

As Reported by the House Judiciary Committee

127th General Assembly
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Sub. H. B. No. 564

Representative Stebelton

Cosponsors: Representatives Huffman, Blessing

—

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
provide for the establishment by court rule of 3
certain fees charged by the probate 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 probate judge shall establish by rule, 9
charge, and collect, if possible, fees for services rendered in 10
proceedings enumerated in this division ~~shall be charged and~~ 11
~~collected, if possible, by the probate judge and, which fees~~ shall 12
be in full for all services rendered in the respective 13
proceedings. The fee established for services rendered in any 14
proceeding referred to in division (A)(2), (29), (33), (44), or 15
(57) of this section shall not be less than the amount of that fee 16
that must be deposited into a specific fund under division (C) or 17
(G) of this section. The probate judge may by rule modify any fee 18
previously established under this division. Not less than thirty 19

days before adopting a rule under this division, the probate judge 20
shall publish a notice in a newspaper of general circulation in 21
the county in which the probate court is located setting forth the 22
proposed rule. The probate judge shall establish fees for services 23
rendered in the following proceedings: 24

(1) Account, in addition to advertising charges 25

..... \$ 12.00; 26

Waivers and proof of notice of hearing on account, per 27

page, ~~minimum one dollar~~

..... \$ 1.00; 28

(2) ~~Account of distribution, in addition to advertising~~ 29

~~charges~~

..... \$ 7.00; 30

~~(3) Adoption of child, petition for~~ 31

..... \$ 50.00; 32

~~(4)~~(3) Alter or cancel contract for sale or purchase of real 33

estate, petition to

..... \$ 20.00; 34

~~(5)~~(4) ~~Application and~~ Entry or order not otherwise provided 35

for in this section or by rule adopted pursuant to

division (E) of this section

..... \$ 5.00; 36

~~(6)~~(5) Appropriation suit, per day, hearing in 37

..... \$ 20.00; 38

~~(7)~~(6) Birth, application for registration of 39

..... \$ 7.00; 40

~~(8)~~(7) Birth record, application to correct 41

..... \$ 5.00; 42

~~(9)~~(8) Bond, application for new or additional 43

..... \$ 5.00; 44

~~(10)~~(9) Bond, application for release of surety or reduction 45

of

..... \$ 5.00; 46

(11) (10) Bond, receipt for securities deposited in lieu of	47
..... \$ 5.00 <i>i</i>	48
(12) (11) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	49
..... \$ 1.00 <i>i</i>	50
(13) (12) Citation and issuing citation, application for	51
..... \$ 5.00 <i>i</i>	52
(14) (13) Change of name, petition for	53
..... \$ 20.00 <i>i</i>	54
(15) (14) Claim, application of administrator or executor for allowance of administrator's or executor's own	55
..... \$ 10.00 <i>i</i>	56
(16) (15) Claim, application to compromise or settle	57
..... \$ 10.00 <i>i</i>	58
(17) (16) Claim, authority to present	59
..... \$ 10.00 <i>i</i>	60
(18) (17) Commissioner, appointment of	61
..... \$ 5.00 <i>i</i>	62
(19) (18) Compensation for extraordinary services and attorney's fees for fiduciary, application for	63
..... \$ 5.00 <i>i</i>	64
(20) (19) Competency, application to procure adjudication of	65
..... \$ 20.00 <i>i</i>	66
(21) (20) Complete contract, application to	67
..... \$ 10.00 <i>i</i>	68
(22) (21) Concealment of assets, citation for	69
..... \$ 10.00 <i>i</i>	70
(23) (22) Construction of will, petition for	71
..... \$ 20.00 <i>i</i>	72
(24) (23) Continue decedent's business, application to	73
..... \$ 10.00 <i>i</i>	74
Monthly reports of operation	75
..... \$ 5.00 <i>i</i>	76

