

Prior Memorandums

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks

FROM: Kevin J. Smalley, Manager Clerk Services

DATE: February 15, 2011

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. **Expungement of Purged or Destroyed Case(s):**

A new chapter has been created to deal with the expungement of cases already purged or destroyed pursuant to the Kentucky Court of Justice Record Retention Schedule.

2. **Fees and Costs Chapter:**

The Circuit Civil Fees and Costs section shall now read:

4. Extraordinary Services per CR 3.02 and Reopening Fees per FCRPP.

a. If your circuit judge signs an order that assesses additional costs for extraordinary services, collect the following fees in civil cases:

(1) Each instance where the number of items filed surpasses 50 in number or a multiple thereof (the 51st item, 101st item, etc) – to be collected following entry of judgment.

\$50.00 -- Charges for Services

(2) In civil cases where a jury trial exceeds four (4) days - to be collected following entry of judgment.

\$100.00 -- per day Jury Fund

b. Reopening Fees (Mandatory fees per FCRPP):

- (1) Domestic Relations where the case is reopened after six (6) months from the entry of the decree for the purpose of modifying the decree. Paid by movant. [Per FCRPP 3(6), effective January 1, 2011, a fee of \$50 .00 shall be paid by the movant in domestic relations cases reopened after six months from the entry of the decree for the purpose of modifying the decree. This does not include motions in 42 U.S.C. Title IVD cases for child support enforcement. The clerk shall collect any fee upon the filing of the motion, unless the movant is proceeding in forma pauperis.]

\$50.00 -- Charges for Services

- (2) Paternity determinations where the case is reopened after six (6) months from the entry of the paternity judgment for the purpose of modifying any support, custody or visitation ordered. Paid by movant. [Per FCRPP 14(1) effective January 1, 2011, a fee of \$50.00 shall be paid by the movant in paternity cases reopened after six (6) months from the entry of the paternity judgment for the purpose of modifying any support, custody or visitation ordered. This does not include motions in 42 U.S.C. Title IV-D cases for child support enforcement. The clerk shall collect any fee upon the filing of the motion, unless the movant is proceeding in forma pauperis.]

\$50.00 -- Charges for Services

3. **Paternity Proceedings:**

Paragraph number 13 shall now read:

Upon receipt of a motion to modify a paternity judgment, filed six (6) months from the entry of the judgment, collect a filing fee as set forth in the Fees and Costs section of the manual. Do not collect this fee for motions that include 42 U.S.C. Title IV-D cases for child support enforcement.

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

Kevin J. Smalley,
Manager, Clerk Services