



Ohio Administrative Code

Rule 5139-67-10 Withholding and reallocation of funds.

Effective: June 29, 2009

(A) The maximum balance carry over at the end of each respective fiscal year in the felony delinquent care and custody fund in any county, from funds allocated to the county pursuant to sections 5139.34 and 5139.41 of the Revised Code in previous years, shall not exceed an amount to be calculated as provided in the formula set forth in section 5139.43 of the Revised Code, unless that county has applied by the due date established by the department for, and been granted, an exemption by the department after considering the following factors, supported by a written plan to bring the court into compliance with this rule on forms and according to the time frame established by the department:

- (1) Changes in the number of charged bed days;
 - (2) Fluctuation in moneys allocated by the department;
 - (3) Fluctuation in moneys expended by the county;
 - (4) Fluctuation in community resources, grant match funds and county funding levels;
 - (5) Interruptions in programming;
 - (6) Program start-up;
 - (7) Use of funds to support initiatives of the department, such as re-entry services for youth on parole, cognitive-behavioral therapy centers or initiatives to address disproportionate minority contact;
 - (8) Extraordinary circumstances that the juvenile court could not have anticipated;
- (B) Any moneys exceeding the maximum balance carry over shall be withheld from future



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payments, unless an exemption has been granted, and reallocated by the department as approved by the director in consultation with the reclaim advisory committee;

(C) If a payment is made to a county juvenile court and it is later determined through fiscal reports submitted by the county to the department that the payment should have been withheld, the department shall notify the court in writing and the county shall refund, within thirty days of notification, the amount that should have been withheld.