KENTUCKY CIRCUIT COURT CLERKS' ACCOUNTING MANUAL

Written and Edited by:

Department of Auditing Services
Administrative Office of the Courts
100 Millcreek Park
Frankfort, KY 40601

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RULES OF COURT GOVERNING ACCOUNTING MANUAL

PURSUANT TO CR 1(2), RCr 1.02(2) AND SCR 1.050(1) THE PROVISIONS OF THIS MANUAL CONSTITUTE RULES OF THE KENTUCKY SUPREME COURT.

PURPOSE OF ACCOUNTING MANUAL

This manual provides Kentucky's Circuit Court Clerks a description of the uniform accounting system. The manual also serves as a guide in implementing the accounting system.

This manual should be used as a reference tool for resolving questions about the accounting system and its implementation. It should also be a primary training tool for new deputy clerks who will perform the accounting function.

The uniform accounting system described in this manual was designed for the Circuit Court Clerks to achieve the following objectives:

- to properly classify and record all financial transactions;
- to establish appropriate control over all financial transactions;
- to make the accounting process as understandable and efficient as possible; and
- to make the accounting of court monies uniform statewide.

The accounting manual is divided into five major categories: Fees and Costs; Systems Overview; Bookkeeping; State Monies; and Third Party Monies.

The Fees and Costs category contains a detailed schedule of fees and costs collected by the Circuit Court Clerk. The Systems Overview category includes general information regarding the accounting system and bank accounts. The Bookkeeping category details bookkeeping policies and procedures for the accounting system. The State Monies category lists and explains the monies due to the Commonwealth. The Third Party Monies category lists and details the monies held in trust for parties other than the Commonwealth.

"The Department of Auditing Services strongly recommends that Circuit Court Clerks adhere to the policies and procedures contained in this manual to avoid negative findings and reportable conditions on audits performed by the Auditor of Public Accounts. Audits released by the Auditor of Public Accounts are considered public records under Kentucky's Open Records Act and are available for public viewing."

LIST OF UPDATES TO ACCOUNTING MANUAL

Periodically, updates to the accounting manual categories and sections are necessary. A brief synopsis of the updates will be contained in the List of Updates to the Accounting Manual. The newest update will appear first in this section.

The List of Updates to the Accounting Manual section will serve as an “index” of the updated sections of the accounting manual. This section will not include any update in its entirety; therefore, it is very important and necessary that any Clerk involved in bookkeeping in the Circuit Court Clerk’s office review changes and modifications in each updated section in the manual. New sections of the accounting manual will be incorporated periodically, and will also require review. Please check this section weekly to ascertain any changes, modifications, or new sections.

Please contact the Department of Auditing Services at the Administrative Office of the Courts regarding questions, suggestions, or for help with the accounting manual.

LIST OF UPDATES TO ACCOUNTING MANUAL

IMPORTANT INFORMATION!!

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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 DEPARTMENT OF AUDITING SERVICES AT THE AOC.

TO: Circuit Court Clerks

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: January 17, 2013

Update January 17, 2013

The Collateral Security Agreement policy change:
The term of the collateral security agreement is from the date of execution of the agreement through the end of the depository relationship. That relationship is severed whenever the account is closed or whenever a new clerk comes into office. **Prior** to this policy change the collateral security agreement was updated annually.

Postage Increase – Effective January 27, 2013
Certified Mail Fees:

- Certified mail: Total **$10.86**
- Each additional ounce $.20 (no change)

Service of Process by Secretary of State

- Certified Mail - $10.00 – (no change)
- Certified Mail with restricted delivery- **$14.75**

Certified Mail Fees for Electronic Return Receipt:

- Certified Mail: Total **$9.56**

Prior to 1/27/2013 Certified Mail Fees:

- Certified mail: Total **$10.30**
- Each additional ounce $.20 (no change)

Service of Process by Secretary of State

- Certified Mail - $10.00 – (no change)
- Certified Mail with restricted delivery- **$14.55**

Certified Mail Fees for Electronic Return Receipt:

- Certified Mail: Total **$9.10**

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TO: Circuit Court Clerks

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: January 11, 2012

Updates January 11, 2012

Postage Increase – effective January 22, 2012
Prior to 1/22/2012 Certified Mail Fees:

- Certified mail: Total $10.09
- Each additional ounce $.20

Service of Process by Secretary of State

- Certified Mail - $10.00
- Certified Mail with restricted delivery- $14.50

Certified Mail Fees for * Electronic Return Receipt:

- Certified Mail: Total $8.94

Effective 1/22/2012 Certified Mail Fees:

- Certified mail: Total **$10.30**
- Each additional ounce $.20 (no change)

Service of Process by Secretary of State

- Certified Mail - $10.00 – (no change)
- Certified Mail with restricted delivery- **$14.55**

Certified Mail Fees for Electronic Return Receipt:

- Certified Mail: Total **$9.10**

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TO: Circuit Court Clerks

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: June 7, 2011

Updates June 7, 2011

(1) Effective June 8, 2011 The District Civil Fees and Cost (9) and (10) shall now read:

(9) Transfer to Circuit when counterclaim or cross claim exceeds ~~$4,000~~ **$5,000**

$	60.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	5.00	--	Court Technology -- MCFO
$	15.00	--	Court Facilities Fee, if applicable (circuit court Court Facilities Fee less district court Court Facilities Fee already paid)

(10) Counterclaim or cross claim exceeds $500 but is less than ~~$4,000~~ **$5,000**

$	25.00	--	Civil Filing Fee
$	5.00	--	Court Technology – MCFO

(2) Effective June 8, 2011:

- **HB463:** Jail Credit for Non-payment of Fines & Costs

A defendant who has been sentenced to jail for failure to pay a fine or court costs or for failure to appear in court on a date set for the sole purpose of addressing nonpayment of a fine or court cost shall receive a "Jail Credit" in various amounts, up to $100. Obtain Notice of Jail Credit (AOC-426) from the Jailer. (See Section: **Bookkeeping**; establishing new sub-section "Jail Credit").

- **HB463**:Bail Bond Credit

A defendant who the court determines is eligible will now receive a credit of $100.per day as a payment toward the amount of the bail set for each day or portion of a day that the defendant remains in jail prior to trial. Obtain Notice of Bail Credit (AOC 365.2) from the Jailer. (See Section: **Special Collections for Third Parties**; establishing new sub-section "Bail Bond Credit").

LIST OF UPDATES TO ACCOUNTING MANUAL

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TO: Circuit Court Clerks

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: April 19, 2011

Updates April 19, 2011

Postage Increase – effective April 17, 2011

Prior to 4/17/2011 Certified Mail Fees:

- Certified mail: Total $10.04
- Each additional ounce $.17

Effective 4/17/2011 Certified Mail Fees:

- Certified mail: Total $10.09
- Each additional ounce $.20

Effective 4/17/2011 Certified Mail Fees for * Electronic Return Receipt:

- Certified mail: Total $8.94

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TO: Accounting Manual

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: February 21, 2011

Updates 02/21/2011

The Circuit Civil Fees and Costs 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 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 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

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TO: Accounting Manual

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: December 21, 2010

Updates 12/21/2010

1. Master Commissioner Judicial Sale's fee will increase to $200.00 effective January 1, 2011: Supreme Court Order 2010-10 AP Part IV.
   Commissioners of the Circuit Court
   Master Commissioner Judicial Sales Fee:
   $200.00 -- Money Collected for Others effective 1/1/2011
   $100.00 -- Money Collected for Others prior to 1/1/2011

2. Auditing Services, in conjunction with the Office of General Counsel has an additional updated to the Clerk's Accounting Manual in the "**Property Bond"** section: (1) Review the court order and determine the amount of property required to set bond for the defendant. (2) Require the defendant or surety to file Form AOC 360 Sworn Schedule. The schedule must include a legal description of the real estate. NOTE: A "manufactured home," as defined in KRS 186.650, can only be accepted as part of the real property to be used as security on a property bond if the owner of the manufactured home (1) executes and files with the county clerk an

affidavit of conversion to real estate pursuant to KRS 186A.297 that states that the manufactured home has been or will be permanently affixed to the real estate and (2) accompanies the affidavit with a surrender of the Kentucky certificate of title. ~~Since the county clerk will provide a copy of the affidavit of conversion to real estate with the property value administrator, the circuit clerk should require the defendant or surety to include this information in the PVA's statement described in Paragraph (3) of this section~~. A "recreational vehicle" (as defined in KRS 186.650), including a travel trailer, camping trailer, truck camper, and motor home, should never be included in the value of real property (3) Require the defendant or surety to file a statement from the Property Valuation Administrator of the county where the land is located, showing the value of the land. In addition, if the defendant or surety wants you to include the value of the manufactured home in the value of the land, require him or her to file a certified copy of the applicable affidavit of conversion to real estate that was filed with the county clerk, accompanied by a certified copy of the Kentucky certificate of title for the manufactured home that was surrendered to the county clerk. CAVEAT: The PVA statement of value should already include the value of the manufactured home. Do not add the value of the manufactured home a second time.

3. **Surplus postage and other surplus fee accounts**: Periodically, each county shall be requested to remit all surplus amounts in the Money Collected for Others, sub-categories of postage ~~advertising~~, and diversion fees to the Administrative Office of the Courts. Periodically, review the Money Collected for Others, Advertising detail card and submit a check for any excess advertising fees.

4. Collateral Security Agreement

PROCEDURE:

1. Contact the financial institution concerning the need for a collateral security agreement.
   ~~2.If the financial institution has a collateral security agreement, then obtain a copy and forward toThe Department of Auditing Services. Auditing Services will submit it to the Office of General Counsel for their approval. Upon approval, Auditing Services will contact the clerk and advise that the collateral security agreement can be signed by the clerk and by the financial institution.~~
   ~~3.If the financial institution does not have a collateral security agreement, then a "sample" agreement below can be used by the clerk. If the "sample" agreement is used, then it does not need to be submitted for approval by the Office of General Counsel.~~
2. Forward the "sample" agreement below to the financial institution for its review and approval. If the "sample" agreement is used, then

it does not need to be submitted for approval by the Office of General Counsel.

3. If the financial institution modifies the “sample” collateral security agreement or substitutes its own collateral security agreement then obtain a copy and forward the proposed collateral security agreement to the Department of Auditing Services. Auditing Services will submit it to the Office of General Counsel for their approval. Upon approval, Auditing Services will contact the clerk and advise whether the collateral security agreement can be signed by the clerk and by the financial institution or whether further modifications are required.

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TO: Accounting Manual

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: October 6, 2010

Updates 10/6/2010

Mailing Address Change
Mail a COPY of Federal form 8300 to the following address:
The U.S. Attorney's office for the Eastern Districts
260 West Vine Street Suite 300
Lexington, KY 40507-1612

Requirements change; Property Bond
For converting a manufactured home from personal to real property
A "manufactured home," as defined in KRS 186.650, can only be accepted as part of the real property to be used as security on a property bond if the owner of the manufactured home (1) executes and files with the county clerk an affidavit of conversion to real estate pursuant to KRS 186A.297 that states that the manufactured home has been or will be permanently affixed to the real estate and (2) accompanies the affidavit with a surrender of the Kentucky certificate of title. Since the county clerk will provide a copy of the affidavit of conversion to real estate with the property value administrator, the circuit clerk should require the defendant or surety to include this information in the PVA's statement described in Paragraph (3) of this section. A "recreational vehicle" (as defined in KRS 186.650), including a travel trailer, camping trailer, truck camper, and motor home, should never be included in the value of real property.

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TO: Accounting Manual

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: September 14, 2010

Update 9/14/2010

Any discrepancies between the monthly Driver's License report and the month-end balance of the Organ Donations/Trust for Life-MCFO detail card should be researched and documented on the green bar report from the Driver's License system.

Donations, a copy of the green bar report, and a written explanation of discrepancies should be submitted to the Trust for Life organization when monthly reports are submitted.

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TO: Accounting Manual

FROM: Sharon Woodrum, Manager
Auditing Services

DATE: February 24, 2010

Update 2/24/2010

Amending Expungement – change effective February 24, 2010

"Amended to require a fee for each case, as opposed to each charge."

The above update is in reference's to Kelly Stephens, Deputy General Counsel emailed, dated February 24, 2010 to all Circuit Court Clerks.

LIST OF UPDATES TO ACCOUNTING 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 DEPARTMENT OF AUDITING SERVICES AT THE AOC.

TO: Circuit Court Clerks

FROM: Scott Brown, Executive Officer
Financial Services

DATE: May 12, 2009

Update 5/1/2009

Postage Increase – increases effective May 11, 2009
Booster Seat Fine - effective July 1, 2009

FEES AND COSTS

NOTE: To transfer a case from one court to another, collect the difference in the filing fee from the transferring court to the new court in addition to any other applicable fees.

District Civil

NOTE: In counties having a law library, a taxed attorney fee of $2.50 applies in addition to other fees.

1. District Civil including original actions of Administrative Agencies, Special Districts or Boards. CR 3.03, KRS 24A.010

$	55.00	--	Civil Filing Fee (effective 7/1/2008)
$	35.00	--	Civil Filing Fee (prior to 7/1/2008)
$	10.00	--	Access to Justice Fee
$	5.00	--	Court Technology -- MCFO
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

a. Exceptions:

(1) Small Claims

$	20.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(2) Amount in controversy is $500 or less (not filed in Small Claims)

$	30.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(3) Probate

$	20.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	10.00	--	Court Technology -- MCFO
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable
		--	**Exemption:** Filing of AOC form -860

(4) Each application of guardian, conservator, and curator unrelated to a probate proceeding

$	20.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	10.00	--	Court Technology -- MCFO
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(5) Name Change

$	20.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	10.00	--	Court Technology -- MCFO
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(6) Paternity Determination – KRS Chapter 406

$	20.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	10.00	--	Court Technology -- MCFO
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(7) Forcible Detainer Action

$	20.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	10.00	--	Court Technology -- MCFO
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(8) Third-party Complaint

$	30.00	--	Civil Filing Fee
$	10.00	--	Court Facilities Fee, if applicable

(9) Transfer to Circuit when counterclaim or cross claim exceeds $5,000

$	60.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
$	5.00	--	Court Technology -- MCFO
$	15.00	--	Court Facilities Fee, if applicable (circuit court Court Facilities Fee less district court Court Facilities Fee already paid)

(10) Counterclaim or cross claim exceeds $500 but is less than $5,000

$	25.00	--	Civil Filing Fee
$	5.00	--	Court Technology -- MCFO

(11) Petition for Permission to Marry

$	5.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(12) Self-consent Abortion

$	10.00	--	Civil Filing Fee
$	10.00	--	Access to Justice Fee
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable

(13) Mental Health Proceedings under KRS 202A, 202B, 387 as Pertains to Involuntary Hospitalization

None

(14) Student Driving Privilege Reinstatement

None

(15) In forma pauperis

None

(16) Counterclaim or cross claim if amount in controversy does not change jurisdiction to another court

None

(17) Commonwealth – KRS 453.010

None.

NOTE: City and county governments are **not** exempt from paying a filing fee UNLESS the action is filed in the name of the Commonwealth.

District Criminal

2. District Criminal KRS 24A.175

NOTE: In counties having a law library, a taxed attorney fee of $2.50 applies in addition to other fees.

a. Court costs are collected per case.

$	130.00	--	Criminal & Traffic Costs (effective 7/1/2008); **OR**
$	125.00	--	Criminal & Traffic Costs (effective 7/13/2004); **OR**
$	120.00	--	Criminal & Traffic Costs (effective 4/7/2004); **OR**
$	100.00	--	Criminal & Traffic Costs (effective 8/1/2002); **AND**
		--	Library Fee, if applicable
$	10.00	--	Court Facilities Fee, if applicable in Traffic "T" cases
$	20.00	--	Court Facilities Fee, if applicable in Misdemeanor "M" cases

(1) Court costs are based upon the charge date.

(a) Offenders will pay the court costs **<u>in effect on the violation date shown on the citation</u>** plus library fee and court facilities fee, if applicable.

(b) Refer questions about receipting court costs to the Department of Auditing Services.

(2) Court costs are not assessed unless there is a conviction. Absent a finding of indigency, imposition of court costs is mandatory any time there is a conviction.

(3) Schedule show cause hearings as ordered by the Court.

(4) If the court establishes an installment plan for the offender, apply payments first to court costs, then to restitution, then to fees and finally to fines, unless otherwise ordered by the Court. Contact the Department of Auditing Services if you receive a court order directing you to apply payments in a different fashion.

NOTE: Use the "SCIP" code when installment payments are deferred or ordered by the court.

b. Expungement Fee (misdemeanor/violation convictions)

$	100.00	--	per **case** (effective 2/24/2010)
$	100.00	--	per charge (effective 7/1/2008 through 2/23/2010)
$	25.00	--	per charge (prior to 7/1/2008)

c. Expungement Fee (no conviction)

None

d. DUI Service Fee

$	250.00	--	DUI Service Fee (charges **before** 7/13/2004);
$	325.00	--	DUI Service Fee (charges **on and after** 7/13/2004);
$	375.00	--	DUI Service Fee (charges on and after 7/1/2008)

EXCEPTION:

(1) A person who has not turned 21 and is found guilty in adult court of operating a motor vehicle with an alcohol concentration between 0.02 and 0.07 under KRS 189A.010(1)(e) SHOULD NOT be assessed the DUI Service Fee.

(2) A person who has not turned 21 who is charged and adjudicated in juvenile court under KRS 189A.010(1)(a), (b), (c), or (d) SHOULD NOT be assessed the DUI Service Fee.

(3) A person who has not turned 21 who is charged and convicted of violating KRS 189A.010 (1) (a), (b), (c), or (d) in adult court SHOULD be assessed the DUI Service Fee.

e. Fees for arrest and executing process: (64.090) NOTE: Arrest fees are not to be collected on behalf of Kentucky State Police, Fish & Game Officers, or Vehicle Enforcement Officers.

Misdemeanor cases
$30.00 – Money Collected For Others

Felony cases with warrant or criminal summons
$20.00 – Money Collected For Others (effective 7/15/1996)

Felony cases with warrant or criminal summons
$10.00 – Money Collected For Others (prior 7/15/1996)

f. Constable Fee (KRS 64.190):

Collected only upon conviction of person arrested by constable for violation involving a motor vehicle on a public highway

$0.50 – Money Collected For Others

g. Wildlife Replacement Cost and Damage – Set by court order

Paid directly to Department of Fish and Wildlife, landowner, occupant or tenant and **not** paid through circuit clerk.

h. Room and Board Fees (i.e. work release, jail reimbursement fees)

Paid directly to Jailer and **not** paid through circuit clerk.

i. Fire Suppression Fees – Set by court order

Paid directly to Natural Resources and **not** paid through circuit clerk.

j. In forma pauperis

None

k. Animal Control and Care Fund

Set by Court Order – Money Collected For Others
(Fine **only** paid on monthly basis to Kentucky State Treasurer and mailed to Animal Control and Care Fund, Department of Agriculture)

Circuit Civil

NOTE: In counties having a law library, an attorney tax fee of $5 applies in addition to other fees.

3. Circuit Civil including original actions of Administrative Agencies, Special Districts or Boards CR 3.02, KRS 23A.010

$	115.00	--	Civil Filing Fee (effective 7/1/2008)
$	80.00	--	Civil Filing Fee (prior to 7/1/2008)
$	20.00	--	Access to Justice Fee
$	10.00	--	Court Technology Fee -- MCFO
		--	Library Fee, if applicable
$	25.00	--	Court Facilities Fee, if applicable

a. Exceptions:

(1) Writ of Habeas Corpus

None

(2) RCr 11.42 proceedings

None

(3) Third-party Complaint

$	30.00	--	Civil Filing Fee
$	25.00	--	Court Facilities Fee, if applicable

(4) In forma pauperis

None

(5) Commonwealth (except condemnation proceedings) KRS 453.010

None

NOTE: City and county governments are **not** exempt from paying a filing fee UNLESS the action is filed in the name of the Commonwealth.

(6) Amended Complaint

None

b. Master Commissioner Judicial Sales Administrative Fee:

$	200.00	--	Money Collected For Others effective 1/1/2011
$	100.00	--	Money Collected For Others prior to 1/1/2011

For a judicial sale which is withdrawn prior to the sale date, and a new sale is scheduled within six months of the original sale date, an additional JSAF shall not be charged. Any judicial sale which is rescheduled after six months from the original sale date, shall be considered a new referral for judicial sale and an additional JSAF of $200 shall be charged.

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 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 IV-D cases for child support enforcement. The clerk shall collect any fee upon the filing of the motion, unless the movant files a motion to proceed 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 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 files a motion to proceed in forma pauperis.]

$50.00 – Charges for Services

Circuit Criminal

5. Circuit Criminal KRS 23A.205

a. Court costs are collected per case.

$	130.00	--	Criminal & Traffic Costs (effective 7/1/2008); **OR**
$	125.00	--	Criminal & Traffic Costs (effective 7/13/2004); **OR**
$	120.00	--	Criminal & Traffic Costs (effective 4/7/2004); **OR**
$	100.00	--	Criminal & Traffic Costs (effective 8/1/2002); **and**
$	25.00	--	Court Facilities Fee, if applicable

(1) Court costs are based upon the charge date.

(a) Offenders will pay the court costs **<u>in effect on the date charged, (i.e. date grand jury returns indictment)</u>**, plus court facilities fee, if applicable.

(b) Refer questions about receipting court costs to Department of Auditing Services.

(2) Court costs are not assessed unless there is a conviction. Absent a finding of indigency, imposition of court costs is **mandatory** anytime there is a conviction.

(3) Schedule show cause hearings as ordered by the Court.

(4) If the court establishes an installment plan for the offender, apply payments first to court costs, then to restitution, then to fees and finally to fines, unless otherwise ordered by the Court. Contact the Department of Auditing Services if you receive a court order directing you to apply payments in a different fashion.

NOTE: Use the "SCIP" code when installment payments are deferred or ordered by the court.

b. Fees for arrest and executing process: (64.090)
(Arrest fees are not to be collected for KSP, Fish & Game, or Vehicle Enforcement)

Misdemeanor cases
$30.00 – Money Collected For Others

Felony cases with warrant or criminal summons
$20.00 – Money Collected For Others (effective 7-15-1996)

Felony cases with warrant or criminal summons
$10.00 – Money Collected For Others (prior 7-15-1996)

c. Attorney Fees – set by court order
Money Collected for Others

Appeals

NOTE: In counties having a law library, an attorney tax fee of $10 applies in civil cases in the Court of Appeals in addition to other fees, when the party is represented by an attorney. This fee is <u>not</u> to be remitted to the trustees of the county law library. This fee is collected as a fee collected for others and held until ordered by the court to be disbursed to the prevailing party.

6. Appeals

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

$	60.00	--	Civil Filing Fee
$	10.00	--	Court Technology

b. District Criminal Appeals/Cross Appeals to Circuit Court

$ 60.00 -- Civil Filing Fee

c. Civil Appeals/Cross Appeals to Court of Appeals – CR 76.42

$ 150.00 -- Civil Filing Fee
$ 25.00 -- Court Facilities Fee, if applicable

d. 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, or (d) Juvenile Status Offense

$ 75.00 -- Civil Filing Fee

e. Criminal Appeals/Cross Appeals to Court of Appeals – CR 76.42

$ 150.00 -- Civil Filing Fee

f. Civil and Criminal Appeals/Cross Appeals to Supreme Court – CR 76.42

$ 150.00 -- Civil Filing Fee

g. Exceptions

(1) In forma pauperis

None

(2) Public Advocate

None

(3) Commonwealth

None

NOTE: City and county governments are **not** exempt from paying a filing fee UNLESS the action is filed in the name of the Commonwealth.

Miscellaneous Fees

7. Miscellaneous Fees (and Costs Common to Both District and Circuit Court):

a. Postage:

See website www.usps.gov

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

(1) per one ounce
Standard #10 Envelope

$	0.46	--	(effective 1/27/2013)
$	0.45	--	(effective 1/22/2012)
$	0.44	--	(effective 5/11/2009)
$	0.42	--	(effective 5/12/2008)
$	0.41	--	(prior 5/12/2008)

(2) Certified Mail Fees (with postage scale)

(a) Return Receipt Mail

(i) One ounce
Standard #10 envelope

$	10.86	--	(effective 1/27/2013)
$	10.30	--	(effective 1/22/2012)
$	10.09	--	(effective 4/17/2011)
$	10.04	--	(effective 5/11/2009)
$	9.62	--	(effective 5/12/2008)
$	9.31	--	(prior to 5/12/2008)

(ii) Each additional ounce

$	0.20	--	(effective 4/17/2011)
$	0.17	--	(prior to 4/17/2011)

(b) Return Receipt – Electronic (counties using electronic version)

(i) One ounce
Standard #10 envelope

$	9.56	--	(effective 1/27/2013)
$	9.10	--	(effective 1/22/2012)
$	8.94	--	(effective 4/17/2011)
$	8.84	--	(prior 4/17/2011)

(ii) Each additional ounce

$	0.20	--	(effective 4/17/2011)
$	0.17	--	(prior 4/17/2011)

(3) Certified Mail Fees (without postage scale)

(a) Return Receipt - Mail

(i) Normal Mailings
Standard #10 envelop

$	10.86	--	(effective 1/27/2013)
$	10.30	--	(effective 1/22/2012)
$	10.09	--	(effective 4/17/2011)
$	10.04	--	(effective 5/11/2009)
$	9.62	--	(effective 5/12/2008)
$	9.31	--	(prior to 5/12/2008)

(ii) Large Mailings

$	11.86	--	(effective 1/27/2013)
$	11.09	--	(effective 4/17/2011)
$	11.04	--	(effective 5/11/2009)
$	10.62	--	(effective 5/12/2008)
$	10.31	--	(prior to 5/12/2008)

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

$	25.00	--	Bond Filing Fee (effective 7/1/2008)
$	4.00	--	Bond Filing Fee (prior to 7/1/2008)

c. Preparing a Certification, including Act of Congress (AOC Form 060)

$	5.00	--	Charges for Services CR 3.02(2)

d. Preparing an Attestation

$ 0.50 -- Charges for Services

e. Providing a copy of a document (per page)

$ 0.25 -- Charges for Services

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

$ 10.00 -- Charges for Services (effective 7/1/2008)
$ 5.00 -- Charges for Services (prior to 7/1/2008)

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

$ 20.00 -- Charges for Services (effective 7/1/2008)
$ 15.00 -- Charges for Services (prior to 7/1/2008)

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

$ 20.00 -- Charges for Services (effective 7/1/2008)
$ 10.00 -- Charges for Services (prior to 7/1/2008)

i. Issuing original and supplemental garnishments

$ 10.00 -- Charges for Services (effective 7/1/2008)
$ 4.00 -- Charges for Services (prior to 7/1/2008)

j. Fax machine:

(1) First page – including cover page

$ 2.00 -- Charges for Services

(2) Each additional page

$ 1.00 -- Charges for Services

k. Civil:

(1) Jury Demand:

(a) Jury of 6

$	30.00	--	Charges for Services (effective 7/1/2008)
$	15.00	--	Charges for Services (prior to 7/1/2008)

(b) Jury of more than 6

$	60.00	--	Charges for Services (effective 7/1/2008)
$	30.00	--	Charges for Services (prior to 7/1/2008)

(2) Service of Process

$	40.00		
$	50.00	--	(if county has ordinance for the collection of Court Facilities Fees)

Both fee amounts are effective January 1, 2007; paid by party to officer when requesting services. Not collected by Circuit Court Clerk.

(3) Publishing Notices – paid by requestor prior to publication

Set by newspaper – Money Collected For Others

(4) Original deposition, appearance fees and mileage

Assessed as costs – Money Collected For Others

(5) Service of Process by Secretary of State on non-resident defendants: (The fee shall be taxed as costs in the action and is payable by all parties, including state agencies – KRS 454.210(3)(c); KRS 273.369(2); KRS 271B.1-220(2)).

(a) Certified Mail

$	10.00	--	Money Collected For Others

(b) Certified Mail with restricted delivery

$	14.75	--	Money Collected For Others (effective 1/27/2013)
$	14.55	--	Money Collected For Others (prior 1/27/2013)

$ 14.50 -- Money Collected For Others (prior to1/22/2012)

(6) County Clerk Recording Fees – KRS 64.012

(a) Property bond recording fee

(b) Property bond lien release fee

Per county court clerk – Money Collected For Others
(Contact your local County Clerk for exact amount of recording and release fees.)

(c) Wills or other probate documents under KRS 394.300 (recording of wills)

Per county court clerk

Library Fee – KRS 172.180; 453.060

I. Criminal:

(1) Restitution

Set by court order -- Restitution

(2) Restitution Fee

On and after 8-01-2002
5% -- Restitution Fee

7-15-1998 through 7-31-2002
5% -- DCE Fee (now receipted as Restitution Fee)

Before 7-15-1998
2% -- Charges for Services

(3) Criminal Garnishment – KRS 532.162(2)

After 7-15-1998
$2.50 per disbursement – Charges for Services

(4) Public Advocate

Partial Fee

Set by Court Order – PA Partial Fee

(5) Crime Stopper's Fee (select counties only)

$ 1.00 -- Money Collected For Others

(6) DATA Fee (select counties only)

Set by Court Order
Paid directly to Provider and not paid through circuit clerk.

(7) Probation and Parole Fee to Department of Corrections (KRS 439.315)

Set by court order – Charges for Services

(8) All-terrain vehicles on a public highway or private road – fines only (KRS 189.515)

$20 minimum/$50 maximum – MCFO/Fiscal Court, county road fund if on a public highway. MCFO/property owner if on a private road.

(9) Handicap Parking Fines

$ 250.00 -- Handicap parking fines, no court costs

(10) Tire Chains – improper use—fines only KRS 189.190 (1)

$20 minimum/$100 maximum – MCFO/Fiscal Court, county road fund if on a public highway. MCFO/property owner if on a private road.

(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)

(12) Criminal Littering – MCFO

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

(13) No Booster Seat Fines – warning only (effective 7/1/2008)

Booster Seat Fine (effective 7/1/2009)
$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 431.452.

m. Civil and Criminal:

Your fiscal court may enact an ordinance allowing assessment of additional fees and costs in Circuit Court and/or District Court. If such an ordinance exists, a copy should be provided to you by the County Judge Executive or the County Attorney. The amounts to be collected and the cases in which the Court Facilities Fee may be assessed are identified in the Fees and Costs section of this manual. Consult the Circuit Court Clerk's Accounting Manual for directions on the handling of the Court Facilities Fee.

SYSTEMS OVERVIEW

GENERAL

Circuit Court Clerk's offices vary significantly from county to county and accounting needs vary. There are three broad categories of office organizations:

Centralized Office

All functions of the clerk's office are performed in one location. The deputies performing the accounting functions (receipting or bookkeeping) are in close proximity to each other. All monies paid to the court are receipted at one location.

Partially Decentralized Office

The Clerk has more than one office in the court building where monies are collected. Monies may be receipted in the courtroom, driver's licensing, circuit court, district court, or the clerk's central office. Each section will balance its money at the end of the business day. The bookkeeper consolidates the monies for each section, resulting in one set of daily and monthly reports.

Decentralized Office

Due to a high volume of court transactions or the need for a branch office, the clerk has more than one office in the county. The other locations may have separate banking and bookkeeping functions. The required reports may be submitted from each location and consolidated at the central clerk's office.

The accounting manual provides policies and procedures for handling various transactions that occur daily. It is designed to accommodate any of the aforementioned office structures. The accounting system is designed to accommodate any bank account system authorized by local depositories.

Circuit Court Clerks generally utilize a combination of three types of bank accounts:

Commercial Bank Account

usually a NOW (Negotiable Order of Withdrawal) account;

Special Escrow Account

an account opened only when the court orders the deposit of monies into an interest bearing account. The interest earned on this account remains with the principal. Monies can only be disbursed from a special escrow account with a court order. There can be as many special escrow accounts as the court orders and/or;

Investment Bank Account

normally a Certificate of Deposit (CD) or another type of savings account.

Commercial Sweep Accounts are not authorized for use in a Circuit Clerk's office.

The accounting system consists of four major activities:

1. Cash Receipts
2. Cash Disbursements
3. Daily Closing
4. Monthly Closing

Posting of Circuit Court Clerk bookkeeping activity provides control and accountability for cash receipts and disbursements and reflects current balance activity.

Posting records and updates activity in the:

(a) Receipts Journal,
(b) Disbursements Journal,
(c) Payable Ledger Control Cards,
(d) Payable Ledger Detail Cards, and
(e) Provides detail activity for month end closing and reporting.

The sum of the balances on the Payable Ledger Control Cards for State Depository, Jury Fund, Witness Fund, Alimony & Support, Restitution/ Garnishment, Condemnation, Money Collected For Others and Library Fees must equal the balance on the NOW/Savings Ledger Control Card. The Special Escrow Payable Ledger Control Card is not included, as Special Escrow funds are maintained in separate bank accounts.

Payable Ledger Detail Cards must equal the respective Payable Ledger Control Card. Payable Ledger Detail Cards should be balanced weekly, but no less than monthly.

CASH RECEIPTS

Proper control must be established and maintained over all monetary transactions. The major elements of control over cash receipts are:

1. Manual cash receipt numbers are logged when received from AOC.

2. Preparation of cash receipt forms for all cash or cash items received in the clerk's office. All cash receipt numbers must be accounted for, regardless of the type of receipt (manual receipt or automated receipt).

3. Recording all cash receipts relating to court cases in case files.

The cash receipts system is designed to provide accounting controls over receipts of money by the Circuit Court Clerk.

All cash paid into the clerk's office must be recorded on a cash receipt form.

All cash receipts are posted to the receipts journal.

There are three types of cash receipts:

1. Driver's License

   The driver's license acts as a receipt to the customer. The copy retained in the clerk's office acts as a receipt for the clerk's records.

2. Manual

Manual receipts are three-part, pre-numbered NCR forms. The white copy is given to the payer. The yellow copy is placed in the case file or placed with the pink copy if a case file is not applicable. The pink copy is placed with the daily transaction file as support for the monies collected. *Manual receipts are used for bond payments accepted at local jails, driver's license and used in the Circuit Clerk's offices on an emergency basis due to the Windows receipts system being unavailable to issue receipts.*

3. Automated Cash Receipts

Automated receipts are three-part perforated forms that are completely blank. The receipts unit assigns a receipt number to the blank cash receipt. The Payer copy is given to the payer. The Filing copy is placed in the case file or placed with The Bookkeeping copy if a case file is not applicable. The Bookkeeping copy is placed with the daily transaction file as support for the monies collected.

CASH DISBURSEMENTS

Proper control must be established for all disbursements made by the Circuit Court Clerk. Adequate support is required for cash disbursements.

Proper control over cash disbursements is established with the following policies:

1. All disbursements from the clerk's office are made with a pre-numbered check.

2. There is an accounting for each pre-numbered check. Voided checks (with the exception of stale-dated checks) are filed with the monthly bank statement.

3. Each disbursement is recorded in the disbursements journal.

4. Cash disbursements may be recorded in case files when applicable.

DAILY CLOSING

The daily closing process ensures that all accounting transactions have been accurately recorded and that all accounts are in balance for the business day.

The following daily closing policies provide controls for the accounting process:

1. A cash receipt form exists for all cash items collected in the clerk's office. Either a copy of the driver's license or three-part receipt form is utilized.

