GARNISHMENTS

Description:
When a judgment is ordered and the debtor is not paying the debt as ordered, the creditor may use the garnishment process to help recover the loss. This document describes the different types of garnishment activities and how each should be processed.

Reference:
Utah State Court Rules of Civil Procedure Annotated 64
Utah Code Section 78-7-44
Utah State Court Forms www.utcourts.gov/resources/forms/

Overview:
A **garnishment** is a means to seize property or funds of a debtor in the possession or under the control of a person other than the debtor. The person who controls the debtor's property is the **garnishee**.

A **Writ of Garnishment** is available after final judgment or after the claim has been filed and prior to judgment. This is the directive served upon the garnishee by a sheriff or constable instructing the garnishee of their responsibilities in the action. The writ advises the garnishee of the amount owing on the judgment and orders the garnishee to hold any property they may have belonging to the debtor.

A **Writ of Continuing Garnishment** is used to collect the wages of a debtor. When served upon the employer, the employer is required to garnish all paychecks of the employee for the next 120 days.

A **Non-Wage Garnishment** is used to collect a debtor's funds held in a checking or savings account, or a State Tax Refund of the debtor. A non-wage garnishment is served upon the financial institution where the funds are being held. This type of garnishment orders the institution to hold the debtor's funds until an order can be obtained to get them released to the creditor.

Interrogatories are questions directed to the garnishee to get information about the debtor's property. The garnishee must file answers to the interrogatories with the court within seven business days after service. The garnishee must also serve a copy of the answers upon the debtor and send a copy to the creditor within five business days. Attached to the interrogatories is an **Affidavit of Garnishee**. This document allows the garnishee to affirm that they have answered the interrogatories to the best of their ability and mailed the appropriate papers to the debtor. The Affidavit can be found www.utcourts.gov/resources/forms/ .

GARNISHMENTS

Garnishee Order *is an order directing garnishee to release the garnished funds if needed.*

Garnishee Order to Show Cause *is an order directed to the garnishee to appear on a certain date and provide an explanation to the court as to why they failed to answer interrogatories.*

> If the debtor **requests** a hearing, the clerk shall calendar a hearing and send notice as soon as possible.

GARNISHMENTS

Writ of Continuing and Non-Wage Garnishments

Procedure/Computer Entry

1. Check the following prior to issuing the **Writ**.
    A. Verify there is an active monetary judgment against this debtor.
    B. Check the creditor/debtor to be sure they are correct.
    C. Be certain the judgment is not older than eight years and that it has not been stayed or satisfied.

2. Verify the following documents have been filed before **Writ** is issued.
    A. Original application for garnishment (filed by the creditor) if a copy is attached date stamp and return with application. The application identifies the garnishee, states if the property is sought for personal services (wages) or not, and states the current balance owed on the judgment.
    B. Two original Writ of Garnishments.
    C. Notice of Garnishment & Exemptions/Instructions.
    D. Interrogatories
    E. Request for Hearing (two copies)
    F. Filing fee and correct garnishee fee.

3. Two ways of Issuing the Writ: (A. Through **Cashiering** if receipting money, or B through the **Document** screen if there are no filing fees.
    A. Receipt the appropriate fees that apply to the writ. One of the screens that appear when the monies are being receipted is a document screen. When it appears, the word "Garnishment" will display Select **Enter**. The words Garnishment Application filed will appear just below, Select **Enter** again and the case history will reflect both entry's.

Civil Fee Documents				
Case 060000018 Debt Collection			Filing Date	Filing Time
Name IHC HEALTH SERVICES INC			04/03/2007	02:37 PM
Document Title				
Garnishment Application Filed				

Case Calendar · Print Barcode · Enter · Exit

GARNISHMENTS

B. Go to the document screen   case > Documents (F5)

    1. Select the Issue radio button

    2. Select the appropriate title (writ of garnishment) from the drop down box and press the Tab key.

    3. Add the words "Application Filed" to the end of the document title.

    4. Select who issued the Writ. (judge, commissioner or clerk)

    5. Receipt the appropriate fees that apply to the writ (See District Court Clerical Training Resource-Cashiering).

C. Sign and seal all copies of the writ provided.

D. Place the original application in the file. The remaining paperwork is returned to requesting party or forwarded to a process server.

    However, if it is documented in F5, it will show twice in the Case History.

GARNISHMENTS

Interrogatories

Procedure/Computer Entry

1. Once the garnishee is served with the **Interrogatories** (questions that need to be answered) and the **Affidavit of Garnishee**, the garnishee should file copies of these documents with the court within seven business days after service. Upon receipt of the answers to the interrogatories, the clerk should enter them as follows: The Interrogatories and the Affidavit can be found _www.utcourts.gov/resources/forms/_ .

      A.   Enter the garnishee as a party to the case.

      B.   Go to the Documents Screen. Case > Documents (F5)

      C.   Select the A̲nswer radio button.

      D.   Select the proper party in the Parties: box.

      E.   Enter the amount being withheld in the Garnishment Amount box.

      F.   Enter the date the debtor was notified.

      G.   Select Enter.
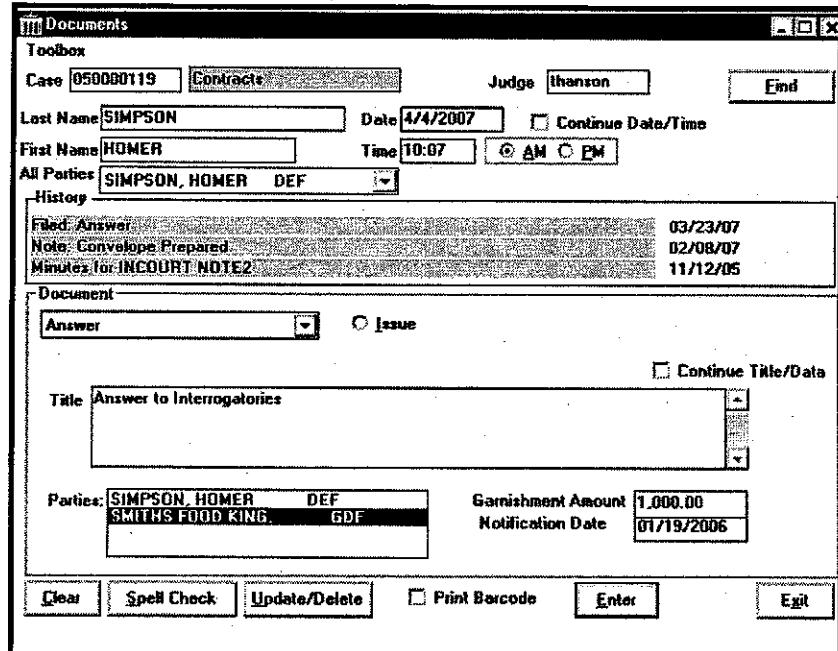
2. A reply to the answers and a request for a hearing may be filed by the plaintiff or defendant. The reply and request must be filed and mailed within 10 days after service of the answers or amended answers, however the court may deem the reply timely if filed before notice of sale of the property or before the property is delivered to the plaintiff. See rule 64D(h)(1).

GARNISHMENTS

Garnishee Order

Procedure/Computer Entry

1. Prior to issuing a Garnishee Order:

    A. Make sure the answers to the interrogatories have been filed.

    B. Verify the amount on the interrogatories is the same as the amount in the garnishee order.

    C. Be certain the 10 days the debtor is allowed to request a hearing has passed.

2. Issuing the Garnishee Order.

    A. Go into the document screen Case > Documents (F5).

    B. Select the **Issue** radio button.

    C. Select the appropriate document title (Garnishee Order) from the drop down box and press the Tab key. The title "Garnishee Order" will be entered in the Title box.

    D. Select the judge who signed the order from the drop down box.

    F. Click Enter.
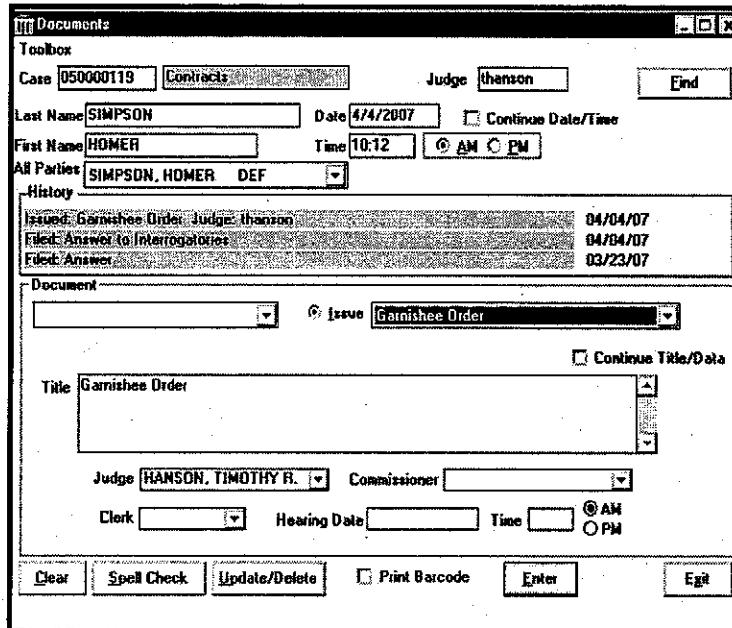
3. Endorse, seal and return the document for service.

GARNISHMENTS

Garnishee Order to Show Cause

Procedure/Computer Entry

1. If a garnishee fails to respond to the interrogatories and a Motion, Affidavit and Garnishee Order to Show Cause is submitted:

    A. File a Motion, Affidavit and Order to Show Cause for the failure to respond to the interrogatories.

    B. Check for a return of service of the interrogatories.

    C. Make certain that the time has passed for the garnishee to answer.

    D. The Order to Show Cause should then be issued and served upon the garnishee. (If the garnishee fails to appear or provide sufficient explanation, the garnishee may be found in contempt by the court and a judgment entered against the garnishee).

2. Issuing the Order to Show Cause.

    A. Go into the document screen Case > Documents (F5)

    B. Select the **Issue** radio button

    C. Select the appropriate title (Order to Show Cause) from the drop down box and press the Tab key.

    D. Add the word "Garnishee" before the title "Order to Show Cause" displayed in the Title box.

    E. Select the judge who signed the Order to Show Cause.

    F. Enter the hearing date and time. (To set the hearing see Calendering.)
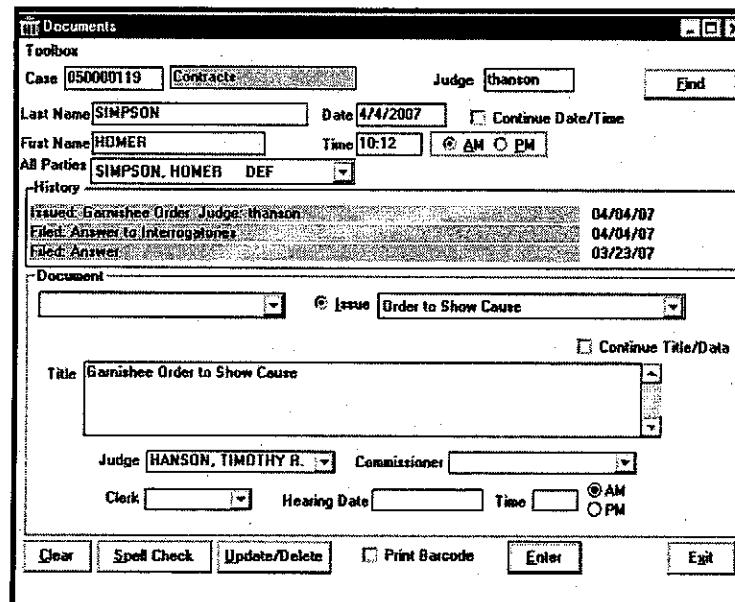
GUARDIANSHIP/CONSERVATORSHIP

Description:

A guardian is a person or institution appointed by a court to make decisions about the care of another, who is called a "ward." A conservator is a person or institution appointed by the court to manage the property and financial affairs of a ward. Sometimes the same person is appointed to both roles. If no conservator is appointed, the guardian has the responsibility of a conservator.

Definitions:

Conservator - A guardian: protector: preserver. Appointed by court to manage affairs of incompetent or to liquidate business. Person appointed by a court to manage the estate of one who is unable to mange property and business affairs effectively.

