



Indigent Driver Alcohol Treatment

REFERENCE MANUAL

Association of Municipal & County Judges of Ohio

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Indigent Driver Alcohol Treatment Fund Reference Manual

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I. Introduction

Addressing substance use disorders in the most effective and efficient way possible is a joint objective shared by Ohio's courts, the Ohio Department of Mental Health and Addiction Services, and local Alcohol, Drug Addiction and Mental Health Boards. In this time of drug crisis, it is important now more than ever for all of us to work together to make the most of our collective expertise and resources to help Ohioans with substance use disorders achieve recovery.

One funding stream that is available as a tool for communities to address substance use disorders is the Indigent Driver's Alcohol Treatment Fund (IDAT). Under Ohio Law, each county and municipality with a municipal court must have an IDAT fund where revenue from license reinstatement fees and other mandatory fines are deposited. These funds are to pay for the cost of alcohol and/or drug addiction assessments and treatment when the following apply: (1) the individual is an adult convicted of driving under the influence or a juvenile who is determined to be a juvenile traffic offender; (2) the individual is ordered by a county, juvenile, or municipal court judge to attend a treatment program; and (3) it is determined that the individual is indigent.

It is important to note that these funds can only be used to pay for the assessment portion of a Driver Intervention Program (DIP), which is an educational alternative to jail for first time offenders, because a DIP program is not treatment. A separate funding stream exists for DIP.

Once courts order an offender to attend a treatment program, the law then requires local Alcohol, Drug Addiction and Mental Health Boards or the local Alcohol and Drug Addiction Services Board to administer the court's IDAT program. It is the Board's responsibility to determine which program is suitable to meet the needs of the offender.

The concept of IDAT is simple enough, but implementation can be a different story. Communities may have hit implementation hurdles or are simply looking for ways to improve. If we are not effectively using all the resources at our disposal, we may be preventing help to people who need it.

This reference manual is the product of meetings convened by the Ohio Judicial Conference some time ago with the goal of assisting communities in addressing these implementation hurdles and spending all available IDAT funds. We hope this manual will be of assistance to courts and boards in making the most of IDAT funds.

We would like to take this opportunity to extend our thanks to the following individuals for participating in the meetings that preceded the drafting of the original reference manual. Without

their participation, the conceptualization and production of the manual would not have been possible.

Judge Melissa Byers-Emmerling, East Liverpool Municipal Court

Judge Joyce Campbell, Fairfield Municipal Court

Judge Deborah Nicastro, Garfield Heights Municipal Court

Judge William Lauber, Lima Municipal Court

Judge Richard Schisler, Retired, Portsmouth Municipal Court

Judge James Shriver, Clermont County Municipal Court

Judge David Sunderman, Delaware Municipal Court

Suzanne Dulaney, Ohio Association of County Behavioral Health Authorities

Stephen Hedge, Delaware-Morrow Mental Health and Recovery Services Board

James Lapczynski, Ohio Department of Alcohol and Drug Addiction Services

Tony Pollard, ADAMHS Board of Adams, Lawrence, and Scioto Counties

Karen Scherra, Clermont County Mental Health and Recovery Board

Updated by Marta Mudri, Ohio Judicial Conference, 2018 and 2021

II. Ohio's Substance Use Disorder Prevention, Treatment & Recovery Services System

Understanding the State & Local Players: OhioMHAS, Boards, & Providers

OhioMHAS

In 2013, Governor Kasich consolidated the Ohio Department of Mental Health and Addiction Services and the Ohio Department of Mental Health into a single agency, the Ohio Department of Mental Health and Addiction Services (“OhioMHAS” or “Department”). OhioMHAS oversees Ohio’s publicly funded system for alcohol and other drug prevention and treatment services. In most cases, the Department allocates federal and state funding directly to 51 county Alcohol, Drug Addiction, and Mental Health Services (ADAMHS) Boards. In some instances, the Department directly funds private agencies, such as with the Drivers’ Intervention Program (DIP). The Department is responsible for evaluating and certifying all alcohol and drug addiction programs in the state. The Department also coordinates alcohol and other drug addiction services with other state departments, the criminal justice system, law enforcement, and others.

