

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 564**

**Representative Stebelton**

**Cosponsor: Representative Huffman**

**—**

**A B I L L**

To amend section 2101.16, 2101.162, 2101.17, 2111.51, 1  
2113.031, and 2303.201 of the Revised Code to 2  
increase certain fees charged by the probate 3  
court. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2101.16, 2101.162, 2101.17, 2111.51, 5  
2113.031, and 2303.201 of the Revised Code be amended to read as 6  
follows: 7

**Sec. 2101.16.** (A) Except as provided in section 2101.164 of 8  
the Revised Code, the fees enumerated in this division shall be 9  
charged and collected, if possible, by the probate judge and shall 10  
be in full for all services rendered in the respective 11  
proceedings: 12

- (1) Account, in addition to advertising charges 13
  - ..... \$ ~~12.00~~ 14
  - 20.00
- Waivers and proof of notice of hearing on account, 15  
per page, ~~minimum one dollar~~
- ..... \$ ~~1.00~~ 16
- 2.00

(2) <del>Account of distribution, in addition to advertising charges</del>	17
..... \$ <del>7.00</del>	18
<del>(3)</del> Adoption of <del>child</del> , petition for	19
..... \$ <del>50.00</del>	20
	<u>60.00</u>
<del>(4)</del> <u>(3)</u> Alter or cancel contract for sale or purchase of real estate, petition to	21
..... \$ <del>20.00</del>	22
	<u>35.00</u>
<del>(5)</del> <u>(4)</u> <del>Application and Entry or</del> order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	23
..... \$ <del>5.00</del>	24
	<u>10.00</u>
<del>(6)</del> <u>(5)</u> Appropriation suit, per day, hearing in	25
..... \$ <del>20.00</del>	26
	<u>35.00</u>
<del>(7)</del> <u>(6)</u> Birth, application for registration of	27
..... \$ <del>7.00</del>	28
	<u>15.00</u>
<del>(8)</del> <u>(7)</u> Birth record, application to correct	29
..... \$ <del>5.00</del>	30
	<u>10.00</u>
<del>(9)</del> <u>(8)</u> Bond, application for new or additional	31
..... \$ <del>5.00</del>	32
	<u>10.00</u>
<del>(10)</del> <u>(9)</u> Bond, application for release of surety or reduction of	33
..... \$ <del>5.00</del>	34
	<u>10.00</u>
<del>(11)</del> <u>(10)</u> Bond, receipt for securities deposited in lieu of	35
..... \$ <del>5.00</del>	36

	<u>10.00</u>	
<del>(12)</del> (11) Certified copy of journal entry, record, or proceeding, per page, <del>minimum fee one dollar</del>		37
.....	\$ <del>1.00</del>	38
	<u>2.00</u>	
<del>(13)</del> (12) Citation and issuing citation, application for		39
.....	\$ <del>5.00</del>	40
	<u>10.00</u>	
<del>(14)</del> (13) Change of name, petition for		41
.....	\$ <del>20.00</del>	42
	<u>35.00</u>	
<del>(15)</del> (14) Claim, application of administrator or executor for allowance of administrator's or executor's own		43
.....	\$ <del>10.00</del>	44
	<u>20.00</u>	
<del>(16)</del> (15) Claim, application to compromise or settle		45
.....	\$ <del>10.00</del>	46
	<u>20.00</u>	
<del>(17)</del> (16) Claim, authority to present		47
.....	\$ <del>10.00</del>	48
	<u>20.00</u>	
<del>(18)</del> (17) Commissioner, appointment of		49
.....	\$ <del>5.00</del>	50
	<u>10.00</u>	
<del>(19)</del> (18) Compensation for extraordinary services and attorney's fees for fiduciary, application for		51
.....	\$ <del>5.00</del>	52
	<u>10.00</u>	
<del>(20)</del> (19) Competency, application to procure adjudication of		53
.....	\$ <del>20.00</del>	54
	<u>35.00</u>	
<del>(21)</del> (20) Complete contract, application to		55
.....	\$ <del>10.00</del>	56

