

UNIVERSITY OF KENTUCKY



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HIST. BIOG. & TRAV.

WORKS PROGRESS ADMINISTRATION
DIVISION OF WOMEN'S AND PROFESSIONAL PROJECTS



SUPPLEMENT NO. 1

TO

ABSTRACT AND CHECK LIST
OF STATUTORY REQUIREMENTS

GOVERNMENT PUBLICATIONS

FOR COUNTY RECORDS

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THE HISTORICAL RECORDS SURVEY
MADISON, WISCONSIN

MAY, 1937

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CRIMINAL MATTERS IN COUNTY COURTS WITHOUT CRIMINAL JURISDICTION

Whenever any person committed for trial for an offense for which the highest penalty provided by law shall not exceed five years' imprisonment (he may be brought) at the time fixed for ... arraignment ... before the county judge If preliminary examination has been waived by the prisoner the county judge shall inquire into the nature of the case.... The prisoner shall then ... be arraigned. (There shall be fully explained) to him the exact nature of the offense charged ... and the penalty provided therefor by law.

(185a) If upon such explanation the prisoner plead guilty to the information the county judge shall receive the plea, shall pass sentence and render judgment thereon Such request, information, plea, sentence, judgment and the minutes of all the proceedings shall be entered in the same manner and substantially the same form as if the arraignment had been had in the court having trial jurisdiction, and the clerk shall also keep a similar record thereof in the same form in his office in a book to be kept for that purpose.
(Secs. 357.20-357.24.)

REPORT FOR _____ COUNTY.

Does the county judge hear such cases as outlined? _____

If a record is kept as required above, does it follow the correct form and is all the information required entered? _____

_____. If not, explain.

Is the record kept by the clerk (clerk of the circuit court) in these matters distinguished in any way from the other criminal records in his office? _____ If so, explain how.

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LOCAL MEDIATION BOARD

LOCAL MEDIATION BOARD. (281.202).

There is created in each county a local mediation board, which shall consist of three members to be selected within thirty days after the passage of this section, two by a majority vote of the county board and one by the circuit court of said county. One of the members selected by the county board or its chairman shall be a farmer, except in any county containing a city with a population of two hundred fifty thousand or more, and any member of the local board may be a member of the county board. The board shall receive for their services upon such board, the same to be paid by the county in the same manner that other employes of the county are paid. The county board shall also determine what legal, clerical and other assistants, if any, the local board shall be paid in the same manner that other employes of the county are paid.

In counties having a population of 250,000 or more there may be more than one local board, if the county board so determines. This section is emergency legislation.

POWERS OF MEDIATION BOARDS. (281.203).

The local mediation boards shall endeavor to bring about, upon application made as hereinafter provided, between debtors and creditors, adjustments of, and mutually acceptable agreements for, the payment of obligations covered by this section. It shall inspect the premises, inquire into the obligations of the debtor, his ability to pay, either presently or in the future, and shall make just and reasonable recommendations to the parties for the meeting, adjustment, or compromise of his interest therein. The local boards may make the following recommendations:

(a) Extension of the time within which any obligation, or part thereof, shall be paid;

(b) Reduction of the contract rate of interest provided for in the evidence of indebtedness to a just and reasonable rate, in view of the circumstances, for a period of not longer than three years, with provision for payment of the balance of the contract rate thereafter;

(c) Reduction of the contract rate of interest provided for in the evidence of indebtedness to a just and reasonable rate, in view of the circumstances for a period of not longer than three years, without provision for payment of the balance of the contract rate thereafter;

(d) A division of the annual income from the mortgaged premises into three parts, to wit: First, a sum necessary to the debtor reasonably to maintain his family and the mortgaged premises, which shall be kept by the debtor; second, a sum necessary for the payment of current taxes and insurance upon the mortgaged premises; and third, a sum representing the balance, to be paid to the creditor and to be applied upon interest and principal;

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(e) A conveyance of the real estate involved to the creditor in complete satisfaction of the debt;

(f) And such other recommendations as the board may deem just and reasonable.

All agreements reached between parties at the instance of the mediation board shall be reduced to writing, signed by the parties, and approved in writing by the board. Such agreements when so subscribed and approved, shall be binding in all respects upon the parties, to the same extent, and with like effect, as if incorporated in and made a part of the original contract.

COMPULSORY MEDIATION. (281.204).

