

KENTUCKY CIRCUIT COURT CLERKS' MANUAL

July 15, 2016

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The Kentucky Circuit Court Clerks' Manual (Clerks' Manual) is published by the Administrative Office of the Courts (AOC) and written by the AOC Office of Legal Services.

The online version of the Clerks' Manual is the official version and is current as of the date you are viewing it online. *Be advised that the Clerks' Manual is subject to revision at any time as a result of changes necessary pursuant to statute, court rule, and case law, as well as legal interpretations made by the AOC office of legal services.*

Supreme Court of Kentucky

2015-11

IN RE: Kentucky Circuit Court Clerks' Manual

The Circuit Court Clerks' Manual is hereby adopted as an internal policy and administration manual consistent with Kentucky Rule of Civil Procedure 1(2) and Kentucky Rule of Criminal Procedure 1.02(2). The manual is published for the purpose of establishing procedures for the daily operations in the offices of Kentucky Circuit Court Clerks in order to provide consistency of practice and to promote uniformity in the recordkeeping and clerical functions in the Kentucky Court of Justice.

The Clerks' Manual shall be provided online by the Administrative Office of the Courts (AOC) on the Kentucky Court of Justice website, www.courts.ky.gov. The Manual is subject to revision at any time as a result of changes necessary pursuant to statute, court rule, and case law as well as legal interpretations made by the AOC Office of Legal Services.

This Order shall be effective on June 1, 2015.

Entered this 6th day of May, 2015.


CHIEF JUSTICE

HOW TO USE THIS MANUAL

Where it is applicable, this manual will feature full-length instructions, as well as quick-reference instructions on the right-hand column. All quick-reference instructions align with corresponding instructions, so if something is not clear, you can quickly reference the appropriate instruction for further information.

3.3 Order

1. Upon receipt of a judgment or final order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description.
3. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney.
4. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of judgment.
5. Close the case by completing the disposition date, disposition type and judge at disposition fields on the case screen.

NOTE: Right of redemption exists if land was sold in pursuance of a judgment or court order or under execution for less than two thirds of the appraised value.

Enter, date, initial
Add document
Serve notice of entry
Document manner and date of notice of entry
Close case

Hyperlinks can be utilized throughout the manual to connect the user to specific references in the KyCourts User Manual, Clerks' Accounting Manual, and Court of Justice Forms. The user may also use hyperlinks to connect to other chapters or headings within this manual.

Process maps are also available by hyperlinks in various chapters throughout this manual and provide a visual workflow of clerk processes. A full list of process maps may be found [here](#), including a [Circuit Court Clerks – Symbol & Sub-Process List](#) with a legend of map symbols and sub-process maps.

NOTE: Some hyperlinks may only be accessed by authorized Court of Justice personnel. Users external to the COJ may not receive a message indicating why a link is not available.

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1 ADOPTIONS

KRS 199.470 - 199.630

Circuit Court or Family Court Division of Circuit Court

[Process Map](#)

1.1 ***Confidentiality***

Adoption cases are confidential. You may not disclose the names of any parties or furnish any copy of the records except on court order. KRS 199.570(1).

Pending case files and records are not open to inspection by anyone except:

- The parties;
- Their attorneys; and
- The Cabinet for Health and Family Services.

1.2 ***Temporary Custody***

- KRS 199.473 provides for the process to file for temporary custody in anticipation of filing an adoption petition. If you receive a petition for custody with intent to adopt it may be filed as an AD case type using the steps below.

1. Upon receipt of a Petition for Adoption, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

2. Apply the **FILED** stamp to the petition; add the date and your initials. Open the case in the confidential **CO** division of KYCourts following instructions in the [Case Add](#) section of the KyCourts Manual.
3. Generate the next case for **AD** adoption cases or use the next pre-numbered file folder. Use the case type **ADPT**.
4. Create a party screen for the child using the child's current name.
5. Schedule a hearing no later than 72 hours after the filing of the petition, excluding weekends and holidays.
6. Issue and serve summons and the petition per the initiating party's instructions. See [Service of Process](#).

NOTE: A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125.

7. Send notice of the petition to **Cabinet for Health and Family Services (CHFS)** to investigate.
NOTE: If the court designates some other person, agency or institution to make the required investigation, send one copy of the petition, and notify the Cabinet for Health and Family Services of this designation. Fees for copying and forwarding are to be taxed as costs. KRS 199.510.
8. Create a six month review (tickler) from the date of the filing of the petition. If the adoption is finalized prior to the six month review remember to unschedule (DELSCH) the tickler event.
9. When motions or other pleadings are filed in the case, apply the **FILED** stamp; add the date and your initials and file on the appropriate screen.

1.3 *Petition for Adoption*

- Separate petitions shall be filed for each child and individual case numbers shall be assigned. All siblings' files shall be assigned to the same judge. FCRPP 32(2)(a).
 - Every petition shall include the case number of any underlying juvenile case, specifically dependency, neglect or abuse or termination of parental rights cases and shall include the name of any guardian ad litem previously appointed. FCRPP 32(2)(b).
1. Upon receipt of a Petition for Adoption, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.
EXCEPTIONS: The following are exempted from filing fees:
 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.
 2. Apply the **FILED** stamp to the petition; add the date and your initials. Open the case in the confidential **CO** division of KyCourts following instructions in the [Case Add](#) section of the KyCourts Manual.

Quick Reference

Collect filing fees

File, date, initial
Case **CO**

3. Generate the next case for **AD** adoption cases or use the next pre-numbered file folder. Use the case type **ADPT**.
4. Create a party screen for the child using the child’s current name.
5. Issue and serve summons and the petition per the initiating party’s instructions. See [Service of Process](#).
NOTE: A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125.
6. Send two copies of the petition to **Cabinet for Health and Family Services (CHFS)** to investigate.
NOTE: If the court designates some other person, agency or institution to make the required investigation, send one copy of the petition, and notify the Cabinet for Health and Family Services of this designation. Fees for copying and forwarding are to be taxed as costs. KRS 199.510.
7. When motions or other pleadings are filed in the case, apply the **FILED** stamp; add the date and your initials and file on the appropriate screen. When a motion or order sets a hearing, complete a scheduled events screen.
8. Pursuant to FCRPP 33, in the event of an uncontested adoption, a hearing shall be held within 60 days of the filing of a request for a final hearing.

Quick Reference
Case AD
Case type ADPT
Create party screen
Issue and serve summons
<i>CHFS</i>
<i>Department for Community Based Services- Adoptions Section 275 E Main St, 3-CE Frankfort, KY 40621</i>
File, date, initial
Complete scheduled events screen

1.4 [Guardian Ad Litem](#)

1. Upon receipt of an affidavit or a petition requesting the appointment of a guardian ad litem, apply the **FILED** stamp; add the date and your initials. File on a document screen using document type **AFF**.
2. Consult your roster of attorneys and make an appointment unless your judge wishes to make these appointments.
3. Prepare [AOC Form 115](#), Appointment of Guardian Ad Litem. Apply the **FILED** stamp; add the date and your initials. File on a document screen using document type **AGAL**.
4. Attach a copy of the appointment to the summons and complaint to be served on the defendant through the guardian ad litem. Send a copy of the appointment to the attorney for the plaintiff and all other parties.
NOTE: If a guardian ad litem is not appointed when the petition is filed, then the court, not the clerk, appoints a guardian ad litem to defend the action. You may make this appointment only when the judge is not present in the county. CR 17.03(2).
5. Complete a party screen for the guardian ad litem.

File, date, initial
Document type AFF
AOC Form 115
File, date, initial
Document type AGAL
Complete a party screen

1.5 Adoption Judgment

1. Upon receipt of a signed judgment or order apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen in the computer including a brief description in the memo field. Use document type **JA**.
3. If the judgment changes the child's name, create a party screen using the party type **NKA** (now known as). Do not delete the original party screen.
4. Give [notice of entry](#) of the judgment to the attorney for petitioners.
5. Send an attested copy of the final judgment, whether granting, denying or dismissing the petition, to the **Cabinet for Health and Family Services**.

NOTE: This includes any amendment, reversal, modification or vacation of the judgment. KRS 199.520(3), 199.570(5).

Quick Reference

Enter, date, initial

Enter judgment/order
on document screen

Document type **JA**

NKA- now known as

Notice of entry

CHFS

*Department of
Community Based
Services*

*Adoption Section
275 E Main St, 3-CE
Frankfort, KY 40621*

1.5.1 VS 102 Forms

If Vital Statistics Form VS 102 (Adoption Information) is not filed concurrently with the petition, furnish the form to the petitioner or attorney for completion. After an adoption is ordered, complete the certification portion of Form VS-102. KRS 199.570(2). Mail to the **Cabinet for Health and Family Services, Office of Vital Statistics**.

CHFS

*Office of Vital Statistics-
First Floor East
275 E Main St
Frankfort, KY 40621*

1.5.2 Sealing the File

1. When the final order is entered, place the court file in a suitable envelope and seal it. Note the case number on the outside of the envelope and place in numerical order in a locked cabinet. These cases are not to be opened by anyone except on written court order. KRS 199.570(1).

EXCEPTION:

- A copy of a judgment in an adoption case being appealed may be made available to a party to the appeal. Bone v. Shadoan, Ky., 746 SW2d 68 (1988).
2. Close the case by completing the disposition date, disposition type and judge disposition fields on the case screen.

Place order in envelope
and seal it

Complete disposition
date, type, and judge
on case screen

1.5.3 Health Care Information

1. If you receive health care information for inclusion in an adoption case file, apply the **FILED** stamp; add the date and your initials. File by completing a document screen.
2. If the adoption file is sealed, attach the document to the sealed file and deliver to the chief circuit judge. Follow the judge's order as to opening and re-sealing the case file.
3. If the health care information is received from a source other than the Cabinet for Health and Family Services, mail a copy of the information to **Cabinet for Health and Family Services**.

Quick Reference
File, date, initial

*CHFS
Department of
Community Based
Services,
Adoption Section
275 E Main St, 3-CE
Frankfort, KY 40621*

1.6 Foreign Country Adoptions

A petition for adoption under KRS 199.470 shall be required for a child born outside the United States without a decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign county, or for any child born outside of the United States who does not qualify for United States citizenship upon entry into the United States. KRS 199.585. Follow the process as set forth in [Petition for Adoption](#).

1.7 Inspection of Adoption Records

KRS 199.572

1. An adult, adopted person 21 years old or older may petition the circuit court for inspection of his/her adoption records retained by the clerk's office. [AOC Form 290](#), (Petition to Inspect Adoption Records) may be used.
2. If an adoption is of record in your office, apply the **FILED** stamp to the petition; add the date and your initials and file on a document screen using document code **PIAR**. Attach the petition to the sealed adoption file and deliver to the judge. Do not collect a filing fee or issue a summons.
3. If there is no adoption file of record in your office, return the petition to the petitioner.

AOC Form 290

File, date, initial
Document code **PIAR**

Do not collect filing fee or issue summons

1.7.1 Inspection Without Notification

If the court orders inspection without notification to Cabinet for Health and Family Services (CHFS):

1. Apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 290.1](#), (Order Granting Request to Inspect) may be used.
2. Enter the order on the document screen, including a brief description. Serve notice of entry on the petitioner. Make an entry on the document screen showing the manner and date of service on the notice of entry of the order. See [Notice of Entry](#).

Quick Reference
Enter, date, initial
AOC Form 290.1

Notice of entry

1.7.2 CHFS to Notify

If the court orders CHFS to notify biological parents:

1. Apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 290.1](#), (Order Requiring CHFS to Notify Biological Parents) may be used. Enter on a document screen. Serve CHFS by first class mail with a copy of both AOC Form 290 and AOC Form 290.1.
2. Instruct the petitioner to contact the **Cabinet for Health and Family Services**, regarding payment of a fee for adult adoptee searches.

CHFS Telephone: (502) 564-2147

3. Upon receipt of any affidavit of notification of biological parents or affidavit that the parents are deceased or cannot be located, apply the **FILED** stamp; add the date and your initials.
4. File the affidavit on a document screen, using document type **AFF**. Take the file to the judge.
5. Apply the **FILED** stamp; add the date and your initials to any affidavit tendered by the biological parents that authorizes or does not authorize inspection and file on a document screen. Send a copy to the CHFS address.
6. Take the file to the judge.

Enter, date, initial
NOE

AOC Form 290 and AOC
Form 290.1

*CHFS
Department of
Community Based
Services,
Adoption Section
275 E Main St, 3-CE
Frankfort, KY 40621
T: 502-564-2147*

Document type **AFF**

File, date, initial
Take file to judge

1.7.3 Order Granting or Denying Inspection

1. Upon receipt of a signed order granting or denying the request to inspect apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 290.2](#), (Order Granting or Denying Request to Inspect Adoption Records) may be used. Use document code **OGI** Order Granting Inspection or **ODI** Order Denying Inspection.
2. Enter the order on the document screen, including a brief description. Serve notice of entry on the petitioner and make an entry on the document screen showing the manner and date of service of the notice of entry of the order. See [Notice of Entry](#). A copy should also be sent to the **Cabinet for Health and Family Services**.
3. Reopen and reseal the adoption record pursuant to the judge's order.

Quick Reference

Enter, date, initial
AOC Form 290.2

Document type **OGI** or
ODI

Serve notice of entry

*CHFS
Department of
Community Based
Services,
Adoption Section
275 E Main St, 3-CE
Frankfort, KY 40621*

Reopen and reseal
adoption record

2 AFFIDAVITS

CR 43.13, KRS 30A.070

- An affidavit is a written statement or declaration sworn to or affirmed before an officer per CR 43.13.
 - Clerks may take any affidavit requested or permitted in the progress of a proceeding in his/her court. KRS 30A.070.
 - A clerk is not a notary public by virtue of the office but rather has a limited authorization to administer oaths and certify court forms or other court-related documents.
1. Upon the receipt of an affidavit have the affiant swear or affirm the truth of his/her statement and sign the affidavit in your presence.
 2. Certify and sign following the affiant's signature.

NOTE: You do not need to be a notary public to certify court documents. Your clerk's oath serves that purpose. To certify non-court documents (outside the duties of the clerk's office); you need to become a notary public.

3 AGISTER’S LIEN AND WARRANT

KRS 376.400, 376.410

District Court

[Process Map](#)

- Agister's lien is a lien upon an animal provided by contract or statute as a security for fees of a person who has fed or cared for the animal.
- After a lien has been filed in the county clerk's office, the lien may be enforced in district court in the county where the animal was boarded.

3.1 *Receipt of Affidavit*

1. Upon receipt of an [affidavit](#) to enforce an agister's lien collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **FILED** stamp to the affidavit; add the date and your initials. *CR 5.05(3)*.
3. Open a case. For more information, see [Case Add](#) of KyCourts Manual. Use case type **OTH**.
4. Generate the next case number for district civil **C** cases or use the next pre-numbered file folder.
5. Assign to a division using the procedure in your local court rules.
6. Upon receipt of an agister's warrant apply the **FILED** stamp and add the date and your initials.
NOTE: An agister’s warrant will be prepared by the plaintiff or plaintiff’s attorney and issued by the district judge. KRS 376.410.
7. Enter on a document screen, using the document type **AFAL**.
8. Make a copy of the warrant. Give the plaintiff the original and one copy of the warrant, and a copy of the affidavit. Instruct the plaintiff to deliver them to the officer for service. The plaintiff will pay the officer directly. *CR 4.01(1)(b), KRS 23A.200(2), 24A.170(2)*.
9. When a return of service is made, enter the return date in the memo field of the same document screen. *CR 4.01(1)(b), KRS 23A.200(2), 24A.170(2)*.

Quick Reference
 Collect filing fees
 File, date, initial
 Case type **OTH**
 District Civil **C** case
 File, date, initial
 Document type **AFAL**
 Copy warrant and give warrant and affidavit to plaintiff.

3.2 *Motion to Stay the Proceedings*

1. Upon receipt of a motion to stay the proceedings of an agister's lien and warrant, apply the **FILED** stamp; add the date and your initials.
2. If the defendant posts a bond to stay the proceedings, collect a bond fee as appropriate, and add the date and your initials to the bond. For more information, see [Bonds](#).
3. File by completing a document screen, using the document type **AFF**.
4. Require the surety to make an affidavit to show he/she qualifies. KRS 454.180, KRS 454.185. Taking the affidavit relieves you of liability for taking insufficient surety if the surety falsifies financial information. For more information, see [Surety Requirements](#).
5. Set a hearing by completing a scheduled events screen. For more information, see [Scheduled Events](#) in the KyCourts Manual.

Quick Reference

File, date, initial

Document type **AFF**

Set hearing

3.3 *Order*

1. Upon receipt of a judgment or final order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description.
3. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney.
4. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of judgment.
5. Close the case by completing the disposition date, disposition type and judge at disposition fields on the case screen.

NOTE: Right of redemption exists if land was sold in pursuance of a judgment or court order or under execution for less than two thirds of the appraised value.

Enter, date, initial

Add document

Serve notice of entry

Document manner and date of notice of entry

Close case

4 APPEALS

KRS 23A.010(4), CR 72-75.03; RCr 12.02, 12.04

District or Circuit Court, Court of Appeals, Supreme Court

- An [appeal](#) is a timely resort by an unsuccessful party in a lawsuit or an administrative proceeding to an appropriate superior court empowered to review a final decision on the ground that it was based upon an erroneous application of law.
- In the appellate process, the measuring of time periods is governed by the rules set out in CR 6.01. The day on which the initiating event occurs is not included in the time period. The next day is the first day of the measured period. The calendar days are counted off to the number allowed by the applicable rule. The last numbered day is the deadline. The required act must have been done on or before that day. CR 76.40.
- [Appeals from Administrative Agencies](#)
- [District to Circuit Court Appeals](#)
- [Appeals to Court of Appeals/Supreme Court](#)
- [Motion to Proceed In Forma Pauperis](#)
- [Appeal Bonds](#)
- [Receipt of Appellate Record by Circuit Court](#)

4.1 *Administrative Appeals*

[Process Map](#)

4.1.1 Petition for Review

A petition for de novo review (appeal) of a decision of an administrative agency is an original action in circuit court. KRS 23A.010. Reviews of cases from local agencies may be filed in district court. KRS 24A.010(2).

EXCEPTIONS:

- A petition for review of a denial of a request for a license to carry a concealed weapon is filed in district court. KRS 237.110.
- A petition for review of an order of the fiscal court is filed in circuit court. KRS 23A.010(4).
- A petition for review of a local policy disciplinary action is filed in circuit court. KRS 15.520.

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from the filing fees:

 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.
2. Apply the **FILED** stamp to the petition; add the date and your initials. For instructions on opening the case, refer to the [Case Add](#) section of the KyCourts Manual.
3. Assign to a division using the procedure in your local court rules. Use case type **AB**. Generate the next case number for circuit civil **CI** cases or district civil **C** cases or use the next pre-numbered file folder.
4. Issue a summons immediately for each person to be served and make a copy. Use summons type **CI**. Follow the initiating party’s instructions for service of the summons and the complaint (or other initiating document) of the initiating party. The party requesting the summons shall furnish sufficient copies of the petition for this purpose. CR 4.04(1). See [Service of Process](#).
5. Upon return of service, process according to the type of service. See [Service of Process](#).

NOTE: A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125.
6. If a hearing is scheduled, calendar for the appropriate date by completing a scheduled events screen.
7. Upon receipt of an agency’s original record file the record into the appeals record. Add the document in the case management system using document code **RTRF** (Record Transferred from Another Court/Agency.)

Quick Reference
Collect filing fees

File, date, initial

Case type **AB**
Circuit Civil **CI** case or
District Civil **C** case

Summons type **CI**

Document type **RTRF**

4.1.2 Order

1. Upon receipt of a signed order, apply the **ENTERED** stamp; add the date and your initials. Enter the order on the document screen.
2. After the order is entered, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner (mail or personal delivery) and date of service of notice of entry of order. See [Notice of Entry](#).
3. Close the case by completing the disposition date, disposition type, and judge at disposition fields on the case screen.
4. After the case is completed and the time for filing a notice of appeal has

Enter, date, initial

Serve notice of entry

Close case

elapsed (30 days), return the agency's record.

[Process Map](#)

4.2 Appeals to Circuit Court

4.2.1 Time Limits for Filing Appeals

The time limits for filing appeals are as follows, calculated from notice of entry of the judgment:

Appeal Type	Time Limit
Civil Actions, CR 73.02	30 DAYS
Exceptions: Small Claims, KRS 24A.340	10 DAYS
Forcible Detainer Cases, KRS 383.255	7 DAYS
Election Contests, KRS 120.075	10 DAYS
Paternity, KRS 406.051	60 DAYS
Self-Consent Abortion	10 DAYS
Juvenile Matters, KRS 610.130, CR 73.02	30 DAYS
Dependency, Neglect, Abuse, KRS 620.155, CR 73.02	
Mental Health, KRS 645.260, CR 73.02	
Criminal Actions, RCr 12.04	

4.2.2 Time Limits for Preparation of Record to Circuit Court

You have 30 days to prepare the record on appeal. It is not necessary to wait 30 days to deliver the record to circuit court. CR 72.08; RCr 12.02.

EXCEPTION: In a [forcible detainer action](#), you have 10 days from the date the appellant deposits rent monies (past-due, current, and future rents) with you to prepare and deliver the appeal record to the Circuit Court. KRS 383.255(2). See the [Accounting Manual](#) regarding collection of fees.

The appellate records include the contents of the file, the case history, recordings, recording logs, and a copy of the receipt of the filing fee. See appropriate sections below in this chapter for additional instructions.

NOTE: Upon transmittal to Circuit Court, retain the case file and a copy of the case history. Return the file to its original location.

4.2.3 Supersedeas Bond or Criminal Bond

See [Appeals Bonds](#).

4.2.4 Notice of Appeal

1. When you receive a notice of appeal or cross-appeal, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the appeal until the filing fees are paid.

EXCEPTION: There is no filing fee:

- When filing [In Forma Pauperis](#),
- In a criminal case when the appellant is represented by the Public Advocate/Defender,
- When a judicial officer is a party in his/her official capacity,
- In a criminal or civil case when the appellant is the Commonwealth.

NOTE: City and county governments are not exempt from paying a filing fee unless the action is filed in the name of the Commonwealth.

2. If the appellant does not meet any of the above exceptions, and they do not include a filing fee, nor an [In Forma Pauperis](#) motion. See [Motion to Proceed In Forma Pauperis](#) below. With the notice of appeal, return the notice of appeal to the appellant with an explanation of the deficiency.
3. Upon receipt of a notice of appeal **from an inmate in a criminal case**; apply the **FILED** stamp, add the date and your initials to the envelope containing the motion, the motion itself and any documents pertaining to the motion. Make a notation in the memo screen: "Inmate Appeal and USPS Envelope."
4. Upon receipt of the filing fee, apply the **FILED** stamp to the notice of appeal or cross-appeal; add the date and your initials; file on a document screen. Use document type **NA** for a notice of appeal and document type **NCA** for notice of cross-appeal.
5. Appellant must file the original and enough copies of the notice to send to the clerk of the appellate court and all other parties. RCr 12.04(2), CR 73.03. If you prepare the notice for the criminal appellant, you will make the necessary copies.

NOTE: The clerk must prepare and file the notice in a criminal case if requested by the appellant when proceeding without counsel. You may use [AOC Form 376](#) (Notice of Appeal). CR 73.03, RCr 12.04, RCr 11.02(2).

6. Transmit a copy of the check or receipt and a copy of the notice of appeal showing the date filed to the appellate (circuit) clerk. Note in the memo field of the document screen the date of transmittal. CR 73.03, RCr 12.04(2).

Quick Reference

Collect filing fees

File, date, initial
NOA from Inmate:
Memo inmate appeal
and USPS envelope

File, date, initial
Document type **NA** or
document type **NCA**

Notice in a Criminal
Case: AOC Form 376

7. In a criminal or juvenile case, mail a copy of the notice to the Commonwealth's attorney.
8. In a DUI appeal, if the defendant's license has been mailed to the Transportation Cabinet, mail a copy of the Notice of Appeal that has been stamped **FILED** to the Cabinet. Note in the memo field of the document screen the names of persons to whom copies were sent, and the date of the mailing. CR 73.03, RCr 12.04(2). Forward any decision by the appeals court to the Division of Drivers Licensing.

Quick Reference

Mail Notice of Appeal
*Transportation Cabinet,
 Division of Driver
 Licensing
 200 Mero Street-
 2nd Floor
 Frankfort, KY 40622*

4.2.5 Motion to Proceed In Forma Pauperis

1. When the notice of appeal is accompanied by an [In Forma Pauperis](#) motion with affidavit, apply the **TENDERED** stamp (or write the word **TENDERED**) to the notice of appeal; add the date and your initials.
2. File the notice of appeal on a document screen using document type **TD**. If the record on appeal is a video, type "video" on the notice of appeal and highlight with a fluorescent marker.
3. Apply **FILED** stamp to the IFP motion; add the date and your initials and file on a scheduled event screen as **MNH** (motion not requiring a hearing). File on a motion screen using motion type **PFP**.
4. Deliver the motion and order to the district judge.
5. Upon receipt of a signed order ruling on the motion apply the **ENTERED** stamp to the order; add the date and your initials. Enter the order on a document screen using document type **OFF**.

Tender, date, initial

Document type **TD**

File, date, initial

Event type **MNH**

Motion type **PFP**

Deliver to Judge

Enter, date, initial

Document type **OFF**

File, date, initial

Document type **NA**

NOTE: See Forcible Entry and Detainer regarding rent fees due when an IFP motion is granted.

NOE

If the order sustains the appellant's motion:

- a. Apply the **FILED** stamp to the notice of appeal (which has already been marked as **TENDERED**) add the date and your initials.
- b. File by completing a new document screen. Use document type **NA**. Move the notice of appeal from its location as a tendered document in the case file to correspond with its current filing.

NOTE: Do not cross through or otherwise obliterate the **TENDERED** notation on the notice.

NOTE: In an appeal of a forcible detainer action when an IFP motion is granted the appellant is not required to deposit any rents due as directed in KRS 383.255(1). See [Forcible Entry and Detainer](#).

If the judge denies the motion:

- a. Give [notice of entry](#) of the order to the appellant and appellee. The appellant then has 30 days to pay the required filing fee or appeal the judge's order.

- b. If a notice of appeal of the denial of the motion to proceed In Forma Pauperis is filed, immediately certify the denial and send to the appellate court (circuit court). See [Appeals in Special Cases](#).

NOTE: No filing fee or motion to proceed In Forma Pauperis is required in this instance.

4.2.6 Preparing Record on Appeal to Circuit Court

Case File

The appeal record includes any recordings, copy of the recording log, contents of the file and:

1. Run a case history and copy the front of the case jacket or copy of the docket sheet (if one exists);
2. Retain the empty case jacket or case file (and the original docket sheet if existing) in your court and file in numerical order with other cases in that category.

NOTE: Do not index or certify the record unless and until requested by the Court of Appeals. CR 72.04, RCr 12.02.

3. Deliver the record on appeal to the Circuit Court not more than 30 days from the filing of the first notice of appeal.

Recording Log/Recordings

1. Copy the recording log. Indicate in red ink on the copy the beginning and ending numbers of the case being appealed.
2. Locate the audio, video tape(s) or digital recording disk of the trial and place the copy of the log and recording(s) in the file. CR 72.04, RCr 12.02.

NOTE: For instructions on recording a tape or digital disk see [Recordings: Audio/Video](#). Fees for copies of recordings may be found in the [Accounting Manual](#).

4.2.7 Receipt of Appellate Record by Circuit Court

CR 72

1. Upon receipt of a record on appeal from district court, apply the **FILED** stamp; add the date and your initials. Treat the entire record as a single item.

NOTE: Juvenile, hospitalization and disability cases retain confidentiality on appeal, as well as the address of the petitioner and children in domestic and interpersonal protective order cases.
2. Assign to a division in circuits having more than one judge, using the procedure set out in your local court rules.
3. For instructions on opening the case, refer to [Case Add](#) section of KyCourts Manual. Use case type **XR** for criminal appeals and case type **XI** for civil appeals. Assign the next number for circuit court appeals (**XX**) by using the next pre-numbered file folder.

NOTE: Appeals of juvenile and mental health cases are filed in the confidential **CO** division. Remember to maintain confidentiality of the case file. KRS 610.340.

NOTE: If the appeal is a criminal appeal, complete a charge screen only for the charge(s) being appealed.
4. If the appellant in a civil case requests to file a supersedeas bond (see [Appeal Bonds](#)) at this point in the appeal, direct the appellant to the district court. CR 73.06.

Quick Reference
File, date, initial

Case type:
Criminal appeals: **XR**
Civil appeals: **XI**
Circuit appeal case: **XX**

4.2.8 Appeal Perfected

1. Appellant will perfect his appeal by filing a statement of appeal within 30 days after the date of filing the first notice of appeal. CR 72.06, 72.08, and 72.10. Apply the **FILED** stamp to the statement of appeal; add the date and your initials.
2. File on a document screen using document type **STA**.
3. Within 30 days after the date on which the appellant's statement of appeal was filed, the appellee shall file and serve a counter-statement. CR 72.12. Apply the **FILED** stamp to the counter-statement; add the date and your initials.
4. File on a document screen using document type **CS**.

File, date, initial

Document type **STA**

File, date, initial

Document type **CS**

4.2.9 File Delivered to Judge

When the statement of appeal and appellee's counter-statement have been filed, immediately deliver the case to the judge for consideration. A notation of the referral should be made in the memo field of the case screen.

- If the statement of appeal is not filed within the 30 day time limit, immediately deliver the case to the judge for dismissal.
- At the expiration of 60 days, even if no counter-statement has been filed, immediately deliver the case to the judge for consideration.

NOTE: Create a tickler system for the 30 and 60 day time frames, by completing a [Scheduled Events Screen](#). See KyCourts Manual.

Quick Reference

Create 30/60 day tickler events

4.2.10 Judgment Entry

1. When a judgment is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen.
2. Serve [notice of entry](#), unless notice has been waived, by mailing or hand delivering a copy of the decision to all parties; and in all traffic cases to the **Transportation Cabinet, Division of Driver Licensing**.
3. If the appeal is a [criminal appeal](#), close the charge screen with the disposition date, disposition type, judge, trial type, original plea and final plea. Close the case by completing ONLY the disposition date and judge at disposition fields on the case screen.
4. If the appeal is a [civil appeal](#), close the case by completing the disposition date, disposition type and judge at disposition fields on the case screen.

Enter, date, initial
Enter on document screen
Notice of entry
*Transportation Cabinet,
Division of Driver
Licensing
200 Mero Street-
2nd Floor
Frankfort, KY 40622*

4.2.11 Statement of Costs

1. Upon final disposition of an appeal in circuit court, you must send the parties a statement of the portion, if any, of the filing fees charged to be reimbursed by one party to another. CR 76.42(3).

NOTE: All costs in civil cases must be paid by the unsuccessful party.

NOTE: In criminal cases, no reimbursement is required from the Commonwealth, a municipality, or a pauper. CR 72.13.

2. Apply the **FILED** stamp to the statement; add the date and your initials. File on a document screen using document type **ST**. In the memo field list the parties who were mailed the statement.

File, date, initial
Document type **ST**

4.2.12 Motion for Discretionary Review

If no motion for discretionary review in the Court of Appeals is made within 30 days from entry of judgment, the circuit court decision is final. CR 76.20(2)(a).

1. Return the district court's record to district court with a copy of the appellate court's ruling when the 30 day period for filing a motion for discretionary review has expired. Retain the circuit court record in circuit court.
 - a. If the district court judgment is reversed and further proceedings are ordered, the case will proceed in district court.
 - b. If the district court judgment is affirmed or the appeal is dismissed, the district court will enforce the judgment.

NOTE: When a circuit appeal is remanded to district court use disposition code **TRF** (transfer) in the case/charge.

If the losing party files a motion in the Court of Appeals for discretionary review of the circuit court judgment, you will receive a copy of the motion and the Court of Appeals decision on the motion. CR 76.20(7), 76.20(9)(f).
2. If the Court of Appeals grants the motion, index, bind, certify and transmit the record to the Court of Appeals following the instructions in [Appeals to Supreme Court/Court of Appeals](#) section of this manual. CR 76.20(9)(c), 73.08.
3. When the Court of Appeals decides the case and returns the original record to you, return the district court's record to district court. CR 76.46(3).

Quick Reference

Disposition code **TRF**

4.3 *Appeals to Supreme Court/Court of Appeals*

[Process Map](#)

The time limits for filing appeals, calculated from notice of entry of the judgment, are as follows:

Appeal Type	Time Limit
Civil Actions, CR 73.02	30 DAYS
Paternity Judgments, KRS 406.051	60 DAYS
Criminal Actions, RCr 12.04(3)	30 DAYS

4.3.1 Notice of Appeal

1. Upon receipt of a notice of appeal or cross-appeal, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Checks are made payable to the Circuit Court Clerk. Do not process the appeal until the filing fees are paid.

EXCEPTIONS:

- Filing [In Forma Pauperis](#) (also see [Motion to Proceed In Forma Pauperis](#));
- In a criminal case when the appellant is represented by the Public Advocate/Defender;
- When a judicial officer is a party in his/her official capacity. CR 76.42(2)(b);
- In a criminal or civil case when the appellant is the Commonwealth.

NOTE: City and county governments are not exempt from paying filing fees UNLESS the action is filed in the name of the Commonwealth.

2. If neither a filing fee, nor an [In Forma Pauperis](#) motion, is included with the notice of appeal, return the notice of appeal to the appellant with an explanation of the deficiency.
3. Upon receipt of a filing fee, apply **FILED** stamp to the notice of appeal or cross-appeal; add the date and your initials.
4. File on a document screen using document type **NA** for a notice of appeal and document type **NCA** for notice of cross-appeal. If the record on appeal is a video, type "video" on the notice of appeal and highlight with a fluorescent marker.
5. Upon receipt of a notice of appeal from an inmate in a criminal case, apply the **FILED** stamp, add the date and your initials to the envelope containing the motion, the motion itself and any documents pertaining to the motion. Make a notation in the memo screen: Inmate Appeal and USPS envelope.
6. Appellant must file the original and enough copies of the notice to send to the clerk of the appellate court and all other parties. RCr 12.04(2), CR 73.03. If you prepare the notice for the criminal appellant, you will make the necessary copies.

NOTE: You must prepare and file the notice in a criminal case if requested to do so by an appellant who is proceeding without counsel. You may use [AOC Form 376](#), (Notice of Appeal.)

NOTE: Upon receipt of a notice to appeal involving a DUI forward the NOA (and later the decision by the appeals court) to the Department of Transportation Drivers Division of Drivers Licensing.

Quick Reference

Collect filing fees

File, date, initial

Document type:

Notice of appeal: **NA**
 Notice of cross-appeal: **NCA**

File, date, initial

Make necessary copies

AOC Form 376

4.3.2 Amended Notice of Appeal

1. When an amended notice of appeal is received, apply the **FILED** stamp; add the date and your initials. File by completing a document screen using document type **AMNA**.
2. Mail a copy of the amended notice of appeal showing the date **FILED** to the appellate court clerk and all attorneys of record and to any party not represented by an attorney.

Quick Reference
 File, date, initial
 Document type **AMNA**
 Mail copy of amended notice

4.3.3 Pre-hearing Statement

In civil appeals (except prisoner applications seeking relief relating to confinement or conditions of confinement) give the filing party a Pre-hearing Statement (KyCourts [Smart Forms](#)) when the notice of appeal or cross-appeal is filed. CR 76.03(1). It is the responsibility of each appellant and cross-appellant, or his/her attorney, to execute, sign, serve and file this statement with the Court of Appeals within 20 days from the filing of the notice of appeal or cross-appeal. CR 76.03(4).

4.3.4 Supersedeas or Criminal Bond

See [Appeal Bond](#).

4.3.5 Pleadings Mailed to Appellate Clerk

1. At such time as the notice of appeal or cross-appeal has been stamped **FILED**, mail **only** the following to the Appellate Clerk and note the date of the mailing in the memo field on the document screen: (CR 73.03, RCr 12.04(2))
 - a. A copy of the notice of appeal or cross-appeal showing the date filed;
 - b. A copy of the check or receipt for the filing fee;
 - c. The judgment or order sought to be reviewed;
 - d. A certified copy of the case history and docket sheet, (if a docket sheet exists); and
 - e. Any opinion or findings of the circuit court and/or administrative agency.
2. Mail a copy of the notice of appeal or cross-appeal, showing the date **FILED** and a certified copy of the case history and docket sheet, (if a docket sheet exists), to all attorneys of record, and to any party not represented by an attorney. CR 73.03.
3. In a criminal case, mail a copy to the Criminal Appellate Division of the Office of the Attorney General.
4. Make a notation in the memo field of the document screen of the names of

File stamp
Clerk of the Court of Appeals
 360 Democrat Drive
 Frankfort, KY 40601
Clerk of the Supreme Court
 Room 209, Capitol Building
 700 Capitol Avenue
 Frankfort, KY 40601
Office of the Attorney General
 Criminal Appellate Division
 1024 Capital Center Dr.
 Frankfort, KY 40601

the parties mailed the copies together with the date of mailing.

4.3.6 Designation of Record

1. When a Designation of Record (and attached certification as to the transcript, if any) is received, apply the **FILED** stamp; add the date and your initials.
2. File on a document screen using document type **DOR**.

NOTE: When pre-trial or post-trial hearings are properly designated or ordered included by the appellate court, file recording “B” of such hearings by completing a document screen. CR 98(3). Use document type **TAPE**.

Quick Reference
File, date, initial

Document type **DOR**

Document type **TAPE**

4.3.7 Time Limits for Certification of Record

The following time limits for certification of a record to the Supreme Court/Court of Appeals apply. On your desk calendar or other manual calendar, note the date the record is due to be certified.

Civil Cases

Civil Cases (all civil actions appealed to the Court of Appeals except applications from prisoners seeking relief relating to confinement or conditions of confinement).

Case Type	Records	Time Limit
Civil	Video	<ul style="list-style-type: none"> • 30 days from the date of the order stating no pre-hearing conference shall be held or from the date of order reciting actions and agreements of pre-hearing conference. CR73.08; CR 76.03(3).
	Written Transcript	<ul style="list-style-type: none"> • 10 days from the filing of a transcript by the court reporter. CR 73.08. (NOTE: The appellant must file a designation of such a transcript within 10 days of the date of the Court of Appeals pre-hearing conference order. The court reporter then has 50 days to complete and file the transcript. CR75.01(3)).
	No Transcript	<ul style="list-style-type: none"> • 30 days from the date of the order of the Court of Appeals stating that no pre-hearing conference will be held or stating the results of the conference. CR 73.08.
Prisoner Applications	Video	<ul style="list-style-type: none"> • 30 days after filing of Notice of Appeal or 30 days from the date pauper motion is granted. CR 73.08; CR 76.03(3).

Written Transcript

- 10 days after the filing of the transcript by the court reporter.

No Transcript

- 30 days after the filing of the Notice of Appeal or 30 days from the date pauper motion is granted. CR 73.08.

Criminal Cases

Case Type	Records	Time Limit
Criminal	Video	<ul style="list-style-type: none"> • 30 days after filing Notice of Appeal or 30 days from date pauper motion is granted.
	Written Transcript	<ul style="list-style-type: none"> • 10 days from the filing of a transcript by the court reporter.
	No Transcript	<ul style="list-style-type: none"> • 30 days after filing Notice of Appeal or 30 days from date pauper motion is granted.

Sentenced 20 Years (+)

In cases where a defendant is sentenced to 20 years or more, the record is sent to the Supreme Court instead of the Court of Appeals. These cases are not automatic appeals and a notice is required. KY Constitution, Section 110(2)(b); RCr12.02.

Quick Reference
Sentenced 20 Years (+) are sent to the Supreme Court. These cases are not automatic appeals and a notice is required.

Death Penalty Cases

KRS 532.075

The following additional instructions apply:

1. Prepare [AOC Form 080](#), Clerk's Notice on Appeal of Capital Case.
2. [AOC Form 085](#), Report of Trial Judge of Capital Case will be completed by the trial judge.
3. Do not file or docket the notice and report. CR 75.01(4).
4. Include the notices with the record but do not certify the clerk's notice as a part of the record.

Death penalty cases are directed to the Supreme Court.

4.3.8 Preparation of Record on Appeal to Supreme Court/Court of Appeals

Record	Preparation
Case History	<ul style="list-style-type: none"> • Include a certified copy of the case history and include a certified copy of the docket sheet, if a docket sheet exists. CR 75.07(1), RCr 12.02. Retain the original docket sheet in your office.
Case File	<ul style="list-style-type: none"> • Certify the entire original record up to and including the designation of record. <ul style="list-style-type: none"> Exception: Do not include any depositions listed for exclusion in the designation of record. Depositions are the only part of the original record allowed to be excluded by a party. Exception: If the parties enter into an agreed statement of the case, which the trial court approves, apply the FILED stamp to the statement; add the date and your initials and file on a document screen using document type ST. Certify and send this statement to the appellate court instead of the original record. CR 75.15; RCr 12.02.
Video Recordings	<ul style="list-style-type: none"> • Record the proceedings to write-only disks to prevent the ability to overwrite recordings on the removable disks. For older recordings, tabs on the tape spine are to be removed before forwarding tapes to the appellate court.
Trial Recordings	<ul style="list-style-type: none"> • The B recording of any court trial or jury trial held in the case being appealed shall be included in the original record on appeal. CR 75.01(1), CR 75.07(1), RCr 12.02. In criminal appeals, include the B recording together with a copy of the B recording. CR 98(2)(a)(ii).
Pre-Trial/Post Trial Hearing	<ul style="list-style-type: none"> • The B recording of any pre-trial or post-trial hearing, or any portion thereof, should not be sent to appellate court. • In criminal appeals, include the B recording together with a copy of the B recording. CR 98(2)(a)(ii). • Exception: Listed and identified by date on the designation of record filed by a party, ordered to be included in the record by the appellate court.
Recordings in Circuit Court Appeal Cases	<ul style="list-style-type: none"> • If the appeal record you are preparing is from a circuit court appeal case (XX), include any audio cassettes, video tapes, and digital recording disks which were filed and made part of the circuit court (XX) case.
Exhibits	<ul style="list-style-type: none"> • Do not send physical exhibits other than documents, maps, charts, and other papers which can be placed in envelopes no larger than 10" x 13" unless the appellate court requests them; however, all exhibits in your custody should be certified as part of the record. CR 75.07(3),

RCr 12.02.

Trial Recordings

1. Apply the **FILED** stamp to the “**B**” recording of any court trial or jury trial held in the case being appealed; add the date and your initials.
2. File by completing a document screen using document type **TAPE**. CR 98(2)(a)(l).

Quick Reference
File, date, initial

Document type **TAPE**

Transcript of Evidence

1. When the court reporter files the original and a copy of the written transcript in your office, apply the **FILED** stamp to the transcript; add the date and your initials. File on a document screen. CR 75.01(6), 75.02(1). Use document type **CTGR**.
2. The appellant may provide a Narrative Statement of the evidence if a transcript is unavailable; apply the **FILED** stamp, add the date and your initials and file on a document screen using document type **ST**. Include this in the record on appeal upon approval of the trial court. CR 75.13, RCr 12.02.

File, date, initial

Document type **CTGR**

File, date, initial
Document type **ST**

Binding the Record

CR 75.07(9) and (10), RCr 12.02, CR 98

1. Use the case history and a copy of the docket sheet, (if a docket sheet exists), to prepare the index for the entire record.
2. Arrange all parts of the record in the order in which they were filed or entered beginning with item #1 on the top and ending with the clerk's certification of the record. CR 75.07(10), RCr 12.02.
3. Number the pages in consecutive order, at the bottom center. Note the page numbers on the case history and the copy of the docket sheet, (if a docket sheet exists). CR 75.07(11), RCr 12.02.
4. Assemble into volumes of not more than 150 pages and securely bind at the left side in a black binder. You may order the prescribed binder by completing AOC Form 1002 Office Supply Order Form. The item number is ACC 25971, Report Cover. The report cover includes a paper fastener and label.
5. Affix the label to the front of the binder showing the style of the case and indicate by Roman numeral the volume number. Place the index for each volume at the beginning of that volume. Create a master index for the entire record by copying the index at the beginning of each volume. Place the master index in the front of Volume I only, as the first item. CR 75.07(10)(11), RCr 12.02.

NOTE: Written transcripts, depositions, worker's compensation original records, or any administrative agency record should not be bound in the clerk's bound volumes or renumbered. However, these items should be certified as part of the record on appeal.

6. All exhibits filed with the record, including those not sent to the appellate court, shall be sufficiently identified and the index shall direct where they may be found.

Multiple Appeals

- If more than one appeal is filed from the same judgment, prepare one record on appeal. CR 75.11, RCr 12.02.
- In criminal appeals, if one appeal is to the Supreme Court and another is to the Court of Appeals, send the original record to the Supreme Court and a certified copy to the Court of Appeals. CR 75.11, RCr 12.02.
- In criminal appeals with multiple defendants, when only one defendant is appealing, all papers filed in the case are a part of the original record on appeal.

Death Penalty Cases

Death penalty cases are automatically reviewed by the Supreme Court. KY Const. Sect. 110, RCr 12.02. Include the following notices with the record but do not certify the Clerk's Notice as part of the record:

- [AOC Form 080](#), Clerk's Notice on Appeal of Capital Case;
- [AOC Form 085](#), Report of Trial Judge.

NOTE: In cases where a defendant is sentenced to 20 years or more, the record is sent to the Supreme Court instead of the Court of Appeals. These cases are not automatic appeals and a notice of appeal is required.

Quick Reference

AOC Form 080
AOC Form 085

4.3.9 Record Certification

CR 72.04, 75.07

1. Complete [AOC Form 076](#), Certification of Record on Appeal and Notice of Certification of Record on Appeal. Apply the **FILED** stamp to the certification/notice; add the date and your initials.
2. File on a document screen using document type **NCR**. CR 75.07(5). Mail a copy to the clerk of the appellate court and all attorneys in the case. CR 75.07(5), RCr 12.02. Note in the memo field the names of the parties to whom copies are mailed.

AOC Form 076
File, date, initial
Document type **NCR**
Mail copy

4.3.10 Transmitting the Record

To transmit the record to the Supreme Court/Court of Appeals:

1. Transmit the record by certified mail to the Court of Appeals or Supreme Court when the clerk of the Appellate Court requests. CR 75.07(12), RCr 12.02.
2. Collect certified mail fees, as set forth in the [Accounting Manual](#), from the appellant unless the appellant is the public advocate, the Commonwealth or a pauper.

NOTE: Retain control of the original record until the clerk of the appellate court requests it be transmitted.

Quick Reference
Transmit record by certified mail

Collect fees

4.3.11 Preparation of Briefs

Attorneys may remove the record from your office for the purpose of preparing briefs.

- You may lend the original record to attorneys to prepare briefs. However, retain the original of the transcript of evidence, the **A** and **B** recordings and the evidentiary exhibits. CR 75.07(7). Lend the copy of the transcript and upon request of the attorney, copy recorded hearings and trials as specified by the attorney. Charge the attorney a fee, per disc/DVD copied, as set forth in the [Accounting Manual](#). If the copy is mailed to the attorney, collect certified mail fees as set forth in the [Accounting Manual](#).
- Appellant withdraws the record first for 60 days and returns the record to you before or when the brief is filed. Appellee then withdraws the record for 60 days and returns the record to you before or when the brief is filed. Appellant may then withdraw the record for 15 days to prepare the reply brief. If the appellant is also a cross-appellant, a combination brief may be filed within 60 days after the date on which the last appellee’s brief is filed or due to be filed. CR 76.12(2)(a).
- When an attorney withdraws the record, have the attorney sign an out card and place the card in the file as a substitute for the record. See [Maintenance of Records](#).
- Note withdrawals and returns in the memo field of the case screen. CR 75.07(8)(9).

Collect fees

Note withdrawals

4.3.12 Supplemental Record

When the trial or appellate court orders the record supplemented, or the parties file a stipulation to supplement the record:

1. Prepare the supplemental record following the procedures herein beginning [Preparation of the Record on Appeal to Supreme Court/Court of Appeals](#). The supplemental record will begin with the first item filed after the original certification.
2. Complete [AOC Form 076](#), Certification of Record on Appeal and Notice of Certification of Record on Appeal, and designate at the top of the form **SUPPLEMENTAL**. Apply the **FILED** stamp, add the date and your initials, and file on a document screen. Use document type **NCR**.

NOTE: When the appellate clerk requests the record on appeal, include the supplemental record.

NOTE: If the record on appeal has already been transmitted to the appellate court, transmit the supplemental record as soon as it has been prepared and certified.

Quick Reference
Prepare supplemental record

AOC Form 076
Designate form **SUPPLEMENTAL**
File, date, initial
Document type **NCR**

4.3.13 Appeal Bonds

To process a Bond in a Civil Case:

A civil appellant may give a [supersedeas bond](#), ([AOC Form 155](#)) to stay enforcement of judgment pending appeal. CR 73.04. The trial court retains jurisdiction to determine all matters related to the right to file a supersedeas bond, (the amount, sufficiency, and surety) even after a notice of appeal or other appellate steps have been taken. CR 73.06. See [Bonds and Sureties](#).

1. Collect the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. Apply the **FILED** stamp to the bond and affidavit (**AFF**); add the date and your initials.
2. File by completing a document screen using document type **AFF**.
3. Mail a copy of the bond to all appellees. CR 62.03. Make a notation of the mailing in the document screen memo where the bond is filed.

AOC Form 155

Collect bond filing fee
File, date, initial

Document type **AFF**

Make notation

To process a Bond in a Criminal Case:

1. Provisions governing bail on pretrial release apply to bail on appeal. RCr 12.78(3).
2. If the judge does not order a change in the bail, it remains effective.
3. If the judge orders any changes in the bail, prepare a new bond in accordance with the judge's instructions.
4. Collect the bond filing fee as set forth in the Fees and Costs section of this manual and give a receipt. KRS 64.005.
5. Apply the **FILED** stamp to the bond; add the date and your initials. File by completing a bail screen.
6. Send a copy of the bond to the Commonwealth Attorney. RCr 12.80. Make a notation of the service in the bail screen memo.

Quick Reference

Collect bond filing fee

File, date, initial

Send copy of bond to Commonwealth Attorney

4.3.14 Appeals in Special Cases

Denial of Motion to Proceed In Forma Pauperis

When a Notice of Appeal of the denial of a motion to proceed [In Forma Pauperis](#) is received:

1. Apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen using document type **NA**. No filing fee or motion to proceed In Forma Pauperis is required to appeal a denial.
3. Immediately index and forward to the appellate court certified copies of:
 - a. The motion to proceed In Forma Pauperis together with any attachments and responses thereto;
 - b. The order being appealed;
 - c. Video or audio recordings of the hearing, if one was made, or written transcript, if one was filed.
4. Complete [AOC Form 076](#), Certification of Record on Appeal. Apply the **FILED** stamp; add the date and your initials.
5. File by completing a document screen using document type **NCR**. Serve on attorneys of record and parties not represented by counsel.
6. Do not wait for the appellate court to request the record.

File, date, initial

Document type **NA**

AOC Form 076

File, date, initial

Document type **NCR**

Denial of Pretrial Bail

When a Notice of Appeal of the denial of bail pending trial is received:

1. Apply the **FILED** stamp; add the date and your initials. File by completing a document screen using document type **NA**.
2. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the appeal until the filing fees are paid.

EXCEPTIONS: [In Forma Pauperis](#) or appellant is the Commonwealth.

NOTE: City and county governments are not exempt from paying filing fees UNLESS the action is filed in the name of the Commonwealth.

3. Within 30 days after the Notice of Appeal is filed, index and forward to the appellate court certified copies of only that portion of the record that relates to bail bond.
4. Complete [AOC Form 076](#), Certification of Record on Appeal. Apply the **FILED** stamp; add the date and your initials.
5. File by completing a document screen using document type **NCR**. Serve on attorneys of record and parties not represented by counsel.
6. Do not wait for the appellate court to request the record.

Quick Reference
 File, date, initial
 Document type **NA**

Collect fees

AOC Form 076
 File, date, initial

Document type **NCR**

Granting or Denying of Writ of Habeas Corpus

When a Notice of Appeal from the grant or denial of a Writ of Habeas Corpus is received:

1. Apply the **FILED** stamp; add the date and your initials. File by completing a document screen using document type **NA**.
2. Collect filing fees as set forth in the Accounting Manual and give a receipt. Do not process the appeal until the filing fees are paid.

EXCEPTIONS: [In Forma Pauperis](#) or appellant is the Commonwealth.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

3. Immediately index, certify and forward to the appellate court the entire original case file.
4. Complete [AOC Form 076](#), Certification of Record on Appeal. Apply the **FILED** stamp; add the date and your initials.
5. File by completing a document screen using document type **NCR**. Serve on attorneys of record and parties not represented by counsel.
6. Do not wait for the appellate court to request the record.

File, date, initial
 Document type **NA**

Collect fees

AOC Form 076
 File, date, initial

Document type **NCR**

Decision in Election Contest

When a Notice of Appeal from the decision in an election contest is received:

1. Apply the **FILED** stamp; add the date and your initials. File by completing a document screen using document type **NA**.
2. Collect filing fees as set forth in the Accounting Manual and give a receipt. Do not process the appeal until the filing fees are paid.

EXCEPTIONS: [In Forma Pauperis](#) or appellant is the Commonwealth.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

3. Immediately index, certify and forward to the appellate court the entire original case file.
4. Complete [AOC Form 076](#), Certification of Record on Appeal. Apply the **FILED** stamp; add the date and your initials.
5. File by completing a document screen using document type **NCR**. Serve on attorneys of record and parties not represented by counsel.
6. Do not wait for the appellate court to request the record.

Quick Reference
 File, date, initial
 Document type **NA**
 Collect fees

AOC Form 076
 File, date, initial
 Document type **NCR**

Decision of Election Candidate Qualifications

Upon receipt of a telephonic directive from the Court of Appeals:

1. Immediately index, certify and transmit the entire original case file.
2. Complete [AOC Form 076](#), Certification of Record on Appeal. Apply the **FILED** stamp; add the date and your initials.
3. File by completing a document screen using document type **NCR**. Serve on attorneys of record and parties not represented by counsel.
4. Do not wait for the appellate court to request the record.

AOC Form 076
 File, date, initial
 Document type **NCR**

Denial of Request for Self-Consent Abortion

When a Notice of Appeal from the denial of a request for a [self-consent abortion](#) is received:

1. Apply the **FILED** stamp; add the date and your initials. File by completing a document screen using document type **NA**.
2. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the appeal until the filing fees are paid unless the appellant makes a declaration indicating she has insufficient funds to pay the filing fee. KRS 311.732(6); CR 5.05(4); KRS 453.010; CR 76.42 (2)(a)(i) or (ii).
3. No later than five (5) days from the filing of the Notice of Appeal, forward the entire, original record to the appellate court.
4. Complete [AOC Form 076](#), Certification of Record on Appeal. Apply the **FILED** stamp; add the date and your initials.
5. File by completing a document screen using document type **NCR**. Serve on attorneys of record and parties not represented by counsel.
6. Do not wait for the appellate court to request the record.

Quick Reference
 File, date, initial
 Document type **NA**

Collect fees

AOC Form 076
 File, date, initial

Document type **NCR**

5 APPLICATION FOR DECLARATION OF DEATH

KRS 422.132

District Court

[Process Map](#)

5.1 *Application*

1. Upon receipt of Application for Declaration of Death [AOC Form 857](#), Application for and Declaration of Death Due to Catastrophic Event, collect filing fees as set forth in the [Accounting Manual](#), and give a receipt.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.
2. Assign to a division using the procedure in your local court rules.
 3. Apply the **FILED** stamp to the application; add the date and your initials.
 4. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Use case type **OTH**. Generate the next case number in the computer for district civil **C** cases or use the next pre-numbered file folder.
 5. **Do not** issue a summons.
 6. Deliver the case file to the judge.

Quick Reference

AOC Form 857

Collect filing fee

File, date, initial

Case type **OTH**
District Civil C case

Do not issue summons

5.2 *Judgment/Order*

1. When a signed order is received from the judge, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on the document screen. Use document type **ADDCE**. Serve notice of entry on the parties by making a copy of the order that has been stamped "ENTERED" and mail or hand deliver it to the parties or attorney. The method of service and date of service must be completed on the document screen. See [Notice of Entry](#).
3. If the order directs the Registrar of Vital Statistics to issue a death certificate at no charge, mail a certified copy of the Order to CHFS, Vital Statistics.
4. When the order closes the case, complete the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Enter, date, initial

Document type **ADDCE**

NOE

*Cabinet for Health and
Family Services
Registrar of Vital
Statistics – First Floor
275 East Main Street
Frankfort, KY 40621*

Disposition type **OTH**

6 APPLICATION FOR TRANSFER OF STRUCTURED SETTLEMENT

KRS 454.430-450

Circuit Court

[Process Map](#)

A party receiving periodic payments of damages for personal injuries established by settlement or judgment in resolution of a tort claim must seek court approval to transfer the [structured settlement](#) payment rights.

An application for approval of the transfer of structured settlement payment rights may be filed in the county where the applicant resides or in the county where the original action was or could have been filed.

6.1 *Application*

With an application for approval of the transfer of structured settlement the payee or transferee shall file with the court and serve on all protected parties a notice of the proposed transfer and the application for its approval. The Notice shall include:

- A copy of the transferee's application to the court;
- A copy of the disclosure statement required under KRS 454.431(2).
- Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall not be less than ten (10) days after service of the transferee's notice in order to be considered by the court.

1. Upon receipt of an application for transfer of structured settlement, collect filing fees as set forth in the [Accounting Manual](#), and give a receipt.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth KRS 453.010.

2. Apply the **FILED** stamp to the application; add the date and your initials.
3. Assign to a division using the procedure in your local court rules.
4. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Use case type **OTH**. Generate the next case number in the computer for circuit civil **CI** cases or use the next pre-numbered file folder.
5. Add the application as a document using document code **SET** and memo application for transfer of structured settlement.

Quick Reference

Collect filing fees

File, date, initial

Case type **OTH**

Circuit Civil **CI** case

Do not issue summons

Document type **SET**

6. Have the judge assign a hearing date as requested by the applicant, (or do this yourself if the judge has delegated this duty to you). **Do not issue a summons.**
NOTE: If you set the hearing, schedule the event no less than twenty (20) days from the date of the notice.
7. Calendar the hearing by completing a scheduled event screen.

Quick Reference
Do not issue a summons
Calendar Hearing

6.2 Order

1. Upon receipt of an order for a transfer of a structured settlement, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on the document screen using document type **OAS** and memo the details.
3. Serve notice of entry on all parties. Note the manner and date of service on the document screen. For more information, see [Notice of Entry](#).
4. When the order closes the case, complete the disposition date, disposition type, and the judge at disposition fields on the case screen.

Enter, date, initial
Document type **OAS**
NOE

7 ARBITRATION

KRS 417.190-220

District and Circuit Courts

[Process Map](#)

Arbitration is the submission of a dispute to an unbiased third person chosen by the parties to the controversy, who agree in advance to comply with the arbitrator's decision. Most arbitration is considered *binding*: parties who agree to arbitration are bound to that agreement and are also bound to satisfy any award determined by the arbitrator. A party to an arbitration may apply to the court to enforce (vacate, modify, correct or confirm) an award.

7.1 *Motion/Application*

1. Upon receipt of a motion/application to enforce an arbitration award, treat the motion as an initiating document.
2. Collect filing fees as set forth in the [Accounting Manual](#) for a district civil or circuit civil case as indicated by the petitioner and give a receipt.
3. Assign to a division using the procedure in your local rules.
4. Apply the **FILED** stamp to the motion; add the date and your initials. CR 5.05 (3). For more information on how to open a case, see the [Case Add](#) section of the KyCourts manual.
5. Generate the next case number in the computer for circuit civil **CI** cases or district civil **C** cases or use the next pre-numbered file folder as requested by petitioner.
6. If the motion sets a hearing date, complete a scheduled events screen using event type **MH**. Use motion type **MTE** and memo details.
7. **Do not** issue a summons.
8. Serve notice of an initial motion/application for an order as instructed by the initiating party by certified mail or to be personally delivered by the sheriff or other authorized person. See [Service of Process](#).

Quick Reference

Treat motion as initiating document

Collect filing fees

File, date, initial

CI – Circuit Civil

C – District Civil

Event type **MH**

Motion type **MTE**

Do not issue summons

Serve Notice

7.2 *Judgment/Order*

1. Upon receipt of a signed judgment or order, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description.
3. Serve notice of the **ENTERED** judgment/order on all parties by mail or hand delivery. Enter the method of service (mail or personal service) and notice of entry date on the document screen. See [Service of Process](#) and [Notice of Entry](#).
4. When the judgment or order closes this case, enter the disposition date, disposition type and judge at disposition on the case screen.
5. Appeal from final orders or judgments shall be taken in the manner and to the same extent as from orders or judgments in a district or circuit civil action. See [Appeals](#).

Quick Reference

Enter, date, initial

Enter judgment/order

Serve notice to all parties

8 ATTACHMENT

KRS 425.301-316; 383.030

District and Circuit Courts

[Process Map](#)

- Attachment is a prejudgment remedy by which the plaintiff seeks to reach property of the defendant, whether the property is in the hands of the defendant or a third person, as security for the payment of the judgment, which he hopes to obtain. KRS 425.301, 425.306.
- If the suit is for damages or recovery of money, the proper prejudgment writ is an attachment.
- A plaintiff may have an attachment for rent due under KRS 383.030.

The following documents are required to apply for the writ:

- a) A complaint and summons (KRS 425.301(3));
- b) A verified motion requesting the attachment (KRS 425.307, KRS 425.301(1) and (2) and KRS 425.306) which:
 - (1) Is under oath;
 - (2) States the nature and amount of plaintiff's claim;
 - (3) States that it is just;
 - (4) States the statutory grounds for the attachment.
 - (a) Defendant is a foreign corporation or non-resident of Kentucky and absent from the Commonwealth; or
 - (b) Has been absent from Kentucky for four months; or
 - (c) Has left Kentucky to defraud his creditors; or
 - (d) Is hiding or has left the county of his residence to avoid service of summons; or
 - (e) Is removing or selling his property with intent to defraud his creditors.
- c) A demand stating that the defendant has seven days to either request a hearing or pay the claim in full; otherwise, an attachment shall issue (KRS 425.301(3));
- d) An affidavit showing compliance with the requirements of KRS 425.301(3) regarding notice and demand to the defendant.

8.1 *Initiating Documents*

1. Upon receipt of a complaint, a motion, affidavit and a demand requesting a writ of attachment, collect filing fees as set forth in the [Accounting Manual](#), and give a receipt.

EXCEPTIONS:

 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.
2. Assign to a division using the procedure in your local court rules.
3. Apply the **FILED** stamp to the complaint, motion, demand, and affidavit; add the date and your initials.
4. Open a case. Use case type **OTH**. For more information, see the [Case Add](#) section of KyCourts Manual.
5. Generate the next case number in the computer for circuit civil **CI** cases or district civil **C** case or use the next pre-numbered file folder.
6. Serve the documents according to the petitioner's instructions. For more information, see [Service of Process](#).

NOTE: If the motion, demand, and affidavit are filed after the complaint, the plaintiff must deliver the motion and demand to the defendant or send the motion and demand by certified mail, return receipt requested, to defendant's last known place of address, at least seven days and not more than 60 days before the order granting the attachment is sought. KRS 425.301.
7. The plaintiff must file enough copies of all pleadings for service upon each defendant in addition to the original. Collect a copy fee (if appropriate) as set forth in the [Accounting Manual](#), and give a receipt.

Quick Reference

Collect filing fee
Assign division
File, date, initial
Case type OTH
Circuit Civil CI case District Civil C case
Serve documents according to petitioner's instructions
Collect copy fee, if appropriate

8.2 *Summons Issuance*

The initiating party will decide whether the summons is to be served by certified mail or personally delivered by the sheriff or other authorized person. CR 4.01(1). For more information, see [Service of Process](#).

A civil summons may be issued on holidays and served on Sundays and holidays upon an affidavit that the process cannot be executed after that day. KRS 454.125.

8.2.1 Hearing

1. If a hearing is requested, complete a scheduled events screen using event type **OH**.
2. Upon receipt of a signed order, apply the **ENTERED** stamp; add the date and your initials.
3. Enter the order on the document screen including a brief description. Use document type **OST**.
4. Serve notice on every party not in default or who has not waived notice by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of the notice of the order.

NOTE: If the plaintiff asks you to issue the attachment without a hearing, check the affidavit of compliance to make sure enough time has elapsed from the date of notice to the defendant: Seven days from date of notice (KRS 425.301(3)); three additional days if notice was by mail (CR 6.05).

<p>Quick Reference Scheduled event type OH Enter, date, initial Document type OST NOE</p>

8.3 Surety Bond

Before issuing the attachment, plaintiff must post a surety bond. KRS 425.309. Kentucky banks and savings and loan institutions do not need a surety on their bonds. KRS 425.001. For more information, see [Bonds and Sureties](#).

1. Upon receipt of a surety bond apply the **FILED** stamp; add the date and your initials.
2. Collect a fee for taking the bond and a fee for issuing the attachment as set forth in the [Accounting Manual](#), and give a receipt.
3. Complete a document screen using document type **BSUR**.

<p>File, date, initial Collect a fee for taking the bond and issuing the attachment Document type BSUR</p>

8.4 *Issuance of Writ of Attachment*

1. Prepare and issue AOC Form 106, Writ of Attachment.
2. Make a notation of the issuance of the attachment by completing a document screen. Use document type **WA**. Use the date of issuance as the filing date. It is not necessary to make a copy for the case file; the officer's return will provide a copy.
3. Give the attachment and a copy to the plaintiff for delivery to the sheriff or other serving officer. The plaintiff will pay the service fee directly to the officer.
4. When a return of service is received; apply the **FILED** stamp; add the date and your initials. Enter the file stamp date and officer's return date in the memo field of the document screen where the attachment was issued.

AOC Form 106
Document type **WA**

File, date, initial

8.5 *Motion to Quash*

1. Upon receipt of a motion to quash the writ of attachment, apply the **FILED** stamp; add the date and your initials.
2. File by completing a motion screen, using motion type **MH** and memo the details.
3. Note the hearing on the calendar by completing a scheduled events screen.
4. When a signed order ruling on the motion is received, apply the **ENTERED** stamp; add the date and your initials.
5. Enter the order on the document screen, including a brief description. Use document type **OQSH**.
6. Serve notice of entry of the order on every party not in default or who has not waived notice by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. See [Notice of Entry](#).
7. Enter the method of service (mail or personal delivery) and notice of entry date on the document screen where the order is entered.
8. When the order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.

Quick Reference
File, date, initial

Motion type **MH**

Schedule the event

Document type **OQSH**

NOE

9 BAIL JUMPING WARRANT

KRS 520.070, 520.080

District and Circuit Courts

[Process Map](#)

NOTE: If the warrant ordered is for a juvenile charged with an adult crime, refer the matter to the Court Designated Worker (CDW).

1. Upon receipt of an order for a warrant for bail jumping, create a new case unless otherwise directed to place the charges in the existing case.
2. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Generate the next case for a **M** or **F** case.
3. Add the charge of bail jumping by completing a charge screen using the following UOR codes. If directed to place in the existing case, add a new charge in the existing case.
 - a. UOR 49201, Bail Jumping, 1st degree, if original charge is a felony; or
 - b. UOR 02605, Bail Jumping, 2nd degree, if the original charge is a misdemeanor.
4. Issue the warrant by completing a warrant screen. Use warrant type **WA**.
5. When a return is received, enter the return information on the warrant screen and calendar the case by completing a scheduled events screen.
6. Upon receipt of a signed judgment or order, apply the **ENTERED** stamp; add the date and your initials.
7. Enter on a document screen and give [notice of entry](#) by mail or hand delivery.
8. If the judgment disposes of the charge, close the charge screen by completing the disposition date, disposition type, judge, trial type, original and final plea.
9. If a sentence is imposed by the court, complete a sentence screen.
10. When all charges are disposed of:
 - a. *If the case is in District Court*, the system closes the case screen once you fill in the disposition date and judge at disposition fields.
 - b. *If the case is in Circuit Court*, when the defendant has been sentenced, complete the disposition date and judge at disposition fields **ONLY** on the case screen.

Quick Reference

Generate next **M** or **F** case

Bail jumping 1st degree
– **UOR 49201**
Bail jumping 2nd degree
– **UOR 02605**

Warrant type **WA**

Enter, date, initial

Give notice of entry

10 BILL OF COSTS

KRS 453

[Process Map](#)

Once a judgment has been entered in a civil case, the successful party may submit to the court a bill of costs to be reimbursed for expenses from the case. The other party has an opportunity to file exceptions to contest the amount of the costs.

10.1 *Bill of Costs*

1. When you receive a "Bill of Costs," apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen. Use document type **BOC**.
3. The bill of costs will state the date of service on the losing party. Create a tickler system on the scheduled events screen for five days from the date of service on the losing party. Make a notation in the memo: "If no exceptions filed, endorse costs on judgment."

Quick Reference

File, date, initial
Document type **BOC**

Create a tickler for five days from the date of service

10.1.1 With an Exception

1. If an exception is received, apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen. Use document type **EXPT**.
3. *If the exception sets a hearing, complete a scheduled events screen. If no hearing is requested, deliver the case file to the judge.*
4. Upon receipt of a signed judgment or order, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
5. Enter the judgment or order on a document screen, including a brief description in the memo field.
6. Serve notice of the **ENTERED** judgment/order on all parties by mail or hand delivery. Enter the method of service (mail or personal service) and [notice of entry](#) date on the document screen.

File, date, initial

Document type **EXPT**

Enter order, date, initial

Serve notice of entry to all parties

10.2 *Without an Exception*

1. If no exceptions have been filed at the end of the five day period, endorse on the face of the judgment the amount of the costs as stated in the Bill of Costs and the notation: "Costs recoverable as a part of the judgment."

Quick Reference
Endorse costs amount on Judgment, noting "Costs recoverable as part of Judgment."

11 BONDS AND SURETIES

RCr 4, KRS 431.510-.545

District and Circuit Courts

- [Bonds and Sureties in Criminal Cases](#)
- [Bonds and Sureties in Civil Cases](#)
- [Replevin Bond](#)
- [Supersedeas Bond](#)

11.1 *General Provisions and Clerk's Responsibilities*

1. When bond is set, it is your responsibility to assess and take the required security, write the bond and process it. Refuse any surety if there is any doubt as to the sufficiency to cover the amount of the bond. KRS 30A.060, RCr 4.32. However, take any bond that the court orders, following the specific requirements of the order. If the judge's order specifies full cash, you may not accept property. RCr 4.04(3).
2. In addition to the circuit clerk, the chief circuit judge shall authorize another public official to prepare and accept bail bonds. KRS 30A.060(3), RCr 4.24. You are not responsible for the sufficiency of bail taken by the official. The official must turn over to you by the next business day the bail bond and any other papers, the money received, and the bond filing fee. RCr 4.28.
NOTE: There is no liability for taking an insufficient bond when following the court's order or when another authorized official takes the bond.
3. Certain persons cannot act as sureties on a bond. The surety (except an approved corporate surety), must be a resident of Kentucky or own real estate in Kentucky. This is not required on a full cash bond. For more information, see [Sureties](#).
4. If bond is posted in district court, but the case is transferred or appealed to circuit court, send the bond papers to circuit court with the rest of the case file. In cases involving a change of venue, send the bond and any deposits to the court where venue has been ordered.
5. The conditions of release listed on the bail bond form, including subsequent modifications, shall be entered on the bail bond screen in KyCourts within 24 hours of being filed, excluding weekends and holidays.

Quick Reference

Assess bond and take required security

If bond is transferred or appealed, send bond papers to circuit court with the rest of file

Enter conditions of the bond in KyCourts within 24 hours

11.2 *Bonds and Sureties in Criminal Cases*

11.2.1 Uniform Schedule of Bail

When a defendant is arrested for offenses listed in the Uniform Schedule of Bail ([Appendix A of the Criminal Rules](#)) and elects to post the amount listed in the Uniform Schedule of Bail instead of waiting to appear before a judge inform the defendant that by doing this he/she waives his/her right to appear before a judge or trial commissioner within 24 hours to be considered for release on personal recognizance. RCr 4.20(1).

11.2.2 USB Determination of Bail

- When a defendant has been charged with five or fewer offenses bailable under the Schedule, the bail amount shall be set at the one amount for the offense charged with the highest bail amount, except that where a defendant has been charged with misdemeanors only, regardless of the number of charges, the bail amount shall be set at the one amount for the highest misdemeanor; but if a defendant has been charged with one or more felony charges, and there are a total of six or more charges, including misdemeanors, the amount of bail shall be set cumulative of all the amounts for all offenses charged against a defendant and bailable under the Schedule.
- If a defendant has been charged with one or more offenses that are not listed in the Schedule, the Schedule shall not be used for any offense with which a defendant is charged, even if included in the Schedule.

Charges	Bail to Apply
Misdemeanor only charges, regardless of number of charges, all charges in the Schedule	Single highest bail of charges
5 or fewer felony and/or misdemeanor charges, all in the Schedule	Single highest bail or charges
6+ felony and/or misdemeanor charges, all in the Schedule	Add all amounts of bail together
Any charge that is not in the Schedule, even if other charges are in the Schedule	Schedule does not apply

11.2.3 Driving Under the Influence

- Bail for a Kentucky resident charged with a first offense of KRS 189.010 (Driving Under the Influence) shall be set at \$500.00 and the defendant may comply therewith by providing a bond with a 50% deposit thereof, provided that the charging document does not disclose any aggravating circumstances as defined in KRS 189A.010(11). If the charging document discloses any aggravating circumstances, then the Schedule shall not be applicable.

- In the event there are no aggravating circumstances disclosed, bail shall be accepted under the terms and amount set out above, but only after a mandatory holding period of eight (8) hours, unless otherwise ordered by the court.
- Bail for a non-resident defendant charged with a first offense of KRS 189.010 shall be set per KRS 431.523.

KRS 431.523(1): Bail for persons who are not residents of Kentucky who are charged with a violation of KRS 189A.010 shall be five hundred dollars (\$500) unless the defendant was involved in a motor vehicle accident in which property damage or physical injury to a person was involved in which case bail shall be one thousand five hundred dollars (\$1,500). In the event of serious physical injury or death the minimum amount of bail shall be five thousand dollars (\$5,000). Must be full cash or court approved surety. KRS 431.523(2).

11.2.4 A.I. or Drinking Alcoholic Beverages in a Public Place

- Bail for a defendant who has been arrested for a violation of KRS 222.202 (Alcohol Intoxication or Drinking Alcoholic Beverages in a Public Place) and has not had two (2) prior convictions for violations of KRS 222.202 in the previous twelve (12) months, shall comply with KRS 222.204 and release shall be allowed at the time and in the manner indicted by statute, but after the allowed time, bail should be allowed on a personal recognizance bond.

KRS 222.204: Conditions: Defendant shall be released (a) To an adult who is willing to accept responsibility for the defendant through a signature verification on a form determined by the Administrative Office of the Courts; (b) If he pays the requisite amount of bail on a bail schedule issued by the court; (c) At such time as he is able to safely care for himself but in no event shall he be detained for more than eight (8) hours following his arrest.

- Unless otherwise ordered by the court, bail for a defendant charged with a violation of KRS 222.202 and who had two (2) previous convictions for same within the previous twelve (12) months, shall be allowed in the amount of \$500.00 with a 30% deposit thereof, but only at such time as the defendant appears able to safely care for himself.
- All determinations as to the number and timing of a defendant's prior violations of KRS 222.202 shall be made at the jail.

11.2.5 Public Intoxication

- Unless otherwise ordered by the court, bail for a defendant charged with a first offense of KRS 525.100 (Public Intoxication) is hereby set at \$500.00 and the defendant may make said bail by providing a bond with a 30% deposit thereof. Such bond shall be allowed only at such time as the defendant appears able to safely care for himself.
- For purposes of determining whether a first, second, or subsequent offense is bailable under the schedule, refer to Section 10 of [Appendix A](#) (Uniform Schedule of Bail).

11.2.6 Class D Felonies, Class A Misdemeanors and the Application of Bail Credit

- Subject to bail credit, bail for the Class D Felonies listed shall be set at \$5000.00 and the defendant may make bail by providing bond with at 20% deposit thereof. Bail for the Class A Misdemeanors listed, shall be set at \$500 and the defendant may make bail by providing bond

with a 30% deposit thereof. Bail for the Class B Misdemeanors listed shall be set at \$250.00 and the defendant may make bail by providing bond with a 30% deposit thereof.

- Bail as determined herein shall be reduced (credited) in its total amount by the sum of \$100.00 per each day the defendant is incarcerated, unless the judge orders otherwise.

11.2.7 Bail Bond Processing

1. Collect the partial or full amount of the bond as required by the Uniform Schedule of Bail plus the bond filing fee as set forth in the [Accounting Manual](#), and give a receipt. KRS 64.005, KRS 431.540, RCr 4.22, 4.26(1). This fee may be collected at the defendant's first court appearance (OAG 81-299) and may be waived if the defendant is indigent. Edmonson v. Commonwealth, 725 S.W. 2d 595 (Ky. 1987).

NOTE: On a property bond, collect a bond recording fee and a lien release fee for the county clerk as well as the bond filing fee per instructions in the [Accounting Manual](#).

2. When someone wants to post a bond, prepare AOC Form 365, Bail Bond, include thereon the following nonfinancial conditions and/or any other nonfinancial condition the judge has imposed:
 - The defendant shall be prohibited from any legal use of alcohol or controlled substances, provided, however, that if the defendant is charged with an offense involving the use of alcohol, the defendant abstain from the use of alcohol and the illegal use of controlled substances;
 - Having lawful contact with any alleged victim;
 - And committing any further violations of the law. RCr 4.12 and 4.14.
3. Have the defendant sign the form in the boxed area in the middle and at the bottom. Verify affidavit requirements and, if the surety qualifies (see surety requirements section), have the surety sign as surety in the boxed area of the form. (Except an approved corporate surety).
4. Have the judge sign the order to the jailer at the bottom of the form, or sign for the judge if you are authorized to do so.
5. Distribute the copies of the bond per the distribution list on the form.
6. Apply the **FILED** stamp to the top copy of the bond form; add the date and your initials.
7. File on a bail screen, within 24 hours, excluding weekends and holidays, the conditions of release, including subsequent modifications must be entered on the bail screen.

Quick Reference
 Collect bond, plus bond filing fee

AOC Form 365

Verify affidavit requirements

File, date, initial

Enter bond details in KYCourts within 24 hours

11.2.8 Bail Bond Entry Codes

Type of Bond	Bond Code
ROR - Release on Personal Recognizance	OR
Property Bond	PB
Unsecured Bond	UN
Full Cash Bond	FC
Partially Secured Cash Bond	PS
Guaranteed Arrest Bond Certificates	GA

11.2.9 Released on Personal Recognizance

Release on personal recognizance (known as ROR or OR), is release based on the defendant's written promise to appear. RCr 4.00(f), RCr 4.10.

11.2.10 Property Bond

A bond in which the defendant or surety pledges real property, located in Kentucky, instead of cash to guarantee the defendant's appearance. Review the court order and determine the amount of property required to set bond for the defendant. RCr 4.04(1)(d)(v).

NOTE: The equity in the real estate must be twice the amount of the bond over and above any other encumbrances or exemptions. KRS 431.535 (1)(b), RCr 4.34(5).

1. Require the defendant or his surety to file [AOC Form 360, Sworn Schedule for Bail Bond Secured by Real Estate](#). RCr 4.34(1). The schedule must include a legal description of the real estate.

NOTE: A "manufactured home," as defined in KRS 186.650, can only be accepted as part of the real property to be used as security on a property bond if the owner of the manufactured home:

- (1) Executes and files with the county clerk an affidavit of conversion to real estate pursuant to KRS 186A.297 that states that the manufactured home has been or will be permanently affixed to the real estate; and

<p>Quick Reference AOC Form 360</p>
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- (2) Accompanies the affidavit with a surrender of the Kentucky certificate of title. A “recreational vehicle” (as defined in KRS 186.650), including a travel trailer, camping trailer, truck camper, and motor home, should never be included in the value of real property.
2. Require the defendant or the surety to file a statement from the Property Valuation Administrator (PVA) of the county where the land is located, showing the value of the land. In addition, if the defendant or surety wants you to include the value of the manufactured home in the value of the land, require him or her to file a certified copy of the applicable affidavit of conversion to real estate that was filed with the county clerk, accompanied by a certified copy of the Kentucky certificate of title for the manufactured home that was surrendered to the county clerk.
- CAVEAT:** The PVA statement of value should already include the value of the manufactured home. Do not add the value of the manufactured home a second time. RCr 4.34(1).
3. The property must be worth twice the amount of the bond over and above any other encumbrances or exemptions. KRS 431.535 (1)(b), RCr 4.34(5). Each property owner has a \$5,000 homestead exemption. KRS 427.060, KRS 431.535(1)(b), RCr 4.34(5). There is another exemption pursuant to 11 U.S.C. § 522(d), currently in the amount of \$20,200. KRS 427.170.

NOTES:

- The homestead exemption should not be applied to rental property. It should be deducted only from the value of property used as a permanent residence when determining its value for use as a property bond. The homestead exemption may be waived by the property owner for purposes of posting a property bond.
 - The property cannot be used as security if it has been used as security on a bail bond within the preceding 12 months. (This requirement does not apply if the property belongs to the defendant or to a relative. Relative is defined as no further removed from the defendant than a first cousin, or the defendant's father-in-law, mother-in-law, son-in-law, or daughter-in-law. KRS 431.535(3)(e)).
4. If you are satisfied with the value of the real property, continue with [bail bond processing](#).
5. Send a certified copy of the bail bond and sworn schedule, and the recording fees collected, to the county clerk of each county in which the land is located. RCr 4.36.

NOTE: Affix a green sticker to the outside of the case file to denote a property bond has been posted in the case. This alerts you to release the bond in the county clerk’s office according to the judge’s order when the defendant has been sentenced and the case has been disposed of. Order the green sticker from AOC using item number [AVE-05052](#), and indicating the color fluorescent green.

Quick Reference

Require a statement from the PVA showing the value of the land, and if necessary, the manufactured home on it.

The property must be worth twice the amount of the bond over and above any other encumbrances or exemptions.

Continue with bail bond processing.

Send a certified copy of the bail bond to the county clerk where the land is located.

11.2.11 Unsecured bond

An unsecured bond is a promise by the defendant or surety to pay the designated amount upon a failure to appear when ordered by the court to do so or upon a breach of a material condition of release, not secured by any deposit of or lien upon property. RCr 4.00(h).

11.2.12 Full Cash Bond

A full cash bond is a bond in which the full amount of the bond (cash only) is deposited in your office either by the defendant or surety. RCr 4.00(b).

11.2.13 Partially Secured Cash Bond

A partially secured cash bond is a bond which requires a deposit of less than the full amount of the bond. The exact percentage depends on the judge's order, and may be as little as 10% of the amount of the bond. The designated percentage is paid to your office by the defendant or surety at the time of release of the defendant. In the event of forfeiture for nonappearance, the defendant or the surety is liable for the full amount of the bond. RCr 4.00(b).

11.2.14 Guaranteed Arrest Bond Certificate

Guaranteed Arrest Bond Certificate (RCr 4.18) is a printed card issued by the American Automobile Association (or similar organization) guaranteeing the appearance of its members on most motor vehicle violations. RCr 4.18(2).

- You must accept this certificate in lieu of cash bail bond up to \$200 for most motor vehicle offenses. RCr 4.18(1). The certificate may not be used on violations of KRS 189A.010 (driving while intoxicated) or KRS Chapter 281 (motor carriers for hire). RCr 4.18(1)(b).
- The certificate must:
 - Have the defendant's signature, RCr 4.18(1), (2);
 - Be in effect on the date of the violation, RCr 4.18(1)(a); and
 - Carry a statement that the association guarantees the defendant's appearance or will pay the fine or forfeiture up to \$200. RCr 4.18(2)(a), (b).

11.2.15 Stocks and Bonds

Stocks and Bonds as security is a bond in which the defendant or surety deposits these securities instead of cash to guarantee the defendant's appearance. RCr 4.04(1)(d)(iv).

1. Require the defendant or the surety to file a sworn schedule containing the following information RCr 4.34(2), (3), (4):
 - Description of the securities;
 - Present market value of each;
 - Total market value;
 - That affiant(s) is/are the sole owner(s) of the securities;
 - That the securities are not exempt from execution;
 - That the property is security for the appearance of the defendant in accordance with the condition of release imposed by the court;
 - That the property has not been used as security on a bail bond within the preceding 12 months. (This requirement does not apply if the securities belong to the defendant or to a relative. Relative is defined as no further removed from the defendant than a first cousin, or the defendant's father-in-law, mother-in-law, son-in-law, or daughter-in-law. KRS 431.535(2)(e)).
 - The valuation given in the sworn statement must be equal to the amount of the undertaking, over and above any encumbrances or exemptions. KRS 431.535(1)(a).
2. If you are satisfied with the value of the securities offered, require the defendant or surety to deposit the securities with you with a statement of assignment of the securities giving you "stocks and bonds power" over the securities. KRS 431.535(1)(a).
3. Mail a copy of the statement of assignment to the bank or other financial institution.
4. You may require the defendant or surety to obtain a statement from the bank or other financial institution disclosing the amount of penalty for early withdrawal. If a penalty applies you may require the defendant or surety to post in cash the amount of the penalty times 365 days to cover the penalty in the event of forfeiture.
5. Continue with [bail bond processing](#).
6. Place the securities and defendant's assignment of "stocks and bonds power" in a lock box at your bank. The AOC will pay any rental charges incurred for the lock box.

Quick Reference
Require a sworn schedule containing the specified information

Require a statement of assignment for the securities

Mail a copy of the statement to the bank

Continue with bail bond processing

Place statement of assignment in a bank lock box

11.3 *Bail Bond Credit*

1. Upon receipt from the jailer of [AOC Form 365.2, Notice of Bail Credit](#), apply the **FILED** stamp, add the date and your initials.
2. Complete a document screen using document code **NBC**.
3. Update the bond information. For more information on how to update the bail bond information, see [Bail Detail](#) in the KyCourts Manual.

Quick Reference
 AOC Form 365.2
 File, date, initial
 Document code **NBC**

11.4 *Change in Posted Bail Bond*

Unless otherwise specified, when the judge orders a change in an existing bond of any type, complete and process AOC Form 365, Bail Bond in the same manner as an original bond, including thereon any nonfinancial conditions which the judge has imposed. RCr 4.12 and 4.14.

NOTE: Do not charge a bond filing fee since this is a modification of the original bail bond. For more information regarding processing a reduction or increase in the original bond, see the [Accounting Manual](#).

AOC Form 365
 Do not charge a bond filing fee

11.5 *Defendant Lodged in Another Jurisdiction*

If a defendant is jailed in a county or state different from where he/she was charged, there are two ways to accomplish the posting of bond.

METHOD ONE

1. Complete the bond form and if required, have the surety sign in your presence.
2. Fax the completed bond form (with surety's signature, if required) to the jail where the defendant is lodged. Direct the jailer or a notary to witness the defendant signing the bond.
3. Have the signed bond form returned to you by hand-delivery or fax. Attach the bond form signed by the defendant form to the original bond form.
4. Fax [AOC Form 385, Release from Custody](#) to the jail after the signed bond form is received. The release alerts the jail that you have received the bond form with the defendant's signature and the defendant may be released from jail.

Complete bond form, have surety sign
 Fax form to where the defendant is lodged
 AOC Form 385
 Fax form to the jail where the defendant is lodged

METHOD TWO

The circuit clerk (or jailer if so designated) of the county where the defendant is lodged may allow the defendant to post bond in that county.

1. Receipt the bond money (if a cash bond) as Money Collected for Others.
2. Forward the bond paperwork, (including a copy of the receipt) together with a check for the amount of the bail bond to the clerk of the county where the defendant is charged.

Quick Reference
 Receipt bond money
 Forward bond paperwork to the county clerk where defendant is charged

11.6 Sureties

The following persons cannot be sureties (RCr 4.30(2), KRS 431.510):

- Attorneys;
- Sheriffs and deputy sheriffs;
- Judges;
- Master commissioners and trial commissioners;
- Clerks and deputy clerks;
- For-profit bail bondsmen, whether individuals or corporations;
- Pretrial release officers.

NOTE: The surety (except an approved corporate surety, KRS 304.21-350) must be a resident of Kentucky or own real estate in Kentucky. This is not required on a full cash bond. RCr 4.30(1).

1. Require the surety (except an approved corporate surety, KRS 304.21-350) to complete and sign the Affidavit of Surety contained in the boxed area of AOC Form 365, Bail Bond, describing the property with which he/she will cover the amount of the bond. *This is not required on a full cash bond.* RCr 4.30(1).
2. The surety must have nonexempt value equal to the amount of the bond. If there are several sureties, their combined nonexempt worth must be equal to the amount of the bond. RCr 4.32. Each property owner has a \$5000 homestead exemption. KRS 427.060. *This is not required on a full cash bond.* RCr 4.30(1).

