

Handbook for County Court Clerks of Oklahoma 2023



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Handbook for County Court Clerks of Oklahoma

Table of Contents

INTRODUCTION: HOW TO USE THIS HANDBOOK	PAGE
CHAPTER ONE – COUNTY GOVERNMENT IN OKLAHOMA	
The County Government System in Oklahoma	1-1
Powers and Duties of County Governments	1-2
Creation and Disorganization of Counties	1-2
Creation of Counties	1-2
Disorganization of Counties	1-2
Duties of County Officers	1-3
Elected County Officers	1-3
County Commissioners	1-4
County Clerk	1-5
County Assessor	1-6
County Treasurer	1-6
County Court Clerk	1-7
County Sheriff	1-7
County Budget Boards	1-7
District Attorney	1-7
Outside Counsel	1-8
Nonelected County Officers and Boards	1-8
County Engineer	1-9
County Extension Office Personnel	1-10
County Board of Health/Superintendent of Health	1-10
Emergency Medical Service Districts Board of Trustees	1-11
County Medical Examiner	1-11

County Safety Director.....	1-11
Safety Coordinators	1-11
County Board of Equalization Members.....	1-11
Course of Instruction Required.....	1-12
Board Meetings.....	1-12
County Excise Board Members	1-12
Course of Instruction Required.....	1-13
Board Meetings.....	1-13
Board of Tax Roll Corrections Members.....	1-14
County Emergency Management Director	1-14
The County Board of Public Welfare Members	1-14
County Election Board Members and County Election Board Secretary.....	1-14
County Free Fair Board Association Members	1-15
Other Nonelected Officers.....	1-15
Federal Regulations	1-15

CHAPTER TWO – SOURCES OF REVENUE

County Funds	2-1
The County General Fund	2-1
Ad Valorem Tax Collections	2-3
Real Property	2-5
Personal Property	2-5
Other Ad Valorem Funded Budgets.....	2-6
Exemptions to Ad Valorem Taxation	2-6
Homestead Exemption	2-8
Additional Homestead Exemption.....	2-9
Ad Valorem Tax Refunds or Credits	2-9
Additional Revenue Sources for the County General Fund.....	2-10
Fees and Collections	2-10
County Sales Tax	2-10
County Use Tax	2-11
State Transfer Payments.....	2-11
In-Lieu Taxes	2-12

Reimbursements.....	2-14
Cash Funds	2-14
Cash Fund Appropriations	2-16
Capital Projects Funds.....	2-17
Debt Service Funds	2-17
Special Assessment Funds	2-17
Audit Funds.....	2-18
Governmental Funds.....	2-18
Proprietary Funds	2-18
Enterprise Funds	2-18
Internal Service Funds.....	2-18
Fiduciary Funds	2-19
Trust and Agency Funds.....	2-19
Other Sources of County Revenue.....	2-19
Funds for County Road and Bridge Construction and Maintenance.....	2-19
County Bridge and Road Improvement Fund	2-19
Other Funds	2-20
Audit Structure.....	2-20

CHAPTER THREE - THE COUNTY BUDGET PROCESS

Budget Preparation.....	3-1
The Purpose of a Budget.....	3-2
Forms Related to the Budget Process.....	3-2
Budget Submissions	3-3
County Budgets in Counties with the Commissioner/Excise Board Budget Method.....	3-3
The County Excise Board.....	3-8
Abstract of Assessed Valuations	3-9
Who Submits Budgets.....	3-9
Budget Planning Conference	3-9
County Officer’s Annual Report	3-9
Role of Board of County Commissioners	3-10
County’s Annual Budget Report	3-10
Publication of Financial Statement and Budget	3-11

Presentation of Financial Statement and Budget to the County Excise Board	3-11
Review and Approval of the County Budget.....	3-11
Publication of Approved Budget.....	3-12
Transfer of Appropriations	3-13
Transfers for Error Correction.....	3-14
Transfers for Emergency and Transportation Revolving (ETR) Loans	3-14
Supplemental and Additional Appropriations	3-15
Interfund Loans (Temporary Transfers).....	3-16
Temporary Appropriations (Commissioner/Excise Board Budget Counties)	3-16
City or Town Budgets in Counties Where County Excise Boards are Responsible for the Budget	3-16
Statement of Estimate of Needs.....	3-17
School District Budgets in Counties.....	3-17
County Budgets in Counties with County Budget Boards	3-18
The County Budget Act	3-22
The County Budget Board.....	3-22
Meetings	3-23
Report of Estimated Revenues and Expenses	3-23
Budget Preparation.....	3-23
Classifying Revenues and Expenditures.....	3-25
Public Hearings and Protests	3-25
Budget Adoption.....	3-25
County Excise Board’s Role.....	3-26
Amended Budget	3-27
Receiving Assistance and Audits.....	3-27
Office of the State Auditor and Inspector.....	3-27
The District Attorney.....	3-27
Understanding County Finances.....	3-28
 <u>CHAPTER FOUR - THE COUNTY ACCOUNTING SYSTEM</u>	
Standardized Chart of Accounts and Operating Procedures.....	4-1
Account Structure	4-2

Funds.....	4-3
Department Account	4-3
Expense Account.....	4-3
Estimate of Probable Income.....	4-3
Transfer of Appropriations	4-3
Transfer of Special Fund Balance.....	4-4
Warrants	4-4
County Bank Accounts	4-4
Official Depository Account	4-4
The General Account	4-5

CHAPTER FIVE - GOVERNMENTAL TORT CLAIMS ACT

The Tort Claims Act in Oklahoma.....	5-1
Liability Insurance	5-2
Filing Claims	5-2
Definitions.....	5-4
Written Claim Procedures.....	5-5
Determining Liability.....	5-5
Extent of Liability	5-5
Additional Claims	5-6
Exemptions from Liability	5-6
Settling Claims.....	5-9
Claim Denial	5-9
Claim Settlement	5-9
Employee Defense	5-9
County’s Right to Recover Monies.....	5-10
Settlement and Payment	5-10
Payment Limitations	5-11

CHAPTER SIX - OFFICE OF COURT CLERK

Filing as a Candidate for Court Clerk.....	6-1
Filling the Office of Court Clerk.....	6-3
Term of Office	6-3

Conditions of Office	6-3
Vacancies	6-4
In Counties with Populations up to 600,000	6-4
In Counties with Populations Above 600,000.....	6-4
Resignations	6-4
Removal	6-5
Assuming the Office of Court Clerk.....	6-5
The Oath of Office or Affirmation.....	6-5
The Blanket Bond	6-5
Serving as Court Clerk	6-7
Office Organization	6-7
Office Locations	6-7
Hours and Holidays	6-8
Office Personnel.....	6-8
First Deputy or Chief Deputy	6-8
Deputies	6-9
Employee Requirements, Salaries, and Benefits	6-10
Personnel Policies	6-10
Timesheets.....	6-10
Inventory Procedures.....	6-11
Purchasing Procedures	6-12
Requesting Officers.....	6-12
Receiving Officers	6-12
The County Seal.....	6-12
Filings Signatures with the Secretary of State	6-12
County Officer Signature List	6-12
Facsimile Signatures.....	6-13
Oklahoma Statute	6-13
Oklahoma Statute Books	6-13
Oklahoma Statutes Online	6-14
Conflicting Oklahoma Statutes and Session Laws.....	6-14
Acts and Resolutions Passed as Emergency Measures.....	6-14

Court Clerk Certification Program.....	6-14
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CHAPTER SEVEN – THE OKLAHOMA JUDICIAL SYSTEM

The Oklahoma Judicial System.....	7-1
The Court System.....	7-1
Functions of the Court.....	7-2
Jurisdiction of the Courts.....	7-3
The Supreme Court.....	7-5
Jurisdiction.....	7-5
Supreme Court Justices.....	7-5
Clerk of the Appellate Courts.....	7-6
Administrative Director of the Courts.....	7-6
The Court of Criminal Appeals.....	7-7
Jurisdiction.....	7-7
Judges.....	7-7
Clerks.....	7-8
Emergency Appellate Panels.....	7-8
The Court of Civil Appeals.....	7-8
Jurisdiction.....	7-8
Judges.....	7-8
District Courts.....	7-9
Jurisdiction.....	7-9
Videoconferencing.....	7-9
Judges.....	7-9
Managerial Organization.....	7-10
Clerks.....	7-10
Workers’ Compensation Court.....	7-11
Workers’ Compensation Commission.....	7-11
Court of Tax Review.....	7-11
Municipal Courts.....	7-12
Jurisdiction.....	7-12
Jurors.....	7-12
The Oklahoma Court on the Judiciary.....	7-13

Jurisdiction.....	7-13
Trial Division.....	7-13
Appellate Division.....	7-13
Other Judicial Bodies.....	7-14
Council on Judicial Complaints.....	7-14
Judicial Nominating Commission.....	7-14
Vacancy in Judicial Office.....	7-15
Oklahoma Judicial Conference.....	7-15

CHAPTER EIGHT – DUTIES OF THE COURT CLERK: GENERAL

Responsibilities.....	8-1
Court Related Responsibilities.....	8-1
Administrative Responsibilities.....	8-2
Maintaining Court Records and Information.....	8-8
Access to Court Records.....	8-8
Providing Information About Court Cases.....	8-9
Source of Information Regarding Court Cases.....	8-9
The Court Clerk as a Source of Advice or Assistance.....	8-10
Subpoena of Court Clerks.....	8-10
Custodian of Law Library.....	8-10
Collecting and Paying Court Costs and Fees.....	8-11
Language Interpreter.....	8-11
Collecting Fees.....	8-12
Issuing Licenses, Permits, and Passports.....	8-12
Licenses.....	8-12
Passports.....	8-13
Coordinating Courtroom Activities.....	8-13
Pre-Trial, Trial, and Post-Trial Activities.....	8-13
Jury Selection and Procedures.....	8-13
Processing Court Cases.....	8-13
Obtaining Legal Advice.....	8-14
Oklahoma Court Information System.....	8-14
The District Attorney.....	8-14

Bills, Laws, and Regulations as Legal References.....	8-15
Employing General Counsel.....	8-15
Civil and Criminal Cases in Which the County is Interested or is a Party.....	8-15
Serving the Public.....	8-16
Interpreters Provided at Court’s Expense	8-17
The America with Disabilities Act (ADA).....	8-17
Holding Open Meetings.....	8-18

CHAPTER NINE – DUTIES OF THE COURT CLERK: FINANCES AND ACCOUNTING PROCEDURES

Understanding County Finances.....	9-1
Understanding Court Finances.....	9-2
Court Clerk Accounts	9-2
Handling Daily Procedures for Court Clerk Depository Account.....	9-3
Court Clerk Depository Account.....	9-3
Fees.....	9-3
Receipts.....	9-3
Issuing Receipts.....	9-3
Monies Received Without Case Identification.....	9-5
Recording Receipts on Dockets.....	9-5
Recording Receipts in the Cash Receipts Journal/Cash Book.....	9-5
Observing Internal Control Procedures.....	9-6
Incoming Mail.....	9-6
Monies Received and Receipts Issued.....	9-7
Electronic Transfer of Funds.....	9-8
Deposits.....	9-8
Making Daily Deposits.....	9-8
Deposit Procedures and Internal Controls.....	9-10
Making Deposit Adjustments.....	9-11
Transfer of Monies.....	9-12
Disbursements.....	9-12
Making Disbursements by Voucher.....	9-12
Recording Disbursements.....	9-13

Canceled Vouchers.....	9-14
Insufficient Checks/Vouchers.....	9-15
Procedure for Lost or Stolen Vouchers.....	9-16
Appearance Dockets.....	9-17
Handling Monthly Reports.....	9-18
County Official Depository Report.....	9-18
Case Balance Reconciliation Report/Schedule of Cases.....	9-18
Monthly Report: Cash Balance Summary Report.....	9-21
Correcting Prior Transactions.....	9-23
End of Month Applied Fees Worksheet.....	9-23
Filing Report.....	9-23
Handling Depository Investments.....	9-23
Handling the Change Fund.....	9-25
Handling the Court Fund.....	9-25
Court Fund.....	9-25
Court Fund Budget.....	9-25
Court Fund Deposits.....	9-26
Court Fund Claim.....	9-26
Court Fund Vouchers.....	9-28
Court Fund Disbursements.....	9-28
Court Fund Appropriation Ledger.....	9-29
Handling the Court Clerk’s Revolving Fund.....	9-30
Court Clerk’s Revolving Fund Claim.....	9-31
Court Clerk’s Records Management and Preservation Fund.....	9-32
Court Clerk’s Records Management and Preservation Fund Claim.....	9-33
Monthly Report.....	9-34

CHAPTER TEN – DUTIES OF THE COURT CLERK: PURCHASING AND INVENTORY PROCEDURES

Purchasing Responsibilities.....	10-1
Purchasing Goods and Services.....	10-1
Purchasing Procedures.....	10-2
Requesting Officers.....	10-2

Receiving Officers.....	10-3
County Purchasing Regulations.....	10-3
Inventory Responsibilities.....	10-4
Capital Asset Item Identification.....	10-5
Inventory Records.....	10-10
Record of Tools, Apparatus, Machinery, and Equipment.....	10-11
Summary Report.....	10-11
Inventory Identification.....	10-11
Consumable Goods Inventory.....	10-11
Disposing of Surplus Property Acquired with Local Court Funds.....	10-12
Disposing of Surplus Property Acquired with County Funds.....	10-14
Declaration of Surplus.....	10-14
Methods.....	10-14
Restrictions.....	10-15

CHAPTER ELEVEN – DUTIES OF THE COURT CLERK: FEES AND OTHER MONIES COLLECTED AND RELATED REPORTS

Collecting Monies/Providing Related Reports.....	11-1
Uniform Fee Schedule.....	11-2
Fee Collection.....	11-2
Additional Deposits.....	11-3
Refunds.....	11-3
Payment Methods.....	11-4
Personal or Business Checks.....	11-4
Credit or Debit Cards.....	11-4
Duties to Collect Fines, Fees, Assessments, and Court Costs.....	11-5
Inability to Pay.....	11-5
Court Cost Compliance Program.....	11-7
Liability for Fees and Other Monies Collected in Criminal Cases	11-8
Tax Intercepts.....	11-8
Nonpayment of Fines and Cost Suspension.....	11-8
Transferring Costs or Fees.....	11-9
Hidden Fees.....	11-9

Fees and Reports.....	11-10
Appraiser’s Fees.....	11-10
Attorney Fees in Counties with a County Indigent Defender.....	11-11
Costs of Representation.....	11-12
Bail Bondsmen Fees.....	11-12
Bail Bond Reports.....	11-12
Proof of Residence.....	11-13
Bureau of Narcotics Revolving Fund Fees.....	11-13
Child Abuse Multidisciplinary Report (CAMA/CHAB).....	11-13
Council on Law Enforcement Education and Training.....	11-13
Council on Judicial Complaints Revolving Fund.....	11-14
Court Clerk’s Revolving Fund Fees.....	11-14
Court Clerk’s Record Management and Preservation Fee.....	11-15
Monthly Reports.....	11-15
Court Fund Fees, Fines, Costs, Forfeiture, and Assessments.....	11-15
Poundage Assessments.....	11-16
Miscellaneous Fees and/or Assessments.....	11-17
Department of Mental Health and Substance Abuse.....	11-17
Drug Abuse Education and Treatment Revolving Fund Assessments.....	11-17
Drug Court Program User Fees.....	11-18
Drug Abuse Education Revolving Fund – State Board of Education.....	11-19
Prevention of Youth Access to Alcohol Revolving Fund Fines.....	11-19
Trafficking in Illegal Drugs Fines.....	11-19
Department of Public Safety Fees.....	11-19
DPS Boating Safety Education Fund Fines.....	11-19
DPS Restricted Revolving Fund Fines.....	11-20
DPS Motorcycle Safety and Education Program Revolving Fund Fees.....	11-20
DPS Patrol Vehicle Revolving Fund Fees.....	11-20
Oklahoma Impaired Driver Database Revolving Fund Fees.....	11-20
Dispute Resolution System Revolving Fund Fees.....	11-21
Reports.....	11-21
District Attorneys Council Revolving Fund Fees.....	11-21

District Attorney Prosecution Assessment Fees.....	11-21
District Attorney Fees in Counties.....	11-22
District Attorney Drug Fund.....	11-22
District Attorney Witness Fees.....	11-22
District Attorney Jail Incarceration Costs.....	11-22
Proceeds of Sale of Seized Property.....	11-22
District Court Revolving Fund.....	11-23
District Fire Department Fines.....	11-23
Electronic Monitoring/Supervision Fees on Pretrial Bail.....	11-24
Law Library Fund Assessments.....	11-24
Reports.....	11-24
Lengthy Trial Fund Fees.....	11-25
Reports.....	11-26
License Fees.....	11-26
Medical Expense Liability Revolving Fund Fines.....	11-26
Reports.....	11-26
Municipal DUI Court Costs and Reports.....	11-26
Reports.....	11-27
Office of the Attorney General Law Enforcement Revolving Fund.....	11-27
Office of the Attorney General Victim Services Unit Assessments.....	11-27
Oklahoma Court-Appointed Special Advocates Fees.....	11-28
Oklahoma Court Information System Revolving Fund Fees.....	11-28
Oklahoma Indigent Defense System Revolving Fund Fees.....	11-28
Application Fee.....	11-28
Cost of Representation.....	11-28
Witness Fees.....	11-29
Reports.....	11-29
Oklahoma State Bureau of Investigation.....	11-29
Automated Finger Printing Identification System Fund Fees.....	11-29
AFIS Reports.....	11-29
DNA Fees.....	11-30
Drug Cleanup Fines.....	11-30

Forensic Science Improvement Revolving Fund Assessments.....	11-30
Local Law Enforcement Laboratory Analysis Services Fees.....	11-31
Oklahoma Tourism and Recreation Department Revolving Fund.....	11-31
OWCF Costs, Fines, and Bond Forfeitures.....	11-32
Wildlife Conservation Violations Reports.....	11-32
Prevention of Child Abuse.....	11-32
Sheriff's Jail Fund (Bond Fees).....	11-32
Sheriff's Service Fee Account.....	11-33
Courthouse Security Assessments.....	11-33
Jail Incarceration Costs.....	11-33
Trash Reward Fund/Sheriff's Environmental Reward Fund Fines.....	11-34
State Board of Education.....	11-35
Cameras for School Bus Stops Revolving Fund.....	11-35
School Investigative Audit Revolving Fund Assessments.....	11-36
Trauma Care Assistance Revolving Fund Fines/Assessments.....	11-36
Fee Collected.....	11-37
Victims Compensation Revolving Fund Assessments.....	11-38
Youth Drug Court: Juvenile Drug Court Revolving Fund.....	11-38
Establishing Juvenile Drug Courts.....	11-38
Participation in Juvenile Drug Court Programs.....	11-38
Costs and Fees for Juvenile Drug Courts.....	11-39
The Juvenile Drug Court Revolving Fund.....	11-39
Treatment, Testing, and Supervision Fees.....	11-40
Providing Services Without Fees.....	11-40
Minister Credentials.....	11-40
Petition for Protective Order.....	11-40
Guardianship Cases.....	11-41
Minors Seeking Armed Service Entry.....	11-41
Persons Under Social Security.....	11-41
Appeal from Unemployment Compensation.....	11-41
Copies for Servicemen.....	11-41
Actions Filed by the State of Oklahoma.....	11-41

Pauper’s Affidavit.....	11-42
Adoption Records: Photocopying and Mailing Certain Records.....	11-42
Habeas Corpus.....	11-42
Interpreters, Translators, and Exceptions to Not Collecting Fees.....	11-43
Interpreter for Hearing Impaired.....	11-43
Language Translators.....	11-43
Interpreters Provided at Court Expense	11-43
Paying Fees.....	11-44
Collecting Bodily Fluids Specimens Cost Reimbursements.....	11-44
Community Service Program Assessment Revolving Fund.....	11-45
Court-Appointed Attorney Fees.....	11-45
Procedures.....	11-46
Payment of Costs of Representation.....	11-46
Juror and Witness Fees.....	11-47
Juror Fees.....	11-47
Witness Fees.....	11-47
State, County, or Other Employees.....	11-48
Public School District Employees.....	11-48
Expert Witnesses.....	11-48
Donation of Juror and Witness Fees.....	11-49
Attendance Certificates to Jurors and Witnesses.....	11-50
Posting Notices Fees.....	11-50

CHAPTER TWELVE – DUTIES OF THE COURT CLERK: RECORD KEEPING AND MAINTENANCE

Keeping Administrative Records.....	12-1
Keeping Court-Related Records.....	12-1
Case Files.....	12-2
Format.....	12-2
Case Identification.....	12-3
Receipts.....	12-3
Appearance Dockets.....	12-8
Format.....	12-8

Display of Records Online.....	12-8
Entries.....	12-8
Appearance Docket Index.....	12-9
Format.....	12-9
Entries.....	12-9
General Indexes.....	12-9
Format.....	12-9
Entries.....	12-9
Journal Records.....	12-10
Format.....	12-10
Entries.....	12-10
Motion, Hearing, Disposition, and Trial Dockets.....	12-11
Juror Attendance, Claims, and Fee Records.....	12-11
Search Warrants.....	12-11
Other Records.....	12-11
Minute Dockets.....	12-11
Judgement Dockets.....	12-12
Maintaining Records.....	12-12
The Court Seal.....	12-16
Case Number and Case File.....	12-16
Cover Sheets.....	12-17
File Stamp.....	12-17
Minutes.....	12-17
Acknowledgment, Verification, Witnessing, and Certifying.....	12-18
Document Certification.....	12-18
Certifying Multiple Documents.....	12-19
Collecting Fees.....	12-19
Court Record Authentication.....	12-21
Storing Records.....	12-21
Transferring Records.....	12-21
Mailing Records.....	12-22
Certificate of Mailing.....	12-22

Certified Mail.....	12-23
Service by Mail.....	12-23
Restricted.....	12-23
Return.....	12-24

CHAPTER THIRTEEN – DUTIES OF THE COURT CLERK: RECORD ACCESS AND DISPOSITION

Providing Access to Records.....	13-1
Open Records Act.....	13-1
Access to Records.....	13-2
Electronic Filing.....	13-2
Disclaimer Protection.....	13-3
Requests for Records.....	13-3
Confidential Records.....	13-5
Protecting Confidential Records.....	13-5
Access to Confidential Records.....	13-6
Types of Confidential Records.....	13-6
Review for Research.....	13-7
Review for School District.....	13-8
Destroying or Disposing of Records.....	13-11
Microfilm or Other Appropriate Storage Before Destruction.....	13-11
Specific Disposition Procedures.....	13-12
Certain Records and Reporter’s Notes.....	13-13
Documents That Can Be Destroyed or Sold for Salvage.....	13-14
Depositions.....	13-15
Court Reporter’s Notes – Termination of Employment.....	13-15
Deceased Court Reporter’s Notes.....	13-16
Files and Records in Misdemeanor and Traffic Cases.....	13-16
Documents That Should Not Be Destroyed or Sold for Salvage.....	13-16

CHAPTER FOURTEEN – DUTIES OF THE COURT CLERK: REPORTS

Reports.....	14-1
Caseload Statistical Reports.....	14-1

Court Clerk Internal Revenue Service (IRS) 1099 Reports.....	14-2
Court Clerk Office Records and Reports.....	14-4
Disaster Recovery Plans.....	14-4
Oklahoma Department of Labor Work-Related Injury and Illness Records.....	14-4
Inventory and Purchasing Records.....	14-4
Personnel Records and Reports.....	14-5
Oklahoma Employment Security Commission (OESC).....	14-5
Court Clerk’s Revolving Fund Reports.....	14-6
Court Fund Reports.....	14-7
Court Fund Quarterly Reports.....	14-8
Annual Report.....	14-9
Court Clerk’s Records Management and Preservation Fund.....	14-10
Defendant is a Lawyer Report.....	14-11
Departure from Mandatory Sentence Report.....	14-11
Reports.....	14-11
Election Board Monthly Report: Convicted Felons.....	14-12
Reports.....	14-12
Election Board Monthly Report: Adjudged Incapacitated.....	14-12
Reports.....	14-12
Election Board Monthly Report: Excused from Jury Duty Due to Lack of Citizenry	14-13
Oklahoma Methamphetamine Offender Registry Reports.....	14-13
Public Health Statistics Reports.....	14-13
Unclaimed Property Reports.....	14-14
Report Filing and Payments.....	14-14
Report Restrictions.....	14-14
Report Exemptions.....	14-15

CHAPTER FIFTEEN – DUTIES OF THE COURT CLERK: LAW LIBRARY

Understanding the Law Library System.....	15-1
Law Library Management.....	15-2
Board of Law Library Trustees.....	15-2
Law Librarian or Custodian.....	15-3
Law Library Budget and Extraordinary Expenses.....	15-3

Law Library Fund.....	15-3
Deposits to Law Library Fund.....	15-4
Disbursements.....	15-4
Transfer of Funds by the Court Clerk.....	15-4
Quarterly Report.....	15-4
Annual Report.....	15-6
Inventory Report.....	15-6
Rules for the Law Library.....	15-7
Other Law Library Monies.....	15-7
Law Library Claims Process.....	15-7
Law Library Claims Reports.....	15-8
Law Library Revolving Fund.....	15-9
Expenditures from the Law Library Revolving Fund.....	15-9

CHAPTER SIXTEEN – DUTIES OF THE COURT CLERK: LICENSE ISSUE AND REGISTRATION

Licenses.....	16-1
License Documentation.....	16-2
Issuing Licenses.....	16-2
Fees.....	16-2
Pool and Billiard Hall License Notice.....	16-2
License Application and Issue.....	16-2
License Fees.....	16-3
License Revocation.....	16-3
Marriage License.....	16-4
License Application.....	16-4
License: Correction Erroneous Information	16-5
Persons Over 18 Years of Age.....	16-5
Persons Under 18 Years of Age.....	16-6
Persons Under 16 Years of Age.....	16-6
License Issue.....	16-7
Marriage and Return of License.....	16-7
License Recording.....	16-8

Private Process Server License.....	16-8
License Application.....	16-9
Fees.....	16-9
Notice, Hearings, and Protests.....	16-10
No Protests.....	16-10
Protest Hearing.....	16-10
License Issued.....	16-11
License Revocation.....	16-11
List Maintenance.....	16-11
Statewide Registry.....	16-11
Closing Out Sale License.....	16-12
License Application.....	16-12
District Attorney Investigation.....	16-12
License Issue.....	16-12
License Revocation and Appeal.....	16-13
Transient Merchant License.....	16-13
License Application and Fees.....	16-13
Court Clerk as Agent for Transient Merchant for Service.....	16-14
License Issue.....	16-14
Transient Merchant List.....	16-14
Maintaining License Registrations.....	16-14
Minister Credentials Filing.....	16-14
Bail Bondsman License Registration.....	16-15
License Filing.....	16-15
License Registration.....	16-16
License Restrictions in Other Counties.....	16-16
Bondsmen List Posting.....	16-17
License Expiration and Renewal.....	16-17

CHAPTER SEVENTEEN – DUTIES OF THE COURT CLERK: PASSPORTS

CHAPTER EIGHTEEN – DUTIES OF THE COURT CLERK: COURTROOM AND LEGAL PROCEEDINGS

Understanding the Court Clerk’s Function..... 18-1

Understanding the Legal Process.....18-2

 Court Reporters 18-2

 Criminal Cases.....18-3

 Civil Cases.....18-3

Handling Motions and Motion Dockets..... 18-4

 Motions.....18-4

 Motion Dockets..... 18-4

 Motion Docket Preparation..... 18-5

 Motion Docket Hearings..... 18-6

Handling Disposition Dockets..... 18-6

 Civil Disposition Dockets..... 18-6

 Criminal Disposition Dockets..... 18-6

Disposition Docket Process (Criminal or Civil)..... 18-7

 Disposition Docket Preparation..... 18-7

 Disposition Docket Distribution..... 18-7

 Disposition Docket Hearing..... 18-8

Handling Pretrial Proceedings..... 18-8

 Court Clerk Responsibilities..... 18-8

Handling Trial Dockets..... 18-9

 Non-Jury Trial..... 18-9

 Jury Trial.....18-10

 Issuing Court-Directed Documents..... 18-10

 Judgments..... 18-10

Collecting Fees and Costs..... 18-11

Handling Disqualification of a Judge..... 18-11

 Disqualification by the Judge..... 18-11

 Disqualification by a Party in a Case.....18-12

 Writ of Mandamus..... 18-12

Transferring Criminal Cases..... 18-12

Duties of Court Clerk in Transferring Cases.....	18-12
Duties of Court Clerk Receiving Cases.....	18-13
Expenses in Transferring a Criminal Case.....	18-13
Filing Depositions.....	18-14

CHAPTER NINETEEN – DUTIES OF THE COURT CLERK: POST-JUDGMENT PROCEDURES

Understanding Post-Judgement Procedures in Civil Cases.....	19-2
Hearings on Assets.....	19-2
Garnishments.....	19-2
Pre-Judgment Garnishments.....	19-4
Post-Judgment Garnishments.....	19-5
Garnishment Summons Return.....	19-10
Notice of Garnishments and Exemptions.....	19-11
Payment of Funds by Garnishee.....	19-11
Attachment, Execution, and Sheriff’s Sale.....	19-11
Attachment.....	19-11
Execution and Sheriff’s Sale.....	19-12
Notice of Renewal of Judgment.....	19-13
Bankruptcy.....	19-14
Receivership.....	19-14
Domestic Relations Cases.....	19-14
Correct, Open, Modify, or Vacate Judgment.....	19-14
Interest on Judgments.....	19-15
Sinking Funds.....	19-15
Foreign Judgments.....	19-15
Tribal Courts.....	19-16
Contempt.....	19-16
Handling Writs of Habeas Corpus.....	19-16
Handling Post-Judgments Procedures in Criminal Cases.....	19-17
Motion to Accelerate Deferred Sentence.....	19-18
Motion to Revoke Suspended Sentence.....	19-18
Post-Conviction Relief.....	19-19

CHAPTER TWENTY – DUTIES OF THE COURT CLERK: APPEALS

The Appeals Process..... 20-1

 Court on the Judiciary..... 20-2

 Appeal to Appellate Division..... 20-2

 Appeals to the Supreme Court (Civil Cases)..... 20-3

 Commencement of Appeals..... 20-3

 Fees for Appeals..... 20-4

 Designation of Record..... 20-4

 Duties of the District Court Clerk to Assemble the Record..... 20-4

 Electronic Record..... 20-5

 Filing of Transcripts and Exhibits..... 20-5

 Time Limits for Completing Record on Appeal..... 20-6

 Extension of Date for Completion of Record..... 20-6

 Duties of the Court Clerk of the District Court on Completion..... 20-6

 Accelerated Procedure for Summary Judgments..... 20-7

 Multiple Appeals from the Same Case..... 20-7

 Mandates..... 20-7

 Driver’s License Appeals 20-7

Appeals to the Court of Criminal Appeals (Criminal Cases)..... 20-8

 Motion for New Trial..... 20-8

 Commencement of Appeal..... 20-8

 Fees for Criminal Appeals..... 20-8

 Filing of Appeal Records..... 20-9

 Indigent Defense System Appointments..... 20-9

 Failure to File on Time..... 20-10

 Form and Content of Record..... 20-10

 Transcript of Evidence..... 20-10

 When No Transcript is Available..... 20-11

 Sealed Records..... 20-11

 Records Including Child Pornography..... 20-12

 Time for Completion of Record..... 20-13

 Duties of the Court Clerk of the District Court on Completion..... 20-14

Transmission of the Record on Appeal.....	20-14
Counter-Designation of Record.....	20-15
Joinder of Appellants.....	20-15
Appeal by Certiorari from Plea of Guilty or Nolo Contendere.....	20-15
Post-Conviction Appeals.....	20-16
Capital Post-Conviction Appeals.....	20-16
State Appeals.....	20-17
Juvenile Appeals.....	20-17
Appeals to the Court of Criminal Appeals in Juvenile Cases.....	20-17
Appeals to the Court of Civil Appeals in Juvenile Cases.....	20-19
Juvenile Appeals Fees.....	20-19
Stand Your Ground Appeals.....	20-20
Extraordinary Writs.....	20-20
Mandates.....	20-20
Court of Criminal Appeals Mandates.....	20-20
Court of Civil Appeals Mandates.....	20-21
Municipal Appeals – Cities Under 65,000 Population.....	20-22
Municipal Appeals – Cities Over 65,000 Population.....	20-22

CHAPTER TWENTY-ONE – DUTIES OF THE COURT CLERK: JURY SELECTION AND PROCEDURES

Understanding the Oklahoma Jury System.....	21-2
The Grand Jury.....	21-2
Multi-County Grand Jury.....	21-2
Petition for Grand Jury.....	21-3
Transfer of Indictments.....	21-4
Petit or Trial Jury.....	21-5
Selecting Jurors for a Petit or Trial Jury.....	21-5
Misdemeanor Trial Juries.....	21-5
Juvenile Trial Juries.....	21-5
Special Jury Situations.....	21-5
Small Claims Trial Juries.....	21-5
Forcible Entry and Detainer Trial Juries.....	21-6

Municipal Juries.....	21-6
Selecting Jurors for Municipal Courts.....	21-6
Municipal Juvenile Trials.....	21-7
Selecting the General Panel of Jurors.....	21-7
Computer-Generated Jury Panel Selection.....	21-8
Requesting Computer-Generated Jury Selection.....	21-8
Using Computer-Generated Jury Selection.....	21-8
Alternative Juror Panel Selection Plans.....	21-8
Selecting Additional Jurors to Complete the Jury.....	21-9
Persons Not Qualified for Jury Service.....	21-9
Jury Service Special Situations (Exemptions).....	21-9
Voluntary Jury Service.....	21-10
Selecting a Jury from the Jury Panel.....	21-11
Determining the Number of Jurors.....	21-11
Preparing Ballots.....	21-11
Selecting Ballots.....	21-11
Absent Jurors.....	21-11
Ballot Box Design.....	21-11
Computer-Generated Jury Selection.....	21-12
Alternate Jurors.....	21-12
Summoning Jury Members.....	21-12
Serving of the Jury Summons.....	21-12
On-Call System for Jurors.....	21-13
Swearing the Jury Panel.....	21-13
Oklahoma Uniform Jury Instructions.....	21-13
Protecting Juror Information.....	21-15
Jury Lists.....	21-15
Petit Jurors.....	21-15
Grand Jurors.....	21-15
Recording Juror Attendance Records, Claims Approval, and Fees.....	21-16
Lengthy Trial Fund.....	21-16
Juror Fee Donation.....	21-17

Discharging or Requiring Employees to Use Leave for Jury Service..... 21-17

CHAPTER TWENTY-TWO – DUTIES OF THE COURT CLERK: CRIMINAL CASES

Understanding Criminal Actions..... 22-1

Defining the Case Flow..... 22-3

 Complaint or Affidavit..... 22-4

 Misdemeanor..... 22-4

 Initial Appearance..... 22-4

 Felony..... 22-5

Preliminary Hearing..... 22-5

 Felony..... 22-5

 Misdemeanor..... 22-5

Arraignment..... 22-5

 Felony..... 22-6

 Misdemeanor..... 22-6

 Motion Hearing..... 22-6

 Disposition..... 22-7

 Pretrial Conference..... 22-7

 Trial..... 22-7

Judgment Proceedings..... 22-8

 Presentence Investigation..... 22-8

 Judgment/Sentencing..... 22-9

Post-Trial Proceedings..... 22-9

 Application (APCR) Filing..... 22-9

 Court Clerk Responsibilities..... 22-9

Keeping Case Records..... 22-10

Performing Tasks in the Criminal Process..... 22-10

 General..... 22-10

Issue, Process, and File Warrants..... 22-13

 Arrest Warrants..... 22-13

 Search Warrants..... 22-14

 Bench Warrants..... 22-15

 Warrant Recall..... 22-15

Process City Appeals.....	22-15
Issue Subpoenas.....	22-16
Distribute Criminal Dockets.....	22-16
Send Reports to Service Oklahoma.....	22-16
Record Judgment and Sentence.....	22-16
Issue Commitment or Release Orders.....	22-16
Pay Court-Appointed Attorneys.....	22-17
Expunging Criminal Records.....	22-17
Sealing Records.....	22-17
Procedure for Sealing Records.....	22-18
Petition to Inspect Sealed Records.....	22-18
Petition to Unseal Sealed Records.....	22-18
Physical Destruction of Records.....	22-19
Deferred Sentence Expungement.....	22-19
Performing Bond Procedures.....	22-19
Accepting Bail.....	22-20
Personal Recognizance.....	22-21
Bail Bonds Received from the Sheriff.....	22-21
Bail Bonds Written by Professional Bondsman.....	22-21
Bail Bonds Written by Multicounty Agent Bondsman.....	22-22
Cash Bonds.....	22-22
Surety Bonds.....	22-22
Property Bonds.....	22-22
Exonerating Bail.....	22-24
Forfeiting Bail.....	22-25
Returning Stolen or Embezzled Property.....	22-26
Handling Water Safety or Oklahoma Wildlife Conservation Code.....	22-28
Bail.....	22-28
Arrest.....	22-29
Bond Schedule.....	22-29
Guilty Plea.....	22-29
Failure to Comply.....	22-30

Wildlife Bail Procedure Act.....	22-30
Oklahoma Boating Safety Regulation Act.....	22-31
Handling Change of Venue.....	22-31
Fugitive from Justice.....	22-32

CHAPTER TWENTY-THREE – DUTIES OF THE COURT CLERK: TRAFFIC CASES

Handling Traffic Cases.....	23-1
Abstracts to Service Oklahoma.....	23-1
The Traffic Docket Envelope.....	23-2
Fees.....	23-2
Oklahoma Bond Schedule.....	23-2
Acceptable Payment Methods.....	23-3
The Arrest.....	23-3
Citation or Ticket Issue.....	23-3
Defendant Release.....	23-4
Traffic Tickets.....	23-4
Court Appearances.....	23-4
Handling Municipal DUI Cases.....	23-4

CHAPTER TWENTY-FOUR – DUTIES OF THE COURT CLERK: CIVIL CASES

Understanding Civil Actions.....	24-1
Defining the Case Flow.....	24-2
Filing of Petition.....	24-3
Issue of Summons.....	24-3
Summons Preparation.....	24-3
Summons Service.....	24-4
Third-Party Summons.....	24-5
Return of Summons.....	24-6
Alias Summons Issued.....	24-7
Entry of Appearance and Answer.....	24-7
Body Attachment.....	24-7
Motions.....	24-7
Motion Hearings.....	24-7

Dismissal.....	24-8
Continuance.....	24-8
Disposition Hearing.....	24-8
Pretrial Conference.....	24-8
Trial Docket.....	24-8
Trial.....	24-9
Judgment, Decree, or Appealable Order.....	24-9
Post-Trial Proceedings.....	24-9
Appeals.....	24-9
Keeping Case Records.....	24-10
Performing Tasks in the Civil Process.....	24-10
General.....	24-10
Issuing Court-Ordered Documents.....	24-11
Issuing Subpoenas.....	24-11
Issuing Orders.....	24-12
Handling Cases that Require Special Procedures.....	24-12
Change of Name.....	24-13
Friendly Suits.....	24-13
Monies: Next Friend, Guardian Ad Litem, Person Less Than 18.....	24-13
Replevin.....	24-13
Majority Rights.....	24-14
Sinking Funds.....	24-14
Surface Damage.....	24-14
Driver’s License Appeal.....	24-15
Financial Responsibility Appeals.....	24-16
Railroad Right-of-Way.....	24-16
Highway Right-of-Way.....	24-17
Enforcement of Foreign Judgments.....	24-17
Forcible Entry and Detainer.....	24-17
Habeas Corpus.....	24-18
Handling Dispute Resolution.....	24-19
Handling Change of Venue.....	24-19

CHAPTER TWENTY-FIVE – DUTIES OF THE COURT CLERK: DISSOLUTION OF MARRIAGE (DIVORCE) CASES

Understanding the Dissolution of a Marriage Process.....25-1
 Residence Requirements.....25-1
 Involvement of Minor Children.....25-2
 Defining the Case Flow.....25-2
 Petition.....25-3
 Minor Children Statement.....25-3
 Summons.....25-3
 Answer.....25-3
 Hearing(s).....25-3
 Trial.....25-3
 Final Decree.....25-4
 Delay for Minor Children.....25-4
 Child Support.....25-4
 Keeping Case Records.....25-4
 Performing Tasks in the Dissolution of a Marriage Process.....25-5
 Alimony Without Divorce.....25-7
 Separate Maintenance: Annulment.....25-7
 Separate Maintenance.....25-7
 Annulment.....25-8

CHAPTER TWENTY-SIX – DUTIES OF THE COURT CLERK: PATERNITY CASES

Handling Paternity Actions.....26-1
 Determination of Paternity.....26-2
 Venue of Paternity Actions.....26-2
 Court Order Closer of Proceedings.....26-2
 Adjudication, Amended Birth Certificate.....26-3
 Assessment of Costs.....26-3
 Paternity Actions in Dissolution of Marriage.....26-3
 Appeal, Vacate, Judicial Review.....26-3
 Actions after Judgment.....26-3
 Centralized Paternity Registry.....26-4

Artificial Insemination: Consent and Gestational Agreements	26-4
---	------

CHAPTER TWENTY-SEVEN – DUTIES OF THE COURT CLERK: DOMESTIC ABUSE CASES

Understanding the Domestic Abuse Process.....	27-1
Filing Petition for Protective Order.....	27-2
Victims of Various Offenses: Protection of Immediate Family.....	27-3
Defining the Case Flow.....	27-3
Petition for Protective Order.....	27-4
During Business Hours.....	27-4
During Non-Business Hours/Emergency Ex Parte.....	27-4
Fees.....	27-5
Address Confidentiality Program.....	27-5
Initial Hearing.....	27-6
Emergency Protective Order.....	27-6
Temporary Protective Order.....	27-6
Petition Serving to the Defendant.....	27-6
Service by Sheriff’s Department	27-6
Full Hearing.....	27-7
Final Protective Order Issue.....	27-8
Vine Protective Orders.....	27-8
Interstate Domestic Violence Protection Orders Act: Foreign.....	27-9
Keeping Case Records.....	27-9

CHAPTER TWENTY-EIGHT – DUTIES OF THE COURT CLERK: CONFIDENTIAL CASES – ADOPTION AND ARTIFICIAL INSEMINATION

Handling Adoption Cases.....	28-1
Notice of Plan for Adoption.....	28-2
Consent to and Relinquishment for Adoption.....	28-3
Cost Report.....	28-3
Home Study.....	28-3
Hearing(s) and Decree(s).....	28-3
Artificial Insemination: Consent and Gestational Agreements	28-4

Petition.....	28-4
Initial Hearing and Interlocutory Decree.....	28-5
Observations.....	28-5
Final Hearing and Final Adoption Decree.....	28-5
Notice of Adoption.....	28-5
Waiver of Interlocutory Decree.....	28-5
Appeals.....	28-6
Certificates.....	28-6
State.....	28-6
Federal.....	28-6
Confidential Index of Birth and Adoptive Names.....	28-7
Handling Access to Files for Confidential Intermediary Search Program.....	28-7
Understanding Court Clerk’s Task.....	28-8

CHAPTER TWENTY-NINE – DUTIES OF THE COURT CLERK: CONFIDENTIAL CASES – CHILDREN AND JUVENILES

Record Access.....	29-2
Juvenile Court Records and Department of Human Services.....	29-2
Court-Appointed Representatives.....	29-3
Court-Appointed Attorney.....	29-3
Family Representation and Advocacy Program (FRAP).....	29-3
Guardian Ad Litem.....	29-4
Court-Appointed Special Advocate.....	29-4
Handling Children’s Cases.....	29-4
Alleged Deprived Child.....	29-4
Protective and Emergency Custody.....	29-4
Emergency Custody Hearing.....	29-5
Restraining Order.....	29-5
Petition.....	29-6
Summons.....	29-6
Court-Appointed Attorney, Guardian Ad Litem.....	29-8
Adjudication Hearing and Order.....	29-8
Written Individualized Service Plans.....	29-10

Dispositional Hearing and Order.....	29-11
Family Drug Court.....	29-11
Family Drug Court Costs and Fees.....	29-11
Permanency/Review Hearings.....	29-12
Paternity and Support of Alleged or Adjudicated.....	29-13
Termination of Parental Rights.....	29-13
Information for Child Placed Outside Home.....	29-14
Handling Juvenile Cases.....	29-14
Board of Juvenile Affairs/Office of Juvenile Affairs.....	29-14
Juvenile Offender Tracking Program.....	29-15
Juvenile Drug Court Program.....	29-15
Custody and Court Proceedings.....	29-15
Preliminary Inquiry.....	29-16
Petition.....	29-16
Health Care Examination.....	29-16
Summons/Warrant.....	29-17
Summons.....	29-17
Warrant.....	29-17
Hearings.....	29-18
Adjudication Hearing.....	29-18
Certification Proceedings.....	29-19
Preliminary Hearing to Determine Probable Cause.....	29-19
Dispositional Hearings/Orders.....	29-20
Review Hearings.....	29-20
Petition Dismissal or Order of Adjudication.....	29-20
Petition Dismissal.....	29-20
Order of Adjudication.....	29-20
Termination of Parental Rights.....	29-21
Records.....	29-21
Sealing Records.....	29-21
Expunging Records.....	29-21
Destroying Records.....	29-21

Handling Juvenile Mental Health Cases.....	29-21
Handling Youthful Offender Cases.....	29-22
Youthful Offender Act.....	29-22
Youthful Offender.....	29-22
Certification.....	29-23
Certification From Adult to Juvenile.....	29-23
Custodial Interrogation and Right to Counsel.....	29-24
Rehabilitation Plan.....	29-24
Adult or Youthful Offenders Public Records.....	29-24
Understanding Common Procedures for Children, Juvenile, and Youthful Offender Cases.....	29-25
Guardian Ad Litem.....	29-25
Juvenile Cases.....	29-26
CASA.....	29-27
Appeals.....	29-27
Children’s Cases.....	29-27
Juvenile Cases.....	29-27
Court Clerk Tasks.....	29-28

**CHAPTER THIRTY – DUTIES OF THE COURT CLERK: CONFIDENTIAL CASES –
MENTAL HEALTH AND SUBSTANCE ABUSE**

The Oklahoma Mental Health Law.....	30-1
Mental Health Criminal Procedures.....	30-2
Handling Mental Health Cases.....	30-2
Emergency Admission.....	30-3
Custody and Detention.....	30-3
Hearing.....	30-4
Voluntary Application.....	30-5
Application Through the Court.....	30-5
Involuntary Commitment.....	30-6
Petition.....	30-6
Examination.....	30-6
Hearing.....	30-7

Costs.....	30-7
Providing Protective Services for the Elderly and for Incapacitated Adults.....	30-7
Voluntary Protective Services.....	30-8
Involuntary Protective Services.....	30-8
Emergency Protective Services.....	30-8
Costs.....	30-8
Confidential/Expungement.....	30-9
Preparing Report for County Election Board.....	30-9
Handling Court Clerk’s Responsibilities.....	30-9

CHAPTER THIRTY-ONE – DUTIES OF THE COURT CLERK: SMALL CLAIMS ACTIONS

Understanding Small Claims.....	31-1
Defining the Case Flow.....	31-2
Affidavit and Order.....	31-3
Hearing Date and Time.....	31-3
Counterclaim or Setoff.....	31-3
Hearing.....	31-4
Jury Trial.....	31-4
Judgments.....	31-4
Hearing on Assets.....	31-5
Application and Order.....	31-5
Fees.....	31-5
Hearing Procedure.....	31-5
Interrogatories.....	31-6
Appeals.....	31-6
Transfer of Actions from Small Claims to Other Dockets.....	31-6
Handling Court Clerk Responsibilities.....	31-7
Forcible Entry and Detainer.....	31-7
Issuing Summons and Service.....	31-7
Fees.....	31-8
Writ of Execution.....	31-8

CHAPTER THIRTY-TWO – DUTIES OF THE COURT CLERK: PROBATE CASES

Understanding Probate Cases..... 32-1

Handling Estate Administration Cases..... 32-2

 Will Deposit and Storage..... 32-2

 Will Probate..... 32-4

 Petition..... 32-4

 Notice of Hearing..... 32-4

 Hearing..... 32-5

 Letters Testamentary and Letters of Administration..... 32-5

 Court-Appointed Attorney..... 32-5

 Court Clerk Record of Proceedings..... 32-6

 Petition for Administration in Death Intestate..... 32-6

Contest of a Will..... 32-7

 Before Admission to Probate..... 32-7

 After Admission to Probate..... 32-7

 Show Cause Hearing..... 32-7

 Contest of Petition for Letters of Administration..... 32-8

 Duties of Executors and Administrators..... 32-8

 Notice to Creditors..... 32-8

 Suit on Rejected Claim..... 32-8

 Inventory and Appraisal of Estate..... 32-9

 One Year Report..... 32-9

 Tax Release..... 32-9

 Final Settlement..... 32-9

 Distribution and Settlement of Estates..... 32-10

 Appeals..... 32-10

 Will or Trust Disclaimer..... 32-10

 Judicial Proceeding for Record of Birth..... 32-10

 Judicial Record of Death..... 32-11

Handling Estate Administration Special Procedures..... 32-12

 Joint Tenancy Termination..... 32-12

 Judicial Determination..... 32-12

Without Judicial Determination.....	32-13
Summary Administration of Small Estates.....	32-13
Probate of Will by Surviving Spouse.....	32-13
Court Clerk’s Responsibilities in Estate Administration Cases.....	32-13
Handling Unclaimed Property from Estate Administration Cases.....	32-15
Handling Guardianship and Conservatorship Cases.....	32-15
Guardianship and Conservatorship Cases for Minors.....	32-16
Minor Entering Armed Forces.....	32-16
Guardianship and Conservatorship Cases for Adults.....	32-16
Content of Court Findings of Order Appointing Guardians.....	32-16
Cost for Relative Guardianship.....	32-17
Court Clerk’s Responsibilities.....	32-17
Courtney Smith Act.....	32-17

CHAPTER THIRTY-THREE – DUTIES OF THE COURT CLERK: DRUG COURT AND MENTAL HEALTH COURT PROGRAM

Establishing a Drug Court Program.....	33-2
Restrictions.....	33-2
Drug Court Teams.....	33-3
Program Administrators.....	33-3
Docket and Case Files.....	33-3
Fees and Costs.....	33-3
Driving Privileges of the Offender.....	33-4
Disposition of a Drug Court and the Criminal Case.....	33-5
Establishment of a Deferred Prosecution Programs.....	33-5
The Anna McBride Act.....	33-6
Establishing a Mental Health Court Program.....	33-6

APPENDIX A: USING THE OKLAHOMA STATUTES

The Oklahoma Statutes Online..... 1
 Searching the Oklahoma Statutes Databases..... 2
The Oklahoma Statutes..... 3
The Supplements..... 3
 Conflicting Oklahoma Statutes..... 3
 Conflicting Oklahoma States and Session Laws..... 3
Session Laws Citations..... 3
Index..... 4
 General Index..... 4
 Tables..... 5
A Closer Look..... 6
 Titles..... 6
 Chapters and Sections..... 6
Referencing the Oklahoma Statutes..... 8
 Distribution..... 8

APPENDIX B: RELATED SOURCES CONTACT INFORMATION

LIST OF FIGURES

Chapter Two – Sources of County Revenue	
Figure 2-1. Average County General Fund Revenue FY 2021.....	2-4
Chapter Five – The Tort Claim Process	
Figure 5-1. The Tort Claim Process.....	5-3
Chapter Six – Office of the County Clerk	
Figure 6-1. Sample Oath/Affirmation for County Officers.....	6-6
Chapter Seven – The Oklahoma Judicial System	
Figure 7-1. Non-adjudicated Functions of Oklahoma Courts.....	7-4
Chapter Twelve – Duties of the Court Clerk: Record Keeping and Maintenance	
Figure 12-1. Sample Documentation Form.....	12-16
Chapter Thirteen – Duties of the Court Clerk: Record Access and Disposition	
Figure 13-1. Disclaimer for Information Supplied from Court Record.....	13-4
Chapter Twenty-One – Duties of the Court Clerk: Jury Selection and Process	
Figure 21-1. Sample Jury Panel Oath.....	21-12

LIST OF TABLES

Chapter Two – Sources of County Revenue	
Table 2-1. County General Fund Budget Accounts and Regulations.....	2-2
Table 2-2. County Ad Valorem Taxation Process.....	2-6
Table 2-3. Property Tax Calculation.....	2-7
Table 2-4. State Transfer Payments to Counties – Sources and Uses.....	2-14
Chapter Three – The County Budget Process	
Table 3-1. Differences Between the Two County Budget Systems.....	3-4
Table 3-2. Fiscal Timetable for Counties Using the County Excise Board.....	3-5
Table 3-3. Fiscal Timetable for Counties Using the Budget Board Method.....	3-18
Chapter Eight – Duties of the Court Clerk: General	
Table 8-1. Yearly Calendar of Activities for the Court Clerk’s Office.....	8-3
Chapter Ten – Duties of the Court Clerk: Purchasing and Inventory Procedures	
Table 10-1. Inventory Identification Categorization.....	10-6
Table 10-2. Inventory Identification Codes.....	10-7
Chapter Twelve – Duties of the Court Clerk: Record Keeping	
Table 12-1. Letter Codes for District Court Case Types.....	12-4
Table 12-2. Court Clerk’s Record-keeping Tasks for Court Cases.....	12-12
Chapter Twenty-Three – Duties of the Court Clerk: Traffic Cases	
Table 23-1. Court Clerk’s Tasks for Processing Traffic Tickets.....	23-5
Table 23-2. Court Clerk’s Tasks for Handling Court Appearances.....	23-10
Chapter Twenty-Eight – Duties of the Court Clerk: Confidential Cases – Adoption	
Table 28-1. Court Clerk’s Tasks for Adoption Cases.....	28-8
Chapter Twenty-Nine – Duties of the Court Clerk: Children and Juvenile	
Table 29-1. Court Clerk’s Tasks for Children and Juvenile Proceedings.....	29-25
Chapter Thirty – Duties of the Court Clerk: Mental Health	
Table 30-1. Court Clerk’s Tasks for Mental Health.....	30-9
Chapter Thirty-One – Duties of the Court Clerk: Small Claims Actions	
Table 31-1. Court Clerk’s Tasks for Small Claims Actions.....	31-8
Chapter Thirty-Two – Duties of the Court Clerk: Probate Cases	
Table 32-1. Court Clerk’s Tasks for Estate Administration Cases.....	32-13

Introduction

How to Use This Handbook

This is a major revision of the *Handbook for County Court Clerks of Oklahoma*.

This handbook revision has been prepared for use primarily by county court clerks, their deputies, and other employees in the court clerk's office to aid them in performing their duties. This handbook is a guide to the responsibilities, duties, procedures, and statutory mandates for that office. This handbook is not meant to be all inclusive and complete but includes sufficient references and other sources to help supplement the information that is provided.

In this handbook, the term "Court Clerk(s)" refers to county court clerks and clerks of the district courts, unless otherwise specified.

NOTE:

This handbook has been prepared solely as a guide and source of reference for use in day-to-day job activities. It is not intended to be, nor should it be, used as a supplement to, or a replacement for, the Oklahoma State Statutes, opinions of the state attorney general, Oklahoma Court Rules, and/or policies and procedures issued by the appropriate state agencies (Office of the State Auditor and Inspector, Administrative Office of the Courts, the Oklahoma Supreme Court, and others).

Every effort has been made to incorporate the latest Oklahoma Statutes, opinions, and interpretations. In every instance where a statement in this handbook disagrees with an attorney

general opinion, an interpretation of the statutes by a responsible state agency or district attorney, and/or procedure or policy issued by an appropriate state agency, those opinions, interpretations, procedures, and policies will take precedence over this handbook.

Technology

Internet Document

The *Handbook for County Court Clerks of Oklahoma* is an internet document and can be accessed through the [County Training Program website](#) under the “Handbooks” heading. The document can be downloaded onto computers, copied, or printed.

The printed copy will not have the interactive capabilities of the online document.

The interactive capability of the internet allows readers to link from one spot to another in the document. For example, the reader can click on a heading entry in the Table of Contents, and they will be linked directly to that heading in the handbook.

The statute references on the right-hand side of the pages are linked to the web. Readers can click on the statute references, and they will be linked directly to a complete version of that statute on the [OSCN website](#).

Forms are shown in blue and clicking on that text will link readers to the actual form on the internet.

Readers can use the “search” feature on the webpage as an index to search for particular items they wish to reference. Readers can also page through the handbook just as they would a printed copy. The handbook appears on the screen exactly as it will appear when printed.

County court clerks can also access other county officers’ handbooks on the [CTP website](#).

Organization

Chapters one through five of the *Handbook for County Court Clerks of Oklahoma* cover county government in Oklahoma. These chapters apply to all county officers and employees. This section is intended to provide general information about how county government operates in Oklahoma and to help members of the county court clerk’s office understand how they affect and are affected by other county entities and procedures.

Chapters six through thirty-three describe the various duties and responsibilities of the court clerk’s office.

Appendix A is a guide to using the Oklahoma Statutes.

Appendix B contains a list of related sources and their addresses and phone numbers. Throughout the handbook, these sources are referenced. The data in Appendix B is provided for the reader's convenience if they need to contact any of these agencies.

Oklahoma Statutes and Other References

Statute references, attorney general opinions, and other legal references that apply to material in this handbook are printed in a column at the far right-hand side of the page in green. Each reference is situated so that it appears at the beginning of the material to which it applies.

If readers click on one of these references while using the online version, they will be linked directly to that reference on the OSCN website. In other words, if the reader clicks on a statute reference, they will be linked to the complete text of that statute.

Article references are from the *Constitution of the State of Oklahoma*. Oklahoma Statute (*O.S.*) references are from the Oklahoma Statutes.

This handbook is not intended to be a legal source to replace the Oklahoma Statutes. In many cases, the statutes are paraphrased or interpreted in simpler language. For exact and complete statutory information, the reader should refer to the actual statutes.

The Oklahoma Statutes can be accessed online through the [Oklahoma Supreme Court Network \(OSCN\) website](#). For detailed instructions on using the Oklahoma Statutes, see Appendix A.

Procedures

This handbook includes some procedural information for accomplishing the duties of the county court clerk's office. Some procedures will vary from one county to another. This handbook is not meant to suggest procedures not mandated by Oklahoma Statute or other rulings.

Forms

Since many forms are available online, and because many counties now develop their own computerized forms, not all forms are included in this handbook. Each time a form is mentioned, its source, such as the Office of the State Auditor and Inspector (SA&I) or Administration Office of the Courts (AOC), is given. In some cases, a link (in blue) is provided to the form or to the appropriate agency to obtain a sample of the form or information about it.

Questions and Comments

Every attempt has been made to provide a complete and accurate handbook. For any questions, comments, or suggestions, please contact the County Training Program at Oklahoma State University.

Telephone: 405-744-6160

Fax: 405-744-8210

Email: ctp@okstate.edu.

Visit the [County Training Program website](#) for more information.

Chapter One

County Government in Oklahoma

The County Government System in Oklahoma

The 77 counties in Oklahoma serve as extensions or subdivisions of the state of Oklahoma. All counties receive their administrative powers from the state. The Oklahoma Constitution and the Oklahoma Statutes mandate and define all of the duties and responsibilities of all county offices.

County officers are elected. Unlike municipal governments, county governments do not make new laws or ordinances. The state legislature enacts the laws that govern county government and that county governments enforce.

Oklahoma Constitution
Article 17 § 2
Oklahoma Constitution
Article 17 § 8

This chapter briefly explains the county government system in Oklahoma and discusses the duties and responsibilities of all county officials, both elected and nonelected.

Powers and Duties of County Government

Oklahoma law states that “each organized county within the state shall be a body corporate and politic” and as such shall be empowered for the following purposes:

- To sue and be sued
- To purchase and hold real and personal estate for the use of the county and lands sold for taxes as provided by law
- To sell and convey any real or personal estate owned by the county, and to make an order respecting the same as may be deemed conducive to the interests of the inhabitants
- To execute leases of real property owned by the county to nonprofit corporations organized for the general purpose of historical preservation
- To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of corporate or administrative power
- To exercise other and further powers as may be especially provided for by law

Oklahoma Constitution
Article 17 § 1
Oklahoma Constitution
Article 17 § 2

19 O.S. § 1
19 O.S. § 3

Creation and Disorganization of Counties

Creation of Counties

The legislature shall provide by general laws for the creation of new counties, the altering or changing of lines, the equitable division of assets and of liabilities, and the original location of county seats in new counties according to the Oklahoma Constitution.

Oklahoma Constitution
Article 17 § 4

Disorganization of Counties

Under certain conditions outlined in the Oklahoma Constitution, the board of county commissions of a county shall submit to the qualified electors of that county a ballot in the next ensuing election with the question: "Shall the county be an unorganized county?" The qualified electors will answer "Yes" or "No."

Oklahoma Constitution
Article 17 § 5

If a majority of the votes are in the affirmative, the county shall be unorganized, be attached to, and be a part of the adjoining county having the lowest valuation of taxable property. The unorganized county shall remain as a district in the adjoining county until such time as the qualified electors vote in favor of separate organized county existence, according to guidelines in the Oklahoma Constitution.

Duties of County Officers

Elected County Officers

Oklahoma law stipulates that each county has six county offices plus the office of the district attorney, who may serve more than one county. Each office is headed by an elected county officer. Five of these offices were established in the Oklahoma Constitution in 1907.

The following officers are elected by the eligible voters in the county at a general election.

- County Commissioners
 - Three in each county; one elected by the voters in each of the three districts
- County Clerk
- County Assessor
 - Created by Oklahoma Statute in 1911; replaced town, city, and township assessors whose offices were abolished that same year
- County Treasurer
- County Court Clerk
- County Sheriff
- District Attorney
 - An Oklahoma Statute in 1965 created the office of the district attorney, formed 27 districts, and replaced county attorneys with district attorneys. Voters from one or more counties within a district select a district attorney to represent that district.

Oklahoma Constitution
Article 17 § 2

Oklahoma Constitution
Article 17 § 2
68 O.S. § 2814

Oklahoma Constitution
Article 17 § 2

Oklahoma Constitution
Article 17 § 2

Oklahoma Constitution
Article 17 § 2

19 O.S. § 215.1

Each elected officer serves a four-year term in office. The officers' terms are staggered so that every two (even-numbered) years, the November general election includes ballots for only certain county officers.

19 O.S. § 131

- The district 1 and district 3 county commissioners, plus the county treasurer, the county assessor, and the district attorney, are elected in one election.
- The district 2 county commissioner, plus the county clerk, the court clerk, and the county sheriff, are elected in one election.

NOTE:

OSU Extension Fact Sheet No. 802, “Duties and Responsibilities of Elected County Officials,” contains a table showing the schedule of election years for elected county officers and contains detailed descriptions of those officer’s duties and responsibilities.

County Commissioners

One county commissioner is elected from each of the three districts within the county. These districts must, by law, be approximately equal in population.

19 O.S. § 321

County commissioners serve on the board of county commissioners and act as the principal administrators of the county. Their duties include the following activities:

- Selling or purchasing public land or buildings for the county
- Auditing the accounts of other county officers
- Approving the purchase of operating supplies, equipment, and services contracted for the county
- Supervising county road and bridge construction and maintenance
- Developing personnel policies and designating holidays
- Approving payment of the county payroll
- Auditing and approving tort claims against the county
- Receiving and approving bids for major purchases or construction projects

19 O.S. § 339
19 O.S. § 339(A)(1)
19 O.S. § 339.2
19 O.S. § 339(A)(2)

19 O.S. § 339(A)(3)
19 O.S. § 339(A)(10)
19 O.S. § 326
19 O.S. § 153
51 O.S. § 158

69 O.S. § 1101

- Preparing the county budget in conjunction with other county officers
- Monitoring the county solid waste program
- Calling county elections for various purposes
- Reapportioning commissioner districts in accordance with Census Bureau criteria
- Purchasing surety bonds (blanket bonds) to cover all county officers and employees

Oklahoma Constitution
Article 10 § 9-D

19 O.S. § 321(B)
19 O.S. § 167
19 O.S. § 622
19 O.S. § 326
25 O.S. § 307(E)

The board of county commissioners holds a regular monthly meeting at the county seat. All meetings of this board are open to the public except for executive sessions, which can be closed sessions under certain circumstances as defined by the statutes.

County Clerk

The county clerk is the principal record keeper of the county. All legal instruments, including plat maps; deeds; mortgages; oil and gas leases; liens; and military discharge papers that are filed with the county by private citizens and public officials are preserved by the county clerk. Other duties of the county clerk include the following activities:

19 O.S. § 250
19 O.S. § 284
19 O.S. § 286

- Serving as secretary for the board of county commissioners and other county boards such as the county excise board
- Recording all appropriations and expenditures for each county office or department
- Preparing warrants or checks for paying county bills and payroll
- When serving as the county’s purchasing agent, purchasing, or leasing and maintaining all county supplies and equipment
- Acting as the register of deeds
- Keeping a record of all meeting notices subject to the Open Meetings Laws

19 O.S. § 244
19 O.S. § 245
68 O.S. § 2861(E)
68 O.S. § 3005.1(A)
19 O.S. § 243
19 O.S. § 244
19 O.S. § 347
62 O.S. § 471
19 O.S. § 1501

19 O.S. § 287

19 O.S. § 1502

County Assessor

The county assessor assesses all property for ad valorem taxation, submits the value of each property to the county equalization board, and later to the State Board of Equalization for approval. After receiving the certified millage rates from the county excise board, the county assessor prepares the tax roll, which shows the taxes due on each county property and forwards the roll to the county treasurer for tax collection.

68 O.S. § 2814(1)
68 O.S. § 2815
68 O.S. § 2817

The county assessor also performs the following duties:

- Preparing and maintaining permanent records of all real and personal property including cadastral maps
- Implementing the four-year visual inspection program for all property
- Auditing any property for which the estimated fair cash value differs from the value submitted by the taxpayer
- Receiving and reviewing all applications for exemptions
- Serving as a member of the board of tax roll corrections

68 O.S. § 2842(B)

68 O.S. § 2827
68 O.S. § 2840

68 O.S. § 2820
68 O.S. § 2823
68 O.S. § 2846

68 O.S. § 2836

68 O.S. § 2871

County Treasurer

The county treasurer is the chief financial officer for the county and administers all county monies. The county treasurer receives, deposits, and maintains records for all county monies; redeems county warrants; apportions taxes to various accounts and to local public entities such as schools and cities; keeps records of all payments and expenditures made by the county; and presents county records and financial statements to the SA&I for audit.

19 O.S. § 623
19 O.S. § 624
19 O.S. § 625

The county treasurer also receives the annual tax roll and tax roll warrant, prepares the ad valorem tax statements, and mails the statements to the property owners. The county treasurer collects all county ad valorem taxes, issues delinquent personal and real property tax notices, and initiates and supervises tax sales on real property for nonpayment of taxes.

68 O.S. § 2869
68 O.S. § 2913

County Court Clerk

The court clerk's primary responsibilities are to record, file, and maintain district court proceedings and maintain books useful for locating past court proceedings. The court clerk keeps summaries of court actions in an appearance docket; maintains cases; collects fines, fees, forfeitures; and any other monies paid. The court clerk distributes or expends collected monies as provided by law. The court clerk also issues legal warrants; court orders; passports; and marriage (as authorized by a judge), pool hall, and other county licenses.

28 O.S. § 31
12 O.S. § 22
12 O.S. § 24
12 O.S. § 29
12 O.S. § 35.1
12 O.S. § 27
12 O.S. § 28

County Sheriff

The county sheriff is the chief law officer responsible for preserving the peace and protecting life and property in the county. The county sheriff apprehends persons charged with criminal activity; operates the county jail; serves warrants and process papers of the district court and other lawful authorities; handles various nuisances or dangers to the public; and handles safety matters. The county sheriff also coordinates and administers courthouse security. The county sheriff may also assist the state in handling state prisoners.

19 O.S. § 513
19 O.S. § 514
19 O.S. § 516
19 O.S. § 545

County Budget Boards

Counties that have resolved to operate under the County Budget Act have budget boards composed of the eight elected county officers listed above. The budget board reviews the annual estimate of needs of each county department, revises these estimates if needed, proposes a budget, conducts public hearings, and adopts a budget. The budget board also authorizes transfers of certain funds from one county budget account to another and may make supplemental appropriations to the budget.

19 O.S. § 1403
19 O.S. § 1407

District Attorney

The district attorney is the chief prosecutor within each of 27 districts in Oklahoma. Most district attorneys serve more than one county. The district attorney performs the following duties and may be assisted by one or more assistant district attorneys.

19 O.S. § 215.1
19 O.S. § 215.4

- Serves as criminal prosecutor in district court
- Assists a grand jury with legal advice, witness examination, and indictments
- Provides witness and victim assistance

- Represents the county in all civil actions or proceedings in which the county is a party
- Serves as the principal legal counsel for county government to give opinions and advice to the board of county commissioners and other civil officers of the county, when requested, on all matters in which the county is interested, or relating to the duties of the officers or boards in the county.

19 O.S. § 215.5

Outside Counsel

The county sheriff, county treasurer, or county assessor each have the authority to employ general counsel, either in-house as a staff attorney or through an outside law firm, to advise or represent that officer and office in performing the official duties of that office. The board of county commissioners must approve all contracts for outside counsel. Any general counsel employed must be compensated from the funds of the employing county office.

19 O.S. § 527

In any case in which a county officer brings an action against another county officer, the district attorney shall not represent either county officer in the action.

19 O.S. § 215.25(H)

If the district attorney and the board of county commissioners agree, the county may hire outside counsel at the expense of the county.

19 O.S. § 215.37M(B)

Nonelected County Officers and Boards

County governments in Oklahoma are managed by both elected and nonelected officers. The following list includes officers that might serve the county by appointment and board members, both appointed and elected:

- County Engineer
- County Extension Office professionals
- County Board of Health/Superintendent of Health
- County Medical Examiner
- Emergency Medical Service District Board of Trustees
- County Safety Director

- Safety Coordinators
- County Board of Equalization members
- County Excise Board members
- Board of Tax Roll Corrections members
- County Emergency Management Director (Formerly the County Civil Defense Director)
- County Board of Public Welfare members
- County Election Board members
- County Free Fair Association Board members

NOTE:

OSU Extension Fact Sheet No. 803, “Duties and Responsibilities of Non-Elected County Officials and Boards,” contains detailed information on the duties and responsibilities of these officers and boards.

