

Trust Check Writing

Resources:

- [Court Learning Management System](#) (LMS)
- District [DCJUST Document](#)
- Section 06-01.03 Forms and Instructions for forms such as: Trust check signer sample forms: [A](#), [B](#), or [C](#).
- [Section 06-03.00 Void and Lost Checks](#) for several forms to request a new check.
- [Section 06-01.01 Guidelines for Releasing Trust Money](#)
- [Section 06-01.02 Positive Pay](#)
- Section 06-11.00 [Unclaimed Property Section](#)
- [UCA 77-38a-404](#)
- [Legal Opinions](#)

Policy:

1. Payments made by credit card must be held in the local trust account for a minimum of 35 business days (45 calendar) prior to disbursement to anyone other than the court or a credit card refund to the payor.
2. Payments made by check (personal, business, money order or cashiers check) must be held in the local court trust account for a minimum of 21 calendar days prior to disbursement. If monies are to be applied to revenue/fine only (as in the case of a defendant paying on his fine directly from court and the accounts receivable isn't set up) monies could be released sooner. This hold requirement does not apply to IBA administrative fee payments or checks issued by government agencies (may be disbursed immediately).
3. Based on different check writing processes, check stock is stored:
 - a. In the district court, by an employee not responsible for printing checks
 - b. In the juvenile court, by the employee who prints checks.
4. All issued trust checks must be printed only on approved check stock paper. Checks are not to be altered by any means (i.e. white-out) or copied and scanned to the case file.
5. **Trust Check Signatures**
 - a. **CARE:**
 - i. A facsimile digital signature of the AOC Finance Director will appear on juvenile court issued checks.

- ii. The check printer will secure the checks until sealed in an envelope for distribution.
- b. **CORIS:**
 - i. The Court Executive or Clerk of Court must authorize a minimum of two agents on the trust account. An adequate number of agents should be authorized to guarantee availability of signatures. The official request to update the signature cards can only be made by the Court Executive or Clerk of Court through the AOC Finance Department. The request in writing/email should reflect the court location, account number and names of authorized trust check signers to be set up on the account.
 - ii. Once the check signers print and sign their name on the card, the form is submitted back to the AOC Finance Department. Once the card is sent to the bank for processing, the court shall be notified.
 - iii. Each signature on a trust check must be an original. Stamps and other methods of signature reproduction are in violation of AOC Finance policy. Agents are responsible to review checks issued to ensure against fraud and misuse of trust account funds. The signatures on the check attest to the validity of the payment and approval of the disbursement.
 - iv. Generally the first signer reviews the check for validity. The second signer must secure the signed checks until sealed in an envelope for mailing and/or delivered to a cashier, if payable to the court revenue account.
- 6. If a check will be released to the payee in person by a court clerk, the check must be secured and **held until the next business day** for bank processing purposes. The signed check must be secured until released. To document receipt, refer to form [example](#).
- 7. Any check that is to be postmarked, must have a system generated address reflected on the check.
- 8. Once a check is printed, the court has three business days to receipt or mail on to the recipient.
- 9. Trust checks issued from a central location for other sites within the district, must follow separation of duty check writing procedures. A transportation log or form (e.g. forms [A](#), [B](#)) should accompany the checks and emailed back to the check writer and retained as supporting documentation. The following is required based on the transportation method:
 - a. Physical transportation of checks requires a locked device with access limited to the check writer and the first signer.
 - b. Mailing of checks is allowable only through state mail in a RED tracking envelope.
- 10. An individual check to be written over \$50,000 requires permission from AOC Finance to ensure funds are available. To release these checks the Google form: "Approval for Checks Over \$50,000" must be completed. AOC Finance will update the Google sheet: "Approval for Checks Over \$50,000"

(Responses)” with a check release date. To be given access to both documents contact AOC Finance.

