

CIRCUIT COURT CLERKS MANUAL RELEASE NOTES

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TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: July 15, 2016

IMPORTANT INFORMATION

Please distribute this memo to each deputy in your office.

Release Notes serve as an “index” to the updated sections of the manual. It does not include the update in its entirety; therefore, it is very important and necessary that you and your employees go to each section of the manual set out in this memo and review the modifications. Please direct any questions regarding these updates to the Office of Legal Services at AOC.

Circuit Court Clerk Manual Updates

Changes have been made reflecting new legislation from the 2016 General Assembly session as well as other general revisions and updates.

Bill of Costs

The direction to deliver the case file to the judge has been removed in the “Without an Exception” section after the clerk endorses costs recoverable as part of the judgement.

Expungements

Extensive changes have been made throughout the Expungement chapter due to new legislation ([2016 HB 40](#)).

Petition to Contest Disposition of Decedent Remains/Cremation

This chapter replaces the Cremation Resolution chapter as required by new legislation ([2016 SB 103](#)). Contests regarding cremation are now original actions in circuit court rather than district court.

Senate Bill 103 provides that an action to contest or determine decedent's preferences regarding the disposition of their remains be brought in the same manner as an action to contest the validity of a will.

The action shall be expedited on the docket of the court as a matter requiring priority. The plaintiff must post a surety bond, cash deposit, or other surety sufficient to guarantee that the entity holding the declarant's remains is compensated for the safe-keeping charges incurred while the action is pending.

Small Claims Cases

Case type information has been updated to reflect that a small claims complaint may be assigned case type codes CO, PD, or PI.

Special Judge Appointment

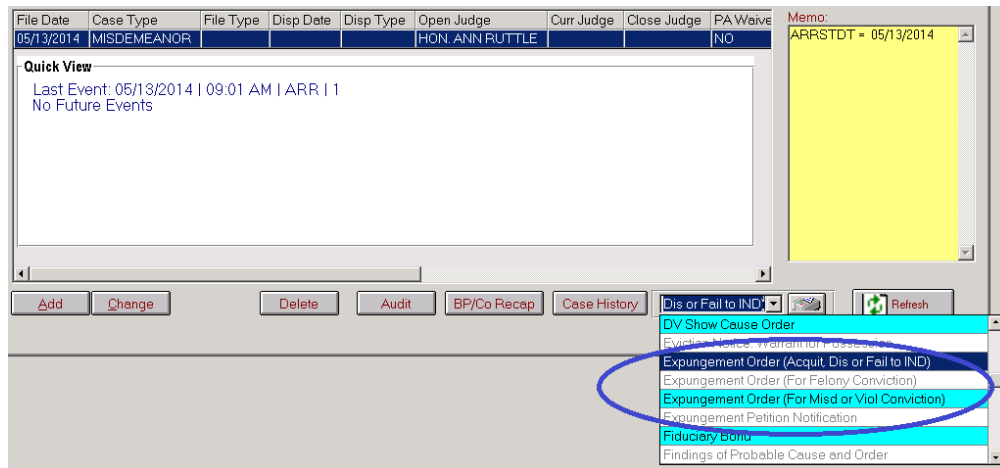
The Special Judge Codes section has been updated to indicate that senior status and/or retired judges may be assigned an individual judge code in your county rather than using generic codes.

Forms

New and revised expungement forms are now available. Listed below is the AOC form number (which is also a link to the form), the name of the form and where the form may be located.

Form Number	Form Name	Appears in KyCourts	Appears on Internet	Appears on Intranet
496	Expungement Order (For Misdemeanor, Violation, or Traffic Infraction Conviction)	Y	N	Y
496.1	Notification of Expungement Hearing	Y	N	Y
496.2	Petition for Expungement (For Misdemeanor, Violation, or Traffic Infraction Conviction)	N	Y	Y
497	Expungement Order (For Acquittal, Dismissal with Prejudice, or Failure to Indict)	Y	N	Y
497.2	Petition for Expungement (For Acquittal, Dismissal with Prejudice, or Failure to Indict)	N	Y	Y
496.3	Application to Vacate and Expunge Felony Conviction	N	Y	Y
496.4	Order on Application to Vacate and Expunge Felony Conviction	Y	N	Y

Those forms available in KYCourts as indicated above are available from the reports drop down on the Case-At-A-Glance screen.



KyCourts II Code Additions

The following codes have been added to KYCourtsII. Specific instructions for how to use these new codes may be found in the Expungement section of the Circuit Court Clerks Manual:

Charge Disposition Type Code

VEFC – Vacated Expunged Felony Conviction

Document Codes

AFEX- Application to Vacate and Expunge Felony Convictions

CRFEX – Commonwealth’s Response to Felony Expungement

EXC – Expungement Certification

OFXD – Order Felony Expungement Denied

OFXG – Order Felony Expungement Granted

Scheduled Events Type Codes

ERR – Expungement Response Review (Clerk Use Only)

FEX – Felony Expungement Hearing

CIRCUIT COURT CLERKS' MANUAL

RELEASE NOTES

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TO: Circuit Court Clerks
FROM: Kelly Stephens, Court Services Manager
DATE: **June 29, 2017**

IMPORTANT INFORMATION!

Please distribute this memo to each deputy in your office.

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Circuit Court Clerk Manual Updates

The following chapters have been revised for compliance with new legislation from the 2017 General Assembly:

Appeals

Section 4.3.13 has been updated to include planning and zoning appeal bonds pursuant to KRS 100.3471 (2017 HB 72). Any party appealing the Circuit Court's final decision made in a planning/zoning case may be required to post a supersedeas bond of up to \$250,000. The Circuit Court shall determine the bond amount, considering the costs, economic loss, and damages the appellee may suffer or incur during the pendency of or will be caused by the appeal, including attorney's fees.

Autopsy Images and Recordings

A new chapter titled "Autopsy Images and Recordings" has been added. KRS 72.031 (2017 HB 67) limits distribution of autopsy photographs, images, video or audio recordings to specified persons and agencies unless expressly waived by the spouse or personal representative of a decedent. Instructions for handling autopsy images and recordings filed in the court record are contained in section 9.1.

Those wishing to have access to autopsy images and recordings without a waiver must petition Circuit Court for an order granting access. Instructions for this process are contained in section 9.2.

Cremation/Disposition of Decedent Remains

This chapter (previously “Petition to Contest Disposition of Decedent Remains/Cremation”) has been updated to reflect changes to legislation (2017 HB 208) that moves cremation actions from Circuit Court to District Court and allows a party to petition the court to authorize cremation of a decedent.

A crematory may utilize [AOC Form 858 Petition to Authorize Cremation of Decedent and Order](#).

Also, a crematory or next of kin of a person who has filed a preneed cremation form may file a petition with the District Court to stop the cremation.

Elections

The “Challenge to Election Candidacy and Election Contests” chapter has been renamed to “Elections” and a new section “Local Option Election Bond” has been added. KRS 242.020 (2017 HB 319) requires any person or persons that wants to circulate a petition for a local option election to post a bond with the Circuit Court to cover all costs of the election within five days of filing the petition if the local option election will be held on any day other than a primary or regular election date. The county judge executive must determine the amount of the bond.

A posting of a bond in this instance will create a circuit civil case. Upon receipt of an order to release the bond, do so as directed.

Circuit Criminal, Citations, District Criminal, and Warrants

These chapters have been updated to reflect legislation (2017 SB 120) impacting the collection of court costs, fees, and fines when the defendant is unable to pay.

A defendant who has not paid court costs, fees or fines may not be incarcerated for failure to pay unless the failure was willful and not due to an inability to pay. Defendants permitted to pay on an installment payment plan shall be given notice of the total amount due, payment frequency, and the date by which all payments shall be made.

The notice shall be on a form provided by the AOC and indicate that if the defendant has not complied with payments by show cause date, he or she shall appear on that date to show good cause as to why he or she is unable to satisfy the obligations.

Defendants incarcerated for nonpayment or failure to appear and show cause for nonpayment shall be given jail credit pursuant to KRS 534.070 and released by the jailer upon service of sufficient number of days.

Sections on imposition of court costs, fees, and fines, nonpayment, and jail credit have been added as follows:

Circuit Criminal – section 14.9

Citations - section 15.12

District Criminal – section 33.6

Warrants – section 102.1

Expungement

The section on Juvenile Expungement has been updated to reflect changes required by 2017 SB 195:

A juvenile status or public offense case which is dismissed because the child is eligible for diversion must automatically be ordered expunged. This process is explained in section 39.7.1, Expunging Juvenile Records When Charges Dismissed Because Child is Eligible for Diversion (JCRPP 2, 15). Section I of [AOC JV-29](#) should be used for this purpose.

A juvenile status or public offense case where the case was dismissed for any other reason or the child was found to be not delinquent must automatically be ordered expunged. The child is not required to take any action in order for the case to be expunged. This process is explained in section 39.7.2, Expunging Juvenile Records When Charges Dismissed or Child Found Not Delinquent (KRS 610.330(7)). Section II of [AOC JV-29](#) should be used for this purpose.

Additionally, a juvenile may expunge misdemeanors, violations, status offenses, a single felony, or a series of felonies arising from a single incident. This process requires a petition and hearing and is explained in sections 39.7.3 and 39.7.4, Petition to Expunge Records Following Adjudication and Order of Expungement Upon Petition. AOC Forms [JV-30](#) and [29.1](#) should be used for this purpose.

Medical Malpractice Review Panels

A new chapter “Medical Malpractice Review Panels” has been added to the manual per KRS 216C (2017 SB 4) which creates medical malpractice review panels to be administered by CHFS. All medical malpractice and malpractice related claims must be brought before the review panel before it may be filed in a court in the Commonwealth.

The medical malpractice review panel will express its opinion as to whether the evidence supports the conclusion that the defendant acted or failed to act within the appropriate standard of care and whether any such failure was a substantial factor in providing a negative outcome for the patient. This opinion shall be entered into evidence as an expert opinion in any subsequent court proceeding.

It is not the responsibility of the Circuit Court Clerk to determine whether an action has been reviewed by a panel.

While a case is pending before a medical review panel, the Circuit Court can only entertain motions to compel or limit discovery, motions to enforce or quash subpoenas, and motions for sanctions for failure to comply with review panel procedures. Instructions for this process are included in section 55.1, Petition, Proposed Complaint and Motion.

After the medical malpractice review panel has completed its process, the plaintiff may commence a civil action in court. This is a separate action from any earlier proceeding to compel or limit discovery, enforce or quash subpoenas, or impose sanctions. Instructions for handling a medical malpractice complaint are contained in section 55.3, Medical Malpractice Complaints. Mental Health

KRS 202A.0811-0831 (2017 SB 91 or “Tim’s Law”) permits involuntary court ordered outpatient mental treatment to be ordered. KRS 202A.0829 says implementation of Tim’s Law is contingent upon funding. Jurisdictions with Tim’s Law funding should contact ITS Court Services for case processing instructions.

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TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: December 30, 2015

IMPORTANT INFORMATION!

Please distribute this memo to each deputy in your office.

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Circuit Court Clerk Manual Modifications

Changes have been made throughout the manual for new legislation from the 2015 General Assembly session and other general revisions and updates.

Domestic Violence and Interpersonal Protective Orders

Extensive changes have been made throughout the domestic violence chapter to reflect legislation (2015 HB 8) regarding domestic violence and interpersonal protective orders.

This chapter has been renamed from “Domestic Violence” to “Domestic Violence and Interpersonal Protective Orders” to reflect 2015 HB 8’s extension of the ability of a victim of dating violence and abuse, sexual assault, or stalking to get a civil order of protection (KRS 456.010-180.)

The entire chapter has been updated to include procedures for the issuance of interpersonal protective orders. Although the procedures for both domestic violence cases and interpersonal protective order cases are very similar, please read the instructions closely.

New Section: Cases Involving Minors

- **Any** adult person can file a petition on behalf of a minor. It does not have to be filed by a family member.
- A minor may file a petition on his or her own behalf. A minor can request an **IPO** on the basis of a dating relationship, stalking, or sexual assault or can request an **EPO** if the

Respondent is a family member, or if they were married, formerly married, or share a child in common.

- Proceedings involving minors are not confidential, though the petitioner's address and DOB are still protected. You do not need to use initials or abbreviations for either a minor petitioner or a minor respondent's name.
- A minor may be a respondent. Serve the minor respondent unless otherwise directed to serve a parent or appoint a guardian ad litem for service.

New Section: Expungement

The records in a case where the petition did not result in the issuance of a DVO or an IPO may now be expunged for good cause if 6 months have elapsed since the case was dismissed; and during the 6 months preceding the expungement request, the respondent has not been bound by an order of protection issued for the protection of any person.