AOC Form 365, Bail Bond

11.7 Bonds More Than \$10,000 Cash

1. Prepare [IRS Form 8300, Transactions Received for More Than \\$10,000.00 Cash](#) when a bond is received for more than \$10,000.00 cash, for the following offenses:
 - Controlled Substances, KRS Chapter 218A; or
 - Money Laundering or Racketeering, KRS 506.120

NOTES:

- Federal Form 8300, reports of cash payments over \$10,000.00 received in a trade or business, must be completed and submitted to the Internal Revenue Service within 15 days after receipt of such money. Mail the original of the form to the Internal Revenue Service.
 - You are responsible for filing IRS Form 8300, even if the jailer takes the bond. For more information, see the [Accounting Manual](#). It is acceptable for the circuit clerk, deputy clerk or bookkeeper to sign the form. You must retain a copy of every Form 8300 filed for a period of five years.
 - By January 31st of each year, you must provide a written statement to each person(s) named on each Form 8300 that you filed during the previous year. This statement must include your name and address; your title, (circuit clerk); your office phone number and the total amount of reportable cash received from the person(s) during the year. The statement must include the fact that you are reporting the information to the Internal Revenue Service.
 - Civil and criminal penalties may be imposed for willful non-compliance with these guidelines.
2. In box #34 on the form type - Bail posted for (state specific criminal offense).
 3. If the case number is available, include it on the form.
 4. Enter the Cash received from the person. This includes the following:
 - US Currency totaling more than \$10,000.
 - Cashier's check, bank draft, money order or traveler's check less than \$10,000 combined with US Currency to total more than \$10,000.
 - Cashier's check, bank draft, money order or traveler's check less than \$10,000 combined with another cashier's check, bank draft, money order or traveler's check less than \$10,000 to total more than \$10,000.
 - This includes the amount of bail plus any fees (such as bail bond fee) if the total including fees makes the bond total over \$10,000.
 - Cash does not include personal checks, regardless of the amount.

Quick Reference

IRS Form 8300

Mail form within 15 days

Internal Revenue Service

Detroit Computing Center

P.O. Box 32621
Detroit, MI 48232

By 1/31 each year, provide a written statement to each person named on each IRS Form 8300 filed the previous year

5. Make a copy of the original form and after marking through the social security number, distribute copies as follows:
 - File one copy in the respective case file and retain for five years.
 - One copy to the bookkeeper in your office.
 - In case of an IRS audit, contact your AOC Judicial Auditor.
 - The U.S. Attorney in the district where the defendant resides.
 - The U.S. Attorney in the jurisdiction where the offense was committed if different from the defendant’s Residence.

NOTES:

- For attorney mailing addresses throughout the country, see the [United States Attorneys' Offices Contact Information list](#).
- For additional information, see the [Accounting Manual](#).

Quick Reference
 Make copies of the IRS Form 8300, cross out the Social Security number, and distribute accordingly

11.8 Refunds

RCr 4.44; RCr 4.48; KRS 431.545

A court order is required to release or refund a bond. For more information, see the [Accounting Manual](#).

1. Apply the **ENTERED** stamp to the order; add the date and your initials.
2. File a document screen. Use document type **OREF**.

Enter, date, initial
 Document type **OREF**

11.9 Property Bond Release

1. Complete [AOC Form 366 Property Bond Lien Release Notification](#).
2. Deliver the form, together with the lien release fee collected at the time the bond was filed, to the County Clerk of the county where the real estate is situated. The lien on the real estate must be discharged and the release recorded in the margin by the county court clerk. RCr 4.44(3).
3. Enter the form on a document screen. Use document type **PBR**.
4. Within seven days of the release by the county clerk, send notice of the release to the property owner.

NOTE: Lack of good cause for delay in releasing a lien will result in a daily fine of \$100.00 TO \$500.00. KRS 382.365.

AOC Form 366

 Document type **PBR**
 Send notice of release to property owner

11.10 *Disposition of Bail Bond Monies*

When the court orders discharge of the bail bond upon compliance with conditions of release, release the bond and distribute the bail bond money.

11.10.1 Money Deposited by Defendant

- **10 Percent Bond**
 - Defendant found not guilty or case dismissed, return full amount. KRS 431.530(5).
 - Defendant found guilty, retain 10 percent of amount deposited but not less than \$5.00; on defendant's request via a bond assignment, pay defendant's attorney of record. KRS 431.530(3), (4); RCr 4.46.
 - If a percentage bond other than a 10% bond is posted, do not retain any percentage of the amount deposited.
- **Other Amount of Cash**
 - Defendant found not guilty or case dismissed, return full amount. KRS 431.535(6); RCr 4.44(2).
 - Defendant found guilty, on court order, pay fine and/or costs; on defendant's request via a bond assignment, pay attorney; return any remainder without retaining any percentage. RCr 4.44(2); 4.46.
- **Stocks and Bonds**

Defendant found guilty, not guilty or case dismissed, return full amount. KRS 431.535(6).

11.10.2 Money deposited by surety:

- **10 Percent Bond**
 - Defendant found not guilty or case dismissed, return full amount. KRS 431.532(4).
 - Defendant found guilty, retain 10% of amount deposited but not less than \$5.00. KRS 431.532(2), RCr 4.44(2).
 - If a percentage bond other than a 10% bond is posted, do not retain any percentage of the amount deposited.
- **Other Amount of Cash**

Defendant found guilty, not guilty or case dismissed, return full amount. KRS 431.535(6).
- **Stocks and Bonds**

Defendant found guilty, not guilty or case dismissed, return full amount. KRS 431.535(6).
- **Bond Assignment**

When the bond is posted by a surety, the bond assignment must be made by the surety. Acceptance of the bond assignment by the Circuit Clerk creates an obligation for which the clerk is liable. The Circuit Clerk is liable if money is released to an improper party. See Bond Assignments in the [Accounting Manual](#).

NOTE: Money deposited by a surety cannot be applied to fines and costs without consent of the surety.

11.11 *Forfeitures*

RCr 4.42, RCr 4.48

1. If the court schedules a bond forfeiture hearing, complete a scheduled events screen for the next available court date. Use the scheduled events code **BFH**. The hearing is to determine if the bond should be forfeited.
2. Send notice of the hearing to the defendant and the defendant’s surety, if any.
3. Apply the **ENTERED** stamp to the order; add the date and your initials.
4. File on a document screen. Use document type **OFB**. RCr 4.48(4).
NOTE: If the district court orders a forfeiture and the amount is beyond its jurisdiction, or if real estate is involved, send a copy of the district court's order and the bond to the circuit court. RCr 4.48(2). In circuit court, open the case following instructions in the Case Add section of KYCourts Manual. Generate the next circuit civil **CI** number or use the next pre-numbered file folder. Use case type **OTH**.
5. Serve a copy of the order by first class mail on the defendant and the surety at their last known addresses. RCr 4.48(1).
6. The defendant or surety has 20 days after service of the order, or return of not found to appear. Create a tickler system for 30 days from the date the order is mailed by completing a scheduled events screen. RCr 4.48(1).
7. If the defendant or surety request a hearing, complete a scheduled events screen for the next available court date. Use scheduled event code **BFH**.
NOTE: This hearing is not for the purpose of determining whether bond should be forfeited, but is for the purpose of determining whether the court's prior order of forfeiture should be reversed.
8. If no hearing is requested, after the 30 days have elapsed, deliver the case file to the judge.
9. When a signed judgment is received, apply the **ENTERED** stamp to the judgment; add the date and your initials.
10. Enter on a document screen and give notice of entry by mailing a copy of the judgment to the defendant and surety.
NOTE: When a bond is forfeited, the defendant or surety may be liable for the full amount of the bond, even if a lesser amount was deposited. RCr 4.48(1).
11. Forfeit the bond. For more information, see the [Accounting Manual](#) or contact your judicial auditor.
12. If the forfeiture is a property bond, immediately send the judgment of forfeiture to each county clerk where the land is located. RCr 4.48(4).

Quick Reference

Scheduled events code **BFH**

Send notice of hearing to defendant/surety

Enter, date, initial

Document type **OFB**

Circuit Civil **CI** case

Case type **OTH**

Create a tickler system

Scheduled events code **BFH**

Enter, date, initial

Forfeit the bond

11.12 *Surrender of Defendant*

RCr 4.50

11.12.1 Exoneration

- If the surety requests refund of the bail bond at any time before the bond is forfeited, give the surety a certified copy of the bail bond. The surety gives the certified copy of the bail bond to any peace officer, who, with the certified copy of the bail bond, has authority to arrest the defendant in any county in the Commonwealth. The peace officer, upon arrest of the defendant, delivers the defendant and the certified copy of the bail bond to the jailer of the county in which the prosecution is pending.
- If the jailer acknowledges in writing that a defendant has been surrendered to him/her the court shall, after notice of five days to the appropriate prosecutor, order that the surety or sureties be exonerated from liability on the bond or recognizance. Any money or bonds that have been deposited as bail shall be returned to the person making the deposit. RCr 4.50.
 1. Apply the **FILED** stamp to any acknowledgment filed by the jailer; add the date and your initials.
 2. File on a document screen. Use document type **ACK**.
 3. If the court sets a hearing, calendar on a scheduled events screen.
 4. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen.
 5. Refund any money held pursuant to the court's order.

Quick Reference

File, date, initial

Document type **ACK**

Calendar the hearing

Enter, date, initial

11.12.2 Bail Posted in One Court, Proceedings in Another Court

1. If bond is posted in district court but the case is transferred or appealed to circuit court, send the bond papers to circuit court with the rest of the case file. RCr 3.22, 4.54(1).
2. In cases involving change of venue, send the bond and any deposits to the court where venue has been ordered. RCr 3.12, 3.22, 8.26.

11.13 *Bonds and Sureties in Civil Cases*

[Process Map](#)

KRS 30A.060, 454.180 to 454.190, CR 81A

1. There are various types of civil bonds that may be filed with the clerk. You are responsible for the sufficiency of any surety accepted by you or your deputy. KRS 30A.060.
2. The court must set the amount of bond.
3. Require the surety to make an affidavit to show qualification. KRS 454.180, KRS 454.185. Taking the affidavit relieves you of liability for taking insufficient surety if the surety falsifies their financial situation. *Commonwealth vs. Lewis*, 181 Ky. 804, 205 S.W. 921 (1918).
4. Verify affidavit requirements.
The surety must:
 - Be a resident of Kentucky.
 - Be worth double the sum to be secured, beyond debts.
 - Have property in Kentucky, not exempt from execution, equal to the amount of bond.

Refuse any surety if you are in doubt as to the sufficiency to cover the amount of the bond. If your judge orders you to take a bond you must do so; the order protects you from liability for taking an insufficient bond.

5. Collect the bond filing fee as set forth in the [Accounting Manual](#), and give a receipt. KRS 64.005.
6. File the bond and affidavit by completing a document screen. Use document type **BSUR**. You may file the affidavit as an attachment in the memo.

NOTE: The following governmental agencies are exempt from giving bond in order to bring an action, take any steps in a proceeding, indemnify a party, or stay the enforcement of a judgment. CR 81A, KRS 454.190:

- The United States.
- The Commonwealth of Kentucky, its cities, counties, or other political subdivisions, their agencies or officers acting for them.

Quick Reference

Require surety to make an affidavit

Verify affidavit requirements

Collect bond filing fee

Document type **BSUR**

11.14 *Replevin Bond*

KRS 426.450 - 426.470

1. The judgment debtor may postpone collection of most money judgments for three months by posting a replevin bond with surety. KRS 426.450.
2. Judgments which cannot be replevied are:
 - A judgment to enforce a lien;
 - A judgment against a collecting officer, attorney or agency in a suit for neglect of failure to fulfill his/her duties;
 - A judgment of a surety against his/her principal;
 - A judgment upon a debt due by obligation having the force of a judgment;
 - A judgment for specific property or its value;
 - A judgment on a sale, replevin, or forthcoming bond. KRS 426.470.
3. Require the surety to make an affidavit to show qualification. KRS 454.180, 454.185. Taking the affidavit relieves you of liability for taking insufficient surety if the financial information is falsified. *Commonwealth vs. Lewis*, 181 Ky. 804, 205 S.W. 921 (1918).
4. Verify affidavit requirements.
The surety must:
 - Be a resident of Kentucky.
 - Be worth double the sum to be secured, beyond debts.
 - Have property in Kentucky, not exempt from execution, equal to the amount of bond.

Refuse any surety if you are in doubt as to the surety's sufficiency to cover the amount of bond. If your judge orders you to take a bond you must do so; the order protects you from liability for taking an insufficient bond.
5. Collect a bond filing fee as set forth in the [Accounting Manual](#), and give a receipt.
6. Apply the **FILED** stamp to the bond; add the date and your initials.
7. Complete a document screen. Use document type **BO**.

Quick Reference

Require the surety to make an affidavit

Verify affidavit requirements

Collect bond filing fee

File, date, initial

Document type **BO**

11.15 *Bonds in Appeals Cases*

[Process Map](#)

11.15.1 Civil Cases

- A supersedeas bond is security posted by the appealing party (who has lost a lawsuit in a lower court) to compensate the opposing party for the legal expenses in case it wins also in the higher (appellate) court. Supersedeas bonds are only available in civil cases. For more information, see [Appeals](#).
- [AOC Form 155](#), Supersedeas Bond
 1. A civil appellant may give a supersedeas bond to stay enforcement of judgment pending appeal. CR 73.04. The trial court retains jurisdiction to determine all matters related to the right to file a supersedeas bond, (the amount, sufficiency, and surety) even after a notice of appeal or other appellate steps have been taken. CR 73.06.
 2. KRS 411.187 establishes a \$100 million cap on any supersedeas bond for punitive or exemplary damages on a civil judgment that is appealed. By court order, the cap may be lifted and the bond requirement reinstated to the full amount of the judgment. This provision applies to all civil actions including pending appeals.
 3. You must approve the bond unless the judge assumes this duty.
The bond must (unless the court orders otherwise):
 - Show the surety's address; (the surety must be someone other than the appellant) *Webb v. Webb*, Ky., 500 S.W.2d 59 (1973); (there is no restriction against a corporation of which the appellant is president signing appellant's bond as surety);
 - Undertake to pay the amount of the judgment stayed, plus interest, costs and any modification by the appellate court;
 - If the judgment concerns particular property, or, if the property is held by the sheriff, the amount of the bond need cover only damages for use of property plus interest and costs.
 4. Collect the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005.
 5. Apply the **FILED** stamp to the bond and affidavit (AFF); add the date and your initials.
 6. Complete a document screen. Use document type **AFF**.
 7. Mail a copy of the bond to all appellees. CR 62.03.
 8. Make a notation of the mailing in the document screen memo where the bond is filed.

Quick Reference
AOC Form 155
Approve the bond
Collect bond filing fee
File, date, initial
Document type AFF

11.15.2 Criminal Cases

1. Provisions governing bail on pretrial release apply to bail on appeal. RCr 12.78(3).
2. If the judge does not order a change in the bail, it remains effective.
3. If the judge orders any changes in the bail, prepare a new bond in accordance with the judge's instructions.
4. Collect the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005.
5. Apply the **FILED** stamp to the bond; add the date and your initials.
6. Complete a bail screen. For more information, see [Bail Detail Screen](#) in the KyCourts Manual.
7. Send a copy of the bond to the Commonwealth Attorney. RCr 12.80. Make a notation of the service in the bail screen memo.

Quick Reference
Collect bond filing fee
File, date, initial
Mail a copy of the bond to the Commonwealth Attorney

12 CALENDAR

CR 58(2)

District Court

- For more information, see [Judgments and Orders](#).
- You must keep a district court calendar for each court date. The calendar is created by completing a scheduled events screen. The calendar has space for the judge's notations on each case. These notations may include orders and judgments; therefore, maintenance of the calendar is very important. CR 58(2).
 1. Complete a scheduled event screen for the correct court date.
 2. In any criminal case in which the judge sets a new appearance date for payment of a fine or an installment, complete a scheduled event screen for that date.
 - a. If payment is made in full on or before that date, cancel the scheduled event to reflect a DELSCH action. For more information, see [Counter Screen](#) in the KyCourts Manual.
 - b. If an installment payment is made, create a new scheduled event with the new payment due date. Continue doing this until the fine is paid in full. This procedure allows for calendar control of the case until the fine is paid.
 3. The judge must sign each calendar page. This validates the judgments on that page. CR 58.
 4. Apply the **ENTERED** stamp; add the date and your initials.
 5. Keep all original signed calendars in a master file by date. CR 79.01, CR. 79.03.

EXCEPTION: Keep original signed calendars for confidential cases in the respective case files.

13 CHALLENGE TO ELECTION CANDIDACY AND ELECTION CONTESTS

KRS 118.176, 120.055, 120.155, 120.165

Circuit Court

[Process Map](#)

13.1 *Challenge to Election Candidacy*

1. When a motion is received that challenges the candidacy of an individual in a primary or general election, treat the motion as an initiating document.
2. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.
EXCEPTIONS: The following are exempted from the filing fees:
 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth KRS 453.010.
3. The plaintiff must file enough copies of the motion for service upon each defendant, in addition to the original, which is filed in your office. If you make the copies, collect a copy fee as set forth in the [Accounting Manual](#) and give a receipt.

Quick Reference
Collect filing fees

13.2 *Filing of Motion*

1. Assign to a division using the procedure in your local court rules.
2. Apply the **FILED** stamp to the motion; add the date and your initials.
3. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Use case type **OTH**.
4. Generate the next number in the computer for circuit civil **CI** cases or use the next pre-numbered file folder.
5. Complete a scheduled events screen.
 - *If the motion sets a hearing date*, complete a scheduled events screen using motion type **MH**, motion hour.
 - *If no hearing is required*, set the motion using motion type **MNH**, motion not requiring a hearing and then deliver it to the judge.

File, date, initial

Case type **OTH**
Civil **CI** case

* **MH** – if hearing is set

* **MNH** – if no hearing is set

13.3 *Service of Summons*

The plaintiff will instruct whether service of summons is by certified mail or personal delivery. If requested by the plaintiff, return the summons to the plaintiff to handle service of process and record service type **RAP**. For Return of Service, see [Service of Process](#).

13.4 *Judgment/Order*

1. When a signed judgment or order is received, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description. Document code **OO** – Order Other.
3. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. For more information, see [Notice of Entry](#).
4. Make an entry on the document screen showing the manner and date of the service of notice of entry or judgment.

NOTE: If the Order states that the Court has found that the candidate being challenged is not a bona fide candidate, send a certified copy of the Order to the Board of Elections. The Order may be challenged within five days after the entry of the Order.

5. When the judgment or order closes the case, complete the disposition date, disposition type and judge at disposition on the case screen.

Quick Reference
 Enter, date, initial

Document code **OO**

Serve notice of entry

Document manner and date of service

Kentucky Board of Elections
 140 Walnut Street
 Frankfort, KY 40601

13.5 *Election Contests*

KRS 120.155, 120.165

- Any candidate for election to any state, county, district or city office (except the office of Governor, Lieutenant Governor, member of the General Assembly, and those city offices as to which there are other provisions made by law for determining contest elections), for whom a number of votes was cast equal to not less than twenty-five percent (25%) of the number of votes cast for the successful candidate for the office, may contest the election of the successful candidate.

13.5.1 **Venue**

A petition to contest the election of the successful candidate is filed in the Circuit Court of the county where the contestee resides, unless the officer is elected by the voters of the whole state, in which case the petition shall be filed in the Franklin Circuit Court.

13.5.2 Filing Fee

Collect filing fees as noted in the [Challenge to Election Candidacy](#) section.

13.5.3 Petition

The petition shall be filed and process issued within thirty (30) days after the day of election.

1. Upon receipt of a petition to contest the regular election of officers, apply the **FILED** stamp; add the date and your initials.
2. Assign to a division using the procedure in your local court rules.
3. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Use case type **OTH**.
4. Generate the next number in the computer for circuit civil **CI** cases or use the next pre-numbered file folder.

Quick Reference
 File, date, initial
 Assign to division
 Case type **OTH**
 Circuit Civil **CI** cases

13.5.4 Service of Summons

The plaintiff will instruct whether service of summons is by certified mail or personal delivery. For more information, see [Service of Process](#).

See [Service of Process](#) for return of service instructions.

13.5.5 Hearing

Schedule a hearing immediately upon the return of the executed summons. Use hearing type **OH**.

NOTE: Voting machines and ballots may be removed to the court in which the action is pending. Receive the machines and/or ballots as ordered, but constructive possession may be sufficient. KRS 120.165.

Hearing type **OH**

13.5.6 Judgment

1. When a signed judgment or order is received, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description.
3. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. For more information, see [Notice of Entry](#).
4. Make an entry on the document screen showing the manner and date of the service of notice of entry or judgment.
5. When the judgment or order closes the case, complete the disposition date,

Enter, date, initial
 Enter judgment on document screen
 Notice of Entry
 Make entry on document screen
 Close case

disposition type and judge at disposition on the case screen.

14 CIRCUIT CRIMINAL CASES

[Process Map](#)

- A circuit criminal case is commenced with the filing of an [indictment](#) or [information](#). An indictment is returned by the [Grand Jury](#) and an information is filed by the commonwealth attorney.

14.1 *Misdemeanor Indictments*

- An indictment returned by the Grand Jury for a [misdemeanor](#), not joined with a [felony](#) charged in the same indictment, shall be docketed in [district court](#). RCr 5.20.
- If the misdemeanor charge came from a district court case, file the indictment for the misdemeanor in that case file.

14.2 *Circuit Criminal: Indictments Joined with a Felony*

- An indictment for a misdemeanor joined with a felony shall be docketed in [circuit court](#). RCr 5.20.
- When a [No True Bill](#) is returned on a misdemeanor, the circuit judge shall release the defendant from custody and bail. RCr 5.22. Place a copy of the NTB in the district court file. If a NTB is returned on a direct submission, place the NTB in the grand jury report file.
- There is no filing fee in criminal cases. KRS 453.190(1).

1. Upon receipt of an indictment or information, apply the **FILED** stamp to the indictment or information; add the date and your initials.
2. Refer to [Case Add](#) section of the KyCourts Manual for instruction on opening the case and handling of multiple defendants. Use case type **CR**. Generate the next case number for circuit criminal **CR** cases or use the next pre-numbered file folder.

NOTE: Open one case file and assign one case number when two or more offenses, whether felonies, misdemeanors, violations, or any combination thereof, are charged in the same or related indictment, information, served criminal complaint or citation, where the offenses are of the same or similar character or are based on the same acts or transactions connected together or constituting parts of a common plan or scheme. See [Uniform Case Management Standards](#).
3. Cross reference the circuit criminal case with the underlying district court case number by completing a cross reference screen, when applicable. Refer to the [Case Add](#) section of KyCourts Manual for specific instructions.
4. Issue a warrant or summons as directed by the court.

Quick Reference
File, date, initial

Case type **CR**

14.3 *Administrative Procedure*

1. Set up a tickler system by completing a scheduled events screen for sixty days from the filing date of the indictment. At the end of the sixty day period, print the calendar. Any case(s) wherein the warrant or summons on indictment is not served close the charge screen with **AP** Administrative Procedure.
2. Close the case by completing the disposition date and judge at disposition fields on the case screen.
3. At such time as the warrant is returned served, complete a special status screen to reopen the case. Remove the disposition date and disposition type from the charge screen. Do not change disposition information on the case screen.

14.4 *Sealed Indictment*

1. If the court directs that the indictment be sealed, open the case in the sealed **SE** division utilizing case add. Do not disclose any information concerning the case.
2. Create a case "holder" in the **CI** division using your next CR number so the sealed case may be transferred to the circuit **CI** division at such time as the case becomes a public record.
 - a. In the circuit **CI** division add the case holder by completing a party screen using **SEALED PARTY** for the defendant and complaining witness party names.
 - b. In the circuit **CI** division complete a case screen only using the case number assigned to the case in the **SE** division. Enter the style of the case as **SEALED RECORD**. Enter the original filing date, case type of **SE** sealed, and disposition date the same as the filing date. Enter the judge who sealed the indictment as the open judge and judge at disposition.
3. At such time as the case becomes public record (unsealed), through [Case Level Maintenance](#), delete the case in the circuit **CI** division and transfer the case from the sealed **SE** division to the circuit **CI** division.

Quick Reference

CI Division
Circuit **CI** Division

SE Division
Enter **SEALED RECORD**

14.5 *Amended Indictment*

1. Upon receipt of an amended indictment, apply the **FILED** stamp; add the date and your initials.
2. File the amended indictment by completing a document screen in the already existing/originating case. Use document type **OAI**.
3. Amend the charge(s) screen, as appropriate, to reflect the charges added or otherwise amended.
4. Follow the court’s direction for issuance of a summons or bench warrant.
5. Complete a scheduled events screen as directed by the court.
6. When a return of service is received, enter the return information on the warrant or summons screen.
7. When a hearing or trial is scheduled, calendar by completing a scheduled events screen.

Quick Reference
File, date, initial

Document type **OAI**

14.6 *Order*

1. Upon receipt of a signed judgment or order, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of the service of the notice of entry of the judgment or order.
3. An order from the court showing the defendant incompetent to stand trial; not guilty by reason of insanity; or guilty but mentally ill may subject the defendant to a firearm prohibition. See [Firearm Prohibition](#).

Enter, date, initial

NOE

14.7 *Charge Closing*

1. When a judgment or order disposes of a charge, close the charge screen by completing the disposition date, disposition type, judge, trial type, original plea and final plea fields. For more information, see [Pleas](#).

NOTES:

- Court trial is entered as trial type disposition only when an actual trial is held. Except for the jury being present, the same set of circumstances as a jury trial must exist, i.e., opening statements by attorneys, cross-examination of witnesses, closing arguments and a finding by the court. The entry of a guilty plea in open court is not a court trial.
- If a court trial or jury trial has been entered as the trial type, an original plea and final plea must be entered.

- If an original plea has been entered, a final plea must be entered whether or not the defendant changes the plea. If no plea is entered, (example: charge is dismissed at arraignment), original and final plea are both left blank. Original plea and final plea reflect what the defendant has entered regardless of a different finding by the court.

Conviction Reporting

Charge Date	Process	Exception
Before 10-1-00	Report conviction date to Division of Driver Licensing at time of conviction	If defendant charged before 10/1/00 elects and is sentenced under DUI sentencing guidelines in effect on and after 10/1/00, report the conviction at the time of sentencing by entering the length of time the defendant’s operators’ license is suspended/revoked. See KYCourts Manual.
On or After 10-1-00	Report conviction date to Division of Driver Licensing at time of sentencing.	If sentencing does not occur at the time of finding of guilt or entry of guilty plea, refer to KyCourts Manual for instructions on deleting the conviction report. When sentencing occurs, enter the length of time the defendant’s operators’ license is suspended/revoked. See KYCourts Manual.

Refer to instructions in KyCourts Manual for disposition of offenses reportable to [Driver Licensing](#). Also see [Conviction Reporting](#).

14.8 Sentence

1. If a sentence is imposed by the court, complete a sentence screen.
NOTE: If the defendant is sentenced to time and the time is suspended or conditionally discharged, enter the time assessed in the "total sentenced" field. Enter time suspended or conditionally discharged in the "suspended" or "conditionally discharged" field.
2. When all charges in the case have been disposed of and the defendant has been sentenced, complete the disposition date and judge at disposition fields ONLY on the case screen.
3. If the judgment imposes a sentence of death or confinement, provide the sheriff with two certified copies of the judgment. RCr 11.22.

14.9 *Court Costs*

Court costs are not assessed unless there is a conviction. Absent a finding of indigency, imposition of court costs is mandatory anytime there is a conviction.

1. If ordered, collect the fine, court costs and applicable fees as set out in the [Accounting Manual](#), and give a receipt. KRS 24A.175(1); KRS 24A.185(1)(3). Court costs are based upon the following:
 - Offenders will pay the court costs in effect on the violation date shown on the citation or indictment plus library fee and court facilities fee, if applicable.
 - Refer questions about receipting court costs to your Judicial Auditor.
2. If the court establishes an installment plan for the offender, schedule a show cause hearing using scheduled event type **SCIP** as ordered by the court.

NOTE: Apply payments first to court costs, then to restitution, then to fees and finally to fines, unless otherwise ordered by the Court. Contact your Judicial Auditor if you receive a court order directing you to apply payments in a different fashion.

Quick Reference

Event type **SCIP**

Apply payments first to:

Court Costs
Restitution
Fee
Fines

14.10 *Incompetency Determination*

1. If an order is entered finding a defendant incompetent to stand trial, mail a copy of the order to the **State Board of Elections**. KRS 30A.145.
2. A person found incompetent to stand trial may be subject to a firearm prohibition. See [Firearms Prohibition](#).
3. A person found incompetent to stand trial is prohibited from operating a motor vehicle during the period of the person’s incompetency. KRS 186.560.
4. Upon a finding of incompetency for any charge using disposition type **INC** – Incompetent to Stand Trial; an abstract reporting record will be generated notifying DOT.
5. When the individual is found competent to stand trial, manually enter a **COR** – correction record for each charge in which a report was generated due to the **INC** disposition.

*State Board of Elections
140 Walnut Street
Frankfort, KY 40601*

Disposition type **INC** –
Incompetent to Stand
Trial

Manually enter **COR**
Disposition type **INC**

License Surrendering Procedures

- Confiscate license. KRS 189A.200(3), or
- Have defendant sign a Transportation Cabinet Division of Drivers Licensing Form TC 94-9 Denial Statement indicating defendant does not possess a driver's license, or

- Issue a duplicate license and confiscate. KRS 189A.200(3). The location code should match the issuing location, but the issuing location will not match the address for an out-of-county conviction.

14.11 *Pretrial Diversion of a Class D Felony*

KRS 533.250 - 533.262

1. Upon receipt of an [AOC Form 347](#), Motion for Pretrial Diversion of Class D Felony is received, apply the **FILED** stamp; add the date and your initials.
2. Schedule a hearing by completing a scheduled events screen and file the motion by completing a motion screen using motion code **PDDF**.

Quick Reference
 AOC Form 347
 File, date, initial

 Motion code **PDDF**

14.11.1 **Order**

1. Upon receipt of a signed judgment or order, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on the document screen, including a brief description. Use document type **OGMPD** if the order grants the motion or **ODMPD** if the order denies the motion.
3. Serve [notice of entry](#) as shown in the distribution list at the bottom of the form. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of the order.
4. If the order grants the motion for pretrial diversion:
 - Close the charge screen by completing the disposition type as **DIV** (Diversion).
 - Schedule the date the charge is to be dismissed by completing a scheduled events screen. Enter in the memo field of the scheduled events screen, "Dismissed/Diverted."
 - Close the case screen by completing the disposition date field with the date the court ordered diversion and the judge at disposition field.

Enter, date, initial

 Motion granted-
OGMPD
 Motion denied-
ODMPD
 NOE

 Disposition type **DIV**

 Enter scheduled events
Dismissed/Diverted

14.11.2 **Diversion Successfully Completed**

At the end of the pretrial diversion period when a signed order is received ordering the charge dismissed/diverted, overlay the disposition type and date on the charge screen with the disposition of **DD** (dismissed/diverted) and the date of the order. Do not change the disposition date on the case screen.

14.12 *Voiding of Pretrial Diversion of a Class D Felony*

1. Upon receipt of a motion to void the pretrial diversion of a Class D Felony, apply the **FILED** stamp; add the date and your initials.
2. Schedule a hearing by completing a scheduled events screen and file the motion by completing a motion screen.
3. Reopen the case statistically. Refer to the [Special Status Detail Screen](#) Section of the KyCourts Manual.
4. Upon receipt of [AOC Form 346](#), Order Voiding Pretrial Diversion of Class D Felony, apply the **ENTERED** stamp to the order; add the date and your initials.
5. Enter the order on the document screen, including a brief description. Use document type **OVPD**.
6. Serve [notice of entry](#) as shown in the distribution list at the bottom of the form. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of the order.
7. If the order grants the motion to void the pretrial diversion, schedule a sentencing hearing as directed by the order by completing a scheduled events screen.

Quick Reference
File, date, initial

Schedule hearing

AOC Form 346
Enter, date, initial

Document type **OVPD**

NOE

14.12.1 **Sentencing**

When the defendant is sentenced and a signed [AOC Form 445](#), Judgment and Sentence on Plea of Guilty, is received:

1. Apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on the document screen, using document type **JSPG** and including a brief description.
3. Serve notice of entry as shown in the distribution list at the bottom of the form. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of the order.
4. Overlay the disposition type and disposition date on the charge screen according to the court’s order.
5. Complete a sentence screen, if appropriate.
6. Reclose the case by completing a special status screen. Refer to [Special Status Detail Screen](#) Section of KyCourts Manual for instructions.
7. To report convictions, see [conviction reporting](#) in this chapter.

AOC Form 445

Enter, date, initial

Document type **JSPG**

NOE

Overlay disposition

Complete sentence screen

14.13 ***Order to Corrections Cabinet***

All court orders, opinions, or judgments relating to the custody of a convicted felon shall be served upon **Warden, Assessment Center**.

Quick Reference
Warden, Assessment Center
Roederer Correctional Complex
PO Box 69
LaGrange, KY 40031

14.14 ***Order Involving Youthful/Public Offenders***

When you have entered a sentencing order involving juveniles charged as youthful offenders/public offenders:

Mail a copy to the Department of Juvenile Justice.

If a youthful offender is found guilty of specified charges, serve [notice of entry](#) of the order on the principal of the school attended by the child as directed in the order.

Department of Juvenile Justice
403 Wapping Street
Frankfort, KY 40601
NOE

14.15 ***Sex Offender Registration Form***

1. Upon receipt of a signed judgment or order: Probation and Parole Form P:227, Sex Offender Duty To Register Notification Form, apply the **ENTERED** stamp; add the date and your initials.
2. File by completing a document screen. Use document type **ORSO**.
3. Give [notice of entry](#) of the judge’s order by distributing a copy of the form as shown in the distribution list at the bottom of the form.

Enter, date, initial

Document type **ORSO**

NOE

14.18 *Kentucky Rule of Evidence (KRE) 412 Hearing in Rape and Similar Cases*

- Procedure to determine admissibility of evidence.

For hearings held pursuant to KRE 412(c)(2), motions and related papers together with the audio or video tape of the hearing must be sealed and remain sealed unless the court orders otherwise.

1. When the motion(s) and related papers are received, apply the **FILED** stamp; add the date and your initials.
2. File by completing a motion or document screen as appropriate. If the pleading is a motion, schedule a hearing by completing a scheduled events screen.
3. Place the motion or other pleading in an envelope; mark the envelope **CONFIDENTIAL**; add the date and your initials. Seal the envelope.
4. Place the sealed envelope in the case file.
NOTE: If an audio or video hearing is held, place the tape of such hearing in an envelope; mark the envelope **CONFIDENTIAL**; add the date and your initials. Seal the envelope.
Place the sealed envelope in the case file.
5. Do not release the sealed envelope(s) from your custody except when actually used in the action or proceeding. If a request to review the case file is received, remove the envelope(s) from the case file.
6. An individual seeking to view the sealed envelope(s) must secure a court order giving him/her access.
7. When the case is closed, maintain the confidentiality of the pleadings.

Quick Reference
File, date, initial

Mark envelope
CONFIDENTIAL

Mark envelope
CONFIDENTIAL

15 CITATIONS

KRS 431.450

District Court

[Process Map](#)

The circuit clerk has a statutory duty to "maintain a system of accountability for all citations issued ... to assure that citations are not wrongfully destroyed, tampered with, or otherwise compromised in any manner." KRS 431.450(3).

- [eCitation](#)
- [Transmittal Log](#)
- [Pre-payable Citations](#)
- [Court Appearance Citations](#)
- [Fish/Wildlife Citations](#)
- [DUI Citations](#)
- [CDL Citations](#)
- [Motor Carrier Citations](#)

15.1 ***eCitation***

Citations are generated electronically through a program known as [eCitation](#). Law enforcement officials will enter the citation/offense information into the eCitation program which will then be available for the clerk's office to retrieve electronically.

- [Pre-payable](#) and [Court Appearance Citations](#) (KRS 431.450, KRS 431.452) may be electronically processed. Refer to the Pre-payable and Court Appearance Citations sections in this chapter and the [eCitation](#) User Guide for additional information.
- Citations issued for a service of a warrant or a summons must be processed manually.

NOTES:

- Do not open a case file on a citation with a UOR code for serving a warrant or summons.
- If a copy of a citation is received by the clerk **prior** to the original citation being submitted to your office (outside of eCitation); create a case in the case management system utilizing the copy. When the original citation is received by the court and you attempt to add the case using citation entry, a message will display indicating that the citation has already been utilized and provide the case number associated with that citation number. When the original citation is received, stamp it filed; add the date and your initials. Place the original in the case file.
- If a prepayable offense is cited with a non-prepayable offense, the officer will cite the violator to court. If the judge dismisses the non-prepayable offense PRIOR to the court date listed on the citation, the prepayable offense may be prepaid and the violator is not required to appear in court.
- eCitation will add the case to the case management system generating the next case number in the computer for Traffic (T), or Misdemeanor (M), or Felony (F) cases.
- When processing a citation, if the officer has submitted an incorrect court date, you must correct the date after citation processing by retrieving the case in KYCourts and updating the scheduled events screen. If a clerk must assign or correct a court date and time, the clerk must issue a court notice to the defendant of the correct court event.

Quick Reference

Add date and initials

BEST PRACTICE: When possible always create a case using the original citation. Creating a case from a copy should only be done when absolutely necessary.

Traffic- **TR**
 Misdemeanor- **M**
 Felony- **F**

15.1.1 Transmittal Log

A transmittal log must be printed each day from eCitations indicating all transmitted and processed citations. This is in accordance with KRS 431.455(2), which requires peace officers or other persons to whom uniform citations are distributed to properly account for citations issued and transmitted.

1. Apply the **FILED** stamp to the transmittal list; add the date and your initials.
2. File in a master file.
3. Check the citations against the transmittal list. If there are any discrepancies, report them to the law enforcement agency involved. If you have reason to believe that citations are reported inaccurately, report the problem to Legal Services at the Administrative Office of the Courts.

File, date, initial

15.2 Manual Processing

Cases may be opened by completing the [Citation Entry](#) screen in KyCourts when a case cannot be processed electronically using the eCitation program.

1. Apply the **FILED** stamp to the citation; add the date and your initials.
2. Open the case by completing the Citation Entry Screen(s).
 - a. If the case is prepayable, check the prepayable box.
 - b. Enter the complaining witness in the Person # field.
 - c. Complete the Scheduled Events portion:
 - Event Type - **ARR** Arraignment;
 - Court date - Enter the date shown on the citation;
 - Judge - **NA** Not Applicable;
 - Court Time - Arraignment Time

(NOTE: If prepayable, you may set the scheduled time for an “off-time” in order that the prepayable calendar will print separately from court appearance cases);

 - Court Code - Courtroom number, if applicable.

3. Generate the next case number in the computer for Traffic (T), Felony (F), or Misdemeanor (M) Cases.

NOTE: Open one case file and assign one case number when two or more offenses, whether felonies, misdemeanors, violations, or any combination thereof, are charged in the same or related indictment, information, served criminal complaint or citation, where the offenses are of the same or similar character or are based on the same acts or transactions connected together or constituting parts of a common plan or scheme. See [Uniform Case Management Standards](#).

NOTE: If offenses are mixed in nature on a district court criminal complaint, i.e., felonies, misdemeanors and/or traffic charges in some combination, the case type assigned will be that of the most serious offense. For exceptions see: [Case Numbering](#).

Quick Reference

File, date, initial

Traffic- **T**

Misdemeanor- **M**

Felony **F**

Event type **ARR**

Generate the next **T, F,**
or **M** case

15.2.1 Mental Health Citation

Do not open a case file if you receive a citation charging a defendant with:

UOR Code 030040, 60/360 Day Involuntary Hospitalization of Mentally Ill Person; or

UOR Code 030050, Emergency Detention; or

UOR Code 030080, Involuntary Commitment of Individual with Alleged Intellectual Disabilities

Retain the citation by stapling it to the transmittal log submitted with the citation. If other charges are listed on the citation, file and process the citation but do not complete a charge screen for any charges with the codes listed herein. See [Mental Health](#).

15.3 *Payment of Pre-Payable Citation*

KRS 431.452 and KRS Chapters 150, 177, 189, 235, 281.

- For any violation shown on the [pre-payable chart](#) (speeding 1 to 25 mph over the limit), the defendant may elect to pay the fine, court costs and applicable fees as set out in [Accounting Manual](#), to the circuit clerk before the date of his/her trial or be tried in the normal manner. Payment of the fine and court costs to the clerk shall be considered a plea of guilty for all purposes. KRS 24A.175(1); KRS 24A.185(1)(3).

NOTE: Citations issued to a defendant under the age of 18 per the charge date are NOT prepayable and will be cited to court. See Section [Traffic Citations to Minors](#).

Payment is due before the court date shown on the citation. KRS 431.452(3)(c).

See [Pre-Payable Fine Chart](#).

1. Collect the fine, court costs and applicable fees as set out in the [Accounting Manual](#) and give a receipt.

NOTE: Court costs are based upon the charge date. Offenders will pay the court costs in effect on the violation date shown on the citation plus library fee and court facilities fee, if applicable.

2. If the court establishes an installment plan for the offender, schedule a show cause hearing using event type **SCIP** as ordered by the court. Apply payments first to court costs, then to restitution, then to fees and finally to fines, unless otherwise ordered by the Court. Contact your Judicial Auditor if you receive a court order directing you to apply payments in a different fashion.

NOTE: Refer questions about receipting court costs to your Judicial Auditor.

3. When payment is made, close the Charge screen by completing:

- Disposition Date - Payment Date;
- Disposition TPE - **PRPD** Prepayable Citation Paid;
- Disposition Judge - **NA** Not Applicable;
- Trial Type - **N** No Trial

NOTE: Refer to the [KyCourts Manual](#) for instructions on closing charges using the counter screen.

4. See [charge dispositions reportable to Division of Driver Licensing](#). Also see [Reporting Convictions](#) in this manual.
5. Complete a sentence screen by entering the Sentence Date, Judge as **N/A** Not Applicable and the amount of the fine and costs, and any other sentence details, e.g., STS.
6. When all charge dispositions in the case have been completed, the system will close the case screen by completing the Disposition Date and Judge at Disposition.

15.4 [Prepayable Fine Chart](#)

Speeding Prepayables:

- Speeding fines in violation of KRS 189.390: [Click here](#).
- To view UOR Codes for Prepayable Speeding Offenses: see [UOR Codes](#).
- If the speeding charge is in a highway work zone area, the fine is double the amount shown.
- For speeding 21 to 25 mph over the limit in a 55 mph or greater speed zone, the prepayable fine shall be sixty dollars (\$60).

Prepayable Overweight Offenses

- When the excess load is 5000 lbs. or less, the fine is \$.02 per pound for each pound for excess load. KRS 189.990(2).
- When the excess load is over 5000 lbs., the statute provides that the fine is \$.02 per pound for each pound of excess load BUT the fine imposed must not be less than one hundred dollars (\$100) or more than five hundred dollars (\$500), i.e. between \$100 to \$500. Because an offender only has to pay the minimum fine amount if he/she chooses to prepay, the fine amount is \$100 for an overweight violation of more than 5000 lbs. KRS 189.990(2).
- To view Prepayable Overweight Offenses: See [UOR Codes](#).

[Other Prepayables](#) and [Clerk Calculated Pre-Payables](#):

NOTE: In addition to the fine indicated, collect court costs and applicable fees as set out in the [Accounting Manual](#) and give a receipt. KRS 24A.175(1); KRS 24A.185(1)(3).

15.5 [Parking Violations](#)

There are no costs on a prepaid parking citation when:

- The offender does not request a hearing and the fine is paid before the court date; and
- The citation does not involve parking in a fire lane or blocking the travel portion of the highway. KRS 24A.175(2).

15.6 [Seat Belt Violations](#)

- There are no court costs on a citation for seat belt, whether prepaid or by court appearance, unless it is cited with another offense for which court costs are applicable. KRS 189.990(25).

15.7 *Booster Seat Violations*

- There are no court costs on a citation for a booster seat, whether prepaid or by court appearance, unless it is cited with another offense for which court costs are applicable. KRS 189.990(25). A person who has not been previously charged with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

15.8 *KRS 189.580(1)(b) or 6(b) Offenses*

- Duty in case of accident/Movement of vehicle from roadway after accident/ Removal of vehicles obstructing roadway.
- There is no fine or court cost on a citation for only these offenses. KRS 189.993(12).

15.9 *Prepayable Citations Not Paid By Court Date*

1. When a prepayable traffic citation is not paid before the court date the defendant must appear in court.
2. Follow the judge’s calendar order. When a signed calendar is received, it is an order or judgment for each case listed. CR 58. Apply the **ENTERED** stamp; add the date and your initials.

NOTE: Notice of entry of judgment is not required in traffic or misdemeanor cases. RCr 12.06(3).

3. If the court establishes an installment plan for the offender, schedule a show cause hearing using event type **SCIP** as ordered by the court. Apply payments first to court costs, then to restitution, then to fees and finally to fines, unless otherwise ordered by the Court. Contact your Judicial Auditor if you receive a court order directing you to apply payments in a different fashion.
4. If the defendant does not appear the court may issue a Failure to Appear. Close the charge screen by completing the disposition date, disposition type using FTA, disposition judge and trial type.

NOTE: An FTA disposition type will electronically notify the Kentucky Department of Transportation Division of Drivers Licensing.

5. Upon receipt of payment of the fine and costs close the charge screen by overlaying:
 - Disposition Date - payment date;
 - Disposition Type - **PRPD** Prepayable Citation Paid;
 - Disposition Judge - **NA** Not Applicable;

Quick Reference
Enter, date, initial
Event type SCIP

- Trial Type - **N** No Trial
6. Upon payment and removal of the FTA disposition notification will be electronically transmitted to DDL at the Kentucky Department of Transportation. Click [here](#) for charge dispositions reportable to the Division of Driver Licensing.
 7. Complete a sentence screen by entering the sentence date, Judge as **N/A** Not Applicable, the amount of the fine and costs and any other sentence ordered by the Court, e.g., STS. See KyCourts Manual for assistance in closing using [Counter Screen](#).
 8. When all charges in the case have been completed, the system will close the case screen by completing the disposition date and judge at disposition fields.
 9. If the defendant requests a court appearance:
 - Have your judge assign a court date or you may do so if your judge directs and enter on a scheduled events screen. Notify the defendant of the court date by court notice or summons as directed by your judge.

15.9.1 Court Notice

1. Apply the **FILED** stamp to the court notice; add the date and your initials and file on a document screen. Use document type **NH**. Deliver a copy of the notice to the defendant.

<p>Quick Reference File, date, initial Document type NH</p>

15.9.2 Summons

1. Generate a summons by completing the summons screen. Give to the sheriff or other peace officer for service. Do not make a copy for the file, the officer's return will provide a copy. When a return is received, enter the return information on the summons screen.

15.9.3 Judgment/Order

1. When a signed calendar is received, it is an order or judgment for each case listed. CR 58. Apply the **ENTERED** stamp; add the date and your initials. Notice of entry of judgment is not required in traffic or misdemeanor cases. RCr 12.06(3).
2. When the calendar disposes of a charge, close the charge screen(s) by adding disposition date, disposition type, judge, trial type, original plea and final plea fields.
3. See the [Pleas](#) section in this manual regarding criteria for entering court trial, jury trial, and plea information in the charge screen.
4. If a sentence is imposed by the court, complete a [Sentence Detail](#).
5. When all charge dispositions in the case have been completed, the system will close the case screen by completing the Disposition Date and Judge at Disposition fields.
6. Place the original signed calendar in a master calendar file by date. It is not necessary to place a copy of the calendar in the case file.

7. If ordered, collect the fine, court costs and applicable as set in the [Accounting Manual](#), and give a receipt. KRS 24A.175(1); KRS 24A.185(1)(3).
8. Court costs are based upon the charge date. Offenders will pay the court costs in effect on the violation date shown on the citation plus library fee and court facilities fee, if applicable.

NOTE: Court costs are not assessed unless there is a conviction. Absent a finding of indigency, imposition of courts costs is mandatory anytime there is a conviction.

15.9.4 Other Prepayables (Non-Traffic) Not Paid By Court Date:

1. Assign a court date as directed by your judge and enter on a scheduled events screen. Notify the defendant of the court date by court notice or summons as directed by your judge.
Notice: Apply the **FILED** stamp to the notice; add the date and your initials and file on a document screen. Use document type **NH**. Mail a copy of the notice to the defendant.
Summons: Generate a summons by completing a summons screen. Use summons type **CR**. Give to the sheriff or other peace officer for service. Do not make a copy for the file, the officer's return will provide a copy. When a return is received, enter the return information on the summons screen.
2. When a signed calendar is received after the defendant's court appearance, it is an order or judgment for each case listed. CR 58. Apply the **ENTERED** stamp; add the date and your initials. RCr 12.06(3). Enter the information on the appropriate screen.
NOTE: Notice of entry of judgment is not required in traffic or misdemeanor cases.
3. If a sentence is imposed by the court, complete a sentence screen.
4. When the calendar disposes of a charge, close the charge screen(s) by adding disposition date, disposition type, judge, trial type, original plea and final plea fields.
5. Refer to instructions in KyCourts Manual for charge dispositions reportable to Division of Driver Licensing ([DDL Requirements](#)).
6. When all charge dispositions in the case have been completed, the system will close the case screen by completing the disposition date and judge in disposition fields.
7. Place the original signed calendar in a master calendar file by date. It is not necessary to place a copy of the calendar in the case file.
8. If ordered, collect the fine, court costs and applicable fees as set out in the [Accounting Manual](#), and give a receipt. KRS 24A.175(1); KRS 24A.185(1)(3).
9. Court costs are based upon the charge date. Offenders will pay the court costs in effect on the violation date shown on the citation plus library fee and

Quick Reference
File, date, initial Document type NH
Summons type CR
Enter, date, initial

court facilities fee, if applicable. Refer questions about receipting court costs to your Judicial Auditor.

10. Court costs are not assessed unless there is a conviction. Absent a finding of indigency, imposition of court costs is mandatory anytime there is a conviction.
11. If the court establishes an installment plan for the offender, schedule a show cause hearing using event type **SCIP** as ordered by the court. Apply payments first to court costs, then to restitution, then to fees and finally to fines, unless otherwise ordered by the Court. Contact your Judicial Auditor if you receive a court order directing you to apply payments in a different fashion.

Quick Reference

Event type **SCIP**

15.10 *Court Appearance Citations*

KRS 431.450, KRS 431.452

not known, send “To the Parent/Guardian of [minor’s name]” to the address listed for the minor on the citation.

15.11 *Fish & Wildlife Citations*

Any person who fails to appear pursuant to a citation or summons issued by a conservation officer or peace officer of this Commonwealth for violation of KRS 150 or any administrative regulation promulgated thereunder shall forfeit his or her license or, if that person is license-exempt, shall forfeit the privilege to perform the acts authorized by the license. The individual shall not be permitted to purchase another license or exercise the privileges granted by a license until the citation or summons is resolved. The court shall notify the department whenever a person has failed to appear pursuant to a citation or summons for a violation of this chapter or any administrative regulation promulgated thereunder. KRS 150.990.

- Process [Prepayable eCitations](#) and [Court Appearance Citations](#) issued by a conservation or peace officer for a violation of KRS Chapter 150 as indicated above.
- If a prepayable is not paid by the court date or the person fails to appear in your court proceed as directed below in addition to any action ordered by the judge.
 1. Photocopy the citation. The copy must be legible.
 2. Mark **FTA** on the face of the citation in red ink.
 3. Photocopy the marked copy of the citation. Retain this copy and file with the original citation in the case file.
 4. Mail the marked copy to **Department of Fish and Wildlife**.
 5. Enter disposition information on the charge screen(s) using **FTA** disposition type.
 6. When the citation has been satisfied, retrieve the photocopy marked **FTA** from the case file. Mark **SATISFIED** on the face of the photocopy in red ink. Mail the marked copy to the Department of Fish and Wildlife.

Quick Reference
 Mark **FTA**
Department of Fish and Wildlife
Law Enforcement Division
#1 Sportsman’s Lane
Frankfort, KY 40601

Disposition type **FTA**
 Mark **SATISFIED**

15.12 *Jail Credit*

Defendants who are incarcerated for failure to pay costs and fines or for failure to appear on contempt for failing to pay are entitled to a “Jail Credit” in various amounts. A defendant sentenced to jail for failure to pay fines shall receive credit against the fines and costs and is applied at the following rates for each day spent in jail unless ordered otherwise:

- \$50 per day if no community service is performed
- \$100 per day if (8) eight hours of community service is performed
- 1/8 of \$100 for each hour worked

NOTE: The jailer is responsible for tracking the amount of credit the defendant has earned.

1. Upon receipt from the jailer of AOC 426 (Notice of Jail Credit), apply the **FILED** stamp, add the date and your initials.
2. File on a document screen using document code **NJC**. Enter the amount of credit earned in the box provided. Refer to the Jail Credit section in the [Accounting Manual](#) for information about applying the credit.

AOC Form 426
File, date, initial
Document code **NJC**

15.13 *DUI Citations*

When DUI Citations are received in District Court (KRS 189A):

1. Apply the **FILED** stamp to the citation; add the date and your initials. Refer to Case Add section of KYCourts Manual. Generate the next case number in the computer for Traffic (T), or Felony (F) cases.

NOTE: Open one (1) case file and assign one (1) case number when two (2) or more offenses, whether felonies, misdemeanors, violations, or any combination thereof, are charged in the same or related indictment, information, served criminal complaint or citation, where the offenses are of the same or similar character or are based on the same acts or transactions connected together or constituting parts of a common plan or scheme.

NOTE: If offenses are mixed in nature on a district court criminal complaint, i.e., felonies, misdemeanors and/or traffic charges in some combination, the case type assigned will be that of the most serious offense. For exceptions see: [Case Numbering](#).

2. When a citation is received wherein a defendant is charged with a second or subsequent DUI, a Request for a Vehicle Registration Inventory must be emailed to the Division of Motor Vehicle Licensing **immediately** to ensure the defendant’s license plate registration information is available to the Judge at the time of the defendant’s arraignment. See [License Plate Impoundment](#) for more information.

File, date, initial
Traffic- **T**
Felony- **F**

15.13.1 Driving History Record

The defendant's driving history record (DHR) must be provided to the judge at arraignment. KRS 189A.210. You may provide this or Pretrial Services will do it for you. Apply the **FILED** stamp; add the date and your initials and file on a document screen.

Quick Reference
File, date, initial

15.13.2 Blood Test Report

1. When the clerk receives the blood test report results (with the citation or later,) complete a document screen using document type **BTR** and enter the BA result in the field on the charge screen in KyCourts.

NOTE: If the defendant refused a chemical test enter BA Code 999. If a blood test was administered enter BA Code 888. Leave the BA field blank if a urine test was administered and memo "Urine Test" in the charge screen.

Document type **BTR**

15.13.3 Pretrial Suspension

Types:

- The defendant refused a chemical test or has had his/her license revoked or suspended one (1) or more times in the five (5) years before this arrest for refusing a chemical test. KRS 189A.200(1)(a).
- This is the defendant's second or subsequent offense by having one (1) or more DUI convictions in the five (5) years before this arrest. KRS 189A.200(1)(b).
- Defendant was involved in an accident resulting in death or serious injury to person other than the defendant. KRS 189A.200(1)(c).

License surrendering procedures:

- The court will Confiscate the license. KRS 189A.200(3), or
- Have defendant sign a Transportation Cabinet Division of Drivers Licensing Form TC 94-9 Denial Statement indicating defendant does not possess a driver's license, or
- Issue a duplicate license and confiscate. KRS 189A.200(3). The location code should match the issuing location, but the issuing location will not match the address for an out-of-county conviction.

Suspension Procedures:

1. If a person whose license has been suspended files a motion for judicial review, calendar a license suspension review hearing within 30 days of the filing of the defendant's motion by completing a scheduled events screen. KRS 189A.200(2).
2. Complete the top half of [AOC Form 341](#), Pretrial Suspension Order.
3. Upon receipt of the signed order, apply the **ENTERED** stamp; add the date and your initials and enter on a document screen.
4. Send license (or denial statement) and the form on a **daily** basis to Drivers Licensing.
5. Complete a scheduled events screen, as ordered by the court, to recalendar the case for the termination of the suspension order (completion of bottom half of AOC Form 341).

Quick Reference

AOC Form 341
Enter, date, initial

IMPORTANT: Send
license or denial
statement and AOC
Form 341 to DL DAILY

*Transportation Cabinet
Division of Driver
Licensing
200 Mero St, 2nd Floor
Frankfort, KY 40622*

15.13.4 Pretrial Ignition Interlock Application and Order

A person who is subject to pretrial suspension may make application to the court for authorization to apply for an ignition interlock license and device.

1. Upon receipt of AOC Form 495.4 Pretrial Application for Authorization for an Ignition Interlock License and Device apply the **FILED** stamp; add the date

File, date, initial
Document type **PAI**

and your initials. File on a document screen using document type **PAI**.

NOTE: An IID application may be made at arraignment or any time thereafter.

2. Deliver the application to the judge or complete a scheduled event screen, using your local protocol.
3. Upon receipt of a signed AOC Form 495.5 Pretrial Order Authorizing Application for Ignition Interlock License and Device apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **POI**.
4. Send the Order (AOC form 495.5) on a **daily** basis to Drivers Licensing.

Enter, date, initial

Document type **POI**

AOC Form 495.5

15.13.5 Pretrial Termination

1. When a termination of suspension is ordered, complete the bottom half of [AOC Form 341](#). Apply the **ENTERED** stamp; add the date and your initials and enter on a document screen. Send termination of suspension orders on a daily basis to the Division of Drivers Licensing. Suspension is terminated as follows:

- By court order. KRS 189A.200(5)(6).
- If the suspension review hearing has not already expired; unschedule/delete the event (using DELSCH in counter screen);
- When the court orders suspension terminated because case is not concluded at the end of the times listed per the suspension order. KRS 189A.200;
- When judgment of acquittal is entered (and if suspension is for chemical test refusal), the suspension period has expired per KRS 189A.107. If the suspension review hearing has not already expired; unschedule/delete the event (using DELSCH in counter screen);

NOTE: Even though acquitted, license of someone suspended for test refusal will still be suspended for original suspension period. KRS 189A.107. KRS 189A.200.

- When judgment of conviction entered. Along with termination of suspension order, send uniform citation with court disposition. Remove suspension case from calendar if time listed in step (2) above not expired. KRS 189A.200(4)(h).
2. When a signed calendar is received, it is an order or judgment for each case listed. CR 58. Apply the **ENTERED** stamp; add the date and your initials.
NOTE: Notice of entry of judgment is not required in traffic or misdemeanor cases. Enter the information on the appropriate screens.
 3. If the order or judgment imposes jail time, complete [AOC Form 425](#), Order of Commitment, and deliver to transporting officer.

Quick Reference

Enter, date, initial

Enter, date, initial

AOC Form 425

15.13.6 DUI Charge Closing

To close a DUI Charge:

1. When the calendar disposes of a charge, close the charge screen by completing the disposition date, disposition type, judge, trial type, original [plea](#) and final plea fields.
2. Click [here](#) for charge dispositions reportable to Division of Driver Licensing.

Charge Date	Process	Exception
Before 10-1-00	Report the conviction date to Division of Driver Licensing at time of conviction.	If defendant charged before 10/1/00 elects and is sentenced under DUI sentencing guidelines in effect on and after 10/1/00, report the conviction at the time of sentencing by entering the length of time the defendant's operators' license is suspended/revoked. See KYCourts Manual.
On or After 10-1-00	Report conviction date to Division of Driver Licensing at time of sentencing.	If sentencing does not occur at the time of finding of guilt or entry of guilty plea, refer to KYCourts Manual for instructions on deleting the conviction report. When sentencing occurs, enter the length of time the defendant's operators' license is suspended/revoked. See KYCourts Manual.

15.13.7 DUI Sentence

1. If a sentence is imposed by the court, complete a [Sentence Detail](#).
2. When all charge dispositions in the case have been completed, the system will close the case screen by completing the disposition date and judge at disposition fields.
3. If ordered, collect the fine, court costs and applicable fees in effect per the violation date as set out in [Accounting Manual](#), and give a receipt. KRS 24A.175(1); KRS 24A.185(1)(3).

15.13.8 Not Guilty Disposition

Not Guilty Disposition. If the disposition is not guilty and a pretrial suspension was ordered:

- Chemical Test Refusal. Do not complete or send termination of suspension order (AOC Form 341) to Drivers Licensing.
- Subsequent offenders. Send termination of suspension order (AOC Form 341) to Drivers Licensing.

Post-Acquittal Ignition Interlock Application & Order

A defendant may apply for an ignition interlock license post-acquittal.

1. Upon receipt of AOC Form 495.10 Post-Acquittal Application for Authorization to Apply for an Ignition Interlock License and Device, apply the **FILED** stamp; add the date and your initials. File on a document screen using document type **AAI**.
2. Deliver the application to the judge or complete a scheduled event screen, using your local protocol.
3. Upon receipt of a signed AOC Form 495.11 Order Upon Acquittal Authorizing Ignition Interlock License and Device apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **OUI**.
4. Send the Order (AOC Form 495.11) on a **daily** basis to Drivers Licensing.

15.13.9 Disposition of Guilty

If the disposition is guilty (ADE) KRS 189A.040, 189A.045:

1. At sentencing, complete [AOC Form 494](#), Notice to Attend Alcohol, Drug, Education Program, with program's name, address and phone number and give a copy to the defendant. Apply **FILED** stamp; add date and your initials. File on a document screen using document type **NAT**. Place the original in the case jacket and send a copy, with copy of uniform citation, to the program administrator.
2. Upon receipt of a notice that the defendant failed to enroll or dropped out, calendar a show cause hearing on a scheduled events screen, for 20 days from receipt of notice. Notify defendant of court date. Add the **FILED** stamp to the notice; add the date and your initials; file on a document screen using document type **NADE**.
3. After the hearing, when an order is received, apply the **ENTERED** stamp; add the date and your initials. File on a document screen.
4. When notice is received that defendant has completed the program, apply the **FILED** stamp; add the date and your initials. File on a document screen using document type **NOC** and memo details.

Quick Reference

AOC Form 341

File, date, initial
Document type **AAI**

AOC Form 495.11

Enter, date, initial
Document type **OUI**

*Transportation Cabinet
Division of Driver
Licensing
200 Mero St, 2nd Floor
Frankfort, KY 40622*

AOC Form 494

File, date, initial
Document Type: **NAT**

File, date, initial
Document Type: **NADE**

Enter, date, initial

File, date, initial
Document type **NOC**

NOTE: In a DUI appeal, if the defendant's license has been mailed to the Transportation Cabinet see a copy of the NOA to Division of Driver Licensing. See [Appeals](#).

Operator’s License Surrender (Post-Judgment)

1. Every operator’s license suspended or revoked by the court shall be surrendered to the court. If AOC Form 342, Confiscation Order for Operators’ License is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **OC**. Give 2 copies to a peace officer for service on the defendant. When a return is received, apply the **FILED** stamp to the return; add the date and your initials. Enter the return date in the memo field of the document screen where the Confiscation Order for Operators’ License is entered.
2. When you receive a surrendered or confiscated operator’s license, forward immediately to the **Transportation Cabinet**.

Ignition Interlock (Post-Judgment)

A defendant may apply for an ignition interlock license upon conviction.

1. Upon receipt of AOC Form 495.12 Application to Court Upon Conviction for Authorization to Apply for an Ignition Interlock apply the **FILED** Stamp; add the date and your initials. File on a document screen using document type **ACI**.
2. Deliver the application to the judge or complete a scheduled event screen, using your local protocol.
3. Upon receipt of a signed AOC Form 495.13 Order Upon Conviction Authorizing Ignition Interlock License and Device apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **OCI**.
4. Send the Order (AOC Form 495.13) on a **daily** basis to Drivers Licensing.

Quick Reference
 AOC Form 342
 Enter, date, initial
 Document Type: **OC**

 File, date, initial

 Transportation Cabinet
 Division of Driver
 Licensing
 200 Mero St, 2nd Floor
 Frankfort, KY 40622

AOC Form 495.12

 File, date, initial
 Document type **ACI**

AOC Form 495.13
 Enter, date, initial
 Document type **OCI**

IMPORTANT: Send
 Order to DOT Division
 of DL

15.13.10 Ignition Interlock Device (IID) Violations and Amendments

Notice of Violations

1. Upon receipt of a notice of an IID violation apply the **FILED** stamp; add the date and your initials. File on a document screen using document type **NO** – Notice Other and memo IID Violation.
2. Calendar a show cause hearing on a scheduled events screen for the next available hearing.
3. Notify the defendant of the court date.
4. Schedule periodic reporting of the operating status of the ignition interlock device, as directed by the court, by completing a scheduled events screen.

Amendments

1. Upon receipt of an AOC-495.9 (Order Amending Interlock License), or any other order changing the terms of a defendant’s ignition interlock license, apply the **ENTERED** stamp; add the date and your initials. File on a document screen using document type **OAIL**.
2. Send the Order on a **daily** basis to Drivers Licensing.

File, date, initial
Document type **NO**

Enter, date, initial
Document type **OAIL**

15.13.11 License Plate Impoundment

License Plate Impoundment Procedure

1. When a citation is received wherein a defendant is charged with a second or subsequent DUI, a [Request for a Vehicle Registration Inventory](#) must be emailed to the Division of Motor Vehicle Licensing **immediately** to ensure the defendant’s license plate registration information is available to the Judge at the time of the defendant’s arraignment.

NOTE: The email is kytcmvlhelpdesk@ky.gov and is shown on the Request for Vehicle Registration Inventory Form. **Print the form and complete requested information.** The judge will designate who will be responsible for emailing the request for the Vehicle Registration Inventory. This may be the judge’s secretary, a pretrial release officer, the circuit clerk or any other designee. It is important that you meet with your judge to establish this procedure.
2. When the emailed Vehicle Registration Inventory is received, apply the **FILED** stamp; add the date and your initials. File on a document screen using **VEHICLE**.
3. When you receive [AOC Form 495.2](#), Order Requiring Impoundment of License Plate(s), apply the **ENTERED** stamp; add the date and your initials and enter on a document screen using document type **ORIL**. Distribute the order according to the list at the bottom of the order.
4. If the order specifies a date by which the license plate(s) must be surrendered, complete a scheduled events screen.

Quick Reference
[Request for a Vehicle Registration Inventory](#)

Email:
kytcmvlhelpdesk@ky.gov

File, date, initial
Document type
VEHICLE

Enter, date, initial
Document type **ORIL**

5. Immediately transmit a copy of the Order Requiring License Plate Impoundment together with a copy of the Vehicle Registration Inventory to **Kentucky Transportation Cabinet.**

*Kentucky
Transportation Cabinet
Division of Motor
Vehicle Licensing
200 Mero St, W2-05-02
Frankfort, KY 40601*

Return of license plate when an application for authorization to apply for an ignition interlock license and device is granted at the same time the license plate is ordered impounded.

1. If an application for an ignition interlock license and device is granted by the judge at the same time license plate impoundment is ordered, there is no need for the license plate to be surrendered to the court.
2. If an impounded license plate has been surrendered to the court and the order of impoundment has not been forwarded to Motor Vehicle Licensing at the time the application is granted, give the plate to the defendant. Note the return of the plate in the memo box on the document screen for the order requiring impoundment of license plate(s).
3. Once the order of impoundment has been sent to Motor Vehicle Licensing, the defendant must go to the county clerk's office to reinstate the registration.
4. When a license plate is received, note the receipt of the plate by entering the license plate number in the memo field of the document screen where the Order Requiring License Impoundment is entered.

Note the receipt of the plate by entering the license plate number in the memo field of the document screen where the Order Requiring License Impoundment is entered.

Return of license plate when a hardship registration is granted at the same time the license plate is ordered impounded.

1. If a hardship license registration is granted by the judge at the same time license plate impoundment is ordered, there is no need for the license plate to be surrendered to the court.
2. If an impounded license plate has been surrendered to the court and the order of impoundment has not been forwarded to Motor Vehicle Licensing at the time the hardship registration is granted, give the plate to the hardship registration recipient. Note the return of the plate in the memo box on the document screen for the order requiring impoundment of license plate(s).
3. Once the order of impoundment has been sent to Motor Vehicle Licensing, the hardship registration recipient must go to the county clerk's office to reinstate the registration.
4. When a license plate is received, note the receipt of the plate by entering the license plate number in the memo field of the document screen where the Order Requiring License Impoundment is entered.

Quick Reference
Note the receipt of the plate by entering the license plate number in the memo field of the document screen where the Order Requiring License Impoundment is entered.

15.13.12 Handling of Surrendered Plates

1. At your convenience, but at least once a week, forward surrendered plate(s) to: **Kentucky Transportation Cabinet.**
2. Use these guidelines to determine the method of transmittal:
 - If you are transmitting less than ten (10) license plates, package the plate(s) together with a copy of the Vehicle Registration Inventory Forms and Orders Requiring License Plate Impoundment for each plate forwarded. Attach a pre-addressed business reply label furnished by Motor Vehicle Licensing.
 - If you are transmitting ten (10) or more license plates, and you have a United Parcel Service (UPS) daily account, package the plates as for any other UPS shipment. Include in the package a copy of the Vehicle Registration Inventory Form and Order Requiring License Plate Impoundment for each plate forwarded. Select freight collect - ground delivery and use Motor Vehicle Licensing Account No. E1393E.
 - If you are transmitting ten (10) or more license plates, and do not have a United Parcel Service (UPS) daily account, call Motor Vehicle Licensing at (502) 564-5301, for mailing instructions. Include in the mailing a copy of the Vehicle Registration Inventory Form and Order Requiring License Plate Impoundment for each plate forwarded.
3. If the defendant fails to surrender all the license plate(s) listed on the Vehicle Registration Inventory from Transportation by the time specified in the Order Requiring License Plate Impoundment, schedule a show cause hearing, as directed by the court, by completing a scheduled events screen.
4. When [AOC Form 342](#), Confiscation Order for License Plate is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **OC**. Give 2 copies to a peace officer for service on the defendant. When a return is received, apply the **FILED** stamp to the return; add the date and your initials. Enter the return date in the memo field of the document screen where the Confiscation Order for License Plate is entered.

Quick Reference
 Kentucky
 Transportation Cabinet
 Division of Motor
 Vehicle Licensing
 200 Mero St, W2-05-02
 Frankfort, KY 40601
 502-564-5301

Enter, date, initial

Document Type: **OC**
 File, date, initial

15.13.13 Hardship Vehicle Registration

When [AOC Form 495.3](#), Application and Order for Hardship Vehicle Registration is received:

1. Apply the **FILED** stamp to the application; add the date and your initials. File on a document screen using document type **AH** in the same case as underlying charge(s). Do not collect a filing fee.
2. Deliver the application and case file to the judge or set a hearing, as directed by the court, by completing a scheduled events screen.
3. When the signed order is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document code **OHVR**. Distribute the order according to list at bottom of the order.

NOTE: The pink copy is for the defendant to take to the county clerk's office for reinstatement of defendant's license plate registration.

NOTE: If a hardship license registration is granted by the judge at the same time license plate impoundment is ordered, there is no need for the license plate to be surrendered to the court. If an impounded license plate has been surrendered to the court and the order of impoundment has not been forwarded to Motor Vehicle Licensing at the time the hardship registration is granted, give the plate to the hardship registration recipient. Note the return of the plate in the memo box on the document screen for the order requirement impoundment of license plate(s). Once the order of impoundment has been sent to Motor Vehicle Licensing, the hardship registration recipient must go to the county clerk's office to reinstate the registration.

IMPORTANT: If an Order Requiring Impoundment of (defendant's) License Plate has been forwarded to the Division of Motor Vehicle Licensing, even though the license plate has not been transmitted, the hardship registration recipient **MUST** go to the county clerk's office for reinstatement of defendant's license plate registration.

Quick Reference

AOC Form 495.3
File, date, initial

Document Type: **AH**

Enter, date, initial

Document type **OHVR**

15.13.14 Hardship Driver's License

A defendant may apply for a hardship driver's license, which restores driving privileges once the defendant completes the minimum suspension period. KRS 189A.410.

Procedure for In-State Conviction

1. Defendant applies in county where offense occurred. 601 KAR 12:060 Sec. 1.
2. Do not collect a filing fee.
3. Defendant must complete [AOC Form 492.A](#), Affidavit for Hardship License and [AOC Form 492](#), Application for Hardship License. Apply the **FILED** stamp to the affidavit and application; add the date and your initials.
4. File the affidavit and application on document screens in the same case as underlying charge. Set hearing date on the scheduled events screen. Distribute the application according to the list at the bottom of the application.
5. Upon receipt of [AOC Form 493](#), Hardship Driver's License Order, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **OHL**. Distribute the order according to the list at the bottom of the order.
6. If granted, defendant presents to driver's license clerk in defendant's county of **residence responsible for issuing the license** his/her identification and:
 - two (2) copies of order;
 - withdrawal notice (WTH) from Division of Drivers Licensing (The DL computer will automatically indicate the expiration date)
7. When the License is issued a copy of the order is given along with the laminated license and decal to the defendant. Inform the defendant that they are to keep with them at all times while driving. Follow additional Instructions to clerk as found on the bottom of AOC Form 493 Hardship Driver's License Order.

Quick Reference

AOC Form 492.A
AOC Form 492
File, date, initial

AOC Form 493
Enter, date, initial

Document Type: **OHL**

15.14 *Procedure for Out-of-State Conviction with a Defendant*

Holding a KY DL

1. Do not collect a filing fee.
2. Defendant applies in county of current residence and must complete [AOC Form 492.A](#), Affidavit for Hardship License and AOC Form 492, Application for Hardship License. Apply the **FILED** stamp to the affidavit and application; add the date and your initials. Add both documents using document codes **AFHD** and **AAHD**.
3. Refer to Case Add section of the KYCourts Manual for instructions on opening the case. Generate the next case number in the computer for district civil **C** cases or use the next pre-numbered file folder.
4. Distribute the application according to the list at the bottom of the application. **Do not** issue a summons.
5. Deliver the case file to the judge or if directed by the judge, schedule a hearing by completing a scheduled events screen.
6. When [AOC Form 493](#), Hardship Driver's License Order, is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen using document type **OHL** and distribute the order according to the list at the bottom of the order.
7. If granted, defendant presents to driver's license clerk:
 - two (2) copies of order;
 - withdrawal notice (WTH) from Division of Drivers Licensing (DL Computer will indicate expiration date)
8. When the License is issued a copy of the order is given along with the laminated license and decal to the defendant. Inform the defendant that they are to keep with them at all times while driving. Follow additional Instructions to clerk as found on the bottom of AOC Form 493 Hardship Driver's License Order.

Quick Reference

No filing fee

AOC form 492.A
AOC Form 492
File, date, initial

Document types:
Application: **AAHD**
Affidavit: **AFHD**

District Civil **C** Cases
Do not issue a
summons

AOC Form 493
Enter, date, initial

Document Type: **OHL**

15.15 *Commercial Drivers' Licenses*

Clerk shall report moving violation convictions by holders of commercial drivers licenses (CDL) (whether or not the violation occurs in a commercial vehicle) to be posted to the driver's record within 10 days of conviction for in-state drivers and within 30 days for out-of-state drivers. See [Conviction Reporting](#).

15.16 *Motor Carrier Citations*

KRS 281.670

District Court

1. If a holder of an out-of-state CDL fails to appear in your court for an offense NOT covered by the non-resident violator compact, issue an FTA (FTA disposition) to Division of Driver Licensing.
NOTE: The offenses not covered by the NRVC for which you may issue an FTA notice include:
 - offenses which mandate personal appearance
 - moving traffic violations which carry suspension/revocation
 - equipment violations
 - size/weight violations
 - transportation of hazardous material violations
2. If a holder of a Kentucky or out-of-state CDL, operating a commercial vehicle, is convicted of a moving or non-moving traffic charge, the clerk of the court shall, within 15 days, notify the motor carrier under whose permit the driver was operating. KRS 281.763. Make a copy of the completed original citation and mail it to the motor carrier.

Quick Reference
FTA's are issued electronically to the Transportation Cabinet Division of Drivers Licensing when an FTA disposition is entered.

15.17 *Carry Concealed Deadly Weapon (CCDW) Licenses*

Do not collect court costs for a citation issued for any of the following noncriminal violations:

- failure to change a permanent address of a CCDW license holder;
- failure to provide notice to the KSP of the loss, theft or destruction of a CCDW license;
or,
- failure to carry and/or display the CCDW license upon the request of a law enforcement officer.

15.18 [Reporting Convictions](#)

16 CIVIL ACTIONS

CR 3, 4

Circuit and District Courts

[Process Map](#)

- [In Forma Pauperis](#)
- [Civil Actions Filed by Inmates](#)
- [Civil Summons](#)
- [Service of Process](#)
- [Warning Order Attorney](#)
- [Guardian Ad Litem](#)
- [Amended Complaints](#)
- [Counterclaims and Cross Claims](#)
- [Third Party Complaint](#)
- [Voluntary Dismissal of Action](#)

16.1 *Fees*

1. Before the petition is filed, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

NOTE: The filing fees do not include the taxed attorney fee that goes into the county law library. See the [Accounting Manual](#) for applicable taxed attorney fees.

2. If the party is proceeding in forma pauperis, the complaint is accompanied by a [Motion for Leave to Proceed In Forma Pauperis](#) and a supporting affidavit. Any matter to be filed, including appeals, shall be considered filed on the date it is tendered.

NOTE: If the motion is overruled, the moving party has thirty days to pay any required fees or costs or to appeal the decision. If the moving party fails to pay the required fees or costs or to seek review, the matter shall be treated as not timely filed. CR 5.05(4).

EXCEPTIONS: See [Civil Actions Filed by Inmates](#).

3. If you receive an order from your circuit judge assessing additional costs in cases requiring extraordinary services, apply the **ENTERED** stamp to the order; add your date and your initials. Enter the order on the docket sheet in your General/Administrative/Miscellaneous Order File. Mail a copy of the order to your local bar. CR 3.02(3)(a),(b),(c). Refer to the [Accounting Manual](#) regarding collection of extraordinary services.

16.2 *Petition/Complaint*

1. The plaintiff must file enough copies of the complaint for service upon each defendant in addition to the original which is filed in your office. If you make the copies, collect a copy fee as set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **FILED** stamp add the date and your initials.
3. Assign to a division using the procedure in your local court rules. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case.
4. Generate the next case number in the computer for circuit civil **CI** cases or district civil **C** cases or use the next pre-numbered file folder.

Quick Reference

File, date, initial

Circuit Civil **CI** cases or
District Civil **C** cases

16.2.1 **Complaint Involving Consumer Protection**

Mail a copy of any complaint involving consumer protection issues to Office of the Attorney General.

*Office of the Attorney
General,
Consumer Protection
Division
1024 Capital Center
Drive
Frankfort, KY 40601*

16.2.2 **Summons Issuance**

The clerk is required under CR 4.01(1) to issue a summons **immediately** upon the filing of a complaint/petition. See [Motion to Proceed In Forma Pauperis](#).

EXCEPTIONS:

- [Civil Actions Filed by Inmates](#)
- [Warning Order Service](#)

Generate a summons for each defendant, by completing a summons screen for each defendant in the case. CR 4.02, CR 4.04(1). See [Civil Summons](#).

16.2.3 **Service of Summons**

The petitioner will direct whether service is by certified mail, personal service, or return to the petitioner. See [Service of Process](#).

16.3 Warning Order Service

1. If a warning order is requested to obtain constructive service, do not issue a summons. CR 4.05, 4.06.
2. A complaint/affidavit will be filed with you stating the reason the defendant cannot be served and the defendant's last known address, or affiant's ignorance of such fact.
3. Consult your roster of attorneys and make the appointment. You may not appoint the plaintiff or the attorney as the warning order attorney, and these persons may not suggest anyone for the appointment. CR 4.07(1).
4. Prepare and sign the warning order [form](#); apply the **FILED** stamp, add the date and your initials.
5. Make a copy and attach to a copy of the complaint and deliver to the warning order attorney.
6. File the warning order by completing a document screen using document type **OWA**.
7. Complete a party screen for the warning order attorney.

Quick Reference

File, date, initial

Document type **OWA**
Complete party screen

16.4 Appointment of Guardian Ad Litem

CR 4.04

1. Upon receipt of an affidavit stating that the defendant has no guardian, curator, or conservator residing in this state known to the affiant and request for an appointment of a [Guardian Ad Litem](#), apply the **FILED** stamp to the affidavit; add the date and your initials. KRS 387.305(1).
2. File the affidavit by completing a document screen, using document type **AFF** and memo **GAL** in the memo field.
3. Consult your roster of attorneys and make an appointment unless your judge wishes to make these appointments.
4. Prepare and sign the appointment of Guardian Ad Litem [form](#).
5. Apply the **FILED** stamp; add the date and your initials.
6. File the appointment by completing a document screen, using document type **AGAL**.
7. Make a copy of the appointment and attach the copy to a summons and complaint to be served on the defendant through the guardian ad litem.
8. A copy of the appointment is also given to the attorney for the plaintiff and all other parties.

NOTE: If a guardian ad litem was not appointed when the complaint was filed, then the court, not the clerk, appoints a guardian ad litem to defend the

File, date, initial

Document type **AFF**
Memo **GAL**

File, date, initial

Document type **AGAL**

action. You may make this appointment only when the judge is not present in the county.
CR 17.03(2).

9. Complete a party screen for the guardian ad litem.

16.5 *Motions/Pleadings*

1. When motions or other pleadings are filed in the case, apply the **FILED** stamp; add the date and your initials.
2. Complete the appropriate screen, i.e., scheduled events, motion or document screen.
3. When a hearing or trial is scheduled, complete a scheduled event screen.

Quick Reference
File, date, initial

16.6 *Amended Complaints*

CR 15.01

A complaint may be amended once without leave of court at any time before a responsive pleading is served. Otherwise, consent from adverse party(ies) must be obtained.
CR 15.01.

- There are no filing fees for the filing of an amended complaint.

NOTE: If the filer indicates the amended complaint exceeds the jurisdictional limit of the court the original case is filed in, collect the difference in the filing fees from the current jurisdiction and the jurisdiction that the case is being transferred to as appropriate based upon the amount in controversy contained in the amended complaint.

1. Upon receipt of an amended complaint; apply the **FILED** stamp and add the date and your initials.
2. File on a document screen using document type **AMC**.
3. Prepare a summons by completing a summons screen for each defendant in the case.

NOTE: KyCourts will automatically generate a new summons for an amended complaint. Send notice/service as directed by party/attorney filing the amendment. If the filer does not direct service, return the summons to the filer for service.

4. Attach a copy of the amended complaint and the original complaint to one copy of the summons.

NOTE: The plaintiff should furnish sufficient copies of the complaint for service on the defendant(s), in addition to the original, which is filed in your office. If you make the copies, collect a copy fee as set forth in the [Accounting Manual](#) and give a receipt.

5. Serve the defendants as requested by the plaintiff or attorney, following the instructions for personal service, certified mail, warning order or guardian ad

[Process Map](#)

Statutory amount that designates a case within a jurisdiction, i.e.; small claims, district civil, circuit civil.

File, date, initial

Document type **AMC**

litem. See [Service of Process](#).

16.7 Counterclaims and Cross Claims

[Process Map](#)

CR 13

- Counterclaim is a claim for relief asserted against an opposing party after an original claim has been made; a defendant's claim in opposition to or as a setoff against the plaintiff's claim.
- A cross claim is a claim asserted between co-defendants or co-plaintiffs in a case and that relates to the subject of the original claim or counterclaim.

16.7.1 Filing Fees

- There are no filing fees for a counterclaim or cross claim in a circuit court case. KRS 23A.200.
- In district court there is no filing fee unless the cross claim or counterclaim raises the amount in controversy to a higher filing category.

If a counterclaim or cross claim exceeds the jurisdictional limit of the court the original case is filed in, collect the difference in the filing fees from the current jurisdiction and the jurisdiction that the case is being transferred to as appropriate based upon the amount in controversy contained in the counterclaim or cross claim. See additional information below for Small Claims, District Civil \$500 or less and District Civil \$500 -\$5,000.

NOTE: Do not process the counterclaim or cross claim until the filing fees are paid.

EXCEPTIONS:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

Small Claims KRS 24A.230; 24A.290; 24A.310(1)	
<p>\$2,500 or Less:</p> <p>If the amount of the counterclaim or cross claim does not exceed \$2,500.00 (exclusive of interest and cost)</p>	<p>No filing fees</p> <p>No transfer of the case is required</p>
<p>Exceeds \$2,500 but does not exceed \$5,000:</p> <p>If the amount of the counterclaim or cross claim exceeds \$2,500.00 but does not exceed \$5,000.00</p>	<p>Collect filing fees per Accounting Manual</p> <p>Transfer the case to Civil District Court</p>

<p>Exceeds \$5,000: If the amount of the counterclaim or cross claim exceeds \$5,000.00</p>	<p>Collect filing fees per Accounting Manual Transfer the case to Circuit Court</p>
--	---

When a counterclaims or cross claims is received in a District Court case:

<p>District Civil: Amount in Controversy is \$500 or less (not filed in Small Claims)</p>	
<p>\$500.00 or Less: If the amount of the counterclaim or cross claim is \$500.00 or less</p>	<p>Do not collect filing fees No transfer is required</p>
<p>Exceeds \$500.00 but does not exceed \$5000.00: If the amount of the counterclaim or cross claim exceeds \$500.00 but does not exceed \$5,000.00</p>	<p>Collect filing fees per Accounting Manual No transfer is required</p>
<p>Exceeds \$5,000.00: If the amount of the counterclaim or cross claim is over \$5,000.00</p>	<p>Collect filing fees per Accounting Manual Transfer the case to Circuit Court. KRS 24A.120(1).</p>
<p>District Civil including original actions of Administrative Agencies, Special Districts or Boards. CR 3.03, KRS 24A.010</p>	
<p>\$500.01 to \$5000.00: If the amount of the counterclaim or cross claim does not exceed \$5,000.00</p>	<p>Do not collect a filing fee No transfer is required</p>
<p>Exceeds \$5,000.00 If the amount of the counterclaim or cross claim exceeds \$5,000.00</p>	<p>Collect filing fees per Accounting Manual Transfer the case to Circuit Court. KRS 24A.120(1).</p>

16.7.2 Counterclaim/Cross Claim

1. Upon receipt of a counterclaim or cross claim apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen using document code **CC** (Counterclaim) or **CR** (Cross claim).

Quick Reference
 File, date, initial
 Document code **CC**-
 Counterclaim
 Document code **CR**-
 Cross Claim

16.7.3 Case Transfer When Amount Exceeds Jurisdictional Limit

Originating Court

1. If you are the originating court note the transfer in the case screen memo field. Complete the closing information on the case screen.
2. Transfer the contents of the case file including a copy of the case history and a copy of the docket sheet, if a docket sheet exists.
3. Place the file folder in the numerical order with other cases in that category. Note on the file folder the court to which the case was transferred and the new case number if you know it.
4. Prepare [AOC Form 122](#), Notice of Transfer of Action. Apply the **FILED** stamp; add the date and your initials to the notice.
5. File the notice by completing a document screen using document type **NTA**. Mail a copy of the notice to the plaintiff and defendant.

AOC Form 122
 File, date, initial
 Document type **NTA**

Receiving Court

1. If you are the receiving court apply the **FILED** stamp to the entire record from the originating court; add the date and you initials.
2. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case.
3. Generate the next case number for district civil **C** or circuit civil **CI** cases or use the next pre-numbered file folder.
4. File the entire record from the originating court as a single item on a document screen using the document type **DCF**.

File, date, initial

 District Civil **C** cases
 Circuit Civil **CI** cases

 Document type **DCF**

16.7.4 Summons

See [Civil Summons](#).

If the court orders the summoning of new parties:

1. Ask the counter claimant or cross claimant to provide enough copies of his/her pleading, including the original complaint, for service on the new parties. If you make the copies, collect a copy fee as set forth in [Accounting Manual](#) from the counter claimant or cross claimant and give a receipt. KRS 24A.170.

2. Enter any new parties by completing a party screen and issue summons by completing a summons screen on the appropriate party.
3. The counter claimant or cross claimant will decide if service is to be made by certified mail or personally delivered by the sheriff or other authorized person. CR 4.01(1). See [Service of Process](#).

16.8 *Third Party Complaint*

CR 14.01

A complaint may be filed by a defendant against a third party, alleging that the third party may be liable for some or all of the damages that the plaintiff is trying to recover from the defendant.

1. When you receive an order allowing the filing of a third party complaint, apply the **ENTERED** stamp; add the date and your initials.
2. File by completing the document screen using document type **OITC**, Order Intervening Third Party Complaint.

<p>Quick Reference Enter, date, initial Document type OITC</p>
--

16.8.1 **Filing Fees**

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

16.8.2 **Complaint**

1. Apply the **FILED** stamp to the third party complaint; add the date and your initials.
2. Enter on a document screen using document code **COMT** (Complaint – Third Party) or **COMIT** (Complaint – Intervening or Third Party).
3. Complete a party screen(s) for new parties added.

<p>File, date, initial Document code COMT Document code COMIT</p>
--

16.8.3 Summons

1. Issue a third party summons for each party to be served by completing [AOC Form 120](#), Third Party Summons. Complete a summons screen for each third party summons issued using summons type **TP**.

NOTE: Complainant must file enough copies of both the original complaint and the third party complaint for service on each new party added. CR 4.04(1). Collect the required copying fee as set forth in the [Accounting Manual](#) if you make these copies.

Quick Reference
AOC Form 120
Summons type **TP**

16.8.4 Service of Summons

The party filing the third party complaint will decide if service is to be made by certified mail or personally delivered by sheriff or other authorized person. CR 4.01(1). See [Service of Process](#).

16.9 *Parties in Default*

Any parties who are in default for failure to appear must be given notice of pleadings asserting new or additional claims against them by summons or warning order, as requested by the attorney. CR 5.01.

16.10 *Voluntary Dismissal of Action*

CR 41.01

1. Upon receipt of a notice of dismissal of an action apply the **FILED** stamp; add the date and your initials.
2. Complete a document screen using document type **NDIS**.
3. Close the case by completing the disposition date, disposition type, and judge at disposition fields on the case screen.

NOTE: Notice of entry by the clerk of a voluntary dismissal is not required.