2. All cash receipt numbers issued each day are accounted for and reviewed.

3. The total of all cash receipts issued for the business day is balanced to the total cash or cash items collected, and posted to the receipts journal.

4. The total cash received is deposited intact daily. The deposit must equal the total of cash collected for the business day.

5. All disbursement checks issued for the business day are accounted for, and posted to the disbursements journal.

6. All receipts and disbursements are properly posted to the correct control and/or detail ledger cards.

MONTHLY CLOSING

The monthly closing process requires the closing and balancing of all accounts and books for the month. Monthly closing procedures are greatly simplified if the daily closing procedures are accurate and current during the month.

Monthly closing consists of closing the receipts and disbursements journals, reconciling detail ledger cards with control cards, and reconciling bank statements. Monthly reports must be completed and funds disbursed as required by court rules and statute.

DISASTER RECOVERY

In the event of a disaster, Auditing Services will be responsible for record and asset recovery as well as delivering the necessary supplies and equipment to allow the office to resume normal business activities.

The following procedures are to be followed in each county for data recovery:

Windows Receipts/Bookkeeping systems – All data is stored on a back-up server at AOC, however, you need to maintain a paper copy of the monthly Summary Financial Report in a secure location (preferably a fire-proof safe) until the next month is successfully closed. Replace the previous month's report with the month just closed.

In the event that a Circuit Court Clerk's office suffers damage and must be closed for an extended period of time, all cash must be removed from the office. Each office should have at least one (1) lockable bank deposit bag for such an emergency. The cash will be placed in the lockable bag and dropped off at the Circuit Court Clerk's bank with instructions to hold the bag for safekeeping.

The Disaster Recovery Team for Auditing Services consists of:

Scott Brown
Executive Officer
Statewide contact
502-226-0693

Steve Hall
Audit Investigator
Statewide contact
606-975-5363

INTERNAL CONTROL

Internal control consists of the plan of organization and all the related methods and measures adopted within the Circuit Court Clerk's office to safeguard its assets from employee theft, robbery, and unauthorized use.

Internal control is also used to enhance the accuracy and reliability of the clerk's accounting records by reducing the risk of errors and intentional mistakes and misrepresentations in the accounting process.

There are six basic principles of internal control:

(1) Establishment of responsibility –

Assigning responsibility of a receipt unit to one employee.

If there is a shortage in a cash drawer that more than one person has operated, it may be impossible to determine who is responsible for the shortage.

(2) Segregation of duties –

Related activities should be assigned to different individuals.

The employee who receipts cash should not be the employee who prepares the daily cash summary sheet or the deposit.

The employee who signs the disbursement checks should not be the employee who prepares the bank reconciliation.

The employee who opens the mail and lists the receipts should not be the employee who receipts the payments.

NOTE: It is required that each Circuit Clerk's office designate a backup bookkeeper in their office. The duties shall be rotated (on a regular basis) between the bookkeeper and backup bookkeeper.

(3) Documentation procedures –

Cash receipts and disbursement checks should be pre-numbered (if not automated) and all documents should be accounted for.

(4) Physical, mechanical, and electronic controls –

Safes for cash, receipts, and checks, locked storage cabinets for records, and computer facilities with password protection are physical controls to safeguard assets.

Alarms to prevent break-ins, television monitors to deter theft, and time clocks to record time worked are mechanical and electronic controls to safeguard assets.

(5) Independent internal verification –

Verification of bookkeeping should be performed periodically or on a random basis.

The verification should be performed by someone who is independent of the employee responsible for the information.

Discrepancies and exceptions should be reported to the Clerk so that the Clerk can take appropriate corrective action.

Audits should be performed by either the APA and/or AOC auditors.

(6) Other controls –

Bonding of employees who handle cash contributes to the safeguarding of cash.

Rotating employees' duties and requiring employees to take vacations are controls designed to deter employees from attempting thefts.

The cashing of personal checks from office receipts or the change fund is strictly prohibited.

The Circuit Court Clerk Accounting Manual contains policies and procedures designed to enhance internal control.

The use of the restrictive endorsement on checks reduces the likelihood that the check will be diverted to personal use.

The requirement to prepare bank reconciliations also contributes to good internal control.

Cash receipts and disbursement checks are pre-numbered if manual, and blank if automated.

Safes are provided to safeguard cash, blank checks, and blank receipts.

The auditing staff at AOC periodically verifies bookkeeping records.

The Administrative Office of the Courts recognizes the limitations placed on Circuit Clerks to utilize the basic principles of internal control due to a lack of sufficient personnel.

However, there are measures the Circuit Clerk can institute to strengthen internal control.

(1) The Circuit Court Clerk could review and approve bank reconciliations.

(2) Incoming mail (payments) could be logged. The clerk who logs the mail would be a different person from the clerk who actually receipts the payments.

The listing of mail payments would be compared to cash receipts records and deposit slips by an employee with no access to cash.

(3) Disbursement checks could be prepared by specified employees who are independent of disbursement approval.

(4) Bank reconciliations could be performed promptly at the end of each month (upon arrival of bank statement).

(5) Bank reconciliations could be prepared by a clerk who has no receipting or disbursement duties.

The Department of Auditing Services at AOC encourages Circuit Clerks to implement as many internal controls as practicable.

Please consult the Department of Auditing Services regarding implementation of internal controls not covered under policy and/or procedure in the accounting manual.

PUBLIC INSPECTION OF RECORDS

POLICY:

While court records are not subject to the Kentucky Open Records Act pursuant to Ex Parte Farley, 570 S.W.2d 617 (1978) and KRS 26A.200 to .220, the Kentucky Supreme Court has opined that court records are public records unless specifically deemed confidential by statute or court order.

The basic duty of the circuit clerk, as keeper of court records, is to safely keep court records and to provide access to them unless they are specifically deemed confidential by statute or court order. KRS 30A.080

The clerk should allow inspection and copying if at all possible, but can refuse to do so if the request places an undue burden on the clerk and disrupts the daily functions of the office. The clerk's duty ends with permitting inspection and copying of court records.

The clerk is **not** required to:

(1) Research court records for anyone making a broad request;
(2) Create records such as lists; or
(3) Complete forms from information contained in the office.

The independent auditor's report is open to public inspection. (Refer to The Internal Control-Other Controls section).

Internal audits and recommendations are not open to public inspection.

Bookkeeping records are not open to public inspection. The record requests for bookkeeping records must be specific in order for the clerk's responsibility to produce the records to become effective.

The clerk has complete discretion over granting or denying records requests made by business entities. The clerk has no duty to open Court Records for public inspection if the request to inspect is tendered solely to advance the requestor's business interests and does not advance a primarily public interest or a legitimate private interest.

PROCEDURE:

For procedures regarding the inspection of records, reference the Kentucky Circuit Court Clerk's Manual, Inspection of Records.

RECOMMENDATION:

It is recommended that the Circuit Court Clerk establish an office policy on records requests to achieve consistency in handling such requests. Suggested guidelines are as follows:

(1) Records requests requiring activity by your deputies should be specific as to the case number and /or cases requested. General requests for information, which are broad, overly burdensome to your staff, and/or disruptive to your office may be denied.

(2) You may designate a place, time, and date for inspection (i.e. after regular business hours, certain days of the week and/or certain hours of the day).

(3) You may place time limits on each reader terminal by requiring sign-ups for 30 to 60 minute intervals and disallow consecutive time blocks by the same individual, thereby eliminating people "stacking" up while waiting to access a terminal.

(4) Requests for hard-copy files/documents could be limited to a maximum number per day, reducing the length of time it costs your deputies to re-file these cases/documents after use.

Reference: OGC 99-06-SD; OGC 01-04-JS; Memorandum issued by former Chief Justice Robert F. Stephens on July 29, 1985

SECURITY CODES

POLICY:

The Department of Auditing Services of the Administrative Office of the Courts has established this policy in order to protect the confidentiality of security codes used to access the automated receipts/bookkeeping systems. When the confidentiality of these codes is compromised, the integrity of the cash management systems is also compromised.

Security codes assigned for access to the automated receipts/bookkeeping systems shall be known to the user only. Security codes must not be shared with other employees. If an employee suspects that another employee has learned his/her security code, the employee must notify the Circuit Court Clerk immediately and request a new security code. The use of another employee's password is strictly prohibited.

Security codes may be added as new employees are hired, at the discretion of the Circuit Court Clerk. Permissions and security levels are to be assigned by the Circuit Court Clerk.

Security codes must be deactivated as soon as an employee terminates employment.

Security codes assigned for access to the automated receipts/bookkeeping systems should be changed every ninety (90) days for security purposes.

CITATION TRANSMITTAL LISTS

In accordance with KRS Chapter 431, the Circuit Court Clerk is required to maintain a system of accountability for all citations issued to assure that citations are not wrongfully destroyed, tampered with, or otherwise compromised in any manner.

Each day, law enforcement officers serving in each county will send completed transmittal lists with all issued and voided citations to the Circuit Court Clerks' offices.

The transmittal lists must be checked against the citations received.

> If there are discrepancies between the citations and the transmittal lists, contact the law enforcement agency involved.
>
> If the citations are reported incorrectly, contact AOC, The Legal Services Department.

RECORDS RETENTION

POLICY:

KRS 26A.220 states all public officers, public agencies, or other persons having custody, control, or possession of court records by statute or otherwise shall be subject to the direction of the Supreme Court with regards to such records, and no such officer, agency, or person shall fail to comply with any rule, regulation, standard, procedure, or order issued by the Chief Justice or his designee.

The following retention schedule for bookkeeping records is in effect for Circuit Court Clerks' offices. (The Circuit Clerk should contact the Department of Auditing Services prior to disposition of any bookkeeping records,)

Record Title and Description	**RETAIN AT AGENCY**	Disposition Instruction
Daily Closing Report File (contains cash receipts, (AOC500 and/or 501); AOC 502; AOC 503; bank deposit slips, CRBC, check stubs, outstanding checklist)	2 years	Contact AOC
Journal Books (contains cash receipts, (AOC 500, 502, 542, and shows posting of funds received, disbursed, and/or due to court.)	5 years	Contact AOC
Ledger Card File (contains AOC 505, 541, and 506)	2 years	Retain in open file until case is closed. Contact AOC
Bank Reconciliation File (contains all cancelled, voided checks, bank statements, deposit slips, and AOC 580)	2 years	Contact AOC
Adjusting Entry File and Time sheets (paper copy retention no longer required) (contains AOC 560 which shows adjustments to correct entries, and to record information not entered in system through)	5 years	Contact AOC

TRANSFER OF CIRCUIT COURT CLERK FUNDS

POLICY:

A Transfer of the Circuit Court Clerk's Funds & Records packet must be completed upon the appointment and/or election of a new Circuit Court Clerk.

The completion of the packet is the responsibility of the outgoing **and** incoming Circuit Court Clerks and/or their designees.

The Transfer of Circuit Court Clerk's Funds & Records packet consists of the following as of the date of the transfer:

Order from Chief Circuit Judge appointing the Incoming Circuit Clerk
Certification and Release Form
Acknowledgment Form
Profile Form
Bank reconciliation for each bank account listed on Profile Form
Outstanding Checklists for applicable bank reconciliations
Summary Financial Report
Fish and Wildlife Report
Certification of Jury Fund
Certification of Witness Fund
Jury, Witness, and Jury Commissioner Reimbursement Schedules
Ledger Card Schedule
Special Escrow Profile
Bank reconciliation for each bank account listed on Special Escrow Profile

All forms and reports should reflect the status of the Circuit Court Clerk's funds and records as of the last business day of the Circuit Court Clerk's term.

PROCEDURE:

(1) Complete the Certification and Release Form.

This form states that the Circuit Court Clerk certifies that the supporting schedules of the transfer packet represent an accurate accounting of funds and that there are no other financial obligations.

The Circuit Court Clerk also releases all bank accounts to the newly elected Circuit Court Clerk.

This form should be completed by the Circuit Court Clerk as of the last business day of the term.

(2) Complete the Acknowledgment Form.

This form states that the newly elected Circuit Court Clerk acknowledges receipt of the bank balance(s) and supporting schedules of the transfer packet.

This form should be completed by the Circuit Court Clerk-elect.

(3) Complete the Profile Form.

This form lists pertinent information regarding the Circuit Court Clerk's banking and investment accounts, collateral security agreement and electronic funds transfer, and the status of the Change Fund.

Attach a copy of the collateral security agreement and supporting Daily Cash Settlement Sheets.

The Circuit Court Clerk or designee should complete this form as of the last business day of the term.

(4) Complete a bank reconciliation for each bank account listed on the profile as of the last business day of the Circuit Court Clerk's term.

Attach a copy of the bank statement verifying balance used on Line one (1) of each bank reconciliation.

(5) Complete an Outstanding Checklist for each bank reconciliation, as needed.

(6) Complete a Summary Financial Report as of the last business day of the Circuit Court Clerk's term.

(7) Complete a Fish and Wildlife Report as of the last business day of the Circuit Court Clerk's term.

Attach copies of pertinent receipts and citations to substantiate Report.

(8) Complete a Certification of Jury Fund as of the last business day of the Circuit Court Clerk's term.

Attach copies of the Jury/Jury Commissioner Reimbursement Schedule to substantiate Certification.

(9) Complete a Certification of Witness Fund as of the last business day of the Circuit Court Clerk's term.

Attach copies of the Witness Reimbursement Schedule to substantiate Certification.

(10) Complete the Ledger Control Card Balance & Detail Card Balance Comparison report.

Categories to verify include: Bail Bonds, Alimony and Support, Restitution and Garnishment, Condemnation, Money Collected For Others, and Special Escrow.

(11) Complete a Special Escrow Form as of the last business day of the Circuit Court Clerk's term, detailing information for each special escrow account.

Complete a bank reconciliation for each special escrow account.

Attach a copy of each special escrow bank statement to verify balance used on Line one (1) of each bank reconciliation.

(12) Submit the completed and signed transfer packet as follows:

(a) Original – to the outgoing Circuit Court Clerk
(b) Copy – to the incoming Circuit Court Clerk
(c) Copy – to AOC's Department of Auditing Services.

BANK ACCOUNTS

POLICY:

All revenue collected for the state, and all public money shall be deposited in state depositories in the most prompt and cost-efficient manner available.

The Finance and Administration Cabinet may also require that the money be forwarded to the State Treasury at the time and in the manner prescribed by the Cabinet.

All monies which are deposited with the Clerk that are payable to a third party, which is not the Commonwealth; or which may become payable to a third party as a result of a court action; shall be deposited daily in a bank approved as a state depository bank in a special escrow account or accounts subject to the Clerk's withdrawal as required in the daily course of the Clerk's business, or as ordered by a court.

These third party monies are not subject to the provisions of KRS Chapter 41, relating to the deposit of money in the State Treasury.

The bank accounts of the Circuit Clerk shall accrue interest (KRS 30A.205 (3).

For services rendered by the depositories, there shall be no charges made of any character or description, per KRS 30A.205 (3).

Deposit slips are a product of the bank, and are subject to charges to the Clerk's office. The Administrative Office of the Courts will reimburse the Clerk's office for deposit slips.

Disbursement checks must be ordered through the Administrative Office of the Courts.

Circuit Clerks are required to use a combination of three types of bank accounts. These are:

<u>Commercial bank account</u>

This account is normally a NOW (Negotiable Order of Withdrawal) and is used by the clerk in the daily course of business.

All receipts will be deposited and all checks will be disbursed using this account. This account needs to be an interest-bearing account in which a bank statement is received on a monthly basis. It is recommended that the cut-off date on the bank statements should be the last business day of the month.

Special escrow bank account

This account is opened only when the court orders the principal be deposited to an interest bearing account.

The interest earned on this deposit remains with the principal and is disbursed only upon receiving the judge's order. This account needs to be an interest-bearing account in which a bank statement is received at least on a quarterly basis. There can be as many special escrow accounts as the court orders.

Investment bank account

This account is used to invest funds from the commercial bank account into a separate account in order to obtain a better interest rate.

This account is normally a CD (Certificate of Deposit) or another type of savings account. Interest earned on this account should be received from the bank by check on at least a semi-annual basis.

All clerk bank accounts must have "Commonwealth of Kentucky" as the first line in the account name.

The accounts must also use the Commonwealth of Kentucky – State Treasurer Federal Identification Number. This number can be obtained by contacting the Department of Auditing Services.

Retain all Forms 1099 for interest income for the NOW account and any special escrow accounts in separate file folders.

NOTE: Some banks offer accounts that pay a net amount of interest earned on account balances verses service fees assessed; the use of these type of accounts is prohibited. Commercial Sweep Accounts are not authorized for use in a Circuit Clerk's office.

COLLATERAL SECURITY AGREEMENT

POLICY:

KRS 41.240 requires funds held by a state depository to be collateralized for amounts in excess of Federal Deposit Insurance Corporation (FDIC) coverage. In order to fully protect a deposit of public funds, a depositor's security interest in collateral pledged to secure the deposit must be enforceable against the receiver of a failed financial institution.

In order to protect taxpayer funds from the risk of loss, the Auditor of Public Accounts requires that an agreement pledging collateral to secure a deposit of public funds is to be valid against the FDIC. Under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), 12 U.S.C.A. 1823(e), as amended by the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C.A. 4701 et seq., a pledge of collateral for a deposit is not valid against the FDIC unless it satisfies the following three (3) requirements:

1. The security agreement must be in writing;
2. It must be approved by the depository institution's board of directors or loan committee, and that approval must be reflected in the minutes of the board or committee; and
3. It must be an official record of the depository institution continuously since it was executed.

The term of the collateral security agreement is from the date of execution of the agreement through the end of the depository relationship. That relationship is severed whenever the account is closed or whenever a new clerk comes into office.

PROCEDURE:

1. Contact the financial institution concerning the need for a collateral security agreement.

2. Forward the following "sample" agreement to the financial institution for review and approval. If the "sample" agreement is used, then it does not need to be submitted for approval by the Office of General Counsel.

3. If the financial institution modifies the "sample" collateral security agreement or substitutes its own collateral security agreement, then obtain a copy and forward the proposed collateral security agreement to the Department of Auditing Services. Auditing Services will submit it to the Office of General Counsel for their review and approval. After review, Auditing Services will contact the clerk and advise whether the collateral

security agreement can be signed by the clerk and by the financial institution or whether further modifications are required.

SAMPLE AGREEMENT

COLLATERAL SECURITY AGREEMENT

THIS COLLATERAL SECURITY AGREEMENT, hereinafter called “Agreement”, is made and entered into on this _____ day of _____, 2____, by and between_____, hereinafter called “Depositor”, and _____, a financial institution organized under the laws of the United States or Commonwealth of Kentucky and authorized by law to conduct banking business in the Commonwealth of Kentucky, hereinafter called “Bank.”

RECITALS

A. The Depositor, through action of it's governing entity, has designated the Bank as a state depository for funds of the Depositor. All funds on deposit with the Bank to the credit of the Depositor are required to be secured by collateral as provided for in KRS 41.240 (hereinafter called “Public Funds Law”).

B. To perfect the security interest of the Depositor in the collateral to be pledged by the Bank hereunder, _____ (hereinafter called “Trustee”), an independent third party, will hold the collateral in a custody account for the benefit of the Depositor. The Bank shall not utilize the Trustee if such Trustee and Bank are owned by a single bank holding company.

C. The parties hereto desire to provide for the collateralization of the Depositor’s funds as required by the Public Funds Law and on the terms and conditions set forth herein. This Collateral Security Agreement was approved by, and duly recorded in the minutes, of the Board of Directors or Loan Committee of the Bank on _____, 2_____.

D. The Bank shall maintain this Agreement among its official records continuously until such time this Agreement is

terminated and all deposits of the Depositor have been properly paid out.

AGREEMENT

THEREFORE, IN CONSIDERATION of the foregoing and mutual covenants and promises set forth below, the parties hereto agree as follows:

1. During the term of this Agreement, the Depositor will, through appropriate action of its governing entity, designate the officer, or officers, who singly or jointly shall be authorized to represent and act on behalf of the Depositor in any and all matters of every kind arising under this Agreement. The Bank's deposit agreement is incorporated herein for all purposes; however, to the extent that any provision in such deposit agreement conflicts with the provisions hereof, the provisions of this Agreement will control.
2. The Bank hereby pledges to the Depositor and grants to the Depositor a security interest in certain assets owned by the Bank and held by the Trustee for the benefit of the Depositor (hereinafter called "Collateral") to secure the deposits held by the Bank for the Depositor as required by the Public Funds Law.
3. The total market value of the Collateral securing such deposits will be in an amount at least equal to the amount of such deposits, reduced to the extent that such deposits are insured by an agency or instrumentality of the United State government.
4. The Bank has heretofore or will immediately hereafter deliver to the Trustee Collateral of the kind and character permitted by the Public Funds Law. The Collateral shall be of sufficient amount and market value to provide adequate collateral for funds of the Depositor deposited with the Bank. The Collateral, or substitute Collateral as hereinafter provided for, shall be kept and retained by the Trustee in trust so long as the depository relationship between the Depositor and the Bank shall exist hereunder, and thereafter until all deposits made by the Depositor with the Bank shall have been properly paid out by the Bank to the Depositor or on its order.
5. The Bank shall cause the Trustee to accept the Collateral and hold the same in trust for the purpose herein stated.
6. The Bank shall cause the Trustee to promptly forward to the Depositor copies of safekeeping or trust receipts covering all Collateral, or substitute Collateral as provided for herein, held by the Trustee for the benefit of the Depositor within three (3) business days of the Collateral pledge. The Bank shall also cause the Trustee to remit statements of accounts of the Collateral to the Depositor at least on a monthly basis.
7. Should the Bank fail at any time to pay and satisfy upon presentment, any check, electronic funds transfer, draft, or voucher lawfully drawn upon

public funds deposited with the Bank whenever due, or in case the Bank becomes insolvent, or fails to maintain adequate Collateral as required by this Agreement, or in any manner breaches its contract with the Depositor, the Depositor may give written notice of such failure, insolvency or breach and the Bank shall cure such failure, insolvency, or breach within three (3) business days from receipt of such notice. In the event the Bank shall fail to cure such failure, insolvency, or breach within three (3) business days of its receipt of such written notice from the Depositor, it shall be the duty of the Trustee, upon demand of the Depositor with the proper supporting evidence thereof, to surrender the Collateral to the Depositor. The Depositor may sell all or any part of the Collateral and out of the proceeds thereof pay the Depositor all damages, losses, and expenses of any and every kind incurred by it on account of such failure, insolvency, or breach, or sale. The Depositor shall account to the Bank for the remainder, if any, of such proceeds or Collateral remaining unsold.

8. Any sale of the Collateral or any part thereof made by the Depositor hereunder may be either at public or private sale; provided, however, that notice of time and place where such sale shall be given three (3) days prior to the sale to the Depositor and the Bank. Such sale shall be to the highest bidder thereof for cash. The Depositor and Bank shall have the right to bid at such sale.
9. If the Bank shall desire to sell or otherwise dispose of any one or more of the securities constituting part of the Collateral deposited with the Trustee, it may substitute for any one or more of such securities other securities of the same market value and of the character authorized herein after written notice of such substitution is provided to the Depositor. The Depositor shall have the right to reject substitute Collateral by the Bank. Such right of substitution shall remain in full force and may be exercised by the Bank as often as it is desired; provided that the aggregate market value of all Collateral pledged hereunder shall be at least equal to the amount of Collateral required hereunder.
10. If at any time the aggregate market value of the Collateral so deposited with the Trustee is less than the amount required hereunder, the Bank shall within one (1) business day deposit with the Trustee such additional amount as may be necessary to cause the market value of such Collateral to equal the total amount of required Collateral hereunder. The Bank shall be entitled to income on securities held by the Trustee, and the Trustee may dispose of such income as directed by the Bank without the approval of the Depositor, provided a breach of contract does not exist.
11. If at any time the Collateral in the hands of the Trustee shall have a market value in excess of the amount required hereunder, the Depositor shall authorize the Trustee to withdraw a specified amount of Collateral equal to the amount in excess of that required. The Trustee may deliver this amount of collateral, and no more, to the Bank taking its receipt therefore, and the Trustee shall have no further liability for Collateral so redelivered to the Bank.

12. Each party shall have the right to terminate this Agreement by advance written notice to the other of its election to do so, and this Agreement shall be void from and after the expiration of sixty (60) days after the receipt of such notice provided all provisions of this Agreement have been fulfilled.
13. When the relationship of the Depositor and the Bank has ceased to exist and the Bank shall have properly paid out all deposits of the Depositor, the Depositor shall give to the Trustee written notice to that effect; whereupon the Trustee shall redeliver to the Bank all Collateral then in its possession belonging to the Bank taking receipt therefore.
14. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Kentucky and venue for any disputes related to this Agreement shall be in Kentucky. Any modifications to this Agreement, or change in Trustee, shall be agreed to in writing signed by the Depositor and the Bank. This Agreement is continuing and binding upon the bank and its successor and assigns, and shall inure to the benefit of the Depositor.
15. As used in this Agreement, the term “business day” shall mean a day in which the Federal Reserves Bank shall be open for the transaction of business.

EXECUTED this _____ day of _____,
2_____, by the undersigned duly authorized officers of the parties hereto.

DEPOSITOR:

By:_____
(Signature of Public Official)

Title:_____

BANK:

By:_____
(Signature of Bank Official)

Title:_____

RETURNED CHECKS

POLICY:

KRS 514.040 (4)(a) states payment was refused by the drawee for lack of funds, upon presentation within thirty (30) days after issue, and the maker failed to make good within ten (10) days after receiving notice of that refusal. Additionally, the notice, if mailed, shall be deemed received by the addressee seven (7) days after it is placed in the United States mail.

PROCEDURE:

(1) Determine the reason the check was returned (i.e., lack of endorsement, non-sufficient funds, stop-payment, etc.).

(2) Prepare an adjusting entry form to adjust the cash receipts journal and applicable ledger control cards and individual ledger cards.

The adjusting entry would be a Receipts – Original entry.

(a) Pull the third copy of the original cash receipt that is filed in the case.

Note on the receipt that the check was returned and reversed by adjusting entry.

Note the adjusting entry number on the receipt.

(3) File the cash receipt back in the case file.

(4) Post to the docket the check was returned by the bank; if applicable contact your County Attorney.

(5) Prepare a letter to notify the payer that the check was returned by the bank and that the check must be redeemed within ten (10) days. (See sample letter below.)

(6) If the payer satisfies the returned check after an adjusting entry has been performed, then the following procedures should be followed:

a) Prepare a new cash receipt.
b) Note on the new cash receipt the redemption of a returned check and original receipt number.

(7) If the returned check was for the issuance of a driver's license, driver's permit, or a personal identification card, the following procedures should be followed:

a) Prepare an adjusting entry form to adjust the cash receipts journal and applicable ledger control cards.

The adjusting entry would be a Receipts – Original entry.

b) Contact the Transportation Cabinet's Division of Driver Licensing so that an adjustment can be performed.

(8) Refer all uncollected NSF checks to your County Attorney.

(9) If the returned check was for a charge of service, the following procedures should be followed:

a) Prepare an adjusting entry form to adjust the cash receipts journal and applicable ledger control cards.

The adjusting entry would be a Receipts – Original entry.

OFFICIAL NOTIFICATION

Date:

To: Name
Address
Case/Citation/Driver's License #

Your check, dated _____ in the amount of $_____ was returned by the bank as un-collectable. If you have failed to redeem this check within ten (10) days, this matter will be turned over to the court for action on the returned check as well as renewed action under the matter on which your check was submitted in payment.

Your prompt attention to this matter will avoid further inconvenience.

Very truly yours,

Clerk's signature or name by _____d.c.

CURRENCY TRANSACTION REPORTS

POLICY:

Bank accounts utilized by the Circuit Court Clerk are subject to the provisions for U.S. Treasury Form FINCEN 104 Currency Transaction Report, promulgated by the Code of Federal Regulations, Title 31, Volume 1, Part 103, Subpart B, Section 103.22.

Each financial institution, other than a casino, shall file a report of each deposit, withdrawal, exchange of currency or other payment or transfer by, through, or to such financial institution which involves a transaction in currency of more than $10,000.

However, no bank is required to file a report with respect to any transaction in currency between an exempt person and such bank.

An exempt person is a department or agency of the United States, of any State, or of any political subdivision of any State.

A bank must designate each exempt person with which it engages in transactions in currency by the close of the 30-day period beginning after the day of the first reportable transaction in which currency with that person sought to be exempted from reporting.

Designation by a bank of an exempt person shall be made by a single filing of Treasury Form TD F 90-22.53.

The Circuit Court Clerk's bank is responsible for submitting U.S. Treasury Form TD F 90-22.53.

BANK RECONCILIATION
POLICY:

Financial institution bank statements must be reconciled to the respective Circuit Court Clerk bank accounts.

Reconciliation ensures bank funds are reflected accurately on the financial records of the Circuit Court Clerk.

Bank accounts are to be reconciled according to the following:

(1) General Savings/NOW Account – Must be reconciled monthly.

(2) Investment Bank Accounts – Must be reconciled monthly or no less than quarterly, depending on when bank statements are received.

(3) Special Escrow Bank Accounts – Must be reconciled monthly or no less than quarterly depending on when bank statements are received.

Interest earned on bank accounts is to be handled as follows:

1) General Savings/NOW Account and Investment Accounts

Interest credited to the bank statement is recorded as a reconciling item on the bank reconciliation.

The interest must be recorded to the books of the Circuit Court Clerk by adjusting entry the following month.

Interest paid by check is recorded by preparing a cash receipt to Interest Income and has no effect on the bank reconciliation.

2) Special Escrow Accounts

Interest credited to the bank statement is recorded as a reconciling item on the bank reconciliation.

The interest must be recorded to the books of the Circuit Court Clerk by adjusting entry the following month.

Interest paid by check is recorded by preparing a cash receipt to Special Escrow and has no effect on the bank reconciliation.

Outstanding checks are to be listed with the bank reconciliation, listing check date, check number and amount.

Stale dated checks and checks outstanding over six months, must be written off by adjusting entry.

Returned check items must be listed as reconciling items on the bank reconciliation.

If not resolved, they must be written off by adjusting entry.

See the Returned Checks section of Systems Overview, Bank Accounts.

Bank debits for money exchange rates are recorded as a reconciling item on the bank reconciliation in the month of occurrence.

An adjusting entry is to be prepared the following month to record the loss to cash short.

Bank service charges are not to be charged to Circuit Court Clerk bank accounts. KRS 30A.205 (3) states “For services rendered by the depositories there shall be no charges made of any character or description.”

Should these charges occur, the bank is to be notified and credit given on the next month’ s bank statement.

Deposit slip charges can be debited to the Circuit Court Clerk bank statement as a product is received.

The debit charge is to be carried as a reconciling item on the bank reconciliation until reimbursement occurs.

Reimbursement is made from the Administrative Office Of The Courts.

See the Procedures Section for instructions concerning the reimbursement.

Circuit Court Clerk bank accounts having balances over the amount insured by the FDIC are to be secured by a Collateral Security Agreement with the bank. See the Collateral Security Agreement section of Systems Overview, Bank Accounts.

PROCEDURE:

Bank Reconciliation – All Accounting Systems

AOC Form 580 is used for preparing the bank reconciliation.

It is a manually prepared form.

The only portion of the reconciliation process that is automated is the listing of checks.

Items needed in preparing the bank reconciliation:

(1) The bank statement showing all deposit and disbursement detail including canceled checks or check imaging.

(2) The Payable Ledger Control Card (Detail Card for special escrow) for the account being reconciled.

(3) The Cash Receipts Journal and Cash Disbursements Journal.

(4) Check Listing for the month being reconciled.

(5) Prior month bank reconciliation.

COMPLETING BANK RECONCILIATION

AOC FORM 580 – BANK RECONCILIATION

At the top of the form, complete the following:

Bank	Name of the bank for this account.
Account Number	The account number for this account.
Month	The month that corresponds with the month on the bank statement.
County	The county name.

Line 1 – Balance Per Bank

Enter the bank statement ending balance amount for the period being reconciled.

ADD:

Line 2 and 3 – Deposits or Bank Transfers In-Transit

This section lists all deposits and any transfers made from other accounts (Special Escrow) that have not been credited to the current month bank statement.

a) Refer to the prior month bank reconciliation.

If there are deposits in transit, they should be the first deposits listed on the current month bank statement.

If they are not on the bank statement, they will continue to be listed as deposits in transit on the current reconciliation.

IMPORTANT: Determine why the deposit has not been credited and take corrective action immediately.

b) Trace each deposit in the current month Cash Receipts Journal to the bank statement.

Any deposits not listed will be considered In Transit.

If any, these will usually be the last or last two deposits for the month.

If they are deposits earlier in the month, determine immediately why they have not been credited to the bank statement.

c) Counties accepting credit cards, trace any credit card deposit in the current month Cash Receipts Journal to the bank statement.

Any deposit not listed will be considered in Transit.

If any, these will usually be the last or last two deposits for the month.

Under Monthly Transactions, click on Credit Card Reconciliation to print list of outstanding transactions.

LESS:

Line 4- Outstanding Checks

This section lists all checks written that have not cleared the bank.

<u>Windows Accounting System</u>

a) Under Monthly Transactions, click on Check Reconciliation

b) Mark the checks that have cleared the bank in the month being reconciled.

c) When all checks are marked, print the check listing which will give the total of checks outstanding.

d) This total will go on Line 4 of Form 580 Bank Reconciliation.

NOTE: When the reconciliation is completed and in balance, see comments for “Line 13” below, click on “Purge Checks” under “Monthly Transactions” to remove those checks marked as clearing the bank resulting in a listing of only outstanding checks.

LESS:

Lines 5 and 6 - Outstanding Bank Transfers

This section lists transfers made from this account to another account (Special Escrow) that have not been debited on the bank statement.

Plus (Minus)

Lines 7 and 8 – Adjustments Recorded On Payable Control Card But Not By Bank

List each reconciling item that requires action by the bank. This will usually be bank error items.

Indicate whether the adjustment is a positive or negative amount.

Use brackets ( ) for all negative amounts.

Line 9 – Adjusted Bank Balance

The combination of Lines 1 thorough 8.

Line 10 – Balance Per Payable Control Card

Record the ending balance for the period being reconciled from the Payable Ledger Control Card or Detail Card for Special Escrow accounts.

Lines 11 and 12 – Adjustments Recorded By Bank Not On Payable Control Card

a) List reconciling items found on the bank statement not appearing on the Payable Ledger Control Card or Detail Card for Special Escrow accounts.

b) Indicate whether the adjustment is a positive or negative amount.

Use brackets ( ) for all negative amounts.

IMPORTANT – Make sure all reconciling items on the previous month bank reconciliation have been resolved. If not, they must be included on the current month bank reconciliation.

c) Typical Items would be:

1. Interest earned
2. Charges for deposit slips
3. Returned checks
4. Foreign exchange amounts
5. Deposit errors
6. Check clearing errors

Line 13 – Adjusted Payable Control Card Balance

The combination of Lines 10 through 12.

BALANCING

For the account to be reconciled:

Line 9, Adjusted Bank Balance and Line 13, Adjusted Payable Control Card Balance MUST agree.

When the bank reconciliation is complete and in balance, review the outstanding check list for checks outstanding over six months.

For checks that have been outstanding six months, prepare a cash disbursements adjusting entry to write off the check(s).

