

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT

In re R.W.

2026-Ohio-2344 · No. WD-26-004 · Decided June 18, 2026

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed a probate court’s determination that R.W. was a mentally ill person subject to court order under R.C. 5122.01(B). The court held that the evidence, including testimony and recordings of R.W.’s behavior, supported the determination by clear and convincing evidence and that outpatient treatment was the least restrictive alternative.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District
WRITING FOR THE COURT	Gene A. Zmuda, J.; Christine E. Mayle, J.; Charles E. Sulek, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District
DECIDED	June 18, 2026
DOCKET	WD-26-004
DISPOSITION	affirmed
PROCEDURAL POSTURE	R.W. appealed a Wood County Probate Division judgment finding R.W. to be a mentally ill person subject to court order and ordering ninety days of outpatient treatment.
STANDARD OF REVIEW	The appellate court reviewed whether clear and convincing evidence supported the probate court's determination that R.W. was a mentally ill person subject to court order and whether the probate court properly applied the governing law to the evidence.
PRECEDENTIAL VALUE	Published
PARTIES	R.W. v. State of Ohio

TOPICS

- health law
- appellate procedure
- standard of review
- statutory interpretation
- probate procedure

PRACTICE AREAS

- mental health law
- civil commitment
- appellate procedure

QUESTIONS PRESENTED

1. Whether the father's affidavit under R.C. 5122.11 was sufficient to invoke the probate court's jurisdiction without a medical or mental-health-provider certification.
2. Whether clear and convincing evidence supported the probate court's determination that R.W. was a mentally ill person subject to court order under R.C. 5122.01(B)(1), (2), and (4).
3. Whether outpatient treatment was the least restrictive alternative consistent with treatment goals.

HOLDINGS

1. An affidavit under R.C. 5122.11 need not include a medical or mental-health-provider certification when it contains specific factual allegations supporting probable cause and, where the person refuses examination, the statutory alternative written statement concerning that refusal may be used. The absence of a certification did not prevent the probate court from exercising jurisdiction.
2. Clear and convincing evidence supported the probate court's determination that R.W. was a mentally ill person subject to court order under R.C. 5122.01(B)(1), (2), and (4).
3. The probate court properly selected outpatient services and ordered a diagnostic assessment and recommended services for ninety days as the least restrictive alternative consistent with treatment goals.

KEY QUOTATIONS

“Clear and convincing evidence is more than a preponderance, but less than the certainty required by proof beyond a reasonable doubt; it is “that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established.”” (¶ 19)

“In considering whether there is clear and convincing evidence to support a determination of a mentally ill person subject to court order, courts apply a “totality of the circumstances” test.” (¶ 20)

FACTUAL BACKGROUND

R.W., age thirty-three, lived with their parents and beginning in 2023 reported visions, hearing spirits, religious and supernatural beliefs, and statements involving suicide and the killing of R.W.'s parents. R.W.'s parents observed increasingly alarming and frequent behavior, including yelling at spirits, agitation, threats involving spiritual planes, blood rituals, self-harm-related statements, and punching a hole in a wall. R.W. refused psychiatric or psychological treatment and medication, and an assessment determined that R.W. did not meet the criteria for immediate involuntary psychiatric hospitalization but recommended an assisted outpatient program.

PROCEDURAL HISTORY

R.W.'s father filed affidavits of mental illness under R.C. 5122.11. After an investigation and a full hearing under R.C. 5122.15, the probate court found by clear and convincing evidence that R.W. was a mentally ill person subject to court order under R.C. 5122.01(B)(1), (2), and (4), selected outpatient services as the least restrictive alternative, and ordered a diagnostic assessment and recommended services for ninety days. R.W. appealed, challenging both the initiating affidavit and the sufficiency of the hearing evidence.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The matter was remanded to the Wood County Court of Common Pleas, Probate Division, for further proceedings consistent with R.C. 5122.01 et seq.

CASES CITED

- Cross v. Ledford, 161 Ohio St. 469, 477 (1954)
- In re Burton, 11 Ohio St.3d 147 (1984)
- In re Miller, 63 Ohio St.3d 99, 101 (1992)
- State ex rel. Bles v. Merrick, 2 Ohio St.2d 13, 16 (1965)
- In re C.G., 2023-Ohio-4239, ¶¶ 55-60 (6th Dist.)
- In re K.W., 2006-Ohio-4908, ¶ 18 (10th Dist.)
- In Matter of A.C., 2021-Ohio-2116, ¶ 33 (10th Dist.)