	<u>20.00</u>	
<del>(22)</del> (21) Concealment of assets, citation for		57
.....	\$ <del>10.00</del>	58
	<u>20.00</u>	
<del>(23)</del> (22) Construction of will, petition for		59
.....	\$ <del>20.00</del>	60
	<u>35.00</u>	
<del>(24)</del> (23) Continue decedent's business, application to		61
.....	\$ <del>10.00</del>	62
	<u>20.00</u>	
Monthly reports of operation		63
.....	\$ <del>5.00</del>	64
	<u>10.00</u>	
<del>(25)</del> (24) Declaratory judgment, petition for		65
.....	\$ <del>20.00</del>	66
	<u>35.00</u>	
<del>(26)</del> (25) Deposit of will		67
.....	\$ <del>5.00</del>	68
	<u>10.00</u>	
<del>(27)</del> (26) Designation of heir		69
.....	\$ <del>20.00</del>	70
	<u>35.00</u>	
<del>(28)</del> (27) Distribution in kind, application, assent, and order for		71
.....	\$ <del>5.00</del>	72
	<u>10.00</u>	
<del>(29)</del> (28) Distribution under section 2109.36 of the Revised Code, application for an order of		73
.....	\$ <del>7.00</del>	74
	<u>15.00</u>	
<del>(30)</del> (29) Docketing and indexing proceedings, including the filing and noting of all necessary documents, <del>maximum</del> fee, <del>fifteen dollars</del>		75

.....	\$ <del>15.00</del>	76
	<u>30.00</u>	
<del>(31)</del> (30) Exceptions to any proceeding named in this section, contest of appointment or		77
.....	\$ <del>10.00</del>	78
	<u>20.00</u>	
<del>(32)</del> (31) Election of surviving partner to purchase assets of partnership, proceedings relating to		79
.....	\$ <del>10.00</del>	80
	<u>20.00</u>	
<del>(33)</del> (32) Election of surviving spouse under will		81
.....	\$ <del>5.00</del>	82
	<u>10.00</u>	
<del>(34)</del> (33) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of		83
.....	\$ <del>35.00</del>	84
	<u>55.00</u>	
<del>(35)</del> (34) Foreign will, application to record		85
.....	\$ <del>10.00</del>	86
	<u>20.00</u>	
Record of foreign will, additional, per page		87
.....	\$ <del>1.00</del>	88
	<u>2.00</u>	
<del>(36)</del> (35) Forms, <u>per case</u> , when <del>supplied</del> <u>made available</u> by the probate court, not to exceed		89
.....	\$ <del>10.00</del>	90
	<u>20.00</u>	
<del>(37)</del> (36) Heirship, petition to determine		91
.....	\$ <del>20.00</del>	92
	<u>35.00</u>	
<del>(38)</del> (37) Injunction proceedings		93
.....	\$ <del>20.00</del>	94

	<u>35.00</u>	
<del>(39)</del> (38) Improve real estate, petition to		95
.....	\$ <del>20.00</del>	96
	<u>35.00</u>	
<del>(40)</del> (39) Inventory <del>with</del> appraisalment		97
.....	\$ <del>10.00</del>	98
	<u>20.00</u>	
<del>(41)</del> Inventory <del>without</del> appraisalment		99
.....	\$ <del>7.00</del>	100
<del>(42)</del> (40) Investment or expenditure of funds, application <u>and</u> <u>entry</u> for		101
.....	\$ <del>10.00</del>	102
	<u>20.00</u>	
<del>(43)</del> (41) Invest in real estate, application to		103
.....	\$ <del>10.00</del>	104
	<u>20.00</u>	
<del>(44)</del> (42) Lease for oil, gas, coal, or other mineral, petition to		105
.....	\$ <del>20.00</del>	106
	<u>35.00</u>	
<del>(45)</del> (43) Lease or lease and improve real estate, petition to		107
.....	\$ <del>20.00</del>	108
	<u>35.00</u>	
<del>(46)</del> (44) Marriage license		109
.....	\$ <del>10.00</del>	110
	<u>20.00</u>	
Certified abstract of each marriage		111
.....	\$ <del>2.00</del>	112
	<u>5.00</u>	
<del>(47)</del> (45) Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of		113
.....	\$ <del>10.00</del>	114
	<u>20.00</u>	

<del>(48)</del> (46) Mortgage or mortgage and repair or improve real estate, petition to		115
.....	\$ <del>20.00</del>	116
	<u>35.00</u>	
<del>(49)</del> (47) Newly discovered assets, report of		117
.....	\$ <del>7.00</del>	118
	<u>20.00</u>	
<del>(50)</del> (48) Nonresident executor or administrator to bar creditors' claims, proceedings by		119
.....	\$ <del>20.00</del>	120
	<u>35.00</u>	
<del>(51)</del> (49) Power of attorney or revocation of power, bonding company		121
.....	\$ <del>10.00</del>	122
	<u>50.00</u>	
<del>(52)</del> (50) Presumption of death, petition to establish		123
.....	\$ <del>20.00</del>	124
	<u>35.00</u>	
<del>(53)</del> (51) Probating will		125
.....	\$ <del>15.00</del>	126
	<u>25.00</u>	
Proof of notice to beneficiaries		127
.....	\$ 5.00	128
<del>(54)</del> (52) Purchase personal property, application of surviving spouse to		129
.....	\$ <del>10.00</del>	130
	<u>20.00</u>	
<del>(55)</del> (53) Purchase real estate at appraised value, petition of surviving spouse to		131
.....	\$ <del>20.00</del>	132
	<u>35.00</u>	
<del>(56)</del> (54) Receipts in addition to advertising charges, application and order to record		133