New Section: Interpersonal Protective Order Following Stalking/Sexual Assault Conviction

A conviction for an offense in KRS 508.140 or 508.150 (stalking) or for any degree of rape, sodomy, or sexual abuse shall operate as an application for an interpersonal protective order unless the victim requests otherwise. Information about this form of IPO is also included in the District Criminal and Circuit Criminal Complaint chapters.

District Criminal and Circuit Criminal Complaint Chapters

These chapters have been updated to remove the section "Restraining Order Following a Stalking Conviction" and replaced with heading "Interpersonal Protective Order Following Stalking or Sexual Assault Offense Convictions."

Per 2015 HB 8: A conviction in a criminal stalking or sexual assault case shall operate as an automatic application for an interpersonal protective order. This order replaces the restraining order for stalking convictions. AOC Form 446 has been updated to reflect these changes.

Foreign Protective Order Chapter

This chapter has also been updated to reflect legislation (2015 HB 8) regarding domestic violence and interpersonal protective orders.

Statistical Information

The statistical codes and definitions section has been updated to include the following:

Case Type	Description
DIP – Denied Interpersonal Protective Petition	Civil proceeding for Denied Interpersonal Protective Petition.
IP – Interpersonal Protection	Civil proceeding which allow victims of dating violence and abuse, stalking, and/or sexual assault to obtain short/long term protection against further violence and abuse, stalking, and/or sexual assault.

Case Disposition Type	Description
IPD – Interpersonal Protective Order	Indicates that an interpersonal protective petition was denied. A summons and/or temporary protective order was not issued.

Forms

Revised court forms are being released to reflect legislative changes made by HB 8, the new law on domestic violence and interpersonal protective orders. **These forms are available [online](#).**

Form Number	Form Name
275	Protective Order Summons
275.1	Petition/Motion for Order of Protection
275.2	Order of Protection (EPO/TIPO)
275.3	Order of Protection (DVO/IPO)
275.4	Forthwith Order of Arrest
275.5	Show Cause Order
275.6	Motion to Amend Prior Order of Protection
275.7	Warrant of Arrest Protective Order Bench Warrant
275.8	Temporary Order of Protection Foreign Protective Affidavit and Order
275.9	Order of Protection Foreign Protective Affidavit and Order (to be used for certified foreign orders)
275.10	Amended Order of Protection and Affidavit for Certified Foreign Protective Order

275.11	Amended Temporary Order of Protection an Affidavit for Uncertified Foreign Protective Order
275.12	10 Day Notice to Affiant RE: Status of Temporary Foreign Protective Order
275.13	Notice Notice of Impending Expiration Un-served Emergency/Temporary Order of Protection
275.14	Respondent's Financial Statement, Affidavit of Indigency, Request for Reduced GPMS Costs, and Order
275.15	GPMS Order and Notification Modified GPMS Order Vacated GPMS Order
275.16	Order Sealing Information Obtained by Global Positioning Monitoring System
275.17	Personal Identifier Data Sheet
446	Interpersonal Protective Order (Following Stalking/Sexual Assault Conviction)

New court forms are being released to reflect legislative changes made by HB 8, the new law on domestic violence and interpersonal protective orders.

<u>Form Number</u>	<u>Form Name</u>
275.18	Motion for Expungement of Emergency/Temporary Order of Protection
275.19	Order for Expungement of Emergency/Temporary Order of Protection

These forms are available as smart forms on the intranet at:
<http://courtconnect/sites/forms/SitePages/Forms%20Home.aspx>

KyCourts II Changes

KyCourts II has been updated to reflect the following changes for HB 8. Specific instructions for how to use these new case types and codes can be found in the Circuit Court Clerks Manual:

- New Case Types have been added for interpersonal protective order cases.
 - DIP – Denied Interpersonal Protective Petition
 - IP – Interpersonal Protection
- New Summons Type
 - PO - protective order summons. This summons type is to be used for both domestic violence and interpersonal protective order cases.
- New Case Disposition Type has been added for denied protective order petitions.
 - IPD – interpersonal protective order denied

CIRCUIT COURT CLERKS' MANUAL

RELEASE NOTES

TO: Circuit Court Clerks

FROM: Marc Theriault, AOC General Counsel

DATE: June 8, 2015

IMPORTANT INFORMATION!

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Formatting Modifications

The Circuit Court Clerks' Manual has been modified to reflect a number of formatting changes as a result of a multi-year manual revision project. Updates include:

- Reformatting to feature full-length instructions as well as quick reference instructions on the right-hand side for all chapters. All quick reference instructions align with corresponding instructions on the left, so if something is not clear, you can quickly reference the appropriate full length instruction for further information.
- Hyperlinks can be found throughout the manual to connect the clerk to specific references in the Accounting Manual, KyCourts User Manual, KCOJ Forms, and Workflow Process Maps.
- Hyperlinks can be found throughout the manual to connect the user to other chapters within the Clerks' Manual to minimize redundancies i.e., service of process, notice of entry.
- All UOR tables/charts are now available via hyperlinks.
- Chapters with similar content have been consolidated and have section headings (including hyperlinks) to help the user quickly assess information within the chapter. (Example: Appeals is now one chapter with multiple section headers rather than three separate chapters.)
- A glossary has been added to the manual.
- An index has been added to the manual.

- Release notes will be available in the manual via hyperlinks per date of release (including archived release notes.)

The KyCourts II Manual has been updated simultaneously with the Clerks' Manual to allow the two manuals to be interconnected and reduce the amount of time it requires for the clerk to search and locate needed information. It is important to note that the revision project does not include updates relating to the AR (Accounts Receivable Program) or the eFiling (electronic filing project.) Training and user materials relating to those projects will be presented to clerks at your county go live date. The Clerks' and KyCourts Manuals will be updated at a later date to include user instructions relating to these projects.

Circuit Court Clerk Manual Modifications

Every chapter in the manual has been reviewed and edited as a part of the manual revision project. Although most changes in the manual are primarily formatting modifications updates have been made as appropriate to ensure the manual accurately reflects all legal authorities. It is highly recommended that each clerk/deputy **review the manual in full** to ensure awareness of all updates made throughout the manual. Highlights of substantive changes are included below.

Adoptions

The adoptions chapter now includes a section on inspection of adoption records and foreign adoptions. In addition, a new section regarding temporary custody has been added and the manual has been updated to reflect that the CHFS may inspect a sealed adoption file without a court order per KRS 625.015.

Appeals

All previous appeals chapters have been consolidated into one chapter with section headings including: Appeals from Administrative Agencies, District to Circuit Court Appeals, Appeals to Court of Appeals/Supreme Court, and Appeal Bonds.

Application For Transfer of Structured Settlement

Additional information has been added regarding the payee or transferee's obligation to file and serve notice of the proposed transfer and the application for approval. The chapter now sets forth what the notice shall include and that if a hearing is set, the hearing is to be scheduled no less than twenty (20) days from the date of the notice.

Audio Recordings

This chapter has been renamed Recordings: Audio/Video and is consolidated with the previous chapter Video Recordings.

Bail Jumping Warrant

The chapter has been revised to indicate that upon receipt of a warrant for bail jumping a new case is created UNLESS the judge directs the charges to be placed in the existing case.

Bankruptcy Notice

Chapter has been renamed Notice of Bankruptcy.

Bonds and Sureties

Bail Bonds has been renamed to Bonds and Sureties and includes: Bonds and Sureties in Criminal Cases, Bonds and Sureties in Civil Cases, Replevin Bond, and Bonds in Appeals Cases.

Cases Referred to the Grand Jury

This chapter has been renamed to Grand Jury and also includes the previous chapter Grand Jury Dispositions.

Cases Under Submission

Has been renamed to Notice of Submission of Case for Final Adjudication.

Challenge to Election Candidacy

Updated to include Election Contests.

Change of Venue

This chapter has been renamed to: Transfer of Case/Change of Venue.

Citations

Updated to include a section on eCitation and Motor Carrier Citations.

Civil Actions

The Civil Actions chapter now includes the following sections: Amended Complaints, Counterclaims and Cross Claims, and Third Party Complaints. Previously, these were all separate chapters in the manual. The chapter also includes information regarding additional costs for extraordinary services.

Civil Actions Filed by Inmates

Revised per KRS 454.410 to reflect that when a motion for In Forma Pauperis is denied the summons is not processed concerning the inmate's case and is not served until the filing fee and fee relating to service of process is paid.

Civil Summons

This chapter has been updated to reflect KRS 454.125 which indicates that a civil summons may be issued on holidays and served on Sundays and holidays upon an affidavit that the process cannot be executed after that day. In addition, references relating to service of a civil summons per KRS 454.125 have been updated throughout the manual.

Compel a Witness

New chapter has been created to address procedures to compel a witness of this state per KRS 421.240.

Cremation Resolution

A section on authorizing a cremation has been added.

Criminal Summons and Arrest Warrants

Has been renamed “Warrants and Criminal Summons” and has been updated to include sections: eWarrants and Search Warrants.

Dissolution of Marriage/Legal Separation/Annulment

This chapter was previously titled only Dissolution of Marriage.

Drug Court

The drug court chapter has been edited to more clearly direct the handling of transfer cases. A section regarding expungement of drug court cases has been added noting that when receiving an Order to expunge a drug court case or charge(s) and the case was transferred to your court from another jurisdiction forward a copy of the expungement order to the originating county along with a copy of the original order transferring the case.

Expungement

All previous expungement chapters have been combined into one chapter and include the following sections: Expungement Certification, Expungement of Dismissed or Acquittal Cases, Expungement of Misdemeanor and Violation Convictions, Expungement of Juvenile Record, Expungement of Purged or Destroyed Cases, Expungement of Non-Criminal Cases, and Expunging a Charge.

Fees and Costs

This chapter has been deleted. References to fees and costs provide a link to the Accounting Manual.

Grand Jury

The chapters Cases Referred to Grand Jury and Grand Jury Dispositions have been combined into one chapter called Grand Jury.

Juvenile Cases

The chapter now reflects updates made to the FCRPP indicating that specific forms are no longer mandatory but are available for use, including the following forms: AOC-DNA-1, AOC-DNA-2, AOC-DNA-2.1, AOC-DNA-2.2, AOC-DNA-3, AOC-DNA-4, AOC-DNA-5, AOC-DNA-6, AOC-DNA-9, and AOC-JW-40.

Jury Information

This chapter has been updated to include more information regarding the jury management program.

Mental Health

Mental Health chapters have been combined into one primary chapter with subheadings including: Involuntary Admission, Involuntary Hospitalization, 72-Hour Emergency, Involuntary Treatment of Drug/Alcohol Abuse, Juvenile Mental Health, and Expungement.

Military Arrests

This chapter has been deemed obsolete and deleted in its entirety.

No Pass/No Drive Law

New chapter (previously a section in citations.)

Notice of Entry

New chapter.

Nunc Pro Tunc

New chapter.

Organization of Case Records

Now includes Case Management Standards, Case Numbering and Color Coding, and Docket Entries.

Redemption of Land

This chapter has been divided into two sections: Execution of Land Sold under Execution and Redemption of Land Sold by Judicial Sale.

Settlement for Minor or Person under Disability

This chapter has been consolidated with Disability Proceedings.

Statistical Information

An update has been made to the statistical reopening/reclosing process. When a motion or other document is received that reopens a case the case will need a special status screen will be completed at that time to indicate it has been reopened. The case will be closed by completing a special status screen upon receipt of an order or a judgment ruling on the motion/document that reopened the case. The quarterly pending case list should be reviewed quarterly to ensure that all eligible cases have been reclosed as appropriate.

Statistical codes and definitions have been updated, including the addition of case disposition types.

Subpoenas

Revised to include sections: Enforce, Quash, or Modify a Subpoena and Foreign Subpoenas (including Depositions to be used in Other States.)

Tendered Documents

This chapter has been consolidated with the Filing Papers and Other Pleadings chapter.

Violation of Domestic Violence Order

This chapter has been consolidated with the Domestic Violence chapter.

FORMS

- **AOC Form 216** (Forcible Detainer Complaint) has been updated to include the total amount of back rent and late fee(s) owed to the plaintiff from the defendant.
- **AOC Form 446** (Restraining Order Following Stalking Conviction) document codes have been updated to include both ORSC (granted) and ODRSC (denied). Prior, the form only had one code ORSC.
- **AOC Form 859** (Petition to Prevent Cremation of Decedent) has been updated to include an Order section for the judge to grant or deny the petition.

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TO: Circuit Court Clerks

FROM: Marc Theriault, AOC General Counsel

DATE: August 31, 2015

IMPORTANT INFORMATION!

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Circuit Court Clerk Manual Modifications

Changes have been made throughout the manual for new legislation from the 2015 General Assembly session, newly enacted Juvenile Rules of Practice and Procedure, and other general revisions and updates.

Citations

Changes have been made throughout the citations chapter to reflect legislation (2015 SB 133) regarding ignition interlock licenses and devices.