County Engineer

The county engineer oversees county highway programs and may assist with maintenance and construction projects. The county engineer also keeps records of county roadwork costs.

69 O.S. § 624
69 O.S. § 625
69 O.S. § 626

Counties may hire either a full-time or part-time engineer or may enter into a contract with an engineering consultant. Several counties may share the services of one engineer. In some cases, the State Department of Transportation may provide engineering services.

Counties within the eight circuit engineering districts (CED) in Oklahoma may share an engineer hired by, or under contract to, a district. (See Chapter Thirteen, “Duties of the County Commissioner: Circuit Engineering Districts,” in the *Handbook for County Commissioners of Oklahoma*).

69 O.S. § 687.1

County Extension Office Personnel

The [Oklahoma Cooperative Extension Service \(OCES\)](#) maintains the County Extension Office and hires, with the approval from the board of county commissioners, the county extension office director. OCES represents a federal, state, and county partnership that serves as a link between the state's land-grant university (Oklahoma State University) and the people of Oklahoma. It provides non-biased, research-based information on a variety of topics.

70 O.S. § 3418

Through the County Extension Office staff, OCES provides educational resources and programs organized into four major areas:

- Agriculture
- Family Life, Nutrition, and Health
- 4-H and Youth Development
- Rural Development

County Board of Health/Superintendent of Health

63 O.S. §§ 1-201-1-210

The county board of health consists of five members, two appointed by the State Commissioner of Health, two by the county commissioners, and one by the district court. This board establishes and maintains a county health department, a district health department, or a cooperative health department.

Two or more boards of health may form a health district. County boards of health and/or health districts may join cities, towns, and schools to form cooperative departments of health. The primary purposes of these entities include preventing and controlling disease and other health dangers, educating the public, providing preventive services, keeping vital records, and assisting the State Commissioner of Health.

Financing is achieved by county mill levy, state funds, user fees, and sometimes an earmarked sales tax. For any county without a health department and which does not participate in a district health department, the State Commissioner of Health appoints a county superintendent of health.

Emergency Medical Service Districts Board of Trustees

Emergency medical service districts (ambulance service districts) may be formed by a vote of the people in the area affected. If the service is formed, each district shall have a board of trustees of not less than five members, chosen by the board or boards of commissioners in the counties included in the districts. The board of trustees shall have no less than one member from each county or part of a county included in the district.

Oklahoma Constitution
Article 10 § 9C
19 O.S. § 1702
19 O.S. § 1715

County Medical Examiner

The Oklahoma Chief Medical Examiner appoints medical examiners for each county to investigate the cause and manner of deaths within the county and to make written reports.

63 O.S. § 937
63 O.S. § 938
63 O.S. § 939

County Safety Director

The board of county commissioners must appoint a county safety director to coordinate all county safety programs. This individual must ensure that safety classes on subjects related to that office are provided at least quarterly for all county employees. (Reference Administrative Rule 380:1-22, Oklahoma Department of Labor, Public Employee Occupational Safety and Health (PEOSH) Division).

40 O.S. § 403(E)

Safety Coordinators

Each county officer may also appoint a safety coordinator to coordinate safety programs for employees in that office. The safety coordinators report to the county safety director.

The Association of County Commissioners of Oklahoma (ACCO) publishes the Sample General Safety Manual, which contains additional information about safety in county offices.

County Board of Equalization Members

The primary duty of the three members of the county board of equalization is to ensure equalization of property taxes. The county board of equalization hears protests, reviews property tax assessment records, reviews homestead exemption applications, and corrects errors. The board members may raise or lower appraised values of properties, add omitted property to the tax roll, declare certain property non-taxable, and make other tax-related decisions.

68 O.S. § 2861
68 O.S. § 2862
68 O.S. § 2863
68 O.S. § 2864

Members of the county board of equalization also serve on the county excise board.

The board of county commissioners, the commissioners of the Oklahoma Tax Commission, and a district judge, or a majority of district judges, each appoints one member to the county board of equalization. The county clerk serves as secretary to this board.

68 O.S. § 3005.1

Course of Instruction Required

Each member of the county board of equalization shall be required to attend and successfully complete a course of instruction consisting of at least six (6) hours for the purpose of instructing the members about the duties imposed on the board by law. As of November 1, 2023, the initial six-hour training is only required for the member's first term. The course shall be developed by the Oklahoma State University Center for Local Government Technology and shall include subjects similar to those prescribed by law for certification of county assessors and their deputies.

68 O.S. § 2862
68 O.S. § 3005.1
68 O.S. § 3006
68 O.S. § 3007

Failure of a county board of equalization member to successfully complete such course within twelve (12) months of the date as of which the member was appointed shall result in forfeiture of the office and the vacancy shall be filled in the manner provided by law. In addition to the initial training requirement, each member of the county board of equalization shall attend and successfully complete an annual continuing education course of instruction of at least three (3) hours developed by the Oklahoma State University Center for Local Government Technology. Failure of a county board of equalization member to complete such annual continuing education course of instruction shall result in forfeiture of office and the vacancy shall be filled in the manner provided by law.

Board Meetings

A member of the county board of equalization may not miss more than three (3) meeting days of the board per calendar year unless, upon a review by the member's appointing authority, one or more of the absences were excused. Failure by a member of the county board of equalization to comply with the attendance requirement shall result in forfeiture of office and the vacancy shall be filled in the manner provided by law. Forfeitures of office resulting from the failure to comply with the provisions of this section shall be administered by the State Auditor and Inspector.

68 O.S. § 2862
68 O.S. § 3005.1

County Excise Board Members

The county excise board, composed of the members of the county board of equalization,

68 O.S. § 3006
68 O.S. § 3007

oversees, and reviews all county, school district, and city budgets to determine if they are legally and adequately funded within the revenues available. This board also performs the following functions:

- Reviews and approves the county budget
- Fixes the tax levy or millage rate
- Gives public notice that the budget and tax levies are open to public discussion

The county excise board meets at the county seat on the first Monday of July each year to organize and elect a chairman and vice-chairman to perform excise duties for that fiscal year. The county clerk serves as secretary to the county excise board.

Course of Instruction Required

68 O.S. § 3006(C)

Within the first 12 months of appointment, each member of the county excise board is required to attend and successfully complete a course of instruction that consists of at least six hours. As of November 1, 2023, the initial six-hour training shall only be required for the member's first term. Additionally, members must complete three hours of instruction for every year of service.

The course of instruction shall include the duties and responsibilities of the county excise board, including those related to authorized millage rates imposed by local taxing jurisdictions. The course shall be offered by or approved by the Oklahoma State University Cooperative Extension Service.

Failure of a county excise board member to complete the initial six (6) hours of instruction within twelve (12) months of appointment or the annual three (3) hours of continuing education course of instruction shall result in forfeiture of office and the vacancy shall be filled in the manner provided by law.

Board Meetings

A member of a county excise board may not miss more than three (3) meeting days of the board per calendar year unless, upon a review by the member's appointing authority, one or more of the absences were excused. Failure by a member of a county excise board to comply with the attendance requirement shall result in forfeiture of office and the vacancy shall be filled in the manner provided by law. Forfeitures of office resulting from the failure to comply with provisions of this section shall be administered by the State Auditor and Inspector.

68 O.S. § 3006

Board of Tax Roll Corrections Members

Members of the board of tax roll corrections include the chairman of the board of county commissioners as chairman, the chairman of the equalization board as vice-chairman, and the county assessor as a member. The county clerk serves as secretary but is a non-voting member.

68 O.S. § 2871

This board investigates reports of errors in the certified tax rolls and corrects these errors when warranted. Such corrections might include mathematical errors or missing information such as a homestead exemption.

County Emergency Management Director

The county emergency management director, formerly called the county civil defense director, manages the county emergency management program, which is a coordinated effort of local, state, and federal governments to maintain procedures and resources sufficient to meet emergency situations ranging from natural disasters to enemy attacks.

63 O.S. § 683.11
63 O.S. § 683.12

The county emergency management director also works with the county's local emergency planning committee (LEPC). These committees are responsible for helping to facilitate communications between facilities that handle hazardous materials and their respective communities. This activity is mandated by the Risk Management Program (RMP) provisions of the Federal Clean Air Act Amendments of 1990.

The County Board of Public Welfare Members

The State Welfare Commission appoints members to the county board of public welfare, which administers state and federal assistance programs for needy persons such as disabled or handicapped adults and children and dependent children.

56 O.S. § 163

County Election Board Members and County Election Board Secretary

The State Election Board appoints two members and two alternates to the county election board. The State Election Board also appoints a third member and a third alternate from lists provided by the county central committees of the two political parties with the largest number of registered voters in the state, following the guidelines in the Oklahoma Statutes. The county election board members and alternates serve four terms each.

26 O.S. § 2-110
26 O.S. § 2-111

These members are responsible for ensuring that all of the steps necessary to organize, administer, and hold official elections are performed correctly. These steps include printing, distributing, collecting, and counting ballots; delivering them to the State Election Board; and certifying election results.

26 O.S. § 2-111.1
26 O.S. § 2-112
26 O.S. § 2-117
26 O.S. § 2-123

The State Election Board appoints the county election board secretary for a term of four years. The county election board secretary is the administrative officer of the county election board and has general supervisory authority over all precinct officials and absentee voting board members within the county.

26 O.S. § 2-112
26 O.S. § 2-117

The secretary of the county election board employs an assistant secretary and other employees necessary to perform the duties of the county election board. The secretary also appoints the inspector, judge, and clerk of each precinct, to serve terms of four (4) years each, per guidelines in the Oklahoma Statutes.

26 O.S. § 2-123
26 O.S. § 2-124
26 O.S. § 2-125
26 O.S. § 2-126

County Free Fair Association Board Members

The nine members of the county free fair board are generally elected by written secret ballot for a term of three years at a mass meeting in February called by the board of county commissioners.

2 O.S. § 15-65

2 O.S. § 15-68

Three members are elected annually, one from each district. These members manage the fairground facilities and conduct the county free fair, junior livestock show, and other events.

Other Nonelected Officers

Other nonelected county officers may serve with other county organizations, which might include the following groups:

- County Law Library Board of Trustees
- City-County Park and Recreation Commission
- Land Use Planning Commission
- County Hospital Board of Control

20 O.S. § 1204
20 O.S. § 1205
20 O.S. § 1208
19 O.S. § 1002
19 O.S. § 1004
19 O.S. § 863.1
19 O.S. § 789
19 O.S. § 790.1

Federal Regulations

The Americans with Disabilities Act of 1990 (ADA) prohibits government entities from discriminating against qualified individuals (citizens or employees) with disabilities on the

basis of disability through inadequate coordination of their services, programs, or activities. A government entity with less than 50 employees must, at minimum, adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, activities, and services. According to the *ADA Best Practices Tool Kit for State and Local Governments*, public entities with 50 or more employees must distribute the notice described above, develop and publish grievance procedures, and designate at least one responsible employee to coordinate ADA compliance. A government entity may elect to have more than one ADA coordinator. For more information on ADA compliance, reference the *ADA Best Practices Tool Kit for State and Local Governments*.

NOTE:

The primary purpose of this handbook is to address Oklahoma Statutes. This handbook does not claim to address every federal statute that may be applicable to county government.

Chapter Two

Sources of County Revenue

This chapter explains the sources of revenue for counties in Oklahoma and discusses the various revenue funds that counties can operate.

County Funds

The County General Fund

The Oklahoma Constitution and the Oklahoma Statutes authorize counties to create a county general fund, which is the county's primary source of operating revenue.

The county general fund is typically used to pay most county employees' salaries plus many expenses for county maintenance and operation. It also provides revenue for various budget accounts and accounts that support special services and programs. [Table 2-1](#) shows some options for revenue amounts that could be apportioned to budget accounts that support special services as established by the statutes.

The board of county commissioners must review and approve all expenditures made from the county general fund.

The primary revenue source for the county general fund is usually the county's ad valorem tax collected on real, personal (if applicable), and public service property. Smaller amounts of revenue can come from other sources.

Oklahoma Constitution
Article 10 § 9

62 O.S. § 331
62 O.S. § 331
68 O.S. § 3009
68 O.S. § 3011

62 O.S. § 331

**Table 2-1. County General Fund Budget
Accounts and Regulations for Special Services**

62 O.S. § 331

Budget Account	Regulated Amount of Deposit
Crippled Children	Oklahoma Supreme Court – State v Malibie 1981 OK 18 630 P.2d 310 – declared unconstitutional
County Audit	Mandatory to provide one-tenth mill
Governmental	Optional with the board of county commissioners
Tick Eradication	Optional with the board of county commissioners
Highway Levy for road and bridge construction and maintenance	Optional with the board of county commissioners
Free Fair	Optional within the limit of the applicable statute under which the free fair is organized
Free Fair Improvement	Optional within the net proceeds of one mill
Free Fair Additional Improvement	Optional within the net proceeds of one mill
Library	Optional within the net proceeds of one-half mill
Public Health	Optional within the net proceeds of one mill (when coordinated by the State Department of Public Health)
Bovine T.B.	Optional within the limit of Five Thousand Dollars (\$5,000.00)
Farm and Home Demonstration	Variable with the size of the county (optional within statutory limitations)

In [Figure 2-1](#), a graph shows revenue sources for all county government funds for FY 2021. This graph depicts the average general fund sources for all 77 counties in Oklahoma. Not all counties receive revenue from all of the items included in the graph. For example, not all counties have a county sales tax.

Ad Valorem Tax Collections

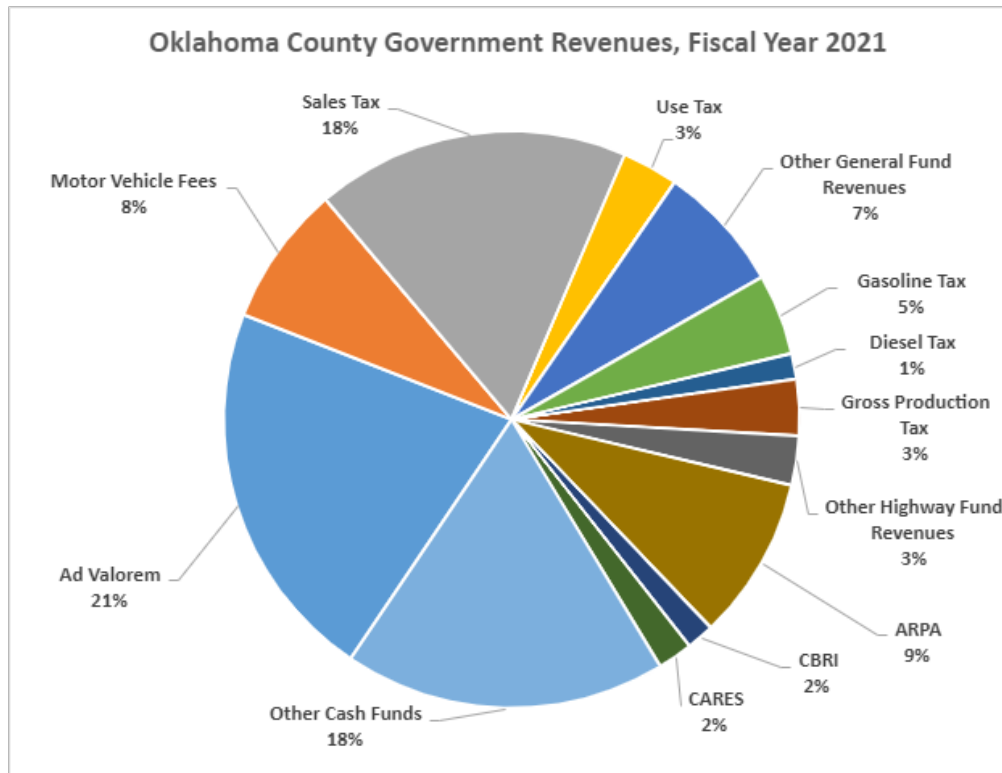
Ad valorem means “according to value” or “in proportion to value.” Most people use the terms ad valorem and property tax interchangeably. Property tax is an ad valorem tax because the amount of tax is directly proportional to the taxable value of the property.

68 O.S. § 2806
68 O.S. § 2807

Ad valorem taxes are collected on two types of property: real property and personal property.

Property taxes are measured in mills. A mill is one-thousandth or \$1.00 tax for every \$1,000.00 of taxable value. Taxable value (assessed value) is equal to the fair cash value multiplied by the assessment percentage or ratio.

The county excise board can lawfully set the levy not to exceed fifteen mills (five of which are apportioned for school district purposes). They can then apportion the anticipated revenue among the county, cities, towns, and school districts.



Statewide Totals	Fiscal Year 2021
Ad Valorem	393,807,079.61
Motor Vehicle Fees	144,599,166.58
Sales Tax	322,677,476.22
Use Tax	57,734,715.88
Other General Fund Revenues	131,531,900.76
Gasoline Tax	83,336,008.95
Diesel Tax	26,247,074.00
Gross Production Tax	57,631,744.56
Other Highway Fund Revenues	50,922,977.89
ARPA	167,815,325.00
CBRI	28,455,407.00
CARES	36,048,543.00
Other Cash Funds	331,418,150.00

Figure 2-1. County Government Revenue Sources for Counties, FY 2021

Sources of revenue include all revenues to general, county highway, and special revenue funds. The percent of revenue by source was calculated using the total revenue, across all counties, from each respective source. Therefore, the percentages are based on the statewide totals shown in the table.

Source: The data for this graph comes from the “Abstract of the General Fund for Counties in Oklahoma” published by the [Oklahoma Cooperative Extension Service at Oklahoma State University](#).

NOTE:

This graph shows a general average of all 77 counties in Oklahoma. Not all counties receive revenue from all of the sources shown. For example, not all counties have gross production tax revenue. Acronyms: (ARPA) American Rescue Plan Act, (CBRI) County Bridge and Road Improvement, (CARES) COVID Aid, Relief, and Economic Security.

Real Property

Real property consists of land or a combination of land and building improvements. The county assessor determines the fair cash value according to how this real estate is being used. Any change in the property during the year, such as new construction or the removal of a building, results in a reassessment. The assessor must reassess each piece of real property at least every four years.

68 O.S. § 2806

Personal Property

Personal property includes individual personal property and business personal property. Individual personal property includes such things as clothing, furniture, tools, jewelry, silverware, sporting equipment, pianos, grain loaders, saddles, and other items. Business personal property includes commercial, business, and professional equipment such as furniture, machinery, merchandise inventories, merchandise on consignment, and merchandise on leased land.

68 O.S. § 2807

NOTE:

Counties can elect to abolish household personal property taxes. For counties that have passed the county option to abolish household personal property and livestock in support of the family, the constitutional 10-mill limitation is increased to compensate for the loss in the tax base and make the tax base revenue neutral in tax collections in the year in which it was passed by a vote of the people.

Oklahoma Constitution
Article 10 § 8A

NOTE:

The “[Oklahoma Ad Valorem Mill Levies, Fiscal Year 2023](#),” published by the [Oklahoma Cooperative Extension Service](#) at OSU, contains a statewide, comprehensive listing, by county, of statewide local government millages.

Oklahoma Constitution
Article 10 § 9

Other Ad Valorem Funded Budgets

The proceeds of specific revenue sources that can be expended only for specified purposes as restricted by the statutes are held in special revenue funds. The following funds are examples of special revenue funds that derive revenue from ad valorem tax levies:

- County Health Department
- County Building
- Emergency Medical Services
- Solid Waste Management District - 3 mills
- County Industrial Development Fund – 5 mills
- Cooperative Library – 1~4 mills
- County Sinking Fund

Refer to [OSU Extension Fact Sheet No. 795](#), “Ad Valorem Taxes,” for additional information.

Exemptions to Ad Valorem Taxation

The Oklahoma Statutes provide for tax exemptions for governmental, educational, religious, and charitable institutions. They also provide for other exemptions such as the homestead exemption.

Oklahoma Constitution
Article 10 § 9A
63 O.S. § 1-223
Oklahoma Constitution
Article 10 § 10
Oklahoma Constitution
Article 10 § 9C(a)

68 O.S. § 2887

Table 2-2. County Ad Valorem Taxation Process

Office or Board	Activity
County Assessor	Appraises real property and accepts renditions on personal property Appraised value = fair cash value according to use
	Applies assessment ratio to appraised value Appraised value x assessment ratio = gross assessed valuation
	Applies applicable exemptions to determine net assessed valuation. Gross assessed valuation – exemptions = net assessed (or taxable) valuation
	Prepares a summary of the assessment rolls (an abstract of all valuations of taxable property in the county)
	Certifies and presents this summary to the county excise/equalization board and the Oklahoma Tax Commission
County Excise Board	Receives and reviews the county assessor’s summary, which shows the county’s tax base Later receives certified values from state board of equalization (county’s total taxable valuation)
	Receives and reviews estimates of needs from each department of county government
	Determines exact tax levy and certifies the levies to the county assessor levy (up to constitutional limitation) = $\frac{\text{tax revenues needed}}{1000 \text{ taxable valuation}}$
County Assessor	Applies the levy to each entry on the assessment rolls mill rate x <u>taxable valuation</u> = tax 1000
	Prepares the tax rolls
	Certifies the tax rolls to the county treasurer
County Treasurer	Prepares and mails tax statements
	Receives tax payments
	Issues delinquent tax notices and warrants on personal property
	Initiates and supervises tax sales on real property for nonpayment of taxes

Table 2-2 shows the ad valorem taxation process and the responsibilities of the various county offices in that process.

Table 2-3 shows a hypothetical computation of the property tax due on an Eighty Thousand Dollars (\$80,000.00) house in a county where the assessment ratio is 12% and the levy is 80 mills.

Table 2-3. Property Tax Calculation

Fair cash value of a home	\$80,000.00
Times the assessment ratio	x .12
Equals assessed value	\$9,600.00
Less homestead exemption	<1,000.00>
Equals net assessed value	\$8,600.00
Times the tax rate (80 mills) or $80/1000 = 0.080$	x 0.080
Equals tax due	\$688.00

NOTE:

The Oklahoma Constitution limits the real property applied assessment percentage to between 11 and 13.5% of fair cash value and the personal property applied assessment percentage to between 10 and 15% of fair cash value. These amounts can be changed by a county-wide vote of the people.

Homestead Exemption

Oklahoma Constitution
Article 10 § 9

People who own homes in the county are eligible for a homestead exemption provided the home is their actual permanent residence and they are citizens of Oklahoma.

68 O.S. § 2887

A homestead is exempt from ad valorem taxation up to One Thousand Dollars (\$1,000.00) of the assessed value (the property’s taxable valuation less One Thousand Dollars (\$1,000.00)).

People who purchased homes during the past year are eligible for a homestead exemption if the following two criteria apply:

68 O.S. § 2888

- The persons were actually living on the property on January 1 of the current taxable year.

68 O.S. § 2889

- The deed or other evidence of ownership has been or will be filed for record in the county clerk’s office prior to February 1 in the year in which the owner first applies for the homestead exemption.

Property owners are not entitled to homestead exemption if any of the following criteria apply:

- The owner is not actually residing on the property on January 1 of the taxable year.
- The property is rented.
- The deed or other conveyance of title is not on record in the county clerk’s office prior to February 1 of the year in which the owner first applies for the homestead exemption.
- The title to the property is in probate (except for the surviving spouse or minor children living on the property).

Additional Homestead Exemption

An additional homestead exemption is an additional exemption allowed to any homeowner who meets the following conditions:

68 O.S. § 2890

- The homeowner is eligible for a homestead exemption.
- Application for additional homestead must be made annually on or before March 15.
- The homeowner’s gross household income is Thirty Thousand Dollars (\$30,000.00) or less for the preceding year. (The increase to \$30,000.00 is effective January 1, 2024.)

68 O.S. § 2890

Ad Valorem Tax Refunds or Credits

A head of household can qualify for a refund or credit of ad valorem tax payments if the following conditions apply:

68 O.S. § 2906

- The person is totally disabled or is 65 years of age or older.
- The person’s gross household income is Twelve Thousand Dollars (\$12,000.00) or less.
- The person has been living in the state during the entire preceding year.

A head of household can also qualify for a refund or credit of ad valorem tax payments if the following condition applies:

Oklahoma Constitution
Article 10 § 8E

- The person has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and has been certified by the United States Department of Veterans Affairs or its successor to have a 100% permanent disability sustained through military action or accident or resulting from disease contracted while in such active service; or is the surviving spouse of the person.

Additional Revenue Sources for the County General Fund

Fees and Collections

28 O.S. § 43

Fees and collections are another source of revenue for the county general fund. They are revenue sources generated by a political subdivision. Fees are charged for services provided. The majority of the services and accompanying fees are established by the legislature. Collections are the revenues obtained from the fees.

For example, the county clerk collects a fee for recording deeds and other legal documents, and the county treasurer collects fees associated with collecting delinquent taxes.

28 O.S. § 32

County Sales Tax

County sales tax revenues can also be placed in the county general fund. Any county with a population of 300,000 or less may levy up to a two percent county sales tax. Counties with populations larger than 300,000 may levy a restricted tax of one-half of one percent or one percent to finance certain facilities.

68 O.S. § 1370
68 O.S. § 1370.2
68 O.S. § 1370.4

NOTE:

County sales tax revenues can also be kept in a separate revolving fund that has been specifically set up for that purpose.

2004 AG 32
2005 AG 23
2007 AG 22

To institute a county sales tax, the board of county commissioners must call an election or complete an initiative petition. In either case, an election is held to perform the following activities:

1996 AG 70

- Implement the tax

- Set the tax levy
- Set the duration of the tax which may be for a specific or indefinite time period
- Set the use(s) for which the sales tax collections will be used

A simple majority of the eligible voters in the county is required to pass the sales tax.

Sales tax revenues may be used for general operations, capital improvements, county roads, or other necessary uses as designated. Such uses must promote the safety, security, and the general well-being of the people of the county.

68 O.S. § 1370

NOTE:

Incorporated cities and towns are allowed to levy a sales tax. Any municipal sales tax would be in addition to the four-and-a-half percent levied by the state and the maximum allowed for county government. The amount of a municipal sales tax must be approved by a majority vote of the registered voters at a general or special election. See [OSU Extension Fact Sheet No. AGE-763, “Adopting a County Sales Tax.”](#)

68 O.S. § 1354
68 O.S. § 2701
68 O.S. § 2705

County Use Tax

The board of county commissioners of a county with a county sales tax in place may levy an additional excise (use) tax, at a rate that equals the county sales tax rate. This use tax shall be paid by every person storing, using, or otherwise consuming within the county tangible personal property purchased or brought into the county. These purchases include mail, phone orders, and internet purchases from merchants who have no physical presence in Oklahoma. The board of county commissioners also sets the purpose(s) for which the use tax is spent.

68 O.S. § 1411
68 O.S. § 2705

Refer to [OSU Extension Fact Sheet No. 765, “Use Tax for County Government,”](#) for additional information on use tax.

State Transfer Payments

The state of Oklahoma makes transfer payments to counties, cities, towns, and school districts, some of which are deposited into the county general fund. Some state transfer payments may be deposited into various cash funds, which are discussed later in this chapter. State transfer payments are generated primarily from the following sources:

69 O.S. § 665
68 O.S. § 500.6a

- Motor fuel excise taxes, includes gasoline, compressed/liquefied natural gas, and diesel 68 O.S. § 500.7
- Special fuel taxes 68 O.S. § 1004
- Collections
- Forfeiture taxes
- Motor vehicle license and registration fees 47 O.S. § 1104
68 O.S. § 1004
- Gross production tax

In addition, school districts receive funds from the state rural electric co-op tax according to the number of miles of power lines within each district. Cities and towns receive funds from the state alcoholic beverage tax based on total area and population. Counties and municipalities with racetracks also receive monies from admission fees.

The Oklahoma Tax Commission (OTC) makes transfer payments to the county treasurer for counties and school districts. Cities and towns receive their shares directly from the Oklahoma Tax Commission.

Table 2-4 shows the sources and uses of state monies that are transferred to counties.

NOTE:

Refer to the [Oklahoma Tax Commission website](#), which contains several helpful reports and publications.

In-Lieu Taxes

In-lieu taxes, which are deposited into the county general fund, are taxes that substitute for, or take the place of, ad valorem taxes. In lieu taxes come from the following sources:

- Auto tax stamps 68 O.S. § 5302
3 O.S. § 256
- Registration fees and taxes on aircraft 47 O.S. § 1137.1
- Registration and licenses for vessels and motors 63 O.S. § 4003(A)(2)(B)(2)
63 O.S. § 4023
- Textile taxes 68 O.S. § 2001
68 O.S. § 5401
- Farm tractors and equipment 68 O.S. § 5402
68 O.S. § 5403
68 O.S. § 5404

Table 2-4. State Transfer Payments to Counties – Sources and Uses

Revenue Source/Tax Rate	Use	
	County Roads	County Government
Gasoline Excise Tax (\$.16/gallon) 68 O.S. § 500.4~500.63, 68 O.S. § 602, 68 O.S. § 603(A)(1)	~33%	
Diesel Excise Tax (\$.13/gallon) 68 O.S. § 500.4~500.7, 68 O.S. § 602, 68 O.S. § 603(A)(2)	~34%	
Special Fuel (\$.16/gallon) 68 O.S. §§ 703, 704, 705, 706, 707.1, 707.2, 707.3	30.9961%	
Gross Production Tax on oil 68 O.S. §§ 1001, 1004	Varies by tax rate*	
Gross Production Tax on natural gas 68 O.S. §§ 1001, 1004	Varies by tax rate*	
Motor Vehicle License and Excise Tax 47 O.S. § 6-101, 47 O.S. § 6-114, 47 O.S. § 6-115, 47 O.S. § 6-116, 47 O.S. § 1104 47 O.S. § 1105 et seq, 47 O.S. §§ 1115~1151, 68. O.S. §§ 2102~2110	33% **	0.83% **
Counties with Racetracks: Admission Fee Tax 3A O.S. § 207		50% or 100%
Gross Production Tax (asphalt or ores) ¾ of 1% of value 68 O.S. §§ 1001, 1004	7.14%	

* Percentage to County Highway Fund is basically 0.5% of the value of production. County Bridge and Road Improvement Fund receives additional allocations.

** Several of the motor vehicle items are capped at the amount received in FY 15.

Reimbursements

Counties may receive reimbursement revenues such as the following examples, which also go into the county general fund.

- Visual Inspection: All local jurisdictions (such as school districts or road districts) that benefit from ad valorem assessment pay a pro-rated share of the total visual inspection budget for the county assessor’s program of visual inspection where county properties are visually inspected at least once every four years and revalued annually. This cost is included in the county budget and the local jurisdictions reimburse their shares of the cost to the county.
68 O.S. § 2817
68 O.S. § 2820
68 O.S. § 2822
68 O.S. § 2823
- District Attorney: The county initially pays for certain expenses for the district attorney, but the state, through the District Attorneys Council, reimburses the county for certain expenses that the county is not required to provide, such as maintenance, operation, and capital outlay. Counties must provide the district attorney with office space, including heating, cooling, and maintenance of that space; a Law Library and necessary legal subscriptions; and funds for investigation, prosecution, or defense of any action where the county is a party.
19 O.S. § 215.36
19 O.S. § 215.37B
19 O.S. § 215.38
- Election Board Secretary: The county initially pays salaries and fringe benefits for each election board secretary, but the state, through funds appropriated by the state legislature, reimburses the county at a rate not to exceed 135% of the specified salaries. The county files claims for this reimbursement with the secretary of the state election board. The county must supply the election board with appropriate office space.
26 O.S. §2-118
26 O.S. § 2-119
26 O.S. § 2-121
- Ad Valorem Exemptions: The county may receive reimbursements for ad valorem exemptions such as additional homestead exemptions; exemptions granted for new or expanded manufacturing or research and development facilities; and state-owned agricultural land for which no state agency is making an in-lieu ad valorem payment.
62 O.S. § 193
62 O.S. § 194

Cash Funds

Special revenue funds, or cash funds, are created by statute and must be accounted for separately. Accounts within a cash fund are not subject to fiscal year limitations, which

means that any cash surplus in an account at the end of a fiscal year remains with that account at the beginning of the new fiscal year. The statutes may reference cash funds as revolving funds. Cash fund revenues come from many sources including the following sources:

1. Excise taxes that the state of Oklahoma collects and distributes to counties
2. State of Oklahoma contributions from its General Revenue Fund
3. Local collections of monies

Cash funds differ from the county general fund in one important way. County general funds can be apportioned by the county excise board according to anticipated receipts. Revenue in cash funds must be actually collected before it can be disbursed. The following are some examples of county cash funds:

- County Sales Tax Fund 68 O.S. § 1370(E)
- County Assessor’s Fee Revolving Fund 68 O.S. § 2829.1
- Emergency Management Fund 63 O.S. § 683.17
- County Community Service Sentencing Program (CSSP) Fund 22 O.S. § 991a 4.1
- County Commissioners’ Litter Reward Fund 22 O.S. § 1334
- County Highway Fund 69 O.S. § 1503
- County Clerk’s Lien Fee Fund 19 O.S. § 265
- County Fair Board Free Fair Fund 2 O.S. § 15-59
- Court Clerk’s Child Abuse Prevention Fund (Multidisciplinary Report: DHS Assessments) 28 O.S. § 153(G)
28 O.S. § 153(G)
- Court Clerk’s records Management and Preservation Fee Fund 63 O.S. § 1-227
- District Attorney’s Bogus Check Restitution Fund 22 O.S. § 991f-1.1 (E)
- County Sheriff’s Service Fee Fund 19 O.S. § 514.1

- County Treasurer’s Resale Property Fund 68 O.S. § 3137
- County Sheriff’s Trash Dumping Fund (Sheriff’s Environmental Reward Fund) 21 O.S. § 1761.1(A-H)
- County Treasurer’s Mortgage Certification Fee Fund 68 O.S. § 1904
- Preservation Fee Fund (Effective July 1, 2001) 28 O.S. § 152
68 O.S. § 1370.9
- County Lodging Tax Revolving Fund

Some special cash funds are established periodically as the need arises for federal and state grant programs such as the following examples:

- Home Rehabilitation Grant Fund
- Rural Water District Fund
- Fire District Fund
- Special Road/Bridge Repair Fund

These special funds are usually set up for the life of the grant program or the special construction project. At the end of the project, the fund is closed.

Cash Fund Appropriations

Revenue for cash fund accounts is deposited with the county treasurer upon receipt. Some funds are deposited electronically directly into the county bank account. The county treasurer creates a miscellaneous receipt upon deposit of any funds.

68 O.S. § 331

NOTE:

The revenue deposited with the county treasurer is NOT available for expenditures until the Appropriation of Funds is made by the board of county commissioners and the county excise board or the budget board.

At the end of the month, the county treasurer apportions the received revenue into the proper cash funds. Upon completing the apportionment of funds, the cash appropriation process can begin by completing [SA&I Form No. 308](#), Cash Fund Estimate of Needs and Request for Appropriation:

- Part One: Certification of Funds Available, completed by the county treasurer.
- Part Two: Create the Estimate of Needs that shows the appropriation account in which the revenue is to be apportioned. This part is completed by the county officer, the board of county commissioners, or the county clerk.
- Part Three: The excise board (or the budget board in counties that have adopted the County Budget Act) reviewing the request to determine that the funds are available and that the funds are allocated according to law. Upon approval, the form is returned to the county clerk.

Upon receipt of SA&I Form No. 308, the county clerk will post to the appropriation ledger. The revenue is now available for the county officer that governs the cash fund to use the funds.

Capital Projects Funds

Money used to acquire or construct major capital facilities is maintained in a capital project fund. For example, money from a road bond issue is recorded in a capital project fund along with expenditures for the road improvement project.

Debt Service Funds

To ensure the adequate accumulation of principal and interest to retire a debt, accounting is maintained through a debt service fund called a sinking fund. Debt issues are typically designed so that the size of the debt service payments (both principal and interest) is very similar from one year to the next. Therefore, the ad valorem tax levy collected and placed in the sinking fund is about the same from year to year. The exact mill levy each year depends on the debt service payment and the taxable valuation.

Special Assessment Funds

Sometimes public improvement districts are established in which the property owners who receive a direct benefit from the improvement pay a proportional share of the expense. The money paid to finance such projects is recorded in a special assessment fund.

Audit Funds

The following funds are classified as audit funds by the Office of the State Auditor and Inspector:

Governmental Funds

- General Fund – chief operating fund of the county
- Special Revenue Fund –used for a specific revenues and purpose, for example, cash funds
- Debt Service Fund – resources to meet current and future debt service, for example, sinking funds
- Capital Projects Fund – focused on construction and acquisition

Proprietary Funds

Proprietary funds follow the accrual basis of accounting. Revenues are recognized in the accounting period in which they are earned and become measurable. Expenses are recognized in the period in which they are incurred.

Enterprise Funds

When a county intends to finance the provision of goods or services through user fees or charges, an enterprise fund is used to account for the revenues earned, expenses (including depreciation), and net income from the function. The Oklahoma County parking garage is an example of an enterprise fund project.

Internal Service Funds

Some functions within county government are to provide goods and services to multiple individual departments from a centralized source. For example, a county may have a central source for office supplies for all county offices. Revenue and expenditures for such functions are accounted for in internal service funds.

Fiduciary Funds

Fiduciary fund revenues and expenditures are recognized on the basis consistent with the fund's accounting measurement objective as explained in the examples of fiduciary funds below.

19 O.S. § 171

Trust and Agency Funds

Trust and agency funds account for assets held by the county in a trustee capacity or as an agent for individuals, private organizations, other governmental units, or other funds. Such funds include expendable trust, nonexpendable trust, pension trust, and agency funds. For example, a self-administered retirement fund for employees would be a trust and agency fund.

- Expendable trust funds are handled in the same way as governmental funds.
- Nonexpendable trust funds and pension trust funds are handled in essentially the same way as proprietary funds. They are accounted for on an accrual basis.
- Agency funds are purely custodial and do not involve measuring changes in financial position. These funds' assets and liabilities are accounted for on an accrual basis.

60 O.S. § 176

Other Sources of County Revenue

Funds for County Road and Bridge Construction and Maintenance

Both the federal government and the state provide funds to counties to assist in county road and bridge construction and maintenance.

County Bridge and Road Improvement Fund

The County Bridge and Road Improvement (CBRI) Fund receives a portion of the gasoline and diesel excise tax and gross production tax. The Oklahoma Tax Commission (OTC) apportions monthly the monies among all of the counties based on the County Road, CR Factor, which is updated annually by the Oklahoma Department of Transportation (ODOT). This formula takes into account average vehicle miles traveled in the county, county collector miles, and county terrain. CBRI funds can only be used by that county. Any cash balances in the account at the end of the year are carried over to the next year. Possible uses are defined in the statutes.

69 O.S. § 657 et seq
69 O.S. § 659-666
69 O.S. § 302.1
2005 AG 6

Other Funds

Other funds for road and bridge construction and maintenance include the Federal Surface Transportation Program (STP) Fund, and the County Improvements for Roads and Bridges (CIRB) Fund. For more information, refer to Chapter Fourteen, “Duties of the County Commissioner: Roads and Bridges,” in the *Handbook for County Commissioners of Oklahoma*.

Audit Structure

Each county in Oklahoma shall, every two years, have an audit made by the State Auditor and Inspector. The audit shall be a financial or performance audit to be determined by the State Auditor and Inspector.

19 O.S. § 171

The county has the option to prepare financials on a fund-basis format or as prescribed by the Governmental Accounting Standards Board (GASB). When using GASB standards, county funds should be categorized and reported using the General Accepting Accounting Principles (GAAP) fund types and classification.

For county financial audits in primary government, the financial statements must be presented on a fund basis format with, at a minimum, the general fund and all other county funds that represent ten percent or greater of total county revenue. All other funds included in the audit must be presented in the aggregate.

19 O.S. § 171(C)

Chapter Three

The County Budget Process

Budget Preparation

County officers, the county excise board, and the county budget board (in County Budget Act counties) are required by law to perform several very important functions in the process of budget preparation and review.

This chapter discusses the purpose of budgets in general and the elected officials' roles in the annual budget process, as well as the responsibilities and authority of the county excise board, the board of county commissioners, and the county budget board (in budget board counties) in budget review and approval. It addresses, in particular, the county general fund budget process. Other funds, such as the highway fund, are budgeted and appropriated monthly, rather than annually.

To ensure fiscal responsibility and accountability of public officials to the law and the people that they serve, Oklahoma state law requires all units of local government to prepare an annual financial statement and Estimate of Needs for certain funds, especially the general fund. These documents must be available for inspection by state and county review boards and the general public. The county fiscal year in Oklahoma is July 1 through June 30.

68 O.S. § 3002
68 O.S. § 3004

The governing board is responsible for ensuring that each county officer and department head files a financial statement (County Officer's Annual Report Form, [SA&I Form No. 1161](#) or [SA&I Form No. 1162](#)) that shows revenues and expenses for the past year and an estimate of expenditures for the next fiscal year. The board then uses that information to report an itemized Statement of Estimated Needs to the county excise board. In counties with a budget board, the key difference is that the budget board submits the proposed budget to the county excise board.

The Purpose of a Budget

Preparing a well-researched and carefully planned budget should help the money manager perform two important tasks:

1. Reviewing the source and expenditure of funds during the past fiscal year

This step reveals how effectively money has been spent and how efficiently programs and projects have been administered.

2. Proposing expenditures based on revenues anticipated during the coming year

This step shows how to efficiently continue or increase past expenditures, and how to prioritize spending for the next fiscal year.

Forms Related to the Budget Process

The county clerk acquires all forms related to the county budget process. The county clerk distributes these forms to the county offices upon request.

68 O.S. § 3002
68 O.S. § 3004

The following forms are the primary forms used in the county budget process:

- County Officer's Annual Report form, [SA&I Form No. 1161](#) and [SA&I Form No. 1162](#)
- Cash Fund Estimate of Needs and Request for Appropriation, [SA&I Form No. 308](#)
- Certificate of Levy, [SA&I Form No. 2633](#)
- Estimate of Needs, [SA&I Form No. 2631R01 Entity: County](#) (download "County" budget for access)

- Officer’s Request for Supplemental Appropriation, [SA&I Form No. 388](#)
- Supplemental Estimate, [SA&I Form No. 150](#)
- Transfer of Appropriations, [SA&I Form No. 237](#)

Budget Submissions

In most counties, the county excise board is responsible for approving the budget and appropriations and the county excise board revises the budget (if needed). Some counties, however, have elected to have a county budget board, which is largely responsible for budget revisions.

[Table 3-1](#) summarizes the differences between the two county budget systems.

County Budgets in Counties with the Commissioner/Excise Board Budget Method

Most counties use the commissioner/excise board budget method. The board of county commissioners prepares and submits all estimates of needs for the county to the county excise board. The county assessor must also submit an estimate of needs for the visual inspection program to the county excise board. [Table 3-2](#) shows the fiscal timetable for counties that use the commissioner/excise board budget method.

68 O.S. § 2822
68 O.S. § 3002

**Table 3-1. Differences Between the Two County Budget Systems:
Commissioner/Excise Board System and Budget Board System**

Activity	Commissioner/Excise Board	Budget Board
Estimates available funds and needs for county	County excise board by July 1	County excise board by a date set by the budget board
Holds budget conference	County excise board	Budget board
Submits budget	Board of county commissioners to county excise board by August 17	Budget board to county excise board by July 1
Makes temporary appropriations	County excise board	Not necessary
Handles inadequate provisions for mandatory functions	County excise board provides an estimate of needs if the officer in charge does not	County excise board returns the budget to the budget board, which must respond within 15 days
Trims requests: Reduced amounts that exceed lawful amount	County excise board	County excise board, in limited cases
Apportions revenues that exceed appropriation amounts	County excise board/board of county commissioners jointly	County excise board returns budget to the budget board, which must respond within 15 days
Approves balanced, lawful budget	County excise board	County excise board
Amends budget and supplements	Authorized by the county excise board	Authorized by the budget board
Approves budget transfers	Board of county commissioners, which also notifies the county excise board	Budget board

**Table 3-2. Fiscal Timetable for Counties Using
the Commissioner/Excise Board Budget Method**

Date	Activity	Statute Reference
January 1	The county assessor lists, appraises, and assesses all property for ad valorem taxation, based on the estimated fair cash value on January 1.	68 O.S. § 2831
January 1 to March 15	The county assessor accepts personal property renditions from individuals and businesses, homestead exemption applications, and manufacturer's exemption applications. NOTE: While homestead exemption applications are accepted all year, they must be filed by March 15 to apply to the current year.	68 O.S. § 2832 68 O.S. § 2892 68 O.S. § 2902
January 1 to the 4th Monday in April	The county assessor sends notices to those whose exemptions are denied and to anyone whose property value is being increased from the previous year.	68 O.S. § 2876
While the board of equalization is in session	The county assessor begins preparing the assessment role: the taxable value of property is recorded, the assessment ratio is applied to derive the assessed value, and exemptions are deducted from the assessed value to compute the net taxable value.	68 O.S. § 2842
Before April 30	The county assessor prepares an exemption reimbursement form to be signed by the board of county commissioners and sent to the Oklahoma Tax Commission (OTC). The exemption reimbursement form shows the amounts of additional homestead and manufacturer's exemptions that were granted during the previous assessment year. If the OTC approves these exemptions, the state reimburses all or a portion of the taxes lost due to these exemptions. The claims must be approved or disapproved by June 15 each year.	62 O.S. § 193
Within thirty (30) days of notice of increase of valuation	Taxpayers must file any complaints regarding assessed value or denial of exemption. The county assessor holds an informal hearing with the taxpayer and makes a decision within seven (7) days. If the taxpayer is still dissatisfied, the taxpayer must file an appeal with the county board of equalization within fifteen (15) days of the date the notice is mailed or delivered.	68 O.S. § 2876 68 O.S. § 2877
April 1 to May 31	The county board of equalization in counties with total assessed valuation of less than one billion dollars hears taxpayers' protests and makes their decisions.	68 O.S. § 2863

**Table 3-2. Fiscal Timetable for Counties Using
the Commissioner/Excise Board Budget Method (Continued)**

Date	Activity	Statute Reference
Within thirty (30) days after decision of the county board of equalization was mailed	If desired, the county assessor or the taxpayer may appeal any decision of the county board of equalization in district court.	68 O.S. § 2880.1 68 O.S. § 2902
June 15	The county assessor must file the annual abstract of assessment with the OTC.	68 O.S. § 2867
Within 10 days of receiving certification	The county assessor files an abstract of assessment (report to county excise board) with the county excise board.	68 O.S. § 2867 2005 AG 17
On or before the first Monday in July	Each county and local governmental entity files a record of earnings and costs for the past year and an estimate of needs for the new fiscal year with the board of county commissioners or their governing board. The report shows amounts for personnel (including travel), maintenance and operation, capital outlay, and other appropriate items. The county assessor shall make adequate provisions for the visual inspection program, which each jurisdiction receives. The county excise board or the budget board shall notify all jurisdictions of any meeting at which discussion or action will take place.	68 O.S. § 3004 68 O.S. § 2822
First Monday in July or earlier	The county excise board meets to organize, elect officers, set dates for the budget hearings and other public meetings.	68 O.S. § 3006 68 O.S. § 3012 68 O.S. § 3013 68 O.S. § 3014
By July 1	The county excise board holds a budget planning conference with each county officer to discuss personnel needs and to provide the officer with a tentative estimate of available revenues for the new fiscal year.	19 O.S. § 180.65(E)
After beginning of fiscal year	The county excise board approves temporary appropriations for the new fiscal year.	68 O.S. § 3020

**Table 3-2. Fiscal Timetable for Counties Using
the Commissioner/Excise Board Budget Method (Continued)**

Date	Activity	Statute Reference
On or before July 25	The county excise board apportions the millage as authorized by the Oklahoma Constitution.	Oklahoma Constitution Article 10 § 9 68 O.S. § 3015
On or before July 31	The State Board of Equalization shall cause the assessed valuations of any railroad, air carrier, or public service corporation to be certified by SA&I to the county assessors of each county in which any portion of the property may be located.	68 O.S. § 2860
By August 17	The board of county commissioners files the financial statements and estimates with the county excise board using a uniform, authorized bookkeeping system. The budget, the financial statement, and the estimate of needs must be published in a legally qualified newspaper.	68 O.S. § 3002 74 O.S. § 214
On date set by county excise board	Up to ten days of public hearings	68 O.S. § 3012 68 O.S. § 3103
Within 15 days after the budget document is filed	The county excise board fixes levies and makes budget appropriations. If property valuations have not been certified, the county excise board has 30 days from the time the values are certified to fix levies and make budget appropriations. Budgets are delivered to the Office of the SA&I. The county clerk publishes a notice that budgets and levies are on file for inspection.	68 O.S. § 3014 68 O.S. § 3022
On or before October 1	The county assessor delivers the tax roll to the county treasurer and delivers the tax roll abstract to the county clerk. The county clerk directs the county treasurer to collect the amount contained in the abstract.	68 O.S. § 2869 68 O.S. § 3014
November 1	The county treasurer mails tax statements (30 days after receiving the tax roll) to property owners.	68 O.S. § 2869 68 O.S. § 3014 68 O.S. § 2915
Before January 1	Taxpayers must pay at least one-half of each property's ad valorem tax levy.	68 O.S. § 2913
Before April 1	Taxpayers must pay the second half of each property's ad valorem tax levy.	68 O.S. § 2913

The County Excise Board

Each county has one county excise board, which is an agency of the state, created by law, as part of a system of checks and balances required by the Oklahoma Constitution. This board is composed of the members of the county board of equalization. These members are appointed in the following manner:

68 O.S. § 2861
68 O.S. § 3005.1

- One member by the Oklahoma Tax Commission
 - As a matter of practice, the Oklahoma Tax Commission typically seeks the advice of the county's state senator.
- One member by the board of county commissioners
- One member by the district judge or a majority of the district judges in all judicial districts with more than one district judge

The county clerk serves as secretary to the county excise board. The tenure of the county excise board must be coterminous with that of the county commissioners in districts 1 and 3 and must follow other requirements set forth in the statutes. The county excise board must perform the following functions:

- Require adequate and accurate reporting of finances and expenditures for all budget and supplemental purposes from all county entities
- Provide each county officer with adequate funds for the performance of mandatory constitutional and statutory governmental functions within the financial means available
- Perform other duties as defined in the statutes

68 O.S. § 2861
68 O.S. § 3005.1

The county excise board meets at the county seat on the first Monday in July each year, or on a date determined by county excise board members. The board organizes and elects, for the upcoming fiscal year, one of its members as chairman and another member as vice-chairman to perform certain duties as required by law.

68 O.S. § 3007
68 O.S. § 3014
68 O.S. § 3006
68 O.S. § 3007

Abstract of Assessed Valuations

Within ten days after receiving the certificates of assessment of centrally assessed properties (all the railroads, air carriers, and public service corporations), and the equalized value of real and personal property of the county, the county assessor prepares and files an abstract of assessed valuations for the county and each municipal subdivision within the county with the county excise board. These values are used in preparing the county budgets.

Who Submits Budgets

The following entities should prepare and submit budgets to the county excise board on SA&I-prescribed forms:

- The board of county commissioners (except in counties with budget boards)
- The governing body of each city and town (except Municipal Budget Act cities)
- The boards of education of all school districts and technology centers
- Any taxing entity that requires a levy, such as a library, health organization, EMS, or other entity.

11 O.S. § 17-201
11 O.S. § 17-216
68 O.S. § 2867
68 O.S. § 3002
11 O.S. § 17-209

Budget Planning Conference

The county excise board holds a budget planning conference with each principal officer and department head before July 1 to discuss personnel needs for the next fiscal year. Prior to this meeting, the board provides the principal officers with an estimate of probable revenues for the next fiscal year.

19 O.S. § 180.65(E)

County Officer's Annual Report

Following the budget planning conference, each county officer prepares the County Officer's Annual Report on [SA&I Form No. 1161](#) or [SA&I Form No. 1162](#), which are provided by the county clerk. This report is actually two reports: a financial report of earnings and expenditures and an estimate of needs. This report must be submitted to the board of county commissioners (through the county clerk acting as the secretary to the board) by the first Monday in July and consists of the following information:

19 O.S. § 345

- An estimate of earnings for the past year
- A report of expenditures for the past year
- An estimate of needs for the coming year

The estimate of earnings and the report of prior expenditures show the income received along with the costs of operating the office in the outgoing fiscal year. The estimate of needs is an itemized statement of the funding needed to operate the office during the upcoming fiscal year.

68 O.S. § 3004

Role of Board of County Commissioners

On the first Monday in July, the board of county commissioners is required by law to meet to begin the following processes:

- Review the county officers' annual reports
- Prepare the county's financial statement for the fiscal year ended June 30
- Prepare the county's annual Estimate of Needs for the next fiscal year ending June 30

19 O.S. § 345
68 O.S. § 3002
68 O.S. § 3003
68 O.S. § 3004

County's Annual Budget Report

The county's annual financial statement and annual estimate of needs form, [SA&I Form No. 2631R01 Entity: County](#), constitute the county's annual budget report (except in counties with budget boards).

68 O.S. § 3002
68 O.S. § 3004

The preparation of the county's annual financial statements and annual estimate of needs are the responsibility of the governing board. Counties most generally hire a budget maker (accountant) to complete the financial statements and budget. SA&I requires counties to use an electronic format to prepare the documents (effective 2021). Budget makers must be on the State Auditor's approved list. Approval requires attending a mandatory training. Upon completion, the budget maker will have access to the form. This form constitutes the county's annual budget report.

The financial statement and estimate of needs of every county are posted on the SA&I website for review and download. The financial statement shows a list of county monies received and disbursed during the previous fiscal year. The itemized estimated budget for the next fiscal year includes the following information:

68 O.S. § 3002
68 O.S. § 3004

- The probable expenses of all elected officers and their departments for the coming year
- The amount required by law for any sinking fund
- Probable income from ad valorem taxes and sources other than ad valorem taxes

68 O.S. § 3002

68 O.S. § 3004

NOTE:

The statute specifically prohibits the board of county commissioners from including any revenue from nonrecurring sources in this income estimate.

68 O.S. § 3003

Publication of Financial Statement and Budget

When it is completed, the board of county commissioners must have printed a full and accurate statement of the assessments, receipts, and expenditures of the preceding year. This is a financial statement.

68 O.S. § 3002

19 O.S. § 345

Each financial statement and estimate of needs must be published in one issue of a legally qualified newspaper. An affidavit showing the publication must be attached when the financial statements and estimates are filed with the county excise board.

68 O.S. § 3002

Presentation of Financial Statement and Budget to the County Excise Board

Before August 17, the board of county commissioners must submit the completed financial statement and estimated budget to the county excise board and sign the statement of certification, which certifies that the documents are filed in the county clerk’s office. Usually the county clerk, serving as secretary to the county excise board, files the documents with the Office of the SA&I and signs the certificate.

68 O.S. § 3002

11 O.S. § 17-208

11 O.S. § 17-209 (D)

NOTE:

Municipalities that have opted to prepare a budget pursuant to the Municipal Budget Act do not file their budgets with the county, but file them with the Office of the SA&I. However, the sinking fund schedule must be submitted to the county excise board.

Review and Approval of the County Budget

In approving the county budget, the county excise board should follow certain procedures:

68 O.S. § 3007

- Examine the financial statements of the county officers to determine the true fiscal condition of each fund and the accounts within each fund as of June 30 and request additional information when necessary
- Examine the estimates of need for the following criteria:
 1. Determine if a request is lawful and adequate
 2. Provide for mandatory items that are not included
- Compute the total revenues available to each fund
- Revise the budget in whole or part through the following steps when the total estimate of needs exceeds the total revenues available:
 1. Reduce items for functions authorized but not required by constitutional law or statutory law
 2. If necessary, then reduce items for functions required by statutory law
 3. If necessary, then reduce items for functions required by constitutional law

Neel v Board of County
Com'rs of Cherokee County,
Okla., 617-P2d 201 (1980)

68 O.S. § 3012
68 O.S. § 3013

68 O.S. § 3006
68 O.S. § 3022

The county excise board does not have the authority to deny an appropriation for a lawful purpose if the revenue and income are available.

NOTE:

The county clerk files all budgets with the Office of the SA&I.

The county excise board shall fix the time and place for public hearings regarding budgets. The notice of these hearings shall be given in one publication of general circulation. Any taxpayer may appear for or against any part of the statement of estimated needs for the current fiscal year. The county excise board has the power to call in the county official or person in charge for examination concerning estimated needs. Budget hearings may last up to ten days.

Publication of Approved Budget

The county clerk must publish a one-time notice in a newspaper of general circulation in the county in which the approved budget is completed and is on file, for inspection by any citizen, at the county clerk's office.

68 O.S. § 3022

Transfer of Appropriations

The county clerk receives requests for transfers of appropriations as secretary to the governing board. If the governing board makes any transfers of appropriations, the county clerk makes the proper entries in the appropriation ledger and then notifies the county excise board in writing.

62 O.S. § 461

A transfer of appropriations occurs when monies are transferred within a fund from an account with a surplus to another account that needs additional revenues. Monies can be transferred within a fund but cannot be transferred from one fund to another fund except in budget board counties under limited circumstances. Thus, a transfer of appropriations neither increases nor decreases the fund's balance.

In budget board counties, if at any time during the budget year it appears probable that revenues available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of appropriation in the fund, the county budget board shall take such action as it deems necessary. For that purpose, it may amend the budget to reduce one or more appropriations, or it may amend the budget to transfer money from one fund to another fund, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unexpended and unencumbered balance thereof. No transfer shall be made from the debt service fund to any other fund except as may be permitted by the terms of the bond issue or applicable law.

19 O.S. § 1420

A transfer of appropriations may occur between budget accounts in the county general fund. For example, a transfer of appropriations within the county general fund may be made from the non-expended and non-encumbered balance of the appropriation of a county office with less urgent needs to the account of a county office with immediate urgent needs.

County officers make requests to the governing board for a transfer of appropriations on [SA&I Form No. 237](#). The following information must be provided when requesting a transfer of appropriations:

- The additional needs that require a transfer of appropriations
- The reason for the additional needs
- A detailed list of items

1985 AG 20

- A detailed list of items proposed to be canceled in the account from which the transfer is made
- The written consent of the county officer in charge of the account from which the transfer is made

A transfer of appropriations requires the approval of the governing board, which permits both the transfer and the cancellation or reduction of the appropriation in the original account.

NOTE:

The general fund appropriations account must have at least One Dollar (\$1.00) in it before any monies can be transferred into it. Monies cannot be transferred into a zero-balance account. In budget board counties, the Office of the SA&I recommends that transfers of funds between funds occur only under limited special circumstances. Restricted funds cannot be transferred to another fund.

Transfers for Error Correction

Transfers to correct errors are sometimes necessary. However, these transfers need to be noted as error corrections so that they are not included in the fiscal year-end financial statement. Since the purpose is to correct an error of an item accidentally paid from the wrong account or accidentally deposited into the wrong account, the transfer should be netted out of either revenue or expenditures. If the error is from a previous fiscal year, then it will be shown on the financial statement as a "true transfer" whether it is going in or out. (See Standard Operating Procedure (SOP) #11 and #12 in the Chart of Accounts.)

Transfers for Emergency and Transportation Revolving (ETR) Loans

When the county receives an Emergency and Transportation Revolving (ETR) loan, those proceeds are to be deposited into a trust and agency account, because ETR loans are not technically county funds. The funds needed for the road project should then be transferred into the appropriate highway fund. When the highway fund has enough revenue available to repay the loan, the funds would be transferred back to the ETR. The county then issues a voucher to the circuit engineering district to repay the ETR loan. By using this method, the revenue and expenditures will not be overstated on the county's financial statements.

Supplemental and Additional Appropriations

All requests for supplemental or additional appropriations are filed with the county clerk as secretary to the county excise board and the county budget board. Requests are made on [SA&I Form No. 388](#), Officer's Request for Supplemental Appropriations. The board of county commissioners would have completed [SA&I Form No. 150](#), Supplemental Estimate, or the county budget board would have completed a similar document.

The requests must include specific information:

- Date of request
- Statement of amount and purpose
- A financial statement, as of the close of the preceding month, which indicates the following items:
 - Current expense
 - Amount of cash unexpended
 - Amount of taxes in process of collection
 - Amount of uncollected portion of estimated income other than ad valorem tax for current fiscal year
 - Amount of warrants outstanding and interest earned and accruing
 - Amount of expended balance of fund
 - Surplus or deficit in revenue, if any

68 O.S. § 3007
68 O.S. § 3002

68 O.S. § 3021

If sufficient surplus revenue is shown, the county excise board may approve the supplemental and additional appropriation. If the revenue is insufficient, the county excise board may revoke or cancel any previous appropriation and replace it with a supplemental and additional appropriation required for the good of the public.

Interfund Loans (Temporary Transfers)

If at any time during the budget year it appears to the county treasurer that a particular fund temporarily has insufficient monies to meet the appropriation requirements of that fund, the county excise board, at the request of the county treasurer and upon notification to the board of county commissioners, may temporarily transfer money from one fund to any other fund with the permission of the county officers in charge of the fund that the money will be temporarily transferred from. No transfer shall be made from the debt service fund to any other fund except as may be permitted by the terms of the bond issue or applicable law.

68 O.S. § 3021

19 O.S. § 1420

Temporary Appropriations (Commissioner/Excise Board Budget Counties)

From July 1 each year until the time the various county budgets are approved, county excise boards can appropriate the amount of available funds estimated for the fiscal year for temporary appropriations.

68 O.S. § 3020

If the county excise board approves a temporary appropriation, that appropriation must be merged into the annual appropriation and any warrants drawn against the temporary appropriation must be charged against the final approved annual appropriation for the current fiscal year, including capital outlay items.

City or Town Budgets in Counties Where County Excise Boards are Responsible for the Budget

The governing body of each city and town must prepare a financial statement that shows the true fiscal condition of all its accounts and funds as of June 30. This body should also prepare an itemized statement of estimated needs and probable income from sources other than ad valorem taxes for the new fiscal year. The financial statement and estimate of needs must be supported by schedules or exhibits that show, by categories, the amount of all receipts and disbursements.

68 O.S. § 3002

Statement of Estimate of Needs

The statement of estimated of needs must be itemized to show, by classes, the following information:

- The amounts necessary for the current expenses of the city or town for each officer and department
- The amount required by law to be provided for any sinking funds (debt purposes)
- The probable income that will be received from all sources other than ad valorem taxes

The financial statement and estimate of needs must be published in a legally qualified newspaper within the county. Financial statements and estimates of need for towns must be filed with the county excise board on or before August 22. Statements and estimates for cities must be filed with the board on or before August 27.

68 O.S. § 3003

Revenue received during the past fiscal year from any nonrecurring source, such as the sale of land, gifts, windfalls, forfeitures, and federal aid allotments are not to be included in the estimate of probable income.

School District Budgets in Counties Where County Excise Boards are Responsible for the Budget

The board of education of each independent school district must meet on the first Monday in July of each year, and the board of education of each dependent school district must meet on the second Tuesday in July of each year to prepare a financial statement for the previous year ending June 30.

The financial statement shows a list of monies received and disbursed during the previous fiscal year. In addition to the financial statement, an estimate of needs should be prepared that includes the following information:

- The current expenses of the school system
- The amount required by law for any sinking fund
- Probable income from sources other than ad valorem taxes (Revenue from non-recurrent sources are not included).

68 O.S. § 3002

The financial statements and estimates of all school boards, forms prescribed by SA&I, must be filed with the county excise board (or the county clerk) on or before October 1 of each year.

County Budgets in Counties With County Budget Boards

Table 3-3 shows the fiscal timetable for counties with budget boards. The initial activities by the county assessor in preparing the abstract of valuations are the same as in counties that use the commissioner/excise board budget method. The primary difference between the two methods is that the budget board, not the board of county commissioners, considers the estimates of needs and prepares the proposed budget to present to the county excise board. The budget is also completed and approved much earlier in a budget board county.

Table 3-3. Fiscal Timetable for Counties Using the Budget Board Budget Method

Date	Activity	Statute Reference
January 1	The county assessor lists, appraises, and assesses all property for ad valorem taxation, based on the estimated fair cash value on January 1.	68 O.S. § 2831
January 1 to March 15	<p>The county assessor accepts personal property renditions from individuals and businesses, homestead exemption applications, and manufacturer’s exemption applications.</p> <p>NOTE:</p> <p>Homestead exemption applications are accepted all year. They must be filed by March 15 to apply to the current year.</p>	<p>68 O.S. § 2832</p> <p>68 O.S. § 2892</p> <p>68 O.S. § 2902</p>
January 1 to the 4th Monday in April	The county assessor sends notices to those whose exemptions are denied and to anyone whose property value is being increased from the previous year.	68 O.S. § 2876
While the board of equalization is in session	The county assessor begins preparing the assessment role: the taxable value of property is recorded, the assessment ratio is applied to derive the assessed value, and exemptions are deducted from the assessed value to compute the net taxable value. The county assessor delivers the assessment role to the county board of equalization.	68 O.S. § 2842
Before April 30	<p>The county assessor prepares exemption reimbursement forms to be signed by the board of county commissioners and sent to the Oklahoma Tax Commission (OTC). The exemption reimbursement forms show the amounts of additional homestead and manufacturer’s exemptions that were granted during the previous assessment year. If the OTC approves these exemptions, the state reimburses all or a portion of the taxes lost due to these exemptions.</p> <p>NOTE:</p> <p>The claims must be approved or disapproved by June 15 each year.</p>	62 O.S. § 193

**Table 3-3. Fiscal Timetable for Counties Using
the Budget Board Budget Method (Continued)**

Date	Activity	Statute Reference
Within twenty (20) days of notice of increase in valuation	Taxpayers must file any complaints regarding assessed value or denial of exemption. The county assessor holds an informal hearing with the taxpayer and makes a decision within seven days. If the taxpayer is still dissatisfied, the taxpayer must file an appeal with the county board of equalization within fifteen days.	68 O.S. § 2876 68 O.S. § 2877
April 1 to May 31	The county board of equalization in counties with total assessed valuation less than one billion dollars hears taxpayers' protests and makes its decisions. In counties with greater than one billion dollars valuation, sessions begin the 4th Monday in January and, if necessary, may extend beyond May 31.	68 O.S. § 2863
Within thirty (30) days after decision of the county board of equalization was mailed	If desired, the county assessor or the taxpayer may appeal any decision of the county board of equalization in district court.	68 O.S. § 2880.1
On or before a date set by the budget board	The county excise board provides a tentative estimate of anticipated revenues, from all sources, classified by funds.	19 O.S. § 1411
On or before a date set by the budget board	Each county officer and department head prepares a record of earnings and costs for the past year and an estimate of needs for the new fiscal year and meets with the budget board. The report shows amounts for personnel, maintenance and operation, capital outlay, and other appropriate items. The county assessor prepares the estimate of needs for visual inspection. The budget board must notify taxing entities.	68 O.S. § 3004 19 O.S. § 1411 68 O.S. § 2822
By June 1	The budget board completes a budget for each fund.	19 O.S. §§ 1410, 1417
By June 10	The budget board must give public notice of a budget hearing.	19 O.S. § 1412

**Table 3-3. Fiscal Timetable for Counties Using
the Budget Board Budget Method (Continued)**

Date	Activity	Statute Reference
By June 15	The budget board must hold a public hearing on the proposed budget.	19 O.S. § 1412
June 15	The county assessor must file the annual abstract of assessment with the OTC.	68 O.S. § 2867
By June 23	The budget board adopts the budget.	19 O.S. § 1413
By July 1	The budget board files the approved budget with the county excise board, the county clerk, and the Office of the SA&I.	19 O.S. §§ 1413, 1414
Varies	If the county excise board finds that revisions are needed to the budget, the budget board must submit a corrected budget within 15 days.	19 O.S. § 1414(A)(2)(3)(4)
Within 15 days	The county excise board computes appropriations and levies taxes	19 O.S. § 1414
	The county clerk, as secretary to the county excise board, certifies the approved budget to the budget board, the county treasurer, and the Office of the SA&I. After filing the budget with the Office of the SA&I, any taxpayer may file protests against any alleged illegality of the budget.	19 O.S. § 1415
Before July 31	The State Board of Equalization certifies the valuation of locally assessed property and the valuation of centrally assessed property to the county assessor. After this time, the board may amend the initial budget and approve the final budget.	68 O.S. § 2860 19 O.S. § 1420
On or before October 1	The county assessor delivers the tax roll to the county treasurer and delivers the tax roll abstract to the county clerk.	68 O.S. §§ 2869, 3014
November 1	The county treasurer mails tax statements (within thirty (30) days after receiving the tax roll) to property owners.	68 O.S. §§ 2869, 2915
Before January 1	Taxpayers must pay at least one-half of each property's ad valorem tax levy.	68 O.S. § 2913
Before April 1	Taxpayers must pay the second half of each property's ad valorem tax levy.	68 O.S. § 2913

The County Budget Act

The County Budget Act allows the eight elected county officials to work as a unit in preparing the county budget. The County Budget Act is structured to accomplish the following responsibilities:

- Establish a budget procedure for county governments
- Establish uniform fiscal procedures for the preparation, adoption, execution, and control of budgets
- Enable a county to make financial plans for both current and capital expenditures
- Make the financial condition and needs of the county available to the public and to investors
- Assist a county with governmental accounting, auditing, and financial reporting standards

19 O.S. § 1403

19 O.S. § 1407

Once a county elects to come under the County Budget Act, this act takes precedence over any other state laws applicable to the county budget. Any action of the board of county commissioners to implement or repeal the application of this act must be effective at the beginning or the end of a budget year.

The County Budget Board

A county budget board is established once the board of county commissioners votes to have the budget procedures come under the County Budget Act. The budget board consists of eight elected county officers and should be structured in the following manner:

- The chairman is the chairman of the board of county commissioners.
- The vice-chairman is elected by the county budget board members and serves in the chairman's absence.
- The secretary is the county clerk.

19 O.S. §§ 1401 et seq 1421

1996 AG 15

If a vacancy occurs, the county officer's chief deputy may fulfill the budget board position until such time a new county officer is appointed or elected.

19 O.S. §§ 1401~1421

Meetings

19 O.S. § 1407

The following rules apply to county budget board meetings:

- The county budget board must hold regular meetings on dates set by that board.
- The chairman or any two budget board members can call special meetings.
- A quorum comprises a majority of all members of the county budget board in office and is required to transact business.
- Any official action in adopting or revising the county budget requires a majority vote of all members of the county budget board.

