

TO BE RESCINDED

5122:1-1-01 **Rule for court costs.**

- (A) Purpose. The purpose of this rule is to establish eligibility, allocation methods, payment schedules, accounting standards, and financial reporting formats for the disbursement of funds for all expenses related to commitment proceedings for indigent clients of the department.
- (B) Authorization. Authority for issuing this rule is found in section 5123.96 of the Revised Code and section 274 of Amended Substitute House Bill 204 of the 113th General Assembly, effective July 30, 1979, which require adoption of this rule.
- (C) Application. The provisions of this rule shall apply to all Ohio probate courts.
- (D) Definitions
- (1) "ASHB 204" means Amended Substitute House Bill 204 of the 113th General Assembly, effective July 30, 1979.
 - (2) "Costs of proceedings" means monies paid to police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge; to sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas; to physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court; to other witnesses, the same fees and mileage as for attendance at the court of common pleas to be paid upon the approval of the probate judge; to a person other than the sheriff or his deputies for taking a mentally ill person to a hospital or removing one therefrom, the actual necessary expense incurred, specifically itemized and verified by his oath and approved by the probate judge; to assistants who convey mentally ill persons to hospitals when authorized by the probate judge, a fee set by the probate court, provided such assistants are not drawing a salary from the state or any political subdivision thereof, and their actual necessary expense incurred, provided that such expenses are specifically itemized and verified by their oath and approved by the probate judge; to an attorney appointed by the probate division for an indigent alleged mentally ill person pursuant to the Revised Code, such fees as are determined by the probate division. When such indigent persons are before the court, all filing and recording fees shall be waived.
 - (3) "Department" means the Ohio department of mental health and mental retardation.

(E) Regulations governing reimbursement to county probate courts

- (1) Eligibility. All Ohio probate courts incurring costs of proceedings related to commitment of indigent clients of the department.
- (2) Allocation method. All funds appropriated for this purpose by ASHB 204 are reimbursed for costs of proceedings, after payment by the county, by the auditor of state from an account specifically appropriated to the department for this purpose.
- (3) Payment schedules
 - (a) Monies are disbursed to counties for only reimbursement of costs of proceedings.
 - (b) The total amount that can be reimbursed to all counties is limited by the appropriation level of ASHB 204.
- (4) Accounting standards
 - (a) Reimbursement to counties, through the county treasurer's office, follows methods and procedures established by the state auditor's office.
 - (b) Counties receiving funds from the department for this purpose are audited by the state auditor's office.
- (5) Financial reporting format. Reporting format as regards funds appropriated for this purpose by ASHB 204 are established by the state auditor's office.

Effective:

R.C. 119.032 review dates: 12/30/2011

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5123.96
Rule Amplifies: 5123.96
Prior Effective Dates: 4/24/1980