Section 15.13 – DUI Citations

15.13.4: Updated to reflect a person who is subject to pretrial suspension may make application to the court for authorization to apply for an ignition interlock license and device. An ignition interlock application may be made at arraignment or any time thereafter. A pretrial order authorizing application for ignition interlock license and device must be sent **daily** to Drivers Licensing (DOT.)

15.13.8: A section has been added regarding post-acquittal ignition interlock application and order. An order authorizing ignition interlock license and device must be sent **daily** to DOT Drivers Licensing.

15.13.9: This section has been updated to include that a defendant may apply for an ignition interlock license upon conviction. An order authorizing the application for an ignition interlock license must be sent **daily** to DOT Drivers Licensing.

15.13.11: A section has been added regarding the return of a license plate when an application for authorization to apply for an ignition interlock license and device is granted at the same time the license plate is ordered impounded.

15.13.13: The prior section regarding installation of ignition interlock device has been deleted and replaced with ignition interlock license violations and amendments. Upon receipt of a notice of a violation file the document and schedule a hearing. Notify the defendant of the court date. Any amendments to the terms of a defendant's interlock license must be sent daily to DOT Driver Licensing.

Juvenile Cases

Changes have been made throughout the juvenile chapter to reflect the Juvenile Court Rules of Procedure and Practice (JCRPP).

Section 52.3 – Dependency, Neglect, Abuse

52.3.8: The following disposition codes have been removed from the disposition section.

- FEDP - Finding of Dependency
- FNEG – Finding of Neglect
- FABU – Finding of Abuse
- SDEP – Stipulate Dependency
- SNEG – Stipulate Neglect
- SABU – Stipulate Abuse

Section 52.5 – Status/Public Offenses

52.5.1: Updated to reflect case assignment and consolidation details.

- Upon receiving a status offense petition in a family court jurisdiction determine if the juvenile has a pending charge or charges in district court. If a pending charge or charges exist, open the status offense case in district court. Assign the status offense case to the district court division presiding over the pending public offense case. If no pending charge or charges exist in district court, open the status offense case in family court. KRS Chapter 635, KRS Chapter 640, JCRPP 2(D).
- If a public offense charge is filed that involves the same child in a pending status offense case, notify the family court judge of the public offense petition by completing AOC JV-54 (Notice of Filing of Public Offense Petition and Order Transferring to District Court) and deliver to the family court judge.

- Upon receipt of an order transferring a status offense case to the district division presiding over a public offense case, transfer the case and consolidate the status offense case with the public offense case for the purpose of hearing. JCRPP 2. **NOTE:** Transfer the case by reassigning to the appropriate judge. You **do not** need to complete a TRF disposition.
- In a non-family court jurisdiction, when a status offense is filed in district court that involves the same child in a pending public offense case, consolidate the status offense case with the public offense case for the purpose of hearing. JCRPP 2.
- Cases consolidated for the purposes of hearing as described above should be kept together to ensure future events are scheduled for same times.
 - If paper files are maintained within a single case jacket, file a copy of the order consolidating in the trailer number in the tab containing the status offense. Flag or otherwise indicate it is consolidated on the tab.
 - If physical files are maintained in separate case jackets, staple or band the case record being consolidated (secondary case) to the back of the senior action (primary case) and fold the older case record flap in. Place an out card in the location of the file that was consolidated (secondary case) noting the case number, case style and indicate the case has been consolidated per the entered order.
- If a status case is consolidated with a public offense case set the case for a hearing at the child's next scheduled public offense hearing, if the hearing is set to occur within 15 days; otherwise, set the case on the first available public offense docket of the district judge presiding over the case. Send notice of the hearing date to the parties in the public offense case. JCRPP 2.

52.5.4: Updated to reflect status and public offense petition and complaint forms/process.

- When receiving a JV-1 (Juvenile Petition) form you will also receive JW-57 (JV Complaint Status Offense) or JW-58 (JV Compliant Public Offense) forms. (Previously the complaint was included in the JV-1 form. JW-57 and JW-58 are new forms.)

Per FCRPP 5, the CDW **will** attach the citation with the petition.

The juvenile complaint may be submitted by the CDW which does not have all required signatures. You may nevertheless accept the complaint and use the information to create a case if one does not exist.

52.5.8: A new section on detention hearings has been added.

- If the juvenile is being detained and the child is alleged to be a status offender, schedule a detention hearing within 24 hours or within 48 hours if the child is alleged to be a public offender, exclusive of weekends and holidays, of the time the juvenile was taken into custody or follow local protocol for scheduling this hearing.

52.5.10: A new section “Informal Adjustment” has been added.

- Upon receipt of an informal adjustment order and agreement (AOC-JV-53), schedule a review as directed by the judge, or if not specified, for six months after the entry of the informal adjustment order. Close the charge screen using disposition type INF.

Section 52.6 – Habitual Runaway

A new section has been created per JCRPP 11 and JCRPP 12 regarding a habitual runaway. If a child cannot be released to a parent or is not otherwise placed the child qualifies as a habitual runaway, the peace officer shall initiate a complaint with the CDW to seek an ex parte emergency protective custody order from the court.

The section details how to process the new AOC form JV-52 (Complaint, Affidavit, and Order for Emergency Protective Custody). New document codes have been created to correspond with new forms JV-52 and JV 52.1 (Emergency Protective Custody Release Order) forms.

- **AEPC**: Affidavit/Complaint Emergency Protective Custody
- **OTEC**: Temporary emergency custody to a relative or other suitable person
- **ODN**: Temporary detention in a non-secure facility
- **OSEC**: Temporary detention in a secure facility
- **OREL**: Emergency Protective Custody Release Order

Medical Records

Formerly titled “Medical Records to Be Used in a Deposition,” this chapter has been renamed in order to address other substance abuse test records that may be sealed pursuant to a new section of KRS 625.010(6) that was enacted in 2015 SB 192 and 2015 SB 54.

Section 54.1 – Substance Abuse Test Records

A new section on substance abuse records has been added. Upon receipt of an application to seal records relating to a positive substance abuse test deliver the application to the judge. If ordered sealed, seal the records as directed and do not release the sealed envelope from your custody. If a request to review the case file is received, remove the sealed envelope from the case file.

Appeals

Section 4.1.1 - Petition for Review

An exception has been added stating that a petition for review of a local policy disciplinary action is filed in circuit court. KRS 15.520.

Adoptions

Section 1.5.2 – Sealing the File

The exception that a representative of the CHFS may open and inspect a sealed adoption without a written order has been deleted.

Probate

The Department of Revenue Inheritance and Estate Tax Area's address as been updated throughout this chapter. The address is: Department of Revenue Inheritance and Estate Tax Area, Station 61, 501 High Street, Frankfort, KY 40601-2103.

Unsatisfied Civil Judgement Involving a Motor Vehicle Accident

This chapter has been updated to reflect that Form TC 94-65 may be mailed to the plaintiff's attorney and to the defendant by first class mail rather than by certified mail.

Forms

Ignition Interlock License and Device Forms

<u>Form Number</u>	<u>Form Name</u>
495.4	Pretrial Application for Authorization to Apply for an Ignition Interlock License and Device
495.5	Pretrial Order Authorizing Application for Ignition Interlock License and Device
495.8	Financial Statement, Affidavit of Indigency, Request for Reduced Ignition Interlock Device Costs
495.9	Order Amending Ignition Interlock License
495.10	Post-Acquittal Application for Authorization to Apply for an Ignition Interlock License and Device
495.11	Order Upon Acquittal Authorizing Ignition Interlock License and Device
495.12	Application to Court Upon Conviction for Authorization to Apply for an Ignition Interlock
495.13	Order Upon Conviction Authorizing Application for Ignition Interlock License and Device

Juvenile Forms

Below is a list of updated and/or new forms created pursuant to the new Juvenile Court Rules of Procedure and Practice (JCRPP.)

<u>Form Number</u>	<u>Form Name</u>
JV-1	Juvenile Petition
JV-1.1	Notification of Charge Juvenile Petition
JV-15	Temporary Custody Order (Status Offenses)
JV-16	Order for Medical Examination or Treatment of Juvenile
JV-17	Juvenile Summons UPDATED in KYCOURTS
JV-18	Promise to Appear in Juvenile Proceeding
JV-19	Juvenile Summons for Witnesses UPDATED in KYCOURTS
JV-28	Youthful Offender Transfer Hearing Order
JV – 31	Disposition Order Status Offense
JV- 31.1	Disposition Order Public Offense
JV – 34	Juvenile Detention Order for Public Offense
JV -35	Juvenile Detention Order for Status Offense
JV-36	Pre-Adjudicative Court Ordered Terms (Status Offenses)
JV-36.1	Pre-Adjudicative Court Ordered Terms (Public Offenses)
JV-48	Order Appointing Public Defender Under KRS Chapters 630 or 635

JV-49	Notice of Juvenile Rights and Consequences for Status Offenders
JV-50	Adjudication Order
JV-51	Admission or Confession and Waiver of Formal Adjudication Hearing
JV-52	Complaint, Affidavit, and Order for Emergency Protective Custody of a Child Suspected of Being a Habitual Runaway
JV-52.1	Emergency Protective Custody Release Order (Suspected Habitual Runaway)
JV-53	Informal Adjustment Order and Agreement
JV-53.1	Informal Adjustment Review and Order
JV-54	Notice of Filing of a Public Offense Petition in District Court and Order of Transfer
JW-57	Juvenile Complaint (Status Offense)
JW-58	Juvenile Complaint (Public Offense)

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: **April 24, 2015**

IMPORTANT INFORMATION!

Please copy this memo and distribute to each deputy in your office.

This letter serves as an “index” to the updated sections of the manual. It does not include the update in its entirety; therefore, it is very important and necessary that you and your employees go to each section of the manual set out in this memo and review the modifications. Please direct any questions regarding these updates to the Office of Legal Services at AOC.

Juvenile Chapter

Various updates have been made to this section to conform to the Family Court Rules of Procedure and Practice.

AOC-DNA-1 (petition) now reflects that Neglect and Abuse are grouped together as a single charge and a single case type. When adding a case involving neglect and abuse, UOR code 002826 should be utilized. Clerks should use case type CA (Child Abuse/Neglect) instead of CHA (child abuse) or NEG (neglect).

New forms have been provided to assist in the notification of interested parties who may have a right to be heard in a DNA action. AOC Form DNA-13, “Notice of Names and Addresses of Interested Parties to be Noticed by Clerk for Hearings” or DPP-165 (Permanency Hearing Notification) may be filed by the cabinet to indicate interested parties who may have a right to be heard prior to scheduled hearings. When a hearing is scheduled, the clerk should prepare AOC Form DNA-14, “Notice of Hearing to Interested Persons in Dependency/Neglect, or Abuse Action” and notice all parties as indicated on the AOC DNA-13 form.

When transferring a **DNA** juvenile case the originating court will now need to prepare the certification on new form AOC-DNA-21 “Order to Transfer Dependency/Neglect or Abuse Case and Certification of the Record.”

A receiving court of a transfer of a **DNA** case will need to schedule a hearing as directed on AOC-DNA-21 and provide a copy of the notice to the assigned judge.

Termination of Parental Rights

AOC-DNA-15 "Certification of Order Terminating Parental Rights" has been created to assist the clerk in certifying a copy of a TPR order and forwarding the order to the clerk of the court in an underlying dependency, neglect and abuse case per FCRPP 35.

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: **February 10, 2015**

IMPORTANT INFORMATION!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

Expungement Chapters

Expungement chapters have been revised to indicate that KRS 431.079 requires every petition for expungement of a misdemeanor and/or violation conviction to include a certificate of eligibility for expungement. An expungement certification is not required for a motion for expungement for acquittal or dismissal with prejudice, or a juvenile expungement petition.

AOC expungement forms have been updated to reflect accurate form titles:

- AOC Form 496.2 – Petition for Expungement of Misdemeanor or Violation Conviction
- AOC Form 497.2 – Motion for Expungement for Acquittal or Dismissal with Prejudice

Cases Referred to Grand Jury and Grand Jury Information

Revisions to these chapters include Amendments to the Rules of Criminal Procedure, which became effective January 1, 2015 and are as follows:

- When a case is referred to the grand jury upon a defendant's waiver of a preliminary hearing, or if probable cause is established, transmit a copy of

all papers in the proceeding to the Commonwealth Attorney. RCr 3.22. Previously, this rule said that the clerk transmits the papers to the court where the defendant has been held.

- If a defendant has been held to answer per RCr 3.14(1) and the grand jury fails to indict, the grand jury adjourns without having either indicted a defendant or referred the matter to the next grand jury the circuit court shall make an order dismissing all charges or counts against such defendant without prejudice, discharging the defendant from custody, and exonerating the defendant's bail and any conditions thereon and order a refund of any money or bonds deposited as bail. RCr 5.22.
- In any event the defendant has been held to answer without being indicted for longer than 60 days from the finding of probable cause the circuit court shall, upon motion, make an order discharging the defendant from custody, exonerate the defendant's bail and any conditions thereon and order a refund of any money or bonds deposited as bail. RCr 5.22.