Guardian - A person lawfully invested with the power, and charged with the duty, of taking care of the person, who, for deft of age, understanding, or self-control, is considered incapable of administering his own affairs. One who legally has responsibility for the care and management of the person, or the estate, or both, of a child during its minority.

Reference:

> *Utah Uniform Probate Code 75-5-101 through 75-5-433*
> *Rules of Judicial Administration 6-503, 504 and 505 are being revised, may become CJA 06-501, effective Nov. 1, 2007.*
> *Black's Law Dictionary*

Overview:

A guardian has the responsibility of a parent for a minor or incompetent person, except that the guardian does not have to use his or her own money for the ward's care and support. A conservator is the trustee of the ward's estate which includes all of his or her property, i.e. income, such as wages, certificates of deposit, stocks, bonds, retirement benefits, motor vehicles, and valuables such as jewelry, furs, and art. A conservator must use reasonable care, skill and caution to manage and invest the estate as a prudent investor would.

If the ward needs help in some but not all areas of decision making, the court may order a limited guardianship. The court may also limit the conservator's authority.

In an emergency, the court may appoint a temporary guardian, who serves for no more than 30 days, until a hearing to decide whether the ward needs a permanent guardian. A temporary guardian has the responsibility of a permanent guardian, either limited or full, depending on the circumstances.

Forms for appointment of a guardian for a minor are located on the court's website, www.utcourts.gov/OCAP .

Before entering the order appointing a guardian or conservator, the court shall require the guardian or conservator, other than a professional guardian or conservator, to file a statement or certificate that he/she has read the Basic Guidelines for Court-Appointed Guardians and Conservators. The instructor shall also file a certificate showing satisfactory completion of at least one hour of training in the authority and responsibilities of guardians and conservators.

Once the appointment has been made, the guardian must file an annual report with the court (with a copy to go to any interested persons) on the condition of the ward and any changes made to the ward's circumstances. This is due within 60 days after the anniversary of the appointment. A conservator must file an inventory of the estate property within 90 days of the appointment and also an annual accounting which is due within 14 days after the anniversary of the appointment.

NOTE: No annual reporting is necessary if the following applies: the appointment is a parent, the minor child is not incapacitated, or there is a court-blocked account where the court is maintaining control over the ward's account.

Procedure/Computer Entry

1. From the **Primary Menu** select **Case** > **Case Filing** > **Probate** > **Case Type** > **Conservatorship** OR **Guardianship**.

2. Tab to the Name line and enter the name of the Ward (the person the appointment is for).

3. Tab to **Party** and select the appropriate party type for the Ward (**ICP** Incomp/Incap Person, **MIN** Minor, **PTP** Protected Person) and enter the appropriate information. Select the **Next Party** button and select **PET** from the drop down box, enter address and any information available. **Attach attorney(s) to party** (See Attach an Attorney Document) if the petitioner has representation.

4. Tab to **Accept Fee** button. This brings up the **probate case number** and the **judge assignment** for the case before the **Cashiering Screen** displays. (See the **Cashiering** document.)

5. The **Civil Fee Document** screen comes up with the wording **Complaint No Amount Probate.** Delete that wording and type the name of the document. **Enter**.

6. Calendar the hearing. (See **Calendar** Document).

After the appointment has been made, go to the **Name/Address** screen with the petitioner's name selected (or the party whom the court has appointed). Check the box **Retain Date for new party** and select **Add Party** button. Now choose the appropriate party type for the guardian/conservator (**GUA** Guardian, **GCN** Guardian Conservator, **CON** Conservator,) and enter them as the new party. If no annual reporting is required, select the appropriate reason from the drop down box under **No annual reporting.**

Once the court has made a ruling, the case can be disposed. From the **Primary Menu > Case > Civil Case Disposition**, enter the date of the case was disposed, the status of the disposition and the judge/commissioner making the order.

Document Entry

There are four probate document types that can be selected from the drop down box which will aid in tracking future reports required by law.

1. Accounting and Status - Probate

2. Annual Accounting - Probate

3. Final Accounting - Probate

4. Inventory - Probate

After selecting one of the above options the **Filed by** box will display. All parties that have been attached to the case will be displayed in this box. When the appropriate party that filed the document is selected it will make a case history note showing what has been filed and by whom.

Example:
(Filed: Inventory - Probate
 Filed By: It will list the person selected in the drop down box.)

By adding the party that filed the document this will allow for accurate record keeping when you have a separate guardian and conservators, or when there are two parties of the old type GRM, where one is the current legal guardian and the other has been removed from that duty.
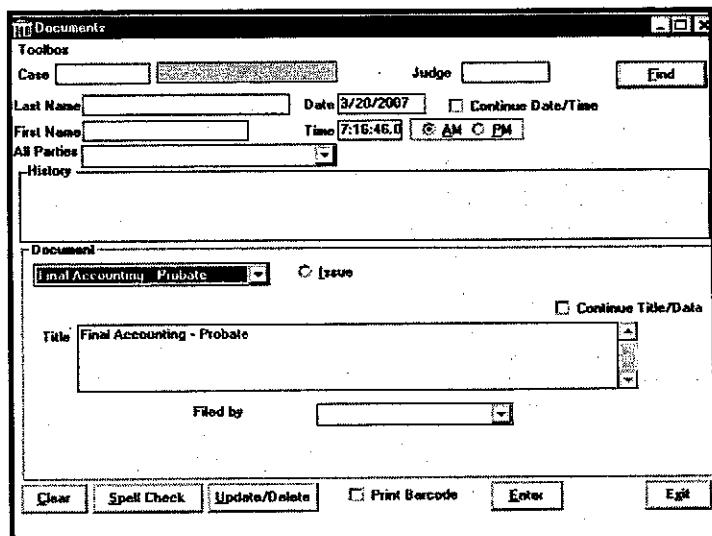
Tracking Accounting and Annual Reports

The dates which the required reports are due should be entered into CORIS once the appointment has been made. This will help to maintain accurate and current records and monitor if reports are filed and filed timely. This screen can be accessed from three different places.

1. **Primary > Case > Management >
    Guardian Conservator Reporting**
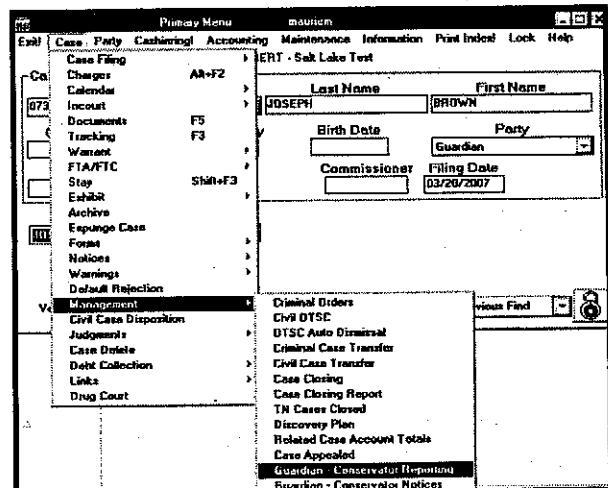
2. **Primary >Case > Incourt > New Minutes. Guardian Conservator Reporting.**

3. **Case > Documents (F5) > Toolbox > Guardian Conservator Reporting.**

After selecting one of the above ways to get to the Guardian - Conservator Reporting Dates
the following screen will appear.

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╔═══════════════════════════════════════════════════════════════════╗
║ ▥ Guardian - Conservator Document Reporting Dates              [X] ║
╠═══════════════════════════════════════════════════════════════════╣
║                                                                     ║
║   ┌──────────┐  ┌──────────────────┐                                ║
║   │073000004 │  │Conservatorship   │                                ║
║   └──────────┘  └──────────────────┘                                ║
║   ┌─────────────────────────────────────────────────────┐          ║
║   │MARY, BROWN                                           │          ║
║   └─────────────────────────────────────────────────────┘          ║
║                                                                     ║
║   Final Accounting filed by  BAAR, LOIS A  on 03/20/2007.           ║
║                                                                     ║
║   Report Type              to be filed by            due on         ║
║                                                                     ║
║   ☑ Inventory       │JOSEPH, BROWN        ▼│  │06/20/2007│          ║
║                                                                     ║
║   ☐ Combined Accounting  │                 ▼│  │          │          ║
║      and Report on Status                                           ║
║   ☑ Accounting      │MARY, BROWN          ▼│  │04/20/2008│          ║
║                                                                     ║
║   ☑ Report on Status │JOSEPH, BROWN        ▼│  │03/20/2008│          ║
║                                                                     ║
║                                                                     ║
║                                                                     ║
║   │   Clear   │          │   Enter   │       │   Exit    │          ║
║                                                                     ║
╚═══════════════════════════════════════════════════════════════════╝
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Under **Report Type**, select the type of report to be filed. Select Inventory with Combined Accounting and Report on Status or Inventory with the Accounting, Report on Status separate. This is designed so that it will handle a Conservator and a Guardian, or just a Guardian. Under **to be filed by**, select the party that is responsible to file the report, then enter the date the report is due under **due on.**

The Inventory due date should be 90 days from the date the order appointing the guardian or conservator is signed. The other due dates should be one year from the date of appointment. When the report is filed and is clear for the year simply go into this screen and change the date. This will trigger the Notice and OTSC when they are due the next time.

GUARDIANSHIP/CONSERVATORSHIP

If a clerk were to try to go in and set a report due date on a case that does not require a report or does not have a party type of Guardian or Conservator this warning will display first.

```
WARNING                                                              [X]

  (i)     No Guardian or Conservator parties on case, or they are not required to
          report.

                              ┌──────────────┐
                              │      OK      │
                              └──────────────┘
```
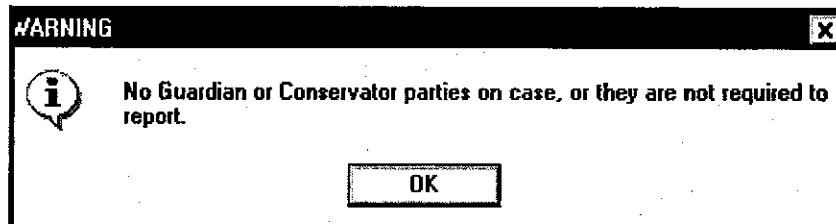
If there is an attempt to add a date on this screen but the party type of Guardian or Conservator has not been added, then the party will have to be entered or the party type changed in the Name/Address screen

If **No annual reporting** was entered on the **Name/Address** screen, then a warning in red will display. The drop down box will be empty so you will not be able to fill in the party to be filed by.
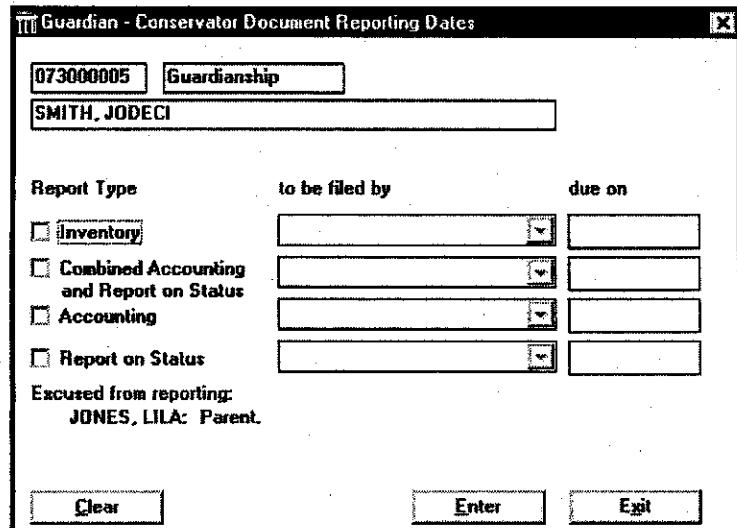
```
┌─────────────────────────────────────────────────────────────────┐
│ 🏛 Guardian - Conservator Document Reporting Dates          [X]  │
│                                                                   │
│  ┌─────────┐  ┌──────────────┐                                   │
│  │073000005│  │Guardianship  │                                   │
│  └─────────┘  └──────────────┘                                   │
│  ┌──────────────────────────────────────┐                        │
│  │SMITH, JODECI                          │                        │
│  └──────────────────────────────────────┘                        │
│                                                                   │
│  Report Type         to be filed by          due on              │
│                                                                   │
│  ☐ Inventory         ┌──────────────┐[▼]  ┌──────────┐          │
│  ☐ Combined Accounting ┌────────────┐[▼]  ┌──────────┐          │
│     and Report on Status                                          │
│  ☐ Accounting        ┌──────────────┐[▼]  ┌──────────┐          │
│                                                                   │
│  ☐ Report on Status  ┌──────────────┐[▼]  ┌──────────┐          │
│                                                                   │
│  Excused from reporting:                                          │
│     JONES, LILA:  Parent.                                         │
│                                                                   │
│  ┌────────┐         ┌────────┐     ┌────────┐                    │
│  │ Clear  │         │ Enter  │     │ Exit   │                    │
│  └────────┘         └────────┘     └────────┘                    │
└─────────────────────────────────────────────────────────────────┘
```

When this screen is used, it will keep track of when the reports are due and will help in preparing reminder letters as well as setting up the order to show cause and sending out notice.