Also, when the bank reconciliation is in balance, prepare adjusting entries for reconciling items that are resolved.

OUT OF BALANCE INSTRUCTIONS

When AOC Form 580, Bank Reconciliation, Does Not Balance

(1) Re-calculate the math.

(2) Verify that amounts entered from other documents, i.e., bank statement, outstanding checklist, payable ledger control card, are correct.

(3) Verify that all reconciling items on the prior month reconciliation are resolved or carried to the current reconciliation.

(4) Verify all deposits in transit.

(5) Verify outstanding checks.

A quick method of verification:

To the outstanding check total on the prior month reconciliation:

ADD the checks written in the current month (Disbursements Journal) and

SUBTRACT checks (Debits) clearing the current month bank statement with the result being outstanding checks at the end of the current month.

This amount should agree with Line 4 of Form 580.

Note:
If the bank statement Debits include returned checks and service charges, those items will need to be added back in.

(6) For automated systems, verify the system check listing details all checks written through the end of the current month.

(7) Verify all reconciling items, whether from the bank statement or payable ledger control card, are listed.

(8) Verify micro-coding in lower right corner of check agrees with amount on bank statement.

FILING

Bank Reconciliation, Canceled And Voided Checks

All Accounting Systems

1) File the bank reconciliation with the attached listing of outstanding checks in the designated file or binder. File by fiscal year.

2) File bank statements by fiscal year.

3) For bank statements having canceled checks, file the voided checks in numerical order with the canceled checks.

   File the canceled checks with the bank statement.

4) For bank statements having check imaging, file the voided checks numerically in a secure folder or envelope and place with the bank reconciliation.

   File the check imaging with the bank statement.

DEPOSIT SLIP CHARGES

Reimbursement Of Bank Charge For Deposit Slips

Reimbursement is obtained from the Administrative Office Of the Courts.

1) Copy the page of the bank statement reflecting the bank debit for the deposit slip charge.

2) Send the copy with a cover letter or note requesting reimbursement to:

   Attn: Accounting Department
   Administrative Office Of The Courts
   100 Millcreek Park
   Frankfort, KY 40601-9230.

3) A check from AOC Accounting, made payable to the county, will be sent to the Circuit Court Clerk.

4) Endorse the check and prepare a deposit slip for the check.

5) The next bank statement will reflect this deposit.

   Therefore, the bank charge for deposit slips will no longer be a reconciling item on the bank reconciliation.

BOOKKEEPING

The following sections detail the policies and procedures related to the daily and monthly bookkeeping.

ACCEPTABLE METHOD OF PAYMENT

POLICY:

The Circuit Court Clerk shall consider cash, certified check, cashier's check, money order or credit cards as acceptable method of payment under all circumstances.

If the Clerk elects, they may "without personal liability" accept personal checks as payment under all circumstances except:

(1) Deposit for bail bonds.
(2) Money Collected for Others. The clerk may accept personal checks for fees for state and local officials when received in the same payment as fines and costs.
(3) When possible, payments made by personal check meeting the exception, should not be disbursed until that personal check has cleared the depository bank.

PROCEDURE:

Only personal checks made payable to the Circuit Court Clerk shall be accepted.

Obtain adequate identification (driver's license, etc.) from the payer noting address and telephone number, placing it on the upper left-hand corner of the check.

After acceptance of the check it should be immediately endorsed with a stamp as follows:

FOR DEPOSIT ONLY

CIRCUIT COURT CLERK _____COUNTY

Promptly deposit all checks intact with the daily deposit for that day's receipts.

ADJUSTING ENTRIES

POLICY:

Adjusting entries are used to correct previous entries to the cash receipts journal or the disbursements journal.

Adjusting entries are also used to record entries to the journals for items that are not included in the Daily Batch work.

Adjusting entries are filed numerically by fiscal year.

The entry date of the adjusting entry is the date of the receipt or disbursement to be amended or the date an entry is created.

The posting date is the date the adjusting entry is being posted to the cards and journal.

A detailed explanation is required for every adjusting entry.

The explanation should reference items such as receipt or check number, case number, style of case, and/or prior adjusting entry numbers.

The adjusting entry must be signed by the preparer and the Circuit Court Clerk and/or his designee.

Rubber stamp signatures are not acceptable.

Pre-signing adjusting entries is prohibited.

TYPES OF ENTRIES:

ORIGINAL ENTRY

An Original Entry voids previous entries.

Receipts Journal

An Original Entry in the Receipts Journal would be used to void any or all portions of a previous receipt.

An Original Entry in the Receipts Journal reduces the balance of the applicable ledger cards.

Disbursements Journal

An Original Entry in the Disbursements Journal would be used to void any or all portions of a previous disbursement.

An Original Entry in the Disbursement Journal increases the balance of the applicable ledger cards.

CORRECTED ENTRY

A Corrected Entry creates a receipt or disbursement.

Receipts Journal

A Corrected Entry in the Receipts Journal would be used to create a receipt or correct any or all portions of a previous receipt.

A Corrected Entry in the Receipts Journal will increase the balance of the applicable ledger cards.

Disbursements Journal

A Corrected Entry in the Disbursements Journal would be used to create a disbursement or correct any or all portions of a previous disbursement.

A Corrected Entry in the Disbursements Journal will reduce the balance of the applicable ledger cards.

PROCEDURE:

(1) Determine the journal which has the incorrect entry or for which an entry should be made to post a transaction.

(2) Determine the correction of the incorrect entry. If a transaction is to be posted to the journals, determine the correct entry.

(3) Create the adjusting entry with explanation.

(4) Sign the adjusting entry.

(5) Obtain approval signature from the Circuit Court Clerk or designee.

(6) Record the adjusting entry on the applicable ledger card(s) and/or journals.

Preparing Adjusting Entries:

Note: Adjusting entries cannot contain multiple MCFO lines. The system will only post the first MCFO line. The AE should post the total MCFO with a detailed breakdown in the memo section. In addition, any adjusting entry to over/short must be entered as a receipts adjusting entry.

Receipts Journal Entries

Adjusting entries to the receipts journal are typically used:

(a) to record interest earned from a bank statement;
(b) to void receipts paid with a returned check;
(c) to record foreign exchange check charges;
(d) to reclassify previous receipt entries; or
(e) to correct errors.

Original Entries to the receipts journal void previous entries and reduce the balance of the applicable ledger cards.

Corrected Entries to the receipts journal create receipts and increase the balance of the applicable ledger cards.

Examples of adjusting entries to the Receipts Journal:

(1) To record interest earned from a bank statement:

Corrected Entry	Interest Income - Amount of Interest
Explanation	Include date of interest earned, bank name and account number

(2) To void a receipt paid with a returned check:

Original Entry	Applicable fee code(s) – amount of original fee code(s) from original receipt to be voided
Explanation	Include information from original receipt such as Received From, Account Of, citation or case number, receipt number, and date of receipt to be voided. Explain that receipt was paid with a returned check and is being voided.

(3) To record foreign exchange check charges:

Original Entry	Over/Short fee code – amount of charge
Corrected Entry	Charges for Services – amount of charge
Explanation	Explain that receipt was paid with a foreign check resulting in a loss to the Clerk's office due to exchange rates.

(4) To reclassify previous receipt entries or correct errors:

Original Entry	Incorrect fee code(s) from original receipt – amount of incorrect fee code(s)
Corrected Entry	Correct fee code(s) for original receipt – amount of correct fee code(s)
Explanation	Include information from the original receipt such as receipt number, Received From, Account Of, citation or case number, and the date of the original receipt. Explain why fee codes are being changed.

Disbursement Journal Entries

Adjusting entries to the disbursements journal are typically used to:

a) record electronic transfers of funds;
b) to write off checks that are more than six months old, to reclassify disbursements; or
c) to correct errors.

Original Entries to the disbursements journal void disbursements and increase the balance of the applicable ledger cards.

Corrected Entries to the disbursements journal create disbursements and reduce the balance of the applicable ledger cards.

Examples of adjusting entries to the disbursements journal:

(1) To record electronic transfer of funds:

Corrected Entry –	State Depository Fee Code –Net Amount of State Monies collected for last month.
Explanation –	Explain that this entry is the Electronic Funds Transfer of State Monies for the applicable month and year. Include operator number, check digit number, and trace number.

(2) To write off checks that are more than six months old: Select disbursement adjusting entry for the daily menu, then answer “yes” to the question “would you like to void a check.”

Original Entry –	Fee code(s) of original check – Amount of fee code(s) of original check to be voided
Explanation –	Include in explanation the check is more than six months old and is being voided.

Include original check date, the payee, check number, and other pertinent information.

(3) To reclassify previous disbursement entries or to correct errors:

Original Entry -	Incorrect fee code(s) from original disbursement – amount of incorrect fee code(s)
Corrected Entry –	Correct fee code(s) for original disbursement – Amount of correct fee code(s)
Explanation –	Include information from the original disbursement such as check number, payee name, citation or case number, and the date of the original check. Explain why fee codes are being changed.

COUNTERFEIT/UNSANITARY MONEY

POLICY:

Counterfeit Money

In all cases in which the Circuit Clerk accepts counterfeit money, the Circuit Clerk will show a shortage on the books.

Bills of any denomination can be counterfeited.

In an effort to protect the Circuit Court Clerk from unnecessary cash shortages due to counterfeit bills, it is recommended that all bills of any denomination be checked with a counterfeit detector pen prior to issuing a cash receipt and prior to the customer leaving the Clerk's office.

Unsanitary Money

General Counsel has advised that absent an order from a judge directing the Clerk not to accept unsanitary money, the Clerk must accept whatever money is tendered.

PROCEDURE:

Detecting Counterfeit Money:

To use the counterfeit detector pen, draw a line on the bill. If the line indicates a suspect bill, do not accept the bill. This procedure must be done upon receipt of the bill.

Handling Unsanitary Money:

In the absence of a judge's order mandating the refusal of unsanitary money (money contaminated by body fluids or other unsanitary substances), the Clerk must accept unsanitary money.

AOC will supply latex gloves and plastic bags for handling unsanitary money. Using the latex gloves, count the money and place it in a plastic bag. Write the amount of the money on a piece of paper, and place it in the plastic bag. Process the payment as usual. Give the plastic bag with the unsanitary money to the bookkeeper to place in the office safe until the daily deposit is prepared.

DETAIL LEDGER CARDS

POLICY:

Detail ledger cards are used to record cash transactions for all types of funds.

Ledger cards provide a detailed history of all transactions on a particular case or type of funds, including special escrow.

Ledger cards are used daily to record receipts, disbursements, and adjusting entries for all monies.

Active ledger cards are filed in a ledger card tray, alphabetically, by category, in the bookkeeper's office.

Closed ledger cards are filed in a separate ledger card tray, by alphabetical order, by category, by fiscal year.

Active ledger cards must not leave the bookkeeper's possession.

When information from these cards is needed for other purposes, provide a photocopy of the ledger card to the person who requested it.

All detail ledger cards should be balanced weekly, but no less than monthly.

The total of all active detail ledger cards in each category must equal the balance per control card of the category.

The use of correction fluid is discouraged on detail ledger cards.

When an error is made, draw a line through the error, and write the correct entry above or beside the original, incorrect entry. Date and initial the error.

The use of miscellaneous detail ledger cards is strictly prohibited.

PROCEDURE:

(1) Utilize the following form numbers for each fee category:

Form Number	Form Color	Fee Category
505.1	Red	Restitution
505.2	Blue	Bail Bonds
505.3	Black	Alimony & Support
505.4	Green	Garnishment
505.5	Orange	Money Collected for Others
505.6	Brown	Condemnation

(2) Enter the fee category at the top of the left side of the ledger card.

(3) Enter the name of the county on the County line.

(4) On the Defendant and Address lines, enter the name and address of the defendant who paid the funds.

(5) On the Recipient and Address lines, enter the name and address of the person who is to receive the funds.

(6) Enter the case/citation number on the Case Number line.

(7) Enter the terms of payment (i.e. full cash bond or terms of restitution) on the Terms line.

(8) To post receipts and disbursements

Enter the information in each of the following columns:

(a) Date/Description/Case Number/Receipt or Check Number/Funds Received or Disbursed and the Balance.

1) Case numbers for receipts are not required for Postage, Court Technology Fees, and Attorney Tax Fees (District and Circuit cases only).

2) Attorney Tax fees for Appeals cases should be posted individually to a separate detail ledger card.

3) Case numbers for disbursements are not required for Jury checks, monthly fees, and Court Technology disbursements.

(9) To post adjusting entries:

(a) Enter the date;

(b) Adjusting entry number;

(c) Amount of funds disbursed or received by the entry; and

(d) Calculate the new balance.

(10) When it is necessary to utilize a continuation card:

(a) Enter the month and year on the top line of the Date column.

(b) Enter the words Balance Forward on the top line of the Description column.

(c) Enter the balance from the previous card on the top line of the Balance column.

FEDERAL FORM 8300

POLICY:

Federal Regulation TD 8652 (IA-57-94) requires that any clerk of a federal or state court who receives more than $10,000 in cash, as bail, for any individual charged with a specified criminal offense, must make a return of information with respect to that cash receipt.

Specifically, this return is known as Federal Form 8300, Report of Cash Payments over $10,000 Received in a Trade or Business. This regulation only applies to cash received in a transaction relating to bail bonds on or after February 13, 1995.

Where cash is received as a bond filing fee in a transaction relating to a bail bond, and that filing fee causes that transaction to exceed $10,000, then Form 8300 must be filed.

WHEN TO FILE

Within 15 days from the date on the cash receipt that caused the transaction to go over $10,000.

1) If the 15th day falls on a Saturday, Sunday, or legal holiday, you may file the form on the next business day.

2) When a $25 bond filing fee is received after the bond is posted, and that fee is related to a bond transaction of at least $10,000, then the report must be filed within 15 days from the date on the cash receipt for the bond filing fee.

WHO SHOULD FILE

The Circuit Court Clerk who received the cash.

1) When someone other than the clerk receives cash for bail, on behalf of the Clerk, (i.e. jailer/deputy jailer), the Circuit Clerk is treated as receiving the bail, and, therefore, the Circuit Clerk is responsible for all filing requirements for Federal Form 8300.

2) When cash is received for a bail bond on a case for another county, the Clerk in the county where the cash was received is responsible for all filing requirements for Federal Form 8300.

WHAT TO FILE

File Federal Form 8300 for ALL instances where MORE THAN $10,000 CASH is received in a transaction, or transactions, as a bail bond for certain specified offenses.

1) For purposes of Federal Form 8300, “CASH” means:

   a) U.S. and foreign coin and currency
   b) Cashier’s checks, treasurer’s checks, or bank checks*
   c) Bank drafts (Electronic transfers) *
   d) Traveler’s checks *
   e) Money orders *

   * This item is considered cash ONLY if it has a face value of $10,000 or less and it is received in a designated reporting transaction, or if it is received in any transaction in which you know the payer is trying to avoid the reporting of the transaction on Form 8300. This item is not considered cash if the face value is more than $10,000 because, if it was bought with currency, the bank or other financial institution that issued it was required to file a similar report.

2) For purposes of Federal Form 8300, “CASH” does not mean Personal checks drawn on a payer’s own account, regardless of the amount

3) For purposes of Federal Form 8300, “a specified criminal offense” means:

   a) A Federal criminal offense involving a controlled substance
   b) Racketeering
   c) Money laundering
   d) Any State criminal offense substantially similar, which includes ALL CHARGES against KRS Chapter 218A (controlled substances) and KRS 506.120 (engaging in organized crime)

WHERE TO FILE

(1) Mail the ORIGINAL Federal Form 8300 to:

The Internal Revenue Service
Detroit Computing Center
P.O. Box 32621
Detroit, Michigan 48232

(2) Mail a COPY of Federal Form 8300 to:

(a) The U.S. Attorney's Office in the jurisdiction where the defendant lives,

(b) The U.S. Attorney's Office in the jurisdiction where the specified criminal offense occurred

Where convenient, copies of Federal Form 8300 may be hand carried to the U.S. Attorney's offices.

The U.S. Attorney's offices are:

a) In Kentucky, all Eastern Districts

LEXINGTON DIVISION
260 West Vine Street
Suite 300
Lexington, Kentucky 40507

b) In Kentucky, all Western Districts

LOUISVILLE DIVISION
10th Floor, Bank of Louisville Building
510 West Broadway
Louisville, Kentucky 40202

c) The addresses for US Attorney's in other states may be obtained by contacting the U.S. Attorney in your Division, or by referring to the Circuit Court Clerk Manual.

(3) Retain a copy of Federal Form 8300 in the Circuit Clerk's bookkeeping files for five (5) years from the date the form was signed by the Circuit Court Clerk.

OTHER REQUIREMENTS:

(1) The Circuit Court Clerk MUST

(a) Furnish a written statement to each person posting bail whose name is set forth in the Federal Form 8300.

A copy of the Federal Form 8300 SATISFIES THIS REQUIREMENT; however, if he/she so elects, the Circuit Court Clerk may furnish the payer(s) of the bail with a written statement different from Federal Form 8300. (See page 88 of this manual for a sample statement) If a copy of Federal Form 8300 is used for this purpose, the Clerk must mask the social security numbers on the form.

This statement MUST:

a) Be mailed ON or BEFORE January 31 of the year following the year in which the cash was received, to the payer's last known address.

b) Contain:

1. The name and business address of the Circuit Court Clerk who filed Federal Form 8300

2. The aggregate amount of reportable cash received during the calendar year from the payer(s) of the bail;

Aggregate amount, used here, means the total amount of cash used by one person to post bail for another person or persons (i.e., If more than one bail bond was posted by the same person, and that amount exceeds $10,000, then this statement must include the total of all of those bail bonds. A separate statement for each bail bond is not in compliance with Federal Regulations.)

3. A legend stating that the information contained in the Federal Form 8300 has been reported to the IRS and the applicable U.S. Attorney(s).

c) Be retained for five (5) years from the date signed by the Circuit Court Clerk.

(b) Verify the identity of each payer of bail listed on Federal Form 8300.

(c) Report any suspicious transactions.

For purposes of Federal Form 8300, suspicious transaction means, a transaction in which it appears that a person is attempting to cause FORM 8300 not to be filed, or a false or incomplete form to be filed, or where there is an indication of possible illegal activity.

This form may be filed voluntarily for any suspicious transaction, for specified criminal offenses, even if the transaction does not exceed $10,000.

PENALTIES FOR NON-COMPLIANCE

The Circuit Court Clerk may be subject to civil penalties for non-compliance if any of the following conditions are met:

A) you fail to file a correct Form 8300 by the date it is due, and you cannot show that the failure was due to reasonable cause,

B) you fail to provide the required statement to those named in the Form 8300, and or

C) you intentionally disregard the requirement to file a correct Form 8300 by the date it is due, the penalty is the larger of:

a. $25,000, or
b. the amount of cash you received and were required to report (up to $100,000).

The Circuit Court Clerk may be subject to criminal penalties, upon conviction, for the following:

A) willfully failing to file a required Federal Form 8300 (fined up to $250,000, or sentenced to up to 5 years in prison, or both),

B) willfully filing a false or fraudulent Form 8300, and/or

C) willfully structuring or attempting to structure a transaction to avoid the reporting requirement. (Fine $25,000).

These violations may also be subject to criminal prosecution which, upon conviction, may result in imprisonment (up to five (5) years) or fines (up to $250,000).

IF AUDITED BY THE IRS

The IRS may conduct an on-site audit for compliance with these regulations. This audit will be conducted by an IRS Compliance Officer. Prior notification of this audit is not always provided.

When notified by the IRS that a Compliance Officer will visit, contact the Department of Auditing Services.

At the request of the Circuit Court Clerk, an AOC auditor will make every effort to be present for the audit and exit conference.

WHERE TO GET FORMS

For more information regarding Circuit Court Clerk responsibilities concerning filing Form 8300, or to obtain a current copy of Federal Form 8300, go to www.irs.gov and click on Forms and Publications. (Refer to Form 8300 and Publication 1544). Or, you may call 1-800-829-3676 to order the current form. (allow 6-8 weeks for delivery)

SAMPLE STATEMENT TO PAYER(S)

Dear _____:

Federal regulations require that any clerk of a federal or state court who receives more than $10,000 in cash, as bail, for any individual charged with a specified criminal offense, must make a return of information with respect to that cash receipt. Specifically, this return is known as Federal Form 8300, Report of Cash Payments Over $10,000 Received in a Trade or Business.

The cash, which you paid for bail in _____ County (Circuit/District) Court met the requirements mandated by federal regulations; therefore, Form 8300 has been submitted to the Internal Revenue Service by _____, Circuit Court Clerk, _____ County, _____, KY _____.

A copy of this return has also been forwarded to the United States Attorney(s) at the following address(s):

The following cash transaction(s) has/have been reported:

Date	Amount	Payer	Defendant	Case Number

The total cash reported to the Internal Revenue Service was $_____.

No action on your part is necessary. The purpose of this communication is informational only.

Sincerely,

Circuit Court Clerk
_____ County

PROCEDURE:

COMPLETING FEDERAL FORM 8300

Item 1: Place a check mark in Box (a) if you are amending a prior report.

Place a check mark in Box (b) if you are reporting a suspicious transaction,

PART I:

Item 2: Place a check mark in the box if more than one person paid cash for this particular bond.

Item 3: Type the last name of the surety.

Item 4: Type the first name of the surety.

Item 5: Type the middle initial of the surety.

Item 6: Type the social security number of the surety.

Item 7: Type the street address of the surety.

Post Office Box numbers ARE NOT sufficient.

Item 8: Type the birth date of the surety.

Six digits are required for this entry [i.e., If the birth date is 6/7/47, you must type 06/07/47].

Item 9: Type the City of residence for the surety.

Item 10: Type the State of residence for the surety.

Item 11: Type the Zip Code of residence for the surety.

Item 12: Type the Country of residence for the surety ONLY if that country is NOT the United States.

Item 13: Type the Occupation of the surety.

Use specific descriptive terms, such as plumber or secretary, instead of non-descriptive terms, such as merchant, businessman, or self-employed.

Item 14: (a) - Enter the type of document used to verify the identification (i.e., driver's license, passport, alien registration card, or other official document).

(b) - Enter the issuer of that document (i.e., State that issued the license, Country that issued the passport).

(c) - Enter the official number of that document (i.e., driver's license number or passport number).

PART II:

Item 15: Place a check mark in this box if this money was paid for more than one defendant.

Item 16: Type the last name of the defendant, or if this transaction is on behalf of a business or organization, type the name of the business or organization.

Item 17: Type the first name of the defendant. Skip this item if Item 16 is a business or organization.

Item 18: Type the middle initial of the defendant. Skip this item if Item 16 is a business or organization.

Item 19: Type the social security number of the defendant or if Item 16 is a sole proprietorship and has an employer identification number (EIN), enter both the social security number of the sole proprietor and the EIN number of the business or organization.

Item 20: Type the "doing business as" (DBA) name of the sole proprietor or business if that name is different than the name listed on Item 16. If there is no DBA write "none" in this space.

Item 21: Type the street address of the defendant, business or organization listed in item 16. (Post Office Box numbers are NOT sufficient).

Item 22: Type the occupation of the individual listed in Item 16. (Use specific descriptive terms, such as plumber or secretary, instead of non-descriptive terms, such as merchant, businessman, or self-employed) If Item 16 is a business or

organization, type the specific type of business conducted by that business or organization.

Item 23: Type the City of residence for the defendant or the City where the business or organization operates.

Item 24: Type the State of residence for the defendant or the State where the business or organization operates.

Item 25: Type the Zip Code of residence for the defendant or the Zip Code where the business or organization operates.

Item 26: Type the Country of residence for the defendant ONLY if that country is NOT the United States or the Country where the business or organization operates ONLY if that country is NOT the United States.

Item 27: (a) - Enter the type of document used to verify the identification (i.d., driver's license or passport).

(b) - Enter the issuer of that document (i.e., State that issued the driver's license, Country that issued the passport).

(c) - Enter the official number of that document (i.e., driver's license number or passport number).

PART III:

Item 28: Type the date you received the cash. Six digits are required for this entry. (i.e., if the date you received the cash was 2/8/98, you must type 02/08/98)

If you received the cash in more than one payment, enter the date that caused the transaction to exceed $10,000 (i.e., if the $10,000 cash is received today, and the $25 bond filing fee is received on a later day, then enter the date that the filing fee was received).

Item 29: Type the total cash received.

This amount includes the total of all multiple payments (i.e., where $10,000 is received today, and the $25 bond filing fee is received on a later day, then enter $10,025 on this line).

Item 30: Place a check mark in this box, if this money was paid in more than one payment

Item 31: Type (-0-) on this line.

Item 32: (a) - Enter the total amount of cash received in U.S. funds. Specify the total amount of cash received in bills of $100 or higher.

(b) - Enter the total amount of cash received in foreign currency. Type the name of the Country from which the foreign currency came. (The Circuit Court Clerk is not obligated to accept foreign currency.)

(c) - Enter the total amount of cash received in the form of a cashier's check.

(d) - Enter the total amount of cash received in the form of a money order.

(e) - Enter the total amount of cash received in the form of a bank draft (electronic transfer)

(f) - Enter the total amount of cash received in the form of a traveler's check.

NOTE:

1. For Line 32 (c) thru (f), type the name of the issuer and the serial number of each cash item.

2. The sum of the amounts listed under Item 32 MUST equal Item 29.

Item 33: Place a check mark in Box (i).

Item 34: Type "Bail Bond" AND ALSO specify the exact criminal offense (i.e. specify the KRS number and describe the offense) Also, type the case # in this box.

PART IV:

Item 35: Type “Commonwealth of Kentucky, County Circuit Court Clerk.”

Item 36: Type the EIN number which has been assigned to ALL Circuit Court Clerks.

Contact Auditing Services to obtain this number.

Item 37: Type the official mailing address for the Circuit Court Clerk’s office.

Item 38: Type the City for the location of the Circuit Court Clerk’s office.

Item 39: Type “KY.”

Item 40: Type the Zip Code for the location of the Circuit Court Clerk’s office

Item 41: Type “Government Agency.”

Item 42: Sign the report. Type your official title.

NOTE:

The Circuit Court Clerk may authorize a deputy to sign this report; however, the CIRCUIT COURT CLERK IS RESPONSIBLE AND LIABLE FOR ALL REPORTING REQUIREMENTS, REGARDLESS OF WHO SIGNED THE REPORT.

Item 43: Date the report.

Six digits are required for this item. If the report was signed on 2/3/98, then type 02/03/98 in these blocks.

Item 44: Type the name of a contact person in your office. In most cases, this will be the bookkeeper.

Item 45: Type the telephone number where the person listed in Item 44 can be reached.

For Parts I and II, where multiple payers, defendants, businesses, or organizations are involved, use the back of Form 8300 to provide the required information on each person or business.

If more space is needed, use plain paper, but be sure to provide all information requested in Parts I and II for each additional party.

COMMENTS section on page 1 - Use this section to comment on or clarify anything you may have entered on any line in Part I, II, III, and IV.

To amend a prior report:

> Complete the appropriate items with the amended or correct information ONLY. Complete ALL of Part IV.
>
> Staple a copy of the original report to the amended report.

To report a suspicious transaction:

> You may also call the IRS Criminal Investigation Division.
>
> If you do not know the number, call 1-800-800-2877 toll free.

JURY FUND

POLICY:

The Jury Fund Imprest Account is an advance loan to the Circuit Court Clerk for the purpose of reimbursing jurors for jury service.

Jury duty expenses will be reimbursed according to KRS 29A.170.

Jurors must be reimbursed for service and the reimbursement request must be submitted to the Department of Local Government Services no later than on a quarterly basis. The preferred accounting procedure will be to reimburse the jurors and request reimbursement each month.

Jurors in circuit and district court shall be paid:

Five dollars ($5) per day for jury service, and

Seven dollars and fifty cents ($7.50) per day as reimbursement of expenses incurred.

Persons who appear in court in response to a summons for jury duty shall receive full compensation for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

The Circuit Court Clerk is **not responsible** for reimbursing expenses associated when a jury is sequestered. Any questions regarding reimbursement of expenses associated with jury sequestering should be directed to the Finance and Administration Cabinet, County Fees Branch at 502-564-8785.

Jury sequestering and reimbursement expenses are handled according to KRS 29A.180.

KRS 29A.180 Responsibility for needs of jurors, transportation to view scene, security personnel, equipment, and services

(1) The sheriff, city police, or city marshal, as appropriate, shall be responsible for meals, housing, and other incidental needs of grand jurors and petit jurors in Circuit Court and in District Court when the jurors are kept overnight or otherwise sequestered when ordered to do so by the judge of the court for which the jurors were summoned. The expenses for these services shall be borne by the Finance and Administration Cabinet and the officer shall be reimbursed in accordance with administrative regulations issued by the Finance and Administration Cabinet, pursuant to KRS Chapter 13A.

A Jury Fund Report (AOC Form 585) shall be completed for each month stating the condition of the Jury Fund Imprest Account as of the last business day of the month.

The Jury Fund Report must be received by the proper authority no later than the seventh business day of the month immediately following the month being reported.

PROCEDURE:

JURY FUND RECEIPTS

(1) Prepare a receipt for the advance or reimbursement of Jury Imprest monies from the Division of Local Government Services (County Fees Systems Branch).

Enter the amount received as Jury Fund. Place the cash item in the cash drawer.

(2) Check the office copy of the preceding month's Jury Fund Report (AOC Form 585) to determine if the amount of the reimbursement on the receipt and the amount requested to be reimbursed on the report agree.

If these two amounts do not agree, request an explanation from the Division of Local Government Services (County Fees System Branch) and follow their instructions.

(3) Distribute payer, case file, and bookkeeping copies of the receipt.

JURY DISBURSEMENTS

Note: In counties utilizing the new jury management program, the following does not apply.

(1) Request personal identification and substantiate that the person requesting payment served as a juror and verify the number of days served.

(2) Pull the jury attendance record and calculate the amount to be paid to the juror.

(3) Prepare the disbursement check for the juror.

(4) Post the check number and amount to the jury attendance record.

(5) File the jury attendance record after the last juror is paid.

COMPLETING AND FILING JURY FUND REPORT

The Jury Fund Report (AOC-585) is a statement of the condition of the Jury Fund Imprest Account as of the last business day of the month.

The Jury Fund Report is also used to request reimbursement for payments to all jurors.

There are two forms that accompany the Jury Fund Report when requesting reimbursement for the Jury Fund:

AOC-582 Order For Jury and Witness Reimbursement, and

This serves as an order from a Judge to certify payment for jurors.

AOC-582.1 Jury and Witness Reimbursement Schedule.

This is a report which itemizes disbursements to jurors.

The Jury Fund Report (white and goldenrod copies), an original copy of the Order For Jury and Witness Reimbursement, and an original copy of the Jury and Witness Reimbursement Schedule(s) must be submitted by the seventh business day of the month to:

Division of Local Government Services
County Fee Systems Branch
P.O. Box 639
Frankfort, KY 40602-0639

If there are no requests for Jury Fund reimbursements for the month

Submit Form AOC-585 Jury Fund Report only to the proper authority (County Fees Branch) by the statutory due date.

JURY REIMBURSEMENT SCHEDULE

(1) To begin completing the Jury and Witness Reimbursement Schedule AOC-582.1:

(a) Enter the County name,

(b) The Court for which the jurors served, and the month(s) and year being reported.

(c) Circle “Jury” under the mo./year line.

(2) In the Juror or Witness to Whom Paid column:

Enter the name and complete address of the juror being paid.

(3) In the Attendance column, enter the day(s) the juror served in the blocks provided, if jurors are paid once per month.

If jurors are paid quarterly, semiannually, or annually, enter the month(s) and day(s) the juror served.

(4) In the Total Days column:

Calculate the number of days itemized in the Attendance blocks for the juror and enter the total number of those days.

(5) In the Date Paid column:

Enter the month and day the check was issued as payment to the juror.

(6) In the Check Number:

Enter the check number issued to the juror.

(7) In the Amount column:

Enter the amount of the check issued to the juror.

(8) In the Page: _____: section, number each page consecutively.

(9) Calculate the total number of days paid on this page and enter the number in the Total This Page section.

(10) Add the numbers in the Amount column and enter the total in the space provided.

When jury checks are voided by adjusting entry, the adjusting entry must be itemized on a Jury and Witness Reimbursement Schedule (AOC-582.1).

a) Enter the name and complete address of the juror, as indicated on the original check, in the space provided.

b) Enter the adjusting entry number below the juror's address.

c) List the attendance dates for which the juror was paid according to the original Jury Reimbursement Schedule.

d) Enter the total number of days, the date of the original check, and the original check number in the spaces provided.

e) Enter the amount of the original check in parentheses to indicate that the disbursement will be subtracted from the report.

(11) To verify the total amount per page, multiply the Total Days per Page by $12.50. The calculation should equal the Total Amount per Page.

(12) Jury Commissioner Reports are also prepared following the procedure for Jury Reimbursement Schedules, with one exception:

Jury Commissioners are paid $25 per day.

The Total Days per page multiplied by $25 should agree with the Amount column on each Jury Reimbursement Schedule page for Jury Commissioners.

The total amounts for the Jury Commissioner Reports are included in calculating the amount for Line 5 on the Jury Fund Report (AOC-585)

and Line 30 (disbursements column) of the Summary Financial Report.

(13) The total amount of all Jury Reimbursement Schedules must equal Line 5 on the Jury Fund Report.

(14) The total amount of all Jury Reimbursement Schedules must also equal the Jury Fund line of the Cash Disbursements column on the Summary Financial Report, with one exception:

When a judge has ordered reimbursement to the Commonwealth for all or part of the cost of a jury, then Line 5 of the Jury Fund Report and the jury fund line on the Summary Financial Report (Jury Fund Disbursements) will not agree.

Attach a copy of the court order and a copy of the receipt to the Jury Fund Report.

ORDER FOR JURY REIMBURSEMENT

(1) To begin completing AOC-582 Order For Jury and Witness Reimbursement,

(a) Enter the county name;

(b) The court for which jurors are being paid;

(c) The month/year being reported; and

(d) Check the “Jury” box beneath the month/year line.

(2) Enter the total number of pages of AOC-582.1 Jury and Witness Reimbursement Schedules attached to the report.

(3) Enter the month/year being reported.

(4) Sign the report on the Signature/Clerk line.

(5) Enter the day, month, and year this report was signed by a judge.

(6) Obtain an original judge’s signature on the Signature/Judge line.

The Division of Local Government Services will not accept rubber stamp signatures for a judge.

JURY FUND REPORT

(1) To begin completing the Jury Fund Report (AOC-585):

(a) Do not enter any information above the double lines.

The section above the double lines is for the use of the Division of Local Government Services only.

(b) Beneath the double line, enter the name of the reporting county on the Co. Circuit Clerk line.

(c) Enter the Clerk's name and address on the lines provided.

(2) Enter the month and year for the reporting period on the FOR THE PERIOD ENDED line.

(3) On line 1, enter the amount of the Original Amount of the Imprest Jury Fund.

This amount is designated by the Division of Local Government Services, and will remain the same each month.

The Department of Local Government Services will notify the Circuit Court Clerk of any changes to this amount.

(4) On line 2, enter the amount of disbursements that are not included on this schedule.

If none, enter "–0-." Do not leave this line blank.

It is not mandatory to request reimbursement every month.

If there are few jury checks written within a month, the request for reimbursement may be postponed until another month.