NOTE: Failure of the grand jury to return an indictment against a defendant does not prevent any charge against such a defendant from being submitted to another grand jury. RCr 5.22.

Video Recordings

Revisions to this chapter include Amendments to the Rules of Criminal Procedure, which became effective January 1, 2015.

RCr 13.12 now states that “[w]hen evidence of sexual conduct of a minor is entered as an exhibit during a hearing or trial, the court shall ensure the material is not recorded onto the video record of the proceedings. Any exhibits containing such material shall be sealed and marked as “child pornography.” Clerks and judges presiding over cases involving child pornography should work in close conjunction together with counsel in the case to ensure compliance with this rule.

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

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

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

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

CITATION CHAPTER

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

REDEMPTION OF LAND SOLD UNDER EXECUTION OR JUDICIAL SALE CHAPTER

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

JUVENILE AND INSPECTION OF RECORDS CHAPTERS

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

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

PROBATE CHAPTER

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

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

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

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

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: July 1, 2014

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE. THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

1. **BAIL BONDS CHAPTER:**

This chapter has been updated to include information from newly revised Appendix A to RCr 4.20 regarding the Uniform Schedule of Bail.

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

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: **December 31, 2013**

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

EXPUNGEMENT CHAPTERS:

Expungement of Dismissed or Acquittal Cases, Expungement of Misdemeanor and Violation Convictions, and Expungement of Purged or Destroyed Cases chapters have been amended to note that an expungement certification is required to be filed with an expungement petition. Please note that this does not apply to juvenile expungements.

FIREARMS PROHIBITIONS:

This chapter has been updated with information referring clerks to HB 308 training guides and release notes for electronically submitted firearms notifications.

MULTIPLE CHAPTERS AFFECTED:

The address for the Administrative Office of the Courts has been updated throughout the Manual to the new address, 1001 Vandalay Drive, Frankfort, KY 40601.

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

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: **June 25, 2013**

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

ADOPTIONS

The following information has been inserted in the Adoptions section:

- Separate petitions shall be filed for each child and individual case numbers shall be assigned. All siblings' files shall be assigned to the same judge. FCRPP 32(2)(a).
- Every petition shall include the case number of any underlying juvenile case, specifically dependency, neglect or abuse or termination of parental rights cases, and shall include the name of any guardian ad litem previously appointed. FCRPP 32(2)(b).
- Pursuant to FCRPP 33, in the event of an uncontested adoption, a hearing shall be held within 60 days of the filing of a request for a final hearing.

CHANGE OF VENUE

Family Court Rule of Practice and Procedure (2)(2) has been included in the rule/statute citation in the chapter heading.

CIRCUIT CRIMINAL/CITATIONS/DISTRICT CRIMINAL COMPLAINTS (DEFENDANT FOUND INCOMPETENT TO STAND TRIAL)

Newly enacted KRS 186.560 requires that persons found incompetent to stand trial are prohibited from operating a motor vehicle during the period of a person's incompetency. The following information has been inserted into the Circuit Criminal, Citations and District Criminal Complaints Sections.

A person found incompetent to stand trial is prohibited from operating a motor vehicle during the period of the person's incompetency. KRS 186.560.

Upon a finding of incompetency for any charge use disposition type "INC – Incompetent to Stand Trial." An abstract reporting record will be generated notifying DOT.

License surrendering procedures:

Confiscate license. KRS 189A.200(3), or

Have defendant sign a Transportation Cabinet Division of Drivers Licensing Form TC 94-9 Denial Statement indicating defendant does not possess a driver's license, or

Issue a duplicate license and confiscate. KRS 189A.200(3). The location code should match the issuing location, but the issuing location will not match the address for an out-of-county conviction.

When the individual is found competent to stand trial, manually enter a "COR – correction record" for each charge in which a report was generated due to the "INC" disposition.

COMMISSIONERS OF CIRCUIT COURT

Family Court Rule of Practice and Procedure 4 has been included in the rule/statute citation in the chapter heading.

DISSOLUTION OF MARRIAGE

The following note has been added in the section on filing fees:

NOTE: Refer to the Fees and Costs section of this manual relating to actions reopening a case six months from the entry of the decree for the purpose of modifying the decree.

Additionally, a new section on Notice of Relocation (Family Court Rule of Practice and Procedure 7) has been added.

DOMESTIC VIOLENCE

A new section on Notice of Relocation (Family Court Rule of Practice and Procedure 7) has been added.

EXPUNGEMENT OF DISMISSED CASES/EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS /EXPUNGEMENT OF PURGED OR DESTROYED CASES

These expungement sections have been revised to amend language pertaining to sealing of the record and the obligations of the clerk to expunge the record.

INSPECTION OF RECORDS

Confidentiality of records exceptions regarding the Kentucky State Police and Child Fatality Review Panel have been added.

JUVENILE

The following new sections have been inserted throughout the Juvenile chapter:

Electronic or stenographic record of interviews with children, including a recording of any in-camera proceedings, shall be filed under seal with the clerk and may be made available to the parties or their counsel on motion and written order of the court. Upon direction of the judge recordings made in a county other than where the action is filed shall be delivered to the clerk of the county where the action is filed by the court ordering the hearing when there are multiple courts in a jurisdiction. FCRPP 27.

- Separate petitions shall be filed for each child and individual case numbers shall be assigned. All siblings' files shall be assigned to the same judge. FCRPP 20(1).
- Any new allegation or request for removal after a child has achieved permanency shall be filed as a new action. FCRPP 31.
- A copy of the petition shall also be mailed or provided by the clerk to the Cabinet for Health and Family Services, the county attorney, any guardian ad litem, and any counsel of record, no later than the business day following the filing of the petition. FCRPP 20(2).
- Provide notice of the temporary removal hearing to the parents or other person exercising custodial control or supervision, county attorney, the Cabinet for Health and Family Services, any guardian ad litem, and any counsel of record. FCRPP 21.

- After the hearing, when you receive a signed AOC Form DNA-3, apply the “ENTERED” stamp; add the date and your initials. Complete a document screen using the document code based on the box checked on the form by the judge. AOC Form DNA-3 is a mandatory form. FCRPP 21.
- Two new scheduled event types have been added:
 - ILR – Independent Living Review
 - PPR – Permanent Placement Review
- If you receive AOC Form JW 40.1, Unsuccessful Diversion Agreement, apply the “FILED” stamp to the JW 40.1 form; add the date and your initials. Complete a document screen using document type “AUD.”

PATERNITY PROCEEDINGS

The following information regarding paternity reopenings has been added at the end of the chapter:

Pursuant to FCRPP 14, district court may decline jurisdiction on custody and visitati and refer the action to circuit court. A party may also file an action for custody, visitation, or support in circuit court after the entry of a judgment of paternity in district court.

In family court jurisdictions the family court judge may order the custody, visitation, and support matters in a paternity action be initiated in a circuit action. In such instance, a new circuit civil petition shall be filed by the movant/petitioner and the appropriate filing fee shall be paid unless in forma pauperis status is granted by the court. FCRPP 14(3).

PROBATE (NAME CHANGE)

The following note has been inserted in the section regarding Juvenile Name Change:

NOTE: A name change petition for a child may be filed in Family Court or Circuit Court (of a county without a Family Court) when having a case before it involving the family. When filed in an active “CI” or “J” case there is no filing fee for the name change petition. KRS 401.020.

TERMINATION OF PARENTAL RIGHTS

The following sections have been inserted throughout the Termination of Parental Rights chapter:

- A separate petition shall be filed for each child and individual case numbers shall be assigned. In the case of siblings, cases shall be assigned to the same judge. FCRPP 32(2)(a).
- If an existing or previous DNA proceeding has been filed in your county regarding the child named in the petition, assign the case to the same family court division that heard the DNA action. The petition shall include the case number of any underlying juvenile case, specifically dependency, neglect, or abuse or termination of parental rights cases, and shall include the name of any guardian ad litem previously appointed. FCRPP 32(2)(b).
- If an order terminating parental rights is entered, certify a copy of the order and forward to the clerk of the court in the underlying dependency, neglect and abuse case. FCRPP 35.
- The clerk of the court in the underlying DNA case shall place the certified copy of the Order in the underlying DNA record as identified in the order and schedule a review hearing within 90 days from the date of entry of the order of the termination of parental rights. The case shall continue to be scheduled for review as directed by the court at least annually until permanency is achieved. FCRPP 36.
- Immediately upon the filing of an involuntary termination petition, assign a pretrial date and provide to the petitioner. FCRPP 34(1).

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: **September 20, 2012**

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

2. **UPDATE ON UNIFORM OFFENSE REPORTING (UOR) CODES:**

Uniform Offense Reporting (UOR) codes resulting from 2012 legislation have been updated in the following sections:

• **CITATIONS:**

- Under "Transmittal List," number 3, reference to UOR code 30006 (now obsolete) has been changed to reflect its new number and description:

3. Check the citations against the transmittal list. If there are any discrepancies, report them to the law enforcement agency involved. If you have reason to believe that citations are reported inaccurately, report the problem to Legal Services at the Administrative Office of the Courts. NOTE: If a citation is received charging a defendant with UOR code 030040, 60/360 Day Involuntary Hospitalization of Mentally Ill Person; or UOR 030050, Emergency Detention; or UOR code ~~030060~~ **030080**, Involuntary Commitment of ~~Intellectually Disabled Person~~ **Individual with Alleged Intellectual Disabilities** do not open a case file. Retain the

citation by stapling it to the officer's transmittal list submitted with the citation. If other charges are listed on the citation, file and process the citation but do not complete a charge screen for any charges with the codes listed herein.

- "Other Prepayable Citations": This table has been updated with new UOR codes:

00249 (Lights/Lanterns Required by Motorless Vehicles Between Sunrise/Sunset), 00257 (Slow Moving Vehicle Emblem/Tape Required), and 00258 (Failure to Display Slow Moving Vehicle Emblem/Tape). The following codes were removed from the table: 00241 (Failure to Display Slow-Moving Vehicle Emblem); 00245 (Light Req Motorless Veh – Excpt Bicycle – Bet Sunset/Sunrise); and 00547 (Slow Moving Vehicle Emblem Required).

- **INVOLUNTARY HOSPITALIZATION**

Under "Confidentiality of Records," number 3, reference to UOR code 30006 (now obsolete) has been changed to reflect its new number and description:

3. If you receive a citation, which is NOT attached to a petition, charging a person with UOR Code 030040, 60/360 Day Involuntary Hospitalization of Mentally Ill Person; or UOR code 030050, Emergency Detention; or UOR Code ~~030060~~, **030080** Involuntary Commitment of **Intellectually Disabled Person Individual with Alleged Intellectual Disabilities**, Do not open a case file. Retain the citation by stapling it to the officer's transmittal list submitted with the citation. If the citation is attached to a petition, open the case file based on the petition and retain the citation in the case file. Do not complete a charge screen for any UOR listed herein.

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

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Marc Theriault, AOC General Counsel
DATE: July 12, 2012

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

3. **APPEALS TO SUPREME COURT/COURT OF APPEALS CHAPTER:**

Under "Designation of Record", paragraph 14, document code "OST" has been corrected to read "DOR."

4. **DISSOLUTION OF MARRIAGE CHAPTER:**

- Under the VS 300 Form section, the following information has been added:

As of January 1, 2013 the forms shall be available on the Cabinet for Health Services, Office of Vital Statistics website (<http://chfs.ky.gov/dph/vital/>) as a downloadable document that can be completed electronically and printed.

- Under "Filing Fee" section 3.a., "ten days" has been corrected to read "thirty days" that a moving party has to pay filing fees or appeal the denial of an in forma pauperis motion.

5. **EXPUNGMENT OF DISMISSED OR ACQUITTED CASES; EXPUNGEMENT OF JUVENILE RECORD; EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS; MOTION TO SET ASIDE/VOID CONVICTION CHAPTERS:**

References to “tape” and “log” have been made plural.

6. **FORCIBLE ENTRY AND DETAINER CHAPTER:**

Under Appeals, 10.a. “Note” has been revised to read:

Note: Do not accept filing fee without rent deposit per AOC Form 216 or a motion to proceed in forma pauperis.

7. **HOW TO FILE A CIVIL ACTION/CIVIL ACTIONS CHAPTER:**

- The title of this chapter has been renamed to “Civil Actions.”
- Under Judgment/Order, section 15, a new subsection “g” has been added to read:

If the judgment or order dissolves a business entity (statutory trust, cooperative association, corporation, limited liability corporation, limited liability partnership) send a certified copy to the:

Secretary of State
700 Capital Avenue
P.O. Box 718
Frankfort, KY 40602

8. **PATERNITY CHAPTER:**

Under “Return of Service”, section 7, the word “requested” has been changed to “received.”

