

RESOLUTION ADOPTING AN ASHTABULA COUNTY INDIGENT DEFENSE FEE/COST RECOUPMENT POLICY

WHEREAS, the Office of the Ohio Public Defender has by Rule OAC 120-1-03 adopted regulations for the appointment of counsel for the indigent; and

WHEREAS, pursuant to this rule, the Board of County Commissioners needs to adopt a plan to recoup all or part of the cost of counsel for persons who meet certain income guidelines; and

WHEREAS, said rules are further outlined below; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that It is hereby resolved that:

The Courts of this county shall make the appointment of counsel either private assigned counsel or the County Public Defender, in accordance with the rules established by the Ohio Public Defender Commission and the State Public Defender to enable this county to receive reimbursement from the state for a part of the indigent defense costs.

The Courts of this county assigning indigent defense counsel shall in accordance with OAC 120-1-03, order that a part of counsel fees be repaid to the County where appointment is made and the defendant falls into the income guidelines set forth in the rule (above 125 percent of the poverty threshold). In appropriate cases all counsel fees may be assessed unless it creates an undue burden.

Payments shall be made pursuant to the Ashtabula County Indigent Defense Fee/Cost Recoupment Policy, a copy of which is hereby attached to this resolution.

This resolution shall be effective for all cases with an appointment date of October 1, 2021 or later.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2021-376

September 28, 2021

**RESOLUTION ADOPTING AN ASHTABULA COUNTY INDIGENT DEFENSE
FEE/COST RECOUPMENT POLICY**

Upon the motion of Casey R. Kozlowski, seconded by J.P. Ducro IV.

VOTE:

Kathryn L. Whittington

Aye

J.P. Ducro IV

Aye

Casey R. Kozlowski

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

Ashtabula County Indigent Defense Fee/Cost Recoupment Policy

1. The Court shall review each defendant's indigent status and determine if recovery of assigned counsel fees or public defender costs is appropriate. The court may waive the fees if it is determined that the imposition of such would result in an undue hardship on the client.
2. The recoupment policy is in addition to the \$25.00 application fee contained in ORC 120.36.
3. The Court shall order when the recoupment amount is due. However, no recoupment shall be assessed against an individual whose gross income is less than 125% of the Federal Poverty level. Enforcement may not include jail.
4. Persons shall pay according to the following schedule, determined by the highest degree of offense charged:

Felonies	\$100.00
Misdemeanors	\$50.00
Abuse/Dependency/Neglect Cases	\$100.00
Other Juvenile Cases	\$50.00

5. Payments shall be remitted to the Clerk of Court in which the proceeding is heard. The Clerk shall transfer such recoupment amounts to the county treasurer, at least on a monthly basis. The auditor shall then transmit the appropriate amount to the Ohio State Public Defender. This amount is to be a separate line item from the application fee collections.