

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: July 12, 2006

1. Citations section –

- a. Added paragraph 5 directing that no case file be opened on a citation with a UOR code for serving a warrant or summons.
- b. New paragraph 6.b (3) regarding no court costs on a seat belt violation.
- c. New paragraph 6.b (4) regarding no court costs on KRS 189.580(1)(b) or 6(b) offenses.
- d. New section on Fish and Wildlife Citations and clerk's duty to notify Department of Fish and Wildlife when defendant fails to appear.
- e. New section on Carry Concealed Deadly Weapon License regarding no court costs for certain noncriminal violations.
- f. NOTE: New and obsolete UOR codes were not released by the KSP prior to these revisions to the Circuit Court Clerks Manual. Upon the release of same, the Manual will be updated to reflect those changes. Until such time, you should utilize the generic UOR codes for offenses for which no code is available.

7. COMMISSIONERS OF THE CIRCUIT COURT section –

Added new paragraphs 2 – 7 regarding the collection of the Judicial Sales Administrative Fee (JSAF) by the Circuit Court Clerk. **DO NOT PROCESS THE MOTION UNTIL THE JSAF FEE IS PAID.**

8. DOMESTIC VIOLENCE PROCEEDINGS section –

Correction of statutory citation in paragraph 27 due to statutory change in 2006 HB 290.

9. DRUG COURT section –

- a. Revised paragraph 11 to clarify duty to schedule an event on the criminal docket upon completion of probation program.
- b. Added new paragraph 12 and 13 regarding the duty to file drug court documents pursuant to new Rules of Administrative Procedure.

10. EXPUNGEMENT OF DISMISSALS OR ACQUITTALS section

Various amendments throughout to require petitioners to utilize AOC petition form, attachment of AOC criminal history to the petition, and identification of appropriate document codes.

11. EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS section

Various amendments throughout to require petitioners to utilize AOC petition form, attachment of AOC criminal history to the petition, payment of the fee for each charge to be expunged UP FRONT, clerk's use of AOC Form 496.1, Notification of Expungement and identification of appropriate document codes.

12. FEES AND COSTS section –

This section has been replaced with the Accounting Manual Fees and Costs section so they are in complete conformity. Substantive changes include:

- a. Circuit Civil section has new paragraph 5 requiring the collection of the \$100.00 fee from parties upon entry of order referring to master commissioner or special master commissioner.
- b. Miscellaneous Fees section on postage has been revised to conform to federal changes effective January 8, 2006.
- c. Miscellaneous Fees section on Civil Service of Process has been revised to include that \$40.00 fee is paid by party to officer and not collected by the clerk.
- d. Added sections regarding all-terrain vehicles, handicapped parking fines and tire chains.

13. JUVENILE CASES section –

- a. Added language in paragraph 3 regarding Confidentiality to clarify that public officers or employees, including law enforcement officers, have access to juvenile cases when engaged in the investigation of a juvenile under the code.
- b. Revised Public Record section and added new paragraphs 8, 9 and 10 regarding 2006 HB 3 and public access to certain juvenile records.

14. JUVENILE MENTAL HEALTH section –

Deleted reference to Family Court Division of Circuit Court in the heading of the section.

15. PROBATE section –

- a. New paragraph 52 on Juvenile Name Change. Requires issuance of summons upon absent biological parent.
- b. Deleted requirement for mailing of notice of petition/application and order appointing guardian/conservator for minor to Department of Revenue in paragraphs 35 and 38.