GUARDIANSHIP/CONSERVATORSHIP

Guardian - Conservator Notices

Case > Management > Guardian Conservator Notices
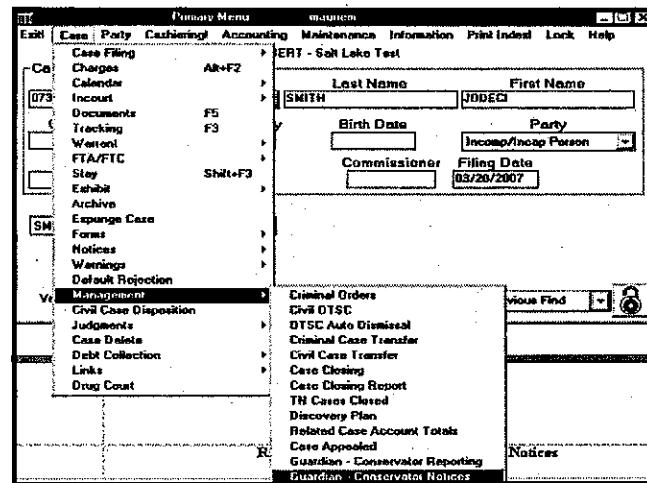
The Conservator/Guardianship screen will display. Enter the **Start Date, End Date,** select the **Type** of document to be prepared and select the **Search** button.
This will pull the cases that match the selected **Type**.
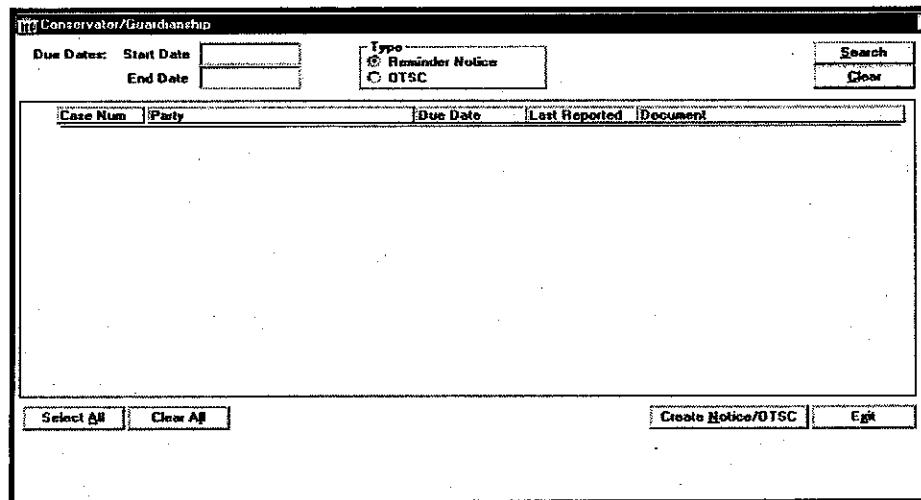
GUARDIANSHIP/CONSERVATORSHIP

A list of cases that meet the criteria of the search will display. Selecting the box next to the case number and selecting the Create Notice/OTSC button, the appropriate notice will be prepared and sent to the print index.

If the **OTSC Type** is selected, an OTSC hearing will have to be calendared and the notice screen will display to set up notices.

GUARDIANSHIP/CONSERVATORSHIP

Form	Filed By	Deadline	Applies To	Mailed To
Affidavit of reading the manual	Guardian Conservator	Before Order/letters issue	Guardianships Conservatorship	Filed, but not mailed
Report on Conditions of the Ward	Guardian	30 days after anniversary of appointment.	Guardianships	Ward, ward's conservator, heirs, anyone under Utah Code Section 75-5-406
Inventory	Conservator*	90 days from appointment	Conservatorship	Ditto
Accounting	Conservator *	14 days after anniversary of appointment	Conservatorship	Ditto
Guardian's Accounting to the Conservator	Guardian Submits to conservator but does not file with the court.	Arranged between the guardian & conservator.	Conservatorship	Guardian submits to conservator but does not file with the court.
Auditor's Affidavit	Conservator*	With accounting	Conservatorship	Accompanies the accounting
Notice of Right to Object	Guardian Conservator	With report on conditions, inventory and accounting.	Report on conditions, inventory and accounting	Accompanies the report on conditions, inventory and accounting

GUARDIANSHIP/CONSERVATORSHIP

Notice of Hearing	Clerk	Ultimate notice has to be a least 10 days before the hearing clerk should distribute 17 days before the hearing	If someone objects to the report on conditions, inventory and accounting	Clerk posts in 3 public places and mails to people who have requested notice Clerk mails to guardian or conservator who in turn mails to ward ward's guardian or conservator, and ward's heirs.
Certificate of Posting Notice of Hearing	Clerk	Upon distribution of the notice	Whenever there is a hearing	Filed but not served.
Certificate of Mailing	Guardian Conservator	Upon mailing	Report on conditions, Inventory, accounting motion to terminate, notice of hearing and orders approving same	Filed but not served
Order Approving	Judge	60 days after submission	Report on conditions, inventory accounting motion to terminate, notice of hearing and orders approving same	Filed but not served.

GUARDIANSHIP/CONSERVATORSHIP

Motion to Terminate	Ward Guardian, conservator, or interested person	None	Guardian Conservator	Ward, Guardian, Conservator, Interested Persons
Order to Terminate	Judge	60 days after submission	Guardian Conservatorship	Guardian Conservator Ward Interested Persons

*Filed by guardian as conservator unless there is a separate conservator.

JOINT AND SEVERAL ACCOUNTS

Description:

Joint and several liability means if two or more persons are ordered to pay restitution on an obligation together to the same victim, the victim can recover the <u>whole</u> indebtedness from any one of the persons The persons are then left to sort out their respective contributions between themselves. Also, See Utah Code 78-27-38. Comparative negligence.

Reference:
Accounting Manual
Utah Code

Overview:

A joint and several account is established when there is more than one defendant and the cases have the same victims. The joint and several function in the case management system allows multiple cases to get credit for payments made by multiple defendants. The cases must be linked for this to work.

Three things are required to set up a joint and several account.

1.   *The same dollar amounts must be owed to each victim on each case (including restitution interest accounts).*

2.   *The same victim name must be on each case.*

3.   *The cases must be linked together.*

JOINT AND SEVERAL ACCOUNTS

Procedure/Computer Entry

1.   The cases must be linked to set up a Joint and Several account. Enter the defendant's name on the primary menu and select **Find.**

2.   From the **Primary Menu > Case > Links > Link Co-defendants.**

This will display the Link Co-Defendants Screen

JOINT AND SEVERAL ACCOUNTS

3. Type in the case number for the first case to be linked by co-defendant and press the Tab key.

4. Another line will appear for the next case number to be linked. This step will need to be repeated until all cases/co-defendants are linked.

5. Select **E**nter.

Link Co-Defendants

| Case | 051000672 | Other Misdemeanor |
| Name | ONE, DEFENDANT |

Case Number	Type	Co-defendant name	Judge name
051000672	Other Misdemeanor	ONE, DEFENDANT	ATHERTON, JUDITH S
051000673			

Reason: Co-Defendants

Judge: --

[Un-link all] [Un-link defendant] [Name lookup] [Enter] [Exit] [Judge Assign]

The following message will display.

Linked Successfully

The Co-Defendant's were linked successfully

[OK]
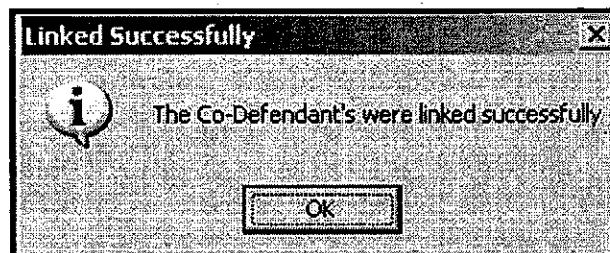
6. Select **OK**

7. Select E**x**it from the Link Co-Defendants screen.

The trust accounts on all cases that are being linked and set up with a joint and several account must match. If one defendant is sentenced prior to the others, then the interest on all of the cases must be adjusted to match the defendant that was sentenced first.

JOINT AND SEVERAL ACCOUNTS

The clerk must then go to **Accounting.**

8.   From the **Primary Menu** select: **(F11) or Accounting > Accounts Receivable > Trust Receivable.**

The **User Verification Screen.** Enter Password: > **Continue**

```
┌─────────────────────────────────────────┐
│ User Verification                         │
│                                           │
│  Login Name:   mauriem                    │
│                                           │
│  Password:    [_____]     │
│                                           │
│                                           │
│   ┌───────────┐         ┌───────────┐     │
│   │ Continue  │         │   Exit    │     │
│   └───────────┘         └───────────┘     │
│                                           │
│                              Num Lock     │
└─────────────────────────────────────────┘
```

9.   Select **Jointly and Severally.**

The **Manage Joint and Several (J/S) Accounts** screen will show.
This screen will display all of the Individual's Trust Accounts for the case. These are the individual's who are owed money by the defendant.

```
┌──────────────────────────────────────────────────────────────────────┐
│ Manage Joint and Several (J/S) Accounts                    _ □ X       │
│        Case 051000672   Other Misdemeanor       ┌─────────┐            │
│   Last Name ONE                                 │  Clear  │            │
│   First Name DEFENDANT                           ┌─────────┐           │
│                                                  │  Find   │           │
│  ─Individual's Trust Accounts────────────────────────────────────────  │
│  Recipient                          Amount Due   Balance Due  J/S  Add J/S│
│  JOHN PARAS                         $2,500.00    $2,500.00    ☐    ☐   │
│                                                                        │
│                                                                        │
│       ┌────────────────────────┐    ┌────────────────────────┐         │
│       │ Display J and S Accounts│    │ Add to J and S Accounts│         │
│  ─Joint and Several Accounts──────────────────────────────────────────  │
│  Recipient [_____]   J and S Amount Due  $[_____] │
│  Defendant Name            Case Number  Amount Due  Balance Due Remove J/S│
│                                                                        │
│                                                                        │
│  ┌────────────────────┐   ┌──────────────────┐       ┌─────┐ ┌─────┐   │
│  │ Clear J and S Window│   │ Select Recipient │       │Enter│ │ Exit│   │
│  └────────────────────┘   └──────────────────┘       └─────┘ └─────┘   │
└──────────────────────────────────────────────────────────────────────┘
```

4

JOINT AND SEVERAL ACCOUNTS

10. Choose the Trust Account/Recipient that should be set up as a joint and several account and check the **Add J/S** box.

11. Select the **Add to J and S Accounts** button.

    This will bring the Trust Account down to the bottom window on the screen.

12. Select the **Clear** button at the top of the screen, type in the next case number, select **Find**.

    This brings up the next case and lists all of the Trust Accounts on this case.

13. Mark the **Add J/S** box for the trust that has the same recipient and amount due that was selected on the previous case.

14. Select the **Add to J and S Accounts** button. It moves the bottom window also.

15. Select the **Select Recipient** button. **This Manage Joint and Several Accounts - Select Recipient** screen will appear.

