



Switzerland County Circuit Court

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Why Does It Look Like Nothing Was Done Until Now?

One of the questions I have been asked is why the Clerk's Office is pursuing unpaid balances now, particularly when some of them have been outstanding for many years and I was remiss for not including the fees that we were speaking of in my previous communication.

That is a fair question.

When I took office, I did not immediately begin changing every procedure or replacing every vendor. I first needed time to understand how the office was operating, review existing practices, identify problems, and determine where changes were actually needed. Making changes simply for the sake of making changes would not have been responsible.

Over the past two years, I have conducted a comprehensive review of the Clerk's Office as a whole, including staffing, cross-training, office procedures, outstanding receivables, and the vendors and services we use. The purpose has been simple: Is the current process working, is it efficient, and is it serving the taxpayers and the people who use this office?

As part of that review, it became clear that a significant amount of court-ordered money remained unpaid. Our review identified:

\$562,246.00 in unpaid criminal case fees involving 2,135 delinquent criminal cases
\$32,109.40 in unpaid traffic case fees involving 435 delinquent traffic cases
\$594,355.40 in total outstanding obligations involving 2,570 delinquent cases

Some of these balances were recent. Others have remained outstanding for many years. More than half a million dollars in unpaid court-ordered obligations involving 2,570 delinquent cases could not simply be ignored.

Where Do Court Costs and Fees Actually Go?

It is important to understand that the \$594,355.40 in outstanding obligations is not \$594,355.40 that would simply come back to the Clerk's Office. The Clerk's Office is responsible for collecting and accounting for numerous court costs and fees, but those funds are distributed as required by Indiana law. Depending upon the type of case, offense, and fees ordered, money collected may be distributed to a number

of different state and local funds per IC Codes 33-37-4-1 through IC Codes 33-37-5-27 for criminal cases and IC Codes 33-37-4-2 through 33-37-5-27 for infraction/ordinance violation case fees.

Those distributions can include funds for:

- County government
- State government
- Public defender services
- Probation services
- Law enforcement continuing education
- Drug and alcohol programs
- Jury-related expenses
- Court administration
- Judicial salaries
- DNA sample processing
- Automated court record keeping
- Other state and local programs and funds established by Indiana law

The particular fees assessed are not identical in every case. For example, a criminal case may include the basic criminal court-cost assessment along with other fees that apply because of the particular offense, sentence, or services involved. A traffic case may have an entirely different combination of costs, fees, and fines.

The Clerk does not have the authority to simply decide where that money goes.

Our office collects the money, accounts for it, and distributes it according to the requirements established by Indiana law. This is not about generating revenue for the Clerk's Office. It is about collecting **court-ordered financial obligations** and making sure those dollars reach the state, county, programs, and funds to which they are legally required to be distributed.

Why Address It Now?

I cannot speak for every decision made before I became Clerk, nor would it be appropriate for me to speculate about why a particular account was or was not pursued in the past. What I can speak to is what I found when I reviewed the records and what I decided to do about it.

Rather than continuing with a process that was not adequately addressing these outstanding balances, my office began the work necessary to identify eligible accounts, verify the amounts owed, review our collection procedures, and implement a more consistent process for **collecting money that has already been ordered by the court.**

That work takes time. With more than 2,500 delinquent cases, some dating back many years, we could not simply send a list to a collection agency and hope it was correct. We had a responsibility to review the records carefully, verify the balances, and make sure the information being submitted for collection was as accurate as possible. So, from the public's perspective, it may appear that suddenly the Clerk's Office decided to start collections. What the public is seeing now is actually the result of months of review, verification, preparation, and work behind the scenes.

The fact that a balance has remained unpaid for a long time does not, by itself, mean that it should continue to remain unpaid. Nor do I believe it would be fair to the people who have paid their court-ordered obligations—or to the taxpayers of Switzerland County—to ignore an outstanding balance simply because it was not successfully collected in the past.

\$594,355.40 is a significant amount of outstanding money for Switzerland County. These are not new fees created by my office, and they are not additional penalties imposed because collections have begun. **They are existing, unpaid obligations that were already on the books.**

My responsibility as Clerk is not to defend what was or was not done in prior years. **My responsibility is to address what is in front of me now.** Once we identified the scope of the problem and developed a responsible way to address it, I believed we had an obligation to act. **That is why collections are happening now.**

Are People Being Treated Fairly, and Do They Know What They Owe?

Fair and respectful treatment has been - and will continue to be - a priority in the Clerk's Office. The Clerk's office has an amazing staff that understands that every person who comes into our office deserves to be treated with dignity, compassion, and respect, regardless of the circumstances that brought them to us.

All orders that come from the Court clearly show what payments are due, what is owed, and when payment is required. Individuals are responsible for reading and complying with those orders and for contacting the Clerk's Office if they have questions regarding their balance or payments. Traffic citations also show a hearing date and provide that payment may be made prior to that date, when applicable, to avoid a court hearing.

The Clerk's Office should not have to repeatedly remind an individual that a court-ordered obligation remains unpaid before taking appropriate steps to collect it. There has to be some personal accountability as well. If a court order states that money is owed and establishes when it is due, it is ultimately the responsibility of the person who owes that money to make the required payments. That does not mean we stop treating people with compassion. My staff will continue to answer questions, explain balances, provide information about payments, and treat every individual who contacts our office with dignity and respect.

Fairness also extends beyond the individual who owes the money. We have to consider the thousands of people who did pay their court costs and fees as ordered, as well as the taxpayers and the state and local funds that are entitled to receive the money collected.

Treating people fairly does not mean ignoring an unpaid obligation. It means applying the process consistently, treating people respectfully, providing accurate information, and expecting individuals to take responsibility for obligations that have been ordered by the Court.

Respectfully,

A handwritten signature in black ink, appearing to read 'Karin S. Dutkiewicz', with a long, sweeping horizontal line extending to the right.

Karin S. Dutkiewicz
Switzerland County Circuit Court Clerk