



Office of the Ohio Public Defender

Timothy Young, State Public Defender

DATE: January 30, 2023
TO: County Commissioners, County Auditors, County Public Defenders, Court Appointed Counsel, Judges
FROM: State Public Defender Tim Young
RE: Indigent Defense Reimbursement Update

I write today with a periodic update on the indigent defense reimbursement rate, as well as an update on financial disclosure forms completed as a part of determining indigency.

Reimbursement Rate FY2023

As shared in our prior memorandums, Governor DeWine and the Ohio General Assembly allocated approximately \$336 million dollars in the Biennial State Budget to reimburse counties for indigent defense costs for Fiscal Year 2022 and 2023 (July 1, 2021 – June 30, 2023). This level of funding for indigent defense is unprecedented in Ohio, and it allowed the OPD to provide a reimbursement rate of 100% for all of Fiscal Year 2022 and has allowed the OPD to project a reimbursement rate of 90% for Fiscal Year 2023.

The OPD is committed to keeping all system parties and stakeholders apprised of the reimbursement rate throughout the fiscal year with periodic updates on the total costs submitted and remaining appropriated funds. The OPD has processed five months of regular reimbursement submissions in Fiscal Year 2022 (May 2022 – April 2023 reimbursement submissions are processed during July 2022 – June 2023). All payments were made with a reimbursement rate of 90%.

The OPD will continue to monitor changes to appointed counsel and public defender submissions but taking into account the submissions received thus far during FY23, the OPD continues to project a reimbursement rate of 90% for FY23.

It is important to note that some counties are in the process of increasing appointed counsel rates, increasing public defender salaries, and funding necessary public defender facility expenses. Those increases in spending are in excess of any projections and well beyond the normal projected growth rates. While all of these improvements are vitally needed and supported by the OPD as necessary expenditures, these overdue system improvements are occurring in one fiscal cycle. **The OPD's best estimate at this juncture is the reimbursement rate for FY23 will remain at 90%.** This estimate is certainly subject to change based on the respective expenditures and reimbursement submissions from all 88 counties. We will keep you apprised of any updates via future periodic updates.

Financial Disclosure Forms

The OPD recognizes that with the advancement of technology (particularly during and following the pandemic), that certain conversations and/or meetings that previously took place in person may now be occurring via a virtual meeting/call. In light of this advancement, the OPD will be amending our requirement for a signature of an applicant on a financial disclosure form, where the following process is strictly followed:

Information required on the form may be obtained from the applicant via phone/video, and the person receiving the information must indicate on the form:

“Information received via telephone/video by _____ (the person taking down the information would write their name immediately following the statement).”

To be clear, at this time, an applicant’s signature on the financial disclosure form is not required to initiate representation and will not be required for reimbursement, so long as the individual who obtains the information from the defendant completes the form as indicated above.

Simply writing “taken by phone” on the form is not sufficient and will result in a fee application being respectfully denied by the OPD. Alternatively, a standing option on the financial disclosure form is the “judge certification” section. If a court elects and where appropriate, a judge may certify an applicant as indigent in lieu of an applicant’s certification and signature.

If you have questions regarding this memo or if there are ways the OPD can be of assistance to your jurisdiction, please contact Laura Austen, Deputy Director of Policy & Outreach (614.728.0155, laura.austen@opd.ohio.gov) or Alice Hill, Reimbursement Program Administrator (614.644.1589, alice.hill@opd.ohio.gov). Thank you.