County Boards

Every county must have an Alcohol, Drug Addiction, and Mental Health Services (ADAMHS) Board (or “county boards,” or “boards”). County Commissioners decide whether the board serves only one county or joins together with multiple counties. At one point in time, the 7 largest counties could also choose to have separate boards for mental health and alcohol and drug addiction. Today, Lorain County has an Alcohol and Drug Services (ADAS) Board, separate from mental health services. There are presently a total of 51 boards (see Appendix B for a map of board areas and a directory). Board members are volunteers and are appointed by county commissioners as well as OhioMHAS. Boards determine community needs and, to the extent resources are available, plan for services. They do this by entering into contracts with private providers, not by providing direct services. The boards contract with more than 360 agencies for the delivery of alcohol and other drug prevention, treatment, and recovery support services in more than 900 programs.

Treatment Providers

There are privately owned and operated substance use disorder treatment provider agencies (or “providers”) located in every county. Funding comes to them through Medicaid, and directly to them in the form of state and federal grants or private funds. Local boards provide funding for clients who are indigent and receive non-Medicaid eligible services. Provider agencies are regulated

by OhioMHAS. To search for providers by county, visit <http://www.ohio.gov/Default.aspx?tabid=347>.

Local Funding

Many counties (all but 7) have been able to pass levies to help support behavioral health. Some counties that have a levy are restricted by the approved language to support mental health only.

III. IDAT OHIO REVISED CODE PROVISIONS AT A GLANCE

VARIOUS REVENUES THAT GET DEPOSITED INTO THE IDAT FUNDS

2949.094 Moving Violation Court Cost	Courts must collect \$10 from any person who is convicted of or pleads guilty to any moving violation. Fifteen per cent (15%) (\$1.50) of this court cost goes to the county or municipal IDAT Fund.
4503.235 Immobilization Waiver Fee	The \$50 immobilization waiver fee is to be credited to the local IDAT fund.
4510.14 OVI DUS fee	Designates that 50% of any fine imposed when a driver is guilty of driving under OVI suspension shall be deposited into the local IDAT fund.
4510.45 IID Manufacturers' License Fee	Manufacturers of ignition interlock devices must obtain a license and pay an application fee of \$100, which gets credited to the state IDAT fund. Annually, each manufacturer of ignition interlock devices pays 5% of its net profit to be deposited into that fund, which is then sent to local IDAT funds.
4510.34 IID Manufacturers' Certification Fee	The cost of certification of an ignition interlock manufacturer is paid to the Department of Public Safety by licensed IID manufacturers and is deposited in the state IDAT fund.
4511.19(G)(5)(c) OVI Fine	\$25 of the fine imposed under (G)(1)(a)(iii) and \$50 dollars of the fine imposed under (G)(1)(b)(iii) is deposited into the local IDAT fund.
4511.191(F)(2)(c) License Reinstatement Fee	\$37.50 of the license reinstatement fee is credited to the state IDAT fund and is then distributed by OhioMHAS to the local IDAT funds.
4511.193 Municipal OVI Fine	\$25 of any fine imposed for a violation of a municipal OVI ordinance is deposited into the municipal or county IDAT.

WHEN COURT MAY /SHALL REQUIRE OFFENDER TO BE ASSESSED/TREATED

For a first OVI in ten years, the court may require the offender to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted by OhioMHAS, in addition to requiring attendance in a driver's intervention program. **4511.19(G)(1)(a)(ii)**

For a second OVI in ten years, the court shall require the offender to be assessed by an alcohol and drug treatment program that is certified by OhioMHAS, and shall order the offender to follow the treatment recommendations of the program. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon request of the court, the program shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use. **4511.19(G)(1)(b)(i)**

For a third, fourth, or fifth OVI in ten years or sixth or more OVI in twenty years, in all cases, the court shall order the offender to participate in an alcohol and drug addiction program certified by OhioMHAS and shall order the offender to follow the treatment recommendations of the program. The operator of the program shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon request of the court, the program shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use. **4511.19(G)(1)(c)(vi) and (d)(vi)**

4511.19(I) provides that no court shall sentence the offender to an alcohol treatment program unless the treatment program complies with the minimum standards adopted by OHMAS. If the offender is unable to pay, the court may order the cost to be paid from the court's IDAT fund.