(25) (24) Declaratory judgment, petition for	77
.....	\$ 20.00 <i>i</i> 78
(26) (25) Deposit of will	79
.....	\$ 5.00 <i>i</i> 80
(27) (26) Designation of heir	81
.....	\$ 20.00 <i>i</i> 82
(28) (27) Distribution in kind, application, assent, and order for	83
.....	\$ 5.00 <i>i</i> 84
(29) (28) Distribution under section 2109.36 of the Revised Code, application for an order of	85
.....	\$ 7.00 <i>i</i> 86
(30) (29) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	87
.....	\$ 15.00 <i>i</i> 88
(31) (30) Exceptions to any proceeding named in this section, contest of appointment or	89
.....	\$ 10.00 <i>i</i> 90
(32) (31) Election of surviving partner to purchase assets of partnership, proceedings relating to	91
.....	\$ 10.00 <i>i</i> 92
(33) (32) Election of surviving spouse under will	93
.....	\$ 5.00 <i>i</i> 94
(34) (33) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	95
.....	\$ 35.00 <i>i</i> 96
(35) (34) Foreign will, application to record	97
.....	\$ 10.00 <i>i</i> 98
Record of foreign will, additional, per page	99
.....	\$ 1.00 <i>i</i> 100
(36) (35) Forms, <u>per case</u> , when supplied <u>made available</u> by the	101

probate court, not to exceed		
.....	\$ 10.00 <i>i</i>	102
(37) (36) Heirship, petition to determine		103
.....	\$ 20.00 <i>i</i>	104
(38) (37) Injunction proceedings		105
.....	\$ 20.00 <i>i</i>	106
(39) (38) Improve real estate, petition to		107
.....	\$ 20.00 <i>i</i>	108
(40) (39) Inventory with appraisement		109
.....	\$ 10.00	110
(41) Inventory without appraisement		111
.....	\$ 7.00 <i>i</i>	112
(42) (40) Investment or expenditure of funds, application <u>and</u> <u>entry</u> for		113
.....	\$ 10.00 <i>i</i>	114
(43) (41) Invest in real estate, application to		115
.....	\$ 10.00 <i>i</i>	116
(44) (42) Lease for oil, gas, coal, or other mineral, petition to		117
.....	\$ 20.00 <i>i</i>	118
(45) (43) Lease or lease and improve real estate, petition to		119
.....	\$ 20.00 <i>i</i>	120
(46) (44) Marriage license		121
.....	\$ 10.00 <i>i</i>	122
Certified abstract of each marriage		123
.....	\$ 2.00 <i>i</i>	124
(47) (45) Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of		125
.....	\$ 10.00 <i>i</i>	126
(48) (46) Mortgage or mortgage and repair or improve real estate, petition to		127
.....	\$ 20.00 <i>i</i>	128
(49) (47) Newly discovered assets, report of		129

	.....	\$ 7.00 <i>i</i>	130
(50)(48)	Nonresident executor or administrator to bar creditors' claims, proceedings by		131
	.....	\$ 20.00 <i>i</i>	132
(51)(49)	Power of attorney or revocation of power, bonding company		133
	.....	\$ 10.00 <i>i</i>	134
(52)(50)	Presumption of death, petition to establish		135
	.....	\$ 20.00 <i>i</i>	136
(53)(51)	Probating will		137
	.....	\$ 15.00 <i>i</i>	138
	Proof of notice to beneficiaries		139
	.....	\$ 5.00 <i>i</i>	140
(54)(52)	Purchase personal property, application of surviving spouse to		141
	.....	\$ 10.00 <i>i</i>	142
(55)(53)	Purchase real estate at appraised value, petition of surviving spouse to		143
	.....	\$ 20.00 <i>i</i>	144
(56)(54)	Receipts in addition to advertising charges, application and order to record		145
	.....	\$ 5.00 <i>i</i>	146
	Record of those receipts, additional, per page		147
	.....	\$ 1.00 <i>i</i>	148
(57)(55)	Record in excess of fifteen hundred words <u>five pages</u> in any proceeding in the probate court, per page		149
	.....	\$ 1.00 <i>i</i>	150
(58)(56)	Release of estate by mortgagee or other lienholder		151
	.....	\$ 5.00 <i>i</i>	152
(59)(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		153