Report of Estimated Revenues and Expenses

Each county officer, department head, and commission must submit a report of estimated revenues and expenditures on a form provided by the county budget board. The information must be reported in the following manner:

19 O.S. § 1411(B)

1. Actual revenues and expenditures during the preceding fiscal year
2. Budget estimates for the current fiscal year
3. Actual revenues and expenditures for a period of six to nine months for the current fiscal year
4. Estimated actual revenues and expenditures for the current fiscal year
5. Estimated revenues and proposed expenditures for the new budget year

19 O.S. § 1410

Prior to submitting this report, each county officer and department head must meet with the county budget board to discuss their needs.

Budget Preparation

The county budget board must prepare a budget for budgeted county funds thirty (30) days prior to the beginning of the fiscal year. These budgets provide a complete financial plan for the upcoming budget year.

19 O.S. § 1411

19 O.S. § 1410

The Office of the SA&I prescribes the budget format, and it must include the following information:

19 O.S. § 1411

- Revenues and expenditures for the preceding fiscal year
- Estimated revenues and expenditures for the current fiscal year
- Estimated revenues and expenditures for the new budget year

19 O.S. § 1408

19 O.S. § 1410

The following procedures must be followed when reporting the estimates of revenues and expenditures:

19 O.S. § 1410

- The estimate of revenues must include the probable income by source that the county is empowered to collect or receive at the time the budget is adopted.
- The estimate of revenues must be based on past and anticipated receipts.
- Revenues from the ad valorem tax must be budgeted within the amount estimated by the county excise board as being available for appropriation.
- Expenditures must be budgeted within the estimated revenues for each fund.
- Miscellaneous expenditures cannot exceed 10 percent of the estimated revenues for a fund.
- Interfund transfers must show the funds to which and from which the transfers are made.

Three basic events occur before and during the budget preparation process:

1. Anticipated revenues by source and fund are provided by the county excise board.
2. The county budget board reviews budget requests of each county officer and department head.
3. The county budget board revises budget requests when justifiable and then finalizes the proposed budget.

19 O.S. § 1411(A)

19 O.S. § 1411(C)

The county budget board sets the date for receiving the county excise board's report of anticipated revenues.

Classifying Revenues and Expenditures

Revenues must be classified by sources. Expenditures are reported by functions within each fund. The Office of the SA&I's *Chart of Accounts and Standard Operating Procedures* for Oklahoma Counties prescribes the accounting system used to classify revenues and expenditures. Functions for reporting expenditures are classified according to the following categories:

19 O.S. § 1417

- Salaries and wages (Personnel Services)
- Employee benefits
- Operating expenses (M & O)
- Other charges from money channeled through the county (such as flood relief payments)
- Capital outlays
- Debt service

Public Hearings and Protests

The county budget board must hold a public hearing on the proposed budget no later than fifteen days before the new fiscal year. The date, time, and location of the hearing plus the proposed budget summaries must be published in a newspaper with a general circulation within the county at least five days before the hearing. Any person can present comments, questions, or criticisms at the public hearing.

19 O.S. § 1412

Budget Adoption

After the public hearings and at least seven days before the new fiscal year, the county budget board must adopt a budget for each fund. When adopting a budget, the county budget board has the following responsibilities:

19 O.S. § 1413

- To increase, delete, or decrease items in each budget if necessary
- To ensure that expenditures do not exceed the estimated revenues in any fund

19 O.S. § 1413(A)
19 O.S. § 1416

Once a budget is adopted, it must be filed, along with the affidavit and proof of publication, with the county excise board, the county clerk, and the Office of the SA&I on or before the first day of the budget year. When the adopted budget is filed, the following criteria take effect:

19 O.S. § 1413(B)

19 O.S. § 1413(C)

- The budget is in effect the first day of the new fiscal year.
- The budget constitutes an appropriation for each fund subject to the final approval of the county excise board.

19 O.S. § 1411

19 O.S. § 1415

From the day the adopted budget is certified to the Office of the SA&I, a taxpayer has fifteen days to file a protest.

County Excise Board's Role

19 O.S. § 1414

In counties under the County Budget Act, the county excise board has the following duties and powers:

- To provide estimates of anticipated revenues on or before the date set by the county budget board
- To examine the adopted budget
- To strike unlawful items from the adopted budget and reduce unlawful amounts to authorized levels
- To return the adopted budget to the county budget board if mandatory items or amounts are not provided, or if appropriations from ad valorem tax revenues exceed the revenues available.
- To approve the adopted budget if it is within the income and revenues available
- To compute levies
- To certify the approved budget to the county budget board, the county treasurer, and the Office of the SA&I

19 O.S. § 1414(A)

19 O.S. § 1414(A)(B)

19 O.S. § 1414(C)

19 O.S. § 1414(A)

The county budget board has fifteen days from the return of a budget to revise and resubmit it to the county excise board.

Amended Budget

19 O.S. § 1420
19 O.S. § 1418

The county budget board can amend budgets to allow for the following items:

- Supplement or reduce appropriations
- Transfer appropriations
- Transfer special fund balances

19 O.S. § 1420
19 O.S. § 1419

19 O.S. § 1420(C)

Amendments for supplemental appropriations must be adopted by an official action of the county budget board. Copies of the supplemental appropriation must be filed with the county clerk, the county excise board, and the Office of the SA&I.

Receiving Assistance and Audits

Office of the State Auditor and Inspector

SA&I personnel can advise county officers on procedural and technical matters that relate to accounting and budget procedures. County officers may also seek legal and technical assistance from their district attorney.

74 O.S. § 212.1

The Office of the SA&I must perform an audit every two years of all of the books, records, and accounts of all of the officers of each county. The SA&I must file a copy of all audits with the Governor, the district attorney, and the county clerk.

19 O.S. §§ 171, 174

The Office of the SA&I must transmit a copy of the letter of transmittal of each audit report to every legal newspaper published in the county where the audit report is filed with the county clerk.

19 O.S. § 174.1

The Office of the SA&I may also require an audit of the books and records of any county official or custodian of any of the funds of the county after the death, resignation, or removal of office of any county official.

The District Attorney

The county excise board may require the district attorney to attend any of its sessions when passing upon the validity or invalidity of items of appropriation. This board may also request the district attorney's opinion in writing.

68 O.S. § 3008

Understanding County Finances

[OSU Extension Fact Sheet No. 902](#), “Comparison of County Government Finances,” may be of interest to county officers regarding county finances.

Another publication of interest published by the Oklahoma Cooperative Extension Service at OSU is the “[Abstract of County Government General, Highway, and Special Revenue Funds in Oklahoma](#).”

Chapter Four

The County Accounting System

Standardized Chart of Accounts and Operating Procedures

The Oklahoma Statutes mandate that the Oklahoma State Auditor and Inspector shall prescribe a uniform system of bookkeeping for use by all county officials in Oklahoma to afford a suitable check upon their mutual acts, ensure a thorough inspection, and to ensure the safety of the state and county funds. Effective July 1, 2020, the new Chart of Accounts and Standard Operating Procedures was mandated for county government in Oklahoma by the State Auditor and Inspector.

74 O.S. § 214

The Chart of Accounts (COA) is a framework for the systematic reporting and accounting for county government transactions. The classification and coding structure is an effective system when used throughout the budgeting, accounting, and reporting cycles.

The Standard Operating Procedures (SOP) are designed to provide step-by-step instructions compiled by the Office of the State Auditor and Inspector to help carry out complex routine financial transactions. The SOP are specific to county government financial accounting and will provide proper accountability and reporting of county revenue and expenditures. This chapter briefly explains the county accounting system for counties in Oklahoma and discusses various funds and accounts that affect county office finances.

All elected officials should be familiar with the mandated accounting structures. For complete instructions and explanation, please refer to the SA&I website for the most recent *Chart of Accounts and Standard Operating Procedures for Oklahoma Counties*.

Account Structure

Funds

The accounting systems in counties in Oklahoma are organized and operated on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts. Each account within a fund records a more narrowly defined activity that fits within the broader goals of the fund. For example, the county general fund includes accounts for the county clerk, the court clerk, the county sheriff, and other county offices expenditures.

For accounting and financial management, each county has a combination of several distinctly different fiscal and accounting entities or funds. Each fund has a separate set of accounts and functions that are independent of other funds and accounts. The accounting process in Oklahoma counties uses three broad categories of funds. For a complete listing of funds, see the Chart of Accounts.

- Governmental Funds

This category is the most frequently used fund category in county government. Governmental funds focus on the revenues, expenditures, and ending balances for most county functions. An example is the [county general fund](#), which is described in Chapter Two, “[Sources of Revenue](#),” in this handbook.

Governmental fund revenues and expenditures are recognized on a modified accrual basis. Revenues are recognized in the accounting period in which they become available and measurable. Expenditures are recognized in the period in which the money is encumbered (obligated). However, in the case of unmatured interest on long-term debt, such expenses should be recognized when they are due.

- Proprietary Funds

Any activity that is operated similar to funds in the private sector is accounted for through a proprietary fund. The main purpose of these funds is to determine net income, financial position, and changes in financial position. An example is a county property rental fund in the private sector.

- Fiduciary Funds

Fiduciary funds account for assets held by the county in a trustee capacity for individuals, private organizations, other governmental units, or other funds.

Examples of fiduciary funds are county employee pension funds and protest tax trust funds.

Department Account

The department is the smallest organizational unit for which budget and accounting information is to be processed and measured within a fund. Each county office presents a departmentalized budget within the appropriate fund. See the Chart of Accounts for a complete listing of departments.

62 O.S. § 331

Expense Account

A department account is a category within a fund and is made up of items of appropriation. An expense account is also called an appropriation account. Items of appropriation include salaries, travel, maintenance and operations, computer operations, and capital outlays. See the Chart of Accounts for a complete list of accounts.

68 O.S. §§ 3010, 3011
19 O.S. § 180.65(E)

Estimate of Probable Income

An estimate of probable income is income for the county general fund that is expected to be received in the new fiscal year from recurring sources.

The county excise board provides the county officers with an estimate of probable income each year at, or prior to, the budget planning conference. This information helps county officers in preparing the estimate of needs for their respective offices.

Transfer of Appropriations

A transfer of appropriations typically occurs when monies are transferred within a fund from an account with a surplus to another account that needs additional revenues. Monies can be transferred within a fund and sometimes transferred from one fund to another fund. Thus, a transfer of appropriations within a fund neither increases nor decreases the fund's balance. The statutes allow budget board counties to transfer monies between funds in limited circumstances.

62 O.S. § 461

19 O.S. §§ 1410, 1418

Please refer to "[Transfer of Appropriations](#)" in Chapter Three for a detailed explanation.

Transfer of Special Fund Balance

A transfer of special fund balance occurs when monies are transferred to the county general fund from a special fund that is no longer needed. The laws that govern the special fund must be followed before the fund can be discontinued. (See SOP#10 of the Chart of Accounts).

19 O.S. § 1419
62 O.S. §§ 333, 445

Warrants

A warrant is a claim against an appropriation account for payment of salaries, an item purchased, a service provided, or basically any expense incurred by the county. The county clerk prepares all warrants, which are then approved by the governing board and signed by the chairman of that board.

19 O.S. § 347
62 O.S. §§ 471, 475

The county clerk delivers a signed warrant to the county treasurer for registration and then sends the warrant to the employee or vendor to whom the payment is due. Each warrant includes the department, fund, and account to be charged for the expenditure.

Banks that handle the county's monies notify the county treasurer when a vendor has claimed a warrant. When money is available in a specific account, the county treasurer redeems the warrant by writing a county treasurer's check to the bank. All warrants must be redeemed by a check signed by the county treasurer.

62 O.S. § 471(B)

Some counties now use checks. A warrant serves as a check.

County Bank Accounts

All monies received in the county treasurer's office must be deposited into accounts in banks designated as county depositories by the board of county commissioners. County depositories may include banks, trust companies, credit unions, and savings and loan associations within Oklahoma. The two basic checking accounts are the official depository account and the general account. Multiple banks are typically used.

19 O.S. § 121

Official Depository Account

The official depository account is a trust or agency account maintained by the county treasurer. All county officers must deposit with the county treasurer all monies received by virtue of their offices. The county treasurer is then responsible for depositing this money into the official depository account and crediting each county officer's depository account for the amount deposited.

19 O.S. § 681
19 O.S. § 682

All withdrawals from the official depository account must be made on the official voucher of the county officer who made the deposit.

The General Account

Various monies collected by county officers and placed in the official depository account must be transferred to the appropriate funds at the close of each month (on or before the second Monday following the close of the calendar month). This money is transferred using a county officer's official voucher. Monies accruing to a fund maintained by the county are transferred to the county's general account.

19 O.S. § 684

The general account is the county's principal checking account and contains all funds other than those in the official depository account.

NOTE:

The county general account is not the same as the **county general fund** described in Chapter Two, "**Sources of Revenue.**" The county general fund is one of several funds contained in the general account.

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Chapter Five

Governmental Tort Claims Act

The Tort Claims Act in Oklahoma

The original tort claim statute was passed in 1978 under the title, “Political Subdivision Tort Claims Act,” and numerous revisions have been made since then. This chapter covers only the latest form of those statutes and only those portions of the statutes that apply to county government.

51 O.S. §§ 151 et seq 170

19 O.S. § 4

The Governmental Tort Claims Act allows Oklahoma citizens to file claims and bring suits against state and county entities. In the Governmental Tort Claims Act, the state of Oklahoma waives its sovereign immunity and the sovereign immunity of political subdivisions of the state, including counties.

A tort is defined as a legal wrong, independent of contract that involves the violation of a duty that results in a loss to any person, association, or corporation caused by an act by public officials within the scope of their employment.

Tort claims are claims brought by citizens against the county for damages. For example, if a person breaks a leg because of county roadwork, that individual might bring a claim against the county.

Tort claims are filed with the county clerk, who then presents them to the board of county commissioners.

A tort claim is not a lawsuit. The board of county commissioners must listen to tort claims, and in cooperation with their insurance provider or adjustor, determine whether they are justified. They must then deny the claim or award damages to the claimant. If the claimant's claim is denied, the claimant has the option to file a lawsuit. In some counties, the safety committee considers claims.

Figure 5-1 shows the steps in the tort claims process.

Liability Insurance

The county may secure liability insurance in any of the following ways:

- The county may insure itself against any and all liabilities it might incur for death, injury, or disability of any person or damage to property, real or personal.
- The county may insure any employee for liability from acts or omissions within the scope of their employment.
- The county may insure against the expense of defending a claim against the county.

51 O.S. § 169

The county may insure itself or its employees against any loss, damage, or liability as defined in the Oklahoma Statutes. Any insurance secured by the county is considered a proper expenditure of county funds and may be provided in one or more of the following ways:

- Self-insurance
- Insurance from any authorized insurer
- Any other insurance secured in accordance with other methods provided by law

Two or more counties, by interlocal agreement, may jointly secure insurance by any of the methods stated above.

Filing Claims

All county officials should be aware that any person could file a claim against the county or its employees under the Governmental Tort Claims Act.

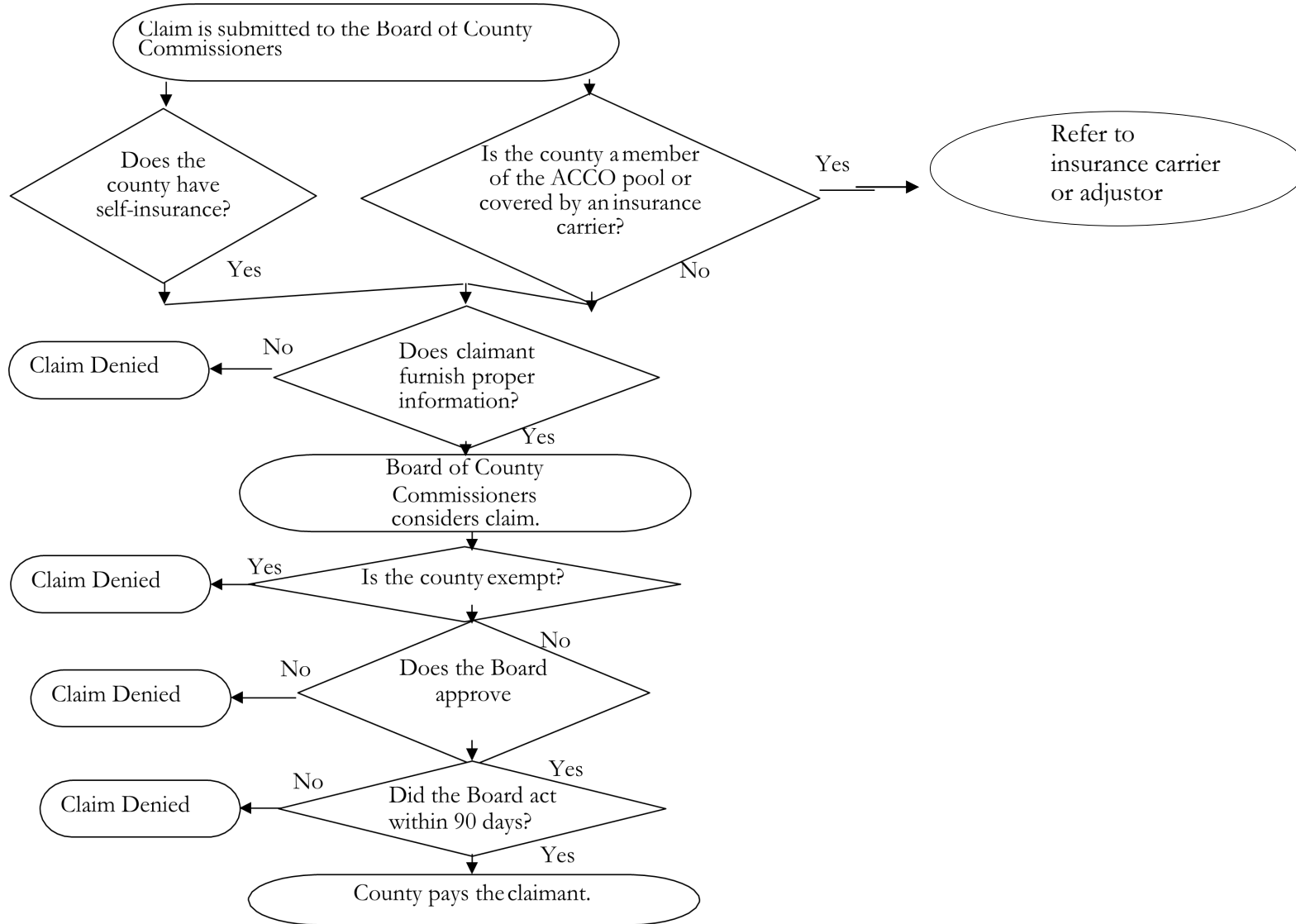


Figure 5-1. The Tort Claim Process

Definitions

The following definitions explain some of the terminology in the act:

- Action - a court proceeding in which one-party brings a suit against another party
- Agency - any board, commission, committee, department, or other entity designated to act for the county
- Claim - any written demand presented by a claimant, in accordance with the Governmental Tort Claims Act, to recover money from the county as compensation for an act or omission of the county or its employees that has caused damage to the claimant.
- Claimant - a person or authorized representative who files a claim under this act. Only the following may be claimants and all claims for one occurrence or accident must be aggregated as one claim:
 - Any person holding an interest in real or personal property who suffers a loss
 - The individual actually involved in the accident or occurrence
 - An administrator or personal representative in the case of death
- County - a political subdivision of the state
- Employee - any person authorized to act on behalf of the county whether acting on a temporary or permanent basis, with or without pay, or on a full or part-time basis. Independent contractors or employees of independent contractors while acting in the capacity of an independent contractor are not included.
- Loss - death or injury to the body or rights of a person; damage to real or personal property
- Scope of employment - performance by an employee acting in good faith within the duties of his office or tasks assigned by a competent authority but not including corruption or fraud

Written Claim Procedures

51 O.S. § 156
51 O.S. § 157

Any person with a claim against the county must file a written claim with the county clerk of the county in which the accident or occurrence happened within one year after the loss. If the person is incapacitated and unable to present the claim, the time is extended up to an additional ninety days. When the claim is for death resulting from the accident or occurrence, the personal representative may present notice within one year after the loss.

Written notice of the claim must state the following information:

- The date, time, and place of the accident or occurrence
- The circumstances of the loss
- The compensation sought for the loss
- The name, address, and phone number of the claimant or the authorized agent

Failure to supply any of this information will not invalidate the claim, however, unless the claimant refuses to furnish it.

Any claims not filed within one year of the loss cannot be submitted. Denial is automatic at the end of one year unless a settlement is reached earlier. No court action can begin until the claim has been denied in part or in full but must begin within 180 days of the claim denial.

Determining Liability

Extent of Liability

51 O.S. § 154

The following amounts are the county's total liability for a single accident or occurrence:

- Twenty-Five Thousand Dollars (\$25,000.00) for any claim, or any claimant with more than one claim for loss of property
- One Hundred Twenty-Five Thousand Dollars (\$125,000.00) for any claim for any other loss

NOTE:

For counties with populations of 300,000 or more, the maximum liability is One Hundred Seventy-Five Thousand Dollars (\$175,000.00).

- One million dollars for any number of claims

Additional Claims

51 O.S. § 154(C)

The Oklahoma Statutes prevent claimants from filing for extra punishment damages. Claimants cannot file a claim or bring action that includes a request for punitive damages (additional payment to act as a punishment to the county or county employee), nor can they file a claim asking for exemplary damages (additional payment or judgment to warn others not to commit similar acts).

51 O.S. § 154(G)

Sometimes claimants will file claims that bring action against other parties in addition to the county. In situations where the claim includes the county as one party in a claim against several parties, the statutes provide that the county is only liable for that percentage of total damages that corresponds to its percentage of total negligence.

Exemptions from Liability

The county is not liable for loss if a claim results from certain actions as described in the Oklahoma Statutes. The following situations are a partial list of exempted claim actions that apply to counties.

51 O.S. § 155

- Claims for loss resulting from legislative functions
- Claims for loss resulting from judicial, quasi-judicial, or prosecutorial functions
- Claims for loss resulting from execution or enforcement of a lawful court order
- Claims for loss resulting from adoption, or enforcement of, or failure to adopt or enforce a law
- Claims for loss resulting from performance or the failure to perform an act or service which is at the discretion of the county or its employees
- Claims for loss resulting from civil disobedience, riot, insurrection, or rebellion or the failure to provide law enforcement or fire protection
- Any claim based on the theory of attractive nuisance
- Claims for loss resulting from snow or ice conditions or temporary or natural conditions on any public way or place due to weather conditions, unless caused by negligence on the part of the county

- Claims for loss resulting from entry upon property where the entry is expressed or implied by law
- Claims for loss resulting from natural conditions of state, county, or other political subdivision property
- Claims for loss resulting from assessment or collection of taxes, special assessments, license or registration fees, or other fees imposed by law
- Claims for loss resulting from licensing powers or functions
- Claims for loss resulting from inspection powers or functions, including failure to make an inspection or making an inadequate inspection of any property, real or personal, to determine whether the property complies with the law or contains a hazard to health or safety
- Any claim covered by any workers' compensation act or any employer's liability act
- Claims for loss resulting from the absence, condition, location, or malfunction of a traffic sign or signal unless it is not corrected by the county within a reasonable time after knowledge of the situation, or has existed long enough that the county should have knowledge

NOTE:

The county is not liable if it initially fails to place a sign or signal if the decision to do so is a discretionary act by the county.

- Claims that are limited or barred by other law
- Claims for loss resulting from misrepresentation, if unintentional
- Claims for loss resulting from an act of omission by an independent contractor or its employees, subcontractors or suppliers
- Claims for loss resulting from theft by a third person of money in the custody of a county employee unless the employee was negligent or committed a wrongful act or omission

- Claims for loss resulting from interscholastic or other athletic contests sponsored or conducted by or on state or county property
- Claims for loss resulting from participation approved by a local board of education and held within a building or on the grounds of the school district before or after normal school hours or on weekends
- Claims for loss resulting from any court ordered or administratively approved work release program
- Claims for loss resulting from activities of the National Guard, the militia, or other military organization when on duty under the lawful orders of competent authority
- Claims for loss resulting from providing, equipping, operating, or maintaining a prison, jail, or correctional facility, including injuries resulting from parole or escape of a prisoner or by one prisoner to another prisoner
- Claims based on loss from providing, equipping, operating, or maintaining any juvenile detention facility, or injuries that result from a juvenile detainee's escape, or injury by a juvenile detainee to any other juvenile detainee
- Claims based on a manufacturer's product liability or warranty, either expressed or implied
- Claims or actions based on the theory of indemnification or subrogation
- Claims based on an act or omission of an employee in the placement of children
- Claims for loss resulting from acts or omissions done in conformance with current recognized standards
- Claims for loss resulting from maintenance of the state highway system unless the claimant proves negligence
- Claims for loss resulting from any confirmation of the existence or nonexistence of any effective financing statement on file in the Office of the Secretary of State made in good faith by an employee of that office

- Claims for loss resulting from any court-ordered community sentence

Settling Claims

If the county is not exempt from liability, the board of county commissioners must hear the claim and decide whether to award the claimant any damages. If the county participates in a self-insurance program or has coverage through an insurance carrier, the claim should be considered in cooperation with the insurance carrier or adjustor, and the settlement of the claim should be referred to the insurance carrier or adjustor.

Claim Denial

A claim is considered to be denied by “operation of law” if the county fails to approve the entire claim within 90 days, unless the county denies the claim or reaches a settlement before ninety days.

51 O.S. § 157

If the claim is deemed denied in 90 days or less, the county must notify the claimant within five days of the claim denial.

When claimants’ claims are denied, they have the option to file a lawsuit against the county. Claimants have 180 days after claim denial to take court action.

51 O.S. § 157(B)

Claim Settlement

The county, after conferring with authorized legal counsel, can settle or defend against a claim or suit subject to prescribed procedural requirements. The county can also appropriate money to settle the claim.

51 O.S. § 158

Employee Defense

In all suits or proceedings by or against a county, the name in which a county shall sue or be sued shall be, "Board of County Commissioners of the County of _____," but this provision shall not prevent county officers, where authorized by law, from suing in their official name for the benefit of the county.

19 O.S. § 4

Suit may be brought against a county by naming a county officer as identified in the Oklahoma Statutes when it is alleged that the officer in their official capacity is directly or vicariously liable to the plaintiff in an action not arising out of contract. Otherwise, suit may be brought against a county by naming the “Board of County Commissioners of the

19 O.S. § 161

County of _____;” in actions against the board not arising out of contract. Upon motion, the court may substitute a county officer identified in the Oklahoma Statutes in their official capacity for the board upon showing that the county officer is better suited to represent and defend the county under the particular facts of the case.

Additional amendments further require the county to defend employees when liability is sought for any violation of property rights or any rights, privileges, or immunities secured by the Constitution or laws of the United States as long as the employee was acting within the scope of his or their employment.

51 O.S. § 162
51 O.S. § 163(C)

When a judgment or settlement is entered in any court of the United States, the state of Oklahoma, or any other state for violation of property rights or any rights, privileges, or immunities secured by the constitution or laws of the United States, payment must be made by the county up to the limits set by the law.

County’s Right to Recover Monies

The county has the right to recover from the employee the amount spent by the county in the defense, settlement, or judgment if it is shown that the employee’s conduct that caused the action was fraudulent or corrupt or if the employee fails to cooperate in the action.

51 O.S. § 162(C)

Settlement and Payment

The county may, after conferring with authorized legal counsel, either settle the claim or defend against any suit that might be brought. In the event a settlement is reached which exceeds Twenty-Five Thousand Dollars (\$25,000.00) and an applicable contract or insurance policy will not pay the payment required, the settlement must be approved by the district court and entered as a judgment. If the county is covered by a contract or insurance policy, the terms of the contract or policy will govern the rights and obligations of the county concerning investigation, settlement, payment, and defense of the claims or suit. The insurer, however, cannot enter a settlement that exceeds the amount of the insurance without approval of the county.

51 O.S. § 158

Payment Limitations

The county is not responsible, under any circumstances, to pay nor indemnify any county employee for any punitive or exemplary damages, nor to pay for any defense, judgment, settlement, costs, or fees that are paid or covered by any applicable policy or contract of insurance.

In any civil rights judgment, the county can only pay or indemnify the percentage of fees and costs in the total award that the percentage of the award of actual damages bears to the total judgment awarded. The county can only indemnify its employees for actual damages, fees, and costs.

51 O.S. § 162(D)

WARNING:

County officials should use the information in this chapter as a guide only. Please refer to the Oklahoma Statutes for more detailed explanations. County officers should also consult their district attorney for more details on tort claims and for legal advice and assistance.

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Chapter Six

Office of the Court Clerk

The office of the court clerk in the state of Oklahoma was created in the Oklahoma Constitution in 1907 as the “Clerk of the District Court.” In 1913, the offices of clerk of the district court, the clerk of the county court in all counties, and the clerk of the superior court in counties in which a superior court was located were consolidated and the single officer became known as the court clerk.

Oklahoma Constitution
Article 17 § 2

The office of the court clerk has all of the rights and authorities of a constitutionally established office. Because of its origin in the Oklahoma Constitution, the office of the court clerk is called a “constitutional office” rather than a “statutory office,” and a court clerk is a “constitutional officer.”

Filing as a Candidate for Court Clerk

To file for the office of court clerk in an Oklahoma county, candidates must meet the following qualifications:

- Candidates must be registered voters in the county in which they are filing for six (6) months immediately preceding the first day of the election filing period. 19 O.S. § 131.1
- Candidates must be members of the political party under which they are filing, or be registered to vote as an independent, if filing as an independent candidate, for six (6) months immediately preceding the first day of the election filing period. 26 O.S. § 5-105
- Candidates cannot file for any other county office when filing as a candidate for court clerk for any one election. A special and a regular election held on the same date shall be considered one election. 26 O.S. § 5-106
- A county officer is eligible to become a candidate for another county office or state office without resigning their current position.
- Persons cannot file as a candidate for court clerk for fifteen (15) years after the following actions: 19 O.S. § 131(D)
 - Receiving a conviction of a misdemeanor involving embezzlement
 - Receiving a conviction of a felony
 - Having entered a plea of guilty or nolo contendere to either of the above
 - Awaiting an appeal of a guilty plea or conviction for either of the above26 O.S. § 5-105a
- Candidates must personally sign and file a Declaration of Candidacy form (available from the county election board secretary) which contains an oath that they are qualified to be candidates and to hold office. 26 O.S. § 5-101
26 O.S. § 5-103
- All candidates for county clerk are required to file a notarized Statement of Financial Interests with the county election board subject to the same requirements as set forth by the Ethics Commission under Rules of the Ethics Commission in the Oklahoma Constitution. 26 O.S. § 5-111
19 O.S. § 138.17
Oklahoma Constitution
Article 29 § 5

Filling the Office of Court Clerk

Term of Office

The court clerk's term of office is four (4) years and begins on the first business day in January following the election the preceding November.

19 O.S. § 131

However, if the office becomes vacant before the preceding court clerk's term expires, the newly elected, or appointed, court clerk should assume office immediately. The following list includes some of the reasons a court clerk might vacate an office before the term expires:

51 O.S. § 3.1
51 O.S. § 10(B)

- Death or resignation
- Removal from office or failure to qualify as required by law
- Final judgment against the court clerk for breach of the official bond
- Change of residency to outside the county
- Conviction in state or federal court of any felony or violation of the official oath
- A guilty or nolo contendere plea entered in a state or federal court for any felony or violation of the official oath

51 O.S. § 8

Conditions of Office

Court clerks must give personal attention to the duties of their office and must abide by the following conditions of office:

Oklahoma Constitution
Article 2 § 11

- Court clerks cannot hold another political office in Oklahoma or in the United States or serve as a deputy in another political office.
- Court clerks cannot practice law in the district court in which they serve.
- Court clerks must carry out their duties in a conscientious, appropriate, and professional manner.

51 O.S. § 6(A)

5 O.S. § 1

WARNING:

Any county officers who willfully fail or refuse to perform the duties of their offices according to law, are guilty of a misdemeanor.

21 O.S. § 345
21 O.S. § 347

Vacancies

In Counties with Populations up to 600,000

51 O.S. § 10(B)

When the office of court clerk in counties with populations up to, and including, six hundred thousand (600,000) becomes vacant for any reason, the board of county commissioners must appoint an individual to fill the vacancy.

If a court clerk vacates the office before the filing period for the next general election, and the current term does not end in the year following that election, the board of county commissioners must call a special election at the time the appointment is made. The dates for the special election shall be the same as the next succeeding filing period, primary election, runoff primary election, or general election for county officers. The appointee can be a candidate in the special election if otherwise qualified.

19 O.S. § 180.65

51 O.S. § 11

The first or chief deputy or assistant shall carry on the duties of the office in the event of the death, removal, or resignation of the court clerk, until a successor is appointed or elected.

If a court clerk vacates the office within thirty (30) days prior to a scheduled general election, no appointment needs to be made.

In Counties with Populations Above 600,000

26 O.S. § 12-111(B)

If a court clerk in a county with a population above six hundred thousand (600,000) vacates the office, the vacancy shall be filled at a special election to be called by the Oklahoma Governor within thirty days after the vacancy occurs. However, if the vacancy occurs after March 1 of any even-numbered year and if the term of office expires the following year, no special election shall be called.

Resignations

If a court clerk resigns, a written resignation must be filed with the county clerk. This resignation is effective on the date it is filed unless some other time is specified.

Removal

The removal of a court clerk or any other county official requires a civil and/or legal process.

The first or chief deputy or assistant shall carry on the duties of the office in the event of the death, removal, or resignation of the county commissioner until a successor is appointed or elected.

19 O.S. § 180.65
22 O.S. § 1181
22 O.S. § 1192
22 O.S. § 1196
51 O.S. § 91

Assuming the Office of Court Clerk

The Oath of Office or Affirmation

Oklahoma law requires that all public officers, before assuming the duties of their offices, must take and subscribe to an oath or affirmation similar to the sample oath of office/affirmation shown in [Figure 6-1](#).

The district judge usually administers the oath of office to the court clerk on the first working day in January following the election. The signed oath is filed with the county clerk.

Violating either oath or affirmation can result in a felony conviction and imprisonment and forfeiture of the office or position.

Blank forms are available from the [Oklahoma Secretary of State](#) at no charge.

Oklahoma Constitution
Article 15 § 1
51 O.S. § 36.2A

51 O.S. § 36.2A
51 O.S. § 36.3

The Blanket Bond

Upon assuming office, the court clerk should ensure that the board of county commissioners has purchased a sufficient surety contract, or blanket bond on behalf of the court clerk and all of the employees in the court clerk's office. This bond protects the county from any misconduct or wrongdoing committed by the court clerk or any deputies while performing their duties. A copy of this bond should be kept on file in the court clerk's office.

No other bond shall be acceptable as surety for any elected or appointed county officer or employee unless the blanket bond is provided for as a specified item in an all-risk insurance policy purchased by the county.

19 O.S. § 167

OATH OF OFFICE/AFFIRMATION

Oklahoma Constitution
Article 15
51 O. § 36.2A

“I, _____, do solemnly swear (or affirm) that I will support, the Constitution and the laws of the United States or America, and the Constitution and the laws of the State of Oklahoma, and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; and I further swear (or affirm) that I will faithfully discharge, according to my best abilities, the duties of my office or employment as I am

_____ (Here put name of office, or, if an employee, insert "An Employee Of _____" followed by the complete designation of the employing officer).

(sign here) _____
Affiant

Subscribed and sworn to before me
this ____ day of _____ A. D., _____.

Notary Public

My commission expires _____

(Seal)

Figure 6-1. Sample Oath of Office/Affirmation for County Officers

The statutes define a "blanket bond" as a public employees' blanket position bond that covers all employees up to the penalty of the bond for each employee throughout their terms in office. The full penalty of the bond is always in force, no restoration is necessary, and no additional premium is required after a loss is paid. The district attorney shall bring an action on the blanket bond to recover any loss by the county which is covered by the bond.

The statutes do not address the recommended amount for the blanket bond for any county offices except the county treasurer's office. Each officer should ensure that the amount of the blanket bond is sufficient to cover any losses which might occur in their office.

Serving as Court Clerk

Office Organization

When first organizing the office, a recommended practice is for the court clerk to take the following factors into consideration:

- Number of deputies and their abilities
- Funds available for deputies
- County size and office workload
- Type of management structure preferred

A good practice is that newly elected or appointed court clerks take advantage of existing organizational structures and knowledgeable personnel. Changes can then be made only as necessary until the court clerk becomes more familiar with the office.

Office Locations

The court clerk must maintain an office and keep all records at the county seat. The board of county commissioners must provide office space, record storage, and supplies at the county seat for all county offices.

19 O.S. § 133

A county officer can establish an additional office or offices at any location within the county. The additional office can only receive documents for the sole purpose of collecting them and delivering them to the main county seat office. Any document delivered to the additional county

19 O.S. § 133

office for filing or recording is not considered filed or recorded until it is delivered and recorded at the main county seat office.

19 O.S. § 180.51

A county employee who is employed at an additional office by one county officer may perform duties on behalf of another county officer if specifically authorized by each county officer on whose behalf the employee is performing duties.

20 O.S. § 95.2

If the district court holds court in more than one city in a county, the court, when sitting in a particular city, may be designated as “The District Court of _____ County (name of city) Division.”

When holding court in a city other than the county seat is authorized, any action may, for the convenience of the parties and the witnesses and in the interest of justice, be transferred from the court docket in one city to the docket in another city within the county.

20 O.S. § 95.4

If not prescribed by the Supreme Court or the presiding judge of the judicial administrative district, the district court shall prescribe what hours the office of the court clerk will be open for business in cities other than the county seat.

20 O.S. § 95.3

Hours and Holidays

All county offices within each county should be open during the same hours as determined by mutual agreement among the county officials. Office hours must be posted in a prominent place easily seen by the public. The board of county commissioners and members of the excise board designate county holidays.

19 O.S. § 136

19 O.S. § 350

Office Personnel

First Deputy or Chief Deputy

The court clerk must designate a first deputy or chief deputy who will fulfill the duties of the office during any absence of the court clerk, or in the event of death, removal from office, or resignation of the court clerk, until a successor is designated.

19 O.S. § 180.65(A)(B)

1996 AG 15

During periods when the principal officer is absent, the first deputy or chief deputy shall be bonded in the same manner and for the same amount as the principal officer.

19 O.S. § 180.65(B)

Deputies

Personnel who report to the court clerk normally hold the title of deputy court clerk. In practice, the titles of chief deputy or first deputy, second deputy, and third deputy or deputy assistant are used. These titles generally imply a hierarchy of experience and responsibility.

The numerical rank of any deputy or assistant must be by designation of the principal officer at the sole discretion of the principal officer. The numerical rank of any deputies must be filed with the county clerk designated with the court clerk's signature.

19 O.S. § 180.65(C)

The court clerk should have sufficient deputies to adequately perform the necessary duties of the office. If the court clerk determines that additional deputies are needed based on the office workload, proposals for increases in personnel must be made to the county excise board and the board of county commissioners or the budget board, depending on the county. These boards will consider such requests based on the county budget and other county officials' needs. The board of county commissioners has the authority to recommend the total amount of funds to be used for the combined salaries in each of the county offices.

19 O.S. § 180.65(E)

19 O.S. § 180.65(D)

Please refer to “[Court Clerk Office Reports and Records](#)” in Chapter Fourteen of this handbook for more information about other court clerk records and reports.

The court clerk can make budget requests for the following funds for additional employees approved by the Supreme Court.

- The Court Fund
- The Court Clerk's Revolving Fund

20 O.S. Chapter 18,
Appendix 1 Rule1(b)(1)

Refer to the Oklahoma Statutes and [SA&I Form No. 2510](#) (category for expenditures on the Quarterly Report)

19 O.S. § 220(A)

- The Court Clerk's Records Management and Preservation Fund

28 O.S. § 31.3

Refer to the Oklahoma Statutes and [SA&I Bulletin No. 2019-04](#) for guidelines and [SA&I Form No. 1727](#) (category for expenditures of Salaries and Benefits).

NOTE:

Please refer to the Sample Personnel Policy available from the Association of County Commissioners of Oklahoma (ACCO) and the Oklahoma Public Employees Retirement System (OPERS) Handbook, for information on office personnel requirements, nepotism, salaries, and benefits

Employee Requirements, Salaries, and Benefits

19 O.S. § 339(A)(10)

Personnel Policies

The board of county commissioners establishes personnel policies for all county employees with the majority vote of all county officers.

Guidelines for timesheets, sick leave, vacation, and special leave documents are included in ACCO's Sample Personnel Policy. Each individual court clerk employee should have a copy of this handbook. Each employee is required, per county policy, to sign a statement that they have received a copy of this handbook.

Timesheets

Timesheets are provided by the county clerk to all county officers. In the court clerk's office, court clerk employee salaries are, or could be, paid from the following four sources with the approval of the specific budget and/or board for each fund.

- The County Fund
- The Court Fund
- The Court Clerk's Revolving Fund
- The Court Clerk's Records Management and Preservation Fund

Restricted to management of records and preservation duties and upon funds being available

A recommended practice is that the court clerks maintain personnel records in the court clerk's office for all of their office employees.

Additionally, court clerks should be aware of any office reports that are required to be completed for their office and ensure that they are being completed and provided to the proper recipients.

Inventory Procedures

Upon assuming office, the court clerk must perform and maintain an inventory of all office equipment and ensure that all equipment recorded as assigned to the court clerk's office is present. The inventory should include (but is not limited to) equipment with an original cost of Five Hundred Dollars (\$500.00) or more. In addition, the inventory should include IT hardware and software having an original cost of Five Hundred Dollars (\$500.00) or more.

19 O.S. § 178.1

19 O.S. § 178.2

19 O.S. § 1502

NOTE:

The court clerk should follow this statute, Title 19, Section 178.1, for recording purchases of inventory purchased with court fund monies per AOC for the Supreme Court. The inventory should include (but not limited to) equipment with an original cost of Five Hundred Dollars (\$500.00) or more.

19 O.S. § 1500 et seq

NOTE:

Inventories should be performed annually and whenever a county official changes in preparation for an SA&I exit audit.

19 O.S. § 1501(A)(4)

19 O.S. § 178.2

19 O.S. § 178.3

Please refer to Chapter Ten, "[Inventory Responsibilities](#)," for detailed information on inventory procedures.

Each county officer must file a copy of the inventory in the county clerk's office. The county clerk serves as custodian and repository of all county inventory records, files, and reports. The county clerk is authorized to destroy all inventory records, files, and reports on file in the county clerk's office of any county inventory that has been disposed of for three years or more providing that a full audit of the inventory account has been made by the Office of the SA&I.

19 O.S. § 1503(A)

NOTE:

Please refer to the *Purchasing Handbook for Oklahoma Counties* published through the County Training Program at Oklahoma Cooperative Extension Service and the Office of the State Auditor and Inspector (SA&I) for complete details regarding inventory responsibilities and purchasing procedures, and to 19 O.S. §§ 1500-1507 as supplemented.

19 O.S. § 1504

Purchasing Procedures

Court clerks utilize county funds to purchase goods and services, as well as the following funds:

19 O.S. § 1500

- Court Fund
- Court Clerk Revolving Fund
- Court Clerk Records Management and Preservation Fund

20 O.S. § 1301
 20 O.S. § 3
 28 O.S. § 31.3
 19 O.S. § 178.1

Court clerks must follow the fund rules and guidelines established by the statutes and the entity that regulates the fund.

Requesting Officers

Upon assuming office, the court clerk may assign at least one (1), but not more than two (2) employees, to be requesting officers or individuals who can sign purchasing requisitions during any absence of the court clerk. This information must be filed with the county clerk and entered into the board of county commissioners' minutes.

19 O.S. § 1501(A)(4)

Receiving Officers

The court clerk must designate two (2) employees to serve as receiving officers. A written designation of these employees shall be filed with the county clerk and must be entered in the minutes of the board of county commissioners.

19 O.S. § 1503(A)

Receiving officers determine that a valid purchase order exists for items received and that the items are in the condition requested, and then prepare a receiving report. Receiving officers also maintain a record of all supplies, materials, and equipment received, disbursed, stored, and consumed by the department. Normally, one of the receiving officers is designated as the inventory officer.

19 O.S. § 1504

The County Seal

The board of county commissioners must obtain and keep a seal to be used as the official seal of the county. The board must provide a county seal for the court clerk.

19 O.S. § 325
 19 O.S. § 447

Filing Signatures with the Secretary of State

County Officer Signature List

Upon assuming office, the court clerk must sign the signature list for elected officials provided by the county clerk. The county clerk notarizes and certifies the list and files it with the secretary of state.

19 O.S. § 257

Facsimile Signatures

If the court clerk uses some method of reproducing their signature such as a stamp, engraving, or imprinting device, a facsimile must be filed with the Secretary of State along with the manual signature to authorize use of a facsimile signature upon “public securities.” (A public security is a bond, note, certificate of indebtedness or other obligation for the payment of money issued by this state or by any of the departments, agencies, or other instrumentalities, or by any of its political subdivisions or districts).

62 O.S. §§ 601-606

“Authorized officer” means any official of this state or of any of its departments, agencies, or other instrumentalities or districts whose signature to a public security, or certificate is required or permitted.

WARNING:

Intent to defraud by use of a facsimile signature or facsimile seal on public securities is a felony.

62 O.S. § 604
21 O.S. § 9

Oklahoma Statute

Effective November 1, 2020, those government offices and institutions that were previously eligible to receive free, hard-bound paper copies of the Oklahoma Statutes, Supplements, and Session Laws distributed by the Secretary of State may no longer receive them. The new statute, effective November 1, 2020, states that the Secretary of State shall provide free electronic access.

75 O.S. § 13

The language in the Oklahoma Statutes in section 14 of Title 75, regarding copies of free printed books has been repealed effective November 1, 2020.

Oklahoma Statute Books

NOTE:

A highly good practice for court clerks is to maintain statute books and supplements in their offices for referencing whether purchases are up to date or not.

Court clerks may read Appendix A of the *Handbook for Court Clerks of Oklahoma* for information on statutes.

Oklahoma Statutes Online

In addition to the Oklahoma Statute Books, the Oklahoma Statutes are available online at the [Oklahoma Supreme Court Network website \(OSCN.net\)](http://OSCN.net) under “Legal Research” and “Statutes.”

75 O.S. § 13

When referencing statutes in the Statute Books or online, users should be aware that more than one statute might contain provisions for identical or similar subjects. If any of these provisions conflict or contradict each other, the most recent statute must prevail.

75 O.S. § 22

Refer to [Appendix A](#) in this handbook for more information regarding the Oklahoma Statutes.

Conflicting Oklahoma Statutes and Session Laws

In all cases where there is a conflict between the original acts and adopted statutes, the original acts shall govern, and the adopted statutes shall be deemed as repealed, amended, or modified thereby, without reference to the date of the approval of such original acts. For purposes of this section, "original acts" mean the enrolled documents of the acts as produced by the house of origin.

75 O.S. § 22

75 O.S. § 12

Acts and Resolutions Passed as Emergency Measures

The Secretary of State is required, as soon as possible after receiving in their office any act or resolution or any Civil Probate or Criminal Procedure Act passed by the Oklahoma legislature as an emergency measure, to provide access to a copy to each court clerk by United States mail, facsimile, or electronic mail transmission.

75 O.S. § 25

Immediately upon receipt from the Secretary of State of these acts and resolutions, the court clerk must place them in a binder, which shall be available for examination by the public. If the documents are provided by electronic mail, a recommended practice is for the court clerk to save a printed copy of the transmissions in a folder until the law is codified or have some office procedure in place to produce the legislation when requested.

75 O.S. § 26

Court Clerk Certification Program

The Commission on County Government Personnel Education and Training was established to oversee a professional development program for training Oklahoma county officers, excise board

19 O.S. § 130.1
19 O.S. § 130.2

members, candidates for county office, and any other persons through the Cooperative Extension Service at Oklahoma State University.

All court clerks and their deputies shall be required to participate in the appropriate training programs and educational seminars relevant to their positions and duties.

19 O.S. § 130.7

In 1998, the Oklahoma Court Clerks Association adopted a certification program for court clerks and deputy court clerks. The program was most recently revised in July of 2018.

The certification program is available through the County Training Program (CTP), coordinated by the Oklahoma Cooperative Extension Service at Oklahoma State University.

To refer to the certification guidelines for court clerks, go to the [CTP website](#).

To remain in good standing after receiving any level of certification, six hours of continuing education units (CEU's) are required each year.

Certificates for all levels are awarded at the Court Clerks Annual School in July.

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Chapter Seven

The Oklahoma Judicial System

The Oklahoma Judicial System

The Court System

The structure of the Oklahoma judicial system is mandated in the Oklahoma Constitution. Oklahoma has a centralized court structure with the state's judicial power vested in specified courts. The current judicial system includes the following courts:

Oklahoma Constitution
Article 7 § 1

- Courts of Last Resort
 - The Supreme Court
 - The Court of Criminal Appeals
- Intermediate Appellate Court
 - The Court of Civil Appeals
- Court of General Jurisdiction

- The District Court
- Courts of Limited Jurisdiction
 - The Court on the Judiciary
 - The Workers' Compensation Court
 - The Court of Bank Review
 - The Court of Tax Review
 - Municipal Courts

NOTE:

The Supreme Court has general superintending over all courts except the Oklahoma Senate sitting as a Court of Impeachment and the Court on the Judiciary.

Oklahoma Constitution
Article 7 § 6

NOTE:

All Native American tribal units in Oklahoma are independent sovereign nations and have their own governments and tribal court systems. These tribal courts are independent of the state judicial system.

12 O.S. Appendix Rule 30

Additional information about the Oklahoma judicial system can be found on the [OSCN website](#).

Functions of the Courts

The powers of the government of the state of Oklahoma shall be divided into three separate departments: The Legislative, Executive, and Judicial; and except as provided in this Constitution, the Legislative, Executive, and Judicial departments of government shall be separate and distinct, and neither shall exercise the powers properly belonging to either of the others.

Oklahoma Constitution
Article 4 § 1

The primary functions of the courts are to settle disputes by deciding lawsuits (cases) between parties involved in the disputes and to punish those who commit crimes.

A visual representation of the courts in the Oklahoma judicial system is available on the [OSCN website](#).

The powers and duties of the courts can be classified into two basic categories:

1. Adjudicative (judging)

Courts have the following adjudicative functions:

- Settling disputes between persons, and between persons and the state (civil actions)
- Determining the innocence or guilt of persons accused of crimes (criminal actions) and imposing punishment
- Restraining public officials whose actions interfere with the legal rights of other persons

2. Non-adjudicative

Courts have the following non-adjudicative functions:

- Administering the state’s entire judicial system

The courts’ non-adjudicative functions are both legislative and administrative.

[Figure 7-1](#) shows the non-adjudicative functions of the courts and the relationship of the courts to the executive and legislative branches of Oklahoma state government.

- Legislative: Courts adopt court rules for conducting their business, and they determine the constitutionality of state laws. They also participate in removing public officials. The Supreme Court can appoint members of executive department boards such as the pardon and parole board.
- Administrative: Courts manage money, space, and personnel. They also administer estates, appoint guardians, manage affairs, and protect property.

Jurisdiction of the Courts

Before any court can resolve disputes or make judgments, that court must have legal authority, or jurisdiction, over the case being considered.

Oklahoma Constitution
Article 7 § 1

Courts may have either original jurisdiction, which means they have the power to decide a case for the first time, or appellate jurisdiction where they have the power to review the decision of a lower court. A visual representation of appellate routes for civil and criminal cases is available on the [OSCN website](#).

Oklahoma Constitution
Article 7 § 4

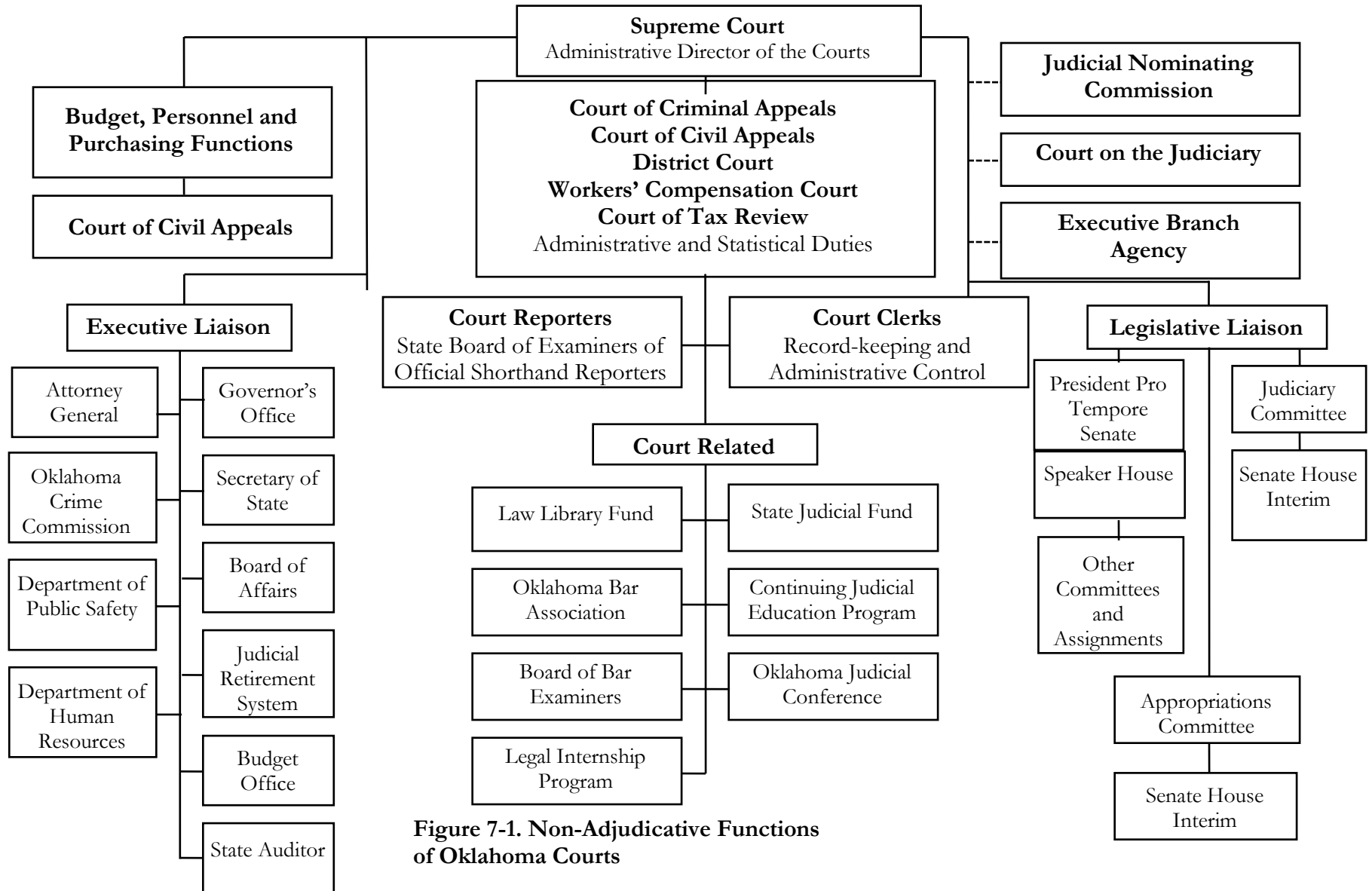


Figure 7-1. Non-Adjudicative Functions of Oklahoma Courts

The Supreme Court

Jurisdiction

The Supreme Court is the highest judicial body in Oklahoma’s court system. The Supreme Court has appellate jurisdiction over district court decisions in civil cases, the Workers’ Compensation Court, the Court of Tax Review, and certain judicial decisions of administrative departments and agencies, commissions, and boards of Oklahoma government.

Oklahoma Constitution
Article 7 § 4

In addition, the Supreme Court has the power to issue, hear, and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and other remedial writs as provided by law.

The Supreme Court also has general superintending control over all courts in the state with the following exceptions:

Oklahoma Constitution
Article 7 § 6

- The Senate sitting as a Court of Impeachment
- The Court on the Judiciary

This administrative authority includes the temporary assignment of a judge to another court. The Chief Justice of the Supreme Court exercises this authority in accordance with court rules. The Chief Justice presides over all appellate proceedings and hearings of the Supreme Court.

Supreme Court Justices

Oklahoma is divided into nine (9) Supreme Court districts determined by law. Nine (9) members, or justices, serve on the Supreme Court for terms of six years and shall commence on the second Monday of January following their election. These justices select from among themselves a Chief Justice and a Vice Chief Justice to act as the administrative head of the courts.

Oklahoma Constitution
Article 7 § 2
20 O.S. § 1

When a vacancy occurs in the Supreme Court, the Governor fills that vacancy by appointing one person from a list of three (3) nominees submitted by the Judicial Nominating Commission. The appointed justice serves a six (6)-year term which begins the second Monday of January following their election or upon appointment. Justices must stand for retention in a statewide election at specific times. Additional information and a visual representation of the Supreme Court judicial districts is available on the [OSCN website](#).

Oklahoma Constitution
Article 7 § 2
Article 7 § 3
20 O.S. § 2

Clerk of the Appellate Courts

The clerk of the appellate courts performs clerical functions for the Supreme Court. The clerk of the appellate courts is appointed by the Supreme Court and performs the following duties:

- Maintains court records
- Files papers
- Records judgments, decrees, and orders of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, the Court of Tax Review, and the Court on the Judiciary
- Performs such other services and duties as may be authorized or prescribed by the Supreme Court

The Supreme Court shall appoint a clerk who is licensed to practice law within the state of Oklahoma.

Administrative Director of the Courts

Except with reference to the Senate sitting as a Court of Impeachment and the Court on the Judiciary, general administrative authority over all courts in Oklahoma, including the temporary assignment of any judge to a court other than that for which they were selected, is hereby vested in the Supreme Court, and shall be exercised by the Chief Justice in accordance with its rules.

The Supreme Court appoints an administrative director of the courts and staff to assist the chief justice in fulfilling the constitutionally mandated responsibilities as the administrative head of Oklahoma's courts. The administrative director of the court shall also assist the Judicial Nominating Commission.

The administrative director of the court and the staff of the Administrative Office of the Courts (AOC) perform duties which include the following activities:

- Coordinating budget and fiscal activities for the state judicial system
- Coordinating judicial personnel in the state court system, including judges, trial court administrators, court reporters, court clerks, and secretary-bailiffs of the district courts

Oklahoma Constitution
Article 7 § 5
20 O.S. § 71

Oklahoma Constitution
Article 7 § 6

20 O.S. § 16.1

20 O.S. § 16.4

- Assigning active and retired judges among judicial administrative districts subject to the Chief Justice’s approval
- Serving as liaison for the Supreme Court to the legislative and executive departments
- Collecting and publishing comprehensive statewide judicial statistics
- Submitting a report to the Oklahoma legislature each year
- Supervising financial budgeting and expenditures from the 77 district’s court funds
- Preparing deposits to the State Judicial Fund from revenues received from the court clerks of the district courts
- Performing numerous other duties as directed by the Supreme Court and various statutes

20 O.S. § 16.11

The Court of Criminal Appeals

Jurisdiction

All criminal cases are under the appellate jurisdiction of the Court of Criminal Appeals, unless otherwise provided in the statutes. If a conflict arises whether the Court of Criminal Appeals or the Supreme Court has jurisdiction over a case, the Supreme Court determines which court has jurisdiction.

Oklahoma Constitution Article 7 § 4
20 O.S. § 40
20 O.S. § 41

The Court of Criminal Appeals also has the power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and other remedial writs.

20 O.S. § 31
20 O.S. § 33

Judges

The Court of Criminal Appeals has five (5) judges, one from each of the Court of Criminal Appeals judicial district. A visual representation of the Court of Criminal Appeals judicial electoral districts is available on the [OSCN website](#).

Oklahoma Constitution Article 7 § 4

When a vacancy occurs in the Court of Criminal Appeals, the Governor appoints a person from a list of three (3) nominees submitted by the Judicial Nominating Commission. Judges serve six (6)-year terms and must stand for retention at specific times.

Oklahoma Constitution
Article 7A § 3
20 O.S. § 35(B)

The judges choose from among their members a presiding judge and a vice presiding judge who serve for two (2) years.

Clerks

The clerk of the Supreme Court serves as ex officio clerk of the Court of Criminal Appeals and performs the same duties as performed for the Supreme Court.

20 O.S. § 38

Emergency Appellate Panels

The Court of Criminal Appeals has Emergency Appellate Panels that can determine or dispose of cases assigned to it by the Oklahoma Supreme Court except for murder in the first-degree cases.

20 O.S. §§ 60.1-60.5

The Emergency Appellate Panels are activated by the presiding judge of the Court of Criminal Appeals when certain conditions exist as defined by the statutes. The panels are composed of judges appointed by the Chief Justice of the Supreme Court.

The Court of Civil Appeals

Jurisdiction

The Court of Civil Appeals is an intermediate appellate court. It considers only those civil cases assigned to it by the Oklahoma Supreme Court. It was created by the Oklahoma legislature in 1970 to assist with the workload of the Supreme Court.

Oklahoma Constitution Article 7 § 4

20 O.S. § 30.1

The Court of Civil Appeals' decisions may be reviewed by the Supreme Court if a majority of the Supreme Court's Justices direct that a writ of certiorari be granted, and the Supreme Court may, by order, recall cases previously assigned to the Court of Civil Appeals.

The Court of Civil Appeals also has jurisdiction to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, or any other process necessary to any case assigned to it. The Court of Civil Appeals' procedures and practices are prescribed by rules established by the Supreme Court. Although, pursuant to law and the rules of the Supreme Court, the Court of Civil Appeals may promulgate (put into effect by public announcement) its own rules.

Judges

The Court of Civil Appeals consists of four (4) permanent divisions, two (2) sitting in Tulsa and two (2) in Oklahoma City. Each division has three (3) judges and at least two (2) of them must concur in any decision. Each division must select a presiding judge for that division. Judges may be transferred from one division to another.

20 O.S. § 30.2

The Court of Civil Appeals has six (6) judicial districts with two (2) judges per district. If a vacancy occurs in the Court of Civil Appeals, the state Governor fills the vacancy from a list provided by the Judicial Nominating Commission. Judges serve six (6)-year terms and may be retained for successive terms.

20 O.S. § 30.15
20 O.S. § 30.17

A visual representation of the Court of Civil Appeals judicial electoral districts is available on the [OSCN website](#).

20 O.S. § 30.18

District Courts

Jurisdiction

The district court is the basic trial court in Oklahoma and is known as a single-level bench. The district court has original jurisdiction over almost all civil cases that arise under state law, and original jurisdiction over all criminal cases that involve violations of state statutes.

A constitutional amendment in 1967 simplified the court structure by reducing the number of specialized trial courts defined in the Constitution and transferring functions to the district courts as courts of general jurisdiction.

Oklahoma Constitution
Article 7 § 7
20 O.S. § 91.1

20 O.S. §§ 92.1-92.28

Oklahoma is currently divided into twenty-six (26) judicial districts for district courts. A visual representation, “Oklahoma Judicial Districts for District Courts,” is available on the [OSCN website](#). Each district consists of an entire county or several contiguous counties.

Videoconferencing

20 O.S. § 130

Videoconferencing technology or the equivalent is authorized to be used in district courts in all stages of civil or criminal proceedings. Its use shall be governed by the district courts of Oklahoma. However, the technology shall not be used in jury trials or in trials before a judge.

Oklahoma Constitution
Article 7 § 8
Oklahoma Constitution Article 7 § 9

Judges

Each district court system includes the following three (3) types of judges:

1. District judges
2. Associate district judges
3. Special judges

20 O.S. § 120
Oklahoma Constitution
Article 7B § 4
20 O.S. §§ 91.1-91.3

District judges and associate district judges have judicial authority over any case within the jurisdiction of the district court. They are elected in a general election in their districts or counties for four (4)-year terms. The Governor fills any vacancy by appointing one person from a list of three (3) nominees submitted by the Judicial Nominating Commission.

20 O.S. § 122
20 O.S. § 123
20 O.S. § 124

Oklahoma Constitution
Article 7 § 10

Special judges have limited authority, or jurisdiction, and are appointed by the district judges in their districts.

The district courts in Oklahoma currently have a total of seventy-five (75) district judges, seventy-seven (77) associate district judges, and eighty-nine (89) special judges.

Managerial Organization

20 O.S. § 92.1

For administrative purposes, the twenty-six (26) district court judicial districts are combined into nine (9) judicial administrative districts. In each of these nine (9) districts, the district and associate district judges elect one (1) of their district judges as the presiding judge. The presiding judge, subject to the authority of the Supreme Court, has general administrative authority over that district. A visual representation of the judicial administrative districts is available on the [OSCN website](#).

20 O.S. § 120

Within each judicial district, a chief judge oversees activities within the district and is subordinate to the presiding judge. The presiding and chief judges perform managerial organization for the district court.

20 O.S. § 126

In addition, The Oklahoma-Canadian Counties Judicial Administrative District and the Tulsa-Pawnee Counties Judicial Administrative District are authorized by law to employ a trial court administrator who assists the presiding judge of their Judicial Administrative District in performing the administrative duties.

Clerks

Oklahoma Constitution
Article 17 § 2

The court clerk for the district court is referred to in the constitution as the clerk of the district court. Each county has one court clerk who is responsible for all cases in that county.

Workers' Compensation Court

The Workers' Compensation Court processes claims for workers' compensation cases and administers the laws that relate to workers' compensation.

85A O.S. § 3

Information about, and the rules of, the Workers' Compensation Court are provided in the Oklahoma Statutes in Titles 85 and 85A. Any matter of practice or procedure not specifically dealt with by Title 85 or 85A of the Oklahoma Statutes will be guided by practice or procedure followed in the district courts of this state.

85 O.S. Chapter 4, Appendix
Rule § 2(B)

Workers' Compensation Commission

The Workers' Compensation Commission administers the Workers' Compensation Act. The commission may appoint as many persons as may be necessary to be administrative law judges, and in addition, may appoint such examiners, investigators, medical examiners, clerks, and other employees as it deems necessary to effectuate the provisions of the Act.

85A O.S. § 22(A)(B)

An administrative law judge, under the rules adopted by the commission, shall hear and determine claims for compensation; conduct hearings and investigations; and make such judgments, decisions, and determinations as may be required by any rule or judgment of the Commission.

85A O.S. § 22(E)

Court of Tax Review

NOTE:

The Court of Tax Review was re-created by Oklahoma law effective July 1, 1997.

Effective January 1, 2023, for each case brought before the Court of Tax Review, the Chief Justice of the Oklahoma Supreme Court shall assign the case to a judicial administrative district in which no property that is the subject of the case is located. The presiding judge of the judicial administrative district to which the case is assigned shall appoint a panel of three (3) judges of the district court or of any judicial administrative district who are active or retired judges qualified to preside over such cases, who shall determine in what county the case will be heard. A majority of the three-judge panel shall be required to render a decision in each case. A decision in each case shall be made within twelve (12) months of the case being assigned to the three-judge panel.

68 O.S. § 3024(A)

68 O.S. § 3024(B)

The Court of Tax Review hears complaints challenging an order of the county board of equalization; complaints regarding valuation of public service corporation property by the state board of equalization; complaints regarding actions of the state board of equalization regarding either intracounty or intercounty property value, and appeals.

The clerk of the Supreme Court acts as the clerk for the Court of Tax Review.

Municipal Courts

Jurisdiction

Municipal courts in Oklahoma are also trial courts but are city-operated and limited to cases involving city ordinance violations. The AOC does not oversee the operations of municipal courts.

In municipal courts of record (found in cities with populations over sixty-five thousand (65,000)), criminal appeals are taken directly to the Court of Criminal Appeals.

In municipal courts not of record (found in cities with populations under sixty-five thousand (65,000)), appeals are made from a final municipal court judgment to the district court in the county in which the city is located. The notice of appeal must be made within ten (10) days from the date of the final judgment. When a case is appealed to a district court, the trial is held *de novo* (a new trial).

Refer to Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” in this handbook for more information on municipal court appeals.

Jurors

A jury for the trial of cases in the Municipal Criminal Court of Record shall consist of six (6) persons who shall be selected, empaneled, and qualified in the same manner that jurors are selected, empaneled, and qualified in the district court.

Once the chief judge of the district court receives a written request from a municipal court judge for a specific number of jurors, the chief judge orders the court clerk of the district court to select, from the jury list, the prospective jurors that live in the city limits for that municipal court.

Oklahoma Constitution

Article 7 § 1

11 O.S. § 27-101

11 O.S. § 28-103

11 O.S. § 28-101

11 O.S. § 28-128

11 O.S. § 27-102

11 O.S. § 27-129

11 O.S. § 28-115

11 O.S. § 28-116

Refer to “[Municipal Juries](#)” in Chapter Twenty-One of this handbook for more information on selecting jurors for municipal courts.

The Oklahoma Court on the Judiciary

Jurisdiction

The Oklahoma Court on the Judiciary is a specialized court, which hears allegations of misconduct or disability of judges. The Oklahoma Court on the Judiciary has a nine (9)-member trial division and a nine (9)-member appellate division. Each division selects a presiding judge.

Oklahoma Constitution
Article 7A § 3

Trial Division

The trial division is composed of nine (9) members, eight (8) of whom are the district judges senior in service, but under sixty (60) years of age, with no two (2) from the same Supreme Court Judicial District (in case of equal seniority, the eldest in years serves), and one (1) active member of the Oklahoma Bar Association, chosen by its executive council or other body exercising similar powers.

Oklahoma Constitution
Article 7A § 2(b)

The jurisdiction of the trial division of the court may be invoked by a petition, filed either by the Supreme Court or the chief justice; by the Governor; by the attorney general; or by the executive secretary of the Oklahoma Bar Association when directed to do so by a vote of a majority of all members of its executive council; by Resolution of the House of Delegates; or by Resolution of the House of Representatives of the state of Oklahoma. The petition shall state the name of the respondent; the grounds upon which the removal from office or compulsory retirement from office is sought; and such other matters as may be specified by the rules of the trial division. The petition shall be subject to amendment by order of either division of the court.