11. Trust account records should be reviewed for amounts available for disbursement at least once every two weeks by the check writer or alternate. Per UCA 77-38a-404, restitution shall be released within 60 days if the amount of the check is \$5 or greater. If the check amount is less than \$5, disbursement checks should not be printed unless it is the final payment.
12. Quarterly, the court accountant, or assigned employee should perform a documented review of each court case in which trust money is being held to determine:
 - a. That the case is active and the purpose for which the money was posted remains, requiring that the money continue to be held;
 - b. That a requirement to hold the trust no longer exists and reasonable efforts should be made to return the money to the party which posted it;
 - c. That the party posting the trust money could not be located and the money has been unclaimed for one full year. The money should be sent to the State of Utah Division of Unclaimed Property or can be applied to other outstanding fines if the requirements outlined in "Outstanding Checks" are complied with.
13. Stop payments may be placed on trust checks that need to be reissued based on specific criteria. Refer to Section 06-03.00 Void and Lost Checks.
14. When the address of a trust check is updated, only a docket note should be entered in CORIS/CARE that the address was changed noting how the court was informed. The address should not be recorded anywhere but in the trust receivable and nothing is scanned to the case file.
15. If a voided check clears the bank once a replacement check has been issued and monies not recovered, the deficit shall be covered out of the local court budget.
16. Regarding Unclaimed funds: While there are several statutes and rules discussing trust money, none of these provide specific direction on the release of the money or offer remedies if the money is unclaimed. The general guidelines herein give some direction for releasing certain types of trust monies. This list is not inclusive and further questions regarding the release of these and other trust money being held should be referred to the assigned judge.
17. When a check has remained outstanding for over one year from order date or check date the court shall begin the process of sending the check to the Division of Unclaimed Property. When computing the "year" after which money can be sent to unclaimed property, the one year point typically begins when the money is "payable." When something becomes payable will depend on the type of money being dealt with. For example, Cost Bonds are payable when the case is returned on remittitur. Civil Cash Bail is payable after the Order to Show Cause (OSC) proceeding in which the judge determines who is entitled, etc.

18. **A district trust check must be issued when moving money from a trust to a revenue receivable.** The CORIS transfer feature shall only be utilized to move money within a trust type, revenue account, or **from revenue to trust**.

Procedure:

District Check Writer

1. Review the case record to verify the funds have been receipted and are available for payment. Any supporting documentation authorizing payment for all checks shall also be verified.
 - a. Issue a check through Trust Checks Processing. If an error occurs, void the check.
 - b. Deliver the checks to the first authorized signer. (Signers can not be the individuals who perform check writing duties or reconcile the account).

District Court Signers

Checks are to be reviewed (see sampling formula below) to ensure the validity of payment. Authorizing signers are acting in behalf of the court system and should not take this responsibility lightly. **Access CORIS for sentencing information, scanned documents (Judicial orders) or review hard copy documentation. Documentation may include: judicial orders, printed case history, or Revolving Trust Form.**

2. The first signer documents the validation process by the following steps:
 - a. Generate the Trust Check Register Report and verify the checks received for signing agree to the number of checks issued in the batch and the numerical sequence is intact.
 - b. Whether all checks will be validated (25 or less checks) or a sample, the Trust Checks Report can be printed as proof OR a verification form (see Section 06-01.03 Forms and Instructions for example forms) can be used to perform the verification. For each check, the first signer should verify:
 - i. Payee/victim name and identifying information agree to court records.
 - ii. Amount agrees to the amount available to pay-out.
 - c. The first signer must secure the checks in a locked device or dual control safe if a second signer is not available to take possession of the checks signed by the first signer.
3. If the second signer takes possession of the checks from the first signer, but cannot review and sign the checks at that time, the second signer must secure the checks in a locked device or dual control safe.
4. The second signer may also review documentation as necessary. Once signed, checks are secured until sealed in an envelope for mailing and/or delivered to a cashier, if payable to the court revenue account.

Sampling Formula

The following sampling chart suggests a minimum number of checks to review at each signing. The documentation required for review is determined by the local court which ultimately must make up any financial errors from their local budget.

Line#	Column 1	Column 2
	Total # of Trust Checks Issued in a Check Run	Sample Size of Trust Checks For the Signer to Review
1	1-25	100%
2	26-50	25
3	51+	Total # Payments x .5 = Sample Size _____

The sample selection is based on sound and seasoned judgment. Three basic issues determine which items are selected:

- a. **Value of items** – A sufficient number of high-dollar trust checks should be included to provide adequate coverage.
- b. **Relative risk** – Trust checks prone to error due to their nature should be given special attention. Examples include trust checks issued to the court revenue account for multiple cases where cash bail was forfeited.
- c. **Representativeness** – Besides value and risk considerations, the sample should provide a breadth of coverage over all types of transactions in the population.

Juvenile Court Trust Check Verifiers

Juvenile trust check verification process through CARE is performed prior to the checks being printed. Each case needs to be reviewed to ensure the validity of payment. Two separate employees (one is the check writer and the other is the reviewer (“Verifiers”)) will review the case and ensure the payment is authorized and all information is accurate. Verifiers are acting on behalf of the court system and should not take this responsibility lightly.

From within CARE:

1. Verifiers ensure the check is supported by judicial orders, Non-Judicial Agreements, etc. Two separate employees (one is the check writer) will review the case to ensure the payment information is accurate.
2. A separate employee shall complete and print the batch, ensuring the checks are mailed/receipted.