(5) On line 3, enter the amount of previous schedules, which haven't been reimbursed.

If none, enter "-0-." Do not leave this line blank.

If a requested reimbursement from a prior month has not been received by the Clerk's office during the reporting

month, enter the amount of the requested reimbursement on line 3.

(6) On line 4A, enter the ending balance on the Jury Fund Control Card as of the last day of the reporting month.

This line must agree with the Ending Cash Balance column on Line 30 of the Summary Financial Report.

(7) Add lines 2, 3, and 4A. Enter the total of these lines on Line 4B.

(8) Subtract line 4B from Line 1. Enter the amount on Line 5.

Line 5 of the Jury Fund Report must agree with the Cash Disbursements column, Line 30 of the Summary Financial Report.

Line 5 of the Jury Fund Report must also agree with the total of all Jury and Witness Reimbursement Schedules (AOC-582.1).

(9) Sign the report on the Signature of Clerk line.

(10) The Approved for Reimbursement line is for the use of the Division of Local Government Services only.

PAYMENT OF COSTS, FEES & FINES

POLICY:

Payments of costs, fines, and fees can be made to the Circuit Court Clerk in different forms, depending on:

(a) the type of violation;
(b) the accuracy of the information on the citation; and
(c) the amount of time given the defendant to complete payment.

Payment for pre-payable citations can be made to the Clerk at any time prior to the court date listed on the citation, either at the Clerk's office or by mail.

The rules regarding whether costs, fines, and fees may be prepaid and the amount of payment as defined by law are detailed in the Kentucky Circuit Court Clerks' Manual.

A defendant may be found guilty during a court appearance, and choose to make payment in full.

The court may also order the defendant be given up to a full year in which to pay all costs, fines, and fees.

Installment (Partial) Payments

Installment (partial) payments will be applied in the following order: (pursuant to KRS 24A175(4), KRS 23A.205(3))

First	Court Costs	(i.e. $130 Court Costs)
Second	Restitution	
Third	Fees	(i.e. Library Fees, DUI Service Fees, PA Partial Fees, etc.)
Fourth	Fines	(i.e. Fish & Game Fines, CT Fines, Highway Work Zone Fines)

If a law enforcement officer issues a citation with incorrect information on costs, fines, and fees:

> The Clerk must accept the amounts listed on the citation. The Clerk does not have the legal authority to alter an issued citation.

If a defendant remits an underpayment that was not due to incorrect information on the citation:

> The Clerk shall notify the defendant, and request the balance of the amount due.

PROCEDURES:

Prepayment of Costs, Fines, and Fees on Citations

PREPAYMENT OVER THE COUNTER

Prepayments received over the counter or by mail should be processed as follows:

1) Ask the defendant (or payer) for his copy of the citation.

2) Scan the citation to determine if it is pre-payable or a mandatory court appearance.

3) If the defendant does not have a copy of the citation, ask him the date he received the citation.

4) Pull the copy of the citation received from the law enforcement agency from the file.

   If the copies of the citation in question have not been turned over to your office, call the appropriate law enforcement agency to get the information necessary to process the payment.

5) Ask the defendant for a copy of pre-payable worksheet.

6) Accept that amount and issue a receipt.

   If the defendant does not have a copy of the pre-payable worksheet, consult the Clerk's manual.

INCORRECT INFORMATION BY THE ISSUING OFFICER

If the issuing officer entered the wrong amount of fines and costs on the defendant's copy of the citation,

1) Accept that amount and attach the defendant's copy of the citation to the Clerk's copy of the receipt.

2) If the fines and costs do not appear on the pre-payable worksheet, refer to the section of the Kentucky Circuit Clerks' Manual that lists the fines and costs to be imposed for specific offenses.

   a) If the offense is on the schedule:

      1. collect the stated amount,

      2. Issue the receipt.

      If the offense is not on the schedule, notify the defendant that fines and cost cannot be prepaid and that he must appear in court as scheduled.

3) Complete the receipt, recording all amounts collected in their proper category.

   Enter the defendant's name, payer's name if other than the defendant's, date and county. All of this information is mandatory.

4) Remove the original copy of the cash receipt and give it to the defendant or payer.

5) Place the cash or cash items in the cash drawer.

6) Place defendant's copy of the citation and receipt in the case file.

7) File the second copy of the cash receipt in the daily transaction file for processing at the end of the day.

PRE-PAYMENTS AND PAYMENTS RECEIVED BY MAIL

Fines and costs for pre-payables can be paid by mail.

If an inquiry is received by telephone or mail, you should tell the defendant:

a) whether the offense is pre-payable;
b) the total amount of fines and costs due;
c) the due date;
d) the address to send the payment; and
e) to send a self-addressed stamped envelope if they want a cash receipt.

PROCEDURE

1) Compare the check or money order for accuracy, date, signature, and correct amount due.

2) Examine defendant's copy of citation.

   Note: If your office has not received the copies of the citation in question, call the appropriate law enforcement agency to get the citation necessary to process the payment.

3) If the offense is not pre-payable, schedule a date for court appearance.

   a. Issue a criminal summons to the defendant informing him of the date he should be in court.

   b. Process the payment enclosed as "Money Collected for Others."

   c. When the court makes a judgment, do as the court instructs and notify the bookkeeper. The bookkeeper will prepare the proper adjusting entry.

4) If the offense is pre-payable, and the amount of the payment is correct, receipt the amount in the appropriate categories.

5) If the offense is pre-payable, but the payment received from the defendant is not equal to the required payment, do the following:

a) Overpayments **<u>** Applies to Criminal cases only.</u>**

1. Process the payment as applicable.

If the overpayment is $10 or less, do not refund the overpaid amount.

2. Receipt the overpaid amount as Criminal/Traffic Costs.

If the overpayment is more than ten dollars, receipt it as “Monies Collected for Others” overpayment.

3. The bookkeeper will issue a check to the defendant for the amount of the overpayment and enclose a letter of explanation.

b) Underpayments

Underpayments are due either to incorrect information being written on the defendant’s copy of the citation by the issuing officer or a simple underpayment.

1. Incorrect Information by the Issuing Officer

a. If the issuing officer wrote the incorrect amount for fines and costs on the back of the defendant’s copy of the citation, accept this amount as payment.

b. Attach the defendant's copy of the citation to the third copy of the receipt (clerk's permanent copy).

c. Process the payment.

2. Underpayment not due to incorrect information

a. Process the payment remitted.

b. Notify the defendant that the payment was insufficient if the underpayment amount is more than $1.

c. Instruct them to pay the difference.

6) Photocopy citations issued by Fish and Wildlife (for KRS 150 and 235 violations only)

c) Hold the citation copies with copies of the receipts for Fish and Wildlife Fines,

d) File the copies until the end of the month when they must be submitted to the Department of Fish and Wildlife, with the month-end reports.

7) Place defendant's copy of citation and receipt in case file.

8) File the second copy of the cash receipt in the daily transaction file for processing at the end of the day.

9) If the defendant does not send the copy of the citation or include the citation number on the check or money order:

The clerk may not be able to locate the citation on file. In this situation, receipt the amount received as "Monies Collected For Others."

Write the defendant and request the necessary information.

FULL PAYMENT – COURT APPEARANCE

1) Determine eligibility for jail credit by reviewing the case records (Judgment, Docket Sheet, Court Calendar, or Fine and Cost List).

2) If defendant is **NOT** eligible for jail credit, skip to step 4.

3) If defendant **IS** eligible for jail credit, follow procedures located in Jail Credit section of the Circuit Court Clerk's Accounting Manual.

4) Verify the amount of costs and fines from the case records (Judgment, Docket Sheet, Court Calendar, or Fine and Cost List).

5) Collect the payment.

6) Prepare a receipt for the payment, receipting the amounts in the appropriate fee categories.

7) Distribute the payer, case file, and bookkeeping copies of the receipt.

8) Photocopy citations issued by Fish and Wildlife (for KRS 150 and 235 violations only)

    a) Hold the citation copies with copies of the receipts for Fish and Wildlife Fines,

    b) File the copies until the end of the month when they must be submitted to the Department of Fish and Wildlife, with the month-end reports.

9) Mark the case jacket with the date, amount and the words "paid in full".

PARTIAL (INSTALLMENT) PAYMENTS

1) Determine eligibility for jail credit by reviewing the case records (Judgment, Docket Sheet, Court Calendar, or Fine and Cost List).

2) If defendant is **NOT** eligible for jail credit, skip to step 4.

3) If defendant **IS** eligible for jail credit, follow procedures located in Jail Credit section of the Circuit Court Clerk's Accounting Manual.

4) Based on the case record, collect the partial payment from the defendant.

5) Prepare a receipt for the payment, receipting the amounts in the appropriate fee categories. Apply the payment in the following order:
   a) First to costs,
   b) then to restitution,
   c) then to fees, and
   d) then to fines.

6) Distribute the payer, case file, and bookkeeping copies of the receipt.

7) Prepare Form AOC 591 Payment Log, including all pertinent information.

   Each time an installment payment is receipted for a case, record all payments on this form.

   Record the installment payment on the case as well. Note the date and amount paid.

8) Photocopy citations issued by Fish and Wildlife (for KRS 150 and 235 violations only)

   a) Hold the citation copies with copies of the receipts for Fish and Wildlife Fines,

b) File the copies until the end of the month when they must be submitted to the Department of Fish and Wildlife, with the month-end reports.

JAIL CREDIT

Effective Date: 6/8/2011

POLICY:

Per KRS 534.070(1):

A defendant who has been sentenced to jail for failure to pay a fine or court costs or for failure to appear in court on a date set for the sole purpose of addressing nonpayment of a fine or court costs shall receive credit against the fine and costs owed for each day the defendant spends in jail at the following rates:

(a) Fifty dollars ($50) per day if the defendant does not work at a community service or community labor program; or

(b) One hundred dollars ($100) per day if the defendant works eight (8) hours per day at a community service or community labor program. If the defendant works less than (8) hours in community service or community labor program, the defendant shall be allowed an amount of one-eighth (1/8) of the one hundred dollars ($100) for each hour worked in a community service or community labor program.

PROCEDURE:

(1) Determine eligibility for jail credit by reviewing the case records (Judgment, Docket Sheet, Court Calendar, or Fine and Cost List).

(2) If defendant is **NOT** eligible for jail credit, follow procedures located in the Payment of Costs, Fees & Fine section of the Circuit Court Clerk's Accounting Manual.

(3) If defendant **IS** eligible for jail credit:

(a) Obtain Notice of Jail Credit (AOC-426) from the Jailer

(b) Collect the payment (less any jail credit amount earned). If the jail credit equals or exceeds the amount due, no receipt required.

(c) Prepare a receipt for the payment, receipting the amounts in the appropriate fee categories. Money should be applied to the appropriate fee categories before the jail credit. Money should be applied in the following order:

1. First to costs,

2. then to fees, and

3. then to fines.

(d) Distribute the payer, case file, and bookkeeping copies of the receipt.

(e) Photocopy citations issued by Fish and Wildlife (KRS 150 and 235 violations only)

1. Hold the citation copies with copies of the receipts for Fish and Wildlife fines.

2. File the copies until the end of the month when they must be submitted to the Department of Fish and Wildlife, with the month-end reports.

(f) Mark the case jacket with the date, amount, and the words “paid in full”.

REFUNDS

POLICY:

Never refund cash from the cash drawer to anyone for anything. Prepare a disbursement check for all refunds.

There are several circumstances in which a refund to a payer/defendant would be applicable, as follows:

Jury Fee Refunds

Fees for a civil jury trial are payable in advance to the Circuit Court Clerk.

If the party decides not to proceed with the jury trial, at least 48 hours prior to the start of the trial, the jury fee shall be refunded to the payer.

This refund does not require a court order.

Court Ordered Refunds

In some situations, such as in false arrest cases, the court will order that previously collected fines/fees are to be refunded to the defendant.

Driver's License Refunds

In some situations, such as when payments may be received for testing and the test was cancelled, a refund may be necessary.

Clerk's Office Error Correction Refund

This refund is due to the payer when a clerk makes an error in receipting and collecting excess unauthorized monies.

This refund does not require a court order.

However, approval should be obtained from the Circuit Court Clerk or designee.

PROCEDURE:

JURY FEE REFUNDS

(1) Pull the case file and obtain the receipt copy issued when the jury fee was paid.

(2) Verify that the party informed the clerk's office at least 48 hours in advance that a jury is not necessary.

(3) If the 48-hour condition has been met:

(a) note on the file copy of the cash receipt the date the party requested the jury trial be cancelled.

(b) Photocopy the receipt.

(4) Prepare a disbursement check payable to the party, from the State Depository (Refund) (Charges For Services).

(5) Send/give the check to the party.

(6) File the original cash receipt in the case file.

(7) File the photocopy of the receipt in a temporary file for processing when the monthly reports are completed.

COURT ORDERED REFUNDS

(1) Verify the court order requiring the refund of previously collected fines/fees to the payer.

(2) Photocopy the court order.

(3) Pull the file and extract the original cash receipt.

(4) Verify the payer.

(5) Photocopy the cash receipt.

(6) Prepare a disbursement check payable to the payer, from the applicable categories.

(7) Send/give the check to the payer.

(8) File the original court order and cash receipt in the case file.

(9) File the photocopies of the court order and the cash receipt in a temporary file for processing when the monthly reports are completed.

DRIVER'S LICENSE REFUNDS

(1) Verify the refund with the Transportation Cabinet's Division of Driver Licensing.

(2) Document refund.

(3) Prepare a disbursement check payable to the Driver's License recipient, from the State Depository (Refund) (Driver's Licenses).

(4) Give the check to the recipient.

(5) File a copy of the documentation of the refund in a temporary file for processing when the monthly reports are completed.

(6) Verify refund exists on Driver's License Summary Fee Report when performing daily closing.

CLERK'S OFFICE ERROR REFUND

(1) Locate the copy of the receipt in the case file or with the citation.

(2) Verify that an error was made in the amount charged.

(3) Photocopy the cash receipt.

(4) Determine the amount to be refunded.

(5) Prepare a disbursement check payable to the payer of the original receipt, from the correct fee code categories.

(6) Send/give the check to the party.

(7) File the photocopy of the receipt in a temporary file for processing when the monthly reports are completed.

UNCLAIMED PROPERTY

POLICY:

Pursuant to KRS 393.100, “Any property paid into any court of this state for distribution and the increments thereof, shall be presumed abandoned if not claimed within five (5) years after the date of payment into court or as soon after the five-year period, as all claims filed in connection with it, have been disallowed or settled by the court.”

Money is presumed abandoned five (5) years from the date of last activity by the owner of the money.

> The “owner” of the property being the person or persons to whom the money would be disbursed and the “holder” of the money being the Circuit Court Clerk.
>
> The date of last activity by the owner is the date action was last taken on the money by the owner or a memorandum of correspondence by the owner to the holder.
>
> In many cases, the last activity by the owner on the Payable Ledger Detail Card will be the date of receipt.

Even when the five year abandonment period has ended, if the case involved is not disposed and the money has not been ordered to be disbursed, the money can NOT be considered for reporting as Unclaimed Property to the Treasury Department.

WHEN TO FILE

The following reports have a due date of November 1:

Holder Report Form, Treas 400, and Owners of Unclaimed Property Form

Holder Report Form (Zero Report), Treas 400(A)

WHO SHOULD FILE

All Circuit Court Clerks.

WHAT TO FILE

File Form Treas 400(A), Holder Report Form (Zero Report) if there is no money to report.

File Form Treas 400, Holder Report Form, and Owners of Unclaimed Property when there is money to report:

(1) Include on this report all money that has been ordered by the court to be disbursed, but which has remained unclaimed for five (5) years.

(a) This includes money for bail bonds (except bond money ordered by the court to be forfeited; see the Bond Forfeiture section in State Monies Categories), child support, restitution or garnishment, condemnation, money collected for others and special escrow.

(b) Do not include Jury or Witness money on this report.

(2) Include on this report all money that is presumed to be abandoned (for 5 years) as of June 30 in the current year.

(3) Do not include on this report money that was received from a municipality (i.e., City or County government).

Money paid into a court from a municipality should be returned to the general fund of the original payer when unclaimed after five (5) years.

WHERE TO FILE

(1) Mail the original Form Treas 400, Holder Report Form and Owners Of Unclaimed Property OR the original Form Treas 400(A) Holder Report Form (Zero Report) before November 1, as directed by the Unclaimed Property Division.

(2) Retain a copy of the report in the Circuit Court Clerk's bookkeeping files indefinitely.

NOTIFICATION REQUIREMENTS

(1) Circuit Court Clerks are required to send written notification to all apparent owners of abandoned property, valued at $100 or more, not more than 120 days, nor less than 60 days prior to the filing date of November 1, stating that the Clerk is in possession of the abandoned property. The notice shall contain:

(a) A statement that money is being held to which the addressee appears entitled;

(b) The name and address of the Circuit Court Clerk holding the property and any necessary information regarding changes of name and address of the holder; and

(c) A statement that if satisfactory proof of claim is not presented by the owner to the Circuit Clerk by the date specified, the property will be placed in the custody of the Kentucky State Treasurer, and all future claims must be presented to that Department.

NOTE: Circuit Court Clerks are under no obligation to pursue locating addresses of owners when that address is not available in court case files.

It is not necessary to mail written notification if the value is less than $100.

EXAMINATION BY THE TREASURY DEPARTMENT

The Treasury Department may at reasonable times and upon reasonable notice examine all relevant records.

Make available to the Kentucky State Treasurer all relevant records for inspection.

Records are considered relevant if they document the period necessary to establish presumed abandonment.

NOTE: If examined by the Kentucky State Treasurer, please notify a Judicial Auditor in the AOC – Department of Auditing Services.

PENALTIES FOR NON-COMPLIANCE

KRS 393.990 states that "any person who refuses to make any report as required by this chapter shall be fined not less than fifty ($50) dollars nor more than two hundred dollars ($200), or imprisoned for not less than thirty (30) days nor more than six (6) months, or both. (1622-1.)"

COMPLETING UNCLAIMED PROPERTY REPORTS

OWNERS OF UNCLAIMED PROPERTY FORM

Organization Prior To Completing The Report

- Arrange each payable ledger card categorically. (i.e. stack all bond cards together, all restitution cards together, etc.)

- Arrange each stack alphabetically by the name of the recipient. (i.e. bonds should be arranged by the name of the surety, or defendant, if there is no surety).

  (Restitution, child support, condemnation, money collected for others and special escrow should be arranged by the name of the recipient).

Complete the Owners Of Unclaimed Property form as follows:

Column: “Owner Name, etc”	Type the owner’s name and last known address. For a bail bond with a surety, this will be the name and address of the surety. If the owner is not known, type “owner not known.” If the address is not known, type “address not known.”
Suggestion:	Though not required, it is recommended that the Case # and the defendant’s name also be typed in this space.
Column: “Social Security, etc” -	Type the social security number of the owner, if known. If the social security # is not known, type “not known.”
Column: “Amount Remitted”: -	Type the ending balance on the payable ledger card

Column: “Amount Placed in an Interest Bearing Account” - Type “None.”

Column: “Account Number, etc” - Type “N/A.”

Column: “Date of Last Activity” - Type the date of the last activity by the owner of the money entered on the payable ledger card.

Column: “Property Code, etc” - a) For unclaimed restitution, child support and money collected for others, type “CT05.”

a) For unclaimed bail bonds, type “CT06.”

b) For unclaimed condemnation, type “CT 02.”

c) For unclaimed special escrow, type “CT 01.”

d) For unclaimed jury or witness, DO NOT INCLUDE ON THIS REPORT (call Auditing Services)

,

NOTE: Do not use code “CT 03”

This code is for administrators of estates and does not apply to court monies.

Also, do not use code “CT 99” – “CT99” is for aggregate reporting, which is not recommended for Circuit Court Clerks.

Type the “Page Total” of “Amount Remitted” column in the space provided.

The “Page Total” for “Amount Placed in Interest Bearing Account” column should be zero.

IMPORTANT:

Add all “Page Totals.”

Balance the total of all pages to the balances of the Payable Ledger Detail Cards.

These two amounts must agree.

The total of all pages will be the amount entered on Line 4 of the “Information About Property You Are Holding” section of the Treas 400, Holder Report Form.

HOLDER REPORT FORM

FORM TREAS 400

HOLDER NAME AND INFORMATION:

Line 1, Holder Name: -	Type the Circuit Court Clerk's name
Line 1	Type "Circuit Court Clerk"
Line 1	Type the street address for your office. Do **not** type the Post Office Box number
Line 1	Type your city
Line 1	Type "Ky"
Line 1	Type your zip code
Line 2	Leave blank
Line 3, FEIN # -	Enter the Federal ID Number used by the Circuit Court Clerk. If not known, contact a Judicial Auditor
Line 3, Contact Person -	Type the name of the person in your office to contact for claims of abandoned property
Line 3, Tel # -	Type your telephone number including area code
Line 4, State of Incorporation -	Type "Kentucky"
Line 4, Date of Inc. -	Type "N/A"
Line 4, Fiscal Year End -	Type "6/30" and the current year
Line 5, Total Assets -	Type "N/A"
Line 5, Annual sales/income -	Type "N/A"

Line 5, # Employees -	Type the total # of employees in your office. Include the Circuit Court Clerk, and all deputies full or part time
Line 6, All branches, etc.	Check “yes” block
Line 7, Name change	If the Circuit Court Clerk’s name has changed since the last Holder Report Form was filed, complete line 7. On the “From” line, type the name of the former Circuit Court Clerk. On the “To” line, type the name of the current Circuit Court Clerk. Check the “Name change” block under line 7. If there has been no change, type “N/A” on the “From” line.

INFORMATION ABOUT PROPERTY YOU ARE HOLDING:

Line 1, Total Number of Unclaimed Stock Shares -	Type “N/A”
Line 2, Number of Unclaimed Safe Deposit Boxes -	Type “N/A”
Line 3, Total Value of Accounts Under $100 being remitted -	Type “N/A”

NOTE:

Unclaimed money less than $100 can be reported in the aggregate.

However, for Circuit Court Clerks, aggregate reporting can create problems when tracking money and court cases that were not itemized on the Treas 400.

Use of aggregate reporting is allowed but NOT recommended.

Line 4, Total Value of Accounts Over $100 -	Type the total amount of money to be remitted. This line must agree with the total of all pages of the Owners Of Unclaimed Property report.
Line 5, Total Value of Money Remitted -	Type the same amount as on Line 4, above.
Line 6, Total Value of Property Placed in an Interest Bearing Account -	Type “N/A”

VERIFICATION

Fill in the blanks as indicated.

This report must be signed by the Circuit Court Clerk.

Signatures other than the Circuit Court Clerk are not recommended.

FOR OFFICE USE ONLY:

Do not complete this section. Leave this section blank.

Write a check, payable to the Kentucky State Treasurer, in the amount of line 5 of this report. Staple the check to the first page of this report.

Submit the report prior to November 1.

HOLDER REPORT FORM (ZERO REPORT)

Line 1, Holder Name: -	Type the Circuit Court Clerk's name,
Line 1	Type "Circuit Court Clerk",
Line 1	Type the street address for your office. Do **not** type the Post Office Box number.
Line 1	Type your city.
Line 1	Type "Ky"
Line 1	Type your zip code.
Line 2	Leave blank.
Line 3, FEIN # -	Enter the Federal ID Number used by the Circuit Court Clerk. If not known, contact Auditing Services
Line 3, Contact Person -	Type the name of the person in your office to contact for claims of abandoned property.
Line 3, Tel # -	Type your telephone number including area code.
Line 4, State of Incorporation -	Type "Kentucky."
Line 4, Date of Inc. -	Type "N/A."
Line 4, Fiscal Year End -	Type "6/30" and the current year.
Line 5, Total Assets -	Type "N/A."
Line 5, Annual sales/income -	Type "N/A."

Line 5, # Employees -	Type the total # of employees in your office. Include the Circuit Court Clerk, and all deputies full or part time
Line 6, All branches, etc.	Check “yes” block
Line 7, Name change	If the Circuit Court Clerk’s name has changed since the last Holder Report Form was filed, complete line 7. On the “From” line, type the name of the former Circuit Court Clerk. On the “To” line, type the name of the current Circuit Court Clerk. Check the “Name change” block under line 7. If there has been no change, type “N/A” on the “From” line.

VERIFICATION

Fill in the blanks as indicated.

This report must be signed by the Circuit Court Clerk.

Signatures other than the Circuit Court Clerk are not recommended.

Submit report by November 1.

ADDITIONAL BOOKKEEPING RESPONSIBILITIES

(1) Balance the Payable Ledger Detail Cards to:

(a) the Holder Report Form and Owners of Unclaimed Property Report and,

(b) the check issued to the Kentucky State Treasurer.

NOTE: These Two Items Must Agree

(2) On each Payable Ledger Detail Card listed on the Treas 400, Holder Report Form:

(a) Write the date of the check issued to the Kentucky State Treasurer.

(b) Write " ESCHEAT" on the description line

(c) Write the check number that was issued to the Kentucky State Treasurer (this will be the same check number on each card).

(d) Write the amount that is on the Owners Of Unclaimed Property report for this detail card in the FUNDS DISBURSED column.

(e) Calculate the new balance on the card (this should be zero).

(3) File the cards and the Circuit Court Clerk copy of the Treas 400 in an ESCHEAT file in the bookkeeping area indefinitely.

(4) Write the date of the check, the check number and the word "ESCHEAT" on the front of each case jacket.

WHEN FUNDS ARE CLAIMED PRIOR TO SUBMITTING

When contacted by an owner:

(1) Review the payable ledger card to ensure that the funds have not previously been disbursed.

(2) Require identification of the person making the claim.

(3) Write a check payable to the owner as listed on the payable ledger card.

(4) Post the check to the payable ledger card.

(5) Deliver the check, in person or by mail, to the owner.

WHEN FUNDS ARE CLAIMED AFTER SUBMITTING

When contacted by an owner:

Instruct the owner that they need to file a claim with the Kentucky State Treasury by completing an official claim form.

This form is available only by calling 1-800-465-4722 or by submitting an Unclaimed Property Claim Form Request.

This request can be obtained by going to the Kentucky State Treasury web site, clicking on “Unclaimed Property” and then clicking on “Filing A Claim.”

Once the official claim form has been received by the claimant, the claimant must complete and sign the form and mail to the Unclaimed Property Division as directed on the form

VOIDING RECEIPTS AND CHECKS

POLICY:

The Circuit Clerk must account for all void receipts.

The Circuit Clerk must also account for and have in their possession all three copies of void receipts.

The Circuit Clerk must account for all void disbursement checks.

PROCEDURE:

Voiding Receipts

(1) When it is determined that a receipt must be voided:

Write the word “VOID” across the face of the receipt in bold letters.

(2) Staple all three copies of the void receipt together.

(3) File the void receipt in the daily transaction file for processing.

(4) Notify the Circuit Clerk if a void cash receipt, or any part of a void cash receipt, is missing and cannot be located.

Prepare a written statement describing the efforts to locate the void receipt.

The statement:

1. Must be signed.

2. Must be dated by the bookkeeper and the Circuit Clerk.

3. Must be stapled to the Daily Cash Settlement Sheet for that drawer.

Voiding Disbursement Checks

(1) When it is determined that a disbursement check must be voided:

    (a) Write the word “VOID” across the face of the check and the signature line.

    (b) The clerk may also remove the signature line.

(2) File void checks numerically.

(3) Place them in a secure folder or envelope.

(4) File the void check folder or envelope with the bank reconciliation at the end of the month.

(5) When a check is voided after it is posted, an adjusting entry must be completed.

WITNESS FUND

POLICY:

The Witness Fund Imprest Account is an advance loan to the Circuit Court Clerk for the purpose of compensating witnesses for their appearance in court on behalf of the Commonwealth.

Witness expenses will be reimbursed according to 200 KAR 2:006, KRS 421.015, KRS 421.030, KRS 421.250, and KRS 44.060.

Circuit Court Clerks are not authorized to reimburse defense witnesses, per KRS 421.015, 421.030, and 421.250.

Witnesses residing in the county where the trial is held are not allowed expense reimbursement of any type, per KRS. 421.015 and KRS 44.060.

Witnesses residing in state, in a county other than where the trial is held are allowed the same expenses as employees of the Executive Branch of Kentucky State Government, per KRS 421.015 and KRS 44.060.

Witnesses residing out of state are entitled to necessary expenses, in addition to per diem, per KRS 421.030.

A Witness Fund Report (AOC Form 589, Rev. 8/04) shall be completed for each month stating the condition of the Witness Fund Imprest Account as of the last business day of the month.

The Witness Fund Report must be received by the proper authority (County Fees Branch) no later than the seventh business day of the month immediately following the month being reported.

If reimbursement for witness expenses is requested, the following forms must be completed:

a) the Witness Fund Report,

b) Form AOC-582 (Rev. 8/02) Order For Jury and Witness Reimbursement, and

c) Form AOC-582.1 (Rev. 8/02) Jury and Witness Reimbursement Schedule (must accompany the Witness Fund Report).

Receipts are required for all expenditures,

with the exception of:

(a) mileage;
(b) meals “based on per diem policy”.

“RECEIPT” means:

Any preprinted invoice from a hotel, motel, restaurant or other establishment, showing the date of service, the amount charged for the service, the location where the service was performed, and a description of the expenditure.

A detailed court order signed by a judge is required in order to reimburse witness expenses.

The court order should:

(a) Provide specific detail regarding departure and destination points,

1) dates the witness is required to appear,
2) mileage,
3) lodging,
4) other modes of transportation,
5) per diem, car rentals, taxi fare,
6) telephone calls, and
7) other necessary expenses as applicable.

(b) This order is in addition to required Form AOC-582 Order For Jury and Witness Reimbursement.

(c) The judge’s signature must be original, and not a rubber stamp signature.

Expenditures for alcohol will **not** be reimbursed.

A law enforcement agency is entitled to be reimbursed when a law enforcement officer transports a prisoner who has been called to testify as a witness.

> Reimbursement for the officer's mileage, tolls, parking, lodging, meals, and any other allowable expense is based on the same rates and rules as a witness.
>
> The prisoner would be entitled to meals and any other allowable expense (with the exception of mileage) based on the same rates and rules as a witness.

A companion traveling with a witness is entitled to reimbursement for meals, hotel expenses, and reasonable telephone calls pursuant to the rules outlined in the Witness Fund procedure section.

Circuit Court Clerks may advance expenses to a witness residing out of state who has been subpoenaed to appear in a felony case, per KRS 421.250 (OAG 65-335).

> With a proper court order, the Circuit Court Clerk may advance the expenses necessary to bring the witness to the trial location.
>
> The witness must reimburse the Circuit Court Clerk for all advanced expenses if the witness does not appear.

PROCEDURE:

WITNESS FUND RECEIPTS

(1) Prepare a receipt for the advance or reimbursement of Witness Imprest monies from the Division of Local Government Services (County Fees Systems Branch).

(2) Enter the amount received as Witness Fund. Place the cash item in the cash drawer.

(3) Check the office copy of the preceding month's Witness Fund Report (AOC Form 589, Rev. 8/04) to determine if the amount of the reimbursement on the receipt and the amount requested to be reimbursed on the report agree.

If these two amounts do not agree:

a) Request an explanation from the Division of Local Government Services (County Fees System Branch) and

b) Follow their instructions.

(4) Attach two copies of the receipt to the Witness Fund Report.

(5) File the bookkeeping copy of the receipt in the daily transaction file to be processed at the close of the business day.

WITNESS FUND DISBURSEMENTS

Witnesses residing in the county where the trial is held are not allowed expenses of any type.

IN STATE

Allowable Expenses For Witnesses Residing In State, In a County Other Than Where The Trial Is Being Held:

(1) Mileage

(a) Round trip mileage using the most direct and usually traveled routes.

(b) Witnesses shall also use the most economical and standard transportation.

(c) The court order must specify city and state of departure and destination and the exact number of miles traveled by the witness.

(d) Mileage to be reimbursed at the applicable rate available at the link: http://finance.ky.gov/services/statewideacct/Pages/travel.aspx

(2) Meals (including taxes and gratuity*):

Breakfast	$7.00	(6:30 a.m. – 9:00 a.m.)
Lunch	$8.00	(11:00 a.m. – 2:00 p.m.)
Dinner	$15.00	(5:00 p.m. – 9:00 p.m.)

*Maximum gratuity allowed is 20% and is included in aforementioned amounts.

Gratuity will not be reimbursed for fast food restaurants and/or drive-through establishments.

(3) Expenditures for alcohol will **not** be reimbursed.

(4) The court order must specify the amount to be reimbursed for meals.

Lodging at the most economical facility available, utilizing facilities offering governmental rates when feasible.

Witnesses who choose to camp at a campground are allowed a maximum of $20 per night.

The court order must specify the name of the facility or campground, and the exact amount to be paid.

(5) Bus fare, in lieu of mileage.

The Commonwealth Attorney is responsible for making arrangements for bus tickets.

Bus tickets should be billed to the Commonwealth Attorney.

Upon verification of proper court order and detailed receipt, the Circuit Court Clerk shall issue a check payable to the appropriate bus line or travel agency for the cost of the ticket.

(6) Taxi fare, when necessary, in lieu of mileage.

The court order must specify the total payment for the reimbursement.

(7) Telephone calls.

Telephone calls should be limited to one call per day.

Telephone calls must be itemized on the hotel receipt.

Excess charges for telephone calls should not be reimbursed.

The court order must specify the amount to be reimbursed for telephone calls.

(8) Other necessary* expenses not listed above such as:

(a) toll road expenses,

(b) parking expenses, and/or

(c) gratuity, not to exceed limits outlined for meals.

*The court order must specify the other necessary expenses to be paid.

Circuit Court Clerks are encouraged to contact The Division of Local Government Services, County Fees Systems Branch prior to reimbursing a witness for other necessary expenses.

OUT OF STATE

Witnesses Residing Out Of State are entitled to the same reimbursement as Witnesses Residing In State, In A County Other Than Where The Trial Is Being Held.

Witnesses residing out of state are also entitled to reimbursement for the following expenses:

(1) Round trip airfare, in lieu of mileage.

The Commonwealth Attorney is responsible for making arrangements for airline tickets.

Airline tickets should be billed to the Commonwealth Attorney.

Upon verification of proper court order and detailed receipt, the Circuit Court Clerk shall issue a check payable to the appropriate airline or travel agency for the cost of the ticket.

(2) Car Rentals, in lieu of any other mode of transportation.

Reimbursement of the Per Day charge for the rental and gasoline receipts is allowed.

Mileage and optional insurance charges will not be reimbursed.

The witness must submit a copy of the rental contract, which should include the name of the rental agency, the dates the car was rented and returned, and the per day charge, including taxes.

The witness must submit a written statement specifying the actual number of business miles traveled and specific departure and destination points, along with the receipts for gasoline purchased.

The Circuit Court Clerk must review the request for mileage reimbursement reasonableness.

Upon verification of proper court order and aforementioned items, the Circuit Court Clerk shall issue a check payable to the rental agency or witness.

(3) Per Diem of $5 per day.

However, if the state where the witness resides has adopted the Uniform Witness Act and allows per diem greater than $5 per day, then the amount allowed by the state in which the witness resides may be paid to the witness (OAG 82-620).

The witness must provide written proof of the amount allowed by that state.

The court order must specify the per diem rate, the number of days to be paid, and the authority for per diem rates of greater than $5 per day.