Oklahoma Constitution
Article 7A § 4

Appellate Division

The Appellate Division is composed of two (2) members of the Supreme Court, chosen by that court; one (1) member of the Court of Criminal Appeals, chosen by that court; one (1) active member of the Oklahoma Bar Association, chosen by its executive council or other body exercising similar powers; and five (5) district judges, senior in service but under sixty-five (65) years of age; except that no more than one (1) district judge from any Supreme Court Judicial District shall serve.

Oklahoma Constitution
Article 7A § 2(c)

In the event of equal seniority, the eldest in years shall serve. Any district judge qualified for both divisions shall serve on the Appellate Division and the next in qualification shall serve on the Trial Division.

From any judgment of the Trial Division, the respondent or the prosecutor may appeal to the Appellate Division, by filing a notice of appeal with the clerk of the Supreme Court, within ten days after entry of the judgment. The notice shall be served upon the opposite party in the manner prescribed by the rules of the Appellate Division.

Other Judicial Bodies

Council on Judicial Complaints

20 O.S. § 1651

The Council on Judicial Complaints was established by law as the investigatory body for the Court on the Judiciary. The Council can dismiss a complaint or recommend that a matter be made the subject of proceedings before the Court on the Judiciary.

20 O.S. § 1653

The Council consists of three (3) members, two (2) of which are members of the Oklahoma Bar Association.

- One member is appointed by the Speaker Pro Tempore of the Oklahoma Senate.
- One member is appointed by the Speaker of the Oklahoma House of Representatives.
- One member is appointed by the President of the Oklahoma Bar Association.

Judicial Nominating Commission

Oklahoma Constitution
Article 7B § 3
Oklahoma Constitution
Article 7B § 3(a)(1)

The Judicial Nominating Commission of fifteen (15) members was created by passage of a Constitutional Amendment in 1967. The members consist of:

- Six members to be appointed by the Governor, which shall include at least one from each congressional district established by the statutes of Oklahoma and existing at the date of the adoption of the Constitutional Article. None of the members shall be admitted to practice law in the state of Oklahoma or have any immediate family member who has been admitted to the practice of law in the state of Oklahoma or any other state.

- Six members, which shall include at least one from each congressional district established by the statutes of Oklahoma and existing at the date of the adoption of the Constitutional Article who are, however, members of the Oklahoma Bar Association and who have been elected by the other active members of their district under procedures adopted by the Board of Governors of the Oklahoma Bar Association, until changed by Oklahoma Statute.
- Three members at large who are residents of the state of Oklahoma, but who shall not have been admitted to the practice of law in the state of Oklahoma or any other state or have any immediate family member who has been admitted to the practice of law in the state of Oklahoma or any other state. One member is to be selected by not less than eight (8) members of the Nominating Commission.

Oklahoma Constitution
Article 7B § 3(a)(2)

Oklahoma Constitution
Article 7B § 3(a)(3)

In the event eight (8) members of the commission cannot agree upon the member at large within thirty (30) days of the initial organization of the commission or within thirty (30) days of a vacancy in the member at large position, the Governor shall appoint the member at large. One (1) member at large is to be selected by the President Pro Tempore of the Senate; and one (1) to be selected by the Speaker of the House of Representatives. No more than two (2) members at large shall belong to any one (1) political party.

Vacancy in Judicial Office

When a vacancy in a judicial office occurs, the Judicial Nominating Commission is required to accept the applications, review them, and submit at least three (3) nominees to the Governor and to the Chief Justice. Within sixty (60) days, the Governor appoints a person from the list of nominees.

Oklahoma Constitution
Article 7B § 4

Oklahoma Judicial Conference

The Oklahoma Judicial Conference is a voluntary association of active and retired members of the judiciary in Oklahoma. The judicial conference provides continuing judicial education and training to its members, assistance to the legislature concerning matters affecting the trial courts, and fosters communications among all levels of the state judiciary.

20 O.S. § 104(a)
20 O.S. § 1405

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Chapter Eight

Duties of the Court Clerk: General

Responsibilities

Court Related Responsibilities

12 O.S. § 29

The primary court-related responsibilities of the court clerk are to keep the records ordered by the court or required by law, and to file together and carefully preserve in the court clerk's office, all papers delivered for that purpose, except those believed to be sham legal process. Among the court clerk's duties are the following tasks:

- Keeping dockets, such as the appearance docket, trial docket, case files, and a journal
- Preparing and/or entering minutes
- Issuing subpoenas, writs, orders, and processes and filing the returns
- Delivering process papers to the county sheriff
- Collecting all required court fees (fines, costs, and assessments)

12 O.S. § 22
12 O.S. § 24
12 O.S. § 33
12 O.S. § 28
28 O.S. § 31
28 O.S. § 152
28 O.S. § 152.1
28 O.S. § 153
28 O.S. § 153.1
28 O.S. § 162

- Keeping case files
- Keeping records of all jurors and witnesses in district court cases 28 O.S. § 87
20 O.S. § 1221
- Acting as custodian of the County Law Library, if required
- Processing marriage license applications 43 O.S. § 5
- Issuing passports, if the court clerk has elected to perform this responsibility 12 O.S. § 35.1
- Issuing certain other licenses 12 O.S. § 33
12 O.S. § 35
12 O.S. § 38
- Providing statistical and other information as the Supreme Court or the Oklahoma legislature may require
- Keeping a seal

Administrative Responsibilities

The court clerk also has certain administrative responsibilities in the management of the court clerk office and personnel. Please refer to “[Serving as Court Clerk](#)” in Chapter Six.

19 O.S. § 684
20 O.S. § 1307
20 O.S. § 1308

The court clerk must make regular reports to the board of county commissioners, to the county clerk, and to the various entities for which the court clerk collects fees. Various monthly, quarterly, and annual reports are required. Please refer to “[Court Clerk Office Records and Reports](#)” in Chapter 14 and to [Chapter Eleven](#) in this handbook. [Table 8-1](#) shows the yearly calendar of both court-related and administrative activities for the court clerk’s office.

Table 8-1. Yearly Calendar of Activities for the Court Clerk's Office

Calendar Date	Activity	Handbook Reference	Statute Reference
Daily			
	Collect fees, fines, and forfeitures as directed by the statutes, issue receipts, and deposit monies in the court clerk's depository account. Enter receipts on the appropriate dockets either manually or by the computer. Journal/Cash Book in receipt-number order.	Journal	28 O.S. § 9 28 O.S. § 31 28 O.S. § 152 28 O.S. § 152.1 28 O.S. § 153 28 O.S. § 153.1 28 O.S. § 162
	Complete or generate the Official Depository ticket and deposit all monies collected with the county treasurer. (Generate a daily computer printout of the cash receipts and reconcile with the county treasurer.)	9	19 O.S. § 682
	Complete the report (by computer software) for Methamphetamine Offender Registry Act.	14	63 O.S. § 2-701(E)
	OFFICE TASKS: Customer Service: mail, phone, and public File documents, issue documents, write vouchers, prepare dockets (motion, dispositional, jury, small claims) suspend licenses, issue warrants, work cost collection (tax intercept, warrants collection agency), handle jury procedures, handle purchasing/inventory procedures	6, 9, 10, 14, 16, 21	12 O.S. Chapter 2 §§ 22-39
Monthly			
	Accumulate and file with the county clerk the Monthly Report of Time sheets: (hours of work, sick leave, vacation, and special leave) per the personnel policies of the county. Complete SA&I From No. 3651 , Weekly Time Record.	6, 14	19 O.S. § 153 19 O.S. § 180.65 19 O.S. § 1301 19 O.S. § 339(A)(10)

Table 8-1. Yearly Calendar of Activities for the Court Clerk’s Office (Continued)

Calendar Date	Activity	Handbook Reference	Statute Reference
	Send convicted felon report and the report on those adjudged incapacitated to the county election board.	14	26 O.S. § 4-120.4 26 O.S. § 4-120.5
First of month	Reconcile the county official depository report with the monthly report by the county treasurer to depositors.	9	19 O.S. § 684
	Complete the Monthly Report – the Case Balance Reconciliation Report/Schedule of Cases and the Monthly Cash Balance Summary Report – to the AOC.	14	
	Make deposits to the court fund and to the Court Clerk’s Revolving Fund from the depository account.	9	
	Transmit various fees, funds, and reports to the appropriate entities.	11, 14	
On or before 10 th of month	Submit all collections, reports, and monies collected to the appropriate entities.	11, 14, 16	
	Make a deposit to the Court Clerk’s Records Management and Preservation Fund. Compile a monthly report and submit it to the board of county commissioners with a copy for the AOC.	9, 14	28 O.S. § 31.3
	In counties with a population less than three-hundred thousand (300,000), make deposits to the Law Library Fund and submit bills to the AOC for Law Library expenses.	15	20 O.S. § 1202
	Prepare the Bail Bond Report and send it to the Oklahoma State Insurance Commission. (The Bail Bond Division uses the court clerk’s report to verify the bondsman’s report).	14	59 O.S. § 1314
	Report all indigent defense witness fees paid for OIDS to the Administrative Office of the Courts (AOC).	11	28 O.S. § 82(B)

Table 8-1. Yearly Calendar of Activities for the Court Clerk’s Office (Continued)

Calendar Date	Activity	Handbook Reference	Statute Reference
	Provide monthly financial reports to the board of county commissioners and file copies with the county clerk.	9	19 O.S. § 153 19 O.S. § 684
	Document all interest paid monthly to a case that has court ordered investments and/or follow the orders of the district court. (Documentation may be in a form of a credit memo, an electronic fund transfer, or a voucher)	9	19 O.S. § 682
	Complete the Wildlife Report.	11	29 O.S. § 3-301
	Deposit interest earned to the proper accounts.	9	19 O.S. § 682
	Mail Public Health Statistics on marriage, divorce, and annulments to the Oklahoma State Department of Health by email.	14	63 O.S. § 1-334
	Distribute payroll either monthly or twice a month as ordered by the board of county commissioners.	6	19 O.S. § 153 19 O.S. § 180.65
If juror was excused from jury duty for not being a citizen of U.S.	Court clerk shall prepare a monthly list of all persons who were excused from jury duty for not being a citizen of U.S.	14	26 O.S. § 4-120(A)(B) 26 O.S. § 4-120.5(B)
Quarterly			
End of each quarter	Prepare Caseload Statistics Report and forward to the AOC.	14	12 O.S. § 33 12 O.S. § 35
	In counties with a population less than three-hundred thousand (300,000), file the Law Library Report with the AOC.	14, 15	20 O.S. § 1202
Within 30 days after end of each quarter	Report court fund receipts and disbursements and current fund totals to the Supreme Court. Transfer the amount calculated per formula to the AOC for the State Judicial Fund.	9, 14	20 O.S. § 1307(A)(B) 20 O.S. § 1308
	Send report of receipts and disbursements and the current fund total for the Court Clerk’s Revolving Fund to the Supreme Court.	9, 14	19 O.S. § 220(A)

Table 8-1. Yearly Calendar of Activities for the Court Clerk’s Office (Continued)

Calendar Date	Activity	Handbook Reference	Statute Reference
	<p>Prepare personnel reports for the court fund, the Court Clerk’s Revolving Fund, and the Court Clerk’s Records Management and Preservation Fund if at least one employee is paid salary from the fund.</p> <p>Court clerks who have Federal (ID) numbers shall prepare and submit these reports.</p> <p>Court clerks using a County Federal (ID) number shall maintain copies of reports for their files if the county clerk is including court clerk employees in their report.</p> <p>The Personnel Reports include:</p> <p>Quarterly Employer’s Quarterly Contribution Report (Form ES-3) for employees to the Oklahoma Employment Security Commission (OESC) for unemployment insurance.</p> <p>Annually Work-related injuries and illnesses report to OSHA on OK Form 300.</p> <p>A summary page must be posted in the court clerk office from Feb. 1 to April 30 of each year of the office.</p> <p>Prepare and submit IRS Form 1099-Misc. for payments exceeding Six Hundred Dollars (\$600.00) paid to an individual or entity.</p> <p>Prepare and submit Wage and Tax Statement (IRS Form W-2): court clerks with a Federal (ID) number prepare and submit gross wages, less deductions, for employees for each calendar year.</p>	<p>6, 14</p> <p>6, 9, 14</p> <p>14</p> <p>9, 14</p> <p>9, 14</p>	<p>26 USC § 3306 40 O.S. § 3-102 et seq 3-118</p> <p>40 O.S. § 401 40 O.S. § 402 40 O.S. § 417 26 USC Internal Revenue Code</p> <p>68 O.S. § 2355 68 O.S. § 2385.3 68 O.S. § 2385.27</p>

Table 8-1. Yearly Calendar of Activities for the Court Clerk’s Office (Continued)

Calendar Date	Activity	Handbook Reference	Statute Reference
Annually			
May 1	Submit the court fund budget to the AOC.	9, 14	20 O.S. § 1301-1315
First Monday in July	Submit the Estimate of Needs for the county budget.	9	68 O.S. § 3004 68 O.S. § 3001~3033 19 O.S. § 1401~1421
July 31	Submit the court fund financial reports to the AOC.	9, 14	20 O.S. § 1308
August 1	Submit the Law Library Financial and Inventory Reports to the AOC.	9, 11, 15	20 O.S. § 1210 20 O.S. § 1215 20 O.S. § 1221 20 O.S. § 1224
November 1	Report and remit the verified Unclaimed Property Report to the Unclaimed Property Division, Oklahoma State Treasurer. This form is available online only.	9, 14	60 O.S. § 657 60 O.S. § 661(A)(D) 60 O.S. § 663
Within the Fiscal Year	Transfer budgeted monies for the Law Library from the court fund.	9, 11, 15	20 O.S. § 1226
Update Annually	Update the Disaster Recovery Plan filed with the Emergency Management Coordinator in the county.	6, 14	63 O.S. § 683.2(C) 63 O.S. § 683.11
	Update the continuous inventory record for the court clerk office annually or as necessary.	6, 10, 14	19 O.S. § 178.1
	Submit an annual report showing number of departures from mandatory sentences made by each district judge to be published on the Oklahoma Court of Criminal Appeals website.	14	22 O.S. § 985.1 22 O.S. § 985.2

Maintaining Court Records and Information

The court clerk serves as custodian of the records for the district court. Because of the nature of the position, the court clerk must be prepared to deal with the public in a variety of situations.

12 O.S. § 22
12 O.S. § 29

A recommended practice is that the court clerk be aware of the rights of individuals regarding access to court records and also ensure the preservation of these documents.

12 O.S. § 31.1

Access to Court Records

Most of the records in the court clerk's office are available for public inspection, either in the court clerk's office or on the internet. Typically, an individual is given access to the case files only in the court clerk's office. Certain individuals, such as the district attorney, certified abstractors, or officers of the court, may remove court records from the court clerk's office for up to 24 hours. The procedures for removing court records are stipulated by local district court rule.

Certain information in the court clerk's office is not available for public inspection as specifically stated in the Oklahoma Statutes. Some or all of the records from the following case types are defined as confidential:

- Adoption
- Juvenile
- Mental health
- Guardianship
- Expunged records
- Sealed records
- Drug court case files/docket
- Protective services for vulnerable adults
- Jurors' information

10 O.S. § 7505-1.1
10 O.S. § 7505-1.2(B)(3)(f)
10A O.S. § 1-6-102
10A O.S. § 2-6-102
43A O.S. § 1-109(A)
43A O.S. § 5-415
30 O.S. § 1-111
30 O.S. § 1-122
22 O.S. § 18
22 O.S. § 19
22 O.S. § 60.18
22 O.S. § 991c
22 O.S. § 19
22 O.S. § 471.1(E)
22 O.S. § 471.9
43A O.S. § 10-110
38 O.S. § 36
84 O.S. § 81

- Wills filed for safekeeping
- Youthful offender (These records are not defined as confidential, but some documents are confidential)

10A O.S. § 2-5-204

10A O.S. § 2-5-205

Chapter Thirteen contains detailed information on confidential court records, access to court records, and potential penalties regarding access to records.

Providing Information About Court Cases

Source of Information Regarding Court Cases

The court clerk may sometimes be seen, incorrectly, as a source of legal information by some persons involved in a case. Since most cases in the district court are matters of public record, the court clerk and deputies can provide case information. However, the information provided should be limited to matters of fact. To avoid any liability, a highly recommended practice is that the court clerk consult with the district judge before supplying any case information. The court clerk may also want to utilize a disclaimer similar to the one shown in Figure 13-1 in Chapter Thirteen

A recommended practice is that the court clerk, the court clerk deputies, or any employees of the court clerk’s office should not give opinions regarding guilt, innocence, or liability to any individual, nor express opinions about a district court decision.

The court clerk, or anyone in the court clerk’s office, is expressly forbidden by law to divulge any information about the following cases:

- Grand Jury Investigations

Except when required by a court, the court clerk shall not willfully disclose any information cited as evidence before a grand jury. This evidence includes any statements made and any votes registered by any member of the grand jury.

21 O.S. § 583

- Grand Jury Indictments

The court clerk cannot, except by issuing a warrant to arrest a defendant, willfully disclose the fact of a presentment or indictment made by a grand jury before the defendant has been arrested.

21 O.S. § 582

22 O.S. § 385

The Court Clerk as a Source of Advice or Assistance

Court clerks cannot practice law in the district court in which they serve. The court clerk or deputies should make clear to any individual that providing legal information is unethical and illegal and that they cannot give legal advice or recommend a particular attorney.

5 O.S. § 1
12 O.S. § 1754
12 O.S. § 1770

The court clerk can assist with filing certain documents in the following situations:

- Small Claims Procedure

Actions under the small claims procedure should be initiated by the plaintiff or the plaintiff's attorney. The claimant should prepare an affidavit initiating the action. If requested, the court clerk can draft the affidavit.

12 O.S. § 1754
12 O.S. § 1770

- Petition for Protective Order

A victim of domestic abuse, stalking, or harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years, or any adult victim of a crime, may seek relief by filing a petition for protective order on forms provided by the court clerk. The plaintiff should prepare the petition or, at the plaintiff's request, the court clerk or the victim-witness coordinator can prepare or assist the plaintiff in preparing the petition. Please refer to "[Filing Petition for Protective Order](#)" in Chapter Twenty-Seven for additional information.

22 O.S. § 60.2(A)(B)(D)

Subpoena of Court Clerks

Court clerks in Oklahoma cannot be subject to subpoena in connection with their court records unless the district court specifically finds that the court clerk's appearance and testimony are both material and necessary because of a written objection to the introduction of certified documents made by the defendant or other party prior to the trial.

22 O.S. § 715 (B)

Custodian of Law Library

Unless otherwise provided, the court clerk serves as custodian of the County Law Library. The court clerk should produce and maintain an inventory of all books, periodicals, and other Law Library property, and make reports as required. See [Chapter Fifteen](#) for more information.

20 O.S. § 1221

Collecting and Paying Court Costs and Fees

The court clerk is required to collect court costs and fees, pay certain court fees such as witness fees, jurors' fees, and court-appointed attorney fees, and collect fees for processing applications, issuing licenses, and other activities related to the court clerk's office. Chapter Eleven, "[Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports](#)," contains a detailed explanation on collecting and paying these fees plus information on court services provided without fees.

28 O.S. § 31

28 O.S. § 152

In any civil cases, the proper filing fee associated with the case is collected when the case is filed or a service is performed, none of which is ever refundable unless the case is exempt from costs by law or by finding of indigence. In criminal cases, costs cannot be collected until conviction. After disposition is reached in a case, the court may direct who pays the costs and may also set attorney fees to be taxed as costs. The court costs assessed are based on the offense date.

28 O.S. § 101
28 O.S. § 153(A)(M)

In every juvenile delinquency, child in need of supervision, or deprived case in which the juvenile is adjudicated, the court clerk shall collect as costs, irrespective of whether or not the sentence is deferred, or is a minor in need of treatment case pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act of the Oklahoma Statutes, and irrespective of whether the child is committed for inpatient mental health or substance abuse treatment, or in every such case in which a petition is filed at the demand of the parents of a juvenile and the petition is subsequently dismissed prior to adjudication at the parents' request, the following flat charge and no more, except for the charges provided for the Oklahoma Statutes, which fees shall cover docketing of the case, filing of all papers, issuance of process, warrants, and orders, and other services to date of judgment.

28 O.S. § 162(A)(D)

43A O.S. § 5-501 et seq

28 O.S. § 162(A)

Language Interpreter

In criminal cases, parties shall not be required to pay, advance, or post security for the services of a language interpreter.

28 O.S. § 153(A)(10)

The court clerk can collect actual costs for the services of a language interpreter other than an interpreter appointed under the provision of the Oklahoma Interpreter for the Deaf Act.

If the court determines that a person who needs a language interpreter's services is indigent, the court can waive all or part of the costs or require the payment of costs in installments.

28 O.S. § 153(A)(10)

A language interpreter appointed under the provision of the Oklahoma Interpreter for the Deaf and Hard-of-Hearing Act shall be entitled to the prevailing rate for qualified legal interpreters in this state; provided, any interpreter who is appointed pursuant to the Oklahoma Statutes shall be paid in accordance with the fee schedule established pursuant to the statutes. The person for whom the interpreter is appointed must not be assessed a reimbursement fee.

63 O.S. § 2415

63 O.S. § 2409
63 O.S. § 2410
63 O.S. § 2415

Collecting Fees

The [Forms and Fee Schedule](#) is provided by the AOC.

20 O.S. § 1707

Issuing Licenses, Permits, and Passports

Licenses

The court clerk is authorized by law to issue several different licenses.

- Pool and Billiard Hall License
- Marriage License
- Process Server License
- Closing Out Sale License
- Transient Merchant License

21 O.S. § 1102
43 O.S. § 5

12 O.S. § 158.1

15 O.S. § 767
19 O.S. § 1604

Effective November 1, 2022, House Bill 43 O.S. § 7(B) was amended and court clerks are no longer required to verify or keep copies of minister credentials.

43 O.S. § 7

The court clerk must also verify and register bail bondsmen’s licenses for those persons providing services in that court clerk’s county. Chapter Sixteen, “[Duties of the Court Clerk: License Issue and Registration](#),” contains information about the application process for obtaining licenses, issuing and revoking licenses, and registering licenses issued by other state offices.

59 O.S. § 1320

Passports

The court clerk, after filing a written election with the AOC, can process passport applications as an official duty. Chapter Seventeen, “[Duties of the Court Clerk: Passports](#)” includes information on processing passports.

12 O.S. § 35.1

Coordinating Courtroom Activities

Pre-Trial, Trial, and Post-Trial Activities

The court clerk is responsible for coordinating the activities of the various participants in cases being considered in the district court. The court clerk must enter all actions, pleadings, and orders of the court on the appearance docket. Either the district judge or the court clerk may prepare a minute of the court proceedings. Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#),” contains a discussion of the stages of a legal action and the court clerk’s responsibilities during a case.

12 O.S. § 23

12 O.S. § 663

12 O.S. Chapter 2, Rule 5

Jury Selection and Procedures

The court clerk handles petitions for grand juries, mails jury summons, coordinates jury selection from jury panels, pays juror fees, and performs other duties related to juries as prescribed by law.

38 O.S. § 23

28 O.S. § 86

Chapter Twenty-One, “[Duties of the Court Clerk: Jury Selection and Procedures](#),” contains a detailed discussion of the duties and responsibilities for court clerks regarding juries.

Processing Court Cases

The court clerk’s responsibilities for coordinating activities in legal proceedings apply to all cases considered in the district court. The following chapters in this handbook contain information about the different types of cases with which the court clerk is involved and offer direction and particular duties and responsibilities related to each case type:

- Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#)”
- Chapter Nineteen, “[Duties of the Court Clerk: Post-Judgment Proceedings](#)”
- Chapter Twenty, “[Duties of the Court Clerk: Appeals](#)”
- Chapter Twenty-One, “[Duties of the Court Clerk: Jury Selection and Procedures](#)”

- Chapter Twenty-Two, “[Duties of the Court Clerk: Criminal Cases](#)”
- Chapter Twenty-Three, “[Duties of the Court Clerk: Traffic Cases](#)”
- Chapter Twenty-Four, “[Duties of the Court Clerk: Civil Cases](#)”
- Chapter Twenty-Five, “[Duties of the Court Clerk: Dissolution of a Marriage \(Divorce\) Cases](#)”
- Chapter Twenty-Six, “[Duties of the Court Clerk: Paternity Cases](#)”
- Chapter Twenty-Seven, “[Duties of the Court Clerk: Domestic Abuse \(Protective Order\) Cases](#)”
- Chapter Twenty-Eight, “[Duties of the Court Clerk: Confidential Cases – Adoption](#)”
- Chapter Twenty-Nine, “[Duties of the Court Clerk: Confidential Cases – Children and Juvenile](#)”
- Chapter Thirty, “[Duties of the Court Clerk: Confidential Cases - Mental Health and Substance Abuse](#)”
- Chapter Thirty-One, “[Duties of the Court Clerk: Small Claims Actions](#)”
- Chapter Thirty-Two, “[Duties of the Court Clerk: Probate Cases](#)”
- Chapter Thirty-Three, “[Duties of the Court Clerk: Drug Court](#)”

Obtaining Legal Advice

Oklahoma Court Information System

Court clerks and judges of the district courts in Oklahoma are required to use the case tracking, accounting, legal research, and other services of the Oklahoma Court Information System (OCIS) at the direction of the Chief Justice of the Supreme Court.

20 O.S. § 1315(A)(2)

The District Attorney

The district attorney is the authorized legal counsel for all county offices. The district attorney or their assistants shall give opinion and advice to the board of county commissioners and other civil officers of the counties, when requested, on all matters

19 O.S. § 215.5

in which any of the counties of the district are interested or relating to the duties of such boards or officers in which the state or counties may have an interest.

When seeking legal opinions or advice about the official business of their offices, court clerks should request assistance from their district attorney (or an assistant).

The district attorney also represents county commissioners in court for any civil actions brought against them in their official capacity as county commissioners.

To save time and prevent misunderstandings, the court clerk should present questions in writing to the district attorney's office and keep written records of all responses and communications. The court clerk should be sure that their understanding of the opinions agrees with the district attorney's intended interpretation.

19 O.S. § 215.4
19 O.S. § 215.25

Bills, Laws, and Regulations as Legal References

A recommended practice is that the court clerks should also seek legal advice from their district attorney's office for proper interpretation of the Oklahoma Statutes, Oklahoma Session Laws, and other regulations.

Employing General Counsel

Civil and Criminal Cases in Which the County is Interested or is a Party

The following conditions apply to employing general counsel in civil and criminal cases:

- If the district attorney and the board of county commissioners of the county agree, legal representation in any civil case in which the county is interested or is a party or in which a county officer or employee acting in good faith in the course of their employment is a named defendant and the district attorney is required to represent the county, may be provided by contract with a private attorney. The costs of this contract shall be paid by the board of county commissioners out of its account for general government operation, or other accounts, as may be appropriate.
- If the district attorney and the board of county commissioners of the county agree, prosecution of any criminal matter may be provided by contact with an attorney, not

19 O.S. § 215.37M(A)(B)
19 O.S. § 215.4
19 O.S. § 215.25

19 O.S. § 215.37M(C)

employed by the office of the district attorney, who shall be designated as a Special Assistant district attorney, if the case load of the office of the district attorney is such that adequate representation of the interest of the state is not possible without appointment of one or more special assistant district attorneys. The special assistant district attorney shall be appointed by the district attorney. The special assistant district attorney may serve with or without compensation, with compensation subject to restrictions in the Oklahoma Statutes.

For more information about employing general counsel, refer to “Obtaining Legal Advice” in Chapter Seven of the *Handbook for County Commissioners of Oklahoma*.

Serving the Public

Many individuals seeking assistance in the court clerk’s office are there under less than pleasant circumstances. In most instances, a recommended practice is that the court clerk refer people with questions and problems beyond the basic duties of the court clerk’s office to the district judge or advise them to contact an attorney.

Also, the court clerk should have specific policies set for office employees to follow if a citizen becomes belligerent or threatening.

The following is an example of procedures used by court clerks in Oklahoma to handle irate citizens.

- Listen to the person’s complaint or problem. Many times, the individual simply wants to tell someone the problem. Simply allowing people to voice their problems may calm them down.
- If the person begins to use offensive or abusive language, the court clerk should inform the person that the county sheriff will be called to the court clerk’s office if the belligerent behavior continues. (If a court clerk deputy is dealing with an individual, the deputy should call for the court clerk).
- If the behavior continues, the court clerk should request that the sheriff come to the court clerk’s office. An arrangement should exist between the court clerk’s office and the county sheriff’s office that a call “to request assistance in the court clerk’s office” means that a person is being belligerent.

NOTE:

If any individual threatens physical violence or a belligerent person is known to be armed, the court clerk or deputy should immediately call the county sheriff’s office to request assistance.

Interpreters Provided at Court's Expense

In order to ensure that Oklahoma courts are in compliance with Title VI of the Civil Rights Act, interpreters should be furnished at the expense of the court in all proceedings and all case types, including:

- Indigent and non-indigent parties
- Parties with private counsel, public defender, or pro se
- Civil cases (including VPOs, family, FEDs / evictions)
- Criminal and Juvenile (delinquent and deprived)
- Parties, parents and guardians of parties, and witnesses

Court clerks should have a policy or procedure to provide translators for the public when providing a service in your office. The Administrative Office of the Courts provides a “bench card” for training staff to follow procedures. The court clerk should contact the AOC office for additional information.

The Americans with Disabilities Act (ADA)

ADA is meant to ensure that people with disabilities can fully participate in all aspects of civic life. Under Title II of the act, all state/local governments must follow ADA guidelines, regardless of their size.

The guidelines specify that offices should have ADA posters visible to the public and office staff should know who the county ADA coordinator is.

The Oklahoma Supreme Court and the Administrative Office of the Courts (AOC) are ensuring equal access to and full participation in court programs, court services, employment, and materials for qualified individuals with disabilities, consistent with the Americans with Disabilities Act (ADA) and other federal and state laws. More information on the (ADA) is provided on the [OSCN accessibility webpage](#).

Holding Open Meetings

In 1977, Oklahoma passed the Oklahoma Open Meeting Law which prohibits the members of any public body (including county officers) to meet informally to decide a course of action or vote on any matter, even by telephone or other electronic means. All meetings must be held at specified times and places that are convenient to the public and must be open to the public. All meetings must be preceded by advance notice that specifies the meeting time, place, and the subject matter to be considered.

25 O.S. § 303

Any action taken in willful violation of the Oklahoma Meeting Act shall be invalid.

25 O.S. § 313

WARNING:

Any willful violation of the Oklahoma Open Meeting Act is a misdemeanor, punishable by a fine, imprisonment, or both.

25 O.S. § 314

Following a willful violation of the Oklahoma Meeting Act, any person may bring a civil suit for declarative or injunctive relief, or both.

If the civil suit is successful, that person bringing the suit shall be entitled to reasonable attorney fees.

If the public body successfully defends a civil suit, and the court finds that the suit was clearly frivolous, the public body shall be entitled to reasonable attorney fees.

Chapter Nine

Duties of the Court Clerk: Finances and Accounting Procedures

Understanding County Finances

To ensure the safety of county funds and to provide uniformity within county government, the SA&I must prescribe a uniform bookkeeping system for all county officials.

74 O.S. § 214

This chapter describes the accounting procedures for the court clerk's office, defines the daily, monthly, and quarterly responsibilities, and provides guidelines from the SA&I regarding those procedures.

20 O.S. § 1315(A.2)

Court clerks and judges of the district courts of Oklahoma are required to use the case tracking, accounting, legal research, and other services of the Oklahoma Court Information System (OCIS) at the direction of the Chief Justice of the Supreme Court. The development and implementation of the system's accounting, auditing, and financial reporting functions is subject to the approval of the SA&I.

NOTE:

Currently, the following three (3) accounting systems are approved by the SA&I.

- **OCIS**
- **Kellpro**
- **A manual accounting system**

74 O.S. § 214

In addition, the SA&I conducts an annual audit of all books, accounts, and vouchers of county officers.

The court funds of the district courts in every county and the law library funds in relevant counties are audited at least once every two (2) fiscal years by the SA&I and all of the books, records, and accounts for those funds shall be thoroughly inspected. A copy of the Audit Report for each court fund and each Law Library Fund shall be filed by the SA&I with the administrative director of the courts, the attorney general, the chairmen of the Senate and House Judiciary Committees, and the director of finance.

20 O.S. § 1312

Understanding Court Finances

Court Clerk Accounts

The court clerk has four accounts for deposits and disbursements of monies:

19 O.S. § 681

- Court Clerk Depository Account
- Court Fund
- Court Clerk’s Revolving Fund
- Court Clerk’s Records Management and Preservation Fund

20 O.S. § 1301

19 O.S. § 220

28 O.S. § 31.3

All monies received throughout the calendar months by any county officers or employees that accrue as a part of the funds of the county must be deposited daily into the county treasury from the official account of the officer. The county treasurer will deposit these monies on or before the second Monday following the end of the calendar month in which the monies were received. All officers must make and file with the county clerk a verified report in writing that details the amounts of money received by the office during the preceding calendar month and an itemized statement of the amount of all vouchers issued in disbursement, distribution, and transfer. These reports must be filed on or before the second Monday of each month.

19 O.S. § 684

Court clerks who have a Law Library in their county may also have a fifth fund:

- Law Library Fund - Refer to Chapter Fifteen, “[Duties of the Court Clerk: Law Library](#)”

20 O.S. § 1201
20 O.S. § 1203
20 O.S. § 1221

Handling Daily Procedures for Court Clerk Depository Account

Court Clerk Depository Account

The revenue source for the Court Clerk Depository Account is fees, fines, forfeitures, and assessments. Generally, this account is a holding or escrow account for monies that are to be paid as specified by the statute to other funds or entities at the end of each month. Some of the entities to be paid include the Council on Law Enforcement Training and Education (C.L.E.E.T.), the Dispute Resolution Fund, the Victims Compensation Fund, the Oklahoma State Bureau of Investigation, and the District Attorneys Council. Chapter Eleven, “[Duties of the Court Clerk: Fees](#),” contains a list of all of the “[Court Fund Fees, Fines, Costs, Forfeitures, and Assessments](#)” that the court clerk is required to collect.

19 O.S. § 681

Fees

The court clerk must collect fees, fines, forfeitures, and assessments as directed by the statutes and the Supreme Court. The court clerk must deposit daily all monies with the county treasurer to be credited to the court clerk’s official depository account. Chapter Eleven, “[Duties of the Court Clerk: Fees](#),” contains detailed information on fee collection and handling.

19 O.S. § 682
28 O.S. § 31
28 O.S. § 152
28 O.S. § 152.1
28 O.S. § 153
28 O.S. § 153.1
28 O.S. § 162

Receipts

Issuing Receipts

For all monies received, the court clerk must issue a pre-numbered duplicate receipt in the person’s name who is making the payment. The court clerk keeps at least one copy in the office for accounting purposes.

28 O.S. § 9

Receipts (Manual Receipt Form, [SA&I Form No. 222](#)) should contain the following information:

- Name of the court clerk and the county
- Receipt number (and control number preprinted on receipts for Kellpro counties only)
- Deposit date

- Date of receipt
- Received money from
- Case number and style of case
- Code for payment type
- Payment type (cash, check, money order, credit card, or electronic fund transfer)
- Payment amount
- Total of payment (in case of different types of payment)
- Check information
- Bank drawn on
- Signature of the court clerk/deputy
- Comments
- Responsible party, if applicable

After printing receipt on cash payment per SA&I:

- Document cash denomination
- Document any change from cash payment
- No change on any other type of payment

NOTE:

The court clerk cannot void a receipt unless the original is attached to the copy.

The State Auditor recommends that a Manual Receipt Book ([SA&I Form No. 222](#)) be maintained in case of power or computer server failures. Manual receipts should be written for all monies received. When the computer system is restored, a computer receipt is then written as a replacement for the manual receipt. The following language should be noted in the “received of” column on the computer receipt: “in lieu of manual receipt # _____.”

Monies Received Without Case Identification

The court clerk should not hold money for which a case number cannot be identified either because the money order was unsigned, or the traffic citations have not been received in the court clerk's office. A case type of "NF" (not filed) should be used. A NF case number should be assigned, and a receipt should be issued for the money plus any documents filed that accompanied the money using as many identifiers of the money as possible.

When the correct case number is located, the court clerk should generate a transfer receipt transferring the money from the NF case to the correct case with documentation. A recommended practice is to have a procedure or practice in place to check each NF case for transfer to the filed case to ensure monies are deposited in the proper case in a timely manner.

Recording Receipts on Dockets

Once a receipt has been issued, the receipt must be documented on the appropriate appearance docket either manually or by computer. The entry should include the following information:

- Receipt date
- Received money from
- Receipt number
- Amount of receipt
- Description of Money
 - Held or not held money
 - Cash, check, money order, cashier's check, or other

Recording Receipts in the Cash Receipts Journal/Cash Book

Before making the daily deposit with the county treasurer, the receipt information must be recorded in a cash receipts journal or cash book (SA&I Form No. 1728C, prescribed by SA&I, or software provided by software system and approved by SA&I). Each entry, whether entered manually or on a computer, should include the following information:

- Receipt Date
- Receipt number

- Received money from
- Case number
- The receipt amount
- Description of money (cash, check, other)
- Total amount received for the day
- Summary of the receipts by case type

The receipts should be entered in receipt number order, and the total amount of receipts shown should equal the day's deposit.

Observing Internal Control Procedures

Incoming Mail

The SA&I requests that the court clerk install internal control procedures to document and/or record all incoming mail. Failing to install these procedures and ensure they are followed could result in an audit finding.

One employee should open the mail and create a mail log that lists monies received (checks, money orders, and cashier's checks). The mail log should also list the sender's name, the check or money order number, and the amount.

For cash received, one employee should count the money in the presence of another employee.

NOTE:

For the protection of everyone in the court clerk's office, the SA&I recommends that the court clerk or the first deputy be present when mail is opened and cash is counted.

Another employee should immediately receipt all monies received by incoming mail into the proper identified case and write the case number on the check, money order, or cashier's check. Another employee should sign off on the receipts for cash received.

The mail log should be initialed by each person who opens the mail.

If any mail belongs to another office in the county courthouse, that mail should be delivered to that office after it has been logged into the mail log. The officer/employee of the other office should sign the mail log

indicating they have received the mail, thus leaving an audit trail for the mail. Refer to the SA&I handout for further information.

WARNING:

Do not endorse any cashier's checks, money orders, or checks made payable to the court clerk unless the court clerk issues a receipt and deposits the monies. If payment is made to another county officer, use an endorsement stamp with the following language:

Payable to _____ without recourse
Court Clerk of _____ County
By: _____ (clerk or deputy)

Monies Received and Receipts Issued

The court clerk should ensure that the proper internal control procedures are followed regarding monies received and receipts issued:

NOTE:

Use caution when accepting checks and credit cards. Make every attempt to verify the identification of the person presenting them.

- Do not void receipts unless the original receipt is attached to the copy.
- Do not give back change on cashier's checks, personal checks, money orders, or credit cards.
- Do not cash personal checks.
- Date receipts the same day the money is received.
- Issue receipts only to the person who signs the check; only to the person who is named on the credit card, money order, or cashier's check; and only to the person/entity listed or named on the electronic fund transfer listed on a credit memo.
- For cash, enter the currency and coin denominations on the receipt and the amount of change returned, if any.
- If a large sum of cash is received, a recommended practice is for two employees to count the money before the receipt is written for good internal control.

- Enter the case number or identifying code on cashier's checks, personal checks, money orders, and credit card receipts.
- Keep all monies in a locked cash drawer or a cash register with access only by authorized deputies. For safekeeping overnight, a safe is recommended.
- For OCIS counties, SA&I suggests the original receipt be printed on blue-seal receipt paper, and the retained copy be printed on non-white paper.

The court clerk writes a receipt for money tendered in the following forms:

- Cash
- Cashier's Checks, Money Orders
- Checks
- Credit Card Transactions - in office, by phone (online payments do not have a receipt in the court clerk's office).
- Credit Memo or Drafts (depending on memo or draft)
- Electronic Fund Transfers

Electronic Transfer of Funds

The entity initiating an electronic fund transfer (such as the OTC) notifies the court clerk regarding the transaction. The court clerk notifies the county treasurer of pending funds being received by electronic transfer. The county treasurer notifies the court clerk of funds being received. On the date of the notification from the county treasurer to the court clerk, the court clerk receipts the funds into the proper case. The court clerk should ensure that the documentation of the entity initiating the transaction and of the county treasurer equal the same amount as the court clerk documentation and receipt.

Deposits

Monies deposited in the official depository account with the county treasurer are technically in escrow. Fines, fees, and bond forfeitures are held in the court clerk depository account until they are transferred to the court fund or to other funds or entities specified by the statutes.

19 O.S. § 682

Making Daily Deposits

The court clerk must deposit daily all monies of every kind received in the office. All monies received that day are listed on an Official Depository Ticket (SA&I Form No. 1726C, prescribed by SA&I), if computerized, or form is provided by software system and approved by SA&I, and SA&I Form No. 195, if completed manually, and deposited with the county treasurer.

The depository ticket should contain the following information:

- Name of the court clerk and the county
- Deposit ticket number
- Date of deposit
- Lump sum of cash amount
- Lists of checks, drafts, money orders, or cashier's checks listed individually
 - Payor, bank drawn on, case number, amount of receipt
 - Daily total of checks, drafts, money orders, or cashier's checks
- List of in-office credit card payments listed individually
 - Receipt number, credit card number, paying party, amount of receipt
 - Daily total amount of in-office credit card payments
- List of online credit card payments listed individually
 - Receipt number, credit card number, paying party, amount of receipt
 - Daily total amount of online credit card payments
- List of electronic funds transfer payments listed individually
 - Receipt number, transfer number, paying party, amount of receipt
 - Daily total amount of electronic funds transfer payments
- Net deposit amount (deposit less chargebacks)
- Signature of the court clerk/deputy completing the deposit

- Date deposit made in county treasurer’s office
- Account number for official (court clerk)
- Registered number
- The signature of the county treasurer/deputy treasurer

Deposit Procedures and Internal Controls

The following procedures should be followed for deposits, either manually or by computer:

- Ensure that the receipts that list a cash payment equal the total amount of cash deposited.
 - List cash received as one lump sum on deposit.
- Ensure that the receipts that list checks, money orders, and cashier’s checks equal the total amount of these receipts.
 - Stamp the court clerk's endorsement on the back of each check, money order and cashier's check made payable to the court clerk. Each check, money order, and cashier’s check should have a notation of the case number listed that matches the receipt where the money was received.
 - List checks, money orders, and cashier’s checks individually and in one lump sum total for this category.
- Ensure that the receipts that list the in-credit cards equal the total amount of these receipts.
 - List all in-office credit cards individually and in one lump sum total for this category.
- Ensure that the online credit card transactions equal the “Open Edge” balance each day
 - List the online credit card transaction (the receipt is from the online software OCIS or Kellpro) individually and in one lump sum total for this category.
- Ensure that the electronic funds transfer equals the total amount of these receipts.
 - List the electronic fund transfer received individually and in one lump sum total for this category.
- Ensure all balances on the deposit ticket, when totaled, equal the amount posted to the Journal/Cash book for each day’s receipts total.

- Ensure that all balances on the deposit ticket and monies are equal to one another and equal to the amount deposited with the county treasurer for deposit in the court clerk's depository account in the county general fund.
- Ensure that the county treasurer verifies the amount of the deposit, assigns a register number to the depository ticket, and endorses the deposit ticket.
- To ensure accountability, count the cash being deposited with the county treasurer, in the presence of a court clerk representative and a county treasurer representative.
- Note the amount of the total deposit on the last receipt included in the deposit.
- Any monies received after the daily deposit has been made should be dated on the day they are received but deposited with monies collected the next day.

Online payments may be made 24 hours a day which translates to credit card payments over the weekend. A good practice recommendation by the AOC is to make daily deposits of these transactions which could mean three (3) deposits on Monday morning. Ensure that these transactions equal the "Open Edge" or selected company's balance along with the county treasurer's office balance.

Ensure that the proper internal controls are in place when making deposits. At least two people should always make the deposit. A recommended practice is to randomly change the employee(s) performing each specific job for the deposit. The same employee(s) should not do the same tasks every day.

NOTE:

Receipts must always be dated the day the money is received.

Making Deposit Adjustments

Since there are more stringent controls on reprinting court clerk receipts, receipts must be accurate as to the type of payment. If an error occurs, and a cash receipt is entered into the system as a check, or vice versa, the court clerk must use the Depository Ticket Adjustment Form ([SA&I Form No. 1758C](#)) to modify the totals associated with each payment type. The form must be manually completed by the court clerk and attached to the Official Depository Ticket. The court clerk must retain a copy of the Official Depository Ticket and the Depository Ticket Adjustment Form.

NOTE:

This form cannot be used to correct a long or short deposit.

A good practice recommendation is to copy the receipt that is being corrected. On the copied receipt, make a note of what the change is and how the problem is being corrected. Notes and adjustments need to be accurately documented for transparency to auditors. Attach the copy of the receipt that is being adjusted to the Depository Ticket Adjustment Form.

Transfer of Monies

To transfer monies from one case to another case or to transfer held money to not held money, the court clerk would need to apply the rules and or guidelines of the specific software program being used. A recommended practice is to make sure the amount of money transferred equals one transaction to the other transaction. Then, ensure that the transaction or transfer is well documented and make sure the correct code or template is used for the transactions that are transferred.

Disbursements

Making Disbursements by Voucher

To disburse funds from the depository account, the court clerk issues a pre-numbered Depository Voucher ([SA&I Form No. 215A](#)). The court clerk must register the original voucher with the county treasurer before funds can be issued. The pre-numbered depository voucher, whether hand-written or computerized, should contain the following information:

19 O.S. § 683

- Name of the court clerk and the county
- Voucher number
- Control number
- Voucher issue date
- Payee's name
- Amount paid
- Case number or identifying number

- Parties or style of case
- Reason or purpose for the payment
- Accounting code/description
- Signature of the court clerk or deputy who issues the voucher
- Bank drawn on
- Registration number from the county treasurer
- County treasurer's signature or stamp

Recording Disbursements

At least one copy of the voucher is kept in the court clerk's office for accounting purposes. The amount disbursed with the voucher should immediately be entered on the appropriate docket, either manually or by computer. The docket entry should contain the following information:

- Issue date
- Voucher number
- Payee's name
- Voucher amount

The vouchers should be recorded in a disbursement journal/cash book (SA&I Form No. 1733C, prescribed by SA&I, or a form provided by a software system and approved by SA&I). The vouchers should be recorded in voucher number order. The following information from the depository vouchers should be entered in the disbursement journal/cash book:

- Voucher number
- Voucher issue date
- Payee – the person's name to whom payment is made
- Amount of the voucher
- Case number or identifying code

- Total of disbursements by case type

The disbursement journal/cash book is reconciled each day to the amount of vouchers issued. At the end of each month, the disbursement journal/cash book is reconciled to the Monthly Report by Treasurer to Depositors, [SA&I Form No. 258](#), or the form provided by a software system and approved by SA&I.

Keep the following things in mind when handling vouchers:

1. A voucher cannot be voided unless the original voucher is retained and stapled to the carbon copy of the voucher. The word void must be written across the original voucher
2. Once a voucher has been registered with the county treasurer, it cannot be voided but must be treated as a canceled voucher.
3. Vouchers must be issued in consecutive number order.
4. Once vouchers are issued, they should be registered immediately with the county treasurer.

Canceled Vouchers

62 O.S. § 488

No vouchers registered by the county treasurer can be honored by the bank on which it is drawn if it is not presented within a reasonable time of the issue date, unless the county treasurer verifies its validity. Absolutely no vouchers can be cashed after one (1) year from the issue date unless the voucher was issued to another public officer for the benefit of the county.

A recommended practice, recommended by the SA&I, is for the court clerk to inquire if their county has a set limit of days that the county treasurer and/or the bank allows for honoring checks.

When a voucher is canceled, the county treasurer enters the cancellation on the appropriate voucher registration book, completes SA&I Form No. 355, prescribed by SA&I, or a form provided by a software system and approved by SA&I, and credits the total amount of the canceled vouchers back to the court clerk's appropriate account.

The court clerk identifies the canceled voucher by comparing the voucher number to the disbursement journal. An entry should be made on the docket and in the disbursement journal. The entry on the docket should include the following information:

- Cancellation date
- Voucher number
- Payer
- Voucher amount
- A text entry that reads “Canceled by Treasurer”

Insufficient Checks/Vouchers

19 O.S. § 682

The county treasurer's office notifies the court clerk that the bank has notified them of an insufficient check. The court clerk identifies which case is related to the insufficient check. Insufficient checks may be handled differently according to the court clerk computer software and the county's preference. Listed below is a good practice recommendation for handling an insufficient check. For internal controls, the office procedure should always be documented.

In version I, the court clerk enters the following information on the accounting screen:

- Payment Tab: Enter “Negative Adjust Case Balance Receipt”
- Responsible Party: Enter case name (for criminal case, enter defendant's name; for civil case, leave blank)
- Paying Party Name: Enter “Negative Adjust Cash Balance/NSF Check.”
- Type: Enter/click ADJ
- Amount: Enter amount of the receipt as a (-) negative amount.
- Comments: Enter “Costs charged back to case due to insufficient check number and amount.”
- Pay Now: When completed and the negative amount has gone from “not Applied” to “Applied,” save receipt and print copy.

On the “Balance” screen/tab, the court clerk should enter the following information:

- Using the receipt as a guide, enter each negative amount in the appropriate agency code.

On the docketing screen, make the following two notations:

- Add the insufficient check fee and code fee on the date of notice of insufficient check.
- Enter the information (receipt number, date of check, amount of check).
- Issue a voucher from the case where the voucher was receipted to the bank, or the county treasurer does a credit memo to the bank equal to the amount of the insufficient check.
(Either one or the other of the two activities is completed to the (-) negative receipt process).

In version 2, the court clerk enters on the disbursement screen “credit by deduction” for any monies disbursed to all agencies paid with the insufficient check payment. The court clerk also completes the following actions:

- Enter the date
- Enter credit by deduction
- (-) Deduct the amount disbursed to the agency by this receipt.
- Enter the agency code
- Issue a voucher or credit memo to the bank from the case where the voucher was receipted to the bank for the amount of the insufficient check.
- Document all procedures on the docketing screen and add the insufficient check fee.

NOTE:

A recommended practice is that the court clerk and the county treasurer follow a procedure with good internal controls to ensure insufficient check procedures are accurate in the county and are documented.

Procedure for Lost or Stolen Vouchers

The court clerk can issue a second voucher for any voucher that has been lost or stolen. However, the court clerk should wait a reasonable length of time (coordinated with the county treasurer)

62 O.S. § 555

before issuing a second voucher. It is recommended that the court clerk wait at least a month to give the county treasurer time to see if the voucher has been presented for payment. An affidavit, [SA&I Form No. 176](#), is required that states the facts concerning the loss or destruction of the original voucher. The county treasurer may require an indemnity bond.

The court clerk should ensure that the original voucher has not been presented for payment before having the county treasurer issue a stop payment. The stop payment will have to be treated as a canceled voucher. An entry should reflect on the docket that a stop payment has been issued on the lost or stolen voucher and that the affidavit and/or indemnity bond or a copy has been filed.

The court clerk should document and/or reference on the new voucher being issued the voucher number and date written from the lost or stolen voucher. The court clerk should also note on the copy of stub of the original voucher that a duplicate voucher was issued and the date of the reissue.

This documentation would ensure or reflect good internal controls and procedures.

62 O.S. § 555

The court clerk should make an entry on the docket that indicates the date the duplicate voucher is issued.

Appearance Dockets

Receipt numbers, deposit amounts, disbursements, and all fees, fines, and assessments must be posted on the appropriate appearance docket. The court clerk must also maintain a historical account of events in date sequence and a balance of cash in each case. See Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” for detailed instructions regarding appearance dockets and other dockets prescribed in the statutes.

12 O.S. § 22

12 O.S. § 23

28 O.S. § 9

The court clerk should ensure that the proper internal control procedures are followed when posting fees to the appearance docket.

Fees to be transferred from the court clerk depository account to the proper accounts or entities at the end of the month must be noted on the appearance docket.

- For manual records, the fees disbursed to the proper accounts are written in red ink and ruled at the end of the month.
- For computerized records, an entry should be reflected on the docket/accounting ledger that shows that the fees were disbursed to the proper account or entity at the time of writing the receipt. The entry should document the following information:

- The entry's issue date
- The accounting code/fee; the payee is identified by the code/fee
- The amount disbursed for the case
- A few statutory fees are disbursed by a voucher in an individual case. These fees cannot be combined into one monthly payment. An example is an appraiser's fees.

Handling Monthly Reports

County Official Depository Report

The county treasurer prepares the County Official Depository Report (Monthly Report by Treasurer to Depositors), [SA&I Form No. 258](#), and issues the report to the court clerk's office for reconciliation.

Case Balance Reconciliation Report/Schedule of Cases

At the end of each month, the court clerk should generate a Case Balance Reconciliation Report/Schedule of Cases ([SA&I Form No. 1722](#) or a form provided by a software system and approved by SA&I). Fees that have been added since 2007 may or may not be shown on the SA&I form, but they are provided by the software system being used. The following is the list of the 48 columns provided:

1. Case Number
2. Balance in Dockets
3. Receipts During Month
4. Less: Insufficient Checks
5. Transfers
6. Add Canceled Vouchers

Statutory Fees collected to be paid to the proper entities:

7. Court Fund
8. Sheriff Fees
9. Law Library
10. Court Clerk's Revolving Fund

11. D.A. Council
12. D.A. Witness Fees
13. D.A. Incarceration
14. Voluntary Registry - Adoption
15. D.P.S. Revolving Fund
16. V.C.A.
17. C.H.A.B./CAMA
18. C.L.E.E.T.
19. A.F.I.S.
20. Forensic Science Improvement Fund
21. Sheriff's Environmental Reward
22. Dispute Mediation
23. O.S.B.I.
24. I.D.S. Attorneys
25. I.D.S. State General
26. Municipal Courts
27. Drug Abuse Education
28. Drug Abuse Treatment
29. Wildlife County Treasurer
30. Wildlife State
31. Medical Expense Liability Revolving Fund
32. Trauma Care Assistance Revolving Fund
33. Oklahoma Court Information System Revolving Fund
34. Bond Fee-Jail Fund

35. Lengthy Trial Fund
36. D.P.S. Revolving Fund Fine
37. Electronic Monitoring/Supervision Fee
38. D.O.C. Supervision Fee
39. Courthouse Security
40. Fire Department
41. Alcohol Revolving Fund Department of Mental Health
42. D.P.S. Boating Safety Education Fund Awareness Fund
43. D.P.S. Motorcycle Safety and Drunk Driving Awareness Fund
44. Oklahoma Tourism and Recreation Department
45. Attorney General Victim Services Unit
46. Paid Others

Vouchers that have been issued during the month from each case

47. Total Disbursements

The disbursements to each entity

48. Balance in Dockets

The balance left in the case at the end of the month. The ending balance should be the same balance as on the docket of each case.

The totals on the schedule of cases ([SA&I Form No. 1722](#)) must agree with the following reports:

- The total amount of receipts for the month should equal the total amount on the Receipts Journal/cash book – form provided by SA&I-approved software systems.
- The total amount of vouchers during the month, plus the last month’s report fees voucher should equal the total amount on the Disbursements journal/voucher book – form provided by SA&I-approved software systems.

- The Case Balance Summary Report (SA&I Form No. 1741C) equals the balances on the Treasurer’s Report (SA&I Form No. 258).

19 O.S. § 682

NOTE:

If the court clerk has created a change fund, this amount may affect balancing with the county treasurer. This will depend on how the change fund was created.

Monthly Report: Cash Balance Summary Report

19 O.S. § 153

19 O.S. § 684

Whether by computerization or manually, the grand totals for each case type should be transferred to the Case Balance Summary (SA&I Form No. 1741C). The summary should reflect the following totals for each case type:

- Case number
- Beginning balance in dockets

The balance in the case at the beginning of the current month should always be the same as the previous month’s ending balance for the case. Each case number balance also matches the balance in the actual case.

- Receipts during the month
- Insufficient checks during the month
- Transfers during the month
- Canceled vouchers during the month
- Fees to be disbursed
- Other vouchers (miscellaneous vouchers written during the month)
- Balance in dockets

The balance that is left in each individual case at the end of the month. These amounts should match.

The balance should equal the deposits reflected on the County Official Depository Report (SA&I Form No. 258). To reconcile the totals, use the following procedure:

The receipts total should agree with the county treasurer unless the last day of the month receipts are not deposited with the county treasurer until the next day. If this procedure is used, use the following formula to reconcile:

1. Obtain the receipts total.
2. Add the last deposit for the prior month
3. Subtract the last deposit of the current month.

This amount should equal the deposits reflected on the County Official Depository Report provided by SA&I-approved software systems.

The disbursement totals plus the fees for the prior month less any vouchers written by the court clerk but not registered with the county treasurer should agree to the county treasurer's total vouchers registered on the County Official Depository Report ([SA&I Form No. 258](#)).

To reconcile the ending balance, enter the last deposit of the current month (if used as a reconciling item when reconciling receipts) and enter the fees for the current month that have not been disbursed. This total should agree to the County Official Depository Report ([SA&I Form No. 258](#)).

All fees earned during the month are reflected on the End of Month Applied Fees Worksheet (SA&I Form No. 1736C prescribed by SA&I, or a form provided by the software system and approved by SA&I) and paid at the end of the month from the depository fund to the proper entities.

When the comparison of the county treasurer's monthly report to the court clerk's monthly report does not balance, listed below is a short list of issues to search where some common mistakes may occur when balancing:

- A penny/pennies long or short (CLEET, AFIS, OSBI, OIDS, and reports in older criminal cases (felonies first) for rounding up or down
- Transfers of monies (amount, disbursed held money, etc.)
- Insufficient checks
- Canceled vouchers versus voided vouchers (handled by court clerk one way and handled by county treasurer a different way)
- Credit card transactions
- Balance brought forward (mistake in disbursing fees)

A recommended practice is for the court clerk to reconcile all issues as soon as they are found and document the corrections for transparency and internal auditing procedures.

Correcting Prior Transactions

When making any corrections to prior transactions, the necessary correction should be made as of the date the error was discovered. The court clerk should not backdate or change the transaction but rather reference the date of the original transaction being corrected. If an error causes a monthly balancing issue with the county treasurer's office, this error or transaction should be identified as a reconciling item so the auditor can trace it through the financial records. The court clerk should document all steps taken and all transactions that correct mistakes.

End of Month Applied Fees Worksheet

The End-of-Month Applied Fees Worksheet (SA&I Form No. 1736C, prescribed by SA&I, or a form provided by the software system and approved by SA&I) assists the court clerk in paying fees to the appropriate entities. This report reflects the fees by fee type and by case type. Before issuing the voucher, compare the total fees to be disbursed on the report to the Case Balance Summary Report (SA&I Form No. 1741C) and to the Case Balance Reconciliation Report/Schedule of Cases (SA&I Form No. 1722C).

After disbursing the fees, post the voucher number and the voucher date to the End-of-Month Applied Fees Worksheet.

Filing Report

When the court clerk has completed all monthly report balancing, a copy of the Case Balance Summary Report (SA&I Form No. 1741C or a form provided by a software system and approved by SA&I) should be filed with the county clerk on or before the second Monday of each month, plus a verified report in writing showing the several sources, classes, and amounts of money received by virtue or under color of office during the preceding calendar month; together with an itemized statement of the amount and purpose of all vouchers issued in disbursement, distribution and transfer. A recommended practice is that the court clerk should review this report if prepared by an employee and initial it before filing the report with the county clerk.

19 O.S. § 153
19 O.S. § 684

Handling Depository Investments

The court clerk receives a court order to invest funds in an interest-bearing account. The court clerk notifies the county treasurer with a copy of the order and issues a voucher to the county

19 O.S. § 682
58 O.S. § 693

treasurer of monies that need to be invested. The county treasurer sets up an interest-bearing account with the bank or deposits monies in the general account according to the district court order.

On a monthly basis, the court clerk receives notice of the interest amount being deposited into the account.

- Interest transferred by electronic funds transfer or credit memo is documented into the account.
- For interest transferred by voucher to the court clerk, the court clerk issues a receipt for the interest and documents the interest. After receipting the monies into the case, the court clerk issues a voucher and deposits the interest into the district court ordered interest bearing account.
- Interest transferred for multiple cases and lumped together in one account, then the interest would be divided among the appropriate cases using the following formulas.
 - Divide the balance in each case as reflected on the Notice of Investment by the total amount deposited figure. This figure gives a percentage of interest for each case. All of the percentages added together should equal 100%.
 - Multiply the total amount of the interest by each of the percentages which will give the amount to credit each case.
 - Write a receipt for each of the cases.
- Monies would only be disbursed by the district court order.

NOTE:

Sometimes, one or more cases may be less than one percent of the total amount. In those cases, no interest is computed or credited to the cases. The court clerk should document on the docket screen all procedures in all cases listed (county treasurer's report with interest for multiple cases) whether every case listed receives interest or not for clarity and transparency purposes.

Handling the Change Fund

19 O.S. § 682

The court clerk is authorized to keep a change fund in the office of up to One Thousand Five Hundred Dollars (\$1,500.00) and must ensure that the fund always contains an amount equal to the original amount of the fund when it was set up.

NOTE:

The change fund cannot be used for a long or short deposit.

To establish a change fund, the court clerk should use the following procedure:

- Prepare a depository voucher for the amount of the change fund made payable to the bank where the voucher will be cashed. Indicate on the voucher that the money is for a change fund. The voucher is issued from the miscellaneous case type.
- Ensure that a minimum balance in the miscellaneous fees exists to cover the change fund voucher.
- Register the voucher with the county treasurer.
- Present the voucher to the bank for cash.
- Advise the county treasurer that a change fund is being established.

Handling the Court Fund

Court Fund

The monies collected and deposited by the court clerk to the court fund are to be used to defray the costs of the operation of the courts. These funds must be budgeted and approved through the Supreme Court.

20 O.S. § 1301

Court Fund Budget

On or before May 1 of each year, each court fund's governing board, under the direction and with approval of the district judge shall submit to the administrative director of the courts for approval by the chief justice, the district court's proposed operating budget for the ensuing fiscal year

20 O.S. Chapter 18,
Appendix 1 § Rule 1

(July 1 - June 30) prepared by the court clerk. The request, on the form to be provided, shall estimate the following items:

1. The needs by specified categories of expense
2. The anticipated court fund revenue

Estimates shall be based on the experiences of the preceding fiscal year. An upward or downward variance in any expense category of more than 10% from the previous year's budget figure shall be accompanied by a brief explanation.

All court budget forms are located on the [OCSN website](#).

The Supreme Court shall set rules for the management of the court fund designed to promote uniform budgetary process in disbursement of court-generated revenue.

20 O.S. Chapter 18,
Appendix 1 § Rule 9

NOTE:

A good practice recommendation is that the court clerk follow the rules set out in the Oklahoma Statutes and follow any directions or guidelines of the Supreme Court. The Supreme Court may request several bids or estimates when purchasing equipment when the purchase price is over a certain cost.

20 O.S. Chapter 18,
Appendix 1 Rules

Court Fund Deposits

Court fund deposits are made on a form provided on the court clerk's software and are noted as "Court Fund Deposits," "Court Fund Interest Deposits," or "Court Fund Refund Deposits." These deposits are made with the county treasurer in the same way as for the depository account.

20 O.S. § 1301

Court Fund Claim

The monies collected and deposited by the court clerk to the court fund are used to operate the courts. These funds must be budgeted and approved through the chief justice of the Supreme Court. After the budget is approved, all money expended must be submitted and approved through a Court Fund Claim ([SA&I Form No. 2512](#)) signed by a majority of the Court Fund Board. The Court Fund Board consists of a district judge, an associate district judge, and the court clerk.

20 O.S. § 1302
20 O.S. § 1304

NOTE:

All court fund claims must be signed and approved with two (2) signatures before a voucher can be written and issued. One (1) signature must be a district judge.

20 O.S. § 1304(A)

The Court Fund Claim (whether hand-written or computerized) should contain the following information:

- The claim number
- The voucher number
- The claimant name and address
- The claim date
- A description of items or services
- The disallowed amount
- The account number
- The claim amount
- The claimant's signature (sworn statement/Affidavit of Claimant)
- Notary acknowledgment of claimant's signature
- Acknowledgement of Court Clerk/Deputy (Acknowledging date and receiving supplies and/or materials)
- The signatures of the Governing Court Fund Board (Date, amount disallowed, and the amount audited and allowed)
- District Judge
- Associate District Judge
- Court Clerk

62 O.S. § 310.9

Before a claim is presented for payment, it should have an invoice, bill, or documentation attached from the claimant stating the services and or supplies were provided.

Court Fund Vouchers

Funds are disbursed from the court fund account by issuing a pre-numbered Court Fund Voucher ([SA&I Form No. 250](#)). The original voucher must be registered by the county treasurer before issuing it to the payee. A recommended practice to ensure accurate documentation of a paid claim for auditors is for the court clerk to document these items on the claim and invoice:

- Date paid
- Voucher Number

The pre-numbered Court Fund Voucher (whether hand-written or computerized) should contain the following fields:

- Court clerk name and county
- Voucher number
- Control number
- Issue date
- Payee's name
- Amount paid
- Claim number
- Account number
- Reason or purpose of payment (If payroll, then deductions from the gross amount would need to be listed).
- Signature of the court clerk or a deputy
- Registration number from the county treasurer
- County treasurer's signature or stamp

Court Fund Disbursements

Whether manually or by computer, all court fund disbursements are recorded on the Court Fund Claims Calendar/Voucher Register (Court Fund End of Month Reconciliation Report - SA&I Form No. 1748C,

prescribed by SA&I, or a form provided by a software system and approved by SA&I). This form provides the following information:

- Voucher/deposit date
- Claim number
- Voucher number
- Claimant
- Account number
- Amount disbursed
- Amount deposited
- Balance on hand
- Total amount disbursed for each budgeted category

At the end of the month, the total amount of the court fund deposits and disbursements should agree with the County Official Depository Report, [SA&I Form No. 258](#). After the court fund is reconciled with the county treasurer, whether manually or by computerization, the beginning balance, deposits, canceled vouchers, disbursements, and the ending balance should be posted to the Case Balance Summary Report ([SA&I Form No 1741C](#)).

Court Fund Appropriation Ledger

The court clerk should maintain each expense category on the Court Fund Appropriation Ledger. The ledger is provided in the systems' software and should reflect the following information:

- The budget item
- The account number
- The original appropriation amount
- Transfers in/out
- Judicial supplement
- Refunds

- Canceled vouchers
- Vouchers issued for the month
- The balance of appropriation

The vouchers should be posted either manually or by computer to the Court Fund Appropriation Ledger. The court clerk should monitor and periodically review the Court Fund Appropriation Ledger to ensure the budgeted amount is not exceeded. The following procedures should be used to maintain this ledger:

- After the Supreme Court approves the Court Fund Budget, a Court Fund Appropriation Ledger should be prepared either manually or by computer for each category.
- Whenever an additional appropriation or budget supplement has been approved by the Chief Justice, the date and the amount should be added to the balance of appropriations. All transactions that affect restricted categories must be approved by the Chief Justice.
- For funds transferred within the lump sum category, the transfer should be added or subtracted whichever is appropriate to the balance of appropriations. A transfer must be prepared for each category. Transactions within the lump sum categories must be approved by the district judge.
- The monthly total of vouchers issued for each category should be subtracted from the previous balance.
- At the end of each quarter, either manually or by computer, the three monthly totals for vouchers issued should be posted to the quarterly reports.

Refer to Chapter Fourteen, “[Duties of the Court Clerk: Reports](#),” for information on the Court Fund Quarterly Report.

20 O.S. § 1307

Handling the Court Clerk’s Revolving Fund

Monies in the Court Clerk’s Revolving Fund are collected and deposited from various sources such as bench warrant fees, passport fees, and the ten percent (10%) administrative fee. (Chapter Eleven,

12 O.S. § 35.1

“[Duties of the Court Clerk: Fees](#),” discusses in more detail the fees the court clerk is required to collect and pay). These fees are transferred by depository voucher payable to the Court Clerk’s Revolving Fund and deposited with the county treasurer.

19 O.S. § 220
28 O.S. § 153.2

The Court Clerk’s Revolving Fund can be used for lawful operation of the court clerk’s office. The Court Clerk’s Revolving Fund expenditures must comply with the County Purchasing Act, which is set forth in the statutes.

19 O.S. §§ 1500~1505.1

Court Clerk’s Revolving Fund Claim

All money expended must be submitted and approved through a Court Clerk’s Revolving Fund Claim ([SA&I Form No. 2511](#)) approved by the court clerk and either the district or the associate district judge of the county.

The Court Clerk’s Revolving Fund Claim (whether hand-written or computerized) should contain the following information:

- Claim number
- Voucher number
- Claimant’s name and address
- Claim date
- A description of items or services
- Disallowed amount
- Account number
- Claim amount
- Claimant’s signature
- Notary acknowledgment of claimant’s signature
- Signatures of court clerk and either the district judge or the associate district judge
- An acknowledgment of supplies and materials

For payment of the invoice, the court clerk prepares the Court Clerk's Revolving Fund Claim. The court clerk should acquire signatures of Court Clerk's Revolving Fund Board, order the items, receive items ordered, attach all supporting document to claim (invoices, bills, shipping labels), and then issue voucher to claimant paying claim.

The monies are to be reported quarterly to the Administrator of the Courts on [SA&I Form No. 2510](#). A recommended practice is for the court clerk to reconcile with the county treasurer's monthly report on a monthly basis to ensure accuracy and internal controls for auditing purposes. The monthly report is not required by the Oklahoma Statutes.

Refer to Chapter Fourteen, "[Duties of the Court Clerk: Reports](#)," for information on the Court Clerk's Revolving Fund Quarterly Report.

Court Clerk's Records Management and Preservation Fund

The Court Clerk's Records Management and Preservation Fund is a continuing fund, not subject to fiscal year limitations, and shall consist of the fees collected by the court clerk and deposited on a monthly basis from the County Official Depository Report. Each fund shall be retained and used for preserving, maintaining, archiving, and protecting recorded instruments within the office of the court clerk, including but not limited to, records management, preservation, automation and modernization, and other related lawful expenditures. All monies accruing to each fund shall be expended by the court clerk and shall not be transferred to any other fund.

