

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks

FROM: Kevin J. Smalley, Manager Clerk Services

DATE: October 13, 2010

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. IT 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 THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO CLERK SERVICES AND/OR THE OFFICE OF GENERAL COUNSEL AT THE AOC.

1. BAIL BOND :

The previous language has been revised to accommodate recent case law. The current criteria for determining the sufficiency of property for bail bonds has changed. The clerk should no longer rely on whether property is affixed to the land when considering it as real estate for bail bond purposes.

The appropriate criteria for determining whether property such as mobile homes, manufactured homes, etc. should be considered along with the value of land for securing a bail bond is now whether such property has been legally converted into realty. If the personal property has not been properly converted into real estate, only the land should be used as value for the bail bond.

In addition, recreational vehicles as defined by KRS 186.650 (travel trailers, campers and motor homes) are personal property and should never be considered along with the value of land for purposes of securing a bail bond.

When in doubt whether a manufactured home should be included in the property value for securing bail bonds, refuse the bond (RCr 4.32) or request a determination from the judge.

2. DRUG COURT:

The Drug Court chapter has been replaced to accommodate the addition of new Drug Court Transfer procedures.

3. PROBATE:

Periodic Settlements shall now read:

Generally, newspaper advertisement of notices of the filing of annual accountings (i.e. periodic settlements) is only required when a hearing date has been set on the written report of the settlement. The following situations do not require advertising:

- a. When the court allows the fiduciary to send written notice of the hearing in lieu of advertising.
- b. 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.
- c. Reports and settlements of guardians and conservators of mentally disabled persons.
- d. Guardians under the Uniform Veterans' Guardianship Act.
- e. A hearing on a settlement (annual or final) filed in conformity with an approved proposed settlement made under KRS 395.617.

4. STATISTICAL INFORMATION:

The following three new codes have been added to the Statistical Information Chapter for the purpose of drug court transfers:

"DCTG" Drug Court Transfer Guilty (original disposition guilty)
"DCTD" Drug Court Transfer Diversion (original disposition diversion)
"TRFD" Drug Court Transfer

5. MEMORANDUM CHANGES:

When the Clerks Manual is updated a memorandum is placed at the front of the manual that indicates the changes. It has come to our attention that previous corrections have been made in the body of the text; but not in the memorandums. Additionally, previous incorrect information in two memos has been changed as follows:

a.) Memo: April 1, 2009, Adoption section now contains a strikethrough:

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.

b.) Memo: April 1, 2009, Subpoenas section now contains a strikethrough:

Subpoenas:

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

Note: Any attorney licensed to practice in this state may issue and sign a subpoena on behalf of the Court in Civil Cases. However, criminal subpoenas must be issued by the court.

The strikethrough and note were added for clarification and as the result of subsequent interpretation.

6. GRAMMAR AND SPACING ISSUES:

Throughout the manual spelling, punctuation, numbering, heading and spacing issues have been resolved.

7. UOR CHARTS:

Throughout the manual UOR and KRS charts have been replaced and updated to reflect current data and materials. These include:

These charts include:

- Misdemeanor Offenses filed as Traffic Cases
- UOR Codes for Prepayable Speeding Offenses
- Prepayable Overweight Offenses
- Other Prepayable Offenses
- Other Prepayable Offenses (where the court calculates fines)
- Felony Offenses under KRS 218A
- Felony Offenses under KRS 508
- Felony Offenses under KRS 510
- Felony Offenses under KRS 527
- Misdemeanor Offenses under KRS 218A
- Misdemeanor Offenses under KRS 508
- Misdemeanor Offenses under KRS 510
- Misdemeanor Offenses under KRS 527

8. **INTERNET LINKS:**

Throughout the manual, outdated charts have been removed and replaced with links to live charts that will be easier to maintain. This will better insure that information is accurate and current at all times. These include:

Fines for Speeding (Legislative Research Commission)
United States Attorneys' Office Contact Information

Please feel free to contact me if you have any questions.

Kevin J. Smalley,
Manager, Clerk Services