ADVANCE PAYMENTS

Advance Payments to Witnesses are only allowed for witnesses residing out of state who have been subpoenaed to appear in felony cases.

The Circuit Court Clerk should advance only the expenses necessary to bring the witness to the trial location.

The court order must specify the types of expenses to be paid.

Before making advance payments, the Circuit Court Clerk should:

(1) Request personal identification of the witness.

(2) Photocopy the identification.

(3) Attach the copy of the identification to the court order.

(4) Review the court order for types of expenses to be paid.

(5) Review the mileage claim for reasonableness, if applicable.

(6) Review all receipts for accuracy and reasonableness.

(7) Resolve any discrepancies.

(8) Create disbursement check(s).

COMPLETING AND FILING WITNESS FUND REPORT

The Witness Fund Report (AOC-589, Rev. 8/04) is a statement of the condition of the Witness Fund Imprest Account as of the last business day of the month.

The Witness Fund Report is also used to request reimbursement for payments to Commonwealth witnesses.

There are two forms that accompany the Witness Fund Report when requesting reimbursement for the Witness Fund:

AOC-582 (Rev. 8/02) Order For Jury and Witness Reimbursement

> Form AOC-582 Order For Jury and Witness Reimbursement serves as an order from a Judge to certify payment for witnesses.

AOC-582.1 (Rev. 8/02) Jury and Witness Reimbursement Schedule.

> Form AOC-582.1 Jury and Witness Reimbursement Schedule is a report which itemizes disbursements to witnesses.

An additional order signed by a judge, specifying:

1) the witness(es),
2) dates of attendance, and
3) a specific reimbursement to be paid is also required when requesting reimbursement of payments to witnesses.

The Witness Fund Report (white and goldenrod copies), an original copy of the Order For Jury and Witness Reimbursement, and an original copy of the Jury and Witness Reimbursement Schedule(s) must be submitted by the seventh business day of the month to:

Division of Local Government Services
County Fee Systems Branch
P.O. BOX 639
Frankfort, KY 40602-0639

If there are no requests for Witness Fund reimbursements for the month,

Submit Form AOC-589 Witness Fund Report only to the proper authority (County Fees Branch) by the statutory due date.

WITNESS REIMBURSEMENT SCHEDULE

(1) To begin completing the Jury and Witness Reimbursement Schedule AOC-582.1:

(a) enter the County name,

(b) enter the Court for which the witnesses appeared, and the month and year being reported, and

(c) circle “Witness” under the mo./year line.

(2) In the Juror or Witness to Whom Paid column:

(a) enter the name,

(b) complete address of the witness being paid, and

(c) beneath the name and address of the witness, itemize mileage, meals, hotel, and other expenses, which are included in the check amount.

(3) In the Attendance column, enter the month(s) and day(s) the witness appeared in the blocks provided.

(4) In the Total Days column, calculate the number of days itemized in the Attendance blocks for the witness and enter the total number of those days.

(5) In the Date Paid column, enter the month and day the check was issued as payment to the witness.

(6) In the Check Number, enter the check number issued to the witness.

(7) In the Amount column, enter the amount of the check issued to the witness.

(8) In the Page: _____: section, number each page consecutively.

(9) Calculate the total number of days paid on this page

(10) Enter the number in the Total This Page section.

(11) Add the numbers in the Amount column

(12) Enter the total in the space provided.

(13) When witness checks are voided by adjusting entry, the adjusting entry must be itemized on a Jury and Witness Reimbursement Schedule (AOC-582.1).

(a) Enter the name and complete address of the witness, as indicated on the original check, in the space provided.

(b) Enter the adjusting entry number below the witness' address.

(c) List the attendance dates for which the witness was paid according to the original Witness Reimbursement Schedule.

(d) Enter the total number of days, the date of the original check, and the original check number in the spaces provided.

(e) Enter the amount of the original check in parentheses to indicate that the disbursement will be subtracted from the report.

(14) The total amount of all Witness Reimbursement Schedules must equal Line 5 on the Witness Fund Report.

The total amount of all Witness Reimbursement Schedules must also equal the Witness Fund Line of the Cash Disbursements column on the Summary Financial Report.

ORDER FOR WITNESS REIMBURSEMENT

(1) To begin completing AOC-582 (Rev. 8/02) Order For Jury and Witness Reimbursement:

(a) Enter the county name.

(b) Enter the court for which witnesses are being paid.

(c) Enter the month/year being reported.

(d) Check the “Witness” box beneath the month/year line.

(2) Enter the total number of pages of AOC-582.1 Jury and Witness Reimbursement Schedules attached.

(3) Enter the month/year being reported.

(4) Sign the report on the Signature/Clerk line.

(5) Enter the day, month, and year this report was signed by a judge.

(6) Obtain an original judge’s signature on the Signature/Judge line.

The Division of Local Government Services will not accept rubber stamp signatures for a judge.

WITNESS FUND REPORT

(1) To begin completing the Witness Fund Report (AOC-589):

(a) Do not enter any information above the double lines.

The section above the double lines is for the use of the Division of Local Government Services only.

(b) Beneath the double line, enter the name of the reporting county on the Co. Circuit Clerk line.

(c) Enter the Clerk's name and address on the lines provided.

(2) Enter the month and year for the reporting period on the FOR THE PERIOD ENDED line.

(3) On line 1, enter the amount of the Original Amount of the Imprest Witness Fund.

This amount is designated by the Division of Local Government Services, and will remain the same each month.

The Department of Local Government Services will notify the Circuit Court Clerk of any changes to this amount.

(4) On line 2, enter the amount of disbursements that are not included on this schedule.

If none, enter "–0-." Do not leave this line blank.

It is not mandatory to request reimbursement every month.

If there are few witness disbursement checks written within a month, the request for reimbursement may be postponed until another month.

Disbursements that have been written, but for which reimbursement has not yet been requested should be reported on Line 2 of the Witness Fund Report.

(5) On line 3, enter the amount of previous schedules that haven't been reimbursed.

If none, enter "-0-." Do not leave this line blank.

If a requested reimbursement from a prior month has not been received by the Clerk's office during the reporting month:

Enter the amount of the requested reimbursement on line 3.

(6) On line 4A, enter the ending balance on the Witness Fund Control Card as of the last day of the reporting month.

This line must agree with the Witness Fund Line, Ending Cash Balance column of the Summary Financial Report.

(7) Add lines 2, 3, and 4A.

(8) Enter the total of these lines on Line 4B.

(9) Subtract line 4B from Line 1.

(10) Enter the amount on Line 5.

(a) Line 5 of the Witness Fund Report must agree with the Cash Disbursements column, Witness Fund Line of the Summary Financial Report.

(b) Line 5 of the Witness Fund Report must also agree with the total of all Jury and Witness Reimbursement Schedules (AOC-582.1).

(11) Sign the report on the Signature of Clerk line.

(12) The Approved for Reimbursement line is for the use of the Division of Local Government Services only.

DAILY CLOSING

The following sections detail the daily closing process.

CASH DRAWERS

POLICY:

Cash drawers are to be maintained for the accountability and control of monies receipted in the Circuit Court Clerk office.

All monies receipted shall be processed through a cash drawer.

Each cash drawer is considered a separate entity.

Cash drawers are to be maintained for the receipt divisions of Driver's License and Circuit/District.

Jail receipt activity will be designated a separate drawer number for accounting purposes only and will not have a physical receipt unit.

Driver's License and Circuit/District can have multiple drawers depending on the volume of activity.

Driver's License cash or cash items must not be co-mingled with Circuit/District cash drawers.

Cash received from a bonded public official (i.e. Jailer) other than the Circuit Court Clerk for bail bonds must not be co-mingled with Circuit/District cash drawers.

Co-mingling of cash drawers distorts the audit trail of cash received.

Each cash drawer must be assigned a specific location number for identifying that drawer activity.

An example being, Circuit Court as Drawer #1, District Court as Drawer #2, Driver's License as Drawer #3, Jail Activity as Drawer #4.

Each cash drawer must be assigned a specific change fund (with the exception of the Jail cash drawer).

All change funds are funded by the Administrative Office of the Courts. (Increases to existing change funds are to be initiated by contacting Auditing Services.)

The Circuit Court Clerk determines the allocation of total change fund monies to the individual cash drawers.

Change funds are to be accounted for each day when balancing the cash drawer using AOC Form 503, Daily Cash Settlement Sheet.

Each cash drawer must be balanced separately.

AOC Form 503, Daily Cash Settlement Sheet, is to be completed for each cash drawer.

This form details the cash and cash items count, compares the total cash received to total receipts and determines cash over<short>, if any, for the closed out activity.

(Overages and shortages MUST be reflected in the daily activity. Under NO circumstances shall the accounting records be forced to balance by depositing or withdrawing cash from a cash drawer.)

A receipt summary detailing individual category receipts and total cash receipted is to be prepared for the cash drawer activity.

This summary will be an automated system printout.

A copy of all receipt forms making up the cash drawer activity must accompany the daily balancing activity.

See Section Bookkeeping Forms Instructions for detailed instructions in completing the Daily Cash Settlement Sheet and the Cash Receipts Batch Control.

Each cash drawer must be balanced daily.

Circuit Court Clerks having Saturday office hours will not balance cash drawers on Saturday but will include the activity with Monday.

Circuit Court Clerks must insure that cash drawers are balanced early enough to ensure the deposit reaches the bank prior to closing, but late enough to ensure excess cash is not left in the office safe overnight.

Balancing of each cash drawer must be in a secure location away from public view.

Cash in excess of $10,000 must not be left in a cash drawer.

When cash in the drawer exceeds $10,000, excess cash must be removed and immediately placed in the office safe until the deposit is prepared.

When cash in the office exceeds $10,000, a separate deposit should be prepared and immediately taken to the bank.

If the bank is closed, the deposit shall be placed in a locked bank bag and deposited in the bank's overnight deposit drawer:

a) With the original and first copy of the deposit slip attached.

b) The second copy of the deposit slip must be retained in the Circuit Court Clerk's office until the validated copy of the deposit slip is retrieved from the bank.

The practice of cashing checks, making change from the cash drawer for the public or office staff, and IOU's **are strictly prohibited.**

When transactions unrelated to receipt transactions are allowed, the cash audit trail is distorted.

Keys used to unlock the cash drawer when a receipt is not being prepared must be maintained in a secure location away from the cash drawer area.

The Circuit Court Clerk must designate the secure location of the keys as well as office staff having access to the keys.

Each cash drawer and contents must be secured when the Circuit Court Clerk's office is closed.

The contents of each cash drawer must be removed at the close of business each day and placed in the office vault or fire proof safe.

Locked filing cabinets are **not** a secure location.

The empty cash drawer of the receipt unit should be left open.

PROCEDURE:

CLOSING AND BALANCING OF CASH DRAWERS

WINDOWS AUTOMATED SYSTEM

DRIVER'S LICENSE CASH DRAWER

(1) Print the Summary Fee Report from the Driver's License System.

(2) Prepare a receipt for the amount of the Organ Donor donations.

(a) The amount of Organ Donor donations listed on the Summary Fee Report must be receipted.

The Summary Fee Report lists only the number of $1 units collected for Organ Donor and does not include this dollar amount in the report total.

(b) Find the amount of Organ Donor donations on the Summary Fee Report and remove that amount of funds from the Driver's License cash drawer.

(c) At the Circuit/District receipt unit, prepare a receipt for the amount of the Organ Donor donations and place those funds in the Circuit/District drawer.

(3) Arrange batch copies of cash receipts in numerical order. See the Cash Receipt Is Missing section, at the end of this policy/procedure, for missing cash receipt instructions.

(4) Remove the cash drawer.

(5) Complete AOC Form 503, Daily Cash Settlement Sheet, (See Instructions for Bookkeeping Forms section). Line I on the Daily Cash Settlement Sheet must agree with the "Adjusted Grand Total" on the Summary Fee Report. Exception: Drivers License NSF check.

(6) Replace the change fund and return the cash drawer to the Driver's License location.

(7) Reconcile overages or shortages, if possible.

(8) Forward the Summary Fee Report, batch copies of manual cash receipts (in numerical order), Daily Cash Settlement Sheet, and all cash items to the bookkeeper intact.

CIRCUIT/DISTRICT COURT CASH DRAWER

(1) Arrange batch copies of cash receipts in numerical order. See the Cash Receipt Is Missing section, at the end of this policy/procedure, for missing cash receipt instructions. Review receipts for fee code errors and flag for bookkeeper to do receipt transfers.

(2) At the receipt unit, select “Close Out Drawer” under “File” to close the cash drawer activity, voiding receipts if needed.

The “Closeout Worksheet” will print and the receipt session will be created for use at the bookkeeping unit.

The “Closeout Worksheet” serves as the Cash Receipt Batch Control for the cash drawer.

(3) Remove the cash drawer.

(4) Complete AOC Form 503, Daily Cash Settlement Sheet, (See Instructions for Bookkeeping Forms section). Line I on the Daily Cash Settlement Sheet must agree with total receipts on the Closeout Work Sheet from the receipt unit.

(5) Replace the change fund and return the cash drawer to the Circuit/District location.

(6) Reconcile overages or shortages, if possible.

(7) Forward all batch copies of cash receipts (in numerical order), Daily Cash Settlement Sheet, Closeout Worksheet and all cash items to the bookkeeper, intact.

JAIL RECEIPTS CASH DRAWER

(1) Complete AOC Form 594, Daily Certification Of Bond Items To Circuit Court Clerk, (See Instructions for Bookkeeping Forms and

Third Party Monies, Bail Bond sections) in the presence of the Jailer or Deputy Jailer.

If there are discrepancies of any kind, follow procedures given in Instructions for Bookkeeping Forms and Third Party Monies, Bail Bond sections.

(2) Complete AOC Form 503, Daily Cash Settlement Sheet, (See Instructions for Bookkeeping Forms section).

Line I on the Daily Cash Settlement Sheet must agree with the total of all batch receipt copies and Line 4 of the Daily Certification Of Bond Items To Circuit Court Clerk.

Comment on steps #3 and #4:

Steps #3 and #4 are not part of the Jail drawer closeout; however, they are a very important part of the closing process. Entering the Jail receipts will be done by the bookkeeper prior to running Cash Receipt Batch Control (CRBC).

(3) Create the Jail receipt session by clicking on “Manual Receipts” under “Daily Transactions.”

(4) Enter each Jail receipt and close the session this will generate a closeout sheet.

(5) Forward the Daily Certification Of Bond Items To Circuit Court Clerk, all batch copies of cash receipts (in numerical order), Daily Cash Settlement Sheet, Drawer Worksheet and all cash items to the bookkeeper, intact.

(6) Copies of the Bail Bond forms are to be forwarded to the bookkeeper or designated deputy for processing.

CASH DRAWER DOES NOT BALANCE

(1) Determine the amount of the overage<shortage>.

(2) Recalculate the math on the Daily Cash Settlement Sheet.

(3) Recount all cash.

(4) Account for each receipt.

(5) Account for all void receipts.

(6) Re-add all checks and trace each check to a cash receipt (name and amount).

(7) Recount the change fund in the cash drawer.

(8) If drawer still does not balance, retain copies of all documentation.

CASH RECEIPT IS MISSING

(INCLUDING VOIDED CASH RECEIPTS)

(1) Notify the Circuit Court Clerk immediately after all efforts have been exhausted to locate the missing cash receipt.

(2) Prepare a written statement describing the efforts made to locate the receipt.

(3) Date and sign the statement (the Circuit Court Clerk and the bookkeeper must sign the statement).

(4) Staple the statement to the Daily Cash Settlement Sheet for that drawer.

DEPOSIT PREPARATION

POLICY:

All cash and cash items received in the Circuit Court Clerk office are to be deposited daily.

Cash drawers are to be closed and balanced timely enough to allow the deposit preparation and deposit at the bank before the bank closing hour.

Should the bank be closed, the Circuit Court Clerk shall deposit the cash in a locked bank bag in the bank's overnight deposit drawer.

The deposit should not be retained in the Circuit Court Clerk's office safe overnight.

The deposit should be prepared in an area away from public view.

The cash and cash items must never be left unattended while preparing the deposit.

Place the completed deposit in the locked office safe if it cannot be taken to the bank immediately.

It is permissible to make more than one deposit per day when unusually large sums of money are receipted by the Circuit Court Clerk.

Circuit Court Clerks are required to make more than one deposit when CASH in the office exceeds $10,000. Refer to: Daily Closing – Cash Drawers.

Circuit Court Clerks utilizing bank pickup services for daily deposits, must ensure that all cash and cash items are ready for pick up at the pre-designated times.

Cash in excess of $10,000 should be hand delivered and deposited in the bank if received after the bank pick up for that day.

All cash and cash items deposited must agree with the combined total of cash received listed on all Daily Cash Settlement Sheets in the daily batch.

Deposit slips are to be prepared in triplicate and distributed as follows:

Original	Accompanies the bank deposit and is retained by the bank.
Copy 1	Accompanies the bank deposit to be validated and returned to the Circuit Court Clerk.
Copy 2	To be retained in the Circuit Court Clerk office until the bank validated copy is received. Copy 2 can be destroyed when validated copy is received.

The deposit slip must:

(a) Itemize coins and currency separately.

(b) Each check must be listed on the deposit slip by the last name, or an abbreviated name for businesses, of the payer of each check.

1) When the number of checks to be deposited is an excessive number, the total amount of the checks can be listed on the deposit slip with a separate listing attached.

2) This listing can be hand written, or an automated worksheet from the Windows bookkeeping system.

3) A copy of this listing must be included in the daily batch activity.

4) All checks must have the “Pay To The Order Of” line filled in and must be endorsed.

The bank validated deposit slip must be filed with the daily batch.

PROCEDURE:

(1) Verify that all checks have the “Pay To The Order Of” filled in.

(2) Verify that all checks have been endorsed. This should be done when the receipt is prepared.

(3) Fill in the deposit slip in triplicate as follows:

(a) Date - Write the date of this day’s business.
(b) Currency – Write the total of all currency included.
(c) Coins – Write the total of all coins included.
(d) Checks – List all checks on the deposit slip or write in a total of all checks if a separate listing is attached.
(e) Total – Total all amounts listed on the deposit slip.

(4) Verify that the sum of Line G, Total Net Cash and Checks, off all Daily Cash Settlement Sheets is the same amount as the total on the bank deposit slip.

(5) Place the original and first copy of the deposit slip in the bank bag with the deposit.

Retain the second copy in the bookkeeping office.

(6) If the deposit cannot be taken to the bank immediately, place the deposit in a locked office safe.

DAILY POSTING

POLICY:

Posting of Circuit Court Clerk bookkeeping activity provides control and accountability for cash receipts and disbursements and reflects current balance activity.

Posting records updates activity in the Receipts Journal, Disbursements Journal, Payable Ledger Control Cards, Payable Ledger Detail Cards, and provides detailed activity for month end closing and reporting.

Posting is to be done daily to ensure current balance activity.

Those Circuit Court Clerk offices in which the office is open only a half day on certain days, usually Saturday, will not have posting for that day but will include the half day activity with the next full business day closing.

Before daily posting can occur, all cash drawers must be:

(a) closed,
(b) balanced, and
(c) bank deposit must be prepared,
(d) disbursements activity must also be closed.

Six funds for third party money categories have Payable Ledger Detail Cards that are manually maintained:

1) Bail Bonds
2) Alimony & Support
3) Restitution/Garnishment
4) Condemnation
5) Money Collected For Others
6) Special Escrow

Posting of the manually maintained Payable Ledger Detail Cards is an area in which posting errors can easily occur.

It is recommended that all Payable Ledger Detail Cards being posted be kept in a separate area and posted activity is balanced back to the combined Cash Receipts Batch Control (CRBC) before filing the cards back to the ledger card tray.

This will help ensure a balanced run of Payable Ledger Detail Cards when balancing to the Payable Ledger Control Cards.

The sum of the balances on the Payable Ledger Control Cards for State Depository, Jury Fund, Witness Fund, Bail Bonds, Alimony & Support, Restitution/Garnishment, Condemnation, Money Collected For Others and Library Fees must equal the balance on the NOW/Savings Ledger Control Card.

The Special Escrow Payable Ledger Control Card is not included as Special Escrow funds are maintained in separate bank accounts.

Payable Ledger Detail Cards must equal the respective Payable Ledger Control Card.

Payable Ledger Detail Cards should be balanced weekly, but no less than monthly.

Certain child support payments are court ordered to flow through the Circuit Court Clerk office.

These payments are NOT receipted nor disbursed by the Circuit Court Clerk.

The payments are documented on a Child Support Pass Through Payable Ledger Card, Form AOC 506.

The payer of the child support makes the check payable to the recipient of the child support.

The Circuit Court Clerk takes in the payment, documents the payment and then forwards the payment to the recipient.

PROCEDURE:

WINDOWS AUTOMATED SYSTEM

Receipts/Disbursements Posting

All receipt units and disbursement units have been closed creating the respective sessions.

CRBC The combining of all cash receipts and disbursements activity is performed by running the Cash Receipt Batch Control program.

(1) In the Windows Bookkeeping Software, select CRBC under Daily Transactions.

(2) Enter posting date.

(3) In the CRBC screen, select the receipts and disbursements sessions to be included in the CRBC activity.

These amounts will fill in the appropriate fields at the top of the screen.

(4) At the top of the CRBC screen, enter the sum of Line G, Total Net Cash and Checks, from each AOC-503 Daily Cash Settlement Sheet for all Circuit/District cash drawers.

(5) Enter the sum of Line G, Total Net Cash and Checks, from each AOC-503 Daily Cash Settlement Sheet for all Driver's License cash drawers.

(6) Enter the Adjusted Grand Total amount from the Driver’s License Summary Fee Report. Exception: Drivers License NSF check.

The software compares the cash amount received to the amount per receipts and arrives at the total deposit amount and the cash over<short> amount, if any.

Make sure the calculated deposit amount is the same figure as the actual bank deposit made.

(7) Enter the sum of Line H, Total Credit Cards from each AOC-503 Daily Cash Settlement Sheet for all Circuit/District cash drawers.

(8) Enter the sum of Line H, Total Credit Card from each AOC-503 Daily Cash Settlement Sheet for all Driver's License cash drawers.

The software compares the cash amount received to the amount per receipts and arrives at the total deposit amount and the cash over<short> amount, if any.

Make sure the calculated deposit amount is the same figure as the actual bank deposit made.

(9) Complete any necessary receipt transfers.

(10) When the CRBC amounts on the screen are correct, click on Process/Posting and generate the CRBC.

If the CRBC is correct, print the report and “Post” the activity.

If the CRBC is not correct, make the necessary corrections, rerun the CRBC and “Post.”

(a) Cash Receipt Journal

The Cash Receipt Journal is posted automatically.

(b) Cash Disbursement Journal

The Cash Disbursement Journal is posted automatically.

(c) Payable Ledger Control Cards

All Payable Ledger Control Cards are posted automatically.

(d) Payable Ledger Detail Cards -- Cash Receipts

1) From the CRBC and cash receipts, post the Payable Ledger Detail Cards for the following categories: Bail Bonds, Alimony & Support, Restitution/Garnishment, Condemnation, Money Collected For Others and Special Escrow.

2) Post each receipt in the Funds Received Column of the appropriate detail card.

Exception:

See Detail Ledger Card Section of this manual. It is not necessary to post individual receipts for Postage, Court Technology Fees and Attorney Tax Fees.

Attorney Tax Fees for Court of Appeals cases should be recorded individually on a Money Collected For Others – Attorney Tax Fee Appeals Cases detail ledger card.

Run a calculator tape on all detail cards posted for each category to ensure agreement with the total amount reflected on the CRBC for that category.

(e) Payable Ledger Detail Cards – Cash Disbursements

Payable Ledger Detail Cards must be posted manually as each check is written.

(f) Child Support Pass Through Payable Ledger Card

Post each check received for pass through child support to the appropriate Pass Through Payable Ledger Card immediately when the check is received.

Record all information required on the card. See Section Special Collections for Third Party. Forward the check to the recipient.

Cash Disbursements Posting

Cash Disbursements Journal

Checks are automatically posted to the Cash Disbursement Journal as the check is written when using the windows bookkeeping system.

Payable Ledger Control Cards

Payable Ledger Control Cards are posted automatically by the window bookkeeping system.

Payable Ledger Detail Cards

Payable Ledger Detail Cards should be posted as the check is written. It is recommended that all payable ledger detail cards being posted be kept in a separate area, and that posted activity is balanced back to the CRBC before filing the cards back to the ledger card tray or closed card file, as applicable.

DAILY BATCH FILING

POLICY:

Documentation for the daily batch activity is to be filed in an orderly manner. Maintaining a file for each day's activity creates organization and permits the easy retrieval of records.

Daily Batch activity is to be filed in the AOC Batch Envelope, Form 599.

The Daily Batch Envelopes are to be filed chronologically in a file drawer or storage box.

If the Daily Batch activity does not fit in the batch envelope or the envelope is not utilized, the batch activity should be clipped together and all Daily Batches for the month maintained in a file folder.

The Cash Receipts Journal and the Cash Disbursement Journal are maintained in their respective binders and do not become part of the daily batch.

Payable Ledger Control Cards and Payable Ledger Detail Cards are maintained separately from the daily batch activity.

PROCEDURE:

WINDOWS AUTOMATED SYSTEM

For Driver's License Cash Drawer

1) Summary Fee Report indicating "Adjusted Grand Total."
2) Copies of all cash receipts including voided receipts.
3) Daily Cash Settlement Sheet.

For Circuit/District Cash Drawers

1) Copies of all cash receipts including voided receipts.
2) Daily Cash Settlement Sheet.
3) Daily Closeout Worksheet.

For Jail Cash Drawer

1) Copies of all cash receipts including voided receipts.
2) AOC Form 594, Daily Certification Of Bond Items To Circuit Court Clerk.
3) Daily Cash Settlement Sheet.
4) Drawer Closeout Worksheet.

For Disbursements Activity

Check Listing detailing all checks written.

Daily Batch File

1) Combined Cash Receipt Batch Control (CRBC).
2) Insert all cash drawer activity listed above. All activity for each cash drawer should be together.
3) Bank validated copy of the bank deposit slip.
4) Fill in the pre-printed lines on the outside of the envelope detailing the date and receipts and disbursements activity for each drawer.
5) File the Daily Batch Activity in the designated file.

MONTHLY CLOSING

The following sections detail the monthly closing process.

JOURNALS

The following sections detail the monthly closing process to the receipts and disbursement journals.

CASH RECEIPTS JOURNAL

POLICY:

For the Windows Accounting Systems, the Cash Receipts Journal is closed automatically as part of the month end closing process.

After monthly reports have been submitted, changes cannot be made to the Cash Receipts Journal.

Any errors detected after the monthly reports are submitted must be corrected by cash receipts adjusting entries in the following month(s).

PROCEDURE:

Windows Accounting Systems

Closing & Balancing The Cash Receipts Journal

Done automatically during the month end closing process.

Storage Of The Cash Receipts Journal

1) File the Cash Receipts Journal in its respective binder.

2) File by fiscal year.

3) Retain in a secure location.

CASH DISBURSEMENTS JOURNAL

POLICY:

For the Windows Accounting Systems, the Cash Disbursements Journal is closed automatically as part of the month end closing process.

After monthly reports have been submitted, changes cannot be made to the Cash Disbursements Journal.

Any errors detected after the monthly reports are submitted must be corrected by cash disbursements adjusting entries in the following month(s).

PROCEDURE:

Windows Accounting Systems

Closing & Balancing The Cash Disbursements Journal

Done automatically during the month end closing process.

Storage Of The Cash Disbursements Journal

1) File the Cash Disbursements Journal in its respective binder.

2) File by fiscal year.

3) Retain in a secure location.

PAYABLE LEDGER CONTROL CARDS

POLICY:

The Payable Ledger Control Cards must maintain a current and accurate running balance.

This function is done automatically with the Windows Accounting Systems.

After monthly reports have been submitted, changes cannot be made to the Payable Ledger Control Cards for that month.

Any errors detected after the monthly reports are submitted must be corrected by adjusting entries in the following month(s).

PROCEDURE:

Windows Accounting Systems

Balancing The Payable Ledger Control Cards

The automated systems will maintain balanced Payable Ledger Control Cards.

NOTE: The Special Escrow Payable Ledger Control Card is not used in this calculation as Special Escrow funds are maintained in separate bank accounts.

PAYABLE LEDGER DETAIL CARDS

POLICY:

All Payable Ledger Detail Cards must maintain a current and accurate ending balance.

The posting and ending balance of each Payable Ledger Detail Card is maintained manually with all accounting systems in use.

All Payable Ledger Detail Cards within a specific category, i.e. Bail Bonds, must balance in total to the respective Payable Ledger Control Card.

Payable Ledger Detail Cards should be balanced weekly, but no less than monthly.

> Balancing the Detail Cards to the Control cards after the last posting of the month and prior to month end closing strengthens the validity and accuracy of month end reporting.

Negative amounts should be indicated with brackets, ( ), and not with a minus sign.

Use of correction fluids in correcting errors on Payable Ledger Detail Cards should be discouraged.

> Correct errors by drawing a line through the error and writing the correct amount above the error.

New Payable Ledger Detail Cards should not be prepared with the beginning of each new month.

> Continue using the same Detail Card until the card is full and carry the balance forward to a new card.

File the full Payable Ledger Detail Card in the appropriate closed Payable Ledger Detail Card file.

PROCEDURE:

All Accounting Systems

Balancing The Payable Ledger Detail Cards

For each category having Payable Ledger Detail Cards:

1) Run a calculator tape of the ending balance on each Detail Card.

2) Compare the total of the calculator tape to the respective Payable Ledger Control Card.

If the above calculation does not balance, consider the following to resolve any discrepancies:

1. Compare the calculator tape to the Detail Card balances.

2. Recalculate the balance on each card.

3. Scan the Detail Cards and calculator tape for transpositions.

4. Proof the posting of cash receipts and disbursements.

5. Review adjusting entry postings.

6. Proof balances carried forward to a new card.

3) Date and initial the calculator tape.
4) Clip the tape to the appropriate Payable Ledger Control Card.
5) Keep the tape until the next time the Payable Ledger Detail cards are balanced to the Control Card.

Should the cards not balance and the discrepancies are not found; always keep the last tape that did balance and also the subsequent tapes until the cards are balanced.

Storage Of Payable Ledger Detail Cards.

1. Open Cards – File alphabetically, by category, in a ledger card tray.

2. Closed Cards – File alphabetically, by category, in a separate file, by fiscal year.

MONTHLY REPORTS

POLICY:

Reports listed in this section are mandated by current statutes.

KRS 30A.120 (3) states “upon failure of the clerk to submit to the Finance Cabinet, within the prescribed period, the required report and to pay over, at the same time, the costs, fines, forfeitures and other monies collected, the cabinet shall immediately notify the Auditor Of Public Accounts that the clerk concerned is delinquent in the matter.”

All reports require the signature of the Circuit Court Clerk.

Only original signatures will be accepted by the Division Of Local Government Services.

If the Circuit Court Clerk chooses to allow rubber stamp signatures, the report must be co-signed by an original signature of the bookkeeper or chief deputy clerk.

While the Division Of Local Government Services will accept a bookkeeper or chief deputy clerk signature, Circuit Court Clerks are strongly urged to review these reports and sign the reports themselves.

The Circuit Court Clerk is ultimately responsible for the information contained in these reports and should be aware of all information being submitted to the Division Of Local Government Services.

All reports, unless otherwise stated, must be received by the proper authority (County Fees Branch) no later than the seventh (7th) working day of each month.

SUMMARY FINANCIAL REPORT

POLICY:

The Summary Financial Report, AOC Form 586, is a certification and transmittal to the Division Of Local Government Services of all state monies collected and disbursed by the Circuit Court Clerk for the month.

The Summary Financial Report is also a certification to the Administrative Office Of The Courts of all monies collected and disbursed by the Circuit Court Clerk during the month and the financial condition of monies held by the Circuit Court Clerk.

For all Refunds of State Monies, the following items will accompany the Summary Financial Report when necessary (See Bookkeeping Refunds section for more information.)

(a) court order, and

(b) a copy of the cash receipt verifying the money was paid to the State Treasury.

PROCEDURE:

PREPARING THE SUMMARY FINANCIAL REPORT

Windows Automated Systems

Circuit Court Clerks having the Windows Accounting Systems will not prepare the Summary Financial Report manually as the automated systems prepare the report automatically.

ATTACHMENTS TO THE SUMMARY FINANCIAL REPORT

1) For The Division Of Local Government Services:

   a) Support for All refunds – Refunds of State Money will be supported by the following when necessary (See Bookkeeping, Refunds section for more information):

      1. court order, and

      2. a copy of the cash receipt verifying the money was paid to the State Treasury.

   b) Driver's License Summary Fee Report.

   c) Jury Fund Report with its attachments.

   d) Witness Fund Report with its attachments.

2) For The Administrative Office Of The Courts:

   a) Support for All refunds – Refunds of State Money will be supported by the following when necessary (See Bookkeeping, Refunds section for more information)

      1. court order, and

      2. a copy of the cash receipt verifying the money was paid to the State Treasury.

   b) Driver's License Summary Fee Report.

   c) Fish And Wildlife Report with its attachments.

   d) Jury Fund Report with its attachments.

   e) Witness Fund Report with its attachments.

   f) Check made payable to the Kentucky State Treasurer for Court Technology receipts during the month.

2) For The Circuit Court Clerk Bookkeeping Files

a) Support for All refunds – Refunds of State Money will be supported by the following when necessary (See Bookkeeping, Refunds section for more information.)

1. court order, and

2. a copy of the cash receipt verifying the money was paid to the State Treasury.

b) Driver's License Summary Fee Report.

c) Fish And Wildlife Report with its attachments.

d) Jury Fund Report with its attachments.

e) Witness Fund Report with its attachments.

COMPLETION OF REPORT

Sign And Date The Report

See Monthly Reports Policy section for proper signing of the report.

DISTRIBUTION

Original -	Division Of Local Government Services County Fee Systems Branch P.O. Box 639 Frankfort, KY 40602-0639
Yellow -	Administrative Office Of The Courts Department Of Auditing Services 100 Millcreek Park Frankfort, KY 40601-9230
Pink -	Circuit Court Clerk Bookkeeping Files
Goldenrod -	Include with original copy

SURPLUS POSTAGE AND OTHER SURPLUS FEE ACCOUNTS

POLICY:

Periodically, each county shall be requested to remit all surplus amounts in the Money Collected for Others, sub-categories of postage, and diversion fees to the Administrative Office of the Courts.

Auditing Services recommends that the Circuit Clerk periodically review the Money Collected for Others, Advertising detail card to determine if excess funds are available. If the Clerk determines that excess advertising fees are available, you may submit a check for any excess fees to the Administrative Office of the Courts. When dispersing the excess advertising fee, please make the check payable to the State Treasury and note on the check "remit line" excess Advertising fees.

Each county shall be notified in writing by the Department of Auditing Services as to the appropriate time to remit the above mentioned surplus fees.

Once the county receives the notification, prepare a check for the balance of the account, less the amount specified by AOC to leave in the account. The check shall be made payable to the **KENTUCKY STATE TREASURER**. In the memo line of the check, write either **Postage thru (date) or Advertising thru (date) or Diversion thru (date).** Mail the check to address shown on the notification

FISH AND GAME REPORT

POLICY:

The Fish And Wildlife Report, AOC 584, is a report in writing to the Department Of Fish And Wildlife of all results of prosecution and the amount of fines collected or penalties imposed as required by KRS 150.140.

