

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: Cindra K. Walker, General Counsel

DATE: November 16, 2007

1. **AGISTER'S LIEN AND WARRANT** section –

Deleted former Paragraph 7 and Renumbered last paragraph as 8.f.(5).

2. **BAIL BOND** section –

Removed former Paragraph 1.e. entitled No Probable Cause.

3. **CIRCUIT CRIMINAL CASES** section –

Beginning at former Paragraph 2 on Page 150, began Renumbering paragraphs as Paragraphs 6 through 25.

18.f.(2) Corrected code – "OVPD" Revised to "JSPG."

Revised 14.f.(5) as follows: Overlay the disposition type and disposition date on the charge screen according to the court's order.

4. **CITATIONS** section –

Added:

To Paragraph 2.

- a. When a copy of a citation is received by the clerk prior to the original citation; create a case in the case management system utilizing copy.
- b. When the original citation is received by the court, the case management system will display a message providing the case number.
- c. When the original citation is stamped filed; add the date and your initials and place the original in the case file.

NOTE: New and obsolete UOR codes were released by the KSP prior to these revisions to the Circuit Court Clerks Manual. Therefore, the Manual has been updated to reflect those changes.

**5. DISABILITY section –**

Renumbered subparagraphs 23.h. and 23.i. to 23.f. and 23.g.

In Paragraphs 12.c. and 23.g.(3), Added that clerk should send a copy of the disability judgment to the State Board of Elections only when the judge has check – marked the box finding that the respondent shall not retain the right to vote. KRS 30A.145. KRS 387.580 (3)(c).

**6. EXPUNGEMENT OF DISMISSALS OR ACQUITTALS section**

Removed: AOC's address and phone number

Removed: Research and Statistics name from the bottom of form AOC 497.

**7. EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS section –**

Removed: AOC's address and phone number

Removed: Research and Statistics name from the bottom of form AOC 496.

**8. GARNISHMENT AFTER JUDGMENT section –**

Renumbered Paragraphs 11 through 13.

In subsection entitled "Funds Held by Clerk" (new Paragraph 11)–Added language regarding Non-Wage Garnishment to state as follows:

If proceeds from a non-wage garnishment are returned to the clerk, hold the funds for fifteen (15) days from the date of return on the proceeds unless otherwise ordered by the court.

**9. JUVENILE CASES section –**

Clarified 3.b and 3.c to identify which state agencies and volunteers have access to which juvenile records, as follows:

- 3b Employees of CHFS, DJJ, and the Crime Victims Compensation Board.
- 3c Foster Care Review Board or its designees, and CASA volunteers responsible for services under the juvenile code.

Revised: 72.c (1) The case shall be returned to district court for further proceedings and re-docketed for review (REV) by the judge.

**10. PETITION FOR DAMAGES PERTAINING TO CHILDHOOD SEXUAL ABUSE/ASSAULT section –**

Revised: Page heading on pages 438-441 wrong – should read \*  
“PETITION FOR DAMAGES PERTAINING TO CHILDHOOD SEXUAL ABUSE/ASSAULT”

**11. PETITION FOR REMOVAL OF ACTION TO FEDERAL COURT section –**

Revised: Title revised to read Petition/Notice for Removal of Action to Federal Court.

**12. PLEAS section - NEW SECTION as follows:**

**PLEAS  
KRS 27A.460 (5) & (6)**

KRS 27A.460 (5) & (6) require the collection of data regarding defendant pleas

Entering a plea:

1. When an original plea is entered a final plea must be entered.
2. When the trial type is Court (“C”) or Jury (“J”), the original and final plea must be entered.
3. When the defendant pleads not guilty at the arraignment, enter “NG” as the original plea.
4. When the defendant pleads guilty at the arraignment, enter “G” as the original and final plea.
5. When the defendant pleads guilty at any court proceeding after the arraignment, enter “G” as the final plea.
6. When the defendant is found guilty at any court proceeding after the arraignment, enter “NG” as the final plea.

7. 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.

13. **PROBATE** section –

Revised: 49.b (3) to correct the code from pg. 473 from "ROD" to "ROS"