File, date, initial
Document type **NDIS**

16.11 *Judgment/Order*

1. Upon receipt of a signed judgment or order, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice.
3. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry or judgment.
4. If the judgment or order involves consumer protection issues, mail a copy to the **Office of the Attorney General**.
5. If the judgment or order includes child support ([AOC Form 152](#), Uniform Child Support Order), place a copy of the order in a designated area (box or basket) in your office for the Cabinet for Health and Family Services. AOC 152 is a mandatory form.
6. If the judgment or order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.
7. If the judgment or order dissolves a business entity (statutory trust, cooperative association, corporation limited liability company, or limited liability partnership) send a certified copy to the Secretary of State.

Quick Reference
Enter, date, initial

NOE

*Office of the Attorney
General
Consumer Protection
Division
1024 Capital Center Dr.,
Frankfort, KY 40601*

AOC Form 152

*Secretary of State
Commonwealth of
Kentucky
Capitol Building
Frankfort, KY 40601
<http://sos.ky.gov/>*

17 CIVIL ACTIONS FILED BY INMATES

[Process Map](#)

When an inmate files a petition in a civil action, it must be accompanied with the appropriate filing fees as set forth in the [Accounting Manual](#), or a motion to proceed In Forma Pauperis (IFP). If the motion is filed In Forma Pauperis, follow the instructions for [Motion to Proceed In Forma Pauperis](#) below.

NOTE: If a filing fee or motion to proceed In Forma Pauperis does not accompany the petition, return the petition to the inmate.

17.1 *Filing Fee*

If the petition is accompanied by a filing fee, the case proceeds as any other civil action. To continue, follow the instructions in [Civil Actions](#).

NOTE: When an inmate commences, intervenes, or joins an action or an appeal of a judgment in a civil action or proceeding, the inmate shall pay at least partial court fees and costs. At a minimum, the inmate shall pay a five (\$5) filing fee unless the court determines the inmate is unable to pay a fee and waives all fees and costs. See [Motion to Proceed In Forma Pauperis](#). KRS 454.410.

17.2 *Motion to Proceed In Forma Pauperis*

1. If the petition is accompanied by a motion to proceed In Forma Pauperis, apply the **FILED** stamp to the petition; add the date and your initials.
2. Open a case. For instructions on how to open a case, see [Case Add](#) in the KyCourts Manual.
3. Generate the next case number or use the next pre-numbered file folder for circuit civil **CI** cases; district civil **C** or small claims **S** cases as appropriate.
4. File the pauper motion on a PFP motion screen. Process concerning the inmate's case shall not be served until the filing and the fee relating to service of process is paid. KRS 454.410. **DO NOT** issue a summons until the judge has ruled on the motion.
5. Deliver the file to the judge to rule on the IFP Motion.
6. When an order ruling on the motion to proceed In Forma Pauperis is received, apply the **ENTERED** stamp; add the date and your initials.

Quick Reference

File, date, initial

Open case

Generate case number

District Civil - **C**

Small Claims - **S**

File PFP motion screen

Deliver file to the judge

Enter, date, initial

17.2.1 Motion for In Forma Pauperis Granted

If the motion is granted, the case proceeds as any other civil case in that category.

1. Enter by completing a document screen using document type **OFFP**.
2. Serve notice of entry to the parties. For more information, see [Notice of Entry](#).
3. Record that the motion has been granted in the PFP motion screen.
4. Issue a summons for each defendant in the case. The petitioner directs if service is by certified mail or personal service.

NOTE: If the petitioner directs service by certified mail process the request without collecting certified mail fees. If the petitioner requests service by personal service forward the request to the sheriff along with a copy of the In Forma Pauperis order. The petitioner is responsible for the personal service fee directly to the officer.

Quick Reference
 Document type **OFFP**
 Service notice of entry

 Record on PFP motion screen
 Issue summons

17.2.2 Motion for In Forma Pauperis Denied

If the motion is denied, the order will direct dismissal if the inmate does not pay filing fees or partial filing fees as specified by court order within 45 days of entry of the order. The summons is not processed concerning the inmate's case and shall not be served until the filing fee and the fee relating to [service of process](#) is paid. KRS 454.410.

1. Note the motion has been denied in the memo box of the PFP motion screen.
2. Schedule a hearing for 45 days from the entry of the order by completing a scheduled event screen. Make a notation in the memo that the Court is to dismiss the action if the fee is not paid. If the required fee is paid within the 45 day period, return to the scheduled event screen and unschedule (DELSCH) the "date/scheduled" field. The case then proceeds as any other civil case in that category.
3. If the filing fee is not paid and the court enters an order dismissing the action, apply the **ENTERED** stamp to the order, add the date and your initials and enter on a document screen.
4. Serve notice of entry to the parties. For more information, see [Notice of Entry](#).
5. Close the case screen by adding the closing information, i.e., disposition date, disposition type and judge at disposition.

Filing fees due within 45 days

 Add memo to PFP motion screen

 Enter, date, initial
 Serve notice of entry

17.2.3 Notice of Appeal for In Forma Pauperis

If a notice of appeal of the denial of the motion to proceed In Forma Pauperis is filed, immediately certify and send to the appellate court:

- (1) the motion to proceed In Forma Pauperis together with any attachments and responses thereto;
- (2) the order being appealed;
- (3) a copy of the transcript of related hearing, if any.

NOTE: No filing fees or motion to proceed In Forma Pauperis is required in this instance.

18 CIVIL SUMMONS

CR 4

[Process Map](#)

18.1 *Summons Issuance*

The Clerk is required under CR 4.01(1) to issue a summons immediately upon the filing of the complaint or petition.

EXCEPTION: [Civil Actions Filed by Inmates](#)

A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125.

1. Generate a summons for each person to be served by completing a summons screen. CR 4.02.

NOTE: To expedite the filing of a lawsuit, the attorney may choose to complete and return to you, a civil summons for signature at the time the complaint is filed. If the attorney is willing to prepare his/her own summons, you may provide the attorney with [AOC Form 105](#), Civil Summons. In either instance a summons screen is completed.

2. The summons and the complaint (or other initiating document) and any motions filed therewith shall be served together. The party requesting the summons shall furnish sufficient copies of their pleadings for this purpose. CR 4.04(1), 14.01.
3. The initiating party will decide whether the summons is to be served by certified mail or personally delivered by the sheriff or other authorized person. CR 4.01(1). The petitioner may also request the summons be returned to the petitioner to initiate service. Use the following codes as appropriate:

CM – Certified Mail

PS – Personal Service

RAP – Return to Attorney/Petitioner

Quick Reference

AOC Form 105

Service Codes:

Certified Mail – **CM**
 Personal Service – **PS**
 Return to
 Attorney/Petitioner -
RAP

18.2 *Service of Process*

See [Service of Process](#).

19 COMMISSIONERS OF CIRCUIT COURT

CR 53, AP Part IV; FCRPP 4

19.1 *Master Commissioner/Domestic Relations Commissioner*

Upon court order or by local rule, refer cases to the master commissioner or domestic relations commissioner. CR 53, AP Part IV, Section 3 (2); FCRPP 4.

19.2 *Motion for Judgment and Order of Sale*

1. When you receive a motion for judgment and order of sale, collect the Judicial Sales Administrative Fee (JSAF) as set forth in the [Accounting Manual](#) and give a receipt. Do not process the motion until the JSAF fee is paid. If a motion is received without payment, return it to the movant/attorney.

NOTE: For a judicial sale which is withdrawn prior to the sale date, and a new sale is scheduled within six months of the original sale date, an additional JSAF shall not be charged. Any judicial sale which is rescheduled after six months from the original sale date shall be considered a new referral for judicial sale and an additional JSAF of \$200 shall be charged.

2. Apply the **FILED** stamp to the motion; add the date, and your initials.
3. Complete a scheduled event screen.
 - *If the motion is noticed to be heard on a specific date and time, use event type **MH**.*
 - *If the motion does not require a hearing, use event type **MNH**.*
4. Complete a motion screen using **JOS** motion type.
5. When a signed order is received, apply the **ENTERED** stamp, add the date, and your initials.
6. Complete a document screen using **JOS** document type.
7. Serve a copy of the order on all counsel of record, including the Master Commissioner.

Quick Reference
Collect the Judicial Sales Administrative Fee

File motion, date, initial

Requires hearing – **MH**
Does not require hearing – **MNH**

Motion type **JOS**

Enter, date, initial
Document type **JOS**

19.3 *Notice of Filing of Report*

1. Upon receipt of the commissioner’s report apply the **FILED** stamp to the Report, add the date and your initials.
2. File the Report on a document screen using document type **RCOM** (Report of Commissioner) or **RMC** (Report Master Commissioner) as appropriate.
3. Prepare [AOC Form 240, Notice of Filing](#), apply the **FILED** stamp to the Notice of Filing; add the date and your initials.
4. File on a document screen using document type **NF**. Serve as per the distribution list on the bottom of the form.

NOTE: The commissioner is responsible for furnishing sufficient copies to all parties. CR 53.05(1), AP Part IV, Section 5 (1).

5. Parties may serve written objections on other parties within 10 days (three additional days if notice is by mail or electronic service) after being served with Notice of Filing of Commissioner's Report. CR 6.05. Application to the court for action upon the report and objection shall be by motion and notice. CR 53.05(2), 6.04.
6. When a motion and notice is filed for court action on the commissioner's report and any objections thereto, apply the **FILED** stamp to the motion; add the date and your initials and complete a motion screen.
7. Schedule a hearing by completing a scheduled event screen. CR 53.05(2).
8. When a signed order is received adopting, modifying or rejecting the report, apply the **ENTERED** stamp to the order; add the date and your initials.
9. Enter the order by completing a document screen in the computer, including a brief description and noting method and date of service of notice of entry. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. For more information, see [Notice of Entry](#).

Quick Reference
File, date, initial
Document Type RCOM or RMC
AOC Form 240 File form, date, initial
Document type NF
File, date, initial
Schedule event
Enter order, date, initial
Service notice of entry

19.4 *Recording Log*

Proceedings before a Domestic Relations Commissioner shall be recorded by audio or video and a recording log shall be kept. The DRC shall file the recorded hearings and the recording log in the record with the clerk of the court. FCRPP 4(3).

1. Upon receipt of an audio or video recording log apply the **FILED** stamp; add the date and your initials.
2. File the log on a document screen using document code(s) **RL** (Recording Log) or **VL** (Video Log) as appropriate. Place the log in the physical record.

File, date, initial
Document type RL – Recording Log VL – Video Log

20 COMPEL A WITNESS

KRS 421.240

20.1 *Procedure to Compel a Witness of This State*

If a judge of another state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person of this state is a material witness, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing. KRS 421.240.

1. Upon receipt of a certificate or request to compel a witness of this state take the request to any available judge.
2. Upon receipt of an order directing the witness to appear, apply the **ENTERED** stamp; add the date and your initials. File the court order in the General/Administrative/Miscellaneous Order file.
3. Schedule the hearing as directed by the judge/order on a manual docket using event type **OH**.
4. Provide the order to the sheriff to be personally served upon the witness. File the sheriff's return in the General/Administrative/Miscellaneous Order file.
5. If at the hearing the judge determines the witness is material and necessary and that it will not cause undue hardship to the witness to be compelled to attend and testify in the other state, issue a summons as directed by the judge with the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation is commencing as specified in the summons.
6. Upon receipt of a returned summons, file along with other related documents.

NOTE: If the judge signs the summons, do not retain any portion of the documents except for the court order (file in the General/Administrative/Miscellaneous Order file.)

NOTE: Contest/challenge of a summons to compel a witness is handled in the requesting state.

Quick Reference

Enter, date, initial

Schedule hearing
Event type **OH**

Issue summons
AOC Form 025.1

21 CONDEMNATION PROCEEDINGS

KRS 416.540 to 416.610

Circuit Court

A [condemnation proceeding](#) is an action by any person, corporation or entity, including the Commonwealth of Kentucky, its agencies and departments, county, municipality and taxing district authorized and empowered by law to take private property for a public use under the right of eminent domain. A condemnation proceeding is commenced by the filing of a petition.

21.1 *Petition*

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.
NOTE: Governmental agencies, including the Commonwealth, **are not** exempt from payment of this filing fee. KRS 416.560(3).
2. Apply the **FILED** stamp to the petition; add the date and your initials.
3. Assign to a division using the procedure in your local court rules.
4. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Use case type **PR**.
5. Generate the next number for circuit civil **CI** cases or use the next pre-numbered file folder.
6. **Do not** issue a summons at this time.
7. The plaintiff must file enough copies of the petition for service upon each defendant and commissioners, in addition to the original, which is filed in your office. If you make the copies, collect a copy fee as set forth in the [Accounting Manual](#) and give a receipt.

<p>Quick Reference</p> <p>Collect filing fees</p> <p>File, date, initial</p> <p>Case type PR</p> <p>Circuit civil CI case</p> <p>Do not issue summons</p>
--

21.2 *Commissioners*

For more information, see [Commissioners of Circuit Court](#).

1. Following the filing of a petition to condemn property, the circuit court, or in the absence of the circuit judge, the circuit clerk, shall appoint three impartial landowners as commissioners. KRS 416.580.
2. Apply the **FILED** stamp to the appointment; add the date and your initials.
3. File on a document screen. Use document type **OACO**.
4. Provide copies to the appointees and attorney for the plaintiff.
5. Within 15 days from the date of their appointment, the commissioners shall submit a written report to the circuit court describing the property sought to be condemned and the amount awarded.
6. Apply **FILED** stamp to the report; add the date and your initials.
7. File by completing a document screen. Use document type **RCOM**.
8. The commissioners are entitled to collect a reasonable fee which shall be taxed as costs by the court.

Quick Reference
 Appoint three landowners as commissioners
 File, date, initial
 Document type **OACO**

File report, date, initial
 Document type **RCOM**

21.3 *Summons Issuance*

1. Following the filing of the commissioners' report, issue a summons on the respondent/landowner by completing a summons screen. CR 4.02, CR 4.04(1). Use summons type **CI**.

NOTE: Include a copy of the petition and commissioners' report with the summons. The amount of the commissioners fee should be included in the order or on the summons.
2. The plaintiff will instruct whether service of the summons is by certified mail or personal service. For more information, see [Service of Process](#).

Summons type **CI**

21.4 *Return of Service*

For more information, see [Service of Process](#).

A civil summons may be issued on holidays and served on Sundays and holidays upon an affidavit that the process cannot be executed after that day. KRS 454.125.

21.5 *Hearing*

- 1. Upon receipt of an answer to the petition, apply the **FILED** stamp; add the date and your initials.
- 2. File on a document screen. Use document type **ANS**.
- 3. Schedule a hearing as directed by the court, by completing a scheduled events screen.
- 4. If the owner prevails on the hearing, the court will order a final judgment entered in the case and the dismissal of the case. Upon receipt of final judgment and dismissal, apply the **ENTERED** stamp; add the date and your initials.
- 5. Enter the judgment on the document screen. Include the notice of entry method. For more information, see [Notice of Entry](#).
- 6. After entry of the final judgment, and order of dismissal, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. For more information, see [Notice of Entry](#).

Quick Reference
File, date, initial

Document type **ANS**

Schedule a hearing

Enter judgment, date, initial

NOE

21.5.1 **Interlocutory Judgment**

- 1. If the owner does not file an answer to the petition, the court may enter an interlocutory judgment. When an interlocutory judgment is received, apply the **ENTERED** stamp; add the date and your initials.
- 2. Enter the interlocutory judgment on the document screen, using document code **JIN**, and include the notice of entry method. Do not close the case. For more information, see [Notice of Entry](#).
- 3. After entry of the interlocutory judgment, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. For more information, see [Notice of Entry](#).

Enter interlocutory judgment, date, initial

Document type **JIN**

NOE

21.5.2 **Exceptions/Trial**

Within 30 days from the entry of an interlocutory judgment, either party may file exceptions to the interlocutory judgment on the matter of the amount to be paid to the owner for the property.

- 1. If exceptions are filed, apply the **FILED** stamp; add the date and your initials. File the exceptions on a document screen using document code **EXPT**.
- 2. Schedule a trial as directed by your judge using event type **CT** - Court Trial or **JT** – Jury Trial. Upon conclusion of the trial, the court will order a final judgment to be entered.

If no exceptions to the interlocutory judgment are filed, the court will order a final judgment to be entered.

File, date, initial
Document code **EXPT**

Event type **CT** or **JT**

21.5.3 Payment to Owner

The court may order that the amount to be paid to the owner of the condemned property be paid:

- directly to the owner of the property; or
- to the Circuit Clerk to be disbursed to the owner of the property.

Any monies paid to the Clerk, should be handled **according to the instructions of the Order**. KRS 416.630. The Order, if separate from the final judgment, should be processed in the same manner as the final judgment.

21.5.4 Final Judgment

1. When the order of final judgment is received, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the judgment on the document screen, and include the notice of entry method. For more information, see [Notice of Entry](#).
3. After entry of the final judgment, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. For more information, see [Notice of Entry](#).
4. Close the case screen by completing the disposition date, disposition type and judge in the proper disposition fields.

<p>Quick Reference Enter final judgment, date, and initial</p> <p>Serve notice of entry</p>
--

22 CONFISCATION OF LICENSE TO CARRY CONCEALED DEADLY WEAPON

[Process Map](#)

22.1 *Confiscation of License to Carry Concealed Deadly Weapon*

When a license to carry a concealed deadly weapon is confiscated by the court, mail the license together with a copy of the order of conviction to **Kentucky State Police Records Section**.

Quick Reference
 KSP Records Section
 1250 Louisville Road,
 Frankfort, KY 40601

22.2 *Suspension of License to Carry Concealed Deadly Weapon*

A license to carry a concealed weapon shall be suspended or revoked if an Emergency Protective Order or Domestic violence Order is issued against the licensee. KRS 237.110(13)(k). The licensee must surrender the license to the court or a peace officer serving an EPO. The license is suspended until the DVO is terminated or the judge who issued the EPO/DVO terminates the suspension prior to the termination of the DVO.

1. If you receive a license to carry a concealed deadly weapon which was suspended or revoked because of domestic violence:
 - 1) Place the license in an envelope and note "License to Carry Concealed Deadly Weapon" on the outside of the envelope.
 - 2) Staple the envelope inside the domestic violence case file.
 - 3) Upon request of the licensee, return the license to the licensee, IF:
 - The Emergency Protective Order/Domestic Violence Order is terminated; or
 - A written Order Terminating the License Suspension is entered.

23 CONSOLIDATED CASES

CR 42.01

[Process Map](#)

23.1 *Order*

1. Upon receipt of an Order of Consolidation, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order by completing a document screen and placing the order in each case included in the consolidation and give notice of entry. For more information, see [Notice of Entry](#).

NOTE: In the memo field of each case screen make a notation of the case number(s) with which it is consolidated.
3. If the Order of Consolidation does not specify into which case the other case(s) is to be consolidated, consolidate it into the most recently filed case.
4. Cross reference the cases. For more information, refer to [Case Cross Reference](#) in the KyCourts Manual.

Quick Reference
Enter order, date, initial

Complete a document screen and give notice of entry

23.2 *Consolidation*

1. File all pleadings received, after the Order of Consolidation has been entered, in the case file designated by the court's order or in the most recently filed case.

NOTE: Pleadings filed prior to the Order of Consolidation remain in their respective case files.
2. Staple or band the case record being consolidated (secondary case) to the back of the senior action (primary case) and fold the older case record flap in. Place an out card in the location of the file that was consolidated (secondary case) noting the case number, case style and indicate the case has been consolidated per the entered order.

23.3 *Judgment*

1. Upon receipt of a judgment or order that closes the consolidated case, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order by completing a document screen in each case included in the consolidation and give notice of entry. For more information, see [Notice of Entry](#).
3. When an order or judgment closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen for each case consolidated.

Enter, date, initial

NOE

23.4 *Appeal*

1. In the event of an appeal of a consolidated case prepare and certify both the primary and secondary case. See [Appeals](#).

24 CORONER'S INQUEST VERDICT

KRS 72.420(3)

[Process Map](#)

A clerk's only duties pertaining to a coroner's inquest are outlined below. If the coroner requests you to summons jurors or perform other duties, direct the coroner to KRS 72.420.

24.1 *Coroner Inquest Verdict*

1. When a Coroner's Inquest Verdict, for murder, manslaughter, or other criminal act, is received, apply the **FILED** stamp to the verdict; add the date and your initials.
2. Maintain the verdicts by calendar year in a file folder labeled "Coroner's Inquest Verdicts."

Quick Reference

File, date, initial

Add to "Coroner's Inquest Verdicts" folder

24.2 *Coroner Inquest – Failure to Obey Coroner's Subpoena*

1. Upon receipt of an application for contempt for failure to obey a coroner's subpoena, apply the **FILED** stamp to the application; add the date and your initials.
2. Assign to a division using the procedure in your local court rules.
3. Open the case. Use case type **OTH**. For more information see the [Case Add](#) section of KyCourts Manual for instructions for opening the case.
4. Generate the next case number in the computer for circuit civil **CI** cases or use the next pre-numbered file folder.
5. Deliver to the Judge and set a hearing as directed.
6. Upon receipt of an Order or Judgment, apply the **ENTERED** stamp; add the date and your initials. Enter the order on the document screen.
7. After entry of the order, serve notice of entry on the parties by making a copy of the order that has been stamped **ENTERED** and mail or hand deliver to the parties or attorney.
8. Enter the notice of entry method and date on the document screen when the order is entered. For more information, see [Notice of Entry](#).
9. When the order closes the case, complete the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

File, date, initial

Case type **OTH**

Circuit **CI** cases

Deliver to Judge
Enter, date, initial

Notice of Entry

Disposition type **OTH**

25 COUNTY LAW LIBRARY DUTIES

KRS Chapters 172 and 453

- By statute, the circuit clerk is the librarian of the county law library and entitled to a salary from the fiscal court of not less than \$50 nor more than \$100 per month for services as county law librarian. The clerk must see that county and state officials have access to the library at reasonable hours each day, except Sundays and holidays. KRS 172.110(1).

25.1 *Inventory*

At the commencement of the clerk's term, the clerk who is leaving office must turn over to his/her successor an inventory of all books, stationery, and other property in the library at the time the new clerk takes office, which the new clerk receipts to the clerk leaving office. The clerk is responsible on his/her official bond for the value of all books lost from the library during the term of office. KRS 172.120(2).

25.2 *Fees Collected*

The following fees are collected in counties electing the alternate method of financing law library. KRS 172.180. These are the only fees that may be collected by counties without an urban-county form of government. See Law Library in the [Accounting Manual](#) for additional details.

1. Upon receipt of an order issued by the Chief Circuit Judge requiring collection of the county law library fee under KRS 172.180, apply the **ENTERED** stamp; add the date and your initials.
2. File in your "General/Administrative Order File" and make an entry on the docket sheet attached to the file.
3. Upon entry of this order, begin collecting the following fees (not on examining trials and felony trials):

Court	Fee
District Criminal	\$.50 max
District Civil	\$1.00 max
Circuit Civil	\$1.00 max

Quick Reference

Enter, date, initial

EXCEPTION: in the counties of Jefferson, Boyd, Warren, Kenton, Franklin, Christian, Henderson, Fayette, Campbell, Daviess, McCracken, Hardin, Madison, Boone, Jessamine, and Scott (KRS 81.010) the fees are:

Court	Fee
District Criminal	\$1.50 max
District Civil	\$3.00 max
Circuit Civil	\$3.00 max

4. All counties having a county law library shall collect the following taxed attorney fees if the successful party is represented by an attorney. KRS 453.060(3).

Court	Fee
Circuit Civil	\$5.00
District Civil and Criminal	\$2.50 (except felonies)
Court of Appeals Civil	\$10.00

5. Fees for Circuit and District Civil should be collected at the time of filing of the petition. Fees collected on criminal cases should be added to the court costs at the termination of the action.

NOTE: The party against whom fees are ultimately assessed will be determined by the court at the termination of the proceedings. Unless the court otherwise orders, the clerk’s only responsibility is to collect the fees as set forth herein. Any adjustments, refunds, reimbursements, etc., will be between the parties’ attorneys as ordered by the court.

6. At the end of each month pay all sums collected during the preceding month to the trustees of the county law library. The clerk must make a full report of the payment and is entitled to receive a receipt for it. KRS 453.060(3).

25.3 *General Duties*

The clerk must keep the library rooms in order, preserve, arrange, and index all books, charts, maps and furniture belonging to the library. KRS 172.110(2). The details of this duty include, but are not necessarily limited to, the following:

1. Discard superseded South Western Reporter 3d paperback advance sheets.
2. Shelve promptly upon their receipt the bound Kentucky Decisions, and South Western Reporter 3d paperback advance sheets so that they are accessible to the judges, county and state officials, and the public at reasonable hours each day except Sundays and holidays. KRS 172.110(1).
3. Receipt all books, maps and furniture placed in the library. The receipts (copies of the bills or packing slips) shall be given to the state law librarian and preserved in his office at Frankfort. KRS 172.110(3).
4. Keep a record in which the clerk charges each book to the person taking it from the library. The clerk must see that all books so taken are returned at the proper time. KRS 172.150.
5. Any person may use the books, but the clerk must not permit anyone to take them out of the library, except that officials and lawyers may take them to local courtrooms to be used in the argument of cases. Any person who has possession of a book belonging to the state must, upon request of the clerk, return it to the clerk. KRS 172.140.

Quick Reference

*State Law Library
Suite 200
State Capitol
Frankfort, KY 40601
Telephone: (502)564-4848*

25.4 *Filing Reports*

Annually in December, the clerk must inventory all books in the library belonging to the state and report the library inventory under oath to the state law librarian before January 1. KRS 172.110(4). **There is a fine of \$5.00 per month for every month this inventory is delinquent.** KRS 172.990(1).

25.5 *End of Term*

At the end of the clerk's term, the clerk must turn over to his/her successor an inventory of all books, stationery, and other property in the library. KRS 172.120(1).

25.6 *Requests for Information*

1. Circuit clerks may obtain information concerning the performance of their duties from the **State Law Library**.
2. The state law library may order books for county law libraries and charge them to the county law library fund when so requested and when approved by the administrative assistant to the Chief Justice. KRS 27A.210(8).

*State Law Library
Suite 200
State Capitol
Frankfort, KY 40601
Telephone: (502)564-4848*

26 COURT INTERPRETERS

Amended Administrative Procedures, Part IX

The court is required to appoint a qualified interpreter for each court appearance in any civil or criminal matter for each party, juror, witness or non-party, who is deaf or hard of hearing, or who cannot communicate in English which will prevent said person from properly understanding the nature of the proceedings or will substantially prejudice his or her rights. The court also provides interpreting services for deaf and hard of hearing attorneys who have been determined to be qualified to receive interpreting services.

NOTE: A non-party is one whose presence or participation in a court matter is necessary or appropriate, including but not limited to, to-wit:

- a parent or guardian of a juvenile and any of his or her family members involved in a juvenile proceeding,
- a victim of crime or parent or guardian of a minor victim of a crime;
- a family member, friend, or associate of a party or person participating in a court proceeding, who, along with the party or person, is an appropriate individual with whom the court should communicate.

26.1 *Contacting Court Interpreting Services*

A Contact Person must be designated in each county by the Chief District Judge or Chief Circuit Judge who will be responsible for scheduling a staff interpreter or freelance interpreter for court proceedings or direct services. The contact person may be a judge's secretary, court administrator, or other Court of Justice employee.

Upon receipt of a request or need of an interpreter the Contact Person should complete one of the following AOC forms:

- [AOC Form INT-10](#), Request for Interpreter/Assistive Technology "Deaf/Hard of Hearing" may be used.
- [AOC Form INT-11](#), Request for Interpreter/Assistive Technology Attorney who is "Deaf/Hard of Hearing" may be used.

After completion of the appropriate form, the Contact Person may contact Court Interpreting Services with the request by email, phone or fax.

statewideinterpreterrequest@kycourts.net

<http://courts.ky.gov/courtprograms/CIS/Pages/ContactCIS.aspx>

Tel: 502-573-2350

Fax: 502-782-8700

An approved freelance interpreter or language provider company is listed on the

Quick Reference

AOC INT-10

AOC INT-11

Contacting CIS:

statewideinterpreterrequest@kycourts.net

<http://courts.ky.gov/courtprograms/CIS/Pages/ContactCIS.aspx>

T: 502-573-2350

F: 502-782-8700

[AOC Interpreter Directory.](#)

NOTE: If your county has a staff interpreter you may contact them directly. You are required to schedule them if available. For contact information, please refer to the AOC Interpreter Directory.

26.1.1 Telephone Interpreting Services

Interpreters for court proceedings or direct services may be obtained by telephone for brief, non-evidentiary proceedings, including pretrial interviews and verification, initial appearances, and/or arraignments. Clerks may also obtain interpreting assistance via phone for direct services. Contact Interpreting Services for telephone policy and instructions for using the AOC contracted telephone services.

26.1.2 Video Interpreting Services

In those counties where there is Video Remote Language Interpreting services, access to a certified American Sign Language interpreter is available 24 hours a day, seven days a week. Video remote interpreting may be appropriate for communicating with the deaf and hard of hearing in various emergency situations.

27 COURT SECURITY INCIDENT REPORT

[AOC Form PT-50](#), Court of Justice Incident Report should be completed for each work-related security incident involving Court of Justice personnel or occurring on property leased or maintained by the Court of Justice. This includes, but is not limited to: physical assaults, verbal assaults, threats, and concealed weapons.

1. The [AOC Form PT-50, Court of Justice Incident Report](#) may be completed by the clerk, deputy clerk, judge, court designated worker, pretrial officer, AOC or any Court of Justice employee, bailiff, or member of law enforcement. Clerks may provide AOC Form PT-50 to court personnel or law enforcement upon their request. Forms may be ordered from the Print Shop at the AOC.
NOTE: Court personnel may complete the form online by using the smart form found on the restricted portion of the Court of Justice website at [AOC PT-50](#).
2. All completed forms must be mailed or faxed to Court Security Division at the AOC.

AOC Form PT-50
 Print Shop –
 Administrative Office of
 the Courts
 100 Millcreek Park
 Frankfort, KY 40601

Court Security Division –
 Administrative Office of
 the Courts
 1001 Vandalay Drive
 Frankfort, KY 40601
 Fax: (502) 782-8704

28 DEFERRED PROSECUTION

KRS 218A.1415; KRS 218A.14151

[Process Map](#)

- Applies only to 1st and 2nd offense of Possession of Controlled Substance 1st, Class D Felony.

28.1 *Application*

1. Upon receipt of [AOC Form 331](#) (Application for Deferred Prosecution), apply the **FILED** stamp, add the date and your initials. Complete a document screen using document code **ADP**.

Quick Reference
AOC Form 331
File, date, initial
Document code **ADP**

28.2 *Order Acknowledging*

1. Upon receipt of [AOC Form 331.1](#) (Order Acknowledging Deferred Prosecution), apply the **ENTERED** stamp, add the date and your initials.
2. Complete a document screen using document code **OAKDP**.
3. Close the charge screen using disposition type **DP**. Close the case screen.
4. Provide [notice of entry](#) and distribute per the order's distribution list.

AOC Form 331.1
Enter, date, initial
Document code **OAKDP**

Disposition type **DP**
NOE

28.3 *Order Terminating*

1. Upon receipt of [AOC Form 332](#) (Order Terminating Deferred Prosecution), apply the **ENTERED** stamp; add the date and your initials.
2. Move the current disposition date, type and judge information to the memo field.
3. Calendar for a hearing.
4. Complete a document screen using document code **OTDP**.
5. Provide [notice of entry](#) to all parties per the distribution list.
6. When the case is resolved, reopen and close a special status screen. Refer to [Special Status Detail Screen](#) section of KyCourts Manual for instructions.

AOC Form 332
Enter, date, initial

Calendar hearing
Document code **OTDP**
NOE

28.4 Order Sealing

1. Upon receipt of [AOC Form 333](#) (Order Sealing Records for Successful Deferred Prosecution), apply the **ENTERED** stamp, add the date and your initials.
2. Complete a document screen using document code **OSDP** and provide [notice of entry](#) to all parties.
3. Move the current disposition date, type and judge information to the memo field and close out the charge as disposition type **DDP**.
4. Reopen and close a special status screen. Refer to the [Special Status Detail Screen](#) Screen section of the KyCourts Manual for instructions.
5. If the order directs sealing of specific items, print AOC Form 336, Supplemental Order Sealing records for Successful Deferred Prosecution from KyCourts and deliver to the judge for verification of specific items to be sealed.
6. Upon receipt of the completed AOC Form 336 from the judge add Order as a document using document type **SOSR**.

NOTE: If charge(s) ordered sealed is in a circuit criminal case that originated in district court, you must print the supplemental order sealing AOC Form 336 from the district court case as well as the circuit court case to be delivered to the circuit court judge.

NOTE: If you are asked about a sealed record, advise that no such record exists.

<p>Quick Reference AOC Form 333 Enter, date, initial Document code OSDP</p> <p>Disposition type DDP</p> <p>AOC Form 336</p> <p>Document type SOSR</p>
--

28.4.1 Seal the Electronic Record

1. Upon Receipt of AOC Form 334 and/or a completed AOC Form 336 from the judge, seal the electronic record by clicking “Seal Case/Charge” button under “Case Level Maintenance.” Click “Seal in accordance with HB 463” button.
2. [Seal Entire Case](#) will remove/transfer the entire case (all screens) from the “CI, DI or CO divisions” to the “SE division.”
3. [Seal Specific Charge\(s\)](#) will remove/transfer only the selected offenses from the case within the “CI, DI or CO division” to the “SE division.” Any reference to the sealed charges left in the “CI, DI, or CO division” must be taken out manually from any screen/field (the memo, BP/CO Recap).

NOTE: Sealing a charge/case Per HB 463 transfers the charge/case to the SE “Sealed Division.” Information relating to the charge or case will not appear for public inspection electronically. Sealing a charge/case Non HB 463 will transfer charge/case details to the SE division, however; other case details may still be viewable electronically to the public.

28.4.2 Seal the Case Record

1. If the case is not in the computer and if an original calendar can be located, make a copy and place in the original case file before sealing. Do not mark out the case on the copy.
2. Seal the original case jacket, case history (docket sheet and index card, if such exists), recording and log in an envelope. Add the case number, the defendant's date of birth and the date of the sealed order to the outside of the envelope. Maintain in a locked file cabinet. Do not open except by court order. If the court orders the case unsealed, make appropriate notation on outside of envelope.

EXCEPTION: If the recording includes other cases, make a notation on the log that the case file has been sealed. If a request for a copy is made, do not copy that portion of the recording that pertains to the sealed record.

NOTE: It is not necessary to seal the audio tapes; the official retention and disposal schedule for district court tapes applies.

3. On the original calendar, obliterate the case and mark the obliteration "sealed."
4. If a charge(s) ordered sealed is in a circuit criminal case that originated in district court, you must also seal the charge in the district court case.

29 DISABILITY PROCEEDINGS

KRS Chapter 387

District Court

[Process Map](#)

Disability proceedings include:

- Adjudging a person fourteen years of age or older to be mentally or physically disabled to manage his/her affairs;
- Determining that the person is no longer mentally or physically disabled.

NOTE: The county attorney is responsible for assisting the petitioner. KRS 387.560(3).

- [Disability Petition](#)
- [Appointment of Guardian/Conservator](#)
- [Petition for Relief/Modification](#)
- [Emergency Appointments](#)
- [Disability Procedure Checklist](#)
- [Settlement for Minor or Person Under Disability](#)
- [Uniform Adult Guardianship and Protective Proceedings](#)

29.1 *Venue*

Jurisdiction for disability cases lies in district court and venue for a respondent or ward who is a Kentucky resident is:

- In the county where the respondent or ward resides;
- In the county of domicile of respondent or ward;
- In the county where parent of respondent or ward who is a minor is domiciled. KRS 387.520(2).

NOTE: If no local conservator has been appointed and no petition in a disability proceeding is pending in this state, a domiciliary foreign conservator may file with a court in this state in a county in which property belonging to the disabled person is located, authenticated copies of the appointment and of any official bond given. The conservator may then exercise as to assets in this state all powers of a local conservator and may maintain actions and proceedings in this state subject to any conditions imposed on non-resident parties generally. KRS 387.520(3).

29.2 Confidentiality

All court records in disability proceedings are confidential except:

- Orders of appointment
- Judgments
- Orders affecting judgments. KRS 387.770(1).

Any person seeking to obtain confidential information contained in the court files or records may file a written motion stating why the information is needed. KRS 387.770(3). Maintain a log of individuals and entities granted access to the files or records by court order. KRS 387.770(3).

29.3 Disability Petition

1. Upon receipt of [AOC Form 740](#), Petition to Determine if Disabled and [AOC Form 745](#), Application for Fiduciary of Disabled Persons, collect the filing fee as set forth in the [Accounting Manual](#) and give a receipt. There is no jury filing fee. KRS 24A.170.

NOTE: Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

2. Apply the **FILED** stamp; add the date and your initials. The petition will be filed in the confidential division of district court.

NOTE: [AOC Form 765](#), Report of Interdisciplinary Evaluation Team is required and may be filed with the petition or prior to the hearing. KRS 387.550(6).

3. Determine if the respondent has a prior case in your court. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Assign an **H** number to the disability case using the next pre-number folder and a trailer number to each petition.

Quick Reference

AOC Form 740
AOC Form 745
Collect filing fee

File, date, initial

AOC Form 765

Case number **H**

29.4 *Hearing*

1. *If the petition is filed with [AOC Form 765](#), Report of Interdisciplinary Evaluation Team, use document code **RIET**. The jury trial must be held within 30 days of the filing. KRS 387.570(1); 387.550(1).*
If no Interdisciplinary Evaluation report is filed with the petition, the jury trial must be held within 60 days of the filing of the petition. KRS 387.550(1).
2. Upon receipt of [AOC 780](#), Order Setting for Hearing, apply the **ENTERED** stamp; add the date and your initials.
3. File on a document screen using document type **OST**.
4. Complete a scheduled event screen for a jury trial using code **JT**.
5. Mail a copy of the order no less than 14 days before the hearing to all of the following:
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - All persons named in the petition
 - Person proposed for appointment as limited guardian, guardian, limited conservator, or conservator.
 - Person with whom or facility where respondent resides. KRS 387.550(2).

Quick Reference
 * If petition filed with AOC Form 765, jury trial within 30 days; document type **RIET**
 * If no AOC Form 765, jury trial in 60 days
 Enter, date, initial
 Document type **OST**
 Scheduled event code **JT**

29.5 *Summons*

1. Prepare a summons on the respondent by completing a summons screen. CR 4.01(1)(b).
2. Serve the summons as prepared by the petitioner using the instructions provided in [Service of Process](#).
3. When a return of service is received, handle according to the instructions provided in [Service of Process](#).

NOTE: A civil summons may be issued on holidays and served on Sundays and holidays upon an affidavit that the process cannot be executed after that day. KRS 454.125.

Prepare a summons
 Serve summons

29.6 *Interdisciplinary Team*

1. Upon receipt of [AOC Form 750](#), Order for Examination, apply the **ENTERED** stamp to the order; add the date and your initials.
2. File on a document screen using document type **OE**.
3. Give notice of entry by mailing a copy of the order to all of the following:
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - Team members
 - Individual or facility with custody of respondent
4. The Interdisciplinary report must be filed with court and served on attorneys at least 10 days prior to hearing. KRS 387.540(7).
5. Upon receipt of AOC Form 765, Report of Interdisciplinary Evaluation Team, apply the **FILED** stamp to the report; add the date and your initials.
6. File on a document screen using document type **RIET**.

Quick Reference

AOC Form 750
Enter, date, initial
Document type **OE**
NOE

AOC Form 765
File, date, initial
Document type **RIET**

29.7 *Appointment of Counsel*

If the respondent does not obtain counsel within one week of the filing, the court will appoint counsel. KRS 387.560(1).

1. Upon receipt of [AOC Form 755](#), Order Appointing Counsel, apply the **ENTERED** stamp to the order; add the date and your initials.
2. File on a document screen using document type **OAC**.
3. Complete a party screen for the attorney.
4. Give notice of entry by mailing a copy of the order to all of the following:
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - All persons named in petition or facility or person with whom respondent resides
 - Person proposed for appointment as limited guardian, guardian, limited conservator, or conservator

AOC Form 755
Enter, date, initial
Document type **OAC**
Complete a party
screen

NOE

29.8 *Disability Judgment*

1. Upon receipt of a signed [AOC Form 785](#), Disability Judgment, apply the **ENTERED** stamp; add the date and your initials.
2. File on a document screen using document type **JDIS**.
3. Give notice of entry by mailing the judgment:

Certified copies to:	Copies to:
<ul style="list-style-type: none"> • Guardian or conservator • County clerk for recording. <i>KRS 387.590(8)</i> Petitioner is responsible for any recording fee. • State Board of Elections, within 10 days after judgment ONLY if the judge has ordered that the respondent shall not retain the right to vote by checking the box on the form. <ul style="list-style-type: none"> ○ <i>If wholly disabled</i>, send certified copy of judgment with respondent's date of birth and social security number if possible. <p>NOTE: If wholly disabled, also send a copy to the Department of Transportation.</p> ○ <i>If partially disabled</i>, send certified copy of judgment with respondent's date of birth and social security number and certified copy of Order Appointing Guardian or Conservator. 	<ul style="list-style-type: none"> • Petitioner • Respondent • Attorneys for both parties • All persons named in petition • Facility where or person with whom respondent resides

Quick Reference
 AOC Form 785
 Enter, date, initial
 Document type **JDIS**

NOE

State Board of Elections
 140 Walnut Street
 Frankfort, KY
 40601-3240

Kentucky Department
 of Transportation
 200 Mero Street
 Frankfort, KY 40601

29.9 *Appointment of Guardian/Conservator*

1. If the court orders a bond be posted, [AOC Form 825](#), Fiduciary Bond may be used. Collect the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005.
2. Apply the **FILED** stamp to bond; add the date and your initials and file by completing a document screen.

NOTE: If the District Court directs that the assets of a ward’s estate be deposited in a restricted account, the guardian or conservator is exempt from giving surety on his/her bond. KRS 387.070.
3. Upon receipt of AOC Form 770, Order of Appointment of Conservator and/or AOC Form 775, Order of Appointment of Guardian, and any bond required has been posted, apply the **ENTERED** stamp to the Order; add the date and your initials.
4. File by completing a document screen using the appropriate document type. KRS 395.130, 62.060.
 - *If the petitioner is a guardian, use OAG*
 - *If the petitioner is a conservator, use OCON*
5. Give notice of entry of the Order of Appointment by mailing:

Certified copies to:	Copies to:
<ul style="list-style-type: none"> • Guardian or conservator • County clerk for recording. <i>KRS 387.590(8)</i> 	<ul style="list-style-type: none"> • Petitioner • Respondent • Attorneys for both parties • All persons named in petition • Facility where or person with whom respondent resides

NOTES:

- Petitioner is responsible for any recording fee.
 - Do not advertise the appointment of the guardian or conservator. KRS 395.610(2).
6. Close the case screen by completing the disposition date, disposition type, and judge at disposition fields.
 7. Enter any order awarding fees. [AOC Form 760](#), Order Awarding Fees may be used. KRS 387.540(8), 387.560(2).
 8. Apply the **ENTERED** stamp; add date and your initials.

Quick Reference
AOC Form 825
Collect bond filing fee

File, date, initial

AOC Form 770
AOC Form 775
Enter, date, initial

Document type
* If guardian - **OAG**
* If conservator - **OCON**

NOE

AOC Form 760
Enter, date, initial

Document type **OAF**

9. File by completing a document screen using document type **OAF**.
10. Serve notice of entry on the person or entity to whom fees are awarded.

29.9.1 Inventory and Settlement

A guardian or conservator must file (KRS 387.670(4), 387.710) the following:

An inventory within 60 days of appointment, KRS 387.710(1)

1. Apply **FILED** stamp to inventory; add the date and your initials.
2. File the inventory on a document screen using document code **INV**.

Quick Reference

Document type **INV**

A settlement every two years, within 120 days of the anniversary of the appointment, KRS 387.710(2), (may be informal if ward has no real property and possesses personal property of \$1500 or less for any year of the biennial report, KRS 387.710(2)(c)).

1. Apply **FILED** stamp to settlement; add the date and your initials.
2. File the settlement on a document screen.
3. Present the settlement to the judge for approval.

File, date, initial
File on document
screen

A final settlement upon termination of appointment, KRS 387.710(3)

1. Apply **FILED** stamp to settlement; add the date and your initials.
2. File the settlement on a document screen.
3. Present the settlement to the judge for approval.
4. Return to fiduciary based on the following:
 - *If no exceptions are filed* within 30 days after settlement is approved, return vouchers to fiduciary.
 - *If exceptions are filed*, retain until settled, then return to fiduciary.

File, date, initial
File on document
screen

An annual report as to the ward's condition KRS 387.670

1. Apply **FILED** stamp to the report; add the date and your initials. [AOC Form 790](#), Annual Report of Guardian may be used.
2. File the report on a document screen using document code **RGD**.
3. Present the annual report to the judge for approval.

NOTE: Do not advertise reports or settlements of the guardian or conservator. KRS 395.610(2).

File, date, initial
AOC Form 790
Document code **RGD**

29.9.2 Delinquent Inventory and Settlements

You must report in writing to the judge each month the names and addresses of all fiduciaries who are delinquent in filing an inventory or a settlement. KRS 395.635.

1. Set up a tickler system to alert you of the names to be reported by completing a scheduled events screen for the date the inventory or settlement is due.
2. Print and present the calendar to the judge on a monthly basis.
3. If the inventory or settlement is filed before the due date, delete schedule event using instructions in the [Counter Screen](#) section of the KyCourts Manual.

Quick Reference
Set up tickler system

Present calendar to judge

29.10 *Designation of Standby Guardian or Conservator*

1. Upon receipt of [AOC Form 777](#), Verified Petition for the Voluntary Appointment of a Guardian or Conservator and Standby Guardian and Order KRS 387.750, apply the **FILED** stamp; add the date and your initials.
2. File the application by completing a document screen using the following document types:
 - **PVA**
 - *If the petitioner is a guardian, use OAG*
 - *If the petitioner is a conservator, use OCON*
3. **Do not** issue a summons.
4. Deliver the case file to the judge. If the judge directs, schedule a hearing and give notice. Complete a scheduled events screen for the date of the hearing.

AOC Form 777
File, date, initial

Document types

* **PVA**

* If guardian - **OAG**

* If conservator - **OCON**

Do not issue summons

29.10.1 Court Action for Designation of Standby

Guardian/Conservator

1. Upon receipt of [AOC Form 777](#), Verified Petition for the Voluntary Appointment of a Guardian or Conservator and Standby Guardian and Order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter on a document screen using the appropriate document type.
 - *If the petitioner is a guardian, use **OAG***
 - *If the petitioner is a conservator, use **OCON***
3. Give notice of entry to the attorneys of record and all parties not represented by counsel. Include notice of entry date and method. For more information, see [Notice of Entry](#).
4. If the order designates the applicant as standby guardian or conservator, the applicant has 10 days following death, resignation, removal or incapacity of the guardian or conservator to accept the designation as standby guardian or conservator.
5. Upon receipt of an acceptance of the designation of standby guardian or conservator, apply the **FILED** stamp; add the date and your initials.
6. File by completing a document screen.
7. Serve a copy of the acceptance on the ward by mailing a copy to the ward and his/her nearest adult relative.

Quick Reference

AOC Form 777

Enter, date, initial

Document type

* If guardian - **OAG**

* If conservator - **OCON**

Give notice of entry

File, date, initial

29.10.2 Appointment of Standby Guardian or Conservator

1. Upon receipt of [AOC Form 770](#), Order of Appointment of Conservator or AOC Form 775, Order of Appointment of Guardian **and** [AOC Form 825](#), Fiduciary Bond (KRS 395.130, 62.060), collect the bond filing fee (if any bond is required) as set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **ENTERED** stamp to the order; add the date and your initials.
3. Enter the order on a document screen using the appropriate document type.
 - *If the petitioner is a guardian, use **OAG***
 - *If the petitioner is a conservator, use **OCON***
4. Apply the **FILED** stamp to the bond; add the date and your initials.
5. Enter on a document screen using document type **BF**.
6. Give notice of entry of the Order of Appointment by mailing:

Quick Reference
 AOC Form 770
 AOC Form 775
 AOC Form 825
 Collect bond filing fee

 Enter order, date, initial

 Document type
 * If guardian - **OAG**
 * If conservator - **OCON**

 File bond, date, initial

 Document type **BF**

Certified copies to:	Copies to:
<ul style="list-style-type: none"> • Guardian or conservator • County clerk for recording. <i>KRS 387.590(8)</i> 	<ul style="list-style-type: none"> • Petitioner • Respondent • Attorneys for both parties • All persons named in petition • Facility where or person with whom respondent resides

NOTES:

- Petitioner is responsible for any recording fee.
- Do not advertise the appointment of the guardian or conservator. *KRS 395.610(2)*

29.10.3 Inventory and Settlement

A standby guardian or conservator must file (KRS 387.670(4), 387.710):

- [Inventory/Settlement Information](#)

NOTE: Do not advertise reports or settlements of the standby guardian or conservator. *KRS 395.610(2)*.

- [Delinquent Inventory and Settlements](#)

29.10.4 Voluntary Appointment of Guardian or Conservator on

Contingency

1. When [AOC Form 777](#), Verified Petition for the Voluntary Appointment of a Guardian or Conservator and Standby Guardian and Order is received (KRS 387.330), collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.

NOTE: Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

2. Apply the **FILED** stamp to the petition; add the date and your initials.
3. Open a case. For more information, see [Case Add](#) in the KYCourts Manual.
4. Immediately close the case screen by completing the disposition date, disposition type and judge at disposition.

Quick Reference

AOC Form 777
Collect filing fees

File, date, initial

29.10.5 Revocation

1. If a signed revocation of the voluntary petition is received, apply the **FILED** stamp to the revocation; add the date and your initials.
2. File by completing a document screen.

File, date, initial

29.11 Judicial Proceedings

1. At such time as a verified statement is received apply the **FILED** stamp to the verified statement; add the date and your initials.
2. File by completing a document screen.
3. Deliver the case file to the judge.
4. If the judge directs, schedule a hearing and give notice. Complete a scheduled events screen for the date of the hearing.

File, date, initial

Deliver file to judge
Schedule a hearing (if necessary)

29.11.1 Appointment of Guardian/Conservator

For more information see [Appointment of Guardian/Conservator](#).

29.11.2 Inventory and Settlement

For more information, see [Inventory and Settlement](#) or [Delinquent Inventory and Settlements](#).

29.12 *Petitions for Relief, Modification*

A respondent in a disability case may petition the court (written or oral) for the appointment of an individual to assist the respondent in preparing a written Petition for Relief, Modification or Termination of a Disability Order entered by any court in the Commonwealth. KRS 387.620.

29.12.1 Case Filed in Your Court

- **Oral Request:** In the existing case, schedule a hearing, as directed by the court, by completing a scheduled events screen.
- **Written Request:**
 1. Apply the **FILED** stamp to the petition; add the date and your initials.
 2. File in the existing case by completing a document screen.
 3. Schedule a hearing, as directed by the court, by completing a scheduled events screen.
- **Order Appointing:**
 1. Apply the **ENTERED** stamp; add the date and your initials.
 2. File by completing a document screen.
 3. Serve notice of entry on the respondent and the individual appointed to assist the respondent.

Quick Reference

File, date, initial

Schedule hearing

Enter, date, initial

File on document screen

Notice of Entry

29.12.2 Not a Case in Your Court

Open a "H" case. For more information, see [Case Add](#) in the KyCourts Manual.

- **Oral Request:** Schedule a hearing, as directed by the court, by completing a scheduled events screen.
- **Written Request:**
 1. Apply the **FILED** stamp to the petition; add the date and your initials.
 2. File in the case by completing a document screen.
 3. Schedule a hearing, as directed by the court, by completing a scheduled events screen.
- **Order Appointing:**
 1. Apply the **ENTERED** stamp; add the date and your initials.
 2. File by completing a document screen.
 3. Serve notice of entry on the respondent and the individual appointed to assist the respondent.

H Case

File, date, initial

Enter, date, initial

File on document screen

Notice of entry

29.12.3 Petition for Relief, Modification or Termination

1. Upon receipt of [AOC Form 795](#), Petition for Relief, Modification or Termination, apply the **FILED** stamp to the petition; add the date and your initials.

NOTE: Any request for assistance in completing a petition for relief, modification, or termination should be presented to the court for appointment of a person to prepare a petition on behalf of the requestor.
2. File on a document screen in the case using document type **PRMT**.
3. Schedule a hearing to be held within 30 days of the filing of the petition, by completing a scheduled events screen. KRS 387.620(4).
4. Give notice of the hearing to all parties and persons named in the petition no less than 14 days prior to the hearing. KRS 387.620(4).
5. If an order is received appointing counsel, apply the **ENTERED** stamp; add the date and your initials
6. Enter on a document screen using document code **OAC**.
7. If a motion for a jury trial is received, apply the **FILED** stamp; add the date and your initial.
8. File a motion screen.
9. Complete a scheduled events screen for the jury trial date.
10. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials.
11. Enter by completing a document screen. Memo the details of the relief, modification, or termination.
12. Give [notice of entry](#) to all parties and persons named in the petition.
13. Send a certified copy of restoration judgment, modification, or dissolution of guardianship to the County Clerk for recording. KRS 387.620(7).
14. Send certified copy of restoration judgment, modification, or dissolution of guardianship to originating court if restoration judgment, modification, or dissolution of guardianship is ordered by court other than where original judgment was entered. KRS 387.620(8).

Quick Reference

AOC Form 795
File, date, initial

Document type **PRMT**
Schedule hearing to be held within 30 days

Enter order, date, initial

Document type **OAC**
File motion, date, initial

Enter signed order, date, and initial

Serve notice of entry

29.13 *Emergency Appointments*

KRS 387.740

The court may exercise powers of limited guardian or conservator or appoint one if:

- There is a disability proceeding pending, including appeal.

- There is a danger of serious impairment to the health or safety of respondent or damage or dissipation to his property if immediate action is not taken. KRS 387.740(1).

29.13.1 Petition for Emergency Appointment Received

1. Upon receipt of [AOC Form 747](#), Petition/ Application for Emergency Appointment of Fiduciary, collect filing fees as set forth in the [Accounting Manual](#).
2. Apply **FILED** stamp to the petition, add the date and your initials.
3. Open a case. For more information, see [Case Add](#) in the KyCourts Manual.
4. Add the petition as a document using document type **PEF**.
NOTE: Copy the case history at the close of each case. Place a tab on the side of the copy and insert in the file folder as a divider.
5. Upon receipt of [AOC Form 780](#), Order Setting Hearing, set a hearing date within one week of filing of petition by completing a scheduled events screen. KRS 387.740(3). Apply the **ENTERED** stamp to the order; add the date and your initials.
6. File the order as a document using document type **OST**.
7. Respondent is entitled to counsel. KRS 387.740(3) Upon receipt of [AOC Form 755](#), Order Appointing Counsel, apply the **ENTERED** stamp to the order; add date and your initials.
8. Add the order as a document using document type **OAC**.
9. Give notice of entry by mailing copies of Hearing Order and Counsel Order (if applicable) to:
 - All persons named in petition
 - County Attorney
 - Respondent's Counsel

For more information, see [Notice of Entry](#).

NOTE: Notice of time and place of hearing shall be given not less than 48 hours prior to hearing. KRS 387.740(3).
10. Upon receipt of a signed [AOC Form 748](#), Order for Emergency Appointment of Fiduciary, apply the **ENTERED** stamp; add the date and your initials.
11. Complete a document screen using document type **OAEF**.

Quick Reference
AOC Form 747
Collect Filing Fee
File, date, initial
Document type PEF
AOC Form 780
Enter, date, initial
Document type OST
AOC Form 755
Enter, date, initial
Document type OAC
NOE
AOC Form 748
Enter, date, initial
Document type OAEF

12. Give notice of entry by mailing copies of judgment to:

Certified copies to:	Copies to:
<ul style="list-style-type: none"> • Guardian or conservator • County clerk for recording. KRS 387.590(8) Petitioner is responsible for any recording fee. • State Board of Elections, within 10 days after judgment ONLY if the judge has ordered that the respondent shall not retain the right to vote by checking the box on the form. <ul style="list-style-type: none"> ○ <i>If wholly disabled</i>, send certified copy of judgment with respondent's date of birth and social security number if possible. KRS 30A.145. ○ <i>If partially disabled</i>, send certified copy of judgment with respondent's date of birth and social security number and certified copy of Order Appointing Guardian or Conservator. 	<ul style="list-style-type: none"> • Petitioner • Respondent • Attorneys for both parties • All persons named in petition • Facility where or person with whom respondent resides

For more information, see [Notice of Entry](#).

29.13.2 Guardian/Conservator Appointed and Bond Posted

KRS 395.130, 62.060

1. Apply the **ENTERED** stamp to the Order of Appointment of Guardian; add the date and your initials.
2. Enter the order on a document screen using the appropriate document type.
 - *If the petitioner is a guardian, use **OAG***
 - *If the petitioner is a conservator, use **OCON***
3. Apply the **FILED** stamp to the Fiduciary Bond; add the date and your initials.
4. Enter the bond on a document screen using document type **BF**.
5. Collect the bond filing fee as set forth in the [Accounting Manual](#), and give a receipt. KRS 64.005.
6. Give notice of entry by mailing copies to:

Certified copies to:	Copies to:
<ul style="list-style-type: none"> • Guardian or conservator • County clerk for recording. KRS 387.590(8). 	<ul style="list-style-type: none"> • Petitioner • Respondent • Attorneys for both parties • All persons named in petition • Facility where or person with whom respondent resides

For more information, see [Notice of Entry](#).

NOTES:

- Petitioner is responsible for any recording fee.
 - Do not advertise the appointment of the guardian or conservator. KRS 395.610(2).
7. Close the case screen by completing the disposition date, disposition type and judge at disposition fields.

Quick Reference
 Enter order, date, initial

Document type
 * If guardian - **OAG**
 * If conservator - **OCON**

File bond, date, initial

Document type **BF**
 Collect bond filing fee

Notice of entry

29.14 *Sale of Real Estate by Guardian/Conservator*

1. Upon receipt of a motion for permission to sell real property, apply the **FILED** stamp, add the date and your initials.
2. Complete a scheduled events screen.
3. Complete a motion screen.
4. Give notice of this hearing by printing Court Notice and serve with the motion attached by certified mail, return receipt requested.

NOTE: Unless waived in writing, written notice of the hearing must be given to all known adult next of kin of the disabled person and any person with a vested or contingent interest in the property, as identified by the Guardian/conservator, at least 30 days prior to the hearing.

5. Upon receipt of a signed order, apply the **ENTERED** stamp to the order; add the date and your initials.
6. Serve notice of entry of the order and enter the method of service and notice of entry date on the document screen where the order is entered. For more information, see [Notice of Entry](#).

Quick Reference	
	File motion, date, initial
	Enter order, date, initial
	Serve notice of entry

29.15 *Expungement*

Following dismissal or withdrawal of a petition or determination that a respondent is no longer disabled, the respondent may at any time move to have all court records pertaining to proceedings expunged, provided a full release of all claims arising from the proceedings is submitted. KRS 387.770(2).

NOTE: A court order is required to expunge the case. For more information, see [Expungement](#). If you are asked about an expunged record, advise that no such record exists. An expunged record can be reopened only upon petition to the court and an order specifying the names of those who shall have access to the file.

1. Upon receipt of an order to expunge, apply the **ENTERED** stamp to the order; add date and your initials.
2. Enter on a document screen using document type **OEX**.
3. Notify any officials or agencies named in the order, and seal the records including all items mentioned above.
4. On the outside of the sealed envelope, add the case number, birth date of the respondent and the date of the order of expungement.

NOTE: It is not necessary to destroy the electronic recordings; the official retention and disposal schedule for district court tapes/recordings applies.

	Enter order, date, initial
	Document type OEX
	Notify officials, seal record

29.16 *Disability Procedure Checklist*

1. Receive petition.
2. Court sets jury trial date.
 - *If an interdisciplinary evaluation form is filed with the petition*, the hearing must be set within 30 days of receiving the petition. KRS 387.550(1).
 - *If the petition is not filed with an interdisciplinary evaluation*, the hearing must be set within 60 days of receiving the petition. KRS 387.550(1).
3. Sends copies at least 14 days prior to hearing to the following:
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - All persons named in petition
 - Person proposed as guardian, limited guardian, limited conservator, or conservator KRS 387.550(2).
 - Person with whom or facility in which respondent resides
4. Issue summons.
5. Court appoints interdisciplinary team, if necessary. Sends copies of appointment to the following:
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - Team members
 - Individual or facility with custody of respondent KRS 387.540(1),(7).
6. Court appoints counsel if respondent does not obtain counsel within one week of the filing of petition. Sends copies to the following: KRS 387.560.
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - All person(s) named in petition or facility or person with whom respondent resides
 - Person proposed for appointment as Limited Guardian, Guardian, Limited Conservator or Conservator

7. Judgment and Appointment. Sends copies of Judgment and Appointment.

Certified copies to:	Copies to:
<ul style="list-style-type: none"> • Guardian or conservator • County clerk for recording. KRS 387.590(8). Petitioner is responsible for any recording fee. • State Board of Elections, within 10 days after judgment. Send the judgment (AOC Form - 785) only if the judge has ordered that the respondent shall not retain the right to vote by checking the box on the form. 	<ul style="list-style-type: none"> • Petitioner • Respondent • Attorneys for both parties • All persons named in petition • Facility where or person with whom respondent resides

For additional information regarding guardianship, see [Uniform Adult Guardianship and Protective Proceedings](#).

29.17 *Settlement for Minor or Person Under Disability*

KRS 387.280

The custodian of a minor or other person under disability may file a petition in district court to be paid a sum not exceeding 10,000, when the minor or other person under disability, having no guardian or conservator, is entitled to receive this sum resulting from a settlement.

1. Upon receipt of a Petition for Custodian to Receive Money Settlement not exceeding \$10,000, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.
NOTE: Do not process the petition until the filing fees are paid.
EXCEPTIONS: The following are exempted from the filing fees:
 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.
2. Apply the **FILED** stamp, add the date and your initials.
3. Assign a case number CR 5.05(3), by generating the next case number in the computer for district civil C cases or use the next pre-numbered file folder. Use case type **OTH**.
4. Assign the case to a division using the procedure in your local court rules.
5. Assign a hearing per your local rules and advise the petitioner of the date, time and place of the hearing.

Quick Reference
Collect filing fees

File, date, initial

District Civil C case
Case type **OTH**

Do not issue summons

6. **Do not** issue a summons.
7. File the case by completing the case document and party screens.
8. Calendar the hearing by completing a scheduled events screen.
NOTE: Unless the court orders, the filing of an inventory and settlement is not required.
9. Upon receipt of a final order, apply the **ENTERED** stamp; add the date and your initials.
10. Enter the order on the document screen.
11. Serve notice of entry and make an entry on the document screen showing the manner and date of the service of notice of entry of the order. For more information, see [Notice of Entry](#).
NOTE: If the settlement involves the sale of real property, the purchaser of the real property may pay the share of the minor or other person under disability into the court, without giving bond.
12. Close the case. Complete the closing information on the case screen by adding the disposition date, disposition type, and the judge at disposition.

Quick Reference
Enter, date, initial
Serve notice of entry
Close the case

30 DISMISSAL NOTICES

CR 77.02(2)

District and Circuit Courts

[Process Map](#)

- For every case in which no pretrial step has been taken within the last year, notice shall be given to each attorney of record that the case will be dismissed in thirty days for want of prosecution except for good cause shown.

1. Print a report of all cases that have had no activity for a year. For instructions, see [Notice to Dismiss Due to Lack of Prosecution](#) in the KyCourts Manual.
NOTE: Review the list and correct any cases that have been mistakenly left open.
2. Print the Notice to Dismiss for Lack of Prosecution for each case on the list of cases eligible report. For instructions, see [Notice to Dismiss Due to Lack of Prosecution](#) in the KyCourts Manual.
3. Apply the **FILED** stamp to the printed notice; add the date and your initials.
4. File the notice by completing a document screen using document code **NDLP**. For details of how to perform this for all cases, see [Mass Processes](#) in the KyCourts Manual.
5. Mail a copy to each attorney or party not represented and place the original in each case file.
6. Have the judge assign a hearing date (or do this yourself if the judge has delegated this duty to you). This date must be at least 30 days after the notice is mailed.
7. Calendar the hearing by completing a scheduled event screen in each case. For details of how to perform this for all cases, see [Mass Processes](#) in the KyCourts Manual.
8. When the order dismissing for lack of prosecution or an order indicating the case is to remain active is signed, apply the **ENTERED** stamp; add the date and your initials.
NOTE: The orders may be printed from KyCourts.
9. Enter the order on a document screen including a brief description. For more information, see [Notice of Entry](#).
10. After the order is entered serve notice of entry on every party who is not in default or who has not filed a written waiver of notice.
11. Make an entry on the document screen showing the manner and date of the service of the notice of entry of the order.

Quick Reference
Print “Notice to Dismiss Due to Lack of Prosecution” report

File, date, initial
Document code **NDLP**

Schedule a hearing

Calendar the hearing for each case

Enter, date, initial

NOE

NOTES:

- If an order is received that continues the case to a future court date, complete a scheduled event screen.
- If the order keeps the case on the active docket no further action is necessary.
- If the order closes the case, complete the disposition date, disposition type using **DLP**, and judge at disposition fields on the case screen.

31 DISSOLUTION OF MARRIAGE/LEGAL SEPARATION/ANNULMENT

KRS Chapter 403

Circuit Court or Family Court Division of Circuit Court

[Process Map](#)

31.1 *Filing Fees*

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt for new actions and for actions relating to reopening a case six months from the entry of the decree for the purpose of modifying the decree.
2. Do not process the petition until the filing fees are paid.

EXCEPTIONS:

- [In Forma Pauperis](#)

Quick Reference
Collect filing fees

31.2 *Motion to Proceed In Forma Pauperis*

See [In Forma Pauperis](#)

See [Civil Actions Filed by Inmates](#)

31.3 *Petition*

1. Upon receipt of a petition, apply the **FILED** stamp; add the date and your initials.
NOTE: Special reporting requirements are mandatory in dissolution and annulment proceedings. Do not file a petition for dissolution or annulment unless Vital Statistics Form 300 (Certificate of Divorce or Annulment) is filed concurrently with the petition by the petitioner or attorney. KRS 213.116(4).

File, date, initial

VS 300 Form

The VS 300 Form is available on the Cabinet for Health and Family Services, Office of Vital Statistics website (chfs.ky.gov) as a downloadable document that can be completed electronically and printed. The form is to be printed on 25% bond paper with a visible watermark.

When the decree or order of annulment is entered, complete the bottom portion of the VS 300 Form and mail at least monthly to: CHFS, Office of Vital Statistics, 1st Floor, 275 E Main Street, Frankfort, KY 40621

2. Assign the case to a division using the procedure in your local rules. Refer to Case Add section of KYCourts Manual for instructions on opening the case.
3. Generate the next case number for circuit civil **CI** cases or use the next pre-numbered file folder.

31.4 *Domestic Violence Petition/Verified Motion*

All petitions/verified motions filed during the pendency of a dissolution or child custody proceeding alleging that an act of violence has occurred shall be assigned a domestic violence **D** case number with the appropriate trailer number. Use case type **DV**. The petitioner or the attorney for the petitioner shall complete an [AOC Form 275.1](#) Petition/Motion for Order or Protection to accomplish entry of the information in the LINK system. KRS 403.730(2). Refer to [Domestic Violence and Interpersonal Protective Orders](#) for specific instructions.

Quick Reference

Case number **D**
Case type **DV**
AOC Form 275.1

31.5 *Summons Issuance*

The clerk is required under CR 4.01(1) to issue a summons immediately upon the filing of a complaint.

1. Generate a summons for each person to be served by completing a summons screen. To expedite the filing of a lawsuit you may provide attorneys with [AOC Form 105](#), Civil Summons, to complete and return to you for signature at the time the complaint is filed. In either instance a summons screen is completed.
2. The summons and the petition (and any motions filed with the petition) shall be served together. The party requesting the summons shall furnish sufficient copies of the petition for this purpose. CR 4.04(1).

NOTE: If you make copies, collect a copy fee as set forth in [Accounting Manual](#) and give a receipt.

3. The initiating party will instruct whether service of the summons is by certified mail or personally delivered by the sheriff or other authorized person. CR 4.01(1). See [Service of Process](#).

Quick Reference

AOC Form 105

31.6 *Warning Order Attorney/Service*

See [Warning Order](#).

31.7 *Domestic Relations Commissioner (DRC)*

1. Upon receipt of an Order referring the case to the Domestic Relations Commissioner, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on a document screen using document type **ORDR**. Memo the method and date of notice of entry.
3. Serve [notice of entry](#) of the order by mail or hand delivery on every party who is not in default or who has not filed a written waiver of notice.

Enter, date, initial

Document type **ORDR**

NOE

31.7.1 **Audio/Video Log**

Proceedings before the commissioner shall be recorded by audio or video and a recording log shall be kept.

1. **FILE** stamp the recording log and add the date and your initials.
2. Complete a document screen using document code **VL** for the recording log and the audio or video recording. FCRPP 4(3).

File, date, initial

Document code **VL**

31.7.2 Notice of Commissioners Report

1. Upon receipt of a commissioner report, apply the **FILED** stamp; add the date and your initials.
NOTE: Do not apply the **ENTERED** stamp to the Commissioner's Report.
2. Prepare [AOC Form 240](#), Notice of Filing Commissioners Report, apply the **FILED** stamp; add the date and your initials.
3. Serve the notice by mail on all parties who have appeared in the action. FRCPP 4(4)(a).
4. Complete documents screens for the report and the notice using document codes **RCOM** (Report of Commissioner) and **NF** (Notice of Filing.)
5. Parties may serve written objections on other parties within 10 days after being served with the Notice of Filing of Commissioners Report. Application to the court for action upon the report and objection shall be by motion and notice. File stamp the motion and notice, add the date and your initials and complete a motion and scheduled event screen.
6. Upon receipt of a signed order adopting, modifying or rejecting the report, apply the **ENTERED** stamp to the order; add the date and your initials. Enter the order on a document screen including method and date of notice of entry. Serve [notice of entry](#) of the order by mail or hand delivery on every party who is not in default or who has not filed a written waiver of notice.

Quick Reference
File, date, initial
AOC Form 240
File, date, initial
Document code RCOM
Document code NF
File, date, initial
Enter, date, initial
Notice of entry

31.8 Investigator's Report in Custody Proceedings

1. If the court orders an investigation and report concerning custodial arrangements, upon receipt of the investigator's report, apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen using document type **REP** and memo Investigator's Report. Mail a copy of the report to all attorneys of record and any party not represented by an attorney at least 10 days prior to any custody hearing. KRS 403.300(3).

File, date, initial
Document type REP

31.9 *Decree of Dissolution*

1. Upon receipt of a signed decree or order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the decree or order on the document screen including a brief description. Use document type **JDD** (Judgment- Decree of Dissolution.)
3. After the decree or order is entered, serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry of the decree or order.
4. When the decree of dissolution is entered, complete the disposition date, disposition type and judge at disposition fields on the case screen. Complete the bottom portion of VS Form 300 and mail at least one a month to the **Cabinet for Health and Family Services**. KRS 213.116(5).

NOTE: Issues such as custody, visitation, and support may be reserved, however; the case should be closed upon the entry of the decree.

Quick Reference
Enter, date, initial

Document type **JDD**
NOE

VS Form 300
CHFS
Office of Vital Statistics
1st Floor- 275 E Main St
Frankfort, KY 40621

31.10 *Child Support*

1. If the decree or order includes child support ([AOC Form 152](#), Uniform Child Support Order is used), apply the **ENTERED** stamp; add the date and your initials.
NOTE: [AOC Form 152](#) is a mandatory form.
2. Enter the order on a document screen using document types **OSUP** (Order for Support) or **OSUPW** (Order Wage/Benefit Withholding) as directed by the Order.
3. Serve [Notice of Entry of the Order](#) on all parties.
4. Place a copy of the order in a designated area (box or basket) in your office for the Cabinet for Health and Family Services.

AOC Form 152
Enter, date, initial

Document type **OSUP**
or **OSUPW**

NOE

31.11 *Notice of Relocation of Joint/Sole Custodian*

A joint custodian seeking to relocate shall file a written notice with the court and shall serve the notice on the non-relocating joint custodian/non-custodial parent. Either party may file a motion for change of custody and/or timesharing within 20 days of service of the notice of relocation.

1. Upon receipt of a notice for relocation, stamp the notice **FILED**, add the date and your initials.
2. If the parties have an active EPO/DVO, present the notice immediately to the appropriate judge to determine whether the notice should be sealed. FCRPP 7.

NOTE: Pursuant to KRS 403.770, if a relocating custodian has an active EPO or DVO against the other parent or custodian, the relocating custodian must not be required to disclose to the other party the relocation destination. The court and clerks must comply with statutory mandates set forth in KRS 403.770 to maintain the confidentiality of that petitioner’s date of birth and address, as well as that of the petitioner’s minor children. If the domestic violence action is not pending in the same circuit, the court may require the relocating custodian to disclose the relocation provided only if the location is filed under seal, with strict confidentiality maintained by the court and clerk and the location is not disclosed to the opposing party. FCRPP 7.

3. Upon receipt of a notice for relocation stamp the notice **FILED**, add the date and your initials. Present the notice immediately to the appropriate judge to be sealed. FCRPP 7.

Quick Reference

File, date, initial

File, date, initial

[UIFSA UNIFORM INTERSTATE FAMILY SUPPORT ACT](#)

[UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT \(UCCJEA\)](#)

[REGISTRATION OF FOREIGN CHILD CUSTODY ORDER](#)

32 DISTRICT COURT CRIMINAL COMPLAINTS

RCr 2.02

[Process Map](#)

- There is no filing fee in a criminal case. KRS 453.190(1).
- If a person wishes to file a criminal complaint, direct him/her to the county attorney or commonwealth's attorney. The complaint must be made upon oath and must be signed. RCr 2.02.
- Upon receipt of a complaint take the complaint to your district judge or trial commissioner.

NOTE: In the event all district and circuit judges and all trial commissioners are absent from a county, the circuit clerk in that county may issue criminal warrants (including [search warrants](#)) prepared by the commonwealth attorney or county attorney, who shall certify that there is no district judge, circuit judge or trial commissioner within the county. KRS 15.725(5).

32.1 *Appearance Bond*

A judge, trial commissioner, or other officer issuing an arrest warrant may require the complaining witness to post a bond to guarantee his/her attendance in court.

1. Prepare the Prosecuting Witness Appearance Bond, [AOC Form 485](#), for the complaining witness's signature; collect the amount of the bond, and the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 431.017.
2. Apply the **FILED** stamp to the bond; add the date and your initials. Attach the signed bond form to the bookkeeping bond card a copy in the case file.
3. Pending complaints/warrants/summons are not court records and therefore, should not be maintained in the clerk's office. **Do not** open a case until the warrant or summons is served on a defendant.

Quick Reference

AOC Form 485

Collect fees

File, date, initial

32.2 *Open a Case*

1. Upon receipt of service/execution of a warrant/summons on a defendant, apply the **FILED** stamp to the complaint; add the date and your initials.
2. Refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. Generate the next case for **T**, **M**, or **F** case.
3. Open one case file and assign one case number when two or more offenses, whether felonies, misdemeanors, violations, or any combination thereof, are charged in the same or related indictment, information, served criminal complaint or citation, where the offenses are of the same or similar character or are based on the same acts or transactions connected together or constituting parts of a common plan or scheme. See [Uniform Case Management Standards](#).

NOTE: If offenses are mixed in nature on a district court criminal complaint, i.e., felonies, misdemeanors and/or traffic charges in some combination, the case type assigned will be that of the most serious offense. For exceptions see: [Case Numbering](#).

NOTE: If an appearance bond was posted by the complaining witness, a copy of the signed bond form attached to the bookkeeping bond card should be filed in the case file.

Quick Reference
File, date, initial

T, M, F case

32.3 *Judgment/Order*

1. A signed calendar is an order or judgment for each case listed. CR 58. Upon receipt of a signed calendar, apply the **ENTERED** stamp; add the date and your initials. Enter the information on the appropriate screen(s).
NOTE: Notice of entry of judgment is not required in misdemeanor or traffic cases. RCr 12.06(3).
2. If the order or judgment imposes jail time, complete [AOC Form 425](#), Order of Commitment and deliver to the transporting officer.

Enter, date, initial

AOC Form 425

32.4 Charge Closing

1. When the calendar closes the charges(s), complete the disposition date, disposition judge, disposition type, trial type, original plea and final plea on the charge screen.

NOTES:

- To close using [BenchPro](#) refer to the KyCourts Manual.
 - See [Pleas](#) for more information regarding entering a plea and disposition.
 - Refer to instructions in the KyCourts Manual for charge disposition reportable to Division of Driver Licensing ([DDL Requirements](#)). Also see [Conviction Reporting](#).
2. An order from the court showing the defendant incompetent to stand trial; not guilty by reason of insanity; or guilty but mentally ill may subject the defendant to a firearm prohibition. See [Firearm Prohibition](#).

32.5 Sentence

1. If a sentence is imposed by the court, complete a sentence screen. See KyCourts Manual [Sentence Detail](#) Screen for additional information.
NOTE: When all charges in the case have been completed, the system will close the case screen by completing the disposition date and judge at disposition fields.
2. If ordered, collect the fine, court costs and applicable fees as set out in the [Accounting Manual](#), and give a receipt. KRS 24A.175(1); KRS 24A.185(1)(3). Court costs are based upon the charge date.
3. Offenders will pay the court costs in effect on the violation date shown on the citation plus library fee and court facilities fee, if applicable.
4. Refer questions about receipting court costs to your Judicial Auditor.
5. Court costs are not assessed unless there is a conviction. Absent a finding of indigency, imposition of court costs is mandatory anytime there is a conviction.
6. If the court establishes an installment plan for the offender, schedule a show cause hearing using event type **SCIP** as ordered by the court. Apply payments received in the following order: court costs, restitution, fees, fines, unless otherwise ordered by the Court. Contact your Judicial Auditor if you receive a court order directing you to apply payments in a different fashion.

<p>Quick Reference Complete sentence screen</p> <p>Collect fees</p> <p>Event type SCIP Apply payments in the following order: Court costs Restitution Fee Fines</p>

32.6 No Insurance Charges

If a defendant is convicted of a second or subsequent charge of "No Insurance" (KRS 304.99-060), redocket the case for review in six months for additional proof of insurance. If the license is suspended, the Division of Drivers Licensing will be notified electronically.

32.7 *Incompetency Determination*

KRS 186.560

1. If an order is entered finding a defendant incompetent to stand trial, mail a copy of the order to the **State Board of Elections**. KRS 30A.145.
2. A person found incompetent to stand trial may be subject to a firearm prohibition. See [Firearms Prohibition](#).
3. A person found incompetent to stand trial is prohibited from operating a motor vehicle during the period of the person’s incompetency.
4. Upon a finding of incompetency for any charge using disposition type **INC** – Incompetent to Stand Trial; an abstract reporting record will be generated notifying DOT.
5. When the individual is found competent to stand trial, manually enter a “**COR** – correction record” for each charge in which a report was generated due to the **INC** disposition.

License Surrendering Procedures

- Confiscate license. KRS 189A.200(3), or
- Have defendant sign a Transportation Cabinet Division of Drivers Licensing Form TC 94-9 Denial Statement indicating defendant does not possess a driver's license, or
- Issue a duplicate license and confiscate. KRS 189A.200(3). The location code should match the issuing location, but the issuing location will not match the address for an out-of-county conviction.

Quick Reference
State Board of Elections
 140 Walnut Street
 Frankfort, KY 40601

Disposition type **INC**

COR- correction record

32.8 *Sex Offender Order to Register*

1. When Probation and Parole Form P:227, Sex Offender Duty to Register Notification Form, signed by the judge is received, apply the **ENTERED** stamp; add the date and your initials. File by completing a document screen using document type **ORSO**. Give [notice of entry](#) of the judge’s order by distributing a copy of the form as shown in the distribution list at the bottom of the form.

Enter, date, initial

Document type **ORSO**

NOE

32.10 *Kentucky Rule of Evidence (KRE) 412 Hearing in Rape and Similar Cases*

- Procedure to Determine Admissibility of Evidence: For hearings held pursuant to KRE 412(c)(2), motions and related papers together with the audio or video tape of the hearing must be sealed and remain sealed unless the court orders otherwise.
 1. Upon receipt KRE 412 (c)(2) motion(s) and related papers, apply the **FILED** stamp; add the date and your initials.
 2. File by completing a motion or document screen as appropriate. If the pleading is a motion, schedule a court date by completing a scheduled events screen.
 3. Place the motion or other pleading in an envelope; mark the envelope **CONFIDENTIAL**; add the date and your initials. Seal the envelope and place the sealed envelope in the case file.
 4. If an audio or video hearing is held place the tape of such hearing in an envelope; mark the envelope **CONFIDENTIAL**; add the date and your initials. Seal the envelope and place the sealed envelope in the case file.
 5. Do not release the sealed envelope(s) from your custody except when actually used in the action or proceeding. If a request to review the case file is received, remove the envelope(s) from the case file.
 6. A party seeking to view the sealed envelope(s) must secure a court order giving him/her access.
 7. When the case is closed, maintain the confidentiality of the pleadings.

Quick Reference
File, date, initial

Mark **CONFIDENTIAL**,
date, initial

Mark **CONFIDENTIAL**,
date, initial

33 DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDERS

KRS 403.715 to 403.785, KRS 456, FCRPP Part IV

District Court, Circuit Court, and Family Court Division of Circuit Court

[Process Map](#)

-
- Domestic violence and interpersonal protective order proceedings allow victims of domestic violence, dating violence and abuse, stalking, and sexual assault to obtain protection against further wrongful conduct through court protective orders and to expand law enforcement's authority to intervene and assist victims.
 - Domestic violence includes physical injury, serious physical injury, stalking, sexual abuse, assault, or fear thereof between family members or members of an unmarried couple. KRS 403.720.
 - Dating violence and abuse means physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault occurring between persons who are or have been in a dating relationship. KRS 456.010.
 - A victim of sexual assault or stalking as defined in KRS 456.010 may file a petition for an interpersonal protective order. No previous relationship is required.
 - In each jurisdiction, a local protective order protocol has been adopted by the District Judge, Family Court Judge (in counties where Family Court has been established) and Circuit Judge and approved by the Chief Justice of the Supreme Court. In addition to the information contained in this section, refer to your Local Protective Order Protocol for specific directions.
 - All protective order petitions shall be assigned a **D** case number with the appropriate trailer number, regardless of who (District Judge, Trial Commissioner, Family Court Judge or Circuit Judge) reviews the petition and orders the case filed.
 - [Protective Order Petition](#)
 - [Denied Petition](#)
 - [Issuance of Summons Only](#)
 - [Emergency/Temporary Interpersonal Protective Orders](#)
 - [Appeal of Protective Order](#)
 - [Violation of Protective Order \(Civil Contempt\)](#)
 - [Violation of Protective Order \(Criminal\)](#)
 - [Suspension of License to Carry Concealed Deadly Weapon](#)

- [Foreign Protective Order](#)
- [Interpersonal Protective Order Following Stalking Conviction](#)
- [Expungement](#)

33.1 *Venue*

You are required to accept all petitions/motions for orders of protection. The judge or trial commissioner will make any and all determinations regarding the filing of the petition.

A domestic violence and/or interpersonal protective order petition may be filed:

- In the county where the victim resides; or
- In the county of current residence of the victim if the victim has left their usual residence to avoid violence and abuse. KRS 403.725(1), KRS 456.030.

33.2 *Confidentiality*

In domestic violence and interpersonal protective order cases the address of the petitioner and minor children are confidential. KRS 403.745, KRS 456.070.

Keep the case file in a locked cabinet. If a person, other than the petitioner or his/her attorney, requests access, **do not** give the person the file. Instead, make copies of the requested documents. Mark through/redact the addresses of the petitioner and any minor children.

EXCEPTION: The Cabinet for Health and Family Services is entitled to access the address of the petitioner and any minor children.

33.3 *Filing Fee*

There are no filing fees for domestic violence or interpersonal protective order cases.

No bond is required of the petitioner; nor is the petitioner required to pay any fees for service. KRS 403.745, KRS 456.070.

EXCEPTION: Filing fees may be assessed for appeals filed in protective order actions. See [Appeals](#).

33.4 *Cases Involving Minors*

- Protective order proceedings involving minors are not confidential. Address information of the petitioner must be kept confidential pursuant to the [Confidentiality](#) section above.
- It is not necessary to use initials or abbreviations for names of minors regardless of whether the minor is a petitioner or respondent.
- A petition/motion for protection may be filed on behalf of a minor by an adult. However, if a minor files a petition on his or her own behalf, you should accept it.

NOTE: When an adult files a petition on behalf of a minor, that adult should be listed as the petitioner and added in KYCourtsII as a plaintiff/petitioner using party type P. The minor to be protected is added using party type CH. Enter the minor’s full name, not initials.

- If the respondent is a juvenile, serve the respondent juvenile directly unless otherwise directed to serve a resident guardian or person having control of the minor.
- **Do not** appoint a guardian ad litem for petitioner or respondent unless directed to do so by the judge.

33.5 *Petition/Motion for Order of Protection*

Give the petitioner a brochure, [How to Obtain a Protective Order](#), a supply of which may be ordered from the Print Shop at AOC.

1. The petitioner should complete [AOC Form 275.1](#), Petition/Motion for Order of Protection, which includes the motion for relief. The petition must be signed and it must be verified. KRS 403.725, KRS 456.030.

NOTE: An attorney filing a verified motion stating an act of domestic violence has occurred in a dissolution or child custody proceeding must complete [AOC Form 275.1](#) Petition/Motion for Order of Protection for entry in the LINK system. KRS 403.725.

2. Upon receipt of a signed and verified petition, AOC Form 275.1, apply the **FILED** stamp; add the date and your initials.

Quick Reference
AOC Form 275.1

AOC Form 275.1

AOC Form 275.1
File, date, initial

33.5.1 **Review of Petition**

1. Upon receipt of a petition for an EPO/IPO, check the index of circuit court cases to ascertain if a dissolution or child custody proceeding between the parties is pending. If a dissolution or child custody case is pending between the parties, cross-reference the **D** case with the circuit **CI** case and place a copy of any resulting orders entered in the circuit **CI** case file.
2. Deliver the petition to the appropriate Trial Commissioner, District Court Judge, Family Court Judge, or Circuit Court Judge as provided by your Protective Order Protocol.
3. Upon receipt of a petition which has been reviewed, refer to the Court Action box on page 3 for the judge or trial commissioner’s determination. See additional instructions below to process a [denied petition](#), to issue a [summons only](#), or [to issue an emergency/temporary interpersonal protective order](#).

NOTE: Protective order petitions may be taken after regular office hours and each local Protocol is required to outline the procedure for petition intake and

Check Index

Deliver to judge

review. Upon receipt of a petition taken after hours, process the documents received according to these additional instructions along with any other requirements of the local Protocol.

33.5.2 Denied Petitions

1. If the trial commissioner/judge denies the petition and does not issue an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) or direct the issuance of a summons for a hearing, the trial commissioner/judge shall note that information on the petition. KRS 403.735(4), KRS 456.040, FCRPP 10.
2. Refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. If no prior case exists involving the parties, assign a case number using the next pre-numbered folder for **D** cases including a trailer number. If a prior case exists involving the parties, assign the appropriate trailer to the existing case number.
 - Do not assign a new number if the same parties have a prior domestic violence or interpersonal protective order case in your court.
 - It does not matter which party was the petitioner or the respondent, so long as the case is a DV/IPO case between the two parties named in the current petition.
 - To separate trailers, copy the case history at the close of each case. Place a tab on the side of the copy and insert in a file folder as a divider.
3. For domestic violence cases, assign a case type code of **DDP**. For interpersonal protective order cases, use case type code **DIP**.
4. Add the petition as a document using document type **COM**.
5. The judge number code of the trial commissioner or judge reviewing the petition shall be entered on the case screen as the opening judge.
6. Do not include the petitioner’s address on the party screen.
7. Close the case screen by completing the disposition date, disposition type code **DVD** (Domestic Violence Denied) or **IPD** (Interpersonal Protective Order Denied) and the trial commissioner or judge at disposition. Note in the memo “Denied Petition”.
8. Distribute a copy of the denied petition to the petitioner.

Quick Reference

D case

Case type **DDP** or **DIP**

Document type **COM**

Do not include the petitioner’s address on the party screen

Disposition type **DVD** or **IPD**
Memo “Denied Petition”
Copy to the petitioner

33.5.3 Issuance of Summons Only

If the court issues an EPO or an TIPO, proceed to [Emergency/Temporary Interpersonal Protective Orders](#).

If the court determines that domestic or dating violence/abuse, stalking, or sexual assault exists and **issues a summons**, but does **not** issue an EPO or TIPO:

1. Refer to the [Case Add](#) section of the KYCourts Manual for instructions on opening the case. If no prior case exists involving the parties, assign a case number using the next pre-numbered folder for **D** cases including a trailer number. If a prior case exists involving the parties, assign the appropriate trailer to the existing case number.
 - **Do not** assign a new number if the same parties have a prior domestic violence or interpersonal protective order case in your court.
 - It does not matter which party was the petitioner or the respondent, so long as the case is a DV/IPO case between the two parties named in the current petition.
 - To separate trailers, copy the case history at the close of each case. Place a tab on the side of the copy and insert in a file folder as a divider.
2. For DVO cases, use case type **DV**. For IPO cases, use case type **IP**.
3. **Do not** include the petitioner's address on the party screen.
4. Add the petition as a document using document type **COM**.
5. Enter the judge code of the trial commissioner or judge reviewing the petition and ordering the case filed on the case screen as the opening judge.
6. Check the index of circuit court cases to ascertain if a dissolution or child custody proceeding between the parties is pending. If so, cross-reference the domestic violence with the dissolution or child custody case.
7. Schedule a hearing date according to your local protective order protocol by completing a scheduled events screen, using event type **DV**.
8. Prepare [AOC Form 275](#), Protective Order Summons and complete a summons screen. Use summons type **PO**. Include the court date (which must be within 14 days of the issuance of the summons, including the day of issuance).

