

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks  
FROM: Kevin J. Smalley, Manager Clerk Services  
DATE: **April 1, 2009**  
SUBJECT: Clerk's Manual Update

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**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/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO CLERK SERVICES.**

**1. Adoptions:**

Page 55, number 3, will now read:

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. Generate the next case for "AD" adoption cases or use the next pre-numbered file folder. Use the case type "ADPT". ~~Use the NEW name of the child in the style of the case and on the party screen.~~ \*\* this line was removed since the petitioner should be accepted and filed as presented.

**2. Bail Bonds:**

Page 118, letter C.

The Federal Homestead Exemption is now \$20,200.00 instead of the \$18,450.00.

**3. Citations:**

A. Prepayable Fine Chart, Page 172

The chart now includes 70 MPH

#### 4. Disability Proceedings:

Drivers License/Disabled Persons, Page 247

A Note as been added that reads as follows:

**Note: If wholly disabled, send a copy to the Department of Transportation**

#### 5. Dismissal Notice Section:

Page 262, number 1 will now read:

1. Trial courts shall review all pending actions **every month**.

#### 6. Dissolution of Marriage:

Page 264 number 1. a., will now read:

a. 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 214.116(4). **THE BOTTOM PORTION MUST BE WRITTEN LEGIBLY AND IN UNFADING BLUE OR BLACK INK.** Continue from here as previously indicated.

#### 7. Fees and Costs:

Page 313

Updates to the Fees and Costs Section of the Manual have been made, effective July 1, 2008.

- A. District Civil page 313, number 1:  
\$55.00 – Civil Filing Fee
- B. Third Party complaint Page 314, number 8:  
\$30.00 – Civil Filing Fee
- C. Transfer to Circuit when counterclaim or cross claim exceeds \$4,000, page 314, number 9:  
\$60.00 – Civil Filing Fee
- D. Counterclaim or Cross Claim exceeds \$500 but less than \$4,000, page 315 number 10:  
\$25.00 – Civil Filing Free  
\$5.00 – Court Technology – MCFO
- E. District Criminal, page 316:

\$130.00 – Criminal & Traffic Costs (effective 7/1/2008) and Library Fee, if applicable.

- F. Expungement Fee (misdemeanor/violation convictions), page 317, letter b:

\$100.00 per charge

Expungement Fee (no conviction)

None

- G. DUI Service Fee, page 317, letter C:

\$375.00 – DUI Service Fee (charges after 7/1/08)

- H. Circuit Civil including original actions of Administrative Agencies, Special Districts or Boards, page 318, number 3:

\$115.00 -- Civil Filing Fee (effective 7/1/08)

- I. Third-party Complaint, page 319, number 3

\$30.00 -- Civil Filing Fees

- J. Court costs are collected per case, page 320, Number 6, letter a:

\$ 130.00 – Criminal & Traffic Costs (effective 7/1/08) and  
25.00 -- Court Facilities Fee, if applicable

- K. Appeals, pages 321, number 7 letters a – e:

District Civil Appeals/Cross Appeals to Circuit Court - CR 3.03(2)(a)

\$60.00 -- Civil Filing Fee

10.00 --Court Technology

District Criminal Appeals/Cross Appeals to Circuit Court

\$60.00 -- Civil Filing Fee

Civil Appeals/Cross Appeals to Court of Appeals - CR 76.42

\$150.00 -- Civil Filing Fee

25.00 -- Court Facilities Fee, if applicable

Appeals or Cross Appeals from Circuit Court, Family Division, to the Court of Appeals, from Orders determining: (a) Paternity, (b) Dependency, Neglect or Abuse (c) Domestic Violence and (d) Juvenile Status Offense

\$75.00 – Civil Filing Fee

Criminal Appeals/Cross Appeals to Court of Appeals - CR 76.42

\$150.00 -- Civil Filing Fee

Civil and Criminal Appeals/Cross Appeals to Supreme Court -  
CR 76.42

\$150.00 -- Civil Filing Fee

L. Miscellaneous Fees:

a. Postage, pages 322-323

As Set by United States Postal Service -- Money Collected for  
Others

Postage per one ounce

\$ .42

Certified Mail Fees

With postage scale

(a) One ounce

\$9.62

(b) Each additional ounce

\$ .42

Certified Mail Fees

Without Postage Scale

(c) Normal Mailings

\$9.62

(d) Large Mailings

\$10.62

b. Bond Filing Fee (including ROR) - KRS 64.005

\$25.00 -- Bond Filing Fee

c. Providing a copy of an audio cassette tape (per tape)

\$10.00 -- Charges for Services

d. Providing a copy of a video tape (per tape)

\$20.00 -- Charges for Services

e. Issuing orders of attachment, executions, and post judgment writs of possession

\$20.00 -- Charges for Services

f. Issuing original and supplemental garnishments

\$10.00 -- Charges for Services

Civil:

(1) Jury Demand:

(a) Jury of 6

\$30.00 -- Charges for Services

(b) Jury of more than 6

\$60.00 -- Charges for Services

(2) Service of Process - \$40.00 paid by party to officer when requesting services. Not collected by Circuit Court Clerk.

**(\$50.00 if county has an ordinance for the collection of Court Facilities Fees)**

(c) Certified mail with restricted delivery

\$14.30 -- Money Collected For Others

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(11) No Seat Belt Fines

\$25.00-Criminal Traffic Fines, no court costs assessed when it is the only offense on the citation. Reference KRS 189.990(25) and KRS 189.125(6)

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(12) Criminal Littering-MCFO

Any fines assessed for KRS 433.753, 433.757, & 512.070 are to be split-60% to Fiscal Court, 40% to issuing agency.

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- (13) No Booster Seat Fines (effective 7/1/08) – warnings only for the 1<sup>st</sup> year; \$30.00 – Criminal Traffic Fines, no court costs assessed when it is the only offense on the citation. Allow defendants to purchase a booster seat in lieu of paying the fine. Reference KRS 189.990, KRS 186.574 and 431.451 (effective 7/1/09)

**8. Forcible Entry & Detainer:**

Page 330

Collect rent deposit with filing

**9. Subpoenas:**

Page 533

~~Any attorney licensed to practice in this state may issue and sign a subpoena on behalf of the Court.~~

Please feel free to contact Clerk Services if you have any questions.

Kevin J. Smalley,  
Manager, Clerk Services