OPERATION OF THE LOCAL IDAT FUND

Allowable Expenditures

Expenditures from a local IDAT fund shall be made only upon court order and only for payment of the cost of an assessment, the cost for alcohol and drug addiction services and treatment at an alcohol and drug addiction treatment program, (including integrated services for clients with co-occurring disorder) the cost of transportation to attend assessment or treatment, and the cost of medication assisted treatment; and only for individuals convicted of operating a vehicle under the influence of alcohol or drugs and determined by the court to be unable to pay. **4511.191(H)(3)(b)**

Board Roles & Responsibilities

The alcohol and drug services board or board of alcohol, drug addiction and mental health services shall administer the IDAT program of the court. The board shall determine which program is suitable to meet the needs of the offender. A reasonable amount not to exceed 5% of the amounts credited to and deposited into the local IDAT fund shall be paid to the board to cover the costs it incurs in administering the IDAT programs. **4511.191(H)(3)(b)**

Using IDAT for IDAM

4511.191(I) requires each county and each municipality in which there is a municipal court to create an indigent drivers interlock and alcohol monitoring (IDAM) fund to pay for an immobilizing or disabling device (ignition interlock) and alcohol monitoring for indigent offenders. The fund consists of a portion of OVI fines and driver's license reinstatement fees. Upon exhausting funds in the IDAM fund for the use of an alcohol monitoring device, a court may use IDAT funds in the following manner:

- To pay for the continued use of an alcohol monitoring device in conjunction with a treatment program approved by OhioMHAS when such use is determined clinically necessary by the treatment program and when the court determines that the offender is unable to pay all or part of the daily monitoring cost of the device. **4511.191(H)(3)(c)**

Additionally, a court that has enough funding in their IDAM accounts to pay for IDAM's intended purpose, may transfer a specified amount to the court's IDAT fund

Declaring a Surplus

If a court, in consultation with the board, determines that IDAT funds are more than sufficient to satisfy the purpose for which the fund was established, the court may declare a surplus and expend the surplus for:

- Alcohol and drug abuse assessment and treatment of persons who are charged with committing a criminal offense or with being a delinquent child or juvenile traffic offender and when both of the following apply:
 - o The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense; and
 - o The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.
- All or part of the cost of purchasing alcohol monitoring devices to be used as provided in 4511.191(H)(3)(c), upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device. **4511.191(H)(4)**

- Transfer to another court in the same county any of the surplus amount to be used in a manner consistent with IDAT rules
- Transfer any of the surplus amount to the ADAMHS Board in the same district as the court with the surplus for treatment services or board contracted recovery support services. Examples of recovery support services include employment services and housing.

Medication Assisted Treatment

- IDAT funds (both non-surplus and surplus) can be used for the cost of medication assisted treatment for applicable individuals. Medication-assisted treatment (MAT) is treatment for addiction that includes the use of medication along with counseling and other support. Treatment that includes medication is often utilized to treat opioid addiction. If a person is addicted, medication allows him or her to regain a normal state of mind, free of drug-induced highs and lows. It also reduces withdrawal and helps people manage their addictions so that the benefits of recovery can be attained and maintained.
- There are three main choices for medication to treat opioid addiction. The two most common are methadone and buprenorphine. Occasionally, another medication called naltrexone is used. All of these medications have the same positive effect: they reduce problem addiction behavior. People can safely take treatment medication as long as needed – for a few months, one or several years, or even for life. Plans to start or stop taking any medication should ALWAYS be discussed with a doctor.
- Taking medication for opioid addiction is like taking medication to control heart disease or diabetes. Used properly, the medication does NOT create a new addiction.

Determining Indigence

For the purpose of determining whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs described above under the heading "Declaring a Surplus," the court shall use the indigent client eligibility guidelines and standards of indigence established by the state public defender to make the determination. **4511.191(H)(5)**

Use of Non-Certified Providers

The court shall identify and refer any alcohol and drug addiction program that is not certified by OhioMHAS and that is interested in receiving amounts from the surplus in the fund declared under 4511.191(H)(4) to OhioMHAS in order for the program to become certified. If the program makes an application to become certified, the program is eligible to receive surplus funds as long as the application is pending with the department. The department has a duty to offer technical assistance to the applicant. If the interested program withdraws its application, the department must notify the court, and the court shall not provide the interested program with any further surplus funds. **4511.191(H)(6)**

IV. IDAT Operation

Memorandum of Understanding

Several courts and boards have worked out the administration of IDAT in a memorandum of understanding (MOU). Some examples are included in this manual. MOUs address the roles and responsibilities of the boards and the court and address key operational issues. Listed below are some of the key operational issues boards and courts often encounter. Sample documents are provided later in this document.

Determining Indigence

Some courts handle this task themselves. In other areas, the court delegates this task to the board. In the included model documents, you will see an example of how this is done when handled by either the court or the board and the documents and process used to make the determination.

