



the definitions section of R.C. Chapter 5122, there are only three mentions of expungement in the chapter. First, R.C. 5122.09 requires that, if a person taken into custody under R.C. 5122.10 or 5122.11 is released from custody before an initial hearing, the court shall expunge any file or record relating to that person during this period. This section is not applicable as J.D. was not released from custody before an initial hearing. The second reference to expungement is found in R.C. 5122.141, which provides that a hearing to determine whether the respondent is mentally ill shall be conducted within a certain timeframe, and if it is not and the proceedings are not properly reinstated, the record of the proceedings shall be expunged. R.C. 5122.141(B). And finally, pursuant to R.C. 5122.141(C), “If the court does not find that the respondent is a mentally ill person subject to court order, it shall order the respondent’s immediate discharge, and shall expunge all record of the proceedings during this period.” Neither expungement provision of R.C. 5122.141 applies to the cases at hand, though, as J.D. does not contest the timeframe within which a hearing was held nor the court’s finding that J.D. was a mentally ill person subject to court order in both of his involuntary commitment cases.

In support of his argument, J.D. directs us to *Pepper Pike v. Doe*, 66 Ohio St.2d 374, 421 N.E.2d 1303 (1981), in which the Ohio Supreme Court held that the trial court could invoke its inherent authority to seal the records of criminal proceedings. However, we can easily distinguish *Pepper Pike* from the case at hand. *Pepper Pike* involved the sealing of a criminal conviction, which unlike involuntary commitments, has statutory mechanisms for sealing and expungement. *Id.* at 376. Moreover, relevant statutes already require the sealing of involuntary commitment proceedings. R.C. 5122.31(A) (“All \* \* \* applications [and] records \* \* \* made for the purpose of this chapter \* \* \* directly or indirectly identifying a patient or former patient or person whose hospitalization or

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commitment has been sought under this chapter[] shall be kept confidential and shall not be disclosed by any person \* \* \*.”). Finally, *Pepper Pike* was since superseded by statutory authority providing greater legislative guidance with respect to sealing criminal records. *See State v. Radcliff*, 142 Ohio St.3d 78, 2015-Ohio-235, 28 N.E.3d 69, ¶ 20-27.

Accordingly, we overrule J.D.’s assignment of error and affirm the probate court’s judgment.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**CROUSE, P.J., BERGERON and BOCK, JJ.**

To the clerk:

Enter upon the journal of the court on March 17, 2023,  
per order of the court\_\_\_\_\_.

Administrative Judge