.....	\$ <del>5.00</del>	134
	<u>10.00</u>	
Record of those receipts, additional, per page		135
.....	\$ <del>1.00</del>	136
	<u>2.00</u>	
<del>(57)</del> (55) Record in excess of <del>fifteen hundred words</del> <u>five pages</u> in any proceeding in the probate court, per page		137
.....	\$ <del>1.00</del>	138
	<u>2.00</u>	
<del>(58)</del> (56) Release of estate by mortgagee or other lienholder		139
.....	\$ <del>5.00</del>	140
	<u>10.00</u>	
<del>(59)</del> (57) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code		141
.....	\$ <del>0.00</del>	142
<del>(60)</del> (58) Removal of fiduciary, application for		143
.....	\$ <del>10.00</del>	144
	<u>20.00</u>	
<del>(61)</del> (59) Requalification of executor or administrator		145
.....	\$ <del>10.00</del>	146
	<u>20.00</u>	
<del>(62)</del> (60) Resignation of fiduciary		147
.....	\$ <del>5.00</del>	148
	<u>10.00</u>	
<del>(63)</del> (61) Sale bill, public sale of personal property		149
.....	\$ <del>10.00</del>	150
	<u>20.00</u>	
<del>(64)</del> (62) Sale of personal property and report, application for		151
.....	\$ <del>10.00</del>	152
	<u>20.00</u>	
<del>(65)</del> (63) Sale of real estate, petition for		153



.....	\$ <del>25.00</del>	154
	<u>50.00</u>	
<del>(66)</del> (64) Terminate guardianship, <del>petition</del> <u>application and</u> <u>entry</u> to		155
.....	\$ <del>10.00</del>	156
	<u>20.00</u>	
<del>(67)</del> (65) Transfer of real estate, application, entry, and certificate for		157
.....	\$ <del>7.00</del>	158
	<u>15.00</u>	
<del>(68)</del> (66) Unclaimed money, application to invest		159
.....	\$ <del>7.00</del>	160
	<u>12.00</u>	
<del>(69)</del> (67) Vacate approval of account or order of distribution, motion to		161
.....	\$ <del>10.00</del>	162
	<u>20.00</u>	
<del>(70)</del> (68) Writ of execution		163
.....	\$ <del>5.00</del>	164
	<u>10.00</u>	
<del>(71)</del> (69) Writ of possession		165
.....	\$ <del>5.00</del>	166
	<u>20.00</u>	
<del>(72)</del> (70) Wrongful death, application and settlement of claim for		167
.....	\$ <del>20.00</del>	168
	<u>35.00</u>	
<del>(73)</del> (71) Year's allowance, petition to review		169
.....	\$ <del>7.00</del>	170
	<u>15.00</u>	
<del>(74)</del> (72) Guardian's report, filing and review of		171
.....	\$ <del>5.00</del>	172
	<u>10.00</u>	

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(C) Thirty Fifteen dollars of the thirty-dollar fee collected pursuant to division (A)(29) of this section, fifty dollars of the ~~thirty-five-dollar~~ fifty-five-dollar fee collected pursuant to division (A)~~(34)~~(33) of this section, ten dollars of the twenty-dollar fee collected pursuant to division (A)(44) of this section, and ~~twenty~~ thirty dollars of the sixty-dollar fee collected pursuant to division (A)~~(59)~~(57) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order

of the probate judge shall be the same as provided for like 205  
services in the court of common pleas. 206

(E) The probate court, by rule, may require an advance 207  
deposit for costs, not to exceed ~~one~~ two hundred ~~twenty-five~~ fifty 208  
dollars plus the cost of publication, at the time application is 209  
made for an appointment as executor or administrator or at the 210  
time a will is presented for probate. 211

(F) The probate court, by rule, shall establish a reasonable 212  
fee, not to exceed fifty dollars, for the filing of a petition for 213  
the release of information regarding an adopted person's name by 214  
birth and the identity of the adopted person's biological parents 215  
and biological siblings pursuant to section 3107.41 of the Revised 216  
Code, all proceedings relative to the petition, the entry of an 217  
order relative to the petition, and all services required to be 218  
performed in connection with the petition. The probate court may 219  
use a reasonable portion of a fee charged under authority of this 220  
division to reimburse any agency, as defined in section 3107.39 of 221  
the Revised Code, for any services it renders in performing a task 222  
described in section 3107.41 of the Revised Code relative to or in 223  
connection with the petition for which the fee was charged. 224