5

JOINT AND SEVERAL ACCOUNTS

16.   Verify that the recipient is correct

17.   Select **Enter**.

18.   Fill in the total amount due to the recipient in the box labeled **J and S Amount Due**.

19.   Select **Enter**.

Manage Joint and Several (J/S) Accounts

Case 051000673   Other Misdemeanor

Last Name TWO

First Name DEFENDANT

    Clear   Find

Individual's Trust Accounts

Recipient	Amount Due	Balance Due	J/S	Add J/S
JOHN PARAS	$2,500.00	$2,500.00		

Display J and S Accounts   Add to J and S Accounts

Joint and Several Accounts

Recipient JOHN PARAS   J and S Amount Due $2,500.00

Defendant Name	Case Number	Amount Due	Balance Due	Remove J/S
ONE, DEFENDANT	051000672	$2,500.00	$2,500.00	☐
TWO, DEFENDANT	051000673	$2,500.00	$2,500.00	☐

Clear J and S Window   Select Recipient   Enter   Exit

20.   Select **Exit** from the **Manage Joint and Several (J/S) Accounts** screen.

The Joint and Several account is now set up.

Trust Receivable

Filings   Links   History   Toolbox   Warnings   Journal   Cash Count!   Print Index!

Case 051000672   Other Misdemeanor   Name ONE, DEFENDANT

Recipient

☉ Existing Party

Last Name JOHN PARAS	Trust 1 of 1
First Name	Type Restitution
Address	Due Date 12/01/2005
	Priority 1
City, St. Zip	Amount $ 2,500.00
Phone SSN #	Severally $ 2500.00
	Effective Date for Interest (Sentence Date) 10/14/2005

Create New Trust   Check Stub Description   Receipt Money   Previous   Enter

Adjust Trust   Jointly and Severally   Display Trusts   Next   Exit

Last Trust

To verify that the joint and several account has been set up properly, open the **Trust Receivables** screen. The amount you previously entered in the **J and S Amount** due field should appear in the field entitled **Severally**.

JOINT AND SEVERAL ACCOUNTS

Exit out of the Joint and Several screen between each Receivable. This will complete the update.

If a third case needs to be added, go back into the **Joint and Severally** screen, with one of the original two cases on the screen. Highlight the row in the upper section, then click on **Display J and S Accounts** button. This will display the existing J and S Account on the bottom part of the screen. Go back to the top of the screen, **Clear** it, bring up the third case, and add it's account using the previous procedure. After selecting **Add to J and S Accounts**, the third case's account will be brought in at the bottom. This is the same process you used to do the first two cases.

Select **Enter** and the third case's account is added to the window at the bottom. To verify, display the **Trust Receivables** screen, and be sure the field entitled Severally has the correct amount in it.

Joint and several account activity is reflected in the case histories as follows:

Cases 051000672 and 051000673 are linked jointly and severally. They share a trust account that shows a Total Due: of $2500.00.

A payment was made on case 051000672.

The case history for case 051000672 shows the $100 payment received.

CASE NUMBER 051000672 Other Misdemeanor

    Defendants DEFENDANT ONE, DEFENDANT TWO, are linked.

    Trust Accounts are jointly and severally linked with accounts
    on cases: 051000673

CHARGES

    Charge 1 - 76-6-402(1) - POSSESSION OF STOLEN PROPERTY
        Class A Misdemeanor

CURRENT ASSIGNED JUDGE
        JUDITH S. ATHERTON

PARTIES

        Defendant - DEFENDANT ONE

        Plaintiff - ALTA CITY1
        ALANTIC CITY, NJ 12345

DEFENDANT INFORMATION

        Defendant Name: DEFENDANT ONE
        Date of Birth: August 10, 1980
        Law Enforcement Agency: ALTA POLICE
        Prosecuting Agency: ALTA CITY
        Violation Date: January 12, 2005

PROCEEDINGS

01-14-05 Case filed by maryb
10-14-05 Judge BOYDEN assigned.
10-14-05 Trust Account created   Total Due: 2500.00
10-14-05 Judge ATHERTON assigned.
10-14-05 Restitution   Payment Received: 100.00
            Note: Joint/Several Payment

JOINT AND SEVERAL ACCOUNTS

The case history for case 051000673 shows no payments received, but reflects a credit of $100 because of the payment made on the case it is linked to jointly and severally.

```
┌──────────────────────────────────────────────────────────────────────────┐
│ Ⅲ Display - Case History for Case 051000673 (casehist.7594)                │
│ File  Search                                                                │
├──────────────────────────────────────────────────────────────────────────┤
│                                                                            │
│                        ALTA CITY1 vs. DEFENDANT TWO                         │
│                                                                            │
│  CASE NUMBER 051000673 Other Misdemeanor                                    │
│  ────────────────────────────────────────────────────────────────────────  │
│                                                                            │
│          Defendants DEFENDANT ONE, DEFENDANT TWO, are linked.               │
│                                                                            │
│          Trust Accounts are jointly and severally linked with accounts     │
│          on cases: 051000672                                                │
│                                                                            │
│  CHARGES                                                                    │
│          Charge 1 - 76-6-402(1) - POSSESSION OF STOLEN PROPERTY             │
│             Class A Misdemeanor                                             │
│                                                                            │
│                                                                            │
│  CURRENT ASSIGNED JUDGE                                                     │
│          JUDITH S. ATHERTON                                                 │
│                                                                            │
│  PARTIES                                                                    │
│                                                                            │
│          Defendant - DEFENDANT TWO                                          │
│                                                                            │
│          Plaintiff - ALTA CITY1                                             │
│          ALANTIC CITY, NJ 12345                                            │
│                                                                            │
│  DEFENDANT INFORMATION                                                      │
│                                                                            │
│          Defendant Name: DEFENDANT TWO                                      │
│          Law Enforcement Agency: ALTA POLICE                                │
│          Prosecuting Agency: ALTA CITY                                      │
│          Violation Date: January 12, 2005                                   │
│                                                                            │
│  PROCEEDINGS                                                                │
│                                                                            │
│  01-14-05 Case filed by maryb                                              │
│  10-14-05 Judge MCCLEVE assigned.                                          │
│  10-14-05 Trust Account created     Total Due:        2500.00              │
│  10-14-05 Judge ATHERTON assigned.                                         │
│  10-14-05 Restitution            Payment Received:        0.00             │
│                                  Credit Received:       100.00             │
│             Note: Joint/Several Payment                                     │
│                                                                            │
└──────────────────────────────────────────────────────────────────────────┘
```

Notice to Surety/Bail Bondsman of Non-Appearance

Description:

How to print the Notice to Surety for a defendant's non-appearance.

Reference:

Utah Code Ann. 77-20b-101

Overview:

If a defendant posts bail through a surety and then fails to appear which results in an issuance of a bench warrant, the clerk is required to send a notice to the surety company.

Procedure/Computer Entry

If a surety bond has been posted in a case and a bench warrant is issued for non-appearance or the Court directs that the surety be given notice of a non-appearance, the clerk shall mail notice of nonappearance by certified mail to the address on the bond, return receipt requested within 30 days to the surety who posted the bond.

Creating the Notice:

1. Select case that needs the notice on the **Primary Menu.**

2. From the **Primary Menu > Cashiering.**

3. Select **Dispose Bail/Bond** the following screen will display.

4. Select **Forfeit** the following screen will display

Forfeit Bail/Bond

Case	041403271 Other Misdemeano
Name	LUTERU JUNIOR FUIAVA
Posted By	LIBERTAD Bail Bond	Amount $ 1000.00

Fine due is

Forfeit to **T**rust   ○ Forfeit to Fine   ○ Forfeit to State   ○ Forfeit to Plaintiff   ○ Forfeit to Attorney

Bail Forfeiture Notice   **Note**   **Enter**   **Exit**

5. Select **B**ail **Forfeiture Notice**. And the following case will display

Case Hearings

Case	041403271 Other Misdemeanor
Name	LUTERU JUNIOR FUIAVA

For Which calendar event is the failure to appear?

Hearing Date	Hearing Code	Hearing Time	Room	Judge
1/18/2006	SNT	09:00:00	301	ldavis
12/7/2005	LMH	08:30:00	301	ldavis
11/30/2005	LMH	10:00:00	301	ldavis
11/23/2005	LMH	08:30:00	301	ldavis
1/4/2005	PTC	13:30:00	203	shansen
12/16/2004	LMH	08:30:00	401	aschofie
9/27/2004	ARR	08:30:00	401	aschofie

Select   **E**xit

6. Select the hearing the defendant failed to appear for and **S**elect.

The following notice will display

NOTICE CREATED

ⓘ The Notice was created Successfully

OK
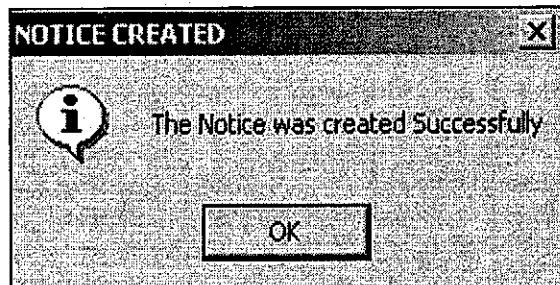
7. Once the notice is created go to your **Print Index** to print out the notice.

> Once the notice is created, it will appear in the case history.

8. Prepare a mailing certificate including the prosecutor and the surety.

9. Mail a copy of the notice by certified mail, return receipt requested to the surety company.

10. Deliver a copy of the notice to the prosecutor.

11. Place the original notice in the file with the Certified Mail Receipt stapled to the notice (small receipt with the postal tracking number on it).

12. Set the case on tracking using the code Surety Bond Forfeiture. Set it out for six months from the date of failure to appear. (See Tracking Document)
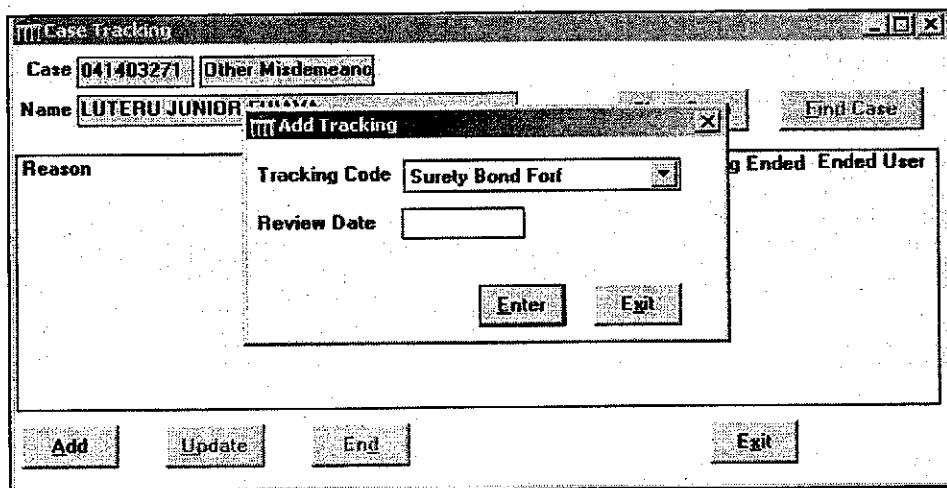
4TH DISTRICT COURT - PROVO COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff,	: NOTICE OF DEFENDANT'S FAILURE : TO APPEAR AND ORDER TO COMMENCE : BOND FORFEITURE PROCEEDINGS :
vs.	: Case No: 041403271 MO :
LUTERU JUNIOR FUIAVA, Defendant.	: Judge: LYNN W. DAVIS : Date: December 28, 2005

NOTICE

TO THE BAIL BOND SURETY COMPANY AND THE PROSECUTING AGENCY:

This is to advise you that, pursuant to Section 77-20b-101, et.seq. Utah Code Annotated 1953, as amended, that the above-named defendant, after having been given notice, failed to appear for his/her regularly scheduled court proceeding on January 18 2006.

The posting bond company is LIBERTAD Bail Bond for the amount of $1000.00. The bonding company has six months from the date of non-appearance to bring the defendant before the Court. At the end of that time the prosecuting attorney shall begin forfeiture in accordance with Section 77-20b-101 et.seq. Utah Code Annotated 1953 as amended.

The prosecuting agency on this case is UTAH COUNTY, 100 E CENTER ST #2100, PROVO, UT 84606. Phone: (801) 370-8026, Fax: (801)370-8051.

Dated this _____ day of _____, _____.

