

CHAPTER 5 - CITY AND TOWN COURT FUNDS

FISCAL OFFICER'S DUTIES IN HANDLING COURT FEES

Where a city or town operates a court under IC 33-35, certain fees will be remitted to the city or town's fiscal officer once each month. Some of the fees will be retained in the general fund, some placed in separate funds, and some fees will be remitted to other governmental units.

COUNTY'S SHARE OF COURT COSTS

IC 33-37-7-8(b) states that once each month the city or town fiscal officer shall distribute to the county auditor the county's share of court costs. City and Town Form No. 220 CT, Report to County Auditor of Court Costs Collected in City/Town Court, shall be used when remitting such fees to the County Auditor.

CREDIT CARD SERVICE FEES

The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. If there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk shall collect a fee from the person using the bank card or credit card. The fee collected is a permitted additional charge to the money the clerk is required to collect.

The clerk may contract with a payment processing company, which may collect a transaction fee from a person using the bank card or credit card. The fee collected is a permitted additional charge to the money the clerk is required to collect.

The clerk shall collect and deposit in the appropriate fund an amount not less than the amount the clerk would collect and deposit if the clerk received payment by a means other than a bank card or credit card. [IC 33-37-6-2]

FEES DEPOSITED IN CITY/TOWN GENERAL FUND

The following fees, if collected by the court, will be remitted monthly by the court clerk to the city or town fiscal officer and be deposited in the general fund:

1. City/town's share of court costs.
2. City/town fines.
3. Document fees.
4. Administrative fees.
5. Late payment fees.
6. Credit card service fees.
7. Fiscal officer's probation administrative fees.
8. Judicial salaries fees.
9. Civil action service fees.
10. Garnishee service fees.

LOCAL USER FEES

A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund shall be administered by the fiscal officer of the city or town.

The city or town fund consists of the following fees collected by a clerk under this article:

1. The pretrial diversion program fee.
2. The alcohol and drug services fee.
3. The law enforcement continuing education program fee.
4. The deferral program fee.
5. The problem solving court fee. [IC 33-37-8-3]

IC 33-37-8-4 states that upon receipt of monthly claims submitted on oath to the fiscal body by a program listed in IC 33-37-8-3, the fiscal body of the city or town shall appropriate from the city or town fund to that program the amount collected for the program under IC 33-37-5.

FEES DEPOSITED IN SUPPLEMENTAL ADULT PROBATION SERVICES FUND

The following fees, if collected by the probation department or court clerk, shall be deposited in the supplemental adult probation services fund:

1. Probation user fees.
2. Probation administrative fees.

LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM FEES – FILING VERIFIED STATEMENTS OF CAUSE NUMBER

Since the statutes (IC 5-2-8, IC 33-37-8) are silent regarding by whom or in what manner the “verified statement of cause numbers” will be prepared, the State Board of Accounts has adopted the following suggested procedures to handle such filings:

1. The applicable law enforcement agency should prepare the claim. At a minimum, the claim should indicate each fee collected by date of payment, cause number, defendant name, and receipt number if available.
2. The claim should be filed by the law enforcement agency with the fiscal officer of the governmental unit.
3. The fiscal officer shall transmit the claim to the court clerk in order for the claim to be verified.
4. Once the court clerk verifies the fees claimed on the claim, the claim shall be transferred back to the fiscal officer for processing in the same manner as all other claims, i.e. submitted for the board approval and subsequent payment.
5. An alternative to steps 3 and 4 has been approved for some units. In this instance when the court clerk transmits the monthly collection of law enforcement continuing education fees to the fiscal officer, the court clerk includes a listing of the fees transmitted by date of payment, cause number, defendant name, and the law enforcement agency to which the fees are attributable.

By doing this the fiscal officer is able to verify the fees claimed by the various law enforcement agencies and is not required to go back to the court clerk.

It would also be permissible for the law enforcement agency to attach a copy of such listing that is provided by a court to a claim once the law enforcement agency verified the accuracy of the data contained in the listing.

CLERK'S RECORD PERPETUATION FUND

Each Clerk of a City or Town Court shall establish a Clerk's Record Perpetuation Fund. The Clerk shall deposit in the fund all fees listed in IC 33-37-5-2(a).

Such fees are to be remitted by the Court to the City or Town fiscal officer at the end of each month.

The Clerk of a City or Town Court may use the money in the fund for the preservation of records and the improvement of record keeping systems and equipment, and a case management system. The fund would require appropriation. [IC 33-37-5-2].