(G)(1) Thirty dollars of the ~~fifty-dollar~~ sixty-dollar fee 225  
collected pursuant to division (A)~~(3)~~(2) of this section shall be 226  
deposited into the "putative father registry fund," which is 227  
hereby created in the state treasury. The department of job and 228  
family services shall use the money in the fund to fund the 229  
department's costs of performing its duties related to the 230  
putative father registry established under section 3107.062 of the 231  
Revised Code. 232

(2) If the department determines that money in the putative 233  
father registry fund is more than is needed for its duties related 234  
to the putative father registry, the department may use the 235  
surplus moneys in the fund as permitted in division (C) of section 236

2151.3529, division (B) of section 2151.3530, or section 5103.155 237  
of the Revised Code. 238

**Sec. 2101.162.** (A)(1) The probate judge may determine that, 239  
for the efficient operation of the probate court, additional funds 240  
are required to computerize the court, make available computerized 241  
legal research services, or to do both. Upon making a 242  
determination that additional funds are required for either or 243  
both of those purposes, the probate judge shall charge a fee not 244  
to exceed ~~three~~ five dollars or authorize and direct a deputy 245  
clerk of ~~his~~ the probate court to charge a fee not to exceed ~~three~~ 246  
five dollars, in addition to the fees specified in divisions 247  
(A)(1), (2), (3), ~~(4)~~, ~~(6)~~(5), ~~(14)~~(13) to ~~(17)~~(16), ~~(20)~~(19) to 248  
~~(25)~~(24), ~~(27)~~(26), ~~(30)~~(29) to ~~(32)~~(31), (33), (34), ~~(35)~~, 249  
~~(37)~~(36) to ~~(48)~~(46), ~~(50)~~(48) to ~~(55)~~(53), (57) to (59) ~~to~~, (61) ~~to~~ 250  
~~(63)~~ ~~to~~ ~~(66)~~, ~~(69)~~ ~~to~~ (64), (67), and ~~(72)~~(70) of section 2101.16 251  
of the Revised Code, the fee adopted pursuant to division (F) of 252  
that section, and the fee charged in connection with the docketing 253  
and indexing of an appeal. 254

(2) All moneys collected under division (A)(1) of this 255  
section shall be paid to the county treasurer. The treasurer shall 256  
place the moneys from the fees in a separate fund to be disbursed, 257  
upon an order of the probate judge, in an amount no greater than 258  
the actual cost to the court of procuring and maintaining 259  
computerization of the court, computerized legal research 260  
services, or both. 261

(3) If the court determines that the funds in the fund 262  
described in division (A)(2) of this section are more than 263  
sufficient to satisfy the purpose for which the additional fee 264  
described in division (A)(1) of this section was imposed, the 265  
court may declare a surplus in the fund and expend those surplus 266  
funds for other appropriate technological expenses of the court. 267

(B)(1) The probate judge may determine that, for the 268  
efficient operation of ~~his~~ the probate court, additional funds are 269  
required to computerize the office of the clerk of the court and, 270  
upon that determination, may charge a fee, not to exceed ~~ten~~ 271  
fifteen dollars, or authorize and direct a deputy clerk of the 272  
probate court to charge a fee, not to exceed ~~ten~~ fifteen dollars, 273  
in addition to the fees specified in divisions (A)(1), (2), (3), 274  
~~(4)~~, ~~(6)~~(5), ~~(14)~~(13) to ~~(17)~~(16), ~~(20)~~(19) to ~~(25)~~(24), ~~(27)~~(26), 275  
~~(30)~~(29) to ~~(32)~~(31), (33), (34), ~~(35)~~, ~~(37)~~(36) to ~~(48)~~(46), 276  
~~(50)~~(48) to ~~(55)~~(53), (57) to (59) ~~to~~, (61), ~~(63)~~ to ~~(66)~~, ~~(69)~~ to 277  
(64), (67), and ~~(72)~~(70) of section 2101.16 of the Revised Code, 278  
the fee adopted pursuant to division (F) of that section, and the 279  
fee charged in connection with the docketing and indexing of an 280  
appeal. Subject to division (B)(2) of this section, all moneys 281  
collected under this division shall be paid to the county 282  
treasurer to be disbursed, upon an order of the probate judge and 283  
subject to appropriation by the board of county commissioners, in 284  
an amount no greater than the actual cost to the probate court of 285  
procuring and maintaining computer systems for the office of the 286  
clerk of the court. 287

