PRINCIPAL AND AGENT

Husband and wife. See HUSBAND AND WIFE, generally

Power of attorney, Ch 61, 61:45, 61:46

See also POWER OF ATTORNEY

PRINCIPAL AND INCOME ACT

Trusts, 33:18

PRISONERS

See also IMPRISONMENT

Adoption consent, imprisoned biological father, 99:39

Children as, 109:27, 109:28

Guardianship. See GUARDIANSHIP, generally

Legal disability, considered to be under, 62:1, 62:4

See also DISABILITY, PERSONS UNDER, generally

Probation. See PROBATION

Will, making, 26:3

PRIVACY

See PRIVILEGED INFORMATION, generally

PRIVATE FOUNDATIONS

See CHARITABLE TRUSTS, for general provisions

PRIVATE PROPERTY

See PERSONAL PROPERTY; REAL PROPERTY

PRIVILEGED INFORMATION

Adoption records, 99:29

PRIVILEGED INFORMATION—Cont'd Antenuptial agreements, full disclosure requirement, 101:7 Attorney-client privilege, 5:2 Drafting attorney as witness to will, effect, 30:44 Waiver Actual, 5:6 Implied, 5:5 Waiver. See also WAIVER, at Attorney-client privilege Child abuse reports, 110:1 to 110:12 Chiropractors, 5:13 Definitions, 5:1 Estate tax documents, 2:62, 111:42 Hospital records, 5:7, 5:8 Investment of trust funds, disclosure of uninsurance, 56:6 Nurse-patient communications, 5:7 Probation records of juveniles, 109:111 Psychiatrists, 109:54 Psychologists, 109:54 School counsels - student privilege, 5:14 Separation agreements, full disclosure requirement, 101:7 Social worker - client privilege, 5:14 Spouses, 5:9 Waiver, **5:10** Testimony, exempt from, 5:1 Victim impact statements, 109:61 Waiver Attorney-client privilege, 5:2, 5:5, 5:6 See also WAIVER, at Attorney-client privilege Husband-wife privilege, 5:10 Physician-patient privilege, 5:8, 12:1 Will contests, medical records, 39:14 **PROBATE** See PROBATE OF WILLS PROBATE COURTS Generally, Ch 3, 1:5 Account settlement, vacation or modification due to fraud, 3:4 Action for directions, 44:1, 44:2 See also CONSTRUCTION OF WILLS, at Action for Administration of estates, jurisdiction, 3:4, 55:12 Adoption, powers and duties, 3:4, 99:3, 99:57 to 99:84, 107:12 See also ADOPTION Aged persons, alleged abuse or exploitation, referral of information to law enforcement agencies, 65:29 Ante mortem declaration of will validity, jurisdiction, 35:1 Antenuptial agreements, jurisdiction over, 3:4 Appeals from, Ch 8 Docketing in regular or accelerated calendar, 8:6 Estate tax, 2:85

```
PROBATE COURTS—Cont'd
  Appeals from, Ch 8—Cont'd
    Wills
       Contested jurisdiction, 36:10, 36:11
       Denial of admission to probate, 38:2
       Validity of declaratory judgment, 35:7
  Appointment powers
     Appraisers, 2:18, 80:29 to 80:31
       Land sales, for, 94:2, 94:4
     Voluntary assignment
       Appraisers, 85:56
       Trustees, 85:51
  Attorney fees allowed during administration of estate, jurisdiction, 81:14, 81:19
  Attorney general, appointment as administrator of estate, 3:2
  Birth records, correcting, 99:81
  Bonds. See Surety bonds, this heading
  Books. See Records and reports, this heading
  Certificates
    Real property, transfer, of, 2:106, 2:121
       Intestate succession, 2:102, 2:106, 21:50
    Wills, Copies, 37:15 to 37:17
  Certification to juvenile court, 107:12
  Chancery jurisdiction, 3:4
  Charitable trusts, jurisdiction, 3:2
  Citation. See SERVICE OF PROCESS, at Probate courts
  Clerks, 3:42, 3:43
    See also CLERKS OF COURTS, generally
  Closed estates, jurisdiction, 3:10
  Commitment of mentally ill by. See MENTALLY ILL PERSONS, at Hearings on
       hospitalization
  Common law marriage, jurisdiction, 69:1
  Compensation of guardians, 65:27
  Concealment of estate assets by fiduciary, jurisdiction, 57:2
    Wrongful death claim proceeds, 57:2
  Concurrent jurisdiction, 3:14
  Constitutional provisions, 1:5, 3:1
  Construction of wills, Ch 44, 3:14, 6:6
    See also CONSTRUCTION OF WILLS
  Constructive trusts, jurisdiction, 3:4
  Contempt of court, 1:5
    Fiduciary's embezzlement of trust assets, 57:21 to 57:24, 69:4
  Contest of will, jurisdiction, 39:2
  Contribution to nonprobate beneficiary, jurisdiction, 3:11
  Costs. See Fees and costs, this heading
  County road improvements, jurisdiction, 3:2
  Court investigators, appointment, 63:52
  Covenants, restrictive, real property, enforcement, 3:2
  Declaratory judgments, jurisdiction, 3:2
  Decrees
    Appeal, Ch 8
```

PROBATE COURTS—Cont'd

Decrees—Cont'd

Presumption of death, judgment entry, 9:12

Deeds, reformation; jurisdiction, 3:4

Defined, 1:5

Definitions, 3:3

Distribution of estates, jurisdiction, 3:4

Dockets, appeals, docketing in regular or accelerated calendar, 8:6

Early courts, Ch 1

Election by surviving spouse. See SURVIVING SPOUSE, at Election by

Embezzlement of estate assets by fiduciary, jurisdiction, 57:2

Eminent domain proceedings, Ch 105, 3:2

See also EMINENT DOMAIN

Employees, 1:5, 3:1

Escheat, powers and duties. See ESCHEAT

Estate administration proceedings, 3:4, 55:12

See also SURVIVING SPOUSE, at Election by

Ancillary administration, 91:16 to 91:24

Claims against estate, Ch 84, 3:4

See also CLAIMS AGAINST ESTATES

Executors and administrators, by, Ch 69

See also EXECUTORS AND ADMINISTRATORS

Extracounty and extrastate proceedings, 91:16 to 91:24

Inventories and appraisals, 80:27 to 80:45

Hearings, 80:14, 80:40

Missing person's estate, 33:31 to 33:34

Real estate

See also ESTATES, at Real property

Transfer of, 2:106

Service by publication, 4:45 to 4:47

Tax. See Estate tax, powers and duties, this heading

Trust funds held for benefit of foreign beneficiary or heir, 79:2

Unclaimed funds, Ch 78

Estate tax, powers and duties

Apportionment among interested persons, 112:16

Audit by tax commissioner, Exceptions, orders, 111:55

Confidentiality of information, 2:62, 111:42

Exceptions filed with, 2:84

Jurisdiction, 2:85, 3:2, 3:14, 111:52

Tax return filed with, 111:73 to 111:78

Estates, alleged theft from, referral of information to law enforcement agencies, **3:2**, **65:29**

Exclusive jurisdiction, 3:2, 3:14

Between probate courts, 3:15

Declaratory judgments, 6:6

Executors and administrators, powers and duties, Ch 69

Expenditure of funds by guardian, approval of, 65:22

Expenses. See Fees and costs, this heading

Extension of time

Collection of assets, 74:20, 75:19

PROBATE COURTS—Cont'd Extension of time—Cont'd Documents and records incorporated by reference, production of, 30:19, 31:1, 31:3 Election by surviving spouse, **2:36**, **21:88**, **21:89** Hearing on account, 2:95 Late filing of claims against estate, Ch 86 Fee tail estates held in trust, conveyance or lease, 3:2 Fees and costs See also COURT COSTS, generally Eminent domain proceedings, 105:53 Abandonment, 105:59 Guardianship, Veterans, of, 63:32 Fiduciaries, jurisdiction, 3:6 Executors and administrators, powers and duties, Ch 69 Foreclosure of mortgage to pay decedent's debts, jurisdiction, 3:14 Guardians Appointment of, 110:13 Superior, 3:5, 3:6 Guardianship, supervision of, 3:4, 3:6, 3:14 See also GUARDIANSHIP Heirs-at-law, designation, 17:1 Forms, 17:1 to 17:7 Heirship, determination; jurisdiction, 3:4, 3:55 to 3:62, 6:6 History, Ch 1 Hospitalization of mentally ill by. See MENTALLY ILL PERSONS, at Hearings on hospitalization Humane society agents, approval of appointment by, 3:2 Injunctive relief, jurisdiction, 3:2 See also INJUNCTIVE RELIEF, generally Inquests, 3:14 Inter vivos trusts Jurisdiction, 3:2 to 3:7, 3:4, 3:5 Termination, 3:2 Intestate succession See also DESCENT AND DISTRIBUTION Rescinding renunciation, jurisdiction, 3:14 Investigators, temporary, 64:1, 64:3 Judges, 1:5, 3:1 Administrator, not to be, 69:18 Bond, surety, 3:31 Conflict of interest, 3:16, 3:51, 69:18 Disqualification, 3:16, 3:52 Oath of office, 3:32 Judgments Appeal, Ch 8 Modifying of, Ch 7 Vacating of, Ch 7 Validity of will, 30:55 Juries, 3:44 to 3:50

PROBATE COURTS—Cont'd Jurisdiction, Ch 3, Ch 76, 12:3 See also particular subject, this heading Adoption, disclosure of information, 3:9, 99:3, 99:29 Concurrent, 3:2, 3:14 Contested, admission of will to probate, 36:10, 36:11 See also PROBATE OF WILLS, at Jurisdiction Determination of parentage, lack of subject matter jurisdiction, 110:33 Exclusive, 3:2, 3:14, 3:15 Declaratory judgments, 6:6 Informed consent for medication of hospitalized persons, 3:13, 102:25 Inter vivos trusts, 3:2 to 3:7, 3:5 Lorain county, 3:3 Name changes, 100:5 Subject matter jurisdiction, 3:4 to 3:13 Determination of parentage, lack of jurisdiction, 110:33 Equitable remedies, 3:4 Prejudgment attachment orders, personal property, 3:4 Testamentary trusts, 3:7 Disabled persons, for, 3:2, 3:4 Juvenile divisions, Ch 106 See also JUVENILE COURTS Certification to, 107:12 Land sale proceedings. See LAND SALE PROCEEDINGS, generally Land title registration, jurisdiction, 3:2 Letters of administration and letters testamentary, jurisdiction, 69:1 Life estates held in trust, conveyance or lease, 3:2 Magistrates, 3:35, 3:36, 88:12 to 88:15 Marriage, powers and duties Consent to minor's marriage, 108:27 to 108:30, 110:27 to 110:30 Licenses, 108:26 to 108:31, 110:26 to 110:31 Master commissioners, 3:37 to 3:40 Mental health treatment, declaration for, 61:41 Mentally ill and mentally retarded persons, 3:6 Guardianship, under; alleged abuse or exploitation, Referral of information to law enforcement agencies, 65:29 Hospitalization of mentally ill. See MENTALLY ILL PERSONS, at Hearings on hospitalization Minors under guardianship, alleged abuse or exploitation, referral of information to law enforcement agencies, 65:29 Missing persons, disposition of assets, 33:31 to 33:34 Name changes, 3:2, 100:10 to 100:16 Application, 99:1, 100:1 Jurisdiction, 100:5 Minors, 100:4 to 100:8, 100:11 Hyphenated surname, 100:8 Jurisdiction, 100:5 Orders, 100:3 Northwest Ordinance, effect, 1:3

```
PROBATE COURTS—Cont'd
  Notices, Ch 4, 4:37, 4:38
     See also SERVICE OF PROCESS, at Probate courts
  Orders
     Appeal, Ch 8
    Estate tax, exceptions to tax commissioner's audit, 111:55
    Modifying, Ch 7
     Vacating, Ch 7
  Other probate courts, jurisdiction between, 3:15
  Parties to action, affidavits; prejudice of judge, 3:52
  Partnerships
    Deceased members, administration of estate, 60:1 to 60:6, 60:19 to 60:36
    Jurisdiction, 3:2, 60:2
  Plenary power, 3:2, 3:4
  Practice and procedure, 1:5
  Presumed decedents, 9:2, 9:9 to 9:12
  Process, Ch 4
     See also SERVICE OF PROCESS, at Probate courts
  Protective services for adults, powers and duties, Ch 103
     See also PROTECTIVE SERVICES FOR ADULTS
  Real property
    Contract, specific performance; jurisdiction, 3:8
    Restrictive covenants, enforcement, 3:2
    Title registration, jurisdiction, 3:2
  Records and reports, admission of foreign wills to record, 91:16, 91:17, 91:19
  Restrictive covenants on use of real property, enforcement, 3:2
  Rules of Civil Procedure, applicability, 4:1
  Service of process, Ch 4
     See also SERVICE OF PROCESS, at Probate courts
  Special fiduciary, appointment, 3:6
  Specific performance of real property contract, jurisdiction, 3:8
  Stock certificates; lost, stolen, or destroyed; jurisdiction, 75:21 to 75:25
  Streets, use by telephone companies; probate court jurisdiction, 3:2
  Subject matter jurisdiction, 3:4 to 3:13
    Equitable remedies, 3:4
    Prejudgment attachment orders, personal property, 3:4
  Superior guardian, 3:5, 3:6
  Surety bonds
    Deputy clerks, 3:42
    Judges, 3:31
  Surviving spouse under legal disability, election by; powers, 21:35
  Testamentary trusts
     Disabled persons, jurisdiction, 3:2, 3:4
    Jurisdiction, 3:2, 3:4, 3:7, 3:14
    Termination, 3:4, 3:7
  Trusts, missing person's estate, 33:31 to 33:34
  Unclaimed funds, Ch 78
     Forms, 78:4 to 78:9
  Verifications, 3:27, 3:29
```

PROBATE COURTS—Cont'd Voluntary assignment, 85:45 to 85:61 See also VOLUNTARY ASSIGNMENT, generally Wards, jurisdiction, 3:2, 65:21 to 65:26 Wills See also WILLS, generally Construction, Ch 44, 3:14 Contests, 1:5, 3:9, 39:2 Deposit with, 30:55 Lost, spoliated, or destroyed wills, 40:2 Probating, 36:2 Witnesses. See WITNESSES AND TESTIMONY, at Probate courts Wrongful death actions, jurisdiction, 12:3 Zoning ordinance, determination of constitutionality; jurisdiction, 3:4 PROBATE OF WILLS Generally, Ch 76, 38:3 to 38:5 Admission, Ch 37, Ch 76, SPF 2.0, SPF 2.3 Criteria, 37:1 Witnesses, age of, 37:1 Estate administration, after close of, 37:4 Final order, not considered as, 39:1 Foreign wills, 91:16, 91:17, 91:22 Lost, spoliated, or destroyed wills, Ch 40 See also Lost, spoliated, or destroyed wills, this heading Notice. See Notice, this heading Presumption of testamentary capacity upon, 26:7 Recording, 40:9, 40:10 Refusal to admit to. See Refusal to admit to probate, this heading Ante mortem declaration of will validity, applicability, 37:1 Appeals Admission to probate, 2:14, 38:2 Lost, spoliated, or destroyed will, 40:4 Contest of jurisdiction to, 36:10 Refusal to admit will to, 2:14, 38:2 Lost, spoliated, or destroyed will, 40:4 Application, SPF 2.0 Binding, when, 39:2 Certificate of true copy of will, 37:15 Challenging, method, 39:1 Construction. See CONSTRUCTION OF WILLS Contested jurisdiction. See Jurisdiction, this heading Denial. See Refusal to admit to probate, this heading Depositions, 2:12, 37:10 to 37:13, 38:1 Directions, action for, 44:1, 44:2 See also CONSTRUCTION OF WILLS, at Action for Domicile, probate court's jurisdiction to determine, 36:5 Evidence, introduction of, 37:1 Conflicting, 37:1 Ex parte proceeding, as, 36:7

PROBATE OF WILLS-Cont'd Failure to give notice, effect, 2:8 Failure to offer for, Ch 50 See also WILLS, at Withholding Filing and recording, 2:11, 37:15 to 37:17 Destroyed wills, **40:11**, **40:12** Final orders, **2:14**, **39:1** Foreign wills, 27:11 Hearing Denial of probate, 38:1 Notice, SPF 2.1, SPF 2.2, 2:13 Initial steps, 2:11 Instructions, action for, 44:1, 44:2 Interlocutory orders, 37:12, 38:1 Jurisdiction, Ch 36, Ch 76, 36:11 Contested, 36:6 to 36:9 Adversary proceeding, as, 36:7 Appeal from court's decision, 36:10 Court to determine own competence, 36:8 Interested person to bring action, 36:6 Notice to heirs and fiduciaries, 36:6, 36:9 Prohibition writ not to oust court from jurisdiction, 36:7 Statutory provisions, 36:6 Who may bring action, 36:6 Witnesses, 36:7 County of testator's domicile, 36:2 County where probate court declared will's validity, 36:2 Domicile distinguished from residence, 36:1 Foreign domiciles of testator, county where real or personal property of testator located, 36:3 Intangibles, location, 36:3 Judgment not binding upon foreign states, 36:4 Oral declaration of domicile insufficient, 36:1 Res judicata, former denial of probate, 36:5 States, between, 36:4 Legal advertising. See Notice, this heading Lost, spoliated, or destroyed wills Generally, Ch 40 Codicil, effect, 40:3 Definition, 40:1 Effect of probate, 40:4 Evidence, 40:2, 40:3 Contents of will, 40:4 Execution, of, 40:3 Forms, 40:5 to 40:12 Insanity, presumption after, 40:3 Jurisdiction, 40:2 Mutilation, distinguished from, 40:1 Notice, 2:121, 40:5, 40:6, 40:9, 40:10

