



Ohio Administrative Code

Rule 5120-17-05 Supervision fees and disbursement of earnings.

Effective: [March 7, 2016](#)

(A) The department of rehabilitation and correction may require a prisoner who is transferred into the substance use disorder treatment program, including prisoners placed on an electronic monitoring device while in the program, to pay a fee to the division of parole and community services for reasonable expenses incurred in supervising or confining the prisoner while in the substance use disorder treatment program, in accordance with division section 5120.56 of the Revised Code.

(1) Payments received by the division shall be deposited into the offender financial responsibility fund.

(2) A prisoner's inability to pay those expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner into the substance use disorder treatment program.

(3) Payments deposited in the offender financial responsibility fund pursuant to this rule shall be used solely to pay costs related to the operation of the substance use disorder treatment program.

(B) Prisoners in the substance use disorder treatment program working at paid employment shall deposit their total earnings, less legally required payroll deductions or other authorized payroll deductions, into an account maintained through the treatment provider for this purpose. The department of rehabilitation and correction shall have the ability to hold, disburse, or supervise the disbursement of these funds.

(C) Prisoners in the substance use disorder treatment program shall meet their financial obligations by the allocation and disbursement of their net earnings as follows:

(1) Up to twenty-five per cent of the prisoner's net earnings shall be allocated as restitution to the victim(s) of the prisoner's offense(s) if the prisoner voluntarily requests or is under court order to make restitution payments.



(2) If child support payments are not being automatically garnished from a prisoner's wages, up to twenty-five per cent of the prisoner's net earnings who has a dependent child shall be paid as follows:

(a) Prisoner earnings shall be paid to the state department of human services when there is a dependent child receiving temporary assistance for needy families (TANF), under Chapter 5107. of the Revised Code.

(b) Money earned by a prisoner who is an obligor under a child support order shall be paid to the child support enforcement agency administering the order for distribution to the obligee under the order.

(3) A prisoner residing at the facility of a treatment provider shall pay twenty-five per cent of the prisoner's total gross income to the offender financial responsibility fund, held by the division of parole and community services, to pay costs related to the operation of the substance use disorder treatment program. A prisoner residing in an approved residence and monitored by an electronic monitoring device shall pay fifteen per cent of the prisoner's total gross income or the cost of the electronic monitoring, whichever is less, to the offender financial responsibility fund to pay costs related to the electronic monitoring. Prisoners may request a waiver or reduction of these fees upon written request to the community treatment provider.

(4) At least twenty-five per cent of the prisoner's net earnings shall be allocated to the prisoner's personal account. A prisoner may authorize payment from the prisoner's personal account upon approval of the treatment provider for the following purposes:

(a) Reasonable purchases, expenses or fees which are incidental to participating in the substance use disorder treatment program.

(b) Payment of pre-existing fines, court costs or outstanding judgments from a court of competent jurisdiction.

(c) Payment of pre-existing debt, other than debt owed to members of the prisoner's immediate family, which the prisoner acknowledges in writing.



(d) Such other reasonable purposes that are approved in advance.

(D) Earnings or allowances to prisoners in the substance use disorder treatment program shall be collected by the director of the treatment program facility where the prisoner is confined. The accounting, computations, and disbursements of such funds shall be made in accordance with procedures established and approved by the department of rehabilitation and correction.

(E) Salaries, commissions, fees, bonuses, stipends, and subsidies earned while in the substance use disorder treatment program are earnings which shall be included when calculating gross earnings.

(F) Grants, educational loans, social security benefits, pensions, annuities, disability payments, worker's compensation, rental income, gifts, fees received from blood donations, and any other payment the attachment of which is prohibited by law shall not be considered earnings.

(G) In the event a prisoner escapes and remains at large for a year or more, all earnings on deposit shall be forwarded to the offender financial responsibility fund to be used to defray the cost of locating and transporting the absconded prisoner.

(H) The department of rehabilitation and correction shall deposit all moneys received from prisoners in the substance use disorder treatment program into the offender financial responsibility fund, and shall approve disbursements from the fund. Disbursements from the fund may be used for costs such as the following:

(1) The purchase of materials, supplies, equipment, and other costs associated with the transfer, transportation, supervision, or revocation of prisoners related to the substance use disorder treatment program.

(2) The purchase of special services required for prisoners in the substance use disorder treatment program.

(3) Other costs not specified that directly relate to the substance use disorder treatment program or which benefit prisoners in the substance use disorder treatment program.



(I) The department of rehabilitation and correction shall maintain accurate records of deposits and expenditures related to the operation of the substance use disorder treatment program from the offender financial responsibility fund together with its current balance. The department of rehabilitation and correction shall maintain such other information that may be necessary.