

Clerks Advisory Council Minutes

March 20, 2015

The Clerks' Advisory met at the Judicial Center on March 20, 2015. Attendance was as follows:

Judicial Department One	Allison Thon (absent)
Judicial Department Two	Angie Callahan
Judicial Department Two	Krisena Silva
Judicial Department Three	Amber Ballard for Doug Hamilton
Judicial Department Four	Janel Downy
Judicial Department Five (Urban)	Bernie Lumbreras
Judicial Department Six	Chris Blake
KADCCA President	Teresa Drane (absent)
District Court Clerk Specialist	Benita Chaplin
OJA Staff Attorney	Sarah Hoskinson

Out of State PFA Service- Attached is the standard letter used to request an out of state sheriff to waive the service fee and Violence Against Women Act, (VAWA) FAQ.

Business Records –When business records are sent directly to the clerks' office, should they be returned to the custodian? **The clerk may as a courtesy forward the records to the party or attorney that issued the subpoena and attach a notice indicating records are not to be sent to the court per K.S.A. 60- 245; or you may return them to the custodian with the same notice.**

Law Library Increase Standard Form- OJA will draft a standard form.

Journal Entries Involving Real Estate-When a decedent's probate estate is filed which includes real estate in more than one Kansas county, is the clerk responsible for sending a copy of the journal entry to the other county? **K.S.A. 59-2249(b) When the final decree includes real estate, such decree, or a certified copy of it, may be entered on the transfer record of the county clerk of the proper county. When any such decree which includes real estate shall become final, it shall be the duty of the court to transmit a certified copy of it to the county clerk and the county clerk shall enter it on the transfer record in the clerk's office. (This also applies to divorce decrees that are marked "real estate involved.")**

KPC Sheets-How is the clerk to handle retention? **Per AO 168, the worksheet is not filed or docketed in the court file and is not considered public record. Worksheets should not be attached to the journal entry, and need only be maintained for a “reasonable” period of time (typically one year or less). KPC sheets should not be scanned into FullCourt.**

Notice of Bankruptcies for Court Owed Debt- **Traffic, criminal and some domestic cases where there was a court appointed attorney; if the debtor in the bankruptcy has outstanding fines or obligations to the court, it may be necessary to file a proof of claim in the bankruptcy proceedings. If the court is listed as a creditor to the estate please contact the attorneys at OJA. (MS -18)**

Wills and Relinquishments Retention-Is there a rule that says we have to keep the original will or relinquishment? **OJA does not recommend destroying an original will or relinquishment before a case is closed. There are many reasons why the appearance and content of an original will can be important to a case. Sealed wills on deposit under former K.S.A. 59-620 must be maintained for 75 years after deposit per SCR 108.**

Paperless Process-Who is the right person to visit with about the possibility of going paperless at least with regard to limited actions? **The move to “paperless” should be organized through the Chief Judge who can issue an appropriate administrative order. OJA has not ordered any districts to go paperless, nor do we currently have formal guidelines about the process.** There seems to be a lot of confusion among clerks in the process of going “file-less.” Best practices or guidance on these issues and others involving this process would be appreciated. **There will be a “paperless process” discussion during the 2015 Legislative Update. Any clerk willing to serve on the panel, contact Benita.**

SB 123 Funds-When a journal entry orders “SB123 fees, \$300 minimum/\$500 for TC” (Therapeutic Community), are those funds to be separated and use different codes? **SB 123 funds should be directed to the KS Sentencing Commission per K.S.A. 75-52,144. If the probationer is being supervised by a CSO, the fees are receipted into FullCourt as SB123 funds.**