Quick Reference

D case
Case type:
DV – Domestic Violence
IPO – Interpersonal Protection

Event type **DV** or **IP**

Do not include petitioner's address on party screen
Document type **COM**

Event type **DV**

AOC Form 275

33.5.4 Service of Petition and Summons

1. Using the most expedient means reasonably available and within 24 hours following the issuance of the summons, hand deliver, fax or mail a copy of the petition and summons as follows (please note that the original petition is to remain in the case file; **only distribute copies with the petitioner's address and the address of any minor children marked through/redacted**):
 - Agency Assigned Service: The A.A.S. receives the original summons for return, a copy of the petition (with the address of the petitioner and address of any minor children

marked through) and a copy of the summons for each respondent. KRS 403.751, KRS 456.110.

- Petitioner or his/her attorney.
 - Agency responsible for LINK entry.
2. Send a copy to the Cabinet for Health and Family Services. Do not mark through the address of the petitioner or any minor children.

33.5.5 Executed Summons

1. Upon receipt of an executed summons apply the **FILED** stamp; add the date and your initials. Complete the service date field on the summons screen.
2. Using the most expedient means reasonably available and within 24 hours following the filing of the executed summons, hand deliver, fax or mail a copy of the executed summons to the Agency Responsible for LINK Entry.

Quick Reference

File, date, initial

Deliver to LINK

33.5.6 Failure of Service Notice

File any written notice you receive from the Agency Assigned Service regarding the failure of service of a summons by applying the **FILED** stamp; add date and your initials. Memo this written notice (or any oral notice) on the summons screen.

File, date, initial

33.6 *Emergency/Temporary Interpersonal Protective Orders*

- If the court determines an emergency exists with regard to domestic violence and abuse, you will receive an EPO.
 - If the court determines an emergency exists with regard to dating violence and abuse, stalking, or sexual assault, you will receive a TIPO.
1. Refer to the [Case Add](#) section of the KYCourts Manual for instructions on opening the case. If no prior case exists involving the parties, assign a case number using the next pre-numbered folder for **D** cases including a trailer number. If a prior case exists involving the parties, assign the appropriate trailer to the existing case number.
 - Do not assign a new number if the same parties have a prior domestic violence or interpersonal protective order case in your court.
 - It does not matter which party was the petitioner or the respondent, so long as the case is a DV/IPO case between the two parties named in the current petition.
 - To separate trailers, copy the case history at the close of each case. Place a tab on the side of the copy and insert in a file folder as a divider.

DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDERS

2. **Do not** include the petitioner's address on the party screen.
3. Add the petition as a document using document type **COM**.
4. Enter the judge code of the trial commissioner or judge reviewing the petition and ordering the case filed on the case screen as the opening judge.
5. Upon receipt of an EPO or TIPO ([AOC Form 275.2](#), Order of Protection), apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen:
 - For EPOs, use document type **OEP**.
 - For TIPOs, use document type **TIPO**.
6. Check the index of circuit court cases to ascertain if a dissolution or child custody proceeding between the parties is pending. If so, cross-reference the domestic violence with the dissolution or child custody case. In a non-family court jurisdiction, notify the Circuit Judge of the EPO filing and schedule any future events as directed by local protocol. In the **CI** case, complete a document screen using code **OEP** and place a copy in the case record.

Quick Reference

Document type **COM**

Enter, date, initial

Document type **OEP**
Document type **TIPO**

Document type **OEP**

33.6.1 Protective Order Summons

1. Upon entry of the EPO or TIPO, prepare a summons ([AOC Form 275](#), Protective Order Summons) and complete a summons screen using summons type **PO**. Include the court date (which must be within 14 days of the issuance of the summons).
2. Note the hearing date by completing a scheduled events screen using event type **DV**. The hearing is a bench trial before the District Judge, Family Court Judge or Circuit judge, as appropriate under your local Protective Order Protocol. Trial commissioners are not authorized to preside over these hearings. SCR 5.030.

AOC Form 275

Summons type **PO**

Schedule event

Event type **DV**

33.6.2 Notice of Impending Expiration Un-served Emergency/Temporary Order of Protection

In all cases where an EPO or TIPO was issued, complete the following scheduled events to create a tickler:

Time from Issuance Date	Scheduled Event Type	Notes
5 months	TMN: To Mail Notice of Expiration of Un-served Protection Order	Reminder for clerk’s to mail AOC 275.13 (Notice of Impending Expiration of Un-served Protection Order) per distribution list.
6 months	REPO: Review Un-served EPO/IPO	This date is a review date to remind the clerk to deliver the court file along with AOC Form 275.3 (Order of Protection) to the Judge for review. Assign the review date in accordance with the local protective order court dates. The review date may be longer than the six month date to be in compliance with local protective order court dates.

NOTE: Unschedule the tickler events once service is executed.

33.6.3 EPO/TIPO Service

1. Using the most expedient means reasonably available and within 24 hours following the entry and issuance of the EPO or TIPO and summons, hand deliver, fax or mail a copy of the summons, EPO or TIPO, and a copy of the petition with the petitioner’s address and the address of any minor children marked through on all copies as follows: (please note that the original petition and original EPO or TIPO is to remain in the case file; **only distribute copies with the petitioners address and any minor children marked through/redacted**):
 - Agency Assigned Service: The A.A.S. receives the original summons, a copy of the EPO or TIPO, a copy of the petition and a copy of the EPO or TIPO and summons for each respondent.
 - Petitioner or attorney.
 - Agency responsible for LINK entry.
2. Send a copy to the Cabinet for Health and Family Services. **Do not** mark through the address of the petitioner or any minor children.
3. File a copy in the dissolution or child custody case if one is pending.

Quick Reference
Distribute within 24 hours

33.6.4 Executed Summons

1. File the executed summons by applying the **FILED** stamp; add the date and your initials.
2. Complete the service date field on the summons screen.
3. Using the most expedient means reasonably available and within 24 hours following the filing of the executed summons, hand deliver, fax or mail a copy to the Agency Responsible for LINK Entry.
4. Unschedule the tickler events **TMN** and **REPO** once service is executed.

Quick Reference
File, date, initial

Complete service date

Remove tickler events

33.6.5 **Failure of Service Notice**

1. File any written notice you receive from the Agency Assigned Service regarding the failure of service of a summons by applying the **FILED** stamp; add date and your initials. Memo this written notice (or any oral notice) on the summons screen.
 2. Notify the issuing judge of the notice.
- NOTE:** A summons may be reissued and an EPO or TIPO continued up to six (6) months from the issuance of the EPO or TIPO. If the petitioner files a new petition before the expiration of the EPO or TIPO, the six (6) month process begins again.

File, date, initial

Notify judge

33.6.6 **Subsequent Summons**

A subsequent summons may be issued for additional 14 day periods and may supersede an earlier summons.

1. Upon reissuance of the summons, prepare [AOC Form 275](#) (Protective Order Summons) and attach a copy of the EPO or TIPO, and a copy of the petition (only distribute copies with the petitioners address and any minor children marked through/redacted).
2. Complete a summons screen including the court date which must be within 14 days of the issuance of the summons.
3. Note the hearing date by completing a scheduled events screen using event type **DV**.
4. Request an updated Criminal and Protective Order History for the Respondent if directed by your judge on [Case Level Maintenance](#).
5. For more information on handling return of a summons, see [Executed Summons](#), and [Failure of Service Notice](#).

AOC Form 275

Complete summons screen

Schedule event

Event type **DV**

33.7 *Criminal and Protective Order History*

1. Upon creation of a new case or a new trailer in an existing case, the Respondent’s criminal and protective order history will **automatically** be requested from the AOC. You should retrieve this record to include in the court file prior to or at the hearing. In KyCourts, print record checks by checking the “Retrieve Record Check” in Docket Preparation.
2. If the judge subsequently requests an updated criminal and protective order history, it may be obtained by using the “Request a Record Check” function under [Case Level Maintenance](#). A records requests takes approximately 24-48 hours to process, and may be subsequently obtained by using “Retrieve Record Check” function under Case Level Maintenance.
3. If you receive a motion to [expunge](#) a protective order case, an updated criminal and protective order history must be requested and received prior to the hearing.

33.8 *Order of Protection*

Upon receipt of [AOC Form 275.3](#), apply the **ENTERED** stamp; add date and your initials. Enter on a document screen.

- For a domestic violence order, use document type **ODV**.
- For an interpersonal protective order, use document type **IPO**.

NOTE: The order may be effective for up to three years. An order may be renewed a period of three years for an unlimited number of times. KRS 403.750, KRS 456.060.

1. Using the most expedient means reasonably available and within 24 hours of entry of the order, hand deliver, fax or mail a copy to:
 - Petitioner or attorney.
 - Respondent or attorney.
 - Agency Responsible for LINK entry.
 - Any other agency named in the order.
2. Send a copy to the Cabinet for Health and Family Services. Do not mark through the address of the petitioner or any minor children.
3. Close the case screen by completing the disposition date, disposition type and judge at disposition.
4. File a copy in the dissolution or child custody proceeding, if one is pending.

Quick Reference
 AOC Form 275.3
 Enter, date, initial
 Document type **ODV**
 Document type **IPO**

Deliver within 24 hours

Close case

33.9 *Suspension of License to Carry Concealed Weapon*

A license to carry a concealed weapon shall be suspended or revoked if an EPO or DVO is issued against the licensee. KRS 237.110(13)(k). The licensee must surrender the license to the court or a peace officer serving an EPO. The license is suspended until the DVO is terminated or the judge who issued the EPO/DVO terminates the suspension prior to the termination of the DVO.

NOTE: Suspension of a license to carry a concealed weapon **does not apply** to TIPO or IPO orders.

If you receive a license to carry a concealed weapon which was suspended or revoked because of domestic violence:

1. Place the license in an envelope and note "License to Carry Concealed Weapon" on the outside of the envelope.
2. Staple the envelope inside the domestic violence case file.
3. Upon request of the licensee, return the license to the licensee, IF:
 - The Emergency Protective Order/Domestic Violence Order is terminated; or
 - A written Order Terminating the License Suspension is entered.

33.9.1 **Purchase or Attempt to Purchase Firearm by Respondent**

If you receive information regarding the purchase or attempt to purchase firearm by a respondent named in an emergency protective or domestic violence order (KRS 237.100):

1. If the information is by written notice, apply the **FILED** stamp; add the date and your initials. File by completing a document screen. Deliver a copy to the issuing judge.
2. If the information is received by a telephone call, note the date and message in the memo field of the case screen. Alert the issuing judge using the most expedient means available.
3. If directed by the court, schedule a hearing and/or give notice to the petitioner.

Quick Reference
File, date, initial

Alert judge
Schedule hearing/give notice

33.10 *Motion to Amend Protective Order*

A Motion to Amend Prior Protective Order, [AOC Form 275.6](#), may be filed by either the petitioner or respondent to request a change to any terms of the existing order. KRS 403.745, KRS 456.070.

1. Upon receipt of Motion to Amend, apply the **FILED** stamp; add date and your initials. Use motion type **AM**.
2. Note the date, time and location of the hearing on the form.
3. Calendar the hearing by completing a scheduled events screen. Complete a motion screen.

AOC Form 275.6

File, date, initial
Schedule event
Add motion

Motion type **AM**

4. Serve copies as noted on the distribution list of AOC 275.6.

33.10.1 Order Amending Protective Order

1. After the hearing, enter the Order by applying the **ENTERED** stamp; add date and your initials. Complete a document screen.
2. Using the most expedient means reasonably available and with 24 hours following the entry of the order by the clerk, hand deliver, fax or mail a copy to:
 - Petitioner or attorney.
 - Respondent or attorney.
 - Agency Responsible for LINK Entry.
 - Any other agency named in the order.
3. File a copy in the dissolution or child custody proceeding, if one is pending.

Enter, date, initial
 Complete document
 screen
 Deliver within 24 hours

33.11 Appeal of Protective Order

Upon receipt of a Notice of Appeal of Protective Order:

If a protective order signed by a **district judge** is appealed, collect filing fees for appeals to circuit court as set forth in the [Accounting Manual](#) and give a receipt. Do not process the appeal until the filing fees are paid unless the petitioner is proceeding [In Forma Pauperis](#). CR 5.05(4); KRS 453.010. See [Appeals](#).

If a protective order signed by a **circuit judge or family court judge** is appealed, collect filing fees for appeals to Court of Appeals as set forth in the [Accounting Manual](#) and give a receipt. Do not process the appeal until the filing fees are paid unless the petitioner is proceeding [In Forma Pauperis](#). CR 5.05(4); KRS 453.010. See [Appeals](#).

33.12 Violation of Protective Order

Violation of the terms or conditions of an order of protection after the person has been served or given notice of the order shall constitute contempt of court. Civil and criminal contempt proceedings for violations of protective orders are separate and mutually exclusive. Depending on how it was initiated, a contempt proceeding may be heard in the case where the order was issued ([civil process](#)), or new criminal charges may be filed as a criminal action ([criminal process](#)). KRS 403.760, 403.763, KRS 456.180.

33.12.1 Contempt Proceeding (Civil Process)

1. File any affidavit/motion for contempt regarding a violation of a protective order by applying the **FILED** stamp; add date and your initials. Complete a document or motion screen, as appropriate.
2. Notify the issuing judge and schedule a hearing as directed, by completing a scheduled events screen using event type **CTPH**.
3. If a Bench Warrant ([AOC Form 275.7](#)) or a Forthwith Order of Arrest ([AOC Form 275.4](#)) is ordered, prepare the form and complete a warrant. Use warrant type **BW** (Bench Warrant) or **DV** (Domestic Violence). If a Show Cause Order ([AOC Form 275.5](#)) is issued, apply the **ENTERED** stamp to the order; add date and your initials. Enter on a document screen using document type **OSC**.
4. Using the most expedient means reasonably available and within 24 hours of entry of the order, hand deliver, fax or mail a copy to:
 - Agency Assigned Service: The A.A.S. receives the original for return and one copy for each respondent.
 - Petitioner or attorney.
 - Agency responsible for LINK entry.
 - Any other agency named in the order.
5. File a copy in the dissolution or child custody proceeding, if one is pending.
6. File the executed warrant or order by applying the **FILED** stamp; add the date and your initials and note the return information by completing the appropriate screen.
 - If a warrant or Forthwith Order of Arrest, complete the service date field on the warrant screen.
 - If a show cause order, enter the service information in the memo field of the document screen where the order is entered.
7. Using the most expedient means reasonably available and within 24 hours following the filing of the executed warrant or order, hand deliver, fax or mail a copy of the executed warrant or order to the Agency Responsible for LINK Entry.
8. See Failure of [Service of Bench Warrant](#).

File, date, initial

Event type **CTPH**

AOC Form 275.7
AOC Form 275.4
AOC Form 275.5

Warrant type **BW** or **DV**

Document type **OSC**

Deliver within 24 hours

File, date, initial

Deliver to **LINK**

33.12.2 Failure of Service of Bench Warrant, Forthwith Order of Arrest, or Show Cause Order

File any written notice you receive from the Agency Assigned Service regarding the failure of service of a warrant or order by applying the **FILED** stamp; add date and your initials. Memo this written notice (or any oral notice) on the warrant or document screen. Also notify the issuing judge of the notice.

File, date initial
Notify judge

33.13 *Violation of Protective Order (Criminal Process)*

District Court

KRS 403.763, KRS 456.180

1. When a citation or complaint is received for violation of a protective order, open a district criminal M case. See [District Court Criminal Complaints](#).
2. Copy the citation or complaint and warrant/summons and send to the district court where the original protective order was entered.

NOTE: The criminal case may be in the same county/court where the protective order was originally issued. If so, follow instructions below for the originating court.
3. When the originating court receives the copy of the citation/complaint and warrant/summons;
 - (1) Apply the **FILED** stamp; add the date and your initials;
 - (2) File in the originating **D** case by completing a document screen.
 - (3) Notify the original issuing judge of the pending criminal action.
 - (4) File a copy in the dissolution or child custody proceeding, if one is pending.
4. Upon request, the victim in a domestic violence case is entitled to a certified copy of any conditions of release of the respondent, at no charge.

Quick Reference
District M case

File, date, initial

33.14 *Global Position Monitoring Systems*

Pursuant to KRS 67.372, a county or counties may elect to provide a global positioning monitoring system (GPMS) program that may be used to monitor respondents in protective order cases. In the event that your county has established a GPMS program, the following instructions apply:

- Upon receipt of a motion alleging a substantial violation and requesting a GPS system, request an updated criminal and protective order history from the AOC on [Case Level Maintenance](#).
- Upon receipt of an [AOC 275.14](#) (Respondent’s Financial Statement Affidavit Agency Request for Reduced GPMS Costs, and Order); apply the **FILED** stamp, add the date and your initials. Enter on a document screen using document type **AIDV**.
- Following a contempt preceding the judge may enter a Global Position Monitoring Systems Order [AOC 275.15](#). Apply the **ENTERED** stamp, add the date and your initials. Enter on a document screen using document type **ONGPS**.

Request criminal and protective order history

AOC 275.14

File, date, initial

Document type **AIDV**

AOC 275.15

Enter, date, initial

Document type **ONGPS**

33.14.1 Motion and Notice to Amend Prior Protective Order (GPMS)

The petitioner or respondent may request that the GPMS order be modified.

1. File Motion to Amend Prior Protective Order, [AOC Form 275.6](#). This motion is used by either the petitioner or respondent to change any terms of the existing order.
2. Note the date, time and location of the hearing on the form. Apply the **FILED** stamp; add date and your initials.
3. Complete a motion screen. Calendar the hearing by completing a scheduled events screen.
4. If the party filing the motion has not served the opposing party or counsel with the motion, mail (1st Class) a copy of the motion to the opposing party or counsel. Provide copies as otherwise noted on the distribution list for AOC Form 275.6.

Quick Reference
AOC Form 275.6

File, date, initial

Complete motion screen

AOC Form 275.6

33.14.2 Modified GPMS Order

1. After the hearing, the judge may enter a Modified GPMS Order using [AOC Form 275.15](#). Enter the Order by applying the **ENTERED** stamp; add date and your initials. Complete a document screen using document code **ONGPS**.
2. Using the most expedient means reasonably available and with 24 hours following the entry of the order by the clerk, hand deliver, fax or mail a copy to:
 - Petitioner or attorney.
 - Respondent or attorney.
 - Agency Responsible for LINK Entry.
 - Any other agency named in the order.
3. File a copy in the dissolution or child custody proceeding, if one is pending.
4. Information obtained by a Global Positioning Monitoring System shall not be disclosed without a valid search warrant or an order issued by a court of competent jurisdiction. If GPMS provider files location information with a court, present it to the judge along with [AOC Form 275.16](#) Order Sealing Information Obtained by GPMS. If the court enters the order file in the court file and seal the document provided by the GPMS provider.
5. Upon receipt of a signed AOC 275.16, apply the **ENTERED** stamp, add the date and your initials. Enter on a document screen using document code **OSGPSI**. Seal the document(s) provided by the GPMS provider in a manila envelope and mark the envelope "Sealed".

Quick Reference
Enter, date, initial
Document code **ONGPS**

Deliver within 24 hours

AOC Form 275.16

Enter, date, initial
Document code **OSGPSI**

33.15 *Expungement*

If a petition for a protective order did not result in the issuance of an EPO or TIPO, or if the court did not issue a DVO or an IPO after a hearing, the court in which the petition was heard may for good cause shown order the expungement of the records.

The case may be expunged if 6 months have elapsed since the case was dismissed AND during the 6 months preceding the expungement request, the respondent has not had a protective order issued against him/her involving the petitioner or any other person. KRS 403.745, KRS, 431.079, KRS 456.070.

33.15.1 **Motion to Expunge**

1. Upon receipt of Motion to Expunge, [AOC 275.18](#), verify the signature. Apply the **FILED** stamp and complete the Notification section of the form.

NOTE: The Respondent does not need to provide a KSP Expungement Certification with the motion.

2. Create a scheduled event using motion type **EXPG**. If the movant has not already done so, serve copies of the notice per the distribution list by first class mail.
3. Request an updated copy of the Respondent’s criminal and protective order history using the retrieve record check on the [Case Level Maintenance](#).
4. Upon receipt of an [AOC 275.19](#), Order for Expungement of Emergency/Temporary Protective Order, apply the ENTERED stamp and use document code **OEX**. Distribute to all agencies named in the order.

Quick Reference

File

Motion type **EXPG**

Document code **OEX**

33.15.2 **Expungement Order**

If the Court orders expungement:

1. Within KyCourts, expunge the case or charge as applicable according to the instructions in the [KyCourts User Manual](#).
2. The physical court file may be kept separately along with other expunged records in a locked drawer or secure area.
3. The court may also order expungement of records of other agencies. Such agencies are required to certify that their records have been expunged when a certification of expungement is received from.

33.16 *Interpersonal Protective Order Following Stalking Conviction*

- A conviction for an offense in KRS 508.140 or 508.150 (stalking) or for any degree of rape, sodomy or sexual abuse shall operate as an application for an interpersonal protective order unless the victim requests otherwise.

DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDERS

- An IPO following a conviction may be issued by the court that entered the judgment of conviction without the necessity of further proof being taken.
- This type of IPO may be effective for up to ten (10) years with further renewals in increments of 10 years.
- 1. Upon receipt of an Interpersonal Protective Order (Following Stalking Conviction) signed by the judge apply the **ENTERED** stamp to the order; add the date and your initials.
- 2. Enter the Order in a document screen using document type **ORSC** (granted) or **ODRSC** (not granted).

NOTE: Do not open a “D” case. Subsequent motions to amend or contempt proceedings may be heard by the judge in the criminal case.
- 3. Using the most expedient means reasonably available and within 24 hours following entry of [AOC Form 446](#), Restraining Order (Following Stalking Conviction), hand deliver, fax or mail a copy as follows:
 - Agency responsible for LINK entry;
 - Petitioner or his/her attorney;
 - Defendant or his/her attorney.
- 4. When an order rescinding an Interpersonal Protective Order (Following Stalking Conviction) signed by the judge is received, apply the **ENTERED** stamp to the order; add the date and your initials.
- 5. Enter the Order in a document screen using document type **OO**.
- 6. Using the most expedient means reasonably available and within 24 hours following the entry of order rescinding, a Restraining Order (Following Stalking Conviction), hand deliver, fax or mail a copy as follows:
 - Agency responsible for LINK entry;
 - Petitioner or his/her attorney;
 - Defendant or his/her attorney.

NOTE: The case file where an Interpersonal Order (Following Stalking Conviction) has been entered cannot be destroyed pursuant to the [Records Retention Schedule](#) of the Court of Justice until such time as the restraining order has expired.

Best Practice: It is suggested that a colored sticker be attached to such case file as a reminder to retain the file until the protective order has expired.

Enter, date, initial

Document type **ORSC**
or **ODRSC**

AOC Form 446

Enter, date, initial

Document type **OO**

33.17 *Notice of Relocation*

- Pursuant to KRS 403.770 if a relocating custodian has an active EPO or DVO against the other parent or custodian, the relocating custodian must not be required to disclose to the other party the relocation destination. The court and clerks must comply with statutory mandates set forth

DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDERS

in KRS 403.770 to maintain the confidentiality of the petitioner's date of birth and address, as well as that of the petitioner's minor children.

- If the domestic violence action is not pending in the same circuit, the court may require the relocating custodian to disclose the relocation provided only if the location is filed under seal, with strict confidentiality maintained by the court and clerk and the location is not disclosed to the opposing party. FCRPP 7.
 1. Upon receipt of a notice for relocation stamp the notice **FILED**, add the date and your initials. Present the notice immediately to the appropriate judge to be sealed. FCRPP 7.
 2. Add a document screen using document type **SD**.

Quick Reference Box

File, date, initial

Document type **SD**

33.18 *Foreign Protective Order*

Information about foreign protective orders may be found in the [Foreign Protective Order](#) chapter.

34 DRUG COURT

KRS 26A.400, AP Part XIII

District/Circuit Court

[Process Map](#)

34.1 *Referral to Drug Court*

1. Upon receipt of AOC Form DC-5, Order Referring to Drug Court, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on a document screen, using the document type **ORFDC**.
3. Serve notice of entry on every party per the distribution list on the order by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of [notice of entry](#) of judgment.
4. Follow your local protocol to set a hearing date to review acceptance into Drug Court. Complete a scheduled events screen using event code **DRUGR**.
5. Upon receipt of AOC Form DC-7, Drug Court Notice of Defendant Referral Status, apply the **FILED** stamp; add the date and your initials.
6. Complete a document screen using document code **NDCE** if the status form indicates the defendant is eligible or use document code **NDCIE** if the defendant is ineligible. Memo on the document screen if the defendant is accepted or not accepted for participation in drug court.
7. If the defendant is accepted into the program re-docket the case as indicated.
8. Distribute the notice of defendant referral status as directed on the form.

Quick Reference
Enter, date, initial
Document type ORFDC
Notice of entry
Event code DRUGR
File, date, initial
Document code NDCE or NDCIE
Distribute notice

34.2 *Order to Drug Court*

1. Upon receipt of an Order of Admission to Drug Court, AOC DC-8, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on a document screen, using the document type **OADC**.
3. Serve notice of entry on every party per the distribution list on the order by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of [notice of entry](#) of judgment.
4. Update the current judge field on the case screen in KYCourts using the receiving drug court judge's code.
5. Assign all future proceedings using the drug court judge's code.

Enter, date, initial
Document type OADC
NOE

34.3 Drug Court Transfer - Originating County

34.3.1 Motion for Transfer

Upon receipt of [AOC DC-55A](#), Motion for Transfer (Drug Court,) apply the **FILED** stamp; add the date and your initials. Follow your local protocols to schedule a hearing.

Quick Reference
File, date, initial

34.3.2 Order to Transfer

1. Upon receipt of an order transferring to drug court, [AOC Form DC-55B](#) (Order Transferring), apply the **ENTERED** stamp; add the date and your initials.
2. Complete a document screen using document code **OTRN**. Memo the county to which it is transferred.
3. Serve [notice of entry](#) on every party per the distribution list on the order by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of judgment.
4. If the charge(s) have a disposition of guilty, do not change the disposition screen.
5. If the charge(s) have a disposition of diversion, move the disposition of diversion to the memo field of the charge screen and close the charge out with **TRFD**, Drug Court Transfer and the date the transfer is ordered. Memo the county to which the case is being transferred.
6. Print two copies of the case history and make a copy of the order transferring. Keep a copy of the case history along with the copy of the transfer order in the file. Send all other original contents of the file to the receiving county. You do not need to retain a full copy of the file.
7. Upon receipt of a copy of the transfer order, [AOC Form DC-55B](#) (Order Transferring), from the receiving county indicating the new case number, complete a cross-reference screen entering the division, case number, cross reference type **DT** (Drug Court Transfer Case) and cross reference date. Memo the county transferred to and the new case number from the receiving county.

AOC Form DC-55B
Enter, date, initial
Document code **OTRN**

NOE

Memo **TRFD**

AOC Form DC-55B
Cross reference type **DT**

34.3.3 External Transfer – Receiving County

1. Upon receipt of a Drug Court Transfer, stamp the Order Transferring **FILED**; add the date and your initials.
2. Open the case with case number type **CR** or **M**, based upon the level of the charge(s).
3. Use case type **DCTG** ([original disposition guilty](#)) or **DCTD** ([original disposition diversion](#)). In order to use either case type you must select the [LUV Button](#) and perform a search for the drug case type codes.

NOTE: For cases with multiple dispositions of guilty and diverted or dismissed and diverted, use case type **DCTD**. Enter only the diverted charges using the [disposition diversion](#) instructions below.

4. Review the record to determine if any costs are due the court.
5. Complete the bottom section of transfer order, [AOC Form DC-55B](#), (Order Transferring), with your case information. Mail a copy to the originating county.

Quick Reference

File, date, initial

Case number type **CR** or **M**

Case type **DCTG** or **DCTD**

AOC Form DC-55B

34.3.4 Drug Court Transfer – Disposition Guilty

1. When using case type **DCTG** do not enter the charges.
2. Close out the case screen, using the same date as the file date, and **DCT** as the disposition type.
3. The disposition judge is the judge assigned to hear the case.
4. Enter the document code **DCF** (District Court File) or **CCF** (Circuit Court File) depending on the file type.
5. Complete a cross-reference screen entering the division case number for the case you created (you will be cross referencing the case to itself) using cross-reference type **DT** (Drug Court Transfer) and cross-reference date. Memo the county transferred from and the case number from the transferring county.

NOTE: When using the drug court transfer type **DT** this allows KYCourts to reflect cross referencing information for the case without the case being linked to another case within your jurisdiction.

Case type **DCTG**

Disposition type **DCT**

Document code **DCF** or **CCF**

Cross-reference type **DT**

34.3.5 Drug Court Transfer – Disposition Diversion

1. When using case type **DCTD** enter the charges and any amended charges.
2. Schedule a review date for the diversion completion. This date will be retroactive to the date the defendant originally agreed to diversion in the originating county.
3. Enter the document code **DCF** (District Court File) or **CCF** (Circuit Court File) depending on the file type.
4. Complete a cross-reference screen entering the division case number for the case you created (you will be cross referencing the case to itself) using cross-reference type **DT** (Drug Court Transfer) and cross-reference date. Memo the county transferred from and the case number from the transferring county.
NOTE: When using the drug court transfer type **DT** this allows KYCourts to reflect cross referencing information for the case without the case being linked to another case within your jurisdiction.
5. Add the case to KYCourts.
6. Reopen the case using the [Case Inquiry](#) field. Close out the charges you added in the case using **DIV** Diversion. Use the date you file the case as the disposition date.
7. Close out the case screen using the same date as the file date and complete the disposition judge field. The disposition judge is the judge assigned to hear the case.

Quick Reference
Case type DCTD
Document code DCF or CCF
Cross-reference type DT
Add case
Charge disposition DIV
Close case

34.4 *Completion of Diversion/Probation Program*

1. Upon receipt of a completed diversion program, apply the **FILED** stamp to the Notice of Completion-Drug Court; add the date and your initials. Complete a document screen using document code **NCDC**.
2. Schedule a hearing date for review diversion or sentence of probation by completing a scheduled event screen.
3. When a signed order is received dismissing the charge(s) apply the **ENTERED** stamp; add the date and your initials. Complete a document screen using document code **ODIS**.
4. Serve notice of entry on every party per the distribution list on the order by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of judgment.
5. Overlay the disposition type and disposition date on the charge screen(s) using **DIS** disposition type. Use the date order was stamped **ENTERED** as the disposition date. Enter the original disposition information in the memo field of the charge screen(s).

Quick Reference
 File, date, initial

Document code **NCDC**

Enter, date, initial
 Document code **ODIS**

NOE

Disposition type **DIS**

34.5 *Expungement*

NOTE: When receiving an order to expunge a drug court case or charge(s) and the case was transferred to your court from another jurisdiction forward a copy of the expungement order to the originating county along with a copy of the original order transferring the case.

For additional information see [Expungement](#).

35 ENFORCEMENT OF WORKER'S COMPENSATION ORDER

KRS 342.305

Circuit Court

[Process Map](#)

35.1 *Initiating Document*

1. Upon receipt of a certified copy of any of the following documents, apply the **FILED** stamp; add the date and your initials.
 - A memorandum of agreement approved by an arbitrator or administrative law judge
 - An order or decision of an arbitrator, administrative law judge, or board
 - An award of an arbitrator or administrative law judge, which has not been appealed
 - An award of the board rendered upon an appeal
2. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.

EXCEPTIONS: The following are exempted from the filing fees:

 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.
3. Assign to a division using the procedure in your local rules.
4. Open a case. For more information, see [Case Add](#) in the KyCourts Manual. Generate the next case number in the computer for circuit civil **CI** cases or use the next pre-numbered file folder.
5. Enter the initiating document on a document screen as appropriate.
6. **Do not** issue a summons.
7. Deliver the case file to the judge.

Quick Reference
File, date, initial

Collect filing fees

Circuit Civil **CI** case

Add document

Do not issue summons

Deliver case file to judge

35.2 *Order*

1. Upon receipt of a signed Order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the Order on the document screen including a brief description. For more information, see [Notice of Entry](#).
3. After the Order is entered, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry of the Decree or Order. For more information, see [Notice of Entry](#).
4. When the Order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.

Quick Reference
Enter, date, initial

Notice of entry

Close case

36 EXECUTIONS

KRS 135.030, KRS 426, CR 69.03, CR 77.03

District and Circuit Courts

[Process Map](#)

A writ of execution is a post-judgment order to the sheriff to seize and sell property of the judgment debtor to satisfy the judgment of the court. Execution may also issue on certain bonds which have the effect of a judgment. These include bonds given by the purchaser at execution and judicial sales, replevin bonds and forthcoming bonds. KRS 426.610.

36.1 ***When to Issue***

- When a party requests the issuance of a writ of execution, do not issue until 10 days after entry of judgment unless the court orders otherwise. KRS 426.030.
- No execution on a judgment from another state may be issued in Kentucky until the foreign judgment is filed in the clerk's office and 20 days have passed and the foreign judgment has not been stayed by the Kentucky court. KRS 426.950-.975.
- Issue the writ of execution within 10 days after the expiration of a governor's stay of a judgment in favor of the state. KRS 135.030.

Quick Reference
Do not issue until 10 days after entry of judgment

36.2 ***Motion Attacking Judgment***

If a motion attacking the judgment is filed as provided in CR 62.01, do not issue the execution until 10 days after entry of judgment on the motion. *City of Louisville v. Verst*, 308 Ky. 46, 213 S.W. 2d 517 (1948).

These motions include:

- Motion for new trial;
- Motion to amend or vacate the judgment;
- Motion for judgment notwithstanding the verdict;
- Motion for amending the findings.

36.3 ***Exceptions to Issuance***

Do not issue the writ of execution if:

- [Supersedeas Bond](#) has been given pending appeal. CR 62.03.
- Notice of Appeal has been filed by a governmental unit which is not required to file a supersedeas bond. CR 62.03.

- The judgment debtor has filed a [replevin bond](#) to postpone collection of the judgment. KRS 426.450(1) This bond is good for three months.
 - A judgment in favor of the state and the governor has stayed the collection. KRS 135.030.
1. If a bond is filed, collect a bond filing fee as set forth in the [Accounting Manual](#) and give a receipt.
 2. Apply the **FILED** stamp to the bond; add the date and your initials and file by completing a document screen.

Quick Reference Collect filing fee File, date, initial

36.4 *Fee for Issuance*

Collect a fee, as set forth in the [Accounting Manual](#), for each execution issued and give a receipt. For more information, see [Where to Issue](#) and [Additional Executions](#).

Collect fee

36.5 *Issuance of Execution*

Have the judgment creditor or attorney prepare the execution. Use [AOC Form 135, Execution Form](#).

AOC Form 135

36.5.1 **Against Two or More Persons**

If the judgment is against two or more persons jointly, issue the execution against them jointly. KRS 426.050.

36.5.2 Deceased Creditor

If any of the judgment creditors are deceased, make an endorsement on the execution showing the name of the decedent and of the person who takes the decedent's interest as shown by the following:

- (1) A surviving party must file an affidavit showing the death and the right as a surviving party.
- (2) A personal representative of the estate must file an affidavit showing the right to receive the decedent's interest, plus a certified copy of the order of appointment.
- (3) A personal representative appointed in another state must also give a surety bond conditioned upon disposition of the property according to law.
 - a) Require the surety to make an affidavit to show qualification. KRS 454.180, 454.185. Taking the affidavit relieves you of liability for taking insufficient surety if the financial information is falsified. *Commonwealth vs. Lewis*, 181 Ky. 804, 205 S.W. 921 (1918). For more information, see [Surety Requirements](#).
 - b) Refuse any surety if you are in doubt as to their sufficiency to cover the amount of bond. If your judge orders you to take a bond you must do so; the order protects you from liability for taking an insufficient bond.
 - c) Collect a bond filing fee as set forth in the [Accounting Manual](#) and give a receipt.
 - d) Apply the **FILED** stamp to the bond; add the date and your initials
 - e) File the bond by completing a document screen using document code **BO**.
- (4) If claimed under the will of the decedent, the claimant must file an affidavit showing the claimant's right, plus a copy of the will certified by the county clerk where the will is recorded.
 - a) Apply the **FILED** stamp to the affidavits and/or certified documents; add the date and your initials.
 - b) File by completing a document screen.
 - c) If the affidavit has attachments those may be filed in the memo field on the document screen where the affidavit is filed.

Quick Reference

Collect filing fee

File, date, initial

Document code **BO**

File, date, initial

Complete document screen

36.5.3 Where to Issue

The execution may issue only to the county where the judgment was entered, or where defendant resides. If the plaintiff files an affidavit showing that defendant's property in those counties is insufficient, execution shall issue to any or as many counties as the plaintiff directs.

1. Collect a fee, as set forth in the [Accounting Manual](#), for each execution issued and give a receipt. KRS 426.080.
2. Apply the **FILED** stamp to the affidavit; add the date and your initials and file on a document screen.

Quick Reference
Collect fee
File, date, initial

36.5.4 Additional Executions

Additional executions may issue to other counties without an affidavit, if the return of the first execution shows insufficient property was found.

Collect a fee, as set forth in the [Accounting Manual](#), for each execution issued and give a receipt. KRS 426.080.

Collect fee

36.5.5 Waiver of Replevy

If defendant has filed a waiver of the right to replevy, or any similar agreement, endorse a note to this effect on the writ. KRS 426.480.

36.5.6 Return Date

1. The return date on the execution shall be sixty (60) days from the date of issuance. Even though the serving officer may make a return before the expiration of the sixty (60) day period, the judgment creditor cannot request a different return date.
2. Make a docket notation to show issuance of the execution by completing a document screen. Use the date of issuance as the filing date. Show any special endorsements in the memo field.

Return date is 60 days
from the date of
issuance
Complete document
screen

36.6 *Service of Execution*

1. Give the execution and a copy to the applicant for delivery to the sheriff. It is not necessary to make a copy for the case file; the sheriff's return will provide a copy. The applicant will pay the sheriff the service fee directly.
2. When the return is made, apply the **FILED** stamp; add the date and your initials. Enter the file stamp date and officer's return information in the memo field of the document screen where the execution was issued. The return should show when, how, and by whom it was served.

File, date, initial

36.7 *Execution Sale*

1. Any party may move for an Order for Execution Sale which may be issued after 14 days have elapsed from service of execution if no challenge to the execution has been made. KRS 426.440.
2. Upon receipt of [AOC Form 140](#), Order for Sale apply the **ENTERED** stamp; add the date and your initials.
3. File on a document screen using code **OS**. Make a notation in the memo field of the document screen that the order was delivered to the sheriff for service. Provide [notice of entry](#).
4. Deliver to the sheriff for service.

Quick Reference
 Order for Sale may be issued after 14 days have elapsed
 AOC Form 140
 Enter, date, initial
 Document code **OS**
 NOE
 Deliver to Sheriff

36.8 *Affidavit to Challenge*

If the judgment debtor files an [AOC Form 135.1](#), Affidavit to Challenge Execution within 10 days of service of execution:

1. Apply the **FILED** stamp; add the date and your initials and file on a document screen.
2. Mail or hand-deliver copies to the sheriff, judgment creditor, and judgment debtor.
3. Schedule a hearing by completing a scheduled events screen for the appropriate date.
4. When a signed judgment is received, apply the **ENTERED** stamp to the judgment; add the date and your initials. Enter the judgment on the document screen, including a brief description. After the judgment is **ENTERED** serve notice of entry on the parties by making a copy of the judgment that has been stamped **ENTERED** and mail or hand deliver to the parties or attorney. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of the judgment.
5. If the defendant gives a replevin bond on a judgment in favor of the state that has expired without paying the judgment, issue execution at least every ten (10) months for *five (5)* years. After that time, issue when asked by the Commonwealth Attorney, County Attorney or Sheriff unless otherwise ordered by the court. KRS 135.030. For Tickler System see the KyCourts Manual.

NOTE: Failure of the clerk to discharge their duty will result in the clerk being responsible on the official bond for the amount of the judgment.

AOC Form 135.1
File, date, initial
Schedule event
Enter, date, initial
NOE

36.9 *Executions from Other Courts*

1. When land in your county is seized under an execution issued in another county, the sheriff will bring the execution to you. Make a copy and file it in a special file titled "Executions of Judgments of Other Courts."
2. Return the original to the sheriff. KRS 426.110.

Quick Reference

Make copy

Return original to
sheriff

37 EXPUNGEMENT

KRS 431.076-.079, KRS 610.330

[Process Map](#)

- An expungement is the removal of a conviction from a person's criminal record.
- If you are asked about an expunged record, advise that no such record exists.
- [Expungement Certification](#)
- [Expungement of Dismissed or Acquittal Cases](#)
- [Expungement of Misdemeanor and Violation Convictions](#)
- [Expungement of Class D Felonies and Pardoned Convictions](#)
- [General Provisions for Handling Expungements](#)
- [Expungement of Class D Felonies and Pardoned Convictions](#)
- [Expungement of Purged or Destroyed Cases](#)
- [Expungement of Non-Criminal Cases](#)
- [Expungement of Juvenile Record](#)

37.1 *Expungement Certification*

KRS 431.079 requires all petitions and applications for criminal record expungements to include a certificate of eligibility for expungement, including petitions to expunge dismissed charges, acquittals, or felony charges not resulting in an indictment in circuit court. Individuals seeking an expungement must complete the expungement certification process to determine if they are eligible for expungement.

NOTE: An expungement certification is now required for expungement of dismissed or acquittal charges.

- An expungement certification may be obtained online at: <http://courts.ky.gov/Expungement>. Additional requests regarding an expungement certification may be directed to the Records Unit at the Administrative Office of the Courts.

NOTE: In the event the petitioner/applicant's expungement certification indicates they are ineligible; you must still file the expungement. They are still entitled to have their petition reviewed by the judge.

Quick Reference

*AOC Records Unit
Administrative Office of
the Courts
1001 Vandalay Drive,
Frankfort, KY 40601
(502) 573-2350*

37.2 *Expungement of Acquittals, Dismissed Cases, and Felony Charges in District Court Not Resulting in Indictment*

KRS 431.076

- The following persons may file a petition to expunge offenses pursuant to KRS 431.076:
 - A person who has been found not guilty of an offense;
 - A person against whom charges have been dismissed with prejudice and not in exchange for a guilty plea to another offense;
 - A person against whom felony charges originally filed in the District Court have not resulted in an indictment by the grand jury.
- The petition may be filed no sooner than sixty (60) days following dismissal or acquittal OR twelve (12) months following the date of the District Court decision to hold the matter to the grand jury.
- A separate petition must be filed for each criminal case and the charge(s) must be listed on an [AOC Form 497.2](#).

NOTE: Do not file a petition that has multiple cases listed for expungement; that is not filed on [AOC Form 497.2](#); and does not have the expungement certification attached.

37.2.1 **Petition to Expunge Acquittals, Dismissed Cases and Felony Charges in District Court Not Resulting in Indictment**

1. When a petition to expunge is received, apply the **FILED** stamp; add the date and your initials. Complete a document screen in the existing case file using document type **PEXA**.
2. There is no filing fee for expungement based on a dismissal/acquittal not resulting in an indictment.
3. Deliver the file to the judge.
4. If the court schedules a hearing, complete a scheduled event screen using event type **EXH** or prepare a manual calendar if the case is not in the computer. Give notice of the hearing by mailing a copy of the petition to the county or commonwealth attorney, as appropriate.
5. If the petition requests to expunge a felony charge that has not resulted in an indictment, send a copy of the petition to the Commonwealth's attorney or county attorney regardless of whether a hearing is scheduled.
6. If the criminal charge(s) relates to the abuse or neglect of a child, mail a copy of the petition to the **Assistant General Counsel, Cabinet for Health and Family Services**.

Quick Reference

File, date, initial

Document type **PEXA**

Event type **EXH**

*Assistant General
Counsel
Cabinet for Health and
Family Services,
275 E. Main Street,
5W-B
Frankfort, KY 40601*

37.2.2 Order Denying Expungement of Acquittals, Dismissed Cases and

Felony Charges in District Court Not Resulting in Indictment

1. When an order denying the expungement is received, apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 497](#) may be used.
2. Complete a document screen using document type **OEXD** and note the denial in the memo on the document screen. Distribute a copy of the order to the defendant/attorney.
3. Send a copy of the order of expungement to:
 - County attorney
 - Defendant or his/her attorney.

Quick Reference

Enter, date, initial
AOC Form 497

Document type **OEXD**

Note denial in the
memo on document
screen

Mail copy

37.2.3 Order Granting Expungement of Acquittals, Dismissed Cases and Felony Charges in District Court Not Resulting in Indictment

1. When an order granting the expungement is received, apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 497](#) may be used. If the entire case is expunged, KYCourts will automatically add the document when you expunge the case. If not all charges are being expunged, add the document code to **OEXG**.
2. Within KyCourts, expunge the case or charge(s) as applicable according to the instructions in the KyCourts User Manual.
3. If a charge(s) ordered expunged is in a circuit criminal case that originated in district court, you must also expunge the charge in the district court case within KyCourts.
4. Send a copy of the expungement order to:
 - County attorney
 - Defendant or his/her attorney
 - Mail a copy of the order of expungement, together with a copy of the citation, to each official or agency named in the order. Such agencies are required to certify to the court that their records have been expunged within 60 days.
5. Follow further instructions for storage of the physical file and filing documents in an expunged file. See [Paper Files](#).

Quick Reference

Enter, date, initial
AOC Form 497

Document code **OEXG**

Send copy

37.3 *Expungement of Misdemeanor, Violation of Traffic Infraction Convictions*

KRS 431.078

- A person with certain misdemeanor, violation or traffic convictions may file a petition for expungement no sooner than five years after completion of sentence or probation, whichever occurs later.
 - A separate petition must be filed for each criminal case and the charge(s) must be listed.
 - A petition for expungement of misdemeanor and violation conviction shall be filed on an [AOC Form 496.2](#).
 - A copy of the petitioner's current [expungement certification](#) must be attached to the petition.

NOTE: Do not file a petition that has multiple cases listed for expungement; that is not filed on [AOC Form 496.2](#); that does not have the expungement certification attached, and is not accompanied by the applicable fee(s).

EXCEPTION: If a motion to proceed in forma pauperis is filed, the petition may be accepted without fee or expungement certification.

37.3.1 Petition for Expungement of Misdemeanor, Violation, or Traffic Infraction Convictions

1. When a petition is received, apply the **FILED** stamp; add the date and your initials. Complete a document screen in the existing case file using document type **PEXC**.
2. Collect a fee from the petitioner for each case sought to be expunged as set forth in the [Accounting Manual](#) and give a receipt. If charge(s) requested to be expunged is in a circuit criminal case, only collect one fee. A separate fee is not required to expunge an underlying district criminal case.
3. Calendar a hearing date no sooner than thirty (30) days after the filing of the petition by completing a scheduled events screen using event type **EXH** or prepare a manual calendar if the case is not in the computer. Complete either the Notification of Expungement Hearing section on AOC Form 496, complete [AOC Form 496.1](#), OR complete [AOC Form 496.1](#), Notification of Expungement, and attach a copy of the petition, and serve a copy on:
 - County attorney;
 - Any crime victim if identified in the petition; and
 - Any other person requested to be notified as identified in the petition.

Quick Reference

File, date, initial
Document type **PEXC**

Calendar a hearing date
AOC Form 496.1

Event type **EXH**

Document type **OEXD**

37.3.2 Order Denying Expungement of Misdemeanor, Violation, or Traffic Infraction Convictions

1. When an order **denying** the expungement is received; apply the **ENTERED** stamp to the order; add the date and your initials. Enter on a document screen. [AOC Form 496](#), Expungement Order may be used for this purpose. Complete a document screen using document type **OEXD**.
2. Send a copy of the expungement order to:
 - County attorney; and
 - Defendant or his/her attorney.
3. When a petition is denied and the case is not expunged, refund the fee(s) paid by the petitioner according to the Refund Section of the Circuit Court Clerk's [Accounting Manual](#). No additional order is needed to provide the refund.

Enter, date, initial

Enter on document
screen

AOC Form 496
Document type **OEXD**

37.3.3 Order Granting Expungement of Misdemeanor, Violation, or Traffic

Infraction Convictions

1. When an order **granting** the expungement is received; apply the **ENTERED** stamp to the order; add the date and your initials. If the entire case is expunged, KYCourts will automatically add the document when you expunge the case. If not all charges in the case are being expunged, add the document code **OEXG**.
2. Within KyCourts, expunge the case or charge as applicable according to the instructions in the KyCourts User Manual.
 - If a charge(s) ordered expunged is in a circuit criminal case that originated in district court, you must also expunge the charge in the district court case within KYCourts.
3. Send a copy of the expungement order to:
 - County attorney
 - Defendant or his/her attorney
 - Mail a copy of the order of expungement, together with a copy of the citation, to each official or agency named in the order. Such agencies are required to certify to the court that their records have been expunged.
4. Follow further instructions below for storage of the physical file and filing documents in an expunged file. See [Paper Files](#).

Quick Reference

Enter, date, initial

Document code **OEXG**

Mail AOC-497

37.4 *Expungement of Class D Felony and Pardoned Convictions*

KRS 431.073

A person with certain Class D Felony convictions, or a person who has been granted a full pardon, may file an application to have the judgment vacated and the case or charge(s) expunged. The application can be filed no sooner than five years after completion of probation or parole, whichever occurs later.

- A verified application to vacate and expunge a felony conviction shall be filed on an [AOC Form 496.3](#).
- The application must be filed in the original criminal case and the charge(s) to be vacated and expunged must be listed.
- Misdemeanor offenses, violations or traffic infractions may also be listed on the application so long as the charges were filed within the same case as the felony charge. Only one filing fee is required.
- A copy of the defendant's current [expungement certification](#) should be attached to the petition.
- If the application concerns a pardoned offense, a copy of the pardon should be included with the application.

AOC Form 496.4

NOTE: Do not file an application that is not filed on [AOC Form 496.4](#); that does not have the expungement certification attached; and is not accompanied by the applicable fee(s).

EXCEPTION: If a motion to proceed in forma pauperis is filed, the application may be accepted without fee or expungement certification.

1. Collect a fee from the petitioner as set forth in the [Accounting Manual](#) and give a receipt. If charge(s) requested to be expunged is in a circuit criminal case, only collect one fee. A separate fee is not required to expunge an underlying district criminal case.

37.4.1 Application to Vacate and Expunge Class D Felony and Pardoned Convictions

1. When an Application is received, apply the **FILED** stamp; add the date and your initials. Complete a document screen in the existing case file using document type **AFEX**.
2. Collect a fee from the petitioner as set forth in the [Accounting Manual](#) and give a receipt. If charge(s) requested to be expunged is in a circuit criminal case, only collect one fee. A separate fee is not required to expunge an underlying district criminal case.
3. Serve notice of filing by mailing a copy of the Application to:
 - The office of the Commonwealth’s attorney or county attorney that prosecuted the case; and
 - County attorney where the judgment was entered (if different).

NOTE: The prosecutor is required to notify the crime victim(s) in the case. You do not need to send a copy to any crime victim(s) listed in the Application.

4. Set a tickler date by completing a scheduled events screen for 60 to 90 days from the time of filing of the Application using event type **ERR**. If no activity has occurred by that date, the file should be delivered to the judge on that date for review. This event may also be converted to a hearing date if one is later scheduled by the court.
5. On a monthly basis, print a calendar of all cases with the scheduled event type **ERR** and deliver the file(s) to the judge.
6. If the case file has been accessioned, contact the Department of Libraries and Archives to request that the file be returned to your county.
7. If the case predates your county’s use of computers, you may be required to add case and/or charge information if the judge orders the conviction vacated and expunged.

File, date, initial

Document type **AFEX**

Event type **ERR**

Event type **ERR**

37.4.2 Commonwealth/County Attorney Response to Application

- The Commonwealth’s attorney or county attorney that prosecuted the case shall file a response within sixty (60) days after being served with the notice of filing. The time period

may be extended for good cause, but the hearing on the application shall occur no later than 120 days following the filing of the application.

- If the court receives a response from the prosecutor stating no objection to the application to have the judgment vacated, the court may enter an order without a hearing.
- Per KRS 431.073(2), no hearing upon the merits shall be scheduled until the Commonwealth’s response has been filed, or if no response is received, no later than 120 days after the filing of the application.

1. When the prosecutor’s response is received, apply the **FILED** stamp; add the date and your initials. Complete a document screen in the existing case file using document type **CRFEX**.
2. Deliver the file to the judge for review. The judge will determined whether to set a hearing.
3. If a hearing date is ordered, complete a scheduled events screen using type **FEX**. Complete AOC Form 496.1 and send a copy to:
 - Defendant and his/her attorney
 - County attorney or commonwealth attorney that prosecuted the case.
4. Update or unschedule (DELSCH) the tickler event **ERR**.

<p>Quick Reference File, date, initial</p> <p>Document type CRFEX</p> <p>Event type FEX</p> <p>Tickler Event ERR</p>
--

37.4.3 No Response Received

1. If 120 days have elapsed since the filing of the application and no response has been received, the court may enter an order with or without scheduling a hearing.
2. On the date of the tickler set as described in [Application to Vacate and Expunge Class D Felony and Pardoned Convictions](#), deliver the file to the judge for review.
3. If a hearing date is ordered, complete a scheduled events screen using type **FEX**. Complete a court notice and send a copy to
 - Defendant and his/her attorney
 - County attorney or commonwealth attorney that prosecuted the case.
4. Update or unscheduled (DELSCH) the tickler scheduled event **ERR**.

<p>Event type FEX</p> <p>Event type ERR</p>

37.4.4 Order Denying Expungement of Class D Felony and Pardoned

Convictions

1. When an order denying the application is received, apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 496.4](#), Expungement Order may be used for this purpose. Complete a document screen using document type **OFXD**.
2. Send a copy of the expungement order to
 - Commonwealth or county attorney who prosecuted the case
 - Defendant or his/her attorney.
3. Refund the fee(s) paid by the Applicant according to the Refund Section of the Circuit Court Clerk's Accounting Manual. No additional order is needed to provide the refund.

Quick Reference
 Enter, date, initial
 AOC Form 496.4
 Document type **OFXD**

37.4.5 Order Granting Expungement of Class D Felony and Pardoned Convictions

- Upon entry of an order granting an application, the original conviction shall be vacated, the charges dismissed with prejudice, and the record shall be expunged.
- **All steps of the process listed below MUST be completed in order to properly complete the action of vacating the conviction, dismissing the charges, and expunging the record as required by KRS 431.073.**

1. When an order granting the application is received; apply the **ENTERED** stamp to the order; add the date and your initials. [AOC Form 496.4](#), Expungement Order may be used for this purpose. Complete a document screen using document type **OFEXD**.
2. Update the disposition information of the charge(s) ordered to be vacated. In KYCourtsII, move the old disposition information to memo and overlay with the disposition type **VEFC**. Do not change the original disposition date on the Case screen.
 - **PRE-COMPUTER CASES:** If the charge(s) to be vacated and expunged are not in KYCourts, add the charges according to the instructions in the KYCourts User Manual. Enter the charge disposition as type **VEFC**.
3. After the disposition of the charge(s) has been updated, expunge the case or charge as applicable according to the instructions in the KYCourts User Manual.
4. If a charge(s) ordered expunged is in a circuit criminal case that originated in district court, you must also expunge the charge in the district court case within KYCourts.
5. Send a copy of the order to:
 - Commonwealth or county attorney that prosecuted the case

Enter, date, initial
 AOC Form 496.4
 Document type **OFEXD**

Disposition type **VEFC**

Disposition time **VEFC**

- Defendant or his/her attorney
 - Kentucky State Police
 - Kentucky Department of Libraries and Archives; and
 - Mail a copy of the order of expungement, together with a copy of the citation, to each official or agency named in the order.
6. Follow further instructions for storage of the physical file and filing documents in an expunged file. See [Paper Files](#).

37.5 General Provisions on Handling Expunged Files

37.5.1 Expungement of Related Cases

When an expungement is ordered that involves felony charge(s), any cases related to the charges at either the district court or circuit court level should also be expunged within KyCourts. If a petition/application for expungement is granted in a CR case number, the charge(s) or case in the F case number should be expunged as well.

NOTE: See [Drug Court](#) for expungement information when the petition requests charge(s) be expunged involving a drug court case that has been transferred.

37.5.2 Expunging a Charge/Partial Expungement

See KyCourts Manual for directions on [Expunging a Charge](#) when ordered rather than expunging the entire case.

NOTE: If you are ordered to expunge a charge that is the only charge in the case you must expunge the entire case and not just the one existing charge.

37.5.3 Paper Files

1. The physical court file(s) may be kept separately along with other expunged records in a locked drawer or secure area. Inspection should be permitted only upon court order. However, the clerk may open/un-seal an expunged record to file certifications of completion of expungement from other agencies.
2. If partial expungement was ordered, mark through/redact information pertaining to the expunged charges from the parts of the record that will continue to be public record.
3. Do not permit inspection of partially expunged records unless references to the expunged charges have been marked through/redacted.

37.5.4 Returned Agency Certifications

When the court orders the expungement of records of other agencies, such agencies are required to certify that their records have been expunged.

1. When a certification of expungement is received from any agency, apply the **FILED** stamp; add the date and your initials.
2. File the certification in the original expunged record. The file may be opened/unsealed for this purpose.

37.6 *Expungement of Purged or Destroyed Cases*

A person, who seeks an expungement of a case that has already been purged or destroyed pursuant to the Kentucky Court of Justice Record Retention Schedule, may file a petition/motion for expungement. Review copy of documentation provided by the petitioner to verify offense(s) occurred in your county.

1. Follow previous instructions for the filing of petitions.
2. Calendar a hearing as directed by your judge. Prepare a manual calendar because the case is not in the computer. Do not add case to KyCourts, unless the charge to be expunged is a felony or pardoned conviction.
3. When an order granting or denying the expungement is received, apply the **ENTERED** stamp to the order; add the date and your initials.
4. If the charge to be expunged is a felony or pardoned conviction, add the case and charge information. You must follow the instructions in Order Granting Expungement of Class D Felony and Pardoned Convictions to properly complete the action of vacating the conviction and expunging the record as required by KRS 431.073.
5. Distribute copies to the agencies listed in the body of the order and in the distribution list on the bottom of the order. The physical court file may be kept separately along with other expunged records in a locked drawer or secure area.

Quick Reference
Calendar a hearing

Enter, date, initial

37.7 *Expungement of Juvenile Record*

KRS 610.330

District or Family Court Division of Circuit Court

- Expungement of the record means the sealing of all papers in an existing juvenile proceeding, including the docket sheet, index cards if such exists, police records, Cabinet for Health and Family Services records and case files. This is done by court order.
- Since there is no “conviction” in a juvenile case as required by KRS 431.078, and the expungement of juvenile records is authorized under KRS 610.330, there is no fee when applying for an expungement of a juvenile record(s).

37.7.1 Petition

1. If a petition is filed, apply the **FILED** stamp; add the date and your initials. File on a document screen. The court must set a hearing and notify:
 - The county attorney and
 - Anyone else the court or the juvenile believes to have relevant information.
2. Notify persons for hearing by completing a Juvenile Summons for a Witness screen. Calendar the hearing by completing a scheduled events screen.
3. If the court orders an expungement, apply the **ENTERED** stamp to the order; add the date and your initials. Enter on a document screen. Send a copy of the order to:
 - AOC Statistical Section;
 - Anyone named in the court order;
 - To expunge CHFS's records, mail a copy of the order to **Custodian of the Records, Management and Evaluation Branch**.
4. To expunge records pertaining to juveniles charged as youthful or public offenders, mail a copy of the order to the **Department of Juvenile Justice**.
5. Place case file, case history (docket sheet(s) and index card if such exists), in an envelope, add the case number, the juvenile's date of birth and the date of the expungement order to the outside of the envelope, and seal. Do not open except by court order. If unsealed, make appropriate notation on outside of envelope. It is not necessary to seal the audio tapes; the official retention and disposal schedule for district court tapes applies.
6. The physical court file may be kept separately along with other expunged records in a locked drawer or secure area.
7. If you are asked about an expunged record, advise that no such record exists. KRS 610.330(4). This includes military referrals.

Quick Reference

File, date, initial
File on document
screen

Calendar hearing

Enter, date, initial
Enter on document
screen
Send copy of order

*Custodian of the
Records,
Management and
Evaluation Branch
CHFS Building, 6th Floor,
275 East Main Street,
Frankfort, KY 40621*

*Department of Juvenile
Justice
1025 Capital Center
Drive, 3rd Floor,
Frankfort, KY 40601*

Seal in an envelope and
DO NOT open except by
court order

37.7.2 Inspection of Juvenile Expunged Record

1. A petition may be filed to inspect the juvenile's expunged record. Review the petition to determine the case number and date of birth of the juvenile and verify the existence of the expunged record.
2. If the record does not exist, return the petition to petitioner.
3. If the record does exist, apply the **FILED** stamp to the petition; add the date and your initials. Attach to the expunged record and deliver to the judge.
4. When an order is received, apply the **ENTERED** stamp; add the date and your initials and enter on a document screen. Give notice of entry as directed by the court's order.

File, date, initial

Enter, date, initial
Enter on document
screen
NOE

37.8 *Expungement Non Criminal Cases*

- [Disability Proceedings - KRS Chapter 387](#)
- [Involuntary Hospitalization – KRS Chapter 202A](#)
- [Involuntary Admission – KRS Chapter 202B](#)
- [Domestic Violence and Interpersonal Protective Orders](#)

38 EXTRADITION PROCEEDINGS

KRS 440.150-440.420

District or Circuit Court

[Process Map](#)

- Extradition is the transfer of an accused from one state or country to another state or country that seeks to place the accused on trial. When a defendant/fugitive chooses to "waive extradition" that means that he (or she) is agreeing to go with the authorities from the other jurisdiction willingly. A **Governor's Warrant** is issued when one state requests the extradition of a fugitive or inmate from another state.

38.1 *Extradition*

Upon receipt of extradition proceedings from another state:

1. Apply the **FILED** stamp to the initiating document; add the date and your initials.
2. For instructions on opening the case, see the [Case Add](#) section of KyCourts Manual.
3. Generate the next case number in the computer for district felony **F** cases, misdemeanor **M** cases or circuit criminal **CR** cases.
4. Schedule the case for an arraignment hearing.
5. If the defendant does not waive extradition, notify the Commonwealth Attorney.

Quick Reference

File, date, initial

Generate:

District felony **F** case

Misdemeanor **M** case

Circuit criminal **CR** case

Schedule hearing

38.1.1 **Bond**

If bond is ordered, prepare AOC Form 365, Bail Bond.

1. Collect the bond filing fee, as set forth in the [Accounting Manual](#), and any required security.
2. Apply the **FILED** stamp to the bond; add the date and your initials.
3. Complete a bail screen.
4. For further information, proceed to the [Bail Bonds Section](#) of this manual.

AOC Form 365

Collect bond filing fee

File, date, initial

Bail screen

38.1.2 Order

1. Upon receipt of a signed order apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on a document screen.
3. Give [notice of entry](#) by providing the original to the Secretary of State and copies to the demanding agent, the court and the defendant. Place a copy in the court record.
4. When the order disposes of the charge, close the charge screen by completing the disposition date, disposition type, e.g. **EXT** or **DIS**, judge, trial type, original plea and final plea fields. Close the case screen with disposition date and judge at disposition only.
5. If the court orders extradition, prepare certified copies of the order as necessary to accompany the defendant when released from your court's jurisdiction. Use [AOC Form 065](#), Certification of Act of Congress. Affix your court seal on the form.

Quick Reference

Enter, date, initial

Notice of Entry

Secretary of State
700 Capital Ave., Ste.86
Frankfort, KY 40601

Close charge **EXT** or **DIS**

AOC Form 065

39 FILING OF PLEADINGS, OTHER PAPERS AND TENDERED DOCUMENTS

CR 5.05; 5.06

These instructions pertain to all pleadings and other papers filed in an action, except complaints, orders and judgments. For specific instructions on processing complaints, see the [Civil Actions](#) Chapter. For specific instructions on processing order and judgments, see the [Judgments and Orders](#) Chapter.

NOTE: If you receive discovery documents, follow your judge’s order concerning filing these documents or returning them to the attorney or party.

39.1 *Filing of Pleadings and Other Papers*

1. At the time a document is received, apply the **FILED** stamp; add date and your initials. The endorsement of the date constitutes the filing of the paper. CR 5.05(3).

2. Add the case number if it does not already appear in the caption.

NOTE: When there is no case number in the caption or otherwise on the document contact the attorney or mail back to the party submitting documents to ensure accurate case identification.

3. File the pleading by completing the appropriate screen in KyCourts.
4. Place the pleading or other paper in the case file.

Quick Reference

File, date, initial

The endorsement date is the filing date

Complete document screen

39.2 *Tendered Documents*

1. When a tendered document is received, apply the **TENDERED** stamp; (or write the word **TENDERED**) add the date and your initials.

2. If the tendered document is attached to a motion, make a notation of the tendered document in the memo field of the motion screen.

3. If the document is tendered alone, complete a document screen using the document code **TD**.

4. If the court later allows the tendered document to be filed, apply the **FILED** stamp (or **ENTERED** stamp if the document is an order or judgment); add the date and your initials.

5. Complete a new document screen and move the document from its present location in the case file to the next item.

Tendered stamp, date, initial

Document code **TD**

File or enter, date, initial

Complete document screen

40 FIREARM PROHIBITIONS

18 U.S.C. 922(d)(4),(g)(4); KRS 237.108

[Process Map](#)

A court that orders a commitment or makes a finding or adjudication of mental defectiveness shall order the circuit clerk to forward the person's name and nonclinical identifying information, including the person's Social Security number and date of birth, along with a copy of the order of commitment to the KSP for inclusion in the NCIC. 18 U.S.C. sec. 922(d)(4) and (g) (4); KRS 237.108.

- Whether or not a person is subject to a firearm prohibition is a legal determination that must be made by a judge.
- A commitment, finding, or adjudication involving the following may subject the respondent/defendant to become subject to the provisions of 18 U.S.C. sec. 922(d)(4) and (g)(4):
 - Involuntary Treatment (Alcohol/Drug Abuse);
 - Involuntary Hospitalization and Involuntary Intellectually Disabled Admission;
 - Disability Determination;
 - Medical Examination or Treatment of a Juvenile;
 - An order from the court showing the defendant incompetent to stand trial; not guilty by reason of insanity; or guilty but mentally ill.

40.1 *Electronic Firearms Notification Processing*

Orders submitted electronically may be processed by the clerk through the Clerk's eQueue. See KYCourts for additional information on processing electronic firearms notification through the Clerk's eQueue.

40.2 *Manual Firearms Notification Processing*

1. Upon receipt of any of the below forms apply the **FILED** stamp, add the date and your initials.
 - [AOC Form 700A](#) – Verified Petition of Involuntary Treatment (Alcohol/Drug Abuse)
 - [AOC Form 710](#) – Verified Petition for Involuntary Hospitalization and Involuntary Intellectually Disabled Admission
 - [AOC Form 740](#) – Petition to Determine if Disabled

Quick Reference
AOC Form 700A

AOC Form 710

AOC Form 740

- AOC JV-16 – Order for Medical Examination or Treatment of a Juvenile, or
 - An order from the court showing the defendant incompetent to stand trial; not guilty by reason of insanity; or guilty but mentally ill.
2. Complete a document screen using the appropriate document code:
 - [AOC 700A](#) – **PIHAD**
 - [AOC 710](#) – **PIH**
 - [AOC 740](#) – **PDD**
 - AOC JV-16 – **OE**, or
 - An order from the court showing the defendant incompetent to stand trial; not guilty by reason of insanity; or guilty but mentally ill. **INC**; see codes in KyCourts.
 3. Provide the petitioner with [AOC Form 034](#) (Personal Identifier Data Sheet) to complete and return to the clerk.
 4. Place a blank [AOC Form 031](#) (Notice of Firearm Prohibitions) in the case file for use by the judge in the event the judge determines the respondent is subject to 18 U.S.C. 922(g)(4), (d)(4); KRS 237.108.
 5. Upon receipt of a signed [AOC Form 031](#) (Notice of Firearm Prohibitions), apply the **ENTERED** stamp; add the date and your initials. File on a document screen using document code **NFP**. Enter the personal identifying data from AOC 031 (Notice of Firearm Prohibition) into KYCourts for electronic distribution to Kentucky State Police.

NOTE: If user mistakenly enters document code of **NFP** it should not be deleted. Memo that it was entered in error and send a manual copy denoting same to the Kentucky State Police. KYCourts is not capable of removing the notice from KSP.
 6. Upon receipt of a completed AOC Form 034 apply the **FILED** stamp; add the date and your initials. Add on a document screen using document type **PIDMD**. Enter the personal identifying information submitted on the Personal Identifier Data Sheet into KYCourts for electronic distribution to Kentucky State Police.
 7. Distribute copies per list on bottom of AOC Form 031 (Notice of firearm Prohibition).

Quick Reference
AOC JV-16
File, date, initial
AOC 700A- PIHAD
AOC 710- PIH
AOC 740- PDD
AOC JV-16 OE
AOC Form 034
AOC Form 031
Enter, date, initial
Document type NFP
File, date, initial
Document code PIDMD
Distribute copies

40.3 *Petition*

1. Upon receipt of [AOC Form 032](#) (Petition/Motion for Removal of Firearm Prohibitions), apply the **FILED** stamp, add the date and your initials. Complete a document screen using document code **PRFP**.
2. Schedule a hearing on the scheduled events screen using event type **MO**. Add motion type **MOT** – Motion Other and memo firearms prohibition. Complete the Notification of Hearing section of [AOC Form 032](#) (Petition/Motion for Removal of Firearm Prohibition) and send per distribution list on bottom on form.

Quick Reference
 AOC Form 032
 File, date, initial
 Document code **PRFP**

 AOC Form 032
 Event Type: **MO**
 Motion Type: **MOT**

40.4 *Order*

1. Upon receipt of [AOC Form 033](#) (Order Granting/Denying Petition/Motion for Removal of Firearm Prohibitions), apply the **ENTERED** stamp, add the date and your initials. If granted, use document code **OGRFP**. If denied, use document code **ODRFP**.
2. Distribute copies per list on bottom of AOC 033 (Order Granting/Denying Petition/Motion for Removal of Firearm Prohibition).

NOTE: Send copy to Kentucky State Police if petition has been granted. Mail to: **Criminal Identification Records Branch, Kentucky State Police.**

AOC Form 033
 Enter, date, initial
 Document code **OGRFP**
 Document code **ODRFP**
 Distribute copies

*Criminal Identification
 Records Branch
 Kentucky State Police
 1266 Louisville Rd
 Frankfort, KY 40601*

41 FORCIBLE ENTRY AND DETAINER

KRS 383.200 - 383.275

District Court

[Process Map](#)

- Forcible entry is an action by the tenant who claims that the landlord has entered the premises unlawfully.
- Forcible detainer is an action by the landlord who claims that the tenant refuses to move.

41.1 *Petition*

1. Upon receipt of [AOC Form 216](#) forcible entry petition or a forcible detainer complaint, affirm the petitioner’s signature.
2. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.

EXCEPTIONS:

 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.
3. Apply the **FILED** stamp to the petition; add the date and your initials.
4. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Use case type **FD**.
5. Generate the next case number for district civil **C** cases or use the next pre-numbered file folder.
6. Assign to a division using the procedure in your local court rules.
7. Have the judge assign a trial date (or do this yourself if the judge has delegated this duty to you) and note on the calendar by completing a scheduled events screen.

Quick Reference
AOC Form 216

File, date, initial

Case type **FD**

Civil **C** Case

Schedule event

41.2 *Eviction Notice*

1. Issue eviction notice [AOC Form 215](#) using **EN** as summons type instead of civil summons **CI**.
2. Make a copy of the eviction notice. Give the plaintiff the two notices with a copy of the complaint and/or other documents to be served attached to the copy of the notice and instruct the plaintiff to deliver them to the officer for service. The plaintiff will pay the officer directly. CR 4.01(1)(b). KRS 23A.200(2), 24A.170(2).

AOC Form 216
Summons type **EN**
Make copy of notice

- 3. When a return of service is received, apply the **FILED** stamp to the notice; add the date and your initials. Enter the date the officer served the defendant in the service date field of the summons screen.

File, date, initial
Enter date served

41.3 Forcible Detainer Order

- 1. Upon receipt of a signed judgment or order ([AOC 217 Form](#)), apply the **ENTERED** stamp; add the date and your initials.
- 2. Enter the judgment or order on the document screen. Use document type **JDF** Judgment for Defendant or **JPF** Judgment for Plaintiff.
- 3. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of the service of notice of entry of the judgment or order.
NOTE: You may choose to notify all parties, namely the tenant even when in default.
- 4. When the order closes the case, complete the disposition date, disposition type **JCT**, and judge at disposition fields on the case screen.

Quick Reference
AOC Form 217
Enter, date, initial

Judgment for Defendant: **JDF**
Judgment for Plaintiff: **JPF**
NOE

Disposition type: **JCT**

41.3.1 Appeal

- 1. The defendant has seven days after the entry of the judgment in which to file an appeal. KRS 383.255(1). See [Appeals](#) for additional information.
- 2. Appellant must deposit with you the amount of rent now due and future rents, as they become due, during the pendency of the appeal. KRS 383.255(1). See [Accounting Manual](#).
NOTE: Do not accept filing fee without rent deposit, per [AOC Form 216](#), unless you receive a motion to proceed In Forma Pauperis. If the motion to proceed In Forma Pauperis is granted the appellant is not required to pay filing fees or rent which may otherwise be due. Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971).
NOTE: Deposited rent money is not released until the appeal is final in circuit court with a judge’s order or with an order from district court if the case is reversed/remanded back to district court.
- 3. You have (10) days from the date of the deposit with you of past-due rents by the appellant to prepare the record and deliver to circuit court. KRS 383.255(2). See [Appeals](#).

AOC Form 216

41.4 *Warrant for Possession*

KRS 383.245

- 1. If no appeal is filed after 7 days and the plaintiff requests that a warrant for possession be issued, prepare [AOC Form 220](#), Notice of Eviction and Warrant for Possession for judge's signature. The judge will complete the return date on the form.
- 2. After the judge has signed the warrant, apply the **ENTERED** stamp; add the date and your initials.
- 3. Enter on a document screen using document type **EW**.
- 4. Give the warrant to the plaintiff with instructions to deliver to the sheriff or other serving officer for service on the defendant(s).
- 5. When a return of service is made, enter the return date information in the memo field of the same document screen.

Quick Reference
AOC Form 220

Enter, date, initial

Document type **EW**

Enter return date in memo field

41.5 *Forcible Detainer Settlement Agreement*

- 1. Upon receipt of [AOC Form 218](#), apply the **FILED** stamp; add the date and your initials.
- 2. Enter the agreement as a document using document code **FDSA**.
- 3. Provide copies of the filed agreement per the distribution list at the bottom of the form.
- 4. Close the case by completing the disposition date, disposition type using **SBT** (settled before trial), and judge at disposition fields on the case screen.

AOC Form 218
File, date, initial
Document code **FDSA**

Disposition type **SBT**

42 FOREIGN JUDGMENT

KRS 426.950 to 426.975

Circuit or District Court

[Process Map](#)

- A “foreign judgment” means any judgment, decree, or order of a court of the United States or of any other court is entitled to full faith and credit in this Commonwealth. KRS 426.950.
- A judgment creditor may bring an action to enforce the judgment instead of proceeding herein. KRS 426.975.

42.1 *Authentication*

The foreign judgment must be authenticated in accordance with the Act of Congress (something similar to [AOC Form 065](#), Certification of Court Records under Act of Congress) or with Kentucky law (something similar to [AOC Form 060](#), Certification of Court Records). KRS 426.955.

42.2 *Affidavit*

Judgment creditor or his attorney must also make and file with the clerk an affidavit setting forth the name and last known post office address of the judgment debtor, the judgment creditor, and judgment creditor's attorney, if any, in the Commonwealth. Use [AOC Form 160](#), Notice and Affidavit of Foreign Judgment Registration. KRS 426.960.

Quick Reference

AOC 160

42.3 *Filing Fees*

1. Collect the appropriate filing fees, as set forth in the [Accounting Manual](#) and give a receipt. The filing fee will be the same amount as if the same suit was originally filed in this state. KRS 426.970.
2. Do not process the foreign judgment until the filing fees are paid.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

Collect fees

42.4 *Entry*

1. Apply the **ENTERED** stamp to the judgment and the **FILED** stamp to the notice and affidavit of foreign judgment registration; add the date and your initials. CR 5.05(3).
2. Assign to a division using the procedure in your local court rules. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Use case type **OTH**.
3. Generate the next case for circuit civil **CI** or district civil **C** cases or use the next pre-numbered file folder. See [Civil Actions](#).
4. Enter the judgment, notice, and affidavit by completing document screens using document types **NAF** and **JRF**.

NOTE: Once entered, a foreign judgment has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a Kentucky judgment and the foreign judgment may be enforced or satisfied in a like manner. KRS 426.955.

5. After you have entered the judgment, serve [notice of entry](#) to all parties.

Quick Reference
 File, date, initial
 Enter, date, initial

Case type **OTH**

Circuit Civil **CI** or District Civil **C**

Document type **NAF** and **JRF**

NOE

42.5 *Notice of Registration*

1. Separate one (1) copy of [AOC Form 160](#), Notice and Affidavit of Foreign Judgment Registration, and mail with the copy of the judgment to the judgment debtor at the address given in the notice and affidavit. KRS 426.960(2). Certified mail is recommended.

NOTE: If certified mail is used, collect postage fees as set forth in the [Accounting Manual](#). See [Certified Mail](#) for additional details.
2. Return the two (2) bottom copies of AOC Form 160 to the judgment creditor or his/her counsel (if any).
3. The judgment creditor may mail a notice of the entry of the judgment to the judgment debtor, and file proof of mailing with the clerk. Stamp the proof of mailing **FILED**, add date and your initials. CR 5.05(3). Make a notation in the memo field of the document screen where the judgment is entered and file in the case file.
4. If the foreign judgment is a decree of dissolution, mail AOC Form 160, Notice and Affidavit of Foreign Judgment Registration and the foreign judgment to the opposing party, leaving the judgment amount blank.
5. Place judgment and top copy (original) of AOC Form 160 in case file.
6. Close the case by completing the disposition date (same as filing date); disposition type (**OTH**); and judge at disposition fields on the case screen.
7. No execution or other process for enforcement shall issue until twenty (20) days after entry of the judgment. KRS 426.960(3).

AOC Form 160
 Mail copy to judgment debtor

Return copies

File, date, initial

Mail copy of AOC Form 160

Place copy in case file

Disposition type **OTH**

42.6 *Foreign Protective Orders*

[UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT \(UCCJEA\)](#)

[REGISTRATION OF FOREIGN CHILD CUSTODY ORDER](#)

[UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT](#)

43 FOREIGN PROTECTIVE ORDER (FPO)

KRS 403.7521, KRS 456

District Court and Family Court Division of Circuit Court

[Process Map](#)

- A petitioner who has a protective order issued by a court of another state may file that order in this state and receive protection in this state, otherwise known as "full faith and credit." AOC Forms 275.8, 275.9, 275.10, 275.11, and 275.12 are provided for this purpose.

Form Number	Name
AOC Form 275.8	Temporary Order of Protection Foreign Protective Affidavit and Order
AOC Form 275.9	Order of Protection Foreign Protective Affidavit and Order
AOC Form 275.10	Amended Order of Protection and Affidavit for Certified Foreign Protective Order
AOC Form 275.11	Amended Temporary Order of Protection and Affidavit for Uncertified Foreign Protective Order
AOC Form 275.12	10 Day Notice to Affiant RE: Status of Temporary Foreign Protective Order

43.1 *Certified Copy of Foreign Protective Order*

1. The petitioner who has a certified copy of the FPO, which is current, must complete [AOC Form 275.9](#), Foreign Protective Affidavit and Order (To be used for Certified Foreign Orders). The petitioner must sign the affidavit.
2. Take the form and certified copy of the FPO immediately to any available District, Circuit, or Family Court Judge. Do not open a case file at this time.
3. If the court authenticates the foreign protective order by completing and signing the form, apply the **ENTERED** stamp; add the date and your initials.
4. Refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. If no prior case exists involving the parties, assign a case number using the next pre-numbered folder for **D** cases including a trailer number. If a prior case exists involving the parties, assign the appropriate trailer to the existing case number.
 - Do not assign a new number if the same parties have a prior domestic violence or interpersonal protective order case in your court.
 - It does not matter which party was the petitioner or the respondent, so long as the case is a DV/IPO case between the two parties named in the current petition.
 - To separate trailers, copy the case history at the close of each case. Place a tab on the side of the copy and insert in a file folder as a divider.
5. **Do not** include the petitioner's address on the party screen.
6. **Do not** issue a summons.
7. Using the most expedient means reasonably available and within 24 hours following entry and issuance of the authentication of the foreign protective order hand deliver, fax or mail a copy of the authentication as follows (**only distribute copies with the petitioners address and any minor children marked through/redacted**):
 - Petitioner or attorney (Certified Copy.)
 - Agency responsible for LINK entry.
 - Send a copy to the Cabinet for Health and Family Services. **Do not** mark through the address of the petitioner or any minor children.
 - **Do not** serve notice on the respondent.
8. Close the case by completing the disposition date; disposition type **OTH** and judge at disposition on the case screen.

Quick Reference

AOC Form 275.9

Immediately deliver to judge

Enter, date, initial

D Cases

Do not include petitioner's address on party screen

Do not issue summons

Disposition type **OTH**

43.2 *Uncertified Copy of Foreign Protective Order*

The petitioner who has an uncertified copy of the FPO must complete [AOC Form 275.8](#), Temporary Foreign Protective Affidavit and Order (To be used for Uncertified Foreign Orders). The petitioner must sign the affidavit.

1. Take the form and uncertified copy of the FPO immediately to any available District, Circuit, or Family Court Judge. Do not open a case file at this time.
2. If the judge completes and signs the form, the initial uncertified FPO will be valid for 14 days. Apply the **ENTERED** stamp; add the date and your initials.
3. Refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. If no prior case exists involving the parties, assign a case number using the next pre-numbered folder for **D** cases including a trailer number. If a prior case exists involving the parties, assign the appropriate trailer to the existing case number.
 - Do not assign a new number if the same parties have a prior domestic violence or interpersonal protective order case in your court.
 - It does not matter which party was the petitioner or the respondent, so long as the case is a DV/IPO case between the two parties named in the current petition.
 - To separate trailers, copy the case history at the close of each case. Place a tab on the side of the copy and insert in a file folder as a divider.
4. **Do not** include the petitioner's address on the party screen.
5. **Do not** issue a summons.

Quick Reference
AOC Form 275.8

Deliver to judge immediately

Enter, date, initial

D case

Do not include the petitioner's address on the party screen

Do not issue summons

43.2.1 Tickler System

1. Create a tickler system by creating a scheduled events screen, using event type **DV** (as a reminder), for 10 days from the filing of the FPO. If the 10th day is a weekend or holiday, schedule the event for the next working day. Type in memo: Send notice to petitioner if certified copy has not been received.
2. Complete a scheduled events screen using event type **DV** for the date the uncertified FPO expires (within 28 days of the filing of the FPO). See the [AOC Form 275.8](#) for the specific date. If this date is a weekend or holiday, schedule the hearing for the next working day.

NOTE: If the expiration date is 28 days from the filing of the FPO, type in memo, "Case to be dismissed if certified copy not received." If the expiration date is less than 28 days from the filing of the FPO, type in memo, "Deliver file to judge for further orders."

3. Using the most expedient means reasonably available and within 24 hours following the [notice of entry](#) and issuance of the temporary uncertified FPO provide notice of the hand deliver fax or mail a copy of the FPO as follows (**only distribute copies with the petitioners address and any minor children marked through/redacted**):
 - Petitioner or attorney (Certified Copy).
 - Agency responsible for LINK entry.
 - Send a copy to the Cabinet for Health and Family Services. **Do not** mark through the address of the petitioner or any minor children.
 - **Do not** serve notice on the respondent.
4. Within 2 business days from the filing of the uncertified FPO, you must contact the issuing court (the petitioner should have put the name and address on the form) to request a certified copy of the FPO. You may call the issuing court or mail your request for a certified copy of the FPO. The issuing court may mail or fax you a certified copy.
5. If the certified copy of the FPO is not received within 10 days, notify the petitioner that the certified copy of the FPO has not been received by printing [AOC Form 275.12](#), Ten Day Notice to Affiant, Re: Status of Temporary FPO and mail to the petitioner only.
6. Notify the court in writing that the certified FPO has been requested but not received (the court calendar from the 10-day tickler system, together with a notation, may be used). The court will then extend the FPO for an additional 14 days.
7. If a certified copy of the FPO is not received within 14 days, inform LINK and notify the applicant of its certification.

Quick Reference
Create tickler event type DV
Event type DV
AOC Form 275.8
NOE
Contact issuing court
AOC Form 275.12

8. If the certified copy of the FPO is not received within 28 days, the FPO will expire and not be reissued. Petitioner may, however, apply to the court for a Kentucky emergency protective order or temporary interpersonal protective order.
9. If the certified copy of the FPO is received within 28 days:
 - Deliver the certified FPO, a blank [AOC Form 275.9](#), Foreign Protective Affidavit and Order (To be used for Certified Foreign Orders) and the file to the judge. The affidavit portion of form 275.9 will be left blank.
10. If the judge authenticates the certified foreign protective order by completing and signing the form, apply the **ENTERED** stamp; add the date and your initials.
11. Enter the order by completing a document screen. Use document type **OFPA**.
12. Using the most expedient means reasonably available and within 24 hours following the [notice of entry](#) and issuance of the authentication of the certified foreign protective hand deliver fax or mail copy of the authentication as follows (**only distribute copies with the petitioners address and any minor children marked through/redacted**):
 - Petitioner or attorney (Certified Copy.)
 - Agency responsible for LINK entry.
 - Send a copy to the Cabinet for Health and Family Services. **Do not** mark through the address of the petitioner or any minor children.
 - **Do not** serve notice on the respondent
13. Close the case by completing the disposition date, disposition type **OTH** and judge at disposition on the case screen.

Quick Reference

AOC Form 275.9

Enter, date, initial

Document type **OFPA**

NOE

Disposition type **OTH**

43.3 *Certified Copy of Amended Foreign Protective Order*

1. A petitioner who has a certified copy of an Amended Foreign Protective Order, which is current, must complete AOC Form 275.10, Affidavit and Order Amending Certified Foreign Protective Order. The petitioner must sign the affidavit.
2. Take the form and certified copy of the amended FPO immediately to any available District, Circuit, or Family Court Judge.
3. If the judge authenticates the amended FPO by completing and signing the form, apply the **ENTERED** stamp; add the date and your initials.
4. Enter the order by completing a document screen in the existing case file. Use document type **OFPA**.
5. Using the most expedient means reasonably available and within 24 hours following the entry and issuance of the authentication of the amended foreign protective hand deliver, fax, or mail a copy of the authentication as follows:

AOC Form 275.10

Deliver immediately to judge

Enter, date, initial

Document type **OFPA**

(only distribute copies with the petitioners address and any minor children marked through/redacted):

- Petitioner or attorney (Certified Copy.)
- Agency responsible for LINK entry.
- Send a copy to the Cabinet for Health and Family Services. **Do not** mark through the address of the petitioner or any minor children.

43.4 *Uncertified Copy of Amended Foreign Protective Order*

1. A petitioner who has tendered a FPO to a court must, within 2 working days of receipt of any expiration, vacation, modification to or other change in the FPO, notify the clerk of the changes and present the clerk with a copy of the amended FPO for authentication by the court. A petitioner who has an uncertified copy of an amended FPO must complete [AOC Form 275.11](#), Affidavit and Temporary Order Amending Uncertified Foreign Protective Order. The petitioner must sign the affidavit.
2. Take the form and uncertified copy of the amended FPO immediately to any available District, Circuit, or Family Court Judge.
3. If the judge authenticates the amended uncertified FPO by completing and signing the form, the initial uncertified FPO will be valid for 14 days. Apply the **ENTERED** stamp; add the date and your initials.
4. Enter the Order by completing a document screen in the existing case file. Use document type **OFPA**.

AOC Form 275.11
Deliver to judge
Enter, date, initial
Document type OFPA

43.4.1 **Tickler System**

1. Create a tickler system by creating a scheduled events screen type **DV** (as a reminder) for 10 days from the filing of the amended FPO. If the tenth day is a weekend or holiday, schedule the event for the next working day. Type in memo: Send notice to petitioner if certified copy has not been received.
2. Complete a scheduled events screen using event type **DV** for the date the uncertified FPO expires, (within 28 days from the filing of the FPO). See the form for the specific date. If this date is a weekend or holiday, schedule the hearing for the next working day.

Scheduled event type DV
Event type DV

NOTE: If the expiration date is 28 days from the filing of the FPO, type in memo, "Case to be dismissed if certified copy not received." If the expiration date is less than 28 days from the filing of the FPO, type in memo, "Deliver file to judge for further orders."