_____
Judge

Non-Sufficient Funds (NSF) Checks

Description:

When a check is presented to the court and there is not sufficient funds or credit for a payment in full of the check, the check is considered an NSF or non-sufficient funds check.

Reference:

Accounting Manual
Utah Code Section 7-15-1

Overview:

1. *Local courts are responsible to account for and collect any checks not honored by banks.*

2. *Per the state court bank contract, checks returned on the revenue account are automatically presented for payment a second time before they are returned to the AOC. If a local court does not want local Trust Account returned checks presented a second time automatically, a written request to that effect from the court executive should be filed with the AOC finance director. Appropriate arrangements will be made with the bank.*

3. *All checks returned to the court for Non-Sufficient Funds (NSF) should be photocopied front and back. These should be maintained with the daily accounting records on the day the NSF check is reversed/canceled. The original check should be retained in a separate file until the funds are collected. When a check amount and fees have been collected and posted to the account, the NSF check may be returned to the payor. A copy of the NSF letter needs to be maintained by the court.*

4. *A $20.00 service fee is charged for each returned check. If the returned check was applied to multiple cases, apply the $20.00 service fee to one case only. The fee should be satisfied prior to other fees/fines. The fee may be waived by applying a credit/suspend if:*

    a. *the bank provides a letter stating that the returned check was due to a bank error (the letter will be retained with the accounting records on the day the credit was issued.) OR*

    b. *by written authorization of the judge or judicial order, court executive or appointee.*

5. An additional $20.00 collection cost will be charged to the issuer if payment is not received within15 days of mailing the NSF check notice. The fee should be satisfied prior to other fees/fines. These costs may also be waived by applying a credit/suspend if:

    a. The payment was mailed by the issuer before the 15 day period has ended.

    b. The check or the entire case has been forwarded to the Office of State Debt Collection.

    c. By written authorization of the judge or judicial order, court executive or appointee.

6. The actual NSF check from a person not named as a party on a case should go to OSDC on day 31 unless firm arrangements have been made with the payor to make a good faith payment within 10 additional days.

7. All courts will mail the written NSF check notice to the payor within five business days of receiving the NSF check. If the NSF check was applied to multiple cases, send one NSF check notice to the payor for the total amount of the NSF check plus any fees due.

8. Collection efforts on court civil cases may continue for an additional 30 days from the mailing of the NSF notice and should be manually sent to OSDC if further collection efforts are required. Criminal cases becoming 90 days delinquent, shall be sent electronically to OSDC for collections. All fees and charges accrued to date should be included with the primary balance forwarded.

9. Once a check has been returned by a payor, further payments on that case by the same payor should be made with cash, cashier's check, money order, or credit card.

10. Local management may choose to publish a list of NSF payors. Procedures should be written to support these practices.

Checks returned through the trust account will be returned directly to the court. Checks returned through the revenue account will be returned to the AOC finance department. The AOC finance department will distribute returned revenue checks to the courts with the bank charge notice. Determine whether the check was returned through the revenue or trust account by reviewing the bank account number on the bank charge notice.

Non-Sufficient Funds (NSF)

Procedure/Computer Entry

1. From the Primary menu select Cashiering!> Journal> Transaction Reversal.

a. Use the "Transaction Reversal" screen to locate the transaction to be reversed.

On this screen, you may search by "Case Number", "Last Name", "Journal Number " or "Transaction Number". Once you have found the transaction, you may use the **Transaction Detail** button to review the transaction before reversing.

b. The **Transaction Detail** screen will display the type of the transaction, the amount, the payor, the payee (if there is one), the type of payment, any existing notes, and the distribution of the transaction.

c. Once you have made the determination that the correct transaction is highlighted, click the **Reverse Transaction** button.

Non-Sufficient Funds (NSF)

d. On the **Transaction Reversal Detail** screen, verify that NSF Check Reversal is selected as the "Reversal Type". Select a "Reason" for the reversal. Make sure that the "Print NSF Notice" and "Apply NSF Fee" boxes are checked. This will create a $20.00 fee on this case.

e. Finally, have a supervisor approve the transaction to be reversed. They will enter their information in the "Verification Required" section.

After the supervisor has approved the transaction and all information is entered, select **Enter**.

f. This screen will appear.

Enter the date the check was written in the "Date" box.

Enter the name of the bank that originated the check in the "Originating Institution" box.

Enter the name of the bank the check was dishonored by in "Dishonored By".

Select **Enter** to continue.

> The case should be set on tracking.
> (See the tracking document)

4

Non-Sufficient Funds (NSF)

This screen will appear. Select **OK**.

This screen will appear. Select **OK**.
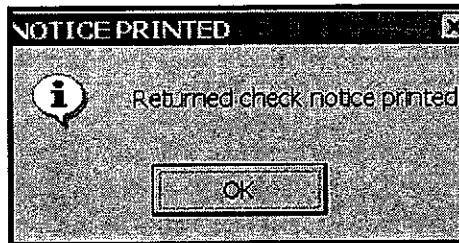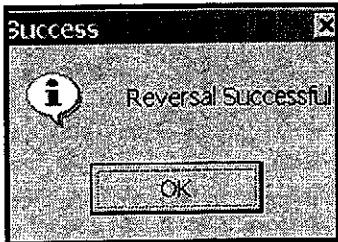
Then this screen will appear.
Select OK.

NOTE: Clerks follow the same procedure on an NSF check regardless if it is returned from a trust or a revenue account.

OVERDUE RECEIVABLES OWED TO THE STATE OF UTAH IN CIVIL CASES

District court can manually refer the accounts receivable collection to the Office of State Debt Collection (OSDC) on overdue receivables related to civil cases. To provide consistent information and procedure state wide the following steps have been suggested:

1. Send the following information to Office of State Debt Collection, 5110 State Office Building, SLC UT, 84114:

    If overdue receivable is related to NSF check, send:
        Copy of NSF check,
        Copy of Collection Letter(s) and
        A cover letter for referral (see "OSDC Civil Referral Form")

    For other overdue receivables (i.e. surety bonds, contempt of court fees), send:
        Copy of Case History,
        Copy of Payment History and
        A cover letter for referral (see "OSDC Civil Referral Form")

2. On CORIS:
        Adjust the account receivable amount due being sent to OSDC (see "Returned Checks" Section – Procedure 8d.)
        Enter a reason of "Account sent to the Office of State Debt Collection"
        Enter a Case History note (F4)

SENTENCING

Description:

In a criminal case, after a verdict of guilty or a plea of guilty is entered, the defendant is sentenced. Sentencing is the imposition of fines and penalties. The defendant has the right to be sentenced in no fewer than two or more than 45 days following conviction or entry of a plea. If the defendant chooses, the time may be waived and the defendant may be sentenced on the day of conviction or after 45 days.

Reference:

Rules of Criminal Procedure: Rule 22 Sentence, Judgment and Commitment

Overview:

The Sentencing screen is used in court during a sentencing to record information about a sentence. It will create a minute entry that can serve as a Judgment and Commitment, and create accounts receivable for fines and restitution. It will also detail Conditions of Probation and act as the referral for those agencies referred to as part of the probation.

The judge may refer to a Pre-sentence Investigation (PSI) report, Diagnostic Evaluation, or other agency report for recommendations during sentencing. The victim can also give input by filing a victim impact statement or testifying at the sentencing hearing.

The judge can impose a combination of the following: prison or jail time, probation, home confinement, treatment programs, community service, fine, restitution, etc.

The judge may accept a motion for a 402 reduction or enhancement. A 402 motion is a motion to reduce or enhance a charge upon completion of certain conditions. (See sentencing guidelines)

Statute requires certain minimum and maximum penalties.

The defendant has 30 days from the date of entry of the sentencing judgment and commitment to file a Notice of Appeal.

SENTENCING

Procedure/Computer Entry

1. From **Primary Menu > Case > In Court > New Minutes**, this will display the **Individuals Present** screen (see Individual Present Screen to populate).

2. From **Individuals Present > Sentence**

The **Sentence** Screen is divided into three sections.

Section one includes the case information as well as radio buttons that will apply to the fine section of this screen. The **Enter** and **Exit** buttons are also included in this section.

SENTENCING

Add surcharge	Select this radio button if the amount the judge orders is for the fine only. This will automatically add the surcharge increasing the total.
Applies to all charges	If the case has more than one charge and the judge orders a total amount for the case and does not sentence the defendant for each charge check this box.
Charges (not dismissed)	This box displays the number of charges that are still active on the case. If a charge is dismissed, it will not be included in this total.
Enter & Exit	Select the Enter button to save changed information. Use the Exit button to leave the screen.
Include surcharge	Select this radio button if the amount the judge orders is the amount to be paid. The surcharge will be included.

Section two includes Prison or Jail information as well as fine information. The 402 motion information will begin in this area.

Enhanced	When this box is selected the Sentencing Enhancement Note screen will appear. Any enhancements that pertain to the case must be entered here, such as gang, weapon, school enhancements etc.
Fine Override	When the **Fine Sent** amount is entered and the total due is less, select fine override prior to entering the **Total Due** amount. The **Fine Susp** box will then populate.
Fine Sent	Enter the amount the court orders the defendant to pay.
Fine Susp	Enter the amount of the fine that the court suspended.
Jail Sent	Fill this box in if the defendant is ordered to serve jail time. The time may be entered in days, months or years.
Jail Susp	Fill in the amount of jail time that is suspended on the case. The same units should be used for Sent and Susp.

SENTENCING

Prison Sent	When this box is selected a drop down box will appear to give several options to choose from such as 0-5 years, 1-15 years etc. This box may also be filled in freeform with a (3 to 15) that format must be used.
Surcharge	This field will auto populate depending on what is selected in section one of this screen. If **Include surcharge** is selected it will lower the fine amount and put the surcharge in this field. If **Add surcharge** is selected, it will add the surcharge to the fine.
Susp	When this box is selected it will put a note in the Sentence Judgement and Commitment form that the prison time was suspended.
Total Due	This will show the total due on the charge that is displayed.
Units	Select if the jail time is day(s), Month(s) or year(s).
402	When this box is selected, the Sentence 402 screen will appear. On this screen all the information regarding the 402 motion is entered.

Section three includes the detail of the information entered in section two.

```
Length of probation [   ][   ▼]    Report to Jail [                    ▼]
Supervised by [              ▼]     Report Date [      ] by [   ]  ○ AM
Home Confinement [   ][   ▼]        Complete Date [      ] □ Immediate ○ PM
Total Fine: [1300.00] Due By [    ]  Total Jail [      ][   ▼]      ◉ None
□ Prison Immediate Commitment       □ Credit for time served [    ][    ▼]
☒ Create Fine to Court              Pay fine to agency [            ▼]
□ Stay imposition of sentence       Fee [         ▼] Fee Amount [    ]
□ Proof of community service        [   ][   ▼] Community Service
□ Jail Suspended if fine paid       [   ][   ▼] In lieu of $ [   ] fine
□ Create Timepay Account            [   ][   ▼] In lieu of [   ] days in jail
Com. Service Report to [        ▼]  Credit Rate [   ] per hour
Report On [      ] Complete Date [      ]
```

Com. Service Report to	From this drop down menu select the party that will be monitoring the community service, such as the court, probation agency, etc.

SENTENCING

Community Service	If the court orders the defendant to complete community service enter the amount that must be completed. It can be entered in hour(s), day(s), month(s) or year(s).
Complete Date (Jail)	Enter the date the jail time will be served by. It needs to be in the same format as above.
Complete Date (Community Service)	Enter the date the community service is ordered to be completed.
Create Fine to Court	When this box is selected it will create the accounts receivable. When a defendant is placed on AP & P probation it will not allow this box to be checked because the fine needs to be collected by AP & P.
*Create Timepay Account	*When this box is selected, the Payment Schedule screen will not appear until after the minute entry is completed. See Payment Schedule document. **If this box is used do not fill in the Due By box.**
Credit for time served	Select this box if the judge orders credit for time served. If a specific number of days to be credited is ordered, the number must be filled in as day(s), month(s) or year(s).
Credit Rate Per hour	If the court specifies how much per hour the defendant will get credit for, it is entered in this box.
*Due By	This is the final date that the fine is due. This box may also be used for the fee amount. **If Timepay is ordered do not fill in this box.**
Fee	Select the type of fee that is ordered from the drop down box, such as court costs, plea in abeyance etc.
Fee amount	Enter the amount to be paid
Home Confinement	In the first box place the number of day(s), week(s), years(s). In the second box from the drop down menu select the frequency.
Immediate	When this box is selected, it will place the following statement just under the jail sentence: "Commitment is to begin immediately."

