

Unclaimed Property

Resources:

- UCA [67-4a-401](#), 67-4a-501, 67-4a-502
- [Court Learning Management System](#) (LMS)
- [District Court DCJUST Document](#)
- [Division of Unclaimed Property](#) website: <http://mycash.utah.gov/> for the newest [Holder Booklet information](#).
- [Mycash Naupa Online Reporting](#), [Mycash Manual Reporting Process](#) (include instructions for running the report out of CORIS and CARE).
- See Section 06-11-01 Forms and Instructions for the [Holder Request for Reimbursement](#) (includes instructions for requesting the money back)
- [Sample letter](#)

Policy:

1. Cash bail posted, garnishee tenders, restitution payments, etc. are considered abandoned one year from the date they become distributable, such as when a check is issued or there is a final disposition in a case, whichever applies.
2. Per 67-4a-401, "property is presumed abandoned if the property is unclaimed by the apparent owner...one year after the property becomes distributable." This includes property received as proceeds of a class action.
3. As per the guidelines of State Unclaimed Property:
 - **If the check was issued on May 2016 then it is reportable Nov 2017**
 - **If the check was issued May 2017 then it is reportable Nov 2018.**
4. If ownership cannot be established because no one comes forth to claim this money, it must remain in the Court's trust account until such time as ownership is established.
5. District: If the owner is found and monies have only been classified as Unclaimed Property in CORIS (in preparation to send) and the monies cannot be successfully transferred back to the original account, contact the Help Desk to perform this function.
6. If the payer of cash bail cannot be determined, the court can treat the bail as the defendants and can be sent to unclaimed in their name per legal counsel.
7. Per 67-4a-403, reports are filed by November 1 of each year and cover the 12 months preceding July 1 of that year. If necessary, this yearly submission can occur after November 1 with no penalties. There is no limit to the number of properties that can be reported; but may require multiple electronic submissions if the file exceeds 99 claims.

8. Notice must be given of the intent to forward monies to Unclaimed Property no more than 180 days nor less than 60 days prior to the November 1st deadline. This notice can be emailed if the apparent owner has consented to electronic mail delivery. **Notice is not required for properties totaling \$50 or less.**
9. The notice must state the claimant has 30 days to respond. Refer to [Sample Letter](#).
10. Only out of state claims under \$1,000 can be sent to Utah's Unclaimed Property Division. Amounts in excess must follow that state's guidelines for reporting.
11. As stated in Section 06-01.01 Guidelines for Releasing Trust Money, "If the recipient of a victim restitution payment can not be located, the court can redistribute that victim's payment to the other victims. The court can do this unless and until the other victim is found or remaining amounts are sent to Unclaimed Property. See [legal opinion 12/15/2003](#)."
12. Unclaimed property, regardless of the amount, needs to be reported for each individual. If the court is holding unclaimed money without an individual's name (apparent owner(s) name unknown) and the amounts are less than \$50, they can be lumped together and labeled as 'Aggregate' on the form. Amounts over \$50 with no apparent owner, should be reported separately using the payer 'Unknown'.
13. Only two reporting codes should be utilized by the courts: CT07 Restitution and CT05 for all other trust types.
14. To avoid a "duplicate" rejection on a claim (where the name and amount was previously submitted in a prior year) add a letter to the case number: i.e. 061400098a.
15. In the event that money or property is reported to the Division of Unclaimed Property in error, Unclaimed Property's form: [Holder Request for Reimbursement](#)" should be completed.
16. A claimant who seeks money or property which has been remitted to the Division of Unclaimed Property should be directed to contact the Division of Unclaimed Property directly.

Procedures:

Responsibility Action District/Juvenile Court

1. If uncashed checks or other property meet abandonment criteria, reports are filed before November 1 of each year and cover the 12 months preceding July 1 of that year.
2. On the computer void the check,
 - a. CORIS: select the 'transfer to Unclaimed Property option'.
 - b. CARE: make sure the void type is 'unable to locate'.

3. Prepare as your working document either the CARE unclaimed property report, the old [Unclaimed Property ST2 form](#), or [similar report](#) prior to completing the online instructions.
4. Electronically submit claims through the Unclaimed Property website.
5. Submit Unclaimed Property check(s) with the online printed confirmation to: P.O. BOX 142321, Salt Lake City, UT 84114-2321
6. A copy of both the unclaimed property working document and the online reports shall be permanently retained electronically. Unclaimed Property guidelines require records be maintained for 5 years. See Section 01-01.00 Record Retention.

REFUND (Recall) OF UNCLAIMED PROPERTY PREVIOUSLY REPORTED

Monies that have been sent in error or previously sent and the recipient subsequently cashed a stale dated check, can be requested back from Unclaimed Property.

1. Complete Unclaimed Property's "[Holder Request for Reimbursement](#)" form using the same information originally submitted.
 - a. Mail or email (holders@utah.gov) the form attached to a copy of the cleared check or a copy of the judge's order recalling the money, and a copy of the originally submitted Report of Unclaimed Property ST1 form to the Office of Unclaimed Property.
 - b. Retain all documentation in case of audit and review by the State.