

1971 O. A. G.

OFFICIAL OPINION NO. 26

October 29, 1971

Hon. William T. Sebree
Indiana State Representative
1743 Lora Street
Anderson, Indiana

Dear Representative Sebree:

This is in response to your request for my Official Opinion on the following question:

“May a person who is 18 years old or older, but less than 21 years old, be a witness to a will?”

ANALYSIS

The relevant section of the Indiana Statute concerning the competency of witnesses to wills reads as follows:

“Any person competent at the time of attestation to be a witness generally in this state may act as an attesting witness to the execution of a will and his subsequent incompetency shall not prevent the probate thereof.” [IC 1971, 29-1-5-2, as found in Burns’ (1953 Repl.), Section 6-502.]

Thus, the question is whether a person who is 18 years old or older, but less than 21 can be a witness generally. The answer to this is provided by the foregoing Indiana Statute.

CONCLUSION

It is my official opinion that any individual who is competent to be a witness generally under Indiana law may witness a will; and so, a competent person who is 18 years of age or older, but less than 21 years of age, would thus be qualified to witness a will in Indiana.