Form AOC 584 is used to report citations received, amount of fines assessed and amount of fines collected for all KRS 150 and KRS 235 violations.

Fish And Wildlife officers write citations for violations other than KRS 150 and KRS 235. Only citations for KRS 150 and KRS 235 should be included on this report.

KRS 150.140 mandates that "each circuit clerk responsible for the court before whom any prosecution under this chapter for the violation of any law or regulation for the protection of wildlife may be commenced or shall go on appeal shall … report in writing to the commissioner the result of the prosecution, the amount of fine collected or penalty imposed, if any."

Therefore, copies of citations disposed and cash receipts must accompany this report. Copies of these citations and cash receipts must be forwarded to all agencies listed in the Distribution section of Form AOC 584.

This report must be submitted monthly, even when no citations have been disposed or when no fines have been collected for the Department Of Fish And Wildlife.

PROCEDURE:

PREPARING THE FISH AND WILDLIFE REPORT

1. Date – Type the date this report is being prepared.

2. From – Type the Circuit Court Clerk's name and County.

3. In the space provided, type the month and year for which this report is being prepared.

4. Line (1) Number of citations attached – Type the total number of citations attached to the report for violations of KRS 150 and KRS 235.

   A. Attach the blue copy of every citation for a KRS 150 or KRS 235 violation that was disposed in your court this month. Include all citations where fines and costs were assessed, fines were suspended and costs were assessed or where the case was dismissed.

   B. If no citations were disposed for this reporting period, type "-0-" on this line – Do not leave this space blank.

5. Line (2) KRS 150 and KRS 235 Fines Assessed – Type the total of fines assessed, per citations attached. If no fines were assessed, type "-0-" on this line – Do not leave this space blank.

6. Line (3) KRS 150 and KRS 235 Fines Collected – Type the dollar amount that corresponds with line 8 on the Summary Financial Report for the month being reported.

   A. Attach one copy of each receipt where Fish And Wildlife fines were collected during the current month.

   B. Also attach one copy of each adjusting entry affecting Fish And Wildlife receipts during the current month.

7. Line (4) Amount due the Department Of Fish and Wildlife Resources – Multiply line (3) by 60% and type that amount on this line. This calculation is for information purposes only. Do not write a check.

8. Circuit Court Clerk signature.

See Monthly Reports Policy section for proper signing of the report.

DISTRIBUTION

White Copy -	Department Of Fish And Wildlife #1 Game Farm Road Frankfort, KY 40601
Yellow Copy -	Administrative Office Of The Courts Department Of Auditing Services 100 Millcreek Park Frankfort, KY 40601-9230
Pink Copy -	Circuit Court Clerk Bookkeeping Files

JURY FUND REPORT

For information regarding the Jury Fund Report, please go to the above Jury Fund section of the Bookkeeping section.

WITNESS FUND REPORT

For information regarding the Witness Fund Report, please go to the above Witness Fund section of the Bookkeeping section.

TRANSFER OF STATE MONIES

POLICY:

The transfer of state monies to the Kentucky State Treasurer must be completed by the (7th) seventh business day of each month.

All monthly reports must be completed prior to the transfer of state monies.

The transfer amount must equal the Ending Cash Balances column on the Total State Monies row of the Summary Financial Report and the ending balance on the State Depository Control Card.

All Circuit Court Clerks are encouraged to use electronic transfer of state monies to the Treasurer to prevent a delay in transferring monies to the Commonwealth.

Contact Auditing Services to complete arrangements for initializing the transfer.

PROCEDURE:

ELECTRONIC FUNDS TRANSFER

(1) To access the Kentucky. Gov ACH Pay application click on the URL below:

https://secure.kentucky.gov/ACHPay/ShoppingCart

(a) Follow prompts to make payments.

(b) Prepare a disbursements journal adjusting entry to record the transfer of state monies. The adjusting entry will be a corrected entry only in the state depository fee category for the amount of the transfer.

(2) Contact Auditing Services in cases of changing bank accounts or transferring incorrect amounts.

TRANSFER BY DISBURSEMENT CHECK

If transferring state monies by disbursement check, prepare a check to the Kentucky State Treasurer for the amount of the State deposit. The deposit amount must equal the Ending Cash Balances column on the Total State Monies row of the Summary Financial Report and the ending balance on the State Depository Control Card.

INSTRUCTIONS FOR BOOKKEEPING FORMS

AOC 500 – MANUAL CASH RECEIPT

USE:

Jail receipt Systems

Use this form each time money is received by your local jail, whether by cash or by check.

Automated Bookkeeping Systems

Use this form in emergency situations only, such as when the office experiences a power outage or the Windows receipts system is unavailable.

All Bookkeeping Systems:

For Driver's License

Do not issue a manual cash receipt each time a driver's license is issued. The driver's license is the receipt.

For CDL License, Reinstatements, Driving History Records, and other Driver's License related transactions – Issue a manual cash receipt only when the customer requests a receipt.

Trust for Life donations:

For customer donations – Issue a manual cash receipt only when the customer requests a receipt.

For bookkeeping purposes – Issue one cash receipt each day for the total of all $1 donations. Include this receipt with the Daily Cash Receipt Batch Control.

Jailers

For Jailers or other authorized officials receiving money on behalf of the Circuit Court Clerk – RCr 4.26(1) mandates that when an authorized officer receives a cash deposit he

shall give a receipt to the person from whom he receives the money on a uniform receipt form provided by the Administrative Office of the Courts. AOC 500 is the only authorized uniform receipt form provided by AOC.

DISTRIBUTION:

All Bookkeeping Systems:

Original:	Give to the payer
Second Copy:	File with the Daily Batch
Third Copy:	File in the appropriate case file

FREQUENCY OF USE:

Daily, each time money is received whether by cash or by check.

INSTRUCTIONS:

Do not leave lines blank

Date	Write the date this form is being prepared
County	Write the name of the county
Case No.	Write the appropriate case number (citation numbers are not acceptable)
Received From	Write the name of the payer When cash is received, write the name of the person who is paying the cash. When a check is received, write the name as indicated in the upper left corner of the check (i.e. name of business, law firm). When the check indicates a joint account, write the name of the person who signed the check.
Account Of	For criminal cases, write the name of the defendant. For civil cases, write the style of

the case. If the Received From line and the Account Of line are the same person or business, write “Same” or “S” on this line.

Apply the Payment:

Record the payment in the appropriate block(s) on the receipt. The total of all blocks completed must equal the total received block on the receipt.

Signature of the Preparer Requires the signature or initials of the preparer.

OTHER:

Security:

All Bookkeeping systems – pre-numbered cash receipts should be kept in a safe, secure place away from the reach of the public at all times. Pre-numbered cash receipts should be locked in the office safe overnight.

Void Receipts:

All Bookkeeping Systems – Write “Void” across the front of the receipt. Staple all three copies of the receipt together. Include all void receipts with the daily batch.

AOC 502 – CASH RECEIPT BATCH CONTROL (CRBC)

USE:

Automated Bookkeeping Systems – Use this form for each manual cash drawer, such as driver's license and the jail.

FREQUENCY OF USE:

Daily

DISTRIBUTION:

Filed as part of the Daily Batch.

INSTRUCTIONS:

Date	Write the date of business being reported.
County	Write the name of the county.
Receipt Number Sequence	Write the beginning and ending receipt numbers for each cash drawer. Include void receipt numbers in this series. Sufficient space is allowed for up to six (6) cash drawers. When less than six (6) cash drawers are used, leave the unused spaces blank. When more than six (6) cash drawers are used, write in the cash drawer number and beginning/ending receipt numbers. This also includes receipts used for CDL and other driver's license transactions, as well as Trust for Life donations.
Void Receipt Numbers	List each void receipt number separately.
Check Number Sequence	Write the beginning and ending check numbers for this day's business. Include void check numbers in this series.
Void Check Numbers	List each void check number separately.

Line 1: Driver's Licenses	Write the total amount of driver's licenses issued for this day's business. This line should agree with the "Adjusted Grand Total" line on the daily driver's license report.

Per Cash Receipts – Do not write on any line with an "x." These fees no longer exist per HB 452.

Lines 2 thru 27	Using the bookkeeping copy of the receipts to accumulate totals, write the total funds received, per category, for each type of funds listed.
Line 28	Write the total of lines 1 thru 27.
Line 29	Write the amount from Line 1 on Form AOC 503, Daily Cash Settlement Sheet.
Line 30	Add or subtract Line 29 to/from Line 28. Write the new total.
Lines 31 thru 40	Using the bookkeeping copy of the receipts to accumulate totals, write the total funds received, per category, for each type of funds listed.
Line 41	Write the total of lines 30 thru 40.
Line 42	Using the bookkeeping copy of the receipts to accumulate totals, write the total of special escrow funds received.
Line 43	Write the total of all monies deposited to the NOW account and Special Escrow accounts for this day's business.
Line 44	Write the total of Line 43 plus or minus Line 29

COMBINED CASH RECEIPT BATCH CONTROL:

Automated Bookkeeping Systems

Entries from the Cash Receipt Batch Control for manual cash drawers must be entered through the use of specific programs developed for the automated bookkeeping system.

For Driver's License

Driver's license sales are entered through the "CRBC" program.

Jail

For Jail receipts issued on behalf of the Circuit Court Clerk – These receipts are entered through the "Manual receipts" function of the bookkeeping program.

Manual Receipts

For receipts issued manually – These receipts are entered through the "Manual receipts" functions of the bookkeeping program.

After the receipts are entered, a closeout worksheet must be run for each manual cash drawer, except driver's license. This recap serves as the Cash Receipt Batch Control for each manual cash drawer.

The report printed through the "CRBC" program serves as the combined Cash Receipt Batch Control for automated bookkeeping systems.

AOC 503 – DAILY CASH SETTLEMENT SHEET

USE:

All Bookkeeping Systems

Use this form for each cash drawer, including driver's license and the jail.

FREQUENCY OF USE:

Daily

DISTRIBUTION:

Staple to the corresponding Cash Receipt Batch Control sheet for each respective cash drawer and file as part of the Daily Batch.

INSTRUCTIONS:

Drawer	Write the number assigned to the cash drawer being balanced.
County	Write the name of the county
Cash Count	Coin/Quantity/Value/Total

Note

The Cash Count: Coin/Quantity/Value/Total columns must include all funds, including the change fund assigned to this drawer.

Lines 1 thru 6	Count each denomination of coins separately. Write the number of coins under "Quantity" and then multiply the number of coins by the "Value" for those coins and enter that amount under "Total."
Line A	Write the total of lines 1 thru 6.

Currency:

Lines 7 thru 13	Count each denomination of bills separately. Write the number of bills under "Quantity" and then multiply the number of bills by the "Value" for those bills and enter that amount under "Total."

Line B	Write the total of lines 7 thru 13.
Line C	Write the total of line A added to line B.
Line D	Write the amount of the change fund assigned to this drawer.
Line E	Write the total of line C minus line D.
Line F	Write the total of all checks in this cash drawer. Note: Two adding machine tapes must be stapled to this form to document the amount entered on Line F.
Line G	Write the total of line E added to Line F.
Line H	Write the total of all credit card transactions in this cash drawer. Note: Two adding machine tapes must be stapled to this form to document the amount entered on Line H.
Line I	Write the total of Line G added to Line H.
Line J	Write the total receipts from the close-out report or line 44 of the Cash Receipt Batch Control that corresponds with this cash drawer.
Line K	Write the total of Line I minus Line J Note: If Line J is greater than Line I, the cash drawer is short. Indicate the shortage by putting this figure in brackets ( ). If Line J is less than Line I, the cash drawer is over. Indicate the overage by putting a plus sign in front of this figure.
Signature of the Preparer	Requires the signature of the preparer.
Date	Write the date the form is being completed.

AOC 505 – PAYABLE LEDGER CARD

USE:

In automated bookkeeping systems, use this form to record cash transactions for all types of funds, including special escrow. This form provides a detailed history of all cash transactions on a particular case or type of funds. Exception: where automated child support programs are active, this form is not used for child support transactions.

DISTRIBUTION:

Filed in a ledger card tray, by category, in bookkeeper's office.

FREQUENCY OF USE:

Daily – to record receipts, disbursements and adjusting entries for all monies, including special escrow.

INSTRUCTIONS:

For detailed instruction on completing payable ledger cards, please see the PROCEDURE in the Bookkeeping section entitled Detail Ledger Cards.

AOC 506 – PASS THROUGH LEDGER CARD

USE:

Periodically, the court may order monies to be received and distributed by the Circuit Court Clerk in the form of a check, payable to a third party or the third party and the Circuit Court Clerk.

These payments may be for alimony, support, restitution, garnishment, or money collected for others.

A collection for a third party would not be receipted and disbursed through the Clerk's bank account, unless cash is received.

These payments are not shown on the Cash Receipts or Cash Disbursements Journal. Form AOC-506 Pass Through Ledger Card is utilized to track the receipt and disbursement of these payments.

These ledger cards are not used to balance detail ledger cards to control cards.

If the check is payable to a third party and the Circuit Court Clerk, the Clerk must endorse the check by signing his/her name and the words: "Endorsed without recourse."

This endorsement is necessary to relieve the Clerk of the responsibility for the value of the check.

INSTRUCTIONS:

For detailed instruction on completing payable ledger cards, please see the PROCEDURE in the Third Party Monies section entitled Special Collections for Third Party.

AOC 580 – BANK RECONCILIATION

USE:

In all bookkeeping systems, this form is used to reconcile all bank accounts.

DISTRIBUTION:

Filed in bookkeeper's office.

FREQUENCY OF USE:

Monthly, or in case of special escrow and investment accounts, as often as bank statements are received.

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Systems Overview, Bank Reconciliation section entitled Completing Bank Reconciliation.

AOC 582 – ORDER FOR JURY & WITNESS REIMBURSEMENT

USE:

In all bookkeeping systems, use this form each time reimbursement is requested for jury and witness disbursements.

Frequency Of USE:

For each time AOC 582.1, Jury and Witness Reimbursement Schedule is submitted.

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Bookkeeping, Jury Fund section entitled Completing and Filing Jury Fund Report.

AOC 582.1 – JURY & WITNESS REIMBURSEMENT SCHEDULE

USE:

In all bookkeeping systems, use this form as an attachment to the monthly reports, AOC 585 Jury Fund Report and AOC 589 Witness Fund Report, as documentation for line 5, Amount to be reimbursed this month.

It is not necessary to submit this report when line 5, Amount to be reimbursed this month on the Jury Report or Witness Report equals zero. Use separate 582.1 forms for jurors and witnesses.

FREQUENCY OF USE:

Any time line 5 on the Jury Fund Report, AOC 585, and/or line 5 on the Witness Fund Report, AOC 589, includes an amount to be reimbursed.

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Bookkeeping, Jury Fund section entitled Completing and Filing Jury Fund Report.

AOC 584 – REPORT FOR FISH & WILDLIFE

USE:

In all bookkeeping systems, this form is used to report citations received, fines assessed and fines collected for KRS 150 and 235 violations.

FREQUENCY OF USE:

Monthly.

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Bookkeeping, Monthly Closing, Monthly Reports section entitled Fish & Wildlife Report

AOC 585 – JURY FUND REPORT

USE:

In all bookkeeping systems, this form is used to request reimbursement for payments to all jurors as well as to report to the Division of Local Government Services the status of the Jury Imprest Fund.

FREQUENCY OF USE:

Monthly

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Bookkeeping, Jury Fund section entitled Completing and Filing Jury Fund Report.

AOC 586 – SUMMARY FINANCIAL REPORT

USE:

A certification and transmittal to the Division of Local Government Services of all state monies collected for the month by Circuit Court Clerks. And also, as a certification to the Administrative Office of the Courts of all monies collected by Circuit Court Clerks.

In automated systems, this report is generated through the bookkeeping system.

FREQUENCY OF USE:

Monthly.

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Bookkeeping, Monthly Closing, Monthly Reports section entitled Summary Financial Report.

AOC 589 – WITNESS FUND REPORT

USE:

In all bookkeeping systems, this report is used to request reimbursement for payments to Commonwealth witnesses, as well as to report to the Division of Local Government and the Administrative Office of the Courts the status of the Witness Imprest Account.

FREQUENCY OF USE:

Monthly.

INSTRUCTIONS:

For detailed instruction on completing this form, please see the Bookkeeping, Witness Fund section entitled Completing and Filing Witness Fund Report.

AOC 590 – FINE & COST LIST

USE:

All Bookkeeping Systems – Bench clerks should complete this form while on the bench at the time fines and/or costs are assessed.

Use of this form enables the defendant to leave the court room and go directly to the Circuit Court Clerk's office to make a payment.

Use of form AOC 590 will also indicate to the deputy clerk collecting the payment the proper amount of fees to collect.

FREQUENCY OF USE:

Each day court is in session.

DISTRIBUTION:

Top copy (yellow): Give to the defendant.

Second copy (white): File in the case jacket.

INSTRUCTIONS:

Complete the heading: (this may be completed before going to court)

Case No. Write the case number.

Place a checkmark in the court cost block. Write in the appropriate fee amount beside the category for each fee assessed. Write in the total due in the block at the bottom of the form.

Fees assessed that are not specifically listed on this form should be indicated on the "other" line at the bottom of the form. Specify the exact fee to be collected.

Give the top copy of the Fine List to the defendant.

Instruct the defendant to take this form to the Circuit Court Clerk's office and give it to the deputy clerk who will process the payment.

File the second copy (white) of this form in the appropriate case file when it is returned from court.

AOC 591/592 – PAYMENT LOG

USE:

This form replaces form AOC 77-540, Invoice and Accounts Receivable Ledger Card. Proper use of this form will assist clerks in issuing receipts for partial payments.

The use of this form is optional.

DISTRIBUTION:

File in the case file or in a partial payment tray.

FREQUENCY OF USE:

Each time a payment is received as a partial payment.

Adjusting entries affecting receipts recorded on this form must also be posted to this form.

INSTRUCTIONS:

Complete the heading:

Defendant	Write the name of the defendant.
Case #	Write the case number.
Page __ of __	Number these pages sequentially in the first space on this line. When the last payment has been received, write the total number of pages in the last space on each page (i.e. page 1 of 12, page 2 of 12, and so on).
Category	This column lists the most common categories of fines and costs for which defendants are allowed to make partial payments. For categories not listed, use the “other” block near the bottom of the page. Write the specific category in the space provided.
Amount Owed	Review the court order and itemize all fines and costs, by category, in this column. All categories itemized must equal the Grand Total at the bottom of this column.

Payment/Receipt #	Write the receipt number. Record each payment. The sum of all categories equals the Grand Total at the bottom of this column.
New Balance	Subtract the amount in the Payment column from the last amount in the Amount Owed column and write in the New Balance. All categories itemized must equal the Grand Total at the bottom of this column.

Repeat each time a payment is received.

Use form AOC 592 for continuation pages.

AOC 593 – TRANSFER OF CASH RECEIPT FORMS

USE:

In all bookkeeping systems, this form is used to document the cash receipt numbers of all receipts issued to the jail for use in collecting bail bond monies.

See the Jail Procedures section of the Third Party Monies, Bail Bond section of this manual for more information regarding this form.

DISTRIBUTION:

White	Retained by the Circuit Court Clerk. Filed in bookkeeper's office.
Yellow	Retained by jailer.

FREQUENCY OF USE:

Each time receipts are transferred to the jail for use in collecting bail bond monies.

INSTRUCTIONS:

Write the name of the Circuit Court Clerk, or deputy, who is completing this form. This line requires the name of the person who is actually transferring these receipts to the jailer.

Write the name of your county.

Review the series of cash receipts to ensure that all cash receipts are intact. Do not issue a series of cash receipts if all numbers cannot be accounted for.

Write the first receipt number in the series of cash receipts being transferred to the jailer.

Write the last number in the series of cash receipts being transferred to the jailer.

Sign the form. This line requires the signature of the Circuit Court Clerk, or deputy clerk, who actually witnesses the transfer of these cash receipt

forms to the jailer. This signature should be the same as the person named in the paragraph immediately above the signature line.

Date the form.

Write the name of the jailer or deputy jailer who is accepting the cash receipts.

Write the name of your county.

Require the jailer, or deputy jailer, who is receiving the cash receipts itemized on this form to sign and date this form in the presence of the Circuit Court Clerk, or deputy clerk, who also signed this form.

Do not give cash receipt forms to a jailer, or any other person, in a county other than your own.

AOC 594 – DAILY CERTIFICATION OF BOND ITEMS

USE:

In all bookkeeping systems, this form is used to document the transfer of cash, cash items, pink and yellow copies of cash receipts and bond forms transferred from the jail to the Circuit Court Clerk.

See the Jail Procedures section of the Third Party Monies, Bail Bond section of this manual for more information regarding this form.

DISTRIBUTION:

White	Retained by the Circuit Court Clerk. File in the Daily Batch.
Yellow	Retained by the jailer.

FREQUENCY OF USE:

Daily.

INSTRUCTIONS:

Write the name of the jailer, or deputy jailer, who is completing this form. This line requires the name of the person who is actually transferring these items to the Circuit Court Clerk, or deputy clerk.

Write the name of your county.

Write the name of the Circuit Court Clerk, or deputy clerk, who is receiving these items.

Write the name of your county.

Line 1 — Write the first cash receipt number and the last cash receipt number in the series of cash receipts being transferred from the jail in this batch.

Void cash receipt numbers should be included in this series.

Line 2	Write the specific cash receipt number of all “void” cash receipts in this series. Make sure that all three copies of each void cash receipt are included with this batch.
Line 3	Write the number of bond forms delivered by the jail with this batch.
Line 4	Write the total amount of cash being delivered by the jail. This amount must agree with line 6 on the Daily Cash Settlement Sheet for the jail drawer. The total of all bond forms included with this batch must also agree with line 4 on this form.

AOC 599 – DAILY BATCH CONTROL ENVELOPE

USE:

In all bookkeeping systems, this form can be used to organize daily work.

The use of this form is optional; see the Daily Batch Filing section of the Bookkeeping, Daily Closing section of this manual.

FREQUENCY OF USE:

Daily

INSTRUCTIONS:

See the Daily Batch Filing section of the Bookkeeping, Daily Closing section of this manual.

AOC 1004 – FEES TEMPLATE

USE:

In the automated bookkeeping systems, fee categories are assigned short-cut keys. This form is used for reference when preparing receipts on the automated bookkeeping systems.

BANK DEPOSIT SLIPS

USE

This form is not supplied by the Administrative Office of the Courts. This form should be ordered from your local bank(s).

Some banks will provide personalized deposit slips at no charge. Circuit Court Clerks are encouraged to request deposit slips be provided by the bank at no charge.

When the bank declines to supply these forms at no charge:

NOW/Super NOW or Money Market accounts:

Request the bank to debit the disbursement account for the cost of personalized deposit slips.

Photocopy the page of the bank statement that itemizes this charge.

Mail the photocopy of statement to
AOC, Attn: Accounting Department
100 Millcreek Park
Frankfort, KY 40601

AOC will mail a check to the Circuit Court Clerk as reimbursement for this expense. The check will be made payable to the county. Stamp the back of the check “for deposit only” and itemize that check on a deposit slip separate from the day’s deposit. Deposit the check into the appropriate account. No bookkeeping entries are necessary except:

When preparing the bank reconciliation, enter the amount of the debit on line 11 of Form AOC 580, Bank Reconciliation, as a minus. Use brackets. This amount will appear as a reconciling item until reimbursement is received. If reimbursement has not been received within 30 days, follow up with the accounting department.

Special Escrow

For Special Escrow bank accounts, do not order personalized deposit slips. Circuit Court Clerks should use over the counter deposit slips provided by the bank for all special escrow accounts.

Essential elements for Circuit Court Clerk's bank deposit slips are:

Name of bank
Personalization for the Circuit Court Clerk
Bank account number
Separate accountability of cash and coin
Sufficient lines for itemizing checks, front and back

USE:

All Bookkeeping Systems

Use this form in triplicate when preparing the daily deposit. A separate deposit slip must be used for each bank account (i.e. use a separate deposit slip for the disbursement account and any special escrow accounts).

FREQUENCY OF USE:

Daily. It is permissible to make more than one deposit per day when unusually large sums of money are collected by the Circuit Court Clerk. Circuit Court Clerks are strongly encouraged to make more than one deposit when cash exceeds $10,000.

DISTRIBUTION:

All Bookkeeping Systems:

Original	Send to bank with deposit. Bank will retain.
Copy 1	Send to the bank with the original. The bank will validate this copy by electronic stamp. File this copy with the Daily Batch.
Copy 2	Keep this copy in the office while the bank deposit is in transit to the bank. When Copy 1 is returned to the office, destroy Copy 2.

INSTRUCTIONS:

Prepare in triplicate

Date	Write the date of this day's business.
Currency	Write the total of all currency included with this deposit.
Coin	Write the total of all coins included with this deposit.
Checks	Write the last name, or an abbreviated name for businesses, of the payer of each check included with this deposit. Use extra deposit slips, or write checks received for driver license on deposit ticket and attach check listing printed from CRBC.
Total	Write the total of all cash and cash items included with this deposit.

DISBURSEMENT CHECKS

DISTRIBUTION:

Mail or hand deliver to the payee.

FREQUENCY OF USE:

Each time money is disbursed. Never disburse cash from the cash drawer.

INSTRUCTIONS:

Date/Pay to the Order Of/Case No./Check No./Amount:

Exception:

Case numbers are not required for monthly disbursements. If the check is being written for a monthly disbursement, such as state monies to the Kentucky State Treasurer, or monthly fees to the Sheriff, write “monthly” in this space.

Checks written to pay jurors do not require a case number.

Note: Counties utilizing the new jury management program will produce checks from the Automated Jury Disbursement on the bookkeeping program.

Classify the disbursement.

Pay	Write the amount of the check.
For	Write the purpose of the check (i.e. jury, bond refund, bond applied to fees and costs, restitution, etc.). Checks payable to a surety should indicate the name of the defendant on this line.

Sign the check

Note - Pre-signing disbursement checks is strictly prohibited.

OTHER:

Security

All Bookkeeping Systems

Pre-numbered checks should be kept in a safe, secure place, away from the reach of the public at all times. Pre-numbered checks should be locked in the office safe over night.

Void Checks

Automated Bookkeeping Systems

Write “void” across the face of the check. Remove the signature line, or write “void” on the signature line. Void checks should be filed numerically with canceled checks received at the end of the month with the appropriate bank statement. File the check stubs with the Daily Batch.

All Bookkeeping Systems

Where check imaging is used, canceled checks are not received at the end of the month with the bank statement. All bookkeeping systems using check imaging should file void checks numerically and keep them in a secure folder or envelope. File the void check folder or envelope with the bank reconciliation.

STATE MONIES CATEGORIES

ACCESS TO JUSTICE FEES

POLICY:

Access to Justice Fees are charged when the first papers are filed in a civil action. (KRS 27A.630)

The amount to be collected is determined by cause of action and jurisdiction of case. In most cases,

Circuit Court	$20.00
District Court	$10.00

No fee shall be charged for actions filed in neglect and dependency cases.

Reference the Fees and Costs section of this manual to determine required filing fees.

When transferring a case from one court to another, collect the difference in the Access to Justice Fee from the transferring court to the new court in addition to any other applicable fees.

Access to Justice fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due as set forth in the Fees and Costs section of this Manual.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

Do **not** process the petition until the filing fees are paid unless the petitioner is proceeding in forma pauperis or unless the petitioner is the Commonwealth. CR 5.05(4); KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees UNLESS the action is filed in the name of the Commonwealth.

ALCOHOL INTOXICATION FINES

POLICY:

Fines assessed pursuant to KRS 222.202 (offenses of alcohol intoxication or drinking alcoholic beverages in a public place) will be receipted as Alcohol Intoxication Fines.

The first and second offenses of alcohol intoxication or drinking alcoholic beverages in a public place are pre-payable.

The third offense is a mandatory court appearance.

Alcohol intoxication fines for the first or second violation of KRS 222.202 are $25 per offense.

Fines collected for KRS 222.202 violations shall be receipted as Alcohol Intoxication Fines.

Alcohol Intoxication Fines are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Alcohol Intoxication Fines.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

BOND FILING FEES

POLICY:

Circuit Court Clerks shall collect a fee of twenty five dollars ($25) for taking, or filing any bond or release on recognizance, pursuant to KRS 64.005.

The bond filing fee may be collected at the time the bond is posted or at the defendant's first court appearance.

The bond filing fee is not a part of court costs, and is owed to the court regardless of the case disposition.

The bond filing fee may be waived by the court if the defendant is indigent.

Bond filing fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

If a bail bond is transferred to another county, the county originally receipting the bond filing fee would retain it.

PROCEDURE

(1) If the bond is posted in the Clerk's office, request the bond filing fee of $25.

(2) Prepare a cash receipt, recording the amount in the Bond Filing Fee category.

(3) Place cash in the cash drawer. On the bail bond form, mark the block next to "Fee Paid."

(4) Distribute the payer, case file, and bookkeeping copies of the receipt.

If the bond filing fee and the bail bond are not collected at the same time, mark the block next to "Fee Not Paid" on the bail bond form.

BOND FORFEITURES

POLICY:

The court may order the forfeiture of a bail bond after a show cause hearing on the willful failure of the defendant to appear in court, per RCr 4.48.

The court may also order bond forfeiture if the defendant fails to comply with the conditions of release.

When the bond money is forfeited, the money cannot be applied to any other interest, including payment of costs and fines.

A surety can request refund of the bond at any time prior to the bond forfeiture.

When a bond is forfeited, the defendant or surety may be liable for the full amount of the bond, even if a lesser amount was deposited.

If the forfeiture is a property bond, immediately send the judgment of forfeiture to the county clerk where the property is located.

On bonds for which a full cash deposit was not required (i.e. 10% bonds, unsecured bonds, etc.), the defendant or surety may be liable for the full amount of the bond when the bond is forfeited.

A collection process for the remainder of the full amount of the bond should then begin.

The Commonwealth Attorney enters a motion for forfeiture.

If the court orders forfeiture and payment is not made, an execution like that for any civil judgment, subject to all rules and statutes applicable to civil judgments and executions, is made.

Bond forfeiture monies are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Review the court order and verify that the bond forfeiture was ordered. Pull the bond ledger card for the case.

(2) Forfeit the amount ordered by the court.

   (a) Prepare a disbursement check payable to the Circuit Clerk for the amount of the bond to be forfeited, from the bail bond fee category.

   (b) Document the transaction on the bond ledger card.

   (c) File the bond ledger card in the closed ledger card file.

(3) Prepare a cash receipt, entering the amount forfeited in the bond forfeiture fee category.

   (a) The name listed in the Received From: line will be the Circuit Clerk's name.

   (b) The name listed in the Account of: line will be the defendant's name.

   (c) After completing the receipt, endorse the check, and place in the cash drawer.

(4) Distribute the payer, case file, and bookkeeping copies of the receipt.

(5) Make a notation of the forfeiture on the original bond receipt in the case file.

BOND TEN-PERCENT (10%) FEES

POLICY:

Per KRS 431.532(2),"on bail bonds that were ordered as Ten-Percent (10%) Bonds, the Circuit Clerk shall retain as bail costs ten percent (10%) of the amount of bail deposited, but no less than five dollars ($5), upon the defendant performing all conditions of release and the defendant has been discharged from all obligations in the action."

This ten percent (10%) bail cost is receipted as Bond 10% Fees.

If a percentage other than 10% bond is posted, the Clerk would not retain any percentage of the amount posted.

For further reference on Bond 10% Fees, see Bail Bonds in the Third Party Monies Section of the Accounting Manual

Bond 10% fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Review case disposition.

(2) Pull the bond ledger card.

(3) Prepare a disbursement check for 10% of the amount of the balance of the bond ledger card (or $5, whichever is greater), from the bail bond fee category.

If fines and costs are ordered paid from the bail bond, include these amounts on the disbursement check from the proper fee categories.

(4) Document the transaction on the bond ledger card. File the bond ledger card in the closed ledger card file, if the card has no balance remaining.

(5) Prepare a cash receipt, entering the amount retained in the bond 10% fee category.

(a) The name listed in the Received From: line will be the Circuit Clerk's name.

(b) The name listed in the Account of: line will be the defendant's name.

(c) After completing the receipt, endorse the check, and place in the cash drawer.

(6) Distribute the payer, case file, and bookkeeping copies of the receipt.

CHARGES FOR SERVICES

POLICY:

Charges for Services is an amount collected to help with the cost of services provided by the Circuit Court Clerk. It is to be included in the State Depository Money.

Charges for Services may include:

Assess parcel of land corp.
Certification – District & Circuit
Copy work
Cost of Extraordinary Services – District & Circuit Court
Garnishment Fee
Jury Fee – 6/12 Jurors
Parole Supervisory Fee
Post Judgment Remedy
Attachments
Execution
Writ of Possession
Fax Machine Use
Passport Fees

Charges for Services are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the cost of the service.

(2) Collect the money and prepare cash receipt. Enter the amount received as “Charges for Services.”

(3) Separate the Original Copy of the receipt and give it to the payer. Place the money in the cash drawer.

(4) Provide the service requested by the payer.

(5) File a copy of the receipt in the tray for processing at the end of the day.

(6) File a third copy of the receipt in the case file.

CIVIL FILING FEES

POLICY:

The Civil Filing Fee is the cost assessed for filing an action in circuit or district court.

The Civil Filing fee is also assessed in Appeals cases.

The amount to be collected is determined by cause of action and jurisdiction of case.

There may be additional fees depending on the cause of action and jurisdiction of case.

Reference the Fees and Costs section of this manual to determine required filing fees.

To transfer a case from one court to another, collect the difference in the filing fee from the transferring court to the new court in addition to any other applicable fees.

Civil Filing Fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Collect filing fees as set forth in the Fees and Costs section of this Manual and give a receipt.

(2) Do **not** process the petition until the filing fees are paid unless the petitioner is proceeding in forma pauperis or unless the petitioner is the Commonwealth. CR 5.05(4); KRS 453.010.

NOTE: City and county governments are not exempt from paying filing fees UNLESS the action is filed in the name of the Commonwealth.

COURT FACILITY FEES

POLICY:

Pursuant to KRS 23A.220, KRS 24A.185, and KRS 64.091, a fiscal court, by ordinance, may assess additional fees and costs for the purpose of paying expenses for courthouses, bonds related to them, and administrative expenses of Circuit and District Courts, maximum amounts as follows:

Circuit Court

Criminal cases	$25.00
Civil cases	$25.00
Civil Appeals to Court of Appeals	$25.00

District Court

Civil cases	$10.00
Traffic cases	$10.00
Probate cases	$10.00
Misdemeanor cases	$20.00
Small Claims cases	$10.00

KRS 64.091 allows $10 to be added to the fee for service of a subpoena or civil summons.

The fees, assessed by ordinance by the fiscal court, will be receipted as Court Facilities Fees.

The ordinance must be consistent with the applicable statutes. If the ordinance specifies a court facilities fee inconsistent with the applicable statutes, the fee must not be collected.

A Court Facilities Fee ordinance that predates the adoption of KRS 23A.220 and 24A.185, and the amendment of KRS 64.091 has no validity.

