Office of the Ohio Public Defender

Timothy Young, State Public Defender

MEMORANDUM

DATE: August 25, 2020
TO: County Commissioners, County Auditors, County Public Defenders, Court Appointed Counsel, Judges
FROM: State Public Defender Tim Young
RE: COVID-19 and Indigent Defense Reimbursement

This memorandum provides an update on the options the Office of the Ohio Public Defender (OPD) has and will continue to offer to counties in an effort to provide support and assistance during the COVID-19 pandemic. In an April 14, 2020 memorandum, the OPD provided information regarding financial disclosure forms, interim billing, billing for arraignments, and extensions on the timelines for reimbursement submissions. The OPD issued a subsequent memorandum on June 10, 2020 continuing all provisions of the April 14, 2020 memo. Today I write to advise that the provisions regarding financial disclosure forms, interim billing, and billing for arraignments remain the same, and the provision regarding reimbursement extension submissions will be continued through December 2020. Of note, the extension process is described in detail below. As previously indicated, the reimbursement rate on any extension submission will be the current rate when a submission is processed.

Reimbursement Submission Extension

The OPD understands that certain operations may be impacted by the COVID-19 pandemic, and indigent defense reimbursement submissions may be delayed during this time. In an effort to provide support to our county partners, the OPD will grant extensions to the reimbursement submission deadline for all monthly submissions up to and including December 2020. More specifically, R.C. 120.33, requires counties to submit to the OPD all reimbursement submissions within 90 days of the end of the month in which a case was disposed. For submissions that would otherwise be due in a given month, counties may notify the OPD in writing that an extension is necessary, and one will be granted for 60 days.

The process for extensions will be as follows:

1. A county auditor, or their designee, should notify OPD's Reimbursement Program Administrator, Alice Hill, in writing via email (alice.hill@opd.ohio.gov), of an extension request for a reimbursement submission for a given month, on or before the last day of that respective month.

2. Because the OPD receives and processes approximately 13,000 -14,000 indigent defense bills each month, we ask that counties submit any reimbursement submissions they are able to timely. A county will be permitted to have one timely reimbursement submission, and one "extension" submission through December 2020.

3. The extension submission for the month of August will be due by the end of October. The extension submission for the month of September will be due by the end of November. The extension submission for the month of October will be due by the end of December. The extension submission for the month of November will be due by the end of January. The extension submission for the month of December will be due by the end of February.

4. With both the timely submission and the extension submission, counties should include an appointed counsel summary report (the same that is otherwise required with each reimbursement submission).

If you have any questions, or if there are ways in which the OPD can be of assistance during this time, please feel free to reach out. Thank you, stay safe, and be well.