19 O.S. § 682

28 O.S. § 31.3.

The fees collected shall be deposited daily into the official depository along with other court fees. On a monthly basis, the proceeds of this fee should be transmitted by voucher to the Court Clerk's Records Management and Preservation Fund Number 7210.

The following nine (9) expenditure categories are included in the Court Clerk's Records Management and Preservation Fund.

1. Archiving and digitizing services
2. Equipment
3. Equipment Maintenance
4. Salaries and Benefits
5. Supplies

6. Training
7. Travel
8. Storage
9. Miscellaneous (requires explanation)

A good practice for court clerks expending the Court Clerk's Records Management and Preservation Fund is to comply with the County Purchasing Act, which is set forth in the Oklahoma Statutes.

19 O.S. 1500~1505.2

Court Clerk's Records Management and Preservation Fund Claim

All money expended must be submitted and approved through a County Claim ([SA&I Form No. 270](#)) a cash voucher claim. Claims are approved by the court clerk and filed with the county clerk along with the invoice or other supporting documentation. The county clerk will prepare the cash voucher ([SA&I Form No. 2691](#)) register the cash voucher with the county treasurer to ensure sufficient funds are available for the payment and remit to the vendor.

The Court Clerk's Records Management and Preservation Fund voucher claim (whether hand-written or computerized) should contain the following information.

- County name
- Claim number
- Voucher number
- Office or department
- Fund number (7210)
- Account number
- Date
- In account with: claimant and address
- Items and services: date, description, amount claimed, amount disallowed
- Total
- Court clerk's signature/county purchasing agent's signature
- Receiving officer's signature and date

- Claimant’s signature with notary acknowledgement
- County clerk/deputy signature – auditing and approving

Monthly Report

The court clerk shall compile a monthly report ([SA&I Form No. 1727](#)) detailing the funds collected and expended and the nature of each expenditure and reconcile it to the county treasurer’s monthly report. After reconciliation, the report shall be submitted to the board of county commissioners.

28 O.S. 31.3(C)

The monthly report should contain this information:

- County
- Reporting period
- Beginning balance
- Fees collected
- Canceled vouchers
- Expenditures by each category
- Total balance of expenditures
- Calculation: Ending Balance
- Balance on county treasurer’s ledger with county treasurer/deputy initials
- Reconciling Items
- Reconciled balance
- Court clerk signature and date
- Reviewed by and date
- Date filed with the board of county commissioners
- Signature of board of county commissioners chairperson
- Date forwarded to AOC

Chapter Ten

Duties of the Court Clerk: Purchasing and Inventory Procedures

Purchasing Responsibilities

Purchasing Goods and Services

Court clerks purchase goods and services through the court fund, the Court Clerk's Revolving Fund, and the Court Clerk's Records Management and Preservation Fund. Different purchasing procedures are followed for each fund. When purchasing inventory using a specific fund, the court clerks should follow the Oklahoma Statutes related to that specific fund. A recommended practice is for the court clerk to contact the Office of the SA&I or the Administrative Office of the Courts (AOC), or both, with any questions related to a specific purchase from a specific fund.

- County General Fund
- Court Fund (Guidelines are set by the Chief Justice/Court Administrative Office).

- Court Clerk’s Revolving Fund (Court Clerk Cash Account: forms and procedures are established by the AOC director).
- Court Clerk’s Records Management and Preservation Fund (Cash Claim/Voucher Account).

NOTE:

For all purchases made from the county general fund, please refer to the *Purchasing Handbook for Oklahoma Counties*, published through the County Training Program, for complete details regarding inventory responsibilities and purchasing procedures for county purchasing, and to the relevant Oklahoma Statutes.

The court clerk should be aware that purchasing procedures for county purchasing and for court funds purchasing may differ.

20 O.S. Chapter 18, Appendix 1
§ Rule 1

NOTE:

Court clerks may not pay more for any item purchased with court fund monies than they could purchase it from a vendor on the state bid list available from the Office of Management and Enterprise Services (formerly the office of Central Services).

20 O.S. Chapter 18, Appendix 1
§ Rule 5(a)
20 O.S. § 1304(D)

Purchasing Procedures

Requesting Officers

Upon assuming office, the court clerk may assign at least one (1), but not more than two (2) employees, to be requesting officers or individuals who can sign purchasing requisitions during any absence of the court clerk. This information must be filed with the county clerk and entered into the board of county commissioners’ minutes.

19 O.S § 1501(A)(4)

In the county purchasing process, the requesting officer has the following general responsibilities:

- Write specifications for supplies, materials, equipment, and information technology and telecommunication goods and services requisitioned by their office in sufficient detail so that the purchasing agent, vendor, and receiving officer know what is being ordered and that the items received are the same as those ordered.

19 O.S § 1501(A)(1)

Chapter Seven of the *Purchasing Handbook for Oklahoma Counties* provides helpful information in writing specifications.

- Complete the requisition part of the Requisition-Purchase Order-Claim form.

A recommended practice is for the requesting officer of the court clerk’s office to attend requesting officer training and to follow procedures in the *Purchasing Handbook for Oklahoma Counties*.

Receiving Officers

The court clerk must designate two (2) employees to serve as receiving officers for their offices. A written designation of these employees shall be filed with the county clerk and must be entered in the minutes of the board of county commissioners.

19 O.S. § 1503(A)

Receiving officers determine by visual inspection that a valid purchase order exists for items received and that the items are in the condition requested, and then prepare a receiving report. Receiving officers also maintain a record of all supplies, materials, and equipment received, disbursed, stored, and consumed by the department. Normally, one of the receiving officers is designated as the inventory officer.

19 O.S. § 1504

This visual inspection, which includes counting and measuring, ensures that county funds are paying for the goods that are requested, meet the specifications, and are of the quality and quantity stated in the Requisition-Purchase Order-Claim. When receiving officers sign the receiving report, they certify that an inspection has been made and that the goods are as requested on the Requisition-Purchase Order-Claim.

A recommended practice is for the receiving officer for the court clerk’s office to attend receiving officer training and to follow procedures in the *Purchasing Handbook for Oklahoma Counties*.

County Purchasing Regulations

For any elected officials who will not immediately succeed themselves, the board of county commissioners cannot approve claims during the first six months of the fiscal year in which their terms will expire that exceed one-half of the total allocated operating budget for the entire fiscal year.

19 O.S. § 347(C)

19 O.S. § 347(B)

The board of county commissioners cannot incur any indebtedness against the county that exceeds the amount appropriated for any specific item in the Estimate of Needs.

All claims that are held over for further information must be acted upon within 75 days from the date of the purchase order's filing. Any Requisition-Purchase Order Claim not acted upon within 75 days of the date of filing shall be deemed to have been disallowed, but such disallowance shall not prevent the refile of the purchase order at the proper time.

19 O.S. § 1505(F)(2)

It shall also be unlawful for a county officer holding elective office who will not immediately serve a succeeding term in the same office to make any changes or alterations in the licensing or source code of computer software currently being used.

19 O.S. § 347(D)

A recommended practice is that the court clerk follow all recommendations in the *Purchasing Handbook for Oklahoma Counties* for inventory purchased with county funds and follow the guidelines of each fund from which any inventory is purchased.

Inventory Responsibilities

All county officers are required by statute to maintain a continuous inventory record of county-owned property. The court clerk must maintain an inventory of all working tools, apparatus, machinery, and equipment that is valued at Twenty-Five Hundred Dollars (\$2,500.00) or more that was purchased with county funds.

19 O.S. § 178.1

19 O.S. § 1501

The court fund, the Court Clerk's Revolving Fund, or the Court Clerk's Records Management and Preservation Fund either by ownership, lease, lease-purchase, or any other method used to acquire goods should maintain an inventory of all tools, apparatus, machinery and equipment that is valued at Five Hundred Dollars (\$500.00) or more that was purchased with these funds and are governed by the Supreme Court, according to the AOC.

19 O.S. § 1502

19 O.S. § 178.1

19 O.S. § 178.2

NOTE:

On April 10, 2002, the Oklahoma attorney general issued an opinion that states the following two directives:

2002 AG 17

19 O.S. § 178.1

The district court clerks are responsible for maintaining an inventory of equipment that has been furnished to them by the administrative director of the courts for the Oklahoma Court Information System (OCIS), according to the Oklahoma Statutes.

The (OCIS) retains ownership of the equipment that it has placed in district court clerks' offices in accordance with the Oklahoma Statutes.

20 O.S. § 1315

The court clerk shall also maintain records when disposing of any inventory including selling, exchanging, or junking, leasing, or letting when authorized by Oklahoma Statute, or for inventory that was stolen.

19 O.S. § 178.1

The inventory should be conducted twice a year or more frequently in case of death, resignation, or removal of the court clerk.

The county clerk maintains the inventory records for the county, and the court clerk shall notify the county clerk any time the inventory in the court clerk's office changes. An inventory change would include adding, transferring, selling, or disposing of goods.

19 O.S. § 178.3

The court clerk follows a specific procedure to maintain a continuous inventory:

1. Identify all items that have an original value of Five Hundred Dollars (\$500.00) or more.
2. Determine the identification number for the Office of the SA&I approved numbering system. (Refer to [Table 10-1](#) and [Table 10-2](#)).
3. Mark each item with its proper identification number.
4. Complete SA&I Form No. 3511, Record of Tools, Apparatus, Machinery, and Equipment.
5. Prepare [SA&I Form No. 3512](#), Summary Report.
6. Forward the completed SA&I forms to the county clerk and retain a copy in the court clerk's office.

A recommended practice is for the court clerk to identify from which fund the inventoried item was purchased, which will assist in other procedures or when disposing of the item.

Capital Asset Item Identification

19 O.S. § 178.4

The Office of the SA&I has developed a systematic method of identifying each inventory item using

a code number. The code number uses a letter to designate the office responsible for the item and a three-digit number to indicate the specific item. The following letters indicate certain county offices used by the district court:

- J Court Clerk
- L District Court (Judges)
- LL Law Library
- SH Public Defender
- SS Children's Court

All inventory under the direct control of the court clerk is identified with the letter J. For example, a typewriter in the court clerk's office is identified as J201, using the letter J for the court clerk's office and the number 201 for typewriters.

NOTE:

A recommended practice is that all funds created by Oklahoma Statute for the court clerk to expend should have an accountable internal control with inventory policies or procedures in place to identify the fund that purchased the items and the items purchased (court fund, Court Clerk's Revolving Fund, Court Clerk's Records Management and Preservation Fund, and all other funds created by Oklahoma Statute).

For example, a typewriter purchased with court fund monies is identified as J201CF. The CF designation does not appear on any items purchased with county funds.

Table 10-1 contains a code number categorization of the three major classes of inventory most used by the court clerk.

Table 10-1. Inventory Identification Categorization

Code Number	Inventory Item
100-199	Office Furniture
200-299	Office Machines and Equipment
600-699	Miscellaneous Apparatus, Telephone Systems, and Computers

The code numbers in each of these three groups are sub-classified for a better description of the item. Table 10-2 shows the individual identification codes.

Table 10-2. Inventory Identification Codes

Code Number	Inventory Item
<u>100-199</u>	<u>Office Furniture</u>
101	Safes and Chests
102	Chairs
103	Stools
104	Filing Cabinets
105	Desks
106	Bookcases
107	Tabulating Card Files
108	Visible Record Files
109	Storage Cabinets
110	Tables
111-199	Office Furniture Not Otherwise Classified
<u>200-299</u>	<u>Office Machines and Equipment</u>
201	Typewriters
202	Adding Machines
203	Calculators
204	Electric Fans
205	Photographic Recording Machines
206	Photo-Print Washers
207	Photo-Print Dryers

Table 10-2. Inventory Identification Codes (Continued)

Code Number	Inventory Item
200-299 (Continued)	Office Machines and Equipment
208	Air Conditioners (Water)
209	Air Conditioners (Refrigerated)
210	Water Coolers
211	Dictating Machines
212	Transcribing Machines
213	Duplicating Machines
214	Time Stamping Machines
215	Envelope Sealing Machines
216	Addressing and Mailing Machines
217	Microfilm Machines
218-299	Office Machines and Equipment Not Otherwise Classified
600-699	Miscellaneous Apparatus, Telephone Systems and Computers
601	Radio Broadcasting Equipment
602	Radio Receiving Equipment
603	Telephone Switchboards
604	Public Address Systems
605	Stoves
601	Radio Broadcasting Equipment
602	Radio Receiving Equipment
603	Telephone Switchboards

Table 10-2. Inventory Identification Codes (Continued)

Code Number	Inventory Item
600-699 (Continued)	<u>Miscellaneous Apparatus, Telephone Systems and Computers</u>
604	Public Address Systems
605	Stoves
606	Firearms
607	Dishwashing Machines
608	Washing Machines (Clothes)
609	Tables (Other than Office)
610	Miscellaneous Apparatus Machinery and Equipment Not Otherwise Classified – Live Inventory

Each code and number range includes unassigned numbers. For example, in the office furniture, the numbers 111 to 199 are not assigned. An unassigned number can be assigned to some new equipment type not previously listed, but a record must be kept showing what type of equipment the number represents.

For more than one item in a category, a decimal and a number can be added to identify separate items of the same type. For example, three chairs can be identified as J-102.1, J-102.2, and J-102.3. It is a good idea not to use the same decimal number more than once, even after disposing of an item.

Inventory Records

The SA&I recommends using two separate forms to keep inventory records: an individual record form and a summary sheet.

74 O.S. § 214

Record of Tools, Apparatus, Machinery, and Equipment

SA&I Form No. 3511 should be used to keep an individual record of each inventory item. This form contains important information regarding each item including its cost, where it was purchased, and special identifying information such as a serial number. The bottom half of this form is also used when disposing of an inventory item.

Summary Report

The court clerk should also maintain [SA&I Form No. 3512](#) as a summary of all inventory items in the office. The court clerk enters one item per line on the form. Several items of one type can be entered together on one line. For example, the three chairs mentioned earlier can be entered as follows:

<u>Code Number</u>	<u>Description</u>	<u>Purchase Date</u>	<u>Purchase Amount</u>
J-102CF*	(4) Office Chairs	8/28/74	\$1,500.00

*If purchased with court fund monies

Inventory Identification

Each inventory item must be clearly marked with its assigned code number for identification. The court clerk can mark equipment and property such as office furniture with an ink stamp or by other means.

Consumable Goods Inventory

Each county office, department, or other entity shall maintain a set of inventory records for the consumable inventory that they use.

The receiving office should identify all consumable items purchased in lots of Twenty-Five Hundred Dollars (\$2,500.00) or more for consumable inventory purchased with county funds.

19 O.S. § 1502(B)(2)(c)

The court clerk should prepare a new [SA&I Form No. 1-9004](#) for orders in excess of Twenty-Five Hundred Dollars (\$2,500.00) or more purchased by county funds, by court fund, Court Clerk's Revolving Fund, and Court Clerk's Records Management and Preservation Fund. The court clerk will continue to enter adjustments on the Consumable Item Stock Record as items are used and/or received. On a quarterly basis, the court clerk prepares [SA&I Form No. 1-9003](#), Summary Report of Consumables. This form can be kept electronically.

19 O.S. § 1502

Disposing of Surplus Property Acquired with Local Court Funds

The court clerk must dispose of surplus inventory items purchased by court fund monies according to the Supreme Court rules provided in the statutes:

20 O.S. § 1314
20 O.S. Chapter 18,
Appendix 1 § Rule 10

- Rule 10(A)

Any worn-out, outmoded, or obsolete equipment, furniture, or other property purchased with local court funds for a district court or court clerk can be declared surplus by the Court Fund Board by written resolution of the board which describes the property and manner of disposal.

- Rule 10(B)

Such property can be disposed of by any of the following methods:

By trade-in to cover part of the cost of equipment or furniture to be purchased

By separate cash sale where it appears that a greater amount can be recovered than could be realized by exchange or trade-in

By transfer to another court clerk or district court

By transfer to another county office in the same county

By junking, if the property has no value

- Rule 10(C)

Before usable surplus items can be sold, the court clerk shall submit a list of the items to the AOC for distribution to the other district courts and court clerks, unless otherwise authorized by the chief justice. The Court Fund Board of any county can request that surplus property be transferred to their county by written resolution of the Court Fund Board that currently controls the property. If the AOC does not receive a request for transfer within 30 days of sending notification, the surplus items can be sold in accordance with the Oklahoma Statute rules.

- Rule 10(E)

The Court Fund Board can sell surplus property for cash by any of the following methods or a combination of these methods:

At public auction after public advertisement

By inclusion in the sale of surplus county property by county commissioners

By securing one (1) or more bids in writing for cash sale

- Rule 10(F)

At any auction, the Court Fund Board must reserve the right to reject any and all bids and remove any item from the sale.

All proceeds of a sale of surplus property must be deposited in the court fund.

All sales records, including all bids received, must be kept up to three years.

All sale expenses must be paid from the proceeds of the sale.

- Rule 10(G)

All items that are traded in, sold, or transferred must be removed from the inventory of equipment, furniture, and fixtures with an appropriate notation of the date and manner of disposal.

- Rule 10(D)

Property with a current value that is less than the amount required for inclusion in the county inventory, as set forth in 19 O.S. § 178.1 of the Oklahoma Statutes, may be junked or disposed of in any manner deemed appropriate by the Court Fund Board without first being offered to the other district courts and court clerks.

19 O.S. § 178.1

Disposing of Surplus Property Acquired with County Funds

Declaration of Surplus

Every item of surplus property that is listed on the county's inventory and has an original cost of more than One Thousand Dollars (\$1,000.00) or any information technology hardware or software having an original cost of Five Hundred Dollars (\$500.00) or more must be disposed of in a manner provided by law. The board of county commissioners must be notified in writing of any property that becomes surplus and is subject to disposal. Before disposing of any surplus property, the board of county commissioners must declare the property as surplus by resolution and enter that declaration into the minutes of a board meeting. The board must also complete [SA&I Form No. 397A](#), Declaration of Surplus, to indicate where any proceeds are to be deposited.

19 O.S. § 421
19 O.S. § 422
19 O.S. § 423

19 O.S. § 339
19 O.S. § 421.2

Methods

The following are examples of methods available for disposing of surplus inventory. Counties are not limited to these methods.

19 O.S. § 421.1(C)

- Sale by sealed bid
- Sale at public or internet auction
- Sale to a state agency or a political subdivision of Oklahoma
- Junking
- Trade-in
- Transfer to a political subdivision within the county

19 O.S. § 421.1(C)(4)
19 O.S. § 421.1(D)

19 O.S. § 178.1
19 O.S. § 421.1(A)

19 O.S. § 421.2

Restrictions

The board of county commissioners must not declare any property as surplus during the period when the elections of any two county commissioners occur at the same time. The prohibition shall begin 30 days before the filing period and will end once all statutory requirements are met. If two or more incumbents draw no opponent, or the incumbents win the election, the prohibition is removed, and the county may dispose of surplus property as provided in the statutes.

19 O.S. § 421.2

19 O.S. § 333(B)

NOTE:

For those inventory items costing less than Twenty-five Hundred Dollars (\$2,500.00) for equipment and less than Five Hundred Dollars (\$500.00) for IT hardware/software that are not on the official inventory, it is a best business practice to follow the disposal methods outlined in the *Purchasing Handbook for Oklahoma Counties*.

A recommended practice is that the court clerk follows all recommendations in Chapter Eleven of the *Purchasing Handbook for Oklahoma Counties* when disposing of inventory purchased with county funds.

WARNING:

**SA&I recommends that court clerks dispose of all property of all funds listed on the Summary Report as of the date it is declared surplus (sold, traded, transferred, or junked).
Do not drop inventory without a declaration of surplus.**

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Chapter Eleven

Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports

Collecting Monies/Providing Related Reports

Court clerks are required by law to charge, collect, and disburse certain fees, fines, costs, forfeitures, assessments, and other monies associated with court cases, courtroom activity, license issuance, and other duties of their offices. These fees and other monies are to be collected as directed by the Oklahoma Statutes and the Oklahoma Supreme Court.

28 O.S. § 31
28 O.S. § 151(A)
28 O.S. § 151.1

Exceptions are those court cases in which the defendant is charged with a misdemeanor or traffic violation, and cases under the Small Claims Procedure Act.

28 O.S. § 151(A)

This chapter lists fees and other monies collected and paid by the court clerk. Related to some of these fees and other monies collected, the court clerk is required to furnish reports to the Administrative Office of the Courts (AOC) and various other state offices as indicated. Any related reports and their reporting procedures are discussed. Financial-related reports are discussed in Chapter Nine, “[Duties of the Court Clerk: Finances.](#)” Other reports are discussed in Chapter Fourteen, “[Duties of the Court Clerk: Reports.](#)”

Uniform Fee Schedule

The AOC is required to furnish the court clerks with a Uniform Fee Schedule for fees and other monies due. A copy of the most current version of the fee schedule of allowable fees must be on display in the court clerk's office and available to the public for viewing and consultation.

28 O.S. § 7

51 O.S. § 24A.5(4)(b)

The court clerk shall also post a written schedule of the fees and other monies due with the county clerk.

NOTE:

Court clerks are subject to daily cash penalties for each day the fees are not posted. Any public official who knowingly charges a fee that is not required by law, or charges more than the law requires, is guilty of a misdemeanor. If convicted, the official shall forfeit the office and shall be barred from holding any office of trust in Oklahoma thereafter.

28 O.S. § 7

28 O.S. § 13

Fee Collection

The court clerk shall accept monies only as ordered by the district court or as required by law. Upon delivery of monies, a written statement of ownership of the monies, including the name and mailing address of the owner, shall be provided to the court clerk. Unless amended through judicial proceedings, the court clerk shall use this information for case-related mailings and other legal notices, including notice of proceedings relating to unclaimed property.

28 O.S. § 151.1

The court clerk collects all fees and costs in a civil case, initially from the plaintiff and from any party seeking a service or filing a pleading with a specified fee. Any party who is liable for costs can receive, upon request, a certified bill, which itemizes the charges.

28 O.S. § 102

28 O.S. § 103

The court clerk receives all monies paid in their offices and in the district court and issues a receipt for all monies collected. The transactions are noted on the appearance docket. If the money collected in a case is insufficient to pay all costs, the amount is apportioned ratably among all claimants. The Supreme Court has also directed that certain fees, fines, costs, or assessments shall be collected and disbursed in an order of priority according to the directive sent on 7-25-07, "Supreme Court Payout Order for Fees, Fines, and/or Assessments." To acquire this document, contact the (AOC) Administrative Office of the Courts.

28 O.S. § 9

Oklahoma Constitution

Article 7 § 4

Oklahoma Constitution

Article 7 § 6

A recommended practice is that the court clerk and the office staff should ensure the following:

- They are aware of all fees and other monies to be collected.
- They accurately assess the proper amount for each particular condition.
- They understand all conditions that apply for each collection.
- They know that differences exist between civil and criminal cases when fees, costs, or other monies are assessed and collected.

28 O.S. § 102
28 O.S. § 152
28 O.S. § 152.1

In **civil cases** the proper filing fees are collected when the case is filed or a service is performed unless the case is exempt from costs by law, or by finding of indigency.

In **criminal cases**, costs cannot be collected until conviction. After disposition is reached in a case, the district court may direct who pays the costs. The district court costs assessed are based on the date of the offense.

28 O.S. § 101
28 O.S. § 153

No fees allowed by law will be due or demanded until the services they are chargeable for have been performed or provided. However, the court clerk may require a deposit for anticipated costs.

28 O.S. § 12

Additional Deposits

In addition to the flat fees and other amounts provided for in the statutes, the court clerk shall require such additional deposits from time to time as might be needed to pay witness fees, appraisers' fees, mileage fees, or other authorized expenses.

28 O.S. § 155

Refunds

NOTE:

A good practice recommendation is that a district court order authorizing a refund be filed in any case in which a refund is given.

Payment Methods

Personal or Business Checks

28 O.S. § 151(C)

Payment for any fee or other collection may be made by a personal or business check. According to the Oklahoma Statutes, "personal or business check" shall not mean a money order, cashier's check, or bank certified check.

The court clerk, at their own discretion, may require one of the following additional payments:

- Adding an amount equal to the amount of the service charge incurred, not to exceed three percent (3%) of the amount of the check as a service charge for the acceptance and verification of the check
- Adding an amount of no more than Five Dollars (\$5.00) as a service charge for the acceptance and verification of a check

The court clerk is authorized to assess and collect a fee of Thirty-Five Dollars (\$35.00) for each worthless check, draft, order, or voucher.

19 O.S. § 682

Credit or Debit Cards

As authorized by the AOC, the court clerk may accept a nationally recognized credit or debit card or other electronic payment method for any fee, fine, forfeiture payment, cost, penalty assessment, or other charge or collection to be assessed or collected by the court clerk under the laws of the state of Oklahoma. The court clerk shall not collect a fee for accepting the nationally recognized credit or debit card.

28 O.S. § 151(B)

Prior to the distribution of any fees or collections provided for by law, the court clerk shall apportion, on a pro rata basis, the costs associated with the administration, acceptance, processing, and verification of the credit card or debit card among all state, municipal, or other government entities or funds that are entitled by law to receive any payments from the court clerk.

28 O.S. § 151(B)(1)

All credit and debit card costs shall be deducted from the fees, fines, forfeiture payments, costs, penalty assessments or other collections before transmittal is made to state, municipal, or government entities or funds. Each state, municipal, or other government entity or fund entitled to payment shall then receive only its statutory share less its prorated share of the credit or debit card costs.

Duties to Collect Fines, Fees, Assessments, and Court Costs

It shall be the duty of the clerks of the district court to charge and collect the fees imposed by this title and other fees, assessments, and payments as imposed by the Oklahoma Statutes, fines, costs, and assessments imposed by the district courts or appellate courts.

28 O.S. § 151

When the judgment and sentence of a court, either in whole or in part, imposes court financial obligations upon a defendant, the court at the time of sentencing may immediately, or at any point thereafter determine the ability of a defendant to pay the court financial obligations. A judicial hearing shall be conducted and a judicial determination made as to the defendant's ability to immediately satisfy the fines and costs in whole or in part.

22 O.S. § 983(B)
22 O.S. Chap. 18, App., § Rule 8.1

The court shall order the defendant to appear immediately after sentencing at the office of the court clerk to provide current contact information and to either select payment terms or request a cost hearing. Failure to immediately report to the court clerk shall result in the full amount of court financial obligations to be due thirty (30) days from the date of the plea or sentencing in district courts. A defendant may pay the full amount owed or be set up on a payment plan.

22 O.S. § 983(C)

Inability to Pay

In determining the ability of the defendant to pay court financial obligations, the court may rely on testimony, relevant documents, and any information provided by the defendant using a cost hearing affidavit promulgated by the Court of Criminal Appeals. In addition, the court may make an inquiry of the defendant and consider any other evidence or testimony concerning the ability of the defendant to pay.

22 O.S. § 983(D)

If at the initial cost hearing or any subsequent cost hearing, the court determines that the defendant is able to pay some or all of the court financial obligations, the court may order any of the following conditions for payment:

22 O.S. § 983(E)(1)

- Payment in full
- Payment in instalments
- Financial incentive under a set of conditions determined by the court
- Community service in lieu of payment, and the defendant shall receive credit for no less than two times the amount of the minimum wage specified pursuant to state law for each hour.

Any defendant who fails to comply with the terms of the payment plan ordered by the court shall be considered delinquent and the court may issue either a cost cite and release warrant or a cost arrest warrant.

22 O.S. § 983(E)(2)

The court clerk shall identify a delinquent defendant, notify the court which shall, within ten (10) days after, set a cost hearing for the court to determine if the defendant is able to pay. The cost hearing shall be set within forty-five (45) days of the issuance of the summons. The hearing shall be set on a date that shall allow the court clerk to issue a summons fourteen (14) days prior to the cost hearing. Defendants shall incur no additional fees associated with the issuance of the summons. At least fourteen (14) days prior to the cost hearing, the court clerk shall issue one summons to the defendant to be served by United States mail to the mailing address of the defendant on file in the case.

22 O.S. § 983(G)(2)(3)

If any defendant fails to appear at any time fixed by the district court on the due date of an installment or for examination to determine a change of condition, a warrant may be issued, and the defendant may be incarcerated. In addition, if the defendant fails to pay the fees or other monies in accordance with that court's order, and that court determines the failure to pay is willful, the defendant may be incarcerated.

22 O.S. Chapter 18
Section VIII, Rule 8.5

A court reporter shall be present and report all such judicial hearings required by the Oklahoma Statutes. However, a court reporter is not required to be present if the proceedings are preserved in accordance with the Oklahoma Statutes. Any order of the district court, whether a court reporter is in attendance or not, shall be reduced to writing and filed of record in the case. The order shall set forth the findings of that court regarding the defendant's ability or inability to pay the fees or other monies, the refusal or neglect to do so, if that be the case, the amount of the installments and due dates, if so ordered, and all other findings of facts and conclusions of law necessary to support the order of that district court. Any order directing incarceration for failure to pay fees or other monies shall provide for immediate release upon full payment of the amount ordered, or in lieu thereof, set

20 O.S. §106.4(A)

28 O.S. § 101
57 O.S. § 15

a daily rate to be credited to the satisfaction of the amount of fees or other monies due which will allow the custodian of the prisoner to compute the amount of time to be served to satisfy the total amount due.

Court Cost Compliance Program

Effective November 1, 2023, there is hereby established a court cost compliance program. The purpose of the program shall be to assist county sheriffs and the courts with the collection of fines, costs, fees, and assessments associated with any case in which a warrant has been issued and the case has been referred to the court cost compliance program.

19 O.S. § 514.4(A)

All counties of the state shall utilize and participate in the court cost compliance program. Cases shall be referred to the court cost compliance program not less than thirty (30) days nor more than sixty (60) days after the defendant fails to appear for a cost hearing.

22 O.S. § 983(K)

19 O.S. § 514.5

County sheriffs of any county in this state may contract with a statewide association of county sheriffs to administer contracts with third parties who shall be known as court cost compliance liaisons.

19 O.S. § 514.4(A)(2)

Misdemeanor or cost-related warrants or cases referred to the court cost compliance liaison shall include the addition of an administrative cost of thirty percent (30%) of the outstanding misdemeanor or cost-related warrant, scheduled fine or sum due, and all associated fees, costs, and statutory penalty assessments.

19 O.S. § 514.5(A)

Any payment collected and received by the court cost compliance liaison shall be paid to the court clerk of the court within fifteen (15) days after receipt of the payment and proof of funds. Any payment collected and received by the court shall be reported to the court cost compliance liaison within four (4) days of receipt of the payment. Any payment returned due to insufficient funds shall have all insufficient fund charges incurred added to the outstanding balance of the defendant.

19 O.S. § 514.5(B)

A court clerk issuing a misdemeanor warrant is entitled to ten percent (10%) of the county sheriff's service fee, collected on a warrant referred to the contractor for the misdemeanor warrant notification program governed by the Oklahoma Statutes. This ten percent (10%) sum shall be deposited into the Court Clerk's Revolving Fund of the court clerk issuing the warrant with the balance of the county sheriff's service fee to be deposited into the Sheriff's Service Fee Account of the county sheriff in the county in which service is made or attempted.

28 O.S. § 153(K)(1)
28 O.S. § 153(A)(9)(a)
19 O.S. § 220

Liability for Fees and Other Monies Collected in Criminal Cases

28 O.S. § 101

If the defendant shall refuse to pay the court financial obligations, the payment of such fees and costs, in addition to the payment of the fine assessed, shall be enforced by imprisonment until the same shall be satisfied at a rate of up to One Hundred Dollars (\$100.00) per day or shall be satisfied at a rate of up to Two Hundred Dollars (\$200.00) per day should the defendant perform useful labor. If the defendant is without means to pay the fine, fees or costs, the total amount owed may be entered as a judgment and thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

Tax Intercepts

68 O.S. § 205.2(B)
68 O.S. § 205.2(E)(1)

When a warrant has been issued for the defendant for nonpayment of fees, costs, or other monies due, the court clerk may elect to do a tax intercept of the defendant's Oklahoma income tax refund to collect the outstanding debt.

Upon receipt of a claim, the tax commission shall deduct from the refund five percent (5%) of the gross proceeds owed to the court clerk and distribute it by retaining two percent (2%) and transferring three percent (3%) to the court clerk, as an expense of collection. The two percent (2%) retained by the tax commission shall be deposited in the Oklahoma Tax Commission Fund.

68 O.S. § 205.2(C)

The defendant may file an objection to the Tax Intercept and have a hearing before the district court.

Nonpayment of Fines and Cost Suspension

22 O.S. § 983(K)

The district court or municipal court, within one hundred twenty (120) days from the date upon which the person was originally ordered to make payment, and if the court finds and memorializes into the record that the defendant is financially able but willfully refuses to pay the court financial obligations, or an installment due, may send notice of nonpayment of any court-ordered fine and costs for a moving traffic violation to Service Oklahoma with a recommendation of suspension of driving privileges of the defendant until the total amount of any court financial obligation has been paid.

47 O.S. § 6-206(C)

Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, Service Oklahoma shall suspend the driving privilege of the named person. Service Oklahoma shall give notice to defendant.

Upon receipt of payment of the total amount of the court financial obligations for the moving traffic violation, the court shall send notice thereof to Service Oklahoma, if a nonpayment notice was sent as provided for in this subsection. Notices sent to Service Oklahoma shall be on forms or by a method approved by Service Oklahoma.

Transferring Costs or Fees

When the court clerk receives any fees or other monies belonging to any person, the court clerk must deposit them in the court fund and pay them over on request; and if such fees or other monies are not claimed by the end of the fiscal year following the fiscal year of date the money was received (except in cases where jurisdiction is continuing) and by the end of the fiscal year after the year in which final judgment is granted, they shall become the property of the court fund except for any unexpended district court costs or money belonging to litigants that the court clerk shall mail to the proper attorney of record.

28 O.S. § 106

Hidden Fees

A good practice recommendation is that court clerks be aware of certain potentially “hidden” fees that are not located in Title 28 of the Oklahoma Statutes or are not performed uniformly across the state. The following are examples of such fees:

28 O.S. § 152.1(A)(7)

28 O.S. § 152.1(B)

28 O.S. § 153(A)(8)

28 O.S. § 153(M)

- **The jury trial assessment fee in civil and criminal cases:** This fee may be assessed and collected at the time the case is set for jury trial - either by motion to enter or by checking the appropriate box on the pre-trial conference order. A good practice recommendation is that the court clerk comply with the local district court rules and the AOC opinions on this subject.

28 O.S. § 151.1

In criminal cases, the amount may be assessed on the docket, but it is not collectible until the defendant is convicted.

22 O.S. § 991c(A)

- **Deferred sentencing fee in criminal cases:** The law provides that for a defendant sentenced under the deferred sentencing law, the district court shall first consider restitution among the various conditions it may prescribe. This court may consider ordering the defendant to perform certain tasks including paying court costs or other assessments or costs or to perform other actions.

22 O.S. § 991c(A)(8)

Another option that may be prescribed is for the defendant to pay a fee every month into the court fund. This fee is paid for each month that the defendant is serving the deferred

22 O.S. § 983(K)

sentence, but it cannot exceed the amount of the maximum fine authorized for the offense. This money goes directly into the court fund and is not diverted to any other entity.

- **Penal Institution or Correction Center fees:** In counties with penal institutions or community correction centers, the district court may be able to collect fees from the Department of Corrections (DOC) for offenses committed at that facility that are prosecuted in that court. The law also applies to privately operated institutions that are under contract to the DOC.

22 O.S. § 1277(A)(B)

The DOC must pay a fee for the cost of habeas corpus actions instituted by any prisoner. The court clerk must file a verified and itemized claim with the DOC to collect this fee.

22 O.S. § 1277(C)

The DOC is required to pay a fee when the criminal action is filed and a fee when the defendant is convicted or acquitted, regardless of the number of counts filed. These fees are collectible regardless of whether the costs are assessed and collected against the defendant.

22 O.S. § 1277(D)

- **Marriage Ceremony Performed By a District Judge:** When a marriage is to be performed by a district judge, the court clerk of the county where the marriage is performed shall collect a fee of Ten Dollars (\$10.00) in addition to the fee provided for in the Oklahoma Statutes for every marriage ceremony performed, the fee shall be deposited into the court fund. No district judge shall perform a marriage ceremony without proof of payment of this fee.

28 O.S. § 56

28 O.S. § 31

- **Juvenile Court Costs:** Juveniles and others can be required to pay district court costs. This court can retain jurisdiction over a child adjudged to be delinquent beyond the age of 18 to allow the child to pay court costs. Contempt proceedings can also be instituted.

28 O.S. § 162

10A O.S. § 2-7-504(D)

43A O.S. § 5-501 et seq

- **Records Search:** Court clerks may charge a fee for a record search by establishing a fee through Administrative Order. Search fees are not set by statute or on the fee schedule provided by AOC. A public body may charge a reasonable fee to recover the direct cost of a record search and copying costs. The public body establishing fees shall post a written schedule of the fees at its principal office and with the county clerk.

51 O.S. § 24A.5(4)

Fees and Reports

The court clerk collects monies for several entities. The following discusses the fees, fines, costs, forfeitures, assessments, and other monies that the court clerk is required to collect and pay. Information is also provided if a report is required with the collection of the monies.

22 O.S. § 1277(D)

The court clerks are authorized to utilize the procedures outlined in the Oklahoma Statutes to attempt to collect these debts.

Appraiser's Fees

Except in probate cases, each appraiser in civil actions may receive up to One Hundred and Fifty Dollars (\$150.00) for each day's service.

28 O.S. § 49

When a general execution is issued and placed in the custody of a county sheriff for levy, a certified copy of the execution shall be filed in the office of the county clerk of the county whose county sheriff holds the execution and shall be indexed in the same manner as judgments.

12 O.S. § 759(A)

At the time the execution is filed, the court clerk shall collect from the party seeking a general execution of all fees necessary for the payment of the disinterested persons or a legal entity for services in appraising the subject property pursuant to the requirements of the Oklahoma Statutes.

If a general or special execution is levied upon lands and tenements, the county sheriff shall endorse on the face of the writ the legal description and shall have three disinterested persons who have taken an oath to impartially appraise the property levied on or a legal entity which has provided a written affidavit of impartiality, upon actual view; and the disinterested persons or legal entity shall return to the officer a signed estimate of the real value of the property. If an estimate is obtained from a disinterested legal entity, such estimate shall be developed by the legal entity using at least three independent, credible sources, each of which has estimated the real value of the subject property independently. The disinterested persons or legal entity shall be paid for such services by the court clerk of the county where the property is located within thirty (30) days of the date that they return their estimate of the real value of the property.

Attorney Fees in Counties with a County Indigent Defender

The county indigent defender (county public defender) shall represent as counsel anyone who appears for arraignment without aid of counsel, and who has been informed by the district judge that it is their right to have counsel, and who desires counsel, but is unable to employ such aid. On the order of the district judge, the county indigent defender shall investigate any matter pending before that judge and report in the manner prescribed by that judge.

19 O.S. § 138.5(A)

A nonrefundable application fee of Fifteen Dollars (\$15.00) shall be paid to the court clerk at the time an application is submitted, and no application shall be accepted without payment of the fee unless the district judge, based upon the financial information submitted, waives the fee.

19 O.S. § 138.5(B)

Costs of Representation

The district court shall order any person represented by a county indigent defender to pay the costs of representation. In assessing these costs, that court shall take into consideration the ability of the defendant to pay and any likely hardship which would result. That court may then order payment to be made in total or in installments and, in the case of installment payments, set the amount and due date of each installment.

19 O.S. § 138.10(A)

Costs assessed shall be collected by the court clerk and deposited in the court fund.

19 O.S. § 138.10(B)

Bail Bondsmen Fees

No bail bondsman shall become a surety on an undertaking unless he or she has first registered his or her license in the office of the court clerk in any county in which the bondsman intends to write bonds.

59 O.S. § 1320(A)

59 O.S. § 1320(B)

A surety bondsman shall also file with the court clerk a certified copy of his or her appointment by power of attorney from the insurer whom he or she represents as an agent.

59 O.S. § 1320(C)

A fee of Twenty Dollars (\$20.00) shall be paid to the court clerk for each county in which the bail bondsman registers or files their license. The fee shall be payable biennially by the date of license renewal.

Bail Bond Reports

59 O.S. § 1320(D)

Each month, the court clerk sends the Court Clerk Bail Bond Report form to the Oklahoma Insurance Department, Bail Bond Division. The forms are computer generated. A separate form is completed for each bondsman showing information on the bonds written (or showing the case number, name of defendant, date of issue, surety company or professional name, type of bond (cash, surety, property, or professional) and the amount of the bond and the monthly total for each bondsman. Then, a transmittal page is completed that shows the total number of pages attached.

The court clerk shall provide a list of bondsmen permitted to write bail in that county to the judges and law enforcement offices of that county. The list shall be updated and distributed to law enforcement by the court clerk at least monthly, provided there has been a change to the list, and

59 O.S. § 1320(A)

shall consist of professional, multicounty agent, property, cash, and surety bail bondsmen. Any surety bondsman without a current surety appointment shall be removed from the list.

Proof of Residence

Bondsmen shall provide the court clerk with proof that they are a resident of the county or that they have an office in the county and shall provide notice to the court clerk in writing of any change in residence or business address within five (5) business days after a change.

59 O.S. § 1320(A)

Bureau of Narcotics Revolving Fund Fees

Any person entering a plea of guilty or nolo contendere or is found guilty of the crime of misdemeanor possession of marijuana or drug paraphernalia shall be ordered by the court to pay a Five-Dollar (\$5.00) fee, which shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offenses.

20 O.S. § 1313.2(F)(1)

The court clerk shall deposit the amount of Five Dollars (\$5.00) for every adjudicated or otherwise convicted person as described in the Oklahoma Statutes. The court clerk shall remit the monies in the fund on a monthly basis directly to the Bureau of Narcotics Drug Education Revolving Fund.

Child Abuse Multidisciplinary Report (CAMA/CHAB) Department of Human Services Assessments

In addition to the flat fees collected in criminal cases according to the Oklahoma Statutes, the sum of Three Dollars (\$3.00) shall be assessed and credited to the Child Abuse Multidisciplinary Account (CAMA/CHAB).

28 O.S. § 153(G)
10A O.S. § 1-9-103

A form provided by the Department of Human Services is used for reporting. The forms are computer generated.

47 O.S. § 11-801e(A)(6)

Council on Law Enforcement Education and Training (CLEET) CLEET Bail Enforcement Revolving Fund Fees

Persons convicted of an offense including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, must pay a Penalty Assessment Fee for the Council on Law Enforcement Education and Training (CLEET) prescribed in the Oklahoma Statutes. Upon conviction or bond forfeiture, the court clerk collects the fee and deposits it. At the end of each month, the court clerk sends the fees to CLEET. Any county having a basic law

20 O.S. § 1313.2(B)(D)
59 O.S. § 1350.20
70 O.S. § 3311.6
20 O.S. § 1313.2(E)

enforcement academy approved by the CLEET retains Two Dollars (\$2.00) from each fee to be used in implementing its law enforcement training functions.

20 O.S. § 1313.2 (D)

Along with these monies, the court clerk shall send a report, which may be computer generated, to CLEET that states the total amount of funds collected and the total number of penalty assessments imposed during the preceding month. This form is available at <https://www.ok.gov/cleet/>. Prior to July 2001, an administrative fee for handling funds was collected as a penalty assessment and each district court was authorized to retain Eight Cents (\$0.08) of these monies.

Council on Judicial Complaints Revolving Fund

The court clerk shall collect a fee, in addition to the amounts collected pursuant to the Oklahoma Statutes. The amount of Two Dollars (\$2.00) shall be assessed and credited in the following manner:

28 O.S. § 152(E)(1)

- One Dollar and Fifty-Five cents (\$1.55) shall be credited to the Council on Judicial Complaints Revolving Fund.
- Forty-Five cents (\$0.45) shall be credited to the Supreme Court Revolving Fund

20 O.S. § 1663

Court Clerk's Revolving Fund Fees

The court clerk shall assess an administrative fee of ten percent (10%) on all fees collected by the court clerk for agencies other than the district court and not deposited into the court fund. The administrative fee shall not attach to the county sheriff's fees.

19 O.S. § 220(B)

The court clerk also collects several fee assessments for this fund:

- Passport fees

Please refer to Chapter Seventeen, “[Duties of the Court Clerk: Passports](#),” for the fees and the court clerk's responsibilities when processing passport applications.

12 O.S. § 35.1

- Pauper's Affidavit fees

22 O.S. § 1355A
28 O.S. § 152A

Court clerks are to report this fee on a quarterly basis to the AOC.

- Civil Warrant Body Attachment, Bench Warrant fees
- Each Bench Warrant issue (Failure to Pay)
- Administrative Fee: Ten percent (10%) of Sheriff's Service Fee on Misdemeanor Warrants referred to contractor for warrant collection by Oklahoma Statutes

22 O.S. § 456A
22 O.S. § 966A
19 O.S. § 514.4

19 O.S. § 514.5

Effective July 1, 2023, House Bill 3925 amends 19 O.S. § 514.4.

28 O.S. § 153(A)(9)

- Administrative Fee: Prior to July 2001, the court clerk deposited ten percent (10%) of court-ordered attorney fees that were assessed as costs in criminal cases to the Court Clerk’s Revolving Fund

28 O.S. § 153(K)(1)

Effective July 1, 2023, House Bill 3925 amends 19 O.S. § 514.5.

22 O.S. § 1355.14(B)

- Administrative Fee: The court clerk shall collect funds to reimburse OSBI for all costs incurred by that agency for cleaning up an illegal drug laboratory site for which the defendant pled guilty, nolo contendere, or was convicted. The court clerk may retain five percent (5%) of these funds to be deposited in the Court Clerk’s Revolving Fund.

22 O.S. § 1355.14(B)

The court clerk shall collect these fees and assessments monthly and deposit them to the Court Clerk’s Revolving Fund with the county treasurer. For more information on the Court Clerk’s Revolving Fund, refer to Chapter Nine, “[Duties of the Court Clerk: Finances](#),” and Chapter Fourteen, “[Duties of the Court Clerk: Reports](#).”

Court Clerk’s Record Management and Preservation Fee

For the purpose of preserving, maintaining, archiving and protecting recorded instruments within the office of the court clerk of the district court, the court clerk shall collect the fees prescribed in the Oklahoma Statutes. The recorded instruments include but are not limited to records management, preservation, automation, and modernization, and related lawful expenditures, in addition to all other fees required by law,

28 O.S. § 31.3

For more information, refer to “[Court Clerk’s Records Management and Preservation Fund](#)” in Chapter Nine of this handbook.

28 O.S. § 152

28 O.S. § 152(G)

Monthly Reports

The court clerk shall compile a monthly report ([SA&I Form No. 1727](#)) to the board of county commissioners detailing the funds collected and funds expended and explaining the nature of each expenditure. The report shall constitute a full accounting record of these transactions. A copy of the report shall be furnished to the AOC office for review.

28 O.S. § 31.3(C)

Court Fund Fees, Fines, Costs, Forfeitures, and Assessments (Court Related)

The AOC prepares a Uniform Oklahoma Fee Schedule and Uniform Oklahoma Bond Schedule and provides the Schedule’s online on their web site according to the effective date of new changes.

28 O.S. § 152

28 O.S. § 152.4

All fines and costs are collected by the court clerk and deposited into the court fund according to the Oklahoma Statutes.

28 O.S. § 153

28 O.S. § 162

The following discusses the court-related fees, fines, costs, forfeitures, and assessments the court clerk is required to collect and pay.

Poundage Assessments

Poundage is defined as an allowance to a public officer on the amount levied under an execution and is considered a “court cost.” The court clerk assesses poundage on amounts disbursed through the Depository account. The statute states the court clerk shall assess one (1) percent on “receiving and paying out money in pursuance of law or order of court provided, however, that such charge shall not exceed Three Hundred Dollars (\$300.00).” The court clerk should charge poundage when disbursing publications, appraisers’ fees, and proceeds of sheriff’s sale.

28 O.S. § 31
12 O.S. Chapter 2,
Appendix Rule 8.1

The attorney general has held that a court clerk who has received a single sum of money for the purposes of paying out the money to multiple payees pursuant to law or an order of the court, must charge the applicable one percent (1%) fee against only the total amount received, and not against each amount to be paid out to the multiple payees. If the order of the Court provides for money to be paid in and out at intervals, then each “receiving and paying out” is treated as one transaction with the 1% up to Three Hundred Dollar (\$300.00) fee, applied to each separate transaction. To acquire a copy of the Attorney General Opinion 69-323, go to the County Law Library section on “Attorney General Opinions,” year 1969, and search for Section 323.

12 O.S. Chapter 2,
Appendix Rule 8.1

The Oklahoma Statutes provide in part: “No judicial order, judgment or decree shall direct the payment of attorney fees, child support, alimony, temporary support, or any similar type of payment through the office of the court clerk, except in the case of necessity duly shown by evidence presented to the Court...Such payments shall not be subject to the poundage fee.”

28 O.S. § 31.2

If the debtor prevails, the court clerk shall not charge poundage on any funds deposited under garnishment proceedings.

The Oklahoma Statutes state in part: “The Department of Transportation shall in all cases pay the cost of the commissioners’ fees and expenses, for their services, as determined and ordered paid by the judge of the district court in which such case is pending, however, poundage fees and condemnation fees shall only be paid by the department in the event of appeal resulting in a jury verdict in excess of the commissioners’ award, but under no circumstances shall any poundage fees or condemnation fees be assessed against the recipient of said award.”

69 O.S. § 1203(f)

Miscellaneous Fees and/or Assessments

Court clerks are required to collect a few fees and/or assessments that are not on the Uniform Oklahoma Fee or Bond Schedule. The following is a partial list of those fees and assessments.

22 O.S. § 991c(A)(8)

- Deferred Sentence Court Ordered Supervision Fee
- Fee of Thirteen Dollars (\$13.00) collected prior to July 1, 1992
- Tax Intercept (3%) to court fund of refund
- Assessments prior to July 2001 on fees collected for other agencies
 - 15% of OSBI Lab Fees as an administrative fee deposited into the court fund
 - 15% of DNA Fees as an administrative fee deposited into the court fund
 - Eight cents (.08) of each assessment of (CLEET)
 - Two percent (2%) of each assessment of (AFIS)

28 O.S. § 153(O)

68 O.S. § 205.2

20 O.S. § 1313.2(C)

20 O.S. § 1313.2(G)

20 O.S. § 1313.2(D)

20 O.S. § 1313.2(E)

For additional information on the court fund, refer to Chapter Nine, “[Duties of the Court Clerk: Finances](#),” and Chapter Fourteen, “[Duties of the Court Clerk: Reports](#).”

Department of Mental Health and Substance Abuse Services Assessments

Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act or the Trafficking in Illegal Drugs Act must be assessed, for each offense, a sum as provided in the statutes. The district court shall order either a lump sum payment or establish a payment schedule. The assessment must be collected by the court clerk and forwarded to the Department of Mental Health and Substance Abuse Services.

63 O.S. § 2-503.2

Drug Abuse Education and Treatment Revolving Fund Assessments

Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act or the Trafficking in Illegal Drugs Act shall be assessed for each offense a sum of not less than One Hundred Dollars (\$100.00) nor more than Three Thousand Dollars (\$3,000.00).

63 O.S. § 2-503.2(A)

The district court shall order, in addition to any other penalty, the defendant to pay a One Hundred Dollar (\$100.00) assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund.

63 O.S. § 2-401(K)

47 O.S. § 11-902(K)

Any person convicted of any offense described in the Uniform Controlled Dangerous Substances Act may, in addition to the fine imposed, be assessed an amount not to exceed ten percent (10%) of the fine imposed. Such assessment shall be paid into a revolving fund for enforcement of controlled dangerous substances. 63 O.S. § 2-401(H)

The court clerk shall collect these assessments, pursuant to district court order. The funds shall be forwarded to the Department of Mental Health and Substance Abuse Services for deposit into its Drug Abuse Education and Treatment Revolving Fund. 63 O.S. § 2-503.2(B)

Drug Court Program User Fees

Each district court is authorized to establish a drug court program according to the provisions of the Oklahoma Statutes, subject to availability of funds. 22 O.S. § 471.1

Each county could create or establish four (4) different funds:

- Juvenile Drug Court Revolving Fund 22 O.S. § 471.1(B)
- Felony Drug Court Revolving Fund 22 O.S. § 471.2(B)
- Misdemeanor Drug Court Revolving Fund 22 O.S. § 471.1(J)
22 O.S. § 471.2(B)(3)
22 O.S. § 471.1(I)
- Family Drug Court Revolving Fund

A drug court program is an immediate and highly structured judicial intervention process for substance abuse treatment of eligible offenders. 10A O.S. § 1-4-716(A)

The drug court judge must order the offender to pay court costs, treatment costs, drug testing costs, a program user fee not to exceed the amount stated in the statutes, and necessary supervision fees, unless the offender is indigent. 22 O.S. § 471.1(A)

The program user fee is paid directly to the court clerk for the benefit and administration of the drug court program. Treatment, drug testing, and supervision costs shall be paid to the respective providers. The court clerk shall collect all other costs and fees ordered. 22 O.S. § 471.6(H)

The remaining user fees shall be remitted to the State Treasurer by the court clerk for deposit in the Department of Mental Health and Substance Abuse Services' Drug Abuse Education and Treatment Revolving Fund. 22 O.S. § 471.6(H)

Drug Abuse Education Revolving Fund – State Board of Education

The court clerk shall collect trafficking fines and twenty-five percent (25%) of each fine collected is deposited monthly into the Drug Abuse Education Revolving Fund expended by the State Board of Education for drug abuse education programs.

63 O.S. § 2-417
63 O.S. § 2-416(3)

Prevention of Youth Access to Alcohol Revolving Fund Fines

Monies collected are deposited with the State Treasury for the Department of Mental Health and Substance Abuse Services and designated for the Prevention of Youth Access to Alcohol Revolving Fund.

63 O.S. § 1-229.33

New legislation is expected to address those collections.

Trafficking in Illegal Drugs Fines

The fines specified for Trafficking in Illegal Drugs shall be apportioned in the following manner:

- Twenty-five percent (25%) to the District Attorney Revolving Fund to be used solely for enforcement of (CDS) laws, drug abuse and prevention and drug abuse education
- Twenty-five percent (25%) municipality, county, or state agency or agencies which conducted the investigation
- Twenty-five percent (25%) to the Drug Abuse Education Revolving Fund expended by the Oklahoma State Board of Education for drug abuse education programs within the State Department of Education
- Twenty-five percent (25%) to the court fund

63 O.S. § 2-416(1)
63 O.S. § 2-506(L)(3)

63 O.S. § 2-416(2)

63 O.S. § 2-416(3)

63 O.S. § 2-416(4)

A report for these fines can be computer generated.

Department of Public Safety (DPS) Fees

DPS Boating Safety Education Fund Fines

All fines collected under the Kyle Williams Boating Safety Education Act (A parent or guardian permitting the child under sixteen (16) without proper certification to operate a boat and improper

63 O.S. § 4235
63 O.S. § 4236

operation of a vessel by a person between twelve (12) and sixteen (16) years of age) must be mailed to the Department of Public Safety (DPS) for deposit to the Boating Safety Education Fund.

DPS Restricted Revolving Fund Fines (Child Restraint)

Any person convicted of violating the statutes on child passenger restraints must pay a fine, according to the fee schedule, and all court costs. Revenue from this fine is apportioned to the DPS Restricted Revolving Fund and used by the Oklahoma Highway Safety office to promote the use of child passenger restraint systems as provided in the statutes.

47 O.S. § 11-1112
47 O.S. § 11-1113

This fine shall be suspended and the court costs limited, according to the fee schedule, if it is a first offense and proof of purchase or acquisition by loan of a child passenger restraint system is provided.

47 O.S. § 11-1112(F)

DPS Motorcycle Safety and Education Program Revolving Fund Fees

Any person convicted of, or who pleads guilty to, a traffic violation for failure to yield a right-of-way and who causes a fatality or serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in an amount provided in the statutes to be mailed to the DPS for deposit in the Motorcycle Safety and Education Program Revolving Fund.

47 O.S. § 11-403.1
47 O.S. § 40-123

DPS Patrol Vehicle Revolving Fund Fees

In addition to any other penalty assessment imposed by law, any person convicted of any traffic offense (excluding reckless driving, persons under the influence of alcohol or other intoxicating substance, child passenger restraint, allowing passenger to ride outside passenger compartment, no seat belts, and parking and standing violations) or any person forfeiting bond when charged with these offenses must pay a fee, as directed in the statutes, as a separate penalty assessment.

20 O.S. § 1313.5
20 O.S. § 1313.6
47 O.S. § 2-143
47 O.S. § 11-801e(A)(11)

The fee specified in the statutes must be imposed for any person convicted or a person forfeiting bond for reckless driving and persons under the influence of alcohol or other intoxicating substance.

47 O.S. § 11-901
47 O.S. § 11-902

Oklahoma Impaired Driver Database Revolving Fund Fees

In addition to other amounts collected for each offense of driving under the influence of alcohol or other intoxicating substance, the sum of Fifteen Dollars (\$15.00) shall be assessed in every misdemeanor or felony case for each offense for that offense and credited to the Oklahoma Impaired Driver Database Revolving Fund created under the Department of Public Safety.

28 O.S. § 153(A)(5)(6)
28 O.S. § 153(H)
47 O.S. § 11-902d(C)

Dispute Resolution System Revolving Fund Fees

To establish and maintain an alternative dispute resolution system to provide mediation services, court costs must be taxed, collected, and paid as other court costs in all civil cases. The court clerk collects the Dispute Resolution Center Court costs for the Dispute Resolution Center's services in all civil cases.

12 O.S. § 1809(A)
12 O.S. § 1809.1

Any county, municipality, or accredited law school or agency of Oklahoma is hereby authorized to establish programs for the purpose of providing mediation services pursuant to the provisions of the Dispute Resolution Act, to be administered and supervised under the directions of the AOC. The administrative director shall promulgate rules and regulations, subject to the approval of the Oklahoma Supreme Court, to carry out the purposes of the Dispute Resolution Act.

12 O.S. § 1809(A)

These court costs and fees, once collected, shall be transferred by the court clerk to the AOC administrative director, who shall deposit them in the Dispute Resolution System Revolving Fund.

12 O.S. § 1803(A)
12 O.S. § 1809(B)

Reports

The court clerk must submit the Dispute Resolution Center Collections Report to the AOC by the tenth of the month following the month being reported. This fund is budgeted by the Oklahoma Supreme Court. The AOC provides a generic report form that is available on the AOC website. Each computer system prints a generic report form for use.

12 O.S. § 1803

District Attorneys Council Revolving Fund Fees

District Attorney Prosecution Assessment Fees

In addition to the standard costs collected according to the Oklahoma Statutes, Twenty Dollars (\$20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance. Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense. Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance. Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense; and Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

28 O.S. § 153(A)
28 O.S. § 153(C)
28 O.S. § 153.1
28 O.S. § 162(B)

These fees shall be forwarded to the District Attorneys Council Revolving Fund to defray the costs of prosecution.

28 O.S. § 153(K)(4)

In addition to the amount collected, the sum of Thirty Dollars (\$30.00) shall be assessed and collected for each juvenile case. The fees collected shall be forwarded to the District Attorneys Revolving Fund to defray the costs of prosecution.

28 O.S. § 162(B)

In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance within a municipality with a municipal court, twenty-five percent (25%) of the costs charged shall be paid to the District Attorneys Council Revolving Fund to defray the costs of prosecution.

28 O.S. § 153.1(2)

District Attorney Fees in Counties

District Attorney Drug Fund

Twenty-five percent (25%) of the fines collected for trafficking in illegal drugs will be apportioned to the District Attorney Drug Fund.

63 O.S. § 2-416(1)

District Attorney Witness Fees

The witness fees paid by the district attorney, if collected by the court clerk, must be transferred to the district attorney's office in the county where a witness' attendance was required. Fees transferred pursuant to this paragraph must be deposited in the District Attorney's Maintenance and Operating Expense Account.

28 O.S. § 153(K)(3)

District Attorney Jail Incarceration Costs

Ten percent (10%) of any amount collected by the court clerk for a person who is actually received into custody at a jail facility to pay the costs of incarceration shall be paid to the district attorney's office in the county.

22 O.S. § 979a

Proceeds of Sale of Seized Property

The balance of the proceeds of the sale of any seized property not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the office of the attorney general, or other entities specified in the Oklahoma Statutes shall be distributed to a revolving fund in the office of the county treasurer of the county where the property was seized.

63 O.S. § 2-506(L)(3)

63 O.S. § 2-415

63 O.S. § 2-416

This fund is to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education, and maintained by the district attorney in their discretion for those purposes. The district attorney provides a yearly accounting to the board of county commissioners in whose county the fund is established and to the District Attorneys Council; provided, one hundred percent (100%) of the balance of the proceeds of such sale of property forfeited due to nonpayment of an imposed fine pursuant to the provisions of the Oklahoma Statutes shall be apportioned according to the Oklahoma Statutes.

District Court Revolving Fund

The court clerk shall assess an administrative fee of fifteen percent (15%) on all fees collected by the court clerk for agencies other than the district court and not deposited into the court fund. This fee shall be deposited into the District Court Revolving Fund on a monthly basis.

19 O.S. § 220(D)

The District Court Revolving Fund is a revolving fund in the State Treasury allocated by the Supreme Court for the administration of the district courts. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Supreme Court as necessary to perform the duties imposed upon the district courts by law. Expenditures from the District Court Revolving Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the director of the Office of Management and Enterprise Services for approval and payment.

19 O.S. § 220(E)

District Fire Department Fines

The penalties collected from the payment of the citations for littering from vehicle, flaming and glowing substances, and for dumping trash on public or private property without consent, after the deduction of court costs, must be paid to the fire department of the district in which the flaming or glowing substance was discarded.

21 O.S. § 1753.3(C)(D)

21 O.S. § 1761.1(C)(D)

Electronic Monitoring/Supervision Fees on Pretrial Bail

In instances where an electronic monitoring device has been ordered, the district court may impose payment of a supervision fee. Payment of this fee, in whole or according to an installment schedule, shall be a condition of pretrial release. The court clerk collects and pays out the supervision fees as directed by court order.

22 O.S. § 1105.2(G)

If a pretrial program has been established by the county, these fees may be paid to that program to be utilized by the district court in that jurisdiction.

22 O.S. § 1105.3(A)

Each pretrial program established pursuant to this act shall provide a quarterly report to the presiding judge of the judicial district of the jurisdiction in which it operates. A copy of the report shall be filed of record with the court clerk of the jurisdiction. Each report shall include, but is not limited to, the following information:

22 O.S. § 1105.3(G)

1. The total number of persons screened, evaluated, or otherwise considered for pretrial release
2. The total number and nature of recommendations made
3. The number of persons admitted to pretrial release that failed to appear
4. Any other information deemed appropriate by the reporting judicial district or that the program desires to report

Law Library Fund Assessments

The court clerk must make a monthly deposit, to the law library fund, of a specified amount for each case filed in district court. These monies are transferred on a quarterly basis to the Law Library Revolving Fund.

20 O.S. § 1201
20 O.S. § 1202
28 O.S. § 152(B)
28 O.S. § 153(B)

Reports

The Quarterly Law Library Report (SA&I Form No. 316, available on the SA&I website) is signed by the court clerk or law librarian and transmitted to the AOC with the funds from the county law library fund (warrant from the county clerk).

20 O.S. § 1203

On August 1 of each year, The Board of Law Library Trustees prepares the following reports, a copy of which shall be filed with the administrative director of the courts:

20 O.S. § 1210

A financial report of receipts and disbursements of money and the total amount in the fund at the end of the fiscal year (SA&I Form No. 317). This report should include the following information:

- An inventory report of all property, the number of books, periodicals, and other publications on hand, the number added by purchase, gift or otherwise during the year, and the number lost or missing
- Such other information as is requested by the AOC

Transfer of money quarterly to the Law Library Revolving Fund and additional required annual transfers from the court fund to the Law Library Revolving Fund are discussed in detail in Chapter Fifteen, “[Duties of the Court Clerk: Law Library](#).” Also refer to Chapter Nine, “[Duties of the Court Clerk: Finances and Accounting Procedures](#)” and Chapter Fourteen, “[Duties of the Court Clerk: Reports](#),” for more information.

20 O.S. § 1226

Lengthy Trial Fund Fees

The court clerk must collect a fee per case, according to the fee schedule, from each attorney who files a civil case, unless otherwise exempted, to be paid into the Lengthy Trial Fund. A lawyer is considered to have filed a case at the time of the first pleading or on another filing on which an individual lawyer’s name appears is submitted to the district court for filing and opens a new case. All such fees must be forwarded to the Administrator of the Lengthy Trial Fund for deposit.

28 O.S. § 86(D)(2)
28 O.S. Chapter 1, Appendix
Rules/Lengthy Trial Fund

The following attorneys and causes of action are exempt from payment of the Lengthy Trial Fund fee:

28 O.S. § 86(D)(6)

- Government attorneys entering appearances in the course of their official duties
- Pro se litigants
- Cases in small claims court or the state equivalent
- Claims seeking social security disability determinations, individual veterans’ compensations or disability determinations, recoupment actions for government backed educational loans or mortgages, child custody and support cases, actions brought in forma pauperis, and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury

Reports

A monthly report is sent to the AOC listing the number of cases filed for each case type, the total cases filed, and the total amount collected. The Transmittal Summary form is provided by the AOC.

28 O.S. Chapter 1, Appendix
Rules/Lengthy Trial Fund

Any juror who is serving or has served on a jury that qualifies for payment from the Lengthy Trial Fund may submit a request to the AOC for payment from the Lengthy Trial Fund on a form provided by the AOC.

License Fees

In accepting any license application, except a marriage license, the court clerk assesses the civil filing fee plus all other fees associated with the license issue. The license fees are deposited into the court fund.

28 O.S. § 86(D)(5)

Please refer to Chapter Sixteen, “[Duties of the Court Clerk: License Issue and Registration](#),” for fees related to the various licenses the court clerk issues or registers.

28 O.S. § 152.4

Medical Expense Liability Revolving Fund Fines

In addition to any other fines, fees, and penalty assessments, persons convicted of any offense, excluding traffic offenses, and parking and standing violations, but including violations listed in the Oklahoma Statutes, punishable by a fine of Ten Dollars (\$10.00) or more, or by incarceration, or any person forfeiting bond when charged with such an offense, must pay a medical expense liability fee in an amount set by statute. The court clerk collects the fee and deposits it in the Court Clerk official depository account.

19 O.S. § 746.1
20 O.S. § 1313.7(A)
47 O.S. § 11-902

Reports

At the end of the month, the court clerk transmits the fees to the Medical Expense Liability Revolving Fund with a report to the Oklahoma State Education Employees Group Insurance Board (OSEEGIB) (vouchers are payable to the Medical Expense Liability Revolving Fund and are mailed to OSEEGIB). The form is provided by OSEEGIB.

20 O.S. § 1313.7(B)

Municipal DUI Court Costs and Reports

For any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance within a municipality with a municipal court, the municipality is entitled to receive twenty-five percent (25%) of the costs charged in each case, providing that all of the following conditions exist:

28 O.S. § 153(A)(5)
28 O.S. § 153(A)(6)
28 O.S. § 153.1(1)

- The offense occurred within the municipality.
- The municipality has a municipal court not of record.
- The arresting officer was an employee of the municipality’s law enforcement agency.

The court clerk remits twenty-five percent (25%) of the costs to the municipality, twenty-five percent (25%) to the District Attorneys Council Revolving Fund (to defray the costs of prosecution) and deposits the remaining amount in the court fund.

28 O.S. § 153.1(1)

Reports

The AOC provides the report form to transmit the monies to the municipality. This form is available on the AOC website and can be computer-generated.

Office of the Attorney General Law Enforcement Revolving Fund

A revolving fund for the office of the attorney general to be designated the Attorney General's Law Enforcement Revolving Fund has been created in the Oklahoma State Treasury.

63 O.S. § 2-508(I)
74 O.S. § 19.1

Payments to this fund shall be disbursed by district court order and consist of any monies received from the sale of confiscated property; the seizure and forfeiture of confiscated monies, property, gifts, bequests, revises, or contributions, public or private, including federal funds unless otherwise provided by federal law or regulation.

Office of the Attorney General Victim Services Unit Assessments

In addition to the flat fees collected as costs in criminal cases, the sum of Three Dollars (\$3.00) shall be assessed and credited to the office of the Attorney General Victim Services Unit.

28 O.S. § 153(F)
74 O.S. § 18p-1
74 O.S. § 18p-3

The sum of One Dollar and Thirty Cents (\$1.30) shall be assessed for any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit. It shall be credited to the office of the Attorney General Victim Services Unit.

47 O.S. § 11-801e(A)(5)

Oklahoma Court-Appointed Special Advocates (OCASA) Fees

In any civil cases or for license issue (except marriage licenses), the court clerk shall collect, in addition to the flat fees, a fee set forth in the statutes to be disbursed to the Oklahoma Court-Appointed Special Advocates (OCASA) Fund.

28 O.S. § 152(D)
28 O.S. § 152.4
10A O.S. § 1-1-105(15)(16)

Oklahoma Court Information System (OCIS) Revolving Fund Fees

In addition to the amounts collected according to the Oklahoma Statutes, a fee must also be assessed and credited to the Oklahoma Court Information System Revolving Fund.

20 O.S. § 1315(A)(B)
28 O.S. § 152(C)
28 O.S. § 153(D)

The amounts are collected by the court clerk and transmitted monthly and reported on a form provided by the AOC. The form is available on the AOC website and can be computer-generated.

Oklahoma Indigent Defense System (OIDS) Revolving Fund Fees

Application Fee

The court clerk collects the application fee and deposits the fee monthly into the Court Clerk's Revolving Fund. At the time an application is made by a person for representation by an attorney employed by the Oklahoma Indigent Defense System (OIDS) or a defense attorney who contracts or volunteers to represent indigents pursuant to the Indigent Defense Act, a nonrefundable application fee must be paid to the court clerk. No application shall be accepted without payment of the fee; except that the district court may, based upon the financial information submitted, defer all or part of the fee if that court determines that the person does not have the financial resources to pay the fee at the time of application.

22 O.S. § 1355A(A)

Cost of Representation

Any fees assessed shall be collected by the court clerk and shall be paid monthly to OIDS for deposit into the Oklahoma Indigent Defense System Revolving Fund.