Upon the filing of the complaint in the office of the clerk of court in any such action of foreclosure of specific performance, such clerk shall forthwith transmit a copy (to be furnished by the plaintiff) to the local mediation board. Before the posting of any notice of sale of real estate upon execution or foreclosure by advertisement, the creditor shall file with the local board a statement of his claim and the names of the parties in interest, together with their places of abode, as accurately as can be ascertained, and of his intention to sell the real estate upon execution or by advertisement. Upon the receipt of such complaint or statement, the board shall promptly thereafter by notice to all parties call a meeting for the purpose of attempting to compromise, extend or adjust the indebtedness. In case an agreement cannot be effected within such sixty days' period, a statement shall be made and signed by the board, briefly describing the nature of the claim sought to be mediated and the parties thereto, and a statement of the fact that mediation has been attempted and was not successful and the reasons therefor. The board shall forthwith file such statement, or a copy of the mediation agreement, as the case may be, with the clerk of the circuit court of the county where the premises are situated.

Upon the filing of the complaint or statement with the board, as provided for in subsection (1) hereof, all proceedings in the action, foreclosure by advertisement or execution sale shall, unless the court shall otherwise order, be automatically stayed until the board shall file its report with the clerk of the court; provided, however, that such stay shall not extend beyond the sixty-day period allowed by law for the mediation attempt and the filing of report thereof.

The records mentioned herein are included in the catalog under entries _____.

This legislation was adopted in 1935. The emergency has been extended by the legislature now in session (1937).

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COUNTY CHILDREN'S BOARD

COUNTY CHILDREN'S BOARDS: ORGANIZATION; PERSONNEL. (48.29).

The county board of any county whose population is less than two hundred fifty thousand may by resolution establish a county children's board for such county and may thereafter discontinue such board by vote of a majority of all of its members at any regular meeting or at any special meeting called for this purpose.

The county children's board shall consist of five members, at least two of whom shall be women, and all of whom shall be residents of the county, selected annually to hold office until the first Monday of January next succeeding and until their successors shall have been selected and shall have qualified. One of the members of said board shall be the chairman of the county board. One other member shall be appointed by the judge of the juvenile court. Two members, at least one of whom shall be a woman, shall be appointed by the state board of control. The fifth member shall be elected by the other four members at the first meeting of the board in each calendar year. Any vacancy shall be filled by the same body which selected the member whose position is vacant.

The county children's board shall organize by the election of a chairman, vice chairman and secretary from its own membership. Regular meetings shall be held at least once each month, unless otherwise determined, at a time and place fixed by the board. Special meetings shall be held upon call of the chairman or of any three members.

The county children's board may discharge its duties through its own members or may employ personnel for this purpose. The compensation of any person so employed shall be fixed by the county board of supervisors. Two or more county children's boards may combine in the employment of personnel and share the services and divide the cost upon some agreed basis.

COUNTY CHILDREN'S BOARDS; POWERS AND DUTIES. (48.30).

It shall be the duty of the county children's board and it shall have power and authority:

To investigate the conditions surrounding mentally defective, dependent, neglected, delinquent and illegitimate children within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. This duty shall be discharged in co-operation with the juvenile court and with the public officers or boards legally responsible for the administration and enforcement of these laws. The county children's board may also avail itself of the co-operation of any individual or private agency

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or organization interested in the social welfare of children in such county;

To administer and expend such amounts as may be necessary out of any moneys which may be appropriated to it by the county board or donated by individuals or private organizations for the purchase of clothing, payment for medical services, expense of boarding, and other special aid to children within the county;

Upon request of the judge of the court administering aid to dependent children within the county, to investigate applications for aid to dependent children and to supervise the expenditures of such aid;

Upon the request of the judge of the juvenile court, to investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, neglect of delinquency, and to assume guidance and supervision of any child placed on probation by such court;

Upon request of the state board of control and under its direction, to assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution;

To make such reports to the state board of control as it may request upon any matter or situation within the county concerning any child in which said board is interested;

When so directed by the county board, to administer any other county funds appropriated for the welfare of necessitous persons, either independently or in co-operation with some other board or officer;

To make an annual report to the county board at its November meeting upon its work during the year, including an account of all moneys received and expended by it or under its direction and including also its recommendations, if any, for the improvement of the laws enacted for the social welfare and protection of children or of their administration. A copy of this report shall be furnished at the same time to the state board of control.

The resolution setting up the board in _____ county is found in vol. _____ of the official proceedings, under date of _____.

Extra Personnel is employed? _____. If so, discuss,

Records are kept by secretary? _____.