(2) If the probate judge makes the determination described in 288  
division (B)(1) of this section, the board of county commissioners 289  
may issue one or more general obligation bonds for the purpose of 290  
procuring and maintaining the computer systems for the office of 291  
the clerk of the probate court. In addition to the purposes stated 292  
in division (B)(1) of this section for which the moneys collected 293  
under that division may be expended, the moneys additionally may 294  
be expended to pay debt charges on and financing costs related to 295  
any general obligation bonds issued pursuant to this division as 296  
they become due. General obligation bonds issued pursuant to this 297  
division are Chapter 133. securities. 298

**Sec. 2101.17.** The fees enumerated in this section shall be 299

paid to the probate court from the county treasury upon the	300
warrant of the county auditor which shall issue upon the	301
certificate of the probate judge and shall be in full for all	302
services rendered in the respective proceedings as follows:	303
(A) For each hearing to determine if a person is	304
a mentally ill individual subject to	
hospitalization when the person is committed	
to a state hospital or to relatives	
..... \$	<del>12.00</del> 305
	<u>40.00</u> ;
(B) When the person is discharged	306
.....	7.00 307
	<u>25.00</u> ;
(C) For order of return of a mentally ill person	308
to a state hospital or removal therefrom	
.....	2.00 309
	<u>10.00</u> ;
(D) For proceedings for committing a person to	310
an institution for the mentally retarded	
.....	<del>10.00</del> 311
	<u>35.00</u> ;
(E) For habeas corpus proceedings when a person	312
is confined under color of proceedings in a	
criminal case and is discharged	
.....	<del>10.00</del> 313
	<u>35.00</u> ;
(F) When acting as a juvenile judge, for each	314
case filed against a <del>delinquency</del> <u>delinquent</u> ,	
dependent, unruly, or neglected child, or a	
juvenile traffic offender	
.....	5.00 315
	<u>20.00</u> ;
(G) For proceedings to take a child from parents	316

or other persons having control thereof

..... 5.00 317  
20.00.

**Sec. 2111.51.** Each county shall establish in the county 318  
treasury an indigent guardianship fund. All revenue that the 319  
general assembly appropriates to the indigent guardianship fund 320  
for a county, ~~thirty fifteen dollars of the thirty-dollar fee~~ 321  
collected pursuant to division (A)(29) of section 2101.16 of the 322  
Revised Code, fifty dollars of the ~~thirty-five-dollar~~ 323  
fifty-five-dollar fee collected pursuant to division (A)(~~34~~)(33) 324  
of that section 2101.16 of the Revised Code, ten dollars of the 325  
twenty-dollar fee collected pursuant to division (A)(44) of that 326  
section, and ~~twenty~~ thirty dollars of the sixty-dollar fee 327  
collected pursuant to division (A)(~~59~~)(~~57~~) of that section shall 328  
be deposited into the fund that is established in that county. 329  
Expenditures from the fund shall be made only upon order of the 330  
probate judge and only for payment of any cost, fee, charge, or 331  
expense associated with the establishment, opening, maintenance, 332  
or termination of a guardianship for an indigent ward. 333

If a probate court determines that there are reasonably 335  
sufficient funds in the indigent guardianship fund of the county 336  
in which the court is located to meet the needs of indigent 337  
guardianships in that county, the court, by order, may declare a 338  
surplus in the indigent guardianship fund and expend the surplus 339  
funds for other guardianship expenses or for other court purposes. 340

**Sec. 2113.031.** (A) As used in this section: 341

(1) "Financial institution" has the same meaning as in 342  
section 5725.01 of the Revised Code. "Financial institution" also 343  
includes a credit union and a fiduciary that is not a trust 344  
company but that does trust business. 345

(2) "Funeral and burial expenses" means whichever of the following applies:

(a) The funeral and burial expenses of the decedent that are included in the bill of a funeral director;

(b) The funeral expenses of the decedent that are not included in the bill of a funeral director and that have been approved by the probate court;

(c) The funeral and burial expenses of the decedent that are described in divisions (A)(2)(a) and (b) of this section.

(3) "Surviving spouse" means either of the following:

(a) The surviving spouse of a decedent who died leaving the surviving spouse and no minor children;

(b) The surviving spouse of a decedent who died leaving the surviving spouse and minor children, all of whom are children of the decedent and the surviving spouse.

(B)(1) If the value of the assets of the decedent's estate does not exceed the lesser of five thousand dollars or the amount of the decedent's funeral and burial expenses, any person who is not a surviving spouse and who has paid or is obligated in writing to pay the decedent's funeral and burial expenses, including a person described in section 2108.89 of the Revised Code, may apply to the probate court for an order granting a summary release from administration in accordance with this section.