Receiving State Fund Distributions

Every county, municipal, and juvenile court establishes and administers an IDAT fund. The vast majority of OVI cases are heard by Ohio's municipal and county courts. Juvenile courts hear OVI cases involving offenders who are younger than 18. Courts receive payments from OhioMHAS of amounts drawn from the state IDAT fund for deposit into the court's individual IDAT fund.

Moving the Money

Courts periodically authorize payments from IDAT funds to boards, which then reimburse alcohol and drug treatment providers for services provided to indigent offenders. Reimbursements are provided pursuant to court order. Reimbursements are handled differently in different areas. For example:

Clermont County Approach: Board allocates a certain amount of its funds for the year and is reimbursed by the court. This model works well if the board has sufficient cash flow to make this work. Not all boards are in this position.

Lorain County Approach: Lorain Board sends the bill to the court as individuals complete treatment. The court reimburses the board monthly. Generally, the timeline of events is as follows:

Client assessment performed by provider

Client begins treatment services

Court order issued determining eligibility for IDAT funds

Treatment services terminate/complete
Claim file created with last treatment services submitted to MACSIS (Multi Agency Community Services Information System)
Billing received via Remittance Advice (012) by the board
Grace period used by board to ensure no additional services provided
Final client billing determined by board
Invoice to court prepared and mailed with court motions
Payment received at board from court
Payment deposited by board; purchase order/warrant submitted to county auditors
Check received by board and mailed to provider

The Pathway to Treatment: Referrals, Screenings, & Assessments

Just as in physical health care, access to appropriate treatment in the addiction recovery field relies upon clinical assessment. For example, if you get a blood pressure screening at a drug store that indicates high blood pressure, that does not mean you can go directly to the pharmacy and receive prescription blood pressure medication. Prescription medication may or may not be an appropriate response to the problem. The same is true for addiction treatment. Sometimes a screening is done that merely identifies that there is a problem, as is often the case with a DIP. This does not negate the need for a clinical assessment to be done before treatment is deemed appropriate and a treatment plan is adopted.

One of the tricky parts to IDAT can be the logistics of the individual getting referred by the court, a clinical assessment being completed, and, if it is deemed appropriate, treatment commencing. In some communities, the board contracts for a provider agency staff person to be at the court to assist with the referral, screening, and assessment on-site. In other communities, a referral goes directly to the provider and the assessment is done off-site. This process varies depending upon the size of the community, the resources available, and the number of provider agencies in the community.

Contracting for Treatment Services to Maximize Resources

It is the statutory obligation of boards to administer IDAT. Boards already have contractual relationships with most alcohol and other drug treatment providers due to their statutory functions beyond IDAT. Thus, administration of the IDAT program is a logical fit. Additionally, boards will often be interacting with the individuals ordered into treatment in capacities beyond the IDAT program (housing, peer supports, employment assistance, etc.). Therefore, in many parts of the state, boards try to integrate the IDAT funding stream provided by the courts with payments they already make to providers. As part of the board's involvement with these individuals, they also

make sure that if the individual can be funded under Medicaid or another funding stream that treatment is paid from the other funding streams first in order to preserve as much of the IDAT funds as possible for the courts.

Managing Programs Operated with Surplus Funds

A court may declare a surplus in consultation with its local board whenever it is determined that the IDAT funds are more than sufficient to pay the cost of alcohol and drug addiction assessment and treatment for OVI offenders. Assessment and treatment services can then be expanded to court-involved individuals who are indigent and are charged with committing criminal offenses or with being delinquent or to juvenile traffic offenders where substance abuse was a contributing factor to the criminal or delinquent activities. Courts may also use the funds to purchase electronic continuous alcohol monitoring devices, when done in conjunction with treatment programs. A big consideration when deciding what to do with surplus funds is that the amount of surplus funds can ebb and flow from one year to the next, impacting sustainability. How some communities are using their IDAT surplus:

- Contract with agencies to provide assessment and treatment services for non-OVI offenders
- Pay the salary of the clinician to conduct assessments at the courthouse
- Purchase slots for offenders in a men's halfway house
- Purchase beds in a women's residential treatment program
- Purchase treatment program supplies
- Purchase monitoring devices
- Residential placements
- Pay the salary of a TASC counselor (Treatment Accountability for Safer Communities)
- Transfer money to another court in the same county

Reporting Outcomes to the Court

Over the years, courts and boards have identified different types of reports based upon local preferences. Several are included in the model documents.