Notice, admission to probate, 40:2

PROBATE OF WILLS—Cont'd Lost, spoliated, or destroyed wills—Cont'd Presumptions, **40:1 to 40:3** Insanity, after, 40:3 Prior to death, 40:3 Revocation, 40:3 Subsequent to death, 40:3 Refusal to admit, appeal from, 40:4 Revocation, presumption, 40:3 Statutory provisions, 40:2 Testator's declarations, effect, 40:3 Witnesses other than subscribing witnesses, 40:2 Nature of proceedings, 36:7 No administration, effect, 2:108 et seq. Notice, SPF 2.1, SPF 2.2, 2:8, 2:13, 37:2, 37:12 Affidavit of executor, 37:12 Certificate of service, SPF 2.4 Certified mail, 2:13 Denial of probate, 38:1 Express mail, 2:13 Failure to give, effect, 2:8 Lost, spoliated, or destroyed wills, 40:2 Waiver, SPF 2.0, SPF 2.1, 2:8, 2:13, 2:14, 37:2, 37:12 Oral wills, 29:1 Prima-facie case in favor of will, 37:1 Proof. 37:09 Reference list, 37:5 Refusal to admit to probate, Ch 38, 37:1, 37:12 Appeal, 2:14, 38:2, 40:4 Hearing, 38:1 Later wills, appeal from, 39:3 Lost, spoliated, or destroyed will, 40:4 Subsequent will, admission to probate, appeal from refusal, 39:3 Testamentary capacity, prohibition against challenging, 37:1 Vacation of order, 7:4, 39:2 Waiver, **2:8** Notice, of, SPF 2.0 Withholding will, Ch 50 See also WILLS, at Withholding Witnesses, 2:12, 37:3, 37:6 to 37:17 Age, 37:1 Attorney drafting or witnessing will, 5:8 Contest of jurisdiction, 36:7 Drafting attorney, 5:4, 5:8 Lost, spoliated, or destroyed wills, 40:2 Unavailable for examination, 37:1 **PROBATION**

Index-248

Juveniles, **109:110**, **109:176**Delinquents, **109:175**

PROBATION—Cont'd

Juveniles, 109:110, 109:176—Cont'd

Interstate compact, 109:125

Parental responsibility, 109:110, 109:164, 110:44

Records, 109:111

Revocation, 109:118

Traffic offenses, 109:107

Unruly children, 109:109, 109:175

Officers

Appointment by juvenile courts, 106:16

Juvenile courts. See JUVENILE COURTS, at Probation officers

Records and reports, juveniles, 109:111

Revocation, 109:118, 109:119

PROCESS

See SERVICE OF PROCESS

PRODUCTION OF DOCUMENTS

See DISCOVERY; DOCUMENTARY EVIDENCE

PROFIT-SHARING PLANS

See also RETIREMENT PLANS

Estate tax, 2:76

PROMISSORY NOTES

See also SECURITIES

Claim against estate

Default, 85:6

Unnecessary, 85:23

Estate property, sale by fiduciaries, 75:7

Estate tax, 2:67

PROOF

See EVIDENCE

PROPERTY

Eminent domain. See EMINENT DOMAIN

Estates. See ESTATES

Land sale proceedings. See LAND SALE PROCEEDINGS

Personal property

See PERSONAL PROPERTY

Taxation. See PERSONAL PROPERTY, TAXATION

Real property

See REAL PROPERTY

Taxation. See REAL PROPERTY, TAXATION

Taxation, consignment inventories, 117:3

PROPRIETARY INTEREST

Power of attorney, 61:46

PROSECUTION

Civil. See ACTIONS

Criminal. See CRIMINAL PROSECUTIONS

PROSECUTOR, STATE

See ATTORNEY GENERAL

PROSECUTORS

County, escheat, collection and payment to treasurer, **24:2** County. See PROSECUTORS, COUNTY

Juvenile court, duties, 106:15, 109:48

PROTECTIVE ORDERS

See INJUNCTIVE RELIEF

PROTECTIVE SERVICES FOR ADULTS

Consent to, 103:10

County human services department, report to, 103:4

Investigation, 103:9

Court-ordered implementation of plan, 103:12 to 103:18

Expenses, 103:24

Definitions, 103:3

Emergency services, 103:19 to 103:23

Defined, 103:3

Duration of emergency order, 103:23

Limits on emergency orders, 103:23

Expenses, 103:24

Hearings

Court-ordered services, 103:14

Rights of elderly persons, 103:14

Standard of proof, 103:15

Time for, 103:14

Emergency services, 103:21

Notice, 103:20

Rights of elderly adults, 103:21

Standard of proof, 103:22

Time for, 103:20

Petition, prevention of interference with voluntary services, 103:11

Investigation, 103:5 to 103:8

Interviews, 103:7

Notice, 103:6

Obstructing, 103:8

Time requirement, 103:5

Jurisdiction, 103:2

Notice

Court-ordered services, 103:13

Investigation, 103:6

Petition, prevention of interference with voluntary services, 103:11

Transfer from placement, 103:17

Obstructing investigation, 103:8

Order for nonvoluntary services, 103:16

Petition, 103:19

Court-ordered services, 103:12

Emergency services, 103:19

Voluntary services, to restrain interference, 103:11

PROTECTIVE SERVICES FOR ADULTS—Cont'd

Placement of adult, 103:16

Duration of order, 103:18

Modification of order, 103:17

Plan, 103:9

Court-ordered implementation, 103:12

Voluntary implementation, 103:10, 103:11

Purposes of act, 103:1

Right of entry, 103:8

Temporary restraining order

Interference with voluntary services, 103:11

Obstruction of investigation, to prevent, 103:8

Voluntary implementation of plan, 103:10, 103:11

Expenses, 103:24

PROTECTIVE SERVICES FOR MENTALLY RETARDED

Generally, 3:6

See also GUARDIANSHIP, at Mentally retarded persons, for

PROTECTIVE SUPERVISION

Custody of children, domestic and institutional, 109:77

PROXY

Mental health treatment, declaration for, 61:40

PSYCHIATRIC EXAMINATIONS

See MEDICAL AND MENTAL EXAMINATIONS

PSYCHIATRISTS

See also PHYSICIANS, generally

Defined, 102:3

Privileged information, 109:54

Witness to will, as, 30:46

PSYCHOLOGIST-CLIENT PRIVILEGE

Juveniles, applicability, 109:111

PSYCHOLOGISTS

Aged persons suffering neglect, abuse, or exploitation; report to county human services department, 103:4

Child abuse, reporting, 110:1 to 110:12

Defined, licensed clinical, 102:5

Evaluation of incompetent person, SPF 17.1

Licensed clinical, defined, 102:5

Privileged information

Juveniles, applicability, 109:54

Mental anguish damages, 5:8

PUBLIC AUCTIONS

See AUCTIONS

PUBLIC CONTRACTS

See CONTRACTS, PUBLIC

PUBLIC EMPLOYEES

Estate tax on death benefits, 2:76

Retirement system. See PUBLIC EMPLOYEES RETIREMENT SYSTEM

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Benefits, estate tax, 2:76, 111:10

PUBLIC FUNDS

See FUNDS, PUBLIC

PUBLIC INSTITUTIONS

See CHARITABLE INSTITUTIONS; CORRECTIONAL INSTITUTIONS

PUBLIC OFFICIALS

Retirement system. See PUBLIC EMPLOYEES RETIREMENT SYSTEM

PUBLIC SAFETY OFFICERS DEATH BENEFIT FUND

Estate tax, exemption, 111:10

PUBLIC SALES

See AUCTIONS; JUDICIAL SALES

PUBLIC SCHOOLS

See SCHOOLS AND SCHOOL DISTRICTS

PUBLIC WORKS

Eminent domain. See EMINENT DOMAIN, generally

PUBLICATION, SERVICE BY

See SERVICE OF PROCESS, at Publication, by

PUNISHMENT

See FINES AND FORFEITURES; SENTENCES

PURCHASERS IN GOOD FAITH

See BONA FIDE PURCHASERS

QUALIFIED TERMINABLE INTEREST PROPERTY

Forms

Husband's pour-over will, 30:206

Inter vivos trust agreement, 30:205

Wife's pour-over will to her intervivos trust or to husband's intervivos trust agreement, 30:207

QUANTUM MERUIT

Generally, 51:8

QUESTIONS OF LAW AND FACT

Appeals on, notice, 8:9

QUIET TITLE

Administrator or executor bringing action, **75:1** Service by publication, **4:23**, **4:45** to **4:47**

Testamentary trustee bringing action, 75:1

RATES

See FEES AND COSTS

Index-252

REAL ACTIONS

See REAL PROPERTY

REAL ESTATE

Generally, see REAL PROPERTY

Taxation. See REAL PROPERTY, TAXATION

REAL ESTATE BROKERS AND SALESPERSONS

Assets of estates, employment in sale of, 75:22 to 75:25

Commissions

Estates, land sale proceedings, 2:56, 97:11

Guardian's sale of ward's realty, 98:20

REAL PROPERTY

See also LAND SALE PROCEEDINGS

Actions, service by publication, 4:23, 4:45 to 4:47

Ancillary administration. See ANCILLARY ADMINISTRATION

Appraisals. See APPRAISALS

Appropriation, Ch 105

See also EMINENT DOMAIN

Assignment for benefit of creditors, 85:45 to 85:61

See also VOLUNTARY ASSIGNMENT, generally

Attachment. See ATTACHMENT

Auctions. See AUCTIONS

Brokers. See REAL ESTATE BROKERS AND SALESPERSONS

Conditional grants or devises, 30:121

Contracts

Estate tax, gross estate determination, 2:67

Specific performance, probate court jurisdiction, 3:8

Conveyances. See CONVEYANCES

Covenants, restrictive, enforcement, jurisdiction, 3:2

Deeds. See DEEDS

Descent and distribution. See DESCENT AND DISTRIBUTION

Devises. See LEGACIES AND DEVISES

Disclaimers of succession to, Ch 11, 11:24

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Divisability of property, historical statutes, 25:8

Eminent domain, Ch 105

See also EMINENT DOMAIN

Encumbrances

See ENCUMBRANCES, generally

Leases. See LEASES

Liens. See LIENS

Mortgages. See MORTGAGES

Entailed property, sale; guardian waiving service of summons on minor ward, 4:34

Escheat. See ESCHEAT

Estate property

See ESTATES, at Real property

See LAND SALE PROCEEDINGS; LEGACIES AND DEVISES

Estate tax, 111:73 to 111:96

See also ESTATE TAX

REAL PROPERTY—Cont'd

Failure to probate will devising, Ch 50

Fee simple

Failure to pass, 44:44

Limitation over, 44:45

When passes, 44:43

Foreclosure. See FORECLOSURE

Fraud. See FRAUD

Guardians. See GUARDIANSHIP, at Real property

Improvements by guardians, forms, 65:61 to 66:68

Individual rights, 25:5

Intestate succession. See DESCENT AND DISTRIBUTION

Judicial sales. See JUDICIAL SALES

Land sale proceedings. See LAND SALE PROCEEDINGS

Life estates, 30:149 to 30:152

Mortgages. See MORTGAGES

Nonresident ownership, service of process on, 4:18

Oral will cannot dispose of, 29:1

Partnership property, inventory after death of one partner, 60:3

Power of attorney, 61:4, 61:45, 61:46

Presumed decedent, 9:7

Decree vacated, 9:7

Pretermitted heir, interest, 48:6

Quiet title. See QUIET TITLE

Remaindermen. See REMAINDERMEN

Right of entry. See RIGHT OF ENTRY

Rule against perpetuities, Ch 46

See also STATUTE AGAINST PERPETUITIES

Sales

See also CONVEYANCES

Completion by fiduciaries, 2:52

Foreclosure. See FORECLOSURE

Guardian waiving service of summons on minor ward, 4:34

Land sale proceedings. See LAND SALE PROCEEDINGS

Salespersons. See REAL ESTATE BROKERS AND SALESPERSONS

Specific devises, 30:99 to 30:101

Succession to, disclaimer, Ch 11, 11:24

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Taxation

See REAL PROPERTY, TAXATION

Estate tax, 111:73 to 111:96

See also ESTATE TAX; FEDERAL ESTATE TAX

Estates. See ESTATE TAX

Liens

Debt of estate, not considered as, 2:34

Proceeds of sale insufficient to pay taxes owed, 2:59

Tenancy, life. See LIFE ESTATES

Transfer. See CONVEYANCES

Transfer tax. See ESTATE TAX

Trusts, 30:200 to 30:207, 30:201 to 30:207

REAL PROPERTY—Cont'd

Will devising, failure to probate, Ch 50

RECEIVERSHIP

Appointment of receiver, land sale proceedings, 91:11 Land sale proceedings, 91:11

Partnerships, **60:7**, **60:10**

RECIPROCAL ENFORCEMENT OF SUPPORT ACT

Generally, 110:37

RECIPROCITY

Adoption decrees, 99:6

Immigration and Naturalization Service approval, 99:6, 99:52

RECORDERS, COUNTY

Estate by the entireties, recording when vested, 92:39

Fees, powers of attorney, recording, 61:6

Indexes, powers of attorney, 61:6

Inherited property, recording, 2:106

Power of attorney, recording, 61:2

RECORDINGS

See TAPE RECORDINGS; VIDEOTAPED RECORDINGS

RECORDS AND REPORTS

See also particular subject concerned

Accounts. See ACCOUNTS AND ACCOUNTING

Administrators. See EXECUTORS AND ADMINISTRATORS, at Records and reports

Adoption. See ADOPTION, at Records and reports

Aged persons subject to abuse, neglect, or exploitation, 103:4

Birth certificates. See BIRTH CERTIFICATES

Business of decedent, continuation, 2:47

Child abuse. See CHILD ABUSE

Detention of child, 109:29

Election against will, 21:32

Estate tax documents, 2:62, 111:42

Evidence, as. See DOCUMENTARY EVIDENCE

Executors. See EXECUTORS AND ADMINISTRATORS, at Records and reports

Expungement. See EXPUNGEMENT OF RECORDS

Guardians, SPF 17.7

Biennial report, 63:76

Investigator's report, SPF 17.8

Hospitalization of mentally ill, confidentiality, 102:60

Exceptions, 102:60

Injuries or neglect, child abuse, 110:1 to 110:12

Inter vivos trustees, requests for reports, 33:19

Juvenile courts. See JUVENILE COURTS, at Records and reports

Juvenile delinquency. See JUVENILE DELINQUENCY

Land sale proceedings, 94:3, 97:2

Magistrates, decisions, 109:175, 109:177

Medical records, confidentiality in will contests, 39:14

RECORDS AND REPORTS—Cont'd

Mentally ill, hospitalization. See MENTALLY ILL PERSONS, at Hospitalization Mentally retarded, institutionalization. See MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS, at Institutionalization

Minors, expungement of record, 109:113, 109:154, 109:155

Power of attorney, 61:46

Tampering with, wills, 35:6, 50:5

Tape recorder in conjunction with will, 30:48 to 30:53

Wills. See WILLS

RECOVERY

Damages. See DAMAGES

REFEREES

See MAGISTRATES

REFORMATORIES

See also CORRECTIONAL INSTITUTIONS Detention of minors in, 109:27, 109:28

REFUNDS, TAX

See particular tax concerned

REHABILITATION

Juvenile. See JUVENILE REHABILITATION

RELATIVES

See NEXT OF KIN

RELEASE FROM ADMINISTRATION

Checklist, 2:122

RELEASES

Administration of estate, 2:108 et seq.

Forms, 69:34 to 69:39

Claims for injury or property damage to ward, 66:25 to 66:29

Debt, from; inter vivos gift as, 13:18

Decedent's wages, 2:24, 2:119

Estate administration, 2:3, 2:108 et seq.

