

120-1-05

Reimbursement, recoupment, contribution, and partial payment programs.

Subject to review and approval by the Ohio public defender, each county shall establish a reimbursement, recoupment, contribution, or partial payment program to recover a portion of the expense of appointing counsel to a person whose gross income exceeds 125% of the federal poverty level or to a child whose parents' gross income exceeds 125% of the federal poverty level. Assessments for such programs shall be based upon a person's ability to pay, considering income, basic living expenses, and court costs and other expenses arising from the case at issue.

Such programs shall not:

- (A) Jeopardize the quality of defense or act to deny representation to qualified defendants;
- (B) Require or include direct payments from the applicant to the appointed counsel;
- (C) Require any payments, compensation, or in-kind services from an applicant whose gross income is equal to or less than 125% of the federal poverty level;
- (D) Require payments from a child applicant's parent if the child's parent or a relative of the parent is the alleged victim;
- (E) Base assessments on the appointed counsel fee bill, rather than the defendant's ability to pay;
- (F) Assess amounts that the person cannot reasonably be expected to pay without hardship;
- (G) Attempt to recoup the full cost of providing appointed counsel, experts, transcripts, or other associated expenses.

Replaces: 120-1-05

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 120.03(B)
Rule Amplifies: 120.03(B)
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