Out-of-County Residents

Continuity of care: How to ensure continuity of care for individuals living outside of the county is problematic. Monitoring treatment, coordinating with the court in another jurisdiction, and other practical problems arise.

Funding: Boards are required to prioritize their limited resources. This usually involves prioritizing services to their own residents. Many boards do not have the funding to reach beyond their priority population to provide all of the services and supports that are complementary to the IDAT.

Other barriers: In order to make a payment to a provider, boards are required to have a contract with the provider. It is impractical to have contracts with providers all over the state.

Multiple Courts Within Board Area

Administrative time and resources used by the boards are impacted by the structure of IDAT within each court and the uniqueness of each court's approach.

CLERMONT COUNTY MODELS

- **Memorandum of Understanding**
- **Judgment Entry for Payment**
- **Judgment Entry Declaring Surplus**

MEMORANDUM OF UNDERSTANDING
MUNICIPAL COURT INDIGENT DRIVERS ALCOHOL TREATMENT FUND

This Memorandum of Understanding is undertaken by and between the Clermont County Alcohol Drug Addiction and Mental Health Services Board (aka the Clermont County Mental Health and Recovery Board), 2337 Clermont Center Drive, Batavia, Ohio 45103, (hereinafter referred to as “Board”) and the Clermont County Municipal Court, 4436 State Route 222, Batavia, Ohio 45103 (hereinafter referred to as “Court”).

WHEREAS, ORC Section 4511.191(H) provides for the establishment and funding of a County Indigent Drivers Alcohol Treatment Fund and the mechanism for funding assessment and treatment for certain individuals who are financially unable to pay the cost of an assessment and/or treatment otherwise; and

WHEREAS, the Revised Code contemplates that the assessment and treatment services shall be undertaken through the Board; and

WHEREAS, the Board and the Court desire to define the respective responsibilities of each party in conformity with the statutory framework;

NOW, THEREFORE, the parties enter into this Memorandum of Understanding in order to carry out their statutory duties respectively and agree as follows:

1. The Court shall determine and by Order provide for the designation of those individuals who shall seek and receive assessment and/or treatment under the program established by the Board at the Clermont Recovery Center. The Court acting through its judges shall provide an Order in each case of referral in conformity with the requirements of Section 4511.191 ORC.
2. It is contemplated that the Court shall purchase a maximum of \$_____ worth of outpatient assessment and/or treatment services to be utilized during the period of this Memorandum of Understanding, commencing on the 1st day of July, 201__ and ending on the 30th day of June, 201__.
3. Individuals referred by such order for assessment and/or treatment services shall be treated as “priority” (excluding those persons covered by Medicaid). Access will be given to formal referrals for residential treatment (for example, Prospect House) and Case Management Services, without purchasing those services through the Indigent Drivers Alcohol Treatment Fund (based on the appropriateness of services and the availability of funds through the Clermont Recovery Center).
4. The guidelines for utilizing the Indigent Drivers Alcohol Treatment Fund are as follows:
 - a. If an individual has been found guilty of a violation of 4511.19 ORC or substantially similar municipal ordinance and has been ordered to undergo an assessment and/or treatment, the Court shall refer the individual to the Clermont Recovery Center, a treatment agency certified by ODADAS and chosen by the Board to perform assessments and provide alcohol and drug treatment programs for individuals convicted of a violation of division (A) of R.C. 4511.19 or a substantially similar ordinance.

- b. Pursuant to contractual arrangement with the Board, the Clermont Recovery Center shall identify individuals who appear unable to pay all or a part of the cost of an assessment and/or attendance at an alcohol/drug treatment program of the Clermont Recovery Center based upon indigent client eligibility guidelines and the standards of indigency established by the State Public Defender. The Clermont Recovery Center shall be assisted by the Sliding Fee Scale approved by the Board in accordance with statute and the guidelines from the Ohio Department of Alcohol and Drug Addiction Services.
 - c. Services to be provided to these individuals shall be determined based on clinical appropriateness and Level of Care assessment by the Clermont Recovery Center, in its capacity as the Board's primary alcohol/drug treatment provider as delineated in the Board's Purchase of Service contract with Clermont Recovery Center. Services provided to these identified individuals shall be billed to the Board through the GOSH system as are all other services.
 - d. Both parties agree to comply with reasonable requests for information in compliance with HIPAA (Health Insurance Portability and Accountability Act of 1996), or ORC 1347, or CFR42, or other preemptive regulation, whichever is more restrictive. Information shall be obtained only for that which is the Minimum Necessary for payment purposes.
 - e. Pursuant to contractual arrangement with the Board, the Clermont Recovery Center shall notify the Court when an individual fails to report for an assessment and/or treatment.
 - f. Monthly progress reports, including completion or termination of treatment, may be requested by the Court and directed to the Municipal Court Adult Probation Department.
 - g. The Board shall prepare and keep monthly summaries of persons served, units of services rendered and the total cost of services to the Court. The Board shall meet with the Court at any time upon reasonable request.
 - h. After completion of the state fiscal year, which ends June 30th, the Board shall provide to the Court a report listing those individuals who have received an assessment and/or treatment services at the Clermont Recovery Center and meet the standards of indigency as established by the State Public Defender and based upon individual client eligibility guidelines. The report shall include the services received and the cost of such services. The Court shall issue a judgment entry pursuant to this Memorandum of Understanding to reimburse the Board for the costs of said services, up to the maximum as stated previously in this Memorandum of Understanding.
5. The parties agree that this is the entire understanding between them and no other written or oral agreement shall be controlling unless reduced to writing and incorporated into this Memorandum of Understanding by amendment.