Forms, 69:29 to 69:33

Estate tax, 111:62 to 111:72

Real property, sale by fiduciaries, 2:56, 93:10, 93:21 to 93:25, 96:16

RELIEF

See REMEDIES

Injunctive. See INJUNCTIVE RELIEF

RELIEF FROM ADMINISTRATION

See NO ADMINISTRATION

RELIEF FROM JUDGMENT

See JUDGMENTS, at Vacating

RELIGION

See also RELIGIOUS ORGANIZATIONS

Confessions to priests, exempt from testimony, 5:11

RELIGION—Cont'd

Custody or placement of children, consideration, 109:73 Faith healing of children, 108:11, 109:139, 110:1 to 110:12 Masses. See MASSES

RELIGIOUS ORGANIZATIONS

Gifts and bequests to, 30:73 to 30:76, 30:153 to 30:158

See also LEGACIES AND DEVISES, at Charitable bequests
Legacies or devises to, 30:73 to 30:76, 30:153 to 30:158

See also LEGACIES AND DEVISES, at Charitable bequests

RELIGIOUS SERVICES

See RELIGION

RELOCATION ASSISTANCE

Eminent domain, under, 105:40

REMAINDER

Acceleration, 21:6

Surviving spouse, election to take against will, 21:19, 21:20 Estate tax, gross estate determination, 2:70 Vested, 44:10

REMAINDERMEN

Generally, Ch 10
Actions involving, 4:30
Definitions, 10:2

Protection of interest, 2:104, 76:19, 76:20

Rents, 91:11

Rule in Shelley's case abolished, 45:2

Purpose and effect of statute, 45:3 to 45:5

Waste by life tenant, Ch 23

See also LIFE ESTATES, at Waste by tenant

REMEDIES

See also DAMAGES

See also particular type concerned

Injunctions. See INJUNCTIVE RELIEF

RENT

Collection by fiduciary, application toward estate debts, 91:11 Co-tenant's property, claim against estate, 85:8 Heirs, paid to, 2:50 Remainderman, 91:11

RENUNCIATION OF INTESTATE SUCCESSION

See also DISCLAIMER OF SUCCESSION TO PROPERTY Rescinding, probate court jurisdiction, **3:14**

REPORTS

See particular subject concerned

REPRESENTATION

Trusts, 34:17

RES JUDICATA

Estate inventory, exceptions, **80:25** Former denial of probate, **36:5** Paternity proceedings, **19:9**

RESIDENCY REQUIREMENTS

See also NONRESIDENTS Administrators, 52:1, 58:5, 69:4, 69:18 Executors, 2:15, 52:2, 52:3 Fiduciaries, Ch 52, 2:15, 30:35, 58:5 Guardians, 30:32, 63:30 Testamentary trustees, 52:2 Testators, 30:6, 36:1 to 36:3

RESIDUARY ESTATES

See ESTATES

RESOLUTIONS, MUNICIPAL

See MUNICIPAL ORDINANCES AND RESOLUTIONS

RESTITUTION

Juvenile delinquents, prior to January 1, 2002, 109:87

RESTRAINING ORDERS

See INJUNCTIVE RELIEF

RESTRICTIVE COVENANTS

Real property, enforcement, jurisdiction, 3:2

RETIREMENT PLANS

Benefits, estate tax, release by tax commissioner, 111:81

Estate tax, **2:76**, **111:81**

Excise tax on excess retirement accumulations, repeal, 113:1

Individual retirement accounts. See INDIVIDUAL RETIREMENT ACCOUNTS (IRA)

Keogh Plans. See KEOGH PLANS

Power of attorney, 61:46

Public employees. See PUBLIC EMPLOYEES RETIREMENT SYSTEM

School employees. See SCHOOL EMPLOYEES RETIREMENT SYSTEM

Teachers retirement system. See TEACHERS RETIREMENT SYSTEM

Testamentary trustees, 33:6

RETURN OF SERVICE

See SERVICE OF PROCESS

REVENUES

See FUNDS, PUBLIC

Appropriations. See APPROPRIATIONS

Fees. See FEES AND COSTS

Fines. See FINES AND FORFEITURES

Taxes. See particular tax by name

REVERSALS OF JUDGMENTS

See APPEALS

REVERSIONARY INTERESTS

Actions involving, 4:30

Estate tax, 2:73

Gross estate determination, 2:70

REVOCATION OF WILLS

Generally, Ch 41

Annulment of marriage, by, 21:85, 41:12

Codicil, by, 28:4, 41:8, 43:2

Implied revocation, 28:4

Declaration of validity, effect, 35:6

Defective execution of written instrument, effect, 41:10

Destroyed wills, presumption, 40:3

Dissolution of marriage, by, 21:85, 41:12

Divorce, by, 21:85, 41:12

Encumbrances, effect, Ch 42

Evidence, 37:1

Former will, of, 30:8

Intention coupled with act mandatory, 41:3

Introductory clause, revocation of former wills, 30:8

Keeping former will in case of latter will being set aside, 30:8

Later will, effect, 41:8, 43:2

Lost, spoliated, or destroyed wills; presumption, 40:3

Marriage, 26:3

Methods, Ch 41

Necessary act, 41:4

Nontestamentary writing, by, 41:9

Oral attempt, 41:4

Oral will revoking written will, prohibition, 29:1, 41:8

Partial, 41:6

Undue influence, due to, 41:13

Written instrument, by, 41:11

Physical act, by, 41:2 to 41:6

Physical act, presumption, 41:5

Presumption, 41:5

Revival, 43:4

Revoking document, probate unnecessary to complete revocation, 41:8

Separation agreement, by, 15:7, 21:85, 41:7 to 41:12, 44:10

Spoliated will, presumption, 40:3

Statutory provisions, 21:85, 41:2, 41:7, 41:12

Subsequent codicils, effect, 43:2

Subsequent wills, effect, 41:8, 43:2

Undue influence, due to; partial revocation, 41:13

Will previously declared valid by probate court, effect, 35:6

Written instrument, by, 41:7 to 41:11

RICHLAND COUNTY

See COUNTIES, for general provisions

RIGHT OF ENTRY

Eminent domain proceedings, 105:6

RIGHT OF ENTRY—Cont'd

Protective services investigation of abuse or neglect of aged, 103:8

RIGHT TO COUNSEL

Contempt proceedings, failure to pay child support, **109:124** Juvenile delinquency adjudicatory hearing, **109:45** Paternity proceedings, **110:25**

ROADS

See HIGHWAYS AND ROADS

ROYALTIES

Gross estate determination, tax purposes, 2:70

RULE AGAINST PERPETUITIES

Generally, Ch 46

See also STATUTE AGAINST PERPETUITIES

RULE IN SHELLEY'S CASE

Abolished, 45:2

RULE IN SHELLEY'S CASE, ABOLISHED

Purpose and effect of statute, 45:3 to 45:5

RULES OF COURTS

See also particular court concerned

Construction

Declaratory judgments, 6:6

Juvenile procedure rules, 106:3

RULES OF EVIDENCE

Probation or parole revocation hearing, applicability, 109:118

RUNAWAYS

See also UNRULY CHILDREN

Apprehension and custody, 109:28

Court taking custody, 109:28

Interstate agreement on, 109:125

Rehabilitation facilities, 106:17 to 106:19

See also JUVENILE REHABILITATION

SAFE DEPOSIT BOXES

Disposition of contents by guardian, 65:21

Guardian duties, 63:13

Inter vivos gift, as, 13:27

Inventory by tax commissioner upon death of owner, 2:17

Opening by guardian, 65:37, 65:39

Power of attorney, 61:46

Release of contents by tax commissioner, 111:68

Retreival of will from, 2:9

Specific bequest of contents, 30:91

Will, opening of box, 2:9

Will, placement, 30:55

SALARIES

See COMPENSATION; WAGES AND HOURS

SANITARY DISTRICTS

Eminent domain, 105:5

SAVINGS AND LOAN ASSOCIATIONS

See BUILDING AND LOAN ASSOCIATIONS

SAVINGS BONDS

Gift causa mortis, as, 14:7

Inter vivos gift, as, 13:17

Presumption of order of death statute, no application, 16:2

SCHOLARSHIPS

Legacies or devises, 30:77

SCHOOL BOARDS

See SCHOOLS AND SCHOOL DISTRICTS, generally

SCHOOL EMPLOYEES RETIREMENT SYSTEM

Benefits, estate tax, 2:76, 111:10

SCHOOLS AND SCHOOL DISTRICTS

Attendance

Defined, 108:8, 110:8

Habitual truancy, juvenile delinquency, 108:1, 110:1

Violations, jurisdiction, 110:1 to 110:12

Compulsory education

Home instruction exception, Juvenile courts, appeals to, 108:23, 110:23

Juvenile courts, appeals to, 108:23, 110:23

Employees

Retirement system. See SCHOOL EMPLOYEES RETIREMENT SYSTEM

Teachers. See TEACHERS

Escheat for benefit of, 24:2

Expenses of educating child, court order, 109:73

Foster child disrupting educational process, school district requesting removal; juvenile court jurisdiction, 107:1

Guidance and counseling programs, privileged information, 5:14

Institutionalized children, schooling costs, 109:73

Rehabilitation facilities, 106:17 to 106:19

Residence, guardian's residence determining ward's residence, 65:19

Superintendents, juvenile delinquency, notice. See JUVENILE DELINQUENCY, at Records and reports

Teachers. See TEACHERS

Tuition, institutionalized children, 109:73

SEALING RECORDS

Juvenile records, 109:23, 109:113, 109:154, 109:155

SEARCH AND SEIZURE

Delinquent child's residence and property, search of, 110:46

Juvenile, of, 109:18 to 109:20

School, in, 109:18 to 109:20

SEARCH AND SEIZURE—Cont'd

Suppression of evidence, juvenile court proceedings, 109:20

SECRECY

See PRIVILEGED INFORMATION, generally

SECRETARY OF STATE

Service of process on, 4:24

SECURED TRANSACTIONS

See also LIENS, generally

Real property sale by fiduciaries, 96:18, 98:18

SECURITIES

See also BONDS AND NOTES

See also STOCK

Commitment to trustee after estate closed, jurisdiction, 3:10

Definitions, 44:31

Deposit by fiduciaries and custodians, 55:42

Estate property, election by surviving spouse, 2:40, 21:63

Forms, 21:101 to 21:108

Estate tax. 2:66

Fiduciary's duties. See FIDUCIARIES

Issued by used in will, 44:27

Lost, destroyed, and stolen stock certificates, 75:21 to 75:25

Registration, uniform Transfer-on-Death Security Registration Act, 14:19

Surviving spouse, purchase, 2:40

Transfer, release by tax commissioner, 2:24

Transfers to Minors Act, 13:28

SELF-DEALING

Power of attorney, 61:46

Trustees or fiduciaries, by, 56:6, 56:6 to 56:9

SELF-EMPLOYMENT

See also particular profession by name

Decedent's business, continuation by fiduciary, Ch 73, 2:47 to 2:49, 30:174, 30:175, 74:12 to 74:18

SENIOR CITIZENS

See AGED PERSONS

SENTENCES

See also JUDGMENTS

See also VERDICTS

Adult cases tried in juvenile court, 110:12

Imprisonment

See IMPRISONMENT

See PRISONERS

Juvenile proceedings, adult offenders, 110:48, 110:49

Suspension, adult cases tried in juvenile courts, 110:3, 110:49

SEPARATION AGREEMENTS

Action to set aside, Ch 101

Probate court jurisdiction, 101:2

Statute of limitations, 101:1

Arbitration allowed, 101:5

Children, care, custody, and control, 110:13 to 110:18

See also CUSTODY OF CHILDREN, DOMESTIC; VISITATION RIGHTS

Confidential relationship, 101:6

Conflict of laws, 101:11

Consideration supporting agreement, 101:4

Defined, 101:1

Disproportionate division of property, effect, 101:9

Divorce, applicability, 101:5

Divorce settlement included in, 101:7

Election against the will not barred when agreement does not prohibit, 101:10

Fairness requirement, 101:7

Fraud, effect, 101:8

Full disclosure requirement, 101:7

Nature of agreement, 101:2

Oral, enforceability, 101:3

Overreaching, effect, 101:8

Performance of parties prior to death, effect, 101:5

Postnuptial agreements void, exception, 101:3

Will provisions differing from, 101:10

Wills, effect, 15:7, 21:85, 41:7 to 41:12, 44:10

SERVICE OF PROCESS

Generally, Ch 4

See also NOTICE; SUBPOENAS; SUMMONS

Affidavits, as proof, 4:10

Ante mortem declaration of will validity, action for, 35:3, 35:6

Appeals, 8:6

Attorneys, on, 4:36

Avoidance, 4:45 to 4:47

Certified mail, by, 4:3, 4:15, 4:19, 109:12

Ante mortem declaration of will validity, action for, 35:3

Out-of-state service, 4:20, 4:22

Refused, 4:8, 4:25, 4:55, 4:60

Return receipt to be attached to affidavit, 4:10

Who may sign, 4:15, 4:16, 4:22

Unclaimed, 4:9, 4:25, 4:26, 4:56, 4:60

Charitable trusts, 4:31, 32:3

Attorney general, on, 32:3

Claims against estates, notice of hearings, 88:5

Concealment of defendant, defined, 4:22

Corporations, on, 4:15, 4:50

Delivery to person other than defendant, 4:15

Disability, person under, 4:7

Discovery, requirements, 4:35

SERVICE OF PROCESS—Cont'd Eminent domain, 105:9 Service by publication, affidavit, 105:63 Unknown heirs, affidavit, 105:62 Express mail, by, 4:3, 4:15, 4:19 Failure of service, effect, 4:15 Fictitious names, 4:33 Foreign countries, in, 4:21 Guardians Application, notice to interested parties, Ch 64, 63:70 to 63:72, 63:79, 63:80 Incompetent person, for, 4:7 Heirship determination, 3:54 Incompetent persons, on, 4:29, 4:49 Guardian, on, 4:7 Instructions, 4:42 Juvenile courts. See JUVENILE COURTS, at Service of process Mail, by, 4:3 Certified mail. See Certified mail, by, this heading Foreign countries, 4:21 Proof of service, 4:21 When complete, 4:10 Mentally ill or retarded, on, 4:7, 4:29, 4:49 Institutionalized person, 4:30 Methods, 4:3, 4:14 to 4:17 See also particular method, this heading Foreign countries, 4:21 Out-of-state service, 4:19 Minors, 4:5, 4:6, 4:28, 4:48, 109:11, 109:157 to 109:167 Misnamed parties, 4:33 Motions, **4:35** Newspaper publication, by. See Publication, by, this heading Nonresidents, 4:18 to 4:21, 4:22 Paternity proceedings, 19:6 Publication, by, 4:22, 4:45 to 4:47 Notice. See NOTICE, generally Ordinary mail, by, presumption of service, rebuttability, 4:26 Parents of abandoned children, on, 15:53, 15:56 Paternity proceedings, nonresident defendants, 19:6 Personal service, 4:16, 4:43 Affidavit, 4:54 Out-of-state service, 4:21, 4:34 Paternity proceedings, 19:6 Refused, 4:25, 4:60 Return, 4:57, 4:58 Pleadings, 4:35 Probate courts, Ch 4 Fiduciaries, 54:3 Embezzlement of assets, 57:20 Production of documents, for. See SUBPOENAS

SERVICE OF PROCESS—Cont'd

Publication affidavit, 92:64, 109:161

Publication, by, 4:3, 4:10, 4:45 to 4:47, 4:61, 109:12, 109:161, 109:162

Proof of service, 4:10

See also NOTICE

Affidavit, 4:24 Ante mortem declaration of will validity, action for, 35:3 Contents, 4:24 Eminent domain, 105:9 Grounds for, 4:22 Land sale proceedings, 92:30 Proof, 4:24 Real property sale by fiduciaries, 92:64 to 92:68 Time requirements, 4:24 Waiver, 109:12 When complete, 4:10, 4:24 Will contest action, 39:7, 39:10 Real property sale by fiduciaries, 2:55, 92:30, 92:53 Refused, 4:8, 4:25, 4:55, 4:60 Residence service, 4:17, 4:44 Residence unknown, 4:22, 4:45 to 4:47, 109:12 Return, 4:59 Secretary of state, on, 4:24 Defendant's whereabouts unknown, service on invalid, 4:22 Sixteen years of age or older, 4:27 Subpoenas. See SUBPOENAS Summons. See SUMMONS Time requirements, 4:11, 4:14 to 4:17, 4:35, 39:7, 39:10 Trustees, unborn persons, for, 4:32 Unborn persons, 4:32 Unclaimed, 4:9 Certified mail, 4:26, 4:56, 4:60 Unknown party to action, 4:24, 4:46, 4:47 Appropriation of property, 105:62 Usual place of residence, defined, 4:3 Virtual representation doctrine, 4:32 Waiver, 4:11, 4:39 to 4:41 Warrant for custody of child, 109:13, 109:163 Who may be served, 4:4 to 4:7 Wills Contests, 39:10 Petition for declaratory judgment of validity, 35:3, 35:6 **SETTLEMENTS** Accounts, vacation or modification of judgment due to fraud; probate court's jurisdiction, 3:4 Eminent domain proceedings, 105:79 Estates. See EXECUTORS AND ADMINISTRATORS, at Accounts and accounting Guardians, actions by, 66:22 Attorney fees, 66:23 Index-265