	.....	\$ 60.00 <i>i</i>	154
(60) (58)	Removal of fiduciary, application for		155
	.....	\$ 10.00 <i>i</i>	156
(61) (59)	Requalification of executor or administrator		157
	.....	\$ 10.00 <i>i</i>	158
(62) (60)	Resignation of fiduciary		159
	.....	\$ 5.00 <i>i</i>	160
(63) (61)	Sale bill, public sale of personal property		161
	.....	\$ 10.00 <i>i</i>	162
(64) (62)	Sale of personal property and report, application for		163
	.....	\$ 10.00 <i>i</i>	164
(65) (63)	Sale of real estate, petition for		165
	.....	\$ 25.00 <i>i</i>	166
(66) (64)	Terminate guardianship, petition <u>application and entry</u> to		167
	.....	\$ 10.00 <i>i</i>	168
(67) (65)	Transfer of real estate, application, entry, and certificate for		169
	.....	\$ 7.00 <i>i</i>	170
(68) (66)	Unclaimed money, application to invest		171
	.....	\$ 7.00 <i>i</i>	172
(69) (67)	Vacate approval of account or order of distribution, motion to		173
	.....	\$ 10.00 <i>i</i>	174
(70) (68)	Writ of execution		175
	.....	\$ 5.00 <i>i</i>	176
(71) (69)	Writ of possession		177
	.....	\$ 5.00 <i>i</i>	178
(72) (70)	Wrongful death, application and settlement of claim for		179
	.....	\$ 20.00 <i>i</i>	180
(73) (71)	Year's allowance, petition to review		181
	.....	\$ 7.00 <i>i</i>	182

(74) (72) Guardian's report, filing and review of	183
..... \$ 5.00.	184
(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.	185 186 187 188 189 190 191 192 193 194 195 196
(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.	197 198 199 200 201 202 203 204 205
(C) <u>Thirty Fifteen dollars of the fee collected pursuant to division (A)(29) of this section, fifty dollars of the thirty five dollar fee collected pursuant to division (A)(34)(33) of this section, ten dollars of the fee collected pursuant to division (A)(44) of this section, and twenty <u>thirty</u> 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.</u>	206 207 208 209 210 211 212 213 214

(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 services in the court of common pleas.

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

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

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

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the

surplus moneys in the fund as permitted in division (C) of section 247
2151.3529, division (B) of section 2151.3530, or section 5103.155 248
of the Revised Code. 249

Sec. 2101.162. (A)(1) The probate judge may determine that, 250
for the efficient operation of the probate court, additional funds 251
are required to computerize the court, make available computerized 252
legal research services, or to do both. Upon making a 253
determination that additional funds are required for either or 254
both of those purposes, the probate judge shall charge a fee not 255
to exceed ~~three~~ five dollars or authorize and direct a deputy 256
clerk of ~~his~~ the probate court to charge a fee not to exceed ~~three~~ 257
five dollars, in addition to the fees ~~specified in~~ charged under 258
divisions (A)(1), (2), (3), ~~(4)~~, ~~(6)~~(5), ~~(14)~~(13) to ~~(17)~~(16), 259
~~(20)~~(19) to ~~(25)~~(24), ~~(27)~~(26), ~~(30)~~(29) to ~~(32)~~(31), (33), (34), 260
~~(35)~~, ~~(37)~~(36) to ~~(48)~~(46), ~~(50)~~(48) to ~~(55)~~(53), (57) to (59) ~~to~~, 261
~~(61)~~, ~~(63)~~ to ~~(66)~~, ~~(69)~~ to (64), (67), and ~~(72)~~(70) of section 262
2101.16 of the Revised Code, the fee adopted pursuant to division 263
(F) of that section, and the fee charged in connection with the 264
docketing and indexing of an appeal. 265