Report is filed in catalog entry no. _____. Also printed in proceedings? _____.

Are its reports of findings in investigations filed with juvenile court judge? _____. If so, in entry no. _____.

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SOLDIERS' RELIEF COMMISSION

THE SOLDIERS' RELIEF COMMISSION, ORGANIZATION. (45.12).

Every county judge shall on or before the second Monday in December, appoint three residents of the county, each of whom shall be an honorably discharged soldier, sailor, or marine who performed military service for the United States in time of war.

Such commission shall be organized by the election of one of their number as chairman, and one as secretary; said judge after the expiration of the terms of those first appointed, shall annually appoint one person as a member of such commission for the term of three years. He shall require the members of the commission to execute to the county a joint and several bond, with sufficient sureties to be approved by him, in a sum equal to the tax levied in the current year for expenditure by the commission; said bond or bonds shall be filed with the county clerk.

REPORTS TO COUNTY BOARD, NAMES OF NEEDY, AMOUNTS REQUIRED. (45.11)

The chairman of each town board, the board of trustees of each village, and the supervisors of each ward of a city, shall make a written report to the county board of their respective counties, on or before the first day of their annual meeting, containing the names of all resident indigent persons of the classes mentioned in the preceding section in their respective towns, villages or cities, who may require and be entitled to relief thereunder, and the probable amount necessary for that purpose for the ensuing year; and each county board shall, at the November session thereof, make such levy as will raise the necessary amount.

COMMISSION, EXAMINATION, RELIEF. (45.14)

Such commission shall meet at the office of the county clerk on or before the first Monday of January in each year and at such other times as may be necessary, and at such annual meeting carefully examine the lists reported pursuant to section 45.11, and being satisfied that the persons named on such lists are entitled to assistance shall fix the amount to be paid to each. They may also furnish relief to any person within section 45.10 whose name is not on any such list if the right of such person to relief shall be established to their satisfaction. The secretary of the commission shall make and deposit with the county clerk a list containing the name, place of residence and the amount to be paid each such person whose name is on either such lists, which shall be signed by the chairman and secretary. The commission shall make a detailed report to the county board at each annual session thereof showing the amount expended and the name of each person who has received aid.

These records are kept by _____, in catalog entries

_____ This commission has been in existence since 1887.

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MUNICIPAL COURT

A Court of Record

COUNTY BOARDS MAY ESTABLISH; SEAL; RECORDS. (254.02)

The county board of supervisors of any county may, by a majority of all members=elect, adopt the provisions of sections 254.01 to 254.20, by resolution, and upon such adoption may thereafter, in like manner and upon a like vote, provide for a special municipal court or courts as herein provided, to be known and designated as the First (or other numerical designation) Special Municipal Court of.....County; and by a resolution of said board, adopted by a majority of the members=elect, at any time thereafter rescind its action and abolish the same; and such board shall determine the place or places where the judge of any such court shall hold his office and provide suitable quarters therefor. Such court shall be provided with an official seal, necessary dockets and records, stationery and blanks.

The municipal courts in _____ county are designated as follows (give location of each):

JUDGE EX OFFICIO COURT COMMISSIONER. (254.07)

The judge of said court shall be exofficio a court commissioner and shall have and may exercise all of the powers conferred upon court commissioners by the laws of this state.

Does judge keep any records in this capacity? _____
Entry Nos. _____.

DOCKETS; SUMMONS IN BLANK. (254.14)

The judge of each special municipal court shall keep a docket for criminal trials and proceedings and also a docket for civil actions. All docket entries shall be made and kept as far as practicable in the same manner as required in courts of justices of the peace. In all civil actions the judge of any such special municipal court may sign in blank and deliver to attorneys of record in the county to be issued by them as occasion may require blank summons, writ and other processes of said courts. Any such attorney upon issuing any such summons, writ or other process shall file within three days thereafter the affidavit, if any, upon which such summons, writ or other process was based and a statement of the names of the parties to the action, the date of the summons, writ or other process, the time when same is returnable, and the nature of the demand or claim. Upon the filing of such affidavit and statement the judge of said court shall forthwith docket such case, and such docket entries shall have the same force and effect as if made at the time of the date or issuing of such summons,

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writ or other process.

Are these records all kept as required? _____

PUBLICITY OF RECORDS. (254.15).

The dockets and records of any said special municipal court shall be public records and open to the inspection of all persons at any and all reasonable hours.

This is for the advantage of workers and supervisor.