SENTENCING

In lieu of ___ days in jail	If the court orders the defendant to complete a specific number of community service hours in lieu of jail, enter the appropriate amounts in all three boxes.
In lieu of $ ___ fine	If the court orders the defendant to complete a specific number of community service hours in lieu of fine, enter the appropriate amounts in all three boxes.
Jail Suspended if fine paid	When this box is selected it will place the following statement just under the jail sentence: "The jail term is suspended if the fine is paid in full."
Length of probation	In the first box place the number. In the second box, from the drop down menu, select day(s), month(s), year(s).
Pay fine to agency	If the court orders the defendant to pay the fine to another agency, select the appropriate agency from the drop down box.
Prison Immediate Commitment	When this box is selected, it will place the following statement directly under the Prison sentence: "Commitment is to begin immediately".
Proof of community service	When this box is selected it will place the following statement directly below the fine: "Defendant is to deliver proof of completion of community service to the court."
Report Date & by	Enter the date the defendant is to report to jail in the following format MM/DD/YY. In the by box enter the time in the following format HH:MM and then select AM or PM.
Report on	Enter the date the defendant is to report to begin community service.
Report to Jail	If the defendant is not in custody, select the facility that the sentence is to be served at from the drop down box.
Stay imposition of sentence	Select this box when a judge orders a sentence to be stayed. The following statement will appear below the fine: "The imposition of a sentence is stayed and the defendant is placed on probation".
Supervised by	From the drop down menu select the agency that will be supervising the probation.

SENTENCING

Total Fine	This field reflects the total amount of fine on all charges on this case.
Total Jail	This will list the total jail time for all charges. If the defendant is sentenced to jail on more than one charge it will add them and place the total in this field. The time will be listed by what is selected from the drop down box day(s), month(s) or year(s).

> *Filling in the Create Timepay Account or Due By boxes is critical to the accuracy of the Accounts Receivables Age Report.

Prison Sentence

1. For each charge, select the prison term from the drop down box or freeform by using the following format: 2 to 8.

A. Select box if a prison sentence is suspended.

B. Select box if order indicates the charge severity is to be enhanced, or decreased by a 402 motion (see 402 motion procedures).

C. Select the **Prison Immediate Commitment** if the defendant is to be imprisoned immediately. (This box is located in the mid left half of the screen).

D. Use **Notes** as applicable (see chart at the end of this document).

If the deft is ordered to serve jail time as a probation condition the jail time should be entered in the Jail Sent area in the 2nd section of the sentencing screen as well as entered as a probation condition.

> **If prison time is not suspended and a fine amount is entered, an accounts receivable will not be created.**

SENTENCING

Jail Sentence

1. For each charge, enter the sentenced jail time and any suspended amount. Enter days, months, or years in the **Units** fields and use the same format for **Jail Sent** and **Jail Susp Units** boxes. If there is more than one charge, use the scroll bar or tab to see the additional charge(s).

2. From the drop down box select the jail to report to. Select the **Immediate** box if the defendant is to be jailed immediately, or enter the **Report on** and **Complete by** information. If the defendant has more than one charge and the jail time is to run concurrent then the Total Jail days needs to be adjusted to reflect the total days to serve.

Fine Sentence

1. For each charge, enter the **Fine Sent** and **Fine Susp** amounts.

   A. Indicate whether to **Include** or **Add surcharge**. The default is **Include Surcharge** and the **Total Due** is calculated automatically.

   B. If the **Applies to all charges** box is selected, enter the total fine sentenced and

DCCTR Sentencing.wpd 5/07

8

> suspended. Enter the fine on the first charge only to use this option.

2. The option to **Create Fine to Court** is automatically defaulted to create an accounts receivable. If another agency is to receive the payment, select **Pay fine to agency**, and select the agency from the drop down box to the right of the **Create Fine to Court** box. If Adult Probation and Parole is selected, the **Create Fine to Court** box will be automatically disabled.

3. When the **Fine Override** button is activated, the computer will calculate the amount suspended when the **Total Due** box is filled in. For example; if the Judge imposes a $5000 fine and suspends all but $275, enter $5000 in the **Fine Sent** box, skip the **Fine Susp** box and enter $275 owing in the **Total Due** box. The computer will calculate that $4725 has been suspended.

4. Select **Create Timepay Account** to create and track a payment plan designated by the Judge (see Payment Schedule procedures).

5. The **Fee** box is for additional amounts payable to the court such as Plea in Abeyance Fees, Court Costs, etc.

6. Use **Notes** as applicable (see chart at the end of the document).

Sentence Trust

A trust account would need to be created if the court orders the defendant to pay restitution, attorney fees or anything that will need to be paid out.

1. From the **Sentence** screen select **Trust!** (found in the top left corner).

2. Select the Trust Type (i.e., Restitution), and select the appropriate box for the amount to be determined by agency, or have the trust be paid Joint and Several, if they apply.
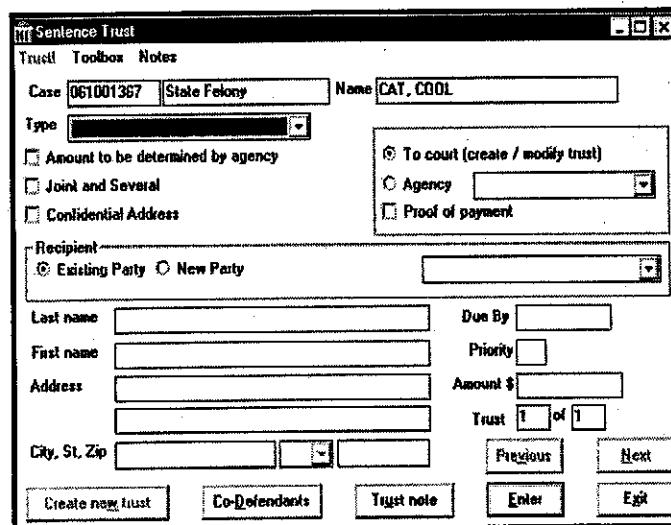
SENTENCING

3.   Indicate where the trust payments will be made by selecting Court (default) or Agency (select from list). Select box if court needs proof of payment.

4.   If the recipient is not an existing party to the case, select new party button and enter the name and address. If the recipient is an existing party to this case, select from the drop down box. Enter the Amount $ and the Due By date.

5.   To create multiple trusts for this case, activate the **Create new trust** button. Use **Previous** and **Next** buttons to move through the displays of trusts.

Agency	If the payment is to be made to a different agency by court order, select this box. From the drop down box, select the agency where the fine is to be paid.
Amount $	Enter the amount ordered.
Amount to be determined by agency	If the amount is to be determined by another agency select this box.
Co-Defendants	Select this button to display a list of all defendants that are linked.
Confidential Address	Select this box if the payee does not want their address public.
Create new trust	To create multiple trusts for this case.
Due By	When a date is entered in this field it will place the case on tracking.
Enter / Exit	Select the Enter button to save changed information. Use the Exit button to leave the screen.

SENTENCING

Joint and Several	Select this box if the restitution is owed by more than one defendant. The following statement will appear just below the restitution amount "This restitution is to be paid joint and severally with the co-defendants". This will not set up the joint and several account. (See Joint and Several document.)
Name/Address	Enter the most current information regarding the recipients of the monies being paid.
Previous / Next	Use the Previous and Next buttons to move through the displays of trusts.
Priority	This allows the judge to order what priority the trust accounts may be paid. Restitution should always be number one. This box may be left blank.
Proof of Payment	Select this box if the court orders the defendant to provide proof of payment to the court. The following statement will appear just below the restitution amount or order " The defendant is to provide proof of payment to the court ".
Recipient	The recipient is the party to receive the trust payment.
To Court (Create/Modify trust)	Select this box if the payment is to be made to the court.
Trust □ of □	This will display how many trust accounts are created in this case. It will also display the number of the trust that is showing, such as 1 of 3
Trust note	Any information that pertains to, or will explain this trust, should be added in this field.
Type	Select from the drop down box the type of account being created, such as Restitution, Finders, Attorney fees, etc.

If the victim's name needs to remain confidential check the confidential box.

SENTENCING

Community Service Sentence

This screen is used in court during a sentencing to record information about a sentence that includes Community Service.

1. Determine whether the community service is in addition to or in lieu of fine or jail. Enter the information in the appropriate boxes: **Community Service, Community Service In Lieu of Fine** or **Community Service In Lieu of Days in Jail.**

2. Enter the **Credit Rate** per hour and the **Com. Service Report to, Report on**, and **Complete Date** information when applicable.

3. Select the **Proof of Community** service box if the court requires proof of completion.

4. Use **Notes** as applicable (see chart at the end of the document).

Probation Sentence

Enter the **Length of Probation** and which agency will supervise the probation, in the **Supervised by** box.

SENTENCING

Conditions of Probation

This is used in-court during sentencing to record conditions of the probation.

1. Select **Toolbox > Conditions**. A list of **Predefined Defined Conditions** will display (these are input thru local maintenance).

2. By selecting the ordered condition it will highlight it and add it to the list of conditions. To unselect a highlighted condition, select it a second time.
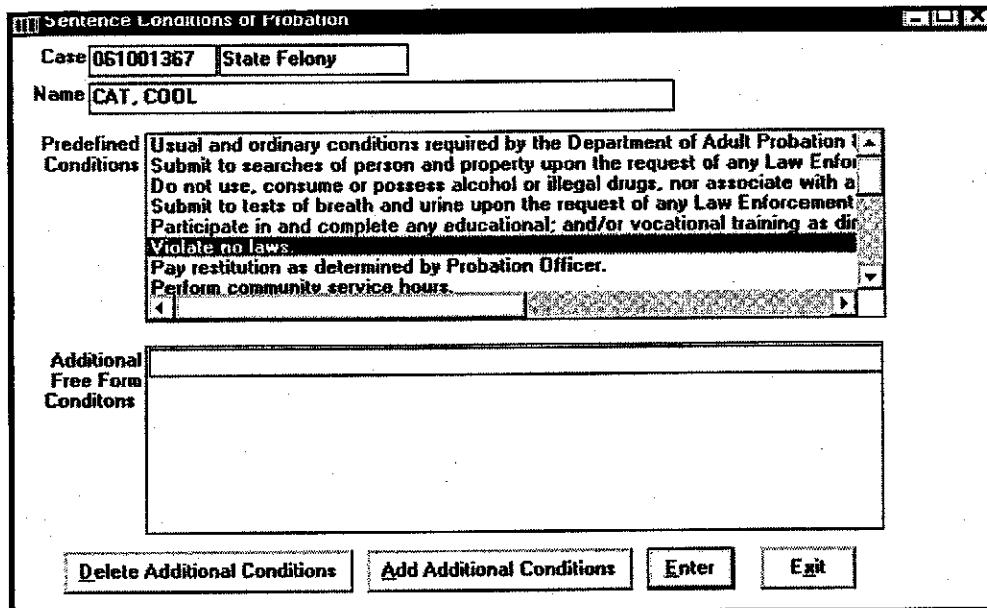
3. If the conditions needed are not on the existing list, select **Additional Free Form Conditions** and type in the condition. If additional free form conditions are needed select **Add Additional Conditions**.

4. To delete a condition from the free form list, select the free form condition to be deleted and select **Delete Additional Conditions**.

5. Select **Enter** to record the conditions.

SENTENCING

Sentence Notes

Use these free form boxes for extra detail which is not covered on the sentencing screen.