SETTLEMENTS—Cont'd

Minor's claim, SPF 22.0 to SPF 22.4

Setting aside, 7:2

Private settlement agreements, trusts, 34:18

Wills

Contests, 39:25

Incorporation into by reference, 31:3

Wrongful death actions, 12:19, 12:24 to 12:29

See also WRONGFUL DEATH, at Damages

SEX OFFENSES

See also JUVENILE DELINQUENCY

Child victim, videotaped depositions, 109:37 to 109:39

SHARED PARENTING

Generally, 110:13, 110:13 to 110:18

SHAREHOLDERS

See STOCK

SHARES

See STOCK

SHELLEY'S RULE

Generally, Ch 45

SHELTER CARE

Children

See also CUSTODY OF CHILDREN, INSTITUTIONAL

See also DETENTION HOMES

Reasonable efforts determination, 109:74

Complaints, time for filing, 109:5

Hearings, 109:30

SHERIFFS

See also LAW ENFORCEMENT OFFICERS

Amercement, 3:41

Execution of judgment by. See EXECUTION OF JUDGMENT, generally

Judicial sales, powers. See JUDICIAL SALES, generally

SHERIFF'S SALE

See JUDICIAL SALES

SIBLINGS

See also NEXT OF KIN

Descent and distribution, 15:32

See also DESCENT AND DISTRIBUTION, generally

SIGNATURES

Child abuse indictment or information, 110:5, 110:6

Claims against estates, fiduciary's signature, 84:4

Motions, 39:11, 92:3

Paternity acknowledgments, on, 18:2

Pleading, on, 3:25

Power of attorney. See Attestation and signature at POWER OF ATTORNEY

SIGNATURES—Cont'd

Wills, 27:4 to 27:7, 30:190 to 30:197

SIMULTANEOUS DEATH

Generally, Ch 24, 30:140, 30:141

See also UNIFORM SIMULTANEOUS DEATH ACT

See also PRESUMPTION OF ORDER OF DEATH

SISTERS

See also NEXT OF KIN

Descent and distribution, 15:32

See also DESCENT AND DISTRIBUTION, generally

SOCIAL SECURITY

Adopted child's right to benefits, 99:56

Application for benefits, attorney's duties, 2:119

Power of attorney, benefits, 61:46

SOCIAL WORKERS

Evaluation of incompetent person, SPF 17.1

Privileged information, 5:14

SOLDIERS

See MILITARY SERVICE; VETERANS

SOLE PROPRIETORSHIP

Decedent's business, continuation by fiduciary, Ch 73, 2:47 to 2:49, 30:174, 30:175, 74:12 to 74:18

Gross estate determination, tax purposes, 2:70

SPECIAL ADMINISTRATORS

Generally, Ch 70

See also EXECUTORS AND ADMINISTRATORS, at Special administrators

SPECIAL ASSESSMENTS

See ASSESSMENTS, SPECIAL

SPECIFIC PERFORMANCE

Executor, appeal, 51:5

Jurisdiction, 3:8

Real property contract, probate court jurisdiction, 3:8

Service by publication, 4:45 to 4:47

SPEECH PATHOLOGISTS

Child abuse, reporting, 110:1 to 110:12

SPEEDY TRIAL

Adult cases in juvenile court, 110:9

Appeal by state from granting of suppression motion, computation of time, 109:119

Juvenile delinquents, applicability, 109:50, 109:70

Juvenile proceedings, 110:9

SPENDTHRIFT CLAUSE

Disclaimer of succession to property, effect, 11:9

Generation-skipping transfer tax annual exclusion, 33:10

Termination, 33:8

SPENDTHRIFT CLAUSE—Cont'd

Trusts, 34:9

SPOUSE

See HUSBAND AND WIFE; MARRIAGE; SURVIVING SPOUSE

STANDING

See also particular subject concerned Life estates, waste by tenant; standing to bring action, 23:3 Will contests, 39:4 to 39:6

STARK COUNTY

See COUNTIES, for general provisions

STATE

AFDC and Medicaid reimbursement, retroactive back child support for illegitimate child to include, 110:30

Aid. See APPROPRIATIONS

Appropriation of property by. See EMINENT DOMAIN

Attorney general. See ATTORNEY GENERAL

Claim against estate

Presentation, 85:16

Claim against estate, statute of limitations, 89:10

Creditor's claims not requiring presentation, 85:16

Eminent domain, moratorium, 116:21

Employees. See PUBLIC EMPLOYEES

Escheat to, Ch 24

See also ESCHEAT

Gifts and bequests to, 13:3

Institutions

See CHARITABLE INSTITUTIONS

See CORRECTIONAL INSTITUTIONS

Records and reports. See RECORDS AND REPORTS, generally

STATES OTHER THAN OHIO

See FOREIGN STATES

STATUTE AGAINST PERPETUITIES

Generally, Ch 46

Charitable bequests, applicability, 46:12

Committee comment, 46:7

Dynasty trusts, 46:14

Effect of rule, 46:13

Estates, applicability, 46:10

Fee vests in estate in tail, 46:2

Intestate succession, when, 46:11

Power of appointment, interests created by, 46:6, 46:9

Preemptive right to purchase real property, 46:10

Purpose of statute, 46:3, 46:8

Reformation of interests, 46:5

Statutory provisions, Ch 46

Time, construction, 46:4

STATUTE AGAINST PERPETUITIES—Cont'd

Trusts

Applicability, **32:2**, **46:11** Dynasty trusts, **46:14**

Vesting, test, 46:9

When estate must vest, 46:1

STATUTE OF FRAUDS

Generally, 25:8

Antenuptial agreement, 101:3

Pour-over trusts, effect, 33:1

Separation agreement, 101:3

STATUTE OF LIMITATIONS

See LIMITATION OF ACTIONS

STATUTE OF USES

Generally, 25:7

STATUTES

Descent and distribution. See DESCENT AND DISTRIBUTION

STATUTES, CONSTRUCTION

See DEFINITIONS; STATUTORY CONSTRUCTION

STATUTORY CONSTRUCTION

Adoption, 99:2

Declaratory judgments, 6:6

STAY OF EXECUTION

See EXECUTION OF JUDGMENT, at Stay

STEPCHILDREN

Adoption by stepparents. See ADOPTION

Intestate succession, 15:42

See also DESCENT AND DISTRIBUTION, generally

Visitation rights of stepparents, 110:21

STOCK

See also SECURITIES

Certificates, replacement after loss, 75:21 to 75:25

Definitions, 44:34

Distribution, 55:52 to 55:54

Estate tax, 2:66, 111:62, 111:63

Fiduciaries, transfer to, 55:52

General legacy, 30:115

Differentiated from specific legacy, 49:5

Inter vivos gift of, 13:16

Loss of certificate, replacement, 75:21 to 75:25

Power of attorney, 61:46

Presumption of order of death statute, no application, 16:2

Right to possession, jurisdiction, 57:2

Sale, executors and administrators, by; price, 75:4

STOCK-Cont'd

Specific legacy, 30:92 to 30:94

Differentiated from general legacy, 49:5

Transfer of estate property, release by tax commissioner, 111:79 to 111:81

STOCKHOLDERS

See STOCK

STREETS

See also HIGHWAYS AND ROADS

Eminent domain for, 105:2, 105:8, 105:36

Telephone companies using, probate court jurisdiction, 3:2

SUBPOENAS

See also SERVICE OF PROCESS; SUMMONS

Depositions, for, 4:52

Failure to obey. See CONTEMPT, generally

Juvenile proceedings, 109:157, 109:159

See also JUVENILE COURTS, at Service of process

Service. See SERVICE OF PROCESS, generally

Witnesses, attendance, 4:51

SUBROGATION

Claims against estates, 2:26, 2:121, 85:1, 90:4, 90:19

Creditor's claims, 85:1

Land sale proceedings, 92:7

Last illness, expenses as claim against estate, 90:18

Preferences, statutory, 2:26

Presentation of claims against estate, 90:18

SUCCESSION, INTESTATE

See DESCENT AND DISTRIBUTION

SUCCESSION TO PROPERTY, DISCLAIMER OF

Generally, Ch 11

See also DISCLAIMER OF SUCCESSION TO PROPERTY

SUITS

See ACTIONS

See particular type concerned

Criminal. See CRIMINAL PROSECUTIONS

SUMMARY JUDGMENTS

Paternity proceedings, 110:29

Will contest, 39:17

SUMMIT COUNTY

See COUNTIES, for general provisions

SUMMONS

See also SERVICE OF PROCESS; SUBPOENAS

Avoidance, service by publication, 4:45 to 4:47

Eminent domain, 105:9

Service by publication, affidavit, 105:63

Unknown heirs, affidavit, 105:62

```
SUMMONS—Cont'd
  Form, 109:10, 109:157
  Issuance, 4:53, 109:10
  Juvenile proceedings, 109:10
    See also JUVENILE COURTS, at Service of process, and at Summons
  Real property sale by fiduciaries, 92:61 to 92:68
  Service, 4:12 to 4:34, 4:58 to 4:60, 109:12
    See also SERVICE OF PROCESS, generally
    Form, 4:13
    Issuance, 4:13
    Minor, on; waiver, 4:34
    Publication, 4:45 to 4:47, 109:162
    Time limits, 4:11, 4:35, 39:7, 39:10
    Waiver, 4:34
  Waiver of service, 4:34, 4:39 to 4:41, 109:160
  Will contest, 39:7
SUPERSEDEAS BONDS
  See APPEALS, at Bond
SUPPORT AND MAINTENANCE
  Abandonment and neglect, 108:10 to 108:16, 109:138, 109:139, 110:3, 110:35
    Arrest warrant, 109:167
    Certificate of sentence, 110:50
    Hearing and sentence, order, 110:48
    Jurisdiction, 107:1, 110:1 to 110:12
    Reciprocal enforcement of support act, 110:37
  Actions
    Certificate of sentence, 110:50
    Hearing and sentence, order, 110:48
    Juvenile courts, 109:135
    Summons, 109:166
  Alimony. See ALIMONY
  Arrest warrant for non-support, 109:167
  Bond, child support payments, to enforce, 109:73
  Child support
    Administrative support orders, 19:8
    Allowance from estate of deceased parent, 2:22, 21:19, 21:51, 90:12, 90:15, 91:1,
         91:8 to 91:10, 91:12, 91:13, 92:9
      See also FAMILY ALLOWANCE
      Preference, 21:51, 90:13
    Certification to juvenile court, 109:135, 109:136
    Children of unemancipated minor children, duty to support, 110:35, 110:45
    Children's home, placement in; parental income to be considered in assessing
         expenses, 110:35
    Complaint, 109:2 to 109:8, 109:129
    Determination, 110:36
    Duty of father, 19:1 to 19:5, 19:14 to 19:16
    Eighteenth birthday, support of child beyond, 110:35
    Enforcement, 107:14
```

SUPPORT AND MAINTENANCE—Cont'd Child support—Cont'd Failure to comply with order, remedies, 110:39 Bail. 110:39 Guidelines, 110:36 Handicapped children, 63:57, 65:8, 65:10, 110:35 Social security payments, affect on duty to support, 110:36 Illegitimate children, 19:8, 110:30, 110:35 Impoundment of funds by court, 110:37 Jurisdiction, 107:1, 107:4, 107:14, 109:135, 109:136, 110:35 Mentally disabled children, 63:57, 65:8, 65:10, 110:35 Modification, 110:36 Jurisdiction, 110:37 Nonsupport. See Abandonment and neglect, and Nonsupport, this heading Nonsupport. See Nonsupport Order for, 109:173 Duration, 19:1 to 19:5, 19:14 to 19:16 Enforcing compliance, 109:73, 109:174 Issuance, 110:35 Request for, 109:129 Paternity acknowledgment, 18:2 Paternity compliance plan, 110:40 Paternity proceedings, 110:19 to 110:34, 110:34 See also PATERNITY PROCEEDINGS, at Support orders Order pursuant to, 110:34 Retroactive. 18:2 Retroactive support, 110:29, 110:30, 110:35 Social history or examination of child, 109:36 Support orders, 19:8 Temporary, 109:41 Time for payment, 110:36 Uniform Reciprocal Enforcement of Support Act, 110:37 Visitation denial not reason for nonsupport, 110:21 Child support. See also DEPENDENT AND NEGLECTED CHILDREN Child support enforcement agencies, paternity proceedings, public assistance recipients, paternity determination, 19:12 Claim against estate for, effect of laches, 85:33 Contempt proceedings to enforce, 110:30 Costs and attorney fees, 109:73 Notice, 109:124 Right to counsel, 109:124 Defenses, affirmative, 110:3 Enforcement of orders, 110:38 Estates, allowance from, 2:22, 21:19, 21:51, 90:12, 90:15, 91:1, 91:8 to 91:10, 91:12, 91:13, 92:9 See also FAMILY ALLOWANCE Preference, 21:53, 90:13 Reduction, 21:51 Guardianship, duties, 65:8 to 66:14 Monies paid to ward, 68:2 to 68:6

SUPPORT AND MAINTENANCE—Cont'd

Guidelines for child support, 110:36

Habeas corpus, 110:16

Hospital services as, 110:3, 110:35

Jurisdiction, 107:1, 107:4, 109:135, 109:136, 110:35

Long arm jurisdiction, 4:18

Medical services, 110:3, 110:35

Minors. See Child support, this heading

Nonsupport

Contempt proceedings to enforce. See Contempt proceedings to enforce, this heading

Criminal proceedings not denial of due process, 110:3

Custody violation not defense to, 110:37

Defenses, 110:3

Imprisonment for not considered imprisonment for debt, 110:3

Inability to pay as affirmative defense, 110:3

Order of support admissible, 110:3

Nonsupport. See also Abandonment and neglect, this heading

Paternity proceedings, 110:19 to 110:34, 110:34

See also PATERNITY PROCEEDINGS, at Support orders

Putative father, parentage finding as prerequisite, 19:6

Uniform Reciprocal Enforcement of Support Act, 110:37

Juvenile court jurisdiction, 107:2

Wrongful death action to recover loss of support, 12:11

SUPPRESSION OF EVIDENCE

See EVIDENCE, at Motion to suppress

SUPREME COURT, STATE

Appeals to. See APPEALS, generally

Clerk. See CLERKS OF COURTS, generally

Common pleas judges, assignment to probate court, 3:16

Powers and duties, 3:1

Probate courts, replacement of judge in case of prejudice, 3:16

SURETIES

Bail. See BAIL

Bonds. See BONDS, SURETY

Fiduciary's bond. See FIDUCIARIES, at Bond

SURETY BONDS

See BONDS, SURETY

SURROGACY

Agreements, Uniform Parentage Act, 19:14

SURVEYS

Eminent domain, under; by state agencies, 105:6

SURVIVING SPOUSE

See also HUSBAND AND WIFE; MARRIAGE

Administrator, as. See EXECUTORS AND ADMINISTRATORS, at Surviving spouse

```
SURVIVING SPOUSE—Cont'd
  Allowance for support, 2:22, 21:19, 21:51, 90:12, 90:15, 91:1, 91:8 to 91:10, 91:12,
       91:13, 92:9
    See also FAMILY ALLOWANCE, at Surviving spouse
    Preference, 21:53, 90:13
  Annulment of marriage, effect
    Executor, trustee, or guardian; nomination in will as, 69:27
    Property rights after, 21:85, 41:12
  Automobile, transfer to, 2:21, 2:107, 15:6, 21:19, 21:77 to 21:81, 30:26, 30:95, 69:34,
       76:15
    Number of automobiles, 2:121, 30:95, 76:15 to 76:18
  Barring from statutory rights, 30:133
  Bequest in lieu of statutory right, 30:24
  Boats and watercraft, transfer of title to, 2:21, 2:107, 21:5, 21:19, 21:77, 21:77 to
       21:79, 76:16
  Bond, exceptions, 53:12
  Business of decedent, notice of continuation, 2:47
  Cash position, determination, 2:10
  Certificate of service and notice to exercise elective rights, SPF 8.4
  Citation issuance, waiver, 21:3
  Claim, secured: contribution for, 49:10
  Commissioner to take election, 21:90 to 21:93
  Common law marriage, suitable executor, 69:5
  Consent to land sale proceedings, 92:30
  Construction of will, complaint, 21:87
  Contribution
    Pretermitted heir, for, 48:2
    Secured claim, 49:10
    Effect on election, 2:39, 2:41, 2:44, 21:2 to 21:12, 21:16, 21:41, 21:70, 30:25
       Mansion house election, 2:117, 15:8, 21:44
    Legal disability, not considered as, 21:36
    Presumption of order, Ch 24, 30:140, 30:141
       See also PRESUMPTION OF ORDER OF DEATH
  Descent and distribution, 2:102, 15:6 to 15:8
    See also DESCENT AND DISTRIBUTION, at Surviving spouse
    Method of payment, 2:102, 15:8
  Disability, legal; effect, 2:37, 21:35
    Retroactive laws, 21:35, 21:36
  Disinheritance, 30:26
  Distribution in kind, 15:8, 21:49
  Divorce, dissolution, annulment, separation
    Executor, trustee, or guardian; nomination in will as, 69:27
    Property rights after, 21:85, 41:12
  Dower
    See also DOWER
    Distributive share in lieu of, 93:18
  Election against the will, SPF 8.2, 2:36, 2:37, 21:5, 21:7, 21:19, 21:86
    See also Election by, this heading
    Acceleration of remainder, 21:6, 21:19, 21:20
```

