

Clerks' Advisory Council Minutes

February 21, 2014

The Clerks' Advisory met at the Judicial Center on February 21, 2014. Attendance was as follows:

Judicial Department One	Allison Thon
Judicial Department Two	Angie Callahan
Judicial Department Two	Krisena Silva
Judicial Department Three	Doug Hamilton
Judicial Department Four	Nancy Williams (absent)
Judicial Department Five (Urban)	Bernie Lumbreras
Judicial Department Six	Chris Blake
KADCCA President	Teresa Drane
Office of Judicial Administration	Benita Chaplin
Office of Judicial Administration	Sarah Hoskinson
Kansas Payment Center (KPC)	Melissa Wells
Fullcourt	Melanie Waters

Overdue Processing –How is everyone handling the paperwork on overdue processing? How long do you keep the letters that are sent out? Are you putting a copy in the file, do you file stamp it and scan it? **Reports are scanned, no paper is maintained. Sedgwick only scans the letters that are returned undeliverable.**

DCF garnishments-? DCF wants to send us only the 1st page of a garnishment, stating they will attach and send out the rest. How is everyone doing this? **Clerks may accept and process garnishments that only include (1) Request and (1) Order.**

Rule 108-OJA will be meeting to *discuss Rule 108 (10) Miscellaneous. All other miscellaneous court records may be withdrawn, disposed of, or destroyed in compliance with the guidelines established by the judicial administrator.* **Currently there are no guidelines in place; we are seeking to establish rules. The Council is encouraged to email any odd retention questions to OJA (Benita) for consideration. (Example-Bonds for cases that were never filed/ voided bonds.)**

Credit card payments-Should holds be placed on credit card transactions? This is being done differently across the state; some courts are not placing holds, while others are treating credit card transactions as checks. In speaking with Mel, OJA's recommendation is as follows: *We have instructed courts to hold restitution same as checks. Also, please advise they should NOT receive a charge back on any restitution. They might on traffic or criminal docket fees but any open payables we would not see charge backs.*

Prison Dips- HB 2170 Are clerks required to provide copies of the JE for jail sanctions or prison commitments? **Any time a person goes to jail, a JE must be sent to the sheriff.**

DC66- Melanie Waters shared a need for a state wide process for handling DC-66 notification to Kansas Department of Revenue, Driver Control. Currently most courts have their own procedures. **Benita, Martha, Sarah, and Mel are currently reviewing statutes and working with KHP to determine how to proceed. Please continue with your current processes until we can find a resolve.**

KPC- The Kansas Payment Center, the Kansas Department for Children and Families, and the Office of Judicial Administration are working to comply with a new federal requirement that child support payments be distributed proportionately when there is more than one order for support. This will be a challenging project for Young Williams (KPC vendor), DCF, OJA and the district courts since in order to distribute payments on a proportionate basis the KPC needs to know the debt balance for cases with multiple obligations, and eventually, all cases.

In preparation for the July 1, 2015 implementation date of this new requirement, Melissa Wells, OJA's staff person at the Kansas Payment Center, has been working with the district courts to identify and close cases that have not had a payment in several years. This first step in the process has been an examination of cases where there has been no payment for the past 10 years or more. As those cases are resolved, district courts can expect to be asked to examine more cases that might be closed ahead of the debt calculation phase of the project.

Mark Gleeson, Director of Trial Court Programs and Elizabeth Reimer, Attorney, are working closely with the KPC and DCF to establish what must be done in order to comply with the federal requirement. Determining a balance due in all child support payments (IVD and Non-IVD) processed through the Kansas Payment Center is a very complex task. Recognizing that this will take some effort on everyone's part, we'll do our best to make the impact on the district courts as minimal as possible.