(2) All moneys collected under division (A)(1) of this 266
section shall be paid to the county treasurer. The treasurer shall 267
place the moneys from the fees in a separate fund to be disbursed, 268
upon an order of the probate judge, in an amount no greater than 269
the actual cost to the court of procuring and maintaining 270
computerization of the court, computerized legal research 271
services, or both. 272

(3) If the court determines that the funds in the fund 273
described in division (A)(2) of this section are more than 274
sufficient to satisfy the purpose for which the additional fee 275
described in division (A)(1) of this section was imposed, the 276
court may declare a surplus in the fund and expend those surplus 277

funds for other appropriate technological expenses of the court. 278

(B)(1) The probate judge may determine that, for the 279
efficient operation of ~~his~~ the probate court, additional funds are 280
required to computerize the office of the clerk of the court and, 281
upon that determination, may charge a fee, not to exceed ~~ten~~ 282
fifteen dollars, or authorize and direct a deputy clerk of the 283
probate court to charge a fee, not to exceed ~~ten~~ fifteen dollars, 284
in addition to the fees ~~specified in~~ charged under divisions 285
(A)(1), (2), (3), ~~(4)~~, ~~(6)~~(5), ~~(14)~~(13) to ~~(17)~~(16), ~~(20)~~(19) to 286
~~(25)~~(24), ~~(27)~~(26), ~~(30)~~(29) to ~~(32)~~(31), (33), (34), ~~(35)~~, 287
~~(37)~~(36) to ~~(48)~~(46), ~~(50)~~(48) to ~~(55)~~(53), (57) to (59) ~~to~~, (61) ~~to~~ 288
~~(63)~~ ~~to~~ ~~(66)~~, ~~(69)~~ ~~to~~ (64), (67), and ~~(72)~~(70) of section 2101.16 289
of the Revised Code, the fee adopted pursuant to division (F) of 290
that section, and the fee charged in connection with the docketing 291
and indexing of an appeal. Subject to division (B)(2) of this 292
section, all moneys collected under this division shall be paid to 293
the county treasurer to be disbursed, upon an order of the probate 294
judge and subject to appropriation by the board of county 295
commissioners, in an amount no greater than the actual cost to the 296
probate court of procuring and maintaining computer systems for 297
the office of the clerk of the court. 298

(2) If the probate judge makes the determination described in 299
division (B)(1) of this section, the board of county commissioners 300
may issue one or more general obligation bonds for the purpose of 301
procuring and maintaining the computer systems for the office of 302
the clerk of the probate court. In addition to the purposes stated 303
in division (B)(1) of this section for which the moneys collected 304
under that division may be expended, the moneys additionally may 305
be expended to pay debt charges on and financing costs related to 306
any general obligation bonds issued pursuant to this division as 307
they become due. General obligation bonds issued pursuant to this 308
division are Chapter 133. securities. 309

Sec. 2101.17. The fees enumerated in this section shall be		310
paid to the probate court from the county treasury upon the		311
warrant of the county auditor which shall issue upon the		312
certificate of the probate judge and shall be in full for all		313
services rendered in the respective proceedings as follows:		314
(A) For each hearing to determine if a person is		315
a mentally ill individual subject to		
hospitalization when the person is committed		
to a state hospital or to relatives		
.....	\$ 12.00	316
	<u>40.00</u> ;	
(B) When the person is discharged		317
.....	7.00	318
	<u>25.00</u> ;	
(C) For order of return of a mentally ill person		319
to a state hospital or removal therefrom		
.....	2.00	320
	<u>10.00</u> ;	
(D) For proceedings for committing a person to		321
an institution for the mentally retarded		
.....	10.00	322
	<u>35.00</u> ;	
(E) For habeas corpus proceedings when a person		323
is confined under color of proceedings in a		
criminal case and is discharged		
.....	10.00	324
	<u>35.00</u> ;	
(F) When acting as a juvenile judge, for each		325
case filed against a delinquency <u>delinquent</u> ,		
dependent, unruly, or neglected child, or a		
juvenile traffic offender		
.....	5.00	326