22 O.S. § 1355.14(B)

Prior to July 2001, the costs assessed were collected by the court clerk and when collected, paid monthly to the Oklahoma Indigent Defense System for deposit to the Indigent Defense System Revolving Fund. The court clerk had the option to retain no more than ten percent (10%) of all such costs collected as an administrative fee, which was then deposited in the Court Clerk's Revolving Fund.

Oklahoma State Bureau of Investigation (OSBI)

Automated Finger Printing Identification System (AFIS) Fund Fees

From any person convicted of any offense, including traffic offenses, but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or from any person forfeiting bond when charged with such an offense, the court clerk collects a fee for the Automated Fingerprint Identification System (AFIS) Fund, in addition to all other fees and penalties.

Nine Dollars (\$9.00) of each fee received shall be paid by the court clerk directly to the AFIS Fund and the balance shall be deposited in the General Revenue Fund. The payments shall be made to the appropriate fund by the court clerk on a monthly basis.

74 O.S. § 150.25
20 O.S. § 1313.3

For any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, the court clerk shall collect a sum according to the Oklahoma Statutes to be credited to the AFIS Fund.

47 O.S. § 11-801e(A)(9)

AFIS Reports

The court clerk shall make payments on a monthly basis, sending the monies along with a report to AFIS that states the total amount of funds collected and the total number of penalty assessments imposed during the preceding month. The report may be computer generated. The AOC can prescribe this form.

74 O.S. § 150.26

Prior to July 2001, as an administrative fee for handling funds collected as a penalty assessment, each district court is authorized to retain Six Cents (\$0.06) or two percent (2%) of such monies and pay the handling fee to the court fund. This fee is a part of the report and is not listed separately.

20 O.S. § 1313.3

DNA Fees

Any person convicted of a felony offense must also pay a DNA fee if the person does not have a valid DNA sample in the OSBI DNA Offender Database at the time of sentencing. The court clerk must deposit this fee as collected for every such felony conviction and remit the monies on a monthly basis to OSBI.

74 O.S. § 150.27
74 O.S. § 150.19a
20 O.S. § 1313.2(H)
20 O.S. § 1313.2(H)(2)

This amount is reported as a separate amount on the Lab Analysis Fee Form, provided by OSBI, which is computer generated.

Prior to July 2001, as an administrative fee for handling funds collected as a penalty assessment, each district court is authorized to retain fifteen percent (15%) of such monies paid to the court fund.

20 O.S. § 1313.2(G)

Drug Cleanup Fines

In addition to any fine or imprisonment imposed in a case related to the Controlled Dangerous Substance (Precursor) Act, the district court must also impose a drug cleanup fine according to the statutes:

22 O.S. § 991a(A)(1)(i)
22 O.S. § 991a(A)(5)
63 O.S. § 2-328

The court clerk shall collect funds to reimburse OSBI for all costs incurred by that agency for cleaning up an illegal drug laboratory site for which the defendant pled guilty, nolo contendere, or was convicted. The court clerk may retain five percent (5%) of such monies to be deposited in the Court Clerk's Revolving Fund to cover administrative costs and shall remit the remainder to OSBI to be deposited in the OSBI Revolving Fund.

63 O.S. § 2-329

Forensic Science Improvement Revolving Fund Assessments

In addition to any other fines, fees, and penalty assessments, persons convicted of any offense, including traffic offenses, but excluding parking and standing violations, punishable by a fine indicated in the statutes or by incarceration, or any person forfeiting any bond when charged with any such offense must pay a Forensic Science Improvement Assessment set by statute.

20 O.S. § 1313.4

74 O.S. § 150.36

47 O.S. § 11-801e(A)(10)

For any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, the court clerk shall collect a sum according to the Oklahoma Statutes to be credited to the OSBI Forensic Science Improvement Assessment Fund. The court clerk shall make payments on a monthly basis.

Upon conviction or bond forfeiture, the court clerk collects the fee and deposits it. At the end of the month, the court clerk sends the fees to the OSBI and completes a Forensic Fee Report, showing the amounts collected, separate from any other deposits made to the OSBI per statute. This form is prescribed by the [OSBI](#).

74 O.S. § 150.35

Local Law Enforcement Laboratory Analysis Services Fees

Any person convicted of a misdemeanor or felony offense must pay a Laboratory Analysis Fee prescribed in the statutes, for each offense that OSBI, the Toxicology Laboratory of the office of the Chief Medical Examiner, or any municipality or county provides forensic science or laboratory services in connection with the case.

20 O.S. § 1313.2(C)(1)

The court clerk deposits these fees in the depository account. The court clerk may retain fifteen (15) percent of monies collected to cover administrative costs for cases filed prior to July 1, 2001 only. This fifteen (15) percent is deposited into the court fund. The remainder of the fees must be sent to the following entities:

- OSBI, where the monies are deposited into the OSBI Revolving Fund for services rendered or administered by OSBI.
- The appropriate municipality or county for services rendered or administered by a municipality or county
- The office of the Chief Medical Examiner who shall deposit the monies into the Chief Medical Examiner Revolving Fund for services rendered or administered by the office of the Chief Medical Examiner

20 O.S. § 1313.2(C)(2)(a)

74 O.S. § 150.19a

63 O.S. § 948

The court clerk must also send a report to the appropriate agency as listed above. This form is prescribed by the [OSBI](#).

74 O.S. § 150.26

Oklahoma Tourism and Recreation Department Revolving Fund Revenues

Fifty percent (50%) of all monies collected according to the Oklahoma Statutes (for violations for activities prohibited within a state park) must be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund, and fifty percent (50%) must be remitted to the county in which the violation is made.

74 O.S. § 2217(3)
74 O.S. § 2251

Oklahoma Wildlife Conservation Fund Costs, Fines, and Bond Forfeitures

The court clerk collects all court costs, fines, and bond forfeitures for violation of Oklahoma Wildlife Conservation laws. All monies collected by the court clerk shall be disbursed in the following manner:

29 O.S. § 3-301(A)

- Fifty percent (50%) of the fines and forfeitures is deposited with the county treasurer to be credited to the county general fund.
- Fifty percent (50%) of the fines and forfeitures shall be transmitted, by cash voucher, to the Oklahoma Department of Wildlife Conservation for the Wildlife Conservation Fund.

29 O.S. § 3-3021

Wildlife Conservation Violations Reports

With all transmittals of funds to the county treasurer and the Oklahoma Department of Wildlife Conservation, the court clerk includes [SA&I Form No. 697](#) (Report of Fines and Forfeitures: Violations of Wildlife Conservation Laws) which requires the following information in each separate instance:

29 O.S. § 3-301(B)

- District court's name
- Case number
- Case style
- Fine and forfeiture amount

Prevention of Child Abuse

28 O.S. § 86.1

The court clerk may provide forms for jurors and witnesses individual to voluntarily designate any fees due to them to be donated to an agency or agencies established for the prevention of child abuse.

The court clerk shall place all designated fees into a special account with the county treasurer. The board of county commissioners shall make disbursements from the account as recommended by a committee consisting of five (5) members.

Sheriff's Jail Fund (Bond Fees)

28 O.S. § 153.3

The court clerk must charge a fee, according to the fee schedule, for the initial filing of any bond or any security deposited with the court clerk for the subsequent district court appearance of the defendant. This fee shall be assessed as an additional court cost to the defendant. For each defendant sentenced to jail, the court clerk shall forward monthly amounts, according to the fee schedule, to the Sheriff's Jail Fund or to the entity operating the jail and to the court fund.

Sheriff's Service Fee Account

The following fees are deposited into the Sheriff's Service Fee Account:

- In civil actions, a sheriff's fee is assessed for serving or endeavoring to serve each writ, warrant, order, process, command, or notice for each person in one or more counties, provided that if more than one person is served at the same address, one flat fee may be charged.
- A sheriff's fee is also assessed on the court-ordered sale of real or personal property in civil actions.
- In criminal cases, a sheriff's fee is assessed for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice.
- In any criminal case in which a defendant is arrested for a violation of state law, a fee, according to the fee schedule, is assessed and is to be paid to the Sheriff's Service Fee Account of the county in which the arrest was made.

28 O.S. § 152.1(A)(5)

28 O.S. § 152.1(A)(6)

28 O.S. § 153(A)(9)

28 O.S. § 153.2

- In every juvenile case identified in the Oklahoma Statutes, a sheriff's fee is assessed for serving or endeavoring to serve all writs, warrants, orders, process, commands, or notices of pursuing any fugitive from justice, or a fee for mileage as established by the Oklahoma Statutes, whichever is greater.

28 O.S. § 162

Courthouse Security Assessments

In addition to the amount collected according to the Oklahoma Statutes, an assessment, according to the fee schedule, is made and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred to enhance existing or providing additional courthouse security.

28 O.S. § 152(F)

28 O.S. § 153(E)

Jail Incarceration Costs

The court shall require a person who is actually received into custody at a jail facility to pay the costs of incarceration. The court clerk must distribute the funds as follows:

22 O.S. § 979a

- Ten percent (10%) of any amount collected must be paid to the municipal attorney or the district attorney's office.
- The remaining amount must be paid to the Sheriff's Service Fee Account or to the public entity responsible for the operation of the jail.

Trash Reward Fund and Sheriff's Environmental Reward Fund Fines

The board of county commissioners or the governing body of the municipality may create and maintain a trash reward fund in the county or municipal treasury that shall be a revolving fund not subject to fiscal year limitations from which to pay the rewards. The county commissioners approve the expenditures of the fund.

22 O.S. § 1334(B)

The boards of county commissioners of counties and the governing bodies of municipalities may offer and pay a reward, from funds set aside for that purpose, in an amount not to exceed fifty percent (50%) of the fine imposed, for the arrest and conviction or for evidence leading to the arrest and conviction of any person who violates the provisions of the Oklahoma Statutes.

21 O.S. § 1761.1(G)

Any peace officer of this state or of any political subdivision of this state may issue a state traffic citation to any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, flaming, or glowing substance, or any other substance on any public property or on any private property of another without consent of the property owner. Such state traffic citations must be in an amount not less than Two Hundred Dollars (\$200.00) or more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. Any violation with any item of furniture, or item that exceeds fifty (50) pounds, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) or more than Six Thousand Five Hundred Dollars (\$6,500.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

21 O.S. § 1753.3(B)

The district judge sets fines for the offenses. The district court may order a payment to the environmental reward fund for enforcing the provisions of the Oklahoma Statutes.

21 O.S. § 1761.1

The penalties collected from the payment of the citations listed above shall, after deduction of court costs, be divided in the following manner:

21 O.S. § 1761.1(J)(1)

- One-half (1/2) shall be paid into the trash reward fund provided that the citation is issued by a peace officer of the county.
- One-half (1/2) shall be paid into the Sheriff's Service Fee Account for that county to be used for enforcing the provisions of the Oklahoma Statutes.

21 O.S. § 1761.1(J)(2)

Any person convicted of violating the provisions stated above shall be subject to a state traffic offense punishable by a fine of not more than One Thousand Dollars (\$1,000.00) and upon conviction shall be sentenced to perform not less than five (5) nor more than twenty (20) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of the Oklahoma Statutes. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid into the environmental reward fund.

21 O.S. § 1753.3(B)

22 O.S. § 1334(B)

In addition to the penalties prescribed above, the district court may order the defendant to pay into the trash reward fund an amount not to exceed Two Thousand Dollars (\$2,000.00).

In addition to the penalty prescribed by the Oklahoma Statutes, the district court shall direct the person to make restitution to the property owner affected: to remove and properly dispose of the garbage, trash, waste, rubbish, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, waste, rubbish, refuse, debris, and other nonhazardous deleterious substances from public property; or perform community service or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times, and locations of such activities shall be scheduled by the sheriff pursuant to the order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.

21 O.S. § 1761.1(G)

21 O.S. 1761.1(F)

State Board of Education

Cameras for School Bus Stops Revolving Fund

A revolving fund for the State Board of Education designated as the Cameras for School Bus Stops Revolving Fund has been created for the deposit of monies received by the State Board of Education from fines collected from school bus stop violations pursuant to the Oklahoma Statutes.

70 O.S. § 9-119

The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed passed such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars (\$100.00).

47 O.S. § 11-705

In addition to the fine, a special assessment of One Hundred Dollars (\$100.00) shall be assessed, of which seventy-five percent (75%) shall be deposited to the credit of the Cameras for School Bus Stops Revolving Fund. The remaining twenty-five percent (25%) of the special assessment shall be deposited to the credit of the reviewing law enforcement agency referred to in the Oklahoma Statutes.

47 O.S. § 11-705(A)

School Investigative Audit Revolving Fund Assessments

When a bond is forfeited due to illegal activity of a school district officer or employee and an audit performed by SA&I reported the illegal activity, the school district shall forward ten percent (10%) of the amount of the forfeited bond to the State Board of Education for deposit to the School Investigative Audit Revolving Fund.

70 O.S. § 18-118.1 (B)(1)(B)(5)

Every person convicted of the crime of theft, embezzlement, conversion, or misappropriation of school district funds shall be assessed an amount equivalent to ten percent (10%) of any court-ordered restitution costs.

The assessment provided for in the Oklahoma Statutes shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to a district court order, the funds shall be forwarded to the State Board of Education for deposit into the School Investigative Audit Revolving Fund

Trauma Care Assistance Revolving Fund Fines/Assessments: Oklahoma State Department of Health

Any person convicted of violating any provision of the laws regarding Transporting Open Containers of Intoxicating Beverage, in addition to any fine imposed, must pay a special assessment trauma-care fee, according to the Oklahoma Statutes, to be deposited into the Trauma Care Assistance Revolving Fund at the Oklahoma State Department of Health.

21 O.S. § 1220(A)(B)

63 O.S. § 1-2530.9

28 O.S. § 153(A)

28 O.S. § 153(K)(5)

The fees are collected according to the fee schedule:

Any fine collected for a second or subsequent conviction for operating a motor vehicle on the public roads, streets, highways, turnpikes, or other public place without having a valid driver's license for the class of vehicle being operated as provided for in the Oklahoma Statutes must be deposited to the Trauma Care Assistance Revolving Fund.

47 O.S. § 6-303(A)(H)

47 O.S. § 17-101(E)(F)

47 O.S. § 17-102(B)(C)

One-half (1/2) of any fine collected for a conviction of a traffic offense that occurred during a period when the driving privileges of a person were under suspension, revocation, cancellation, denial, or disqualification, or the person had not been granted driving privileges by Oklahoma or any other state, pursuant to the provisions of the Oklahoma Statutes, must be deposited to the Trauma Care Assistance Revolving Fund.

63 O.S. § 2-401(I)

63 O.S. § 2-402(D)

63 O.S. § 2-404(D)

63 O.S. § 2-406(D)

63 O.S. § 2-407(F)

Any person convicted of any offense related to distributing, dispensing, transporting with intent to distribute or dispense, possessing with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate, distribute, or dispense a controlled dangerous substance or a counterfeit controlled dangerous substance, or distributing any imitation controlled substance, shall pay a special assessment trauma-care fee, according to the Oklahoma Statutes, which is to be deposited into the Trauma Care Assistance Revolving Fund.

63 O.S. § 2-405(F)

Any person convicted of any offense related to the tincture of opium or any derivative regulations shall pay a special assessment trauma-care fee, according to the Oklahoma Statutes, to be deposited into the Trauma Care Assistance Revolving Fund.

Any person convicted of any offense related to ingesting, using, or possessing any compound, liquid, or chemical which contains ethyl chloride, butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or any of their esters, isomers, or analogues, or any other similar compound, shall pay a special assessment trauma-care fee, according to the Oklahoma Statutes, to be deposited into the Trauma Care Assistance Revolving Fund.

63 O.S. 2-407.1(F)

Any person convicted of any offense related to trafficking in illegal drugs shall pay a special assessment trauma-care fee, according to the Oklahoma Statutes, to be deposited into the Trauma Care Assistance Revolving Fund.

63 O.S. 2-415(F)

Fee Collected

Court clerks must collect, in addition to the costs already being collected in civil cases, the sum of Two Dollars (\$2.00), which shall be assessed and credited as follows:

28 O.S. § 152(E)

- One Dollar and Fifty-Five Cents (\$1.55) shall be credited to the Council on Judicial Complaints Revolving Fund.
- Effective July 1, 2022, Forty-Five Cents (\$0.45) of such amount shall be credited to the Supreme Court Revolving Fund and may be budgeted and expended by the Supreme Court for expenses lawfully incurred for providing qualified courtroom interpreter services in the district courts, for credentialing and training Oklahoma courtroom interpreters, and for any other expenditures determined by the Supreme Court to be necessary to provide language access in the district courts as required by state and federal law. Payments of expenses may be made after the claim or expense is approved by the Chief Justice of the Supreme Court or another justice designated by the Chief Justice.

Victims Compensation Revolving Fund Assessments

21 O.S. § 142.17

21 O.S. § 142.18

In addition to any costs, penalties, or fines imposed, any person convicted of, pleading guilty to, or agreeing to a deferred judgment procedure under the provision set forth in the Oklahoma Statutes, must be ordered to pay victim compensation assessments, according to the Oklahoma Statutes, for the following case types:

- A felony involving criminally injurious conduct
- Felony offenses
- Each misdemeanor offense upon every fine, penalty, and forfeiture imposed and collected, not including traffic offenses and misdemeanor offenses of the Oklahoma Wildlife Conservation code or statutes relating to water safety
- Juvenile cases in which a child has been adjudicated by the court as a delinquent child, provided the child is committed to the Department of Juvenile Justice

The court clerk shall forward all monies collected to the Victims Compensation Revolving Fund on a monthly basis accompanied by a computer-generated report form.

Youth Drug Court: Juvenile Drug Court Revolving Fund

Establishing Juvenile Drug Courts

Each district court is hereby authorized to establish a juvenile drug court for the purpose of treating adjudicated juveniles who have a substance abuse disorder. The Department of Mental Health and Substance Abuse Services shall assist in the establishment of juvenile drug courts.

10A O.S. § 2-2-505(A)

Participation in Juvenile Drug Court Programs

At the disposition hearing to set disposition of a case, the district court may determine whether there are any statutory preclusions, other prohibitions, or program limitations that exist and are applicable to considering the juvenile for participation in the drug court program.

10A O.S. § 2-2-505(B)

A juvenile drug court investigation shall be ordered by the court, upon the motion of the district attorney, the juvenile, or the district judge, once the requirements of subsection B of this section are met. The district court shall set a date for a hearing to determine final eligibility for admittance into the program.

Upon denial for consideration in the juvenile drug court program at the initial hearing, the case shall proceed as authorized by the Juvenile Code.

Costs and Fees for Juvenile Drug Courts

The drug court judge shall order the offender to pay court costs, treatment costs, drug testing costs, a program user fee not to exceed Twenty Dollars (\$20.00) per month and necessary supervision fees, unless the offender is indigent. The drug court judge shall establish a schedule for the payment of costs and fees.

22 O.S. § 471.6(H)

User fees shall be set by the drug court judge within the maximum amount authorized by this subsection and payable directly to the court clerk for the benefit and administration of the drug court program.

The court clerk shall collect all other costs and fees ordered and deposit such costs and fees with the county treasurer in a drug court fund created. The remaining user fees shall be remitted to the State Treasurer by the court clerk for deposit in the Department of Mental Health and Substance Abuse Services' Drug Abuse Education and Treatment Revolving Fund established by Oklahoma Statutes.

The Juvenile Drug Court Revolving Fund

All funds received by a drug court, in its capacity as a drug court program, shall be credited to and accounted for in the county treasurer's office in a special cash fund to be known as a drug court fund. Each drug court fund shall be a continuing fund, not subject to fiscal year limitations, and shall be dedicated to the operation of the drug court as authorized by law. The expenditures of any funds received by a drug court program and deposited with the county treasurer shall be made only upon sworn itemized claims approved by the county clerk, filed with the county treasurer, and paid by cash voucher drawn by the county treasurer from the funds.

The [necessary forms and procedures](#) to account for the monies have been developed and implemented by the Office of the SA&I.

22 O.S. § 471.6(I)

Treatment, Testing, and Supervision Fees

22 O.S. § 471.6(H)

The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the court's order for payment.

Treatment, drug testing and supervision costs shall be paid to the respective providers.

Providing Services Without Fees

NOTE:

A recommended practice is for the court clerk to obtain a district court order before waiving a fee by Oklahoma Statute.

43 O.S. § 7

Minister Credentials

As of November 1, 2022, court clerks no longer have to file or verify minister credentials. The person performing or solemnizing the marriage ceremony shall certify on marriage certificate to his or her credentials or authority.

43 O.S. § 7(B)(2)

Petition for Protective Order

22 O.S. § 60.2(C)(1)

Except as otherwise provided by the statutes, no filing fee, service of process fee, attorney fees, or any other fee or costs shall be charged to the plaintiff or victim at any time for filing a petition for a protective order whether a protective order is granted or not granted. The district court may assess court costs, service of process fees, attorney fees, other fees, and filing fees against the defendant at the hearing on petition. If a protective order is granted against the defendant, that court shall have the authority to waive the costs and fees if the court finds that the party does not have the ability to pay the costs and fees.

22 O.S. § 60.2(C)(2)

If that court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.

Guardianship Cases

Minors Seeking Armed Service Entry

The court clerk does not collect a fee in a guardianship case that involves a minor over 17 years of age when the sole purpose of the proceeding is to secure legal permission for the minor to enlist in the armed services of the United States.

28 O.S. § 31.1

An affidavit must be attached to the petition to appoint a guardian that states that the minor has applied for enlistment in the armed forces.

Persons Under Social Security

No costs shall be charged whatsoever either by the court clerk or by the district court judge in cases involving the guardianship of persons who are applicants for, or who are receiving Social Security Benefits or Assistance or Veterans' Disability Compensation or Pension.

56 O.S. § 192

Appeal from Unemployment Compensation

Any person who claims benefits from unemployment cannot be charged a fee or costs of any kind in any proceeding under the Employment Security Act except as noted in the statutes.

40 O.S. § 2-302

Any person who claims benefits from unemployment is entitled to counsel for any proceeding under the Employment Security Act, but the costs must be approved by the board of review.

Copies for Servicemen

The court clerk can provide copies of certain court records, as outlined in the Oklahoma Statutes, to servicemen at no charge.

72 O.S. § 23

Actions Filed by the State of Oklahoma

No bond, costs, or other security obligation are required from the state of Oklahoma when the state files an action or an action is filed at this state's direction. For adverse decisions, any costs may be taxable against this state. These costs must be paid out of the funds of the department under whose direction the proceedings were instituted or defended. Costs do not include items that would be advanced by the court fund such as mailing costs.

12 O.S. § 66

Costs must be paid to the court fund of the district court in which an action is filed from the first funds collected in satisfaction of any judgment obtained by this state or any party acting under the direction of this state, except when the funds are collected pursuant to a child support order or judgment. No action filed by this state or by any party acting under the direction of this state shall be dismissed with unpaid costs of the action without the prior notification of the court clerk of the county in which the action was filed.

Pauper's Affidavit

Upon the filing of an affidavit in forma pauperis executed before any officer (authorized by law to administer oaths) that a litigant claims to have a just cause of action and that, by reason of poverty, the litigant is unable to pay the fees and costs provided and is financially unable to employ counsel, and upon satisfactory showing to the district court that the litigant has no means, and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. In all such cases, the district court shall promptly set for the hearing the determination of eligibility to the litigate without payment of fees or costs. Until a final order is entered determining that the affiant is ineligible, the court clerk shall permit the affiant to litigate without payment of fees or costs.

28 O.S. § 152(H)
12 O.S. § 192.1

The civil form (In Forma Pauperis Affidavit) is provided by the AOC.

The criminal form (for appeals costs only) (13.2 Affidavit in Forma Pauperis) is also available from the AOC.

Adoption Records: Photocopying and Mailing Certain Records

The court clerk can collect only the actual and reasonable costs of providing (photocopying and mailing) copies of reports or other medical and social history information ordered by the district court that pertain to an adoption.

10 O.S. § 7504-1.2(G)(6)

Habeas Corpus

No deposit or security for costs shall be required of an applicant for the initial application for a writ of habeas corpus.

12 O.S. § 1355

An applicant for a writ of habeas corpus is required to pay court costs according to the procedures in the Oklahoma Statutes.

57 O.S. § 566.3

Interpreters, Translators, and Exceptions to Not Collecting Fees

Interpreter for Hearing Impaired

An interpreter appointed under the provisions of the Oklahoma Interpreter for the Deaf Act shall be entitled to a reasonable fee for such services. When the interpreter is appointed by a court, the fee shall be paid out of the local court fund. The person for whom the interpreter is appointed shall not be assessed a reimbursement fee.

63 O.S. § 2415

Language Translators

Effective July 1, 2022, Section 13(A)(10) of Title 28 was stricken from the statute.

Interpreters Provided at Court Expense

In order to ensure that the Oklahoma Courts are in compliance with Title VI of the Civil Rights Act, interpreters should be furnished at the expense of the court in all proceedings and all case types, including:

12 O.S. § 2503.1(A)(4)(B)(C)

- Indigent and non-indigent parties
- Parties with private counsel, public defender, or pro se
- Civil cases (including VPOs, family, FEDs / evictions)
- Criminal and Juvenile (delinquent and deprived)
- Parties, parents and guardians of parties, and witnesses

Communication is confidential if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication. The privilege may be claimed by the interpreter, the “Limited English Proficient” person (LEP) or deaf or hard-of-hearing person, by the guardian or conservator of the LEP or deaf or hard-of-hearing person, or by the personal representative of the LEP or deaf or hard-of-hearing person if the LEP or deaf or hard-of-hearing person is deceased.

63 O.S. § 2409

In any case before any state or local court or grand jury, wherein a person who is deaf or hard-of-hearing is a litigant, defendant, spectator as required by subtitle A of Title II of the Americans with Disabilities Act, witness, party, prospective juror, or juror, the court shall, upon request, appoint a qualified legal interpreter to interpret the proceedings to the deaf or hard-of-hearing person and interpret testimony or statements and to assist in preparation and communication with counsel within the context of the court proceeding. The court shall not be responsible for providing an interpreter for attorney-client communications which are not immediately ancillary to the court proceedings or for meetings at the private counsel's office. The individual who is deaf or hard-of-hearing shall determine which type of qualified legal interpreter or captioning that best fits the needs of the individual.

63 O.S. § 2409

When the interpreter is appointed by a court, the fee shall be paid out of the local court fund as provided for in Section 1304 of Title 20 of the Oklahoma Statutes. When the interpreter is otherwise appointed, the fee shall be paid by the appointing authority. As stated above, the person the interpreter is appointed for will not be assessed a reimbursement fee.

63 O.S. § 2415

For more information on interpreters, contact the Administrative Office of the Courts (AOC).

Paying Fees

Collecting Bodily Fluid Specimens Cost Reimbursements

The costs of collecting blood, breath, saliva, or urine specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer, except when the person is convicted for any offense involving the operation of a motor vehicle while under the influence of, or while impaired, by alcohol or an intoxicating substance, or both, as a direct result of the incident which caused the collection of specimens. In this instance, an amount equal to the costs shall become a part of the district court costs of the person and shall be collected by that court and remitted to the law enforcement agency bearing the costs.

47 O.S. § 752(G)

When a test of breath is performed for the purpose of determining the alcohol concentration thereof, except when such test is performed by means of an automated analyzer as designated by the Board of Tests for Alcohol and Drug Influence, a sufficient quantity of breath, or of the alcohol content of a fixed or measured quantity of breath, shall be obtained, in accordance with the rules and regulations of the board, to enable the tested person, at his or her own option and expense, to have an independent analysis thereof, except the analyst performing the independent analysis and agents of the analyst.

47 O.S. § 752(F)

47 O.S. § 759

Community Service Program Assessment Revolving Fund

In every county in which a community service program assessment has been imposed in addition to the imposition of any costs, penalties, or fines imposed pursuant to law by the district court, any person convicted of, pleading guilty or nolo contendere to, or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for any felony or misdemeanor, shall be ordered to pay a community service program assessment for each felony or misdemeanor for which the person is ordered to complete community service in the community service program of the county.

19 O.S. § 339.7(C)

All monies collected shall be forwarded monthly by the applicable court clerk to the Community Service Program Assessment Revolving Fund of the appropriate county created pursuant to the Oklahoma Statutes.

19 O.S. § 339.7(F)

Court-Appointed Attorney Fees

The Oklahoma Indigent Defense System (OIDS) is required to represent indigents only in the following actions:

22 O.S. § 1355

- Capital and Felony Cases
- Misdemeanor and traffic cases punishable by incarceration
- Civil contempt actions
- Juvenile delinquency proceedings and appeals
- Adult certification proceedings and appeals
- Reverse certification proceedings and appeals
- Youthful offender
- Any other cases and appeals pursuant to the Oklahoma Juvenile Code, other than mental health cases, in-need-of supervision proceedings and any other juvenile proceedings that are civil in nature.
- Post-conviction proceedings
- Initial application for a writ of habeas corpus

12 O.S. Chapter 2
Appendix, Rule 29

22 O.S. § 1355.8(K)

- Federal habeas corpus proceedings

The district court is responsible for appointing attorneys and the court clerk is responsible for paying, from the court fund, the attorneys who represent indigents in all other actions than those listed above.

Procedures

22 O.S. § 1355A

Indigents are still required to apply for representation as an indigent. Parents or legal guardians are no longer required to complete an application. The court clerk should collect a non-refundable application fee, unless this fee is waived. Any fees collected shall be retained by the court clerk, deposited in the Court Clerk’s Revolving Fund, and reported quarterly to the AOC.

Costs assessed as repayment of attorney fees are collected and forwarded to OIDS for deposit in the Indigent Defense System Revolving Fund. The court clerk can add on not more than 10% of all such costs collected as an administrative fee and deposit that money in the Court Clerk’s Revolving Fund.

Payment of Costs of Representation

At the time of pronouncing the judgment and sentence or other final order, the district court must order any person represented by an attorney employed by OIDS or a defense attorney who contracts or volunteers to represent indigents according to the provisions of the Indigent Defense Act to pay the costs for representation in total or in installments and, in the case of installment payments, set the amount and due date of each installment. These costs must be collected by the court clerk and paid monthly to OIDS after collection.

22 O.S. § 1355.14

The costs of representation shall be a debt against the person represented until paid and shall be subject to any method provided by law for the collection of debts.

22 O.S. § 1355.14(C)

Costs assessed pursuant to this section shall be collected by the court clerk and paid monthly to OIDS for deposit to the Indigent Defense System Revolving Fund after collection.

22 O.S. § 1355.8(K)
22 O.S. § 1355.14(B)

Juror and Witness Fees

Juror Fees

28 O.S. § 86

The court clerk pays juror fees out of the court fund as prescribed by the statutes. Beginning November 1, 2023, the rate is \$50.00 per day and travel is paid at the state travel reimbursement.

Witness Fees

28 O.S. § 81

Whenever a person is compelled, under Oklahoma law, by order, subpoena, or other legal means to appear as a defense witness in a criminal case or any other case where the court fund would be responsible for paying witness fees on behalf of OIDS, that person receives the following fees:

NOTE:

28 O.S. § 82(B)

1. The court clerk must report all witness fees paid on behalf of OIDS to the AOC each month.

28 O.S. § 82(A)

2. The district attorney is responsible for paying witness fees and expenses for state of Oklahoma witnesses.

- A witness appearing from another state or a foreign country in a criminal proceeding in Oklahoma receives reimbursement for travel and expenses that does not exceed the amount prescribed for reimbursement of state employees traveling interstate.
- These fees are paid from the court fund of the county in which the prosecution is pending. If the defendant is found guilty, the fees and mileage costs are charged as costs against the defendant.
- A witness who appears from this state pursuant to an order, subpoena, or other lawful means for compelling the appearance of the witness receives Ten Dollars (\$10.00) for each day of attendance, plus reimbursement as prescribed by law for travel expenses at rates not to exceed those prescribed by law for reimbursement for state employees.
- In civil cases, the fees for one day's attendance shall be paid pursuant to the Oklahoma Statutes and fees for subsequent attendance shall be paid on the day before each additional day of attendance unless the witness agrees to another time for payment.

28 O.S. § 81(A)(1)
22 O.S. § 718
74 O.S. § 500.4(C)

28 O.S. § 81(A)(3)

28 O.S. § 81(D)(1)

12 O.S. § 2004.1

- In criminal cases, the witness shall be paid at the conclusion of each day of attendance unless the witness agrees to another time for payment.
- In all other cases, the witness shall be paid at the conclusion of attendance unless the witness agrees to another time for payment.

28 O.S. § 81(D)(2)

28 O.S. § 81(D)(3)

When computing mileage allowances for witnesses, the court clerk should round up parts of a mile to the nearest whole number. When the distance traveled is less than one and one-half miles, the witness receives no reimbursement.

28 O.S. § 81(B)

A witness cannot receive reimbursement for per diem or mileage for more than one case when cases occur at the same time or require the same travel. A witness must make an oath that he or she has not received fees for another case under these circumstances.

28 O.S. § 81(C)

Reports

28 O.S. § 82(B)

The court clerk must report each month all witness fees paid from the court fund on behalf of OIDS to the AOC. A computer-generated form is allowed.

State, County, or Other Employees

28 O.S. § 84.1(A)

Employees of the state of Oklahoma or any political subdivision who are called to testify receive the following reimbursement:

- If the employees are called to testify in the county in which they live, they do not receive any reimbursement for travel or expenses.
- If the employees are called to testify in another county, they receive normal state travel reimbursement paid from the county's court fund where the prosecution is pending. The employee must complete an affidavit.

Public School District Employees

28 O.S. § 84.1(B)

To not adversely affect the education of students enrolled in school districts, to the extent possible, court appearances of public school district employees should be scheduled to minimize the disruption of class time. If a school district employee is subpoenaed to appear as a witness in a civil court proceeding, except in a proceeding in which the school district or the state is a party, the school district shall be entitled to a witness fee equal to the amount of the substitute teacher cost, not to exceed One Hundred Dollars (\$100.00) per day.

Expert Witnesses

28 O.S. § 81(F)
28 O.S. § 81(A)(B)

A person who is compelled to appear as a witness by order, subpoena, or other lawful compulsion to give factual testimony in any civil proceeding other than one in which the state is a party, but therein qualifies and testifies as an expert witness, shall receive a reasonable expert witness fee from the party seeking the expert testimony in addition to the fees required pursuant to the Oklahoma Statutes.

In civil cases in which the state is not a party, if the state fire marshal or an employee of the office of state fire marshal is subpoenaed as a witness to testify on any matter pertaining to a fire investigation conducted by the office of state fire marshal, the party causing the subpoena to be issued shall pay an expert witness fee to be set by the state fire marshal. Said fee shall be paid to the court clerk before the witness is required to testify. The court clerk shall remit the fee to the State Treasurer to be deposited to the general revenue fund of the state.

28 O.S. § 91

Notice of receipt of the required fee shall be transmitted by the court clerk to the State Fire Marshal or the employee who has been subpoenaed. If the expert witness fee is not received before the witness is required to testify, the witness shall not be compelled to obey the subpoena.

If the expert witness fee is paid and, for any reason, the witness fails to obey the subpoena, said fee shall be returned to the party causing the subpoena to be issued.

20 O.S. § 1304(B)(3)

Expert witnesses who appear on behalf of county indigent defenders in Tulsa or Oklahoma Counties are paid a reasonable fee for their services from the court fund.

NOTE:

The court must order the appointment of all expert witnesses before they are hired to perform services.

Donation of Juror and Witness Fees

Jurors and witnesses can donate their fees to agencies established for the prevention of child abuse if such an agency has been established in that county according to the statutes. The court clerk should provide forms to the jurors and witnesses who want to volunteer to donate their fees. The court clerk deposits these donated fees into a special account established in the county treasurer's office. The board of commissioners shall make disbursements from the account as recommended by a committee.

28 O.S. § 86.1

The expenses and food costs of jurors sequestered overnight are paid for through the court fund.

20 O.S. § 1304(B)(2)

Attendance Certificates to Jurors and Witnesses

The court clerk shall, upon proof of claim, issue to witnesses a certificate showing the names of the witnesses, the number of days of attendance, the distances traveled, and the amount of the fees and mileage. The court clerk shall keep a record of the certificates issued.

28 O.S. § 84
28 O.S. § 87

Posting Notices Fees

In all applications filed with the court clerk when posting of notices is required by the Oklahoma Statutes, the court clerk shall cause the notice to be posted, and a fee of Twenty Cents (\$0.20) per mile shall be paid out of the local court fund to the person performing the service.

28 O.S. § 152.2

Chapter Twelve

Duties of the Court Clerk: Record Keeping and Maintenance

Keeping Administrative Records

The court clerk is responsible for keeping and maintaining administrative records related to the office of the court clerk. Please refer to “[Serving as Court Clerk](#)” in Chapter Six and “[Court Clerk Office Records and Reports](#)” in Chapter Fourteen, for information on administrative records.

Keeping Court-Related Records

The court clerk is also responsible for keeping and maintaining the records, books, and papers (including orders, judgments, and decrees) that pertain to the district court and its proceedings. The court clerk may refuse to file any document presented for filing if the document constitutes sham legal process. The court clerk is required to keep the following records:

- Case files

12 O.S. § 22
12 O.S. § 29
12 O.S. § 32.1
21 O.S. § 1533(B)
12 O.S. § 30
19 O.S. § 681
19 O.S. § 682
12 O.S. § 22
12 O.S. § 23

- Receipts 12 O.S. § 22
- Appearance dockets and appearance docket indexes 12 O.S. § 23
- General indexes 12 O.S. § 24
- Journal records 12 O.S. § 22
- Motion, hearing, disposition, and trial dockets 28 O.S. § 87
- Juror attendance, claims and fee records
- Search warrants 22 O.S. § 1224.2
- Display of records online 12 O.S. § 32.1(A)
- Books, papers, statistical 12 O.S. § 33

Each of these records is discussed in general terms in this chapter. Any specific case-type related information is discussed in the chapters that deal with those case types such as Chapter Twenty-Two, “[Duties of the Court Clerk: Criminal Cases.](#)”

Case Files

The court clerk’s first task for any new case that is filed with the district court is to assign a case number and open a case file.

Format

The court clerk is required to maintain a separate case file for each case filed with the district court. All documents relating to each case must be marked with the case number and case type and must be filed together and carefully preserved in that case file. 12 O.S. § 30

The following actions are recommended practices for creating case files:

- Use cardboard folders with metal fasteners for case files except for traffic cases. A traffic docket envelope is used for the traffic case files.
- Color code case files by case type for ease of identification.
- Securely fasten all documents within the file to avoid losing papers.

If the court clerk discovers a pleading or other paper that has been filed or submitted for filing that has an incorrect case number or other incorrect identifying data, the court clerk shall correct the case number or other incorrect identifying data and enter a notation on the docket sheet of both cases recording the correction. The corrected pleading or other paper shall be placed in the district court file with the corrected case number.

Case Identification

Effective January 1, 2010, as amended by Supreme Court Administrative Directive Order 2009-101 (SCAD-2009-101), all court clerks must adopt a uniform case numbering system. All cases shall have a case prefix, then a hyphen, and then all four digits of the calendar year, then a hyphen, and then the number of the case. Cases shall be numbered consecutively within a calendar year. PB-2010-3 indicates the third probate case filed in 2010. The consecutive case number for the first case of each new year should begin at one. To acquire SCAD-2009-101, it must be requested from (AOC) Administrative Office of the Courts.

Table 12-1 contains the letter codes to be used for case types effective January 1, 2010. If other docket filing schemes are needed, the judge may work with the AOC to devise additional filing codes. Additional codes must be approved by the Chief Justice of the Supreme Court.

Receipts

Upon receiving money for payment of fines, fees, and other court-related costs, the court clerk issues a pre-numbered receipt. The receipt should indicate if the payment was received by cash, check, money order, or credit card. Receipts may be kept as a bound book, kept in a loose-leaf format, or be computer-generated.

28 O.S. § 151

Once a receipt has been issued, the receipt must be entered on the appropriate appearance docket either manually or by computer.

This information usually includes the date, the amount received, the person who made the payment, the receipt number and the purpose/accounting codes for the payment.

Table 12-1. Letter Codes for District Court Case Types

Case Type	Code
I. Civil Proceedings	
Civil Administration	AO
Civil Cases seeking money damages in which the relief sought exceeds Ten Thousand Dollars (\$10,000.00)	CJ
Civil Cases seeking money damages in which the relief sought does not exceed Ten Thousand Dollars (\$10,000.00)	CS
Miscellaneous Civil Cases	CV
Grand Jury or Multicounty Grand Jury Cases	GJ
Small Claims Cases in which the monetary relief is less than Seven Thousand Five Hundred Dollars (\$7,500.00)	SC
Tax Liens	TL
II. Criminal Proceedings	
Anna McBride Act ~ Mental Health Court	AM
Cost Administration	CA
Criminal Felony Proceedings	CF
Criminal Misdemeanor Proceedings	CM
Criminal Probable Cause	CPC
Drug Court	DC
Declined Traffic Tickets	DTR
Criminal Miscellaneous Proceedings	MI

Table 12-1. Letter Codes for District Court Case Types (Continued)

Case Type	Code
Criminal Proceedings ~Not Filed	NF
Search Warrants	SW
Traffic Tickets	TR
Wildlife	WL
Youthful Offender	YO
III. Family & Domestic Proceedings	
Artificial Insemination	AI
Adoption Proceedings	FA
Income Assignment Proceedings	FI
Family and Domestic Miscellaneous Proceedings	FMI
Paternity Proceedings	FP
Reciprocal Child Support Case	FR
IV. Juvenile Proceedings	
Juvenile Deprived Proceedings	JD
Juvenile Deprived Show Cause Hearing	JDH
Juvenile Mental Health	JDHT
Juvenile Delinquency Proceedings	JDL
Juvenile Delinquency Show Cause Hearing	JDLH

Table 12-1. Letter Codes for District Court Case Types (Continued)

Case Type	Code
Juvenile Miscellaneous	JIMI
Juvenile in Need of Supervision Proceedings	JS
Juvenile in Need of Treatment Proceedings	JT
Youthful Offender	YO
V. Licenses	
Bondsman License	BL
Beverage License (Not Used as of 11-01-18)	BV
Closing Out Sale	CO
Foreign Process Server	FS
Minister Credentials (Not used as of 11-01-23)	MC
Marriage License	ML
Passports	PP
Pool Hall	PH
Process Server	PS
Process Server/Statewide	PSS
Transient Merchants License	TM
VI. Miscellaneous Filings	
Criminal Property Proceedings	CP
Mental Health	MH

Table 12-1. Letter Codes for District Court Case Types (Continued)

Case Type	Code
Miscellaneous Receipts	MR
Miscellaneous Receipts – Criminal	MRC
Miscellaneous Receipts – Civil Cases	MRCV
Miscellaneous Receipts – Family Domestic	MRFD
Miscellaneous Receipts – Probate	MRPB
Miscellaneous Receipts – Small Claims	MRSC
Surface Damage	SD
Writs of Habeas Corpus	WH
Protective Orders	PO
VII. Probate and Trust Proceedings	
Full Blood Filings	FB
Probate Proceedings	PB
Conservatorship	PC
Guardianships	PG
Probate Miscellaneous Proceedings	PMI
Trust Proceedings	PT
Filing of Wills	WIL

Appearance Dockets

Format

The court clerk must maintain an appearance docket for all cases considered by the district court. The appearance docket can be a bound book, loose sheets kept in a file container, or a computer-generated form. This docket is a historical record of all actions for a particular case and a financial record of costs, credits, and disbursements for that case.

12 O.S. § 22
12 O.S. § 23
20 O.S. Chapter 18, Appendix 1
Rule 5(b)
12 O.S. § 32.1(A)
20 O.S. Chapter 18, Appendix 2
Rule 2, 3

Display of Records Online

The Supreme Court of Oklahoma has made rules regulating the display of court records online. The rules shall ensure that all online data is displayed uniformly in all counties. The Supreme Court of Oklahoma may modify the rules, as necessary. Court clerks shall obey and follow the rules provided.

Entries

The appearance docket should provide an accurate impression of a particular case, the chronological sequence of actions that have taken place, and the current status of the case. Entries should be brief abstracts of an event rather than detailed statements of its terms and conditions. Entries must be neat and legible. The appearance docket can also be automated on a computer system.

12 O.S. § 23

The following items are frequently entered on an appearance docket:

- Case number
- Plaintiff's name
- Defendant's name
- Nature of the case
- Attorney(s) name(s), if applicable, and address(es)
- Date case filed/opened
- List date filed and the title of each document filed in chronological order with brief descriptions if applicable
- All minutes in the case
- Microfilm record number or journal record book and page number if applicable

- Costs, credits, and disbursements
- Abstract of judgment

Appearance Docket Index

Format

The appearance docket index can be the first portion of an appearance docket book, or it may be a separate book, a card file, card strips maintained in a special holder, or a computer file. Names should be listed alphabetically or semi-alphabetically (grouped chronologically by first letter of the last name).

Entries

The following items are frequently included in the appearance docket index:

- Case number
- Plaintiff's name
- Defendant's name
- Nature of case
- Appearance docket page number if applicable

General Indexes

Format

Many counties maintain a General Index of defendants in civil and criminal cases that covers several years. This index may be a book, a card file, card strips, or a computer file.

Entries

The following items are frequently included in a General Index:

- Case number
- Defendant's name
- Plaintiff's name

- Filing date
- Appearance docket book and page number if applicable

Journal Records

Format

The court clerk is required to keep a journal record. The journal record is a collection of duplicate copies of the vital documents that have been filed in a case. The purpose of keeping a journal record is to preserve sufficient legal data in case the original documents are misplaced or destroyed. The journal record should contain copies of all items of process by which the court acquired jurisdiction in the case and copies of all documents signed by the court. A journal record is not required in small claims or juvenile cases.

12 O.S. § 22

12 O.S. § 24

Entries

The journal record can either be kept as a hard-copy document, microfilm, optical disk, or another appropriate medium.

- **Hard Copy**

The hard copy format for the journal record has reproduced pages of the original documents in the case file made on permanent paper. These copies are fastened together into a book and should be stored in a secure place.

- **Microfilm, Optical Disks, Other Appropriate Medium**

The journal record can be kept completely on microfilm, optical disks, or other appropriate medium, and a copy of each document should be made for the journal record soon after it is filed in the case file. Copies made from microfilm, optical disks, or other appropriate medium, when certified by the court clerk, can be received into evidence with the same effect as the original.

12 O.S. § 24(2)

12 O.S. § 3005

20 O.S. § 1005(B)

Journal records must be stored on at least two (2) microfilm records, optical disks, or other appropriate medium. One (1) is available in the court clerk’s office for public access. The court clerk must place the second with the Archives and Records Division for the Oklahoma Department of Libraries, or in a bank or other appropriate local depository.

Each entry in the journal record has a reference number associated with it. Hard copies have book and page numbers and microfilm has reel and frame numbers. These reference numbers should be recorded on the appearance docket beside the entry for the original document.

Motion, Hearing, Disposition, and Trial Dockets

The motion, hearing, disposition, and trial dockets are based on the court calendar as set by the judge and become the schedules for cases to be considered by the court. Judges will typically set certain days of the week on which to hear certain case types.

20 O.S. § 91.2
12 O.S. § 663

Please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#),” for detailed information about the various court dockets.

Juror Attendance, Claims, and Fee Records

The court clerk must keep a record of each juror’s attendance and a record of fees paid to jurors. Please refer to Chapter Twenty-One, “[Duties of the Court Clerk: Jury Selection and Procedures](#),” for more information.

28 O.S. § 86
28 O.S. § 87

Search Warrants

The court clerk must maintain a file of executed, or returned, Search Warrants and index them alphabetically. This file is normally a binder into which pages can be inserted. The first portion of the binder is an alphabetical index. Please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#),” for more information on search warrants.

22 O.S. § 1224.2

Other Records

Minute Dockets

The minute docket is a collection of the minutes of all court sessions and is usually arranged chronologically with civil and criminal cases intermingled.

The minute docket is not required by the statutes and because of the duplication of effort involved in keeping this docket, it should be kept only if requested by the district judge.

Judgment Dockets

The judgment docket became obsolete on January 1, 1991. Judgments may be docketed in the county clerk's office.

12 O.S. § 706

Maintaining Records

Table 12-2 contains a list of specific record-keeping tasks that the court clerk performs for cases filed with the district court.

Table 12-2. Court Clerk's Record-keeping Tasks for Court Cases

Record-keeping Tasks	Chapter Reference	Statute Reference
Assign case type and case number (Case Type)-(Year)-(Consecutive Number)	12	SCAD-2009-101 (Contact AOC for access)
Open case file.	12	12 O.S. §§ 29, 30
Start appearance docket.	12	12 O.S. § 22 12 O.S. § 23 20 O.S. Chapter 18, Appendix 1 Rule 5(b)
If applicable, start appearance docket index.	12	
Start journal record.	12	12 O.S. § 22 12 O.S. § 24 12 O.S. § 29
If applicable, enter in general index.	12	
Enter on appropriate docket (such as motion, hearing, trial, and disposition).	18	20 O.S. § 91.2
File documents. File stamp documents. Enter on appearance docket. Place in case file.	12	12 O.S. § 31 12 O.S. § 696.3(C) 12 O.S. § 23 12 O.S. § 30
Record Documents. File and scan all documents and make a permanent record of all documents to place in the journal record. If applicable, enter the page or microfilm file number on the appearance docket.	12	12 O.S. § 24

Table 12-2. Court Clerk's Record-keeping Tasks for Court Cases (Continued)

Record-keeping Tasks	Chapter Reference	Statute Reference
Establish and collect costs per the uniform fee schedule. No charge: state agencies, district attorney, Department of Human Services	11	28 O.S. § 31; 28 O.S. § 12 28 O.S. § 151 12 O.S. § 66
Issue and maintain receipts for all money collected.	9	28 O.S. § 9
Issue vouchers for approved disbursements	9	19 O.S. § 683
Ensure minutes of all courtroom events. Civil Criminal Probate: if applicable, minute book	12	12 O.S. Ch. 15, App. 1 Rule 1.21 12 O.S. §§ 23; 860; 696.2(D) 22 O.S. § 977 58 O.S. § 701
Perform other activities as requested: Certify documents Authenticate documents	12	19 O.S. § 155.7(B) 12 O.S. § 38(B) 49 O.S. § 113(D) 49 O.S. § 114(A)(2) 49 O.S. § 119(5) 28 USC § 1738; 12 O.S. § 2902
Reproduce records for storage		19 O.S. § 155.7
Transferring Cases Civil Small Claims Criminal Juvenile	24 31 22 29	20 O.S. § 642 12 O.S. § 140.1 12 O.S. § 1757 22 O.S. § 562 22 O.S. §§ 441 ~ 445 10A O.S. § 1-4-101(B) 10A O.S. § 2-2-102(A)(4)

Table 12-2. Court Clerk's Record-keeping Tasks for Court Cases (Continued)

Record-keeping Tasks	Chapter Reference	Statute Reference
Subpoenas Civil: Procedure Witness & Fee Criminal: Subpoena Form Subpoena Duces tecum Service by fees, payment, witness from another state		12 O.S. § 2004.1 12 O.S. § 3252 12 O.S. § 400 12 O.S. § 2004 22 O.S. § 708 22 O.S. § 710 22 O.S. § 711 22 O.S. § 718
Issuing Writs & Orders Returns: Service and Proof of Service	12	12 O.S. §§ 28; 2005 12 O.S. §§ 1386; 1392 19 O.S. § 545; 12 O.S. § 2005(E) 12 O.S. Ch. 2, App., Rule 2
Issuing Summons Return: Service and Proof of Service Criminal: Summons for Court Financial Obligation	12	12 O.S. § 2004 12 O.S. § 2004(G) 12 O.S. § 32 22 O.S. § 983(G)(3)
Issuing Warrants Warrant Requisites: Bench Warrants Cost Cite and Release Warrants Cost Arrest Warrant Search Warrant Fugitive From Justice		22 O.S. § 173 22 O.S. § 185 22 O.S. § 983(E)(2) 22 O.S. § 1231 22 O.S. § 1141.13
Continuances		12 O.S. Ch. 2, App., Rule 24 12 O.S. §§ 667; 668; 857
Motion Docket Motions	18	20 O.S. § 96 20 O.S. Ch. 1, App. 2, Rule 14(B) 12 O.S. Ch. 2, App., Rule 4(F)
Disposition Dockets Civil Criminal	18	20 O.S. § 91.2 20 O.S. Ch. 1, App. 2 Rule 14(A) 12 O.S. § 1083 22 O.S. § 2002(D)
Trial Docket Civil Criminal		12 O.S. § 22 12 O.S. § 663 12 O.S. § 666

The Court Seal

The court seal must be affixed to some documents issued by the court clerk. The following list includes examples of documents that require the court seal:

- Writs
- Summons
- Certified copies
- Documents in which an oath is administered
- Certificates of mailings (court clerk mails the document).

Constitutional Schedule
§ 22
Constitutional Schedule
§ 24
12 O.S. § 38

Case Number and Case File

As described earlier in this chapter, the court clerk's first duty when a case is filed with the court is to assign a case number and open a case file. [Table 12-1](#) contains case code designations for case numbers. All cases shall bear a case prefix, then a hyphen, and then all four digits of the calendar year, followed by a hyphen and the case number, which will be consecutively numbered within a calendar year. Each year should begin with the number 1. To acquire the directive establishing this standard (SCAD-2009-101), the document must be requested from (AOC) Administrative Office of the Courts.

12 O.S. § 29
12 O.S. § 30

Example: Case Type-Calendar Year-Number

NOTE:

The case number must be marked on all documents related to that case.

The court clerk or deputy should ensure that cases are numbered in sequence and the proper case code designations are assigned.

Cover Sheets

Effective January 1, 2010, all new case filings in the court clerk's office shall be accompanied by a [cover sheet](#) adopted by each district court and furnished by the AOC. These cover sheets shall accompany each party's initial filing in a case. To acquire the directive establishing this standard (SCAD-2009-101), the document must be requested from (AOC) Administrative Office of the Courts.

Cover sheets are not to be filed or made a part of the case. The court clerk shall destroy each cover sheet within thirty days.

File Stamp

Documents received into the court clerk's office for filing must be promptly stamped with the date using the file stamp. The file stamp shall endorse the file date and the name and title of the clerk on each document filed. SA&I recommends having a policy or procedure for identifying the employee filing the document.

12 O.S. § 31

12 O.S. § 696.3(C)

The file stamp may be a hand stamp or an electrical stamp machine. The date must be included. The time of day is optional, regardless of the type of file stamp used.

After a document is file stamped, it must be placed in the case file and a dated notation that it was filed must be entered on the appearance docket.

Minutes

The court clerk shall transcribe onto the appearance docket all minute entries made and all the electronically recorded abstracts. An abstract/minute shall contain a very brief description of the order or judgment rendered. It must not be encumbered with a detailed recital of the terms. Either the district judge or the court clerk may prepare an appearance docket entry in the form of a minute, or the content of the entry may be dictated either by the district judge or the court clerk into an electronic recording device.

12 O.S. § 23

A minute entry, verdict, informal statement of the proceedings and relief awarded, including but not limited to: a letter to a party or parties indicating the ruling or instructions for preparing the judgment, decree, or appealable order, shall not constitute a judgment, decree or appealable order.

Acknowledgment, Verification, Witnessing, and Certifying

12 O.S. § 696.2

The court clerk may perform notarial acts, or any act that a notary public of Oklahoma is authorized to perform, which includes taking an acknowledgment, administering an oath or affirmation, taking a certification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

22 O.S. § 977(A)
58 O.S. § 701

Document Certification

The court clerk is often asked to certify documents. To certify a document, the court clerk performs the following steps:

49 O.S. § 112(1)
49 O.S. § 112(4)(b)
49 O.S. § 114(A)(2)

1. Reproduce the document.
2. Affix a certification stamp to the reproduction that states that the document is a correct and complete copy of the instrument as it appears of record and on file in the court clerk's office.
3. Sign the certification stamp on the reproduction.
4. Apply the court seal.

49 O.S. § 113(D)
49 O.S. § 116(A)(1)
49 O.S. § 119(5)
16 O.S. § 87

Example of Certification Stamp Wording for Attestation of a Copy of a Document.

I do hereby certify that the above and foregoing is a true copy of the original document now on file in my office.
Witness my hand and official seal of the District Court Clerk
_____ County, Oklahoma, this ____ day of _____
20____.
(Name of Court Clerk), District Court Clerk

49 O.S. § 119(5)

Certifying Multiple Documents

If several documents need to be certified at the same time, the documents can be listed in a clearly identifiable manner on a separate sheet of paper along with a statement certifying the document, such as the example shown in [Figure 12-1](#).

28 O.S. § 31

When this sheet of paper is signed and sealed, it serves as certification for all of the listed and attached documents.

Collecting Fees

To certify any document, the court clerk collects a fee, as specified in the Uniform Fee Schedule. Please refer to Chapter Eleven, “[Duties of the Court Clerk: Fees](#),” for information about fees and fee amounts.

STATE OF OKLAHOMA }
COUNTY OF _____ } ss. IN THE _____ COURT

I, _____,
Court Clerk in and for _____ County, Oklahoma, hereby certify the within and
foregoing to be true, complete and correct copy of _____

as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the official seal of my office this
_____ day of _____, _____

(SEAL) _____, Court Clerk

Deputy

Figure 12-1. Sample Document Certification Form

Court Record Authentication

The authentication must have the attestation of the court clerk and the seal of the district court together with a certificate of a district court judge that the said attestation is in proper form. A court clerk may be asked to authenticate court records. Most court clerks complete a document certification form when requested to authenticate a record.

28 USC § 1738
12 O.S. § 2901
12 O.S. § 2902

To authenticate any document, the court clerk collects a fee, as specified in the Uniform Fee Schedule. Please refer to Chapter Eleven, “[Duties of the Court Clerk: Fees](#),” for information about fees and fee amounts.

28 O.S. § 31

Storing Records

The court clerk can photograph, microphotograph, photostat, reproduce on film or store on an optical disk any or all records in the court clerk’s office for storage or archiving.

These copies are considered as original records for all purposes and shall be admissible in evidence in all courts or administrative agencies.

19 O.S. § 155.7(B)

Records should be archived or disposed of according to the statutes and other restrictions. Please refer to Chapter Thirteen, “[Duties of the Court Clerk: Record Access and Disposition](#),” for additional information.

Transferring Records

When the district court finds the venue of said cause is in some other county as provided by the statutes, the district court shall order the transfer of that case or probate matter to the other county; and, upon the order being made, the court clerk shall prepare a transcript of all the papers filed, orders entered, and a bill of the costs accrued, and shall transmit the files and transcript of cause by registered mail, to the district court or the clerk of the district court of the proper county.

20 O.S. § 642

If the case is a civil case, the court clerk shall collect a new filing fee and shall transmit by certified mail the files and transcript of the cause and the filing fee which shall be due to the clerk of the court to which the transfer is ordered. Unless otherwise ordered by the court, the plaintiff shall be responsible for appropriate filing fees when a case is brought in the wrong venue and transferred to a court having proper venue. In all other instances, the moving party shall be responsible for fees. The fees for the transfer shall be paid within ten (10) days of the transfer order.

12 O.S. § 140.1

Mailing Records

Certificate of Mailing

A file-stamped copy of every judgment, decree, or appealable order shall be served upon all parties, including those parties who are in default for failure to appear in the action, by the counsel for a party or party who prepared it, or by a person designated by the trial court, promptly and no later than three (3) days after it is filed. If the judgment, decree, or appealable order was prepared by the district court, the district court may direct a bailiff, court clerk, or other party to perform the service, and certificate of service is required. Mailing a file-stamped copy of the judgment, decree, or appealable order by first-class mail to the party's last-known address shall be sufficient.

12 O.S. Chapter 2,
Appendix Rule 27

The copies of the order or judgment taken under advisement by the district court shall be mailed under this rule and shall bear the notation of the date of mailing, and the court clerk or other party mailing shall file a certificate of mailing with the court clerk.

12 O.S. § 2005(B)(4)

Every order required by its terms to be served, every pleading subsequent to the original petition unless the district court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party or any other person unless the district court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. Service by mail is complete upon mailing, service by commercial carrier is complete upon delivery to the commercial carrier, and service by electronic means is complete upon transmission. If the court clerk or other party is required to serve a judgment or other paper by first-class mail, service in accordance with any method permitted by this section is sufficient to comply with such requirement.

A recommended practice is for the court clerk to complete a certificate of mailing on all mailings of requested or required documents and attach the certificate of mailing to the documents.

Certified Mail

The court clerk is frequently requested to send documents by certified mail. The following procedure should be followed when sending certified mail:

1. Complete a Receipt for Certified Mail form. Leave the form intact and attach the lower portion of the form to the top left section of the address side of the article being mailed. Write or stamp on the front of the article “Return Receipt Requested” and “Deliver to Addressee Only,” if applicable.
2. Complete both sides of a Domestic Return Receipt form and attach it to the front or back (if necessary) of the article being mailed.
3. When mailing the article, the postal worker determines the postage and postmarks the upper portion of the Receipt for Certified Mail form. This receipt should be attached to the original document, which is retained for the case file.
4. After obtaining the signature of the addressee (or authorized agent), the postal agent removes the Domestic Return Receipt from the article mailed and returns the form to the court clerk’s office.
5. When the court clerk receives the (green) return receipt card with a signature, the card is file stamped and attached to the original document, which was filed in the case file. The return of the receipt card should be noted on the appearance docket with the date it was signed and the identity of the person who signed the return receipt.

If the item is returned with an explanation of non-delivery, the item should be placed in the case file and a notation made on the appearance docket.

The court clerk should collect, at the time of the request for the mailing, certified mailing, or restricted mailing, the specified mailing charges as set forth in the Uniform Fee Schedule.

28 O.S. § 31

Please refer to Chapter Eleven, “[Duties of the Court Clerk: Fees](#),” for information about fees and fee amounts.

Service by Mail

Restricted

Service by mail shall be accomplished by mailing a copy of the summons and petition by certified mail, return receipt requested, and delivery restricted to the addressee. When there is more than one defendant, the summons and a copy of the petition or order shall be mailed in a separate envelope to each defendant.

12 O.S. § 2004(C)(2)

Return

The person mailing the summons and petition shall endorse on the copy of the summons or order of the district court that is filed in the action the date and place of mailing and the date when service was receipted or service was rejected. This person shall attach to the copy of the summons or order a copy of the return receipt or returned envelope, if and when received, showing whether the mailing was accepted, refused, or otherwise returned. If the mailing was refused, the return shall also show the date and place of any subsequent mailing. When the summons and petition are mailed by the court clerk, the court clerk shall notify the plaintiff's attorney within three (3) days after receipt of the returned card or envelope showing that the card or envelope has been received.

12 O.S. § 2004(C)(3)

Chapter Thirteen

Duties of the Court Clerk: Record Access and Disposition

Providing Access to Records

Open Records Act

51 O.S. § 24A.1
51 O.S. § 24A.5

According to the Oklahoma Open Records Act, all county officials must keep public records “open for public inspection for proper purposes, at proper times, and in a proper manner, and for copying and/or mechanical reproduction during regular business hours of the day.”

The statutes state that the people of Oklahoma have an inherent right to know and be fully informed about their government at any level. The Oklahoma Open Records Act ensures and facilitates the people’s right to access and review government records so that they may exercise this right except where certain state or federal statutes create a confidential privilege. The privacy interests of individuals are adequately protected in the specific exceptions to the Oklahoma Open Records Act or in the statutes which authorize, create, or require the records.

51 O.S. § 24A.2
51 O.S. § 24A.7(D)

51 O.S. § 24A.8
51 O.S. § 24A.9
51 O.S. § 24A.14
51 O.S. § 24A.19
51 O.S. § 24A.20

Except as may be required by other statutes, the court clerk does not need to follow any procedures for providing access to public records except those specifically required by the Oklahoma Open Records Act.

Access to Records

Most of the records in the court clerk's office are available for public inspection. A good practice recommendation is to allow individuals to examine records only in the court clerk's office or an adjacent office.

The court clerk must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and prevent excessive disruptions of its essential functions. A delay in providing access to records shall be limited solely to the time required for preparing the requested documents. In no event may production of a current request for records be unreasonably delayed until after completion of a prior records request that will take substantially longer than the current request.

51 O.S. § 24A.5(6)

The court clerk shall designate certain persons who are authorized to release records to the public for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during regular business hours.

51 O.S. § 24A.5(7)

Officers of the district court and other authorized personnel may remove records or case files from the court clerk's office for up to twenty-four (24) hours. Certified abstractors, who are doing business within that county and have an approved bond on file with the county clerk may also remove records or case files from the court clerk's office for up to twenty-four (24) hours after first providing a proper receipt.

12 O.S. § 31.1
1 O.S. § 36(B)

The district court creates and enforces the rules that pertain to the removal of records or case files from the court clerk's office. A recommended practice is that the court clerk keep some kind of check-out documentation (an out-card file or computer spreadsheet, for example) of all records removed from the court clerk's office that shows where any office records can be found at any given time.

12 O.S. § 31.1

All records may be copied and costs assessed as provided in the Uniform Fee Schedule.

28 O.S. § 31

Electronic Filing

Any court clerk who makes the requested records available on the internet shall meet the obligation of providing prompt, reasonable access to those records.

12 O.S. Appendix 1
Rule 1.1(e)(1)

The Supreme Court of Oklahoma makes rules regulating the display of district court records online. The rules ensure that all online data is displayed uniformly in all counties. The Supreme Court may modify the rules as necessary. All court clerks shall obey and follow the rules.

12 O.S. § 32.1A

The Rules for Electronic Filing in the Oklahoma Courts that authorize electronic filing, electronic service, electronic signatures, and producing hard copies of electronic files for district court records are outlined in the Oklahoma Statutes.

12 O.S. Appendix 1 Rule 1.1(e)

Disclaimer Protection

When providing information about a case, a good practice recommendation is for the court clerk to use a disclaimer similar to the one shown in [Figure 13-1](#) to protect against disclosing inaccurate information.

Requests for Records

When a request is made by telephone for case-related records or other information, a recommended practice is that the court clerk require that all requests for any such information be made in person or in writing to ensure that adequate documentation exists for the release of the records.

Any request for a record that contains individual records of persons, and the cost of copying, reproducing, or certifying each individual record is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof, requested as prescribed by state law.

51 O.S. § 24A.5(4)

Otherwise, the court clerk may charge a fee only for the recovery of the reasonable, direct costs of record copying, or mechanical reproduction according to the court clerk fee schedule.

28 O.S. § 31

However, if the request would clearly cause excessive disruption of the essential functions of the court clerk's office, then the court clerk may charge a reasonable fee to recover the direct cost of record search and copying.

51 O.S. § 24A.5(4)(b)

I, _____, Court Clerk/Deputy Clerk, have reviewed the district court records of _____ County to supply the information requested by _____ on _____.

The information supplied is, to our knowledge, true and correct; however, the District Court Clerk of _____ County, or any employee thereof, assumes no liability for incomplete or erroneous information. Court records are, with few exceptions, open for public inspection as indicated in the Oklahoma Open Records Act.

Court Clerk/Deputy Signature

Date

Figure 13-1. Disclaimer for Information Supplied from Court Records

However, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purposes, and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy.

51 O.S. § 24A.5(4)(b)

The court clerks shall furnish, without charge or fee, duly certified copies of documents, as described in the statutes, when requested to do so by any member of the armed forces of the United States, past or present, as described in the statutes.

72 O.S. § 23

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors, and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

51 O.S. § 24A.5(4)(b)

The court clerk shall post a written schedule of the fees at its principal office and with the county clerk.

28 O.S. § 7
51 O.S. § 24A.5(4)(b)
51 O.S. § 24A.5(4)(b)

The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

Please refer to Chapter Eleven, “[Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports](#),” for additional information on assessing fees.

WARNING:

If any court clerk purposefully violates any provision of the Oklahoma Open Records Act, that person can be charged with a misdemeanor and, if convicted, removed from office. Also, any person who is denied access to a public record can file a civil suit and seek damages.

51 O.S. § 24A.17(A)
51 O.S. § 24A.17(B)

Confidential Records

Protecting Confidential Records

Certain records are not available for public access because of confidentiality or privacy created by state and federal statutes. Although the law allows specified individuals to inspect confidential records in certain case types, the court clerk may not immediately be able to verify an individual’s privilege.

51 O.S. § 24A.5
51 O.S. § 24A.13
51 O.S. § 24A.25
51 O.S. § 24A.30

NOTE:

In such instances, a recommended practice is that the court clerk obtain a court order or require the individual to obtain written approval from the district court before releasing any information that might possibly be considered confidential, or for which any question of access might exist.

The court clerk shall **NOT** post on any court-controlled web site any document that contains a charge in 21 O.S. § 886, 21 O.S. § 888, 21 O.S. § 834.5, 21 O.S. § 644, 21 O.S. § 741, 21 O.S. § 843.1, 21 O.S. § 885, 21 O.S. § 1021, 21 O.S. § 1021.2, 21 O.S. § 1021.3, 21 O.S. § 1040.13a, 21 O.S. § 1081, 21 O.S. § 1085, 21 O.S. § 1087, 21 O.S. § 1088, 21 O.S. § 1111, 21 O.S. § 1116, or 21 O.S. § 1123, or if the offense involves the detestable and abominable crime against nature with mankind.

12 O.S. § 39

Access to Confidential Records

Care must be taken when refusing permission for public review of any public record. For protection, a recommended practice is for the court clerk to obtain a written statement from the district attorney or the district court that prohibits public access to a record. This action protects the court clerk from a possible act of commission or omission, which might result in removal from office.

A public record includes, but is not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record, or other material regardless of physical form or characteristic, that is in the custody, control, or possession of the court clerk.

51 O.S. § 24A.3(1)

Types of Confidential Records

The following records have been declared confidential by Oklahoma statute:

NOTE:

While all documents filed in the following case types are not necessarily confidential, a good practice recommendation is that the court clerk secure each entire case file to prevent inadvertent release of confidential information to unauthorized parties.

- **Adoption Cases**

The court clerk must keep all papers, records, and books of proceedings in adoption cases and all papers, records, and books related to such proceedings as a permanent record of the district court and maintain them in a separate file. A good practice recommendation is to keep these items in a safe and secure location, such as a locking file cabinet or a vault and to not open these documents for inspection or copying except as permitted by law.

