

## **5120-5-03 Court order for payment of funds from inmate's account.**

(A) The purpose of this rule is to establish guidelines and procedures for withdrawing money that belongs to an inmate and that is in an account kept for the inmate by the department of rehabilitation and correction (DRC), upon receipt of a certified copy of a judgment of a court of record in an action in which an inmate was a party that orders an inmate to pay a stated obligation. The DRC may apply such money toward payment of the stated obligation to the court or in another matter as directed by the court.

(B) Upon the DRC's receipt of a certified copy of a judgment that orders an inmate to pay a stated obligation in a matter which an inmate was a party, the warden or designee shall determine if the inmate is still in the custody of the DRC. If the inmate is not in the custody of the DRC, the warden or designee shall advise the clerk of the court or other appropriate authority issuing the order of that fact and, if known, the forwarding address of the inmate. If the inmate is in custody of the DRC the warden or designee shall forward such judgment to the institution where the inmate is presently incarcerated, specifically addressed to the attention of the warden or designee who is responsible for the inmate's account at the institution. Requests for funds to fulfill court orders are prepared by the warden's designee where the inmate is presently housed.

(C) When a certified copy of a judgment from a court of proper jurisdiction is received directing the DRC to withhold funds from an inmate's account, the warden's designee shall take measures to determine whether the judgment and other relevant documents are facially valid. If a facial defect is found then a letter of explanation shall be sent to the clerk or other appropriate authority and the collection process stops until the defect is cured. If no defect is found, the warden's designee shall promptly deliver to the inmate adequate notice of the court-ordered debt and its intent to seize money from his/her personal account. The required notice must inform the inmate of a right to claim exemptions and types of exemptions available under section [2329.66](#) of the Revised Code and a right to raise a defense as well as an opportunity to discuss these objections with the warden's designee. This practice provides safeguards to minimize the risk of unlawful deprivation of inmate property.

When the pre-deprivation notice is delivered to the inmate, the warden's designee shall also deliver notice to enter a case on the inmate's account to the cashier. The court ordered amount or available portion thereof shall be collected and held until further notice by the designee.

After the inmate's timely opportunity to assert any exemption or defense, the designee shall review the record and determine the department's authority to withdraw money from the inmate's account. The inmate shall receive notice of the designee's decision to either remove the case and withdraw no money or initiate payments.

(D) If withdrawals are authorized and if there are sufficient funds in the inmate's account to satisfy the amount shown as due, as long as the account retains fifteen dollars for inmate expenditures, the designee shall promptly cause a check to be issued payable to the clerk of the court or other appropriate authority issuing the order. A check shall be drawn and charged or debited against funds in the inmate's account. At such time, the case shall be made inactive on the inmate's account. It shall be the designee's responsibility to see that the check is transmitted directly to the appropriate clerk of the court for disbursement or payment is made in another manner as directed by the court.

(E) If withdrawals are authorized and if there are insufficient funds in the inmate's account to satisfy the amount shown as due, a monthly check shall be issued payable to the appropriate

clerk's office or in another matter as directed by the court, for the amount of monthly income received into the inmate's account which exceeds fifteen dollars until the full amount of the court obligation has been paid. The hold shall remain on the inmate's account until sufficient funds have been paid to satisfy the amount shown as due on the balance remaining thereon.

(F) Nothing in this rule shall preclude the DRC from distributing earnings as set forth in rules [5120-3-09](#) and [5120-12-05](#) of the Administrative Code.

(G) If the inmate is released from the custody of the DRC before he/she has paid the full amount of the judgment upon his/her release, the designee shall send a notice to the appropriate clerk's office or other authority advising of the inmate's release, the inmate's last forwarding address, if known, and the fact that the inmate has not paid the full amount of the judgment. A copy of this notice shall be placed in the inmate's file and a copy given to the division of parole and community services if the offender is released under supervision.

(H) If the inmate is transferred to another institution or facility within the DRC during the time that there is an unsatisfied judgment with a monetary order and an active case on the inmate's account by reason thereof, a copy of the judgment with a monetary order shall be transferred with the inmate to such new institution or facility and the procedure specified above shall continue to apply. Collection of the court obligation will continue at any subsequent DRC institution or facility until payment in full can be made.

(I) Successive orders to pay a stated obligation will be collected as directed after each preceding judgment has been satisfied, unless otherwise directed by a court with proper jurisdiction.

(J) Pursuant to paragraph (B) of rule [5120-5-02](#) of the Administrative Code, an individual account record shall be maintained for each inmate in an institution which reflects all receipts and disbursements of funds from each account. The accounting, computations, and disbursements of such funds to pay a court ordered obligation shall be made in accordance with procedures established and approved by the DRC. The inmate shall be provided written notice each time monies are withdrawn from his/her account; and the final notice of disbursement shall be provided to the inmate when the court ordered amount has been paid in full.

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