9. **PROBATE CHAPTER:**

- Reference to new form AOC-860, Affidavit for Probate Fee Exemption, has been added along with instructions for filing.
- The address for the Department of Revenue has been changed.
- Under “Petition to Dispense”, under section h., the requirement to send a copy of the petition and order to dispense to the Department of Revenue has been removed.

10. MULTIPLE CHAPTERS AFFECTED:

Throughout the manual, the terms “mental retardation” or “mentally retarded” or abbreviations that use the letters “MR” to signify mental retardation or mentally retarded; to read “intellectual disability,” “intellectual disabilities,” “individual with an intellectual disability,” “individuals with an intellectual disability,” “individual with a serious intellectual disability,” or “individuals with a serious intellectual disability” in order to comply with 2012 HB 485.

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

LIST OF UPDATES TO THE CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks

FROM: Marc Theriault, General Counsel

DATE: June 6, 2012

IMPORTANT INFORMATION!!

PLEASE COPY THIS MEMO AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS MEMO AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

1.) SEARCH WARRANTS CHAPTER:

Number 4. (c.) shall now read:

c. Destroy pursuant to the Kentucky Court of Justice Records Retention Schedule.

Note: Executed search warrants that have not been sealed by the issuing judge are public record and should be made available for inspection upon request.

2.) SELF CONSENT ABORTION CHAPTER:

Number 10 shall now read:

11. If no appeal is filed within (30) days refer to the Kentucky Court of Justice Records Retention Schedule for instructions on destruction of the case.

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

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Kelly Stephens, Deputy General Counsel
DATE: September 8, 2011

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS LETTER AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO THE DEPARTMENT OF LEGAL SERVICES AT AOC.

A. CIRCUIT CRIMINAL CHAPTER:

Sealed Indictment section has been updated.

B. COURT INTERPRETERS:

This chapter has been updated to reflect procedures in revised AP Part IX.

C. DEFERRED PROSECUTION CHAPTER:

The chapter has been updated to include specific direction for the preparation of the sealing of a deferred prosecution case.

D. MOTION TO SET ASIDE AND VOID CHAPTER:

The chapter has been updated to include specific direction for the preparation of the voiding and sealing of a KRS 218A conviction.

GENERAL MAINTENANCE:

A general review of the manual revealed some items that needed to either be renumbered and/or grammatically corrected. Those items have been corrected throughout.

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

Kelly Stephens
Deputy General Counsel
Office of Legal Services
100 Millcreek Park
Frankfort, KY 40601
(502) 573-2350 x. 50415
(502) 573-0343 (fax)

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Kelly Stephens, Deputy General Counsel
DATE: June 8, 2011

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

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BAIL BONDS:

A new section has been added due to provisions of HB 463 regarding bail credits. This section shall read:

- 1.) Upon receipt from the jailer of AOC 365.2 (Notice of Bail Credit), apply the "FILED" stamp; add the date and your initials. Complete a document screen using document code "NBC".
- 2.) Refer to the KYCourts User Manual for updating the bail bond information.

CITATIONS:

A new section has been added due to provisions of HB 463 regarding credit for time served for non-payment of fines.

14. A defendant sentenced to jail for failure to pay fines shall receive credit against fines and costs for each day spent in jail at the following rates:
 - a. \$50 per day if no community service is performed
 - b. \$100 per day if eight (8) hours of community service is performed
 - c. 1/8 of \$100 for each hour worked.

The jailer is responsible for tracking the amount of credit the defendant has earned.

15. Upon receipt from the jailer of AOC 426 (Notice of Jail Credit), apply the "FILED" stamp, add the date and your initials. File on a document screen using document code "NJC". Enter the amount credited in the "Jail Credit Amount" box.

DEFERRED PROSECUTION:

A new chapter has been added to address the new deferred prosecution program put into place by HB 463. It only applies to 1st and 2nd offenses of Possession of Controlled Substance 1st, class D felony.

FEES AND COSTS:

Effective June 8, 2011 the below link will direct users to the Circuit Court Clerk Accounting Manual. This will allow for information relating to fees and costs associated with the operation of Circuit Court Clerk offices to be more accurately maintained. [Accounting Manual](#).

FIREARM PROHIBITIONS CHAPTER:

A new chapter has been added to address the new Firearm Prohibitions requirements in HB 308.

SMALL CLAIMS CHAPTER:

Changes have been made throughout this chapter to update the new jurisdiction limits of \$2,500 for small claims and \$5,000 for district civil cases. Also included are instructions for new forms AOC 191 Motion for Satisfaction of Judgment (Small Claims) and AOC 191.1 Order Entry of Satisfaction of Judgment (Small Claims).

UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT:

A new chapter has been added to address procedures created by the new Uniform Adult Guardianship and Protective Proceedings Act in HB 164.

GENERAL MAINTENANCE:

A general review of the manual revealed some items that needed to either be renumbered and/or grammatically corrected. Formatting changes and navigational enhancements have been made throughout.

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

Kelly Stephens,
Deputy General Counsel

Prior Memorandums

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks

FROM: Kevin J. Smalley, Manager Clerk Services

DATE: February 15, 2011

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS LETTER AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO CLERK SERVICES AND/OR THE OFFICE OF GENERAL COUNSEL AT THE AOC.

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

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

2. **Fees and Costs Chapter:**

The Circuit Civil Fees and Costs section shall now read:

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

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

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

\$50.00 -- Charges for Services

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

\$100.00 -- per day Jury Fund

b. Reopening Fees (Mandatory fees per FCRPP):

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

\$50.00 -- Charges for Services

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

\$50.00 -- Charges for Services

3. **Paternity Proceedings:**

Paragraph number 13 shall now read:

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

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

Kevin J. Smalley,
Manager, Clerk Services

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Kevin J. Smalley, Manager Clerk Services
DATE: January 1, 2011

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. IT DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS LETTER AND REVIEW THE CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO CLERK SERVICES AND/OR THE OFFICE OF GENERAL COUNSEL AT THE AOC.

1. **Multiple Chapters Affected (Family Court Rules of Procedure and Practice):**

New Family Court Rules of Procedure and Practice will become effective January 1, 2011. These rules state, that certain forms that were previously optional, are now **MANDATORY**. Any references to these forms in the manual have been updated to note that they are mandatory.

These forms include:

AOC form 152 – Uniform Child Support Order; AOC form DNA – 1; AOC Form DNA – 4; AOC form DNA – 5; AOC form DNA – 6; AOC form DNA – 9; AOC form JW-40; AOC form DNA 2.1 and AOC form DNA – 2.2

While these forms are mandatory, the clerk (as the keeper of the record) must accept forms as presented for filing and then allow the Judge to determine if they need to be amended.

There will be separate emails from Clerks Services and the Office of General Counsel regarding updated forms and their availability either by mail or the Intranet/Internet.

2. **Bail Bonds Chapter:**

- Property Bond Section has been clarified to read as follows:

Paragraph 7. A bond in which the defendant or surety pledges real property, located in Kentucky, instead of cash to guarantee the defendant's appearance. Review the court order and determine the amount of property required to set bond for the defendant. RCr 4.04(1)(d)(v).

- a. Require the defendant or his surety to file AOC Form 360, Sworn Schedule. RCr 4.34(1). 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.

- b. Require the defendant or the 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. RCr 4.34(1).

3. Appeals to Circuit Court Chapter; Appeals to Supreme Court/Court of Appeals Chapter; and Motion to Proceed In Forma Pauperis Chapter:

- In the above chapters, the manual will now reflect the following language concerning denials of motions to proceed in forma pauperis:

If the order denies the motion to proceed in forma pauperis, give notice of entry to the parties. The petitioner or appellant has **thirty (30)** days from the notice of entry of the order to pay the required filing fees and certified mail service fee, or appeal the judge's order.

4. Appeals to Circuit Court Chapter and Appeals to Supreme Court/Court of Appeals Chapter

- In the two chapters referenced above, the manual will now reflect the following language:

Upon receipt of a notice of appeal from an inmate in a criminal case; apply the "FILED" stamp, add the date and your initials to the envelope containing the motion, the motion itself and any documents pertaining to the motion. Make a notation in the memo screen: Inmate Appeal and USPS envelope.

These new additions have been made to the manual in order to comply with RCr 12.04(5) which states if an inmate files a notice of appeal in a criminal case, the notice shall be considered filed if its envelope is officially marked as having been deposited in the institution's internal mail system on or before the last day for filing with sufficient First Class postage prepaid.

5. Citation Chapter:

"Other Prepayables" chart has been replaced and updated to reflect UOR's effective January 1, 2011.

6. Fees and Costs Chapter:

The Fees and Costs chapter has been updated to reflect the Clerk's Accounting Manual changes as follows:

b. 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

For a judicial sale which is withdrawn prior to the sale date, and a new sale as scheduled within six months of the original sale date, an additional Judicial Sales Administrative Fee shall not be charged. For any judicial sale which is rescheduled after six months from the original sale date, shall be considered a new referral fee for judicial sale and additional Judicial Sales Administrative Fee of \$200.00 shall be charged.

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

Kevin J. Smalley,
Manager, Clerk Services

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks

FROM: Kevin J. Smalley, Manager Clerk Services

DATE: October 13, 2010

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

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1. BAIL BOND :

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

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

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

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

2. DRUG COURT:

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

3. PROBATE:

Periodic Settlements shall now read:

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

- a. When the court allows the fiduciary to send written notice of the hearing in lieu of advertising.
- b. If the value of the trust or estate is less than \$2,500 and the assets are held in account only accessible via order of the court.
- c. Reports and settlements of guardians and conservators of mentally disabled persons.
- d. Guardians under the Uniform Veterans' Guardianship Act.
- e. A hearing on a settlement (annual or final) filed in conformity with an approved proposed settlement made under KRS 395.617.

4. STATISTICAL INFORMATION:

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

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

5. MEMORANDUM CHANGES:

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

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

Adoptions:

Page 55, number 3, will now read:

Apply the "FILED" stamp to the petition; add the date and your initials. Open the case in the confidential "CO" division of KYCourts following instructions in the Case Add Section of the KYCourts Manual. Generate the next case for "AD" adoption cases or use the next pre-numbered file

folder. Use the case type "ADPT". ~~Use the NEW name of the child in the style of the case and on the party screen~~

This line was removed since the petitioner should be accepted and filed as presented.

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

Subpoenas:

Page 533

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

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

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

6. GRAMMAR AND SPACING ISSUES:

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

7. UOR CHARTS:

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

These charts include:

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

8. **INTERNET LINKS:**

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

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

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

Kevin J. Smalley,
Manager, Clerk Services

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

IMPORTANT INFORMATION!!

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TO: Circuit Court Clerks

FROM: Cindra K. Walker, General Counsel and Kevin Smalley, Manager
Clerk Services

DATE: July 15, 2010

1.) Circuit Criminal Chapter:

There is no longer a requirement to send a copy of an Indictment to the Department for MH/MR services. This instruction has been removed and is no longer necessary to complete.

2.) Domestic Violence Chapter:

House Bill 1 has changed the way domestic violence cases will be processed and the Domestic Violence chapter has many revisions; please take the time to review the entire chapter for changes. Furthermore, a release note detailing all changes affecting the clerk's office is being sent simultaneously with the clerk manual changes.

3.) Records Retention, Archiving and Destruction Chapter:

The name of the chapter has been changed from Records Destruction or Transfer to Records Retention, Archiving and Destruction as this will more appropriately reflect its content.

The Record Retention Schedule has been reinstated and changes have been made that will allow you to destroy certain Traffic (series 00189), Misdemeanor

(series 00190) and Felony (series 00191) case files. You will also notice a change to the Juvenile Felony Case (series 00197, prior to July 15, 1997); Juvenile Felony Case (series 04751, after July 15, 1997); Juvenile Non-felony case (series 04752, after July 15, 1997) and Domestic Violence (series 00822). Please review the chapter for your specific needs and call the Accessioning Unit for assistance.

Furthermore, a release note has been simultaneously sent to the clerk's office that will include information on the records destruction procedures and records retention schedule.

4.) Statistical Information Chapter:

The case type DDP has been added to reflect civil proceedings for denied domestic violence petitions.

5.) Update on Uniform Offense Reporting Code (UOR):

AOC and KSP are working together to update the UOR code list to provide the new and obsolete codes. This list will be available in the next release note. Until the update is complete, users shall use the miscellaneous code (0026890) for misdemeanor offenses, the miscellaneous code (0910000) for felony offenses and the miscellaneous code (0006990) for traffic offenses. If using a miscellaneous code, memo the original charge in the charge memo field. When the new codes are released, users must update the miscellaneous code with the new code.