Court Facilities Fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Court Facilities Fees.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

CRIMINAL/TRAFFIC COSTS AND FINES

POLICY:

Court Costs for a criminal case in District and Circuit Courts shall be $130, (effective 7/1/08*) pursuant to KRS 24A.175, KRS 24A.176, KRS 24A.1765, KRS 23A.205, KRS 23A.206, and KRS 23A.2065.

There shall be no court costs for a parking citation when the fine (including handicap parking fines) is paid to the Clerk before the trial date in the same manner as provided for speeding citations under KRS 189.394(3), and the citation does not involve parking in a fire lane or blocking the traveled portion of the highway.

The taxation of court costs against a defendant, upon conviction in a case, shall be mandatory.

> Court costs cannot be probated, suspended, prorated, or waived unless the court finds the defendant to be in forma pauperis, as defined in KRS 453.190(2).

Should the defendant not be a poor person as defined in KRS 453.190(2), and the defendant is not able to pay the full amount of court costs, fees and fines at the time of sentencing, the court may establish an installment plan for the defendant.

The court costs, fees, and fines under the installment plan shall be paid within one year of the date of sentencing, not withstanding any remaining restitution or other monetary penalty owed by the defendant and arising out of conviction.

Installment payments will be applied first to court costs, then to restitution, then to fees, and then to fines.

Criminal/Traffic Fines are defined and assessed by applicable statute.

Criminal/Traffic Costs and Fines are components of State Monies, and are disbursed with the funds transfer of State Monies.

* See Fees and Costs Section for costs on charges prior to 7/1/08.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer.

(3) Issue a cash receipt, recording the payment in the appropriate fee categories. Utilize Form AOC 591, if appropriate.

(4) Distribute the payer, case file, and bookkeeping copies of the receipt.

DRIVER'S LICENSING

POLICY:

Driver's License monies will be receipted into a separate drawer.

The Driver's License drawer will be issued a change fund.

At daily closing, the net cash from the Driver's License drawer should equal the Adjusted Grand Total of the Driver's License Summary Fee Report and the Organ Donor receipt.

At monthly closing, the Adjusted Grand Total of the monthly Summary Fee Report should equal Line 1 (Driver's Licenses) of the Summary Financial Report.

Please refer to the Transportation Cabinet Driver's License Manual for instructions.

Please contact the Department for Transportation at 866-605-0002 with questions or concerns.

Driver's License monies are a component of State Monies, and are disbursed with the funds transfer of State Monies.

D.U.I. SERVICE FEES

POLICY:

All persons convicted of violating of KRS 189A.010(1) (a), (b), (c), or (d) (Operating motor vehicle with alcohol concentration of or above .08, or of or above .02 for persons under age twenty-one, or while under influence of alcohol or other substance which impairs driving ability) shall be sentenced to pay a service fee of $375 (effective 7/1/08*) in addition to all other penalties authorized by law, per KRS 189A.050.

This service fee shall be receipted as DUI Service Fees.

DUI Service Fees are a component of State Monies, and are disbursed at month-end with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as DUI Service Fee.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

* See Fees and Costs Section for costs on charges prior to 7/1/08.

ENERGY RECOVERY ROAD FINES

POLICY:

Any person who violates the weight provisions of KRS 177.9771 shall, upon conviction, be fined no less than $60 and no more than $500, per KRS 177.990. Any person who transports coal in violation of the weight provisions of KRS 189.221 and 189.222 shall, in addition to any applicable penalty prescribed by law, be fined $500, per KRS 177.990.

Fines collected for violations of KRS 177.9771, 189.221, and 189.222 shall be receipted as Energy Recovery Road Fines.

Energy Recovery Road Fines are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Energy Recovery Road Fines.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

EXPUNGEMENT FEES

POLICY:

KRS 431.078 states “Any person who has been convicted of a misdemeanor or a violation, or a series of misdemeanors or violations arising from a single incident, may petition the court in which he was convicted for expungement of his misdemeanor or violation record.”

It further mandates the payment of one hundred dollars ($100) fee for the expungement of misdemeanor and violation conviction records.

The one hundred dollars ($100) expungement fee is assessed per case, and must be paid in full prior to the expungement.

KRS 610.330 specifically authorizes the expungement of juvenile cases and that section does not impose an expungement fee.

> Since there is no “conviction” in a juvenile case as required by KRS 431.078, and the expungement of juvenile records is authorized under KRS 610.330, the one hundred dollars ($100) fee does **NOT** apply to the expungement of juvenile records.

KRS 431.076 relates to the expungement of criminal records for those found not guilty of crimes or for whom charges have been dismissed with prejudice.

> This regulation does **NOT** require a expungement fee payment of one hundred dollars ($100).

Expungement Fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

All bookkeeping records of an expunged case should be located.

> Any bookkeeping record (receipts, disbursement checks, detail ledger cards, etc.) of an expunged case must be segregated and kept apart from records of convicted persons.
>
> These records must be sealed upon order of the court.
>
> Any monies being held for a case to be expunged should be disbursed prior to the expungement. (Obtain court order, if necessary)

PROCEDURE:

(1) Upon receiving the petition/motion for expungement, collect the one hundred dollars ($100) expungement fee.

(2) Prepare a cash receipt, recording the amount in the expungement fee category.

(3) Place the cash or cash item in the cash drawer.

(4) Distribute the payer, case file, and bookkeeping copies of the receipts.

FISH AND GAME FINES

POLICY:

Fines collected for violations of KRS Chapter 150 (Fish and Wildlife) and KRS Chapter 235 (Boats and Boating) are to be receipted as Fish and Game Fines.

Fish and Game Fines are remitted to the general fund of the State Treasury in the transfer of state monies.

The Circuit Court Clerk is required to file AOC 584 Fish and Wildlife Report on a monthly basis.

Form AOC 584 is used to report citations received, fines assessed and fines collected for all KRS 150 and KRS 235 violations. Fish And Wildlife officers write citations for violations other than KRS 150 and KRS 235.

> Only citations for KRS 150 and KRS 235 should be included on this report.

Reference the Monthly Closing section for Fish and Wildlife for more information on AOC 584.

Fish and Wildlife Fines are a component of State Monies, and are disbursed with the funds transfer of State Monies.

HANDICAP FINES

POLICY:

A person who violates the provisions of KRS 189.459(2)(3) (Parking limits for vehicles with plates or placards for persons with a disability – Prohibitions) shall be fined $250, per KRS 189.990(28).

Court costs will not apply if an offender prepays his/her citation for this violation, per KRS 24A.175(2)(A).

Fines collected for violations of KRS 189.459(2)(3) shall be receipted as Handicap Fines.

Handicap Fines are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Handicap Fines.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

HIGHWAY WORK ZONE SAFETY FINES

POLICY:

All fines collected for speeding in a highway work zone in violation of KRS 189.390 shall be deposited into a separate trust and agency account within the Transportation Cabinet known as “Highway Work Zone Safety Fund,” per KRS 189.394(6).

KRS 189.394 lists the fines for speeding, and also states in subsection (5), if the offense occurred in a highway work zone, the fines are doubled.

Total fines collected for violations of KRS 189.390 in a highway work zone shall be receipted as Highway Work Zone Safety Fines.

Highway Work Zone Safety Fines are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

(1) Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Highway Work Zone Safety Fines.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

INTEREST INCOME

POLICY:

PER KRS 30A.205, the bank accounts of the Circuit Clerk shall accrue interest.

Circuit Clerks generally use a combination of three types of bank accounts:

Commercial bank account –

This account is normally a NOW (Negotiable Order of Withdrawal) and is used by the clerk in the daily course of business. This account needs to be an interest-bearing account in which a bank statement is received on a monthly basis.

Special escrow bank account –

This account is opened only when the court orders the principal be deposited to an interest bearing account. The interest earned on this deposit remains with the principal, and is disbursed only upon receiving the judge's order. This account needs to be an interest-bearing account in which a bank statement is received at least on a quarterly basis. There can be as many special escrow accounts as the court orders.

Investment bank account –

This account is normally a CD (Certificate of Deposit) or another type of savings account. This account is used to invest funds from the commercial bank account into a separate account in order to obtain a better interest rate. Interest earned on this account should be received from the bank by check on a least a semi-annual basis.

Interest earned and credited to the bank statement must be recorded to the books of the Circuit Court Clerk by adjusting entry. This adjusting entry must be recorded no later than the month after the interest is earned.

Instruct the bank to issue the Clerk's office a check for interest on investment accounts. When interest on investment accounts (CDs) is received by check, a cash receipt shall be prepared.

Interest income for the NOW Account and investment accounts is a component of State Monies, and is disbursed with the funds transfer of State Monies.

Interest income for special escrow accounts remains with the special escrow accounts until the court orders disbursement.

Retain all Forms 1099 for interest income for the NOW account and any special escrow accounts in separate file folders.

PROCEDURE:

Receipting Interest Income:

Interest Income Received by Check

1) Prepare a cash receipt, categorizing the amount as Interest Income. Record all pertinent information on the receipt, including name of bank, investment account number, etc.

2) Allot separate file folders per investment account. Staple two copies of the receipt to the interest check stub. File the receipt and check stub in the appropriate investment account file folder. File all Forms 1099 in the appropriate investment account folder (if there are separate Forms 1099 for each investment account).

3) File the bookkeeping copy of the receipt in the daily batch file.

Interest Income Detailed on Bank Statement

1) Prepare an adjusting entry to record the interest. Interest income for the NOW Account will be recorded with a Corrected Entry to Interest Income in the Receipts Journal for the amount of interest listed on the Now Account bank statement.

2) Special escrow interest should be recorded with a Corrected Entry to Special Escrow in the Receipts Journal, and listed on the appropriate detail ledger card.

OVER/SHORT
POLICY:

Standard accounting practices recognize and allow for the possibility that cash transactions will not always agree with cash receipts.

Standard accounting practices mandate that accounting records reflect a true and accurate detail of the financial activities of an office on any given day.

A true and accurate detail of the financial activities can be depicted only by recording cash overages and cash shortages.

Under no circumstances shall a Circuit Clerk or deputy clerk force accounting records to balance by depositing or withdrawing cash from a cash drawer.

For all circumstances in which a cash drawer does not balance, the overage or shortage will be shown on all financial records for the business day.

Under no circumstances shall anyone borrow money from office receipts or the change fund. IOUs are strictly prohibited.

When the Over/Short row of the Summary Financial Report indicates a monthly overage or shortage of $50 or more, prepare a list of overages/shortages from the CRBC, day by day, for the month.

Submit the list to the Department of Auditing Services with the monthly reports.

For all circumstances in which cash transactions result in a cash shortage of $50 or more, the Circuit Court Clerk or designee shall immediately contact the Department of Auditing Services at the Administrative Office of the Courts.

The Director of the Administrative Office of the Courts may refer shortage cases to the Justice Cabinet, the Kentucky State Police, the Auditor of Public Accounts, and/or the Office of the Attorney General.

For all circumstances involving theft or forcible entry, the Circuit Court Clerk shall immediately contact the Sheriff's Department or the local City/County Police Department, and the General Manager of the Department of Auditing at the Administrative Office of the Courts.

PROCEDURE:

(1) Determine the amount of the overage/shortage.

(2) Account for each valid receipt.

(3) Account for each void receipt. All three copies of the void receipt must be accounted for.

(4) Recount all cash.

(5) Recalculate all of the checks.

(6) Recount the change fund in the cash drawer.

(7) Trace each check to a cash receipt.

If a valid or void cash receipt (or any copy of a void receipt) is missing, exhaust all efforts to locate the missing receipt.

(a) Notify the Circuit Clerk of the missing receipt.

(b) Prepare a written statement describing the efforts to locate the receipt.

(c) The Clerk and the bookkeeper must date and sign the statement.

(d) Attach the statement to the Daily Cash Settlement Sheet for that drawer.

PUBLIC ADVOCATE (P.A.) PARTIAL FEES

POLICY:

Public Advocate Partial Fees (P.A. Partial Fees) shall be collected and disbursed pursuant to KRS 31.211.

Pursuant to KRS 31.211(1), at arraignment, the court shall conduct a non-adversarial hearing to determine whether a person who has requested a public defender is able to pay a partial fee for legal representation, the other necessary services and facilities of representation, and court costs.

The court shall order payment in an amount determined by the court and may order that the payment be made in a lump sum or by installment payments to recover money for representation provided under this chapter.

Monies received by the Circuit Court Clerk as a result of court orders pursuant to KRS Chapter 31 shall be receipted as P.A. Partial Fees. P.A. Partial Fees shall be remitted to the Commonwealth via the transfer of state monies.

Prior to August 1, 2002, one of the precursors to the P.A. Partial Fee was the Public Advocate Administration Fee. House Bill 487 repealed the Public Advocate Administration Fee.

If a defendant was ordered to pay a Public Advocate Administration Fee prior to July 15, 2002, but payment is not received until after August 1, 2002, receipt these monies as Criminal and Traffic Costs.

For court orders prior to July 15, 2002, stipulating a 5% Deputy Enhancement Fee, receipt these monies as Criminal and Traffic Costs.

P.A. Partial Fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

RESTITUTION FEES

POLICY:

Pursuant to KRS 533.030, in cases where the court has ordered the defendant to make restitution to a crime victim who has sustained monetary damage as a result of the defendant's crime, the Circuit Clerk shall assess an additional five percent (5%) to defray the costs incurred in collecting the restitution.

Restitution Fees are a component of State Monies, and are disbursed with the funds transfer of State Monies.

PROCEDURE:

For procedures for receipting restitution fees, reference the section entitled Restitution in the Third Party Monies section.

THIRD PARTY MONIES

SPECIAL COLLECTIONS FOR THIRD PARTIES

POLICY:

Periodically, the court may order both monies to be received and distributed by the Circuit Court Clerk in the form of a check, payable to a third party or the third party and the Circuit Court Clerk.

These payments may be for alimony, support, restitution, garnishment, or money collected for others.

A collection for a third party would not be receipted and disbursed through the Clerk's bank account, unless cash is received.

These payments are not shown on the Cash Receipts or Cash Disbursements Journal. Form AOC-506 Pass Through Ledger Card is utilized to track the receipt and disbursement of these payments.

These ledger cards are not used to balance detail ledger cards to control cards.

If the check is payable to a third party and the Circuit Court Clerk, the Clerk must endorse the check by signing his/her name and the words: "Endorsed without recourse."

It is necessary for the endorsement to be worded in exactly this manner in order to relieve the Clerk of responsibility for the value of the check.

PROCEDURE:

(2) Upon receiving payment payable to a third party or a third party and the Circuit Court Clerk, enter the information necessary on Form AOC-506:

Fee Category (Alimony, Support, Restitution, etc.)
District or Circuit Court
Name of County
Case Number
Name and Address from whom payment was received
Name and Address to whom payment was forwarded
Terms set by the Court
Date payment was received
Date payment was forwarded
Type of remittance (money order, check, etc.)
Bank routing code
Amount of check
Remarks (Endorsement without recourse, etc.)

(3) Remit the payment to the payee.

ALIMONY & SUPPORT

POLICY:

The AOC Department of Auditing Services does not support the collection of alimony and child support by the Circuit Court Clerk.

KRS 403.215 and the July 20, 1995 Supreme Court Order mandate that child support be withheld from the wages of the obligor. KRS 205.712.(4) requires that the Cabinet for Families and Children collect, disburse and record any wage withheld child support payment. If good cause is shown why the child support should not be wage assigned, the July 20, 1995, Supreme Court Order sufficiently provides for payments being made through the Friend of the Court; Domestic Relations Office; Master Commissioner; Recipient's bank; or a bank designated by the Court.

Reference: AOC General Counsel Memo 99-29-SD

BAIL BOND CREDIT

Effective Date: 6/8/2011

POLICY:

Per KRS 431.066(4)

(a) Except as provided in paragraph (b) of this subsection, regardless of the amount of bail set, the court shall permit the defendant a credit of one hundred dollars ($100) per day as payment toward the amount of the bail set for each day or portion of a day that the defendant remains in jail prior to trial. Upon the service of sufficient days in jail to have sufficient credit to satisfy the bail, the court shall order the defendant released from jail on the conditions specified in this section or in this chapter.

(b) The provisions of paragraph (a) of this subsection shall not apply to:

(1) Any person convicted of, pleading guilty to, or entering an Alford plea to a felony offense under KRS Chapter 510, KRS 529.100 involving commercial sexual activity, KRS 530.020, 530.064(1)(a),531.310,or 531.320, or who is a violent offender as defined in KRS 439.3401;or
(2) A defendant who is found by the court to present a flight risk or to be a danger to others.

PROCEDURE:

(1) Determine eligibility for bail credit by reviewing court order or Pre-Trial Services (Conditions of Release and Judicial Decision PT-35).

(2) If defendant is **NOT** eligible for bail credit, follow procedures located in Bail Bonds section of the Circuit Court Clerk's Accounting Manual.

(3) If defendant **IS** eligible for bail credit:

(a) Obtain Notice of Bail Credit (AOC 365.2) from the Jailer

(b) Collect the amount of bond (less any bond credit amount earned) and the bond filing fee. If bail credit equals or exceeds the bond

amount, no receipt or bail bond detail ledger card is required. Bail credit cannot be applied to the bail bond fee.

(c) Prepare a receipt, recording the amount of collected (not including the bail credit) in the bail bond fee category and the bond filing fee in the bond filing fee category.

(d) Place the cash in the cash drawer.

(e) Distribute the payer, case file, and bookkeeping copies of the receipt.

(f) Prepare a bail bond detail ledger card. Include the bail credit amount on the Terms Line.

(g) File the ledger card alphabetically by defendant in the ledger card tray.

BAIL BONDS

POLICY:

Bail bonds will be processed according to KRS Chapter 431 and RCr 4. Each Circuit Court Clerk shall prepare in a proper manner every bond to be taken or given before him/her for his/her court.

When bail is set, it is the clerk's responsibility to take the required security, write the bond, and process it.

The judge's order must be followed.

If the judge's order specifies full cash, the Circuit Clerk may not accept property.

The Circuit Clerk is responsible for the sufficiency of the bail, per KRS 30A.060 and RCr 4.32.

The Circuit Clerk should refuse any surety if there is any doubt as to the sufficiency to cover the amount of the bond.

However, the clerk must take any bond that the court orders.

The order protects the clerk from liability for taking an insufficient bond.

The following persons cannot be sureties:

(c) attorneys;
(d) sheriffs and deputy sheriffs;
(e) judges;
(f) master commissioners and trial commissioners;
(g) clerks and deputy clerks;
(h) for-profit bail bondsmen (individual or corporation); or
(i) pretrial release officers.

The chief circuit judge shall authorize another public official to prepare and accept bail bonds, by rule or order.

The Circuit Clerk is not responsible for the sufficiency of bail taken by the authorized official.

The authorized official must remit the bail bond and any other papers, the monies received, and the bond filing fee, if received, to the Circuit Clerk by the next business day.

The Circuit Court Clerk should encourage the authorized official to deposit the bond monies into the official's bank account and remit a check to the Circuit Court Clerk for the amount of the bond monies.

When a defendant is arrested for offenses listed in the uniform schedule of bail (Appendix A of the Criminal Rules), the defendant can elect to post the amount listed in the uniform schedule instead of waiting to appear before a judge.

If the uniform schedule allows for a 10% deposit, that amount, but not less than $10, should be collected.

Pursuant to KRS 431.530, any person who has been permitted to execute a bail bond in accordance with KRS 431.520(3)(b) shall deposit with the clerk of the court before which the action is pending, a sum of money equal to ten (10) percent of the bail, but in no event shall such deposit be less than ten dollars ($10).

Acceptable methods of payment by defendants/sureties for bail bonds are cash, certified check, cashier's check, or money order.

Stocks and bonds may be used as security instead of cash to guarantee the defendant's appearance.

A Guaranteed Arrest Bond Certificate may also be utilized in lieu of cash bail bond up to $500 for most motor vehicle offenses.

When a bond is receipted for more than $10,000 for the following offenses: Controlled Substances (KRS Chapter 218A) or Money Laundering or Racketeering (KRS 506.120), Federal Form 8300 (Report of Cash Payments Over $10,000 Received in a Trade or Business) must be completed and submitted to the Internal Revenue Service within fifteen (15) days after receipt of the monies.

Please review the accounting manual section for Federal Form 8300 for further instructions.

When a bond is posted on a military arrest, the bail bond money, along with other documents received that pertain to the arrest or confinement, shall be forwarded to the convening authority.

When the court orders a change in an existing bond of any type, an AOC Form 365 Bail Bond must be completed in the same manner as the original bond, including any non-financial conditions which the judge has imposed.

The Circuit Clerk should not charge a bond filing fee since this is a modification of the original bail bond.

If a defendant is lodged in another jurisdiction from where the defendant was charged, the bond may be posted in the county where the defendant was charged.

The bond may also be posted in the county where the defendant is lodged.

A bond filing fee is due from the defendant/surety for ROR Bonds or any bail bond collected by the Circuit Court Clerk.

The bond filing fee may be collected at the time the bond is posted or at the defendant's first court appearance.

The bond filing fee is not a part of court costs, and is owed to the court regardless of the case disposition.

The bond filing fee may be waived by the court if the defendant is indigent.

Please review the Bond Filing Fee section for further instructions.

A bond assignment constitutes a private contract between the assignor (defendant or surety) and assignee (usually an attorney).

When the bond is posted by a surety, the bond assignment must be made by the surety.

Acceptance of the bond assignment by the Circuit Clerk creates an obligation for which the clerk is liable.

The Circuit Clerk is liable if bond money is released to an improper party.

Please review the Bond Assignment section for further instructions.

In cases involving a change of venue, the bond and any deposits shall be sent to the court where the venue has been ordered, per RCr 3.12, 3.22, and 8.26.

Per KRS 431.532(2), the Circuit Clerk shall retain as bail costs ten percent (10%) of the amount of bail deposited, but no less than five dollars ($5),

upon the defendant performing all conditions of release and/or being discharged from obligation in the action.

This ten percent (10%) bail cost is receipted as Bond 10% Fees. If a percentage other than 10% bond is posted, the Clerk would not retain any percentage of the amount posted.

If a defendant willfully fails to appear or fails to comply with the conditions of his/her release, the court may order a forfeiture of the bail.

A surety may request refund of a bail bond at any time before a bond is forfeited.

Please review the Bond Forfeiture section for further instructions.

The court may order the following types of bonds:

- ROR – Release on personal recognizance – known as ROR– the defendant's written promise to appear.

- Unsecured Bond – a promise by the defendant or surety to pay the designated amount upon a failure to appear when ordered by the court to do so or upon breach of a material condition of release, not secured by any deposit or lien upon property.

- Full Cash Bond – a bond in which the full amount of the bond is deposited in the Clerk's office by the defendant or surety

- Partially Secured Cash Bond – a bond, which requires a deposit of less than the full amount of the bond. In the event of forfeiture for nonappearance, the defendant or surety is liable for the full amount of the bond.

- Property Bond – a bond in which the defendant or surety pledges real property, located in Kentucky, instead of cash to guarantee the defendant's appearance

PROCEDURE:

RECEIPTING BAIL BONDS

ROR BONDS AND UNSECURED BONDS

(1) Collect the bond filing fee of $25 only. Prepare a receipt, recording the amount in the bond filing fee category.

Form AOC 365 Bail Bond must be completed for ROR Bonds.

(2) Place the cash in the cash drawer.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

FULL CASH BOND

(1) Determine eligibility for bail credit by reviewing court order or Pre-Trial Services (Conditions of Release and Judicial Decision PT-35).

(2) If defendant is **NOT** eligible for bail credit, skip to step 4.

(3) If the defendant **IS** eligible for bail credit, follow procedures located in the Bail Bond Credit Section of the Circuit Court Clerk's Accounting Manual.

(4) Collect the full amount of the bond as ordered by the court and the bond filing fee of $25.

(5) Prepare a cash receipt, recording the amount of the bond in the bail bond fee category and the bond filing fee in the bond filing fee category.

(6) Place the cash in the cash drawer.

(7) Distribute the payer, case file, and bookkeeping copies of the receipt.

(8) Prepare a bail bond detail ledger card.

(9) File the ledger card alphabetically by defendant in the ledger card tray.

PARTIALLY SECURED CASH BOND

(1) Determine eligibility for bail credit by reviewing court order or Pre-Trial Services (Conditions of Release an Judicial Decision PT-35).

(2) If defendant is **NOT** eligible for bail credit, skip to step 4.

(3) If the defendant **IS** eligible for bail credit, follow procedures located in the Bail Bond Credit Section of the Circuit Court Clerk's Accounting Manual.

(4) Collect the partial amount of the bond as required by the court order or uniform schedule of bail in addition to the bond filing fee.

(5) Prepare a cash receipt, recording the amount of the bail bond monies receipted in the bail bond fee category and the bond filing fee of $25 in the bond filing fee category.

(6) Place the cash in the cash drawer.

(7) Distribute the payer, case file, and bookkeeping copies of the receipt.

(8) Prepare a bail bond detail ledger card.

(9) File the ledger card alphabetically by defendant in the ledger card tray.

PROPERTY BOND

(1) Review the court order and determine the amount of property required to set bond for the defendant.

(2) Require the defendant or surety to file Form AOC 360 Sworn Schedule.

The schedule must include a legal description of the real estate.

NOTE: A “manufactured home,” as defined in KRS 186.650, can only be accepted as part of the real property to be used as security on a property bond if the owner of the manufactured home (1) executes and files with the county clerk an affidavit of conversion to real estate pursuant to KRS 186A.297 that states that the manufactured home has been or will be permanently affixed to the real estate and (2) accompanies the affidavit with a surrender of the Kentucky certificate of title. A “recreational vehicle” (as defined in KRS 186.650), including a travel trailer, camping trailer, truck camper, and motor home, should never be included in the value of real property

(3) Require the defendant or surety to file a statement from the Property Valuation Administrator of the county where the land is located, showing the value of the land. In addition, if the defendant or surety wants you to include the value of the manufactured home in the value of the land, require him or her to file a certified copy of the applicable affidavit of conversion to real estate that was filed with the county clerk, accompanied by a certified copy of the Kentucky certificate of title for the manufactured home that was surrendered to the county clerk. CAVEAT: The PVA statement of value should already include the value of the manufactured home. Do not add the value of the manufactured home a second time.

(a) The property must be worth twice the amount of the bond over and above any encumbrances or exemptions.

1) Each property owner is entitled to a $5,000 homestead exemption, pursuant to KRS 427.060, KRS 431.535(1)(b), and RCr 4.34(1).

2) Each property owner is also entitled to an additional exemption in the amount of $20,200, pursuant to 11 U.S.C. 522(d).

3) The homestead exemption should not be applied to rental property.

4) The Homestead Exemption should be deducted only from the value of property used as a permanent residence when determining its value for use as a property bond. The homestead exemption may be voluntarily waived by the property owner for purposes of posting a property bond.

(b) The property cannot be used as security if it has been used as security on a bail bond in the preceding twelve months.

This requirement does not apply if the property belongs to the defendant or to a relative (no further removed from the defendant than a first cousin, the defendant's father-in-law, mother-in-law, son-in-law, or daughter-in-law).

(4) If the Circuit Clerk is satisfied with the value of the real property, collect the bond filing fee, and the recording fee and lien release fee for the county clerk of the county in which the property is located.

(5) Prepare a cash receipt recording the $25 bond filing fee in the bond filing fee category.

(6) Enter the recording fee and the lien release fee in the money collected for others fee category and file lien with the county clerk.

(7) Place the cash in the cash drawer.

(8) Distribute the payer, case file, and bookkeeping copies of the receipt.

(9) Detail ledger cards should be prepared for property bonds, recording all the pertinent information.

(a) The property bond detail ledger cards should be filed separately from the other bail bond ledger cards.

(b) Property bond ledger cards have no effect on the bail bond ledger card balance.

GUARANTEED ARREST BOND CERTIFICATE

The Guaranteed Arrest Bond Certificate is a printed card issued by the American Auto Association (AAA or similar organization) guaranteeing the appearance of its members on most motor vehicle violations.

The Circuit Clerk must accept this certificate in lieu of cash bond up to $500 for most motor vehicle offenses.

The certificate may not be used on violations of KRS 189.520(2) (driving while intoxicated) or KRS Chapter 281 (motor carriers for hire).

The certificate must have the defendant's signature.

The certificate must be in effect on the date of the violation, and carry a statement that the association guarantees the defendant's appearance or will pay the fine or forfeiture up to $500. The defendant must surrender his membership card to secure the bond.

(1) Collect the $25 bond filing fee.

a. Prepare a cash receipt, recording the $25 amount in the bond filing fee category.

b. Place cash in the cash drawer.

c. Make two copies of the defendant's AAA membership card.

i. Attach one copy of the membership card to the original copy of the receipt, and give these copies to the defendant.

ii. Place the second copy of the cash receipt in the case file.

iii. Place the third copy of the cash receipt in the Daily Transaction file.

d. Prepare a bond detail ledger card with all pertinent information, including date the card was received and the amount in lieu of bond represented by the membership card.

e. Attach the second copy of the membership card to the bond ledger card.

f. File the bond ledger card separately and behind the other bond ledger cards.

(2) The Circuit Clerk can request the bail bond money be remitted to the court prior to the defendant's court date.

The Circuit Court Clerk may withhold the membership card, and request the bond money from AAA.

a) The request must be in writing with the following information:

i. name of member;
ii. name of AAA club;
iii. membership card number and expiration date;
iv. amount of bail bond required;
v. date of arrest and citation number;
vi. offense charged;
vii. date, court, and place of trial;
viii. to whom AAA should make the check payable;
ix. and the court's address.
x. Contact AAA at the phone number listed on the membership card for instructions on sending the request to AAA.

(b) If the Circuit Clerk doesn't request the bail bond money prior to the defendant's court date, the Clerk should send the membership card to AAA.

Contact AAA at phone number listed on the membership card for instructions on sending the membership card.

(c) If the Clerk hasn't requested the bail bond money prior to the defendant's court date, and if the defendant fails to comply with the requirements of the bail bond form, the following information must be sent to AAA in writing:

i. name of member;
ii. name of AAA club;
iii. membership card number and expiration date;
iv. amount of bail bond forfeiture or fines and costs;
v. date of arrest and citation number;
vi. offense charged;
vii. date, court and place of trial;
viii. to whom AAA should make the check payable;
ix. and the court's address.
x. When payment is received, receipt as costs and fines or forfeiture as ordered by the court.

(3) When the case has been disposed, pull the bond ledger card and indicate that the case has been disposed, and file the card in the closed ledger card file.

STOCKS AND BONDS AS BAIL BOND SECURITY

(1) Require the defendant or surety to file a sworn schedule containing the following information:

(a) description of the securities;
(b) present market value of each of the securities;
(c) total market value of the securities;
(d) that affiant(s) is/are the sole owner(s) of the securities;
(e) that the securities are not exempt from execution;
(f) that the property is security for the appearance of the defendant in accordance with the condition of release imposed by the court; and
(g) that the property has not been used as security on a bail bond within the preceding twelve months.

This requirement does not apply if the securities belong to the defendant or to a relative. Relative is defined as being no further removed from the defendant than a first cousin, or the defendant's father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) The valuation in the sworn statement must be equal to the amount of the bond, over and above any encumbrances or exemptions.

(3) If the Circuit Clerk is satisfied with the value of the securities offered:

(a) Require the defendant or surety to deposit the securities with the Clerk, along with a statement of assignment of the securities giving the Clerk "stocks and bonds power" over the securities.
(b) Mail a copy of the statement of assignment to the depository (bank).
(c) The Clerk may require the defendant or surety to obtain a statement from the depository (bank) disclosing the amount of penalty for early withdrawal. If a penalty applies, the Clerk may require the defendant or surety to post in cash

the amount of the penalty multiplied by 365 days to cover the penalty in the event of forfeiture.

(4) Collect the bond filing fee of $25 only. Prepare a cash receipt, recording the amount in the bond filing fee category. Place the cash in the cash drawer. Distribute the payer, case file, and bookkeeping copies of the receipt.

(5) Place the securities and defendant's assignment of "stocks and bonds power" in a lock box at the Clerk's depository. AOC will pay any rental charges incurred for the lock box.

BOND POSTED ON A MILITARY ARREST

(1) When bond is posted on a military arrest, collect the bail bond money and the bond filing fee of $25.

(2) Prepare a receipt, recording the bail bond money in the money collected for others fee category and the bond filing fee in the bond filing fee category.

(3) Place the cash in the cash drawer, and issue the original copy of the cash receipt to the payer.

(4) File the second copy of the cash receipt in the case file.

(5) Place the third copy of the cash receipt in the Daily Transaction file.

(6) Mail a check for the bail bond money payable to the convening authority (commanding or commissioned officer or his/her authorized representative) along with any other documents received that pertain to the arrest or confinement, per KRS 35.050.

DEFENDANT LODGED IN ANOTHER JURISDICTION

(1) If a defendant is lodged in a county or state different from where the defendant was charged, there are two ways to accomplish the posting of bond:

   (a) Complete the bond form and, if required, have the surety sign in the clerk's presence.
   (b) Fax the completed bond form to the jail where the defendant is lodged.
   (c) Direct the jailer or notary to witness the defendant signing the bond.
   (d) Direct the jailer to return the bond form to the clerk by hand-delivery or fax.
   (e) Attach the bond form signed by the defendant to the original bond form.
   (f) Fax the Release From Custody form to the jail after the signed bond form is received; or
   (g) The Circuit Clerk (or Jailer if so designated) of the county where the defendant is lodged may allow the defendant to post bond in that county.

1) The Clerk will receipt the bond money (if a cash bond) as money collected for others, and forward the bond paperwork (including a copy of the receipt) together with a check for the amount of the bail bond to the clerk of the county where the defendant is charged.

2) Do not forward the Bond Filing fee.

(2) The following persons cannot be sureties: attorneys; sheriffs and deputy sheriffs; judges; master commissioners and trial commissioners; clerks and deputy clerks; for-profit bail bondsmen (individual or corporation); or pretrial release officers.

(3) The surety, except for an approved corporate surety, must be a resident of Kentucky or own real estate in Kentucky.

This is not required on a full cash bond.

OTHER PERSONS AUTHORIZED TO ACCEPT BAIL BONDS

JAIL PROCEDURES

In most counties, the Circuit Court Clerk will be unable to collect bail bond monies 24 hours a day.

Per KRS 30A.060(3), the Chief Circuit Judge shall authorize additional public officials and their employees to prepare and accept bail bonds to be taken by the clerk for his court.

The authorized person is responsible for the sufficiency of the bail bond.

The authorized person (usually the jailer) will collect bail bond monies, bond filing fees, and prepare bail bond forms and cash receipts for the bond monies.

The jailer must submit the bail bond forms and any other papers, the bond money received and the bond filing fees to the Circuit Clerk by the next business day.

No other jail fees are to be receipted by the Circuit Court Clerk.

The Circuit Court Clerk should encourage the jailer to deposit the bond monies into the jailer's bank account and remit a check to the Circuit Court Clerk for the amount of the bond monies.

The Circuit Clerk will provide to the jailer the following items:

1) Manual cash receipt dispenser
2) Form AOC – 500 – pre-numbered cash receipts
3) Form AOC – 594 – Daily Certification of Bond Items to Circuit Court Clerk

FORM AOC 593 – TRANSFER OF CASH RECEIPTS FORMS

Upon receipt of the cash receipt forms by the jailer, the Circuit Clerk and the jailer shall complete Form AOC-593 - Transfer of Cash Receipt Forms.