3. Using the most expedient means reasonably available and within 24 hours following the entry and issuance of the temporary, uncertified FPO hand deliver fax or mail a copy of the temporary uncertified FPO as follows (**only distribute copies with the petitioners address and any minor children marked through/redacted**):
 - Petitioner or attorney (Certified Copy).
 - Agency responsible for LINK entry.
 - Send a copy to the Cabinet for Health and Family Services. Do not mark through the address of the petitioner or any minor children.
4. Within 2 business days from the filing of the uncertified, amended FPO, you must contact the issuing court (the petitioner should have put the name and address on the form) to request a certified copy of the amended FPO. You may call the issuing court or mail your request for a certified copy of the amended FPO. The issuing court may mail or fax the certified copy.
5. If the certified copy of the amended FPO is not received within 10 days, notify the petitioner that the certified copy of the amended FPO has not been received by printing [AOC Form 275.12](#), Ten Day Notice to Affiant, Re: Status of Temporary FPO and mail to the petitioner only.
6. Notify the court in writing that the certified FPO has been requested but not received (the court calendar from the 10-day tickler system, together with a notation, may be used). The court will then extend the FPO for an additional 14 days.
7. If a certified copy of the FPO is received within 14 days, inform LINK and notify the applicant of its certification.
8. If the certified copy of the amended FPO is not received within 28 days, the FPO will expire and not be reissued. Petitioner may, however, apply to the court for a Kentucky emergency protective order.
9. If the certified copy of the amended FPO is received within 28 days:
 - Deliver the certified amended FPO, a blank AOC form 275.10 Affidavit and Order Amending Certified Foreign Protective Order and the file to the judge. The affidavit portion of Form 275.10 will be left blank.

Quick Reference

NOE

Contact issuing court

AOC Form 275.12

AOC Form 275.10

- If the judge authenticates the amended, certified FPO by completing and signing the form, apply the **ENTERED** stamp; add the date and your initials.
 - Enter by completing a document screen. Use document type **OFPA**.
 - Using the most expedient means reasonably available and within 24 hours following the entry and issuance of the authentication of the certified, foreign protective order hand deliver, fax or mail a copy of the authentication as follows (**only distribute copies with the petitioners address and any minor children marked through/redacted**):
 - Petitioner or attorney (Certified Copy.)
 - Agency responsible for LINK entry.
 - Send a copy to the Cabinet for Health and Family Services. **Do not** mark through the address of the petitioner or any minor children.
 - **Do not** serve notice on the respondent
10. Close the case screen by completing the disposition date, disposition type **OTH** and judge at disposition on the case screen.

Quick Reference
Enter, date, initial

Document type **OFPA**

Disposition type **OTH**

43.5 *Annual Validation of FPO's*

Foreign protective orders entered in LINK must be validated each year. LINK will send you a separate printout for each foreign protective order filed in your court. When received, contact the original issuing court for validation. If LINK has not received validation from the circuit clerk within 31 days, the FPO will be removed from LINK.

44 GARNISHMENT AFTER JUDGMENT

KRS 425.501 to 425.526, CR 69.02

District or Circuit Courts

[Process Map](#)

- Garnishment is a special kind of execution by which property of the judgment debtor in the hands of a third party may be reached, including (but not limited to) wages in the hands of his/her employer. Garnishment before judgment is an attachment, and the procedures for issuing a writ of attachment must be observed. For more information and procedures, see [Attachment](#) and [Writ of Possession](#).
- The judgment creditor's affidavit for garnishment must show the date of judgment, the amount due on the judgment, that the named persons hold property belonging to the judgment debtor, or are indebted to him/her. KRS 425.501(1).

44.1 *When to Issue*

Follow the direction of the court's order specifying when a garnishment may be issued. In the absence of a court order and upon the filing of a **proper affidavit** by the judgment creditor, issue the garnishment ten days after judgment has been entered. KRS 426.030.

Quick Reference
Issue garnishment ten days post judgment

44.1.1 **Exceptions to Issuance**

1. If a motion attacking the judgment is filed as provided in CR 62.01, **do not** issue the garnishment until 10 days after entry of judgment on the motion. *City of Louisville v. Verst*, 308 Ky. 46, 213 S.W. 2d 517 (1948). Motions attacking judgment include:
 - Motion for new trial;
 - Motion to amend or vacate the judgment;
 - Motion for judgment notwithstanding the verdict;
 - Motion for amending the findings.
2. **Do not** issue the garnishment if a supersedeas bond has been given pending appeal. CR 73.04.

44.2 Affidavit of Garnishment

1. Upon receipt of an affidavit of garnishment review the affidavit and affirm the signature.

NOTE: The affidavit is the last page of [AOC Form 150.1 Order for Wage Garnishment](#). The Affidavit for the Non-Wage Garnishment is not a part of the carbon form. It is AOC Form 145.

2. Collect the fee for the issuance of a garnishment as set forth in the [Accounting Manual](#) and give a receipt.
3. Apply the **FILED** stamp to the affidavit and add the date and your initials.
4. File by completing a document screen.
 - [AOC Form 150.1](#), use document type **GAW**
 - [AOC Form 145](#), use document type **GAN**

NOTE: Bond is not required of the judgment creditor. KRS 425.501(2).

Quick Reference

AOC Form 150
AOC Form 145
Affirm signature
Collect bond filing fee

File, date, initial

AOC Form 150 – **GAW**
AOC Form 145 – **GAN**

44.3 Issuance of Wage Garnishment

[AOC Form 150, Order for Wage Garnishment](#)

1. **Affirm the signature** and collect the fee for the issuance of a garnishment set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **FILED** stamp and add the date and your initials.
3. File on a document screen using document type **GAW**. You are only required to keep the affidavit of garnishment (last page of the garnishment form.)
4. Return the **Notice of Rights** (top page of AOC Form 150) to the creditor or attorney for mailing to the judgment debtor.
5. Creditor or attorney will select method of service of Order (pages 2,3,4,5, of AOC Form 150).
6. *If creditor or attorney requests service through clerk's office*, collect postage fees as set forth in the [Accounting Manual](#) and give a receipt.
If creditor or attorney chooses another method of service, give completed AOC Forms 150 and [150.4, Sherriff's Return for Wage Garnishment](#) to creditor or attorney.

Affirm signature

File, date, initial

Document type **GAW**

44.4 *Issuance of Non-Wage Garnishment*

[AOC Form 145, Affidavit for Writ of Non-Wage Garnishment](#)

[AOC Form 150.1, Order for Non-Wage Garnishment](#)

1. Affirm the signature and collect the fee for the issuance of a garnishment as set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **FILED** stamp to the garnishment; add the date and your initials.
3. File on a document screen using document code **GN**. Use the date of issuance as the filing date. You are not required to keep a copy of the order of non-wage garnishment.
4. Creditor or attorney will select method of service of order (AOC Form 150.1).
5. *If creditor or attorney requests service through clerk's office*, collect postage fees as set forth in the [Accounting Manual](#) and give a receipt.
If creditor or attorney chooses another method of service, give completed AOC Forms 150.1 and [150.4, Sherriff's Return for Wage Garnishment](#) to creditor or attorney.

NOTE: If AOC Forms 150 and 150.4 are returned to the creditor or attorney for service, note this fact in the memo field of the document screen.

Quick Reference
Affirm signature
File, date, initial
Document type **GN**

44.5 *Answer of Garnishee*

1. When the Answer of Garnishee is received, apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen using document code **GAG**.

File, date, initial
Document type **GAG**

44.6 *Funds Held by Clerk*

- A garnishee unless otherwise ordered by the court shall make payments directly to the attorney for the party in whose behalf the order of garnishment was issued. If such party has no attorney of record, for instance small claims, payments by the garnishee shall be made to the clerk of the court. CR 69.02.
1. Upon receipt of garnished funds, hold the funds for 15 days from the date of the employers check for a wage garnishment or for 15 days from the date of return of the proceeds for a non-wage garnishment. If the debtor files an objection within that period, the funds shall continue to be held until the court rules upon the objection.
 2. If an exemption is asserted and a hearing held, the attorney or clerk of the court shall disburse the garnished funds as ordered by the court. If no exemption is asserted the attorney or clerk of the court shall after the (15) day period disburse the funds to the party in whose behalf the order of garnishment was issued. CR 69.02.

Hold 15 days

44.7 *Affidavit to Challenge*

1. If the debtor believes the garnished funds/ property are exempt from garnishment, the debtor can challenge the garnishment by filing an [AOC Form 150.2](#), Affidavit to Challenge Garnishment (Wage or Non-Wage).
 - Wage Garnishment: AOC Form 150.2 must be completed within 13 days of the date on the payroll check from which funds were withheld.
 - Non-Wage Garnishment: AOC Form 150.2 must be completed within 10 days of the garnishee's date of receipt of the garnishment.
2. Set a hearing using the lower half of AOC Form 150.2 and note on court calendar by completing a scheduled events screen.
3. File the original of AOC Form 150.2 by applying the **FILED** stamp; add date and your initials.
4. Complete a document screen.
 - Affidavit to Challenge Wage, use document type **GACW**.
 - Affidavit to Challenge Non-Wage, use document type **GACN**.
5. Give one copy to debtor and mail a copy to creditor or the creditor's attorney.

Quick Reference AOC Form 150.2

Set hearing date

File AOC Form 150.2,
date, initial

Affidavit to Challenge
Wage - **GACW**
Affidavit to Challenge
Non-Wage - **GACN**

44.8 *Garnishment Challenge Order*

[AOC Form 150.3](#), Garnishment Challenge Order

1. Apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on a document screen including a brief description. Use document type **GJO**. For more information, see [Notice of Entry](#).
3. Serve notice of entry on every party who is not in default or who has not filed a waiver of notice.
4. Make an entry on the document screen showing the manner and date of service of notice of entry of the order.

Enter, date, initial

Document type **GJO**

NOE

44.9 *Supplemental Garnishment*

Subsequent orders of garnishment against the same or other garnishees may be issued in the same manner until the judgment is satisfied. KRS 425.501(6).

[AOC Form 150.5, Affidavit and Supplemental Order of Wage Garnishment](#)

1. Creditor or attorney completes the affidavit (top portion of AOC Form 150.5), retains one copy and mails one copy to the debtor.
2. Collect a fee for the issuance of the supplemental garnishment as set forth in the [Accounting Manual](#) and give a receipt.
3. Apply the **FILED** stamp; add the date and your initials.
4. File by completing a document screen using document code **GS**.
5. Issue the supplemental garnishment (bottom portion of AOC Form 150.5).
6. Make a notation of the issuance of the supplemental garnishment by completing a document screen, using the date of issuance as the filing date. Creditor or attorney will select method of service of the garnishment.
7. If an answer of garnishee is received, apply the **FILED** stamp; add the date and your initials. File using document code **GAG**.

Quick Reference

AOC Form 150.5

Collect fee

File, date, initial

Document type **GS**

File, date, initial

Document type **GAG**

Enter stamp date and return of service

45 GRAND JURY

RCr 5.02-5.24

District and Circuit Courts

[Process Map](#)

45.1 *Case Referred to Grand Jury – District Court*

Upon a defendant's waiver of a preliminary hearing, or if probable cause is established, refer a case to the grand jury:

1. Complete the charge screen(s) closing information with disposition type of **GDJ**.
2. **Do not** close the case screen until the grand jury has disposed of the charge(s).
NOTE: Do not transfer the case file to circuit court.
3. Copy all papers in the proceeding and transmit the copy to the Commonwealth Attorney. RCr 3.22.

Quick Reference
Disposition Type **GDJ**

Copy to the
Commonwealth
Attorney

45.1.1 **Grand Jury Referral List**

1. When the grand jury meets, print a grand jury referral list and furnish to the commonwealth attorney. Print and furnish the list at any other time when you are requested to do so.
NOTE: In addition, on April 1st and October 1st each year print the same list and deliver to your commonwealth attorney and chief circuit judge.
2. When the circuit court notifies you that an indictment has been returned, transfer the case to circuit court. RCr 5.20.
 - a. Print a case history.
 - b. Send the contents of the file and the case history to circuit court;
 - c. Retain the envelope in numerical order with other cases of that category.

Print the grand jury
referral list

45.2 *Grand Jury Dispositions – Circuit Court*

Dispositions on all cases heard by the Grand Jury are reported by Circuit Court. The Commonwealth Attorney must furnish dispositions for all Grand Jury activity to circuit court.

The dispositions should be recorded on the Grand Jury Referral list.

NOTE: There is no grand jury referral list for juveniles, however, there is a Juvenile Grand Jury Report that may be printed from the KyCourts Browse using disposition type **JGDJ**.

1. Access the district court case number and proceed to the charge(s) screen.
2. Change the disposition date to the date of disposition by the Grand Jury.
3. Change the disposition type to one of the following:
 - **IND** – Indictment
 - **NTB** - No True Bill
 - **DGJ** - Dismissed after Grand Jury
 - **NGJ** - No Grand Jury Action
 - **AGJ** - Amended Down by Grand Jury
 - **AUGJ** - Amended Up by Grand Jury

NOTES:

- If you are not sure that the charges on the indictment arose out of the same set of circumstances as the charges on the citation and your commonwealth attorney will not clarify it for you, close the charges in district court with the Disposition Type **NGJ** (No Grand Jury Action). No action was taken on the charge as it appeared on the citation.
- If the charges did arise out of the same set of circumstances, even though the charges are not the same, close district court charges with **IND** (Indictment). Use district court citation number in circuit court case.
- If your commonwealth attorney will not supply a disposition, close the charge in district court with the disposition type **NGJ** (No Grand Jury Action).
- If a defendant has been held to answer per RCr 3.14(1) and the grand jury fails to indict, the grand jury adjourns without having either indicted a defendant or referred the matter to the next grand jury the circuit court shall make an order dismissing all charges or counts against such defendant without prejudice, discharging the defendant from custody, and exonerating the defendant's bail and any conditions thereon and order a refund of any money or bonds deposited as bail. RCr 5.22.
- In any event the defendant has been held to answer without being indicted for longer than 60 days from the finding of probable cause the circuit court shall, upon motion, make an order discharging the defendant from custody, exonerate the defendant's bail and any conditions thereon and order a refund of any money or bonds deposited as bail. RCr 5.22.

NOTE: Failure of the grand jury to return an indictment against a defendant does not prevent any charge against such a defendant from being submitted to another grand jury. RCr 5.22.

Quick Reference

Change the disposition date

Disposition types:

* Indictment – **IND**

* No True Bill – **NTB**

* Dismissed after Grand Jury – **DGJ**

* No Grand Jury Action – **NGJ**

* Amended Down by Grand Jury – **AGJ**

* Amended Up by Grand Jury – **AUGJ**

45.2.1 Grand Jury Report

The Grand Jury Report should be placed in a master file by date.

45.2.2 No True Bill

If a No True Bill is returned, place it in the folder with the Grand Jury Reports. You will close the charge as **NTB**. If a bond was posted in the case you will need an order from the judge to release the bond. Put a copy of the No True Bill in the district court file.

45.2.3 Transfer of District Court Files

When the list of cases referred to the Grand Jury is received from the commonwealth attorney showing the disposition of cases referred to the Grand Jury, deliver a copy to district court. The district court will transfer to circuit court the files for those defendants indicted.

NOTE: If the disposition of a charge in a district court case is “GDJ” Grand Jury, do not close the case screen until the grand jury has disposed of the charge.

45.2.4 Misdemeanor Indictment

An indictment returned by the Grand Jury for a misdemeanor, not joined with a felony charged in the same indictment, shall be docketed in district court. RCr 5.20. DO NOT OPEN THIS CASE IN CIRCUIT COURT.

- If the misdemeanor charge came from a district court case, file the indictment for the misdemeanor in that case file.
- If no current case exists (the misdemeanor indictment results from a direct submission) see [District Criminal Cases](#) for opening a case.

NOTE: The grand jury, commonwealth attorney, or district judge will give you direction to issue a summons, bench warrant, and/or docket scheduling.

46 GUARDIAN AD LITEM

CR 4.04(3), 17.03(2), KRS 387.305

[Process Map](#)

- Whether appointed pursuant to statute KRS 387.305 or pursuant to a provision of the Kentucky Unified Juvenile Code, the duties of a guardian ad litem shall be to advocate for the client's best interest in the proceeding through which the guardian ad litem was appointed. Without an appointment, the guardian ad litem shall have no obligation to initiate action or to defend the client in other proceedings.

46.1 Affidavit

If you are asked to appoint a guardian ad litem for the purpose of service of process for a defendant who is an unmarried person under 18 or a person of unsound mind an affidavit will be filed with you stating that the defendant has no guardian, curator, or conservator residing in this state known to the affiant. KRS 387.305(1).

NOTE: The complaint/petition may also include language noting a GAL is needed and requesting an appointment. **Complaints/petitions should be reviewed for this content.**

1. Apply the **FILED** stamp to the affidavit; add the date and your initials. File the affidavit by completing a document screen. Use document code **AFF** and memo guardian ad litem in document screen.
2. Consult your roster of attorneys and make an appointment unless your judge wishes to make these appointments.
3. Prepare [AOC Form 115, Appointment of Guardian Ad Litem](#). Apply the **FILED** stamp; add the date and your initials.
4. File the appointment by completing a document screen using document code **AGAL**.
5. Make a copy of the appointment and attach to the summons and complaint to be served on the defendant through the guardian ad litem.
6. A copy of the appointment is also given to the attorney for the plaintiff and all other parties.
7. Complete a party screen for the **GAL**.

NOTE: If a guardian ad litem was not appointed when the complaint was filed, then the court, not the clerk, appoints a guardian ad litem to defend the action. You may make this appointment only when the judge is not present in the county. CR 17.03(2).

<p>Quick Reference File, date, initial Document code AFF Memo GAL in document screen</p> <p>AOC Form 115 File, date, initial</p> <p>Document code AGAL</p> <p>Copy of appointment Attach to summons and complaint</p> <p>Party screen GAL</p>

46.2 Fees

The court shall allow to the guardian ad litem a reasonable fee for his/her services, to be paid by the plaintiff and taxed in the costs. Payment may be pursuant to a general court order or using the method below.

Guardian Ad Litem forms are to be completed by the Guardian Ad Litem attorney/court appointed counsel for the payment of fees by the Finance and Administration Cabinet. The [FINGAL-1 Form](#) may be obtained through the Finance and Administration Cabinet website by the GAL to complete for cases involving dependency, neglect or abuse, involuntary termination of parental rights, voluntary termination of parental rights, involuntary commitment of a mentally handicapped adult, and/or the representation for the performance of an abortion upon a minor.

1. Upon receipt of a signed [FINGAL-1](#), apply the **ENTERED** stamp; add the date and your initials.
2. Enter the Order on a document screen using document code: **OAF**.
3. Service [notice of entry](#) and make an entry on the document screen showing the manner and date of the service of notice of entry of the Order and distribute a copy to the following:
 - Court file
 - Finance Cabinet
 - Other person or agency, if any, ordered to pay attorney's fees.

Quick Reference

Enter, date, initial

Enter order: **OAF**

Serve notice of entry

Make an entry on document screen

*Finance Cabinet
702 Capitol Avenue
Capitol Annex,
Room 195,
Frankfort, KY 40601*

47 HABEAS CORPUS

KRS 419.020 -419.130

Circuit Court

[Process Map](#)

- Definition: Latin for "you have the body."
- Habeas Corpus is a writ of inquiry designed to affect the speedy release of a person illegally deprived of his liberty. The writ is commonly used when a person is seeking to be released on bail or when a prisoner is challenging extradition or detainer proceedings.
- The petition for a writ of habeas corpus is filed in circuit court as a civil action. The writ must be signed by the judge issuing it and must be made returnable as soon as possible. KRS 419.030.

47.1 *Writ of Habeas Corpus*

1. Upon receipt of a petition and affidavit for a writ of habeas corpus, apply the **FILED** stamp; add the date and your initials.
2. **Do not** collect a filing fee. KRS 419.040, CR 3.02(1), (a).
NOTE: The judge who issues the writ may require a bond. Collect the surety bond fee as set forth in the [Accounting Manual](#) and give a receipt. For more information, see [Bonds and Sureties](#).
3. Assign to a division using the procedure in your local court rules.
4. Open a case. For instructions, see to the [Case Add](#) section of KyCourts Manual.
5. Generate the next case number for circuit civil **CI** cases or use the next pre-numbered file folder.
6. File the petition and the affidavit on a document screen using document types:
 - PHC** - Petition for Writ of Habeas Corpus
 - AFF** - Affidavit (memo Writ of Habeas Corpus)
7. **Do not** issue a summons.
8. Take the file folder immediately to any available Circuit Judge for signature along with the writ of habeas corpus, [AOC Form 270](#), Writ of Habeas Corpus. KRS 419.030.

Quick Reference

File, date, initial

Do not collect filing fee

Circuit Civil **CI** case

Document Type:

PHC – Petition

AFF- Affidavit

Do not issue summons

AOC Form 270

Deliver immediately to judge

47.2 *Issuance of Writ*

1. If the judge issues the writ, [AOC Form 270](#), Writ of Habeas Corpus can be used. Upon receipt of a signed Writ of Habeas Corpus, apply the **ENTERED** stamp; add the date and your initials.
2. File on a document screen. Use document type **WHC**.
3. Note the hearing on the calendar by completing a scheduled events screen.
4. Deliver two copies of the writ to the sheriff or other serving officer for service. Make a notation in the document screen memo of the date you deliver the writ for service. For more information, see [Service of Process](#).
5. When a return is received, enter the return information in the document screen memo.
6. If judge who issues the writ requires a bond collect the surety bond fee as set forth in the [Accounting Manual](#) and give a receipt. For more information, see [Bonds and Sureties](#).

Quick Reference
 AOC Form 270
 Enter, date, initial
 Document type **WHC**
 Schedule event

47.3 *If the Writ is Denied*

1. Open the petition for the writ on the document screen and memo "Denied."
2. Give notice of the denial to the petitioner.

47.4 *Order Issued Following Hearing*

1. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on the document screen including a brief description.
3. After the order is entered, serve notice on every party not in default or who has not waived notice.
4. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of the order. For more information, see [Notice of Entry](#).
5. When the order closes the case, complete the disposition date, using disposition type **OTH** and judge at disposition fields on the case screen.

Enter, date, initial
 Serve notice of entry
 Disposition type **OTH**

48 INSPECTION OF RECORDS

48.1 *Confidential Records*

The following court records are confidential. Do not allow inspection by the public. For persons entitled to inspection (for example: attorneys for parties, parties, government agencies), refer to the specific section.

If you are in doubt as to whether to allow access to the records, ask the person to get a court order permitting such access. KRS 610.340(3).

48.1.1 [Adoption](#)

KRS 199.570

EXCEPTIONS: A copy of a judgment in an adoption case being appealed may be made available to a party to the appeal. [Bone v. Shadoan](#), Ky., 746 SW2d 68 (1988). See [Adoptions](#). See [Inspection of Adoption Records](#).

48.1.2 **Disability**

KRS 387.770

EXCEPTIONS:

- Determinations of Disability and Orders of Appointment, Modification, and Termination are open to public inspection.
- The Kentucky State Police is entitled to inspect court orders pertaining to mental health commitments or adjudications. KRS 237.108.

48.1.3 **Domestic Violence and Interpersonal Protective Orders**

KRS 403.770, KRS 456.070

NOTE: Only the address of the petitioner and the minor children is confidential. See [Domestic Violence and Interpersonal Protective Orders](#).

48.1.4 Juvenile

KRS 610.320, 610.340

This includes records in circuit court on appeal from district court juvenile proceedings. F.T.P. v. Courier-Journal, Ky., 774 S.W. 2d 444 (1989); and juvenile court records transferred on court order to circuit court.

EXCEPTIONS:

- Records created once the case is transferred to circuit court are open to inspection. KRS 640.010.
- Child and his/her parents may have access to the child's records. KRS 610.340(1).
- The child's attorney may have access to the record of their clients. KRS 610.340(3). This includes the Department of Public Advocacy attorneys providing post-disposition representation to a juvenile public or status offender, where the attorney has provided a release signed by the child or his or her guardian authorizing release of the records.
- A DPA attorney shall have access to the court file of a minor prior to representation when the minor is in custody of the Department of Juvenile Justice and is residing in a residential treatment or detention center.
- Employees of the Cabinet for Health and Family Services, prosecutors, police, and their employees may have access to the records of cases in which they are investigating or prosecuting. KRS 610.340(2).
- Juvenile justice agencies shall also share with each other all information they maintain on a juvenile in a facility or a program or informal adjustment as authorized by KRS 17.125.
- Members of the External Child Fatality Review Panel may have access to any records of any family, circuit, or district court involvement with a deceased or injured child and his/her caregivers, residents of the home and persons involved with the child at the time of the incident that include juvenile and family court records and orders as pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645; including petitions, court reports by CHFS, GALs, CASA, and CFCRB; all orders of the court including temporary, dispositional or adjudicatory; and any documentation of annual or any other review by the court. KRS 620. Court appointed CASA volunteers may have access to court files in which they are involved by reason of their appointment.
- Victims, victim's parents or legal guardian, or victim's spouse may have access to the petition, adjudication and disposition in all cases.
- If adjudicated delinquent, the petition, adjudication and disposition in all cases involving a Class A, B or C Felony or any offense involving a deadly weapon are public record.

48.1.5 Mentally Ill (Involuntary) Hospitalization

KRS 202A.091

EXCEPTIONS:

- The Kentucky State Police is entitled to inspect **COURT ORDERS** pertaining to mental health commitments or adjudications. KRS 237.108.

48.1.6 Intellectual Disability Admission

KRS 202B.180

EXCEPTIONS:

- The Kentucky State Police is entitled to inspect **COURT ORDERS** pertaining to mental health commitments or adjudications. KRS 237.108.

48.1.7 **Parole Information**

KRS 439.510

Presentence Investigation Reports cannot be inspected. The court shall provide the defendant's counsel a copy of the report. It shall not be necessary to disclose the sources of confidential information. KRS 532.050(6). The PSI shall not be part of the court record. It should not pass through the hands of the clerk or anyone in the clerk's office. Should you discover the original or a copy of the PSI in the record, please consult the judge.

48.1.8 Paternity

KRS 406.035

48.1.9 Jury Records

KRS 29A.110

1. The contents of any records or papers used by AOC or the clerk in connection with the jury selection process, unless required to be made public, are not to be disclosed. KRS 29A.110.

EXCEPTIONS: Contents of jury selection records may be disclosed when you receive:

- a motion permitted by the rules of civil or criminal procedure; or
 - an order from the Chief Justice.
2. Juror Qualification Forms. AP II Sec. 7(7). The trial judge, parties, and their attorneys of record may inspect the forms unless the chief circuit judge or designee determines in any instance in the interest of justice that the information shall be kept confidential or its use limited in whole or in part. The chief circuit judge or designee may order you to redact information on qualification forms.
 3. Randomized jury lists are confidential.

4. Names of jurors selected for grand jury and petit (trial) jurors **are not confidential**.

EXCEPTION: Unless the chief circuit judge or designee determines in the interest of justice that the names shall be kept confidential. AP II Sec. 10(9).

48.2 *Inspection Procedures*

1. Clerk should allow inspection and copying of case files when possible, although a clerk may refuse inspection and copying if the request is too burdensome or disruptive to the clerk's office. If inspection and copying is not possible at the time of the request, the clerk should arrange a time, within three (3) business days of the inspection request, in which to allow inspection and copying.
2. Clerk may require requestor to make a written inspection request specifying what document(s) is to be inspected. Inspection requests by mail may be fulfilled at the clerk's discretion and upon payment of copy and postage fees.
3. Clerk or requestor, at clerk's discretion, may search computer reader terminal or index cards and pull record. Clerk may require requestor to search and inspect in clerk's presence. If parts of a record are confidential, clerk must search and make copies of non-confidential items.
4. Clerk or requestor may make copies of documents in a court file upon requestor's payment of the copy fee as set forth in the [Accounting Manual](#).

NOTE: Unless otherwise sealed or confidential, documents filed in the court record and prepared by a court reporter (for example: depositions and transcripts) are public record and copies may be obtained from the clerk. Copies of recordings may be acquired at a cost as set forth in the [Accounting Manual](#).

5. Clerk is not required to create a record if one does not exist, e.g. lists.

48.2.1 **Petition for Inspection**

1. Upon denial of a request, the requestor may petition for inspection to the presiding judge in the specific case to which inspection was denied. There are no filing fees. Apply the **FILED** stamp to the petition; add the date and your initials.
2. Complete a document screen and deliver the file to the judge. Use document type **ODI**.
3. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen. Use document type **OGI**. Give [notice of entry](#) to the petitioner. Follow any direction otherwise contained in the order.

Quick Reference

File, date, initial

Document type **ODI**

Enter, date, initial

Document type **OGI**

Notice of Entry

49 JUDGMENTS AND ORDERS

CR 58, 77.04, 79.01, 79.02; RCr 11.04, 12.06

Circuit and District Court

[Process Map](#)

- A judgment is a written order of a court adjudicating a claim or claims in an action or proceeding. A final or appealable judgment is a final order adjudicating all the rights.

- [District Court Calendar](#)

In district court criminal cases the judge will record most judgments and orders of the court on the calendar. This will serve as the judgment or order for all the cases on the page. When the judge signs the calendar page, it has the same effect as if the judge had signed each of the judgments or orders on that page. CR 58, RCr 11.04, RCr 13.04.

In district civil cases, where the court calendar is the only order or judgment, make a copy of the calendar for each case on the page. This copy will constitute the judgment in the case. CR 58(2). Process each copy like any other judgment.

Do not copy the calendar for traffic, misdemeanor cases, or preliminary felonies unless the case is referred to the grand jury.

49.1.1 Entry

1. When a signed judgment or order is received, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the judgment or order, including a brief description on the document screen. This constitutes entry of the judgment or order; the judgment or order does not become effective until this is done. RCr 11.04. This is combined with the notation of service of notice of entry of the judgment as described in the [notice of entry](#) chapter.

Quick Reference
 Enter, date, initial

 Enter judgment or order

 NOE

49.1.2 NOE of Judgments and Orders

1. After the judgment or order is entered, serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney (omit this step in traffic misdemeanor, and felony cases). CR 77.04(1), RCr 12.06(1) and (3).
2. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry or judgment (omit this step in traffic and misdemeanor cases). CR 77.04(2), RCr 12.06.

Serve NOE

 Make entry on document screen

NOTE: If the judgment or order allows an attorney to withdraw as counsel for a party in a case, complete the **ATTORNEY STATUS** and **W/D** on the party screen. Mail or hand deliver a copy to the party in addition to the attorney withdrawing.

3. If the judgment or order includes child support ([AOC Form 152](#), Uniform Child Support), place a copy of the order in a designated area (box or basket) in your office for the Cabinet for Health and Family Services. AOC Form 152 is a mandatory form.
4. If the judgment or order disposes of:
 - A civil case: complete the disposition date, disposition type and judge at disposition fields on the case screen.
 - A criminal charge: close the charge screen by completing the disposition date, disposition type, judge, trial type, original plea and final plea fields.
5. In a district criminal case - when all charges have been disposed of, the system will close the case screen by completing the disposition date and judge at disposition fields on the case screen.
6. In a circuit criminal case - when all charges in the case have been disposed of and the defendant has been sentenced, close the case by completing the disposition date and judge at dispositions fields on the case screen.

Quick Reference
Complete **ATTORNEY STATUS** and **W/D** on party screen

AOC Form 152
Place copy in designated area

Close the case

49.2 *General/Administrative/Miscellaneous Orders*

Maintain a General/Administrative/Miscellaneous Order file by year for entry of those orders received that are not a part of a case file in your office.

1. Attach a manual docket sheet to the inside of the folder for entry of the orders.
2. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials and enter on the docket sheet.
3. Mail or hand deliver copies as directed or appropriate.

Enter, date, initial
Mail or hand deliver copies

50 JURY INFORMATION

KRS 29A

Administrative Procedures Part II

[Process Map](#)

To some extent, your duties as clerk will depend upon the needs of the chief circuit judge (and any designee) and the trial judge.

Details below include jury information and instructions when utilizing the Jury Management Program and how to manually process juror tasks.

50.1 ***Jury Management Program***

[Process Map](#)

For assistance in utilizing the Jury Management Program please see the [Jury Management Program User Guide](#). The JMP provides the following:

- Ability to request a randomized list/jury panel as needed electronically.
- Electronic preparation of the juror qualification form and juror summons and the option for mass mailing by the AOC rather than your office.
- Ability to view, edit, or add information to a juror to be maintained by the JMP, including the juror's address and contact information, availability, receipt of juror qualification form, and notes.
- Track a juror's attendance, record a postponement or excuse and print reports relating to a juror's activity.
- Electronically generate letters to a juror regarding reporting status, the juror's postponement or excuse from service.
- Group jurors by status for quick entry/edits relating to an entire group.
- Electronically generate and print certificates of service for jurors.
- Electronically generates a Juror Roll Call List. The system will also randomly draw jurors from the main panel into groups.
- Print juror strike sheets and record juror strike actions.
- Add events and group schedules for jury appearance.
- Generate a sheriff juror list.
- Print juror mailing labels.
- Interacts with the bookkeeping system regarding payment of jurors.

50.2 Jury Management Program – Randomized List

When your current supply of juror names is exhausted, obtain a randomized list of prospective jurors from the Jury Management Program by browsing to <https://intranet.kycourts.net/jurymanagement/>.

This program allows you to receive jury lists and labels electronically and may be obtained in panels on an “as needed” basis. *AP II Sec. 3*. A [Jury Management User Guide](#) is available after logging into the program.

The Jury Management Program allows you to prepare the [AOC Form 005-A, Juror Qualification Form](#) and the Juror Summons AOC Form 005 to be mailed from your office or the option for AOC to prepare and send the documents for you.

NOTE: If you choose to have AOC mail your summons, you can also have AOC include an attachment with the summons.

If you choose to mail the summons from your office see [Summons](#).

Quick Reference
 Jury Management Program:
<https://intranet.kycourts.net/jurymanagement/>

AOC Form 005-A
 AOC can prepare and mail the Juror Summons and any attachments for your office.

50.3 Summons

1. At least thirty (30) days prior to the time for reporting for service, summons the prospective jurors in sequential order from the randomized jury list using AOC Form 005, Juror Summons.
2. Enclose [AOC Form 005-A, Juror Qualification Form](#), with the summons (and any additional attachments, return envelopes, etc.)
3. Mail the summons using first-class mail. *KRS 29A.060*.

NOTE: The sheriff is not involved in serving the initial summons. Those exceptions when the summons may be served by the sheriff are as follows:

- If the envelope containing the summons/juror qualification form is returned by the post office as undeliverable, notify the judge as he/she may require personal service to be made by the sheriff.
- If the juror qualification form is not returned within ten (10) days, and the chief circuit judge or his/her designee directs, prepare another summons (AOC Form 005, Juror Summons and enclose AOC Form 005-A, Juror Qualification Form) for personal service by the sheriff.

Summons prospective jurors *at least* 30 days prior

AOC Form 005-A

First-class mail

50.4 *Juror Qualification Forms Return*

1. Upon receipt of a completed and returned AOC Form 005-A, Juror Qualification Form review the form to determine if the prospective juror has requested a postponement or excuse from service.

BEST PRACTICE: Organize in one group all qualification forms not requesting a postponement or an excuse in numerical order. Organize all requests for excuse/postponement into a second group in numerical order.

2. When using the jury management system mark the status of each juror's qualification form as appropriate (i.e., not a resident, medical hardship, felon, death, unable to locate, etc.) Juror's whose status shows as "Unable to Locate" or "None" will appear on a Sheriff's Report that may be generated from the JMP. Provide the list to your sheriff to try to make contact with the prospective jurors.

NOTE: Your judge will direct you when to submit the report above to the sheriff based on your local practice.

50.6 *Permanent Exemption*

KRS 29A.040, KRS 29A.080

When a potential juror is determined to be deceased or the chief circuit judge has granted a permanent exemption due to a permanent medical condition, you must notify the AOC.

1. Select the appropriate box in the **For Office Use Only** portion of the form (either deceased or permanent medical condition).
2. Sign or have the appropriate court official sign the bottom of the form:
 - a. If the name is being purged due to death, the form must be signed by the chief circuit judge or his/her designee;
 - b. If the name is being purged because of a permanent medical condition exemption, the form must be signed by the chief circuit judge. *KRS 29A.080(3)*.
3. Mail the signed form to **Auditing Services, Administrative Office of the Courts**.
4. If using the JMP, also record the permanent exemption electronically.

Quick Reference
AOC Form 005-A

*Auditing Services
Administrative Office of
the Courts
1001 Vandalay Drive
Frankfort, KY 40601*

50.7 *Jury Preparation and Impaneling the Jury*

Instructions are provided below for those jurisdictions utilizing the Jury Management Program and instructions for manually impaneling the jury without the use of the JMP. It is to be noted that many jurisdictions use a combination of the instruction for the JMP and the manual process. Follow your local procedures for impaneling the jury.

50.7.1 Jury Management Program (AP II Sec. 10)

1. Take attendance through the jury management program.
 - a. Print the eligible juror list.
 - b. You can use a hand scanner to scan the barcodes on the list as you call roll or you can enter by typing in the juror number.
2. From the **My Panel** list, select the **Trials** tab and create a new trial.
 - a. Complete the create trial screen including selecting the number of jurors you have been instructed to call.
 - b. The computer will select the jurors to be called. The program will take you back to the Trials tab.
 - c. Choose edit to get back to your trial screen. The jurors to be called are listed on this screen. You can remove jurors and select additional jurors using this screen.
3. After voir dire, print a strike sheet from the reports option.
4. When the strike sheets are returned remove the jurors that have been stricken. If you have more jurors than needed, have the system remove the number of excess jurors. The next screen shows a list of the names removed. Click **Return to Trial** to see the list of the jurors selected to serve on the jury.
5. Print the juror list from the reports section on the left side of the screen.

Quick Reference
Take attendance

Create new trial

Print the juror list

50.7.2 Manual Process (AP II Sec. 10)

Depending on procedures established by your chief circuit judge (or designee); prior to the reporting day for a new jury panel you may have to do the following:

1. Prepare numbered cards for the jury box, one for each juror not excused or postponed, with the identifying number from the randomized jury list.
2. Prepare accounting form, using AOC Form 582.1, Jury, Witness Reimbursement Schedule.
3. Make a copy of the form for use as an attendance sheet in the courtroom.
4. Make two copies of the juror qualification forms. On trial dates, place the originals on the bench, and place one copy on each counsel table. Retrieve the forms when court adjourns.

NOTE: The number of jurors required to be present before the selection process begins, is determined by your judge(s).
5. After roll call, for those jurors present, place numbered cards in a suitable box. Shake the box to mix the numbers.
6. Draw as many cards as the judge orders; the numbers drawn represent the persons who will be the grand jury or petit jury.

AOC Form 582.1

7. As cards are drawn, list the numbers drawn and the corresponding name from the randomized jury list. The form [AOC Form 013](#), Juror Strike Sheet may be used for this purpose.
8. As a juror is excused, mark the name off the list and draw another card to replace the name as directed by the judge.
9. When the panel is complete, give a copy of the list to each attorney who will make peremptory challenges/strikes.
10. Select the jury from the remaining names on the list as directed by the judge.
11. Jurors not selected for the jury shall be assigned by the judge to another courtroom or dismissed for the day.

Quick Reference
 AOC Form 013
 AOC Form 013A

50.8 *Selection Documents*

The contents of any records or papers used by AOC or the clerk in connection with the jury selection process are **confidential**, unless required to be made public, are not to be disclosed. *KRS 29A.110.*

EXCEPTION: Contents of jury selection records may be disclosed when you receive an order from the Chief Justice or when requested for preparation or presentation of a motion under the rules of civil or criminal procedure.

The trial judge, parties, and their attorneys of record may inspect the qualification forms unless the chief circuit judge or designee determines in any instance in the interest of justice that the information shall be kept confidential or its use limited in whole or in part. *KRS 29A.070(7), AP II Sec. 7(7).*

The contents of any records or papers used by AOC or the clerk in connection with jury selection process are **confidential**, unless required to be made public, are not to be disclosed. *KRS 29A.110.*

50.8.1 Jury Strike Sheets:

1. File by completing a document screen using the document type **SD-SEALED DOCUMENT**.
2. Add a note to the **Memo** field: "jury strike sheet."
3. Place the strike sheets in an envelope, seal and place within the case file. **Do not** release the sealed envelope from your custody except on court order, when actually used in a proceeding or when requested for preparation or presentation of a motion permitted under the rules of civil or criminal procedure.
4. If a request to review the case file is received, remove the envelope from the case file.
5. For copies made pursuant to the exceptions outlined above, collect a copy fee as set forth in the [Accounting Manual](#). If jury selection documents are furnished to out-of-town attorneys, collect postage fees for the mailing costs as set forth in the [Accounting Manual](#). Give a receipt for all money collected. You are not required to make copies for local attorneys; however, you may make the forms available for review in your office.

NOTE: Once a jury has been selected to hear a case or for grand jury service, the selected jurors' names are not confidential.

EXCEPTION: In the interest of justice, the chief circuit judge, or his/her designee, may order that the names be kept confidential. AP Part II, Sec. 10(9).

Quick Reference
Document type **SD**

Memo: Jury strike sheet

Collect copy/postage fees and give receipt

50.9 Juror Reporting Notification

A telephone answering device should be utilized for jurors to call before reporting for future jury duty. If you do not have an answering device, the AOC, upon request, will supply one for your office.

50.10 Juror Fee

1. Pay each juror a fee as set forth in the [Accounting Manual](#) for each day the juror answers roll call.
2. Upon request, complete [AOC Form 015](#), Certificate of Service (Jury).
3. Your judge may elect to give the jurors [AOC Form 020](#), Recognition of Contribution to the Administration of Justice.

AOC Form 015
AOC Form 020

50.11 *Jury Fees*

1. Collect a jury fee as set forth in the [Accounting Manual](#). Collect the fee at the time a jury trial is requested from the person who makes the request, unless he/she has a court order permitting him/her to proceed in forma pauperis. *AP II Sec. 33*
2. When a request for a jury is withdrawn or the case is settled at least two (2) court days before trial, refund the fee to the person who paid it. *AP II Sec. 33(3)* For additional instructions on refunding fees, see the [Accounting Manual](#).
3. If two or more cases are consolidated and tried together, collect only one jury fee. *AP II Sec. 33(2)*.

Quick Reference
Collect jury fee

50.12 *List Destruction*

After the randomized jury list has been exhausted, and all persons selected to serve as jurors have been discharged, all records and papers compiled in the selection process shall be destroyed. *AP II, Sec. 14.*

For more information, see [Destruction of Records](#).

51 JUVENILE CASES

KRS Chapter 600-645

District Court and Family Court Division of Circuit Court

[Process Map](#)

51.1 *Confidentiality of Juvenile Records*

- Unless specified to the contrary, all juvenile court records generated by any agency are deemed confidential and shall not be disclosed except to:
 - Child;
 - Child's parent/guardian or spouse. KRS 610.340(1);
 - Victims or other persons authorized to attend a juvenile court hearing, unless ordered by the Court for good cause.
 - Public officers or employees engaged in the investigation or prosecution of cases under the juvenile code or general statutes. This includes law enforcement. Juvenile justice agencies shall also share with each other all information they maintain on a juvenile in a facility or a program or informal adjustment as authorized by KRS 17.125.
 - Employees of CHFS, DJJ, and the Crime Victims Compensation Board;
 - Foster Care Review Board or its designee, and CASA Volunteers responsible for services under the juvenile code.
 - The child's attorney may have access to the record of their clients. KRS 610.340(3). Attorneys for parties involved in actions under juvenile code or other prosecutions under general statutes, including Department of Public Advocacy attorneys providing post-disposition representation to a juvenile public or status offender, where the attorney has provided a release signed by the child or his or her guardian authorizing release of the records.
 - A DPA attorney shall have access to the court file of a minor prior to representation when the minor is in custody of the Department of Juvenile Justice and is residing in a residential treatment or detention center.
 - Records disclosed under KRS 610.320 and KRS 610.345 to school personnel.
- Release of child's treatment, medical, mental or psychological records is prohibited unless presented as evidence in Circuit Court. If records are present and inspection is requested give to the judge to review the inspection request.
- No person, including school personnel entitled to access juvenile records, shall further disclose information from such records except as permitted by specific Court order.
- KRS 610.340(1)(c) prohibits the disclosure of any records resulting from the child's prior abuse and neglect under Title IV-B of the Federal Social Security Act to victims or other persons authorized to attend a juvenile court hearing pursuant to KRS 610.070.

- Military recruiters do not have access to juvenile court records, even with a signed release/waiver, unless accompanied by the juvenile, who may now be an adult, when requesting a record.
- To protect the confidentiality of juvenile records, petitions, orders, and other court documents should not be transmitted to or from the clerk's office by fax.
- Electronic or stenographic record of interviews with children, including a recording of any in-camera proceedings, shall be filed under seal with the clerk and may be made available to the parties or their counsel on motion and written order of the court. Upon direction of the judge recordings made in a county other than where the action is filed shall be delivered to the clerk of the county where the action is filed by the court ordering the hearing when there are multiple courts in a jurisdiction. FCRPP 27.

51.2 *Public Record*

- If adjudicated delinquent, and the juvenile was fourteen (14) years of age or older at the time of the commission of the offense, the petition, adjudication order and disposition order in all cases involving a Capital Offense, Class A, B, or C Felony or any offense involving a deadly weapon, are public record.
- A separate public report shall be kept by the clerk of the court, accessible to the public. A list of all qualifying charge(s) in case(s)/trailer(s) as outlined above will be available for viewing/printing from the case management system. The [HB 3 report](#) will be available for viewing by the public. If requested, the clerk shall provide a printed copy of the report.
- When a request for public access is received, provide a copy of the petition, adjudication order and disposition order only. All other pleadings remain confidential.

NOTE: When in doubt, request a court order permitting access to a juvenile record.

51.3 *Dependency, Neglect, Abuse*

- There is no filing fee. KRS 610.350.
- A DNA Petition may be filed by any interested person. KRS 620.070.
- Separate petitions shall be filed for each child and individual case numbers shall be assigned. All siblings' files shall be assigned to the same judge. FCRPP 20(1).

51.3.1 Petition/Dependency, Neglect, Abuse (DNA)

1. Upon receipt of a petition ([AOC Form DNA-1](#)), apply the **FILED** stamp to the petition; add the date and your initials.
2. Complete a document screen using document type **PJDNA**.
3. Refer to the [KyCourts Manual](#) for instruction on opening the case. Assign a Juvenile **J** case number and appropriate trailer number using next pre-numbered file folder.

NOTE: If a previous case exists, enter into the existing case number under the next trailer number. Any new allegation or request for removal after a child has achieved permanency shall be filed as a new action. FCRPP 31.
4. Assign appropriate case type based on charge(s):
 - **CA** - Child Abuse/Neglect
 - **DP** – Dependency
 - In a Family Court jurisdiction, enter filing type **FC**.
5. Complete party screen(s) using party types:
 - **CH** – Child
 - **FM** – Family Member
 - **CC** – County Attorney
 - **GAL** – Guardian Ad Litem
 - **CP** – Custodial Person
 - **CHR** – Cabinet for Health & Family Services
6. Add the juvenile’s date of birth to the file label and on the file folder next to the label (the label function in KyCourts will not automatically add the DOB). If the label becomes lost, the date of birth will still be visible for use in records destruction.

Quick Reference
 AOC Form DNA-1
 File, date, initial

Document type **PJDNA**

Juvenile **J** case

Case type:
 *Child Abuse- **CHA**
 *Dependency- **DP**
 *Family Court- **FC**

Party type:
 *Child- **CH**
 *Family Member- **FM**
 *County Attorney- **CC**
 *Guardian Ad Litem- **GAL**
 *Custodial Person- **CP**
 *Cabinet for Health and Family Services- **CHR**

51.3.2 Summons Issuance

1. Issue a summons using [AOC Form DNA-7](#); attach a copy of the petition to the summons and deliver to the sheriff or other authorized agent for service. KRS 620.070. Complete a summons screen using summons type DNA.

NOTE: Do not use Promise to Appear in lieu of issuing summons.

2. If the person summonsed is not a parent or guardian of the child, the parent or guardian, or both, shall also be notified of the time and place of the court date.
3. A copy of the petition shall also be mailed or provided by the clerk no later than the business day following the filing of the petition to the following:
 - Cabinet for Health and Family Services
 - county attorney
 - any guardian ad litem
 - any counsel of record

Quick Reference
 Issue summons using
 AOC Form DNA-7
 Summons type **DNA**

51.3.3 Charges

1. Add a charge for each box checked or listed on the petition.

NOTE: If no box is checked, return petition to the petitioner for completion.

2. The charge/violation date is the date the petition is sworn to under oath.
3. File any petition for contempt in the existing case file of the original charge. If the petition does not identify the charge, file the petition under a new trailer number.

*Dependent- UOR Code
 002813

*Abuse/Neglect- UOR
 Code 002826

51.3.4 Emergency Custody Order (ECO)

1. A DNA case shall be initiated by the issuance of an Emergency Custody Order, [AOC Form DNA-2](#). An ECO shall be accompanied by [AOC Form DNA-2.1](#) Emergency Custody Order Affidavit.

NOTE: If an ECO is denied proceed with the DNA petition and schedule a [hearing](#) within 10 days.
2. Apply the **FILED** stamp to the ECO Affidavit; add the date and your initials.
3. Complete a document screen using document type **AECO**.
4. Apply the **ENTERED** stamp to the ECO; add the date and your initials.
5. Complete a document screen using document type **OTC** or **OTR** based on the box checked on the form by the judge. Include the date and method of service.
6. Serve [notice of entry](#) of the order on all parties as listed on the distribution of AOC Form DNA-2 and on the parent or other person exercising custodial control or supervision by the person authorized to serve process. KRS 620.060(4).
7. Upon receipt of an AOC Form DNA-2.2 Notice of Emergency Removal, apply the **FILED** stamp to the notice; add the date and your initials. Complete a document screen using document type **NER**.

Quick Reference
AOC Form DNA-2
AOC Form DNA-2.1

File, date, initial
Document type **AECO**

Enter, date, initial
Document type **OTC** or **OTR**

NOE

File, date, initial
Document type **NER**

51.3.5 Temporary Removal Hearing

1. Schedule a hearing within 72 hours excluding weekends and holidays as directed by judge. Complete a scheduled event screen using event type **TRH**.

NOTE: AOC Form DNA-13 (Notice of Names and Addresses of Interested Parties to be Noticed by Clerk for Hearings) may be filed by the cabinet to indicate interested parties who may have a right to be heard and receive notice prior to scheduled hearings.
2. Provide notice of the temporary removal hearing to the parents or other person exercising custodial control or supervision, county attorney, the Cabinet for Health and Family Services, any guardian ad litem, and any counsel of record. FCRPP 21. If you have received [AOC Form DNA-13](#) indicating there are interested parties to be noticed for hearings, prepare [AOC Form DNA-14](#), (Notice of Hearing to Interested Persons in Dependency/Neglect, or Abuse Action) and provide notice to all parties as indicated on the [AOC Form DNA-13](#).
3. Upon receipt of a signed [AOC Form DNA-3](#), apply the **ENTERED** stamp; add the date and your initials. Complete a document screen using the document code based on the box checked on the form by the judge.

Scheduled event type
TRH

Provide notice of hearing

Enter, date, initial

51.3.6 Hearing

1. If a hearing has not been scheduled as a result of an emergency hearing, schedule a hearing within 10 days. Complete a scheduled event screen using event type **TRH**.

NOTE: [AOC Form DNA-13](#), (Notice of Names and Addresses of Interested Parties to be Noticed by Clerk for Hearings) may be filed by the cabinet to indicate interested parties who may have a right to be heard and receive notice prior to scheduled hearings.
2. Provide notice of the temporary removal hearing to the parents or other person exercising custodial control or supervision, county attorney, the Cabinet for Health and Family Services, any guardian ad litem, and any counsel of record. FCRPP 21. If you have received [AOC Form DNA-13](#) indicating there are interested parties to be noticed for hearings, prepare [AOC Form DNA-14](#), (Notice of Hearing to Interested Persons in Dependency/Neglect, or Abuse Action) and notice all parties as indicated on the [AOC Form DNA-13](#).
3. After the hearing, when you receive a signed [AOC Form DNA-3](#), apply the **ENTERED** stamp; add the date and your initials. Complete a document screen using the document code based on the box checked on the form by the judge.
4. Schedule subsequent hearings using event types:
 - **AH** – Adjudication Hearing
 - **D** – Disposition Hearing
 - **REV** – Review/Permanency Hearing
 - **ILR** – Independent Living Review
 - **PPR** – Permanent Placement Review
 - **APR** – Annual Permanency Review
 - **TPRV** – Post TPR 90 Day Review
5. If the adjudication hearing and disposition hearing are held at same time, both forms, [AOC Form DNA-4](#) and [AOC Form DNA-5](#), must be completed.

Quick Reference

Event type **TRH**

Provide notice of hearing

AOC Form DNA-3
Enter, date, initial

Event types:
*Adjudication Hearing: **AH**
*Disposition Hearing: **D**
*Review/Permanency Hearing: **REV**
*Independent Living Review: **ILR**
*Permanent Placement Review: **PPR**
*Annual Permanency Review: **APR**
*Post TPR 90 Day Review: **TPRV**

AOC Form DNA-4
AOC Form DNA-5

51.3.7 Orders

1. When a signed order is received PRIOR to disposition of the case, apply the **ENTERED** stamp to the order; add the date and your initials. Complete a document screen, including date and method of service.
2. Serve a copy of the order on all persons/facilities named in the petition; including:
 - juvenile,
 - juvenile’s parents or persons exercising custodial control or supervision,
 - facility,
 - CASA (if applicable),
 - CHFS (if applicable),
 - GAL (Guardian Ad Litem),
 - any other parties named in the distribution list on the order.

Enter, date, initial
NOE

51.4 *Court Appointed Special Advocate (CASA)*

1. If a local CASA program is established in your court, a court appointed special advocate may be appointed by the court to represent the best interests of an abused, neglected or dependent child.
2. When a juvenile case is referred to the CASA program:
 - (1) Give notice of entry of an order of referral by mailing a copy of the order/calendar to all parties and the local CHFS office.
 - (2) Send a copy of the dependency, neglect and abuse petition to the local program director for CASA.
3. Give notice of entry of all orders to the local program director in a CASA case.
4. When a hearing is scheduled in a CASA case, notify the local program director.
5. When reports from a CASA volunteer are received, apply the **FILED** stamp; add the date and your initials and file by completing a document screen, using document type **FRRB**.

Quick Reference

NOE

Copy to CASA

File, date, initial

Document type **FRRB**

51.5 *Status/Public Offenses*

- There is no filing fee. KRS 610.350.

51.5.1 **Case Assignment and Consolidation**

1. In a family court jurisdiction:
 - Determine if the juvenile has a pending charge or charges in district court. If pending charge(s) exist, open the status offense case in district court. Assign the status offense case to the district court division presiding over the pending public offense case. If no pending charge or charges exist in district court, open the status offense case in family court. KRS Chapter 635, KRS Chapter 640, JCRPP 2(D).
 - If a public offense charge is filed that involves the same child in a pending status offense case, notify the family court judge of the public offense petition by completing AOC JV-54 (Notice of Filing of Public Offense Petition and Order Transferring to District Court) and deliver to the family court judge.
 - Upon receipt of an order transferring a status offense case to the district division presiding over a public offense case, transfer the case and consolidate the status offense case with the public offense case for the purpose of hearing. JCRPP 2.

NOTE: Transfer the case by reassigning to the appropriate judge. You **do not** need to complete a TRF disposition.
2. In a non-family court jurisdiction, when a status offense is filed in district court that involves the same child in a pending public offense case, consolidate the status offense case with the public offense case for the purpose of hearing. JCRPP 2.

3. Cases consolidated for the purposes of hearing as described above should be kept together to ensure future events are scheduled for same times.
 - If paper files are maintained within a single case jacket, file a copy of the order consolidating in the trailer number in the tab containing the status offense. Flag or otherwise indicate consolidated on the tab.
 - If physical files are maintained in separate case jackets, staple or band the case record being consolidated (secondary case) to the back of the senior action (primary case) and fold the older case record flap in. Place an out card in the location of the file that was consolidated (secondary case) noting the case number, case style and indicate the case has been consolidated per the entered order.
4. If a status case is consolidated with a public offense case set the case for a hearing at the child's next scheduled public offense hearing, if the hearing is set to occur within 15 days. Otherwise, set the case on the first available public offense docket of the district judge presiding over the case. Send notice of the hearing date to the parties in the public offense case. JCRPP 2.

51.5.2 Status Offenses

- Status offense charges:
 - Beyond Reasonable Control of Parent, Guardian or School
 - Runaway
 - Truancy
 - Alcohol Offense
 - Purchase of Tobacco.
1. Enter **FC** filing type if case is being opened in Family court.
 2. Use case type **ST**.

51.5.3 Traffic Citations

- Citations received for moving traffic violations issued to a juvenile (16) years or older are filed in the district court traffic division. This includes misdemeanor DUI charges. See [Citations Issued to a Minor](#).
- Any citation received for felony traffic offenses should be filed in the juvenile division of district court. KRS 610.010(1)(a).

51.5.4 Public Offense (Delinquency)/Status Offense Petitions

1. Upon receipt of an AOC Form JV-1 (Juvenile/Petition) and a JW-57 (Juvenile Complaint Status Offense) or JW-58 (Juvenile Complaint Public Offense); apply the **FILED** stamp; add the date and your initials. Complete document screens using document types **PJ** and **COM**.
2. Upon receipt of AOC Form JW-40 (Preliminary Inquiry Formal/Informal Processing Criteria and Recommendations); apply the **FILED** stamp; add the date and your initials. Complete a document screen using document type **PI**.
NOTE: Per FCRPP 5, the CDW will attach the citation with the petition.
3. Upon receipt of AOC Form JW 40.1, Unsuccessful Diversion Agreement, apply the **FILED** stamp to the JW 40.1 form; add the date and your initials. Complete a document screen using document type **AUD**.
4. Refer to the [Case Add](#) section of the KyCourts Manual for instruction on opening the case. Assign a Juvenile **J** case number and appropriate trailer number using the next pre-numbered file folder. Using case type **ST** (status offense) or **DE** (delinquency).
NOTE: If a previous case exists, enter into the existing case number under the next trailer number.
5. Complete party screen(s) using the following party types:
 - **CH** – Child
 - **FM** – Family Member
 - **CW** – Complaining witness
 - **CC** – County attorney
 - **APA** – Attorney/Public Advocate
 - **CP** – Custodial Person
6. Add the juvenile’s date of birth to the file label and on the file folder next to the label. If the label becomes lost, the date of birth will still be visible for use in records destruction.

Quick Reference
 AOC Form JV-1
 File, date, initial
 Document types **PJ** and **COM**
 File, date, initial
 Document type **PI**

AOC Form JW 40.1
 File, date, initial
 Document type **AUD**

Juvenile **J** cases
 Case type **ST** or **DE**

*Child- **CH**
 *Family Member- **FM**
 *Complaining Witness- **CW**
 *County Attorney- **CC**
 *Attorney/Public Advocate- **APA**
 *Custodial Person- **CP**

51.5.5 Summons Issuance

1. Issue a summons using [AOC Form JV-17](#), Juvenile Summons, on the person(s) having custody or control of the child. The summons may be served by personal service or first class mail. Service by mail must be made at least 48 hours before the court date. Attach a copy of the petition and complaint; do not attach any attachments or exhibits. KRS 610.040, JCRPP 5.

AOC Form JV-17
 Issue summons

Recent practice change: You must now attach a copy of the petition and complaint to the summons.

2. If the person summonsed is not a parent or guardian of the child, the parent or guardian, or both, shall also be notified of the time and place of the court date.

NOTE: Do not use Promise to Appear in lieu of issuing summons.

51.5.6 Charges

1. Add charge(s) as listed on the petition.
2. The charge/violation date is the date the petition is sworn to under oath.
3. File any petition for contempt in the existing case file of the original charge. If the petition does not identify the charge, file the petition under a new trailer number. See [Case Assignment and Consolidation](#).

51.5.7 Hearing

1. Schedule all court hearings by completing a scheduled event screen.

NOTE: If a status case is consolidated with a public offense case set the case for a hearing at the child’s next scheduled public offense hearing, if the [hearing](#) is set to occur within 15 days; otherwise, set the case on the first available public offense docket of the district judge presiding over the case. Send notice of the hearing date to the parties in the public offense case. JCRPP 2.
2. Use the following event types:
 - **ARR** – Arraignment
 - **DH** – Detention Hearing
 - **AH** – Adjudication Hearing
 - **D** – Disposition Hearing
 - **REV** – Review

Quick Reference
Scheduled events screen

Event types:
 *Arraignment- **ARR**
 *Detention hearing- **DH**
 *Adjudication Hearing- **AH**
 *Disposition Hearing- **D**
 *Review- **REV**

51.5.8 Detention Hearings

If the juvenile is being detained and the child is alleged to be a status offender, schedule a detention hearing within 24 hours or within 48 hours if the child is alleged to be a public offender, exclusive of weekends and holidays, of the time the juvenile was taken into custody or follow local protocol for scheduling this hearing.

NOTE: The juvenile complaint may be submitted by the Court Designated Worker which does not have all required signatures. You may nevertheless accept the complaint and use the information to create a case if one does not exist.

51.5.9 Orders

1. Upon receipt of a signed order prior to disposition of the case, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen, including date and method of service.
2. Serve [notice of entry](#) of the order on all persons/facilities named in the petition; including the juvenile, juvenile’s parents or persons exercising custodial control or supervision, hospital/facility, attorneys of record, and any other parties named in the distribution list on the order.
3. Mail all orders pertaining to juveniles charged as youthful or public offenders to the **Department of Juvenile Justice**.

Enter, date, initial
 Complete document screen
 NOE
Department of Juvenile Justice
 1025 Capital Center Dr,
 3rd Floor
 Frankfort, KY 40601-8205

51.5.10 Informal Adjustment

JCRPP 19

1. Upon receipt of an AOC-JV-53 (Informal Adjustment Order and Agreement), apply the **ENTERED** stamp; add the date and your initials. Complete a document screen using document type **OIA**.
2. Schedule a review as directed by the judge, or if not specified, for six months after the entry of the informal adjustment order using event type **REV**.
3. Complete the charge screen by completing the disposition date, disposition type, judge and trial type. Use disposition type **INF**.

Quick Reference
 Enter, date, initial
 Document type **OIA**
 Event type **REV**
 Disposition type **INF**

51.5.11 Disposition of Case/Charge Closing

1. Upon receipt of JV-31.1 (Disposition Order Public Offense) or other signed order that disposes of the case, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Complete a document screen, including date and method of service.
3. Serve [notice of entry](#) of the order on all persons/facilities named in the petition; including the juvenile, juvenile’s parents or persons exercising custodial control or supervision, hospital/facility, attorneys of record, and any other parties named in the distribution list on the order.
4. Mail a certified copy of the disposition order in cases pertaining to juveniles charged as youthful or public offenders to the Department of Juvenile Justice and the law enforcement agency(s) where both the offense was committed and the child resides. KRS 610.110 (3).
5. When a charge is disposed of, close the charge screen by completing the disposition date, disposition type, judge and trial type. Use disposition type:
 - **G** – Guilty/Adjudication
 - **DIS** – Dismissed
 - **DJJ** – Commitment to DJJ (Department of Juvenile Justice)
 - **CHR** – Commitment to CHFS
 - **CAD** – Dismissed/Motion of Commonwealth
 - **TRF** – Transferred to another court/jurisdiction
 - **NG** – Not Guilty
 - **INF** – Informal Judgment/Juvenile only
 - **OTH** – Commitment to agency other than CHFS
6. Do not add a sentence screen. Enter sentence details in the memo field of the charge screen.

Enter, date, initial

Complete document screen
NOE

Disposition type:
 *Guilty/Adjudication- **G**
 *Dismissed- **DIS**
 *Commitment to DJJ- **DJJ**
 *Commitment to CHFS- **CHR**
 *Dismissed/Motion of Commonwealth- **CAD**
 *Transferred to another court/jurisdiction- **TRF**
 *Not Guilty- **NG**
 *Informal Judgment/Juvenile only- **INF**
 *Commitment to agency other than CHFS- **OTH**

51.6 *Habitual Runaway*

JCRPP 11, JCRPP 12

1. Upon receipt of an AOC-JV-52 (Complaint, Affidavit, and Order for Emergency Protective Custody); apply the **FILED** stamp; add the date and your initials.
2. Refer to the [Case Add](#) section of the KyCourts Manual for instruction on opening the case. Assign a Juvenile **J** case number and appropriate trailer number using the next pre-numbered file folder. Use case type **RN**.

NOTE: If a previous case exists, enter into the existing case number under the next trailer number.
3. Complete a document screen using document type **AEPC**. If the order section has been completed, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen with the corresponding document code indicated on the order:
 - **OTEC:** Temporary emergency custody to a relative or other suitable person
 - **ODN:** Temporary detention in a non-secure facility
 - **OSEC:** Temporary detention in a secure facility
4. Schedule a hearing with 24 hours of a child being detained in a secure facility or within 72 hours of a child being detained in a non-secure facility or less restrictive alternative placement exclusive of weekends and holidays. The CDW will complete the notice section of the form.
5. Upon receipt of an AOC-JV-52.1 (Emergency Protective Custody Release Order), apply the **ENTERED** stamp to the order; add the date and your initials. Enter as document code **OREL**.
6. Complete a document screen, including date and method of service.
7. Serve [notice of entry](#) of the order on all persons/facilities named in the petition; including the juvenile, juvenile’s parents or persons exercising custodial control or supervision, hospital/facility, attorneys of record, and any other parties named in the distribution list on the order.
8. Close the charge screen by completing the disposition date, disposition type, judge and trial type. Use disposition type **DIS**.

Quick Reference
File, date, initial

Juvenile J Case
Case type **RN**

Document type **AEPC**
Enter, date, initial

Document Codes:

- ***OTEC**
- ***ODN**
- ***OSEC**

Enter, date, initial
Document code **OREL**

Disposition type **DIS**

51.7 *Violations of Conditions/Contempt Proceedings*

1. Upon receipt of a motion seeking review for violations of conditions, apply the **FILED** stamp; add the date and your initials and file in the existing case file of the original charge. Complete a scheduled events screen using event type **REV**. Complete a motion screen using motion type **MOT**. Add a charge using UOR code 02830 (public offense) or 02832 (status offense) and dispose of as directed. Indicate any details in the disposition screen.
2. If a petition or a motion for contempt of court is received, or if the judge finds a juvenile in contempt during court proceedings apply the **FILED** stamp to the petition or motion; add the date and your initials. Complete a scheduled events screen using event type **REV** (if not previously heard). Add a charge in the existing case file of the original charge using UOR code 02834 (public offense) or 02836 (status offense) and dispose of as directed. Indicate any details on the disposition screen.

File, date, initial
 Event type **REV**
 Motion type **MOT**
UOR Code 02830: Public Offense
UOR Code 02832: Status Offense
 File, date, initial
 Event type **REV**

51.8 *Youthful Offender*

- When a youthful offender is transferred to circuit court by a district judge pursuant to KRS 640.010, the juvenile/youthful offender’s court file pertaining to the transfer does not become a public record in circuit court until an indictment is returned and the juvenile/youthful offender has been arraigned.

In District Court:

1. When transfer of a youthful offender to circuit court is ordered by the district judge, the juvenile court shall send the circuit court only the records (limited to the records of the present case in which the child has been charged) that pertain to the transfer. The remainder of the juvenile record remains confidential unless otherwise ordered by the court.
2. Complete the charge disposition field using disposition type of **JGDJ**. Prior to the grand jury meeting, print a report showing all charge dispositions for juvenile – grand jury and furnish to the commonwealth attorney. Refer to the [Browse Options](#) section of the KyCourts Manual for instructions on printing a report from the browse screen. Print and furnish the list at any other time you are requested to do so.

IMPORTANT: In addition, on April 1st and October 1st each year print the same list and deliver to your commonwealth attorney and chief circuit judge.

Quick Reference

Disposition type **JGDJ**

In Circuit Court:

1. Upon receipt by the circuit court of this record, open the case in the confidential **CO** division. Do not disclose any information concerning this case.
2. In the circuit **CI** division, complete a case screen using the case number assigned to the case in the **CO** division. Enter the style of the case as **Sealed Record**. Enter the original filing date, case type of **SE** sealed, disposition date (the same as filing date) and judge at disposition (same judge as opening judge).
3. Upon return of an indictment and after arraignment, delete the case in the circuit **CI** division and transfer the case from the confidential **CO** division to the circuit **CI** division. The case is then open to the public for review.

NOTE: (1) The release of the child’s treatment, medical, mental, or psychological records is not permitted unless the records are presented as evidence in circuit court. (2) The release of information under this section relative to the child’s eligibility for services under Title IV-E or IV-B of the Federal Social Security Act is prohibited.

Confidential **CO** Division

Circuit **CI** Division
CO Division
 Case type **SE**

Circuit **CI** Division
 Confidential **CO** Division

If Returned to District Court for Further Proceedings:

1. If a juvenile case is transferred to circuit court and the grand jury does not find probable cause to indict as a youthful offender, but does find that there is probable cause to indict for another criminal offense, the juvenile shall not be tried in circuit court as youthful offender. The case shall be returned to district court for further proceedings and re-docketed for review (**REV**) by the judge. KRS Chapter 640.010(3).
2. Close the charge screen in the circuit court case by completing the disposition date, appropriate disposition type (**REM** - Remand), disposition judge and trial type.
3. Upon return of the case from circuit court to district court, schedule a hearing in the district court case by completing a scheduled event screen using event type **REV**.

Quick Reference

Event type **REV**

Disposition **REM**

Event type **REV**

51.8.1 Service of Pleadings on School Superintendent or Principal

- Due to the importance of the school notification process, judges, clerks and court-designated workers are encouraged to discuss and adopt the procedure to be followed in your jurisdiction to ensure the school superintendent or principal receives timely notice.
- KRS 610.345(3) requires the judge to direct notification to the superintendent of the public school district in which the child is enrolled, or the principal of any private elementary or secondary school which the child attends in the following circumstances:

Juveniles Adjudicated as Youthful Offenders

When the judge directs, mail a copy of the petition and the adjudication/disposition in the specified case. Before mailing these copies, mark through the name of the complaining witness. KRS 610.345(1).

Juveniles Adjudicated Guilty of an Offense (Juvenile/Violent Offender Classification under KRS 439.3401), or a Felon under KRS Chapters 218A, 508, 510 or 527 (listed below):

When the judge directs, mail a copy of the charge using AOC-JV-1.1, Notification of Charge and the adjudication/disposition (AOC-JV-31) in the specified case within 5 days of the disposition to persons named on the form. Before mailing the copy, mark through the name of the complaining witness. KRS 610.345(2).

- To view a Capital Offense, Class A Felony or any Class B Felony involving the death of the victim or serious physical injury to a victim or Rape I or Sodomy I of the victim. KRS 439.3401(1); see [UOR Codes](#)
- To view a felony under KRS Chapter 218A (Controlled Substances): see [UOR Codes](#)
- To view a felony under KRS Chapter 508 (Assault and Related Offenses): see [UOR Codes](#)
- To view a felony under KRS Chapter 510 (Sexual Offenses): see [UOR Codes](#)
- To view a felony under KRS Chapter 527 (Involving the possession, carrying or use of a deadly weapon as defined by KRS 500.080(4)): see [UOR Codes](#)

Juveniles charged with an offense that would be a felony or misdemeanor if committed by an adult and the misdemeanor involves a controlled substance or the possession, carrying or use of a deadly weapon or physical injury to another person:

When the judge directs, mail a copy of AOC-JV-1.1, Notification of Charge, within 24 hours of the time the petition is filed (unless this Notification has already been mailed by the court-designated worker) AND, upon entry of an order of adjudication, mail a copy of the adjudication/disposition (AOC JV-31) of the case to the parties listed on the form. Before mailing this copy, mark through the name of the complaining witness. KRS 610.345(3).

- To view any offense that would be a felony pursuant to the Kentucky Revised Statutes; see [UOR Codes](#)
- To view a misdemeanor under KRS Chapter 218A (Offenses Involving Controlled Substances): see [UOR Codes](#)
- To view a misdemeanor under KRS Chapter 527 (Offenses Relating to Firearms and Weapons): see [UOR Codes](#)
- To view a misdemeanor under KRS Chapter 510 (sexual offenses): see [UOR Codes](#)
- To view a misdemeanor under KRS Chapter 508 (Assault and Related Offenses) only where there is physical injury to another person: see [UOR Codes](#)

51.9 *Juvenile in Out-of-Home Care*

When a juvenile is in out-of-home care:

1. Notify the judge when a Case Permanency Plan or Progress Report on a child in foster care is filed.
2. When a permanency hearing is set by the court, schedule the hearing by completing a scheduled events screen. Give notice of this hearing to:
 - CHFS or DJJ;
 - Parents of the juvenile;
 - Foster parents;
 - Pre-adoptive parents;
 - Relatives providing care;
 - CASA worker
 - CFCRB.

NOTE: Names and addresses of persons to be notified will be supplied by CHFS or DJJ with the Case Permanency Plan or Progress Report.
3. When a report is received from the CFCRB, apply the **FILED** stamp; add the date and your initials. File by completing a document screen. KRS 620.070(3).

Quick Reference
Notify judge

Complete scheduled events screen
Give notice of hearing

File, date, initial

51.10 *Court Ordered Child Support*

The court may order the parent to make payments through your office for the support of a juvenile who has been placed with the person, facility, agency, or cabinet to which the juvenile was committed or probated. Follow the court order as to disbursement of this money. KRS 610.170. Your [Accounting Manual](#) addresses the handling of these monies.

51.11 *Transfer of Cases*

Originating Court:

1. Note in the memo field of the case screen the jurisdiction the case is being transferred to.
2. Make a copy of the order transferring and case history to be retained in the case file. If the case being transferred is a DNA case, prepare the certification on [AOC Form DNA-21](#).
3. Original contents of the case file: Attach the case history or court docket sheet to the top of the original case file. Mail the record to the receiving court by certified mail, return receipt requested. The record may also be hand-delivered by the clerk.
4. Place the file folder in numerical order with other like cases.

Receiving Court:

If you are the receiving court and this case was not previously filed in your county:

1. Apply the **FILED** stamp to the record received from the originating court; add the date and your initials. Refer to the Case Add section of the KY Courts Manual for instructions on opening the case. Assign a juvenile **J** number and appropriate trailer using the next pre-numbered file folder. If a previous case exists, enter under the next trailer number. Complete a document screen for the entire record using document type circuit court file **CCF** or district court file **DCF**.
2. If charge(s) were disposed in originating court, **DO NOT** add charge(s). Contact the Department of Legal Services to notify them of the case number. This will keep the case number from appearing on your monthly QA report.

NOTE: KyCourts will not allow you to add a juvenile case without adding charges. In order to comply with instruction 2 above you will need to add the charges when creating the case and then delete the charges out after the case has been added to KyCourts.
3. If the transfer includes an Order to Transfer Dependency/Neglect or Abuse Case and Certification of the Record, schedule a hearing as directed on the [AOC Form DNA-21](#) and provide a copy of the notice to the assigned judge.

File, date, initial

Juvenile **J** case

Circuit Court File **CCF**
District Court File **DCF**

If you are the receiving court and this case was previously filed in your county:

1. Apply the **FILED** stamp to the record received from the originating court; add the date and your initials. Complete a document screen using document type circuit court file **CCF** or district court file **DCF**.
2. File the case back in the originating case.
3. If the transfer includes an Order to Transfer Dependency/Neglect or Abuse Case and Certification of the Record, schedule a hearing as directed on the [AOC Form DNA-21](#) and provide a copy of the notice to the assigned judge.
4. If the previous court has a newer charge disposition, move the existing disposition to the memo field and overlay the new disposition.

Quick Reference
File, date, initial

Circuit Court File **CCF**
District Court File **DCF**

51.12 *Appeals*

1. Appeals from decisions in juvenile cases heard in the district court division are confidential, and are handled in the circuit court division. Counsel of record in the appeal should be provided a copy of the record upon request. Refer to the [Appeals to Circuit Court](#) section of this manual for further instructions.
2. Appeals from decisions in juvenile cases heard in the family court division are handled in the Court of Appeals. Refer to the [Appeals to Supreme Court/Court of Appeals section](#) of this manual for further instructions.

51.13 *Payment of Juvenile Transport*

1. Peace Officer’s Expenses: If seeking reimbursement, any peace officer who transports a juvenile on a court order shall make an accounting of the expenses incurred including the distance traveled.
2. Upon oath of the transporting officer of the verified amount before a district or family court judge, the clerk shall certify an Authorization for Payment of Transportation Costs. KRS 605.080(2).

51.14 *Expungement of Juvenile Record*

KRS 610.330

District or Family Court Division of Circuit Court

- Expungement of the record means the sealing of all papers in an existing juvenile proceeding, including the docket sheet, index cards if such exists, police records, Cabinet for Health and Family Services records and case files. This is done by court order.
- Since there is no “conviction” in a juvenile case as required by KRS 431.078, and the expungement of juvenile records is authorized under KRS 610.330, there is no fee when applying for an expungement of a juvenile record(s).

51.14.1 Petition

1. If a petition is filed, apply the **FILED** stamp; add the date and your initials. File on a document screen. The court must set a hearing and notify:
 - The county attorney and
 - Anyone else the court or the juvenile believes to have relevant information.
2. Notify persons for hearing by completing a Juvenile Summons for a Witness screen. Calendar the hearing by completing a scheduled events screen.
3. If the court orders an expungement, apply the **ENTERED** stamp to the order; add the date and your initials. Enter on a document screen. Send a copy of the order to:
 - AOC Statistical Section;
 - Anyone named in the court order;
 - To expunge CHFS's records, mail a copy of the order to **Custodian of the Records, Management and Evaluation Branch**.
4. To expunge records pertaining to juveniles charged as youthful or public offenders, mail a copy of the order to the **Department of Juvenile Justice**.
5. Place case file, case history (docket sheet(s) and index card if such exists), in an envelope, add the case number, the juvenile's date of birth and the date of the expungement order to the outside of the envelope, and seal. Do not open except by court order. If unsealed, make appropriate notation on outside of envelope. It is not necessary to seal the audio tapes; the official retention and disposal schedule for district court tapes applies.
6. The physical court file may be kept separately along with other expunged records in a locked drawer or secure area.
7. If you are asked about an expunged record, advise that no such record exists. KRS 610.330(4). This includes military referrals.

Quick Reference
 File, date, initial
 File on document screen

Calendar hearing

Enter, date, initial
 Enter on document screen
 Send copy of order

*Custodian of the Records,
 Management and Evaluation Branch
 CHFS Building, 6th Floor,
 275 East Main Street,
 Frankfort, KY 40621*

*Department of Juvenile Justice
 1025 Capital Center Drive, 3rd Floor,
 Frankfort, KY 40601*

Seal in an envelope and **DO NOT** open except by court order

51.14.2 [Inspection of Juvenile Expunged Record](#)

1. A petition may be filed to inspect the juvenile's expunged record. Review the petition to determine the case number and date of birth of the juvenile and verify the existence of the expunged record.
2. If the record does not exist, return the petition to petitioner.
3. If the record does exist, apply the **FILED** stamp to the petition; add the date and your initials. Attach to the expunged record and deliver to the judge.
4. When an order is received, apply the **ENTERED** stamp; add the date and your initials and enter on a document screen. Give notice of entry as directed by the court's order.

Quick Reference

File, date, initial

Enter, date, initial
 Enter on document screen
 NOE

52 MAINTENANCE OF COURT RECORDS

CR 79.05, KRS 30A.080

- Your oath to preserve court records means that you are responsible for their safekeeping, but you are not responsible for any records which the court removes from your office. *Summers vs. City of Louisville, 140 Ky. 253, 130 S.W. 1101 (1910)*.
- Maintain all original papers filed in an action, court calendars, log sheets, transmittal sheets and miscellaneous orders of the court.
- You are responsible for all mechanical recordings used in court.
- Never alter court documents unless so ordered by the court.

EXCEPTIONS:

- You may endorse the amount of a judgment on the judgment document.
- You may add the case number to newly filed pleadings.
- You may complete portions of orders or forms for clerk use, such as certificates of service and distribution lists.

52.1 *When Records May Be Removed*

Do not allow any papers to be removed from your office except:

- When a case is transferred from district court to circuit court because the case is beyond the jurisdiction of district court.
- When an attorney makes a written request for the transfer of a record for proceedings (motions, etc.) to be held by the court outside the county, send the record to the circuit clerk in that county. After the proceeding, the record will be returned to you. CR 79.05(1).
- When there is an invasion or insurrection or other catastrophe. KRS 30A.080(3).
- In obedience to court order or rule. KRS 30A.080(3).
- Upon a change of venue.
- When attorneys prepare appellate briefs. CR 75.07(6).
- When the record is on appeal. CR 75.07(6). For more information, see [Appeals](#).
- When the Supreme Court orders permanent transfer of the records. KRS 30A.080(4).
- When records are transferred to the Division of Public Records in accordance with the retention and disposal schedule adopted by the Supreme Court. KRS 30A.080(4). For more information, see [Record Retention, Archiving and Destruction](#).

When a record is removed for any of the above reasons, except transfer to Public Records, make a notation of such removal in one of the following locations:

- The **Memo** field of the case screen
 - On the docket sheet
 - On the case jacket (only if the case is not in KYCourts).
1. Prepare an OUT card and place as a substitute for the file which has been removed. If the file is borrowed by attorneys for preparation of appellate briefs, have them sign the OUT card. If the record is not returned within a reasonable time, do not hesitate to ask for it.

BEST PRACTICE: Keep a check out sheet recording what records have been checked out from the office, including the number of volumes. You may also have the attorney sign or initial check out sheet upon removal and return of the record(s.)

52.2 Lost Pleading/File

When any paper in a suit is lost, an existing "attested" copy may be substituted for the original with notice to the attorneys. If no attested copy exists, a court order is required. If an entire file is lost, notify the judge and attorneys of record. KRS 422.200.

53 MEDICAL RECORDS

KRS 422.320

District and Circuit Courts

If records are submitted to be filed in your office by a party (including pro se litigants) and you are uncertain if they should be sealed, present to the judge for direction.

53.1 *Medical Records Used in Deposition*

[Process Map](#)

- It is not your duty or responsibility to read or otherwise research pleadings in a case file to determine if a deposition includes medical records.

1. Upon receipt of medical records that have been used in a deposition, sign the receipt provided by the party delivering the records.
2. Place the records in an envelope; apply the **FILED** stamp to the envelope; add the date and your initials.
3. Indicate the name of the party delivering the records and mark the envelope **MEDICAL RECORDS-CONFIDENTIAL**. Seal the envelope.
4. File the record on a document screen. Use the document type **SD**.
5. Place the sealed envelope in the appropriate case file.
6. Do not release the sealed envelope from your custody except when actually used in the action or proceeding. If a request to review the case file is received, remove the envelope from the case file.

BEST PRACTICE: Place sealed envelopes in the file on the left hand side to allow easy removal from the case record when granting inspection requests.

7. When the case is closed, maintain the confidentiality of the medical records.

NOTE: If the case is appealed, include the envelope with other documents in the case in the record on appeal.

Quick Reference
 Sign receipt
 Records in envelope
 File, date, initial
 Mark envelope
 confidential and seal
 Document type **SD**

53.2 *Substance Abuse Records*

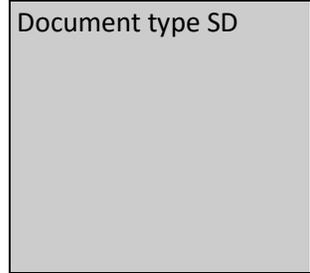
1. Upon receipt of an application to seal records relating to a positive substance abuse test apply the **FILED** stamp to the application; add the date and your initials. Deliver the application to the judge.
2. Upon receipt of an order to seal the records apply the **ENTERED** stamp, add the date and your initials. Complete a document screen using document code **OTS**.
3. Place the records relating to the substance abuse test in an envelope; apply the **FILED** stamp to the envelope; add the date and your initials. Mark the envelope **MEDICAL RECORDS-CONFIDENTIAL**. Seal the envelope.

File, date, initial
 Enter, date, initial
 Document code **OTS**
 File, date, initial

4. File the record on a document screen. Use the document type **SD**.
5. Place the sealed envelope in the appropriate case file.
6. Do not release the sealed envelope from your custody. If a request to review the case file is received, remove the envelope from the case file.

BEST PRACTICE: Place sealed envelopes in the file on the left hand side to allow easy removal from the case record when granting inspection requests.

Document type SD



54 MENTAL HEALTH

KRS 202A, 202B, 222

- [Involuntary admission](#) proceedings include the admission of an individual with an intellectual disability. KRS 202B.010.
- [Involuntary hospitalization](#) proceedings include the hospitalization of adults diagnosed with a mental illness. KRS 202A.012. For mental health procedures involving juveniles, follow procedures outlined in the Juvenile Mental Health section.
- [Involuntary treatment](#) proceedings include proceedings for 60/360 days of treatment for an individual, including juveniles, suffering from alcohol or other drug abuse. KRS Chapter 222.
- [Involuntary Admission](#)
- [Involuntary Hospitalization](#)
- [72-hour Emergency](#)
- [Involuntary Treatment of Drug/Alcohol Use](#)
- [Juvenile Mental Health](#)
- [Expungement](#)
- [Firearm Prohibition](#)

54.1 *Involuntary Admission*

[Process Map](#)

KRS Chapter 202B

District Court

- Involuntary admission proceedings include the admission of an individual with an intellectual disability. KRS 202B.010.

54.1.1 **Venue**

All involuntary admission proceedings and records are initiated in the district court of the county where the person to be admitted resides or in which he/she may be at the filing of the petition. KRS 202B.010, 202B.019.

NOTE: The county attorney is responsible for assisting the petitioner. KRS 202B.019.

Also see [Change of Venue at Final Hearing](#).

In cases of a 72-hour emergency (without court action, KRS 202B.025) if a person requests help in getting a dangerous person in the hospital, you should refer them to your county attorney or district judge.

54.1.2 Confidentiality

All involuntary admission proceedings and records are confidential. KRS 202B.180(1).

- They are open to the respondent and the county attorney when assisting the petitioner. KRS 202B.019.
- The respondent can move after discharge or denial of admission to have court records expunged on notice to the county attorney. KRS 202B.170.
- Any person seeking inspection of involuntary admission records may file a written motion in the case in district court setting out why the information is needed. KRS 202B.180(3).

54.1.3 Petition for Involuntary Admission

There are no filing fees or jury fees for involuntary admission cases.

1. Upon receipt of a petition, apply the **FILED** stamp to the petition; add the date and your initials.
2. Take the petition to any available district judge. Do not open a case file at this time. The court will examine the petitioner under oath as to the contents of the petition. If petitioner is a qualified professional in the area of intellectual disabilities (QPID), the court may dispense with the examination. KRS 202B.025.
3. All admission petitions on the same respondent should be kept in the same case file. To determine if the respondent has a prior case in your court perform a [Party Browse – Search](#) in KyCourts.
4. Determine if the respondent has a prior case in your court by doing a party search. If parties enter your court system the first time (no prior case file exists); or a non-computer case file exists and a new petition is filed, refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. Assign an **H** number with a trailer number using the next pre-numbered file folder.
5. Copy the case history at the close of each case. Place a tab on the side of the copy and insert in file folder as a divider for a case having multiple trailers.

<p>Quick Reference File, date, initial</p>
<p>Deliver to judge</p>
<p>Assign an H number</p>
<p>Copy case history</p>

54.1.4 Appointment of Counsel and Preliminary Hearing Date

1. The court will appoint counsel from a list of private attorneys maintained by the clerk who have volunteered to represent intellectually disabled respondents, to be compensated by the Finance Cabinet. Public advocate appointments are made only if no other method of appointing counsel is available. KRS 202B.210.
2. Enter the attorney as a party by completing the party screen.
3. The preliminary hearing date shall be within fifteen (15) days from the date of the filing of the petition, excluding weekends and holidays. KRS 202B.100, 202B.150. Note the hearing on the calendar by completing a scheduled events screen.
4. Enter the order appointing counsel and order setting preliminary hearing. Apply the **ENTERED** stamp to the orders; add the date and your initials. Enter the orders by completing a document screen. Use document type **OAC**. Give notice of entry by mailing copies of the orders to:
 - petitioner
 - respondent
 - respondent's attorney
 - respondent's legal guardian, if any
 - If known, the respondent's spouse, parents, or nearest relative or friend. KRS 202B.100.

Quick Reference

Enter attorney as party

Note hearing on calendar

Enter, date, initial

Document type **OAC**
NOE

54.1.5 Examination of Respondent

The court will order the respondent examined by two QPID (Qualified Professional of Intellectual Disabilities), one of whom is a doctor. If respondent is presently residing in an Intermediate Care Facility/Intellectually Disabled (ICF/ID) their residency may be continued to accomplish the court ordered examination. If respondent is not presently residing in an ICF/ID, the court may order the respondent, respondent's guardian, or any person or entity exercising custodial control of respondent to submit the respondent to an examination, by two (2) QPID without unnecessary delay. KRS 202B.100.

1. Apply the **ENTERED** stamp to the order; add the date and your initials. Enter on the document screen. Use document type **OE**. Give [notice of entry](#) by distributing copies of the order to:
 - Respondent's attorney - one (1) copy
 - Respondent - one (1) copy
 - QPID - one (1) copy (Attach to this copy two (2) copies of Certification of QPID to be completed by the QPID)
2. Within 24 hours (excluding weekends and holidays) the QPID will certify their findings to the court. Apply the **FILED** stamp to the certification; add the date and your initials. File on a document screen. Use document type **CH**.

Enter, date, initial

Document type **OE**
NOE

File, date, initial

Document type **CH**

54.1.6 Hearing Held

KRS 202B.140, 202B.150

1. If probable cause IS NOT found, apply the **ENTERED** stamp to the order; add the date and your initials and enter on a document screen. Close the case screen with the disposition date, disposition type and judge at disposition.
2. If probable cause IS found, apply the **ENTERED** stamp to the order; add the date and your initials and enter on a document screen. If Form AOC Form 725 is utilized, use document type **OTV, ORV, or ODIS**, as appropriate.
3. Give notice of entry by distributing copies to:
 - Respondent's attorney - one (1) copy
 - ICF/ID - one (1) copy (attach to this copy a copy of Verified Petition and a copy of Examination Order and Certification).
 - If court orders a peace officer to transport resident from county where respondent located to the ICF/ID, give the peace officer three (3) copies of Findings of Probable Cause and Order for:
 - Peace Officer's file;
 - Peace Officer's return;
 - IDCF/ID (as above).