20.00;

(G) For proceedings to take a child from parents		327
or other persons having control thereof		
.....	5.00	328
	<u>20.00.</u>	

Sec. 2111.51. Each county shall establish in the county 329
treasury an indigent guardianship fund. All revenue that the 330
general assembly appropriates to the indigent guardianship fund 331
for a county, ~~thirty~~ fifteen dollars of the fee collected pursuant 332
to division (A)(29) of section 2101.16 of the Revised Code, fifty 333
dollars of the ~~thirty-five dollar~~ fee collected pursuant to 334
division (A)~~(34)~~(33) of that section 2101.16 ~~of the Revised Code,~~ 335
ten dollars of the fee collected pursuant to division (A)(44) of 336
that section, and ~~twenty~~ thirty dollars of the ~~sixty-dollar~~ fee 337
collected pursuant to division (A)~~(59)~~(~~→~~)(57) of that section shall 338
be deposited into the fund that is established in that county. 339
Expenditures from the fund shall be made only upon order of the 340
probate judge and only for payment of any cost, fee, charge, or 341
expense associated with the establishment, opening, maintenance, 342
or termination of a guardianship for an indigent ward. 343

If a probate court determines that there are reasonably 345
sufficient funds in the indigent guardianship fund of the county 346
in which the court is located to meet the needs of indigent 347
guardianships in that county, the court, by order, may declare a 348
surplus in the indigent guardianship fund and expend the surplus 349
funds for other guardianship expenses or for other court purposes. 350

Sec. 2113.031. (A) As used in this section: 351

(1) "Financial institution" has the same meaning as in 352
section 5725.01 of the Revised Code. "Financial institution" also 353
includes a credit union and a fiduciary that is not a trust 354

company but that does trust business. 355

(2) "Funeral and burial expenses" means whichever of the 356
following applies: 357

(a) The funeral and burial expenses of the decedent that are 358
included in the bill of a funeral director; 359

(b) The funeral expenses of the decedent that are not 360
included in the bill of a funeral director and that have been 361
approved by the probate court; 362

(c) The funeral and burial expenses of the decedent that are 363
described in divisions (A)(2)(a) and (b) of this section. 364

(3) "Surviving spouse" means either of the following: 365

(a) The surviving spouse of a decedent who died leaving the 366
surviving spouse and no minor children; 367

(b) The surviving spouse of a decedent who died leaving the 368
surviving spouse and minor children, all of whom are children of 369
the decedent and the surviving spouse. 370

(B)(1) If the value of the assets of the decedent's estate 371
does not exceed the lesser of five thousand dollars or the amount 372
of the decedent's funeral and burial expenses, any person who is 373
not a surviving spouse and who has paid or is obligated in writing 374
to pay the decedent's funeral and burial expenses, including a 375
person described in section 2108.89 of the Revised Code, may apply 376
to the probate court for an order granting a summary release from 377
administration in accordance with this section. 378

(2) If either of the following applies, the decedent's 379
surviving spouse may apply to the probate court for an order 380
granting a summary release from administration in accordance with 381
this section: 382

(a) The decedent's funeral and burial expenses have been 383
prepaid, and the value of the assets of the decedent's estate does 384

not exceed the total of the following items: 385

(i) The allowance for support that is made under division (A) 386
of section 2106.13 of the Revised Code to the surviving spouse 387
and, if applicable, to the decedent's minor children and that is 388
distributable in accordance with division (B)(1) or (2) of that 389
section; 390

(ii) An amount, not exceeding five thousand dollars, for the 391
decedent's funeral and burial expenses referred to in division 392
(A)(2)(c) of this section. 393