6. The parties agree that this Memorandum of Understanding is controlled by Ohio Statutory Law and in the event that the Statutory Law changes or the guidelines for the county Indigent Drivers Alcohol Treatment Fund are modified, the parties will work in coordination to modify this Memorandum of Understanding to incorporate any such legal changes.

IN WITNESS WHEREOF, the parties acting through their respective governing bodies have caused this Memorandum of Understanding to be executed to reflect the relationship between them for the administration of the Indigent Drivers Alcohol Treatment Fund.

CLERMONT COUNTY MENTAL HEALTH AND RECOVERY
BOARD

By: _____
Karen J. Scherra, Executive Director

THE CLERMONT COUNTY MUNICIPAL COURT

By: _____
**Kevin Miles, Judge
Clermont County Municipal Court**

By: _____
**Jason Nagel, Judge
Clermont County Municipal Court**

By: _____
**Jesse Kramig, Judge
Clermont County Municipal Court**

This Agreement was approved as to form by the Office of the
Prosecuting Attorney of Clermont County, Ohio

By: _____
Allan L. Edwards, Assistant Prosecuting Attorney

Date: _____

CLERMONT COUNTY MUNICIPAL COURT

CLERMONT COUNTY, OHIO

IN RE :
INDIGENT DRIVERS ALCOHOL : **JUDGMENT ENTRY**
TREATMENT FUND : **DECLARING SURPLUS**

The Court finds, following consultation with the Clermont County Mental Health and Recovery Board, that the present balance in the Clermont County Municipal Court Indigent Drivers Alcohol Treatment Fund under the control of the Court is more than sufficient to cover the cost of the assessments and/or attendance at an alcohol and drug addiction treatment program for indigent offenders convicted of a violation of division (A) of R.C. § 4511.19 or a substantially similar ordinance.

The Court finds that there is a surplus in the fund and that it should be expended to cover other expenses as permitted by law.

WHEREFORE, IT IS ORDERED, that a surplus in the Clermont County Municipal Court Indigent Driver Alcohol Treatment Fund hereby be declared.

IT IS FURTHER ORDERED, that the surplus in the fund be expended upon court order to cover the cost of the following items:

1. Alcohol and drug abuse assessments and treatment for persons charged in the court with committing a criminal offense where substance abuse was a contributing factor leading to the criminal activity and the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment.

2. All or part of the cost of purchasing alcohol monitoring devices to be used for individuals where it has been determined clinically necessary by the Clermont County Recovery Center and the person is unable to pay all or part of the daily monitoring device.

3. Alcohol and drug abuse assessments and treatment for indigent offenders at a non-certified OHIOMHAS agency provided that the program has submitted an application to OHIOMHAS for certification.

IT IS ORDERED, that the Clermont County Auditor prepare a warrant from the Clermont County Indigent Drivers Alcohol Treatment Fund established under R.C. 4511.19(H) in the amount of _____ payable to _____.

Date

Judge Kevin Miles

Date

Judge Jason Nagel

Date

Judge Jesse Kramig

CLERMONT COUNTY MUNICIPAL COURT

CLERMONT COUNTY, OHIO

IN RE :
INDIGENT DRIVERS ALCOHOL : **JUDGMENT ENTRY**
TREATMENT FUND :

The court has previously ordered defendants identified on the attached list to attend the Clermont Recovery Center, a treatment agency certified by OHIOMHAS and chosen by the Clermont County Mental Health and Recovery Board to perform assessments and provided alcohol and drug treatment programs for individuals convicted of a violations of R.C. § 4511.19(A) or a substantially similar ordinance.