Sentencing > Notes

Select the subject that needs further description. A free form box will appear to add any additional explanation.
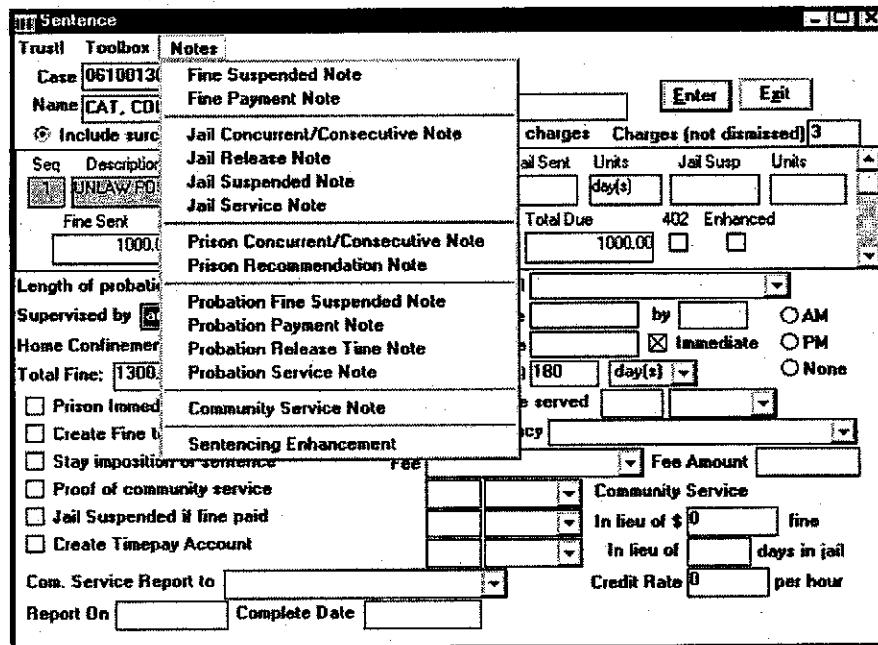
Example of the free form box.
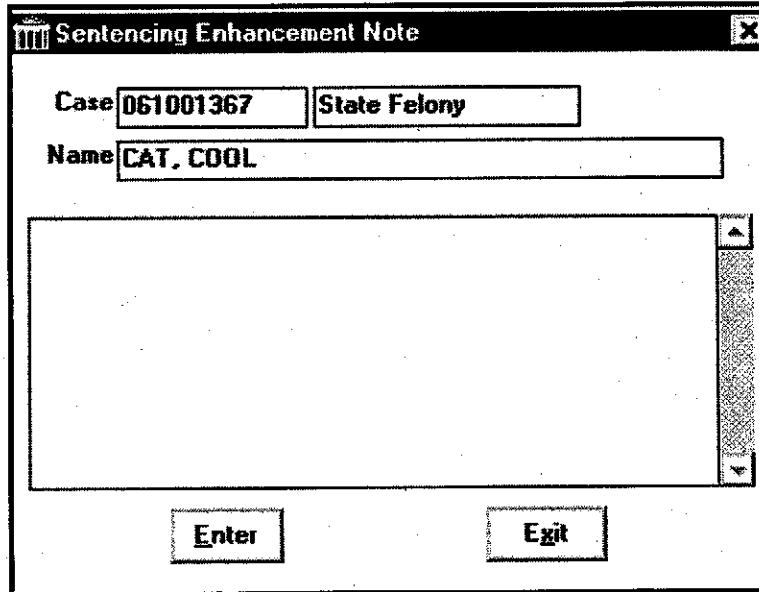
The title and text in the free form box will appear as a subcategory on the minute entry.

TRUST CHECK WRITING

Description:

This procedure will assist a clerk issuing trust checks from the courts trust account.

Reference:

Accounting Manual

Overview:

Trust checks are issued from the court's trust account for restitution, attorney fees, overpayments, and bail forfeitures/bail refunds.

TRUST CHECK WRITING

Procedure/Computer Entry

Trust Check Processing

Primary Menu > Accounting > Trust Check Processing

```
┌─────────────────────────────────────────────┐
│ ▥ Trust Check Processing           ▬ ▢ ✕     │
│ Print Index                                   │
│                                               │
│        ┌─────────────────────────────┐        │
│        │  Trust Checks Available to Write │    │
│        └─────────────────────────────┘        │
│        ┌─────────────────────────────┐        │
│        │        View a Batch          │        │
│        └─────────────────────────────┘        │
│        ┌─────────────────────────────┐        │
│        │        Print Checks          │        │
│        └─────────────────────────────┘        │
│        ┌─────────────────────────────┐        │
│        │  Trust Check Register Report │        │
│        └─────────────────────────────┘        │
│        ┌─────────────────────────────┐        │
│        │      Reconcile Account       │        │
│        └─────────────────────────────┘        │
│        ┌─────────────────────────────┐        │
│        │        Void a Check          │        │
│        └─────────────────────────────┘        │
│                                               │
│                 ┌────────┐                     │
│                 │  Exit  │                     │
│                 └────────┘                     │
└─────────────────────────────────────────────┘
```

```
┌───────────────────────────────────┐
│ User Verification                  │
│                                    │
│  Login Name:   user1               │
│                                    │
│  Password:    [*****]              │
│                                    │
│  ┌──────────┐        ┌──────────┐  │
│  │ Continue │        │   Exit   │  │
│  └──────────┘        └──────────┘  │
│                                    │
│                        Num Lock    │
└───────────────────────────────────┘
```
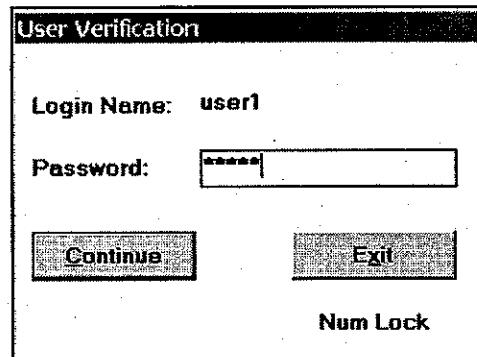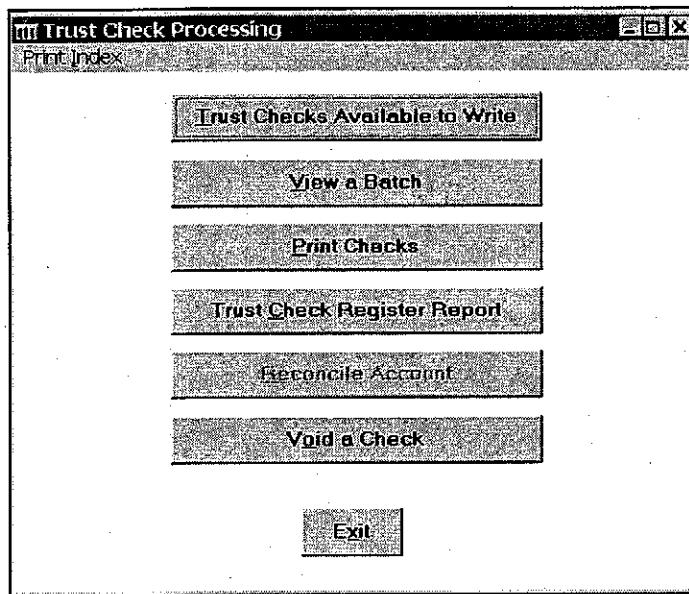
Trust Check Processing Options

Trust Checks Available to Write	Displays all trust checks that are older than 14 days and are available to write.
View a Batch	Allows the clerk to view a batch of checks that have been printed.
Print Checks	Provides the batch number and displays a list of checks that are being paid out.
Trust Check Register Report	Lists the checks the court issued. This report can be run by date, by check numbers or by journals.
Void a Check	Use to void a court check. Common reasons for voiding a check include it was issued to the wrong payee, returned in the mail, has a stale date, or requires a stop payment.

TRUST CHECK WRITING

1. Select **Trust Checks Available to Write**. The "Trust Checks Older Than 14 Days" screen will be displayed. Checks older than 14 days displays only checks have been held long enough by the court to have cleared what payor's bank. After 14 days the funds are considered available to be issued.

Print	Case	Check Stub Description	Last Pay Date	Payee	Amount to be paid	Amount available
☐	045009625	Attorney Fees	10/7/2004	ME, TOO	40.00	40.00
☐	041000525	Bail Refund	3/9/2005	MOUSE, MINNEY	35.00	35.00
☐	041000002	Bail/Bond Refund	10/15/200	TEST DEL, TEST	250.00	250.00
☐	045008395	Bail/Bond Refund	9/20/2004	CALENDAR, TEST2	3000.00	3000.00
☐	055011068	Bail/Bond Refund	2/16/2005	CHECK, GOTCHA	230.00	230.00
☐	040000030	Child Supprt/Alimony	4/8/2005	TEST, OVERPAYMENT	35.00	35.00
☐	045009627	City Attorney Fees	10/7/2004	ME, ALSO	199.00	199.00
☐	045000059	Civil Judgment	4/14/2004	WEASLEY, MOLLY	500.00	500.00
☐	041000002	Forfeited Bail to FINE	10/15/200	ALBERT - Salt Lake Test	250.00	250.00

[Select Row] [Select All] [Un-Select All] [Change Payee] [Issue Checks] [Exit]

[Filter]   Sort [Case Number ▼]

2. **Filter**

   The Filter button provides several options. The trust checks displayed to "All Checks" available to write can be change .

   NOTE: If the radio button is selected for "All checks (no waiting for checks to clear)", there is a possibility that the deposited funds have not yet cleared the payor's bank.

   The Filter button can also be used to display only certain Trust Types, Case Numbers or Payees. For example, to see the trust money on one case, just enter the case number. To display all the amounts due for one payee, select the payee from the Payee drop down box. After selecting how the information is to be displayed, select **Enter.**

   Trust Checks Available to Write Filter

   ◉ Checks older than 14 days
   ○ All Checks (no waiting for checks to clear)

   Trust Types [▼]
   Case Number [   ]
   Payee [▼]

   [Clear] [Enter] [Exit]

> Monies may not be available if journal is not cut off.

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TRUST CHECK WRITING

3. **Changing a Payee**

    The **Change Payee** screen is used to change the payee on a check. The payee can be changed to a party from the case, a common party, or a new party using the radio buttons.

    A. Select the "**Party on Case**" radio button for the check to be made payable to a party that is already on the case.

    B. Select the "**Common Party**" radio button to issue a payee a single check for multiple cases.

    NOTE: Setting up a common party and issuing a single check on multiple cases is the practice preferred by auditors.
    See Common Party Document.

    C. Select the "**New Party**" radio button to change add a new party to whom the check will be paid. Use this option if the payee is not already a party to the case or is not a common party.

4. Select the appropriate Change Payee to: radio button and select **Enter.** The screen will return to the "Trust Checks Older than 14 Days" screen

TRUST CHECK WRITING

5.   Once all of the checks have been selected and the batch is ready to be issued, select **Issue Checks**.

   This screen appears.

6.   Write the batch number down. Select OK. Exit out of "Trust Checks Older than 14 Days".

INFORMATION

Backup file for batch 10042 is checkpro.296

OK
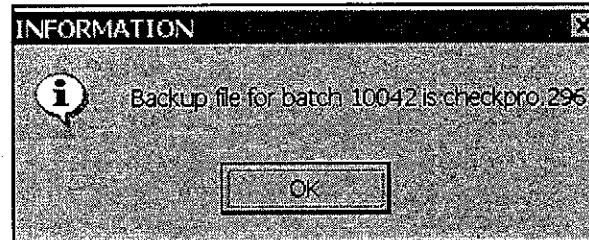
   The Trust Check Processing screen will appear again.

7.   Select **Print Checks**.

Trust Check Processing

Print Index

Trust Checks Available to Write

View a Batch

Print Checks

Trust Check Register Report

Reconcile Account

Void a Check

Exit
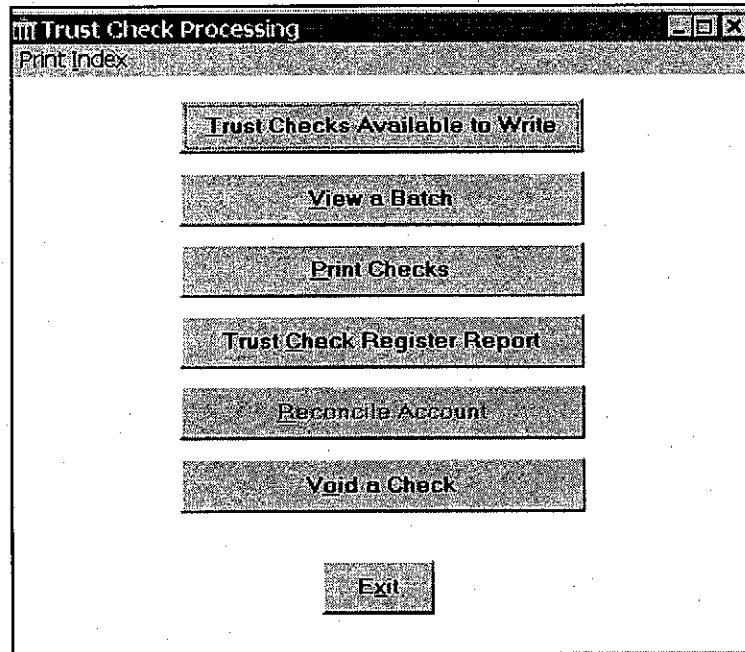
This screen will appear. Select the correct batch number (This is the number that is displayed in #6) and verify the number in Next Check #.