TO: Circuit Court Clerks
FROM: Kelly Stephens, Deputy General Counsel
DATE: February 24, 2010

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

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1. Amending "Expungement of Misdemeanor and Violation Convictions" chapter.

Amended to require a fee for each case, as opposed to each charge, sought to be expunged. This amendment brings the Circuit Court Clerk's Manual into compliance with KRS 431.078(5). Paragraph 1.d. now reads as follows:

- d) Collect a fee from the petitioner/movant FOR EACH CASE SOUGHT TO BE EXPUNGED as set forth in the Fees and Costs section of this manual and give a receipt. If charge(s) requested to be expunged is in a circuit criminal case, only collect one fee. (See paragraph 6b).

2. Amending "Fees and Costs" chapter.

Amended to require an expungement fee of \$100.00 per case, as opposed to per charge, for misdemeanor/violation convictions. This amendment brings the Circuit Court Clerk's Manual into compliance with KRS 431.078(5). Paragraph 2.b. now reads as follows:

- b) Expungement Fee (misdemeanor/violation conviction)

\$100.00 per case (effective 7/1/08)

Expungement Fee (no conviction)

None.

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

LIST OF UPDATES TO CIRCUIT COURT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Kevin J. Smalley, Manager Clerk Services
DATE: July 23, 2009

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. THIS LETTER DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS LETTER AND REVIEW CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO CLERK SERVICES AND/OR THE OFFICE OF GENERAL COUNSEL AT THE AOC.

1. Expungement of Dismissed or Acquittal Cases

Page 307, number 6 shall now read as follows:

The court may also order expungement of records of other agencies. Such agencies are required to certify that their records have been expunged. When a certification of expungement is received from any agency, apply the "Filed" stamp; add the date and your initials. **Place in a sealed envelope with the case number noted on the outside and attach to the expunged/sealed case file.**

2. Statistical Information:

The following existing case type was previously not in the manual and is now being added:

FCL – Foreclosure- A legal procedure by which a mortgage is foreclosed.

The following charge disposition type is new and has been added:

PAR – Pardon – Prior to Adjudication only - Executive Order of Pardon prior to judgment.

3. UOR Codes:

New and obsolete UOR Codes were released by KSP and a release note is being pushed statewide to update KYCourts II accordingly on July 23, 2009.

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

Kevin J. Smalley,
Manager, Clerk Services

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

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

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN "INDEX" TO THE UPDATED SECTIONS OF THE MANUAL. THIS LETTER DOES NOT INCLUDE THE UPDATE IN ITS ENTIRETY; THEREFORE, IT IS VERY IMPORTANT AND NECESSARY THAT YOU AND YOUR EMPLOYEES GO TO EACH SECTION OF THE MANUAL SET OUT IN THIS LETTER AND REVIEW CHANGES/MODIFICATIONS. PLEASE DIRECT ANY QUESTIONS REGARDING THESE UPDATES TO CLERK SERVICES.

1. Adoptions:

Page 55, number 3, will now read:

Apply the "FILED" stamp to the petition; add the date and your initials. Open the case in the confidential "CO" division of KYCourts following instructions in the Case Add Section of the KYCourts Manual. Generate the next case for "AD" adoption cases or use the next pre-numbered file folder. Use the case type "ADPT". ~~Use the NEW name of the child in the style of the case and on the party screen.~~ ** this line was removed since the petitioner should be accepted and filed as presented.

2. Bail Bonds:

Page 118, letter C.

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

3. Citations:

A. Prepayable Fine Chart, Page 172

The chart now includes 70 MPH

4. Disability Proceedings:

Drivers License/Disabled Persons, Page 247

A Note as been added that reads as follows:

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

5. Dismissal Notice Section:

Page 262, number 1 will now read:

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

6. Dissolution of Marriage:

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

a. Do not file a petition for dissolution or annulment unless Vital Statistics Form 300 (Certificate of Divorce or Annulment) is filed concurrently with the petition by the Petitioner or attorney. KRS 214.116(4). **THE BOTTOM PORTION MUST BE WRITTEN LEGIBLY AND IN UNFADING BLUE OR BLACK INK.** Continue from here as previously indicated.

7. Fees and Costs:

Page 313

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

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

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

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

\$100.00 per charge

Expungement Fee (no conviction)

None

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

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

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

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

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

\$30.00 -- Civil Filing Fees

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

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

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

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

\$60.00 -- Civil Filing Fee

10.00 --Court Technology

District Criminal Appeals/Cross Appeals to Circuit Court

\$60.00 -- Civil Filing Fee

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

\$150.00 -- Civil Filing Fee

25.00 -- Court Facilities Fee, if applicable

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

\$75.00 – Civil Filing Fee

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

\$150.00 -- Civil Filing Fee

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

\$150.00 -- Civil Filing Fee

L. Miscellaneous Fees:

a. Postage, pages 322-323

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

Postage per one ounce

\$.42

Certified Mail Fees

With postage scale

(a) One ounce

\$9.62

(b) Each additional ounce

\$.42

Certified Mail Fees

Without Postage Scale

(c) Normal Mailings

\$9.62

(d) Large Mailings

\$10.62

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

\$25.00 -- Bond Filing Fee

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

\$10.00 -- Charges for Services

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

\$20.00 -- Charges for Services

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

\$20.00 -- Charges for Services

f. Issuing original and supplemental garnishments

\$10.00 -- Charges for Services

Civil:

(1) Jury Demand:

(a) Jury of 6

\$30.00 -- Charges for Services

(b) Jury of more than 6

\$60.00 -- Charges for Services

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

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

(c) Certified mail with restricted delivery

\$14.30 -- Money Collected For Others

(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, & 512.070 are to be split-60% to Fiscal Court, 40% to issuing agency.

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

8. Forcible Entry & Detainer:

Page 330

Collect rent deposit with filing

9. Subpoenas:

Page 533

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

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

Kevin J. Smalley,
Manager, Clerk Services

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

TO: Circuit Court Clerks
FROM: Kevin J. Smalley, Manager Clerk Services
DATE: May 11, 2009

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1. Postage:

Miscellaneous Fees – Beginning with page 323

Postage per one ounce
.44

Certified Mail Fees
With postage scale, One ounce
10.04
Each additional ounce
.44

Without postage scale, normal mailing (standard #10 envelope)
10.04

Large Mailings
11.04

Services of Process by Secretary of State on a non-resident defendant:
Certified mail with restricted delivery
14.50 – Money Collected For Others

2. Peace Officer's Expense:

Juvenile Cases, Page 422 added paragraph for Payment of Juvenile Transport

Payment of Juvenile Transport

Peace Officer's Expenses: If seeking reimbursement, any peace officer who transports a juvenile on a court order shall make an accounting of the expenses incurred including the distance traveled.

Upon oath of the transporting officer of the verified amount before a District or Family Court Judge, the Clerk shall certify an Authorization for Payment of Transportation Costs. KRS 605.080(2).

3. Juvenile Section:

Page 401 and 402, number 30 and 35 will now read:

KRS 620.220 requires copies of temporary custody orders and commitment orders to be forwarded to AOC Citizen Foster Care Review Board. As of May 4, 2009, no action is required by the clerk as this information is tracked electronically.

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

Kevin J. Smalley,
Manager, Clerk Services

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TO: Circuit Court Clerks

FROM: Cindra K. Walker, General Counsel

DATE: November 30, 2007

CITATIONS section –

Revised table in Paragraph 7.c. to increase fine amounts for certain prepayable violations.

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TO: Circuit Court Clerks

FROM: Cindra K. Walker, General Counsel

DATE: November 16, 2007

1. **AGISTER'S LIEN AND WARRANT** section –

Deleted former Paragraph 7 and Renumbered last paragraph as 8.f.(5).

2. **BAIL BOND** section –

Removed former Paragraph 1.e. entitled No Probable Cause.

3. **CIRCUIT CRIMINAL CASES** section –

Beginning at former Paragraph 2 on Page 150, began Renumbering paragraphs as Paragraphs 6 through 25.

18.f.(2) Corrected code – "OVPD" Revised to "JSPG."

Revised 14.f.(5) as follows: Overlay the disposition type and disposition date on the charge screen according to the court's order.

4. **CITATIONS** section –

Added:

To Paragraph 2.

- a. When a copy of a citation is received by the clerk prior to the original citation; create a case in the case management system utilizing copy.
- b. When the original citation is received by the court, the case management system will display a message providing the case number.
- c. When the original citation is stamped filed; add the date and your initials and place the original in the case file.

NOTE: New and obsolete UOR codes were released by the KSP prior to these revisions to the Circuit Court Clerks Manual. Therefore, the Manual has been updated to reflect those changes.

5. DISABILITY section –

Renumbered subparagraphs 23.h. and 23.i. to 23.f. and 23.g.

In Paragraphs 12.c. and 23.g.(3), Added that clerk should send a copy of the disability judgment to the State Board of Elections only when the judge has check – marked the box finding that the respondent shall not retain the right to vote. KRS 30A.145. KRS 387.580 (3)(c).

6. EXPUNGEMENT OF DISMISSALS OR ACQUITTALS section

Removed: AOC's address and phone number

Removed: Research and Statistics name from the bottom of form AOC 497.

7. EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS section –

Removed: AOC's address and phone number

Removed: Research and Statistics name from the bottom of form AOC 496.

8. GARNISHMENT AFTER JUDGMENT section –

Renumbered Paragraphs 11 through 13.

In subsection entitled "Funds Held by Clerk" (new Paragraph 11)–Added language regarding Non-Wage Garnishment to state as follows:

If proceeds from a non-wage garnishment are returned to the clerk, hold the funds for fifteen (15) days from the date of return on the proceeds unless otherwise ordered by the court.

9. JUVENILE CASES section –

Clarified 3.b and 3.c to identify which state agencies and volunteers have access to which juvenile records, as follows:

- 3b Employees of CHFS, DJJ, and the Crime Victims Compensation Board.
- 3c Foster Care Review Board or its designees, and CASA volunteers responsible for services under the juvenile code.

Revised: 72.c (1) The case shall be returned to district court for further proceedings and re-docketed for review (REV) by the judge.

10. PETITION FOR DAMAGES PERTAINING TO CHILDHOOD SEXUAL ABUSE/ASSAULT section –

Revised: Page heading on pages 438-441 wrong – should read *
“PETITION FOR DAMAGES PERTAINING TO CHILDHOOD SEXUAL ABUSE/ASSAULT”

11. PETITION FOR REMOVAL OF ACTION TO FEDERAL COURT section –

Revised: Title revised to read Petition/Notice for Removal of Action to Federal Court.

12. PLEAS section - NEW SECTION as follows:

**PLEAS
KRS 27A.460 (5) & (6)**

KRS 27A.460 (5) & (6) require the collection of data regarding defendant pleas

Entering a plea:

1. When an original plea is entered a final plea must be entered.
2. When the trial type is Court (“C”) or Jury (“J”), the original and final plea must be entered.
3. When the defendant pleads not guilty at the arraignment, enter “NG” as the original plea.
4. When the defendant pleads guilty at the arraignment, enter “G” as the original and final plea.
5. When the defendant pleads guilty at any court proceeding after the arraignment, enter “G” as the final plea.
6. When the defendant is found guilty at any court proceeding after the arraignment, enter “NG” as the final plea.

7. When the defendant is found guilty in absentia at any court proceeding, enter "NG": as the original and final plea.

Note: Final pleas do not necessarily reflect the charge disposition/court finding.

13. **PROBATE** section –

Revised: 49.b (3) to correct the code from pg. 473 from "ROD" to "ROS"

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TO: Circuit Court Clerks

FROM: Sara Boswell Dent, Deputy General Counsel
Linda P. Sullivan, Staff Attorney

DATE: **October 1, 2005**

Please note that the last revision to the Circuit Court Clerks Manual was on June 20, 2005. This memorandum identifies the sections which have been revised since that time. These revisions are effective October 1, 2005, and are as follows:

1. **Throughout the Manual** you may find that many clerical and grammatical errors have been corrected and document codes have been added. Additionally, in certain sections, language has been clarified but such clarifications did not change the meaning or content of those sections. **Please note that these minor revisions are not individually referenced in this instruction memorandum.**
2. **ADOPTIONS:** Paragraph 3 was revised to direct the use of the EXISTING NAME OF THE CHILD, rather than the child's adoptive name in the style of the case and on the party screen.
3. **ARBITRATION:** A completely new section has been added for processing arbitration awards in DUI cases.
4. **CITATIONS:** Paragraph 10(e) added regarding entry of blood test results into system.

Paragraph 10(g) added regarding the reporting of moving violation convictions by holders of commercial drivers licenses (CDL).

5. **EXPUNGEMENT OF DISMISSED OR ACQUITTAL CASES:** Paragraph 3(b) revised to direct use of AOC Form AOC 497.1 "Notification of Expungement Form".
6. **FEES AND COSTS:** Paragraph 2(d) of the "District Criminal" Section revised to reflect 6/20/05 statutory change in arrest/executing process fees in felony misdemeanor cases.