Quick Reference

Enter, date, initial

AOC Form 725
Document type:

OTV - Order transferring venue

ORV - Order retaining venue

ODIS - Order dismissing

54.1.7 Final Hearing

Venue changes to county where hospital is located, unless the court maintains jurisdiction upon its own motion or there is a motion by one of the parties to retain venue. KRS 202B.110.

54.1.8 Venue is Changed

1. If venue is changed, close case screen with disposition date, disposition type **TRF** and judge at disposition. Transfer original file, within 24 hours, to district court of county where hospital is located. Receiving court will schedule final hearing within twenty (20) days of preliminary hearing date or within thirty (30) days of date of filing of petition if preliminary hearing waived. KRS 202B.150.
2. Enter on document screen. If [AOC Form 725](#) is utilized, use document type **OTV, ORV, or ODIS**, as appropriate.

Disposition type **TRF**

AOC Form 725
Document type **OTV, ORV, ODIS**

54.1.9 Venue is Retained

If venue is retained, complete a scheduled events screen setting final hearing within twenty (20) days of preliminary hearing date or within thirty (30) days of date of filing of petition if preliminary hearing waived. KRS 202B.110.

Final hearings cannot be waived. KRS 202B.150. Jury trials are set only on a party's request. KRS 202B.150.

1. When an order is received, apply the **ENTERED** stamp; add the date and your initials and enter on a document screen. Use document type **OGH** or **ODIS**. Give notice of entry by distributing copies to:
 - Respondent's attorney - one (1) copy
 - Peace Officer - two (2) copies
 - ICF/ID - one (1) copy (Attach to this copy a copy of Verified Petition and Certification of QPID), KRS 202B.
 - County attorney - one (1) copy
 - CHFS - one (1) copy, KRS 202B.
2. Close the case screen by completing the disposition date, disposition type and judge at disposition.
3. File any annual reviews submitted to the court by an interdisciplinary team. Apply the **FILED** stamp; add the date and your initials and complete a document screen. Use document type **RIET** or **RCHR**.

Quick Reference
 Enter, date, initial
 Document type **OGH** or **ODIS**

Close case screen

File, date, initial
 Document type **RIET** or **RCHR**

54.1.10 Appeal

[Appeals](#) from final orders or judgments of the district court shall be taken in the same manner as other appeals from district court to circuit court.

55.1.11 Review Hearing

Not less than once in every five years following the initial admission or continued care order, schedule a status review hearing per your local practice.

1. You may do this by completing a scheduled events screen. Use event type **SH** – Status Hearing.
2. Serve notice 20 days before the hearing to the facility, county attorney, and guardian or immediate family member. KRS 202B.250.

Event type **SH**

Serve notice 20 days before hearing

54.2 Involuntary Hospitalization

[Process Map](#)

District Court

KRS 202A

Involuntary hospitalization proceedings include the hospitalization of adults diagnosed with a mental illness. KRS 202A.012. For mental health procedures involving juveniles, follow procedures outlined in the [Juvenile Mental Health](#) section.

54.2.1 Confidentiality of Records

1. All involuntary hospitalization proceedings and records are confidential. KRS 202A.091(1).
 - They are open to the respondent and the county attorney when assisting the petitioner. 202A.016.
 - A court order is required for other individuals seeking access to the case file. KRS 202A.091(3).
 - The respondent can move after discharge or denial of admission to have court records expunged on notice to the county attorney. KRS 202A.091(2).
2. If you receive a citation, which is NOT attached to a petition, charging a person with **UOR Code 030040**, 60/360 Day Involuntary Hospitalization of Mentally Ill Person; or **UOR Code 030050**, Emergency Detention; or **UOR Code 030080**, Involuntary Commitment of Individual with Alleged Intellectual Disabilities, do not open a case file. Retain the citation by stapling it to the officer’s transmittal list submitted with the citation. If the citation is attached to a petition, open the case file based on the petition and retain the citation in the case file. Do not complete a charge screen for any UOR listed herein.
3. If you receive an [AOC Form 712](#), Certification of Qualified Mental Health Professional, and no [AOC Form 710](#), Verified Petition, proceed to [72 Hour Hospitalization](#).
4. If you receive an [AOC Form 710](#), Verified Petition, proceed to [60/360 Day Not Filed by QMHP](#).

Quick Reference

UOR Code 030040
UOR Code 030050
UOR Code 030080

AOC Form 712

AOC Form 710

54.2.2 Warrantless Arrest

Under 202A.028, the respondent will have been taken into custody and transported to a hospital/facility by law enforcement without any action by the court. Law enforcement does not need to file any documents with the court to make a warrantless arrest and transport the respondent to a hospital/facility; return to law enforcement any such documents tendered.

NOTE: Warrantless arrests are more for emergencies stemming from erratic behavior observed by a “peace officer” and verified by a medical professional. The respondent can only be held for a 72 hour period and is more of an emergency situation (perhaps someone not properly medicating their condition or suicide attempt). Petitions for 60/360 allow for 60 or 360 days of hospitalization has a proceeding and more Due Process rights.

54.2.3 72 Hour Hospitalization

72 Hour Hospitalization by Court Order Following a Warrantless Arrest. KRS 202A.028 and 202A.041.

- There are no filing fees or jury fee.
- All involuntary hospitalization proceedings and records are initiated in the district court of the county where the person to be hospitalized resides or in which the person may be at the time the petition is filed. KRS 202A.014.
- Keep hospitalization and disability cases on the same respondent in the same case file.

Certification of Qualified Mental Health Professional (QMHP)

After the respondent has been held and evaluated for 18 hours at the hospital/facility, a Qualified Mental Health Professional (QMHP) will either release the respondent or file with the clerk [AOC Form 712](#), Certification of Qualified Mental Health Professional (for 72 hour hospitalization). [AOC Form 710](#), Verified Petition for Involuntary Hospitalization, does not need to be filed with the AOC Form 712, Certification of QMHP. KRS 202A.101(5)(a), 202A.041.

1. Take the [AOC Form 712](#), Certification of QMHP and a blank [AOC Form 713](#), order granting/denying 72 hour hospitalization, to any available district judge. Do not open a case file at this time.
 - If the district judge is absent from the county or otherwise not available, take to the trial commissioner. SCR 5.030(f).
 - If both the district judge and trial commissioner are absent from the county or otherwise not available, take to any judge or justice of the Court of Justice. KRS 202A.011(7).
2. When the judge signs and returns to you the [AOC Form 713](#), Order Granting/Denying 72 Hour Hospitalization, and the [AOC Form 712](#), Certification of QMHP, open the case file. AOC Form 712, the Certification of the QMHP, is the initiating document.
3. Apply the **FILED** stamp to the certification; add the date and your initials. File on a document screen.
4. Determine if the respondent has a prior case in your court by doing a party search. If parties enter your court system the first time (no prior case file exists); or a non-computer case file exists and a new petition is filed, refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. Assign an **H** number with a trailer number using the next pre-numbered file folder.

Quick Reference

AOC Form 712
AOC Form 710

AOC Form 712, AOC Form 713

Deliver to judge
AOC Form 713, AOC Form 712

File, date, initial

Case type **H**

54.2.5 60/360 Day Petition Not Filed by QMHP KRS 202A.051.

On a 60/360 day involuntary hospitalization petition, the court will examine the petitioner (who is not a QMHP) under oath as to the contents of the petition. KRS 202A.051.

NOTE: The county attorney is responsible for assisting the petitioner. KRS 202A.016.

- If the court finds probable cause for hospitalization based on the court's examination of the petitioner, and there is no objection to hospitalization by any party, you will receive [AOC Form 711](#), Examination Order and Transport Order (For 72 Hour Hospitalization).

NOTE: If probable cause for hospitalization is found and there is an objection to hospitalization by any party, proceed to "[60/360 Day Filed by QMHP or Objection](#)" section below.

1. Apply the **FILED** stamp to the petition; add the date and your initials.
2. Determine if the respondent has a prior case in your court by doing a party search; if parties enter your court system the first time (no prior case file exists); or a non-computer case file exists and a new petition is filed, refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. Assign an **H** number with a trailer number using the next pre-numbered file folder.
3. File the petition by completing a document screen using document code **PIH**.
4. Enter AOC Form 711, Examination Order by applying the **ENTERED** stamp to the order; add the date and your initials. Enter the order by completing a document screen. Give notice of entry by mailing or hand delivering copies of the petition and order to:
 - Respondent's Attorney
 - Peace Officer-four copies for:
 - Respondent
 - Peace Officer's file
 - Peace Officer's return
 - QMHP (Attach to this copy a blank AOC Form 712, Certification of QMHP).
5. The QMHP will examine the respondent and complete [AOC Form 712](#), Certification of QMHP. KRS 202A.028(1). Apply the **FILED** stamp to the certification; add the date and your initials. File the certification by completing a document screen. Use document code **CH**.

NOTE: The court reviews the certification and either dismisses the case or, if respondent meets the criteria for involuntary hospitalization, orders the respondent hospitalized for 72 hours. KRS 202A.028(1).

Quick Reference
File, date, initial

Case type **H**

Document type **PIH**

AOC Form 711
Enter, date, initial

Notice of entry

AOC Form 712
File, date, initial

Document code **CH**

6. Enter [AOC Form 713](#), Order Granting/Denying 72 Hour Hospitalization by applying the **ENTERED** stamp to the order; add the date and your initials. Enter the order by completing a document screen. Use document type **OGH** or **ODH**. Give notice of entry by mailing or hand delivering copies of the order to:
 - Respondent's attorney
 - CHFS. KRS 202A.101(5)
 - Peace Officer- three copies
 - Peace Officer's file
 - Peace Officer's return
 - Hospital (Attach to this copy a copy of the completed [AOC Form 710](#), Verified Petition for Involuntary Hospitalization and completed [AOC Form 712](#), Certification of QMHP). KRS 202A.101(5).
7. Close the case screen by adding disposition date; disposition type of 72H (if granted) or **OTH** (if denied,) and judge at disposition.
8. If further hospitalization is required, the hospital/facility will, prior to expiration of 72 hours file in the county where hospital/facility is located a new AOC Form 710, Verified Petition for Involuntary Hospitalization. If hospital/facility files a new petition, proceed to "[60/360 Day Filed By QMHP or Objection](#)" section below.

Quick Reference
 AOC Form 713
 Enter, date, initial
 Document type:
OGH Order Granting
 Hospitalization or **ODH**
 Order Denying
 Hospitalization
 Notice of entry

 AOC Form 710, AOC
 Form 712

72H
OTH (if denied)

 AOC Form 710

54.2.8 Preliminary Hearing

1. The preliminary hearing date shall be within six days from the date of respondent's detention (if detained) and/or examination (if not detained), excluding weekends and holidays. KRS 202A.051(6)(a),(b). Note the hearing on the calendar by completing a scheduled events screen.
2. Provide notice of entry by mailing or hand delivering copies of the petition and order to:
 - Petitioner
 - Respondent's appointed attorney
 - If known, respondent's legal guardian, spouse, parent(s) or nearest relative or friend, (KRS 202A.051(6)(b))
 - Respondent
3. If detained (KRS 202A.051(7)(a) and the peace officer transports (five copies):
 - Respondent
 - Peace Officer's file
 - Peace Officer's Return
 - Two copies for hospital, one each for the licensed physician(s) and QMHP (Attach to each of the two copies a blank copy of AOC Form 712, Certification of QMHP), and
4. If not detained, and no peace officer transports:
 - Two copies for hospital, one each for the licensed physician(s) and QMHP (Attach to each of the two copies a blank copy of [AOC Form 712](#), Certification of QMHP).
5. See [Probable Cause Not Found](#) Section or [Probable Cause Found](#) Section for how to proceed after the preliminary hearing.

Quick Reference

Schedule hearing

Notice of entry

Attach copies of AOC Form 712

54.2.9 Transport Order

1. If respondent is not detained, and the court issues an examination/transport order or summons (KRS 202A.051(7)(b),(8)), prepare a detention/transport order or summons as directed by the court.
2. If a summons is ordered, use [AOC Form 706](#), Hospitalization/Disability Summons) and complete a summons screen. Use summons type **HD**. If an examination/transport order is signed, apply the **ENTERED** stamp; add the date and your initials and enter on a document screen. Use document type **OE**.
3. Give five (5) copies of the summons (or examination/transport order); petition; and order appointing counsel, setting preliminary hearing and appointing physician/QMHP/QMRP to the Peace Officer for distribution as follows:
 - Respondent
 - Officer's File
 - Officer's Return
 - Two copies for hospital, one each for the licensed physician(s) and QMHP (attach to each of the two copies a blank copy of [AOC Form 712](#), Certification of QMHP).
 - File return of summons by applying the **FILED** stamp; add date and your initials. Enter the return information on the summons screen.
4. Certification of Physician/QMHP/QMRP. When the certification is received, apply the **FILED** stamp to the certification; add the date and your initials. File certification by completing a document screen. KRS 202A.051(6)(c). Use document type **CH**.

Quick Reference

AOC Form 706
 Summons type **HD**
 Enter, date, initial
 Document type **OE**

Attach copies of AOC
 Form 712
 File, date, initial

File, date, initial
 File certification on
 document screen
 Document type **CH**

54.2.10 Probable Cause Not Found

1. If on [AOC Form 725](#), Findings of Probable Cause and Order, the court does not find probable cause, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen. If AOC Form 725 is utilized, use document type **OTV, ORV, or ODIS**, as appropriate. Give notice of entry by mailing or hand delivering to:
 - Respondent and Respondent's attorney
 - Peace Officer
 - Hospital/Facility
 - If known, respondent's legal guardian, spouse, parent(s), or nearest relative or friend
2. Close the case screen by completing the disposition date, disposition type and judge at disposition.

Enter, date, initial
 AOC Form 725- Use
 document type **OTV,**
ORV, ODIS
 Notice of Entry

Close case screen

54.2.11 Probable Cause Found

Venue Retained

1. If on [AOC Form 725](#), Findings of Probable Cause and Order, the court has found probable cause and retained venue, enter both AOC Form 725, Findings of Probable Cause and Order and [AOC Form 726](#), Order Setting Final Hearing by applying the **ENTERED** stamp; add date and your initials and complete document screens for each order.
2. If Form AOC Form 725 is utilized, use document type **OTV**, **ORV**, or **ODIS**, as appropriate. The final hearing must be set **within 21** days of detention (if detained) or examination (if not detained). Final hearings cannot be waived. KRS 202A.076(2). Calendar the hearing by completing a scheduled events screen. Jury trials are set only at the party's request. KRS 202A.076(2).
3. If respondent is ordered to community based outpatient treatment the final hearing must be held **within 60 days** and may be continued for another sixty days. Calendar the hearing by completing a scheduled events screen.
4. If during this community based outpatient treatment the QMHP files a request to have the respondent discharged, apply the **FILED** stamp to the request; add the date and your initials; complete a document screen and take the file to the judge. Use document type **REQ**.
5. Give notice of entry of Findings of Probable Cause and Order and Order Setting Final Hearing by mailing or hand delivering copies to:
 - Respondent's attorney
 - County Attorney
 - Peace Officer (four copies):
 - Respondent
 - Peace Officer's file
 - Peace Officer's return
 - Hospital (Attach to this copy a copy of the completed Verified Petition and a copy of the completed Certification of QMHP). KRS 202A.101(5).

Quick Reference
 Enter AOC Form 725 and AOC Form 726
 Enter, date, initial
 Complete document screens
 Document type **OTV**, **ORV**, or **ODIS**

Calendar hearing

File, date, initial
 Document type **REQ**
 Take file to judge
 NOE

Venue Transferred

1. If on [AOC Form 725](#), Findings of Probable Cause and Order, the court has changed venue to the county where the hospital is located, enter AOC Form 725, Findings of Probable Cause and Order by applying the **ENTERED** stamp; add date and your initials and complete a document screen.
2. Give notice of entry by mailing or hand delivering copies to:
 - Respondent's attorney
 - Peace Officer (four copies)
 - Respondent
 - Peace Officer's file

AOC Form 725

Enter, date, initial
 Complete document screen
 Give notice of entry

- Peace Officer's return
 - Hospital (Attach to this copy a copy of the completed Verified Petition and a copy of the completed Certification of QMHP). KRS202A.010(5).
3. Close case by completing the disposition date, disposition type **TRF** - Transferred and judge at disposition fields. Transfer the original file, within 24 hours to the district court of the county where hospital is located.

Quick Reference

Close case
Disposition type **TRF**

Receiving Court

1. Apply the **FILED** stamp to the record received from the transferring court; add date and your initials. File the entire record as one pleading by completing a document screen. Use document type **RTRF**.
2. To determine if the respondent has a prior case in your court; if parties enter your court system the first time (no prior case file exists); or a non-computer case file exists and a new petition is filed, refer to the Case Add section of the KYCourts Manual for instructions on opening the case. Assign an **H** number with a trailer number using the next pre-numbered file folder.
3. Schedule final hearing within 21 days of detention (if detained) or examination (if not detained). KRS 202A.051(9). Use AOC Form 726, Order Setting Final Hearing. Final hearings cannot be waived. KRS 202A.076(2).
4. Calendar the hearing by completing scheduled events screen. Jury trials are set only at the party's request. KRS 202A.076(2). Apply the **ENTERED** stamp to the order; add date and your initials and complete a document screen. Use document type **OST**.
5. Give notice of entry of the Order Setting Final Hearing by mailing or hand delivering copies to:
 - Respondent's attorney
 - Peace Officer file
 - Peace Officer return
 - Hospital/Facility – (Attach to this copy a completed copy of [AOC Form 710](#), Verified Petition for Involuntary Hospitalization, and a copy of the completed Certification of QMHP) KRS 202A.010(5).
 - County Attorney
6. If respondent is ordered to community based outpatient treatment the final hearing must be held within sixty days and may be continued for another sixty days. Calendar the hearing by completing a scheduled events screen.

File, date, initial
File record on
document screen
Document type **RTRF**

Assign **H** number

Schedule hearing
AOC Form 726

Enter, date, initial

Document type **OST**

Notice of entry

Calendar hearing

7. If during this community based outpatient treatment the QMHP files a request to have the respondent discharged or files an affidavit that it is in the best interest of the person to be picked up, apply the **FILED** stamp; add the date and your initials; complete a document screen and take the file to the judge. Use document type **REQ**.
8. After final hearing, enter the judgment and order. AOC Form 730, Judgment and Order for 60/360 Day Involuntary Hospitalization. Apply the **ENTERED** stamp; add the date and your initials and complete a document screen. Use document type **ODIS** or **OGH**.
9. Give notice by mailing or hand delivering copies to:
 - Respondent's attorney
 - Peace Officer file
 - Peace Officer return
 - Hospital/Facility- Attach to this copy a completed copy of [AOC Form 710](#), Verified Petition for Involuntary Hospitalization, AOC Form 712, Certification of QMHP, and AOC Form 730, Judgment and Order of Involuntary Hospitalization.
 - County Attorney
 - CHFS
 - If known- respondent's legal guardian, spouse, parent(s), nearest relative or friend
10. Close the case screen by completing the disposition date, disposition type and judge at disposition screen.

Quick Reference

File, date, initial
Document type **REQ**

AOC Form 730
Enter, date, initial
Document type **ODIS** or **OGH**

AOC Form 710, AOC Form 712, AOC Form 730

*CHFS
Department of Behavioral Health
Developmental and Intellectual Disabilities,
100 Fair Oaks Lane 4E-B
Frankfort, KY 40621*

Close case screen

54.2.12 [Appeal](#)

If a notice of appeal is received, use same procedure as any district to circuit court appeal. The hospital/facility ordered to receive the respondent is allowed to appeal under KRS 202A.141(1).

54.2.13 **Petition for Clarification**

You may receive a petition from the hospital/facility having custody of the respondent for clarification or modification of orders or judgments. Apply the **FILED** stamp to the petition; add the date and your initials. File the petition by completing a document screen. Use document type **PRMT**. The hospital is responsible for serving their pleadings on the respondent and respondent's attorney. KRS 202A.141(1).

File, date, initial

Document type **PRMT**

54.3 *Involuntary Treatment for Alcohol/Drug Abuse*

[Process Map](#)

District Court

KRS Chapter 222

- Involuntary treatment proceedings include proceedings for 60/360 days of treatment for an individual, including juveniles, suffering from alcohol or other drug abuse. KRS Chapter 222.
- All rights guaranteed by KRS Chapter 202A and 210 to involuntarily hospitalized mentally ill persons shall be guaranteed to a person ordered to undergo treatment for alcohol and other drug abuse. KRS 222.430.

54.3.1 **Confidentiality of Records**

All involuntary treatment proceedings and records are confidential. KRS 222.430 and 202A.091(1). They are open to the petitioner and respondent, respondent's parents or legal guardian, spouse, or nearest relative or friend of the respondent, if named in the petition. KRS 222.430; 202A.091(1). A court order is required for other individuals seeking access to the case file. KRS 222.430; 202A.091(3).

54.3.2 Petition for 60/360 Day Treatment

KRS 222.432

1. When you receive [AOC Form 700A](#), Verified Petition for Involuntary Treatment, take it to any available district judge. Do not open a case file at this time.
2. If the district judge is absent from the county or otherwise not available, take to any judge or justice of the Court of Justice. KRS 222.430; 202A.011(7).
3. The court will examine the petitioner under oath as to the contents of the petition. KRS 222.433.
4. If, based on the court’s review of the allegations contained in the petition and examination of the petitioner, the court finds no probable cause to believe the respondent should be ordered to undergo treatment; do not open a case file. File the petition in a file labeled "Petitions for Involuntary Treatment - No Probable Cause." Maintain the file folder with other Health **H** cases.
5. If, based on the court’s review of the allegations contained in the petition and examination of the petitioner, the court finds probable cause to believe the respondent should be ordered to undergo treatment, a date shall be set for a hearing within 14 days. KRS 222.433.
6. Apply the **FILED** stamp to the petition; add the date and your initials.
7. Keep all involuntary treatment, hospitalization and disability cases on the same respondent in the same case file.
8. Determine if the respondent has a prior case in your court by doing a party browse. If parties enter your court system the first time (no prior case file exists); or a non-computer case file exists and a new petition is filed, refer to the [Case Add](#) section of the KyCourts Manual for instructions on opening the case. Assign an **H** number with a trailer number using the next pre-numbered file folder.
9. File by completing a document screen using document code **PIHAD**.

<p>Quick Reference AOC Form 700A</p>
<p>Deliver to judge</p>
<p>Health H cases</p>
<p>File, date, initial</p>
<p>Assign H number</p>
<p>Document code PIHAD</p>

54.3.3 Setting Hearing

The hearing date shall be within fourteen (14) days from the date of the filing of the petition, excluding weekends and holidays. KRS 222.433. Note the hearing on the calendar by completing a scheduled events screen.

<p>Note hearing on calendar</p>

54.3.6 72 Hour Hospitalization

When [AOC Form 704A](#) Judgment and Order for Involuntary Treatment is for 72 Hour Hospitalization, apply the **ENTERED** stamp to the order; add the date and your initials. Enter by completing a document screen. Give notice of entry by mailing or hand delivering copies of the order to:

- Respondent
- Respondent's Attorney
- Petitioner
- Hospital

Quick Reference
 AOC Form 704A
 Enter, date, initial
 Enter on document
 screen
 Notice of entry

54.3.7 Involuntary Treatment Denied

1. If the court denies involuntary treatment, apply the **ENTERED** stamp to the order; add the date and your initials and file by completing a document screen.
2. If, at any time after the petition is filed, the court finds that there is no probable cause to continue treatment or if the petitioner withdraws the petition, then the proceedings against the respondent shall be dismissed. KRS 222.433.
3. Close the case by completing the disposition date; disposition type and judge at disposition fields on the case screen.

Enter, date, initial

Close case

54.3.8 Appeal

If a notice of appeal is received, use same procedure as any district to circuit court appeal.

54.3.9 List of Providers

When you receive a list of hospitals, psychiatric facilities and treatment providers from your regional community mental health board, deliver a copy of such list to your judge and maintain a copy in your office. KRS 210.485.

54.4 *Juvenile Mental Health*

District Court

KRS 645

54.4.1 **Confidentiality**

Proceedings and records are confidential except to the juvenile, parent(s), guardian(s) and attorney for the juvenile. Access by all other persons must be by court order. KRS 610.340.

NOTE: An involuntarily hospitalized juvenile has a right to copies of his or her complete record without charge and the right to appeal without bond or filing fees. KRS 645.035(2).

54.4.2 **Voluntary Hospitalization**

KRS 645.030.

A juvenile voluntarily admitted to a hospital may give written notice of intent to leave at any time. KRS 645.190(1). A copy of this notice is to be given to the court. Place these notices in a file labeled "Notices to Leave Hospital".

54.4.3 Petition for Certification or Emergency Involuntary Hospitalization

KRS 645.040 and 645.120

1. There is no filing fee. KRS 610.350.
2. When a Petition for Certification or a Petition for Emergency Involuntary Hospitalization, [AOC Form JV-23](#), is received, apply the **FILED** stamp; add the date and your initials.
3. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Assign a Juvenile **J** number and appropriate trailer number using the next pre-numbered file folder. If a previous case exists, enter into the existing case number under the next trailer number.
4. Use case type **SP**- Special Proceedings.
5. Complete a document screen for the petition using document type **PIH**.
6. Complete a charge screen using **UOR 0028030**-Emergency/involuntary hospitalization.
7. Enter as the charge/violation date the date the petition was sworn to under oath.
8. Place [AOC Form JV-24](#), Order Granting Emergency Hospitalization and Evaluation and [AOC Form JV-25](#), Order Denying Petition for Emergency Hospitalization in the case file. Immediately deliver the case file to the judge or the trial commissioner, if a judge is not available.
9. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen using document type:
 - **OGH** if AOC Form JV-24 is used.
 - **ODH** if AOC Form JV-25 is used.
 - Include date and service method on the document screen.
10. Serve a copy of the order on CHFS, or the hospital/facility whichever is appropriate.
11. Close the charge screen by completing the disposition date, disposition type, judge, and trial type **N**. Use disposition type:
 - **HOS** – Hospitalization/juvenile
 - **DEN** – Hospitalization-denied
 - **DIS** – Dismissed
 - **TRF** – Transferred to another court/jurisdiction.

Quick Reference

No filing fee
AOC Form JV-23
File, date, initial

Juvenile **J** case

Case type **SP**

Document type **PIH**

UOR 0028030

AOC Form JV-24 and
AOC Form JV-25

Enter, date, initial

Document type **OGH**
for AOC Form JV-24
Document type **ODH**
for AOC Form JV-25

Trial type **N**

Disposition type **HOS**,
DEN, **DIS**, **TRF**

54.4.4 60-Day Involuntary Hospitalization

KRS 645.040 - 645.100

1. When you receive a Verified Petition for Involuntary Hospitalization, [AOC Form JV-23](#), apply the **FILED** stamp; add the date and your initials. Complete a document screen using document type **PIH**. Refer to Case Add section of KY Courts Manual for instruction on opening the case. Assign a Juvenile **J** case number and appropriate trailer number using next pre-numbered file folder. If a previous case exists, enter into the existing case number under the next trailer number.
2. Use case type **SP**, Special Proceedings.
3. Complete a charge screen using **UOR 0028040**, Involuntary Admit MH/Juvenile.
4. Enter as the charge/violation date, the date the petition was sworn to under oath.

Quick Reference
AOC Form JV-23
File, date, initial
Document type **PIH**

Juvenile **J** case

Case type **SP**

UOR 0028040

54.4.5 Appointment of Counsel

1. The court will appoint a public advocate to represent the juvenile. KRS 645.060(1).
2. Apply the **ENTERED** stamp to the order; add the date and your initials. Complete document screen using document type **OAPAD** and enter date and method of service.
3. Complete a party screen for the public advocate using party type **APA**.

Enter, date, initial
Document type **OAPAD**

Party type **APA**

54.4.6 Hearing

1. Schedule a hearing 7 days from the filing of the petition, excluding weekends and holidays as directed by the judge. Complete a scheduled event screen using event type **OTH**.
2. If no pleading is filed by counsel for the juvenile contesting the petition within 7 days of the filing of the petition, excluding weekends and holidays, place [AOC Form JV-26](#) and AOC Form JV-27 in the case file and deliver to the judge.
3. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen, including date and method of service. Use document type:
 - **OGH** if AOC Form JV-26 is used.
 - **ODH** if AOC Form JV-27 is used.
 - Include date and service method on the document screen.
4. Serve a copy of the order on counsel of record and the hospital/facility, if appropriate.

Schedule hearing
Event type **OTH**

AOC Form JV-26, AOC
Form JV-27

Enter, date, initial

Document type:
AOC Form JV-26- **OGH**
AOC Form JV-27- **ODH**

5. Close the charge screen by completing the disposition date, disposition type, judge and trial type **N**. Use disposition type:
 - **HOS** – Hospitalization/juvenile
 - **DEN** – Hospitalization denied
 - **DIS** – Dismissed
 - **TRF** – Transferred to another court/jurisdiction.

Quick Reference
 Serve copy of order

Trial type **N**

Disposition type **HOS, DEN, DIS, TRF**

54.4.7 Petition Contested

1. Counsel for the juvenile may advise the court in writing of the desire to contest the petition.
2. Apply the **FILED** stamp to the document; add the date and your initials. Complete a document screen.
3. Schedule a certification hearing within 7 days from the filing of the pleading contesting the petition, excluding weekends and holidays, as directed by your judge. Complete a scheduled event screen using event type **OH**.
4. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen, including date and method of service. Serve a copy of the order on counsel of record and the hospital/facility, if appropriate.

File, date, initial

Schedule certification hearing
 Event type **OH**

Enter, date, initial

Serve copy

54.4.8 Refusal of Treatment

1. A hospital/facility may petition the court for a determination if a patient, involuntary hospitalized, refuses treatment. KRS 645.170(3).
2. Apply the **FILED** stamp to the petition; add the date and your initials. Complete a document screen using document type **COM** and include in memo a brief description.
3. Schedule a hearing within 7 days of the filing of the petition, excluding weekends and holidays as directed by the judge. Complete a scheduled event screen using event type **OTH**.
4. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen, including date and method of service. Serve a copy of the order on counsel of record and the hospital.

File, date, initial
 Document type **COM**

Schedule hearing
 Scheduled event type **OTH**

Enter, date, initial

54.4.9 180-Day Recertification Procedure

KRS 645.110

1. Any interested person desiring to continue a juvenile’s hospitalization beyond 60 days, may file a recertification petition. The petition must be filed before the 60-day commitment is completed. [AOC Form JV-23](#), Verified Petition for Involuntary Hospitalization should be used.
2. Apply the **FILED** stamp to the petition; add the date and your initials. Complete a document screen in the existing 60-day involuntary hospitalization case file using document type **PIH**.
3. Schedule a hearing within seven (7) days of the filing of the petition, excluding weekends and holidays as directed by the judge. Complete a scheduled event screen using event type **OTH**.
4. If no pleading is filed by counsel for the juvenile contesting the petition within 7 days of the filing of the petition, excluding weekends and holidays, place [AOC Form JV-26](#) and AOC Form JV-27 in the case file and deliver to the judge.
5. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen, including date and method of service. Use document type:
 - **OGH** if AOC Form JV-26 is used.
 - **ODH** if AOC Form JV-27 is used.
 - Include date and service method on the document screen.
6. Serve a copy of the order on counsel of record and the hospital/facility, if appropriate.
7. Close the charge screen by completing the disposition date, disposition type, judge and trial type **N**. Use disposition type:
 - **HOS** – Hospitalization/juvenile
 - **DEN** – Hospitalization denied
 - **DIS** – Dismissed
 - **TRF** – Transferred to another court/jurisdiction

Quick Reference
AOC Form JV-23
File, date, initial
Document type PIH
Schedule hearing
Event type OTH
AOC Form JV-26, AOC Form JV-27
Enter, date, initial
Document type: AOC Form JV-26- OGH AOC Form JV-27- ODH
Trial type N
Disposition type HOS, DEN, DIS, TRF

54.4.10 Recertification Petition Contested

1. Counsel for the juvenile may advise the court in writing of the desire to contest the petition.
2. Apply the **FILED** stamp to the document; add the date and your initials. Complete a document screen.
3. Schedule a certification hearing within 7 days from the filing of the pleading contesting the petition, excluding weekends and holidays, as directed by your judge. Complete a scheduled event screen using event type **OTH**.
4. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen, including date and method of service. Serve a copy of the order on counsel of record and the hospital/facility, if appropriate.

Quick Reference

File, date, initial
 Complete document screen
 Schedule hearing
 Complete event screen using event type **OTH**
 Enter, date, initial

54.4.11 Expungement

[Expungement](#) of the record means the sealing of all papers in the proceeding, including the docket sheet, index card, police records, Cabinet for Health and Family Services records and case files. This is done by court order.

- Following the discharge of a respondent from a treatment facility or court order denying petition for hospitalization, the respondent may move to have all records expunged. KRS 202A.091(2), KRS 202B.180, KRS 222.430.
- The county attorney is given notice of any motion and has five (5) days to respond or request a hearing. KRS 202A.091(2), KRS 202B.180, KRS 222.430.
- For **juvenile mental health expungement petitions** refer to the expungement chapter: [Expungement of Juvenile Records](#). KRS 610.330.

If you receive a motion to expunge the case file:

1. Apply the **FILED** stamp to the motion; add the date and your initials. File the motion by completing a motion screen. The respondent must serve the county attorney with the motion. KRS 202A.091(2).
2. If the county attorney files a motion to request a hearing, apply the **FILED** stamp to the motion; add the date and your initials. KRS 202A.091(2). Complete a motion screen and a scheduled events screen.
3. When the order granting/denying expungement is received, apply the **ENTERED** stamp; add the date and your initials. Enter by completing a document screen. Use document type **OEX**.
4. If the court grants the expungement, notify any officials or agencies named in the order, and seal the court records including any manual case file items (e.g. docket sheet, index card) in an envelope. On the outside of the sealed envelope, add the case number, the birth date of the respondent for identification and the date of the order of expungement. It is not necessary to include the electronic tapes in the sealed envelope or to destroy the tapes.

File, date, initial

File, date, initial
 Complete motion and scheduled events screen
 Enter, date, initial
 Document type OEX

5. If you are asked about an expunged record, advise that no such record exists.
6. An expunged record can be reopened only upon petition to the court and an order specifying the names of those who shall have access to the file.
7. Refer to the KyCourts Manual for [electronic expungement process](#).

55 MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

CR 5.05(4)

55.1 *Motion*

When you receive a complaint, petition, or other document, and the pleading is accompanied by a Motion for Leave to Proceed In Forma Pauperis, instead of the required filing fees, treat the pauper motion as a filing fee for purposes of opening the case.

EXCEPTIONS:

- [Motion for Leave to Proceed In Forma Pauperis filed with a Notice of Appeal.](#)
- [Motion for Leave to Proceed In Forma Pauperis filed in a Civil Action by an Inmate.](#)

1. Upon receipt of the pauper motion with a pleading, apply the **FILED** stamp to the pauper motion and the pleading; add the date and your initials.
2. If the pleading is part of an ongoing case, file by completing a document screen.
3. If the pleading being filed is a complaint/petition refer to [Case Add](#) section of KyCourts Manual for instructions of opening the case. Generate the next case number or use the next pre-numbered file folder for the proper category.
4. Issue a summons for each defendant in the case.

NOTE: The clerk is required under CR 4.01(1) to issue a [summons](#) immediately upon the filing of a complaint.

EXCEPTION:

- [Civil Actions Filed by an Inmate](#)
5. If the plaintiff directs service by certified mail, mail the summons with the complaint attached using postage funds provided to your office. If the plaintiff directs personal service, make a copy of the summons. Give the plaintiff the two summons with a copy of the complaint attached to the copy of the summons and instruct the plaintiff to deliver to the sheriff for service. The plaintiff will make arrangements for payment of the service fee with the officer directly.
 6. File the pauper motion on a **PPF** motion screen.

Quick Reference

File, date, initial

File on document screen or add case as appropriate

Issue summons

PPF motion screen

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

7. Deliver the file to the judge.
8. Upon receipt of a signed order ruling on the motion, apply the **ENTERED** stamp to the order; add the date and your initials. Enter the order on a document screen using document type **OFF**. Give [notice of entry](#) of the order by making a copy of the order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney.
 - If the order sustains the motion to proceed In Forma Pauperis, nothing further is required since you have already filed the pleading and issued the summons, if appropriate.
 - If the order denies the motion to proceed In Forma Pauperis the petitioner or appellant has thirty (30) days from the notice of entry of the order to pay the required filing fees and certified mail service fee or appeal the judge's order. If the moving party fails to pay the required fees or costs, or to seek review, the matter shall be treated as though not timely filed.

NOTE: If the party is an inmate, and the court denies waiver of fees, the inmate shall be given 45 days after the date of the order to pay any required fees or costs. Process concerning the inmate's case shall not be served until the filing fee and the fee relating to service of process is paid. KRS 454.410(3). See [Civil Actions Filed by an Inmate](#).

Quick Reference
Deliver file to judge
Enter, date, initial
Document type **OFF**
NOE

55.2 Appeal of Denial of Motion to Proceed In Forma Pauperis

1. No filing fees or motion to proceed In Forma Pauperis is required in this instance.
2. If a notice of appeal of the denial of the motion to proceed In Forma Pauperis is filed, immediately certify and send to the appellate court:
 - the motion to proceed In Forma Pauperis together with any attachments and responses thereto;
 - the order being appealed;
 - a copy of the transcript or related hearing, if any.

Denial of NOA to proceed IFP requires immediate certification
Send the following to the appellate court:
IFP/Attachments
Order being appealed
Transcript/Hearing

56 MOTION FOR SHOCK PROBATION

KRS 439.265, 439.267

District and Circuit Courts

[Process Map](#)

56.1 *Motion*

1. Upon receipt of a motion for shock probation, apply the **FILED** stamp to the motion; add the date and your initials.
2. **Do not** collect a filing fee for this proceeding.
3. **Do not** issue a summons.
4. Complete a charge screen using the appropriate UOR number for shock probation:
 - Felony charge - **0026090**
 - Misdemeanor charge - **0026100**
5. Take the record to the judge who decided the case. If the judge sets a hearing, calendar on the scheduled events screen and attach a motion screen using code **SP** under the original case number.

Quick Reference
File motion, date, initial

Do not collect filing fee

Do not issue summons

UOR Code:

* Felony- 0026090
* Misdemeanor – 0026100

Code **SP**

56.2 *Order*

1. Upon receipt of [AOC Form 460, Order on Motion for Shock Probation](#), or any court order ruling on the motion, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen using document type **OSP**, including a brief description.
3. After the judgment or order is entered, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice.
4. Make an entry on the document screen showing the manner and date of the service of the notice of entry of the judgment or order. For more information, see [Notice of Entry](#).
5. Mail a copy of the judgment or order to **Shock Probation Offender Information**.

AOC Form 460
Enter, date, initial

Document Type **OSP**

Serve notice of entry

*Shock Probation
Offender Information
P.O. Box 2400
Frankfort, KY 40601*

- 6. When the charge is disposed of, complete the charge screen with closing information by entering the disposition date, disposition type, type **GNT** (Granted) or **DEN** (Denied), disposition judge, and trial type. For information about the Charge screen, see the [Charge Detail Screen](#) section in the KyCourts Manual.
- 7. Complete a sentence screen, if appropriate. For information about the Sentence screen, see the [Sentence Detail](#) section in the KyCourts Manual.

NOTE: Reopen and reclose case statistically **only** if there is a hearing and a signed order or judgment is received by completing a special status screen as directed in [Special Status Detail](#) in the KyCourts Manual.

<p>Quick Reference Complete charge screen Charge disposition Type Granted: GNT Denied: DEN Complete sentence screen</p>
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57 MOTION TO SET ASIDE/VOID CONVICTION

KRS 218A.275(8)-(9); 218A.276(8)-(9)

District or Circuit Court

[Process Map](#)

57.1 *Receipt of Motion*

1. When a motion to set aside and void a conviction of possession of marijuana or possession of controlled substance is received, apply the **FILED** stamp to the motion; add the date and your initials.

NOTE: There is no filing fee for this proceeding.

2. File the motion under the original case number by completing a scheduled events screen and adding a motion screen using motion event type **SA**.
3. **Do not** issue a summons.
4. Take the case file to the judge who decided the case. If the judge sets a hearing, calendar on a scheduled events screen.
5. Upon receipt of [AOC Form 334, Order Voiding Conviction and Sealing Records](#), apply the **ENTERED** stamp, add the date and your initials.
6. Complete a document screen using document type **OVSR**.
7. Move the current disposition date, type and judge information to the memo field and close out the charge as disposition type **VSC-VOIDED SEALED CONVICTION**.
8. Reopen and close a special status screen only if a hearing and a signed order/judgment is received. For instructions, see the [Special Status Detail Screen](#) section of the KyCourts Manual.

Quick Reference

File, date, initial

Motion Type: SA
Do not issue summons

AOC Form 334
Enter, date, initial

Document type **OVSR**

Disposition type **VSC**

57.2 *Seal the Record*

- If the order directs sealing of specific items, print AOC Form 336, Supplemental Order Sealing records for Successful Deferred Prosecution from KyCourts and deliver to the judge for verification of specific items to be sealed.

NOTE: If charge(s) ordered sealed is in a circuit criminal case that originated in district court, you must print the supplemental order sealing AOC Form 336 from the district court case as well as the circuit court case to be delivered to the circuit court judge.

NOTE: If you are asked about a sealed record, advise that no such record exists.

57.2.1 Seal the Electronic Record

1. Upon receipt of [AOC Form 334](#) and/or a completed AOC Form 336 from the judge, seal the electronic record by clicking “Seal Case/Charge” button under “Case Level Maintenance.” Click “Seal in accordance with HB 463” button.
- Seal Entire Case will remove/transfer the entire case (all screens) from the “CI, DI or CO divisions” to the “SE division.”
- Seal Specific Charge(s) will remove/transfer only the selected offenses from the case within the “CI, DI or CO division” to the “SE division.” Any reference to the sealed charges left in the “CI, DI, or CO division” must be taken out manually from any screen/field (the memo, BP/CO Recap).

NOTE: Sealing a charge/case Per HB 463 transfers the charge/case to the SE “Sealed Division.” Information relating to the charge or case will not appear for public inspection electronically. Sealing a charge/case Non HB 463 will transfer charge/case details to the SE division, however; other case details may still be viewable electronically to the public.

57.2.2 Seal the Case Record

1. If the case is not in the computer and if an original calendar can be located, make a copy and place in the original case file before sealing. Do not mark out the case on the copy.
2. Seal the original case jacket, case history (docket sheet(s) and index card, if such exists), recording(s) and recording log(s) in an envelope. Add the case number, the defendant's date of birth and the date of the sealed order to the outside of the envelope. Maintain in a locked file cabinet. Do not open except by court order. If the court orders the case unsealed, make appropriate notation on outside of envelope.

EXCEPTION: If the recording(s) include other cases, make a notation on the log(s) that the case file has been sealed. If a request for a copy is made, do not copy that portion of the recording that pertains to the sealed record.

NOTE: It is not necessary to seal the audio tapes; the official retention and disposal schedule for district court tapes applies.
3. On the original calendar, obliterate the case and mark the obliteration “**SEALED.**”

Quick Reference
Seal the original case jacket, case history, videos and logs, adding the case number and defendants DOB to outside of envelope

Obliterate the case, mark **SEALED**

58 MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE

RCr 11.42

District or Circuit Court

[Process Map](#)

- A prisoner in custody under sentence or a defendant on probation, parole or conditional discharge who claims a right to be released on the ground that the sentence is subject to collateral attack may proceed by motion in the court that imposed the sentence to vacate, set aside or correct it. RCr 11.42.
 - There is no filing fee for this proceeding.
1. Upon receipt of an RCr 11.42 motion to vacate, set aside, or correct a sentence apply the **FILED** stamp to the motion; add the date and your initials.
 2. File the motion under the original case number by completing a scheduled events screen and adding a motion screen.
 3. Send a copy of the motion to vacate, set aside or correct sentence to the Attorney General and to the Commonwealth's Attorney. Indicate the date of mailing on the copy and also in the memo field of the motion screen. RCr 11.42(4).
 4. **Do not** issue a summons.
 5. Complete a charge screen using the UOR number **0026070**. This is the UOR number used to vacate, set aside or correct sentence.
 6. Take the folder to the judge who decided the case. If the judge sets a hearing, calendar on the scheduled events screen.
 7. When a signed judgment or order is received, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
 8. Enter the judgment or order on the document screen, including a brief description.
 9. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice.
 10. Make an entry on the document screen showing the manner and date of the service of the notice of entry of the judgment or order. For more information, see [Notice of Entry](#).
 11. Mail a copy of the order to **Research and Statistics**, or you may fax the order to Research and Statistics at (502) 782-8706.

Quick Reference

File, date, initial

Send copy to Attorney General and Commonwealth's Attorney

Do not issue summons

UOR code **0026070**

Enter, date, initial

Serve notice of entry

*Research and Statistics
Administrative Office of
the Courts*

*1001 Vandalay Dr.
Frankfort, KY 40601*

Fax: (502) 782-8706

MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE

12. When the charge is disposed of, complete the charge screen with appropriate closing information by entering the disposition date, judge, disposition type, and trial type. See sections [Vacate/Set Aside](#) and [Sentence Correction](#) below for additional disposition information.
13. Do not complete a sentence screen.
14. Reopen and reclose case statistically **only** if there is a hearing and a signed order or judgment is received. Complete a special status screen. For instructions, see the [Special Status Detail Screen](#) section of the KyCourts Manual.

Quick Reference
Complete charge screen

Do not complete sentence screen

58.1 *Vacate/Set Aside*

If the order vacates or sets aside the sentence of the original charge:

1. On the original charge screen overlay the disposition date with the date the order ruling on the 11.42 motion was entered.
2. Overlay the disposition type with **SAV SET ASIDE/VOIDED**.
3. Delete the sentence screen.
4. If an additional hearing is ordered by the judge, complete a scheduled events screen.

Disposition type **SAV SET ASIDE/VOIDED**

Delete sentence screen

Complete scheduled events screen

58.2 *Sentence Correction*

If the order corrects the sentence on the original charge, add an amended sentence to the original charge to reflect the court's order.

59 NO PASS/NO DRIVE LAW

KRS 159.051

District Court

- The No Pass/ No Drive Law provides for denial or revocation of a 16 or 17 year old student's driver's license/ permit when the student drops out of school or is academically deficient.
- Within 15 days after Transportation sends notice to student that the driver's license/ permit has been revoked or denied, the student's custodial parent, legal guardian, or next friend may request an ex parte hearing in district court for the purpose of getting the license reinstated.
 1. Upon receipt of [AOC Form 297](#) (Petition for Student Driving Privilege/ Reinstatement) do not collect a filing fee. Apply the **FILED** stamp to the petition; add the date and your initials.
 2. Refer to Case Add section of the KYCourts Manual for instructions on opening the case. Generate the next case number in the computer for district civil **C** cases or use the next pre-numbered file folder.
 3. **Do not** issue a summons.
 4. Add the petition as a document using document type **PDS**.
 5. Schedule hearing on next available hearing date and inform petitioner.
 6. Upon receipt of a Student Driver's License Order ([AOC Form 298](#)), apply the **ENTERED** stamp; add the date and your initials.
 7. Enter the judgment or order on the document screen using document type **OSD**, including a brief description. Serve [notice of entry](#) on every party and distribute copies as follows:
 - Original - Court file
 - Copy - Petitioner
 - Copy - Transportation Cabinet, Division of Driver's Licensing

<p>Quick Reference AOC Form 297 Do not collect a filing fee File, date, initial</p> <p>District C Case</p> <p>Do not issue a summons Document type PDS</p> <p>AOC Form 298 Enter, date, initial</p> <p>Document type OSD NOE</p>

60 NOTICE OF BANKRUPTCY

[Process Map](#)

1. Upon receipt of a notice of filing of bankruptcy, apply the **FILED** stamp to the notice; add the date and your initials.
2. If there is an existing case, file by completing a document screen. Use document type **NBK**.
3. If no case exists, file the notice in the general file.

NOTE: The case is stayed until an order of discharge is received from the bankruptcy court.

Quick Reference

File, date, initial

Document type **NBK**

60.1 *Discharge of Debtor*

1. Upon receipt of a bankruptcy discharge notice, apply the **FILED** stamp; add the date and your initials.
2. Complete a document screen using document type **NODI**.
3. Schedule a hearing for the court to review the case by completing a scheduled events screen. Use scheduled events type **REV**.
4. When a signed judgment or order is received, apply the **ENTERED** stamp; add the date and your initials. Enter the judgment or order on the document screen, including a brief description. RCr 11.04.
5. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of the order. RCr 12.06. For more information, see [Notice of Entry](#).
6. If the judgment or order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.

File, date, initial

Document type **NODI**

Scheduled event type
REV

Enter, date, initial

NOE

Close case

61 NOTICE OF ENTRY

RCr 11.04, CR 77.04, RCr 12.06

- Notice of Entry (NOE) must be given on all orders and judgments.
- Notice of entry is necessary because the notice of entry date governs the running of time for appeal. CR 77.04(1) and (2), RCr 12.06(1).
- This is a multi-step process, and all steps ***must*** be performed on the same date.
BEST PRACTICE: Do not give out copies until all steps have been accomplished to ensure that NOE is accurate and complete.

1. Apply the **ENTERED** stamp to the order or judgment; add the date and your initials.
2. Enter the judgment or order on a document screen with a brief description. The judgment or order does not become effective until this is done. RCr 11.04.
3. Serve the notice to every party who is not in default or who has not filed a written waiver of notice by making a copy of the judgment or order that has been stamped **ENTERED** and mail or hand-deliver it to the party or attorney. CR 77.04(1), RCr 12.06(1) and (3).
4. Document the manner of service (mail or personal delivery) and date of the service on the document screen. CR 77.04(2) RCr 12.06(2).

Quick Reference

Enter, date, initial

Enter judgment/order
on document screen

Document date and
manner of service on
document screen

62 NOTICE OF SUBMISSION OF CASE FOR FINAL ADJUDICATION

SCR 1.050(8)

- When a case is submitted for final adjudication, it is the attorney’s duty to complete [AOC Form 280](#), Notice of Submission of Case for Final Adjudication, and distribute as follows:
 - Original: Research and Statistics, Administrative Office of the Courts
 - Copy 1: Clerk
 - Copy 2: Judge
 - Copy 3: Attorney

- You should maintain a supply of these forms in your office or instruct the attorney to print a copy from courts.ky.gov.

62.1 *Receipt of Notice*

1. Upon receipt of the notice, staple the notice to the left side of the case file.

NOTE: It is not necessary to file the AOC Form 280 on a document screen.
2. Upon receipt of a motion attached to the AOC Form 280, apply the “**FILED**” stamp to the motion; add the date and your initials.
3. Schedule an event by completing a scheduled events screen using event type **MH** – Motion Hour. Add the motion using the appropriate motion type. Once the motion has been updated file the notice by checking the box labeled “Notice of Submission Filed” in the motion screen.

Quick Reference

Staple AOC Form 280 to left side of case file

File, date, initial

Event type **MH**

Add motion

Check the submission box in motion screen

62.2 *Judgment*

1. Upon receipt of a signed judgment or order, apply the “ENTERED” stamp; add the date and your initials.
2. File by completing a document screen as appropriate.
3. Serve notice of entry of the judgment or order on all parties by mail or hand delivery.
4. Remove the AOC Form 280 from the case file and complete the clerk’s portion and mail per SCR 1.050(8) to:

Administrative Office of the Courts
Research and Statistics
1001 Vandalay Drive
Frankfort, KY 40601

NOTE: It is not necessary to make a copy for the record.

NOTE: Direct all inquiries regarding the status of the case under submission to Research and Statistics at the AOC.

Enter, date, initial

NOE

Mail to:

AOC
Research and Statistics
1001 Vandalay Drive
Frankfort, KY 40601

63 NUNC PRO TUNC

- A Nunc Pro Tunc Order, meaning “now for then,” is an order to correct errors or omissions and achieve the results intended by the court at a particular, earlier date.

63.1 *Order*

1. Upon receipt of a Nunc Pro Tunc order, apply the **ENTERED** stamp. Add the current day’s date and your initials.
NOTE: Do not backdate the Nunc Pro Tunc Order.
2. Enter on a document screen using document code **OO** or as otherwise appropriate.
3. Memo **NUNC PRO TUNC** and the effective date of the Nunc Pro Tunc order.
4. Follow the instructions in the Order.

Quick Reference

Enter, date, initial

Document code **OO**

Memo Nunc Pro Tunc

64 OATHS AND AFFIRMATIONS

KRS 30A.070, 30A.050(2), 62.020, 62.030

Circuit clerks and their deputies may administer oaths either in or out of court concerning any matter in which an oath may be legally given (KRS 30A.070), including the official oath of an officer within the district or county (KRS 62.020, 423.010). Under KRS 454.170, a solemn affirmation may be accepted in place of an oath.

64.1 Oath to the Grand Jury

"Do you swear or affirm that you will hear and weigh carefully all the evidence presented to you, and that you will do your duty as prescribed by law, and that you will carry out carefully any investigations which you are requested to make?" AP II Sec. 24.

64.2 Oath to Witness

"Do you swear or affirm that you will tell the truth, the whole truth, and nothing but the truth?" AP II Sec. 25.

64.3 Oath to Petit Jury

"Do you swear or affirm that you will impartially try the case between the parties and give a true verdict according to the evidence and the law, unless dismissed by the court?" AP II Sec. 30.

64.4 Oath to Fiduciaries

"Do you solemnly swear or affirm that you will faithfully perform the duties of _____ according to law?" KRS. 62.030.

64.5 *Constitutional Oath KY Constitution §228*

Circuit clerks may administer the following oath or affirmation to an elected official:

I, _____, do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____ according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

64.5.1 **Document for Administration of Oath**

KRS 62.020

When the circuit clerk administers an oath to an elected official, the clerk must certify in writing that the constitutional oath was administered and the date of its administration must be filed in the following offices:

- In the Secretary of State's Office for a member of the General Assembly, an officer elected from the state at large, an officer elected from a district greater than one county, an officer elected from a city whose boundaries extend beyond those of a single county, an officer appointed cabinet secretary, an officer appointed a deputy or assistant to an elected constitutional officer and who is required by separate statute to take the oath of office;
- In the Governor's Office for the Secretary of State and the Assistant Secretary of State;
- In the Office of the county clerk for the county from which an officer is elected to countywide office or office for a district within the county (not applicable if filed in the Secretary of State's office as outlined above);
- In the Office of a Circuit Clerk for a county clerk within the jurisdiction of that circuit clerk.

64.6 *Circuit Clerks' Oaths*

Circuit Clerks and their deputies are required to take two oaths of office, the oath prescribed by Section 228 of the Constitution and the oath prescribed by KRS 30A.020, as follows:

64.6.1 Constitutional Oath:

I, _____, do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of Circuit Court Clerk (or Deputy Circuit Court Clerk) according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

64.6.2 KRS 30A.020

I, _____, do swear that I will well and truly discharge the duties of the office of _____ County Circuit Court Clerk (or Deputy Circuit Court Clerk) according to the best of my skill and judgment, making the due entries and records of all orders, judgments, decrees, opinions and proceedings of the court, and carefully filing and preserving in my office all books and papers which come to my possession by virtue of my office; and that I will not knowingly or willingly commit any malfeasance of office, and will faithfully execute the duties of my office without favor, affection or partiality, so help me God.

64.6.3 Document for Administration of Oath

The fact that the oaths have been administered shall be entered on the record of the circuit court as noted in [Document/Certification of Oath](#).

64.6.4 Bond

Circuit clerks are covered by a blanket bond procured by the Administrative Office of the Courts on behalf of the clerks.

64.7 *Document/Certification of Oath*

Certificate of Oath forms: [AOC Form 016](#), Certification of Oath (requires a judge's signature) and [AOC Form 016-A](#), Certification of Oath (Clerk) (requires a clerk's signature).

When a document or certification for administration of oath for anyone, including a judge or clerk is received for filing in your office:

1. Apply the **FILED** or **ENTERED** stamp, as appropriate, to the document; add the date and your initials.
2. File in your General/Administrative Order File. Enter the document on the docket sheet attached to the inside of the file folder. Furnish copies as requested.

Quick Reference
File/enter, date, initial

Enter document on
docket sheet

64.7.1 **Certification Request by County Clerk**

Upon request by the county clerk for a certification that he/she has been examined by you, pursuant to Section 100 of the Constitution, sign an affidavit prepared by the county clerk indicating that he/she:

- (1) was at least 21 years of age at the time of election;
- (2) is a Kentucky citizen;
- (3) has resided within Kentucky at least 2 years; and
- (4) has resided in the county and district for which he/she was elected, for at least one year prior to the election.

65 ORGANIZATION OF CASE RECORDS AND CASE MANAGEMENT STANDARDS

District and Circuit Courts

65.1 *Organization of Case Records*

1. To maintain physical control of case files, file all open and closed cases together in numerical order. File cases with the same prefix in the case number and the same color coded label together, numerically by category. Do not file cases in alphabetical order.
2. Adoption, termination, juvenile, disability, involuntary hospitalization and admission case folders, docket sheets, docket binders and index cards must be kept locked and apart from other records.
3. Domestic violence and interpersonal protective order docket sheets, docket binders, and index cards should be filed with other non-confidential docket sheets, binders and index cards if the petitioner's address does not appear on the docket sheets and index cards. Domestic violence case folders must be kept locked and apart from other records.

65.2 *Case Numbering*

1. All cases shall be assigned a case number. The case number consists of three components, each separated by a hyphen, as follows:
 - **Year:** Last two digits of the year to show the year of filing. Thus, a case filed in 2015 will bear the designation 15.
 - **Type:** Use a code letter to designate the type of case in accordance with the table in item 3 below.
 - **Number:** Consecutive order for each category, beginning with 00001.
 - **Trailer Numbers:** Trailer numbers are only used for juvenile, disability, involuntary hospitalization/admission, domestic violence and interpersonal protective order cases and circuit criminal cases with multiple defendants. These numbers begin with 001, example: 15-J-00001-001. For more information on special rules for numbering these cases, see [Case Add](#) in the KyCourts Manual.
2. Show the case number and the case style on case records. You may utilize pre-numbered file folders and print labels from the case management system. You may also use color banded stick-on labels to help distinguish the different types of cases. For uniformity in the Court of Justice, the following colors for the various categories of cases are recommended and listed below.

65.3 *Letter and Color Codes*

Case Type	Letter Code	Color
<i>DISTRICT COURT</i>		
Civil, Forcible Detainer, and URESA	C	White
Domestic Violence and Interpersonal Protective Orders	D	Light Blue
Involuntary Hospitalization/ Admission and Disability	H	Red
Small Claims	S	Orange
Probate and Name Change	P	Black
Juvenile and Paternity	J	Yellow
Traffic	T	White Envelope
Misdemeanor	M	Buff Envelope/Flat file
Felony	F	Buff Envelope/Flat file
Alcohol Intoxication - Prepaid	AI	Buff Envelope/Flat file
<i>CIRCUIT COURT</i>		
Civil, Domestic Relations, Contested Wills, Habeas Corpus, and URESA	CI	Tan
Adoption and Termination	AD	Dark Blue
Criminal (Including 11.42's)	CR	Green
Appeals from District	XX	Purple

65.4 *Case Number Assignment - T, M, F Cases*

If offenses are mixed in nature on a district court citation/criminal complaint, i.e., felonies, misdemeanors, and/or traffic charges in some combination, the case type assigned will be that of the most serious offense.

EXCEPTION: The following is a list of misdemeanor offenses and UOR codes that are filed as traffic cases if no felony offense is contained on the citation/criminal complaint: [UOR Codes](#).

Example	Filed as:
Citation/criminal complaint contains a traffic, misdemeanor and felony offense.	F
Citation/criminal complaint contains a traffic and misdemeanor offense.	M
Citation/criminal complaint contains a traffic and misdemeanor offense, <i>where the misdemeanor is listed as an exception (see UOR Codes link above.)</i>	T
Citation/criminal complaint contains a misdemeanor offense only.	M
Citation/criminal complaint contains a misdemeanor offense only, <i>where the misdemeanor is listed as an exception (see UOR Codes link above.)</i>	T

65.5 *Uniform Case Management Standards*

Supreme Court of Kentucky

In Re: Uniform case management standards

To establish uniformity in the filing of criminal charges throughout Kentucky, it is the policy of the Court of Justice to open one (1) case file and assign one (1) case number when two (2) or more offenses, whether felonies, misdemeanors, violations, or any combination thereof are charged in the same or related indictment, information, served criminal complaint or citation, where the offenses are of the same or similar character or are based on the same acts or transactions connected together or constituting parts of a common plan or scheme. The foregoing shall be effective on January 1, 1999.

ENTERED: December 21, 1998.

Joseph E. Lambert
Chief Justice

65.6 *Case History/Docket Entries*

CR 79.01

A docket entry in a case is made by completing the appropriate screens in the Case Management System. From these entries a case history is created. This is the "docket sheet" for that case per CR 79.01. In using the current case management system the docket sheet is referred to as a case history.

65.7 *Computer Case History/Docket Entry*

- **Cases** are opened by completing a case screen (see Case Add) with the opening information consisting of case number, style, filing date, case type and the opening judge.
- **Documents.** Complete a document screen for each document (except for motions) filed in the case. Give a brief description of the document in the memo field.
- **Motions.** Motions are filed by completing a scheduled event screen and then entering the details of the motion in the motion screen attached to a scheduled event screen. Memo additional details in the motion memo.
- Complete a **summons or warrant** screen for each process issued. When a return is received, complete the service date and status fields on the same screen.
- Complete a document screen for each **order and judgment** including notice of entry method and date. Include a brief description in the memo field. See Notice of Entry.

65.8 *Correct a Mistake*

To correct an error in a docket entry, type the erroneous portion, exactly as written, in the **Memo** field, enter the necessary correction in the proper field, and overlay with the necessary correction.

66 PATERNITY PROCEEDINGS

KRS Chapter 406

District Court and Family Court Division of Circuit Court

[Process Map](#)

Paternity refers to the legal establishment of who is the father of a child. Paternity may be determined upon the complaint of the mother, putative father, child, person, or agency substantially contributing to the support of the child. The action shall be brought by the county attorney or by the Cabinet for Health and Family Services or its designee upon the request of authorized complainant.

- District court has jurisdiction of paternity proceedings and may order the non-custodial parent of a child born out of wedlock to make support payments. KRS 406.021; Sumner v. Roark, KY. App.836 S.W.2d 434 (1992).
- Paternity hearings are conducted in the juvenile session of district court or family court division of circuit court.
- Venue is in the county where the alleged father is present or has property, or in the county where the mother resides. KRS 406.151.

66.1 *Inspection of Records*

Paternity cases are confidential and not open for public inspection unless he/she has a court order giving access to the file. KRS 406.035(2).

EXCEPTIONS: These individuals may inspect an order or judgment of paternity:

- Employees of governmental agencies in the performance of their duties;
- All law enforcement agencies including county attorneys, commonwealth's attorneys, district and circuit judges;
- Anyone with a court order giving access to the order of paternity;
- Either party to a paternity action under KRS Chapter 406 or his/her attorney of record. KRS 406.035(3).

66.2 *Filing Fee*

Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

Quick Reference
Collect filing fees

66.3 *Petition*

1. Upon receipt of a petition, apply the **FILED** stamp; add the date and your initials.
2. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case.
3. Assign the next case number for Juvenile **J** cases. The case type for paternity proceedings is **PA**.

NOTE: Do not assign a trailer number and do not complete a party screen for a child.

File, date, initial

Juvenile **J** cases
Case type **PA**

66.4 *Paternity Summons*

Generate a summons for each person to be served by completing a summons screen. The initiating party will decide whether the summons is to be served by certified mail or personally delivered by the sheriff or other authorized person. CR 4.01(1). See [Service of Process](#).

A [civil summons](#) may be issued on holidays and served on Sundays and holidays. KRS 454.125.

Generate summons

66.5 *Motions/Pleadings*

When motions or other pleadings are received, apply the **FILED** stamp; add the date and your initials and file by completing the appropriate screen, i.e., motion or document. Calendar any hearing on a scheduled events screen.

File, date, initial

Calendar hearing on
scheduled events
screen

66.6 *Paternity Judgment*

1. Upon receipt of a signed order or judgment, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen.
2. Give [notice of entry](#) by mailing a copy of the entered judgment to the parties or their attorney. Complete the notice of entry method and date on the document screen.
3. When the order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.

Quick Reference
 Enter, date, initial

NOE

Complete disposition date, type, and judge on case screen

66.7 *Paternity Report*

Complete Form VS-8D, Paternity Report and mail to the **State Registrar of Vital Statistics**. This report is due no later than the 15th day of the month following the date of the order. KRS 213.071(2). A supply of this form may be ordered from Vital Statistics.

Form VS-8D
State Registrar of Vital Statistics
 275 E Main Street
 Frankfort, KY 40601

66.8 *Paternity Re-openings*

1. Upon receipt of a motion to modify a paternity judgment, filed six (6) months from the entry of the judgment, collect a filing fee as set forth in the [Accounting Manual](#).
NOTE: Do not collect this fee for motions that include 42 U.S.C. Title IV-D cases for child support enforcement.
2. Pursuant to FCRPP 14, district court may decline jurisdiction on custody and visitation and refer the action to circuit court. A party may also file an action for custody, visitation, or support in circuit court after the entry of a judgment of paternity in district court.
3. In family court jurisdictions the family court judge may order the custody, visitation, and support matters in a paternity action be initiated in a circuit action. In such instance, a new circuit civil petition shall be filed by the movant/petitioner and the appropriate filing fee shall be paid unless in forma pauperis status is granted by the court. FCRPP 14(3).

Collect filing fee

67 PETITION FOR DAMAGES PERTAINING TO CHILDHOOD SEXUAL ABUSE/ASSAULT

KRS 413.249

District and Circuit Court

[Process Map](#)

67.1 *Filing Fees*

Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

67.2 *Petition*

1. Apply the **FILED** stamp to the petition; add the date and your initials.
NOTE: If you receive a motion to seal with the petition see [Motion to Seal](#).
2. Assign to a division using the procedure in your local court rules using case type **OTH**.
3. Open the case. For instructions on opening the case, see the [Case Add](#) section of KyCourts Manual.
4. Generate the next case number for circuit civil **CI** cases or district civil **C** cases as indicated by the petitioner or use the next pre-numbered file folder.
5. Issue a summons immediately upon the filing of a complaint and serve with the petition as directed by the petitioner. CR 4.01(1).

Quick Reference

File, date, initial

Case type **OTH**

Civil **CI** case
District Civil **C** case

Issue a summons

67.3 *Service of Process*

A civil summons may be issued on holidays and served on Sundays and holidays upon an affidavit that the process cannot be executed after that day. KRS 454.125.

For more information, see [Service of Process](#).

67.4 *Motion to Seal*

1. Upon receipt of a motion to seal with the petition for damages pertaining to childhood sexual abuse/assault apply the **FILED** stamp to the motion to seal; add the date and your initials.
2. Open the case in the confidential **CO** division.
3. In the circuit **CI** or district **DI** division complete a case screen only, using the case number assigned to the case in the **CO** division as appropriate.
4. Enter the style of the case as **SEALED RECORD**.
5. Enter the original filing date, case type of **SE** (sealed) and the disposition date the same as the filing date.
6. Enter the judge assigned the case as the open judge and judge at disposition.
7. Set the motion for hearing as directed by your judge. Use schedule type **MH**.
8. File by completing a scheduled events and motion screen. Use motion type **SE**.
9. Seal the case file in a suitable envelope; add the case number to the outside of the envelope and file in numerical order with other cases.
10. The file may be unsealed for the inclusion of other papers, which may be filed during the pendency of the motion. Note the date and your initials on the outside of the envelope each time you open and reseal the record. For any other purpose, treat the record as confidential.
11. When the motion to seal is ruled upon, follow the court order for future handling of the record.
12. If the court orders the case to be a public record (unsealed), through case level maintenance, delete the case number in the circuit **CI** or district **DI** division (named Sealed Record). Transfer the case from the confidential **CO** division to circuit **CI** or district **DI** division using the original CI or DI case number as appropriate.

Quick Reference
File, date, initial
Confidential CO case
Case screen only in circuit or district division
Case style SEALED RECORD
Schedule type MH
Motion type SE
Seal the case
If ordered to be unsealed: Delete case number in circuit CI or district DI divisions; transfer case from CO division to the CI or DI division

67.5 *Order*

1. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on the document screen. Use document type **OTS**.
3. After the order is entered, serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner (mail or personal delivery) and date of service of notice of entry of order. For more information, see [Notice of Entry](#).
4. When the order closes the case, complete the disposition date, disposition type, and judge at disposition fields on the case screen.

Quick Reference Enter, date, initial
Document type OTS
Serve notice of entry
Close case

68 PETITION FOR IMMEDIATE ENTITLEMENT TO CUSTODY

KRS 620.110

Circuit Court

[Process Map](#)

68.1 *Petition*

1. Upon receipt of a Petition for Immediate Entitlement to Custody, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

Exceptions: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

2. Apply the **FILED** stamp to the petition; add the date and your initials.
3. Assign to a division using the procedure in your local court rules. For instructions on opening the case, see the [Case Add](#) section of KyCourts Manual.
4. Generate the next case number for circuit civil **CI** cases or use the next pre-numbered file folder. File the case in the confidential **CO** division of KYCourts. KRS 610.340.
NOTE: Do not re-enter the case number in the circuit civil **CI** division.
5. **Do not** issue a summons.
6. Immediately deliver the case file to the judge. If the judge directs, schedule a hearing by completing a scheduled events screen.

Quick Reference
Collect filing fees

File, date, initial

Circuit Civil **CI** Case
CO Division

Do not issue summons

Deliver case file to judge
If directed, schedule hearing

68.2 *Order*

1. Upon receipt of a signed order, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on the document screen, including a brief description.
3. After the order is entered, serve notice of entry on the parties by making a copy of the order that has been stamped **ENTERED** and mail or hand deliver it to the party or attorney. Make an entry on the document screen showing the manner and date of the service of notice of entry of the order. See [Notice of Entry](#).
4. When an order closes the case, complete the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Quick Reference

Enter, date, initial

Serve notice of entry

NOE

Disposition type **OTH**

69 PETITION PERTAINING TO SHERIFF'S INCAPACITY TO SERVE

KRS 64.121

District and Circuit Court

[Process Map](#)

- A Sheriff or his/her personal representative may petition the district or circuit Court for an order determining that the Sheriff is physically or mentally unable to discharge the duties of his/her office.
1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.
EXCEPTIONS: The following are exempted from the filing fees:
 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.
 2. Assign to a division using the procedure in your local court rules.
 3. Apply the **FILED** stamp to the petition; add the date and your initials.
 4. Open the case using case type **OTH**. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. File at the direction of the petitioner by generating the next case number for district civil **C** or circuit civil **CI** cases or use the next pre-numbered file folder.
 5. **Do not** issue a summons.
 6. Deliver the case file to the judge.
 7. When an order is received, apply the **ENTERED** stamp; add the date and your initials.
 8. Enter order on document screen using document type **OO**. After entry of the order, serve notice of entry on the parties. Enter the notice of entry method and date on the document screen when the order is entered. See [Notice of Entry](#).
 9. When an order closes the case, complete the disposition date, disposition type **OTH**, and judge at disposition fields on the case screen.

Quick Reference
Collect filing fees

File, date, initial

Case type **OTH**
District Civil **C** Case
Circuit Civil **CI** Case

Do not issue summons

Enter, date, initial

Document type **OO**
Notice of entry

Disposition type **OTH**

70 PETITION TO CONTEST DISPOSITION OF DECEDENT REMAINS/CREMATION

KRS 367.97527

Circuit Court

[Process Map](#)

- An action to contest or determine the validity of any declaration setting forth a decedent’s preferences regarding the manner of disposition of their remains is an original action in circuit court and is brought in the same manner as an action to contest the validity of a will.

70.1 *Petition*

1. Upon receipt a petition to contest the disposition of decedent remains, collect filing fees as set forth in the [Accounting Manual](#) for a circuit civil action and give a receipt.

EXCEPTIONS: The following are exempted from the filing fees:

 - [In Forma Pauperis](#)
 - Petitioner is the Commonwealth. KRS 453.010.
2. Apply the **FILED** stamp to the petition; add the date and your initials.
3. Assign to a division using the procedure in your local court rules.
4. Open the case using case type **OTH**. Generate the next case number in the computer for circuit civil **CI** cases or use the next pre-numbered file folder. For more information see the [Case Add](#) section of KyCourts Manual for instructions for opening the case.
5. Issue a summons. See [Civil Actions](#).
6. Immediately deliver the case file to the circuit judge.
7. Upon receipt of an Order, apply the **ENTERED** stamp; add the date and your initials.
8. Enter the order on the document screen. This constitutes entry of the order; it does not become effective until this is done.
9. After entry of the order, serve notice of entry on the parties by making a copy of the order that has been stamped **ENTERED** and mail or hand deliver to the parties or attorney. Enter the notice of entry method and date on the document screen when the order is entered. For more information, see [Notice of Entry](#).
10. When the order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.

Quick Reference

File, date, initial

Case type **OTH**
CI – Circuit Civil

Enter, date, initial

Serve notice of entry

70.2 *Surety Bond*

The plaintiff must post a surety bond, cash deposit, or other surety sufficient to guarantee that the entity holding the declarant's remains is compensated for the safe-keeping charges incurred while the action is pending. For more information, see [Bonds and Sureties](#).

1. Upon receipt of a surety bond apply the **FILED** stamp; add the date and your initials.
2. Collect a fee for taking the bond as set forth in the [Accounting Manual](#), and give a receipt.
3. Complete a document screen using document type **BSUR**.

File, date, initial

Collect bond fee

Document type **BSUR**

71 PETITION TO DISCHARGE SECURITY INTEREST

KRS 186.045

Circuit Court

[Process Map](#)

71.1 *Petition*

1. Upon receipt of a petition to order the discharge of a security interest in a motor vehicle, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS: The following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

2. Apply the **FILED** stamp to the petition; add the date and your initials.
3. Assign to a division using the procedure in your local court rules. For instructions on opening the case, see the Case Add section of KYCourts Manual. Use case type **OTH**. Generate the next number for circuit civil **CI** cases or use the next pre-numbered file folder.
4. **Do not** issue a summons.
5. Deliver the case file to the judge immediately.

Quick Reference
Collect filing fees

File, date, initial

Case type **OTH**

Circuit Civil **CI** case
Do not issue summons

Deliver case to judge

71.2 *Judgment/Order*

1. When a signed judgment or order is received, apply the **ENTERED** stamp to the judgment or order; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description of the order in the memo field. After the judgment or order is **ENTERED**, serve notice of entry on every party who has not filed a written waiver. Make an entry on the document screen showing the manner and date of service of notice of entry or judgment. See [Notice of Entry](#).
3. Immediately send a copy of the order to the county clerk in the county where the security interest was originally filed. KRS 186.045(3).
4. When the judgment or order closes the case, complete the disposition date, disposition type, and judge at disposition fields on the case screen.

Enter, date, initial

Notice of entry

73 PETITION/NOTICE FOR REMOVAL OF ACTION TO FEDERAL COURT

28 U.S.C. Section 1446(a)(d)

Circuit or District Court

If a case filed in circuit or district court is to be removed (transferred) to federal court, the removal proceedings must be initiated by the defendant in the pending action. 28 U.S.C. Section 1446(a).

73.1 *Petition*

1. Upon receipt of a copy of the Petition/Notice for Removal, the transfer is complete. Do not send the case file to federal court. 28 U.S.C. Section 1446(d).
2. Apply the **FILED** stamp to the copy of the petition/notice; add date and your initials.
3. File on a document screen using document type **NOR**.
4. Close the case by completing the disposition date, (filing date on petition for removal), disposition type **TRF** and the judge at disposition fields on the case screen.

Quick Reference

File, date, initial

Document type **NOR**

Disposition type **TRF**

74 PLEAS

KRS 27A.460 (5) and (6)

- KRS 27A.460 (5) and (6) require the collection of data regarding defendant pleas.

74.1 *Plea Disposition*

- When an original plea is entered a final plea must be entered.
- When the trial type is Court **C** or Jury **J**, the original and final pleas must be entered.
- When the defendant pleads not guilty at the arraignment, enter **NG** as the original plea.
- When the defendant pleads guilty at the arraignment, enter **G** as the original and final plea.
- When the defendant pleads guilty at any court proceeding after the arraignment, enter **G** as the final plea.
- When the defendant is found guilty at any court proceeding after the arraignment, enter **NG** as the final plea.
- When the defendant is found guilty in absentia at any court proceeding, enter **NG** as the original and final plea.

NOTE: Final pleas do not necessarily reflect the charge disposition/court finding.

74.2 *Entering a Plea*

- Court trial is entered as trial type disposition only when an actual trial is held. Except for the jury being empanelled to hear the case, the same set of circumstances as a jury trial must exist, i.e., opening statements by attorneys, cross-examination of witnesses, closing arguments and a finding by the court. The entry of a guilty plea in open court is not a court trial.
- If a court trial or jury trial has been entered as the trial type, an original plea and final plea must be entered.
- If an original plea has been entered, a final plea must be entered whether or not the defendant changes the plea. If no plea is entered, (example: charge is dismissed at arraignment), original and final plea are both left blank. Original plea and final plea reflect what the defendant has entered regardless of a different finding by the court.

75 PROBATE

KRS 395

District Court

[Process Map](#)

- Probate is the process of settling and administering estates, guardianships, curatorships, trusts, and name changes.
- [Administration of Decedent Estates](#)
- [Dispense with Administration](#)
- [Guardian or Conservator for Minor](#)
- [Trust Estate](#)
- [Miscellaneous Probate Appointments](#)
- [Transfer of Fiduciary Account](#)
- [Name Change](#)

75.1 *Administration of Decedent Estates*

75.1.1 Filing Fees

1. Upon receipt of a petition for probate ([AOC Form 805](#)), collect the filing fees as set forth in the [Accounting Manual](#) and give a receipt.
NOTE: For later appointments in the same estate, there is no additional filing fee providing no final settlement has been filed.
2. If the petition is accompanied with an [Affidavit for Probate Fee Exemption](#), see [Probate Fee Exemption](#) below.

Quick Reference
Collect filing fee
AOC form 805

75.1.2 Petition

1. Apply the **FILED** stamp; add date and your initials to the petition.
2. Check your index for a previously assigned case number. If a case number exists and that number is a computer generated case number, use the same number and file folder. If the number is not in the computer, generate the next case number for probate **P** cases or use the next pre-numbered file folder.
3. If no previous case exists, open a case using case type **PB**. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. The case will be styled: **ESTATE OF:** (Decedent’s Name.)
4. Check the file folder in the front of your probate drawer for any previously filed creditor's claims or request/demand for notice under KRS 395.012.

File, date, initial

Case type **PB**

5. Transfer any documents to the probate file by completing a document screen. Use the filing date shown on the creditor’s claim or request/demand for notice.
6. Serve all persons who have filed a request/demand for notice with any orders entered regarding the estate.

NOTE: Process a **Petition for Probate of Non Resident/Foreign Will** in the same manner using [AOC Form 805](#). The application of a nonresident shall include the designation of a resident of the county where administration is pending as his agent for the service of process in any action against him as personal representative or personally, provided that such personal action must have accrued in the administration of the estate. KRS 395.015.

75.1.3 Creditor Claims Prior to Administration

- Any person having a financial or property interest in a decedent’s estate may file claims or a demand for notice with the court at any time after the death of the decedent.
- Upon receipt of a claim from a creditor filed against an estate before the start of administration, or a request/demand for notice under KRS 395.012, apply the **FILED** stamp; add date and your initials. File alphabetically by decedent's last name in the Creditor’s Claims folder placed in the front of the probate file drawer. Make an entry of the filing of the creditors claim on the manual docket sheet attached to the inside of the folder. Return claim to creditor 10 years after filing if no probate case has been opened.

Quick Reference

File, date, initial

75.1.4 Probate Fee Exemption

- The estate of a person whose spouse or surviving children are eligible for state death gratuity death benefits (a law enforcement officer, firefighter, and/or a member of the United States Armed Forces who names Kentucky as home of record and whose death occurred as a direct result of an act in the line of duty) is exempt from all probate fees and may file an Affidavit for Probate Fee Exemption. Accordingly the estate is exempt from all probate fees. KRS 61.315(6); 64.012; 172.180.

If you receive [AOC Form 860](#), Affidavit for Probate Fee Exemption and Order, along with a Petition for Probate of Will and Appointment of Executor or Administrator, take the file to the judge for signature allowing the party to file without fees including; but not limited to, those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180. This includes advertising fees.

AOC Form 860

Fees set by newspaper publishing notices

75.1.5 Bond

1. Upon receipt of an approved fiduciary bond, collect the fiduciary's bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005. [AOC Form 825](#), Fiduciary Bond, may be used for this purpose.
2. Apply the **FILED** stamp to the bond; add date and your initials.
3. File on a document screen using document type **BF**. The bond must be posted before the order of appointment of fiduciary is entered.

Quick Reference
 Collect filing fee
 AOC Form 825
 File, date, initial
 Document type **BF**

75.1.6 Order Probating/Appointing

1. Upon receipt of the Order Probating the Will and Appointing Executor or Order Appointing Fiduciary, apply the **ENTERED** stamp; add date and your initials. [AOC Form 806](#) Order Probating Will & Appointing Executor/Executrix or [AOC Form 840](#), Order Appointing Fiduciary may be used for this purpose.
2. Complete a document screen, using document type **OWF** if AOC Form 806 is used. Use document type **OFID** if AOC Form 840 is used.
3. Give [notice of entry](#) by mail or hand delivery to the fiduciary and any person/entity who has filed a demand for notice.
4. Send a copy of the Petition and Order Probating the Will and Appointing the Executor or Order Appointing Fiduciary to the **Department of Revenue Inheritance and Estate Tax Area**.
5. Make a notation of this mailing in the memo field of the document screen where the order is filed.
6. Close the case at the time of appointment of the fiduciary by completing the disposition date, disposition type **OTH**, and judge at disposition fields on the case screen. Do not reopen the case when a settlement is filed.

NOTE: If requested, attest a copy of the Order of Appointment and give to the fiduciary. Prepare certified copies of the appointment, if requested, and collect the certification and copy fees as set forth in the [Accounting Manual](#).

Enter, date, initial
 AOC Forms 806 or 840

Document type:
 Form 806: **OWF**
 Form 840: **OFID**

Notice of entry

*Department of Revenue
 Inheritance and Estate
 Tax Area, Station 61,
 501 High Street,
 Frankfort, KY 40601*

Close case
 Disposition type **OTH**

Prepare certified copies

75.1.7 Will Certification

1. Make a copy of the original will and affix a certification that it is a copy of the original will.
2. Apply the **FILED** stamp; add date and your initials.
3. File by completing a document screen, using document type **WI**.
4. Take the original will and a certified copy of the court order to the county clerk for recording. The petitioner is responsible for the recording fee. KRS 64.012; CR 79.05(2). Follow your local protocol regarding collection of the county clerk’s recording fee through your office or directing the petitioner to directly pay the county clerk.

NOTE: If a request is made for a copy of the will, provide a copy of the will in your file. If a certified copy of the original will is requested, direct them to the county clerk's office.

<p>Quick Reference</p> <p>Copy will</p> <p>File, date, initial</p> <p>Document type WI</p> <p>Record will</p>

75.1.8 Publication of Appointments

1. The clerk shall advertise at least monthly all fiduciary appointments made since the last publication. KRS 424.340. One notice is sufficient.
NOTE: Fee for publishing the notice of the appointment of a fiduciary is set by the newspaper which publishes the notice. The expense of advertising shall be taxed as costs. KRS 424.160(1)(4).
2. Make a notation of the advertising of the appointment in the memo field of the document screen where the order of appointment is filed. You are not required to keep a copy of the publication in each case file.
3. At the beginning of each month, start a new list of appointments of fiduciaries to be advertised. Add to your list as appointments are made during the month. At the end of the month, the list is complete and ready for publication. The list must contain:
 - (1) The name and address of the person whose estate is being administered;
 - (2) The name and address of the fiduciary;
 - (3) The date of appointment;
 - (4) The date by which creditors must file their claims (6 months after the appointment of the fiduciary), KRS 395.190;
 - (5) The name and address of the attorney representing the fiduciary, if any. KRS 424.340.
4. If an advertisement is required by law to be published in a newspaper, the publication shall be made in a newspaper that meets the following requirements:
 - (1) The newspaper must be published (maintain its principle office) in the area;
 - (2) The newspaper must have been issued at least once a week for the preceding two years unless it is the only publication in the area and has a paid circulation equal to at least 10 percent of the publication area;
 - (3) Must have a bona fide circulation in the publication area (circulated generally and with a price of at least 50 percent of its published price and paid for by at least half of those who receive it);
 - (4) Must have a name and be four or more pages (without a cover) and contain at least 25 percent news content (in more than half its issues for each year). It must also be the type of newspaper to which the general public relies on for current events;
 - (5) If there is more than one newspaper in the county meeting these requirements, the one with the largest circulation must be used for advertisement;
 - (6) If there is no qualified newspaper in the county, the advertisement may be published in the (qualified) newspaper having the greatest circulation in an adjoining Kentucky county.

Quick Reference
Advertise all new fiduciary appointments

Keep a list of all new fiduciaries

Tel: 502-573-2350

NOTE: If you do not have a newspaper which meets the requirements above, please call the Office of Legal Services at AOC for guidance.

75.1.9 Tickler System

Create a tickler system for the filing of the inventory and settlement by completing a scheduled events screen for the date the inventory and settlement is due to be filed. Use event type **IN** for Inventory and **STL** for settlement.

NOTE: An inventory should be filed in duplicate two months from the date of qualifying. A settlement should be filed two years from the date of the appointment. See [Inventory](#) and [Settlement of Decedent’s Estate](#) below.

Quick Reference
 Event type
 *Inventory- **IN**
 *Settlement- **STL**

75.1.10 Inventory for Decedent’s Estate

1. Upon receipt of any inventory, apply the **FILED** stamp; add the date and your initials.
2. Complete a document screen using document type **INV**.
3. Send the duplicate inventory to the **Department of Revenue Inheritance and Estate Tax Area**.
4. Make a notation of the mailing in the memo field.

NOTE: If the inventory is filed in advance of the due date, unschedule the scheduled event (DELSCH) utilizing the [Counter Screen](#) as instructed in the KyCourts Manual.

5. On a monthly basis, print a calendar of the delinquent inventories and deliver it to the judge. KRS 395.635.

NOTE: Per [Tickler System](#), when scheduling an event for the date the inventory is due allows a delinquent inventory to be addressed by the judge with the docket associated with the tickler/scheduled event.

6. Upon receipt of an order to notice the fiduciary of the past due inventory, apply the **ENTERED** stamp; add the date and your initials.
7. Complete a document screen using document type **NPDI**. Give [notice of entry](#) as directed by the court.

File, date, initial

Document type **INV**
*Department of Revenue
 Inheritance and Estate
 Tax Area, Station 61,
 501 High Street,
 Frankfort, KY 40601*

Print delinquent
 calendar

Enter, date, initial

Document type **NPDI**
 NOE

75.1.11 Settlement for Decedents Estates

- Settlements for decedents’ estates must be made by [fiduciaries](#) and [trustees](#). A settlement is not required for testamentary trustees unless ordered by the court. KRS 395.610.
- Types of Settlement:
 - **Final** – Due two years after the appointment.
 - **Periodic** – Due two years after the appointment and annually thereafter, unless otherwise ordered by the court. KRS 395.610(1).
 - **Proposed** – May be filed prior to filing a periodic or final settlement and prior to a distribution of assets.
 - **Informal** – Due at least six months from a fiduciary’s appointment by a sole beneficiary or by beneficiaries who have waived settlement. No notice or advertisement is required with an informal settlement. KRS 395.605.

For Final, Periodic, or Proposed Settlements

1. Set a hearing date by completing a scheduled events screen. Use scheduled event type **PBH**. Your judge may set aside the same time each month for hearing these matters.
2. Upon receipt of a settlement, apply the **FILED** stamp; add date and your initials.
3. Complete a document screen using the appropriate document type for your settlement as follows:
 - Final – **SETF**
 - Periodic – **SETP**
 - Proposed - **SETPR**

NOTE: If the settlement is filed in advance of the due date, unschedule (DELSCH) the tickler/scheduled event following instructions in [Counter Screen](#) section of the KyCourts Manual.

EXCEPTION: If a final settlement has been filed in conformity with a proposed settlement in advance of the due date, do not schedule a hearing. KRS 395.625.

- a. Deliver the settlement to the judge and when an order is received, apply the **ENTERED** stamp, add the date and your initials.
- b. Complete a document screen using document type **OAS**.
- c. Give [notice of entry](#) by mailing or hand delivering a copy of the order to the fiduciary or attorney and any person/entity who has filed a demand for notice.

Quick Reference
 Scheduled event type
PBH

File, date, initial

* Final – **SETF**
 * Periodic – **SETP**
 * Proposed – **SETPR**

Enter, date, initial
 Document type **OAS**
 NOE

NOTE: You may return vouchers (canceled checks) to the fiduciary 30 days after entry of the order approving the settlement.

For Informal Settlements Only

1. Upon receipt of [AOC Form 850](#) (Informal Final Settlement: Affidavit, Motion, and Order, deliver the file to the judge.
2. When an Order is signed and returned to you, apply the **ENTERED** stamp to the informal settlement order; add the date and your initials.
3. File a document screen using document type **SETI**.
4. Give notice of entry by mailing or hand-delivering a copy of the order to the fiduciary or attorney and any person/entity who has filed a demand for notice.

