



STATE OF ALABAMA
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Office of the State Comptroller

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MEMORANDUM

TO: All Probate Judges

FROM: Thomas L. White, Jr. 
State Comptroller

DATE: May 17, 2012

RE: IMPORTANT CHANGE – Payments for Mental Commitments

On July 20, 2011, the Comptroller's Office issued a memorandum to Probate Judges and Chief Clerks entitled "Act 2011-678 Provisions relating to Appointed Counsel for Mental Commitments". This memorandum detailed major changes to the attorney's appointed counsel reimbursement process. You can view a copy of this memorandum on the Comptroller's website at the following web address: <http://comptroller.alabama.gov/pages/memos.aspx>.

The Page 2 portion of the cited memorandum required "claims must be submitted to the Comptroller's Office for payment within a reasonable time, not to exceed 90 days of final disposition of the case" is hereby rescinded.

The procedures detailed below apply to *all costs* associated with a mental commitment claim sent to the Comptroller's Office for payment of a disposed mental commitment case. Historically, the Comptroller's Office paid claims from the counties when presented. The Budget Management Act, Fiscal Year Appropriation Bills, Board of Adjustment statutes and Section 41-9-65 (which includes Act 2010-693) govern payments for mental commitment claims and their associated costs. Based on legal guidance, the following changed procedures are *effective immediately*.

- All rejected/returned claims that did not meet the 90-day limit will be paid. Please resubmit those claims to the Comptroller's Office.
- A final disposition date *must* be included on the Probate Judge Declaration Form and Attorney Fee Declaration Form. This date will be used for the final date of service.
- The State's fiscal year is October 1 through September 30, with a closeout 13th Accounting Period. Claims that are disposed with the final date of service during any fiscal year *must* be in the Comptroller's Office before the 13th Accounting Period closes for each fiscal year in November. *Your office will be notified of this deadline.*
- Effective October 1, 2012, all claims for Fiscal Year 2012 (October 1, 2011 through September 30, 2012) *must* be sent to the Comptroller's Office on or before November 23, 2012, to be a valid claim for Fiscal Year 2012. Any claims *postmarked after* November 23, 2012, will be returned unpaid. The only recourse will be through the Board of Adjustment.

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- Each county is responsible for *informing all* county personnel handling mental commitment claims and entities seeking reimbursement through the Probate Court for mental commitment services of these procedures.
- Each county is responsible filing *accurate and timely* invoices to the Comptroller's Office. Fees for services attached to the Probate Judge Declaration Form should be audited at the county level for accuracy and completeness before submitting to the Comptroller's Office for payment.
- Partial claims are acceptable and permissible after July 1 each fiscal year to avoid payment delay and or rejection. Do not hold mental commitment claims pending other entities to submit invoices.
- Attorneys *must* use the Attorney Fee Declaration Form FRMS-MC1, which can be found at <http://eforms.alacourt.gov/>. Follow the guidelines established by the Alabama Bar Association to complete these forms.
- Mental commitment claims to be paid to the Probate Judge *must* be attached to the Probate Judge Declaration Form prescribed by the Comptroller's Office, which can be found at <http://comptroller.alabama.gov/>. Computer generated forms are acceptable, but *must* contain all the information and be in the format of the Comptroller's Office prescribed form.

If you have any questions regarding the changes, please contact the Fiscal Management section of the Comptroller's Office.

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Ms. Margaret McGowan, Staff Accountant
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Please acknowledge receipt of this memorandum via e-mail reply to either Ms. Harris or Ms. McGowan. In your reply, please include a contact name, mailing address, phone number and e-mail address. A compilation of this information will expedite the relay of future messages to you and allow for open communication between Probate Judges, Chief Clerks and our staff. If your office does not have e-mail capabilities, please fax acknowledgement and contact information requested to 334-353-9221.

TLWjr/PKH/dt

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