(b) The decedent's funeral and burial expenses have not been 394
prepaid, the decedent's surviving spouse has paid or is obligated 395
in writing to pay the decedent's funeral and burial expenses, and 396
the value of the assets of the decedent's estate does not exceed 397
the total of the items referred to in divisions (B)(2)(a)(i) and 398
(ii) of this section. 399

(C) A probate court shall order a summary release from 400
administration in connection with a decedent's estate only if the 401
court finds that all of the following are satisfied: 402

(1) A person described in division (B)(1) of this section is 403
the applicant for a summary release from administration, and the 404
value of the assets of the decedent's estate does not exceed the 405
lesser of five thousand dollars or the amount of the decedent's 406
funeral and burial expenses, or the applicant for a summary 407
release from administration is the decedent's surviving spouse, 408
and the circumstances described in division (B)(2)(a) or (b) of 409
this section apply. 410

(2) The application for a summary release from administration 411
does all of the following: 412

(a) Describes all assets of the decedent's estate that are 413
known to the applicant; 414

(b) Is in the form that the supreme court prescribes pursuant 415
to its powers of superintendence under Section 5 of Article IV, 416
Ohio Constitution, and is consistent with the requirements of this 417
division; 418

(c) Has been signed and acknowledged by the applicant in the 419
presence of a notary public or a deputy clerk of the probate 420
court; 421

(d) Sets forth the following information if the decedent's 422
estate includes a described type of asset: 423

(i) If the decedent's estate includes a motor vehicle, the 424
motor vehicle's year, make, model, body type, manufacturer's 425
vehicle identification number, certificate of title number, and 426
date of death value; 427

(ii) If the decedent's estate includes an account maintained 428
by a financial institution, that institution's name and the 429
account's complete identifying number and date of death balance; 430

(iii) If the decedent's estate includes one or more shares of 431
stock or bonds, the total number of the shares and bonds and their 432
total date of death value and, for each share or bond, its serial 433
number, the name of its issuer, its date of death value, and, if 434
any, the name and address of its transfer agent. 435

(3) The application for a summary release from administration 436
is accompanied by all of the following that apply: 437

(a) A receipt, contract, written declaration as defined in 438
section 2108.70 of the Revised Code, or other document that 439
confirms the applicant's payment or obligation to pay the 440
decedent's funeral and burial expenses or, if applicable in the 441
case of the decedent's surviving spouse, the prepayment of the 442
decedent's funeral and burial expenses; 443

(b) An application for a certificate of transfer as described 444

in section 2113.61 of the Revised Code, if an interest in real 445
property is included in the assets of the decedent's estate; 446

(c) The fee required by division (A)~~(59)~~(57) of section 447
2101.16 of the Revised Code. 448

(4) At the time of its determination on the application, 449
there are no pending proceedings for the administration of the 450
decedent's estate and no pending proceedings for relief of the 451
decedent's estate from administration under section 2113.03 of the 452
Revised Code. 453

(5) At the time of its determination on the application, 454
there are no known assets of the decedent's estate other than the 455
assets described in the application. 456

(D) If the probate court determines that the requirements of 457
division (C) of this section are satisfied, the probate court 458
shall issue an order that grants a summary release from 459
administration in connection with the decedent's estate. The order 460
has, and shall specify that it has, all of the following effects: 461

(1) It relieves the decedent's estate from administration. 462

(2) It directs the delivery to the applicant of the 463
decedent's personal property together with the title to that 464
property. 465

(3) It directs the transfer to the applicant of the title to 466
any interests in real property included in the decedent's estate. 467

(4) It eliminates the need for a financial institution, 468
corporation, or other entity or person referred to in any 469
provision of divisions (A) to (F) of section 5731.39 of the 470
Revised Code to obtain, as otherwise would be required by any of 471
those divisions, the written consent of the tax commissioner prior 472
to the delivery, transfer, or payment to the applicant of an asset 473
of the decedent's estate. 474