SURVIVING SPOUSE—Cont'd Election against the will, SPF 8.2, 2:36, 2:37, 21:5, 21:7, 21:19, 21:86—Cont'd Antenuptial agreement silent as to, election not barred, 21:16, 101:10 Assets, reduction to be shared among legatees, 21:26 Automobile, effect, 21:77, 76:15 Boats and watercraft, effect, 21:77 Burden of tax, 21:24 Children disinherited, validity, 21:26 Computation of amount, 15:6, 21:19 Court appearance required, 21:32 Distribution of estate, 21:23 Executors' and administrators' liability, 2:101 Family allowance, effect, 21:19 Federal estate tax deduction, 21:24 Heirs' liability for distributed assets, 76:3 In person, 21:32 Inter vivos trusts, Distributive share, 21:25 Intestate property, share considered to be, 21:22 Life income, 21:21 Limitation of actions, 2:36, 21:2 to 21:43, 21:13, 21:64 Mansion home. See Mansion house, rights, this heading Motorcycle, effect, 21:77 Net estate, defined, 21:23 Outboard motors, effect, 21:77, 21:78 Remainder, Acceleration, 21:6, 21:19, 21:20 Share, priority of payment, 49:8 Specific bequest, effect, 21:20, 21:23 Tax deduction, effect, 21:24 Election by, Ch 21, 2:35 to 2:45, 30:25, 91:9 Abatement of proceeding, 21:38 Adversary proceeding, when, 21:67, 21:76 Advice, proceedings for; effect, 21:15 Against will. See Election against the will, this heading Ancillary administration, right of election, 21:27 Appeals, 21:36 Appointment of commissioner, 21:17 Appraisal price, 21:68, 21:76 Automobiles, 2:38 Number of, 2:38, 2:121, 21:5, 21:19, 30:95 Bond of executor or administrator, effect, 21:69 Capacity to elect, 21:16 Citation issuance, waiver, 21:3 Citation to, SPF 8.0, 2:35, 21:3, 21:86, 30:25 Acceptance by unauthorized person, effect on time limits, 21:4 Commission, by, 2:37 Commissioner, 21:90 to 21:93 Appointment, 21:17 Complaint to purchase property, 2:43 Constitutionality, 21:40

In person requirement, 21:34

SURVIVING SPOUSE—Cont'd Election by, Ch 21, 2:35 to 2:45, 30:25, 91:9—Cont'd Death, effect, 2:39, 2:41, 2:44, 2:102, 15:8, 21:16, 21:41, 21:44, 21:70, 30:25 Disability, persons under, 2:37, 21:35 Executor, when acting as, 91:7 Explanation of rights required, 21:33 Extension of time, 2:36, 21:9, 21:13, 21:88 Failure to make, 2:39 Legal disability, 2:37, 21:96 to 21:98 Presumption, 2:39, 21:10, 21:13, 21:39, 21:41 Farmlands, 21:73 Forms, 21:87 to 21:198, 21:101 to 21:108 General devise, 21:72 Guardian making when spouse incompetent, 21:71 Heir of spouse, by, 21:16 Household goods, 2:44, 15:8, 21:62 Incompetent person, 2:37, 21:35, 21:71 Inter vivos trust Addition to by testator; effect, 33:2 Not effective as to, 2:38 Intestate succession, effect on, 2:40 Lands adjacent to mansion house, 2:44 Lienholders' rights, 21:75 Mansion house. See Mansion house, rights, this heading Mentally ill person, 21:35 Method, 2:37 Nonresident spouse, 21:16 Order of death, presumption; effect, Ch 24 Payment, 21:69 Payment of specific monetary share, 2:45 Personal nature of right, 21:11 Personal property, 2:41 to 2:43, 21:65 Personal representative, 21:16 Presumption Failure to make election, 2:39, 21:10, 21:13, 21:39, 21:41 Succeeding to entire estate, 2:36, 21:2 to 21:12 Price, 21:68, 21:76 Probate judge's duties, 21:18 Proceedings for advice, effect, 21:15 Property as part of intestate share, 2:44 Real property, purchase, 2:41 to 2:43 Sale of personal property, exceptions, 2:51 Securities, 21:63 Specific devise or bequest, effect, 21:72 Statutory allowance, 2:38 Statutory provisions, 21:2 Taking against the will. See Election against the will, this heading Taking under the will. See Election under the will, this heading

Testator, explanation to, 30:25

SURVIVING SPOUSE—Cont'd Election by, Ch 21, 2:35 to 2:45, 30:25, 91:9—Cont'd Time limit, 2:36, 2:41, 21:37, 21:64, 21:88, 30:25 Limitation, 21:8 Trust incorporated by reference into will, effect on, 31:4 Under will. See Election under the will, this heading Uniform Simultaneous Death Act, 21:39, 21:41 Who may receive, 21:18 Will contest, effect, 21:14 Election under the will, SPF 8.1, 21:28 See also Election by, this heading Action to set aside, 21:42 Disposition of property of others, 21:31 Family allowance, effect, 21:30 Intestate share, effect Exception, 21:28 Property not passing under the will, 21:29 Share passing under will, 21:29 Invalid, 21:33, 21:42 Mansion house. See Mansion house, rights, this heading Personal nature of right, 21:11 Setting aside, 21:33, 21:42 Statutory provisions, 21:28 Vacating, 21:33, 21:42 Withdrawal, effect, 21:42 Writing, manifested in, 21:7 Estate by the entireties, recording, 92:39 Estate tax, 111:3 See also DOWER Apportionment against elective share or intestate share, 112:6 Exemption, 111:26 Estates, straddling; tax deduction, 111:28 Executor, as. See EXECUTORS AND ADMINISTRATORS, at Surviving spouse as Explanation of rights, 21:33 Family allowance. See FAMILY ALLOWANCE, at Surviving spouse Farmlands, election by, 21:73 Fiduciary, as. See EXECUTORS AND ADMINISTRATORS, at Surviving spouse as Funeral expenses of decedent, reimbursement, 21:82 Land sale proceedings to pay, 92:7 Hearing on election, 21:67 Personal property, 21:65 Heir-at-law, as; under descent and distribution statute, 15:7 Homestead. See Mansion house, rights, this heading Household goods, purchase by, 21:62 Incompetent Effect on election, 2:37, 21:35, 21:96 to 21:98 Guardian making election for, 21:71 Inter vivos trust Distributive share, 31:4

```
SURVIVING SPOUSE—Cont'd
  Inter vivos trust—Cont'd
    Election
       Addition to by testators, effect, 33:2
       Not effective as to, 2:38
  Intestate succession, 2:102, 15:6 to 15:8
    See also DESCENT AND DISTRIBUTION, at Surviving spouse
    Method of payment, 15:8
  Land sale proceedings. See LAND SALE PROCEEDINGS, at Surviving spouse
  Mansion house, rights, 2:35 to 2:40, 21:30, 21:57, 30:24
    Election by, effect, 2:38, 2:40, 21:5
       Filing requirements, 2:111, 21:46
       Right to remain in not barred by, 21:30
    Estopped from taking at appraisal value, probate court jurisdiction, 21:74
    Free use for one year, 15:6, 21:58
    Intestate share, 2:44, 15:8, 21:44 to 21:47
       Certificate of transfer, 21:46, 21:50
    Land sale proceeding, 93:6
    Payment of specific monetary share, 2:45
    Purchase by, 2:40, 21:61, 21:73
    Uniform Simultaneous Death Act, 21:30
  Monetary share, intestate succession, 15:8
    Method of payment, 2:102, 15:8, 21:50
  Motor vehicle, transfer to, 2:21, 2:107, 15:6, 21:5, 21:19, 21:77 to 21:81, 30:95,
       69:34, 76:15
    Probate court, with approval of, 21:77, 76:18
  Motorcycle, transfer to, 21:77
  Murderer of spouse, as; effect on inheritance, 22:3
  Next of kin, as; under descent and distribution statute, 15:7
  Nonresident decedent's estate, 21:55, 90:15
  Notice
    Business of decedent, executor or administrator continuing, 2:47, 73:2
    Continuation of decedent's business, 2:47
    Election, 2:35, 2:43
    Inventory and appraisement, 2:20, 80:13
       Hearing on, 80:14
    Personalty, purchase, 2:43
    Probate of will, 2:13
       Admission of will, 37:12
       Lost, spoiled, or destroyed will, 2:121
       Lost, spoliated, or destroyed will, 40:2, 40:6 to 40:8
    Purchase of personal property from estate, 21:65
    Release of estate from administration, 2:110
  Oath requirement for mansion house transfer abolished, 2:44, 21:44 to 21:47
  Outboard motors, transfer of title to, 2:107, 15:6, 21:5, 21:19, 21:77, 21:80, 76:16
  Personal property, purchase from estate, 21:65
    Automobiles, 21:62
  Pour over, rights, 33:1
  Presumption
    Failure to make election, 2:39, 21:10, 21:13, 21:39, 21:41
```

SURVIVING SPOUSE—Cont'd

Estate tax, 2:73

Transfers conditioned on, estate tax, 2:73

Presumption—Cont'd Succeeding to entire estate, 2:36, 21:2 to 21:12 Pretermitted heir, effect on share, 48:2 Purchases from estate, rights, 2:40, 21:60 to 21:76, 91:9 See also Election by, this heading Appraised value, 21:61, 21:62 Forms, 21:101 to 21:108 Mansion house, 2:40, 21:61, 21:73 Personal property, 21:101, 21:102 Real property, 21:103, 21:104, 91:7 Complaint, parties, notice, 21:66 Real property transfers, oath requirement abolished, 21:50 Reimbursement of funeral expenses of decedent, 21:82 Return for certificate of service of citation to exercise elective rights, SPF 8.5 Revocation of will, effect, 21:85, 41:12 Rights, 21:1, 21:12 Rights of, examples, 15:10 to 15:19 Secured claim, contribution for, 49:10 Securities, purchase, 2:40, 21:63 Separation, effect Executor, trustee, or guardian; nomination in will as, 69:27 Property rights after, 21:85, 41:12 Service, waiver to surviving spouse of citation to elect, SPF 8.6 Sole heir, as, 2:36 Straddling estates, tax deduction, 111:28 Summary of general rights of surviving spouse, SPF 8.3 Support allowance. See FAMILY ALLOWANCE, at Surviving spouse Taking against the will. See Election against the will, this heading Taking under the will. See Election under the will, this heading Tenant in common with children, 2:41 Termination of rights upon divorce, dissolution or annulment of marriage, 21:85 Right to, 2:21, 2:107, 2:122, 21:77 to 21:81, 30:24, 69:34, 76:15 Transfer to, 21:77 to 21:81, 76:15 Distributive share, 31:4 Invading, probate court jurisdiction, 3:5 Uniform Simultaneous Death Act, 2:39 Waiver Citation issuance, 21:3 Service of citation to elect. SPF 8.6 Will contest, effect on election, 21:14 Wrongful death actions on behalf of, 12:11 Interspousal immunity not applicable, 12:16 **SURVIVORSHIP** Accounts. See BANKS AND BANKING, at Survivorship accounts

SURVIVORSHIP TENANCIES

Generally, 2:6

Creditors' powers, 2:6

Deed, form, substantial compliance, 2:6

Disclaimer of succession to property, 11:1

Mortgages or encumbrances executed prior to creation, effect, 2:6

SWINDLING

See FRAUD

TAIL, ESTATES GIVEN IN

Generally, 46:2

TAMPERING

Records, with, wills, 35:6, 50:5

TAPE RECORDINGS

Estate inventory, exceptions to, 80:24

Will

Played to blind testator, 30:47

Use in conjunction with, 30:48 to 30:53

TAX APPEALS

See APPEALS, at Tax

See particular type of tax by name

TAX LIENS

See LIENS

TAXATION

Department. See TAXATION DEPARTMENT

Estate tax

Federal, Ch 113

See also FEDERAL ESTATE TAX

Ohio, Ch 111

See also ESTATE TAX

Federal

Estate tax, Ch 113

See also FEDERAL ESTATE TAX

Income tax, Ch 114

See also INCOME TAX, FEDERAL

Guardian, preparation and filing by, 65:21

Income tax

Federal, Ch 114

See also INCOME TAX, FEDERAL

State. See INCOME TAX, STATE

Inheritance tax. See INHERITANCE TAX

Payment, will clause, 30:10

Personal property. See PERSONAL PROPERTY, TAXATION

Real property. See REAL PROPERTY, TAXATION

Refund

See also particular tax concerned

Gross estate determination for taxes, 2:70

TAXATION—Cont'd

Returns. See particular type of tax Revenues. See FUNDS, PUBLIC

TAXATION DEPARTMENT

Commissioner, estate tax documents, confidentiality, 2:62, 111:42

Estate tax, 111:73 to 111:96

Safe deposit boxes, inventory and release after death of owner, 2:17

TAXPAYER RELIEF ACT OF 1997

Federal estate tax, effect, 113:1, 113:4, 113:6, 113:9, 113:12, 113:13, 113:16, 113:19, 113:22

Federal income tax, effect, 114:3, 114:5, 114:10

Roth IRAs, 114:1

TEACHERS

Child abuse, reporting, 110:1 to 110:12

TEACHERS RETIREMENT SYSTEM

Benefits, estate tax, 2:76, 111:10

TELEPHONE COMPANIES

Streets, use; probate court jurisdiction, 3:2

TENANCY

Common. See TENANTS IN COMMON

Joint. See JOINT TENANCY

Life estates. See LIFE ESTATES

TENANCY IN TAIL

Generally, Ch 46

See also STATUTE AGAINST PERPETUITIES

TENANTS IN COMMON

Specific devise, 30:104, 30:105

Spouse and children, 2:41

TERMINATION OF PARENTAL RIGHTS

See CUSTODY OF CHILDREN, INSTITUTIONAL, at Permanent

TESTAMENTARY CAPACITY

Generally, Ch 26

Age requirements, 26:4

Alcohol abuse, effect, 26:6

Alien, 26:3

Blind persons, 26:6

Burden of proof, 26:7

Convict, 26:3

Deaf persons, 26:6

Delusions, 26:8

Insane, 26:8

Drug abuse, effect, 26:6

Eighteen or over, to be, 26:2

Factors, 26:6

Fraud, 26:11 to 26:14

TESTAMENTARY CAPACITY—Cont'd Illiteracy, effect, 26:6 Incompetence, 26:7 Insane delusions, 26:8 Insanity, 26:7

Adjudication, 26:7

Lost wills, presumption, 40:3

Lucid intervals, 26:7

Presumption, 26:7

Test, 26:7

Introductory clause of will, stated in, 30:7

Memory, effect, 26:5, 26:6

Mental health, 26:5

Mentally ill. See Insanity, this heading

Moral depravity, effect, 26:6

Person defined, 26:3

Power of appointment, 26:4

Presumption of capacity, 26:7

Presumption of insanity, 26:7

Psychosis, 26:7

Senility distinguished from senile dementia, 26:9

Sound memory, 26:5, 26:6

Sound mind, 26:5

Statement in introductory clause of will, 30:7

Statutory provisions, 26:2

Statutory right, 26:1

Undue influence, 26:10

Distinguished from fraud, 26:11

TESTAMENTARY TRUSTEES

See also TESTAMENTARY TRUSTS, generally

Affidavit of, 33:24

Appointment, 30:33, 33:25 to 33:31, 52:2

Application for appointment, form, 33:25

Bond, 33:32

Jurisdiction of probate court, 3:7

Land sale by, 91:3

Life insurance

Beneficiary, as, 33:5

Proceeds, disposition, 33:5

Probate courts, jurisdiction, 3:7

Quiet title action, power to bring, 75:1

Remainderman's interest, protection by, 2:104, 76:19, 76:20

Removal, appeal, 58:12

Residency requirements, 52:2

Retirement benefit plans, 33:6

Revocation due to divorce, annulment, separation, or dissolution, 21:85, 41:12

Sale of assets by, Ch 75

Will contests, powers during, 72:1 to 72:3

TESTAMENTARY TRUSTS

See also TESTAMENTARY TRUSTEES, generally

Accumulation of income, 33:11

Beneficiary as legatee, 16:2

Charitable purposes, 30:73 to 30:76, 30:153 to 30:158

Creation, inferred from testator's language, 44:19

Disabled persons, probate court jurisdiction, 3:2, 3:4

Forms, 30:200 to 30:207, 30:201 to 30:207

Guardianship, alternatives to, Ch 68

Inter vivos trust, following assets into, 3:7

Jurisdiction of probate court, 3:7, 3:14

Disabled persons, 3:2, 3:4

Life insurance proceeds, disposition, 33:5

Medicaid available resource limitation, trust to avoid, 33:16

Medicaid-qualifying; transfers of property, 33:16

Probate court

Jurisdiction, 3:7, 3:14

Termination by, 3:7

Spendthrift provisions, 33:16

Termination, 3:7

Jurisdiction, 3:4

TESTAMENTS

See WILLS

TESTATORS

See also TESTAMENTARY CAPACITY; WILLS

Acknowledgment of will, 27:5, 27:8

Aliens as, 26:3, 91:19

Blind, procedure, 30:47

Capacity, Ch 26

See also TESTAMENTARY CAPACITY

Charitable bequests, validity, 30:73 to 30:76, 30:153 to 30:158

See also LEGACIES AND DEVISES, at Charitable bequests

Disability, under

Details in attestation clause, 30:41

Mental, 30:47

Physical, 30:47

Domicile to be set forth in will, 30:6

Dying out-of-state, admission of will to probate, 69:25

Eligibility, Ch 26

Hospitalized

Details in attestation clause, 30:41

Medical personnel as witnesses to will, 30:47

Identification, 30:5

Insane, 30:47

Intent, 27:1, 30:32, 44:4

Evidence, 44:39

Irreconcilable conflicts, 44:12

Legacy paid out of real property, 92:6

Whole estate to pass statute, 44:42

TESTATORS—Cont'd

Intent, 27:1, 30:32, 44:4—Cont'd

Words control rather than presumed intention, 44:18

Mental disability, 30:47

Details in attestation clause, 30:41

Residency requirements, 36:1 to 36:3

Signatures, 27:4

Voiceless, procedure, 30:47

Whole estate to pass, 44:42

Wills. See WILLS

TESTIMONY

See WITNESSES AND TESTIMONY

TESTS

Paternity proceedings, 110:24

THEFT

Minor committing, parental liability, 110:42

THIRD-PARTY DISTRIBUTION

Assets of estates, 76:8

TIMBER

Life tenant entitled to, 23:2

TIME

See also particular subject concerned

Extension

Detention or shelter hearing, for; prohibition, 109:30

Will contests, 3:63

Juvenile proceedings, adult cases, 110:9

Limitation of actions. See LIMITATION OF ACTIONS

Mental health treatment, declaration for, 61:40

Statute of limitations. See LIMITATION OF ACTIONS

TITLE TO PROPERTY

Abeyance, not permitted to remain in, 91:11

Acquisition from person convicted of homicide or adjudicated not guilty by reason of insanity, effect, 22:3

