

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. THIS LETTER DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS **VERY IMPORTANT AND NECESSARY** THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS LETTER AND REVIEW CHANGES OR MODIFICATIONS, AS WELL AS ANY NEW SECTIONS ADDED. IF YOU HAVE QUESTIONS OR NEED FURTHER EXPLANATION OF THE UPDATES, PLEASE DO NOT HESITATE TO CALL THE OFFICE OF GENERAL COUNSEL AT THE AOC.

TO: Circuit Court Clerks

FROM: Sara Boswell Dent, Deputy General Counsel

DATE: **January 31, 2005**

The following sections have been updated:

1. **Throughout the manual**, where instructions are given to collect a specific fee, a referral is made to the Fees and Costs section of the manual for the correct amount to be collected.
2. **Throughout the manual**, at the request of Research and Statistics at the AOC, code types to be used on the various screens in KYCourts have been added as appropriate. (This will be an ongoing addition to your manual and at this point, does not include all code types used).
3. **APPEALS TO CIRCUIT COURT** section -

Subsection *Record on Appeal in Circuit Court* has been clarified to direct the clerk to assign the next pre-numbered file folder instead of generating the case number and to complete a charge screen only for the charge(s) being appealed;

Subsection *File Delivered To Judge* includes a directive to create a tickler system for time frames referred to in this subsection.
4. **APPEALS TO SUPREME COURT/COURT OF APPEALS** section -

- a. Subsection Notice of Appeal added the time frame of 60 days for the filing of a notice of appeal from a family court paternity judgment (information only);
 - b. New subsection Tapes in Circuit Court Appeal Cases directs that audio and video tapes and digital recording disks filed in a circuit court appeal (XX) case are included in the record on appeal to the Court of Appeals.
5. **AUDIO RECORDING** section -

This section has been modified to include instructions for digital recordings.
 6. **BAIL BONDS** section -

Subsection Forfeitures has been rewritten to clarify the procedure when a bond forfeiture has been ordered by the judge.
 7. **BANKRUPTCY NOTICE** section -

This section has been rewritten at the request of Research and Statistics. When a bankruptcy notice is received, the case screen closing information will not be completed until a judge's order is entered that closes the case.
 8. **CALENDAR** section -

This section has been clarified to reflect its application to district court only as provided in Civil Rule 58.
 9. **CASE NUMBERING AND COLOR CODING** section -

At the request of Research and Statistics at the AOC, a new subsection Case Number Assignment T,M,F Cases is included which gives instructions for the assignment of a case number when violation, misdemeanor and felony offenses are included on the same citation.
 10. **CASES UNDER SUBMISSION** -

This section has been rewritten to clarify the procedure relating to AOC Form 280, Notice of Submission of Case for Final Adjudication.
 11. **CIRCUIT CRIMINAL CASES** and **DISTRICT COURT CRIMINAL COMPLAINTS** sections -

Subsection Sex Offender Registration Non-Compliance Notice includes instruction for filing this notice when it is received in a county other than the county of conviction.

12. **CITATIONS** section -

Under subsection License Plate Impoundment the address for mailing a copy of the court's order for license plate impoundment and the license plates impounded has been changed to:

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

13. **COURT INTERPRETERS** section -

Rewritten to conform to Amended Administrative Procedures, IX.

14. **DEPOSITIONS TO BE USED IN OTHER STATES** section -

Added instruction for clerk to sign the subpoena when court order directs together with instruction to file such court order in the General/Administrative/Miscellaneous Order file.

15. **DISABILITY PROCEEDINGS** section -

New subsection Sale of Real Estate By Guardian/Conservator has been added which outlines the procedure for a guardian or conservator to sell real estate.

16. **DISABILITY PROCEEDINGS; EXPUNGEMENT OF JUVENILE RECORD; EXPUNGEMENT OF DISMISSED OR ACQUITTAL CASES; EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS; INVOLUNTARY ADMISSION; INVOLUNTARY HOSPITALIZATION; INVOLUNTARY TREATMENT FOR ALCOHOL/DRUG ABUSE** sections -

Directive to **add the date of the order of expungement** to the outside of the envelope in which the records are sealed.

17. **DISSOLUTION OF MARRIAGE** section -

Added new subsection, Investigator's Report in Custody Proceedings which outlines the filing of such report and the mailing thereof to all attorneys of record.

Subsection VS 300 Form has been rewritten to include a directive that the bottom portion of the form must be written legibly and in unfading black ink.

18. **DOMESTIC VIOLENCE PROCEEDINGS** section -

Subsection *Domestic Violence Petition* - new directive to obtain domestic violence brochures from the Print Shop at AOC.

The list of individuals who may file a domestic violence petition has been deleted from this section since the clerk must accept ALL petitions and deliver to the judge.

19. **EXPUNGEMENT OF DISMISSED OR ACQUITTAL CASE; EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS; MOTION TO SET ASIDE/VOID CONVICTION; MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE** sections -

Fax number for Research and Statistics at the AOC provided.

20. **FEES AND COSTS** section -

Subsection *Miscellaneous Fees* - added fee for providing a copy of a digital recording (audio and/or video) of \$15.00 per disk

21. **RENAMED THE JURY** section TO **JURY INFORMATION**.

22. **JURY INFORMATION** section -

Deleted paragraph 9. which set out the number of jurors required to be present in the courtroom before selection process begins. An amendment to KRS 29A.060 removed this requirement. The number of jurors required to be present before selection process begins will be determined by your judge(s).

23. **JUVENILE MENTAL HEALTH** section -

A new subsection *Forms* has been added which lists all forms created for use in Juvenile Mental Health proceedings.

24. **PETITION FOR EMANCIPATION OF A MINOR** section -

This section has been deleted from the manual. There is no statutory authority for emancipation of a minor. If you receive such a petition and need assistance, please call Court Services at the AOC.

25. New section **PETITION FOR IMMEDIATE ENTITLEMENT TO CUSTODY** added:

Gives instruction for filing and processing a petition for immediate entitlement to custody.

26. **PROBATE** section -

Subsections *Sale of Real Estate by Fiduciary*; *Sale of Real Estate by Guardian/Conservator*; and *Sale of Real Estate by Trustee* have been added. These sections give instructions for filing and processing a motion for the sale of property in a decedent's estate; guardianship estate and trust estate.

27. **PROBATION AND PAROLE FEE** section -

This section has been renamed **PROBATION AND PAROLE FEE - OUT OF COUNTY** to clarify this procedure applies only to those fees collected for cases outside your county.

28. **STATISTICAL INFORMATION** section -

Under subsection *Charge Disposition Types*, the definition for DIV - Diversion has been rewritten to include violation charges as well as misdemeanor and felony charges.

29. **TERMINATION OF PARENTAL RIGHTS** section -

Subsections *Voluntary Termination, Guardian Ad Litem*; and *Involuntary Termination, Guardian Ad Litem/Public advocate*; instruction to use AOC Form 115, Appointment of Guardian Ad Litem in lieu of AOC Form DNA-10, Order Appointing Guardian Ad Litem.

30. **UNSATISFIED CIVIL JUDGMENT INVOLVING MOTOR VEHICLE ACCIDENT** section -

Instruction added that a fee is not charged for completing and signing form TC 94-65.