(2) If either of the following applies, the decedent's surviving spouse may apply to the probate court for an order granting a summary release from administration in accordance with this section:

(a) The decedent's funeral and burial expenses have been prepaid, and the value of the assets of the decedent's estate does not exceed the total of the following items:



(i) The allowance for support that is made under division (A) 376  
of section 2106.13 of the Revised Code to the surviving spouse 377  
and, if applicable, to the decedent's minor children and that is 378  
distributable in accordance with division (B)(1) or (2) of that 379  
section; 380

(ii) An amount, not exceeding five thousand dollars, for the 381  
decedent's funeral and burial expenses referred to in division 382  
(A)(2)(c) of this section. 383

(b) The decedent's funeral and burial expenses have not been 384  
prepaid, the decedent's surviving spouse has paid or is obligated 385  
in writing to pay the decedent's funeral and burial expenses, and 386  
the value of the assets of the decedent's estate does not exceed 387  
the total of the items referred to in divisions (B)(2)(a)(i) and 388  
(ii) of this section. 389

(C) A probate court shall order a summary release from 390  
administration in connection with a decedent's estate only if the 391  
court finds that all of the following are satisfied: 392

(1) A person described in division (B)(1) of this section is 393  
the applicant for a summary release from administration, and the 394  
value of the assets of the decedent's estate does not exceed the 395  
lesser of five thousand dollars or the amount of the decedent's 396  
funeral and burial expenses, or the applicant for a summary 397  
release from administration is the decedent's surviving spouse, 398  
and the circumstances described in division (B)(2)(a) or (b) of 399  
this section apply. 400

(2) The application for a summary release from administration 401  
does all of the following: 402

(a) Describes all assets of the decedent's estate that are 403  
known to the applicant; 404

(b) Is in the form that the supreme court prescribes pursuant 405  
to its powers of superintendence under Section 5 of Article IV, 406

Ohio Constitution, and is consistent with the requirements of this 407  
division; 408

(c) Has been signed and acknowledged by the applicant in the 409  
presence of a notary public or a deputy clerk of the probate 410  
court; 411

(d) Sets forth the following information if the decedent's 412  
estate includes a described type of asset: 413

(i) If the decedent's estate includes a motor vehicle, the 414  
motor vehicle's year, make, model, body type, manufacturer's 415  
vehicle identification number, certificate of title number, and 416  
date of death value; 417

(ii) If the decedent's estate includes an account maintained 418  
by a financial institution, that institution's name and the 419  
account's complete identifying number and date of death balance; 420

(iii) If the decedent's estate includes one or more shares of 421  
stock or bonds, the total number of the shares and bonds and their 422  
total date of death value and, for each share or bond, its serial 423  
number, the name of its issuer, its date of death value, and, if 424  
any, the name and address of its transfer agent. 425

(3) The application for a summary release from administration 426  
is accompanied by all of the following that apply: 427

(a) A receipt, contract, written declaration as defined in 428  
section 2108.70 of the Revised Code, or other document that 429  
confirms the applicant's payment or obligation to pay the 430  
decedent's funeral and burial expenses or, if applicable in the 431  
case of the decedent's surviving spouse, the prepayment of the 432  
decedent's funeral and burial expenses; 433

(b) An application for a certificate of transfer as described 434  
in section 2113.61 of the Revised Code, if an interest in real 435  
property is included in the assets of the decedent's estate; 436

(c) The fee required by division (A)~~(59)~~(57) of section 2101.16 of the Revised Code. 437  
438

(4) At the time of its determination on the application, 439  
there are no pending proceedings for the administration of the 440  
decedent's estate and no pending proceedings for relief of the 441  
decedent's estate from administration under section 2113.03 of the 442  
Revised Code. 443

(5) At the time of its determination on the application, 444  
there are no known assets of the decedent's estate other than the 445  
assets described in the application. 446

(D) If the probate court determines that the requirements of 447  
division (C) of this section are satisfied, the probate court 448  
shall issue an order that grants a summary release from 449  
administration in connection with the decedent's estate. The order 450  
has, and shall specify that it has, all of the following effects: 451

(1) It relieves the decedent's estate from administration. 452

(2) It directs the delivery to the applicant of the 453  
decedent's personal property together with the title to that 454  
property. 455

(3) It directs the transfer to the applicant of the title to 456  
any interests in real property included in the decedent's estate. 457