Actions involving

Estate assets. See Estate assets, actions, this heading

Quiet title. See QUIET TITLE

Declaratory judgment action, 6:6

Deeds. See DEEDS

Descent and distribution. See DESCENT AND DISTRIBUTION

Disputes, land sale proceeding to settle, 92:17

Dower interest, 93:19

Eminent domain, Ch 105

See also EMINENT DOMAIN

Escheat, Ch 24

Estate assets, actions

Intestate succession, 2:102, 2:106

TITLE TO PROPERTY—Cont'd

Estate assets, actions—Cont'd

Land sale proceedings, Settlement of disputes, 92:17

Purchase from, vacated order of settlement of account, 2:98, 55:34, 55:49

Unclaimed, 78:8, 78:9

Evidence, as, 97:5, 97:16 to 97:23

Examiners of titles; partition, sale, or transfer of registered land, 97:21, 97:22

Partnerships, transfer to surviving partners, 60:9, 60:29

Pretermitted heir statute, effect, Ch 48

See also PRETERMITTED HEIRS

Quiet title. See QUIET TITLE

Registration

Jurisdiction, Common pleas courts and probate courts, 3:2

Land sale proceeding; confirmation, prerequisites, 97:4

Partition, 97:21, 97:22

Probate court jurisdiction, 3:2

Transfer of title, 97:21, 97:22

Trust, purchase from; vacated order of settlement of account, 2:98, 55:34, 55:49

TOBACCO USE

Juvenile delinquency, tobacco use by child, 108:8, 108:25, 110:25

TOMBSTONES

See also CEMETERIES

Wills, arrangements specified in, 30:71

TORTS

See also NEGLIGENCE

Claims against estate arising out of, Ch 85

Wrongful death, Ch 12

See also WRONGFUL DEATH

Intentional tort, child under seven incapable of committing, 110:42

Long-arm jurisdiction, 4:18

Medical information, unauthorized disclosure, 102:60

TOWNSHIPS

Gifts and grants to, 13:3

TRAFFIC OFFENSES

Complaint, 109:2

Fines, juvenile offenders, 109:104

Jurisdiction, juveniles, 107:1, 107:7

Juveniles, by

Adjudication, 108:7, 109:55 to 109:59, 109:103 to 109:107

Appeals, jurisdiction, 109:119

Burden of proof, 108:6

Complaint, 109:2 to 109:8, 109:132

Defined, 108:6

Definitions, 108:1

Detention homes, placement in, 109:28, 109:105

Detention of child. See CUSTODY OF CHILDREN, INSTITUTIONAL, at Detention

TRAFFIC OFFENSES—Cont'd

Juveniles, by—Cont'd

Driver's license, suspension or revocation, 109:107

Fines, 109:104

Jurisdiction, 107:1, 107:7

Parking violations, 108:6

Probation, 109:103 to 109:107

Proof, 108:7

Rehabilitation. See JUVENILE REHABILITATION

Seat belt law, violations of, 109:106

Vehicular homicide, 108:6

Venue, 109:7

Tickets as complaints, 109:2

Vehicular homicide by juveniles, 108:6

TRAILERS

See also MOTOR VEHICLES, for general provisions Gross estate determination, tax purposes, **2:70**

TRANSCRIPTS

Appeals, magistrate's report, 109:49

Juvenile proceedings, 109:60

Paternity proceedings, 19:10

Probate court proceedings, 8:13

TRANSFER

Assets. See ASSETS

Conveyances. See CONVEYANCES

Tax. See ESTATE TAX

Trust property, 34:12

TRANSFER-ON-DEATH

Attestation, 14:20

Boats and watercraft, 14:21, 21:19, 21:79, 76:17, 76:18, 80:7

Motor vehicles, 14:21, 80:7

Nonprobate assets, 2:122, 80:7

TRANSFERS TO MINORS ACT

Generally, 68:6

Form, 13:28

Jurisdiction, 3:7

TRANSPORTATION DEPARTMENT

Actions against, venue, 105:5

Eminent domain powers, 105:5

TREASURERS, COUNTY

Escheat, powers and duties, unclaimed funds, receipt by, 78:1

Estate tax, powers and duties

Confidentiality of information, 111:42

Notice of payment, 111:51

Trust funds, foreign beneficiaries or heirs, 79:1, 79:2

TRIALS

See also JURY TRIALS

Appeals. See APPEALS

Competence to stand trial. See DEFENDANTS, at Incompetent to stand trial

Injunctions during. See INJUNCTIVE RELIEF

Juvenile courts. See JUVENILE COURTS

New trials. See NEW TRIALS

Testimony. See WITNESSES AND TESTIMONY

Time requirements, adult cases in juvenile court, 110:9

Witnesses. See WITNESSES AND TESTIMONY

TRUCKS

See MOTOR VEHICLES, generally

Surviving spouse's right to. See SURVIVING SPOUSE, at Trucks

TRUMBULL COUNTY

See COUNTIES, for general provisions

TRUST CODE

Ohio Trust Code. See TRUSTS

TRUST COMPANIES

See also BANKS AND BANKING, generally

Administrator or executor, as, 30:36, 69:7, 69:21

Estate planning, unauthorized practice of law by banks, 54:6

Executor, as, 30:36, 69:21

Fiduciaries, as, 69:21

Compensation, 81:2

Security for faithful discharge of duties, 53:4

Guardian, as, 69:21

Law, illegal practice, 54:6

Securities, deposit, 55:42

Security for faithful discharge of duties, 53:4

Executor of estate, 30:36

Succession to property, disclaimer, Ch 11

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Transfers to Minors Act, 68:6

Forms, 13:28

TRUSTEES

See also FIDUCIARIES; TESTAMENTARY TRUSTEES; TRUST COMPANIES; TRUSTS

Acceptance, 34:14

Accounts and accounting, Ch 55, 33:29

See also FIDUCIARIES, at Accounts and accounting, for general provisions

Contents, 55:4

Filing of account, 55:43 to 55:45

Final account, Time for, 55:2

Actions by, direction of court sought, 44:1, 44:2

Affidavit of, 33:24

Appeals, appointment and removal, 58:12

TRUSTEES—Cont'd Assignment of property for benefit of creditors by, 85:45 to 85:61 See also VOLUNTARY ASSIGNMENT, at Trustees and assignees Bond, 34:14 Actions on, limitations, 53:10 Unknown or nonresident persons, funds of, 33:31, 33:32 Breach of trust, 34:15 Certification to third parties, 34:16 Compensation, 34:14 Compensation, denial, grounds, 58:11 Constructive, convicted murderer, 22:3 Contracts made in trustee capacity, liability, 60:15 to 60:18 Declaratory judgments sought by, 6:6 to 6:10 See also DECLARATORY JUDGMENTS Delegation, 34:14 Dower interest, grantee, 93:19 Environmental cleanup costs, liability for, 74:11 Executor as, bond, 53:2, 53:3 Fiduciary powers and duties. See FIDUCIARIES Inter vivos trusts See also INTER VIVOS TRUSTS Self-dealing by, **56:6** Inventory, 33:29 Investigation of, forms, 56:10 to 56:13 Investment of assets, 55:35 to 55:38 Liability Environmental cleanup costs, for, 74:11 Limitation, certain powers granted to other persons, 69:3 Missing person's estate, for, 33:31 to 33:34 Nonresident, 30:35, 58:5 Notice Probate of will, denied, 37:12 Removal, 58:9 Notice to beneficiary, 34:5 Powers, 34:14 Principal and Income Act, 33:18 Probate court guidance, seeking, 3:7 Removal, 34:14, 58:3 Appeal, 58:12 Application, written, 58:3 Failure to obey court order, 58:10 Grounds, 58:7 Notice, 58:9 Refusal, grounds for, 58:8 Residency requirements, 30:35 Resignation, 34:14 Restraint of, through declaratory judgment action, 6:6 Sale of assets

Forms, **65:30 to 66:32**Public sale, **96:27 to 96:34**

TRUSTEES—Cont'd Securities, commitment to; jurisdiction after estate closed, 3:10 Self-dealing, **56:6** Self-dealing by, 56:6 to 56:9 Trustee of more than one trust, 56:7 Tax returns, duties, estate tax. See FIDUCIARIES, at Tax returns, duties Testamentary. See TESTAMENTARY TRUSTEES Testimony by, 5:14 Third parties, 34:16 Transfers to Minors Act, 68:6 Forms, 13:28 Trust receipts, guidance by probate court, 3:7 Unborn children, appointed for, 4:30, 33:38, 33:39 Uniform Prudent Investor Act. 33:17 Unknown or nonresident persons, funds of, 33:31 to 33:34 Vacancies, 34:14 Voluntary assignment of property to, 85:45 to 85:61 See also VOLUNTARY ASSIGNMENT, at Trustees and assignees Witnesses as, 5:14 Wrongful death actions Appointment, 12:26 Consent, 12:27 **TRUSTS** Generally, 30:200, 34:1 to 34:18 See also GIFTS AND GRANTS; TRUSTEES Acceptance, 34:14 Accumulation of income, 33:11 Additions to, 30:163, 31:2 Anti-lapse statute inapplicable to, 47:6 Attestation, 30:201, 30:204 Beneficiaries Creditors, 34:13 Foreign, disposition of property, 79:1, 79:2 Liability, alienated property; vacated order of settlement of account, 55:34, 55:49 Notice, 34:5 Notice to, denial of probate, 37:12 Payable on death accounts, 33:7 Transfer of assets, 33:7 Trust code, 34:4, 34:5, 34:13 Unborn, representation in account hearing, 55:20 Unknown or nonresident, 33:31 to 33:34 Bonds, 34:14 Breach of trust, 34:15 Certification, 34:16 Charitable, 4:31, 30:73 to 30:76, 30:153 to 30:158, 32:3 See also CHARITABLE TRUSTS Committed by court order, 69:21 Compensation, 34:14 Consolidation, 33:13 to 33:15

Construction of, action for, 6:7, 44:3 to 44:7 Constructive Ex-wife's entitlement to insurance proceeds, 85:22 Land sale proceeding, fiduciary purchasing on behalf of heirs, 96:8 Probate court jurisdiction, 3:4 Creation, 34:6 Creditors Beneficiaries, 34:13 Settlors, **34:10** Death benefit plans. See DEATH BENEFITS Declaratory judgments, 6:6 See also DECLARATORY JUDGMENTS Default, mandatory rules, 34:3 Delegation, 34:14 Disability trusts, 33:20 Disclaimer of succession to property, 11:24 Discretionary trusts, wholly, 34:13 Division, 33:13 to 33:15 Duty of loyalty to settlor, 34:11 Dynasty trusts, rule against perpetuities, 46:14 Equitable and legal titles not merging, 33:1 Estate planning considerations, 30:200 Execution, 27:1 Trust company, by, 69:21 Federal income tax, Ch 114 Adjusted gross income, 114:4 Credits, 114:8 Deductions, 114:3 Itemized deductions, 114:5 Minimum gross income, 114:2 Personal exemptions, 114:6 Taxable income, 114:7 Federal income tax, minimum gross income, 114:2 Fee tail estates, conveyance or lease, 3:2 Fiduciaries, duties See FIDUCIARIES See TRUSTEES Funds, payment to creditor, 30:33 Generation skipping. See GENERATION SKIPPING TRANSFERS AND TRUSTS Gifts causa mortis, as, 14:10 Gifts to minors, uniform law, 13:28 Guardian, revocation by, 65:25 History, 25:4 Income tax Federal, Ch 114 State, Unclaimed funds, reporting, 115:16 Incorporation by reference in will, Ch 31 Inter vivos. See INTER VIVOS TRUSTS Inter vivos gift differentiated from, 13:11

TRUSTS—Cont'd

TRUSTS—Cont'd Invasion by surviving spouse, probate court jurisdiction, 3:5 Investigation of, forms, 56:10 to 56:13 Investment regulations for assets, uniform Prudent Investor Act, 33:17 Jurisdiction, 34:7 Legal and equitable titles not merging, 33:1 Liability, fiduciary capacity, contract made in, 60:15 to 60:18 Life estates, conveyance or lease, 3:2 Limitation of actions, 33:21 Loyalty, duty to settlor, 34:11 Medicaid available resource limitation, trust to avoid, 33:16 Medicaid qualifying trust, 33:6, 33:8, 33:16 Mergers, 34:8 Minors, for; trustee limiting funds when parents able to support, 30:33 Missing person's estate, 33:31 to 33:34 Modification, 34:8 Notice by trustee to beneficiary, 34:5 Ohio Trust Code Generally, Ch 34, 30:200, 34:1 to 34:18 Amendment, 34:12 Applicability, 34:2 Beneficiaries Generally, 34:4 Creditors, 34:13 Notice by trustee, 34:5 Creation, 34:6 Creditors Beneficiary, 34:13 Settlors, 34:10 Default, mandatory rules, 34:3 Duty of loyalty to settlor, 34:11 Jurisdiction, 34:7 Merger, 34:8 Modification, 34:8 Notice by trustee to beneficiary, 34:5 Private settlement agreements, 34:18 Property transfer, 34:12 Representation, 34:17 Revocation, 34:8 Settlor's creditor, 34:10 Situs, 34:7 Spendthrift provision, 34:9 Termination, 34:8 Transfer of property, 34:12 Validity, 34:12 Wholly discretionary trust, 34:13 Pension funds. See RETIREMENT PLANS, generally Power of attorney, 61:46 Preparation, malpractice, 30:57, 33:23 Principal and Income Act, 33:17

TRUSTS—Cont'd Private settlement agreements, 34:18 Property transfer, 34:12 Real property in, not subject to land sale proceedings, 93:6 Religious purposes, 30:73 to 30:76, 30:153 to 30:158 Remainder, acceleration, 21:20 Representation, 34:17 Revocation, 34:8 Revocation, incorporated into will by reference, effect on will, 31:4 Revocation by guardian, 65:25 Rule against perpetuities, Ch 46 See also STATUTE AGAINST PERPETUITIES Applicability, 32:2 S corporation stock, holding, 114:10 Service by publication, 4:45 to 4:47 Settlement agreements, private, 34:18 Settlor Creditors, 34:10 Duty of loyalty, 34:11 Situs, 34:7 Spendthrift provisions, 33:8 Generally, 33:8, 34:9 Generation-skipping transfer, 33:10 S corporation stock, 33:9 Termination, 33:8 Statute against perpetuities, applicability, 46:11 Succession to property, disclaimer, Ch 11 See also DISCLAIMER OF SUCCESSION TO PROPERTY Surviving spouse Distributive share, 31:4 Invading corpus, probate court jurisdiction, 3:5 Taxation, 2:116 Federal income tax, Ch 114 Personal property tax. See PERSONAL PROPERTY, TAXATION Termination, 34:8 Testamentary. See TESTAMENTARY TRUSTS Transfer of property, 34:12 Transfers to Minors Act, 13:28, 68:6 Trust company may administer, 69:21 Trustees. See TRUSTEES Uniform Prudent Investor Act, 33:17 Vacancies, 34:14 Validity contests Generally, 34:12 Two-year statute of limitations, 33:21 Wholly discretionary trust, 34:13 Incorporation into by reference, 31:2 Revocation of trust, effect on will, 31:4 Supplemental trust agreement, effect, 31:4