The Court finds that the defendants identified on the attached list have been convicted of a violation of R.C. § 4511.19(A) or a substantially similar ordinance and have been determined to be unable to pay all or part of the cost of an assessment and/or attendance at an alcohol and drug treatment program of Clermont Recovery Center based upon indigent client eligibility guidelines and the standards of indigence established by the State Public Defender.

The Court further finds that the defendants identified on the attached list have received an assessment and/or attended an alcohol and drug treatment program at the Clermont Recovery Center, are indigent, and that the Clermont County Mental Health and Recovery Board is entitled to reimbursement for the cost advanced to cover their assessments and treatment.

IT IS ORDERED, that the Clermont County Auditor prepare a warrant from the Clermont County Indigent Drivers Alcohol Treatment Fund established under R.C. § 4511.19 (H) in the amount of _____ payable to Clermont County Mental Health and Recovery Board.

Date

Judge Kevin Miles

Date

Judge Jason Nagel

Date

Judge Jesse Kramig

LORAIN COUNTY MODELS

- **Sample Memorandum of Understanding**
- **Sample Court Letter**
- **Sample Motion for Release of Funds**
- **Sample Judgment Entry for Release of Funds**

MEMORANDUM OF UNDERSTANDING

Parties: {The Board}

And: {Provider}

And:

Purpose:

The purpose of this agreement is to improve the access to services and the coordination of those services between {Municipal Court}, {The Board}, and {Provider}. It is the intent that this document will guide the process of identifying individuals from the court that require assessments and/or treatment for alcohol and drug addiction, to coordinate with the courts that individual's alcohol and drug treatment, and to identify financial resources to support those services including the Indigent Drivers Alcohol Treatment Fund and Surplus Fund.

{Provider} agrees to:

1. Provide an alcohol and drug certified/licensed counselor to provide alcohol and drug screening/assessment to the court for eight (8) hours per week. This individual will conduct preliminary assessments to determine if further assessment and/or treatment is recommended. These findings will be shared with the court on the day of the assessment.
2. To provide a financial/intake specialist to the court one (1) day per week to conduct the financial analysis and complete all registration paperwork to individuals referred by the court for preliminary assessments. That paperwork will be provided to the court with a summary of financial resources and identification of those that will require IDAT funding. {Provider} counselor will provide this information along with the recommendation to the bailiff.
3. {Provider} will prioritize those individuals that are recommended for a higher level of care for placement into the appropriate treatment program. Clinical reviews will be provided to the court, summarizing the client's progress and recommendations regarding ongoing levels of care.

{The Board} agrees to:

1. Upon receipt of the journal entry from {Provider}, and upon verification of services provided, will reimburse {Provider} based on adjudicated claims via the state's public billing system (MACSIS).
2. To provide summary and detail of services verified from {Provider} and request billing reimbursement from either the IDAT fund or the Surplus Fund of the {Municipal Court}.

{Municipal Court} agrees to:

1. Provide assessment space to accommodate {Provider's} counselor and financial specialist to conduct the financial analysis and preliminary assessment.
2. Provide to {Provider's} counselor and financial specialist a roster of referred clients for the financial analysis and preliminary assessment.
3. Upon receipt of the financial information to provide a journal entry authorizing IDAT or Surplus funding when appropriate. This journal entry will be made available to the clinician upon the clinician's next visit to the court (i.e. the following week).
4. Upon receipt of summary and detailed services from {The Board}, {Municipal Court} will return payment to {The Board} from either the IDAT Fund or the Surplus Fund.

All parties agree that this MOU will begin effective immediately. Should any of the three parties request to refine the stated processes of this MOU, all parties will be involved.

The Honorable {Judge}
{Court}

{Executive Director}
{The Board}

{Executive Director}
{Provider}

{Date}

{Municipal Court}

Your Honor:

{The Board} is pleased to submit the Board's invoice for treatment services reimbursement under {R.C. § 4511.19: The Indigent Driver's Alcohol Treatment Fund} and declared surplus of such fund. This billing is for the Fiscal Year {FY}, in the amount of \${Amount}. The Board is pleased to join with the Court to address the treatment needs of OVI offenders.

The billing information to the Court is presented in the format of a Court Motion with Exhibit and a Court Order. A summary of costs is also included. Please call if you need any other type of documentation or have any questions.