If the information on this screen is correct, select **Enter**. A black screen will appear and lines of text will scroll through.

Check Number Processing

Select a Batch number: 10041   Next Check # 132

Payee Name	Check Amount	Check Number
Kirk Deon Kelsey	$333.00	

Enter   Print Sample   Exit
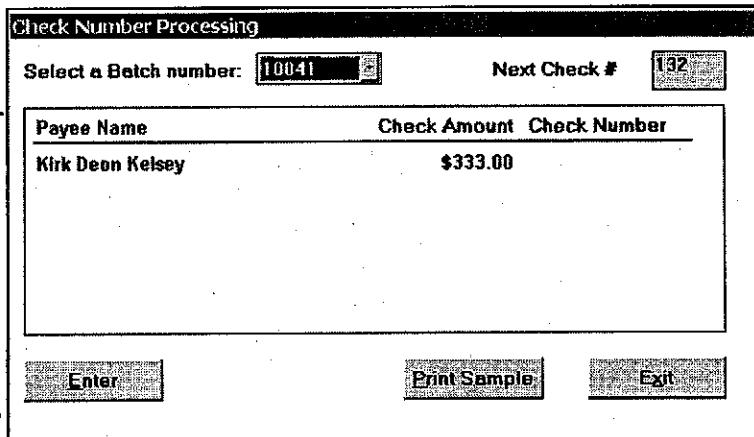
8. Make sure check stock is in the dedicated printer, with the proper ink cartridge and select OK.

> The Adobe Reader® will appear on the screen, and the checks will print. Close the Adobe Reader® screen.

Reminder

(i) Please place check stock in the printer. Number of Checks: 1

[OK]

Reminder

(?) Ready to print file copy. Do you want to print the file copies? If so, Place paper in printer and click yes.

[Yes] [No]
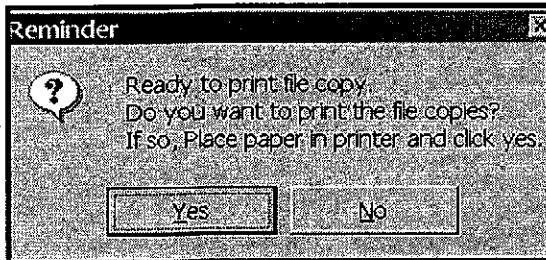
9. This screen will appear next. If a copy of the checks are kept then Select **Yes**, then an adobe reader screen will appear once again and the copy of the check will print. Close the adobe reader screen. If a copy of the checks are not kept select **No**.

NOTE: When trust monies are not associated with a case, the "Trust Without a Case Payout" screen will display. This screen allows a refund to payor, apply to revenue on a case or transfer the monies to unclaimed property by choosing the proper radio button.

Trust Without a Case Payout

Defendant TEST
Payor TEST
Amount $ 100.00   Tender Type CASH   Reference Number 41279

Payout Option
- ● Refund to Payor (or delink from a case)
- ○ Apply to Revenue on a Case
- ○ Transfer to Unclaimed Property

[Enter]   [Exit]
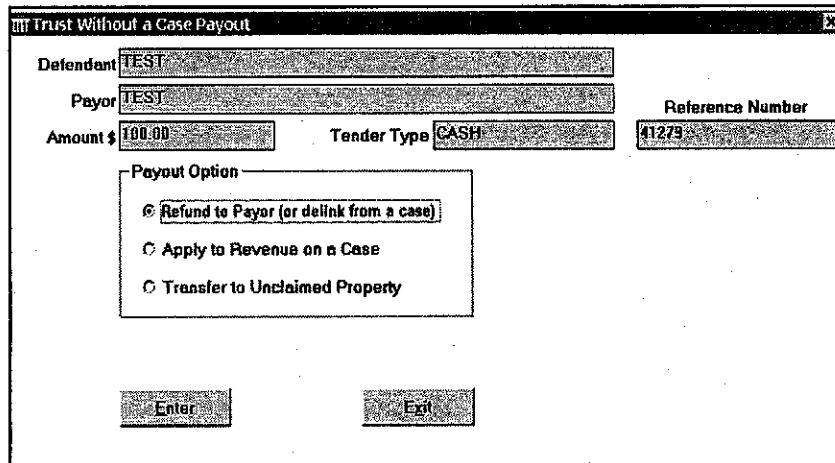
Governor Huntsman's Energy Efficiency Initiative and HB110 (2007 Legislative Session)

Sam Lee
Deputy Director

Have you seen the latest fuel saving technology on state vehicles?

Doug fights back at soaring gas prices.

Where does HB110 fit into Governor Huntsman's Goals?

One of the Governor's top initiatives is air quality. "Nothing is more important than the legacy we leave the next generation... the land, air, and the water we drink"– Governor Huntsman, Manager's Conference, Davis Conference Center, May 22, 2007

- The Governor's goal is to increase the State's overall energy efficiency 20% by the year 2015

  - This HB110 is part of Governor Huntsman's Energy Efficiency Initiative announced April 26, 2006 during a press conference at the University of Utah

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Presentation Outline

- What are the Goals of HB110?

- What does HB110 say?
  - DFO's Responsibilities
  - Agency Responsibilities
  - Driver Responsibilities

- What incentives will motivate you and the drivers in your agency?

What are the overarching goals of HB110?

1. Cost savings for taxpayers

2. Decreasing our dependency on foreign oil

3. Improving air quality in Utah

What are the specific goals of HB110?

1. A volume reduction of fuel consumed
2. Reducing miles driven by state employees
3. Improving fleet cost per mile (CPM) averages
4. Improving fleet miles per gallon (MPG) averages
5. Removing underutilized vehicles from the state fleet
6. "Rightsizing" the state fleet to the appropriate class of vehicle to accomplish the business of the state
7. Improving air quality in Utah

The changes in fleet statue are designed to help agencies decide which efficiency strategies will be most effective for their agency, helping them achieve the 20% efficiency increase.

What does HB 110 say?

1. "The DFO Division Director will create **rules** establishing **standards** and **procedures** for purchasing economically appropriate vehicles, including procedures for **granting exceptions** to the standard by the DAS Executive Director"

What does HB 110 say?

2. "Requires the Division to establish **a standard vehicle size and type** for replacement and expansion vehicles. This includes creating a process for agencies to request and justify in writing a non standard vehicle type and size"

DFO has already determined the standard vehicle size will be **a compact sedan**. The type or model will be determined year to year

What does HB 110 say?

3. "Requires the Division to **develop, coordinate and implement a statewide vehicle fleet cost efficiency plan** ... to ensure continuing progress toward statewide overall cost reduction in government vehicle costs"

   a. Requires DFO to provide for the content of the plan
   b. Requires state agencies to develop, implement, and submit agency vehicle fleet cost efficiency plans to DFO by October 1st each year

DFO's Responsibilities

- Create new administrative rules
  - This is a work in progress . We plan to finalize the new administrative rules by August 1, 2007
  - The rules will focus on:
    - Standards and procedures for purchasing economically appropriate vehicles
    - Procedures for granting exceptions to the standard by the DAS Executive Director

DFO's Responsibilities

- Create an efficiency plan for state agencies to follow
  - The implementation plan for agencies will be posted by July 1, 2007 on the Fleet Web Page
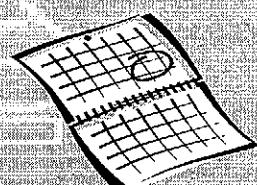
DFO's Responsibilities

- Track the efficiency progress by agency each year
  - Final agency tracking forms will be available July 1, 2007 on the Fleet web page
 - The draft "State Fleet Efficiency Tracking Document" available today

DFO's Responsibilities

- Receive the annual results of the agency plan by October 1st – for the previous year

- This year's report will mainly focus on gathering the baseline data

DFO's Responsibilities

- Submit the annual results of the efficiency plans to the legislature

  - This report will be combined with the state vehicle report also submitted November 1st

Other DFO Responsibilities

1. Adding an economic criteria to the replacement vehicle selection

2. Adding bio-diesel and ultra low sulfur diesel at state fuel sites

3. Identify and remove underutilized vehicles from the state fleet

4. Purchase hybrid vehicles from the money collected in the alternative fuel vehicle (AFV) rate

5. Ensure state compliance with the federal Energy Policy Act (EPACT)

6. Implement the use of alternative fuel vehicles where it is appropriate

Agency Specific Responsibilities

1. Submit to DFO your energy efficiency plan by October 1, 2007
   - The document specifically details what your agency intends to accomplish in the next year for state fleet efficiency
   - The format of this document will be available July 1st on the fleet web page

2. Encourage agency drivers to "right size" their replacement vehicles
   - For example moving from a ¾ ton truck to a ½ ton truck or an SUV to a cargo van
   - More information will be available this fall concerning the replacement and expansion process. The guidelines will be published in administrative rule

Agency Specific Responsibilities

3. Identify and remove underutilized vehicles from the state fleet

4. Implement alternate fuel vehicle use as appropriate

5. Driver Training
   - See the "Fleet Efficiency User Guide", Section "E"

Driver Responsibilities

Fleet Efficiency User Guide

Section E: Cost reductions and efficiency measures for agencies may include:

A. Reducing engine idle time (through control systems, engine warmers, or auxiliary power units)

B. Driving fewer miles (through combined trips, car pools, net meetings, etc.)

C. Avoiding Rush Hour Traffic

D. Reducing aggressive driving

Driver Responsibilities

E. Providing proper preventative maintenance including
- Properly inflated tires
- Clean air filters according to the manufacturers recommendations
- Vehicle tune ups as appropriate

F. Purchasing from state fuel sites
- Purchase bio-diesel and ultra low surfer diesel where possible from State fuel sites

G. Using the lowest octane fuel needed for altitude (cut out mid and high grade fuel where it is not necessary)

H. Rightsizing the vehicle type at replacement time for a vehicle with a higher MPG rating

Driver Responsibilities

I. Reduce the number of commute and take home drivers in the state fleet

J. Promote efficient speeds. 55 MPH is the ideal speed for vehicle efficiency

K. Promote the use of cruise control

Presentation Outline

- What are the Goals of HB110?

- What does HB110 say?
  - DFO's Responsibilities
  - Agency Responsibilities
  - Driver Responsibilities

- **What incentives will motivate you and the drivers in your agency?**

What incentives will be motivating to you and the drivers in your agency?

- Traditionally, GOPB has allowed leasing agencies to retain the vehicle appropriation dollars when a vehicle is turned in

- Lower lease payments and fuel costs from DFO
  - Higher resale value for well maintained vehicles
  - For agencies with capital or owned vehicles you will have lower fuel costs

- Support Governor Huntsman's Energy Efficiency initiative

- Hybrid placement as reward?

What incentives will be motivating to employees in your agency?

- Flex hours

- Telecommuting options

- Safety for drivers, like appropriate tire pressure

- Recognition for efficiency
  - From department directors
  - Financial recognition

- Cleaner Air

Timeline Review

2007 Legislative Session   December 2007
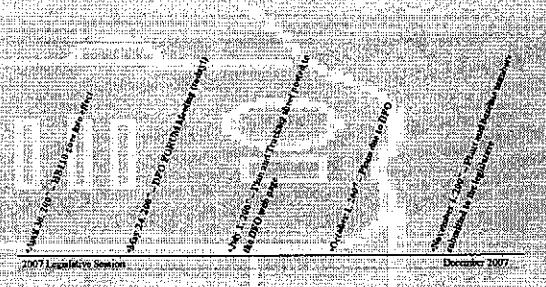
New DFO employee

- DFO is planning to hire a new fleet employee
  - This person will be dedicated to the work required of DFO for HB110

Questions?

Sam Lee

Deputy Director

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