(E) A certified copy of an order that grants a summary 475
release from administration together with a certified copy of the 476
application for that order constitutes sufficient authority for a 477
financial institution, corporation, or other entity or person 478
referred to in divisions (A) to (F) of section 5731.39 of the 479
Revised Code or for a clerk of a court of common pleas to transfer 480
title to an asset of the decedent's estate to the applicant for 481
the summary release from administration. 482

(F) This section does not affect the ability of qualified 483
persons to file an application to relieve an estate from 484
administration under section 2113.03 of the Revised Code or to 485
file an application for the grant of letters testamentary or 486
letters of administration in connection with the decedent's 487
estate. 488

Sec. 2303.201. (A)(1) The court of common pleas of any county 489
may determine that for the efficient operation of the court 490
additional funds are required to computerize the court, to make 491
available computerized legal research services, or to do both. 492
Upon making a determination that additional funds are required for 493
either or both of those purposes, the court shall authorize and 494
direct the clerk of the court of common pleas to charge one 495
additional fee, not to exceed three dollars, on the filing of each 496
cause of action or appeal under divisions (A), (Q), and (U) of 497
section 2303.20 of the Revised Code. 498

(2) All fees collected under division (A)(1) of this section 499
shall be paid to the county treasurer. The treasurer shall place 500
the funds from the fees in a separate fund to be disbursed, upon 501
an order of the court, in an amount not greater than the actual 502
cost to the court of procuring and maintaining computerization of 503
the court, computerized legal research services, or both. 504

(3) If the court determines that the funds in the fund 505

described in division (A)(2) of this section are more than 506
sufficient to satisfy the purpose for which the additional fee 507
described in division (A)(1) of this section was imposed, the 508
court may declare a surplus in the fund and expend those surplus 509
funds for other appropriate technological expenses of the court. 510

(B)(1) The court of common pleas of any county may determine 511
that, for the efficient operation of the court, additional funds 512
are required to computerize the office of the clerk of the court 513
of common pleas and, upon that determination, authorize and direct 514
the clerk of the court of common pleas to charge an additional 515
fee, not to exceed ten dollars, on the filing of each cause of 516
action or appeal, on the filing, docketing, and endorsing of each 517
certificate of judgment, or on the docketing and indexing of each 518
aid in execution or petition to vacate, revive, or modify a 519
judgment under divisions (A), (P), (Q), (T), and (U) of section 520
2303.20 of the Revised Code. Subject to division (B)(2) of this 521
section, all moneys collected under division (B)(1) of this 522
section shall be paid to the county treasurer to be disbursed, 523
upon an order of the court of common pleas and subject to 524
appropriation by the board of county commissioners, in an amount 525
no greater than the actual cost to the court of procuring and 526
maintaining computer systems for the office of the clerk of the 527
court of common pleas. 528

(2) If the court of common pleas of a county makes the 529
determination described in division (B)(1) of this section, the 530
board of county commissioners of that county may issue one or more 531
general obligation bonds for the purpose of procuring and 532
maintaining the computer systems for the office of the clerk of 533
the court of common pleas. In addition to the purposes stated in 534
division (B)(1) of this section for which the moneys collected 535
under that division may be expended, the moneys additionally may 536
be expended to pay debt charges on and financing costs related to 537

any general obligation bonds issued pursuant to division (B)(2) of 538
this section as they become due. General obligation bonds issued 539
pursuant to division (B)(2) of this section are Chapter 133. 540
securities. 541