Paragraph o(1) moved from juvenile section and added to fees and costs miscellaneous section regarding clerk's responsibility (if requested) to complete clerk's certification section of Authorization for Payment form for peace officer's transportation of a juvenile.

Paragraph o(2) moved from juvenile section and added to fees and costs miscellaneous section to clarify that, in juvenile proceedings, no public officer is entitled to receive any fee for service of process or for attendance in court proceedings. (Other persons, however, may be paid for service of process and attendance as witnesses in court proceedings if acting under court order).

7. **FOREIGN PROTECTIVE ORDER (FPO):** Section revised throughout to clarify that FPOs may be taken to family court judges in addition to available district and circuit judges.

Section revised throughout (regarding both uncertified and certified FPOs) to clarify that the next trailer number should be assigned if the same petitioner and same respondent have a prior case.

Section revised throughout (regarding uncertified and amended uncertified FPOs) to clarify that these orders are initially valid for 14 days.

Section revised throughout (regarding uncertified and amended uncertified FPOs) to clarify that no domestic hearing is to be scheduled, but tickler system should be used to remind the judge within 10 days (of receipt of the uncertified copy of the FPO) if no certified copy of a FPO has been received. If no certified copy is received, the FPO will be extended for an additional 14 days.

Paragraph 4a revised to clarify that no domestic violence hearing is required to validate a FPO.

Paragraph 4e added regarding requirement to inform LINK and the applicant of receipt of a certified copy of a FPO.

Paragraph 4f revised to clarify that the FPO will expire within 28 days if no certified copy is received. (Petitioner may, however, apply to the court for a Kentucky FPO).

Paragraph 4h revised to clarify that the court must be notified in writing if no certified FPO has been received within 10 days from the time the uncertified copy of the FPO is received.

Paragraph 5c (1) added to instruct NOT to served notice of authentication of an amended FPO.

Paragraph 6 revised to add requirement that a petitioner who has tendered a FPO, must notify the clerk (within 2 working days) of receipt of any change in a FPO. Petitioner must also give the clerk a copy of the amended FPO.

Paragraph 7b(3) revised to clarify notice for amended FPO is also required.

8. **GRAND JURY DISPOSITIONS:** Paragraph 5 revised with note/reminder that there should be no grand jury referral lists for juveniles.

9. **INSPECTION OF RECORDS:** Paragraph 1b(3) revised to clarify that randomized jury lists are confidential, but the names of jurors selected as grand and petit jurors are not confidential.

Paragraph 1a(3)(a) revised to clarify that only the addresses of the petitioner and minor children are confidential in domestic violence cases.

10. **INVOLUNTARY ADMISSION:** Paragraph 6h revised to clarify that it is the respondent's spouse, parents or nearest relative or friend who must be given notice of entry of orders.

11. **JUVENILE:** The entire juvenile section has been reorganized for easier reference. The youthful offender section has been amended to reflect correct procedures, particularly regarding the transfer of juveniles from district court to circuit court.

1. **MOTION FOR SHOCK PROBATION:** Paragraphs 1 &5 revised to clarify that a motion screen should be attached with a scheduled events screen under the original case number. Paragraph 1 revised to delete reference to RCr 11.42 because it applies only to motions to vacate, set aside or correct a sentence.

Paragraph 7 revised to add instruction for adding a charge.

13. **PROBATE:** Paragraph 2, regarding receipt of will prior to probate, has been deleted.

Paragraph 2a revised to clarify that the form for probating a foreign will is same as for domestic will (AOC Form 805).

Paragraph 5 revised to clarify that notice must be given to all persons who have requested notice.

Paragraph 6 revised to delete requirement that petition be sent to Department of Revenue separately and prior to sending the order probating the will and appointing fiduciary/executor. Both the petition and order can no be sent at the same time.

Paragraph 8b(1) revised to allow clerk to provide a certified copy of a copy of the will that is maintained in the file. If a certified copy of the original is specifically requested, direct the requestor to the county clerk's office where the original will is filed. (See also paragraphs 26b and 54e regarding this issue).

Paragraph 10 revised to clarify that the clerk only has to advertise fiduciary appointments made since the previous month's advertisement. One advertisement for each appointment is sufficient. (See also paragraph 40).

Paragraph 14 revised to clarify that a motion filed by a fiduciary for permission to sell real property, must be served in the same manner as an initiating document (i.e. complaint). However, a summons should not be issued in this situation.

Paragraph 28 revised to clarify to that the clerk should only return the probate case to district court (with the circuit court's final judgment/order) if the case was transferred.

Paragraph 37 revised to omit requirement to send copy of fiduciary bond to the Department of Revenue.

Paragraph 38 revised to clarify the requirement to send a copy of the petition and order appointing guardian/conservator to the Department of Revenue.

Paragraph 46 revised regarding service of motion to sell property (as in paragraph 14) and payment of fees for certified mail by guardian/conservator.

Paragraph 47 revised to clarify that trust registration should not be entered into existing probate case if there is one.

Paragraph 49 revised regarding service of motion to sell property (as in paragraph 14) and payment of fees for certified mail by trustee.

Paragraph 54d revised regarding requirement to send copy of a petition to dispense to personal representative if administration or letters testamentary have been previously granted. Also omits requirement to send copy of the petition to Department of Revenue.

14. **SMALL CLAIMS:** Paragraph 9 revised to provide for entry of judgments.
15. **MISCELLANEOUS:** Throughout the manual, revisions have been made to reflect a statutory change which allows service of process on Sundays and holidays without an affidavit. Also, instruction to use the "SCIP" code

has been added where installment payments are deferred or ordered by the court.

Help, questions/comments: If you have any questions or comments relating to the revisions listed in this instructional memorandum, or any other issues concerning the content of the Manual, please do not hesitate to call the Office of the General Counsel at AOC.

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TO: Circuit Court Clerks

FROM: Sara Boswell Dent, Deputy General Counsel

DATE: July 12, 2006

1. Citations section –

- a. Added paragraph 5 directing that no case file be opened on a citation with a UOR code for serving a warrant or summons.
- b. New paragraph 6.b (3) regarding no court costs on a seat belt violation.
- c. New paragraph 6.b (4) regarding no court costs on KRS 189.580(1)(b) or 6(b) offenses.
- d. New section on Fish and Wildlife Citations and clerk's duty to notify Department of Fish and Wildlife when defendant fails to appear.
- e. New section on Carry Concealed Deadly Weapon License regarding no court costs for certain noncriminal violations.
- f. NOTE: New and obsolete UOR codes were not released by the KSP prior to these revisions to the Circuit Court Clerks Manual. Upon the release of same, the Manual will be updated to reflect those changes. Until such time, you should utilize the generic UOR codes for offenses for which no code is available.

7. COMMISSIONERS OF THE CIRCUIT COURT section –

Added new paragraphs 2 – 7 regarding the collection of the Judicial Sales Administrative Fee (JSAF) by the Circuit Court Clerk. **DO NOT PROCESS THE MOTION UNTIL THE JSAF FEE IS PAID.**

8. DOMESTIC VIOLENCE PROCEEDINGS section –

Correction of statutory citation in paragraph 27 due to statutory change in 2006 HB 290.

9. DRUG COURT section –

- a. Revised paragraph 11 to clarify duty to schedule an event on the criminal docket upon completion of probation program.
- b. Added new paragraph 12 and 13 regarding the duty to file drug court documents pursuant to new Rules of Administrative Procedure.

10. EXPUNGEMENT OF DISMISSALS OR ACQUITTALS section

Various amendments throughout to require petitioners to utilize AOC petition form, attachment of AOC criminal history to the petition, and identification of appropriate document codes.

11. EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS section

Various amendments throughout to require petitioners to utilize AOC petition form, attachment of AOC criminal history to the petition, payment of the fee for each charge to be expunged UP FRONT, clerk's use of AOC Form 496.1, Notification of Expungement and identification of appropriate document codes.

12. FEES AND COSTS section –

This section has been replaced with the Accounting Manual Fees and Costs section so they are in complete conformity. Substantive changes include:

- a. Circuit Civil section has new paragraph 5 requiring the collection of the \$100.00 fee from parties upon entry of order referring to master commissioner or special master commissioner.
- b. Miscellaneous Fees section on postage has been revised to conform to federal changes effective January 8, 2006.
- c. Miscellaneous Fees section on Civil Service of Process has been revised to include that \$40.00 fee is paid by party to officer and not collected by the clerk.
- d. Added sections regarding all-terrain vehicles, handicapped parking fines and tire chains.

13. JUVENILE CASES section –

- a. Added language in paragraph 3 regarding Confidentiality to clarify that public officers or employees, including law enforcement officers, have access to juvenile cases when engaged in the investigation of a juvenile under the code.
- b. Revised Public Record section and added new paragraphs 8, 9 and 10 regarding 2006 HB 3 and public access to certain juvenile records.

14. JUVENILE MENTAL HEALTH section –

Deleted reference to Family Court Division of Circuit Court in the heading of the section.

15. PROBATE section –

- a. New paragraph 52 on Juvenile Name Change. Requires issuance of summons upon absent biological parent.
- b. Deleted requirement for mailing of notice of petition/application and order appointing guardian/conservator for minor to Department of Revenue in paragraphs 35 and 38.

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TO: Circuit Court Clerks

FROM: Sara Boswell Dent, Deputy General Counsel

DATE: **January 31, 2005**

The following sections have been updated:

1. **Throughout the manual**, where instructions are given to collect a specific fee, a referral is made to the Fees and Costs section of the manual for the correct amount to be collected.
2. **Throughout the manual**, at the request of Research and Statistics at the AOC, code types to be used on the various screens in KYCourts have been added as appropriate. (This will be an ongoing addition to your manual and at this point, does not include all code types used).
3. **APPEALS TO CIRCUIT COURT** section -

Subsection *Record on Appeal in Circuit Court* has been clarified to direct the clerk to assign the next pre-numbered file folder instead of generating the case number and to complete a charge screen only for the charge(s) being appealed;

Subsection *File Delivered To Judge* includes a directive to create a tickler system for time frames referred to in this subsection.
4. **APPEALS TO SUPREME COURT/COURT OF APPEALS** section -

- a. Subsection Notice of Appeal added the time frame of 60 days for the filing of a notice of appeal from a family court paternity judgment (information only);
 - b. New subsection Tapes in Circuit Court Appeal Cases directs that audio and video tapes and digital recording disks filed in a circuit court appeal (XX) case are included in the record on appeal to the Court of Appeals.
5. **AUDIO RECORDING** section -

This section has been modified to include instructions for digital recordings.
 6. **BAIL BONDS** section -

Subsection Forfeitures has been rewritten to clarify the procedure when a bond forfeiture has been ordered by the judge.
 7. **BANKRUPTCY NOTICE** section -

This section has been rewritten at the request of Research and Statistics. When a bankruptcy notice is received, the case screen closing information will not be completed until a judge's order is entered that closes the case.
 8. **CALENDAR** section -

This section has been clarified to reflect its application to district court only as provided in Civil Rule 58.
 9. **CASE NUMBERING AND COLOR CODING** section -

At the request of Research and Statistics at the AOC, a new subsection Case Number Assignment T,M,F Cases is included which gives instructions for the assignment of a case number when violation, misdemeanor and felony offenses are included on the same citation.
 10. **CASES UNDER SUBMISSION** -

This section has been rewritten to clarify the procedure relating to AOC Form 280, Notice of Submission of Case for Final Adjudication.
 11. **CIRCUIT CRIMINAL CASES** and **DISTRICT COURT CRIMINAL COMPLAINTS** sections -

Subsection Sex Offender Registration Non-Compliance Notice includes instruction for filing this notice when it is received in a county other than the county of conviction.

12. **CITATIONS** section -

Under subsection License Plate Impoundment the address for mailing a copy of the court's order for license plate impoundment and the license plates impounded has been changed to:

Kentucky Transportation Cabinet
Division of Motor Vehicle Licensing
200 Mero Street, W2-05-02
Frankfort, KY 40601

13. **COURT INTERPRETERS** section -

Rewritten to conform to Amended Administrative Procedures, IX.

14. **DEPOSITIONS TO BE USED IN OTHER STATES** section -

Added instruction for clerk to sign the subpoena when court order directs together with instruction to file such court order in the General/Administrative/Miscellaneous Order file.

15. **DISABILITY PROCEEDINGS** section -

New subsection Sale of Real Estate By Guardian/Conservator has been added which outlines the procedure for a guardian or conservator to sell real estate.