Quick Reference
 AOC Form 850
 Deliver to judge
 Enter, date, initial

 Document type **SETI**
 NOE

75.1.12 Delinquent Settlements

1. On a monthly basis, print a calendar of the delinquent settlements and deliver the calendar to the judge. KRS 395.635.

NOTE: Per [Tickler System](#), when using a tickler and scheduling an event for the date the settlement is due allows a delinquent settlement to be addressed by the judge with the docket associated with the tickler/scheduled event.
2. If an order is received, apply the **ENTERED** stamp; add date and your initials.
3. Complete a document screen using document type **NFF**.

Print delinquent calendar

 Enter, date, initial
 Document type **NFF**

75.1.13 Publication of Settlement Hearing

1. Publish notice of the hearing in a local newspaper at least 10 days prior to the hearing.

EXCEPTION: Unless the court allows the fiduciary to send notices in lieu of publication or the court orders no publication or mailing of notice by the fiduciary when the estate is less than \$2,500.00 and the assets of the trust or estate are held in an account that can only be assessed by court order. KRS 395.625.
2. Make a notation of the advertisement in the memo field of the document screen where the settlement is filed. The notice must contain:
 - (1) The name of the estate;
 - (2) The date and time of the hearing;
 - (3) That exceptions to the settlement must be filed prior to the hearing.
3. Upon receipt of a settlement order, apply the **ENTERED** stamp; add date and your initials.
4. Complete a document screen using document type **OAS**.
5. Give [notice of entry](#) by mailing or hand delivering a copy of the order to the fiduciary or attorney and any person/entity who has filed a demand for notice.

NOTE: A party in a district court probate (decedent's estate) case may file a complaint regarding a district court PROPOSED SETTLEMENT within 30 days from entry of the district court order approving the settlement. If you receive such a complaint, refer the individual to circuit court.

Quick Reference
 Publish notice of hearing

Memo advertisement

Enter, date, initial

Document type **OAS**
 NOE

75.1.14 Sale of Real Estate by Fiduciary

When a motion is filed by a fiduciary for permission to sell real property, it must be served in the same manner as an initiating document (complaint), but **do not** issue a summons. KRS 389A.010; CR 4.01.

When the motion is filed:

1. Apply the **FILED** stamp to the motion; add the date and your initials.
2. Complete a scheduled events screen using event type **MH** and a motion screen using motion type **SOP**.
3. Unless waived in writing, written notice of the hearing must be given to all persons having a vested or contingent interest in the property, as identified by the fiduciary, at least thirty (30) days prior to the hearing. At the direction of the fiduciary, give notice of this hearing by printing a Court Notice and serve the notice with the motion attached.
4. The fiduciary will direct the method of [service of process](#). Collect fees as set forth in the [Accounting Manual](#) per the selected service method.
5. Upon receipt of an order for Sale of Real Estate apply the **ENTERED** stamp to the order; add the date and your initials.
6. Enter the order on a document screen using document code **OS** and include a brief description.
7. Serve [notice of entry](#) of the order on every party not in default or who has not waived notice. Enter the method of service and notice of entry date on the document screen where the order is entered.

NOTE: An aggrieved party may no later than thirty (30) days from the date of the order, institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2) in respect to any order affecting the right of the fiduciary to sell or mortgage.

Quick Reference
 File, date, initial
 Event type **MH**
 Motion type **SOP**
 Notice of hearing
 Enter, date, initial
 Document type **OS**
 NOE

75.1.15 Renouncing a Will

➤ When a spouse dies testate (with a will), the surviving spouse may renounce the will and release what is given to him or her by the will, if any, and receive his or her share of the estate under KRS 392.020 as if no will had been made. The relinquishment and certificate shall be filed within six (6) months after the admission of the will to probate provided there is no action contesting the will is brought. KRS 392.080.

1. Upon receipt of a notarized relinquishment of a will, apply the **FILED** stamp to the statement; add the date and your initials.
2. File the statement on a document screen in the existing probate action in district court using document code **OTH** and include a brief description.
3. If you receive a motion requesting a hearing, schedule a hearing before the district judge.

NOTE: The petitioner is responsible for filing the statement of relinquishment with the county clerk of the county where the will of the deceased spouse was admitted to probate. The petitioner is responsible for the county clerk’s recording fee. KRS 392.080.

File, date, initial
 Document code **OTH**

75.1.16 Contested Will

- If a will is contested, an original action is filed in circuit court. KRS 394.240.
- Any person aggrieved by the action of the district court in admitting a will to record or rejecting it may bring an original action in the circuit court of the same county to contest the action of the district court. Such action shall be brought within two (2) years after the decision of the district court.
- Open using case type **OTH**. See [Civil Actions](#).

75.1.17 Transfer of Probate File

District Court

1. Apply the **ENTERED** stamp to the order; add date and your initials.
2. File a document screen in the district court case using document type **OTRN**.
3. Give [notice of entry](#) by mail or hand delivery.
4. If the probate file has not already been closed in district court, close the case by completing the disposition date, disposition type **TRF** and judge at disposition fields on the case screen. Transfer the contents of the case file and the case history to circuit court.

Circuit Court

1. Upon receipt of the file in circuit court, apply the **FILED** stamp to the district court case history; add the date and your initials and file on a document screen as a single item using document type **DCF**.
2. Upon receipt of a signed judgment or order apply the **ENTERED** stamp to the order; add date and your initials and complete a document screen.
3. Give [notice of entry](#). Complete the notice of entry method and date on the document screen.
4. Close the case by completing the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.
5. If the probate case is transferred, return the district court (probate) case to district court together with a copy of the circuit court’s final judgment or order.
6. If the order admits a will to the record, file a copy of the will by applying the **FILED** stamp; add date and your initials and certify it. Complete a document screen using document type **WI**.
7. Take the original will and a certified copy of the court order to the county clerk for recording. The petitioner is responsible for the recording fee. KRS 64.012; CR 79.05(2). Follow your local protocol regarding collection of the county clerk’s recording fee through your office or directing the petitioner to directly pay the county clerk.

Quick Reference
Enter, date, initial
Document type OTRN
Give notice of entry
Disposition type TRF
File, date, initial
Document type DCF
Enter, date, initial
Notice of entry
Disposition type OTH
File, date, initial
Document type WI
Certified copy of will

75.2 *Dispense with Administration*

KRS 395.455; 391.030; 395.040

When the decedent’s estate is less than \$15,000, a surviving spouse, surviving children, and/or preferred creditor may ask the court to direct the transfer of estate assets without the need for further court proceedings.

75.2.1 Filing Fees

1. Upon receipt of [AOC Form 830](#) Petition to Dispense with Administration, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).

NOTE: If a case is initially opened as dispensed with administration and a petition is later filed to administer the estate you will need to collect the difference in the filing fees.

Quick Reference
AOC Form 830
Collect filing fees

75.2.2 Petition

1. File the petition to dispense (accompanied by an affidavit of the beneficiaries to waive administration, if applicable) by applying the **FILED** stamp; add date and your initials. [AOC Form 830](#), Petition/Order To Dispense With Administration, may be used. Use document type **PDA**.
2. Check your index/KYCourts for a will of the decedent and a previously assigned case number. If a previous case number for an estate exists and that number is a computer generated case number use the same number and file folder.
3. If the number is not in the computer or if a case number does not exist, generate the next probate **P** number or use the next pre-numbered file folder open the case. For instructions on opening the case, see the [Case Add](#) section of KyCourts Manual. Use case type **PB**.
4. Advise the judge if your records show that administration or letters testamentary (appointment orders) have been granted prior to the application for an order dispensing with administration. If administration or letters testamentary (appointment orders) have been granted previously, send a copy of the petition to the personal representative. KRS 395.490.
5. Check the file folder in the front of your probate drawer for any previously filed creditor's claims or request/demand for notice under KRS 395.012. Transfer any documents to the estate's file by completing a document screen, and serve this person/entity with any orders entered regarding the estate.

Check for previous case number

Probate **P** Cases

Check for previously filed creditor’s claims

6. If the court orders the filing of a fiduciary bond, collect the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005. [AOC Form 825](#), Fiduciary Bond, may be used for this purpose.
7. Apply the **FILED** stamp to the bond; add date and your initials.
8. File on a document screen using document type **BF**.
9. After any ordered bond is posted, enter the Order Dispensing with Administration by applying the **ENTERED** stamp; add date and your initials.
10. Complete a document screen using document type **ODA**. Give notice of entry by mail or hand delivery to the fiduciary and any person/entity who has filed a demand for notice.
11. Upon receipt of a will certification along with a petition to dispense, make a copy of the original will and affix a certification that it is a copy of the original will. File the copy of the will and complete a document screen using document type **WI**. Take the original will and a certified copy of the court order to the county clerk for recording. Petitioner is responsible for the recording fee. See [Will Certification](#).
12. Close the case by completing the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Quick Reference
 Collect filing fee
 AOC Form 825

File, date, initial
 Document type **BF**

Enter, date, initial

Document type **ODA**
 NOE

Disposition type **OTH**
 File, date, initial
 Document type **WI**

Disposition type **OTH**

75.2.3 Advertisement of Petition

It is the responsibility of the petitioner(s) to advertise the petition to dispense with administration and appointment of fiduciary (trustee). KRS 395.470.

1. File the affidavit of the petitioner(s) indicating that the advertisement was made by applying the **FILED** stamp; add date and your initials.
2. Complete a document screen using document type **AFF**.

File, date, initial

Document type **AFF**

75.2.4 Designation of Trustee

The order may contain a designation of a trustee who has the same right to sue for and collect claims and demands as an administrator. This is not the same as an appointment of a fiduciary.

75.3 *Guardian or Conservator for Minor*

- Persons under the age 18 may require the appointment of a [guardian](#), limited guardian or [conservator](#). Jurisdiction is in district court. KRS 387.020(1).
- Venue
 - **Resident Kentucky Minor:**
If appointment for a guardian, limited guardian, or conservator is required for a minor who is a Kentucky resident it shall be made in the county where the will of the minor's last surviving parent was probated, if that will nominates a guardian, limited guardian, or conservator pursuant to KRS 387.040, 387.020(2)(a). In all other cases for the minor’s last surviving parent, the appointment shall be made in the county where the minor resides. KRS 387.020(2)(b).
 - **Nonresident Kentucky Minor:**
In the county where the real or personal property of the minor is located. KRS 387.020(3). If the minor has real or personal property in more than one (1) county, the appointment shall be made in any of those counties. The county in which the proceedings are initiated shall control. KRS 387.020(3).

75.3.1 **Petition and Application for Appointment**

1. Upon receipt of a petition for appointment of guardian, limited guardian or conservator [AOC Form 852](#), Petition for Appointment of Guardian/Conservator for Minor, apply the **FILED** stamp; add date and your initials. See Fees for [Guardian/Conservator Appointment](#).
2. For instructions on opening the case, see the [Case Add](#) section of KyCourts Manual. Generate the next case number for probate **P** cases or use the next pre-numbered file folder using case type **GC**.
3. Complete a document screen using document type **PGM** for appointment of guardian or **PCM** for appointment of a conservator.
4. The petition must be accompanied by a verified application of the person/entity desiring appointment. KRS 387.025(1), [AOC Form 853](#), Application for Appointment as Guardian/Conservator for Minor. Apply the **FILED** stamp; add the date and your initials.
5. Complete a document screen, using document type **AAM**.
6. Schedule a hearing by completing a scheduled events screen using event type **OH**. Notice of the hearing is given by the petitioner. KRS 395.016.
7. Distribute the copies of the application per the instructions on the bottom of the petition and note distribution in the memo field of the document screen.
 - (1) Minor (if age 14 or older),
 - (2) Each person/entity named in petition KRS 387.025(5).

Quick Reference
AOC Form 852
File, date, initial

Probate **P** case
Case type **GC**
Document type **PGM** or **PCM**
(AOC Form 853)
File, date, initial

Document type **AAM**
Distribute copies

NOTE: Do not serve notice of the hearing. Notice of hearing is given by petitioner or petitioner’s attorney. KRS 395.016.

75.3.2 Fees for Guardian/Conservator Appointment

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).
2. Collect a fee for publication of notice of the appointment of the fiduciary. The amount of this fee is set by the newspaper which publishes the notice. KRS 424.160(1), (4).

Quick Reference
 Collect fees
 Collect publication fee

75.3.3 Bond of Guardian/Conservator

1. Upon receipt of [AOC Form 825](#) (Fiduciary Bond), collect the bond filing fee as set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **FILED** stamp to the bond; add the date and your initials.
3. Complete a document screen using document type **BF**.
4. Attest a copy and give to the fiduciary. Give notice of the filing of the bond by mailing or hand-delivering a copy of the minor (if age 14 or older) and each person/entity named in the petition.

EXCEPTIONS:

If the district court directs that the assets of a ward’s estate be deposited in a restricted account, the guardian or conservator shall be exempt from giving surety on his or her bond.

Unless otherwise ordered by the court, no bond is required from a limited guardian KRS 387.070(2) or guardian or conservator nominated by the will of the minor's last surviving parent if said will requests no surety. KRS 387.070(3).

5. The fiduciary bond surety may be corporate or personal. KRS 387.070, 395.130, 62.060. See [Bonds and Sureties Chapter](#).

AOC Form 825
 Collect fees
 File, date, initial
 Document type **BF**
 Attest copy

75.3.4 Order Appointing Guardian/Conservator

1. Upon receipt of [AOC Form 854](#), (Order of Appointment of Guardian/Conservator for Minor), apply the **ENTERED** stamp (after the fiduciary bond, if required, is posted); add date and your initials.
2. Complete a document screen using document type **OAG** for appointment of guardian or **OCON** for appointment of conservator.
3. Give [notice of entry](#) by mailing or hand delivering a copy of the order to the minor (if age 14 or older) and each person or entity named in the petition.

Quick Reference
 AOC Form 854
 Enter, date, initial
 *Guardian – **OAG**
 *Conservator – **OCON**
 Give notice of entry

75.3.5 Tickler System for Guardian/Conservator

1. Create a tickler system for the filing of the inventory and settlement by completing a scheduled events screen using event type **IN** for inventory and **STL** for settlement for the date the inventory and settlement is due to be filed.
2. An inventory must be filed within 60 days of appointment. Schedule the settlement for one year after the date of the appointment.

*Inventory – **IN**
 *Settlement – **STL**
 Schedule inventory
 Schedule settlement

75.3.6 Advertising Appointments

NOTE: Do not advertise Limited Guardianship.

1. The clerk shall advertise monthly all fiduciary appointments made since the last publication. One notice is sufficient. KRS 424.340.
2. At the beginning of each month, start a new list of appointments of fiduciaries to be advertised. Add to your list as appointments are made during the month. At the end of the month, your list is complete and ready for publication. Use column headings on your list to match those items contained below regarding what the publication must contain:
 - (1) The name and address of the person whose estate is being administered;
 - (2) The name and address of the fiduciary;
 - (3) The date of appointment;
 - (4) The date by which creditors must file their claims (6 months after the appointment of the fiduciary), KRS 395.190;
 - (5) The name and address of the attorney representing the fiduciary, if any. KRS 424.340.
3. The publication fee is collected from the petitioner when the petition is filed. KRS 424.160(4).
4. Select a newspaper for the ads which meets the publication criteria as set out in [Publication of Appointments](#).

Advertise all fiduciary appointments

5. Make a notation of the advertising of the appointment in the memo field of the document screen where the order of appointment is filed. **Do not** keep a copy of the publication in each case file.

Quick Reference
Do not keep copy of publication in each case file

75.3.7 Disposition

Close the case by completing the disposition date, disposition type, and judge at disposition fields on the case screen. **Do not** reopen the case when a settlement is filed.

75.3.8 Inventory for Minor

A guardian or conservator must file an inventory within 60 days of appointment. KRS 395.250.

1. Apply the **FILED** stamp to the inventory; add date and your initials.
2. Complete a document screen using document type **INV**.
3. If the inventory is filed in advance of the due date, delete the scheduled event following instructions in [Counter Screen](#) section of KyCourts Manual.

File, date initial
 Document type **INV**

75.3.9 Delinquent Inventory

1. On a monthly basis, print a calendar of the delinquent inventories and present the calendar to the judge. KRS 395.635.
2. Upon receipt of [AOC Form 845](#) Notice of Failure to File Inventory/Settlement Report, apply the **ENTERED** stamp; add the date and your initials.
3. Complete a document screen using document type **NFF**.
4. Give [notice of entry](#) as directed by the court.

Deliver calendar of delinquent settlements to judge
 AOC Form 845
 Enter, date, initial
 Document type **NFF**
 Give notice of entry

75.3.10 Settlement for Minor

Guardians and conservators must file settlements as outlined below.

One year after appointment and annually thereafter. KRS 387.175.

1. Apply the **FILED** stamp; add date and your initials.
2. Complete a document screen using document type **SET**.

Quick Reference
File, date, initial

Document type **SET**

If the minor's estate is valued at \$5,000 or less, one year after appointment and every two years thereafter. KRS 387.175.

1. Apply the **FILED** stamp; add date and your initials.
2. Complete a document screen using document type **SET**.

File, date, initial

Document type **SET**

Final Settlement upon termination of appointment KRS 387.175; 395.610(1).

1. Apply the **FILED** stamp; add date and your initials.
2. Complete a document screen using document type **SETF**.

File, date, initial

Document type **SETF**

If the settlement is filed in advance of the due date:

Unschedule/delete the scheduled event (DELSH) following instructions in [Counter Screen](#) section of KyCourts Manual.

75.3.11 Advertisement of Settlements

Final Settlement

1. Publish notice of the filing of the settlement in a local newspaper at least 10 days prior to the hearing, unless the court allows the fiduciary to send notices in lieu of publications or the court orders no publication or mailing of notice by the fiduciary when the estate is less than \$2500.00. KRS 395.625. The notice must contain:
 - (1) Name of the estate;
 - (2) The date and time of the hearing;
 - (3) That exceptions of the settlement must be filed prior to the hearing.
2. Make a notation of the advertisement in the memo field of the document screen where the settlement is filed.

Publish notice

Memo advertisement details

Periodic Settlements

Generally, newspaper advertisement of notices of the filing of annual accountings (i.e. periodic settlements) are not required unless a hearing date has been set on the written report of the settlement. The notice must contain:

- Name of the estate;
- The date and time of the hearing;
- That exceptions of the settlement must be filed prior to the hearing.

EXCEPTIONS:

- When the court allows the fiduciary to send written notice of the hearing in lieu of advertising.
 - If the value of the trust or estate is less than \$2,500 and the assets are held in account only accessible via order of the court.
 - Reports and settlements of guardians and conservators of mentally disabled persons are not to be advertised.
 - Guardians under the Uniform Veterans’ Guardianship Act.
 - A hearing on a settlement (annual or final) filed in conformity with an approved proposed settlement made under KRS 395.617.
1. Make a notation of the advertisement in the memo field of the document screen where the settlement is filed.
 2. Upon receipt of a settlement order, apply the **ENTERED** stamp; add date and your initials.
 3. Complete a document screen using document type **OAS**.
 4. Give [notice of entry](#) by mailing or hand delivering a copy of the order to the fiduciary or attorney.

<p>Quick Reference</p> <p>Memo advertisement details</p> <p>Enter, file, initial</p> <p>Document type OAS</p> <p>Notice of entry</p>
--

75.3.12 Delinquent Settlement

1. On a monthly basis, print a calendar of the delinquent settlements and present the calendar to the judge. KRS 395.635.
2. Upon receipt of [AOC Form 845](#) Notice of Failure to File Inventory/Settlement Report, apply the **ENTERED** stamp; add the date and your initials.
3. Complete a document screen using document type **NFF**.

<p>Present delinquent settlements to judge</p> <p>AOC Form 845</p> <p>Enter, date, initial</p> <p>Document type NFF</p>
--

75.3.13 Sale of Real Estate by Guardian/Conservator

1. Upon receipt of a motion filed by a Guardian/Conservator for permission to sell real property, apply the **FILED** stamp; add the date and your initials.
2. Complete a scheduled events screen using event type **MH** and add a motion screen using type **SOP**. The motion must be served in the same manner as an initiating document (complaint), but do not issue a summons. KRS 389A.010; CR 4.01.
3. Unless waived in writing, written notice of the hearing must be given to all persons having a vested or contingent interest in the property, as identified by the guardian/conservator, at least thirty (30) days prior to the hearing. At the direction of the guardian/conservator, give notice of this hearing by printing a Court Notice and serve notice with the motion attached. See [Service of Process](#).
4. Upon receipt of an order for permission to sell real property; apply the **ENTERED** stamp to the order; add the date and your initials.
5. Enter the order on a document screen including a brief description.
6. Serve [notice of entry](#) of the order on every party not in default or who has not waived notice. Enter the method of service (mail or personal delivery) and notice of entry date on the document screen where the order is entered.

<p>Quick Reference File, date, initial</p> <p>Event type MH Motion type SOP Do not issue summons</p> <p>Notice of hearing</p> <p>Enter, date, initial</p> <p>NOE</p>
--

75.4 *Trust Estate*

KRS 386B.2-050

- A trust is a relationship whereby property (real or personal, tangible or intangible) is held by one party for the benefit of another.
- A statement/registration of trust creates a new case. Do not enter into existing probate case if one exists.

75.4.1 **Statement/Registration of Trust**

NOTE: There is no filing fee for registering a trust.

A trust is registered by the filing of a statement that indicates the name and address of the trustee in which the trustee identifies the type of trust:

- **Testamentary Trust** (created by will): by the name of the testator and the date and place of domiciliary probate;
 - **Written Inter Vivos** (Living) Trust: by the name of each settlor and the original trustee and date of the trust instrument;
 - **Oral Trust:** by identifying the settlor or other source of funds and describing the time and manner of the trust's creation and the terms of the trust, including the subject matter, beneficiaries and time of performance).
- Acknowledges the trusteeship, and indicates whether the trust has been registered elsewhere.
1. Upon receipt of a statement for registering a trust, apply the **FILED** stamp; add date and your initials.
 2. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. Generate the next case number for probate **P** cases or use the next pre-numbered file folder. Use case type **PB**.
 3. **Do not** issue a summons.
 4. Complete a document entry for the statement using document type **ROT**.

Quick Reference

No filing fee

File, date, initial

Probate **P** cases

Case type **PB**

Do not issue summons

Document type **ROT**

75.4.2 Administering/Petition Pertaining to a Trust

- Follow the procedures below for all petitions, including those to approve a proposed modification or termination of a trust or to contest the validity of a trust.

When a Petition Pertaining to a Trust is received:

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).
2. Apply the **FILED** stamp to the petition; add date and your initials.
3. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual.
4. Check your index for a previously assigned case number for registration of trust. If a number exists and that number is a computer generated case number, use the same number and file folder. If the number is not in the computer or a case number does not exist, generate the next case number for probate **P** cases or use the next pre-numbered file folder. Use case type **PB**.
5. **Do not** issue a summons.
6. Provide the Trustee with a copy of the petition that has been stamped **FILED**.

Quick Reference

Collect filing fees

File, date, initial

Probate **P** cases

Case type **PB**

Do not issue summons

File stamp

75.4.3 Appointment of a Guardian Ad Litem

KRS 386B.3-050

If the court determines it is necessary, the court may appoint a GAL for a minor, incapacitated or unborn individual or a person whose identity or location is unknown. A GAL may be appointed to represent several persons or interest. For more information, see [Guardian Ad Litem](#).

75.4.4 Hearing Notice

The petitioner (not the clerk) is responsible for providing notice of the time and place of any hearing to any interested person or attorney. KRS 386B.1-070(4). The petitioner will file proof of this notice with you.

1. Apply the **FILED** stamp to the notice; add date and your initials.
2. Complete a document screen using document type **NH**.
3. Schedule the hearing by completing a scheduled events screen using event type **OH**.

File, date, initial

Document type **NH**

Event type **OH**

75.4.5 Bond for Trustee

1. When a trustee appears to post a bond, ([AOC Form 825](#), Fiduciary Bond) may be used.
2. Collect the fiduciary's bond filing fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005.
3. Apply the **FILED** stamp to the bond ([AOC Form 820](#) Petition for Appointment of Trustee Under Will); add date and your initials.
4. File on a document screen using document type **BF**.
NOTE: The bond must be posted before the order of appointment of fiduciary is entered.
5. After the bond is posted, enter the Order Appointing the Trustee by applying the **ENTERED** stamp; add date and your initials.
6. Complete a document screen using document type **OAT**.
7. Give [notice of entry](#) by mail or hand delivery to the fiduciary.
8. Close the case at the time of appointment of the trustee by completing the disposition date, disposition type **OTH** and judge at disposition fields on the case screen. **Do not** reopen the case when a settlement is filed.

Quick Reference
AOC Form 825

Collect fees

File, date, initial
AOC Form 820
Document type **BF**

Enter, date, initial
Document type **OAT**

Give notice of entry

Disposition type **OTH**

75.4.6 Settlement of Trust

All trustees, except for testamentary trustees, will make a final settlement at the conclusion of the trust. KRS 395.610.

1. When a settlement is received, apply the **FILED** stamp; add date and your initials.
2. Complete a document screen using document type **SETF**. Deliver to the judge.
3. When a signed order approving the settlement is received, apply the **ENTERED** stamp; add date and your initials.
4. Complete a document screen using document type **OAS**.
5. Give [notice of entry](#) by mailing or hand delivering a copy of the order to the trustee or attorney.

File, date, initial

Document type **SETF**

Enter, date, initial

Document type **OAS**

Give notice of entry

75.4.7 Cy Pres/Charitable Trust

KRS 386B.130

The circuit court has exclusive jurisdiction over actions to identify a charitable beneficiary of a trust. If you receive a charitable trust action process it as a circuit civil action.

75.4.8 Sale of Real Estate by Trustee

1. Upon receipt of a motion by a trustee for permission to sell real property, apply the **FILED** stamp to the motion; add the date and your initials.
2. Complete a scheduled events screen using event type **MH** and a motion screen using motion type **SOP**.
3. The motion must be served in the same manner as an initiating document (complaint), but **do not** issue a summons. KRS 389A.010; CR 4.01.
4. Unless waived in writing, written notice of the hearing must be given to all persons having a vested or contingent interest in the property, as identified by the trustee, at least thirty (30) days prior to the hearing. At the direction of the trustee, give notice of this hearing by printing a Court Notice and serve the notice with the motion attached. For more information, see [Service of Process](#).
5. Upon receipt of a signed order for sale of real estate by trustee, apply the **ENTERED** stamp to the order; add the date and your initials.
6. Enter the order on a document screen including a brief description.
7. Serve notice of entry of the order on every party not in default or who has not waived notice. Enter the method of service (mail or personal delivery) and notice of entry date on the document screen where the order is entered.

Quick Reference	
File, date, initial	
Event type MH	
Motion type SOP	
Do not issue summons	
Give notice of hearing	
Enter, date, initial	
Enter order	
Notice of entry	

75.5 *Miscellaneous Probate Appointments*

KRS 395, KRS 387.290 et seq.

75.5.1 Curators of Convicts, Absent and Aged/Infirm Persons

District Court

Upon receipt of an appointment of a curators of convicts, absent and aged/infirm persons collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).

Curator of Convicts only: KRS 387.290.

1. In addition to the filing fee, collect certified mailing fees as set forth in the [Accounting Manual](#).
2. Collect publication fees for the publication of notice of the appointment of the fiduciary.
3. Notify the convicted person by certified mail, return receipt requested, that the petition has been filed; address this notice to the correctional facility where the person is incarcerated.

NOTE: All publication fees are set by the newspaper and are paid by the petitioner. KRS 424.340.

Curator for Absent Persons only: KRS 395.430.

1. In addition to the filing fee, collect mailing fees as set forth in the [Accounting Manual](#).
2. Notify the absent person by certified mail, return receipt requested, that the petition has been filed; address this notice to his last known address as shown in the petition.
3. Collect fees for publication of notice of the appointment of the fiduciary. KRS 424.340.

NOTE: All publication fees are set by the newspaper and are paid by the petitioner.

Curator for Aged or Infirm Person only: KRS 387.320.

A person who deems himself unfit by reason of advanced age or physical disability and weakness to manage real or personal property or business may petition the district court to appoint a curator. No notice or public hearing is required.

Quick Reference
Collect filing fees

CURATOR CONVICTS:
Collect certified mailing fees

Collect publication fees

Notice of petition

CURATOR FOR ABSENT PERSONS:

Collect mailing fees

Notify absent person the petition was filed

Collect fees for publication of notices

CURATOR FOR AGED OR INFIRMED ONLY:
No notice required

75.5.2 Petition for Curators of Convicts, Absent and Aged/Infirm Persons

1. Apply the **FILED** stamp to the petition; add the date and your initials using case type **OTH**. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. Generate the next case number for probate **P** cases or use the next pre-numbered file folder. If a hearing is scheduled, complete a scheduled events screen using event type **OH**.
2. Usually summons is not issued in these cases; notice requirements vary from case to case. Follow any court orders as to notice.
3. The fiduciary's bond must be approved by the court, and you must attest it. Upon receipt of a fiduciary bond collect the bond fee as set forth in the [Accounting Manual](#) and give a receipt. KRS 64.005.
4. Apply the **FILED** stamp to the bond; add the date and your initials and complete a document screen using document type **BF**.
NOTE: The bond must be posted before the order of appointment of fiduciary is entered.
5. Upon entry of a posted bond, enter the order appointing fiduciary.
6. Apply the **ENTERED** stamp; add the date and your initials and file on a document screen using document type **OFID**.
7. Upon request, provide certified copies of the appointment. Collect a certification fee and a copy fee as set forth in the [Accounting Manual](#) and give a receipt.
8. Publish notice of appointment of fiduciaries in a local newspaper along with other fiduciary appointments for the month. KRS 424.340.
NOTE: This is not required for appointment of curator for aged or infirm person. KRS 387.320.
9. Upon receipt of a settlement, apply the **FILED** stamp; add the date and your initials.
10. File a document screen using document type **SET**. Publish notice of the hearing unless the court allows the fiduciary to send notices in lieu of publication. KRS 395.625.
11. Make a notation of the advertisement in the memo field in the document screen.
12. When a settlement order is received, apply the **ENTERED** stamp; add the date and your initials and enter on a document screen.
13. Give [notice of entry](#) by mail or hand delivery to the fiduciary or attorney.
14. Close the case by completing the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Quick Reference
File, date, initial
Case type OTH
Probate P cases
Event type OH
Follow court order for notice
Fiduciary bond
File, date, initial
Document type BF
Enter, date, initial
Document type OFID
Publish notice of appointment
File, date, initial
Document type SET
Memo advertisement
Enter, date, initial
Notice of entry
Disposition type OTH

75.6 *Transfer of Fiduciary Account*

- A bank or trust company may transfer fiduciary accounts to an affiliate bank or trust company in the Commonwealth, providing written notice of the last account status report is given to the recipient thirty (30) days prior to the transfer. The bank's notice shall include the recipient's right to object to the transfer. KRS 286.3-140.
1. Upon receipt of a notice to transfer fiduciary account apply the **FILED** stamp; add the date and your initials.
 2. If there is an existing case, complete a document screen in using document type **NO** – Notice Other and memo “Notice to Transfer Fiduciary Account.” If there is no existing case follow steps below in [Affidavit of Transfer \(No Objection Received\)](#) or [Affidavit of Transfer \(Objection to Transfer\)](#) as appropriate regarding adding the case.

Quick Reference

File, date, initial

Document Type: **NO**

75.6.1 Affidavit of Transfer (No Objection Received)

Within ten (10) days after a bank or trust company transfers an account, the transferring agency must file an affidavit regarding the transfer.

1. If there is no existing case, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).
2. Apply the **FILED** stamp to the affidavit; add the date and your initials. The affidavit will be the initiating document.
3. If there is an existing case add the affidavit as a document using document code **AFF** and memo affidavit of transfer.
4. If there is no existing case open the case using case type **OTH**. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual.
5. Generate the next case number for probate **P** cases or use the next pre-numbered file folder. Add the **AFF** document in the new case.
6. **Do not** issue a summons.
7. Close the case by completing the disposition date (same as filing date), disposition type **OTH** and judge at disposition (same as open judge) fields on the case screen.

Collect filing fees

File, date, initial

Document type: **AFF**

Case type **OTH**

Probate **P** cases
Do not issue summons

Disposition type **OTH**

75.6.2 Affidavit of Transfer (Objection to Transfer)

1. If there is no existing case, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).
2. Upon receipt of an Objection, apply the **FILED** stamp to the Objection; add the date and your initials. The objection is the initiating document.
3. If there is an existing case , file the Objection by completing a document screen using document type **OBJ** and memo “Objection to Transfer of FIDUCIARY Account.”
4. If there is no existing case, add the case using case type **OTH**. Refer to the Case Add section of the Kycourts Manual for instructions on opening the case.
5. Generate the next case number for probate **P** cases or use the next pre-numbered file folder.
6. If requested, issue a summons by completing a summons screen and schedule a hearing by completing a scheduled events screen using event type **OH**.
7. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials.
8. Enter the order on a document screen and give [notice of entry](#) to all parties or attorneys.

Quick Reference
Collect filing fees
File, date, initial
Document type OBJ
Case type OTH
Probate P Case
Issue summons <i>if requested</i>
Event type OH
Enter, date, initial
Notice of entry

75.6.3 Affidavit of Transfer (No Objection Received)

Within ten (10) days after a bank or trust company transfers an account, the transferring agency must file an affidavit regarding the transfer.

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).
2. Apply the **FILED** stamp to the affidavit; add the date and your initials.
3. Use case type **OTH**. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. Generate the next case number for probate **P** cases or use the next pre-numbered file folder.
4. **Do not** issue a summons.
5. Close the case by completing the disposition date (same as filing date), disposition type **OTH** and judge at disposition (same as open judge) fields on the case screen.

Collect filing fees
File, date, initial
Case type OTH
Probate P cases
Do not issue summons
Disposition type OTH

75.7 Name Change

KRS 401

75.7.1 Petition

1. Upon receipt of a petition for a name change, apply the **FILED** stamp to the petition; add date and your initials.
2. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt or follow the instructions for filing [In Forma Pauperis](#).
3. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. Use document type **PNC**. Generate the next case number for district probate **P** cases or use the next pre-numbered file folder.

NOTE: Open a new case for each new petition for name change on the same petitioner. Cross reference the new case to any previous name change “P” case.
4. **Do not** issue a summons. Use case type **OTH**.
5. Schedule a hearing by completing a scheduled events screen and notify the petitioner of the hearing date.

Quick Reference
File, date, initial

Collect filing fees

Document type **PNC**
Probate **P** cases

Do not issue summons

Case type **OTH**
Schedule hearing

75.7.2 Petition of Name Change for Minor/Juvenile

When a petition for a name change is received on behalf of a **minor/juvenile**:

1. Do not issue a common summons if the petition for name change is signed by both biological parents. Do generate a summons for the absent biological parent(s), by completing a summons screen. CR 4.02, CR 4.04(1). The clerk is required under CR 4.01(1) to issue a summons immediately upon the filing of a complaint/petition. Serve the summons as directed by the plaintiff/petitioner. See [Service of Process](#).
2. A name change petition for a child may be filed in Family Court or Circuit Court (of a county without a Family Court) when the Family or Circuit Court has a case before it involving the family. When filed in an active **CI** or **J** case there is no filing fee for the name change petition. KRS 401.020.

Issue summons only to absent biological parents

There is no filing fee when filed in an active **CI** or **J** case

75.7.3 Order of Name Change

1. Upon receipt of a signed order, apply the **ENTERED** stamp; add date and your initials.
2. Complete a document screen using document type **OCN**.
3. Give notice of entry by mailing or hand delivering a copy of the order to the parties and attorneys, if any. Complete notice of entry method and date on the document screen.
4. If the name change is granted, send a certified copy of the order to the county clerk's office for recording and instruct the petitioner to pay the recording fee to the county clerk. KRS 64.012, 401.040.
5. If the name change is granted, add in the party screen party types **FKA** (formerly known as) and **NKA** (now known as) as stated on the Order of Name Change.
6. Close the case by completing the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Quick Reference
 Enter, date, initial

Document type **OCN**

Give notice of entry

Send certified copy of order to county clerk

Add party types **FKA** and **NKA**

Disposition type **OTH**

76 PROBATION AND PAROLE FEE- OUT OF COUNTY

KRS 439.315

Circuit Court

- The Corrections Cabinet is statutorily required to keep an account of all payments made by a probationer or parolee. The responsibility of the clerk is limited to receiving and receipting the payment of the parole or probation fee.
- Do not open a case or assign a case number.

76.1 *Fee/Receipt*

When an individual appears in your office to pay a probation and parole fee:

1. The defendant will indicate the amount of the fee to be paid. Take the payment as directed by the defendant.
2. Prepare a receipt and distribute the copies as follows:
 - defendant;
 - Probation and Parole;
 - Bookkeeping.
3. Refer questions your office may have concerning the collection of this fee to your judicial auditor.

77 PROTECTION OF ADULTS

KRS 209.005 - 209.554

Circuit and District Courts

- Provides for the protection of adults who may be suffering from abuse, neglect, or exploitation inflicted by a person or caretaker.
- Venue is in the court of the adult's residence, or if filed pursuant to KRS 209.130 (ex parte), the court of the county in which the adult is physically located. KRS 209.110(1).
- There is no filing fee.

77.1 *Petition*

1. Upon receipt of a petition for protection of an adult, apply the **FILED** stamp to the petition; add the date and your initials. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual.
2. Generate the next case number for circuit civil **CI** cases or use the next pre-numbered file folder. Use case type **OTH**.
3. Immediately upon the filing of the petition, consult your roster of attorneys and appoint a guardian ad litem to represent the interest of the adult unless your judge wishes to make the appointment. The fee for the GAL is to be paid by the Cabinet for Health and Family Services. KRS 209.110(2)-(6).
4. Schedule a hearing by completing a scheduled events screen. Use scheduled events type **OTH**. The hearing may be heard by a district, family, or other circuit judge if the circuit judge who the case would otherwise be assigned to is not present in the county. Note the date, time and location of the hearing on the petition.
5. Prepare a summons to be issued on the adult and his/her guardian or caretaker. If no guardian or caretaker, serve the adult's guardian ad litem. Attach a copy of the petition to the summons, showing the date, time and location. KRS 209.110(3).
6. Any notice must be made at least 3 calendar days prior to the hearing and shall be sent to the adult's spouse, or, if none, the adult children or next of kin, if practical, by mailing a copy of the petition showing the date, time and location. KRS 209.110(3).

Quick Reference File, date, initial
Circuit Civil CI Case Case type OTH
Appoint Guardian Ad Litem
Schedule hearing Event type OTH
Prepare summons
Mail copy of petition and notice of hearing

77.2 Order

1. Upon receipt of a signed order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on the document screen. Use document type **OEXP**.
3. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner (mail or personal delivery) and date of service of notice of entry of order. See [Notice of Entry](#).
4. When the order closes the case, complete the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Quick Reference
 Enter, date, initial

Document type **OEXP**
 Serve notice of entry

Disposition type **OTH**

77.3 Ex Parte Order

If no petition is filed and the court issues an ex parte order:

1. Apply the **ENTERED** stamp to the order; add the date and your initials. The order is the initiating document. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual.
2. Generate the next case number for circuit civil **CI** cases or district **C** cases or use the next pre-numbered file folder. Use case type **OTH**.
3. A hearing must be scheduled within 72 hours of the issuance of the order (exclusive of Sat. & Sun.). KRS 209.130(3). Have the judge assign a hearing date unless this duty is delegated to you. Complete a schedule events screen for the appropriate date and time. Use scheduled event type **OH**.
4. Add the Order as a document, using document type **OEXP** and give [notice of entry](#) of the ex parte order and hearing date to the adult and/or his/her guardian or caretaker.

NOTE: Service shall not be made upon the person or caretaker who is believed to have perpetrated the abuse, neglect, or exploitation. KRS 209.130(1).

5. After the hearing and upon receipt of a signed order, add the order as document and give [notice of entry](#) of order to the adult or his/her guardian or caretaker.
6. When the order closes the case, complete the disposition date, disposition type **OTH** and judge at disposition fields on the case screen.

Enter, date, initial

CI- Circuit Civil
C- District
 Case type **OTH**

Schedule hearing
 Assign hearing date
 Event type **OH**

Document type **OEXP**

Notice of entry

Disposition type **OTH**

78 PUBLIC ADVOCATE APPOINTMENTS

KRS 31.100(4)(c) - 31.120; KRS 31.211

District and Circuit Courts

78.1 *Criminal Case*

1. When the judge appoints the Department of Public Advocacy to represent a defendant and a signed Order of Appointment is received, apply the **ENTERED** stamp; add the date and your initials.
2. Enter on a document screen. Use document type **OAPAD**.
3. Add the public defender as a party to the case using party type **APA**.
4. Give notice of entry by distributing copies of the order as indicated on the bottom of the form. For more information, see [Notice of Entry](#).

Quick Reference
Enter, date, initial

Document type **OAPAD**

Party type **APA**

NOE

78.1.1 **Defendant Eligible To Pay Legal Services**

If the court determines that the defendant is able to pay for legal services, the court may order the defendant to pay a partial fee, either in a lump sum or by installment payments. KRS 31.120(3); KRS 31.211.

[AOC Form 206](#), Partial Fee Order or [AOC Form 350](#), Indigent Financial Statement; Counsel Request; Affidavit and Order (for Criminal Proceedings), may be used for this purpose.

1. When an order is received; apply the **ENTERED** stamp, add the date and your initials.
2. Enter on a document screen. Use document types:
AOC Form 206: **ORCP**
AOC Form 350: **AI & OI**
3. Give notice of entry by distributing copies of the order as indicated on the bottom of the form. For more information, see [Notice of Entry](#).

NOTE: The defendant must make court ordered payments through your office, KRS 31.211(1); give a receipt. You are required to accept payments whether in full or in installments. For further instructions, see the [Accounting Manual](#).

AOC Form 206
AOC Form 350

Enter, date, initial

Document types:
AOC 206: **ORCP**
AOC 350: **A1 & OI**

NOE

78.1.2 Payment of Necessary Expense in Defense of Indigent

If requested, provide the public advocate with [AOC Form 207](#), Order for Recovery of Necessary Expense in Defense of Indigent.

1. When a signed order is received, apply the **ENTERED** stamp; add the date and your initials.
2. Enter on a document screen. Because of the confidentiality clause contained in the form, the order must be sealed within the case file. Use the document type **SD**. Memo **OPE** (Order for Recovery of Pauper Expenses.)
3. Give [notice of entry](#) by distributing copies of the order as indicated on the bottom of the form.

Quick Reference

AOC Form 207

Enter, date, initial

Document type **SD**Memo **OPE**

Give NOE

79 RECORDED INTERVIEW AT CHILDREN’S ADVOCACY CENTERS

KRS 620.050(10)

District Court

1. Upon receipt of a signed order directing you to seal a recorded interview at a children’s advocacy center, apply the **ENTERED** stamp to the order; add the date and your initials.
 2. Enter the order by completing a document screen, including a brief description. Use the document code **OTS**.
 3. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner (mail or personal delivery) and date of service of notice of entry of the order. For more information, see [Notice of Entry](#).
 4. Place the interview in an envelope; mark the envelope “Confidential by Court Order,” “Recorded Interview at Children’s Advocacy Center;” add the date and your initials. Include the case number and the style of the case on the outside of the envelope.
 5. Seal the envelope.
 6. File on a document screen using the document type **SD**.
 7. Place the sealed envelope in the appropriate case file.
 8. Do not release the sealed envelope from your custody except when actually used in the action or proceeding. If a request to review the case file is received, remove the envelope from the case file.
 9. A party seeking to view a sealed interview must secure a court order giving him/her access.
 10. When the case is closed, maintain the confidentiality of the interview.
- NOTE:** If the case is appealed, include the sealed envelope with other documents in the case in the record on appeal.

Quick Reference
Enter, date, initial

Document type **OTS**

NOE

Place in envelope, date, initial, add case number and style

Seal the envelope

Document type **SD**

80 RECORDINGS: AUDIO/VIDEO

CR 98; 3.02; 3.03, RCr 13.12

District and Circuit Courts

- Audio and video recordings are used for the purpose of recording court proceedings. All proceedings are recorded unless a waiver is signed by the parties and counsel.
- A recording log must be maintained for all recordings. The JAVS system has a built in recording log. This can be accomplished by scanning in the case numbers from the docket sheet which will put the case into the auto log system (JAVS.) The Daily Log should be printed and maintained in a log notebook. See JAVS User Manual(s.)

NOTE: In the event a manual recording log is needed, [AOC Form 955](#), Recording Log, may be used for trials. For other hearings, insert the digital counter number beside the case number on the court calendar.

80.1 ***Responsibilities of the Clerk***

- You are responsible for the operation of the equipment, training of the personnel specifically charged with the operation of the equipment, and with the proper maintenance and care of the recorder and its accessories.
- All recording equipment should be tested every day and prior to court to verify the equipment is working correctly.

80.2 ***JAVS***

The JAVS System allows courts to record video and audio of court proceedings. Quick reference guides and full user manuals may be found using the links below.

[AutoLog 7 Quick Reference Guide](#)

[Daily System Test Quick Reference Guide](#)

[Scheduler 7 Quick Reference Guide](#)

80.2.1 Video Recording

- The official court record of court proceedings shall be two simultaneous recordings.
 - The JAVS system will automatically provide a redundant recording; but the official record is maintained by the copying of the recording(s) to removable media (CD-R or DVD-R.)
- NOTE:** Record the proceedings to be written to write-only disks (CD-R or DVD-R) to prevent the ability to overwrite recordings on the removable media.
- The redundant retention of the recordings may be a combination of the DVDs and the primary recorder hard drive.

1. For identification purposes, use the JAVS Publisher instructions to label/designate original recordings when burning them to a CD/DVD.
2. The label designation should be:
 - the judicial circuit or district number;
 - the court division number (if any);
 - the last two digits of the current year;
 - the number of the recording (counting all recordings used since the start of the current calendar year);
 - the letter "A" shall be assigned to the official recording (burned copy.);

NOTE: When an appeal is filed in a case a second copy will need to be burned from the JAVS system and designated as a "B" recording.

 - the number of the CD/DVD used in the proceeding being identified; and
 - the case file number of the proceeding being identified.

Example: 22-3-02-CD-015-A-1, 14-CR-00123.
3. Retain custody of recording(s.)
4. The trial judge or designee shall make a written exhibit list, a written trial log, and a written log listing the recording references of where each witness' testimony begins and ends on the recording. The list shall be kept with the record and a copy shall be maintained with the recording. *CR 98(2)(b)*. See [JAVS Publisher Manual](#).

80.2.2 Appeal Recording(s)

1. When a notice of appeal is filed in a case where a court or jury trial was held, recording “B” shall be filed with the clerk and certified by the clerk as part of the record on appeal. *CR 98(2)(a)(I)*. In a criminal appeal, include the “B” recording together with a copy of the “B” recording in the record on appeal. For more information, see [Appeals](#).
2. If the designation of record lists dates on which hearings were taped for any pre-trial and/or post-trial motions, or any portions thereof, recording “B” shall be filed with the clerk and certified by the clerk as part of the record on appeal. *CR 98(3)*. In a criminal appeal, include in the appellate record the “B” recording together with a copy of the “B” recording.

80.2.3 Request for Copy

Upon request, prepare a duplicate copy of a recording. If the hearings requested are located on several different DISCS/DVDs, you may copy all the hearings on one DISC/DVD. Collect a fee as set forth in the [Accounting Manual](#), for each duplicate DISC/DVD prepared. *CR 3.02(2)(f); CR 3.03(3)(e)*.

80.3 Audio Recording (FTR) – District Court

- All CDs (compact discs) must be finalized at the end of the court session. Failure to do so means the next day of court may have the present day as well as any other days that were not finalized on the CD. This can cause problems locating a CD for a particular court date when a request is made for a copy of court proceedings.
- Record at a speed of 2.4. If the wrong speed is used, any copy of the tape requested may be of poor quality. If you are unsure of the correct speed, call Technology Services at AOC.
- Turn on all microphones in the courtroom and direct all persons speaking to stand next to or immediately behind the microphone in order to insure a clear and complete recording. If your original recording is of poor quality, any copy requested will also be of poor quality.
- Verify that the recording/CD number is entered on the log sheet or court calendar and that the counter number/time stamp on the machine is entered correctly beside the case number. You may do this by scanning the docket.
- Keep careful inventory and individual maintenance records of all electronic recording equipment. Store all CDs and log sheets in a suitable location to prevent loss or alteration.

NOTE: All juvenile and involuntary hospitalization/admission and disability CDs must be labeled, kept confidential and stored apart from other CDs.

- Notify the AOC in the event of a malfunction.

80.3.1 Request for Playback/Copy

The clerk has custody and control of a recording/CD. An attorney or other party requesting a playback of a proceeding shall do so in the presence of and at the convenience of the clerk.

1. Collect the cost per CD plus postage fees, as set forth in the [Accounting Manual](#), from the requestor.
2. If you have FTR equipment in your county you may make a copy using a laptop as necessary.
3. If you are unable to make a copy locally, send the AOC the original CD and a copy of the log sheet with the case circled in red ink. Verify that the CD being sent belongs to the case indicated. The style of the case or the defendant's name and the starting counter number/time stamp are necessary to properly copy the CD. Do not send the fee for the copy of the CD to AOC.
4. When the original CD and the copy are returned to you, either notify the requesting party the copy is available, or mail it to him/her.
5. The duplicate CD can be played on a regular recorder at the speed of 1-7/8 inches per second or any CD player.

80.4 *Video Recording(s) – Cases Involving Child Pornography*

When evidence of sexual conduct of a minor is entered as an exhibit during a hearing or trial, the court **shall ensure the material is not recorded onto the video record** of the proceedings. Any exhibits containing such material shall be sealed and marked as “child pornography.” RCr 13.12.

81 RECORDS RETENTION ARCHIVING AND DESTRUCTION

- The Kentucky Court of Justice Records Retention Schedules approved by the Chief Justice governs the Circuit Clerks' records. The Record Retention Schedule shall be followed for both transferring (archiving) and destruction (disposal) of KCOJ records. All eligible records should be removed from the Clerk's office in a timely manner.
- [Records Retention Schedule](#)

81.1 *Archiving*

To transfer permanent records to the State Archives Center or State Records Center operated by the Kentucky Department of Libraries and Archives, contact the staff in the Division of Logistics at the AOC.

The unit will assist your office in conducting a space survey to determine the number of cubic feet of records that can be archived. After the space survey is completed, the unit will contact the Kentucky Department of Library and Archives. If KDLA is able to accept records, the logistics unit will assist your office and begin inventorying cases to be archived. For more information, contact the Division of Logistics.

Quick Reference

502-573-2350

81.2 *Destruction*

1. ***Prior to the destruction of any disposable records in your office, contact the accessioning staff.*** Once the records for destruction have been identified, the logistics unit will make arrangements for the records to be transported or destroyed, they will also assist in preparing all destruction certificates. The original destruction certificate(s) will be forwarded to the Kentucky Department of Libraries and Archives (KDLA) and a copy(s) will be given to the clerk.

NOTE: The logistics unit cannot complete the destruction and issue a certificate without proper identification of the items that are being destroyed. Therefore, the clerk must assist the logistics unit in the identification of records that will be destroyed by labeling said records or keeping a list of what will be destroyed for the destruction certificate.

2. The KCOJ Records Retention Schedule identifies the record series that are eligible for destruction. The majority of the records are eligible for destruction based upon time lines or audit requirements.

RECORDS RETENTION ARCHIVING AND DESTRUCTION

It is your responsibility to identify the specific records eligible for disposal within the series mentioned below:

Court	Records series	Exclusions	Quick Reference
District	<p>Traffic Case File - series 00189</p> <p>Misdemeanor Case Files - series 00190</p> <p>Felony Preliminary Hearing Files - series 00191</p>	<p>Cases with disposition date older than 5 years (cases closed over 5 years)</p> <p>Excludes cases with an FTA that is less than 5 years old</p> <p>Excludes cases with open charges or charges closed less than 5 years</p> <p>Excludes cases with charges for stalking – 002764, 05815, 013242, 013243</p> <p>Excludes cases with document type ORSC</p> <p>Excludes enhanceable charges if the charge is a guilty disposition (G, GM, GSS, PRPD)</p> <p>Excludes cases with a future scheduled event</p> <p>Excludes cases with active warrants (AC, RU, HO status)</p> <p>New enhanceable/KSP requested safety violation codes</p>	<p>ORSC – Order Restraining Following Stalking Conviction</p> <p>G- Guilty</p> <p>GM- Guilty Multiple Counts</p> <p>GSS- Guilty Sealed Sentence</p> <p>PRPD- Pre-payable Citation Paid</p> <p>AC- Active</p> <p>RU- Returned Unserved</p> <p>HO- Hold</p>

Court	Records series	Exclusions	Quick Reference
	<p>Domestic Violence (series 00822)</p>	<ul style="list-style-type: none"> • Cases with case disposition date older than 10 years (cases closed over 10 Years) • Excludes cases with a charge less than 10 years old • Excludes cases with a document less than 10 years old • Excludes cases with a scheduled event less than 10 years old • Excludes cases with a motion less than 10 years old • Excludes cases with a sentence less than 10 years old • Excludes cases with a bail less than 10 years old • Excludes cases with a summons less than 10 years old • Excludes cases with a warrant less than 10 years old • Excludes cases with a future scheduled event • Excludes cases with active warrants (AC, RU, HO status) 	<p>AC- Active RU- Returned Unserved HO- Hold</p>

81.3 *Retrieval of Case Files*

To retrieve a case from the KDLA, you must determine the location of the file.

- **From the State Archives Center:** accession numbers begin with “A” (A2001-000) and the locations are alphanumeric (A35/D7-A).
- **From the State Records Center:** accession numbers begin with “R” (R2001-000) and the locations utilize roman numerals (VI-J-245).

81.4 *Procedures for Any Record Request*

1. Verify where the case is located: the Clerk's Office, Archive Center or Record Center.
2. Use the transmittal to find the location of the case needed. The case number and location in the center can be given to the citizen if that individual is performing the request.
3. Complete the [Record Request \(Form PRD-160\)](#). If you are having the information sent directly to the citizen, make sure the citizen's billing address and telephone number are included on the form. You are not responsible for collecting payment of copies to be made by the Archive Center or Record Center.

Quick Reference
Verify case location

Form PRD-160

81.5 *Archive Center Request*

After completing the Record Request, fax it to the Archive Center. The telephone number is located on the bottom of the Record Request form. If you need further assistance you can contact the Archive Center Supervisor at (502) 564-8300.

81.6 *Record Center Request*

After completing the Record Request, fax it to the Record Center. The telephone number is located on the bottom of the Record Request form. If you need further assistance contact the Record Center Supervisor at (502) 564-3617.

NOTES:

- Copies will not be made other than for specific documents, such as decrees, orders, and judgments. If additional copies or a copy of the entire case file is needed, the original file will be mailed to you. It is your responsibility to make the copies.
- The Archives Center and Records Center staff will not interpret information located in the case files. This prevents any chance of giving misinformation.

82 REDEMPTION OF LAND SOLD UNDER EXECUTION OR JUDICIAL SALE

KRS 426.220, 426.530

Under certain circumstances the defendant may redeem or buy back his/her land which was sold on execution or at a judicial sale.

82.1 *Redemption of Land Sold Under Execution*

If land sold under execution does not bring two-thirds of its appraised value, the defendant and his representatives may redeem it within six months from the day of the sale, by paying the purchaser or his representative the original purchase money and ten percent per annum interest thereon.

1. The defendant will deliver a receipt from the purchaser. Apply the **FILED** stamp; add the date and your initials.
2. File the receipt on a document screen in the existing case file using document type **REC**.

NOTE: The defendant may pay to the clerk the redemption money for the purchaser if the purchaser refused the money or the purchaser does not reside in the county where the land lies or in the county where the judgment was obtained. The defendant may, before the expiration of 6 months, go to the clerk of the court where the execution issued and make affidavit of the tender and the refusal or that the purchaser does not reside in either county.

3. If you receive an affidavit regarding the status of the purchase and purchase money is deposited with you apply the **FILED** stamp to the affidavit; add the date and your initials.
4. File on a document screen in the existing case file using document type **AFF** and memo "Affidavit of the Tender or Refusal."
5. Receipt the purchase money as "Money Collected for Others." For more information, see the [Accounting Manual](#).

Quick Reference

File, date, initial

Document type **REC**

File, date, initial

Document type **AFF**

82.2 *Redemption of Land Sold by Judicial Sale*

If real property sold in pursuance of a judgment or order of a court, other than an execution, does not bring two-thirds of its appraised value, the defendant and his representatives may redeem it within six months from the day of sale, by paying the original purchase money and ten percent per annum interest thereon. The defendant or his/her representative who wishes to redeem the property must also pay any reasonable costs incurred by the purchaser after the sale for maintenance or repair of the property. The defendant shall pay the redemption money to the clerk of the court in which the judgment was rendered or the order of sale was made.

1. Upon receipt of the redemption money by the defendant give a receipt to the defendant.
2. Receipt the purchase money as "Money Collected for Others." For more information, see the [Accounting Manual](#). Money collected should be remitted to the purchaser.
3. Provide a copy of the receipt to the master commissioner as notice. Upon payment by the defendant, the master commissioner shall convey the real property to the defendant.

83 REPORTING CONVICTIONS

83.1 *Division of Driver Licensing – Kentucky Department of Transportation*

Convictions affecting a defendant's license are electronically transmitted to the Division of Driver Licensing. For specific instructions regarding the transmission of conviction reports, consult the [KyCourts Manual](#). For additional information of this manual, see chapters: [Circuit Criminal](#), [Citations](#), and [District Criminal](#).

83.1.1 Reporting Criteria:

Charge Date	Process	Exception
Before 10-1-00	Report the conviction date to Division of Driver Licensing at time of conviction.	If a defendant charged before 10/1/00 elects and is sentenced under DUI sentencing guidelines in effect on and after 10/1/00, report the conviction at the time of sentencing by entering the length of time the defendant's operators' license is suspended/revoked. See KyCourts Manual .
On or After 10-1-00	Report the conviction date to Division of Driver Licensing at time of sentencing. When sentencing occurs: Enter the length of time the defendant's operators' license is suspended/revoked. See KYCourts Manual.	If sentencing does not occur at the time of finding of guilt or entry of guilty plea, refer to KyCourts Manual for instructions on deleting the conviction report.

83.2 *No Insurance*

Second or subsequent convictions for failure to secure insurance, KRS 304.99-060, must be docketed for a hearing in six months to show proof of insurance. Create a tickler using scheduled events. If the defendant fails to appear for the hearing, copy the court calendar and mail to Division of Drivers Licensing. KRS 304.99-060.

83.3 *Incompetency Determination*

KRS 186.560

A person found incompetent to stand trial is prohibited from operating a motor vehicle during the period of the person's incompetency. See [Incompetency Determination](#).

83.4 *Conviction of a Physician, Paramedic, Nurse*

The clerk shall mail an attested copy of the initiating document and judgment pertaining to all felony or misdemeanor convictions of physicians, paramedics and nurses. KRS 311.606(3).

To report a conviction of a physician or paramedic, mail to: **Kentucky State Board of Medical Licensure**. To report a conviction of a nurse, mail to: **Kentucky Board of Nursing**.

83.5 [Reportable Offenses](#)

Quick Reference
*Kentucky State Board of
 Medical Licensure,
 Hurstbourne Office Park
 310 Whittington Pkwy,
 Suite 1B
 Louisville, KY 40222*

*Kentucky Board of
 Nursing
 312 Whittington Pkwy,
 Suite 300
 Louisville, KY 40222*

84 ROSTER OF ATTORNEYS

SCR 3.480-3.510

84.1 *Appointments*

Maintain a list of all attorneys who practice in your court to be used if your judge directs you to make appointments of [warning order attorneys](#), [guardians ad litem](#), or any other appointments. When counsel is to be assigned in a case, consult this list, and make appointments in rotation.

BEST PRACTICE: You may want to list the attorneys on index cards; after appointment is made, place that card at the back of the file box.

84.2 *Legal Intern*

Legal interns may provide legal services and appear in any proceedings in any court of this state as set forth in SCR 2.540.

If a legal intern (law student or graduate) is to appear in your court, he or she should file with you letters of approval from the Chief Justice of the Supreme Court, the law school dean, and the faculty director of the program. The intern should also file these letters with you if the law school he/she attended is located in your county. SCR 2.540. Staple the letters concerning the same intern together, and place in a special file with letters on other interns.

84.3 *Suspended/Disbarred Attorneys*

If an attorney whose KBA roster address is located in your county is suspended or disbarred, you will receive an attested copy of the Supreme Court Order. Place the order in a special file for suspended or disbarred attorneys. Remove any such person from your roster of attorneys, or indicate the person's status so that you will know the person is not entitled to practice law. SCR 3.050, 3.480.

84.4 *Reinstatement*

The name of an attorney whose membership has been restored should be reinstated on the roster of attorneys and should be removed from the special file of suspended or disbarred attorneys. SCR 3.500, 3.510.

85 SELF-CONSENT ABORTION

KRS 311.732

Special Rules for Self-Consent Abortion by a Minor

District Court

[Process Map](#)

A Self Consent Abortion case is confidential and can be heard by the district or circuit/family judge.

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.
NOTE: Do not process the petition until the filing fees are paid unless the petitioner checks the line on the petition indicating she has insufficient funds to pay. (The judge does not have to rule on this.) CR 5.05(4); KRS 453.010; KRS 311.732(6).
2. The petitioner or the petitioner's next of kin may complete [AOC Form 260](#), Abortion Petition.
NOTE: If requested, you must assist in the preparation of the petition, insuring that that the minor prepares or her next friend is given assistance in preparing and filing the petition.
3. Apply the **FILED** stamp; add the date and your initials and note the time the petition was received.
4. Open a case in the CONFIDENTIAL division. For more information, see [Case Add](#) in the KyCourts Manual.
5. Assign a case number using the next pre-numbered file folder for juvenile **J** cases.
NOTES:
 - *Do not* combine this petition with any other petitions on this minor in your court.
 - **Only the petitioner's initials may appear on the petition.** You may enter her name on the party screen only. *Do not* use her name on the case screen or file folder.
6. The case type is "Special Proceeding." Use case type **SP**.
7. File on document screen. Use document type **PAB**.

Quick Reference
Collect filing fees

AOC Form 260

File, date, initial, and note time

CO Division

Juvenile **J** case

Use petitioner's initials **ONLY** – **Do not** use her name on the case screen or file folder

Case type **SP**

Document type **PAB**

85.1 *Petition/Motion of Order*

1. Complete the **Notice** portion of the petition and assign a hearing for the judge (circuit or district) by completing the scheduled events screen. The hearing must be held within 72 hours (including weekends and holidays) of the filing of the petition, unless the minor wants more time as indicated on the petition.
2. Consult your roster of attorneys and appoint a [Guardian Ad Litem](#) (GAL). Fill in the name of the guardian ad litem in the space provided on the petition [AOC Form 260](#), Abortion Petition. (Appointment of GAL is mandatory.) Use only the minor's initials when filling out [AOC Form 115](#), Appointment of Guardian Ad Litem.
3. Apply the **FILED** stamp to the appointment of GAL form; add the date and your initials.
4. File a document screen. Use document type AGAL.
5. Complete a party screen for the guardian ad litem.
6. If the petitioner has checked the line on the petition requesting counsel, you must appoint an attorney from your assigned counsel list. (This cannot be the same attorney as the GAL.)
7. Give the petitioner a copy of the petition. Serve the GAL with a copy of AOC Form 260 and AOC Form 115. Serve the appointed counsel (if applicable) with a copy of AOC Form 260.
BEST PRACTICE: Have the GAL (and appointed counsel, if applicable) served by the sheriff or other serving officer.
8. The judge has 72 hours (unless the petitioner requests more time) to hear and issue an order in the case. Be sure the hearing is either audio taped, video taped, or a written transcript is made.

Quick Reference
Assign a hearing for the judge within 72 hours of the filing

Assign a Guardian Ad Litem
AOC Form 260
AOC Form 115

File, date, initial

Document type AGAL

AOC Form 260
AOC Form 115

85.2 *Order*

1. Upon receipt of an Order either granting or denying the abortion apply the **ENTERED** stamp to the order; add the date and your initials.
2. File a document screen. Use document type **OGAB** for [AOC Form 261.1](#), Order Granting Abortion or **ODAB** for [AOC Form 261.2](#), Order Denying Abortion.
3. Notice of Entry should only be to the petitioner and **ONLY** hand delivered.
4. Close the case screen by completing the disposition date, disposition type and judge at disposition.

Enter, date, initial

* Grant abortion – **OGAB**
* Deny abortion – **ODAB**

85.3 *Denied Petition/Appeal*

1. If the petition is denied, the petitioner has three days after entry of the order in which to file an appeal.
2. Upon receipt of [AOC Form 262](#), Notice of Appeal Denial of Self Consent Abortion by a Minor, collect filing fees for Appeals to Court of Appeals as set forth in the [Accounting Manual](#) and give a receipt.

NOTE: Do not process the petition until the filing fees are paid UNLESS the petitioner checks the line on the petition indicating she has insufficient funds to pay. (The judge does not have to rule on this). CR 5.05(4); KRS 453.010 KRS 311.732(6).

3. File on document screen. Use document type **NAAB**.
4. You have five days to complete, certify and transmit the record (including the audio tape or video tape) to the Court of Appeals. For more information, see [Appeals](#).
5. If no appeal is filed within 30 days refer to the Kentucky Court of Justice Records Retention Schedule for instructions on destruction of the case. For more information, see [Record Retention](#).

BEST PRACTICE: Set up a 30 day tickler to review the case. For more information refer to the [KyCourts Manual](#).

Quick Reference

AOC Form 262
Collect filing fees

Document type **NAAB**

If appealed you have **5 days** to certify and transmit the record to COA.

86 SERVICE OF PROCESS

A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125. Upon the filing of a complaint or other initiating document the clerk shall forthwith issue the required summons. CR 4.01. See [Civil Summons](#).

86.1 *Certified Mail Service*

1. Upon receipt of a request of service by certified mail, attach a copy of the complaint (or other initiating document to the summons).
2. When a third party complaint is filed, attach a copy of the original complaint in addition to the third party complaint.
3. Collect postage fees as set forth in the [Accounting Manual](#).
4. Mail the summons and attached pleadings by certified mail, return receipt requested, with instructions to deliver to addressee only and to show the address where delivered and the date of delivery on the return receipt.
5. In order to accomplish proper service, you must check the restricted delivery box on the return receipt (green card).

Quick Reference

Attach copy of complaint

Collect postage fees

Mail summons using certified mail, return receipt

86.2 *Personal Service*

1. Upon request of service by the sheriff or other serving officer, make a copy of the summons.
2. Give the plaintiff the two summons with a copy of the complaint and/or other documents to be served attached to the copy of the summons and instruct the plaintiff to deliver them to the officer for service. The plaintiff will pay the officer directly.
3. Do not make a copy of the summons for the case file; the officer's return will provide a copy.

Copy summons

Give plaintiff both summons and a copy of the complaint.

86.3 *Long-Arm Statutes*

Under certain circumstances defendants who are non-residents of Kentucky may be served through the Kentucky Secretary of State.

1. If you are asked to serve a summons by this method, collect a fee for the Secretary of State as set forth in the [Accounting Manual](#).
2. Mail two attested copies of the complaint and summons by certified mail to the [Secretary of State](#).

Secretary of State
Commonwealth of Kentucky
Capitol Building
Frankfort, Kentucky
40601

86.4 *Return of Service*

86.4.1 Certified Mail

1. Apply the **FILED** stamp to the return receipt (green card); add the date and your initials.
2. Enter the date of delivery in the service date field of the summons screen.

Quick Reference
File, date, initial

86.4.2 Personal Service

1. Apply the **FILED** stamp to the summons; add the date and your initials.
2. Enter the date the officer served the defendant in the service date field of the summons screen. You may use the memo field to record the service agency.

File, date, initial

86.4.3 Long Arm Statutes

1. If the receipt is from the Secretary of State enter the date of delivery shown on the return receipt (green card) in the memo field of the summons screen.
2. When the Secretary of State mails notice to you concerning service or non-service of a defendant enter the date of service or attempted service in the memo field of the summons screen.

NOTE: The service date field is not completed on a summons screen when service is through the secretary of state. "Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure." If the SOS returns the summons, then service was completed. Unlike other forms of service, the statute does not force the plaintiff to use restricted service, only certified mail return receipt.

Enter date of delivery

Enter date of service or attempted service in memo field

86.4.4 Return of Non-Service

When a summons is returned unserved, leave the service date field blank on the summons screen and memo the reason and the date of non-service.

87 SMALL CLAIMS CASES

KRS 24A.200 - 24A.360

District Court

[Process Map](#)

87.1 *Fees*

1. Upon receipt of [AOC Form 175](#), (Small Claims Complaint), collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.

NOTE: Jurisdictional limit in small claims is \$2,500.00.

NOTE: There is no limit on the number of complaints and no affidavits are required for claims brought by city, county, or urban county governments. CR 5.05(4); KRS 453.010.

Quick Reference
AOC Form 175

87.2 *Complaint*

1. Apply the **FILED** stamp to the complaint; add the date and your initials.
2. Refer to [Case Add](#) section of the KyCourts Manual for instructions on opening the case.
3. Assign a case number by generating the next case number in the computer for district civil small claims **S** cases or use the next pre-numbered file folder. Use case type **CO**, **PD**, or **PI**.
4. Assign a trial date by completing a scheduled event at least 20 days but not more than 40 days after [service of process](#). KRS 24A.280. The trial date will appear on the summons.

File, date, initial

S Cases
Case type **CO**, **PD**, or **PI**
Schedule trial

87.3 *Summons*

1. Issue a Small Claims Summons ([AOC Form 180](#)) and record the summons using summons type **SC**.
2. Attach the complaint to the summons (and serve in the manner directed by the plaintiff. KRS 24A.280(2). See [Civil Summons](#) and [Service of Process](#).

AOC Form 180
Summons type **SC**

87.4 Counterclaim

1. Upon receipt of [AOC Form 185](#), (Small Claims Counterclaim), collect filing fees if required as indicated below in fees.
2. Apply the **FILED** stamp to the counterclaim; add the date and your initials.
3. File on a document screen using document code **CC**.

Quick Reference AOC Form 185 File, date, initial Document Code CC
--

87.4.1 Fees

1. If the amount does not exceed \$2,500.00, there is no filing fee.
2. If the amount is over \$2,500.00 but does not exceed \$5,000.00 (exclusive of interest and costs), the case is then transferred to civil district court. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.
3. If the amount exceeds \$5,000.00, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. The case is then transferred to circuit court.

NOTE: No counterclaims will be processed until the filing fees are paid unless the party is proceeding In Forma Pauperis or unless the party is the Commonwealth. City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth. CR 5.05(4), KRS 453.010.

87.4.2 Transfer

1. Prepare [AOC Form 122](#), (Transfer of Action). Apply the **FILED** stamp; add the date and your initials. Enter on a document screen using document code **NTA**. Mail or hand-deliver a copy to all parties.
2. Close the case by completing the disposition date, disposition type of **TRF** and the judge at disposition fields on the screen. Make a notation of the transfer in the memo field of the case screen.
3. Transfer the contents of the case file including a copy of the cash receipt and the case history to the appropriate receiving court as set above in number 2. Retain the original file folder and cash receipt and file in numerical order with other Small Claims case files.
4. If the defendant requests a jury trial, collect the applicable transfer and jury fee as set forth in the [Accounting Manual](#). Apply the **FILED** stamp to the request; add the date and your initials. File on a document screen using document code **REQ**. KRS 29A.270, KRS 24A.310.

AOC Form 122 File, date, initial Document code NTA Disposition type TRF
--

Transfer contents

File, date, initial

Document code **REQ**

87.4.3 Receiving Court

1. Upon receipt of the case history, apply the **FILED** stamp, add the date and you initials.
2. Refer to [Case Add](#) section of the KyCourts Manual for instructions on opening the case.
3. Assign a case number by generating the next case number as appropriate for district civil **C** or Circuit Civil **CI** cases or use the next pre-numbered file folder. Use case type **CO**.
4. File the record transferred as a single item on the document screen using document code **RTRF**.
5. **Do not** issue a summons.

Quick Reference

File, date, initial

District Civil **C** or Circuit
Civil **CI** cases
Case type **CO**
Document code **RTRF**

87.5 Judgment/Order

1. Upon receipt of Small Claims Judgment AOC Form 190 or any other judgment, apply the **ENTERED** stamp; add the date and your initials. Enter the order on a document screen using document type **JSC**.
2. Serve [notice of entry](#) on the parties by making a copy of the order that has been stamped **ENTERED** and mail or hand deliver it to the parties or attorney. Make an entry on the document screen showing the manner and date of the service of notice of entry of the order.
3. To close the case, complete the closing information on the case screen by adding the disposition date, disposition type, and the judge at disposition.

AOC Form 190
Enter, date, initial
Document type **JSC**

NOE

Close case

87.6 Settlement Agreement

1. Upon receipt of [AOC Form 199](#), (Small Claims Settlement Agreement), apply the **FILED** stamp to the agreement; add the date and your initials. File on a document screen using document code **ASET**.
2. Serve [notice of entry](#) of the judgment on all parties. Enter the method of service (mail or personal delivery) and notice of entry date on the document screen.
3. If a case is ordered closed, complete the disposition date, disposition type and judge disposition fields on the case screen.

AOC Form 199
File, date, initial
Document code **ASET**

NOE
Enter method of service

87.7 *Post Judgment*

1. Upon receipt of [AOC Form 197](#) (Small Claims Post Judgment Interrogatories), apply the **FILED** stamp, add the date and your initials. Complete a document screen using document code **INT**.

NOTE: After 30 days if no response has been filed, the winning party may complete [AOC Form 198](#), (Small Claims Post Judgment Motion/Order Requiring Losing Party to Answer Interrogatories).
2. Upon receipt of [AOC Form 198](#), (Small Claims Post Judgment Motion/Order Requiring Losing Party to Answer Interrogatories), apply the **FILED** stamp, add the date and your initials. Complete a Scheduled Event/Motion Screen.
3. If the court grants the motion, file the order on a document screen using document code **ORAI**. Provide [notice of entry](#) to all parties. Make a notation of the notice of entry on the document screen.
4. Set a court date 30 days after entry of the order, by completing a Scheduled Events Screen.
5. When a final order is received, apply the **ENTERED** stamp; add the date and your initials. Enter on a document screen and give notice of entry on all parties. Make a notation of the notice of entry on the document screen.

<p>Quick Reference AOC Form 197 File, date, initial Document code INT</p> <p>AOC Form 198 File, date, initial</p> <p>Document code ORAI NOE</p> <p>Enter, date, initial NOE</p>

87.8 *Motion for Satisfaction of Judgment*

1. Upon receipt of [AOC Form 191](#) (Motion for Satisfaction of Judgment), apply the **FILED** stamp, add the date and your initials. Complete a Scheduled Events screen.
2. Upon receipt of [AOC Form 191.1](#) (Order Entry of Satisfaction of Judgment), apply the **ENTERED** stamp; add the date and your initials.
3. Complete a document screen using document code **SAT**.
4. Give [notice of entry](#) to all parties and make a notation of the notice of entry on the document screen.

<p>AOC Form 191 File, date, initial</p> <p>AOC Form 191.1 Enter, date, initial</p> <p>Document code SAT NOE</p>

87.9 *Appeals*

An appeal of a small claims judgment is an appeal from district to circuit court. For more information see [Appeals](#). KRS 24A.340.

88 SPECIAL JUDGE APPOINTMENT

KRS 26A.015; 26A.020

Regional Administration Program Charter

[Process Map](#)

If a special judge needs to be appointed due to absence of a sitting judge, the sitting judge must notify the chief regional district or circuit court judge who will appoint a special judge by written order. If a special judge needs to be appointed due to disqualification of a sitting judge, the sitting judge must certify the grounds to the chief regional district or circuit court judge.

EXCEPTIONS: A [recusal motion/affidavit](#) filed pursuant to KRS 26A.020.

88.1 *Special Judge Appointment*

Appointments made due to a sitting judge's unavailability:

1. Upon receipt of an order appointing a special judge AOC Form SJ-3 or AOC Form SJ-7, apply the **FILED** stamp to the Supreme Court's Order; add the date and your initials.
2. If the order is specific to one case add the order as a document in the specified case using document code **OASJ**. If the order is appointing a special judge to hear multiple cases, place the order of appointment in the General Orders File.
3. Copy the case file, print the case history and copy the docket sheet if one exists. Mail the **copy** to the special judge. Maintain the original file in your office.
4. Mail a copy of each additional filing to the special judge. The original pleadings/ documents should be filed in KyCourts and kept with the original record in your office.

NOTE: Under no circumstances should the original file be removed from your office except as outlined in CR 79.05.

Quick Reference

File, date, initial

Document type **AFF**

Motion type **REC**

*Chief Justice of the
Supreme Court
Room 231, Capitol
Building
Frankfort, KY 40601*

Mail copy to special
judge

88.2 *Recusal Motion/Affidavit*

A party may file a recusal motion/affidavit pursuant to KRS 26A.020 based on the judge’s inability to afford the party a fair and impartial trial or partiality in deciding an application for change of venue.

1. Upon receipt of a recusal motion/affidavit apply the **FILED** stamp; add the date and your initials.
2. File by completing a motion or document screen, as appropriate. Use document type **AFF** and memo recusal. Use motion type **REC**.
3. Immediately send a certified copy of the recusal motion/affidavit directly to the **Chief Justice of the Supreme Court**. The Chief Justice will decide whether to appoint a sitting, senior, or retired judge as special judge. KRS 26A.020.

NOTE: If there has been a recusal motion/affidavit filed pursuant to KRS 26A.015 (a absence or vacancy by the sitting judge,) do not forward to the Chief Justice. File the motion and schedule for hearing before the presiding judge. KRS 26A.015 outlines specific instances where a judge **MUST** disqualify him/herself. (Examples: The judge is related to a party, has a monetary interest, was in a government agency that dealt with the issues.)

Quick Reference
File, date, initial

Document type **AFF**
Motion type **REC**

88.2.1 **Order**

Orders regarding appointment of a special judge due to a sitting judge’s disqualification:

1. Upon receipt of an order appointing a special judge AOC Form SJ-4 or AOC Form SJ-8, apply the **FILED** stamp to the Supreme Court's Order; add the date and your initials.
2. If the order is specific to one case add the order as a document in the specified case using document code **OASJ**. If the order is appointing a special judge to hear multiple cases, place the order of appointment in the General Orders File.
3. Copy the case file, print the case history and copy the docket sheet if one exists. Mail the **copy** to the special judge. Maintain the original file in your office.
4. Mail a copy of each additional filing to the special judge. The original pleadings/ documents should be filed in KYCourts and kept with the original record in your office.

NOTE: Under no circumstances should the original file be removed from your office except as outlined in CR 79.05.

File, date, initial

Document code **OASJ**

Mail copy to special judge

88.3 *Special Judge Codes*

When a special judge is appointed to hear matters in your county, you may contact the Research and Statistics Department at AOC to have the number added to KYCourts.

Quick Reference

AOC: (502) 573-2350

89 STATISTICAL INFORMATION

Circuit and District Courts

- Reopening/Closing or Pre-Computer Cases
- Reopening/Closing of KYCourts (Computer) Cases
- Statistical Codes and Definitions

89.1 *Reopening/Closing of Pre-Computer Cases*

When a pleading is received that reopens a pre-computer case, refer to [Case Add](#) section of the KyCourts Manual to open the case in KYCourts.

89.1.1 Civil Cases

1. Apply the **FILED** stamp to the motion or other document that reopens the case; add the date and your initials.
2. Complete a case screen using the **ORIGINAL** case number, filing date, case type, open judge, current judge (if applicable), disposition date, disposition type, judge at disposition.
3. File all pleadings contained in the court record prior to the date of reopening as one item by completing a document screen using the document code **CCF** Circuit Court File and **DCF** for District Court File.
4. Complete a party screen for each party listed in the case file.
5. Complete a scheduled event screen and attach a motion screen to file the motion that reopened the case. If a document other than a motion reopened the case, file on a document screen.
6. Reopen the case statistically. Complete a special status screen as follows:

STATUS TYPE	R – Reopened; memo the original disposition type
STATUS DATE	Date motion or other pleading filed
OPEN JUDGE	Judge assigned to hear motion

7. When a signed order or judgment is received, apply the **ENTERED** stamp; add the date and your initials.

Quick Reference

File, date, initial

Document code CCF or DCF

Reopen

Enter, date, initial

8. Enter the order or judgment on a document screen. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry of the order or judgment. See [Notice of Entry](#).

9. Reclose the case statistically. Complete a special status screen as follows:

TERMINATION DATE	Date judgment or order entered
CLOSE JUDGE	Judge who rules on motion

NOTE: The Quarterly Pending Case List should be reviewed to ensure that all eligible cases have been reclosed as appropriate.

Quick Reference
Notice of entry

Reclose

89.1.2 Criminal Cases

1. Apply the **FILED** stamp to the motion or other document that reopened the case; add the date and your initials.
2. Complete a case screen using the **ORIGINAL** case number, filing date, case type, open judge, current judge (if applicable), disposition date, and judge at disposition.
3. File all pleadings contained in the court record prior to the date of reopening as one item by completing a document screen using the document code **CCF** (Circuit Court File and **DCF** for District Court File.)
4. Complete a party screen for each party listed in the case file.
5. Complete a defendant information screen.
6. Complete a charge screen for each charge listed in the file.
7. Complete a sentence screen for each charge, as appropriate.
8. Complete a scheduled events screen and attach a motion screen to file the motion that reopened the case on a motion screen. If a document other than a motion reopened the case, file the document on a document screen.
9. Reopen the case statistically. Complete a special status screen as follows:

STATUS TYPE	R – Reopened; memo the original disposition type
STATUS DATE	Date motion or other pleading filed
OPEN JUDGE	Judge assigned to hear motion

10. When a signed order or judgment is received, apply the **ENTERED** stamp; add the date and your initials.

File, date, initial

Document code **CCF** or **DCF**

Reopen

Enter, date, initial

11. Enter the order or judgment on a document screen. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry of the order or judgment. See [Notice of Entry](#).

12. Reclose the case statistically. Complete a special status screen as follows:

TERMINATION DATE	Date judgment or order entered
CLOSE JUDGE	Judge who rules on motion

13. Make an entry on the manual docket sheet indicating the date the case was transferred to KY Courts. It is not necessary to keep a copy of the manual docket sheet in the case file.

NOTE: The Quarterly Pending Case List should be reviewed to ensure that all eligible cases have been reclosed as appropriate.

Quick Reference

NOE

Reclose

89.2 Reopening/Closing of Computer Cases

1. Apply the **FILED** stamp to any post-judgment motion or other document that reopens a case; add the date and your initials. See [Special Status Detail Screen](#) in KyCourts.
2. Complete a scheduled event screen and attach a motion screen to file the motion that reopened the case. If a document other than a motion reopened the case, file on a document screen.
3. Reopen the case statistically. Complete a special status screen as follows:

STATUS TYPE	R – Reopened; memo the original disposition type
STATUS DATE	Date motion or other pleading filed
OPEN JUDGE	Judge assigned to hear motion

4. When a signed order or judgment is received, apply the **ENTERED** stamp; add the date and your initials.
5. Enter the order or judgment on a document screen. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry of the order or judgment. See [Notice of Entry](#).
6. Reclose the case statistically. Complete a special status screen as follows:

TERMINATION DATE	Date judgment or order entered
------------------	--------------------------------

File, date, initial

Complete scheduled event

Enter, date, initial

NOE

Reclose

CLOSE JUDGE	Judge who rules on motion
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NOTE: The Quarterly Pending Case List should be reviewed to ensure that all eligible cases have been reclosed as appropriate.

89.3 *Statistical Codes and Definitions*

Refer any questions regarding statistical codes and definitions to Research and Statistics at AOC.

89.3.1 Case Types

Case Type	Description
AB-- ADMINISTRATIVE BOARD APPEALS	A petition for review of a decision of an agency, special district or board. It includes cases from such agencies as the Worker’s Compensation Board and Public Service Commission, etc.
ADPT-- ADOPTION	A petition to take a child (children) into one’s family legally and raise as one’s own child.
CA-- CHILD ABUSE	An action involving a child whose health or welfare is injured or threatened with physical or emotion injury when his parent, guardian or other person does not provide the child with adequate care, supervision, food, clothing, shelter, education or medical care necessary for the child’s well-being. (Obsoleted and replaced by Case Type CA April 2015.)[CM1]
CO-- CONTRACT	An action based upon an agreement, upon sufficient consideration, between two or more persons to do or not to do certain things.
COM-- COMMITMENT PROCEEDINGS	Involuntary hospitalization proceedings include the hospitalization of mentally ill and Intellectually Disabled adults.
CR-- CIRCUIT CRIMINAL	A crime punishable by death or imprisonment in the penitentiary.

DCTG-- DRUG COURT TRANSFER GUILTY	Used by receiving county, when case containing offense are disposed of as DCTG- Drug Court Transfer Guilty “guilty” and case has been transferred to another county.
DCTD-- DRUG COURT TRANSFER DIVERSION	Used by receiving county, when case containing offense(s) are disposed of as “diversion” and has been transferred to another county.
DDP-- DENIED DOMESTIC PETITION	Civil proceeding for Denied Domestic Violence Petition.
DE-- DELIQUENCY	Violation of any federal, state, local law or municipal ordinance by a child, which if committed by an adult, would subject such adult to criminal prosecution.
DF-- DOMESTIC & FAMILY	Includes divorce, annulment, separation, and post-divorce hearings.
DIP—DENIED INTERPERSONAL PROTECTIVE PETITION	Civil proceeding for Denied Interpersonal Protective Petition.
DIS-- DISABILITY PROCEEDINGS	Include adjudging a person fourteen years of age or older to be mentally or physically disabled to manage his/her affairs; determination that he/she is no longer mentally or physically disabled.
DP-- DEPENDENCY	An action involving a child, other than an abused or neglected child, who is under improper care, custody, control or guardianship, that is not due to an intentional act of the parent, guardian or person exercising custodial control or supervision of the child.
DV-- DOMESTIC VIOLENCE	Civil proceeding which allow victims of domestic violence to obtain short/long term protection against further violence.
EX-- EXPUNGED	To obliterate; to strike out.
FCL-- FORECLOSURE	A legal procedure by which a mortgage is foreclosed.
FD-- FORICBLE DETAINER	A district court case involving a landlord’s

STATISTICAL INFORMATION

	repossession of his property from a tenant.
FE-- FELONY	A crime punishable by death or imprisonment in the penitentiary.
GC-- GUARDIAN/CONSERVATOR	A petition for the appointment of a new guardian/conservator.
IP—INTERPERSONAL PROTECTION	Civil proceeding which allow victims of dating violence and abuse, stalking, and/or sexual assault to obtain short/long term protection against further violence and abuse, stalking, and/or sexual assault.
MI-- MISDEMEANOR	A crime less than a felony, punishable by fine or imprisonment in a local or regional institution rather than penitentiary.
NEG-- NEGLECT	An action involving a child whose health or welfare is injured or threatened with physical or emotional injury when his parent, guardian or other person does not provide the child with adequate care, supervision, food, clothing, shelter and education or medical care necessary for the child's well-being. (Obsoleted and replaced by Case Type CA April 2015.)[CM1]
OTH-- OTHER	Indicates a civil case not specifically designated such as state fiscal suits, writ of prohibition, etc.
PA-- PATERNITY	An action taken to determine a child's father and set support payments.
PB-- PROBATE	Relates generally to the management of financial affairs of the person by another person. Contested wills are the jurisdiction of the circuit court. All other probate matters are handled in district court.
PD-- PROPERTY DAMAGE	An action arising from an injury to property which the plaintiff believes was caused by the defendant.
PI-- PERSONAL INJURY	An action based upon physical and/or emotional injuries which the plaintiff believes was caused by the defendant.

STATISTICAL INFORMATION

PR-- PROPERTY RIGHTS	Includes land title, right-of-way, and condemnation matters.
REV-- REVIEW OF TREATMENT	A petition for review or modification of treatment.
SG-- SEGREGATED	To separate or isolate from others or from a main body or group. (Only law enforcement records may be statutorily segregated. Court records are not records which may be segregated. York v Commonwealth, Ky. App., 815 S.W. 2d 415 (1991)).
SP-- SPECIAL PROCEEDINGS	All other cases in juvenile court, i.e.; mental health proceedings, petition for abortion, etc.
ST-- STATUS	An act or conduct which is declared by statute to be an offense, but only when committed or engaged in by a juvenile, and adjudicated only by a juvenile court, i.e.; running away, truancy.
TPR-- TERMINATION	Indicates termination of parental rights case.
TR--TRAFFIC	A serious traffic offense for which a court appearance is mandatory.
URES-- URESA/UIFSA- UNIFORM RECIPROCAL ENFORCEMENT SUPPORT ACT	Determination of paternity or enforcement of support ordered. Can be filed in district or circuit court.
XI-- APPEAL CIVIL	A complaint to a court of higher jurisdiction of an injustice done or error committed by a court of lower jurisdiction, whose judgment or decision the court above is called upon to correct or reverse.
XR-- APPEAL CRIMINAL	A complaint to a court of higher jurisdiction of an injustice done or error committed by a court of lower jurisdiction, whose judgment or decision the court above is called upon to correct or reverse.