TRUSTS—Cont'd

Wills—Cont'd

Provisions in, 30:216 to 30:264

Wrongful death trust agreement, 12:28

UNAUTHORIZED PRACTICE OF LAW

Banks, estate planning, 54:6

UNBORN CHILDREN

Actions involving, 4:30, 33:38, 33:39

Beneficiaries of estates or trusts, representation, 55:20

Guardian ad litem appointed for, 4:30, 33:38, 33:39

Intestate succession, 15:26

Land sale proceeding, trustee appointed for, 92:27

Paternity proceedings, stay, 19:7

Pretermitted heir statute. Ch 48

See also PRETERMITTED HEIRS

Virtual representation, doctrine of, 44:6

Wrongful death claim, 12:1

UNCLAIMED FUNDS

Income tax, state, 115:16

Legacies and devises, Ch 78

Forms, 78:4 to 78:9

UNDUE INFLUENCE

Gift causa mortis, effect, 14:3

Inter vivos gift, effect, 13:12

Wills. See WILLS, at Undue influence

UNIFORM CHILD CUSTODY JURISDICTION ACT

Generally, 110:17

UNIFORM LAWS

Anatomical gift act, 30:12

See also ANATOMICAL GIFTS

Child custody jurisdiction law, **110:17**

Parentage act. See UNIFORM PARENTAGE ACT

Reciprocal Support of Dependents Act, 110:37

Simultaneous Death Act. See UNIFORM SIMULTANEOUS DEATH ACT

Transfers to minors, 13:28, 68:6

UNIFORM PARENTAGE ACT

Generally, 19:6 to 19:13, 19:6 to 19:14, 110:19 to 110:34, 110:34

See also PATERNITY PROCEEDINGS, generally

Artificial insemination

Generally, 110:33

Non-spousal, establishment of relationship, 19:13

Descent and distribution, illegitimate children, 15:30

Embryo donation, 19:13, 110:33

Illegitimate children, descent and distribution, 15:30

Parent-child relationship, establishment, 15:30, 18:2

Surrogacy agreement, 19:14

UNIFORM PRUDENT INVESTOR ACT

Trusts, 33:17

UNIFORM SIMULTANEOUS DEATH ACT

Generally, 16:1

Advancements from estates, 20:5

Anti-lapse statute, 47:1

Applicability, 16:1

Beneficiary, 16:1

Bona fide purchasers, estate property, 16:1

Construction, 16:3

Co-owners with survivorship rights, 16:1

Death, establishment of, 16:1

Death and distribution, 15:1, 15:2

Decedents, presumed, 9:1 to 9:10

Definitions, 16:1

Descent and distribution, 15:1, 15:2, 15:43

Designated heirs, 17:2

Escheat, 24:2, 24:3, 78:3

Event, 16:1

Evidence, clear and convincing, 16:1

Exceptions, determination of survivorship, 16:1

Family allowance, 21:56

Federal law, preemption by, 16:1

Governing instrument, 16:1

Legacies and devises, 30:127, 30:139

Liability of payor or third party, 16:1

Mansion house, 21:30

Nonsurvival, 16:1

120 hours, survival by, **16:1**

Paternity proceedings, 19:10

Payor, 16:1

Preemption by federal law, 16:1

Presumed decedents, 9:1 to 9:10

Complaint, 9:5, 9:9

Decree, effect of, 9:7

Forms, 9:9, 9:10

Necessary parties, 9:3

Notice, 9:4

Procedure for establishing, jurisdiction, 9:2

Statutory, 9:1

Presumptions

Construction, 16:3

Scope, 16:2

Pretermitted heirs, 20:5, 30:22, 48:1 to 48:5

Protected purchasers, 16:1

Purchasers, protected, 16:1

Scope, statute, 16:2

Severability, 16:1

UNIFORM SIMULTANEOUS DEATH ACT—Cont'd

Statute

Construction, 16:3

Provisions, 16:1

Scope, 16:2

Survival by 120 hours, 16:1

Surviving spouse, 21:15, 21:30, 21:39, 21:41

UNITED STATES

Claims against estates

Priority, 90:4, 90:17

Statute of limitations, 85:16, 85:31, 89:10

Estate tax, Ch 113

See also FEDERAL ESTATE TAX

Income tax, Ch 114

See also INCOME TAX, FEDERAL

Taxation

Estate tax, Ch 113

See also FEDERAL ESTATE TAX

Income tax, Ch 114

See also INCOME TAX, FEDERAL

Treasury bonds, redemption for federal estate tax, 113:21

UNIVERSITIES AND COLLEGES

Anatomical gifts, to, 30:12

Charitable contributions to, 13:3

See also LEGACIES AND DEVISES, at Charitable bequests

Legacies or devises, 30:78, 30:153 to 30:158

STATE, gifts and bequests to. See LEGACIES AND DEVISES, at Charitable bequests

UNRULY CHILDREN

See also RUNAWAYS

Adjudicatory hearing, 108:9, 109:55 to 109:59

Appeal pending, provision for, 109:119

Apprehension, 109:28

Complaints, 109:2 to 109:8, 109:133

Service on noncustodial parent, 109:10

Contributing to, 109:167, 110:2

Jurisdiction, 107:1, 110:1 to 110:12

Defined, 108:8

Detention

See CUSTODY OF CHILDREN, INSTITUTIONAL, at Detention

See DETENTION HOMES

Disposition as delinquent, 109:89, 109:101, 109:108

Driver's license, suspension or revocation, 109:109

Drug abuse or alcohol abuse counseling program participation, 109:108

Expungement of record, 109:113, 109:154, 109:155

Habeas corpus writ, 109:122

Hearing, proof, 108:8 to 108:9

Interstate agreements, 109:125

Jurisdiction, 107:1, 107:7

UNRULY CHILDREN—Cont'd

Not guilty, expungement of records, 109:113, 109:154, 109:155

Proof, 108:8 to 108:9

Rehabilitation. See JUVENILE REHABILITATION

Right to counsel, noncustodial parent, 109:45

Summons by publication, 109:162

Venue, 109:7

VACATION OF JUDGMENTS

See JUDGMENTS, at Vacating

VALIDITY

Trust, 34:12

VALIDITY OF WILLS

See WILLS, at Validity

Ante mortem declaration. See ANTE MORTEM DECLARATION OF WILL VALIDITY

VALUATION OF PROPERTY

Appraisals. See APPRAISALS

Eminent domain. See EMINENT DOMAIN, at Valuation

Estate property. See INVENTORY AND APPRAISAL OF ESTATES

VEHICLES

See MOTOR VEHICLES

VEHICULAR HOMICIDE

Juveniles, by, 108:6

VENUE

Abortion, complaint for in juvenile court, 109:7

Change of, juvenile proceedings, 109:6, 109:7

Claims against estates, 89:12

Custody action, 110:17

Estates, sale of real property, 2:55

Guardians, selling real property, action, 98:11

Nonresident ward, 98:21

Guardianship application, 63:15

Guardianship appointment, 63:15

Juvenile court, 109:7

Land sale proceeding, 91:15

Fraudulent conveyance, 93:7

Paternity proceedings, 19:6, 110:20

Presumed decedents, complaint to establish presumption, 9:2

Transportation department, actions against, 105:5

VERBAL WILLS

Generally, Ch 29

See also ORAL WILLS

VERDICTS

See also JUDGMENTS; JURY TRIALS Eminent domain, 105:42, 105:77, 105:78

Index-296

VERDICTS—Cont'd

Will contest, 39:15, 39:17, 39:23

VETERANS

Administration, application for benefits, attorney's duties, 2:119 Escheat, 24:5

VICTIMS OF CRIME

Age 65 or over

Effect in cases of juvenile delinquents, 109:66

Juvenile court actions transferred to adult court, 109:66

Delinquency hearings, right to recover damages, notice of, 109:61

Handicapped persons, juvenile delinquency cases, 109:66

Juvenile delinquents committing crimes, 109:66

Right to recover damages, notice of, 109:61

VIDEOTAPED RECORDINGS

Depositions, 109:37 to 109:39

VILLAGES

See MUNICIPAL CORPORATIONS, for general provisions

VIOLENCE

Child abuse. See CHILD ABUSE

VISITATION RIGHTS

Best interests of child, 110:15

Denial not reason for nonsupport, 110:21

Grandparents, 99:3, 99:21, 110:15, 110:21

Wards, 65:20

Juvenile detention or shelter facilities, 109:30

Modification, 110:15

Noncustodial parents

Grandparents, relatives or interested parties; standing, 109:9

Relative or interested party, 110:15

Parents, 110:15, 110:21

Children services agency having temporary custody of child, 109:75

Paternity judgment, subsequent to, 110:29

Relatives, 110:21

Step-parents, 110:15, 110:21

Temporary, 109:41

VISUALLY IMPAIRED PERSONS

See BLIND PERSONS

VITAL STATISTICS, OFFICE OF

Name change, issuance of new birth certificate upon, 100:9

VOLUNTARY ASSIGNMENT

Generally, 85:45 to 85:61

Accounts and accounting, 85:61

Assignee or trustee, of, 85:61

Assignor's testimony, **85:59**, **85:61**

Affidavits, claims, 85:60

VOLUNTARY ASSIGNMENT—Cont'd

Appraisal of property, **85:56**

Bond, surety, 85:46 to 85:53

Hearings, 85:59

Notice

Accounts, filing of, 85:61

Trustee's appointment, 85:51

Testimony, 85:59

Trustees and assignees, 85:45 to 85:61

Appointment, 85:51

Bond, 85:46 to 85:53

Election by creditors, 85:55

WAGES AND HOURS

See also particular subject concerned

Child support payments withheld, 109:73, 109:174

Compensation. See COMPENSATION

Decedents, estate tax, 111:68

WAIT AND SEE ACT

Generally, Ch 46

See also STATUTE AGAINST PERPETUITIES

WAIVER

See also particular subject concerned

Anatomical gift, donee's rights to, 30:12

Appraisal, 2:18

Attorney-client privilege

Actual waiver, 5:6

Client, waiver by, **5:5**, **5:6**

Implied waiver, 5:5

Surviving spouse, executor, or administrator; waiver by, 5:6

Witness to will, 5:5

Claims against estate, 49:11

Executor cannot waive time limitations, 2:27

Disclaimer of succession to property, Ch 11

See also DISCLAIMER OF SUCCESSION TO PROPERTY

Estate, administration

Appointment as executor or administrator, 69:38

Bonds, 30:170, 30:171

Husband-wife privilege, 5:10

Juvenile courts

Examination of child, 109:67

Rights of child, 109:45

Notice, admission of will to probate, 37:2

Physician-patient privilege, 5:8, 12:1

Surviving spouse, executor, or administrator; waiver by, 5:6

Service of process, 4:11

Service of summons, 4:34, 4:39 to 4:41

Service to surviving spouse of citation to elect, SPF 8.6

Wills, notice of admission to probate, 37:2

WARDS

See GUARDIANSHIP

WARRANTIES

Breach of, long-arm jurisdiction, 4:18

WARRANTS

Custody of child, court taking, **109:13**, **109:163**Juvenile proceedings, complaint proceedings, **109:13**

WARS

Eminent domain proceedings during, 105:8, 105:37

WATERCRAFT

See BOATS AND WATERCRAFT

WEAPONS

Minors

Possession of weapon, mandatory suspension of drivers license, 109:98 Purchase by, 108:1, 110:1

WELFARE

See INDIGENT PERSONS

WIDOW OR WIDOWER

See SURVIVING SPOUSE

WIFF

See HUSBAND AND WIFE; MARRIAGE

WILL CONTESTS

See CONTEST OF WILL

WILLS

Generally, Ch 25, 30:60 to 30:265

See also PROBATE OF WILLS

Acknowledgment, 27:5, 27:8, 30:190 to 30:197

Actions

Construction, 44:3 to 44:7

See also CONSTRUCTION OF WILLS, at Action for

Contest. See CONTEST OF WILL

Heirship, to determine, 3:55 to 3:62

Service by publication, **4:23**, **4:45** to **4:47**

Administrators. See EXECUTORS AND ADMINISTRATORS

Admission to probate. See PROBATE OF WILLS, at Admission

Adopted children, 30:22, 48:1

See also PRETERMITTED HEIRS

Gift by natural parent, 30:27

Afterborn children, rights, Ch 48

See also PRETERMITTED HEIRS

Age requirement of testator, 26:4

Agreement not to make, 51:10

Agreement to make, Ch 51

Appeal, from decree of specific performance, 51:5

Effects, **51:4**

WILLS—Cont'd Agreement to make, Ch 51—Cont'd Elements, essential, 51:3 Monetary obligation to be discharged after death, 51:9 Oral contract, 51:7 Part performance of oral contract, effect, 51:7 Purpose of statute, 51:2 Quantum meruit, 51:8 Refusal to imply contract, 51:6 Scope, 51:1 Signed by person other than maker, requirements, 51:1 Specific performance, appeal, 51:5 Statutory provisions, 51:1 Purpose of statute, 51:2 Witnesses, 51:1 Age, 51:1, 51:3, 51:7 Written, 51:1 Alien making, 26:3 Alternate beneficiary, 30:18 **Ambiguities** Avoiding, 30:2 Latent, 44:38 Law, question of, 44:20 Resolving, 44:10, 44:17 Amendment Corrections, 30:41 Declaration of validity, effect, 35:6 Anatomical gifts, 30:12, 30:70 Animus testandi, 27:1 Annulment of marriage, effect, 21:85, 41:12 Ante mortem declaration of validity, Ch 35, 6:6 See also ANTE MORTEM DECLARATION OF WILL VALIDITY Antenuptial agreement provisions differing from, 101:10 Anti-lapse statute, Ch 47, 30:18, 30:137 to 30:144 See also ANTI-LAPSE STATUTE Avoidance, 47:1 Appeals Contests, 39:19 Probate. See PROBATE OF WILLS, at Appeals Attestation, 27:9, 27:10, 30:190 to 30:197 Clause, 30:41 Attorney for estate, designation, 30:34 Audio tape recordings, 30:52 Authenticated copy, certificate of, 91:18 Beneficiaries. See HEIRS Beneficiary clause, 30:15 to 30:23 Bequests. See LEGACIES AND DEVISES Brevity, 30:3 Cancellation. See REVOCATION OF WILLS Cash money, defined, 44:21

WILLS-Cont'd Certificate of authenticated will. 91:18 Charitable bequest. See LEGACIES AND DEVISES, at Charitable bequests Children, defined, 44:25 Clarity, 30:3 Clauses Attestation clause, 30:41 Beneficiary clause, 30:15 to 30:23 Contests, to discourage, 30:29 to 30:31 Dispositive, 30:4 Execution, of, 30:41 In terrorem clause, 30:30 Introductory. See Introductory clause, this heading Will contests, to discourage, 30:29 to 30:31 Codicils. Ch 28 See also CODICILS Communal property of family or clan, 25:3 Compliance with statute, 27:2 Concealment, Ch 50 See also Production, and Withholding, this heading Conditional devise of real estate by, 30:121 Construction. See CONSTRUCTION OF WILLS Contents, 26:2 Contests, Ch 39 See also CONTEST OF WILL Contract not to make, 51:10 Contract to make will. See Agreement to make, this heading Contradictory to codicil, 28:4 Convict making, 26:3 Copies, 30:55 Certified, 37:15 to 37:17 Conformed, 30:41 Corrections, 30:41 See also Amendment, this heading Cremation, 30:69 Custody of, delivery, 30:55 Date of execution on each page, 30:41 Date of testator's death controlling, 28:1 Death bed will, statement of location in introductory clause, 30:7 Debts, construction, 44:22 Declaratory judgments, 6:6 to 6:10, 30:55 Defective, codicil curing, 28:3 Defective codicil not to affect validity, 28:3 Definitions, 25:1, 27:1 Delivery, 30:55 Deposit of, 30:55 Depositions, 2:12, 37:10 to 37:13, 38:1 Designation of heir, effect, 17:2 Destroyed, Ch 40

See also PROBATE OF WILLS, at Lost, spoliated, or destroyed wills

WILLS—Cont'd Destroyed, Ch 40—Cont'd Subsequent wills. Ch 43 Destruction of property, withholding will, criminal sanctions, 50:5 Devises. See LEGACIES AND DEVISES Directions, action for, 44:1, 44:2 Disclaimer of succession to property, Ch 11 See also DISCLAIMER OF SUCCESSION TO PROPERTY Disclosure, 30:55, 35:5 Discovery after administration of intestate estate commenced, 39:3 Disinheritance of children, 30:128 to 30:132 Dispositive clause, 30:4 Dissolution of marriage, effect, 21:85, 41:12 Distributions, withholding, 30:248 to 30:264 Divisibility of property, historical statutes, 25:8 Divorce, effect, 21:85, 41:12 Documents and records, incorporation by reference, Ch 31, 27:3, 30:19 Deeds, 31:3 Physical attachment unnecessary, 31:3 Settlements, 31:3 Statutes, 31:1 Supplemental trust agreement, effect, 31:4 Trusts, 31:4 Revocation of trust, effect on will, 31:4 Surviving spouse's election, effect, 31:4 Documents purporting to be wills, 27:1 Domicile, declaration, 30:6 Drafting. See DRAFTING WILLS Educational bequests, 30:78 Effective, when, 32:2, 44:8 Election to take under or against. See SURVIVING SPOUSE, at Election against the will, and at Election under the will Erasures, 30:41 Errors, harmless, 27:12 Estate devised, construction as to, 44:42 to 44:48 Execution, Ch 27 See also EXECUTION OF WILLS Executors and administrators. See EXECUTORS AND ADMINISTRATORS Explanation to family, 2:1 False demonstration doctrine, 44:41 False description, 44:41 Fiduciary, action for construction, 44:3 to 44:7 See also CONSTRUCTION OF WILLS, at Action for Filing and recording, 37:15 to 37:17 See also PROBATE OF WILLS, at Filing and recording Foreign. See FOREIGN WILLS Forgery, remedies, 39:2 Former will, admissible in construction action, 44:39 Forms, 30:60 to 30:265 See also DRAFTING WILLS