16. **DISABILITY PROCEEDINGS; EXPUNGEMENT OF JUVENILE RECORD; EXPUNGEMENT OF DISMISSED OR ACQUITTAL CASES; EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS; INVOLUNTARY ADMISSION; INVOLUNTARY HOSPITALIZATION; INVOLUNTARY TREATMENT FOR ALCOHOL/DRUG ABUSE** sections -

Directive to **add the date of the order of expungement** to the outside of the envelope in which the records are sealed.

17. **DISSOLUTION OF MARRIAGE** section -

Added new subsection, Investigator's Report in Custody Proceedings which outlines the filing of such report and the mailing thereof to all attorneys of record.

Subsection VS 300 Form has been rewritten to include a directive that the bottom portion of the form must be written legibly and in unfading black ink.

18. **DOMESTIC VIOLENCE PROCEEDINGS** section -

Subsection *Domestic Violence Petition* - new directive to obtain domestic violence brochures from the Print Shop at AOC.

The list of individuals who may file a domestic violence petition has been deleted from this section since the clerk must accept ALL petitions and deliver to the judge.

19. **EXPUNGEMENT OF DISMISSED OR ACQUITTAL CASE; EXPUNGEMENT OF MISDEMEANOR AND VIOLATION CONVICTIONS; MOTION TO SET ASIDE/VOID CONVICTION; MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE** sections -

Fax number for Research and Statistics at the AOC provided.

20. **FEES AND COSTS** section -

Subsection *Miscellaneous Fees* - added fee for providing a copy of a digital recording (audio and/or video) of \$15.00 per disk

21. **RENAMED THE JURY** section TO **JURY INFORMATION**.

22. **JURY INFORMATION** section -

Deleted paragraph 9. which set out the number of jurors required to be present in the courtroom before selection process begins. An amendment to KRS 29A.060 removed this requirement. The number of jurors required to be present before selection process begins will be determined by your judge(s).

23. **JUVENILE MENTAL HEALTH** section -

A new subsection *Forms* has been added which lists all forms created for use in Juvenile Mental Health proceedings.

24. **PETITION FOR EMANCIPATION OF A MINOR** section -

This section has been deleted from the manual. There is no statutory authority for emancipation of a minor. If you receive such a petition and need assistance, please call Court Services at the AOC.

25. New section **PETITION FOR IMMEDIATE ENTITLEMENT TO CUSTODY** added:

Gives instruction for filing and processing a petition for immediate entitlement to custody.

26. **PROBATE** section -

Subsections *Sale of Real Estate by Fiduciary*; *Sale of Real Estate by Guardian/Conservator*; and *Sale of Real Estate by Trustee* have been added. These sections give instructions for filing and processing a motion for the sale of property in a decedent's estate; guardianship estate and trust estate.

27. **PROBATION AND PAROLE FEE** section -

This section has been renamed **PROBATION AND PAROLE FEE - OUT OF COUNTY** to clarify this procedure applies only to those fees collected for cases outside your county.

28. **STATISTICAL INFORMATION** section -

Under subsection *Charge Disposition Types*, the definition for DIV - Diversion has been rewritten to include violation charges as well as misdemeanor and felony charges.

29. **TERMINATION OF PARENTAL RIGHTS** section -

Subsections *Voluntary Termination, Guardian Ad Litem*; and *Involuntary Termination, Guardian Ad Litem/Public advocate*; instruction to use AOC Form 115, Appointment of Guardian Ad Litem in lieu of AOC Form DNA-10, Order Appointing Guardian Ad Litem.

30. **UNSATISFIED CIVIL JUDGMENT INVOLVING MOTOR VEHICLE ACCIDENT** section -

Instruction added that a fee is not charged for completing and signing form TC 94-65.

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

IMPORTANT INFORMATION!!

PLEASE COPY THIS LETTER AND DISTRIBUTE TO EACH DEPUTY IN YOUR OFFICE.

THIS LETTER SERVES AS AN INTRODUCTION TO THE NEW FORMAT AND IS 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 OFFICE OF GENERAL COUNSEL AT THE AOC.

TO: Circuit Court Clerks

FROM: D. Scott Furkin, General Counsel

DATE: **June 22, 2004**

As you can readily see, the Circuit Clerk's Manual, which was introduced to you at your series of regional meetings and at the clerk's conference last week, is greatly improved. The General Counsel's office is pleased and excited about providing you with a more user-friendly manual to assist you in your job as clerks of the court.

To access the manual: Select **Help** from your **Menu Bar** in KYCourts and then **Clerk's Manual**. To the left of the screen is the Table Of Contents, which will always be visible wherever you are in the manual. With the exception of the first three sections listed, the Table of Contents is in alphabetical order.

To access a section: **Click once on that section.** The plus sign to the left of a section title denotes there are more listings under that section. **Click once on the plus sign** and it changes to a **minus sign** and expands to allow you to view all sub-sections under that particular section. To access a subsection, **click once on the subsection.** When you click on the minus it changes to the section title only.

Section titles are listed in the upper right corner of each page to let you know where you are within the manual.

To copy and paste a portion of the manual into another document: Click on the **text select tool** and **highlight** the desired text; right-click your mouse and select **copy**. Go to your document, right click your mouse and select **paste**.

To print:

Multiple pages: From the table of contents: Click once on the section you want to print from and scroll until you come to the pages you desire. Look at the bottom of your screen for a page number where you will start to print and determine, by scrolling, the last page number you want to print. (You may also locate the page numbers of the section you want to print by clicking once on Table of Contents). After you have determined the page(s) you want to print, click on **File**, then **Print** and insert the page numbers in the **Pages From** field under **Print Range**.

A single page: Go to the page in the manual you want to print and select **Current Page** option under **Print Range**.

WARNING: If you select **All** under **Print Range** and **Print**, the entire manual will print!

To search the manual: In addition to locating information from the Table of Contents, you may click on the **Binoculars** icon on your menu bar, or click on **Edit** and then **Find** to locate information within the manual. Remember that this is a "search and find" function only, so be sure that you are using the correct spelling of the words or phrases for which you are looking.

Updates to manual: Each time the manual is updated, a message advising you of an update will appear as the first item when you open KYCourts. When you open the manual, **click** on the plus sign to the left of LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL section which will expand to a list of dates. **Click** on the most recent (newest) date. This is your explanation of what has been updated.

Manual is tamper-proof: You cannot add, change or otherwise alter any of its contents. It is hoped you will spend time navigating it and becoming familiar with all it offers.

Help, questions/comments: If you have difficulty opening the manual or using this new format, please do not hesitate to call the Helpdesk at 800-860-4262. If you have questions or comments concerning the content of the manual, call the Office of the General Counsel at AOC.

Changes since February of this year and included herein, are as follows:

1. **Throughout the Manual**, all references to SUSTAIN have been removed and substituted with references to KYCourts.
2. **FEES AND COSTS SECTION:** Increase in court costs has been added to subsections, District Criminal and Circuit Criminal; Fees for Arrest and Executing Process has been clarified in subsections District Criminal and Circuit Criminal; master commissioner's fee has been added to subsection, Circuit Civil.
3. **CASES REFERRED TO GRAND JURY SECTION:** Directive to print a grand jury referral list on April 1st and October 1st each year and deliver to the Commonwealth Attorney and Chief Circuit Judge, in addition to list printed when the grand jury meets, has been added to subsection Grand Jury Referral List.

4. **CIRCUIT CRIMINAL CASES SECTION:** Procedure for setting up a tickler system for closing circuit criminal cases with disposition type, AP has been added.
5. **STATISTICAL INFORMATION SECTION:** Definition for Administrative Procedure has been added to subsection Charge Disposition Types.

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TO: Circuit Court Clerks

FROM: Sara Boswell Dent, Deputy General Counsel

DATE: July 13, 2004

The following new sections have been added to your manual:

1. **UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT** Section replaces former section UCCJA (UNIFORM CHILD CUSTODY JURISDICTION ACT). This includes instructions for both the registration of a foreign custody order and judicial proceedings. New forms for these proceedings will be mailed to your office this week.
2. **INVOLUNTARY TREATMENT FOR ALCOHOL/DRUG ABUSE** Section includes filing procedures when you receive a petition for involuntary treatment for alcohol/drug abuse. New forms for these proceedings will be mailed to your office this week.

The following sections have been updated:

3. **FEES AND COSTS** Section - updated to add increase in court costs effective 7/13/04 and directive to send fine amount only to Animal Control and Care Fund made payable to Kentucky State Treasurer.
4. **CITATIONS** Section - subsection, Prepayable Fine Schedule has been updated to include new violations, UOR codes and fine amounts; subsection Court Appearance Citations includes directive that fines for speeding in a school zone are doubled.

5. **JUVENILE CASES** Section - sets out list of pleadings in a case file that contain specific charges which are to be sent to the school superintendent of public schools or principal of a private school **when judge directs you to do so.**
6. **ADOPTIONS AND INSPECTION OF ADOPTION RECORDS** Section - address for Cabinet for Health and Family Services has been corrected **from** 275 East Main Street, 3-EC to 275 East Main Street, 3-CE.
7. **PATERNITY PROCEEDINGS** Section - instruction added directing that a party screen **not** be completed for a child.
8. **THROUGHOUT THE MANUAL**, instruction has been added to include the case number (in addition to the date of birth) to the outside of the envelope of a sealed expungement.

LIST OF UPDATES TO CIRCUIT CLERK'S MANUAL

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TO: Circuit Court Clerks
FROM: Sara Boswell Dent, Deputy General Counsel
DATE: February 29, 2004

1. **THROUGHOUT THE MANUAL** *KRS 416.620(4)* has been replaced with *KRS 453.010* with respect to collection of fees for filing a complaint or petition.

The following sections have been updated:

2. **CIRCUIT CRIMINAL CASES** - includes current address for Department of Corrections.
3. **ADDITIONAL COSTS FOR EXTRAORDINARY SERVICES** - corrected cite reference.
4. **RECORDS DESTRUCTION OR TRANSFER** - updated entire section to include current information and directions for the destruction of records, transfer and/ or retrieval of records from Archives.
5. **WARNING ORDER: HOW TO FILE A CIVIL ACTION** - Subsection, *Warning Order Service* and **DISSOLUTION OF MARRIAGE** - Subsection *Warning Order Service* added directive that summons is not to be issued when a warning order attorney is appointed.
6. **WRIT OF PROHIBITION/WRIT OF MANDAMUS** - rewritten to include that "other party" in addition to the District Judge, may be directed to or not to perform an act.

7. **FEES AND COSTS** - Subsection, *Appeals* corrected the fee for an appeal/cross appeal to Court of Appeals to show the court facilities fee, if applicable, is only collected on a civil appeal. It does not apply and is not collected on a criminal appeal.
8. **APPEALS TO SUPREME COURT/COURT OF APPEALS** - Subsection, *Supplemental Record* - added directive that in addition to the trial or appellate court ordering a record supplemented, the parties may stipulate that a record be supplemented.
9. **DISABILITY PROCEEDINGS** - Subsection, *Appointment of Guardian/Conservator* - clarified the directive for notice of entry of the Order Of Appointment and distribution of copies.
10. **THE JURY** - Subsection, *Selection Documents* - added jury strike sheets to the list of selection documents that are confidential.
11. **CASE NUMBERING AND COLOR CODING** - Under File Label Color Code, changed the color "buff" to "tan" for file labels used for circuit civil cases.
12. **BAIL BONDS** - Subsection, *Surety Charged With Contempt* - has been deleted. Follow the directives of the court's order when an individual is found in civil or criminal contempt.
13. **TERMINATION OF PARENTAL RIGHTS** - Subsections, *Voluntary Termination and Involuntary Termination* - gives new instruction to use AOC Form DNA-10, Order Appointing Guardian Ad Litem when an appointment of a guardian ad litem is made.
14. **APPEALS TO CIRCUIT COURT** - Subsection, *Motion for Discretionary Review* - added directive to retain the district court record in circuit court until such time as the 30 day period for the filing of a motion for discretionary review has expired.
15. **CITATIONS** - Subsection, *Prepayable Fine Chart; Speeding Prepayables and Other Prepayables* have been revised to conform to UOR tables used by enforcement officers.
17. **COURT SECURITY INCIDENT REPORT** – AOC Form PT-50, Court of Justice Incident Report previously mailed to John Conley, Commander, Court Security Services is to be mailed to:

Pretrial Services
Administrative Office of the Courts
100 Millcreek Park
Frankfort, Kentucky 40601

Fax (502) 573-0327

18. **CONSOLIDATED CASES** – clarified instruction on consolidation of cases to direct pleadings filed on and after the Order of Consolidation entered are filed/entered under the case number and placed in case file designated by the Order of Consolidation or if not specified, in the most recently filed case.
19. **EXPUNGEMENT OF MISDEMEANOR/VIOLATION CONVICTIONS;**
EXPUNGEMENT OF DISMISSED OR ACQUITTAL CASES – clarified language when circuit criminal charge is expunged, the clerk is to expunge underlying district court.