This form documents cash receipt numbers of all receipts issued to the jail for use in collecting bail bond numbers.

This form must be completed each time the Clerk issues cash receipts to the jailer.

The Circuit Clerk must not issue receipts to anyone other than the designated official or his/her employees.

The following information must be entered on AOC-593 – Transfer of Cash Receipt Forms:

1) name of clerk issuing receipts to the jailer,
2) county in which clerk is issuing receipts to jailer,
3) name of jailer to whom receipts are being issued,
4) county in which jailer is receiving receipts,
5) beginning and ending receipts numbers,
6) signature of clerk issuing receipts,
7) date receipts were issued,
8) name of jailer receiving receipts,
9) county in which jailer is receiving receipts,
10) signature of jailer receiving receipts, and
11) date jailer receives receipts.

The jailer should retain the yellow copy of Form AOC-593.

The clerk should retain the white copy of Form AOC-593.

FORM AOC 500 – CASH RECEIPT

Per RCr 4.26(1), when an authorized officer receives a cash deposit he shall give a receipt to the person from whom he receives the money on a uniform receipt form provided by the Administrative Office of the Courts.

AOC-500 is the only authorized uniform receipt form provided by AOC.

The receipts should be utilized in ascending, numerical order.

The following information must be entered on the cash receipt by the jailer when receipting bail bonds:

1) date the bond is receipted,
2) name of the county,
3) case or citation number,
4) Received From: (payer's name),
5) Account of: (defendant's name or case style),
6) amount of the bail bond received in the space next to "Bail Bond" block,
7) amount ($25) of bond filing fee in the space next to the "Bond Filing Fees",
8) total amount of the receipt, and
9) signature of the receipt preparer.

When it is necessary to void a receipt, write the word "Void" on the front of the receipt.

Staple all three copies of the voided receipt together, and give to the clerk with the daily bond batch work.

If all three copies of the receipt cannot be located, the clerk should require a written explanation as to why the copies are not included with the bond items.

All copies of the receipts must be accounted for prior to processing the bond items.

The white copy of the receipt should be issued to the defendant or surety.

Submit the yellow and pink copies of the receipt to the clerk.

FORM AOC 594 – DAILY CERTIFICATION OF BOND ITEMS

This form documents the transfer of cash and cash items, the yellow and pink copies of the receipts, and bond forms transferred each business day from the jail to the Circuit Court Clerk.

This form must be completed each time the jailer submits bond monies, receipts, and bond forms.

The jailer should retain the white copy of Form AOC-594.

The clerk should retain the yellow copy of Form AOC-594.

The following information must be entered on Form AOC-594 when transferring bond items from the jailer to the clerk:

- name of the jailer transferring bond items to clerk,
- county in which jailer is transferring bond items to clerk,
- name of clerk that bond items are being transferred to,
- county in which clerk is receiving transferred bond items,
- total receipt numbers transferred to clerk on Line 1 voided receipt numbers on Line 2,
- number of bond forms transferred on Line 3,
- total amount of cash or cash items transferred on Line 4,
- signature of jailer transferring bond items,
- date bond items are transferred,
- name of clerk receiving bond items,
- county in which bond items are transferred,
- signature of clerk receiving bond items, and
- date clerk received bond items,

The clerk **must not** accept a batch of bond items from the jail if the cash or cash items, receipts, and bond forms do not agree.

The jailer is responsible for the sufficiency of the monies collected on behalf of the Circuit Court Clerk.

Money received from the jail must be balanced as a separate cash drawer by the clerk. Prepare Form AOC 503 - Daily Cash

Settlement Sheet for money received from the jail. Line G from the daily cash settlement sheet should equal Line 4 of Form AOC-594.

Review the Daily Cash Settlement Sheet section for further instructions.

DISBURSING BAIL BONDS

A COURT ORDER IS REQUIRED TO RELEASE OR REFUND A BOND.

PROPERTY BOND RELEASE

(1) Deliver a disbursement check for the lien release fee from the money collected for others fee category and a completed Form AOC 366 – Property Bond Release Notification to the County Clerk of the county where the real estate is located.

The lien on the real estate must be discharged and the release recorded on the form by the County Clerk.

(2) Send notice of the release to the property owner within seven (7) days of the release by the County Clerk.

(3) Pursuant to KRS 382.365, lack of a good cause for not releasing a lien will result in daily fines of $100 to $500, depending on the length of time the lien continues to be held.

DISPOSITION OF BAIL BOND MONIES

Disposition of bail bond monies, per KRS 431.530(3), KRS 431.530(4), KRS 431.530(5), KRS 431.535(6), KRS 431.532(2), KRS 431.532(4), RCr 4.44(2), and RCr 4.46 :

(1) Request personal identification and substantiate that the person requesting the bail bond money is the surety of record on the bail bond form.

(2) Review the court order and bail bond ledger card related to the defendant's bond.

(3) Verify the costs, fines, and fees imposed by the court order.

(4) Calculate the amount to be remitted to the surety or defendant, the Circuit Clerk, or the Commonwealth as follows:

DEPOSITED BY DEFENDANT

If the bond money was deposited by a defendant:

For a 10% Bond

If the defendant was found not guilty or the case was dismissed, prepare a disbursement check for the full amount of the balance on the bond ledger card, payable to the defendant, from the bail bond category.

If the defendant was found guilty, prepare a disbursement check made payable to the Circuit Clerk for 10% of the balance on the bond ledger card, but not less than $5, from the bail bond category.

On court order, include in the check payable to the Circuit Clerk, any fines and/or costs due from the defendant, from the bail bond category, not to exceed the amount on the bond ledger card.

Prepare a second check made payable to the defendant for the remainder of the balance on the bond ledger card from the bail bond category.

On the defendant's request, prepare a disbursement check, from the bail bond category, to the defendant's attorney of record.

Bonds for Any Other Amount of Cash

If the defendant was found not guilty or the case was dismissed, prepare a disbursement check for the full amount of the balance on the bond ledger card, payable to the defendant, from the bail bond category.

Do not retain any percentage for Bond 10% Fees.

If the defendant was found guilty, on court order, prepare a disbursement check payable to the Circuit Court Clerk for fines and/or costs, from the bail bond category, not to exceed the amount on the bond ledger card.

On the defendant's request, prepare a disbursement check, from the bail bond category, to the defendant's attorney of record, if sufficient funds remain after paying fines and/or costs.

Prepare a disbursement check payable to the defendant for any balance remaining on the bond ledger card, from the bail bond category.

Do not retain any percentage for Bond 10% Fees.

Stocks and Bonds

Return the full amount, regardless of the case disposition.

DEPOSITED BY SURETY

If the bond money was deposited by a surety:

For a 10 % Bond

If the defendant was found not guilty or the case was dismissed, prepare a disbursement check for the full amount of the balance on the bond ledger card, payable to the surety, from the bail bond category.

If the defendant was found guilty, prepare two disbursement checks.

One check will be made payable to the Circuit Clerk for 10% of the balance on the bond ledger card, but not less than $5, from the bail bond category.

The second check will be made payable to the surety for the remainder of the balance on the bond ledger card from the bail bond category.

Bonds for Any Other Amount of Cash

If the defendant was found guilty, not guilty, or the case was dismissed, prepare a disbursement check for the full amount of the balance on the bond ledger card, payable to the surety, from the bail bond category.

Do not retain any percentage for Bond 10% Fees.

Stocks and Bonds

Return the full amount, regardless of the case disposition.

Money deposited by a surety cannot be applied to fines and costs without consent of the surety.

Surrender of Defendant – Exoneration of Surety Liability

If the surety requests a refund of the bail bond at any time prior to the forfeiture of the bond, the clerk will give the surety a certified copy of the bail bond.

The surety will give the certified copy of the bail bond to any peace officer, who with the certified copy of the bail bond, has the authority to arrest the defendant in any county in the Commonwealth.

The peace officer, upon arrest of the defendant, delivers the defendant and the certified copy of the bail bond to the jailer of the county in which the prosecution is pending.

If the jailer acknowledges in writing that a defendant has been surrendered to him/her, the court shall, after notice of five days to the prosecutor, order that the surety be exonerated from liability on the bond or recognizance.

Any money or bonds that have been deposited as bail shall be returned to the surety.

1. Review the court order. Pull the bond ledger card for the case.

2. Prepare a disbursement check payable to the surety for the amount of the bond to be returned, from the bail bond category.

3. Document the transaction on the bond ledger card.

4. File the bond ledger card in the closed ledger card file.

5. Send the disbursement check to the surety or give the check to the surety if present.

CHANGE OF VENUE

In cases involving a change of venue, the bond and any deposits shall be sent to the court where the venue has been ordered.

Review the order, and prepare a disbursement check for any deposits from the proper fee categories.

Send the bond and the disbursement check to the court where the venue has been ordered.

CHANGE IN POSTED BAIL BOND

In cases involving a change in posted bond, review the court order. A new Form AOC-365 Bail Bond must be completed.

If the court orders a reduction in bond, prepare a disbursement check to the defendant or surety for the difference in the posted bond and the amount the bond is to be amended, from the bail bond category.

If the court orders an increase in bond, receipt the money as usual, and post the additional monies to the existing bond ledger card.

BOND ASSIGNMENTS

A bond assignment constitutes a private contract between the assignor (defendant or surety) and the assignee (usually an attorney).

Acceptance of a bond assignment by the Circuit Clerk creates an obligation for which the Circuit Clerk is liable.

The Circuit Clerk is liable for any bond money released to an improper party, and will be required to pay any amount improperly released from the bond account, resulting in a shortage on the books.

(1) Copies of all bond assignments must be forwarded to the bookkeeper.

(2) The bookkeeper will attach the bond assignment to the back of the bail bond ledger card for that specific case.

(3) Upon conclusion of the case, the bookkeeper will apply bond proceeds to any costs and fines, or other disbursements ordered by the court.

If the surety is not the defendant, the surety must provide a written statement giving permission for a bond to be applied to costs and fines.

The bookkeeper will then write a check payable to the attorney on the bond assignment.

(4) After costs and fines or other court ordered disbursements have been processed, if the balance on the ledger card is insufficient to cover the bond assignment, write the check for the amount available on the ledger card.

(5) Any additional balance on the ledger card would be paid to the defendant or surety.

CONDEMNATION

POLICY:

A condemnation proceeding is an action by any person, corporation, or entity, including the Commonwealth of Kentucky, its agencies and departments, county, municipality and taxing district authorized and empowered by law to take property for a public use under the right of eminent domain.

Per KRS 416.570, a condemnation proceeding is commenced by the filing of a petition.

A petition cannot be processed until the proper filing fees as set forth in the Fees and Costs section of this Manual have been paid.

Governmental agencies, including the Commonwealth, are NOT exempt from payment of this filing fee.

- KRS 416.560(3) states, “all costs involved in the condemnation shall be borne by the department, instrumentality, or agency requesting the condemnation.”

- KRS 416.620(4) states, “All cost in the Circuit Court shall be adjudged against the condemnor.”

During a condemnation proceeding, the Circuit Court Clerk may be required to hold monies until the conclusion of the case.

KRS 416.630 authorizes the Circuit Court Clerk to receive and hold money for condemnation proceedings until an order is entered by the court.

PROCEDURE:

Receipt of Filing Fees

(1) Collect filing fees as set forth in the Fees and Costs section of this Manual.

(2) Prepare a cash receipt, recording the amount in the appropriate categories.
    a) Civil Filing Fee
    b) Access to Justice

c) Monies Collected for Others - Court Technology Fee
d) Court Facility Fee (if applicable)
e) Library Fee (if applicable)
f) Monies Collected for Others - Attorney Tax Fee (if applicable)

(3) Place the cash or cash item in the cash drawer.

(4) Issue the original copy of the cash receipt to the payer. If the payer mailed the payment, place the original cash receipt in the case file.

(5) File the second copy of the cash receipt in the Daily Transaction file.

(6) File the third copy of the cash receipt in the case file.

Receipt of Condemnation

(1) Review the order issued by the court.

(2) Collect the payment authorized by the court order.

(3) Prepare a cash receipt, recording the amount in the Condemnation category.

(4) Place the cash or cash item in the cash drawer.

(5) Issue the original copy of the cash receipt to the payer. If the payer mailed the payment, place the original cash receipt in the case file.

(6) File the second copy of the cash receipt in the Daily Transaction file.

(7) File the third copy of the cash receipt in the case file.

(8) Prepare a condemnation detail ledger card. Use AOC 505.6 (Brown). This card should completed as follows:

a) Write the word “Condemnation” at the top of the card on the left side.
b) In the “County” section, write your county name.

c) In the “Defendant/Recipient/Address” section, write the name and address of the person to whom these funds will be disbursed.
d) In the “Payer/Address” section, write the name and address of the defendant who paid these funds.
e) In the “Case Number” section, write the case number.

(9) File the condemnation detail ledger card alphabetically in the condemnation detailed ledger card file.

Disbursement of Condemnation Procedure

(1) Review the order issued by the court.

(2) Pull the condemnation detailed ledger card and verify that the balance on the card is equal to or greater than the court ordered amount.

If the balance on the card is less than the court ordered amount, do not proceed with the disbursement without discussing the matter with the judge.

(3) Prepare a check for the court ordered amount payable to the seller (condemnee) of the property, recording the amount in the Condemnation category.

(4) Post the disbursement to the condemnation detailed ledger card.

(5) Send the check to the seller.

(6) If a balance remains on the condemnation detailed ledger card after the disbursement to the seller, the clerk should remit the balance on hand to the agency that originally deposited with the clerk.

(7) Prepare a check for the remaining balance payable to the payer (condemnor), recording the amount in the Condemnation category.

(8) Post the disbursement to the condemnation detailed ledger card.

(9) Send the check to the payer.

(10) File the condemnation detailed ledger card alphabetically in the closed condemnation detailed ledger card file.

MONEY COLLECTED FOR OTHERS

POLICY:

This section describes the various types of money being collected that cannot be identified in another cash receipt category.

For all bookkeeping systems, “Money Collected for Others” must be identified on each cash receipt.

For automated systems, fee category “K” is used for “Money Collected for Others”, along with a sub-fee code from a predetermined list.

Contact Auditing Services to modify the sub-fee codes.

PROCEDURE:

(1) Collect the payment.

(2) Complete the cash receipt.

(3) Endorse the check or money order, if applicable.

(4) Distribute the payer, case file, and bookkeeping receipt copies.

(5) Place the cash, check, or money order in the cash drawer.

MCFO SUB-FEE CATEGORIES

See Section Fees and Costs for the amounts to be collected.

Advertising

Advertising fees should be collected on such cases as probates and application for guardianship.

The newspaper and the Circuit Clerk set this fee.

Arrest Fees

Arrest fees are collected and disbursed to law enforcement agencies (with the exception of KY State Police and Vehicle Enforcement) for the purpose of executing and returning process, or arresting the party in a misdemeanor case.

Bail Bonds for Other Counties

Bail Bonds for Other Counties (see Jail Procedures) should be receipted and posted to Individual Detail Ledger Cards.

This money should be disbursed daily and mailed out along with the bail bond paperwork to each county.

Certified Mail

Certified Mail fees shall be collected if a return receipt for a summons and pleading have been requested.

County Attorney - cold check fees

The county attorney may charge a fee to the maker of $50.

The county attorney collects this fee, not the circuit court clerk's office.

Court Technology Fees

Court Technology fees are to be collected in district and circuit court cases for the purpose of improving technology in the courts.

Crime Stoppers Fees

Crime Stoppers fees should be collected on every person convicted of any misdemeanor or violation, other than a violation of KRS Chapters 186, 187, 188, 189, or 189A, regardless whether the person is/or has been incarcerated, or fines have been suspended, waived, or otherwise not imposed.

These fees may only be assessed when there is a written agreement between a Crime Stoppers organization and a county fiscal court or urban government.

Domestic Relations Commissioner Fee

Domestic Relations Commissioner Fee, shall by order (FCRPP-4) of the Supreme Court of KY, collect a fee of $60 per hour, assessed at a rate of $15 for each quarter hour or part thereof.

Such fees shall be paid through the office of Circuit Court Clerk to the commissioner, and shall be due on the fifth (5th) working day following the conclusion of the hearing.

No more than $600 shall be assessed in any case, regardless of the number and length of hearings, unless recommended by the circuit judge and approved by the Chief Justice for extraordinary circumstances shown.

If a case is reopened, additional fees totaling not more than $200 may be assessed. No more than $15 shall be assessed in any uncontested divorce.

Guardian ad Litem

Guardian ad Litem fees are to be paid by the plaintiff and taxed in the cost for services rendered on the behalf of the juvenile.

Judicial Sales Fee

Judicial Sales Administration (JSAF) fee – A Master Commissioner fee of $200 shall be collected for "all cases involving judicial sales by the master commissioner." This fee shall be collected when the motion is received. For a judicial sale which is withdrawn prior to the sale date, and a new sale is scheduled within six (6) months of the original sale date, an additional JSAF shall **not** be charged. For any judicial sale which is rescheduled **after** six (6) months from the original sale date, shall be considered a new referral for judicial sale and a additional JSAF of $200 shall be charged.

Merchant Cold Check Fees

Merchant Cold Check fees shall be collected when ordered by the court for payment of money by paying the holder the face amount of the check along with this fee.

Overpayment of fines and court cost

(See Section Overpayment)

Postage

(See Section Fees and Cost)

Secretary of State

Secretary of State fees (long arm statute) allows fees to be collected under long arm statute.

Warning Order Attorney

Warning Order Attorney fees should be collected for their services to be taxed as cost.

Other

Any other “non-state monies” not specifically described on the cash receipt form can be receipted as “Money Collected for Others”.

ATTORNEY TAX FEES

POLICY:

Pursuant to KRS 453.060 AND SB 85, the following attorney's fees shall be allowed, if the successful party is represented by a licensed attorney:

In the Court of Appeals	$10.00
In the Circuit Court, for civil cases only	$ 5.00
In the District Court, for all civil and criminal cases, except felonies	$ 2.50

Attorney Tax Fees for all civil cases should be collected at the time of filing of the petition.

Fees collected on district criminal cases should be added to the court costs at the termination of the action.

Attorney Tax Fees will be coded as Money Collected For Others – Attorney Tax Fees.

The Attorney Tax Fees shall be taxed as costs at the termination of the action and the Circuit Clerks shall at the end of the month pay all sums collected as taxed attorney's fees during the month to the trustees of the county law library, with the exception of Court of Appeals cases.

Attorney Tax Fees collected for civil cases in the Court of Appeals must be held until ordered by the court to be disbursed to the prevailing party.

Circuit Clerks may only collect Attorney Tax Fees if their counties have operating law libraries.

PROCEDURE:

RECEIPTING ATTORNEY TAX FEES

(1) Assess the amount of attorney tax fees due based on style of case. Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Money Collected For Others – Attorney Tax Fees.

If the payer is remitting costs and/or fees on the same case as the Attorney Tax Fee, issue one receipt for all fees and/or costs.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

(4) Record the total amount of daily receipts for Attorney Tax Fees (circuit and district cases only) on the Money Collected For Others – Attorney Tax Fees detail ledger card.

Attorney Tax Fees for Court of Appeals cases should be recorded individually on a Money Collected For Others – Attorney Tax Fee Appeals Case detail ledger card.

DISBURSING ATTORNEY TAX FEES

(1) Assess the amount due to the trustees of the county law library. The amount must equal the month-end balance on the Money Collected For Others – Attorney Tax Fees detail ledger card.

(2) Prepare a disbursement check to the Trustee of the County Law Library for the amount due.

(3) Record the check on the detail ledger card.

(4) Send the disbursement check to the Trustee of the County Law Library.

(5) Remit Attorney Tax Fees for Court of Appeals cases to the prevailing party upon court order.

(6) Record disbursement check on the specific detail ledger card.

ORGAN DONATIONS

POLICY:

When a driver's license or identification card is issued, the Circuit Clerk is authorized to accept an Organ Donor donation of $1.

The Circuit Clerk shall not accept organ donor donations of more than $1 or organ donor donations offered when a driver's license or identification card is not being issued.

Organ donor donations will be categorized as Money Collected For Others.

Donations must be posted daily or as collected to an Organ Donor/Trust For Life detail ledger card.

The total of organ donor donations on the monthly Driver's License report should equal the month-end balance of the Organ Donations/Trust For Life - Money Collected For Others detail ledger card.

Any discrepancies between the monthly Driver's License report and the month-end balance of the Organ Donations/Trust for Life-MCHO detail card should be researched and documented on the green bar report from the Driver's License system.

Donations, a copy of the green bar report, and a written explanation of discrepancies should be submitted to the Trust for Life organization when monthly reports are submitted.

PROCEDURE:

When a customer wishes to make an Organ Donor Donation of $1, accept the payment.

(1) Record the donation on the Driver's License computer.
(2) Place the money in the Driver's License cash drawer.
(3) Provide a cash receipt (Form AOC-500), only upon request.

At the end of the business day, prepare a cash receipt for the daily aggregate total amount of the Organ Donations.

When a customer wishes to make an Organ Donor Donation of more than $1 or when a driver's license or identification card is not being issued, inform the customer that the clerk is not authorized to accept a donation

under these circumstances, and provide the customer with a pre-addressed envelope for Trust For Life.

Instruct the customer to mail the donation directly to Trust For Life.

Instruct the customer not to mail cash to Trust For Life.
Envelopes pre-addressed to Trust For Life can be obtained by calling Trust For Life at 502-695-4253.

OVERPAYMENTS

POLICY:

Fines and costs for pre-payable offenses may be paid by mail. Overpayments are a frequent occurrence when processing pre-payable receipts by mail.

Overpayments of more than $10 should be coded as Money Collected For Others – Overpayments and refunded to the payer.

Overpayments of $10 or less should be receipted to the Criminal/Traffic Costs category; this applies to Criminal cases only. **In Civil cases an overpayment is any amount of $10 or less and should be receipted into Charges For Services.**

PROCEDURE:

(1) Process the payment as applicable. Calculate the amount of overpayment.

(2) If the overpayment is $10 or less, receipt the overpayment as Criminal/Traffic Costs for Criminal cases and Charges for Services for Civil cases.

If the overpayment is more than $10 receipt the overpayment as Money Collected For Others – Overpayment.

(3) Complete the receipt.

(4) Process with daily batch work.

(5) Create a separate detail ledger card with the necessary information for the overpayment.

(6) After completing the daily closing, create a disbursement check to the defendant/payer for the amount of the overpayment from Money Collected For Others. If paid by check, disbursement is not done until check has cleared bank.

(7) Post the check to the detail ledger card. File the ledger card in the closed ledger card file.

(8) Mail check to payee.

LAW LIBRARY

POLICY:

KRS 172.180 allows for an alternative method of financing the costs and maintenance of the county law library, in lieu of the method set forth pursuant to KRS 172.130 and KRS 172.170.

Each county utilizing KRS 172.180 must have an order issued by the Chief Circuit Judge, dated after June 22, 2005, pertaining to law library fees.

Circuit Clerks may not collect law library fees without this order.

In counties containing cities of the first or second class (Boyd, Campbell, Christian, Daviess, Fayette, Franklin, Hardin, Henderson, Jefferson, Kenton, Madison, McCracken, and Warren), the maximum allowable law library fees are:

All District Criminal cases --	$1.50
All District and Circuit Civil cases --	$3.00

In counties without a city of the first or second class, the maximum allowable law library fees are:

All District Criminal cases --	$0.50
All District and Circuit Civil cases --	$1.00

The Circuit Clerk may not collect law library fees for Circuit Criminal cases or Court of Appeals cases.

The Circuit Clerk shall, at the end of the month, remit all sums collected as county law library fees during the preceding month to the trustees of the county law library.

The Clerk shall make a full report with said payment, and receive a receipt for all payments tendered.

PROCEDURE:

Receipting Law Library Fees:

(1) Assess the amount of law library fees due based on local court order. Inform the payer of the amount due.

(2) Collect the payment, place cash in the cash drawer, and issue a cash receipt, entering the amount collected as Library Fee.

If the payer is remitting costs and/or fees on the same case as the Library Fee, issue one receipt for all fees and/or costs.

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

Disbursing Law Library Fees:

(1) Assess the amount due to the trustees of the county law library.

The amount must equal the month-end balance on the Law Library Control Card and the Ending Cash Balances column on the Library Fees row of the Summary Financial Report.

(2) Prepare a disbursement check to the Trustee of the County Law Library for the amount due.

(3) Send the disbursement check to the Trustee of the County Law Library.

RESTITUTION & GARNISHMENT

RESTITUTION

POLICY:

The court is allowed, pursuant to KRS 532.032, to order the defendant to make restitution to a victim of a crime who has suffered monetary damage as a result of the crime.

This statute also states that the circuit clerk shall assess an additional fee of five percent (5%) to defray the administrative costs of collection of payments or property.

When a judge orders restitution, the judge shall order the restitution to be paid to a specific person or organization through the circuit clerk, who shall disburse the monies as ordered by the court.

When there is more than one (1) defendant or more than one (1) victim, restitution may be apportioned.

PROCEDURE:

Initial Set-up of Detail Ledger Card

(1) Review the court order and determine the amount of restitution ordered.

(2) Prepare a restitution detail ledger card. Use AOC 505.1 (Red). This card should be completed as follows:

   (a) Write the word “Restitution” at the top of the card on the left side.
   (b) In the “County” section, write your county name.
   (c) In the “Defendant Address” section, write the name and address of the defendant who paid these funds.
   (d) In the “Payer/Address” section, write the name and address of the person who will be receiving these funds.
   (e) In the “Case Number” section, write the case number.
   (f) In the “Terms” section, record the court ordered amount of restitution.

(3) File the restitution detail ledger card in the alphabetical restitution detail ledger card file for restitution.

Receipt of Restitution

(1) Collect the payment authorized by the court order.

(2) Prepare a cash receipt, recording ninety-five percent (95%) of the amount in the Restitution & Garnishment category and five percent (5%) of the amount in the Restitution Fee category.

(3) Place the cash or cash item in the cash drawer.

(4) Distribute the payer, case file, and bookkeeping copies of the receipt.

(5) Pull the restitution detail ledger card.

(6) Post the amount of the payment to the restitution detail ledger card.

(7) File the restitution detail ledger card alphabetically in the restitution detail ledger card file.

Disbursement of Restitution

(1) Pull the restitution detail ledger card.

(2) Prepare a check for the amount of restitution that has been received by the clerk, recording the amount in the Restitution & Garnishment category.

(3) Post the disbursement to the restitution detail ledger card.

(4) Send the check to the recipient.

(5) If restitution is still owed by the defendant, file the restitution detail ledger card alphabetically in the open restitution detail ledger card file.

(6) If restitution is been paid in full, file the restitution detail ledger card alphabetically in the closed restitution detail ledger card file.

GARNISHMENT

POLICY:

KRS 532.162 states that in criminal garnishments, the clerk shall be entitled to collect a fee of two dollars and fifty cents ($2.50) from each account for which a disbursement is made at the time of disbursement.

Pursuant to CR 3.02, a $10 fee shall be charged for issuing original and supplemental garnishments.

Pursuant to CR 69.02, upon receiving a post-judgment order of garnishment, the garnishee shall make payments directly to the attorney for the party on whose behalf the order of garnishment was issued.

> If such party has no attorney of record, payments by the garnishee shall be made to the clerk of the court.

CR 69.02 also states that where wages are garnished, the attorney for the party in whose behalf the order of wage garnishment was issued, or the clerk of the court if such party has no attorney of record, shall safely hold the garnisheed funds in escrow for a period of fifteen (15) days from the issuance date of the employer's garnishment check.

The clerk of the court should disburse the garnisheed funds after the fifteen (15) days if the debtor has filed no objection.

However, if the debtor has filed an objection, the clerk of the court should hold the garnisheed funds until the court orders the disbursement.

PROCEDURE:

Receipt of Filing Fees

(1) Collect filing fees as set forth in the Fees and Costs section of this Manual.

(2) Prepare a cash receipt, recording the amount in the Charges for Services category.

(3) Place the cash or cash item in the cash drawer.

(4) Distribute the payer, case file, and bookkeeping copies of the receipt.

Initial Set-up of Detail Ledger Card

(1) Review the court order and determine the amount of garnishment ordered.

(2) Prepare a garnishment detail ledger card. Use AOC 505.4 (Green). This card should completed as follows:

a) Write the word “Garnishment” at the top of the card on the left side.
b) In the “County” section, write your county name.
c) In the “Defendant/Recipient/Address” section, write the name and address of the person to whom these funds will be disbursed.
d) In the “Payer/Address” section, write the name and address of the defendant who paid these funds.
e) In the “Case Number” section, write the case number.
f) In the “Terms” section, record the court ordered amount of garnishment.

(3) File the garnishment detail ledger card in the alphabetical detail ledger card file for garnishment.

Receipt of Garnishment

(1) Collect the payment authorized by the court order.

(2) Prepare a cash receipt, recording the amount in the Restitution & Garnishment category.

(3) Place the cash or cash item in the cash drawer.

(4) Distribute the payer, case file, and bookkeeping copies of the receipt.

(5) Pull the garnishment detail ledger card.

(6) Post the amount of the payment to the garnishment detail ledger card.

(7) File the garnishment detail ledger card alphabetically in the garnishment detail ledger card file.

Disbursement of Garnishment

NOTE: If the creditor in a wage garnishment is not represented by an attorney, the funds shall be held by the clerk of the court for fifteen (15) days from the date of the employer's check.

(1) Pull the garnishment detail ledger card.

(2) Prepare a check for the amount of garnishment that has been received by the clerk, recording the amount in the Restitution & Garnishment category.

(3) Post the disbursement to the garnishment detail ledger card.

(4) Send the check to the recipient.

(5) If garnishment is still owed by the defendant, file the garnishment detail ledger card alphabetically in the open garnishment detail ledger card file.

(6) If garnishment is been paid in full, file the garnishment detail ledger card alphabetically in the closed garnishment detail ledger card file.

SPECIAL ESCROW

POLICY:

A Special Escrow account will be established and utilized when the Court orders the Circuit Court Clerk to collect and hold monies in a “Special Escrow” and/or “interest bearing” account.

This type of account can only be established by order of a judge.

Special Escrow accounts are used when the court specifies that interest accrue to the beneficiary or owner of the funds.

Special escrow accounts are maintained separately from the NOW account.

Separate accounts should be established for each special escrow account.

Separate bank reconciliations are required for each special escrow account.

When establishing a special escrow account at the bank, request quarterly statements.

Interest should be posted monthly or quarterly, upon receipt of special escrow bank statement, via adjusting entry.

The general counsel has interpreted Rule 67.01 as authorizing ONLY interest-bearing accounts.

Therefore, stocks/investment portfolios are not authorized. Deposits should be readily available when court orders payment of the funds.

PROCEDURE:

For Receipting, Establishing, and Maintaining Special Escrow Accounts:

(1) Review court order and determine the amount of money to be deposited in a special escrow account.

(2) Collect payment as required in the court order and prepare a cash receipt, entering the amount received as “Special Escrow.”

(3) Distribute the payer, case file, and bookkeeping copies of the receipt.

(4) After depositing the special escrow monies in the NOW account, establish a special escrow bank account.

(a) If the special escrow account is to be maintained at the same bank where the Circuit Court Clerk has the NOW account, transfer the special escrow monies from the NOW account to the new special escrow account.

(b) If the special escrow account is to be maintained at a bank other than the bank at which the Circuit Court Clerk's NOW account is located, request a cashier's check for the special escrow amount from the NOW account bank. Use the cashier's check to open a special escrow bank account at the desired bank. Do not create a disbursement check to open the special escrow account.

(c) Follow the court order if specific banking arrangements are mandated.

(5) Prepare a detail ledger card for the special escrow account. Information on the detail ledger card should include payer's name, style of case, bank name, bank account number, amount of deposit, and any other pertinent information. File the special escrow detail ledger card alphabetically in the special escrow detail ledger card file.

(6) Post interest to the special escrow account monthly or quarterly (whenever the special escrow bank statement is received) via adjusting entry.

(7) Post the special escrow adjusting entry to the special escrow detail ledger card.

(8) Prepare a bank reconciliation for each special escrow account upon receipt of the special escrow bank statement.

Procedure for Disbursing Special Escrow Funds:

(1) Review the court order requiring special escrow funds to be disbursed. Funds must be disbursed exactly as specified in the court order.

(2) Review the detail ledger card for the special escrow account specified in the court order. Determine if the balance of the detail ledger card equals the amount to be disbursed per the court order.

    (a) If the balance of the detail ledger card equals the amount specified in the court order, transfer the funds from the special escrow account to the Circuit Court Clerk's NOW account. Do not create a disbursement check to transfer the special escrow funds to the NOW account. Close the special escrow account. The special escrow account must be closed prior to disbursing funds to the recipient.

    (b) If the balance of the special escrow detail ledger card does not equal the amount specified in the court order, reconcile the difference prior to creating a disbursement check to the recipient. If the difference cannot be reconciled, inform the judge of the difference.

(3) Prepare a disbursement check from the special escrow category for the amount stated in the court order payable to the recipient.

(4) Post the disbursement check information on the special escrow detail ledger card (date of check, name of payee, case style, check number, and disbursement amount).

(5) File the closed detail ledger card in the closed ledger card file.

(6) Send the disbursement check to the recipient.

SURVEILLANCE EQUIPMENT
GENERAL

Certain circuit clerk offices are equipped with recording equipment. If your office the equipment installed, adhere to the policies and procedures below.

OVERSIGHT

The circuit clerk is responsible for the oversight of equipment. The equipment, less the camera(s), will be located in the circuit clerk's office.

RECORDING REVIEW

CD-R recordings shall be reviewed by the circuit clerk no less than monthly.

CD-R's

1. May be requested through RequestIt from Administrative Services, Purchasing Department.
2. CD-R's have 80 minutes (MAX 700MB) of recording time. Therefore, the CD-R shall be changed between 70 -80 minutes of recording. This will ensure no data is lost.
3. To change the CD-R:

   - Verify the amount of time remaining on the CD-R. This is done by reviewing the number of minutes recorded on the front panel of the recorder.
   - Press the open button located on the front of the recorder. This will open tray access door. BEFORE inserting a CD-R, write the starting date and time on the front of the CD-R, as well as on the Recording Log.
   - Insert the new CD-R.
   - Press the open button again to close the CD-R tray/door.
   - When removing a CD-R, record the ending date and time on the front of the CD-R and the Recording Log.
   - Place the recorded CD-R in a slim-line case (obtained from RequestIt).
   - Place the CD-R in the fire-proof safe and lock.

RECORDING LOG

The Recording Log shall be completed each time a CD-R is placed in or removed from the recorder. The information entered on the Log is:

- Start date;
- Start time;
- Name of person changing/loading recorder (this shall be the circuit clerk);
- End date;
- End time;
- Name of person storing CD-R (this shall be the circuit clerk).

The Recording Log shall be stored in the fire-proof locked safe.

CD-R RETENTION

The CD-R's shall be retained in the circuit clerk's office for a period of five (5) years from the ending date recorded on the CD-R and Recording Log. The Accessioning Unit shall be contacted for archive procedures.

SURVEILLANCE CD-R RECORDING LOG

START DATE	START TIME	SIGNATURE	END DATE	END TIME	SIGNATURE