



Indigent Driver Alcohol Treatment (IDAT) Fund

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What is the IDAT Fund?

The Indigent Driver Alcohol Treatment (IDAT) Fund allows courts in Ohio to access necessary addiction treatment services for offenders convicted of operating a vehicle under the influence of alcohol or drugs (OVI) who are unable to pay for those services. In some circumstances, the funds may also be utilized for the use of an electronic, continuous alcohol monitoring device and for addiction treatment services for convicted non-OVI offenders when drugs or alcohol was determined to be a contributing factor to the crime.



Where does the money come from?

IDAT receives \$37.50 from each driver's license reinstatement fee from offenders convicted of impaired driving who lose their licenses because they refused or failed a breath or blood test (RC 4511.191(F)(2)(c)). The money is transferred via the state treasury from the Ohio Bureau of Motor Vehicles through the Ohio Department of Mental Health

and Addiction Services (OhioMHAS) to the local court fund. IDAT also receives \$25 from each fine for OVI, \$1.50 for every moving traffic violation conviction and \$50 for immobilization waiver fees. These fines, fees and costs are collected by the court of jurisdiction that has the statutory authority to maintain an IDAT account.

What role does the ADAS/ADAMHS Board play in IDAT funds?

ORC 4511.191(H)(3) requires that the local Alcohol and Drug Addiction Services (ADAS) Board or Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board administer the IDAT program of the court within its Board region. When a court orders an offender to attend an alcohol and drug addiction treatment program, the Board is required to determine the most suitable program to meet the offender's needs. The Board is also required to submit an annual report to OhioMHAS detailing the utilization of each IDAT fund held by the courts within its Board region.

How may funds be used?

Part 1 — Treatment services

IDAT funds may be used only to pay for the cost of an alcohol and drug addiction treatment program attended by an OVI offender who is ordered into treatment and must meet the Ohio Public Defender Commission's standards for indigency determination which can be found at OAC 120-1-03. The program delivering the services must be an OhioMHAS certified addiction treatment provider.

IDAT funds may only be used for alcohol monitoring devices upon exhaustion of monies in the indigent drivers ignition interlock and alcohol monitoring fund created pursuant to ORC 4511.191(I).

Part 2 — Alcohol monitoring devices

a) If the source of the IDAT funds originates from OVI fines, driver reinstatement fees, immobilization waiver fees or an appropriation from the General Assembly, the funds can be



used to pay for the continued use of an alcohol monitoring device, in conjunction with an OhioMHAS certified addiction treatment program when the use is determined clinically necessary, or

b) If the source of the IDAT funds originates from additional court costs imposed pursuant to ORC 2949.094, the funds can be used for the use of an alcohol monitoring device with or without treatment.

What if there is a surplus in the fund?

A court may declare a surplus in the fund if it is determined, in consultation with its local Board, that the IDAT funds under the control of the court are more than sufficient to satisfy the purpose for which the fund was established.

If the court declares a surplus in the fund, it may use the amount of the surplus for alcohol/drug abuse assessment and treatment of persons who are charged with committing a criminal offense or with being a delinquent child or juvenile traffic offender if the court determines:

a) Substance abuse was a contributing factor leading to the criminal/delinquent activity or juvenile traffic offense with

which the person is charged, and

b) The person is unable to pay the cost of the alcohol and drug abuse assessment and treatment using the Ohio Public Defender Commission's indigency standards.

If the court declares a surplus in the fund, the court may also use the funds to pay for all or part of the cost of purchasing alcohol monitoring devices that are used in conjunction with a treatment program.

May IDAT funds be utilized for Driver Intervention Programs (DIPs)?

IDAT funds pay primarily for alcohol and drug addiction treatment services delivered by certified treatment providers. Driver Intervention Programs (DIPs) are an education and alternative to incarceration program. They are not OhioMHAS certified treatment programs; therefore, the total cost of DIP programming is an unallowable cost. However, the cost of an assessment conducted by an appropriately licensed clinician at a certified DIP can be paid with IDAT funds. This is the only billable service for which IDAT funds may be used.