(4) It eliminates the need for a financial institution, 458  
corporation, or other entity or person referred to in any 459  
provision of divisions (A) to (F) of section 5731.39 of the 460  
Revised Code to obtain, as otherwise would be required by any of 461  
those divisions, the written consent of the tax commissioner prior 462  
to the delivery, transfer, or payment to the applicant of an asset 463  
of the decedent's estate. 464

(E) A certified copy of an order that grants a summary 465  
release from administration together with a certified copy of the 466

application for that order constitutes sufficient authority for a 467  
financial institution, corporation, or other entity or person 468  
referred to in divisions (A) to (F) of section 5731.39 of the 469  
Revised Code or for a clerk of a court of common pleas to transfer 470  
title to an asset of the decedent's estate to the applicant for 471  
the summary release from administration. 472

(F) This section does not affect the ability of qualified 473  
persons to file an application to relieve an estate from 474  
administration under section 2113.03 of the Revised Code or to 475  
file an application for the grant of letters testamentary or 476  
letters of administration in connection with the decedent's 477  
estate. 478

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 479  
may determine that for the efficient operation of the court 480  
additional funds are required to computerize the court, to make 481  
available computerized legal research services, or to do both. 482  
Upon making a determination that additional funds are required for 483  
either or both of those purposes, the court shall authorize and 484  
direct the clerk of the court of common pleas to charge one 485  
additional fee, not to exceed three dollars, on the filing of each 486  
cause of action or appeal under divisions (A), (Q), and (U) of 487  
section 2303.20 of the Revised Code. 488

(2) All fees collected under division (A)(1) of this section 489  
shall be paid to the county treasurer. The treasurer shall place 490  
the funds from the fees in a separate fund to be disbursed, upon 491  
an order of the court, in an amount not greater than the actual 492  
cost to the court of procuring and maintaining computerization of 493  
the court, computerized legal research services, or both. 494

(3) If the court determines that the funds in the fund 495  
described in division (A)(2) of this section are more than 496  
sufficient to satisfy the purpose for which the additional fee 497

described in division (A)(1) of this section was imposed, the 498  
court may declare a surplus in the fund and expend those surplus 499  
funds for other appropriate technological expenses of the court. 500

(B)(1) The court of common pleas of any county may determine 501  
that, for the efficient operation of the court, additional funds 502  
are required to computerize the office of the clerk of the court 503  
of common pleas and, upon that determination, authorize and direct 504  
the clerk of the court of common pleas to charge an additional 505  
fee, not to exceed ten dollars, on the filing of each cause of 506  
action or appeal, on the filing, docketing, and endorsing of each 507  
certificate of judgment, or on the docketing and indexing of each 508  
aid in execution or petition to vacate, revive, or modify a 509  
judgment under divisions (A), (P), (Q), (T), and (U) of section 510  
2303.20 of the Revised Code. Subject to division (B)(2) of this 511  
section, all moneys collected under division (B)(1) of this 512  
section shall be paid to the county treasurer to be disbursed, 513  
upon an order of the court of common pleas and subject to 514  
appropriation by the board of county commissioners, in an amount 515  
no greater than the actual cost to the court of procuring and 516  
maintaining computer systems for the office of the clerk of the 517  
court of common pleas. 518

(2) If the court of common pleas of a county makes the 519  
determination described in division (B)(1) of this section, the 520  
board of county commissioners of that county may issue one or more 521  
general obligation bonds for the purpose of procuring and 522  
maintaining the computer systems for the office of the clerk of 523  
the court of common pleas. In addition to the purposes stated in 524  
division (B)(1) of this section for which the moneys collected 525  
under that division may be expended, the moneys additionally may 526  
be expended to pay debt charges on and financing costs related to 527  
any general obligation bonds issued pursuant to division (B)(2) of 528  
this section as they become due. General obligation bonds issued 529

pursuant to division (B)(2) of this section are Chapter 133. 530  
securities. 531

