

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: **July 15, 2014**

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO 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 MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

The following chapters have been updated to reflect changes from new legislation:

CITATION CHAPTER

Prepayable Citations has been amended to note that citations issued to a defendant under the age of 18 per the charge date are NOT prepayable and should be cited to court. The court shall not adjudicate a traffic violation involving a minor unless the person who assumed liability for the minor under the provisions of KRS 186.590 is present.

REDEMPTION OF LAND SOLD UNDER EXECUTION OR JUDICIAL SALE CHAPTER

This chapter has been updated to amend that a defendant may, under certain circumstances, within six months (rather than one year) from a judicial sale redeem or buy back his/her land which was sold on execution or at a judicial sale.

JUVENILE AND INSPECTION OF RECORDS CHAPTERS

Both chapters have been amended to include that Department of Public Advocacy attorneys may have access to a juvenile record when providing post-disposition representation to a juvenile public or status offender, where the attorney has provided a release signed by the child or his/her guardian authorizing release of the records.

A DPA attorney shall also have access to the court file of a minor prior to representation when the minor is in custody of the Department of Juvenile Justice and is residing in a residential treatment or detention center.

PROBATE CHAPTER

This chapter has been updated to reflect new legislation resulting in the creation of KRS 386B. Updates include clarification that petitions pertaining to a trust may be for the modification or termination of a trust as well as a contest to the validity of a trust.

The appointment of a GAL for a minor, incapacitated or unborn individual or a person whose identity or location is unknown or appointment of a GAL to represent several persons or interests has been included.

A Cypress/Charitable trust section has been added noting that circuit court has exclusive jurisdiction over actions to identify a charitable beneficiary of a trust.

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