10 O.S. § 7501.1

Refer to Chapter Twenty-Eight, “[Access to Files](#),” for more information on adoption files.

- **Children and Juvenile Cases**

The court clerk should not disclose any information contained in children or juvenile cases to the general public unless ordered by the district court. A list of persons who may inspect records belonging to children or juveniles without a court order pursuant to the Children’s Code and the Juvenile Code is provided in the statutes. A recommended practice is that the court clerk check with the district attorney or the district judge to ascertain when access may be granted if any doubt exists as to a person’s right to access children or juvenile record.

10A O.S. § 1-6-101

10A O.S. § 1-6-102

10A O.S. § 1-6-103

10A O.S. § 2-6-101

10A O.S. § 2-6-102

10A O.S. § 2-6-104

10A O.S. § 2-6-105

10A O.S. § 2-6-106

WARNING:

Any person or agency who knowingly permits, assists, or encourages the release, disclosure, of any confidential records or information contained in any juvenile record for any commercial, political, or unauthorized purpose shall be guilty of a misdemeanor.

10A O.S. § 2-6-104(B)

10A O.S. § 2-6-105(B)

10A O.S. § 2-6-106(B)

The statutes also provide specific requirements for sealing and expunging juvenile records. This information is discussed in Chapter Twenty-Nine, “[Records, Sealing Records, Expunging Records, and Destroying Records](#).”

Review for Research

The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research

51 O.S. § 24(A)(19)

10A O.S. § 1-6-101

purposes. This authorization must be in writing and must state specifically the type of information that may be reviewed.

10A O.S. § 2-6-102
10A O.S. § 2-6-104
10A O.S. § 2-6-105
10A O.S. § 2-6-106

Each person who is granted permission to inspect confidential reports and records for research purposes must present a notarized statement to the district court that states that the names of children, parents, and other such persons required by that court to be confidential will remain confidential.

Review for School District

Nothing in the related statutes shall be construed as prohibiting the disclosure of confidential information to any educational institution, facility, or educator to the extent necessary to enable the educator to better provide educational services and activities for a child and provide for the safety of students.

10A O.S. § 1-6-102(H)(10)

Nondirectory education records may be inspected and their contents disclosed without a court order to a school district in which the child who is the subject of the record is currently enrolled or has been presented for enrollment. The inspection of records and disclosure may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure. Upon request by a school district, the county in possession of the records shall provide in writing, digitally, or by delivery to a secure facsimile line, the requested information to the school district within five (5) business days upon receipt of the request. Any records disclosed shall remain confidential. The use of any information shall be limited to the purposes for which disclosure is authorized.

10A O.S. § 2-6-102(A)(5)
10A O.S. § 2-6-102(M)
10A O.S. § 2-6-104(A)(2)(b)

- **Mental Health Cases**

All mental health and drug or alcohol abuse treatment information, whether or not recorded, and all communications between a physician or licensed mental health professional or a licensed alcohol and drug counselor and a consumer are both privileged and confidential. In addition, the identity of all persons who have received or are receiving mental health or drug or alcohol abuse treatment services shall be considered confidential and privileged.

43A O.S. § 1-109

Such information shall only be available to persons actively engaged in the treatment of the consumer or in related administrative work. The information shall be limited to the minimum amount of information necessary for the person or agency to carry out its function.

Except as otherwise provided in the statutes, such information shall not be disclosed to anyone not involved in the treatment of the patient or in related administrative work.

43A O.S. § 5-415(F)(1)

Records of proceedings under the Mental Health Law are not open to public inspection except by court order or to the following entities:

- Employees of the Department of Mental Health and Substances Abuse Services
- Employees of the private facility where the person is admitted, if the person is admitted into a private facility
- The person’s attorney of record
- Persons having a legitimate treatment interest

43A O.S. § 5-415(F)(2)

Bonded abstractors MAY be deemed to be persons having a legitimate interest. (A good practice recommendation is for the court clerk to obtain an administrative court order before allowing abstractors access to mental health files).

Court clerks are required to prepare each month a list of all persons “adjudged” mentally incapacitated and to provide the list to the secretary of the county election board.

26 O.S. § 4-120.5

NOTE:

“Adjudged mentally incapacitated” differs from “referred for mental treatment.” Persons referred for mental health treatment should not be included on the list sent to the county election board.

- **Guardianship Cases**

Certain information in guardianship files is confidential and not open to public inspection.

30 O.S. § 1-111(A)(2)

- Medical records
- Physical, psychological, or other evaluations of a ward or the subject of the proceedings
- Guardianship plans
- Reports of guardians, limited guardians, and conservators

Other parts of the guardianship file are not confidential and are open to public inspection. The appearance docket is an open record. A good practice recommendation is that the court clerk work with the judges assigned to consider guardianship cases to determine the method of maintaining confidentiality of the records. Access to the records needs to be strictly controlled.

30 O.S. § 1-122(A)

The statutes do allow certain persons to have access to the confidential guardianship information including the following individuals:

- The subject of the proceeding
- The subject's attorney
- The guardian's ad litem
- The ward's guardian and attorney
- The ward's conservator and attorney
- Licensed abstractors
- An authorized representative of the U.S. Department of Veterans Affairs upon providing proper identification
- An authorized representative of the Department of Human Services upon providing proper identification

- **Wills**

Upon the filing of a petition for the probate of a will and upon the production of the will, the court clerk shall safely preserve the original will and shall not permit it to be removed from the county courthouse until after a photographic, photostatic, or certified copy has been filed in the district court. However, after the copy is prepared and filed, the district court judge may, if good cause is shown and a written order is filed with the court clerk, permit the original will to be removed from the county courthouse.

58 O.S. § 24.1

- **Jury Lists**

Please refer to [Chapter Twenty-One](#) for details about the confidentiality of jury lists. According to the statutes, the court clerk is authorized to destroy jury lists after three years.

38 O.S. § 36(B)
38 O.S. § 36(D)
20 O.S. § 1007

However, because of the changes in the statute covering confidentiality of jury lists, a recommended practice is that the court clerk not destroy or dispose of any jury lists without obtaining a court order.

- **Bail Bondsmen Investigative Files**

Bail Bondsmen’s investigative files shall not be open for review unless so ordered by a proper administrative order of the hearing examiner or the insurance commissioner or by proper judicial order or legislative committee.

59 O.S. § 1302.2(C)

Destroying or Disposing of Records

The court clerk shall keep an appearance docket, a trial docket, a journal, and such other records as may be ordered by the district court or required by law. No district court records can be destroyed or discarded except as provided by law.

12 O.S. § 22

Microfilm or Other Appropriate Storage Before Destruction

Before the judicial records and the appearance docket books or sheets on which they are entered are destroyed, the court clerk must make at least two (2) microfilm records (or other appropriate storage records). One copy is placed in the Archives and Records Division of the Oklahoma Department of Libraries or in a bank or other appropriate local depository. The other copy is maintained in the court clerk’s office for public use.

20 O.S. § 1005(B)
12 O.S. § 24.1

NOTE:

The court clerk’s computer system may serve as the two (2) copies required by statute if all records are scanned into the computer system and all district court records are regularly backed up and sent to the Administrative Office of the Courts.

20 O.S. § 1005(B)

The statutes allow for the destruction of all records that have been recorded on microfilm or other recognized technological means after final adjudication of the case. In addition, district court records that have not been recorded and in cases where no activity has occurred for twenty-two (22) years (except for felony conviction, probate, adoption, quiet

20 O.S. § 1005.1

title, ejectment, partition, marriage and dissolution of marriage, and Indian deed approval records) can be destroyed or given as historical research materials to an appropriate agency.

NOTE:

12 O.S. § 22

The Administrative Office of the Courts (AOC) recommends that court clerks offer the records by list and in writing to any appropriate or interested organization before considering destroying the records. Administrative Directive (AOC 06-31) establishes this recommendation. Contact AOC for access to the directive.

WARNING:

20 O.S. § 1003

Court clerks should not destroy any records unless they first obtain an order from the chief district judge that authorizes the destruction.

For counties where microfilm is not economically feasible, the court clerk must record in a permanent docket book, or on a permanent docket sheet, the disposition of each case or the words “disposition unknown” before destroying or disposing of records in all criminal cases, except traffic offenses.

20 O.S. § 1003

Specific Disposition Procedures

Certain types of records require specific disposition procedures. The following paragraphs describe procedures for categories of records as directed by the statutes.

20 O.S. § 1005(A)

If the chief judge of the district court has no objection, the court clerk can dispose of the following judicial records by first offering them to the Archives and Records Division of the Oklahoma Department of Libraries for preservation as historical research materials and destroying those not accepted by the division:

20 O.S. § 1005(A)(1,2,4,5,7)
20 O.S. § 1005(A)(1,2,4,5,7)

- Domestic relations, probate, or felony criminal, misdemeanor, civil, or juvenile cases that have been dismissed and no action or pleading has occurred for one (1) year
- Domestic relations cases, probate cases, or juvenile cases in which no action or pleading has occurred for twenty (20) years
- Actions brought for money judgment only in which a dismissal or release and satisfaction has been filed for more than one (1) year

20 O.S. § 1005(A)(3)

- Other civil cases, adjudicated felony criminal cases, or traffic cases of convictions for driving under the influence of intoxicating liquor or narcotic drugs, in which no action or pleading has occurred for ten (10) years
- Adjudicated felony criminal cases, where the sentence imposed was death; life without parole; or life, in which no action or pleading has occurred for fifty (50 years)
- Judicial records of traffic cases and their corresponding docket records for cases in which no action has occurred for five (5) years

(This rule does not apply for convictions for driving under the influence of intoxicating liquor or narcotic drugs. For these convictions, the records may be destroyed after a period of ten (10) years in which no action has been taken).
- Records of criminal property cases in which no pleading or action has occurred for two (2) years

20 O.S. § 1005(A)(4)
20 O.S. § 1005 (C)
20 O.S. § 1005 (A)(4)(5)

20 O.S. § 1005 (A)(5)(c)

20 O.S. § 1005(C)

20 O.S. § 1005(D)

The following records are not subject to microfilming or other permanent recording requirements:

- Judicial records of justice of the peace courts including docket books for cases in which no pleading or action has occurred for five (5) years
- Small Claims cases including the docket books and sheets for cases in which no action has occurred for five (5) years

20 O.S. § 1005.1(B)

20 O.S. § 1005.1(B)

Certain Records and Reporter's Notes

If the chief judge of the district court has no objection, the court clerk can dispose of the following judicial records as indicated:

20 O.S. § 1006(A)

- All exhibits in domestic relations cases in which no activity has occurred for twenty (20) years
- All exhibits in all civil cases (except domestic relations) in which no activity has occurred for ten (10) years

The chief district judge may direct a court reporter (associated with the district court) to destroy court reporter notes after ten (10) years past the date of the proceeding. If a proceeding does not result in an appeal where a request has been made to transcribe the proceeding, all court reporter notes can be destroyed immediately after the transcription is completed.

20 O.S. § 1006(B)

NOTE:

No pleadings or judgments can be destroyed under these provisions.

20 O.S. § 1006(C)

Documents That Can Be Destroyed or Sold for Salvage

The court clerk can destroy or sell for salvage the following judicial records as indicated in the statutes:

NOTE:

A recommended practice is that court clerks should ensure that all records have been audited before being destroyed.

- All health certificates filed with marriage license applications that have been on file for over one (1) year
- All documents related to all other licenses issued including applications, affidavits of residence, orders for hearing, notices of hearing, affidavits of posting and mailing, and duplicate beer licenses that have been on file for over two (2) years
- Any juvenile records ordered sealed by the court that have not been unsealed within ten (10) years of the order
- Any juvenile records ordered expunged by the court and sealed, which have not been unsealed within ten (10) years of the expungement order
- All of the following records which have been on file for over three (3) years:
 - Duplicate receipts
 - Duplicate vouchers

20 O.S. § 1007(1)

20 O.S. § 1007(2)

10 O.S. § 7307-1.7(I)

10 O.S. § 7307-1.8(J)

20 O.S. § 1007(3)

- Mechanics and materialmen lien records
- Duplicate deposit tickets
- Court clerk's liens
- Court fund claims
- Monthly reports
- Statutory bonds, cost bonds, and procedural bonds
- Paid claims
- Court assignments
- Court calendars including disposition docket books
- Appearance bonds and search warrants in which no charges are filed
- Purchase orders
- Court minutes and records pertaining to bondspersons' licenses
- With the exception of felony conviction records, probate, adoption, quiet title, ejectment, partition, marriage and divorce records, and Indian deed approval records, all court records which have not been recorded on microfilm, microfiche, compact disc, or any other recognized technological means and in which no activity has occurred for twenty-two (22) years, may be destroyed or may be given as historical research materials to an appropriate organization as determined by the court clerk.

20 O.S. § 1005.1(B)

Depositions

The court clerk can destroy, from time to time, depositions taken in all civil cases, except adoptions, after a ten (10) year period, and depositions taken in domestic relations cases in which no action or pleading has occurred for twenty (20) years.

20 O.S. § 1008

Court Reporter's Notes – Termination of Employment

Unless otherwise ordered by a judge of the district court, each court reporter who has been employed by the district court shall remove all exhibits, notes, and other materials from the custody of the court clerk within thirty (30) days after termination of

20 O.S. § 1011

employment with that district court by the court reporter. If the court reporter fails to remove the property in a timely manner, the court clerk is authorized to destroy all exhibits, notes, and other materials of a court reporter after six (6) months has elapsed since termination of the court reporter's employment.

Deceased Court Reporter's Notes

Any person who lawfully possesses a court reporter's notes can destroy those notes after one (1) year following the court reporter's death.

20 O.S. § 1010

Files and Records in Misdemeanor and Traffic Cases

The court clerk is to destroy, or sell for salvage, or give to any religious, fraternal, or patriotic organization, for sale, all papers, files, and records in misdemeanor and traffic cases, except docket books, in the justice of the peace courts, county courts, special sessions courts, or common pleas courts. The same process applies to all papers, files, and records in civil actions, except docket books, in the justice of the peace courts and special sessions courts after a period of five (5) years have elapsed since any pleading has been filed or action taken in the case. The presiding judge of the administrative district and the presiding judge of the district court district are to supervise and see that such action is taken by the court clerk.

20 O.S. § 1002

Documents That Should Not Be Destroyed or Sold for Salvage

These documents should not be destroyed or sold for salvage:

- Adoption records
- Mental health records
- Marriage records
- Felony conviction records (death penalty, life without parole, and life (after fifty (50) years))
- Indian deed approval records
- Naturalization papers
- Military records (should be filed in the county clerk's office)

10 O.S. § 7505-1.1(B)(1)

72 O.S. § 221

43 O.S. § 11

20 O.S. § 1005(A)(5)(c)

20 O.S. § 1005.1(A)

72 O.S. § 221

72 O.S. § 221

- Probate (probate records are not recorded on microfilm, microfiche, compact disc, or other recognized technology)
- Stored wills (not filed in probate)
- Cash Voucher Books
- Miscellaneous (any vital records)

20 O.S. § 1005.1(A)

58 O.S. § 24.1

67 O.S. § 209

NOTE:

A good practice recommendation is that unless the statutes specifically address the disposal, destruction, or sale of records, the records should be kept and not destroyed or sold for salvage.

WARNING:

Any county clerk, register, or other officer having the custody of any record, maps, or book, or of any paper or proceeding of any court of justice, filed or deposited in any public office, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying, or unlawfully removing or secreting such record, map, book, paper or proceeding, or who permits any other person so to do, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, and in addition, such person shall forfeit their office.

21 O.S. § 461

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Chapter Fourteen

Duties of the Court Clerk: Reports

Reports

Court clerks are required to furnish reports to the Administrative Office of the Courts (AOC) and various other state offices. This chapter lists the reports not associated with fees or other monies collected by the court clerk and explains the reporting procedures. Reports related to fees and other monies collected by the court clerk are discussed in Chapter Eleven, “[Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports.](#)” Other financial-related reports are discussed in Chapter Nine, “[Duties of the Court Clerk: Finances.](#)”

Caseload Statistical Reports

All court clerks must furnish to the AOC statistical information regarding district court activities for use by the Supreme Court, the Oklahoma State Senate, and the Oklahoma State House of Representatives. This statistical information includes, but is not limited to, the following data:

- The number and classification of cases filed with the district court
- The number and classification of cases disposed of by the district court and the manner of the dispositions

12 O.S. § 33
12 O.S. § 34
12 O.S. § 35

- The number and classification of cases pending before the district court

The AOC distributes a District Court Caseload Statistics form on a quarterly basis to all court clerks for use in reporting the above information. In addition, the AOC updates and distributes the instructions for preparing this form. A good practice recommendation is that court clerks verify that they have the most recent version of this form and the latest instructions.

Court Clerk Internal Revenue Service (IRS) 1099 Reports

The court clerk is required by Internal Revenue Service (IRS) rules to report on IRS Form 1099 each year all monies paid to one individual or entity that total Six Hundred Dollars (\$600.00) or more. These include such payments made by the court clerk from accounts in their office paying for services to corporations such as:

- Attorney Fees
- Juror Fees
- Witness Fees
- Appraiser Fees
- Court Reporters
- Contractors
- Interpreters

All reports from the IRS may be updated from time to time, and accordingly, the documented reporting of information may move on the form. Software is available for purchase to download for reporting the forms. The information to be provided on the 1099 will not vary or change entirely. The following is information that would need to be compiled for preparing 1099 forms.

- Court clerk federal ID number
- Court clerk name and address
- Having a W-9 form on file for individuals or entities that would receive a 1099 form
- The federal ID number or the social security number of the payee
- The amount paid for the year of Six Hundred Dollars (\$600.00) or more

A recommended practice is to follow the rules for each year provided in the IRS and AOC advisory letters.

If the following four conditions are met, generally a payment must be reported.

- The payment was made to someone who is not an employee of the court clerk's office.
- The payment was made for services in the course of trade or business in the court clerk's office (including government agencies and nonprofit organizations).
- The payment was made to an individual, partnership, estate, or, in some cases, a corporation.
- A payment was made to any party of at least Six Hundred Dollars (\$600.00) or more during the year.

The following is information that needs to be compiled for other 1099 forms.

- Payments of at least Ten Dollars (\$10.00) in royalties or broker payments in lieu of dividends or tax-exempt interest
- Information for each person from whom any federal income tax has been withheld (report in Box Four [4]) under the backup withholding rules regardless of the amount of the payment
- Information for any party to whom at least Ten Dollars (\$10.00) of interest was paid during the year

The AOC sends periodic guidelines for reporting to the IRS. These guidelines provide direct information on software purchases, descriptions to be used on forms, and guidelines for reporting.

The following are the forms that may be needed:

- 1099-NEC
- 1099-MISC
- 1099-INT
- 1096

Court Clerk Office Records and Reports

Disaster Recovery Plans

Each county office in each county is required to develop an emergency management program in accordance with the Oklahoma Emergency Management Act of 2003. County jurisdictions are required to have a qualified emergency management director as outlined in the Oklahoma Statutes.

63 O.S. § 683.11

Each court clerk should review and update their Disaster Recovery Plan annually with the emergency management director in their county.

Oklahoma Department of Labor Work-Related Injury and Illness Records

The Oklahoma Occupational Health and Safety Standards Act (OOHSSA) requires that each court clerk, with one or more employees, prepare and maintain records of all work-related injuries and illnesses.

40 O.S. § 402(1)
40 O.S. § 403

The act also requires the court clerk to file a Workplace Safety and Health/Statistics/Injury and Illness form with the Oklahoma Department of Labor between February 1 and April 30 each year.

The county clerk may include court clerk employees paid from the court fund, the Court Clerk's Revolving Fund, and the Court Clerk's Records Management and Preservation Fund with other county employees in the county clerk's report to OOHSSA. If so, the court clerk does not need to file a report. A recommended practice is that the court clerk should obtain a copy of the county clerk's report for their files.

40 O.S. § 417

Inventory and Purchasing Records

The court clerk is required to maintain a continuous inventory record of tools, apparatus, machinery, and equipment that has a cost of Five Hundred Dollars (\$500.00) or more and file a copy with the county clerk. The records should be updated at least once each year or more often, if necessary.

19 O.S. § 178.1
19 O.S. § 178.2

Refer to Chapter Ten, "[Office of the Court Clerk: Inventory and Purchasing](#)," for more information on inventory and purchasing records.

Personnel Records and Reports

Guidelines for timesheets, and sick leave, vacation, and special leave documents are included in ACCO's Sample Personnel Policy.

60 O.S. § 661(A)(D)

Refer to “[Office Personnel](#)” in Chapter Six, “Office of the Court Clerk,” for more information on office personnel and court clerk office records and reports.

A recommended practice is that the court clerk maintain a copy of personnel records for all office employees in the court clerk's office, including reports relating to the deputies paid from any of the funds from the office (court fund, Court Clerk's Revolving Fund, and Court Clerk's Records Management and Preservation Fund). These reports include:

- IRS W-2 forms

This form requires an IRS W-4 form on file for each employee receiving a W-2 form.

- IRS 1099 forms

This form requires an IRS W-9 form on file for each individual or entity receiving a W-2 form.

- Employee's Quarterly Contribution Reports (unemployment insurance)
- OASA Work-Related Injuries and Illnesses

Oklahoma Employment Security Commission (OESC) Employer's Quarterly Contribution Report (Form ES-3)

Contributions shall accrue and become payable by each court clerk for each calendar year with respect to wages for employment. Such contributions shall become due and be paid each quarter by the court clerk to the Oklahoma Employment Security Commission for the unemployment compensation fund. The court clerk shall not deduct, in whole or in part, from the employees' wages. The report is prescribed by the Oklahoma Employment Security Commission. The court clerk shall compile and report the information below for each quarter:

40 O.S. § 3-102

40 O.S. §§ 3-102~3-120

- First and last name of employee

Includes all full and part-time employees for each month of the quarter

- Employee Social Security Number
- Total Gross Wages
- Taxable Wages

The court clerk fills in the online form and then either prints the payment voucher to mail the payment or does an electronic fund transfer.

40 O.S. § 3-120

Court Clerk's Revolving Fund Reports

Court clerks prepare the Court Clerk's Revolving Fund Quarterly Report ([SA&I Form No. 2510](#)). The quarterly report should be prepared and mailed to the AOC within thirty (30) days after the quarter has ended and should contain the following information:

19 O.S. § 220

- County and County Number
- The ending date for the quarter for which the information is provided
- Expenses for the quarter
 - Expenses listed by each category
 - Salaries to be itemized (page provided for itemization of salaries and benefits)
- Total disbursements for the quarter
- Beginning balance for quarter
- Deposits listed by month
- Total deposits
- Total disbursements
- Ending balance for quarter
- Reconciliation of the quarterly report with the county treasurer's actual general-ledger balance
- Certification of county treasurer
- Date
- Signatures of court clerk, district judge, and associate district judge

Please refer to “[Handling the Court Clerk’s Revolving Fund](#)” in Chapter Nine, “Duties of the Court Clerk: Finances,” for more information on the Court Clerk’s Revolving Fund.

Court Fund Reports

Within thirty (30) days after the end of each quarter of every fiscal year, the court clerk shall report the following data to the AOC, in the manner prescribed by law for the reporting of information by agencies to the Office of Management and Enterprise Services pursuant to the Oklahoma State Finance Act:

20 O.S. § 1307(A)

- The beginning balance
- This amount should equal the ending balance for the previous quarter.
- The gross receipts to the fund for the quarter
- The total amount of expenses paid for the quarter including, but not limited to, bond and interest expense and payments to the county general fund.
- The report should include canceled vouchers.
- The ending balance
- The report should balance with the county treasurer’s report for the quarter.
- A calculation of the amount of monies to be sent with the report to the AOC and deposited into the State Judicial Revolving Fund

20 O.S. § 1307(C)

In addition, within thirty (30) days after the end of each fiscal year, the court clerk shall transmit to the Supreme Court for deposit in the State Judicial Revolving Fund an annual report. The report shall include the following data:

20 O.S. § 1308

- The beginning balance for the entire past fiscal year
- The gross receipts to the fund for the entire past fiscal year
- The gross expenditures for the entire past fiscal year
- A calculation of the gross earning minus the total expenditures to equal the amount due to the judicial fund for the entire past fiscal year

- A calculation of the amounts paid quarterly to the State Judicial Fund
- The remaining balance to be submitted to the State Judicial Fund with this report.

Court Fund Quarterly Reports

Clerks in counties having a population of less than seventy thousand (70,000) must transmit each quarter for deposit in the State Judicial Revolving Fund the amount by which the receipts deposited in the court fund for the quarter, including the interest earned on the court fund, exceeds the expenses for the quarter, provided the court clerk shall retain from the excess amount a sum set by statute according to the population of the county. The court clerk should ensure each balance on the report is equal to the balance on the county treasurer's report for the quarterly report. The quarterly report should contain the following information:

- Expenditures in each of the lump sum categories
 - Total of lump sum expenses
- Expenditures in each of the restricted categories
 - Total of restricted expenses
- Expenditures in each of the mandated categories
 - Total of mandated expenses
- List of refunds subtracted on this report from the expense categories
 - Total of expense refunds
- Balance at the beginning of the quarter. (This amount is the same as the ending balance of the previous quarterly report).
- Canceled vouchers, refunds, State Judicial Fund refunds and liquidated investments
- Transfers from the State Judicial Fund
- Court fund collections (fines, fees, and forfeitures)
 - Listed individually by type (beverage license, civil, felony, misdemeanor, divorce, marriage license, miscellaneous, protective orders, probate, adoption, process server license, small claims, traffic, juvenile, wildlife, and credit card adjustments)

- Total court fund collections
- Interest earned on deposits
- Total transfer from encumbered account to court fund in this quarter
- Amount retained from previous quarter
- Calculated amount to be retained
- Calculated amount due to the State Judicial Fund

20 O.S. § 1308

The court clerk shall mail the amount due to the State Judicial Fund and the Court Fund Quarterly Report to the AOC within 30 days after the end of the quarter. The administrative director of the courts shall subsequently report the information to the Office of Management and Enterprise Services within ten (10) days after receipt of the information, as required.

Annual Report

20 O.S. § 1308

The court clerk should ensure each balance on the report is equal to the balance on the county treasurer's report for the fiscal year. The annual report should contain the following information:

- Balance on hand, July 01, (year)
 - The amount is the same amount on the ending balance of the previous fiscal year.
- Gross earnings including interest amount by quarter
- Expenditures by quarter and category
- Calculated amount due to the State Judicial Fund
- Less: State Judicial Fund quarterly payments
- Amount to be paid to the State Judicial Fund with the annual report

The court clerk shall mail the amount due to the State Judicial Fund and for the Court Fund Annual Report to the AOC within thirty (30) days of the end of the fiscal year.

Please refer to “[Handling the Court Fund](#)” in Chapter Nine, “Duties of the Court Clerk: Finances,” for detailed information on the court fund.

Court Clerk’s Records Management and Preservation Fund

The court clerk shall compile a monthly report on [SA&I Form No. 1727](#) detailing the funds collected and expended and the nature of each expenditure and reconcile it to the county treasurer’s monthly report. The monthly report should be submitted to the board of county commissioners. The report should include the following data:

28 O.S. § 31.3

- The county
- The reporting period
- The beginning balance
- The fee revenues collected for the month
- Canceled vouchers
- Expenditures for each category
 - The total amount of expenditures
- The calculated ending balance
- The balance on the county treasurer’s ledger with the county treasurer/deputy’s initials
 - The amount is the same amount on the ending balance of the previous fiscal year.
- Reconciling items
- Reconciled balance
- Court clerk signature and date
- Reviewer’s signature and date
- Date filed with the board of county commissioners
- Signature of board of county commissioners’ chairperson
- Date report sent to the AOC.

After reconciliation, the report shall be submitted to the board of county commissioners. The court clerk is required by statute to provide the AOC with a copy of the report. Refer to “[Court Clerk’s Records Management and Preservation Fund](#)” in Chapter Nine, “Duties of the Court Clerk: Finances and Accounting,” for additional information.

Defendant is a Lawyer Report

The court clerk of any district court in which a lawyer is convicted or to whom proceedings are deferred, shall transmit certified copies of the judgment and sentence on a plea of guilty, the order deferring judgment and sentence, the indictment or information and judgment, and the sentence of conviction to the Chief Justice of the Supreme Court and to the General Counsel of the Oklahoma Bar Association within five (5) days after conviction.

5 O.S. Chapter 1, Appendix 1-A
Rule 7 § 7.2

The district court or judge orders the reporting on page 11 of AOC Form 13.10, “Uniform Plea of Guilty-Summary of Facts,” under the subtitle “Court Clerk’s Duty.” The court clerk reports the district court’s findings accordingly by template or code on the computer system.

Departure from Mandatory Sentence Report

When sentencing a person convicted of a criminal offense for which there is a mandatory minimum sentence of imprisonment, the district court may depart from the applicable sentence if that court finds substantial and compelling reasons on the record, after giving due regard to the nature of the crime, the history and character of the defendants, and their chances of successful rehabilitation.

22 O.S. § 985.1

Reports

The court clerk of each county shall submit a report of the departures in sentencing to the clerk of the Court of Criminal Appeals on or before the first day of February of each year. On or before the first day of March of each year, the clerk of the Court of Criminal Appeals shall make available, in digital electronic format and on the website of the Oklahoma Court of Criminal Appeals, a report as to the number of departures from mandatory minimum sentences made by each judge in the state during the previous calendar year.

22 O.S. § 985.2

The district court or judge orders the reporting on page 11 of AOC Form 13.10, “Uniform Plea of Guilty-Summary of Facts,” under the subtitle “Court Clerk’s Duty.” This form is

prescribed by the AOC. The court clerk reports the district court’s findings accordingly by template or code on the computer system.

Election Board Monthly Report: Convicted Felons

Persons convicted of a felony shall be ineligible to register to vote for a period of time equal to the time prescribed in the judgment and sentence.

26 O.S. § 4-101 (1)
26 O.S. § 4-120

The registration of any registered voter may be canceled for the conviction of a felony.

Reports

The court clerk in each county shall prepare a list each month of all persons convicted in the county of a felony and shall transmit the list to the secretary of the county election board. The list shall include information necessary to identify a person on the list as a registered voter prescribed by the secretary of the State Election Board.

26 O.S. § 4-120.4(B)

The district court judge orders the reporting on AOC Form 13.10, “Uniform Plea of Guilty-Summary of Facts,” which is prescribed by the AOC. The court clerk reports the district court’s findings accordingly by template or code on the computer system.

Election Board Monthly Report: Adjudged Incapacitated

Any person who has been adjudged to be an incapacitated person shall be ineligible to register to vote. When an incapacitated person has been adjudged to no longer be incapacitated, that person shall be eligible to become a registered voter.

26 O.S. § 4-101(2)

The registration of any registered voter may be canceled for judicial determination of mental incapacitation.

26 O.S. § 4-120

Reports

The court clerk shall prepare each month a list of all persons who have been adjudged incapacitated and provide the list for the secretary of the county election board.

26 O.S. § 4-120.5

In establishing the specific limitations on the legal activities of a ward for whom a limited guardian of the person is appointed, the district court shall make a specific determination in the Order of Guardian regarding the eligibility of the ward to register to vote.

30 O.S. § 3.113 (B)(1)

Whenever a guardian or limited guardian who has been appointed for an incapacitated or partially incapacitated person has been discharged by the final order of the district court, and no other guardian has been appointed, the person for whom the guardian had been appointed shall be presumed to be fully restored and shall be presumed to be fully capable and competent to make contracts and transact any and all business as though that person had never been declared to be incapacitated or partially incapacitated. This presumption includes being eligible to register to vote.

30 O.S. § 3-117

Election Board Monthly Report: Excused from Jury Duty Due to Lack of Citizenry

The registration of any registered voter shall be cancelled for being excused from jury duty for not being a citizen of the United States. The court clerk in each county shall prepare each month a list of all persons who were excused from jury duty for not being a citizen of the United States and provide list to the secretary of the county election board.

26 O.S. § 4-120(A)(8)

26 O.S. § 4-120.5(B)

Oklahoma Methamphetamine Offender Registry Reports

Within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, a registry has been created of methamphetamine offenders.

63 O.S. § 2-701(A)

All court clerks shall forward to the Bureau a copy of the judgment and sentence or other applicable information relating to the disposition of the criminal case and date of birth of all persons who are subject to the provisions of the Oklahoma Methamphetamine Offender Registry Act. The information shall be sent in an electronic format in a manner prescribed by the Bureau within ten (10) days of the date of the final disposition of the case.

63 O.S. § 2-701(E)

The court or judge orders the reporting on AOC Form 13.10, “Uniform Plea of Guilty-Summary of Facts,” which is prescribed by AOC. The court clerk reports the district court’s findings accordingly by template or code on the computer system.

Public Health Statistics Reports

The Public Health Statistics division of the Oklahoma State Department of Health sends, each month, a request to the court clerks for the number of marriage licenses issued, the number of marriage licenses returned, the number of divorces granted, and the number of annulments granted that month.

63 O.S. § 1-334

Unclaimed Property Reports

Intangible property held for the owner by the district court, a county, or the court clerk that remains unclaimed by the owner for more than one (1) year after becoming payable or distributable is presumed abandoned.

60 O.S. Chapter 13, §§ 651-688

Report Filing and Payments

The court clerk must submit a verified Report of Unclaimed Property to the Unclaimed Property Division of the Oklahoma State Treasurer by November 1 of each year.

60 O.S. § 661(A)(D)

60 O.S. § 663

The court clerk must include the payments for unclaimed property with the report submitted to the Oklahoma State Treasurer.

This report contains a listing of all intangible personal property, with certain exceptions, that has been deposited in the court clerk's depository account for more than one (1) year. Intangible personal property usually refers to money, but it may also include deeds or other instruments that represent property.

60 O.S. § 651

60 O.S. § 657

The Report of Unclaimed Property should include the property owner's name and last known address, the property's current location, and other identifying information as directed by the Oklahoma Statutes.

60 O.S. § 669

The court clerk shall maintain a record of the name and last-known address of the owner for ten (10) years after the property is reported to the Oklahoma State Treasurer.

60 O.S. § 679.1

Not more than one hundred-twenty (120) days before filing the Report of Unclaimed Property form, the court clerk should send written notice to the property owner at the last known address, providing the property is worth more than Fifty Dollars (\$50.00), the owner is not barred by the statute of limitations, and records do not disclose that the address is incorrect.

60 O.S. § 661(E)

60 O.S. § 661(G)

The Oklahoma State Treasurer has forms and instructions that are to be used for the annual Report of Unclaimed Property, which are available through contact with the State Treasurer.

Report Restrictions

60 O.S. § 661(B)(2)

60 O.S. § 657

The court clerk only needs to report deposits of Fifty Dollars (\$50.00) or more. Items of

value under Fifty Dollars (\$50.00) each must be reported in the aggregate, except property that is one of a recurring number of continuous payments, all of which is reported in the same manner as property with a value of Fifty Dollars (\$50.00) or more. The following types of funds held by court clerks are reportable as unclaimed property to the Oklahoma State Treasurer (OST):

- **Probate Funds**

Monies in probate cases, in which there has been no activity for one (1) year. In the instance where the court clerk holds monies in trust for a minor, following the final account or distribution in a probate, the monies are reportable one (1) year from the date when the minor reaches the age of majority. Monies held by the court clerk for heirs, legatees, creditors, or claimants who are unknown, unlocatable, deceased, or who will not accept receipt of the monies in a probate are reportable one (1) year from the final account or order of distribution.

- **Money Judgments**

Where money judgments have been rendered and the monies are unclaimed for one (1) year. These judgments include, among other types of funds, condemnation funds and child support monies.

- **Appeal Bonds**

Appeal bonds held one (1) year from the date the mandate is issued in the appellate case.

Report Exemptions

The following categories of unclaimed property are not subject to the Unclaimed Property Act and do not need to be reported to the Oklahoma State Treasurer.

- Witness, appraiser, and juror fees, and any related canceled vouchers
 - A claim must be filed and approved before these fees can be paid to the person claiming them for services rendered.
- Court costs and fees and any related canceled vouchers
- Excess monies deposited to cover court costs and fees

28 O.S. § 106

60 O.S. § 661(E)(2)(3)

- After the final judgment, the court clerk should attempt to return these monies to the proper attorney of record. If unable to do so, the money is deposited into the court fund.
- Probate funds in which the final account or distribution has not been reached
- Funds held for a minor up to one (1) year past their age of majority
- Money judgments that have remained unclaimed for less than one (1) year
- Victims Compensation funds
- Bonds held pending appeal from a district court judgment, unless the mandate was issued at least one (1) year earlier

Chapter Fifteen

Duties of the Court Clerk: Law Library

Understanding the Law Library System

Oklahoma law has provided for the establishment of county law libraries since 1936. The County Law Library is open for use, under proper regulations, to all state judges and district judges, state and county officials, members of the bar, and inhabitants of the county.

20 O.S. § 1201

The AOC can, with the approval of the chief justice, establish reasonable charges for services and equipment, such as computer-based research, and the use of equipment, including computers, facsimile machines, copiers, and telephone lines.

20 O.S. § 1201(B)

A law library has been established in each county seat at a suitable place provided by the board of county commissioners.

20 O.S. § 1202(C)

In counties with populations over three hundred thousand (300,000), the board of county commissioners can also establish a branch Law Library in a location other than the county seat.

20 O.S. § 1202(C)

Law Library Management

Board of Law Library Trustees

20 O.S. § 1204

The County Law Library is managed by a five (5)-member Board of Law Library Trustees that includes the following individuals:

20 O.S. § 1204(a)

1. One district judge of the county (selected by the district judges of that county)
In counties with only one district judge, the second district judge selected may be the associate district judge of the county.
2. Second district judge of the county (selected by the district judges of that county)
3. The district attorney or an assistant district attorney designated by the district attorney
4. A member of the County Bar Association chosen by the members of that association
5. A second member of the County Bar Association chosen by the members of that association

20 O.S. § 1204(a)

20 O.S. § 1204(b)

20 O.S. § 1204(c)

The officers of the Board of Law Library Trustees are a president and a secretary, who shall be elected by the board members.

20 O.S. § 1205

The four elective members of the Board of Law Library Trustees shall hold office for two (2) years. All trustee positions are honorary, and the trustees serve without salary or compensation.

20 O.S. § 1206

20 O.S. § 1207

The Board of Law Library Trustees must meet once each month and at such other times as required.

20 O.S. § 1211

The board has the following powers, by majority vote of its membership: (the board must have a quorum to conduct business)

20 O.S. § 1208

- Make and enforce all rules and regulations necessary to administer and protect the County Law Library and its property
- Remove any trustees for just cause and fill all vacancies on the board
- Define the powers and prescribe the duties of the board's officers
 - Elect all necessary subordinate officers, prescribe their duties, fix their salaries, and remove, when necessary, any officers or assistants
- Approve expenditures to purchase books, periodicals, and other related materials and legal research services, the title to which shall be in the county

- Order payments for any authorized liability or expenditure after approval of the claim on Law Library Claim Form, [SA&I Form No. 312](#), signed by the president and secretary of the Law Library Board

Law Librarian or Custodian

Unless otherwise provided by the Board of Trustees, the court clerk serves as custodian of the Law Library. The custodian maintains a complete inventory of all books, periodicals, and all other property; purchases; and completes reports required by the AOC. The custodian services the volumes of the county law library with current pocket parts and supplements.

20 O.S. § 1221

Law Library Budget and Extraordinary Expenses

An annual budget is not required for the Law Library. The inventory or catalogue of legal research materials and equipment maintained in county law libraries pursuant to funds from the Law Library Revolving Fund shall be determined by the Chief Justice of the Supreme Court. The AOC, upon approval of the Chief Justice, may stop any subscription service provided to any Law Library. Requests for purchases shall be made by the Board of Law Library Trustees to the administrative director. The AOC shall prescribe the form for the request and the nature of the information required in the request. Purchases will not be made unless approved by the Chief Justice of the Oklahoma Supreme Court prior to the purchase.

20 O.S. Chapter 17,
Appendix Rule 3

Law Library Fund

Each county with a law library has a local law library fund. This fund receives all monies transferred by the court clerk. Once the monies in the local law library fund are transferred to the AOC for the Law Library Revolving Fund, they are used to purchase books, periodicals, and other related materials and legal research services, and to establish and maintain law libraries.

20 O.S. § 1202(A)(B)
20 O.S. § 1227

The law library fund and the Law Library Revolving Fund are designated by law as continuing funds and are not subject to fiscal year imitation. Without regard for the county in which the bills were incurred or the monies accrued, all monies received into the Law Library Revolving Fund are combined, and all bills are paid from this fund.

20 O.S. § 1203
20 O.S. § 1227(A)
20 O.S. § 1227(A)(1)

Deposits to Law Library Fund

The Board of Law Library Trustees must deposit to the law library fund all miscellaneous monies collected. These monies must be deposited on the day they are received using [SA&I Form No. 195](#).

28 O.S. § 152(B)
28 O.S. § 153(B)

At the end of each month, the court clerk transfers all monies collected by Oklahoma Statute for the law library fund to the county treasurer for deposit into the law library fund.

20 O.S. § 1203

The county treasurer, if directed by the board of county commissioners, credits the law library fund with all interest earned on law library fund balances and notifies the county clerk of the amount of interest credited. A recommended practice is that the custodian of the law library fund receives a copy of the interest amount on a monthly basis for their records and reports.

62 O.S. § 348.1

Disbursements

All disbursements from the law library fund should be made after approval of a claim on [SA&I Form No. 312](#), signed by the president and secretary of the Board of Law Library Trustees.

20 O.S. § 1208
20 O.S. § 1209

Transfer of Funds by the Court Clerk

Within thirty days of the end of each quarter in counties with less than three hundred thousand (300,000) population, monies that are deposited into the county law library fund must be transferred to the Law Library Revolving Fund. The court clerk should refer to the Uniform Fee Schedule and the statutes for information on monies to be credited to the Law Library.

20 O.S. § 1202(A)
28 O.S. § 152(B)
28 O.S. § 153(B)

In counties with populations over three hundred thousand (300,000) population, the Board of Law Library Trustees can direct that no monies, or a smaller amount, be transferred by the court clerk to the law library fund.

20 O.S. § 1202(A)

Quarterly Report

Within thirty (30) days of the end of each quarter, the Board of Law Library Trustees must file a quarterly report. The monies from the local law library fund are transferred to the AOC, by Oklahoma Statute, to the Law Library Revolving Fund on [SA&I Form No. 316](#), Quarterly Law Library Report of Receipts, Disbursements, and Remittance to the Law Library Revolving Fund.

20 O.S. § 1202

The court clerk or law librarian that is completing the quarterly report on AOC form should ensure that the report reflects accurately the amounts shown on the report and ensure the reports are equal to the treasurer's report. The quarterly report should have the following information and amounts:

- County name

- Quarter reporting (1st, 2nd, 3rd, 4th)
- Law Library Fees for month(s) of (Use the county clerk's appropriation ledger).
- Beginning balance of month/quarter
 - Canceled vouchers listed
 - Refunds
- Adjusted Balance
- Collections of fees for the quarter – listed by fee amount
 - Total Collection of fees
- Miscellaneous Collections:
 - Transfer from the court fund - Mandated
 - Interest of Deposits/Investments
 - Other Collections
 - Total Miscellaneous Collections
- Total Collections
- Total Balance and Collection
- Disbursements:
 - Amount Paid to law library fund
 - This report is sent without any monies due.
 - Law Library Salaries
 - Other (with explanations)
 - Total Disbursements
- Ending Balance
- Amount Due Law Library Revolving Fund
 - Voucher/Check Number
 - Date Paid

- Signature of court clerk or law librarian

A recommended practice is to balance the fund on a monthly basis making adjustments and corrections in a manner that ensures quality controls are in place.

Annual Report

The Board of Law Library Trustees must submit an annual report to the AOC on August 1 each year on [SA&I Form No. 317](#), Annual Law Library Report of Receipts, Disbursements and Remittance to the Law Library Revolving Fund.

The court clerk law librarian needs to prepare an annual financial report showing the receipts and disbursements of money and the total amount in the fund at the end of the fiscal year. This report should be made on [SA&I Form No. 317](#). This report is similar to the quarterly report with these differences:

20 O.S. § 1210(A)

- Includes FY calendar year instead of quarter
- The balance to begin this report should be the ending balance of the previous annual report.
- The fees collected are reported differently also. Instead of the fees being reported by the total monthly fees deposited each month in the quarter, they are reported by the amounts collected on each monthly report. This amount should be the twelve (12) months of collection in an FY calendar year that matches the county clerk's appropriation ledger by the amount collected, which would be both of the following:
 - The number of cases at Three Dollars (\$3.00) each
 - The number of cases at Six Dollars (\$6.00) each

On August 1 each year, the Board of Law Library Trustees must transmit to AOC for deposit in the State Judicial Revolving Fund all funds on deposit in the law library fund in excess of twenty-five percent (25%) of the income to such fund during the preceding fiscal year.

20 O.S. § 1224

Inventory Report

The Board of Law Library Trustees must submit an inventory report to the AOC on August 1 each year. The inventory report should include the following items:

20 O.S. § 1210(B)

- All property (such as furniture, equipment, and supplies)
- Number of books, periodicals, and other publications on hand

- Number of books, periodicals, and other publications purchased, received as gifts or otherwise received during the past year
- Number of books, periodicals, and other publications lost or missing during the past year.
- Other information as requested by the AOC

Rules for the Law Library

The AOC may require additional reports when deemed necessary in the discharge of the AOC duties. Nothing in these rules shall be construed to limit a county law library from creating a local rule necessary for the protection and maintenance of the library, provided, that the Rules for Management of County Law Libraries shall supersede and control any local rule, regulation, or bylaw of a County Law Library to the extent of the conflict.

20 O.S. § 1210(C)
20 O.S. Chapter 17, Appendix Rule 2

Other Law Library Monies

At the request of the Board of Law Library Trustees, the presiding judge of an administrative district in counties with populations greater than three hundred thousand (300,000) population, with the approval of the Chief Justice, can request a transfer of up to Ten Thousand Dollars (\$10,000) from the court fund to a local law library fund.

20 O.S. § 1226(A)

In counties with populations less than three hundred thousand (300,000), the court clerk must annually transfer funds to the Law Library Revolving Fund from the court fund. A resolution is not needed. The allowable amounts that shall be transferred are specified according to county population:

20 O.S. § 1226(B)

- Less than 10,000 population allowable amount is Five Thousand Dollars (\$5,000.00)
- More than 10,000, less than 30,000 allowable amount is Seven Thousand Dollars (\$7,000.00)
- More than 30,000, less than 300,000 allowable amount is Nine Thousand Dollars (\$9,000.00)

Law Library Claims Process

Monies collected in a local law library fund must be transferred on a quarterly basis to the AOC. All disbursement from the law library fund should be made after approval of a claim on [SA&I Form No. 312](#), signed and approved by the president and secretary of the Board of Law Library Trustees. In most local law libraries, there will be only three types of claims paid from local fees.

20 O.S. § 1209
20 O.S. Chapter 17, Appendix
Rule 3

These fees are:

- Claims for local Law Library personnel expenses
- Claims for transfer of monies calculated by the Quarterly Report
- Claims with additional approval of the chief justice of the Supreme Court

The claims are to be submitted and filed with the county clerk and payment made by the county treasurer out of the Law Library Fund.

All other claims are sent to the AOC for payment. Each claim, whether paid from local law library fund or the Law Library Revolving Fund, must be authenticated with the following documentation.

- A signed and dated Receiving Report on the prescribed [SA&I Form No. 4030](#). The receiving officer is responsible for receiving all items and ensuring that all items are delivered as ordered, both in quality and quantity.
- An original notarized Law Library Claim, [SA&I Form No. 312](#) signed by the president and secretary of the Law Library Board
- An original, itemized invoice must be submitted.

Upon receipt of merchandise, a receiving report must be filled out by taking inventory of the contents of the box. Then any books are shelved, any pocket parts or advance sheets replaced, or other materials that were received are filed.

Upon receipt of the invoice, the invoice should be cross checked with the merchandise received. Then a Law Library Claim, [SA&I Form No. 312](#) is itemized for the total amount owed and the necessary Law Library Board signatures obtained. The claim form is notarized, the invoice is mailed, and the claim form and the receiving report is sent to the AOC for processing.

Law Library Claims Reports

On a quarterly basis, the AOC sends a claims report to the Law Library in care of the court clerk. This report includes a copy of each invoice paid on behalf of the County Law Library. The report shows cash deposits and vendors paid for that quarter. The custodian should match that report to the Law Library records. If any discrepancy occurs, it should be reported to the director of law libraries.

Law Library Revolving Fund

The Law Library Revolving Fund was created by law as a revolving fund for the Supreme Court. This fund is designated as a continuing fund and is not subject to fiscal year limitations. It contains all monies transferred by district court clerks, and all monies collected from sales of any Law Library books or equipment; charges for services; gifts, grants, and private donations; and federal funding.

20 O.S. § 1227(A)

Expenditures from the Law Library Revolving Fund

20 O.S. § 1227

The Supreme Court can budget and spend monies in the Law Library Revolving Fund for the following items, with the approval of the Chief Justice:

- Charges due and owed by county law libraries
- Books, journals, publications, computer-assisted research devices and services, computer equipment and maintenance, communication charges and other necessary equipment, services, and fixtures
- The payment of salaries and benefits to personnel to administer the Law Library
- Incidental expenses as established in the Supreme Court rules
- Expenses occurring from a natural disaster, accident, or equipment malfunction which is not reasonably foreseeable

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Chapter Sixteen

Duties of the Court Clerk: License Issue and Registration

Licenses

The court clerk is authorized and required by law to issue several different licenses:

- Pool or Billiard Hall License
- Marriage License (when authorized by a judge)
- Process Service License
- Closing Out Sale License
- Transient Merchant License

21 O.S. § 1102
43 O.S. § 5
43 O.S. § 9
12 O.S. § 158.1(A)(B)
15 O.S. § 767
19 O.S. § 1602
43 O.S. § 7

In addition, the court clerk must also perform the following duties:

- Effective November 1, 2022, court clerks are not required to verify or file minister credentials
- Verify and register bail bondsmen's licenses for those persons providing such services in that clerk's county

43 O.S. § 8

59 O.S. § 1320

License Documentation

All licenses discussed in this chapter, except Marriage Licenses, must be documented in the court clerk's office by case files and appearance dockets. Each of the licenses have been assigned a case type prefix by the Supreme Court Administrative Directive No. 2009-101. To acquire the document, it must be requested from the (AOC) Administrative Office of the Courts.

12 O.S. § 30

12 O.S. § 32.1

The court clerk must open a case file for each license issued by the court clerk's office. Case files and numbers are discussed in detail in Chapter Twelve, "[Duties of the Court Clerk: Record Keeping and Maintenance](#)."

The court clerk should record each license issued in an appearance docket in the same manner as for a civil case.

The appearance docket is discussed in detail in Chapter Twelve, "[Duties of the Court Clerk: Record Keeping and Maintenance](#)."

Issuing Licenses

Fees

When issuing a license, except for marriage licenses, the court clerk shall collect at the time of filing the application for the license, court costs in the same amount as required in civil cases in addition to other fees prescribed by law. Refer to the latest [Uniform Fee Schedule](#) for the amounts.

21 O.S. § 1102

28 O.S. § 3

28 O.S. § 152(A)(14)

28 O.S. § 152.4

Pool and Billiard Hall License Notice

License Application and Issue

Any person who wishes to lawfully operate a public pool or billiard hall in an incorporated city or town must first secure a license from the court clerk of the county in which the hall will be located.

21 O.S. § 1102

To apply for a license, the applicant requests an Application for Pool or Billiard Hall License and Order Setting Date for Protest of Application, [SA&I Form No. 374](#). The applicant presents the completed form to the court clerk, who sets the date for the protest to be filed after at least five (5) day notice. The court clerk also establishes a case file and an appearance docket.

A Public Notice and Affidavit of Proof of Posting, [SA&I Form No. 375](#), must be completed and posted at least five days prior to the hearing. The required locations for posting notices are listed below:

21 O.S. § 1102

- One notice must be posted at the county courthouse.
- One notice must be served on the district attorney or an assistant district attorney in the county.
- Three notices must be posted in the city or town where the pool hall is located.

The affidavit portion of application form shall be sworn upon oath by the court clerk, who files the form in the case file. The court clerk shall assess the proper posting fee. If the notice is mailed, the court clerk shall assess the proper mailing fees.

28 O.S. § 31

At the hearing, any citizen of the city or town in which the pool or billiard hall is proposed may file a formal written protest against the issuance of the pool or billiard hall license with the court clerk (Protest Against the Issuance of Pool or Billiard Hall License, [SA&I Form No. 376](#)). Any person who is not satisfied with a district court's decision may appeal to the Oklahoma Supreme Court.

12 O.S. § 953

21 O.S. § 1102

If no valid protests are made, the court clerk issues a Pool or Billiard Hall License, [SA&I Form No. 377](#). The license must be renewed each year, and the license holder must personally appear in the court clerk's office to renew the license.

License Fees

21 O.S. § 1102

28 O.S. § 31

The court clerk collects a fee, according to the Uniform Fee Schedule, for issuing a pool or billiard hall license. The court clerk also collects filing fees as in a civil action.

28 O.S. § 152.4

28 O.S. § 152(A)(14)

21 O.S. § 1105

All fees collected and all fines collected for the violation of any provision of this act shall be paid into the County Treasury to the credit of the court fund.

License Revocation

A district court judge can revoke a pool or billiard hall license, with five days prior notice to the license holder, for any of the reasons listed in the Oklahoma Statutes. The court clerk must notify the license holder of the proposed revocation at least five (5) days prior to the action using a Notice to Holder of Pool or Billiard Hall License for Revocation Hearing, [SA&I Form No. 378](#).

21 O.S. § 1103

If a pool or billiard hall license is revoked, the district court judge issues an Order of Revocation, [SA&I Form No. 379](#).

Marriage License

License Application

43 O.S. § 5

Court clerks issue marriage licenses.

Marriage application, license, and certificate records [SA&I Form No. 106](#) or [SA&I Form No. 106A](#) are entered on optical discs, microfilm, microfiche, imaging, or in a book. The court clerk and the applicants complete the application section.

43 O.S. § 9

The marriage license application must include the following information:

- Each party's place of residence
- Each party's full legal name and age
- For each party, the full name by which the party will be known after the marriage, which shall become the full legal name of the party upon the filing of the marriage license and certificate with the court.
 - On the marriage certificate, the full name by which a party shall be known after marriage may be any combination of the legal first, middle, and last names, given names and surnames, of either party, including segments of names or initials, with or without hyphens. The marriage certificate shall not be used to change the name of a party.
- A statement that the parties are not disqualified from or incapable of entering into the marriage relation
- A statement that indicates whether or not the parties have successfully completed a premarital counseling program [AOC Form 81](#).

43 O.S. § 5(E)

43 O.S. § 5.1
28 O.S. § 31
43 O.S. § 4

43 O.S. § 5(A)(3)

NOTE:

43 O.S. § 5.1

Successfully completing a premarital counseling program affects the fees charged for the marriage license. A minimum of four (4) hours of education or counseling is required. Check the Uniform Fee Schedule for the appropriate fees.

28 O.S. § 31

43 O.S. § 6(A)(3)

License: Correcting Erroneous Information

A marriage certificate issued prior to June 8, 2006, or any marriage certificate which contains an erroneous or misspelled name of a party, shall be reissued upon request by the certificate holder to include the information. Such reissued certificate shall reflect the original marriage date and shall be signed by the court clerk with a notation by the clerk that the certificate is "reissued" or "amended". Signatures of the officiant and original witnesses shall not be required.

Persons Over 18 Years of Age

Anyone who desires to be married must first receive a marriage license from the district court judge or the court clerk. An unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex upon satisfying the following requirements:

43 O.S. § 5.1
43 O.S. § 3(A)

- Both people make application in person.
- The applicants' full names and ages are verified with a certified copy of the birth certificate, a current driver's license or an identification card, a current passport or visa, or some other certificate, license, or document normally recognized for name and age verification pursuant to the laws of any nation or state or political subdivision.
- The full name by which a party shall be known after marriage may be any combination of the legal first, middle, and last names, given names and surnames, of either party, including segments of names or initials, with or without hyphens. The marriage certificate shall not be used to change the name of a party to an entirely different name which is not derived from the legal name of either party.
- The applicants are not related to each other as defined in the Oklahoma Statutes.
- The applicants are competent to contract for marriage. If any doubt exists regarding legal competency, the district judge or the court clerk should require additional evidence of competency.

43 O.S. § 5(A)

43 O.S. § 5(E)

43 O.S. § 2

43 O.S. § 10

- The applicants pay the proper marriage license fee.

43 O.S. § 20

Persons Under 18 Years of Age

28 O.S. § 31

Persons requesting a marriage license who are under eighteen (18) years of age must meet the following requirements in addition to the ones listed above for persons eighteen (18) years of age and older:

- A parent or guardian must give verbal consent in the district judge’s or court clerk’s presence, or provide written consent executed and acknowledged before a judge or court clerk of a court of record. If a parent or guardian resides outside the state of Oklahoma, authentication of consent is required. 43 O.S. § 3(B)(1)
- If the parent or guardian provides written consent but is unable to appear before the judge or court clerk because of health reasons, the applicants must provide a medical doctor’s or osteopath’s certificate.
- If the parent or guardian is on active duty in the Armed Forces of the United States, the applicants can present the written consent of the parent or guardian acknowledged by military personnel authorized to administer oaths. The applicants must also provide a certificate from the commissioned officer in command of the parent or guardian.
- If both parents of the applicant are deceased or mentally incompetent or their whereabouts are unknown, and no guardian has been appointed, the applicants can, with the judge’s consent, present an affidavit from three reputable persons that attests to one of the above conditions. 43 O.S. § 5(C)
- The application for persons under eighteen (18) years of age must be on file in the court clerk’s office for at least seventy-two (72) hours before the license is issued. 43 O.S. § 3(B)(2)

Persons Under 16 Years of Age

43 O.S. § 5(C)

Except when authorized by the court, every person under the age of sixteen (16) years is expressly forbidden and prohibited from entering into the marriage relation.

The court has the authority to issue a license application for a person under the age of sixteen (16) only in cases in settlement of a suit for seduction or paternity, or in cases

43 O.S. § 3(B)(3)

involving an unmarried female who is pregnant or has given birth to an illegitimate child(ren) and at least one parent of each minor, or the guardian or custodian of a minor, is before the court. The application must be on file in the court clerk's office for at least seventy-two (72) hours before the license is issued.

A parent or guardian of any child under the age of eighteen (18) years of age who is in the custody of the Department of Human Services or the Department of Juvenile Justice is not eligible to consent to the marriage of the minor child.

43 O.S. § 3(B)(3)

License Issue

43 O.S. § 6

To issue a Marriage License, [SA&I Form No. 106A](#), the court clerk or judge completes the licensing portion of the document with the following information:

- Date of issue
- Court name and location (city or town and county)
- The applicants' full names, the full legal names by which the persons will be known after the marriage, their ages, and their places of residence
- Directions to any person authorized by law to perform and solemnize the marriage ceremony
- The date by which the completed marriage certificate and license is to be returned (no more than thirty (30) days from its issue)
- Any other information, declarations, seals, and signatures as required by law

43 O.S. § 6(A)(5)

Marriage and Return of License

43 O.S. § 7(A)

Marriages must be contracted by a formal ceremony performed or solemnized in the presence of at least two adult, competent persons as witnesses, by a judge or retired judge of any court in this state, or an ordained or authorized preacher or minister of the Gospel, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which he or she belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age.

NOTE:

The preacher, minister, priest, rabbi, or ecclesiastical dignitary shall certify on the marriage certificate that he or she holds credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages.

43 O.S. § 7(B)(2)

The marriage license shall be valid for thirty (30) days and the marriage ceremony shall be performed no later than thirty (30) days from the date the license is issued. The marriage license and completed marriage certificate shall be returned to the court clerk for recording no later than thirty (30) days from the date the license was issued.

43 O.S. § 20(A)

License Recording

After the marriage is performed and the license is returned, the court clerk or judge must make a complete record of the application; license, and certificate on an optical disc; microfilm; microfiche; imaging; in a book kept by the judge or clerk for that purpose, properly indexed; or by electronic means using any method approved by the Oklahoma Supreme Court.

43 O.S. § 9

The record of the certificate shall be made upon the return of the license. All records pertaining to the issuance of such license shall be open to public inspection during office hours. After recording of the original license and completed certificate as required, it shall be returned to the persons to whom it was issued, with the issuing officer's certificate affixed showing the book and page or case number where the same has been recorded.

Private Process Server License

An authorized licensed private process server may make service and return of process of court documents. The presiding judge of the judicial administrative district or the presiding judge may designate an associate district judge or district judge of the county, to be authorized to issue a license.

12 O.S. § 158.1(A)

NOTE:

On April 22, 2013, the Oklahoma Statute that governs the issuance of a Private Process Service License was amended to require court clerks in Oklahoma to issue only a Statewide Process Server License. The license is required to state in what county the license was issued.

12 O.S. § 158.1(C)

Any person who meets the following requirements can apply for a private process server license:

12 O.S. § 158.1(B)

- 18 years or older
- Of good moral character
- Found ethically and mentally fit
- Resident of the state of Oklahoma for a period of not less than six (6) months
- Resident of the county of judicial administrative district in which the application is submitted for a period of not less than thirty (30) days

All forms for a private process server are prescribed and provided by the AOC.

12 O.S. § 158.1(B)

License Application

Upon receiving a completed application for a private process server license, the court clerk opens a case file and appearance docket for the applicant. The license shall contain the following information:

- Full legal name of applicant
- Address of applicant and county in which the license was issued
- A brief description of the licensee
- A recent photograph of the licensee

12 O.S. § 158.1(C)

A license issued pursuant to this section entitles the holder of the license to serve process in any county in this state.

Fees

If an applicant is filing for an initial license, the license fee is One Hundred Fifty Dollars (\$150.00) plus the regular docketing, posting, mailing, and filing fees prescribed by law. At the end of one (1) calendar year from the date of issuance of the initial license, the license shall be renewed each succeeding three (3) years with a fee of Fifteen Dollars (\$15.00) per renewal. Fees collected pursuant to this shall be deposited in the court fund.

12 O.S. § 158.1(C)
28 O.S. § 152(A)(14)
28 O.S. § 152.4

Notice, Hearings, and Protests

The court clerk shall give thirty (30) days' notice of hearing by causing the notice to be continually posted for thirty (30) days on the website of the county or to be posted in the courthouse. The applicant shall cause notice of the hearing to be made no less than twenty (20) days prior to the hearing one time by publication in a legal newspaper of the county. The court clerk shall deliver by electronic means or deliver a copy of the notice at least twenty (20) days prior to the hearing to the following:

12 O.S. § 158.1(D)

- District Attorney
- County Sheriff
- Oklahoma State Bureau of Investigation
- Administrative Office of the Courts

12 O.S. § 158.1(D)(K)

The court clerk then completes the [Proof of Posting/Affidavit of Mailing Notice, AOC Form 13](#) and files it in the case file.

NOTE:

The applicant is required to publish the notice one time by publication in a legal newspaper of the county and pay all publishing fees.

12 O.S. § 158.1(D)

No Protests

If there are no protests, and the applicant appears qualified, the application for the license shall be granted by the court and the applicant shall execute a bond running to the state of Oklahoma in the amount of Five Thousand Dollars (\$5,000.00) and filed with the court clerk.

12 O.S. § 158.1(E)

If the court determines that the applicant does not meet all of the qualifications necessary for a license, the applicant shall be prohibited from reapplying for a license to serve process for a period of not less than one (1) year from the date of denial.

Protest Hearing

Any citizen of this state may file a written protest setting forth objections to the licensing of the applicant. A hearing shall be held within sixty (60) days, and notice shall be given to all persons known to be interested.

12 O.S. § 158.1(F)

License Issued

If the court orders the license to be issued by completing an order, the applicant must file with the court clerk a Five Thousand Dollars (\$5,000.00) bond to the state of Oklahoma.

When all of these conditions are met, the court clerk issues a Private Process Server License, [AOC Form 77](#), to the applicant.

License Revocation

The district attorney or the Oklahoma attorney general may file a petition to revoke a private process server's license. Upon receiving the petition, the court clerk or the court sets a hearing giving at least thirty (30) days' notice by certified mail to the licensee of hearing. The court, sitting without jury, shall hear the petition and enter an order.

12 O.S. § 158.1(H)

If a private process server license is revoked, a recommended practice is for the court clerk to notify the AOC of the revocation, so the list of private process server license may be updated with information of the revocation of the licensee.

If a license is revoked, the licensee shall not be permitted to reapply for a license for a period of five (5) years from the date of revocation. Any licensee whose license has been revoked one time shall pay the sum of One Thousand Dollars (\$1,000.00) as a renewal fee. If a second revocation occurs, the chief or presiding judge shall not allow an applicant to renew the license.

List Maintenance

The court clerk shall make available at all times in the office the list of licensed private process servers.

12 O.S. § 158.1(J)

Statewide Registry

The AOC shall establish and maintain a statewide registry which shall contain a list of licensed private process servers and shall promulgate rules for the creation and maintenance of the statewide registry.

12 O.S. § 158.1(K)

Closing Out Sale License

License Application

No person can advertise or conduct a “closing out sale” without first obtaining a license from the court clerk. The applicant for a closing out sale license must file a written application under oath to the court clerk. The Application for License to Hold Closing Out Sale is provided to court clerks by the Oklahoma attorney general’s office. The applicant must also present an affidavit, which attests to the facts in the application for the license.

15 O.S. § 767

The applicant must pay the appropriate fee and filing fees for the license.

District Attorney Investigation

The court clerk forwards a copy of the closing out sale license application to the district attorney who may investigate the facts contained in the application. The district attorney can file an objection to the application within ten days after the application filing date. A valid objection from the district attorney is considered grounds for denying the application.

15 O.S. § 767(C)
28 O.S. § 152.4
15 O.S. § 768

License Issue

The court clerk can issue a closing out sale license which authorizes the applicant to advertise and conduct the sale providing that the following conditions are satisfied:

15 O.S. § 769

- The court clerk determines that all statements in the application are true.
- The court clerk determines that the proposed sale is as represented in the application.
- The application is in full compliance with the law.
- The required fee is paid.
- The ten (10) day waiting period has passed with no objection from the district attorney.

License Revocation and Appeal

15 O.S. § 770

The district attorney can initiate revocation proceedings for any license for reasons specified in the statutes.

15 O.S. § 771

Oklahoma law provides the opportunity for an appeal to applicants for a closing out sale license that has been denied, refused, or revoked.

Transient Merchant License

19 O.S. § 1604

19 O.S. § 1605

19 O.S. § 1606

19 O.S. § 1610

No transient merchant can transact business in any Oklahoma county without a proper license. The merchant may apply to the court clerk for a transient merchant license. The court clerk should provide the applicant with an instruction sheet, and the application form, [AOC Form 23](#) and [AOC Form 24](#).

NOTE:

The time frame in the definition of temporary or transient business has been changed in the statutes from “a period of less than six (6) months” to “a period of less than two (2) years.”

19 O.S. § 1602

License Application and Fees

Upon receiving an application for Transient Merchant License subscribed and sworn to, on [AOC Form 23](#), the court clerk establishes a case file and an appearance docket. The filed application must be accompanied by a license fee plus civil cost fees plus the following items:

19 O.S. § 1608
28 O.S. § 152.4

- A cash bond or a surety bond issued by a corporate surety authorized to do business in Oklahoma in the amount of Two Thousand Dollars (\$2,000.00) or five percent (5%) of any goods, wares, merchandise, or services offered for sale, whichever sum is less
- The agreement in writing of the person listed in the application as the agent for the transient merchant to serve in such capacity
- The receipts or statements showing that any personal property taxes due on goods, wares, or merchandise to be offered for sale have been paid.

19 O.S. § 1608

19 O.S. § 1607

19 O.S. § 1605(B)

Court Clerk as Agent for Transient Merchant for Service

19 O.S. § 1607

If the transient merchant shall fail to have or maintain an agent in the county or if such agent cannot be found at a permanent address, the court clerk shall be an agent of the transient merchant for service of all process, notices, or demands. Service on the court clerk shall be made by delivery to the transient merchant or any person designated by the court clerk to receive such service, duplicate copies of the process, notice, or demand. When any such process, notice, or demand is served on the court clerk, the court clerk shall immediately cause one copy to be forwarded by registered or certified mail, return receipt requested, to the permanent address of the transient merchant.

License Issue

The court clerk issues the transient merchant license only after all requirements have been met, the specified fees have been paid, and the bonds required by law have been posted.

19 O.S. § 1609

The bonds posted by the merchant are maintained for one (1) year after the merchant or the merchant's agent terminates business. The court clerk can release the bonds only after receiving proof that all claims have been satisfied and all taxes have been paid.

19 O.S. § 1608

The transient merchant license is valid only for ninety (90) days and only within the county in which it is issued.

19 O.S. § 1609

The license is not transferable and is valid only for the business stated in the application.

Transient Merchant List

The court clerk must maintain an alphabetical list of all transient merchants operating in the county and the names and addresses of their agents.

19 O.S. § 1607

Maintaining License Registrations

Minister Credentials

43 O.S. § 7(B)(2)

As of November 1, 2022, court clerks no longer have to file or verify minister credentials. The person performing or solemnizing the marriage ceremony shall certify on marriage certificate to his or her credentials or authority.

Bail Bondsman License Registration

The insurance commissioner shall have full power and authority to administer the provisions which regulates bail bondsmen and promulgate rules and regulations to enforce the purposes and provisions of the statutes for bail bondsmen. Oklahoma bail bondsmen may be qualified by the insurance commissioner to write multiple types of bonds and before they write a bond, their license must say they are qualified or licensed to be one or more type of bondsman:

- Surety Bondsman
- Professional Bondsman
- Property Bondsman
- Cash Bondsman
- Multicounty Agent Bondsman

59 O.S. § 1301

59 O.S. § 1302

59 O.S. § 1301(B)(5)

59 O.S. § 1301(B)(5)

59 O.S. § 1301(B)(7)

59 O.S. § 1301(B)(8)

59 O.S. § 1301(B)(9)

59 O.S. § 1301(B)(13)

License Filing

Bail bondsman shall become a surety on an undertaking unless he or she has first registered his or her license in the office of the court clerk in any county in which the bondsman intends to write bonds. In any county in which a bondsman registers his or her license, the bondsman shall provide notice to the court clerk in writing of any change in residence or business address within five (5) business days after a change.