Sincerely,

{The Board}

IN {Court}

{County, Ohio}

In the Matter of:) Motion for Release of Funds
) From Indigent Drivers
) Alcohol Treatment Fund
)
)
) (Reimbursement of Treatment
) Costs)

Pursuant to R.C. 4511.19, {The Board} moves this Court for the release of funds from the Indigent Drivers Alcohol Treatment Fund. Said funds are for the reimbursement of treatment costs for indigent individuals convicted of Operation of a Vehicle While Under the Influence of Alcohol or Drugs (R.C. 4511.19 OVI) or Driving While Under OVI Suspension (R.C. 4507.02 (D) DUS), or a similar municipal ordinance.

Attached hereto (Exhibit A) is an itemization of treatment costs for {Participant} for Fiscal Year {FY} to be reimbursed by {The Board}. The amount to be reimbursed to the Board is \$ {Amount}.

Respectfully submitted,

{Name} Executive Director
{Board}

IN {Court}

{County, Ohio}

In the Matter of:) Judgment Entry for Release of Funds
) to the {Board} From
) Indigent Drivers
) Alcohol Treatment Fund
)
) (Reimbursement of Treatment
) Costs)

Pursuant to R.C. 4511.19, and upon Motion of the {Board}, this Court hereby orders the release of funds to the Board from the Indigent Drivers Alcohol Treatment Fund surplus. Said funds are for the reimbursement of treatment costs for the State Fiscal Year {FY}, for indigent individuals whose criminal offense involved substance abuse as a contributing factor.

The Court hereby orders the release of \$ {Amount} reimbursed to the {Board} for the treatment costs of {Participant.}

It is so ordered.

Date

Judge

{Court}

UPDATES TO THE USE OF THE INDIGENT DRIVER ALCOHOL TREATMENT FUND (IDAT)

An IDAT fund is meant to cover the cost of mandatory substance abuse treatment for indigent OVI offenders and indigent juvenile traffic offenders who have a diagnosed substance use disorder. Each county is required to establish an indigent drivers' alcohol treatment fund and a juvenile indigent drivers' alcohol treatment fund (ORC § 4511.191(H)(1)).

Where does the money come from?

IDAT receives:

- \$37.50 from each drivers' license reinstatement fee (ORC § 4511.191(F))
- \$25 from each fine for 1st OVI in 10 years; \$50 from each fine for 2nd OVI in 10 years (ORC § 4511.19(G)(5)(c))
- \$1.50 from every moving violation conviction (ORC § 2949.094)
- \$25 from each fine imposed for a violation of a municipal OVI ordinance (ORC § 4511.193)
- \$50 from each immobilization fee (ORC § 4503.235)

Who administers IDAT funds?

ORC 4511.191(H)(3) requires that the local ADAS or ADAMHS Board administer the IDAT program of the court by determining the most suitable program(s) to meet an offender's needs in fulfilling court-ordered treatment.

How can funds be used?

IDAT funds may *only* be used to pay for the cost of a substance abuse assessment or treatment program (including medication-assisted treatment) used by an OVI offender who is ordered into treatment and is determined by the judge to not have the means to pay for attendance in the program. This includes:

- To pay for transportation to and from court-ordered services
- To pay for the portion of a Driver Intervention Program (DIP) that involves assessment. DIPs are considered an educational alternative to treatment, and any portion of a DIP that does not include assessment or treatment cannot be funded through IDAT.

What if there is a surplus of funds?

A court, in consultation with the local Board, may declare a surplus if the IDAT (or IDAM) funds under the control of the court are more than sufficient to satisfy the purpose for which the fund was established.

How can surplus monies be used?

The amount of the surplus may be used for substance use assessment and treatment of persons who are charged with committing a non-OVI criminal offense or with being a delinquent child or juvenile traffic offender if (a) the court determines that substance abuse was a factor leading to the criminal, delinquent, or juvenile traffic activity *and* (b) the court determines the person is unable to pay the cost of the substance abuse assessment and treatment. If the court declares a surplus of the IDAT funds, the court may use the funds:

- To pay for all or part of the cost of purchasing electronic continuous alcohol monitoring devices that are used in conjunction with a treatment program, including devices for house arrest as long as they also monitor alcohol
- To pay for staffing, equipment, training, drug testing, supplies, and other costs of a certified specialized docket program
- To transfer to the IDAT fund of another court in the same county or to the local ADAS or ADMAHS Board

Updated: 6.29.2021