



STATE OF ALABAMA  
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Office of the State Comptroller

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State Comptroller

MEMORANDUM

**TO:** All Probate Judges

**FROM:** Kathleen D. Baxter   
State Comptroller

**DATE:** August 10, 2017

**SUBJECT:** County Claims for Reimbursement by State of Alabama  
For Mental Commitments  
Notice Pursuant to Act 2010-693

**November 24, 2017** is the deadline to submit claims for expenses incurred October 1, 2016 through September 30, 2017 that are reimbursable to the county by the State of Alabama, for mental commitment claims. Guidelines are enclosed establishing the policies and procedures for reimbursement of these claims.

Questions regarding submitting claims for the end of the fiscal year should be directed to Amanda Leger (334) 242-7064 or Pam Harris (334) 242-4225. Additional information regarding the State's fiscal year end procedures can be found at the Comptroller's website located at [www.comptroller.alabama.gov](http://www.comptroller.alabama.gov) in the link for the "End of Year Memo 2017."

This notice is issued pursuant to Act 2010-693. Although further inquiries may be addressed to (334) 242-7063, ideally questions should be submitted to the person or office normally responsible for processing the specific claims.

KDB/adl

## COMPTROLLER'S GUIDELINES

FOR PAYMENT OF EXPENSES FOR COMMITMENT, DISCHARGE AND TRANSFER OF PERSONS IN STATE INSTITUTIONS UNDER SECTIONS 22-52.1.1 through 22 -52-17, CODE OF ALABAMA.

### SOURCES OF AUTHORITY FOR PAYMENT OF EXPENSES OF INVOLUNTARY COMMITMENT PROCEEDINGS

Judges of Probate – (Cites are to Code of Alabama, 1975, as amended)

- 22-52-12 All necessary expenses incurred in transporting a respondent for inpatient treatment are taxed as costs of the proceeding.
- 22-52-14 In any commitment proceeding, (1) the fees paid for representation of petitioner or respondent, as GAL and/or attorney, are to be paid at the rates set out in 15-12-21; (2) any expert employed to offer expert testimony shall be paid “such amounts as found to be reasonable by the probate judge; (3) all other costs allowable by law shall be paid by the state general fund upon order of the probate judge.”
- 22-52-17 When transporting a respondent for mental evaluation, the sheriff shall receive reimbursement for expenses in transporting the respondent to and from the facility at the rate allowed in 36-7-20. Further, the cost of conveying [respondent] shall be taxed as costs of the proceeding. **Please note** – 36-7-20 is entitled as “allowances for expenses other than transportation of persons traveling within state.” This statute covers per diem and meal allowances.

Comptroller – (Cites are to Code of Alabama, 1975, as amended)

- 41-4-50 Functions and duties include:  
(4) To preaudit and **determine the correctness and legality** of every claim and account submitted for issuance of a warrant ....”
- 41-4-54 Accounts against state must be accurately and **fully itemized**.
- 41-4-61 Comptroller has authority to require information ... touching any claim or account he is required to audit.

### GENERAL RULES ON EXPENSES SUBJECT TO PAYMENT FROM STATE TREASURY

Only expenses incurred after the filing of a petition are eligible for payment. Expenses incurred prior to a Petition cannot be paid.

Expenses must be reasonable and necessary - All charges against the Treasury of the State must be necessary to the action in which they were incurred and must be reasonable in amount.

As recognized in Attorney General's Opinion 2012-055 : “There are no laws or statutes that determine or define a reasonable and necessary expense in any given situation.” That Opinion does provide the following guidance:

“According to Black's Law Dictionary, the term “reasonable” is defined as “[f] air, proper, or moderate under the circumstances .... According to reason .... [[H]aving the faculty of reason (a reasonable person would have looked both ways ....)” BLACK'S LAW DICTIONARY 1379 (9<sup>th</sup> ed. 2009). Webster's Third New International Dictionary defines the term “necessary” as “items ... that cannot be done without: things that must be had: essentials.” WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1510 (3<sup>rd</sup> ed. 2002). Accordingly, a reasonable and necessary expense is an expense that is essential and fair