(C) The court of common pleas shall collect the sum of 532  
twenty-six dollars as additional filing fees in each new civil 533  
action or proceeding for the charitable public purpose of 534  
providing financial assistance to legal aid societies that operate 535  
within the state and to support the office of the state public 536  
defender. This division does not apply to proceedings concerning 537  
annulments, dissolutions of marriage, divorces, legal separation, 538  
spousal support, marital property or separate property 539  
distribution, support, or other domestic relations matters; to a 540  
juvenile division of a court of common pleas; to a probate 541  
division of a court of common pleas, except that the additional 542  
filing fees shall apply to name change, guardianship, and 543  
adoption, ~~and decedents' estate~~ proceedings; or to an execution on 544  
a judgment, proceeding in aid of execution, or other post-judgment 545  
proceeding arising out of a civil action. The filing fees required 546  
to be collected under this division shall be in addition to any 547  
other filing fees imposed in the action or proceeding and shall be 548  
collected at the time of the filing of the action or proceeding. 549  
The court shall not waive the payment of the additional filing 550  
fees in a new civil action or proceeding unless the court waives 551  
the advanced payment of all filing fees in the action or 552  
proceeding. All such moneys collected during a month shall be 553  
transmitted on or before the twentieth day of the following month 554  
by the clerk of the court to the treasurer of state in a manner 555  
prescribed by the treasurer of state or by the Ohio legal 556  
assistance foundation. The treasurer of state shall deposit four 557  
per cent of the funds collected under this division to the credit 558  
of the civil case filing fee fund established under section 120.07 559  
of the Revised Code and ninety-six per cent of the funds collected 560  
under this division to the credit of the legal aid fund 561  
established under section 120.52 of the Revised Code. 562

The court may retain up to one per cent of the moneys it 563  
collects under this division to cover administrative costs, 564  
including the hiring of any additional personnel necessary to 565  
implement this division. 566

(D) On and after the thirtieth day after December 9, 1994, 567  
the court of common pleas shall collect the sum of thirty-two 568  
dollars as additional filing fees in each new action or proceeding 569  
for annulment, divorce, or dissolution of marriage for the purpose 570  
of funding shelters for victims of domestic violence pursuant to 571  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 572  
required to be collected under this division shall be in addition 573  
to any other filing fees imposed in the action or proceeding and 574  
shall be collected at the time of the filing of the action or 575  
proceeding. The court shall not waive the payment of the 576  
additional filing fees in a new action or proceeding for 577  
annulment, divorce, or dissolution of marriage unless the court 578  
waives the advanced payment of all filing fees in the action or 579  
proceeding. On or before the twentieth day of each month, all 580  
moneys collected during the immediately preceding month pursuant 581  
to this division shall be deposited by the clerk of the court into 582  
the county treasury in the special fund used for deposit of 583  
additional marriage license fees as described in section 3113.34 584  
of the Revised Code. Upon their deposit into the fund, the moneys 585  
shall be retained in the fund and expended only as described in 586  
section 3113.34 of the Revised Code. 587

(E)(1) The court of common pleas may determine that, for the 588  
efficient operation of the court, additional funds are necessary 589  
to acquire and pay for special projects of the court, including, 590  
but not limited to, the acquisition of additional facilities or 591  
the rehabilitation of existing facilities, the acquisition of 592  
equipment, the hiring and training of staff, community service 593  
programs, mediation or dispute resolution services, the employment 594

of magistrates, the training and education of judges, acting 595  
judges, and magistrates, and other related services. Upon that 596  
determination, the court by rule may charge a fee, in addition to 597  
all other court costs, on the filing of each criminal cause, civil 598  
action or proceeding, or judgment by confession. 599

If the court of common pleas offers a special program or 600  
service in cases of a specific type, the court by rule may assess 601  
an additional charge in a case of that type, over and above court 602  
costs, to cover the special program or service. The court shall 603  
adjust the special assessment periodically, but not retroactively, 604  
so that the amount assessed in those cases does not exceed the 605  
actual cost of providing the service or program. 606

All moneys collected under division (E) of this section shall 607  
be paid to the county treasurer for deposit into either a general 608  
special projects fund or a fund established for a specific special 609  
project. Moneys from a fund of that nature shall be disbursed upon 610  
an order of the court in an amount no greater than the actual cost 611  
to the court of a project. If a specific fund is terminated 612  
because of the discontinuance of a program or service established 613  
under division (E) of this section, the court may order that 614  
moneys remaining in the fund be transferred to an account 615  
established under this division for a similar purpose. 616

(2) As used in division (E) of this section: 617

(a) "Criminal cause" means a charge alleging the violation of 618  
a statute or ordinance, or subsection of a statute or ordinance, 619  
that requires a separate finding of fact or a separate plea before 620  
disposition and of which the defendant may be found guilty, 621  
whether filed as part of a multiple charge on a single summons, 622  
citation, or complaint or as a separate charge on a single 623  
summons, citation, or complaint. "Criminal cause" does not include 624  
separate violations of the same statute or ordinance, or 625  
subsection of the same statute or ordinance, unless each charge is 626



filed on a separate summons, citation, or complaint. 627

(b) "Civil action or proceeding" means any civil litigation 628  
that must be determined by judgment entry. 629

**Section 2.** That existing sections 2101.16, 2101.162, 2101.17, 630  
2111.51, 2113.031, and 2303.201 of the Revised Code are hereby 631  
repealed. 632