(C) The court of common pleas shall collect the sum of 542
twenty-six dollars as additional filing fees in each new civil 543
action or proceeding for the charitable public purpose of 544
providing financial assistance to legal aid societies that operate 545
within the state and to support the office of the state public 546
defender. This division does not apply to proceedings concerning 547
annulments, dissolutions of marriage, divorces, legal separation, 548
spousal support, marital property or separate property 549
distribution, support, or other domestic relations matters; to a 550
juvenile division of a court of common pleas; to a probate 551
division of a court of common pleas, except that the additional 552
filing fees shall apply to name change, guardianship, adoption, 553
and full administration of decedents' estate proceedings; or to an 554
execution on a judgment, proceeding in aid of execution, or other 555
post-judgment proceeding arising out of a civil action. The filing 556
fees required to be collected under this division shall be in 557
addition to any other filing fees imposed in the action or 558
proceeding and shall be collected at the time of the filing of the 559
action or proceeding. The court shall not waive the payment of the 560
additional filing fees in a new civil action or proceeding unless 561
the court waives the advanced payment of all filing fees in the 562
action or proceeding. All such moneys collected during a month 563
shall be transmitted on or before the twentieth day of the 564
following month by the clerk of the court to the treasurer of 565
state in a manner prescribed by the treasurer of state or by the 566
Ohio legal assistance foundation. The treasurer of state shall 567
deposit four per cent of the funds collected under this division 568
to the credit of the civil case filing fee fund established under 569
section 120.07 of the Revised Code and ninety-six per cent of the 570

funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code. 571
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The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. 573
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(D) On and after the thirtieth day after December 9, 1994, the court of common pleas shall collect the sum of thirty-two dollars as additional filing fees in each new action or proceeding for annulment, divorce, or dissolution of marriage for the purpose of funding shelters for victims of domestic violence pursuant to sections 3113.35 to 3113.39 of the Revised Code. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34 of the Revised Code. Upon their deposit into the fund, the moneys shall be retained in the fund and expended only as described in section 3113.34 of the Revised Code. 577
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(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of 598
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equipment, the hiring and training of staff, community service 603
programs, mediation or dispute resolution services, the employment 604
of magistrates, the training and education of judges, acting 605
judges, and magistrates, and other related services. Upon that 606
determination, the court by rule may charge a fee, in addition to 607
all other court costs, on the filing of each criminal cause, civil 608
action or proceeding, or judgment by confession. 609

If the court of common pleas offers a special program or 610
service in cases of a specific type, the court by rule may assess 611
an additional charge in a case of that type, over and above court 612
costs, to cover the special program or service. The court shall 613
adjust the special assessment periodically, but not retroactively, 614
so that the amount assessed in those cases does not exceed the 615
actual cost of providing the service or program. 616

All moneys collected under division (E) of this section shall 617
be paid to the county treasurer for deposit into either a general 618
special projects fund or a fund established for a specific special 619
project. Moneys from a fund of that nature shall be disbursed upon 620
an order of the court in an amount no greater than the actual cost 621
to the court of a project. If a specific fund is terminated 622
because of the discontinuance of a program or service established 623
under division (E) of this section, the court may order that 624
moneys remaining in the fund be transferred to an account 625
established under this division for a similar purpose. 626

(2) As used in division (E) of this section: 627

(a) "Criminal cause" means a charge alleging the violation of 628
a statute or ordinance, or subsection of a statute or ordinance, 629
that requires a separate finding of fact or a separate plea before 630
disposition and of which the defendant may be found guilty, 631
whether filed as part of a multiple charge on a single summons, 632
citation, or complaint or as a separate charge on a single 633
summons, citation, or complaint. "Criminal cause" does not include 634

separate violations of the same statute or ordinance, or 635
subsection of the same statute or ordinance, unless each charge is 636
filed on a separate summons, citation, or complaint. 637

(b) "Civil action or proceeding" means any civil litigation 638
that must be determined by judgment entry. 639

Section 2. That existing sections 2101.16, 2101.162, 2101.17, 640
2111.51, 2113.031, and 2303.201 of the Revised Code are hereby 641
repealed. 642

Section 3. Until a probate court adopts a rule establishing 643
fees pursuant to division (A) of section 2101.16 of the Revised 644
Code as amended by this act, the fees set forth in that division 645
as it existed on the effective date of this act shall remain in 646
effect. 647