89.3.2 Case Disposition Types

Case Disposition Type	Description
360D--360 DAY COMMITMENT	Judgment committing the respondent for 360 days in an involuntary admission or hospitalization proceeding.
60D--60 DAY COMMITMENT	Judgment committing the respondent for 60 days in an involuntary admission or hospitalization proceeding.
72H--72 HOUR COMMITMENT	Judgment committing the respondent for 72 hours in an involuntary admission or hospitalization proceeding.
AG -- APPOINTMENT OF GUARDIAN	Indicates a guardian is appointed for a minor in probate cases.
CDI--CONTESTED DIVORCE	A divorce proceeding in which a legal or factual issue is litigated in a court trial.
DBT--DISMISSED (BEFORE TRIAL)	Plaintiff's suit is dismissed, with or without prejudice, before a trial was initiated.
DCT--DRUG COURT TRANSFER	Indicates the case has been transferred to another jurisdiction so the defendant may participate in that jurisdiction's drug court program.
DFJ--DEFAULT JUDGMENT	Uncontested judgment.
DIS--DISMISSED (JUV)	Dismissal in a juvenile action.
DLP – DISMISSED: 77:02(2)	Plaintiff's suit is dismissed for lack of prosecution, i.e., no pretrial step has been taken within the last year.
DVD—DOMESTIC VIOLENCE DENIED	Indicates that a domestic violence petition was denied. A summons and/or emergency protective order was not issued.
FD – FULL DISABILITY	Indicates a judgment of full disability/wholly disabled in a disability proceeding.

STATISTICAL INFORMATION

INF – INFORMAL JUDGMENT	Informal Adjustment per the Juvenile Code (KRS 610.0710.) Used in district juvenile cases that do not result in formal commitment to a state or local agency, i.e.; when custody is entrusted to a relative.
IPD – INTERPERSONAL PROTECTIVE ORDER DENIED	Indicates that an interpersonal protective petition was denied. A summons and/or temporary protective order was not issued.
JAD – JUDGMENT-ADOPTION	Adoption Judgment is entered.
JCT – JUDGMENT COURT TRIAL	Judgment entered when a court trial is held.
JJT – JUDGMENT AFTER JURY TRIAL	Judgment entered when a jury trial is held. NOTE: Not to be used in Disability trials.
JTER – JUDGMENT TERMINATION	Termination of Parental Rights Judgment is entered.
OTH – OTHER	Civil dispositions not specifically stated.
PD – PARTIAL DISABILITY	Indicates a partial disability judgment in a disability proceeding.
RUPO -- RESCIND UNSERVED PROTECTION ORDER	A protection order which has not been served is rescinded.
SBT – SETTLED (BEFORE TRIAL)	Agreed settlement signed by both parties to a suit, done outside of the court, i.e., the actual settlement is not recorded as part of the judgment.
SUJ – SUMMARY JUDGMENT	A judgment rendered by the judge at the close of the pleadings where the only matters in dispute are questions of law.
SUP – SUPPORT	Judgment of child support.
TRF – TRANSFERRED	Change of venue to another jurisdiction. Do not close a case as a transfer if the case is reassigned to a judge within the circuit.
UDI – UNCONTESTED DIVORCE	A divorce proceeding in which the case is presented to the judge for final signature only.

89.3.3 Charge Disposition Types

Charge Disposition Type	Description
ACC-- AMENDED DOWN BY CIRCUIT COURT	An action taken by circuit court to change an offense to a lesser degree resulting in a possible decrease in penalty.
ACQ-- ACQUITTED	Legal and formal certification commonwealth did not prove the guilt of a person charged with a crime.
AD-- AMENDED DOWN	To change an offense to a lesser degree resulting in a possible decrease in penalty.
AFF- AFFIRMED	Circuit court upheld decision/verdict rendered in district court case. USED IN CIRCUIT COURT CASES ONLY.
AGJ-- AMENDED DOWN BY GRAND JURY	An action taken by the grand jury to change an offense to a lesser degree resulting in a possible decrease in penalty.
AMEND -- AMENDED	To change an offense back to original offense or amended to offense equal in penalty.
AP -- ADMINISTRATIVE PROCEDURE	(1) Use to dispose of a charge entered for "BA Refusal;" (2) Use to temporarily dispose of charge(s) in a circuit criminal case where a warrant/summons on indictment has not been served within 60 days from filing date.
AU -- AMENDED UP	To change an offense to a greater degree resulting in a possible increase in penalty.
AUGJ -- AMENDED UP BY GRAND JURY	An action taken by the grand jury to change an offense to a greater degree resulting in a possible increase in penalty.
CAD -- DISMISSAL BY MOTION OF PROSECUTOR	County or commonwealth attorney has requested judge to dismiss offense.
CHR -- COMMITMENT OF JUVENILE TO CHR	Custody and control of minor child is the responsibility of the Cabinet for Human Resources NOW KNOWN AS (Cabinet for Health and Family Services) by court order.
DD -- DISMISSED-DIVERTED	Successfully completed the provisions of a specific pretrial diversion agreement for "Class D felony

Charge Disposition Type	Description
	offense. USED IN CIRCUIT COURT CASES ONLY.
DDP – DISMISSED DEFERRED PROSECUTION	A defendant charged with his or her first or second offense under KRS 218A.1415 may enter a deferred prosecution program for a maximum of 2 years. Successful completion results in charges being dismissed and sealed.
DEC -- DECEASED	Defendant died before disposition of an offense.
DEN -- DENIED	To refuse to grant a petition or protest. ONLY used in added offenses such as: probation violation, shock probation, contempt of court.
DGJ -- DISMISSED AFTER PRESENTED TO GRAND JURY	An action taken by grand jury to halt proceeding against an individual offense.
DIS -- DISMISSED	To put an action out of court by order of judge.
DIV -- DIVERSION	In circuit court used as a temporary disposition for Class “D” felony diversion; in district court used as a temporary disposition if charge is to be dismissed after successful completion of diversion. May be used as final disposition if charges are not to be dismissed. Diversion is an action or instance of diverting a defendant from a court proceeding in order to avoid a conviction for a first time offender for a violation, misdemeanor or felony charge.
DJJ -- COMMITMENT OF JUVENILE TO DJJ	Custody and control of minor is the responsibility of the Department of Juvenile Justice by court order.
ENH -- ENHANCED	To indicate penalty increases for the amount of time defendant is sentenced to prison or primary charge.
EXT -- EXTRADITION	Defendant delivered to another jurisdiction, i.e., another county, state or federal agency, as a result of an outstanding warrant presented to your district or circuit court.
FABU—FINDING OF ABUSE	Finding of abuse in a juvenile case.
FDEP—FINDING OF DEPENDENCY	Finding of dependency in a juvenile case.

Charge Disposition Type	Description
FNEG—FINDING OF NEGLECT	Finding of neglect in a juvenile case.
FTA -- FAILURE TO APPEAR	Temporary closing - Defendant failed to appear at a hearing. Failure to appear notice sent to the Transportation Cabinet.
FTV -- FUGITIVE	Temporary closing - Defendant failed to show at a scheduled hearing during the course of a case, bench warrant issued for arrest.
G -- GUILTY	Finding by judge or jury that defendant did commit a crime.
GDJ -- GRAND JURY	Preliminary hearing held and judge found probable cause or defendant waived preliminary hearing and charges bound over to the grand jury.
GM -- GUILTY-MULTIPLE COUNTS	OBSOLETE CODE - NOT USED.
GNT -- GRANTED	To allow a petition or protest. ONLY used in added offenses such as: probation violation, shock probation, contempt of court.
GSS -- GUILTY-SEALED SENTENCE	OBSOLETE CODE - NOT USED.
HNG -- HUNG JURY	A jury so irreconcilably divided in opinion that they cannot agree upon any verdict.
HOS -- HOSPITAL - JUVENILE ONLY	Mental Health case where juvenile is hospitalized.
INC -- INCOMPETENT TO STAND TRIAL	As a result of a mental condition, lack of capacity to appreciate the nature and consequences of the proceedings against one or to participate rationally in one's own defense.
IND -- INDICTED	Grand jury believes the defendant more than likely committed the alleged crime as charged.
INF -- INFORMAL JUDGMENT	Used in district juvenile cases that do not result in formal commitment to a state or local agency. i.e.; when custody is entrusted to a relative.
JGDJ-- GRAND JURY JUVENILE	Juvenile cases that are referred to the grand jury (statute requires this grand jury list to be maintained separately.)

Charge Disposition Type	Description
MER -- MERGED	To be combined or united into one.
MST -- MISTRIAL	A trial of an action which cannot stand in law.
NG -- NOT GUILTY	A finding by judge or jury to the offense charged.
NGJ -- NO ACTION TAKEN BY GRAND JURY	Grand jury took no action on alleged charges against a defendant.
NTB -- NO TRUE BILL RETURNED BY GRAND JURY	Used to indicate the grand jury did not indict, no judgment of dismissal was entered, and no further action is expected.
OTH -- OTHER	Used when no jail or probation time, fine, or state traffic school attendance is imposed, but some action is taken. Use in juvenile cases that result in commitment to agencies other than the Cabinet for Human Resources N.A. Cabinet for Health and Family Services (i.e.; Comprehensive Care, YMCA).
PAR – PARDON – PRIOR TO ADJUDICATION ONLY	Executive Order of Pardon prior to judgment.
PCB -- PEACE BOND	OBSELETE CODE - NOT USED.
PTD -- PRETRIAL DIVERSION	The official suspension of criminal proceedings against a defendant at any point after a recorded filing but before entering a judgment and referral of the person to a treatment or care program.
PRDIS—PRE-PAYABLE CITATION DISMISSED	Prepayable offenses dismissed.
PRPD -- PREPAYABLE CITATION PAID	Prepayable fees paid by a defendant cited for prepayable offenses prior to court date.
REM -- REMANDED	Remanded district court appeal XX case: Used when case is reversed and/or remanded. DO NOT USE REMAND FOR transferring CR cases; to continue a case generally or to remove a case from the docket.
REV -- REVERSED	To change the judgment rendered by a lower court. USED IN CIRCUIT COURT CASES ONLY.
SABU – STIPULATE ABUSE	

Charge Disposition Type	Description
SAV -- SET ASIDE/VOIDED	To cancel, annul, or revoke a judgment. Can be used as temporary or final disposition.
SDEP—STIPULATE DEPENDENCY	
SNEG – STIPULATE NEGLECT	
SR -- SEALED RECORD	Fastened up in a specific manner so as to be closed against inspection of the contents.
TRF -- TRANSFERRED	Used when case transferred from one jurisdiction to the other or when a change of venue is ordered.
TRFD – DRUG COURT TRANSFER	Used in originating county, indicating the defendant is currently placed in “drug court” diversion and the case has been transferred to another jurisdiction for court” diversion and the case has been transferred to another jurisdiction for monitoring purposes.
VAC -- VACATED JUDGMENT	Used in circuit criminal cases when motion is upheld for 11.42.
VSC – VOID SEALED CONVICTON	Charge disposition (conviction) is voided and the charge is sealed, i.e., moved to the sealed division of the case management system.
WD--WITHDRAWN	Retract a petition or protest. ONLY used in added offenses such as: probation violation, shock probation, contempt of court.

90 SUBPOENAS

CR 45; RCr 7.02; 13.04; KRS 421.360

- Subpoena means a document issued under authority of a court of record requiring a person to:
- Attend and give testimony at a deposition, hearing or trial;
 - Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or
 - Permit inspection of premises under the control of the person.

NOTE: This includes Subpoena Duces Tecum.

90.1 *Subpoena Issuance*

1. Any attorney licensed to practice in this state may issue and sign a subpoena on behalf of the Court. However, criminal subpoenas must be issued by the court.
2. Do not make a docket entry for the issuance of blank subpoenas.
3. Upon request to issue a subpoena, sign [AOC Form 025](#) (criminal) and [AOC Form 025.1](#) (Civil) leaving the blanks to be completed by the party. CR 45.01, 45.02, RCr 7.02.
4. Upon receipt of a returned criminal subpoena, stamp the subpoena **FILED**; add the date and your initials.
NOTE: Do not file returns on civil subpoenas unless otherwise ordered by the court. CR 5.06(1)(d).
5. Complete a document screen using **RS** Return of Subpoena as the document type and the file stamp date as the filing date. Enter the service date and the name of the party served in the memo field.

Quick Reference

AOC Form 025
AOC Form 025.1

File, date, initial

Document screen **RS**
Enter service date

90.2 *Enforce, Quash, or Modify a Subpoena*

1. Upon receipt of an application (or motion) to enforce, quash, or modify a subpoena apply the **FILED** stamp to the application; add the date and your initials.

NOTE: A motion to enforce an administrative subpoena (KRS 336.060) should be filed as a miscellaneous action.
2. If a hearing is requested, schedule the hearing using event type **OH**.
3. If no hearing is requested, present the application to the judge.
4. Upon receipt of a signed Judgment or order, apply the **ENTERED** stamp; add the date and your initials.
5. Enter the order on a document screen, including a brief description using document type as appropriate:
 - OMOD** – Order Modifying
 - OQSH** – Order to Quash
 - OO** – Order - Other
6. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry.

Quick Reference
Circuit Civil Action
File, date, initial

Event type **OH**

Enter, date, initial

Document type:
OMOD
OQSH
OO

Notice of entry

90.3 *Foreign Subpoenas*

- A foreign subpoena means a subpoena issued under authority of a court of record of a state other than this state.

90.3.1 **Depositions To Be Used In Other States**

CR 28.03; CR 45; KRS 421.360

- A party desiring to take depositions or to subpoena documents in this state to be used in proceedings outside this state may submit a foreign subpoena to the clerk of the county in which discovery is sought to be conducted in this state.
- Because there are conflicting statutes and rules, there are different procedures for subpoenas for witnesses and subpoenas for production or inspection of documents. **A district judge must issue a subpoena for a witness, while the clerk may issue a subpoena for production or inspection of documents.**

90.3.2 Subpoena for Testimony at a Deposition

1. Upon receipt of a foreign subpoena for a witness to attend and give testimony at a deposition, take the subpoena to the District Judge along with an AOC Form 025 subpoena form (not signed by the clerk).
2. If the judge signs the subpoena, do not retain any portion of the documents.
3. If the judge issues an order for the clerk to sign the subpoena, apply the **ENTERED** stamp to the order, add the date and your initials. Sign the subpoena as ordered.
4. Except for the court order, do not retain any portion of the documents. File in the General/Administrative/Miscellaneous Order file.
5. Upon receipt of a returned subpoena, file in the General/Administrative/Miscellaneous Order file.

Quick Reference

AOC Form 025

File, date, initial

File in
General/Administrative
/Miscellaneous Order
file

90.3.3 Subpoena for Production or Inspection of Documents or Premises

1. Upon receipt of a foreign subpoena to produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, or to permit inspection of premises under the control of a person, sign the subpoena.
2. Do not retain any portion of the documents.

NOTE: Do are not required to file returns on civil subpoenas unless otherwise ordered by the court. CR 5.06(1)(d). However, as a best practice you maintain a copy of the returned subpoena in the event there is a challenge.

Sign subpoena

90.3.4 Enforce, Quash, or Modify a Foreign Subpoena

1. Upon receipt of an application (or motion) to enforce, quash, or modify a subpoena issued by the clerk, collect the filing fee for a circuit civil action.
2. Apply the **FILED** stamp to the application; add the date and your initials.
3. If a hearing is requested, schedule the hearing using event type **OH** and issue a summons as directed by the filing party. See [Service of Process](#).
4. If no hearing is requested, present the application to the judge.
5. Upon receipt of a signed Judgment or order, apply the **ENTERED** stamp; add the date and your initials.
6. Enter the order on a document screen, including a brief description using document type as appropriate:
 - OMOD** – Order Modifying
 - OQSH** – Order to Quash
 - OO** – Order - Other
7. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of service of notice of entry.

Quick Reference

Event type **OH**

Enter, date, initial

Document type:

OMOD

OQSH

OO

Notice of entry

90.4 *Compel Attendance of Witness*

KRS 421.240

- A judge in another state may present a certificate to any judge of this state indicating that a person within this state is a material witness in a prosecution or grand jury investigation in another state and that his/her presence will be required. See [Compel a Witness](#).

91 TEMPORARY INJUNCTIONS AND RESTRAINING ORDERS

CR 65

Circuit Court

[Process Map](#)

- Temporary injunctions and temporary restraining orders are emergency orders to prevent immediate and irreparable injury, loss or damage in a pending circuit court action.
- A temporary injunction is issued on motion after notice and hearing, and may restrict or direct the doing of an act.
- A temporary restraining order may be issued without notice to the adverse party, and can only restrict the doing of an act.
- Clerks **may not** sign temporary injunctions or temporary restraining orders.

91.1 *Temporary Injunctions*

1. Apply the **FILED** stamp to the motion of temporary injunction; add the date and your initials.
2. Note the hearing on the calendar by completing a scheduled events screen. File the motion by completing a motion screen.
3. If the court issues the injunction, take the applicant's surety bond in the amount set by the court. The surety's address must appear on the bond. CR 65.05. For more information, see [Surety Requirements](#).
 - a. Require the surety to make an affidavit to show qualification.
 - b. Collect a bond filing fee as set forth in the [Accounting Manual](#), and give a receipt.
 - c. Apply the **FILED** stamp to the bond; add the date and your initials. File the bond by completing a document screen.
4. Enter the signed injunction by applying the **ENTERED** stamp; add the date and your initials.
5. Enter the injunction on a document screen using document code **INJT** and include a brief description, serve the injunction on all parties, and enter the method of service on the document screen. For more information, see [Notice of Entry](#).
6. If the temporary injunction is not granted return to the motion screen and memo "NOT GRANTED."

Quick Reference
File, date, initial
Schedule event Add motion
Verify surety requirements.
Collect bond filing fee
File bond, date, initial
Enter, date, initial
Document type INJT

91.2 *Temporary Restraining Orders*

1. Apply the **FILED** stamp to the verified complaint or affidavit; add the date and your initials.
2. File by completing a document screen.
3. Immediately deliver the verified complaint or affidavit to a judge or trial commissioner, following this order of priority:
 - a. A circuit judge of the court in which the action is pending;
 - b. If no such judge is present in the county, then a district judge of that judicial district;
 - c. If no such judge is present in the county, then a district court trial commissioner of that county if he/she is an attorney;
 - d. Any circuit judge may act if no circuit judge of the court in which the action is pending is present in his/her judicial circuit. CR 65.03(2).
4. If the judge issues the restraining order, take the applicant's surety bond in the amount set by the court. The surety's address must appear on the bond. CR 65.05. For more information, see [Surety Requirements](#).
 - a. Collect a bond filing fee as set forth in the [Accounting Manual](#) and give a receipt.
 - b. Apply the **FILED** stamp; add the date and your initials.
 - c. File the bond by completing a document screen using document type **BRO**.
5. Enter the restraining order. Apply the **ENTERED** stamp; add the date and your initials. Enter the order on a document screen, including a brief description. Serve notice on every party not in default and make an entry on the document screen showing the manner of notice. For more information, see [Notice of Entry](#).
6. Give the sheriff or other serving officer two copies of the temporary restraining order for each person being served. One copy will be for the officer's return. If you are issuing the restraining order when the action is begun, attach a copy of the order to the summons along with the complaint. CR 65.03(4).
7. When a return of service is received; apply the **FILED** stamp to the return, add the date and your initials. Enter the return information in the memo field of the document screen where the restraining order is entered.
8. If the restraining order is not issued make a memo on the complaint/affidavit document screen indicating the order is not granted.

Quick Reference	
File complaint/affidavit, date, initial	
Deliver to judge	
Collect bond filing fee	
File, date, initial	
Document type BRO	
Enter, date, initial	
NOE	
Give sheriff two copies for each person being served	
File, date, initial	
NOT ISSUED: Memo "Not Granted"	

92 TERMINATION OF PARENTAL RIGHTS

KRS 625.020 - .120; 625.0405

Circuit Court or Family Court Division of Circuit Court

[Process Map](#)

92.1 *Confidentiality*

- Termination cases are confidential. You may not disclose the names of the parties or furnish any copy of the records except on court order. KRS 625.045(2), 625.108(2).

EXCEPTION: Pending case files and records are not open for inspection by anyone except:

- The parties;
- Their attorneys; and
- The Cabinet for Health and Family Services.

92.2 *Filing Fees*

1. Upon receipt of a petition for a [Voluntary Termination of Parental Rights](#) or [Involuntary Termination of Parental Rights](#) collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid. There is a filing fee for each petition filed (for instance siblings are listed on separate petitions.)

EXCEPTIONS:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth. If the Cabinet for Health and Family Services files the action, the filing fee is not applicable. KRS 625.050(1).

NOTE: The statute requires a termination of parental rights petition be styled "In the Interest of _____, a minor child."

Quick Reference
Collect filing fees

92.3 *Order and Affidavit of Indigency*

If you receive [AOC-DNA-11 Form](#), Order and Affidavit of Indigency, prior to a petition for termination of parental rights being filed:

1. Apply the **FILED** stamp to the affidavit; add the date and your initials.
2. Immediately deliver the affidavit to the circuit judge who, upon a finding of indigency, must make an appointment for representation within 48 hours.
3. When an order is received, apply the **ENTERED** stamp; add the date and your initials.
4. If the order approves the appointment of counsel, have the judge appoint an attorney or you may make the appointment if the judge has delegated this authority to you.
5. Mail a copy of the order of appointment to the attorney, CHFS and the indigent parent(s).
6. File the affidavit and order(s) in the General/Administrative Order File. Make an entry of the documents on the docket sheet attached to the inside of the file folder.

Quick Reference
 File, date, initial
 Deliver affidavit to judge
 Enter, date, initial
 Appoint Counsel
 Mail copy to CHFS and indigent parent(s)

92.4 *Voluntary Termination*

KRS 625.040

92.4.1 **Voluntary Petition**

A separate petition shall be filed for each child and individual case numbers shall be assigned. In the case of siblings, cases shall be assigned to the same judge. FCRPP 32(2)(a).

1. Apply the **FILED** stamp to the petition; add the date and your initials. File the petition on a document screen using document type **COM**.
2. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case.
3. In the confidential **CO** division, generate the next case number for adoption/termination **AD** or use the next pre-numbered file folder.

NOTE: If an existing or previous DNA proceeding has been filed in your county regarding the child named in the petition, assign the case to the same family court division that heard the DNA action. The petition shall include the case number of any underlying juvenile case, specifically dependency, neglect, or abuse or termination of parental rights cases, and shall include the name of any guardian ad litem previously appointed. FCRPP 32(2)(b).

File, date, initial
 Document type **COM**
 Confidential **CO** Division
 Case number **AD**

92.4.2 Summons Issuance

1. The summons and the petition shall be served together. The party requesting the summons shall furnish sufficient copies of their pleadings for this purpose. CR 4.04(1), 14.01. See [Civil Summons](#).
2. The initiating party will instruct whether service of the summons is by certified mail or personally delivered by the sheriff or other authorized person. CR 4.01(1). See [Service of Process](#) and [Return of Service](#).

92.4.3 Voluntary Termination Hearing

1. Assign a hearing date, to be held within 30 days of the filing of the petition, as directed by the court. Use [AOC Form 030](#), Order Setting Trial/Hearing. File the order on a document screen using document type **OST**.
2. Complete a scheduled events screen.
3. Serve notice on local Cabinet for Health and Family Services (CHFS) representative if no statement is filed with the petition that CHFS will accept custody or if custody is to be placed with an individual and CHFS has not approved the placement. KRS 625.042(2).

Quick Reference
 Assign hearing date
 AOC Form 030
 Document type **OST**
 Complete scheduled events screen
 Serve notice

92.4.4 Guardian Ad Litem

1. A guardian ad litem will be appointed to represent the child. Consult your roster of attorneys and make an appointment unless your judge wishes to make these appointments. See [Guardian Ad Litem](#).
NOTE: If a guardian ad litem is not appointed when the complaint is filed, the court, not the clerk, appoints a guardian ad litem to defend the action. You may make this appointment only when the judge is not present in the county. CR 17.03(2).
2. Complete a party screen for the guardian ad litem.

Appoint GAL

 Complete GAL party screen

92.4.5 Motions/Pleadings/Hearings

1. When motions and other pleadings are filed in the case, apply the **FILED** stamp; add the date and your initials and complete the appropriate screen.
2. When a hearing or trial is scheduled complete a scheduled events screen.

File, date, initial
 Complete scheduled events screen

92.4.6 Order

1. Upon receipt of a signed Judgment or Order, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on the document screen, including a brief description. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of the service of the notice of entry of the order.
3. Per KRS 625.045(1), send a certified copy of the final order to the petitioner and to the **Cabinet for Health and Family Services**.
4. When an order closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.
5. If an order terminating parental rights is entered, certify a copy of the order and forward to the clerk of the court in the underlying dependency, neglect and abuse case, using [AOC Form DNA-15](#). FCRPP 35. If there isn't a family court certify the order to the DNA file in the district court.
6. The clerk of the court in the underlying DNA case shall place the certified copy of the Order in the underlying DNA record as identified in the order and schedule a review hearing within 90 days from the date of entry of the order of the termination of parental rights. The case shall continue to be scheduled for review as directed by the court at least annually until permanency is achieved. FCRPP 36.

Quick Reference
 Enter, date, initial

Enter order
 NOE
 Make entry on document screen

*CHFS
 Adoption
 Sixth Floor West
 275 E Main Street
 Frankfort, KY 40621*

Close case

92.4.7 Sealing the File

When the final order is entered, place the court file in a suitable envelope and seal it. Note the case number on the outside of the envelope and place in numerical order in a locked cabinet. These cases are not to be opened by anyone except on written court order of the court which entered the final order.

EXCEPTION: The Cabinet for Health and Family Services and others as authorized by KRS Chapter 199, Adoptions, may open the record without a court order. KRS 625.045(2). See [Inspection of Adoption Records](#).

NOTE: In the event of a court order to open a record, note the order on the envelope with the date of the order and your initials.

NOTE: Upon certified completion of the treatment or recovery program, or six months after giving birth during which time substantial compliance with a substance abuse treatment or recovery program has occurred, whichever is earlier, any records maintained by a court or by the cabinet relating to a positive test for a nonprescribed controlled substance shall be sealed by the court and may not be used in any future criminal prosecution or future petition to terminate the woman's parental rights. See [Medical Records](#) chapter.

92.5 *Involuntary Termination*

KRS 625.050

92.5.1 **Involuntary Petition**

1. A separate petition shall be filed for each child and individual case numbers shall be assigned. In the case of siblings, cases shall be assigned to the same judge.
2. Apply the **FILED** stamp to the petition; add the date and your initials. File on a document screen using document type **COM**.
3. Refer to [Case Add](#) section of KyCourts Manual of instructions on opening the case.
4. In the confidential **CO** division, generate the next case number for adoption/termination **AD** or use the next prenumbered file folder.

NOTE: If an existing or previous DNA proceeding has been filed in your county regarding the child named in the petition, assign the case to the same family court division that heard the DNA action. The petition shall include the case number of any underlying juvenile case, specifically dependency, neglect, or abuse or termination of parental rights cases, and shall include the name of any guardian ad litem previously appointed.

5. Immediately upon the filing of an involuntary termination petition, assign a pretrial date and provide to the petitioner. FCRPP 34(1).

Quick Reference

File, date, initial
Document type **COM**

Confidential **CO** Division
Case number **AD**

Assign a pretrial date

92.5.2 **Guardian Ad Litem/Public Advocate**

1. A guardian ad litem will be appointed to represent the child, and counsel may be appointed pursuant to KRS Chapter 31 to represent either parent who is a party who is indigent. KRS 625.080(2), (3).
2. To appoint the guardian ad litem for the child, consult your roster of attorneys and make an appointment unless your judge wishes to make these appointments. See [Guardian Ad Litem](#).

NOTE: If a guardian ad litem is not appointed when the complaint is filed, then the court, not the clerk, appoints a guardian ad litem to defend the action. You may make this appointment only when the judge is not present in the county. CR 17.03(2).

3. Complete a party screen for the guardian ad litem.
4. If the court orders the appointment of a public advocate for a parent, proceed to [Public Advocate Appointments](#) section.

Appoint GAL

Complete party screen

92.5.3 Issuance of Summons

1. The summons and the petition shall be served together. The party requesting the summons shall furnish sufficient copies of their pleadings for this purpose. CR 4.04(1), 14.01. See [Civil Summons](#).
2. Service of the summons must be made by personal service or by constructive service where personal service is not possible. KRS 625.070(1).
See [Service of Process](#) and [Return of Service](#).

92.5.4 Warning Order

If constructive service is requested, a verified complaint/affidavit will be filed with you stating the reason the defendant cannot be served with a summons and the defendant's last known address or affiant's ignorance of such fact. See [Warning Order](#) for additional instructions.

92.5.5 Motions/Pleadings/Hearings

1. When motions and other pleadings are filed in the case, apply the **FILED** stamp, add the date and your initials and complete the appropriate screen.
2. When a hearing or trial is scheduled complete a scheduled events screen.

Quick Reference File, date, initial Schedule hearing

92.5.6 Order

1. Upon receipt of a signed Order, apply the **ENTERED** stamp to the order; add the date and your initials.
2. Enter the order on the document screen, including a brief description.
3. Serve [notice of entry](#) on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of the service of the notice of entry of the order. RCr 12.06.
4. Per KRS 625.108(1) send a certified copy of the final order to the petitioner and to the **Cabinet for Health and Family Services**.
5. When an order closes the case, complete the disposition date, disposition type, and judge at disposition fields on the case screen.
6. If an order terminating parental rights is entered, certify a copy of the order and forward to the clerk of the court in the underlying dependency, neglect and abuse case, using [AOC Form DNA-15](#). FCRPP 35. If there isn't a family court certify the order to the DNA file in the district court.
7. The clerk of the court in the underlying DNA case shall place the certified copy of the Order in the underlying DNA record as identified in the order and schedule a review hearing within 90 days from the date of entry of the order of the termination of parental rights. The case shall continue to be scheduled for review as directed by the court at least annually until permanency is achieved. FCRPP 36.

Enter, date, initial

Enter order
NOE

*CHFS
Adoption
Sixth Floor West
275 E Main Street
Frankfort, KY 40621*

Close case

92.5.7 Seal File

1. When the final order is entered, place the court file in a suitable envelope and seal it. Note the case number on the outside of the envelope and place in numerical order in a locked cabinet. These cases are not to be opened by anyone except on written court order of the court which entered the final order.

EXCEPTION: The Cabinet for Health and Family Services and others as authorized by KRS Chapter 199, Adoptions, may open the record without a court order. KRS 625.108(2). See [Adoptions Inspection of Records](#).
2. In the event of a court order to open a record, note the order on the envelope with the date of the order and your initials.

Quick Reference

Note order on envelope, add date and your initials

92.5.8 [Appeal](#)

An appeal may be taken in accordance with the Rules of Civil Procedure. KRS 625.110.

93 TRANSFER OF CASE/CHANGE OF VENUE

RCr 8.26; FCRPP 2(2); KRS 452.010 - 452.350

- Venue is the proper or a possible place for a case to proceed usually because the place has some connection either with the events that gave rise to the case or with the plaintiff or defendant.
- Under a "change of venue," the locality in which a trial is to be held can be switched to another location if it is believed that a fair trial cannot be had in the locality where the case is currently filed.

93.1 *Transferring Court*

When the court orders you to transfer a case to another county:

1. Apply the **ENTERED** stamp to the order changing venue; add the date and your initials.
2. Enter order on a document screen using document type **OTRN**.
3. Make a notation in the memo field of the case screen indicating the county to which the case is being transferred.
4. **CRIMINAL CASES:** Collect fees for postage/delivery and a copy fee as set forth in the [Accounting Manual](#) for making a copy of the record and give a receipt, unless the defendant is proceeding [In Forma Pauperis](#). KRS 452.250(1), 23A.205, 24A.175.
5. Take the record to the county to which venue has been changed or you may send it by a deputy clerk or some discreet person. KRS 452.250(1), RCr 8.26.
NOTE: If you define the U.S. Postal Service as a "discreet person," you are still responsible for delivery of the record.
6. If you elect to use the postal service, mail by certified mail, return receipt requested. Collect certified mailing fees from the party granted change of venue, unless the Petitioner is the Commonwealth or proceeding [In Forma Pauperis](#). KRS 453.010, CR 5.05(4).
7. If by personal delivery, collect a mileage fee from the defendant, as established by the [Court of Justice Travel Policy](#), for taking the record to the other county. KRS 452.250.

Quick Reference

Enter, date, initial

Document type **OTRN**

Collect postage/delivery and copy fees

Collect certified mail fees

Collect mileage fee

93.1.1 Criminal Cases

1. Print and certify the case history, make a copy of the case file and the docket sheet, if a docket sheet exists. KRS 452.250(1).
2. Retain the copy of the case file and the original docket sheet, if a docket sheet exists.
3. Transmit the original case file, the case history and copy of the docket sheet, if a docket sheet exists.
4. Complete the charge screen(s) with disposition type **TRF** and add the date of disposition and judge at disposition ONLY on the case screen.

NOTE: If a criminal case being transferred is a [drug court transfer](#) refer to instructions in that chapter for additional instructions.

5. Retain the file folder and the copy of the record in a criminal case and file in numerical order with other criminal cases. KRS 452.250(1).

Quick Reference
Print and certify case history

Copy case file and docket sheet

Disposition type **TRF**

93.1.2 Civil Cases:

1. Print the case history and make a copy of the docket sheet, if a docket sheet exists.
2. Transmit the original case file, the case history and copy of the docket sheet if a docket sheet exists.
3. Retain any original docket sheet in your office.
4. Complete the disposition date (date the order to transfer was entered), with disposition type **TRF** and judge at disposition fields on the case screen.
5. Retain the file folder and a copy of the record in a civil case and file in numerical order with other civil cases.

Print case history

Disposition type **TRF**

93.2 Receiving Court

When a record is received from another court on a change of venue:

1. Apply the **FILED** stamp to the entire record as a single item; add the date and your initials.
2. Generate the next case number in the computer for the appropriate category. For instructions on opening the case, see the Case Add section of KYCourts Manual.
3. File on a document screen using document type of **DCF** district court file or **CCF** circuit court file.
4. Close the case if there is a judgment received with the record from the transferring court using the case filing date. Otherwise close the case as appropriate upon receipt of a signed judgment from your court.

NOTE: After the judgment is entered that closes the case, do not return the file to the originating court.

File, date, initial

Document type **DCF** or **CCF**

94 UIFSA UNIFORM INTERSTATE FAMILY SUPPORT ACT

KRS Chapter 407

Circuit or Family Court Division of Circuit Court or District Court

[Process Map](#)

- UIFSA actions may be filed in district, circuit or family court. KRS 407.5102.
- There are no filing fees in a UIFSA action.

EXCEPTION: When the petition includes a request for the establishment of paternity, file the case in the juvenile **J** section of district court. For instructions on filing a paternity case, proceed to [Paternity Proceedings](#) section. Use case type **PA**.

Quick Reference
 No filing fees.
 Juvenile **J** section
 Case type **PA**

94.1 *Initiating Court*

1. Apply the **FILED** stamp to the verified petition; add the date and your initials.
2. Assign to a division using the procedure in your local court rules.
3. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Generate the next case number or use the next pre-numbered file folder for district civil **C** or circuit civil **CI** cases.
4. Add the petition as a document using document type **COM**. Add any additional documents as appropriate.
5. Open and close the case at the same time using a case type code of **UR** and disposition type **TRF**.
6. Forward three (3) copies each of the verified petition and its accompanying documents to the responding state's tribunal or appropriate support enforcement agency in the respondent's state, if known; or, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged. Your county attorney or child support prosecutor should provide you with the address and sufficient copies.
7. If you receive a court order entered in the responding court, apply the **FILED** stamp; add the date and your initials and file the order by completing a document screen using document type **OO** and memo details.
8. Give a copy of the court order to the county attorney.

File, date, initial

District Civil **C** cases or
 Circuit Civil **CI** cases

Document type **COM**

Case type **UR**
 Disposition type **TRF**

File, date, initial
 Document type **OO**

94.2 *Responding Court*

1. When your court is the responding court you will receive three copies of a verified petition and any accompanying documents from the initiating court. Mail or hand deliver a copy to your county attorney or child support prosecutor.
2. Apply the **FILED** stamp to the verified petition; add the date and your initials.
3. Assign to a division using the procedure in your local court rules.
4. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case.
5. Generate the next case number or use the next pre-numbered file folder for district civil **C** or circuit civil **CI** cases. Use case type **UR**.
6. Add the petition as a document using document type **COM**.
7. If a hearing is scheduled in the case, complete the scheduled events screen for the appropriate date.
8. Notify the petitioner where and when the petition was filed by copying the petition that has been stamped **FILED** and mailing it to the petitioner. KRS 407.5305(1).
9. Print a summons for the respondent and make a copy. Attach a copy of the petition and/or other documents to be served to the copy of the summons and deliver to the sheriff for service. CR 4.01(1)(b).
10. You are not required to make a copy of the summons for the case file; the sheriff's return will provide a copy. CR 4.01(1)(b).

Quick Reference
File, date, initial
District Civil C or Circuit Civil CI cases Case type UR Document type COM
File stamp
Print summons

When a return of service is received:

1. Apply the **FILED** stamp to the summons; add the date and your initials. Enter the date the officer served the defendant in the service date field of the summons screen.
2. A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125.

File, date, initial Enter date

When a signed judgment or order is received:

1. Apply the **ENTERED** stamp; add the date and your initials.
2. Enter the judgment or order on the document screen, including a brief description as appropriate.
3. Serve [notice of entry](#) on the parties and enter the method of service and date of service on the document screen.

Enter, date, initial
Notice of entry

4. If the judgment or order includes child support ([AOC Form 152](#), Uniform Child Support Order), add a document screen using document type **OSUP** (Order for Child Support) and/or **OSUPW** (Order for Wage/Benefit Withholding).
5. Place a copy of the order in a designated area (box or basket) in your office for the Cabinet for Health and Family Services. **AOC Form 152 is a mandatory form.**
6. In addition to the parties in the case, mail a copy to the initiating court.
7. When the judgment or order closes the case, complete the disposition date, disposition type, and the judge at disposition fields on the case screen.

Quick Reference
 AOC Form 152
 Document type **OSUP**
 and/or **OSUPW**

Mail copy
 Close case

94.3 *Registration of Support Order*

94.3.1 **Registration of Income-Withholding Order**

KRS 407.5602

1. Do not collect filing fees.
2. When you receive a registration of Support Order or registration of Income-Withholding Order you will receive:
 - A letter of transmittal requesting registration and enforcement;
 - Two copies, including one certified copy, of all orders to be registered including any modification;
 - A sworn statement by the party seeking registration; or
 - A certified statement by the custodian of the records showing the amount of any arrearage.
3. The order is the initiating document. Give a copy to your county attorney or child support prosecutor (you should file the document you receive for registration regardless of form).
4. Apply the **ENTERED** stamp to the order; add the date and your initials.
5. Assign to a division using the procedure in your local court rules.
6. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case.
7. Generate the next case number or use the next pre-numbered file folder for district civil **C** or circuit civil **CI** cases.
8. File on a document screen using document type **OSUPW**. Open and close at the same time using a case type code of **OTH** and a disposition type **OTH**.

Do not collect fees

Enter, date, initial

District Civil **C** or Circuit Civil **CI** cases
 Document type **OSUPW**
 Case type **OTH**
 Disposition type **OTH**

9. When the support order includes a request for the establishment of paternity and a paternity judgment is entered, seal the judgment in an envelope and place in the file. Memo in the memo field of the document screen where the judgment is entered, **SD** Sealed Document. See [Paternity](#).

<p>Quick Reference</p> <p>Memo SD</p>

94.3.2 Notice of Registration

1. The county attorney or child support prosecutor will provide you with Form CS-158, Notice of Registration of Order. Apply the **FILED** stamp; add the date and your initials.
2. File the notice and affidavit by completing a document screen using document type **NAFS**.
3. Attach a copy of the registered order and any documents and relevant information accompanying the order. Mail to the respondent/obligor by regular first class mail.
4. Upon registration of an income-withholding order for enforcement, notify the obligor’s employer by mailing a copy of the registered order.
5. If a petition to vacate the registration is filed by the respondent/obligor, file same by completing a document screen using document type **MIS**.

NOTE: A petition for Modification of a Foreign Support Order may be filed at the same time as a request for registration, or later. Follow the procedures outlined in [Responding Court](#).

<p>Form CS-125 File, date, initial</p> <p>Document type NAFS</p> <p>Mail order</p> <p>Mail order</p> <p>Document type MIS</p>

95 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT

KRS 387.810 - 854

District Court

The Uniform Adult Guardianship and Protective Proceedings Act creates procedures to resolve interstate jurisdiction controversies. It governs transfers of cases in and out of state and registration of foreign orders for enforcement purposes.

- [Request from Out of State Court](#)
- [Transfer to Another State](#)
- [Transfer to this State](#)
- [Registration of Foreign Guardianship Order](#)
- [Registration of Foreign Protective Order](#)
- [Disability Proceedings](#)

95.1 *Request From Out of State Court*

A court from another state in which a guardianship or protective proceeding is pending may request assistance of a district court in our state to do any of the following:

- Hold an evidentiary hearing;
- Order a person in this state to produce evidence or give testimony pursuant to procedures of this state;
- Order that an evaluation or assessment be made of the respondent;
- Order any appropriate investigation of a person involved in a proceeding;
- Forward to the court of that state a certified copy of the transcript or other record of a hearing, evidence, and any evaluation or assessment prepared in compliance with KRS 387.818(1);
- Issue any order necessary to ensure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
- Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 C.F.R. sec. 160.103, as amended.

A court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

1. There is no filing fee.
2. Upon receipt of an order from another state court requesting district court to perform a duty regarding adult guardianship and/or adult protective proceedings, apply the **FILED** stamp; add the date and your initials.
3. The order will be filed in the confidential division of district court. Add the case per the instructions in the Case Add section of the KyCourts Manual and assign an **H** case number type using the next pre-numbered folder and a trailer number.

NOTE: A Certification Act of Congress is not required.
4. File the request on a document screen using document type **REQ**- Request and memo details.
5. Give the file to your judge.

Quick Reference
 No filing fee

 File, date, initial

 Document type **REQ**
 Deliver to judge

95.2 *Transfer to Another State*

KRS 387.840

A guardian or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

95.2.1 **Motion**

1. Upon receipt of a motion of a guardian or conservator appointed in district court to transfer the guardianship or conservatorship to another state, apply the **FILED** stamp; add the date and your initials.
2. Complete a scheduled event screen **OH** or **MH** event/motion type.
3. Notice of the motion and hearing shall be distributed to those on the distribution list including:
 - Petitioner
 - Respondent
 - Attorneys for both parties
 - All persons named in petition or facility or person who respondent resides
 - Person appointed as limited guardian, guardian, limited conservator or conservator

File, date, initial
 Event type **OH** or **MH**

95.3 Order

1. Upon receipt of an order granting or denying the motion to transfer the guardianship or conservatorship apply the **ENTERED** stamp, add the date and your initials.
2. Complete a document screen using document code **OG** – Order Granting or **OD** – Order Denying. The court will order the guardian or conservator to petition for guardianship or conservatorship in the other state. Give notice of entry by mailing the order to all parties.
NOTE: The order may be certified upon request.
3. Upon receipt of a provisional order accepting the proceeding from the court to which the proceeding is transferred, apply the **FILED** stamp; add the date and your initials.
4. Complete a document screen using document code **OO** and memo Order Accepting Transfer.
5. Deliver the file to the district judge.
6. Upon receipt of an order confirming the transfer and terminating the guardianship or conservatorship, apply the **ENTERED** stamp, add the date and your initials.
7. Complete a document screen using document code **OO** and memo “Order Confirming Transfer and Terminating the Guardianship or Conservatorship.”
8. Give [notice of entry](#) to all parties.

Quick Reference
Enter, date, initial
Document code OG or OD NOE
File, date, initial
Document code OO
Enter, date, initial
Document code OO NOE

95.3.1 Transfer to this State

KRS 387.842

To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to KRS 387.840, the guardian or conservator shall petition the court in this state to accept the guardianship or conservatorship.

The petition shall include a certified copy of the other state's provisional order of transfer.

1. Upon receipt of a petition to transfer a guardianship or conservatorship to this state, apply the **FILED** stamp; add the date and your initials.
2. Collect the appropriate filing fee set forth in the [Accounting Manual](#).
3. Refer to the [Case Add](#) section of the KyCourts Manual for instruction on adding a case in the confidential division of district court. Assign an **H** case number type using the next pre-numbered folder and a trailer number.
4. At the court’s direction or upon a motion by the guardian or conservator complete a scheduled event screen as appropriate.

File, date, initial
Collect fees
H Case
Schedule event

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT

5. Distribute per distribution list including: petitioner/petitioner’s attorney, respondent/respondent’s attorney, county attorney and all persons named in the petition.
6. Upon receipt of an order accepting the petition and appointing the guardian or conservator as guardian or conservator in this state to transfer the proceeding, apply the **ENTERED** stamp, add the date and your initials.
7. Enter the document using document code **OG**, Order Granting and memo details. Give Notice of Entry to all parties.
8. Create a ticker/scheduled event using event type **REV** no later than ninety (90) days after issuance of a final order accepting transfer of a guardianship or conservatorship so the court may determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.
9. Upon receipt of an order denying the petition to accept the guardianship or conservatorship of another state, apply the **ENTERED** stamp; add the date and your initials. Complete a document screen using document code **OD**. Give Notice of Entry to all parties.

NOTE: An order denying the petition does not affect the ability of the guardian or conservator to seek appt. in the state by filing a petition for guardianship or conservatorship.

Quick Reference
Enter, date, initial
Document code OG NOE
Create Tickler Event type REV
Enter, date, initial Document code OD NOE

95.4 *Registration of a Foreign Guardianship Order*

Receive and file as a [foreign judgment](#).

95.5 *Registration of a Foreign Protective Order*

KRS 387.846

Receive and file as a [foreign judgment](#).

NOTE: This allows the out of state guardian to enforce property rights of the ward in Kentucky.

96 UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

KRS Chapter 403

Circuit Court or Family Court Division of Circuit Court

[Process Map](#)

➤ REGISTRATION OF FOREIGN CHILD CUSTODY ORDER

96.1 *Filing Fees*

1. There is no filing fee for registering a foreign child custody order.

NOTE: You will need to collect a certified mail fee from the party requesting registration per the [Accounting Manual](#). If the non-registering party is a non-resident, collect additional fees for the Secretary of State.

2. The requesting party will provide you the following:
 - Letter/documentation requesting registration
 - Copy of the foreign custody order
 - Certified copy of the foreign custody order
 - Statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified.

96.2 *Registration*

1. Upon receipt of the above documents, check the case management system to see if there is an existing dissolution or child custody proceeding in your court. If so, file the documents in that case by completing a document screen.
2. Apply the **FILED** stamp to the letter or other documentation, copy of the foreign custody order and the statement; add the date and your initials.
3. Apply the **ENTERED** stamp to the certified copy of the custody order; add the date and your initials.
4. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Generate the next case number for circuit civil **CI** cases or use the next pre-numbered file folder.
5. **Do not** issue a summons.

Quick Reference File, date, initial
Enter, date, initial
Circuit Civil CI Case
Do not issue summons

96.3 *Notice*

1. Give notice of the registration of the foreign custody order by completing [AOC Form 165](#), Notice of Registration of Foreign Child Custody Order. Apply the **FILED** stamp; add the date and your initials.
2. File by completing a document screen using document type **NRFCO**.
3. Attach the remaining copy of the foreign custody order to a copy of the Notice of Registration of Foreign Child Custody Order and mail by certified mail, return receipt requested to the non-registering party. See [Certified Mail](#) in [Service of Process](#).

Quick Reference
AOC Form 165
File, date, initial
Document type **NRFCO**

96.3.1 **Tickler and Confirmation of Registration**

1. A party has twenty (20) days from the receipt of the notice to contest the registration.
2. Create a tickler system for thirty (30) days from the day the notice is mailed by completing a scheduled events screen. At the end of the thirty days, if no objection is filed, the registration is confirmed.
NOTE: If an objection is received delete the scheduled event using the counter screen.
3. Complete [AOC Form 166](#), Confirmation of Registration of Foreign Child Custody Order and deliver to the judge for signature. When the signed Confirmation is received, apply the **ENTERED** stamp; add the date and your initials.
4. File by completing a document screen using document type **CRFCO**.
5. Mail a copy by first class mail to all parties named in the registration.
6. Close the case by completing the disposition date, disposition type and judge at disposition fields on the case screen.

Create tickler

AOC Form 166
Enter, date, initial
Document type **CRFCO**
Mail copy
Close case

96.4 *Objection to Registration*

If you receive an objection to the registration of the foreign custody order:

1. Apply the **FILED** stamp; add the date and your initials and file by completing a document screen using document type **OBJ**. Deliver the case file to the judge.
2. If the court orders a hearing, complete a scheduled events screen. Print a Court Notice/Notice of Hearing from the court notice document screen in KYCourts and mail by first class mail to all parties named in the registration.
3. When a signed confirmation or order is received, apply the **ENTERED** stamp; add the date and your initials. Enter the confirmation or order on the document screen. Include the notice of entry method and notice of entry date.
4. Serve [notice of entry](#) on all parties.
5. If the judgment or order includes child support ([AOC Form 152](#), Uniform Child Support Order), place a copy of the order in a designated area (box or basket) in your office for the Cabinet for Health and Family Services. AOC Form 152 is a mandatory form.
6. If you receive a warrant or court order to take physical custody of a child, apply the **FILED** or **ENTERED** stamp, as appropriate; add the date and your initials. File by completing a document screen. Use document type **OCUS**. Give two copies of the warrant or order to the sheriff or other law enforcement officer for service.
7. When you receive an order that closes the case, complete the disposition date, disposition type and judge at disposition fields on the case screen.
8. If you receive an affidavit or other pleading alleging the health, safety or liberty of a party/child would be jeopardized by disclosing identifying information, place the information designated in the affidavit or other pleading in a suitable envelope and seal the envelope. Apply the **FILED** stamp to the envelope; add the date and your initials. If a request to review the case file is received, remove the envelope from the case file.
9. Do not release the sealed envelope from your custody except when actually used in the action or proceeding and do not unseal the information unless the court orders you to do so.

Quick Reference	
	File, date, initial Document type OBJ
	Enter, date, initial
	NOE AOC Form 152
	File or enter, date, initial Document type OCUS
	Close case
	File, date, initial

96.5 *Petition/Motion for Enforcement (Judicial Proceedings)*

1. Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition or motion until the filing fees are paid.

EXCEPTIONS: The following are exempted from filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

2. Upon receipt of a petition or motion for enforcement apply the **FILED** stamp to the petition or motion; add the date and your initials.
3. Apply the **ENTERED** stamp to the certified copy of the custody order (if the order has not already been entered); add the date and your initials.
4. Refer to [Case Add](#) section of KyCourts Manual for instructions on opening the case. Generate the next case number for Circuit Civil **CI** cases or use the next pre-numbered file folder.

NOTE: If a petition or motion to initiate judicial proceedings is filed after the child custody order has been registered, file pleadings initiating judicial proceedings in the same file as the registration of the foreign custody order.

5. If notice of the registration of the foreign custody order has not already been given, complete [AOC Form 165](#), Notice of Registration of Foreign Child Custody Order. Apply the **FILED** stamp; add the date and your initials and file by completing a document screen using document type **NRFCO**.

NOTE: Collect certified mail fees as set forth in the [Accounting Manual](#) from the party requesting registration. If the non-registering party is a non-resident, collect additional fees for the Secretary of State as per the [Accounting Manual](#).

6. Attach the remaining copy of the foreign custody order to a copy of the Notice of Registration of Foreign Child Custody Order and mail by certified mail, return receipt requested to the non-registering party.
7. A party has twenty (20) days from receipt of the notice to contest the registration. Create a tickler system for thirty (30) days from the day the notice is mailed by completing a scheduled events screen. At the end of the thirty days, if no objection is filed, the registration is confirmed.
8. Complete AOC Form 166, Confirmation of Registration of Foreign Child Custody Order and deliver to the judge for signature. When the signed Confirmation is received, apply the **ENTERED** stamp; add the date and your initials and file by completing a document screen. Mail a copy by first class mail to all parties named in the registration.

Quick Reference

Collect filing fees

File, date, initial

Enter, date, initial

Case Type **CI**

AOC Form 165

Document type **NRFCO**

Create tickler

AOC Form 166

Enter, date, initial

97 UNIFORM VETERANS' GUARDIANSHIP ACT

KRS 388

District Court

[Process Map](#)

The Administrator of veterans' affairs is a party and has an interest in any proceeding for the appointment of a guardian or conservator for any veteran's administration beneficiary who is a minor or has been adjudged mentally disabled or who has received or is currently receiving account benefits paid or payable by the Veterans Administration.

1. Upon receipt of a petition under the Uniform Veterans' Guardianship Act, apply the **FILED** stamp to the petition; add the date and your initials. There is no filing fee.

NOTE: A jury trial is not required but may be requested. KRS 388.250. Do not collect a jury fee.
2. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual. Generate the next case number for **H** Health cases or use the next pre-numbered file folder. If other mental health actions exist involving the disabled person, create a new trailer as appropriate.
3. Present the petition for appointment of fiduciary to the judge for approval. KRS 388.270.
4. Upon receipt of [AOC Form 825](#) (Fiduciary Bond), apply the **FILED** stamp to the bond; add the date and your initials.
5. File the bond by completing a document screen using document code **BF**. The bond must be posted before the order of appointment of fiduciary is entered.
6. Upon receipt of [AOC Form 840](#) (Order of Appointment of Fiduciary), (if one is required), apply the **ENTERED** stamp to the order; add the date and your initials.
7. A biennial accounting is required by the fiduciary on the anniversary date of the appointment. Create a tickler by adding a scheduled event for the first anniversary date using event type **REB**.
8. Complete a document screen using document type **OFID**. Give [notice of entry](#) to the attorney or the fiduciary if not represented by counsel.
9. When the order closes the case complete the disposition date, disposition type and judge at disposition fields on the case screen.

Quick Reference

File, date, initial

No jury fee

Case number **H**

AOC Form 825
File, date, initial

Document code **BF**

AOC Form 840
Enter, date, initial

Event type **REB**

Document type **OFID**
NOE

Do not advertise

UNIFORM VETERANS' GUARDIANSHIP ACT

10. Do not advertise appointments or accountings. KRS 395.610(2).
11. Upon receipt of a biennial accounting apply the **FILED** stamp to the accounting; add the date and your initials. Reset the tickler as appropriate following instructions in Step 7 above.
12. File by completing a document screen using document type **MIS**. Deliver the accounting to the judge for approval. KRS 388.280(1).
13. Send a copy of all court orders in any guardianship proceeding in which the Veteran's Administration is an interested party to the office of the Veteran's Administration in your area. KRS 388.280(2).

NOTE: You must furnish without charge a copy of any record requested to the applicant for benefits, any person acting on his behalf, or authorized representative of the VA for the purpose of determining eligibility for veterans' benefits. KRS 388.330.

Quick Reference
File, date, initial

Document type MIS

98 UNSATISFIED CIVIL JUDGMENT INVOLVING MOTOR VEHICLE ACCIDENT

KRS 187.400

[Process Map](#)

When a judgment is entered in a case involving a motor vehicle accident and the judgment remains unsatisfied for a period of sixty (60) days, the license and registration of any person against who such a judgment was rendered may be suspended.

- A certified copy of the judgment and Department of Transportation Form TC 94-65 is required.

1. Upon receipt of Department of Transportation Form TC94-65 and at the request of the judgment creditor, sign the form as appropriate. There is no fee.
2. Apply the **FILED** stamp to the form; add the date and your initials. File on a document screen. Use document type **RCJ**.
3. Mail a copy to the Transportation Cabinet, Division of Driver Licensing.
4. Send a copy to the plaintiff's attorney and a copy by first class mail to the defendant. Collect postage as set forth in the [Accounting Manual](#).

NOTE: This form is only submitted for judgments entered concerning personal injury and property damage resulting from an automobile accident.

Quick Reference

Form TC 94-65

File, date, initial

Document type RCJ

*Transportation Cabinet
Division of Driver
Licensing*

*200 Mero Street-
2nd Floor*

Frankfort, KY 40622

99 WARNING ORDER

CR 4.05, 4.06, 4.07

[Process Map](#)

- If a plaintiff or attorney files a verified complaint/affidavit with you showing that the defendant cannot be served with a summons, you must issue a warning order and appoint a warning order attorney. CR 4.06(1). This is known as constructive service.
1. Upon receipt of a complaint/affidavit stating the reason the defendant cannot be served and the defendant's last known address, or affiant's ignorance of such fact, apply the **FILED** stamp; add the date and your initials.
 2. Collect the warning order attorney fee per your local rule as appropriate.
 3. File the affidavit on a document screen using document type **AFW**.
 4. Consult your [roster of attorneys](#) and make the appointment. You may not appoint the plaintiff or the plaintiff's attorney as the warning order attorney, and these persons may not suggest anyone for the appointment. CR 4.07(1).
 5. Prepare [AOC Form 110](#), Warning Order; apply the **FILED** stamp; add the date and your initials. Make a copy and attach to a copy of the complaint and affidavit and deliver to the warning order attorney.
 6. File the warning order by completing a document screen using document type **AWOA**.
 7. Complete a party screen for the warning order attorney.
 8. **Do not** issue a summons.

Quick Reference

File, date, initial

Document type **AFW**

AOC Form 110
File, date, initial

Document type **AWOA**

Complete party screen

Do not issue a
summons

100 WARRANTS AND CRIMINAL SUMMONS

RCr 2.06; 2.10(2); 6.52; 6.56(1), RCr 13.10

Circuit or District Court

[Process Map](#)

- [eWarrants](#)
- [Criminal Summons and Arrest Warrants](#)
- [Search Warrants](#)
- [Governor's Warrant](#)
- [Bail Jumping Warrant](#)

100.1 *eWarrants*

The eWarrants program allows warrants and summonses to be issued electronically and facilitates the sharing of information among all law enforcement concerning active warrants/summonses in jurisdictions in Kentucky. See the KyCourts Manual for specific instructions on utilizing [eWarrants](#).

100.2 *Criminal Summons and Arrest Warrants*

- Criminal summons or arrest warrants issued upon indictment may be signed by the clerk.
- Criminal summons or arrest warrants issued upon complaints must be signed by a judge or trial commissioner. RCr 2.06, 6.54.

EXCEPTION: In the event of the absence from a county of all district judges and all circuit judges and all trial commissioners, the circuit clerk in each county may issue criminal warrants prepared by the commonwealth's attorney or county attorney, who shall certify that there is no district judge, circuit judge or trial commissioner within the county. KRS 15.725(4).

NOTE: The term "criminal warrants" includes [search warrants](#).

1. Generate a criminal summons or arrest warrant for each person to be served, as ordered by the judge, by completing the issuance portion of the [summons](#) or warrant screen in KyCourts.
NOTE: Complete the “Issuing Judge” field to electronically route the warrant/summons to the judge who will be authorizing the warrant/summons. If a warrant is being issued upon an indictment and the clerk is authorizing the warrant, **DO NOT** complete the issuing judge field.
2. The summons or warrant upon authorization will be electronically routed to law enforcement as appropriate for service.
EXCEPTION: If the judge, county attorney or commonwealth attorney direct, serve a criminal summons by certified mail, return receipt requested. RCr 2.10(2)(b).
3. When a return is received, apply the **FILED** stamp; add the date and your initials. Note the return by completing the return portion of the summons or warrant screens. You may use the memo field to record the service agency.
4. Criminal process may be issued and served on Sunday. KRS 431.095.

Quick Reference

File, date, initial

100.3 *Search Warrants*

RCr 13.10

1. If a request for a search warrant is received direct the requestor to the county attorney or commonwealth attorney. Upon sufficient affidavit the warrant is issued by a judge or other officer authorized to issue warrants.
2. The issuing officer will file a copy of the search warrant and supporting affidavit with the circuit clerk.
3. Do not open a case file. Maintain a file (alphabetical or numerical) of these documents until a return is received.

100.3.1 **Return of Service**

1. Upon receipt of a return of service apply the **FILED** stamp to the affidavit and search warrant; add the date and your initials.
2. If a case file exists which is the subject of the search warrant, file the affidavit and search warrant by completing a document screen. Use document type **ASW** ([AOC Form 335](#)) or **SW** ([AOC Form 340](#)). Make a notation of the date and hour of service in the memo field.
If a case file does not exist, file in an alphabetical file of executed search warrants. Destroy pursuant to the Kentucky Court of Justice Records Retention Schedule.

File, date, initial

AOC Form 335 –
Document type **ASW**
AOC Form 340 –
Document type **SW**

100.3.2 **Inspection of Search Warrants**

The clerk may provide a copy of an executed search warrant that has been filed in a case to the public upon request if it has not been sealed or access has not otherwise been restricted or prohibited (by court order).

NOTE: If you have any concern about releasing a copy of a search warrant, confer with the judge first prior to releasing a copy. If a search warrant has not been executed or if it has been sealed or access has otherwise been restricted or prohibited by court order, check with the judge first about the request.

100.4 *Governor's Warrant*

100.5 *Bail Jumping Warrant*

101 WRIT OF POSSESSION

KRS 425.011-.012

District and Circuit Court

[Process Map](#)

A [writ of possession](#) is an [attachment](#) that reaches specific personal property which is the subject of the suit. *KRS 425.011*.

101.1 ***Documents Required***

The following documents are *all* required to be filed with the clerk prior to a Writ being issued:

- A complaint and summons (*KRS 425.012*);
- A verified motion requesting the writ of possession (*KRS 425.011*) which:
 - Is under oath;
 - Shows the basis of plaintiff's claim;
 - States that plaintiff is entitled to the possession of the property (if a written instrument is the basis of plaintiff's claim, it shall be attached);
 - Shows that the property is wrongfully detained;
 - States how and why defendant holds the property according to the best information and belief of the plaintiff;
 - Describes the property and a statement of its value;
 - States the location of the property, and if the property, or some part of it, is in a private place which may have to be entered to take possession;
 - Stated that the property has not been taken for a tax assessment, or fine, pursuant to statute, or seized under an execution against the plaintiff, or if so seized, a statement that it is exempt.
- A demand stating that the defendant has seven days to either request a hearing or pay the demand in full; otherwise a writ of possession shall issue (*KRS 425.012*);
- An affidavit of the plaintiff or their attorney showing compliance with the requirements of *KRS 425.012*.

NOTE: See [Timing of Application](#).

101.2 *Filing Fees*

Collect filing fees as set forth in the [Accounting Manual](#) and give a receipt.

EXCEPTIONS: The following are exempted from the filing fees (CR 5.05(4); KRS 453.010):

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

Do not collect the fee for service of process. *KRS 23A.200(2)* and *24A.170(2)*. The plaintiff will make payment of the service fee directly to the sheriff or other serving officer.

Quick Reference
Collect filing fees

Do not collect fee for
service of process

101.3 *Pleadings*

1. The plaintiff must file enough copies of all pleadings for service upon each defendant in addition to the original which is filed in your office. If you make the copies, collect a copy fee as set forth in the [Accounting Manual](#) and give a receipt.
2. Assign to a division using the procedure in your local court rules.
3. Apply the **FILED** stamp to the complaint, motion, demand and affidavit; add the date and your initials.
4. Open the case. For instructions on opening the case, see the [Case Add](#) section of KyCourts Manual.
5. Generate the next case number or use the next pre-numbered file folder for district civil **C** or circuit civil **CI** cases as directed by the initiating party.
6. Prepare a summons by completing a summons screen on each defendant in the case. CR 4.02, CR 4.04(1).

Collect copy fee, if
applicable

File, date, initial

District Civil **C** or Circuit
Civil **CI**

Prepare summons

101.4 *Timing of Application*

*If the motion, demand and affidavit are filed **with** the complaint,* attach a copy of the motion and demand to the complaint and summons for service on the defendant.

*If the motion, demand, and affidavit are filed **after** the complaint,* the plaintiff must deliver the motion and demand to the defendant or send the motion and demand by certified mail, return receipt requested, to the defendant's last known place of address, at least seven days and not more than 60 days before the order granting the writ of possession is sought. KRS 425.012.

101.5 *Summons Issuance*

The initiating party will decide whether the summons is to be served by certified mail or personally delivered by the sheriff or other authorized person. For more information, see [Service of Process](#).

A civil summons may be issued on holidays and served on Sundays and holidays. KRS 454.125.

101.6 *Hearing*

*If plaintiff asks you to issue the attachment **without** a hearing, check the affidavit of compliance to make sure enough time has elapsed from the date of notice to the defendant:*

- Seven days from date of notice (KRS 425.301(3)).
- Three additional days if notice was by mail (CR 6.05).

***If a hearing is requested**, note the hearing on the calendar by completing a scheduled events screen.*

101.7 *Order*

1. Upon receipt of a signed Order, apply the **ENTERED** stamp; add the date and your initials.
2. Enter the order on the document screen using document type **OAF** including a brief description.
3. Serve notice on every party not in default or who has not waived notice.
4. Make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of the order. For more information, see [Notice of Entry](#).

<p>Quick Reference Enter, date, initial</p> <p>Document Type OAF</p> <p>Serve notice of entry</p>

101.8 *Surety Bond*

Before issuing the writ of possession, plaintiff must post a cash or surety bond. *KRS 425.111* The amount should **not** be less than twice the value of the property as determined by the court and is an obligation to pay all costs and damages. Require the surety to make an affidavit to show qualification. For more information, see [Bonds and Sureties](#).

NOTE: Domestic Kentucky banks and savings and loan institutions do not need a surety on their bonds. KRS 425.001.

1. Collect a bond filing fee for taking the bond and a fee for issuing the writ as set forth in the [Accounting Manual](#) and give a receipt.
2. Apply the **FILED** stamp to the bond; add the date and your initials.
3. File by completing a document screen. KRS 64.005, 23A.200, 24A.170.

<p>Collect bond filing fee File, date, initial</p> <p>Complete document screen</p>
--

101.9 *Issuance of Writ of Possession*

AOC has no form for a Writ of Possession; this must be prepared by the attorney. KRS 425.046.

1. Issue the writ by signing and adding the date.
2. Make a docket notation of the issuance of the writ by completing a document screen using document type **WRO**. Use the date of issuance as the filing date. It is not necessary to make a copy for the case file; the officer's return will provide a copy.
3. Give the writ and a copy to the plaintiff for delivery to the sheriff or other serving officer. The plaintiff will pay the service fee directly to the officer.
4. When a return of service is received; apply the **FILED** stamp; add the date and your initials.
5. Enter the file stamp date and officer's return date in the memo field of the document screen where the writ was issued.

<p>Quick Reference</p> <p>Issue writ</p> <p>Document type: WRO</p> <p>Give writ and copy to plaintiff</p> <p>File, date, initial</p> <p>Note the file stamp date and return date on document screen</p>

101.10 *Motion to Quash*

1. If the defendant files a motion to quash the writ of possession, apply the **FILED** stamp; add the date and your initials.
2. File by completing a motion screen.
3. Note the hearing on the calendar by completing a scheduled events screen.
4. Upon receipt of a signed Order ruling on the motion, apply the **ENTERED** stamp; add the date and your initials.
5. Enter the order on the document screen including a brief description.
6. Serve notice of entry of the order on every party not in default or who has not waived notice. Enter the method of service and notice of entry date on the document screen where the order is entered. For more information, see [Notice of Entry](#).

<p>File, date, initial</p> <p>Add motion</p> <p>Add scheduled event</p> <p>Enter, date, initial</p> <p>Serve notice of entry</p>
--

101.11 *Disposition*

When the order closes the case complete the disposition date, disposition type and judge at disposition fields on the case screen.

102 WRIT OF PROHIBITION/WRIT OF MANDAMUS

CR 81, 76.36

Circuit Court

[Process Map](#)

- A writ of prohibition is an original action in circuit court directing a district judge or other party not to perform an act.
- A writ of mandamus is an original action in circuit court directing a district judge or other party to perform an act.
- If you receive a petition for writ of prohibition or mandamus pertaining to a **circuit** judge's ruling, direct the petitioner to file the petition in the court of appeals.

102.1 *Petition*

1. Upon receipt of a petition for writ of prohibition or mandamus, collect filing fees as set forth in the [Accounting Manual](#) and give a receipt. Do not process the petition until the filing fees are paid.

EXCEPTIONS: the following are exempted from the filing fees:

- [In Forma Pauperis](#)
- Petitioner is the Commonwealth. KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees unless the action is filed in the name of the Commonwealth.

2. Apply the **FILED** stamp to the petition; add the date and your initials. For instructions on opening the case, see the [Case Add](#) section of the KyCourts Manual.
3. Assign a division using the procedure in your local court rules. Generate the next case number for circuit civil **CI** cases or use the next pre-numbered file folder.
4. Do not issue a summons.
5. Mail a copy of the petition stamped **FILED** to the respondent and to the real party in interest (party who prevailed in district court or other underlying matter), if applicable.
6. Schedule an event 10 days from the date of the filing of the petition by completing a scheduled events screen. Enter the event type **OTHER** and memo "deliver file to circuit judge on this date if no response has been filed."
7. If a response is filed, apply the **FILED** stamp; add the date and your initials. File on a document screen. Take the file to the judge.

Quick Reference
Collect filing fees

File, date, initial

Civil **CI** Cases

Do not issue summons

Event type **OTHER**

File, date, initial

Deliver to judge

8. Upon receipt of a signed order, apply the **ENTERED** stamp; add the date and your initials.
9. Enter the order on the document screen. After the order is entered serve notice of entry on the parties and make an entry on the document screen showing the manner (mail or personal delivery) and date of the service of notice of entry of the order. See [Notice of Entry](#).
10. When an order closes the case, complete the disposition date, disposition type, and judge at disposition fields on the case screen.

Quick Reference

Enter, date, initial

Enter order

NOE

Close case screen

RELEASE NOTES

Date Released	Chapters Affected
7/15/2016	Bill of Costs, Cremation Resolution, Small Claims
12/30/2015	Circuit Criminal, District Criminal, Domestic Violence, Foreign Protective Order, Statistical Information
08/31/2015	Adoptions, Citations, Juvenile Cases, Medical Records
06/08/2015	Release of newly formatted manual which includes quick reference boxes, hyperlinks to AOC forms, KyCourts and Accounting manuals, and process maps. Chapters with substantive changes include: Adoptions, Appeals, Bail Jumping Warrant, Bonds and Sureties, Cases Referred to the Grand Jury, Challenge to Election Candidacy, Citations, Civil Actions, Civil Actions Filed by Inmates, Civil Summons, Compel a Witness, Cremation Resolution, Criminal Summons and Arrest Warrants, Drug Court, Expungement, Fees and Costs, Grand Jury, Jury Information, Mental Health, Military Arrests, No Pass/No Drive Law, Nunc Pro Tunc, Organization of Case Records, Recordings, Audio/Video Redemption of Land, Settlement for Minor or Person under Disability, Statistical Information Subpoenas, Tendered Documents, Violation of Domestic Violence Order.
04/24/2015	Juvenile Cases, Termination of Parental Rights
02/10/2015	Expungement, Grand Jury, Recordings: Audio/Video
07/15/2014	Citations, Juvenile, Inspection of Records, Probate, Redemption of Land
07/01/2014	Bail Bonds
12/31/2013	Expungement, Firearm Prohibition
06/25/2013	Adoptions, Change of Venue, Citations, Circuit Criminal, Commissioners of Circuit Court, Dissolution of Marriage, District Criminal, Domestic Violence, Expungements, Inspection of Records, Juvenile, Paternity Proceedings, Probate, Termination of Parental Rights
09/20/2012	Citations, Mental Health (UOR Codes)
07/12/2012	Appeals, Dissolution of Marriage, Expungements, Forcible Detainer, Civil

	Actions, Paternity, Probate
06/06/2012	Search Warrants, Self-Consent Abortion
09/08/2011	Circuit Criminal, Court Interpreters, Deferred Prosecution, Motion to Set Aside/Void
06/08/2011	Bail Bonds, Citations, Deferred Prosecution, Fees and Costs, Firearm Prohibition, Small Claims, Uniform Guardianship and Protective Proceedings
02/15/2011	Expungement of Purged or Destroyed Cases, Fees and Costs, Paternity Proceedings
01/01/2011	Appeals, Bail Bonds, Citations, Fees and Costs, Multiple Chapters Affected by FCRPP
10/13/2010	Bail Bonds, Drug Court, Probate, Statistical Information, Internet Links, UOR Charts
07/15/2010	Circuit Criminal, Domestic Violence, Records Retention (Archiving and Destruction), Statistical Information, UOR Codes
02/24/2010	Expungement of Misdemeanor and Violation Convictions, Fees and Costs
07/23/2009	Expungement of Dismissed or Acquittal Cases, Statistical Information, UOR Codes
05/11/2009	Postage, Peace Officer's Expense, Juvenile
04/01/2009	Adoptions, Bail Bonds, Citations, Disability Proceedings,, Dismissal Notice, Dissolution of Marriage, Fees and Costs, Forcible Entry/Detainer, Subpoenas
11/30/2007	Citations
11/16/2007	Agister's Lien and Warrant, Bail Bond, Circuit Criminal, Citations, Disability, Expungements, Garnishment After Judgment, Juvenile, Petition for Damages Pertaining to Childhood Sexual Abuse/Assault, Petition for Removal of Action to Federal Court, Pleas, Probate
07/12/2006	Citations, Commissioners of Circuit Court, Domestic Violence Proceedings, Drug Court, Expungements, Fees and Costs, Juvenile, Juvenile Mental Health, Probate
10/01/2005	Adoptions, Arbitration, Citations, Expungement of Dismissed or Acquittal Cases, Fees and Costs, Foreign Protective Order, Grand Jury Dispositions, Inspection of Records, Involuntary Admission, Juvenile, Motion for Shock Probation, Probate, Small Claims

01/31/2005	Appeals, Audio Recording, Bail Bonds, Bankruptcy Notice, Calendar, Case Numbering and Color Coding, Cases Under Submission, Circuit Criminal, Citations, District Criminal, Court Interpreters, Depositions to be Used in Other States, Disability Proceedings, Dissolution of Marriage, Domestic Violence, Expungements, Fees and Costs, Jury Information, Juvenile Mental Health, Petition for Emancipation of a Minor, Petition for Immediate Entitlement to Custody, Probate, Probation and Parole Fee, Statistical Information, Termination of Parental Rights, Unsatisfied Civil Judgment Involving Motor Vehicle
10/04/2004	Bail Bonds, Circuit Criminal, Fees and Costs, Uniform Child Custody Jurisdiction and Enforcement Act, Special Judge Appointments, Recorded Interview at Children's Advocacy Centers, Statistical Information, School Dropout Driver's License Restriction
07/13/2004	Adoptions, Citations, Fees and Costs, Involuntary Treatment for Alcohol/Drug Abuse, Inspection of Records, Juvenile, Paternity Proceedings, Uniform Child Custody Jurisdiction Enforcement Act
06/22/2004	Cases Referred to the Grand Jury, Circuit Criminal, Fees and Costs, Statistical Information
02/29/2004	Additional Costs for Extraordinary Services, Circuit Criminal, Appeals, Bail Bonds, Case Numbering and Color Coding, Citations, Consolidated Cases, Court Security Incident Report, Disability Proceedings, Expungements, Fees and Costs, Records Destruction or Transfer, Termination of Parental Rights, The Jury, Warning Order, Writ of Prohibition/Mandamus

GLOSSARY OF TERMS

Abuse and Neglect	A child whose health or welfare is harmed or threatened with harm when a parent, guardian, or person in a position of trust inflicts or allows to be inflicted upon the child physical or emotional injury, fails or refuses to provide essential care and protection for the child, or commits or allows to be committed an act of sexual abuse, exploitation, or prostitution upon the child.
Affidavit	A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths.
Agister's Lien	A lien on goods, chattels, or animals for the reasonable charges for work or services performed or feed provided is possessory and a person must have possession of the article to assert such a statutory lien.
Appeal	A proceeding undertaken to have a decision reconsidered by a higher authority; esp., the submission of a lower court's or agency's decision to a higher court for review and possible reversal.
Arbitration	A method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding.
Attachment	The seizing of a person's property to secure a judgment or to be sold in satisfaction of a judgment.
Bail Jumping	The criminal offense of failing to appear in court after having been released on bail.
Bankruptcy	A statutory procedure by which a (usually insolvent) debtor obtains financial relief and undergoes a judicially supervised reorganization or liquidation of the debtor's assets for the benefit of creditors; a case under the Bankruptcy Code.

Bond

A written promise to pay or do some act if certain circumstances occur or a certain time elapses.

Bail Bond: A bond given to a court by a criminal defendant's surety to guarantee that the defendant will duly appear in court in the future and, if the defendant is jailed, to obtain the defendant's release from confinement. Also known as an Appearance Bond.

Cash Bond: A bond in which the full amount of the bond is deposited in your office either by the defendant or surety. RCr 4.00(b).

Partially Secured Bond: A bond which requires a deposit of less than the full amount of the bond. The exact percentage depends on the judge's order, and may be as little as 10% of the amount of the bond. The designated percentage is paid to your office by the defendant or surety at the time of release of the defendant. In the event of forfeiture for nonappearance, the defendant or the surety is liable for the full amount of the bond. RCr 4.00(b).

Property Bond: A bond in which the defendant or surety pledges real property, located in Kentucky, instead of cash to guarantee the defendant's appearance.

Replevin Bond: A bond given by a plaintiff to replevy or attach property in the defendant's possession before judgment is rendered in a replevin action. The bond protects the attaching officer and ensures the property's safekeeping until the court decides whether it should be returned to the defendant.

Supersedas Bond: A bond to stay enforcement of judgment pending appeal. CR 73.04.

Surety Bond: A bond given by a surety to

ensure the timely performance of a contract.

Unsecured Bond: A promise by the defendant or surety to pay the designated amount upon a failure to appear when ordered by the court to do so or upon a breach of a material condition of release, not secured by any deposit of or lien upon property. RCr 4.00(h).

Brief	A written statement setting out the legal contentions of a party in litigation, esp. on appeal; a document prepared by counsel as the basis for arguing a case, consisting of legal and factual arguments and the authorities in support of them.
CASA	Court Appointed Special Advocate
Complaint	The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief.
Condemnation Proceeding	The determination and declaration that certain property (esp. land) is assigned to public use, subject to reasonable compensation; the exercise of eminent domain by a governmental entity.
Conservator	A guardian, protector, or preserver.
Contempt	Conduct that defies the authority or dignity of a court or legislature. Civil Contempt: The failure to obey a court order that was issued for another party's benefit. Criminal Contempt: An act that obstructs justice or attacks the integrity of the court.
Counterclaim	A claim for relief asserted against an opposing party after an original claim has been made; esp., a defendant's claim in opposition to or as a setoff against the plaintiff's claim.
Court Appearance Citation	A police-issued order to appear before a judge on a given date to defend against a stated charge. The defendant must appear and cannot prepay any fine or fees.
Creditor	One to whom a debt is owed; one who gives credit for money or goods.
Cross Claim	A claim asserted between codefendants or co-plaintiffs in a case and that relates to the subject of the original claim or counterclaim.
Custodian	A person or institution that has charge or custody (of a child, property, papers, or other valuables).
Dating Violence and Abuse	Physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault

occurring between persons who are or
have been in a dating relationship.

Debtor	One who owes an obligation to another, esp. an obligation to pay money.
Defendant	A person sued in a civil proceeding or accused in a criminal proceeding.
Deferred Prosecution	A defendant charged with his or her first or second offense under KRS 218A.1415 may enter a deferred prosecution program for a maximum of 2 years. Successful completion results in charges being dismissed and sealed.
Dependency	A child, other than an abused or neglected child, who is under improper care, custody, control or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child.
Deposition	A witness's out-of-court testimony that is reduced to writing (usually by a court reporter) for later use in court or for discovery purposes.
Disability Proceeding	Legal proceedings involving the inability of an individual to perform some function due to an objectively measurable condition of impairment, physical or mental.
Dispense with Administration	Allows certain individuals to ask the court to direct transfer of estate assets without the need for further court proceedings.
Domestic Relations Commissioner	An officer appointed by the court to hear family and juvenile issues.
Domestic Violence	Domestic violence includes physical injury, serious physical injury, sexual abuse, assault, or fear thereof between family members or members of an unmarried couple. KRS 403.715, 403.720.
Domestic Violence Order	A long term order issued by a judge to offer protection from domestic violence.
Emergency Custody Order	Emergency order entered for the removal of a child when is in imminent danger per KRS 620.020.
Emergency Protective Order	A temporary protective order granted on an expedited basis, usually after an ex parte hearing (without notice to the other side), most commonly to provide injunctive relief from an abuser in a domestic-violence case; esp., a short-term restraining order that is issued at the request of a law-enforcement officer in response to a

domestic-violence complaint from a victim
who is in immediate danger.

Execution/Writ of Execution	A court order directing a sheriff or other officer to enforce a judgment, usually by seizing and selling the judgment debtor's property.
Expungement	The removal of a charge or conviction (esp. for a first offense) from a person's criminal record.
Felony	A serious crime usually punishable by imprisonment for more than one year or by death.
Fiduciary	Any person, association, or corporation meeting the requirements of KRS 395.005 (other than assignee or trustee for an insolvent debtor or a guardian under the Uniform Veteran's Guardianship Act) appointed by, or under the control of, or accountable to, the District Court, including executors, administrators, administrators with the will annexed, curators, guardians, and conservators; and does not include testamentary trustees.
Final Settlement	A court order discharging an executor's duties after an estate's execution.
Forcible Detainer	Forcible detainer is an action by the landlord who claims that the tenant refuses to move.
Forcible Entry	Forcible entry is an action by the tenant who claims that the landlord has entered the premises unlawfully.
Foreign Judgment	A decree, judgment, or order of a court in a state, country, or judicial system different from that where the judgment or its effect is at issue.
Foreign Protective Order	A protective order of a court in a state, country, or judicial system different from that where the judgment or its effect is at issue.
Foreign Subpoena	Subpoena of a court in a state, country, or judicial system different from that where the judgment or its effect is at issue.
Garnishment	Garnishment is a special kind of execution by which property of the judgment debtor in the hands of a third party may be reached, including (but not limited to) wages in the hands of his/her employer.

Grand Jury	A body of 12 people who are chosen to sit permanently for at least a month — and sometimes a year — and who, in ex parte proceedings, decide whether to issue indictments.
Guaranteed Arrest Bond Certificate	Guaranteed Arrest Bond Certificate (RCr 4.18) is a printed card issued by the American Automobile Association (or similar organization) guaranteeing the appearance of its members on most motor vehicle violations. RCr 4.18(2).
Guardian	One who has the legal authority and duty to care for another's person or property, esp. because of the other's infancy, incapacity, or disability.
Guardian Ad Litem	A lawyer, appointed by the court to appear in a lawsuit on behalf of an incompetent or minor party.
In Forma Pauperis	In the manner of an indigent who is permitted to disregard filing fees and court costs (when suing, a poor person is generally entitled to proceed <i>in forma pauperis</i>).
Indictment	The formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person.
Indigency	The state or condition of a person who lacks the means of subsistence; extreme hardship or neediness; poverty. For purposes of the Sixth Amendment right to appointed counsel, <i>indigency</i> refers to a defendant's inability to afford an attorney.
Informal Settlement	Settlement accepted when each heir has signed a notarized waiver stating he/she has received his/her share of the estate and waives requirements of a formal accounting and settlement.
Information	A formal criminal charge made by a prosecutor without a grand-jury indictment.
Interpersonal Protective Order	Order issued for temporary or “ordinary” interpersonal order of protection for dating violence and abuse, stalking, or sexual assault.

Inventory	A detailed list of assets; esp., an executor's or administrator's detailed list of the probate-estate assets (make an inventory of the estate). The term also sometimes denotes a divorcing spouse's detailed list of all his or her marital and separate assets and liabilities.
Involuntary Admission	Involuntary admission proceedings include the admission of an individual with an intellectual disability. KRS 202B.010.
Involuntary Hospitalization	Involuntary hospitalization proceedings include the hospitalization of adults diagnosed with a mental illness. KRS 202A.012. For mental health procedures involving juveniles, follow procedures outlined in the Juvenile Mental Health section.
Involuntary Treatment	Involuntary treatment proceedings include proceedings for 60/360 days of treatment for an individual, including juveniles, suffering from alcohol or other drug abuse. KRS Chapter 222.
Jail Credit	Time spent by a criminal defendant in confinement while awaiting trial. This time is usually deducted from the defendant's final sentence (if convicted).
Judgment	A court's final determination of the rights and obligations of the parties in a case. The term <i>judgment</i> includes an equitable decree and any order from which an appeal lies.
Jury	A group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them.
Living Trust	A trust that is created and takes effect during the settlor's lifetime.
Misdemeanor	A crime that is less serious than a felony and is usually punishable by fine, penalty, forfeiture, or confinement (usually for a brief term) in a place other than prison (such as a county jail).

Motion	A written or oral application requesting a court to make a specified ruling or order.
Motion to Quash	A party's request that the court nullify process or an act instituted by the other party, as in seeking to nullify a subpoena.
Non Wage Garnishment	A special kind of execution by which property of the judgment debtor in the hands of a third party may be reached, excluding wages.
Notary Public	A person authorized by a state to administer oaths, certify documents, attest to the authenticity of signatures, and perform official acts in commercial matters, such as protesting negotiable instruments.
Notice of Entry	A notice of entry of judgment is written notice that judgment has been entered. See Notice of Entry.
Nunc Pro Tunc	[Latin "now for then"] Having retroactive legal effect through a court's inherent power (the court entered a <i>nunc pro tunc</i> order to correct a clerical error in the record).
Oath	A solemn declaration, accompanied by a swearing to God or a revered person or thing, that one's statement is true or that one will be bound to a promise.
Oral Trust	A trust created by the settlor's spoken statements as opposed to a written agreement.
Paternity	The state or condition of being a father, esp. a biological one; fatherhood.
Periodic Settlement	Settlement filed with the court when the settling of the estate requires more than two years.
Petition	A formal written request presented to a court or other official body.
Petitioner	A party who presents a petition to a court or other official body, esp. when seeking relief on appeal.
Plaintiff	The party who brings a civil suit in a court of law.
Plea	An accused person's formal response of "guilty," "not guilty," or "no contest" to a criminal charge.
Pleading	A formal document in which a party to a legal proceeding (esp. a civil lawsuit) sets forth or responds to allegations, claims, denials, or defenses.
Pre-payable Citation	A police-issued order to appear before a judge on a given date to defend against a stated charge.

Defendant may prepay prior to the court date
any fine and/or fees.

Probate	The judicial procedure by which a testamentary document is established to be a valid will; the proving of a will to the satisfaction of the court.
Respondent	The party against whom a motion or petition is filed.
ROR	Release on personal recognizance (known as ROR or OR): the defendant's written promise to appear. RCr 4.00(f), RCr 4.10.
Service of Process	The formal delivery of a writ, summons, or other legal process after three attempts, service still had not been accomplished.
Status Offense	A child accused of committing acts which, if committed by an adult, would not be a crime. Includes noncriminal forms of juvenile behavior, such as running away from home, skipping class, tobacco offenses or exhibiting beyond-control behaviors at home or at school.
Stocks and Bonds	Stocks and Bonds as security is a bond in which the defendant or surety deposits these securities instead of cash to guarantee the defendant's appearance. RCr 4.04(1)(d)(iv).
Structured Settlement	A settlement in which the defendant agrees to pay periodic sums to the plaintiff for a specified time.
Subpoena	A writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.
Subpoena Duces Tecum	A subpoena ordering the witness to appear in court and to bring specified documents, records, or things.
Summons	A writ or process commencing the plaintiff's action and requiring the defendant to appear and answer. A notice requiring a person to appear in court as a juror or witness.
Surety	A person who is primarily liable for paying another's debt or performing another's obligation.
Temporary Injunction	A temporary injunction issued before or during trial to prevent an irreparable injury from occurring before the court has a chance to decide the case.
Temporary Restraining Order	A court order prohibiting family violence; esp., an order restricting a person from harassing, threatening, and sometimes merely contacting or approaching another specified person.

Testamentary Trust	A trust that is created by a will and takes effect when the settlor (testator) dies.
Third Party Complaint	A complaint filed by the defendant against a third party, alleging that the third party may be liable for some or all of the damages that the plaintiff is trying to recover from the defendant.
Tickler System	Calendaring system used to remind the court that some action is needed or due the court.
Trust	The right, enforceable solely in equity, to the beneficial enjoyment of property to which another person holds the legal title; a property interest held by one person (the <i>trustee</i>) at the request of another (the <i>settlor</i>) for the benefit of a third party (the <i>beneficiary</i>).
Trustee	One who stands in a fiduciary or confidential relation to another; esp., one who, having legal title to property, holds it in trust for the benefit of another and owes a fiduciary duty to that beneficiary.
Venue	The proper or a possible place for a lawsuit to proceed, usually because the place has some connection either with the events that gave rise to the lawsuit or with the plaintiff or defendant.
Violation	An infraction or breach of the law; a transgression.
Warning Order Attorney	An attorney appointed to provide constructive service when a plaintiff or attorney files a complaint/affidavit showing that the defendant cannot be served with a summons. CR 4.06(1).
Warrant for Possession	A warrant obtained by a landlord in a forcible detainer action that is posted on a tenant's property along with a date that the sheriff may forcibly remove the tenant.
Writ of Habeas Corpus	Latin for "you have the body." Habeas Corpus is a writ of inquiry designed to affect the speedy release of a person illegally deprived of his liberty. The writ is commonly used when a person is seeking to be released on bail or when a prisoner is challenging extradition or detainer proceedings.
Writ of Mandamus	A writ of mandamus is an original action in circuit court directing a district judge or other party to perform an act.
Writ of Possession	A writ of possession is an attachment that reaches specific personal property which is the subject of the suit. KRS 425.011.

Writ of Prohibition

A writ of prohibition is an original action in circuit court directing a district judge or other party not to perform an act.

Youthful/Public Offender

A child who is accused of committing a felony, misdemeanor, or violation which, if committed by an adult, would be a crime.

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