



### Private Probation Agency Requirements and Agreement

District No. \_\_\_\_\_

County(ies): \_\_\_\_\_

KRS 533.010(12) permits a district court to order a defendant to submit to probation monitoring by a private agency when the court deems it in the best interest of the defendant and the public to do so. A district court may refer a defendant convicted of a misdemeanor or a traffic offense to a private agency for monitoring in accordance with KRS 533.010(12) only when probation monitoring services are not being and cannot be performed by a governmental agency, a not for profit agency or volunteers.

To receive referrals from the district court, the private agency hereby agrees that it will:

1. Be an independent contractor and not an agent, servant, or employee of the court;
2. Have no individual or fiduciary financial relationship with a judge of the district in which the agency has been approved to provide services, nor with the judge's spouse, nor with a minor child of the judge residing within the judge's household;
3. Not have as a principal officer, director or trustee, or the spouse of said officer, director or trustee, anyone related by blood or marriage within the third degree of relationship to any judge or the spouse of any judge in the district for which the agency has been approved to provide services;
4. Maintain liability insurance in an amount equal to a minimum of \$1 million dollars and provide proof thereof to the district court on an annual basis, with copy of same submitted to the Administrative Office of the Courts\* **(proof of insurance attached hereto)**;
5. Accept pro bono referrals from the district court on a proportional basis with all other private probation companies providing approved services to a district court;
6. Provide the district court on an annual basis a written schedule of fees to be charged, including a sliding scale fee schedule for indigent defendants based upon the individual's ability to pay, with copy of same submitted to the Administrative Office of the Courts\* **(current schedule of fees attached hereto)**;
7. Assess fees in strict conformity with the fee schedule submitted to and approved by the district court;
8. Report to the district court on a monthly basis all pro bono cases referred to such agency by the court and whether such agency accepted or rejected the pro bono referral and, if rejected, the reasons for such rejection;
9. Maintain accurate and complete accounts of all monies received from the defendant, in accordance with proper accounting practices and procedures, and provide any such accounting upon request by the court;
10. Report to the district court, as often as the court requires, on the defendant's progress and compliance with his or her terms of probation or conditional discharge;
11. Establish and maintain policies and/or procedures for the confidential receipt and investigation of complaints made by defendants alleging abusive behavior of the agency's employees, agents, or representatives, and provide proof thereof to the district court on an annual basis, with copy of same submitted to the Administrative Office of the Courts\* **(current policies or procedures attached hereto)**;
12. Establish and maintain training and/or certification requirements for the agency's employees, agents, or representatives who supervise defendants, and provide proof thereof to the district court on an annual basis, with copy of same submitted to the Administrative Office of the Courts\* **(current training or certification attached hereto)**;

- 13. Not prepare, tender, or present warrants, orders, or motions to the district court concerning any defendant under the agency's supervision; and
- 14. Not collect any fines, fees, or court costs for or on behalf of the district court.

By signing below, I acknowledge that I have read, fully understand, and agree to comply in full with the above-stated requirements. I further acknowledge that failure to fully comply with any of the above-stated requirements shall constitute grounds for the district court to deny or rescind approval for my agency to provide services to the district court.

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Name of private probation monitoring agency (Printed)

\_\_\_\_\_  
Title (Printed)

\_\_\_\_\_, 2\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

List the names and addresses of all owner(s), principal officer(s), director(s), and trustee(s) of private probation monitoring agency.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**NOTE:** \* Copies of records required to be submitted to the Administrative Office of the Courts in paragraphs 4, 6, 11, and 12 should be mailed to:

Administrative Office of the Courts  
Office of General Counsel  
Division of Legal Services  
1001 Vandalay Drive  
Frankfort, Kentucky 40601