WILLS—Cont'd

Fraud, 26:11 to 26:14 Distinguished from undue influence, 26:11 Effect, in, 26:13 Execution, 26:12, 26:13 Inducement, 26:13 Tampering with, 35:6 Funeral and burial arrangements, 30:13, 30:64 to 30:70 Cremation, 30:69 Generation skipping transfer tax, 30:10 Grandchildren, defined, 44:23 Guardian, appointment, 30:32, 63:24, 63:24 to 63:26 Handwritten, 27:3 Harmless error, 27:12 Harmless error in will execution, 30:59 Hearings on validity, 35:4 to 35:6 Heirs. See HEIRS Heirs of the body, defined, 44:25 History, Ch 25 Home and its contents, construction, 44:24 Identification of testator, 30:5 Illegitimate child, rights, 18:6 See also ILLEGITIMATE CHILDREN, at Inheritance In terrorem clause, 30:30, 30:134 to 30:136 Incorporation by reference. See Documents and records, incorporation by reference, this heading Influence, undue, 6:6, 26:10 Avoiding, 30:41 Beneficiary's presence during drafting of will, 30:41 Distinguished from fraud, 26:11 Initials of testator on each page, 30:41 Instructions, action for, 44:1, 44:2 Intent. See TESTATORS, at Intent Interpretation, 44:5, 44:52 See also CONSTRUCTION OF WILLS Intestate property, 15:3 Introductory clause, 30:5 Revocation of former wills, 30:8 Testamentary capacity, stated in, 30:7 Issue, defined, 44:26, 47:3 Jurisdiction to probate. See PROBATE OF WILLS, at Jurisdiction Language. See CONSTRUCTION OF WILLS, at Language Latent ambiguity, 44:38 Later wills. See Subsequent, this heading Legacies. See LEGACIES AND DEVISES Legal advertising. See Notice, this heading Legal words, construction, 44:19 Length, **30:3** Liberal construction, 32:2, 44:11, 44:14 Living wills. See LIVING WILLS

WILLS-Cont'd Lost, Ch 40 See also PROBATE OF WILLS, at Lost, spoliated, or destroyed wills Forms, 40:5 to 40:12 Mark, signature by, 27:7 Marriage, effect, 26:3 Masses for testator, provision for, 30:14 Mentally ill person making, 26:7 See also TESTAMENTARY CAPACITY, at Insanity Methods of making, Ch 27 See also EXECUTION OF WILLS Minor as witness, 27:9 Motion pictures, admissibility, 30:50 Mutilation Distinguished from spoliation, 40:1 Withholding will, criminal sanctions, 50:5 Name of testator, 30:5 Each page of will, 30:41 Nearest of kin, defined, 44:28 Necessity, historical, 25:6 New, use, 28:3 Nieces and nephews, defined, 44:29 No disposition of property made in, 26:2 Notice Deposit of, **30:55** Foreign, 91:21 Probate. See PROBATE OF WILLS, at Notice Nuncupative. See ORAL WILLS Opening, when, 30:55 Oral, Ch 29, 29:4 See also ORAL WILLS Pages, 30:41 Partner, deceased; settlement of interest in assets according to, 60:15 Patent ambiguity, 44:37 Pencil, written in, 27:3 Per capita distribution, 44:33 Per stirpes, construction, 44:30 Perpetuities, statute against, Ch 46 See also STATUTE AGAINST PERPETUITIES Photographs, admissibility, 30:53 Phrase, effect of re-use, 44:20 Pour-over wills, 30:206 to 30:210 Husband, 30:209 Wife, 30:210 Power of appointment by, 30:21, 44:47 Defectively executed, probate court's power to effectuate, 44:10 Power to nominate executor, 53:4, 69:17 Precedent, effect on construction, 44:9 Presumption of order of death, effect, 16:1

WILLS—Cont'd Pretermitted heir status, Ch 48 See also PRETERMITTED HEIRS Primitive people, history, 25:2 Printed, 27:3 Probate. See PROBATE OF WILLS Probate courts, powers. See PROBATE COURTS, at Wills Production, Ch 50 Compelling, 50:4 Publication, Ch 43 Quantum meruit, 51:8 Recording, 37:15 to 37:17 See also PROBATE OF WILLS, at Filing and recording Re-execution or republication, Ch 43 Renunciation by heir. See DISCLAIMER OF SUCCESSION TO PROPERTY Republication, 43:2, 43:4 Codicil, by, 28:3 Requirements, 27:2 to 27:10 Residuary clause; lapsed legacies, effect, 32:2, 47:7 Residuary disposition, 44:47 Restraint, 26:10 Upon devise, historical, 25:7 Review, periodic, 30:56 Revivor, Ch 43, 41:10 Memorandum, 43:3 Remarriage to former spouse, 21:85, 41:12 Revocation. See REVOCATION OF WILLS Rule in Shelley's case, 45:1 Rules of construction, 32:2, 44:8 Safe deposit boxes, in, 2:9 Second will. See Subsequent, this heading Securities Defined, 44:31 Issued by, defined, 44:27 Separation agreement Effect, 21:85, 41:12 Will provisions differing from, 101:10 Service of process, petition for declaration of validity of will, 35:3, 35:6 Services, compensation, 51:8 Shall, construed, 44:32 Share and share alike, construction, 44:16, 44:33, 47:4 Signatures, 27:4 to 27:7, 30:190 to 30:197 Acknowledgment, 27:5, 27:8 Another person, by, 27:6 Defined, 27:4 End of will, 27:4 Failure to sign, 27:4 Foreign will, 27:11 Maker, by, 27:5 Mark, by, 27:7

```
WILLS-Cont'd
  Signatures, 27:4 to 27:7, 30:190 to 30:197—Cont'd
    Question of law, 27:4
    Statutory provision, 27:4
    Witnesses, 30:195 to 30:197
  Simple will, 30:61
  Spoliated, Ch 40
    See also PROBATE OF WILLS, at Lost, spoliated, or destroyed wills
    Forms, 40:5 to 40:12
  Spurious wills, remedies, 39:2
  Statute of uses, 25:7
  Statute of wills, 25:7
  Statutes, 27:2 to 27:10
    Compliance with, 27:2
    Rights under, 26:1
  Stock, defined, 44:34
  Subscription of witnesses, 27:9
  Subsequent
    Admission to probate, appeal from refusal, 39:3
    Contests, 50:7
    Destruction, Ch 43
       First will not revived by, 43:1, 43:2
    Revocation, earlier will not revived by, 43:1, 43:2
    Revocation of former will by, 41:8
  Surviving spouse, election. See SURVIVING SPOUSE, at Election against the will,
       and at Election under the will
  Tampering with, 35:6, 50:5
  Technical words, construction, 44:19
  Testamentary capacity, Ch 26
    See also TESTAMENTARY CAPACITY
  Testators. See TESTATORS
  Transfers to Minors Act, 13:28, 68:6
  Trust estates, 30:201 to 30:207
  Trust provisions in, 30:216 to 30:264
    Adopted child, disinheriting, 30:242
  Trustee's interpretation, 44:5
  Trusts. See TRUSTS
  Typed, 27:3
  Undue influence, 26:10
    Avoiding, 30:41
    Beneficiary's presence during drafting of will, 30:41
    Distinguished from fraud, 26:11
    Evidence, 39:13
    Partial revocation, 41:13
  Validity, 2:12
    Ante mortem determination, Ch 35, 6:6
       See also ANTE MORTEM DECLARATION OF WILL VALIDITY
    Contests. See CONTEST OF WILL
    Defective codicil not to affect, 28:3
    Evidence, 35:2, 35:4, 35:8
```

WILLS—Cont'd Validity, 2:12—Cont'd Hearings, 35:4, 35:6 Modification after declaration, 35:6 Presumption, 37:1 Revocation after declaration, 35:6 Testimony, applicability of dead man's statute, 5:14 Witnesses, examination, 37:3 Verbal, Ch 29 See also ORAL WILLS Video tape recordings, 30:51 Voice recorder Procedure, 30:49 Use as evidence, 30:48 Whole estate to pass, 44:42 to 44:48 Withholding, Ch 50 Action by heir against withholder, 50:4 Attorney, sanctions against, 30:57, 30:58, 50:6 Defense, 50:2 Distribution, 30:248 to 30:264 Forfeiture of estate by heir, 50:3 Intent, 50:2 Production enforcement, 50:4 Statute, applicability, 50:1, 50:4 Two wills, **50:7** Witnesses. See WITNESSES TO WILLS Words, 44:10 Written, **27:3** WINE See LIQUOR CONTROL, for general provisions WITHDRAWAL OF TREATMENT Mental health treatment, declaration for, 61:38 to 61:44 WITNESSES AND TESTIMONY See also WITNESSES TO WILLS Adjudicatory hearings, minors as witnesses, competency, 109:58 Administrators of estates, 5:14 Attestation, 30:42 Attorney-client privilege, 5:2 Waiver Actual, 5:6 Implied, 5:5 Waiver. See also WAIVER, at Attorney-client privilege Child abuse, testimony of child, 109:40 Claims against estates, witnesses at hearings, 88:7 Clergy, privileged communications, 5:11 Concealed or embezzled assets, 57:14 Contest of jurisdiction to probate, 36:7 Cross-examinations. See CROSS-EXAMINATIONS

WITNESSES AND TESTIMONY—Cont'd

Declarations against interest, concerning, 5:14

Depositions. See DEPOSITIONS

Estate inventory, 80:15

Executors of estates, 5:14

Expert witnesses. See EXPERT WITNESSES

Fiduciaries, 5:14

Guardians as witnesses, 5:14

Heirs-at-law, designation, 17:1

Forms, 17:1 to 17:7

Impeachment, juvenile delinquency adjudication, by, 109:51, 109:111

Juvenile courts. See JUVENILE COURTS, at Witnesses

Limitations, 5:14

Marriage witnesses, consent to minor's marriage, 108:27 to 108:30, 110:27 to 110:30

Minor as witness, competency, adjudicatory hearings, 109:58

Nurses as witnesses, privileged communications, 5:7

Paternity proceedings

Depositions, 19:7

Fees, 110:24

Physicians as witnesses, privileged communications, 5:7, 5:8

Waiver, 5:6, 5:8

Power of attorney, durable power of attorney for health care, 61:25

Privileged communications, 5:1

Probate courts, master commissioners, powers, 3:37 to 3:40

Probate of wills. See PROBATE OF WILLS, at Witnesses

Sequestration, juvenile proceeding, 109:56

Spouse as witness, 5:9

Waiver of privilege, 5:10

Subpoenas. See SUBPOENAS, at Witnesses

Trustees, 5:14

Unavailable witnesses, depositions used in place of. See DEPOSITIONS

Wills. See WITNESSES TO WILLS

WITNESSES TO WILLS

Generally, 30:43 to 30:47, 30:195 to 30:197, 37:6 to 37:17

See also WITNESSES AND TESTIMONY, generally

Agreement to make will, **51:1**, **51:3**, **51:7**

Ante mortem declaration of will validity, 34:5

Attestation, 27:2, 27:9, 27:10, 30:43, 30:61, 30:193

Age, 27:2, 27:9, 30:43, 30:61, 30:193

Codicils, 28:2

Form, 30:193

Attorney as, 5:4, 5:5, 44:40

Drafting attorney. See Drafting attorney as, this heading

Bequest, receiving, 30:43

Blind testator, procedure, 30:47

Conflict of interest of probate judges, 3:51

Depositions, 2:12, 37:10 to 37:13, 38:1

Devisee or legatee, as, 30:43

Contributions to debt payments, 49:1

WITNESSES TO WILLS-Cont'd

Drafting attorney as, 27:9, 30:44

Associates or employees as, precautions, 30:43

Serving also as executor, 30:45

Examination, 2:12, 37:3, 37:9, 38:1

See also PROBATE OF WILLS, at Witnesses

Executor as, 30:45

Interested witnesses competent, when, 30:43

Medical personnel as, when testator in hospital, 30:47

Oral wills, 29:2, 29:3

Probate, examination. See PROBATE OF WILLS, at Witnesses

Psychiatrist as, 30:46

Qualifications, 30:43

Signatures, 30:195 to 30:197

Testator, 27:4 to 27:7

Witnesses, 27:9

Subscription, 27:9

Voiceless testator, procedure, 30:47

WORDS AND PHRASES

See DEFINITIONS

WORK

See EMPLOYER AND EMPLOYEE

WORKERS' COMPENSATION

Child support withheld from payments, 109:73

Payments on claims, child support withheld from, 109:73

Wrongful death claims, widows' survivorship actions, 12:1

WORKHOUSES

Detention of minors in, 109:27, 109:28

WRITTEN INSTRUMENTS

Generally, see LEGAL INSTRUMENTS

See also particular type concerned

WRONGFUL DEATH

Actions, Ch 12, SPF 14.0 to SPF 14.3

Fiduciary from foreign state initiating, 12:2

Forms, 12:24 to 12:29

Prohibitions, 12:19 to 12:21

Administrator failing or refusing to file, 12:15, 82:1, 82:3

Removal for, 82:5 to 82:7

Afterborn beneficiary, 12:8

Appeal of award of compensatory damages, 12:23

Beneficiaries fixed at death, 12:7

Children born out of wedlock, recovery of damages, 15:20

Choice of law, 12:5

Uninsured motorists, 12:5

Compensatory damages, 12:11, 12:19

Underinsured motorists, 12:11

Damages, 12:1, 12:9 to 12:12 Apportionment among beneficiaries, SPF 14.0 to SPF 14.3, 12:12, 12:26 Criteria for award, 12:9 Denial, 12:20 Punitive, 12:4 Date of death, effect on determination, 12:7 Denial of damages, 12:20 Executor failing to file, 12:15, 82:1, 82:3 Removal of executor for, 82:5 to 82:7 Fetus, of, 12:17 Forms, 12:24 to 12:29 Funeral expenses, 12:6 Governmental immunity, 12:1 Gross income of decedent to be considered, 12:11 Homeowner's insurance, exclusions, 12:1, 12:11 Inquiries as to, no attorney duty to make, 81:23 Interspousal immunity not applicable, 12:16 Judgment entry, 12:29 Jury trial, **12:4** Unilateral withdrawal of request for, 12:4 Limitation of actions, 12:14 Loss of support, services, or consortium; damages, 12:11 Marriage of deceased, contingency; consideration, 12:11 Mental anguish, damages, 12:11 Motor vehicle insurance, stacking of coverage, 12:12, 12:13 Motor vehicles, 12:1 Next of kin. 12:8 Nursing homes, 12:1 Owners of property on which death occurred, liability, 12:1 Parent, defined, 12:18 Personal representative bringing action, 12:1, 85:10 Postjudgment review, 12:23 Probate court, jurisdiction, 12:3 Concealment actions, 57:2 Trustee Agreement, 12:28 Application for appointment, 12:26 Consent to, 12:27 Unborn child, 12:17

WRONGFUL LIVING

No cause of action against facility for giving life-prolonging treatment against patient's request, **61:30**, **61:35**

YEAR'S ALLOWANCE

See FAMILY ALLOWANCE

WRONGFUL DEATH—Cont'd

YOUTH COMMISSION

See YOUTH SERVICES DEPARTMENT

Index-310

YOUTH SERVICES DEPARTMENT

Commitment of children to, 109:89, 109:102, 109:178, 109:179

Discharge. See Release of children, this heading

Early release, 109:88, 109:89

Influencing child to leave, Jurisdiction, 110:1 to 110:12

Juveniles guilty of felonies or murders, 109:89, 109:178

Minimum institutionalization period, 109:89

Parole violation, complaint for, 109:142

Termination, 107:10, 109:180

Detention homes

See also DETENTION HOMES

Funding, 106:17 to 106:19

Institutions. See CHARITABLE INSTITUTIONS, for general provisions

Juvenile rehabilitation facilities. See JUVENILE REHABILITATION

Order committing child upon parole revocation, 109:181

Parole revocation, order committing child upon, 109:181

Parole violation, complaint for, 109:142

Records and reports

Juvenile cases, publication of data, 109:112

Rehabilitation plan of children released from custody, 109:180

Rehabilitation of children, plan prior to release of children from institutions, 109:180

Release of children, 107:10, 109:180

Early release, 107:10, 109:88, 109:89

Firearm specification, 109:88

Form, 109:180

Juvenile court hearing, 107:10, 109:88, 109:89

Notice to committing court, 109:88, 109:89

Rehabilitation plan, 109:88, 109:89

Schools, forestry camps, and other facilities, funding, 106:18

ZONING

Constitutionality of ordinances, probate court's jurisdiction, 3:4