59 O.S. § 1320(A)

Bail bondsmen can only write bonds for criminal matters as directed by the Oklahoma Insurance Commission.

59 O.S. § 1301(A)

A surety bondsmen shall file with the court clerk a certified copy of their appointment by power of attorney from the insurer they represent as agent.

59 O.S. § 1320(B)

License registration is not required for persons who write only one (1) bond per year and do not charge for their services.

59 O.S. § 1340

License Registration

The court clerk registers bondsmen's licenses by performing the following tasks:

- Ensure that the bondsman is a resident of the county or has offices in the county.
- Obtain proof that the Bondsman is currently licensed by the Oklahoma Insurance Commission.
- Collect the fee specified in the Uniform Fee Schedule. This fee must also be collected when registering a renewed license.
- Establish a file for each Bondsman which includes the following information:
 - A copy of the Bondsman's license
 - A copy of the appointment by power of attorney from the insurer whom the Bondsman represents as agent
 - A completed [Form BR-11](#) (Available from the Oklahoma insurance commissioner's office, Bail Bond Division)
 - The receipt for fees paid

59 O.S. § 1320(A)

59 O.S. § 1320(D)

59 O.S. § 1320(A)

59 O.S. § 1320(C)

59 O.S. § 1320(D)

59 O.S. § 1320(C)

59 O.S. § 1320(C)

License Restrictions in Other Counties

Bondsmen can only write bonds on ten (10) defendants per county each year in all Oklahoma counties except the one in which they are registered (unless that county does not have a licensed Bondsman registered in the county). If bondsmen intend to write bonds in a county other than the one in which they are registered, they must advise the court clerk of the county, file a certified copy of their license, and pay a fee according to the fee schedule.

59 O.S. § 1320(B)

Effective November 1, 2022, court clerks by statute are no longer required to restrict bondsmen from writing more than 10 bonds in their county by out of county registered bondsmen.

A fee of Twenty Dollars (\$20.00) shall be paid to the court clerk for each county in which the bail bondsman registers his or her license. The fee shall be payable biennially by the date of license renewal.

NOTE:

A recommended practice is for the court clerk to require a letter of good standing from the county in which the bondsman registered the license. By Oklahoma Statute, the bondsman only files a copy of the license in the other 76 counties.

59 O.S. § 1320(B)

Bondsmen List Posting

The court clerk shall provide a list of bondsmen permitted to write bail in the county to the judges and law enforcement offices of that county. The list shall be updated and distributed at least monthly, and shall consist of professional, multicounty agent, property, cash and surety bail bondsmen. Any surety bondsman without a current surety appointment shall be removed from the list. A good recommendation is for the court clerk to keep an updated list of bondsmen available to the public.

59 O.S. § 1320(A)

License Expiration and Renewal

The Bondsman’s license shall expire biennially at 12 o’clock midnight on the last day of the Bondsman’s birth month. The fee shall be payable biennially by the date of the license renewal. The commission will notify the court clerk of the bondsman’s resident county if a license is revoked.

59 O.S. § 1304

Bondsmen must notify the sheriff and court clerk if they discontinue writing bail bonds during the time they hold their license.

59 O.S. § 1318

Please refer to Chapter Twenty-Two, “[Duties of the Court Clerk: Criminal Cases](#),” in this handbook for more information on performing bond procedures.

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Chapter Seventeen

Duties of the Court Clerk: Passports

If they elect to do so, court clerks are authorized to accept and process passport applications and send them for final processing to a passport office.

12 O.S. § 35.1(A)

A passport is an internationally recognized travel document that provides proof of a person's identity and nationality. Passports are normally valid for a ten (10) year period for adults and a five (5) year period for passports issued before the applicant's 16th birthday. When a passport expires, individuals must reapply and receive a new one. These guidelines are established by the *Passport Agent's Reference Guide (PARD)*, which can be acquired through communication with the U.S. Department of State (travel.state.gov).

NOTE:

Before Oklahoma court clerks can process passport applications as an official duty and service, they must notify the AOC in writing of their election to accept and process passport applications. They also need to notify the AOC if they discontinue accepting and processing passport applications.

12 O.S. § 35.1(A)

Upon filing to accept and process passport applications as an official duty and service, the court clerk shall accept and process all passport applications presented to them.

12 O.S. § 35.1(A)

Fees collected for processing passports shall be retained by the court clerk and deposited in the Court Clerk's Revolving Fund.

The fees collected for the passports are forwarded to the appropriate U.S. Passport Office along with the passport applications.

NOTE:

For instructions, rules, and fees regarding the passport process, the court clerk may refer to the *Passport Agent's Reference Guide (PARD)* CD available from the U. S. Passport Office in Washington D.C. or from the U.S. Department of State.

Website: travel.state.gov

General Phone Number: 1-877-487-2778

The following individuals are also authorized to process passport applications:

- A passport agent
- A federal court clerk
- A probate judge or clerk
- Designated postal employees
- A diplomatic or consular officer serving abroad
- Other individuals specifically designated by the United States Department of State

Chapter Eighteen

Duties of the Court Clerk: Courtroom and Legal Proceedings

Understanding the Court Clerk's Function

The court clerk has specific duties and responsibilities to perform before, during, and after a court session. These duties and responsibilities will vary depending on the type of case being considered. They may also vary between counties according to individual court rule and the judge's discretion.

This chapter discusses general duties and responsibilities that apply to all courtroom proceedings. Duties and responsibilities specific to criminal or civil cases, or to particular types of those cases, are included in the chapters that pertain to those cases. Please refer to the [Table of Contents](#) for those chapters.

In the courtroom, the court clerk is required to be present for specific events and when requested by the judge. The court clerk must ensure that all proceedings are recorded and filed as directed by the Oklahoma Statutes. Many counties now have full-time, paid secretary-bailiffs who perform most in-court functions under the judge's direction.

12 O.S. § 33
12 O.S. § 23
12 O.S. § 24

The judge may direct the court clerk to take minutes of court proceedings, or the judge may take the minutes and provide them to the court clerk for filing. A “court minute” shall contain a very brief description of the order or judgment rendered. It must not be encumbered with a detailed recital of the terms. The court clerk shall transcribe onto the appearance docket all minute entries made and all the electronically recorded abstracts. A minute entry on appearance shall not constitute a judgment, decree, or appealable order.

NOTE:

Regardless of the procedure, the court clerk is responsible for ensuring that minutes of all district court activities in a case are recorded and filed for that case. Chapter Twelve, “Duties of the Court Clerk: Record Keeping and Maintenance,” explains case minutes.

12 O.S. § 23
12 O.S. § 696.2(D)
12 O.S. Chapter 15, Appendix
Rule 1.21

12 O.S. §23

Understanding the Legal Process

The district court designates specific dates on which to hear cases that are at a particular stage in the legal process. The process that a case follows depends on several factors:

- The type of case: criminal felony, criminal misdemeanor, or civil action
- Court rulings
- Filings and actions by defendants or plaintiffs, or their attorneys

Court Reporters

The court reporter shall make a full reporting by shorthand, microphone or machine notes, or a combination thereof, of all proceedings, including the statements of counsel and the court and the evidence, in trials and other judicial proceedings to which the court reporter is assigned by the appointing judge unless excused by the judge with the consent of the parties to the action.

20 O.S. § 106.4(A)(1)

In any trial, hearing, or proceedings, if no court reporter is available, the assigned judge may order the proceedings electronically recorded and a trial or proceedings may proceed without the necessity of a court reporter being present. If an official transcript is ordered, it must be prepared by the official court reporter. With approval of the judge, the parties may use a freelance reporter and share the cost. If ordered, the transcript must be prepared by the approved reporter and will be considered the official transcript for all purposes. All costs associated with transcribing hearings or proceedings shall be set by the Supreme Court. Contact the AOC for more information.

20 O.S. § 106.4(A)(2)

Criminal Cases

A case seldom progresses exactly through a specific sequence. The following list shows the possible stages for a criminal case. The sequence of these stages may vary depending on the type of case and whether it is a misdemeanor or a felony case. Some stages may be repeated. For example, continuances are allowed at almost any stage of a case.

1. Initial Appearance
2. Preliminary Hearing
3. Arraignment
4. Continuance
5. Motion Hearing
6. Pretrial Proceedings
7. Trial
8. Disposition
9. Post-trial Actions
10. Appeal

Chapter Twenty-Two, “[Duties of the Court Clerk: Criminal Cases](#),” and Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” contain detailed information on the steps and procedures in the legal process for criminal cases.

Civil Cases

The progression for a civil case may also vary between cases. The following list shows the possible stages for a civil case.

1. Petition Filed
2. Summons Issued
3. Summons Returned
4. Answer - when all defendants’ answers are filed
5. Scheduling Order Conference (SOC)
6. Alias Summons Issued

7. Body Attachment
8. Motion
9. Motion Hearing or Motion Docket
10. Dismissal
11. Continuance
12. Pretrial Proceedings
13. Mediation/Settlement Conference
14. Trial
15. Disposition
16. Post-Trial Actions
17. Appeal

Chapter Twenty-Four, “[Duties of the Court Clerk: Civil Cases](#),” Chapter Nineteen, “[Duties of the Court Clerk: Post Judgment Procedures](#),” and Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” contain detailed information on the steps and procedures in the legal process for civil cases.

Handling Motions and Motion Dockets

Motions

Motions are made to the district court by litigants in a case, or by their attorneys, to request an order or a court ruling.

Any court ruling on a motion must be memorialized by an order prepared by the moving party, or as directed by the district court, and filed in the case, with the court clerk giving proper notice of the filing.

12 O.S. Chapter 2, Appendix
Rule 4(f)

Motion Dockets

Each county must hold, at the direction of the presiding judge, a session to hear motions and demurrers at least once every thirty (30) days. The court clerk may prepare the motion docket and place on that docket any motion or demurrer on file for at least five (5) days. The court clerk shall mail the dockets.

20 O.S. § 96
20 O.S. Chapter 1, Appendix 2
Rule 14(B)

NOTE:

All motions have a fifteen (15)-day response time per the Oklahoma Statutes before being placed on a motion docket. However, some motions do not require responses; they are continuous.

12 O.S. Chapter 2, Appendix
Rule 4(d)(e)

Motion Docket Preparation

To prepare for a motion docket court session, the court clerk may perform the following actions:

- Organize and type the motion docket according to case style and further group the cases according to the attorney where applicable. The following items are frequently included on the motion docket:
 - Case number
 - Case style
 - Motion style as filed
 - Attorneys' names
 - Parties if not represented by counsel
 - Date of docket hearing - time, place, and judge
- Provide a copy of the motion docket to the court and to all attorneys involved (or to the parties if they are unrepresented) in a reasonable time before the motion docket session (ten (10) days to two (2) weeks)
- Make case files available to the court upon request

20 O.S. § 96
20 O.S. Chapter 1, Appendix 2
Rule 14(B)

Motion Docket Hearings

On the day of the motion docket hearings, the court clerk may, at the direction of the presiding judge, perform the following actions:

- Ensure that the court has a copy of the motion docket.
- File the minute on the appropriate appearance docket and in the proper case file.
- Place each continuance ordered by the court on the proper docket.

12 O.S. Chapter 15, Appendix 1
Rule 1.6

58 O.S. § 701

Handling Disposition Dockets

The court clerk is responsible for preparing disposition dockets for the district court to facilitate the handling of cases.

Disposition docket requirements vary between civil and criminal cases. These dockets may also vary between counties and may be governed by local district court rule.

20 O.S. § 91.2

20 O.S. Chapter 1, Appendix 2
Rule 14(A)

Civil Disposition Dockets

The district court must hold at least one (1) civil disposition docket each year. The court clerk may list on the disposition docket any action that is not at issue and in which no activity has taken place for one year.

At disposition docket hearings, the court can confer with parties and their attorneys regarding a case's disposition, arrange for pretrial dates, dismiss cases for want of prosecution, and make final disposition on cases where possible without a trial.

12 O.S. § 1083

20 O.S. Chapter 1, Appendix 2
Rule 14(A)

Criminal Disposition Dockets

Criminal disposition dockets are held as needed, usually in preparation for jury sessions. At a criminal disposition docket hearing, parties might state a demand for a jury trial, or parties and their attorneys might discuss plea agreements.

All issues relating to discovery will be completed at least ten (10) days prior to trial. The district court may specify the time, place, and manner of making the discovery and may prescribe such terms and conditions as are just.

20 O.S. Chapter 1, Appendix 2
Rule 14(A)

22 O.S. § 2002(D)

Disposition Docket Process (Criminal or Civil)

Disposition Docket Preparation

Once the court has set a date to call the disposition docket, the court clerk may prepare the docket, which contains essentially the same information as the motion docket. The disposition docket could be arranged according to one of the following criteria:

- Matters to be set before a particular judge
- Case types
- Cases being handled by particular attorneys

20 O.S. Chapter 1, Appendix 2
Rule 14(A)

Disposition Docket Distribution

The court clerk must send a copy of the disposition docket to all parties involved in the cases listed, or their attorneys, at least ten (10) days prior to the hearing. The court clerk should also provide a copy of the docket to the district court and to any defendant not represented by counsel.

20 O.S. Chapter 1, Appendix 2
Rule 14(A)

In some cases, an attorney may respond to receiving the disposition docket in one of the following ways:

- Move to dismiss the case on behalf of the plaintiff.
If a court order granting a motion for dismissal is received, the court clerk strikes the case from the disposition docket and records the dismissal order.
- Move for continuance of the case.
If a written request for continuance is received, the court clerk sets the request on the disposition docket, or if the district court approves the continuance before docket call, the court clerk follows the orders of the court continuing the case as set by the judge.
- Request that the case be placed on the next pretrial civil docket.
If a written request for pretrial is received, the court clerk sets the request on the disposition docket.

Disposition Docket Hearing

When the disposition docket is called, the court clerk may perform the following actions:

- Ensure that the district court has a copy of the disposition docket.
- Provide the district court with motions requesting a continuance or pretrial conference when applicable.
- Record the action on the appropriate appearance docket and file the minute in the proper case file.
- Place the cases set for pretrial conference or trial on the appropriate dockets.

Handling Pretrial Proceedings

Pretrial proceedings usually consist of a pretrial conference attended by the judge and the litigants and their attorneys. This pretrial conference is held in the judge's chambers or in the courtroom, at the judge's discretion. The purpose of the conference is to expedite the ultimate disposition of a case by setting schedules, and to ensure efficiency in disposing of the case.

12 O.S. Chapter 2, Appendix
Rule 5(A)

Court Clerk Responsibilities

The court clerk must notify the parties and attorneys of record at least twenty (20) days prior to the pretrial conference date. The notice should contain pretrial hearing instructions.

12 O.S. Chapter 2, Appendix
Rule 5(B)

The court clerk may not be present at the pretrial conference but may perform the following actions before and after a pretrial conference:

- Ensure that minutes of the pretrial conference are prepared and record them on the appearance docket, if applicable.
- Place the **ORIGINAL** of any court order in the appropriate case file.
- Place each pending case on the next trial docket date or document all hearing dates set as specified by the court.

The original file stamped minute must be placed in the case file. If the minute is taken on the printed docket, then a copy must be placed in the case file, or the court clerk should set an office policy or procedure to handle docket minutes.

Handling Trial Dockets

To facilitate the trial and disposition of cases, the court clerk assigns actions filed in the district court to various dockets under the direction and supervision of the presiding district judge. These dockets include civil, criminal, traffic, probate, juvenile and family relations, and small claims.

At least twelve (12) days before the first day of each term of court, the court clerk must prepare a trial docket as prescribed by the district judge. The trial docket should contain as many cases as can be considered on each day or as directed by the district judge.

Before the first day of each term of court, the court clerk must prepare, and have printed, a copy of the trial docket for use by parties and their attorneys.

If a case has been settled, the attorneys must notify the district court in writing. The district court will then direct the court clerk to strike the case from the trial docket. The court clerk places the court order in the case file and enters the order on the appearance docket.

Non-Jury Trial

In a trial that does not involve a jury, the court clerk must perform the following actions:

- Ensure that the court has a trial docket.
- Enter minutes on the appropriate appearance docket, if applicable.
- The original file stamped minute should be placed in the case file. If the minute is taken on the printed docket, then a copy must be placed in the case file, or the court clerk should set an office policy or procedure to handle docket minutes.

12 O.S. Chapter 2, Appendix
Rule 5(A)
12 O.S. § 22

12 O.S. § 663

12 O.S. § 664

12 O.S. § 551
12 O.S. § 556
12 O.S. § 591
22 O.S. § 566
22 O.S. § 576

Jury Trial

During a jury trial, the court clerk performs specific actions in addition to the ones listed above for a non-jury trial. Chapter Twenty-One, “[Duties of the Court Clerk: Jury Selection and Procedures](#),” contains detailed information on the court clerk’s responsibilities related to a jury in a jury trial.

12 O.S. § 571-591

22 O.S. § 591-602

22 O.S. § 831

Issuing Court-Directed Documents

For information on issuing subpoenas, orders, vouchers, summons, and other court-ordered documents, please refer to the appropriate heading in Chapter Twenty-Two, “[Duties of the Court Clerk: Criminal Cases](#),” or Chapter Twenty-Four, “[Duties of the Court-Clerk: Civil Cases](#).”

12 O.S. Chapter 2, Appendix
Rule 2

12 O.S. § 28

12 O.S. § 2004

12 O.S. § 2004.1

Judgments

After the granting of a judgment, decree, or appealable order, it shall be reduced to writing, signed by the court, and filed with the court clerk. A file-stamped copy of every judgment, decree, or appealable order shall be served upon all parties.

12 O.S. § 696.2(A)

22 O.S. § 977

In civil cases only, these parties should include those who are in default for failure to appear in the action, by the counsel for a party, or the party who prepared it, or by a person designated by the trial court, promptly and no later than three (3) days after it is filed. If the judgment, decree, or appealable order was prepared by the court, the court may direct a bailiff, the court clerk, or a party to perform the service and the certificate of service as required.

12 O.S. § 696.2(B)

5 O.S. Chapter 1, Appendix 4

Rule 2.11

12 O.S. Chapter 15, Appendix

Rule 1.21

The clerks of each of the courts shall exercise the powers and perform the duties imposed upon them by the statutes of this state and shall furnish without cost to the Supreme Court of Oklahoma statistical and other information as the court or legislature may require, including but not limited to, the number and classification of cases. Statistical information is acquired from judgments.

12 O.S. § 33

12 O.S. § 35

- Number of cases filed with the court.
- Number of cases disposed of by the court and the manner of such disposition.

- Number of cases pending before the court at each term of court.

For information on statistical reporting, please refer to the “[Caseload Statistical Reports](#)” in Chapter Fourteen, “Duties of the Court Clerk: Reports.”

Collecting Fees and Costs

The court clerk is responsible for collecting all fees and costs related to courtroom activities as required by statute and listed in the Uniform Fee Schedule. For information on establishing and collecting fees and costs, please refer to Chapter Eleven, “[Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports](#).”

28 O.S. § 151
12 O.S. § 35

Handling Disqualification of a Judge

A judge can be disqualified to hear, or may refuse to hear, an assigned case for any number of reasons that might impair a judge’s impartiality. The most common reasons for disqualification might include, but are not limited to, the following:

- Personal bias concerning a party involved in a case
- Relationship by blood or marriage to a party involved in a case
- Financial interest in the subject matter of a case

5 O.S. Chapter 4, Appendix 4
Rule 2.11
5 O.S. Chapter 1, Appendix 7
Rule 5
20 O.S. § 1401
Oklahoma Constitution
Article 7A § 6

Disqualification by the Judge

Within ten (10) days before a case is to be set for trial, district judges should seek to disqualify themselves if their impartiality in a case might reasonably be questioned. However, instead of withdrawing from the proceedings, the district judge might disclose on the record the basis for disqualification. If the parties and lawyers in the case all agree in writing that the judge’s reasons for disqualification are insubstantial, the judge is not disqualified and may participate in the proceedings.

12 O.S. Chapter 2, Appendix
Rule 15
5 O.S. Chapter 1, Appendix 4
Rule 2.11(C)

The court clerk records the agreement, signed by all parties and lawyers in the case, with the other case records.

If the district judge's disqualification is upheld, the court clerk, at the order of the chief or presiding judge, should schedule the case for hearing by another district judge and note the order on the appearance docket.

Disqualification by a Party in a Case

A party in a case can file a motion with the court clerk to disqualify a district judge, or to transfer a case to another district judge. The motion must be filed not less than ten (10) days before a case is set for trial. The party filing the motion must also deliver a copy of the motion to the district judge in question.

If the district judge in question refuses the motion for disqualification, the party filing the motion can present the motion to the chief judge. If the chief judge is the district judge in question, the motion is filed with the presiding judge of the administrative district.

Writ of Mandamus

If the last judge does not approve the motion, the party seeking disqualification can begin a proceeding for a writ of mandamus in the Oklahoma Supreme Court or the Court of Criminal Appeals.

If the court clerk receives an order or writ of mandamus that directs the district judge in question to be disqualified, the court clerk files the order or writ in the case file, enters the information on the appearance docket, and schedules the case for hearing before another district judge according to the order.

Transferring Criminal Cases

A court case can be transferred to another county to ensure that all parties involved receive a fair and impartial hearing. If a district judge grants a petition for a change of venue, the court clerk enters an order of removal on the minutes.

Duties of Court Clerk in Transferring Cases

Within ten (10) days after an order transferring or removing a case to another county has been entered, the court clerk must transmit certified copies of the following items to the court clerk who is receiving the case.

12 O.S. Chapter 2, Appendix 2
Rule 15
20 O.S. § 1403

22 O.S. § 1403
22 O.S. Chapter 18, Appendix
Rule 10.6(B)
12 O.S. Chapter 2, Appendix
Rule 15
12 O.S. § 1451

22 O.S. § 561
20 O.S. § 642

22 O.S. § 562
20 O.S. § 642

- The order of removal or transfer
- The record of all proceedings held to date, including docket sheet(s)
- The case pleadings
- The appearance bond (undertaking) of the defendant and witnesses, if applicable

The court clerk should send, **under court order**, original pleadings and other papers from the case and keep a certified copy.

Duties of Court Clerk Receiving Cases

The court clerk who is receiving the case must notify the receiving court and ask for an order to schedule the case so that it can be heard within six months from the date the change of venue or transfer was ordered.

22 O.S. § 562

22 O.S. § 566

If an order of removal is entered, all expenses incurred from the action prior to the date of the order of removal must be taxed as costs and shall remain payable to the court fund of the county from which the action was transferred.

22 O.S. § 562(B)

Expenses in Transferring a Criminal Case

The county from which the action is transferred is liable for any expenses in removing, delivering, and keeping a prisoner; the fees of jurors and witnesses, court reporter fees; all fees and mileage of the sheriff; the per diem of bailiffs; and other lawful expenses incidental to the trial. These expenses must be reported to and approved by the court administrator of the Supreme Court of Oklahoma on a form prescribed by the Supreme Court of Oklahoma.

22 O.S. § 562(C)

22 O.S. § 562(C)

The court clerk must not allow any payments from the local court fund that have not been approved by the Court Administrator of the Supreme Court of Oklahoma.

22 O.S. § 562(D)

Upon receiving the certificate, the clerk of the district court from which the action was transferred shall draw warrants on the court fund of the transferring district court for the total amount of costs allowed by the receiving district court, payable to the court fund of the receiving district court and forward the funds to the clerk of the district court where the case is tried. The court clerk should then deposit the funds in their district's court fund.

If the court fund of the county from which the action was transferred does not contain sufficient revenue to make payment to the receiving court, the court clerk of the payor county shall notify the AOC who shall make payment from the Supreme Court Revolving Fund of any deficiency in the amount due and owing to the receiving court.

22 O.S. § 562(E)

Any fees received by a court clerk to whom a case was transferred that are not claimed within two years are returned to the court clerk from whom the case was transferred. This court clerk holds the fees for one year in the court fund and if the fees are not claimed in one year, they are deposited in the court fund of that county.

22 O.S. § 562(F)

Filing Depositions

Depositions are normally taken and transcribed by a court reporter. The court clerk may then, if ordered by the district court, file the transcripts. The court clerk may occasionally be involved with the taking of depositions. Depositions are discussed at length in the Oklahoma Statutes. The party taking a deposition is required to promptly give notice of the Notice of Deposition filing to all other parties involved in the case.

12 O.S. § 3227(D)

Chapter Nineteen

Duties of the Court Clerk: Post-Judgment Procedures

A judgment is often thought to be the final action in a court case. However, post-judgment actions, or those actions taken after the judgment is issued are often more complicated than the actual case itself. Post-judgment procedures can include the following actions:

- Hearings on assets 12 O.S. § 842
- Garnishments 12 O.S. § 1171
- Income assignments 12 O.S. § 1171.3
- Sheriff's sales 12 O.S. § 759
- Contempt and writ of habeas corpus in civil cases 12 O.S. § 850
12 O.S. § 1333

Understanding Post-Judgment Procedures in Civil Cases

Most post-judgment proceedings in civil cases relate to the collection of a money judgment.

Hearings on Assets

The first step in collecting a judgment is to hold a Hearing on Assets to determine what assets the judgment debtor owns. This hearing is initiated by the judgment creditor who files an application with the court for a hearing. The judge issues an order to be served on the judgment debtor that compels the judgment debtor to attend the hearing.

12 O.S. § 841
12 O.S. § 842

A Hearing on Assets can be conducted at any time following the judgment. The judgment creditor who files the application must pay the proceeding after-judgment fee and service fees, if applicable, according to the Uniform Fee Schedule.

28 O.S. § 152(A)(13)

The judge may or may not attend the Hearing on Assets. A court reporter may also be present. During the hearing, the judgment creditor, or attorney, asks questions of the judgment debtor concerning assets owned. The judgment creditor can also use interrogatories, or written questions, to find assets that belong to the judgment debtor.

28 O.S. § 152.1(A)(9)

The application and order to appear and answer (regarding assets and interrogatories to be answered by the debtor) will be supplied by the court clerk on forms established by the Oklahoma Bar Association.

12 O.S. § 1772(A)(1)(b)

Hearing on Assets forms are provided by the [AOC](#).

Garnishments

Garnishment is a legal proceeding where a third party, or the garnishee, is required to answer to and pay over assets, if any, of the judgment debtor. Judgments that order the payment of money only cannot be enforced until ten (10) days after the judgment is filed with the court, except for small claims cases.

12 O.S. § 990.3

12 O.S. § 1171(A)

Any creditor is entitled to proceed by garnishment in any court having jurisdiction against any person who is indebted to the creditor's debtor or has possession or control of any property belonging to such creditor's debtor, in the cases, upon the conditions, and in the manner described by law.

12 O.S. § 1171(A)

Effective November 1, 2023, garnishment forms will be prescribed by the Oklahoma Bar Association and the AOC to provide public access. The forms are:

- Affidavit 12 O.S. § 1172(A)
- Summons & Garnishee's Answer 12 O.S. § 1173(C)(E)
- Summons 12 O.S. § 1173.2
- Summons & Garnishee's Answer 12 O.S. § 1173.3(B)(D)
- Summon & Garnishee's Answer 12 O.S. § 1173.4(C)(E)
- Garnishee Answer is on Earnings 12 O.S. § 1178(C)
- Garnishee Answer for Collection of Support 12 O.S. § 1178.1(C)
- Garnishee Answer Child Support 12 O.S. § 1178.2(B)
- Garnishment Post-Judgment Collection for Child Support 12 O.S. § 1174(C)(D)

Garnishment proceedings are initiated by filing with the district court an Affidavit of Garnishment, [AOC Form No. 37](#). Only one garnishee can be included in any affidavit or summons.

12 O.S. § 1172

NOTE:

Court clerks may receive some garnishment forms through a link provided by AOC to the Oklahoma Bar Association.

Disposable earnings are defined to be seventy-five percent (75%) of all earnings for personal or professional services earned during the last ninety days and is exempt from all garnishment except for garnishment for the collection of child support obligations.

12 O.S. § 1171.1

Garnishments are categorized into one of two classes:

1. Pre-Judgment Garnishments
2. Post-Judgment Garnishments

Pre-Judgment Garnishments

Garnishments can be filed before judgment under certain circumstances. However, a garnishee summons cannot be issued in any action prior to judgment until the following requirements have been met:

12 O.S. § 1172.1

- The defendant has been served with a notice, which includes an affidavit as described in the Oklahoma Statutes. The notice tells the defendant that a garnishee summons has been requested, and that the defendant has five (5) days to file a written objection with the court clerk and deliver or mail a copy to the plaintiff's attorney.
- No written objection is filed within the five (5) day period, and the plaintiff executes an undertaking as described in the Oklahoma Statutes.

If a written objection is filed within the five (5) day period and either party requests a hearing, the district court must set a prompt hearing and notify the other party. If the plaintiff proves the merit of the plaintiff's cause at the hearing and executes an undertaking as described in the Oklahoma Statutes, the district court may issue a garnishment summons.

NOTE:

The court clerk does not have the authority to issue this summons.

12 O.S. § 1173.2

- The plaintiff proves the merit of the plaintiff's cause at the hearing and executes an undertaking as described in the Oklahoma Statutes.

NOTE:

A recommended practice is for court clerks to use caution to ensure that pre-judgment garnishments are handled correctly, per the Oklahoma Statutes.

If the district court finds that the defendant cannot be given notice, although a reasonable effort has been made to notify the defendant, and the plaintiff proves the probable merit of the cause and has executed an undertaking as provided, the district court may issue a garnishee summons after which the defendant may move to have the garnishee summons quashed.

A pre-judgment garnishment can be amended as in other civil actions. The garnisher can request alias or additional summons to be issued against the garnishee.

12 O.S. § 1172.1(C)

Post-Judgment Garnishments

12 O.S. § 1172.2

Generally, garnishment occurs in cases where the judgment creditor has a judgment. In post-judgment garnishment, the court clerk attaches a Claim for Exemptions and Request for Hearing, [AOC Form 22](#), to the garnishment summons. The garnishee, or the person or entity holding money for the judgment debtor, must immediately mail these documents to the judgment debtor. If the Application for Hearing is filed, the district court must set a hearing within no less than two, or more than ten days, from the receipt of the application. The court clerk must give notice of the hearing to each of the parties by first class mail. If property held for the judgment debtor is found to be exempt, the district court issues an order to prevent garnishment.

Garnished monies are paid by the garnishee directly to the judgment creditor. The district court can order funds to be paid to the court clerk only if good cause is shown, or if required by federal law. Any funds paid to the court clerk must be paid to the judgment creditor or attorney within twenty-one days after they are received by the court clerk, unless otherwise ordered by the district court. An order of disbursement is not required to pay out these monies. The court clerk has no duty or obligation to determine whether the garnishee has complied with the notice provisions to the judgment debtor.

12 O.S. § 1172.2(C)

Post-judgment garnishments consist of the following types of garnishments:

- **Income Assignments**

Income assignment can be used to collect any amounts due for child support, childcare, and medical expenses, plus current support alimony payments; provided, child support shall be paid prior to any alimony payments.

- Income Assignments for Child Support

Any person or entity entitled to receive child support payments can initiate income assignment proceedings by filing an application with the district court and paying the appropriate fee.

12 O.S. § 1171.2

12 O.S. § 1171.3

A notice of income assignment must be sent by the applicant to the payor on an [Order to Withhold Income for Child Support](#) form available from the secretary of the US Department of Human Services. The notice must be sent by certified mail, return receipt.

12 O.S. § 1171.3(B)(1)

The income assignment takes effect on the next payment of earnings and the amount withheld must be sent to the Oklahoma Centralized Support Registry.

12 O.S. § 1171.3(B)(2)

The income assignment is binding upon the payor until released or until further order of the district court.

12 O.S. § 1171.3(B)(4)

An income assignment for child support shall have priority over any prior or subsequent garnishments of the same wages.

12 O.S. § 1171.3(B)(11)

Requests for income assignments can be included in the petition for dissolution of marriage or in the decree without a separate hearing for the income assignment. In instances where a separate proceeding is not required, the court clerk does not charge a fee for the income assignment proceeding.

- **Non-continuing Earnings Garnishment**

Earnings is defined as any form of payment made to an individual including, but not limited to, salary, commission, or other compensation. It does not include travel reimbursement for state employees.

12 O.S. § 1173

The judgment creditor initiates a non-continuing earnings garnishment by [filing an affidavit, summons, Claim for Exemption and Request for Hearing, and the garnishee's answer](#). The court clerk issues a summons to be served on the garnishee with a copy of the judgment creditor's affidavit, a garnishee's answer form, notice of garnishment and claim for exemptions and application for hearing. Return with proof of service must be made within five (5) to ten (10) days.

12 O.S. § 1173.2

Within seven (7) days after the end of the judgment debtor's then-current pay period or thirty (30) days from the date of the summons service, whichever is earlier, the garnishee must file an answer with the court clerk and pay the amount withheld from the pay period to the judgment creditor or attorney. The judgment creditor also receives a copy of the answer.

12 O.S. § 1173.4(F)

If a garnishment summons is filed on a garnishee while an earlier garnishment is effective, the garnishee answers the second garnishment by stating that the garnishee is presently holding the judgment debtor's property under a previous garnishment. The answer must state the date when all previous garnishments are expected to terminate.

12 O.S. § 1173(H)

If the second or subsequent garnishment is issued against a judgment debtor who is subject to an income assignment for child support, the garnishee must determine the maximum percentage of the judgment debtor's disposable earnings and deduct from that percentage the actual percentage of the judgment debtor's disposable earnings actually withheld under the income assignment. The resulting percentage is the amount to be withheld by the garnishee, not to exceed twenty-five percent (25%). The maximum part of the aggregated disposable earnings of any person for any workweek which is subject to garnishment or income assignment for child support must not exceed the following guidelines:

12 O.S. § 1173(I)

- Fifty percent (50%) of each person's disposable earnings of any person for that week, if that person is supporting a spouse of dependent child other than the child for whose support the order is used.
- Sixty percent (60%) of such person's disposable earnings for that week if that person is not supporting a spouse or dependent child.

12 O.S. § 1171.2(B)

The fifty percent (50%) becomes fifty-five percent (55%) and the sixty percent (60%) becomes sixty-five (65%) if the order is to enforce a support order with respect to a pay period which is prior to the twelve (12)-week period which begins with the beginning of that work week.

- **Garnishment for child support**

The district court may order a continuing garnishment for child support. The amount ordered cannot exceed the amounts listed above for non-continuing earnings garnishment.

12 O.S. § 1173.2

A garnishment for child support is initiated by filing an affidavit. The judgment debtor may request a hearing as in all other garnishments. The court clerk may issue the summons in post-judgment garnishment, and the judge may issue the summons in prejudgment garnishment.

12 O.S. § 1173

The summons is served as in all other garnishments and returned with proof of service within five (5) days of its date, if served in the county, and within ten (10) days if served outside the county. If monies for child support are paid through the district court, they are not subject to poundage.

12 O.S. Chapter 2, Appendix
Rule 8.1
28 O.S. § 31.2

- **General garnishment**

General garnishments are usually used for garnishment of funds held by financial institutions. General garnishments are initiated in the same way as all other garnishments. The summons must be returned with proof of service within ten (10) days of its date. Within ten (10) days after service, the garnishee must file an answer/affidavit with the court clerk and pay or deliver to the judgment creditor the money along with a copy of the garnishee's answer/affidavit.

12 O.S. § 1173.3

- **Continuing Earnings Garnishment**

A continuing earnings garnishment can be initiated in the same way as any other garnishment issued to the garnishee with a copy of the judgment creditor's affidavit, an answer/affidavit form, notice of garnishment and request for hearing form, and the claim for exemptions form. The summons must be returned with proof of service within ten (10) days.

12 O.S. § 1173.4

Within seven (7) days after the end of each pay period, or after any payment to the judgment debtor if the garnishee does not have regular pay periods, the garnishee must file an answer/affidavit with the court clerk and must pay the amount withheld to the judgment creditor or attorney, along with a copy of the answer/affidavit. The continuing garnishment remains in effect until one of the following events occurs:

12 O.S. § 1173.4(F)

- The employment relationship is terminated.
- The judgment against the judgment debtor is paid in full, vacated, or modified.
- The matter is dismissed.
- The total earnings subject to the garnishment equal the balance of the judgment against the debtor to the judgment creditor.
- One hundred and eighty (180) days from the date of the service of the summons and affidavit have elapsed
- The summons continues in effect and applies to a pay period that begins before the end of the one hundred and eighty (180) day period even if the conclusion of the pay period extends beyond the end of the pay period.

12 O.S. § 1173.4(G)

A continuing earnings garnishment has priority over any subsequent garnishment served on the garnishee during the period it is in effect. If a subsequent summons is served on the garnishee while another continuing earnings garnishment is in effect, the garnishee must answer the subsequent summons by stating that the garnishee is holding the judgment debtor's funds under a previous garnishment.

12 O.S. § 1173.4(H)

The garnishee must give the date when all previous garnishment summons are expected to end. Any garnishment issued against a judgment debtor who is subject to a continuing or non-continuing earnings garnishment must take effect immediately upon the conclusion of the prior garnishment and must be effective for its full period of time or until one of the concluding events takes place, as specified above.

When a continuing garnishment is issued against a judgment debtor who is presently subject to an income assignment for child support, the garnishee must determine the maximum disposable

12 O.S. § 1173.4(I)

earnings according to the Oklahoma Statutes and deduct from that percentage the actual percentage of the judgment debtor's disposable earnings withheld under the income assignment. The resulting percentage must be the amount to be withheld by the garnishee, not to exceed twenty-five percent (25%).

If the judgment creditor and judgment debtor agree, a continuing earnings garnishment can be suspended or modified for a specific period of time. The agreement must be in writing and filed with the court clerk of the county in which the judgment was issued. A copy of the agreement must be mailed to the garnishee by the judgment creditor.

12 O.S. § 1173.4(J)

Each garnishee answer must be presumed to be the truth of the facts stated unless the judgment creditor files, within twenty (20) days from the receipt of the answer, answer to interrogatories, or from the date of the deposition of the garnishee, a written notice of exception to the answer. The matter is then treated as a civil action and must be docketed for trial.

12 O.S. § 1177

If the garnishee fails to answer, the court enters an order to the garnishee to file and deliver or mail the answer/affidavit within the time specified by the court, not less than seven days. The court also orders that monies be paid to the judgment creditor. The court includes in this order the manner in which the garnishee is to be served with the order. If the garnishee then fails to answer, the court renders judgment against the garnishee for the judgment amount with costs, including attorney fees. The garnishee may also be subject to contempt charges.

12 O.S. § 1179

Garnishment proceedings can include issuing interrogatories and taking depositions. Other interested parties can interplead into a garnishment action.

12 O.S. § 1183

12 O.S. § 1184

To avoid pre-judgment garnishment, the defendant can file, at any time after the garnishment affidavit is filed and before judgment, an undertaking executed by at least two (2) sureties, who are resident freeholders of the state. The undertaking must state that the sureties will, on demand, pay to the plaintiff the amount of the judgment that may be returned against the defendant. Exception to the undertaking must be made by the plaintiff within three (3) days of the receipt of the undertaking.

12 O.S. § 1188

Garnishment Summons Return

Service of a garnishment summons may be obtained by sheriff, certified mail or private processor server, and/or returned to attorney of record and they will procure service.

12 O.S. § 1172.2

The person serving the garnishment summons shall make proof of service promptly to the district court.

12 O.S. § 2004(G)

- Service by Sheriff:

When the garnishment summons has been served by a sheriff, the court clerk shall send a copy of the return to the issuing party or the issuing party's attorney within three (3) days after the return is filed.

- Service by Certified Mail by the Court Clerk:

When the court clerk mails the Garnishment Summons to the garnishee, the court clerk shall notify the issuing party or the issuing party's attorney within three (3) days after the return receiving the returned card and/or envelope that shows that the card or envelope was received.

- Service by Licensed and/or Special Process Server:

When a licensed and/or special process server serves the garnishment summons, the court clerk has no responsibility to notify the issuing party or the issuing party's attorney when the return of service is filed.

- Service by Certified Mail by the Issuing Party or the Issuing Party's Attorney:

When the issuing party or the issuing party's attorney mails the Garnishment Summons to the garnishee, the court clerk has no responsibility to notify the issuing party or the issuing party's attorney when the return of service is filed.

The court clerk must document the Garnishment Summons return on the appearance docket.

12 O.S. § 32

NOTE:

The court clerk should collect all statutory fees for copies and mailings when the Garnishment Summons is issued.

12 O.S. § 31

12 O.S. § 32

Notice of Garnishments and Exemptions

The affidavit, summons, answer, claim for exemption, and request for hearing are issued to the garnishee. If the garnishee is indebted to or holds property or money belonging to the defendant, the garnishee must immediately send by first-class mail a copy of the notice of garnishment, claim for exemption, and request for hearing to the defendant at the last known address of the defendant. In lieu of mailing, the garnishee may hand-deliver a copy of the notice and claim and request for hearing.

12 O.S. § 1172.2(A)

If the application requesting a hearing is filed, the court must set the matter for hearing within not less than two days nor more than ten (10) days from receipt of the request.

Payment of Funds by Garnishee

If the court orders the garnishee to pay the funds, the garnishee shall pay the funds directly to the judgment creditor, unless ordered by the court to pay the funds directly to the court clerk.

12 O.S. § 1172.2(B)

Any funds paid to the court clerk shall be paid to the judgment creditor or judgment creditor's attorney within twenty-one (21) days from receipt by the court clerk. No order of disbursement shall be necessary.

12 O.S. § 1172.2(C)

Attachment, Execution, and Sheriff's Sale

Attachment

A plaintiff in a civil action for the recovery of money can, at or after the lawsuit commences, have an attachment against the defendant's property. The plaintiff requests an attachment by filing with the court clerk a verified application that states the nature of the plaintiff's claim, the amount sought to be recovered, and the grounds for the attachment.

12 O.S. § 1152

12 O.S. § 759

12 O.S. § 760

The court clerk issues notice to the defendant of the action. The defendant has five (5) days in which to object to the application. If no objection is filed, the court clerk issues the order of attachment, after the plaintiff files an undertaking. If an objection is filed, the court sets the matter for hearing. At the conclusion of the hearing, the court can order the attachment or find that the attachment is not proper. If an attachment is ordered, the plaintiff must file an undertaking.

12 O.S. § 1152

12 O.S. § 1153
12 O.S. § 759

The undertaking must be executed by one (1) or more sureties, approved by the court clerk, and filed in the case, in a sum no less than double the amount of the plaintiff's claim. An undertaking is not required if the plaintiff is the state of Oklahoma.

Execution and Sheriff's Sale

12 O.S. § 759

A certified copy of a general execution must be filed in the county clerk's office. Unless a general or special execution is endorsed, Appraisal Waived, the county sheriff must have three disinterested persons view the property and estimate its value.

12 O.S. § 759

Effective May 5, 2022, Senate Bill 972 amends 12 O.S. §§ 757, 765, 766, & 769. Sheriff's sales may be held as online auctions.

Lands and tenements must not be sold unless the executing party performs the following actions:

12 O.S. § 764

- Gives notice to the judgment debtor and all persons interested in the property at least ten (10) days prior to the sale date
- Gives public notice of the sale for two (2) successive weeks in a county newspaper
- Files an affidavit of mailing and proof of publication

12 O.S. § 765
12 O.S. § 766
12 O.S. § 802

The sale can be confirmed by giving similar notice. Objection to the confirmation of sale must be mailed prior to the hearing confirming the sale. After the hearing, the court may order the court clerk to enter confirmation of the sale on the docket. Proceeds from the sale are deposited by the sheriff with the court clerk and paid out according to court order. The sheriff executes a sheriff's deed to the purchaser of the property. The sheriff makes return of all writs of execution within sixty (60) days.

A court clerk who neglects or refuses to pay monies to the entitled person can be sued to recover the funds. Written notice must first be served on the court clerk twenty (20) days before a petition is filed. The court clerk has twenty (20) days in which to pay the monies.

12 O.S. § 812

Most executions are general. They require only that the property of the judgment debtor be levied on to satisfy the judgment. Other executions may be special. These executions name specific property, which must be levied on to satisfy the debt. Both types of execution are handled in the same way and incur the same filing charges.

12 O.S. § 903

Notice of Renewal of Judgment

12 O.S. § 735(B)

To extend a judgment lien beyond the initial or any subsequent statutory period, prior to the expiration of such period, a certified copy of one of the following must be filed and indexed in the same manner as judgments in the office of the county clerk in the county in which the statement of judgment was filed and the lien thereof is sought to be retained.

- A general execution upon the judgment
- A notice of renewal of judgment
- A garnishment summons issued against the judgment debtor
- A notice of income assignment sent to a payor of the judgment debtor

A judgment shall become unenforceable and have no effect if more than five (5) years have passed from the date of any of the following:

12 O.S. § 759(C)

- The last execution on the judgment was filed with the county clerk.
- The last notice of renewal of judgment was filed with the court clerk.
- The last garnishment summons was issued, or a certified copy of a notice of income assignment was sent to a payor of the judgment debtor.

Bankruptcy

Sometimes during the pendency of a case, one of the parties may begin bankruptcy proceedings. Bankruptcy proceedings are always conducted in federal court. However, because of the action, the bankruptcy judge may stay the proceedings in the state court. A stay means that the action must be stopped until further order of the bankruptcy court. If the court clerk receives notice of a bankruptcy proceeding that involves any active case, the district judge assigned to that case must be notified immediately.

11 USC § 362
12 O.S. § 2008(C)(5)

Receivership

An action pending in state court in another county may be placed in receivership. This is a state action, which is treated similarly to bankruptcy. If the court clerk receives notice that an active case is involved in a receivership, the court clerk must notify the assigned district judge immediately.

12 O.S. § 852

Domestic Relations Cases

The nature of domestic relations cases, especially divorce actions involving children, often have many post judgment proceedings. These include motions to modify and citations for contempt. The filing of these types of pleadings necessitates filing fees specified on the Uniform Fee Schedule. An attorney may combine a motion to modify with a citation for contempt. The court clerk must assess the filing fees for both types of action if the actions are combined in one pleading.

43 O.S. § 111
12 O.S. Chapter 2, Rule 20
28 O.S. § 152(A)(2)
28 O.S. § 152(A)(13)

When a post judgment matter is filed in a domestic relations case, it is filed following the same procedures as for a new case. Motions to modify and citations for contempt are docketed and scheduled for hearing in accordance with local court rule.

43 O.S. § 134
43 O.S. § 1181
12 O.S. § 1031.1

Correct, Open, Modify, or Vacate Judgment

A court may correct, open, modify or vacate a judgment, decree, or appealable order on its own initiative not later than thirty (30) days after the judgment, decree, or appealable order. On motion of a party made not later than thirty (30) days after a judgment, decree, or appealable order has been filed with the court clerk, the court may correct, open, modify, or vacate the judgment, decree, or appealable order.

12 O.S. § 1031.1(A)(B)

If more than thirty (30) days have passed since the filing of a judgment, decree, or appealable order, proceedings to vacate or modify the judgment, decree, or appealable order shall be by petition. With this petition, a summons shall issue and be served as in the commencement of a civil action.

12 O.S. § 1031.1(C)
12 O.S. § 1033

Interest on Judgments

Interest on judgments is set each year by the AOC. This information is published shortly after the first of each year in the *Oklahoma Bar Journal* and may be found on the [AOC website](#).

12 O.S. § 727
12 O.S. § 727.1

Sinking Funds

Sinking funds are used to pay judgments taken against a county or municipality. They can be used to pay interest coupons, bonds that fall due, and judgments against a municipality or county. If a judgment is paid from the sinking fund, the proper officials of the municipality or county levy taxes to restore the sinking fund.

Oklahoma Constitution
Article 10 § 28

Following expiration of the protest period for ad valorem taxes, the judgment creditor can file a claim for money with the county treasurer, using [SA&I Form No. 334](#). This form is reviewed against the assets of the county or municipality, and the county treasurer pays the amount to the court clerk. The court clerk deposits the funds in the official depository account and enters the amount in the case. Upon demand by the judgment creditor, the court clerk pays the judgment as in other cases. Poundage cannot be deducted.

62 O.S. § 365.5

Monies that are not needed for bond retirement or interest coupons can be transferred to the city or township after a hearing is conducted by the district court. Notice of the hearing deciding the transfer must be run in a county newspaper for two (2) consecutive weeks.

62 O.S. § 445
62 O.S. § 447

Foreign Judgments

A judgment that does not originate from an Oklahoma district court is considered a foreign judgment. This group may include the Oklahoma Workers' Compensation Court or the federal court sitting in Oklahoma. It also includes judgments from other states and

12 O.S. § 720

countries. A judgment from the district court in another Oklahoma county is not a foreign judgment. Oklahoma judgments are enforceable across county lines and executions can be issued from the district court in one county to the district court of another.

A foreign judgment is treated like a regular civil case and civil filing fees are assessed at the time of filing. The judgment creditor must file an affidavit with the name and last-known post office address of the judgment debtor, and of the judgment creditor. The court clerk must mail notice of the filing of the foreign judgment to the judgment debtor at the address given and must make note of the mailing on the docket.

12 O.S. § 722
28 O.S. § 152(A)(14)

The notice must contain the name and address of the judgment creditor and lawyer, if any. No execution or other process for enforcement of a foreign judgment can issue in the case until twenty (20) days after the judgment is filed.

Tribal Courts

When the judgments of tribal courts, or courts organized by a federally recognized Indian nation, tribe, band, or political subdivision, are filed, they are treated as foreign judgments. Judgments from these courts can be enforced in state courts, providing the court has complied with guidelines established by the Oklahoma Supreme Court.

12 O.S. § 728

Contempt

“Contempt of Court” is best characterized as improper behavior toward a court. It can be direct contempt – for acts committed in immediate view and presence of the court – or indirect – for willful disobedience of process or order lawfully issued by the court. Contempt is both criminal and civil because it carries the possibility of imprisonment. Persons accused of contempt have the right to be informed of the accusations against them and have the right to a trial by jury. Bond can also be set.

12 O.S. § 392
21 O.S. §§ 565~568
12 O.S. Chapter 2, Appendix
Rule 20

Handling Writs of Habeas Corpus

Any person who is restrained of liberty can bring a writ of habeas corpus to inquire into the constraint and be released from it if it is illegal.

12 O.S. §§ 1331~1355

NOTE:

If no case has been filed, the writ of habeas corpus is filed in the Civil Division of the district court. If a case has been filed, the writ of habeas corpus is filed in the criminal case.

An application for a writ of habeas corpus is made by signing a verified petition, which includes the following information:

12 O.S. § 1332

- The facts of the restraint
- The cause of the restraint
- The nature of the illegality of the restraint

The writ is served by the county sheriff on the party having restraint. The return must be signed and verified and must include the authority for the restraint, the actual written authority, if any, and the nature of any transfer of custody. The district court judge may then conduct a hearing on the petition or may continue it until the person can be produced.

12 O.S. § 1336

12 O.S. § 1354

Writs of habeas corpus may be granted in civil and criminal cases and may be granted to parents, guardians, masters, and spouses. They may be granted for the protection of infants and insane persons. Writs of habeas corpus are often used to seek a change in custody of children.

No deposit or security for costs shall be required of an applicant for the initial application for a writ of habeas corpus.

Handling Post-Judgment Procedures in Criminal Cases

Post-judgment procedures in criminal cases can include the following actions:

- Application to accelerate, impose, or advance deferred sentences
- Motion to revoke suspended sentence
- Post-conviction relief
- Writ of habeas corpus
- Collection of fines and costs

12 O.S. § 1355
22 O.S. § 991c(G)
22 O.S. § 991b(B)
22 O.S. §§ 1080~1089
22 O.S. Chapter 18, Appendix
Rule 5.1-5.6
22 O.S. Chapter 18, Appendix
Rule 9.1~9.7
22 O.S. § 1151
12 O.S. §§ 1331-1355

For more information on the collection of fines and costs, refer to Chapter Eleven, “[Duties of the Court Clerk: Fees.](#)”

22 O.S. § 983

Motion to Accelerate Deferred Sentence

22 O.S. Chapter 18, Appendix
Rule 8.1-8.8

A defendant’s sentence may be deferred prior to imposition under conditions ordered by the district court. Sentences can be deferred for up to seven years. A deferred sentence is not a conviction. If the defendant fails to complete the conditions of the deferred sentence as ordered by the district court, a motion can be filed to impose the sentence. This motion can be called by several names: motion to accelerate the deferred sentence; motion to impose the deferred sentence; or motion to advance the deferred sentence.

22 O.S. § 991c(A)(F)

The steps followed in an imposition case are basically the same steps followed in a revocation case. If the sentence is imposed, it can become a conviction. If a defendant successfully completes a deferred sentence, including the payment of money owed to the court, the verdict or plea of guilty is expunged from the case and all references to the defendant’s name are removed from the court records. Please refer to “[Deferred Sentence Expungement](#)” in Chapter Twenty-Two for more information.

Motion to Revoke Suspended Sentence

A suspended sentence, or any part of it, can be revoked by the district court that sentenced the defendant. A suspended sentence is the imposition of a sentence by the district court, which is suspended conditioned upon the good behavior of the defendant and any other conditions ordered by the district court.

NOTE:

The district attorney must file a petition/motion to revoke a suspended sentence.

22 O.S. § 991b

A petition alleging the grounds for the revocation is filed with the court clerk. If the defendant is not in custody, a warrant is issued for the defendant’s arrest. A hearing on the petition must be held within twenty (20) days after the defendant enters a plea of not guilty to the petition. The burden of proving the allegations made in the petition is not as great as in other criminal cases. Court decisions may be made as in other criminal cases.

Post-Conviction Relief

In non-capital cases, actions for post-conviction relief are initiated by filing a verified Application for Post-Conviction Relief with the court clerk in the county in which the judgment was rendered, if the judgment is not pending.

22 O.S. § 1080

22 O.S. Chapter 18, Appendix
Rule 5.1-5.6

If an application is filed for revocation of parole or another form of condition release, the proceeding is filed in the county in which the parole or release was revoked. A person can initiate a post-conviction relief proceeding if that person has been convicted of, or sentenced for, a criminal offense and claims any of the following items:

22 O.S. § 1081

- The conviction was in violation of the Constitution of the United States or the Constitution of the state of Oklahoma.
- The district court did not have jurisdiction to impose the sentence.
- The sentence exceeds the maximum authorized by law.
- Facts exist that have not previously been presented that require vacation of the conviction or sentence in the interest of justice.
- The sentence has expired, or has been unlawfully revoked, or the applicant has been unlawfully held in custody.
- The sentence is subject to collateral attack upon any ground of alleged error.

22 O.S. § 1080

22 O.S. § 1081
22 O.S. Chapter 18 Appendix
Rule 5.1

The application and the authenticity of all documents and exhibits must be sworn to affirmatively as true and correct. [Form 13.11](#) of the forms included with the Rules for the Court of Criminal Appeals is the application for Post-Conviction Relief.

22 O.S. § 1082

The application can be filed without the payment of costs with an Affidavit of Indigency and where possible, may be filed in the same case as the underlying conviction. An applicant can ask for representation by a district court-appointed attorney.

22 O.S. § 1083

22 O.S. § 1084

The state is required to respond to the application within thirty (30) days of its filing. The district court can allow more time. The district court can allow the applicant to file an amended application. The district court can make a record or may decide the application on the documents submitted.

An appeal of an adverse ruling can be made to the Court of Criminal Appeals within thirty (30) days of the judgment entry. A Motion of Intent to Appeal is filed in the district court within ten (10) days of the judgment.

22 O.S. § 1087

NOTE:

Grounds for post-conviction relief in capital cases involving the death penalty are different from other cases. Applications in capital cases are reviewed by the Court of Criminal Appeals.

22 O.S. § 1089

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Chapter Twenty

Duties of the Court Clerk: Appeals

NOTE:

The county court clerk is referred to in this chapter as the clerk of the district court to avoid confusion with the clerks of the other courts referenced.

The Appeals Process

Unlike most states, Oklahoma has two (2) courts of last resort:

1. The Supreme Court determines all issues of a civil nature.
2. The Oklahoma Court of Criminal Appeals decides all criminal matters.

Different rules apply to the filing of the records for appeals in civil cases and criminal cases. *The Oklahoma Court Rules and Procedure* book contains the applicable laws and the rules for filing with both the Supreme Court and the Court of Criminal Appeals. The rules are available online at the [OSCN website](#), under “Legal Research,” “All Oklahoma Legal Matters,” “Oklahoma Court Rules,” then either “Oklahoma Court of Criminal Appeals” or “Oklahoma Supreme Court Rules.”

Oklahoma Constitution
Article 7 § 1

Oklahoma Constitution
Article 7 § 4

Oklahoma Constitution
Article 7 § 6

An appeal or habeas corpus proceeding to review a sentence imposed for contempt of court in a civil action is appealed to the Supreme Court. An appeal or habeas corpus proceeding to review a sentence imposed for contempt of court that occurred in a criminal proceeding or a grand jury proceeding is appealed to the Court of Criminal Appeals. If a contempt appeal or habeas corpus proceeding is not brought in the proper appellate court, it can be transferred if it was filed in the other court within the time limits specified for that court.

12 O.S. Appendix 1
Rule 1.21(e)(1)

An appeal or habeas corpus proceeding in a juvenile delinquency case or in a case for certification of a juvenile as an adult is brought in the Court of Criminal Appeals. An appeal or habeas corpus proceeding in any other juvenile proceeding is brought in the Supreme Court. If the appeal is not brought in the proper court, it will be transferred to the proper court if filed quickly in the other court.

12 O.S. Appendix
Rule 1.21(e)(2)

Court on the Judiciary

A Court on the Judiciary has also been established to hear and determine cases involving the removal of judges from office. This court is divided into two divisions, the trial division and the appellate division.

Oklahoma Constitution
Article 7A § 1

The appellate division is composed of two (2) members of the Supreme Court, chosen by that court; one (1) member of the Court of Criminal Appeals, chosen by that court; one (1) active member of the Oklahoma Bar Association, chosen by its executive council or other body exercising similar powers; and five (5) district judges, senior in service but under sixty-five (65) years of age.

Oklahoma Constitution
Article 7A § 2

Appeal to Appellate Division

From any judgment of the trial division of the Court on the Judiciary, the respondent or the prosecutor may appeal to the appellate division, by filing a notice of appeal with the clerk of the Supreme Court, within ten days after entry of the judgment. The notice shall be served upon the opposite party in the manner prescribed by the rules of the appellate division.

Oklahoma Constitution
Article 7A § 5

The preparation and certification of the record upon appeal and all proceedings upon the appeal, shall be governed by the rules of the Appellate Division.

The review in the Appellate Division shall be an equity appeal, as to both law and fact. The Appellate Division may affirm, modify, or reverse the judgment of the Trial Division, or enter a new judgment.

If required, the Appellate Division may hear additional evidence upon the appeal, upon a showing to the satisfaction of the Division that the additional evidence is material and that there were good reasons for failure to present it to the Trial Division.

WARNING:

The information in this chapter is intended as a general guideline for appeal procedures for court clerks of the district courts. A recommended practice is that those court clerks refer to the statutes for more detailed information, pertinent forms, and guidelines on specific questions.

Appeals to the Supreme Court (Civil Cases)

An appeal from a civil case in a district court is commenced by filing a Petition in Error with the clerk of the Supreme Court within thirty (30) days from the date the judgment, decree, or appealable order was filed with the clerk of the district court (the date of that court clerk's file stamp). If the appellant did not prepare the judgment, decree, or appealable order, and a copy was to be mailed to the appellant, and the court records do not show such mailing within three (3) days, exclusive of weekends and holidays after the filing, the Petition in Error may be filed within thirty (30) days after the earliest date on which the district court records show that a copy was mailed to the appellant. A copy of the Petition in Error must be filed with the district court within the same time period.

12 O.S. § 696.2
12 O.S. § 696.3
12 O.S. Appendix 1
Rule 1.21(a)
12 O.S. Appendix 1
Rule 1.23(a)
12 O.S. Appendix 1
Rule 1.23(c)

Commencement of Appeals

An appeal from a district court is commenced by filing a petition in error with fourteen (14) copies with the clerk of the Supreme Court.

12 O.S. Appendix 1
Rule 1.23

Fees for Appeals

28 O.S. § 155.1

The clerk of the district court collects the proper statutory fees for preparing, assembling, indexing, and transmitting the record for appellate review in civil cases.

12 O.S. Appendix 1
Rule 1.35

Designation of Record

All parties to an appeal must designate a record in a civil appeal except those appeals brought under the accelerated procedure prescribed by [Supreme Court Rule 1.36](#) (12 O.S. Chapter 15, Appendix 1, Rule 136). The Designation of Record must be filed prior to or at the same time as the copy of the Petition in Error is filed in the district court. In County Budget Appeals, the Designation of Record must be filed within five (5) days after the judgment, and the counter designation filed within five (5) days after the filing of the Designation of Record. In Juvenile Appeals, the Designation of Record must be filed within ten (10) days of the date of the order appealed, and the Counter Designation of Record must be filed within ten (10) days after the Designation of Record is filed.

12 O.S. Appendix 1
Rule 1.28(a)

12 O.S. Appendix 1
Rule 1.28(b)

12 O.S. Appendix 1
Rule 1.28(b)(2)

12 O.S. Appendix 1
Rule 1.28(b)(3)

12 O.S. Appendix 1
Rule 1.301, Form No. 11

The Designation of Record is made using [AOC Form 11](#). The pleadings and papers are designated by either circling the document on a copy of the court clerk of the district court's appearance docket and attaching it to the Designation of Record or by listing the specific items on the face of the Designation of Record. No designation including the entire district court trial record is allowed without an order of the chief justice.

12 O.S. Appendix 1
Rule 1.28(b)

12 O.S. Appendix 1
Rule 1.28(b)

The appellant's Designation of Record must include a certification signed by the court reporter of the district court when a transcript is ordered.

The appellate court may order additional parts of the record transmitted to the appellate court at any stage of the appeal.

Duties of the District Court Clerk to Assemble the Record

NOTE:

A good practice recommendation is that the clerk of the district court wait until the Certificate of Appeal is received from the Supreme Court to assemble the record. Parties may file a Designation of Record and then fail to proceed to perfect the appeal.

12 O.S. Appendix 1
Rule 1.33(d)

The record on appeal consists of those portions of the "entire district court trial record" properly designated by a party to the appeal or ordered by the appellate court.

The “entire district court trial record” is all papers and exhibits filed in the district court, the court reporter’s notes and transcripts of proceedings, and the entries on the appearance docket.

After the Designations of Record are made, the clerk of the district court assembles in chronological order all the designated instruments on file and all orders made in the district court regarding the content of the transcript and the assessment of costs. The instruments are numbered consecutively, indexed, and bound and certified under the seal of the clerk of the district court. All Designations of Record and a copy of the appearance docket must be included in the record on appeal. The Supreme Court has requested that the instruments be bound in volumes not to exceed two-hundred fifty (250) pages even though this is not addressed in the rules. (criminal appeals are limited to two hundred (200) pages per volume by rule). Designated transcripts and exhibits may be indexed with one page number on each volume.

12 O.S. Appendix 1
Rule 1.33(a)

The district court may order the record abbreviated and may direct that certified copies be substituted for the originals.

12 O.S. Appendix 1
Rule 1.33(b)

Electronic Record

Provided the Oklahoma Unified Case Management System (OUCMS) has been implemented, an Electronic Record (E-Record) transmitted through the OUCMS shall satisfy the requirements that any statute or court rule requires the clerk of the district court to prepare, certify, and transmit a record on appeal to the clerk of the appellate court. The E-Record shall be a chronological compilation of all instruments on file that have been designated for inclusion in the record on appeal and all orders made in the district court with respect to the content of the transcript and assessment of cost. The instruments in the electronic record, indexed and numbered consecutively, shall be certified under the seal of the clerk of the district court, using the [Certification and Notice of Completion of Electronic Record](#) form. The record shall not be re-paginated.

12 O.S. Appendix 1
Rule 1.33(a)(1)

Filing of Transcripts and Exhibits

The court reporter of the district court must file the original and two certified copies of the transcript and the exhibits. The exhibits are indexed and incorporated into the transcript by reference or physical attachment. Only two-dimensional exhibits no larger than 8 ½ x 14 may be transmitted to the Supreme Court with the record, except upon order of the district court.

12 O.S. Appendix 1
Rule 1.33(c)

If any party desires a copy of the transcript for their sole use, they must purchase it from the court reporter upon payment of costs. (The clerk of the district court is to receive the original and two certified copies for filing. The court reporter of the district court is not to give the copies that are ordered to be filed to the attorneys in the case.)

12 O.S. Appendix 1
Rule 1.33(c)

The parties or counsel are granted access to the bound instruments and transcripts on file (the record prepared for transmittal) as the district court orders.

12 O.S. Appendix 1
Rule 1.33(e)

Time Limits for Completing Record on Appeal

The record on appeal must be ready for transmission to the Supreme Court not later than six (6) months from the date of the filing of the judgment or order appealed except when state statute or rule requires completion earlier, in which case the statute or specific rule should be followed. For more information on completion dates for appeals, register for CTP court clerk courses or contact the CTP court clerk specialist.

12 O.S. Appendix 1
Rule 1.34(a)

Extension of Date for Completion of Record

A court reporter or the clerk of the district court is not permitted to file a motion for extension of time to file the Notice of Completion of Record. The appellant must file such a motion. No more than one thirty (30) day extension of time is granted. The court clerk or the court reporter of the district court, as applicable, may be required to give an affidavit for attachment to the motion that shows good cause for the delay in compiling the record.

12 O.S. Appendix 1
Rule 1.34(g)

Duties of the Court Clerk of the District Court on Completion of Record

The clerk of the district court files with the clerk of the Supreme Court a Notice of Completion of Record ([AOC Form 12](#)) with the Index of Record attached stating that the record on appeal has been completed for transmission, and the parties or counsel have been notified. The clerk of the district court notifies all parties or counsel that the Notice of Completion of Record has been filed with the Supreme Court by completing the certification and adding the names and addresses of all parties notified on the [Notice of Completion of Record](#) form.

12 O.S. Appendix 1
Rule 1.34(h)

Accelerated Procedure for Summary Judgments and Certain Dismissals

This rule governs appeals from summary judgments and from final orders from motions to dismiss for failure to state a claim or lack of jurisdiction of a person or subject matter. The record is filed with the Petition in Error with the Supreme Court. An original and four (4) copies of the record must be filed, and to the front of the original and each copy must be attached a clerk of the district court's certificate certifying each of the documents included as a true and correct copy of the original on file in the clerk of the district court's office.

12 O.S. Appendix 1
Rule 1.36(a)
12 O.S. Appendix 1
Rule 1.36(d)

A cover page and index are prepared by the party (the filer of the accelerated procedure).

12 O.S. Appendix 1
Rule 1.36(c)(A)(9)

Multiple Appeals from the Same Case

A clerk of the district court may file a written Request for Directions with the Supreme Court when the record has already been sent to the Supreme Court on appeal and a subsequent appeal is taken.

12 O.S. Appendix 1
Rule 1.27

Mandates

In every appeal or petition to review any order or judgment of a district court, a mandate will be issued to the district court upon conclusion of the matter on appeal.

12 O.S. Appendix 1
Rule 1.16

The mandate may be issued seven (7) days after the filing of an order denying certiorari or rehearing in the Supreme Court, or immediately upon expiration of the time to file a petition for writ of certiorari or petition for rehearing and disposition of any timely filed post-decisional motion. No mandate is issued upon conclusion of original actions, questions certified by federal courts, bar disciplinary matters, or original proceedings on initiative or referendum petitions.

Driver's License Appeals

47 O.S. § 6-211

Any person denied driving privileges, or whose driving privilege has been canceled, denied, suspended, or revoked by Service Oklahoma, shall have the right of an appeal to the district court. The district court is hereby vested with original jurisdiction to hear the petition. Driver's license appeals are discussed in more detail in Chapter Twenty-Four, "Duties of the Court Clerk: Civil Cases."

12 O.S. Appendix 1
Rule 1.34(c)

All appeals from decisions falling within the provisions of 47 O.S. § 6-211(K) (driver's license appeals), the record shall be filed in the Supreme Court from the district court with the petition in error by conventional means and by electronic means within thirty (30) days after petition in error is filed.

Appeals to the Court of Criminal Appeals (Criminal Cases)

22 O.S. Chapter 18, Appendix
Rule 2.1(A)

Motion for New Trial

In the event a motion for new trial based on newly discovered evidence is filed after the judgment and sentence is pronounced by the district court, but before an appeal has been perfected by the filing of the Petition in Error to the Court of Criminal Appeals, the motion must be filed with the clerk of the district court, accompanied by affidavits in support, and a copy must be served on the district judge and the district attorney. The motion shall also request a hearing date be set within twenty (20) days, with postponement only at the district judge's discretion.

Commencement of Appeal

An appeal to the Court of Criminal Appeals is commenced by the trial counsel filing with the district court a Notice of Intent to Appeal and a Designation of Record within ten (10) days from the date the judgment and sentence is imposed in open court. A certified copy of the Notice of Intent to Appeal and Designation of Record must also be filed in the Court of Criminal Appeals within ten (10) days from the filing in the district court. In addition, the attorney must submit the filing fee, pauper's affidavit, or district court's determination of indigency for the appeal. Then the clerk of the Court of Criminal Appeals will issue a Certificate of Appeal which contains the due date for the Petition in Error and the Original Record with the Transcripts of Trial Proceedings.

22 O.S. Chapter 18, Appendix
Rule 2.1(B)

22 O.S. Chapter 18, Appendix
Rule 2.5(A)

NOTE:

A good practice recommendation is that the clerk of the district court wait to prepare the record until the Certificate of Appeal is received.

Fees for Criminal Appeals

The clerk of the district court shall collect the proper statutory fees for preparing, assembling, indexing, and transmitting the record on appeal to the clerk of the Supreme Court for the court of criminal appeals.

28 O.S. § 155.1

Filing of Appeal Records

The appellate counsel is responsible for ensuring that all records to complete an appeal are filed with the clerk of the district court. The records for appeal in all misdemeanor and felony cases, including the petition in error, must be filed with the clerk of the Court of Criminal Appeals within ninety (90) days from the date the judgment and sentence is imposed.

In order to perfect an appeal from any juvenile or youthful offender proceeding and ensure that the appeal is perfected within the sixty (60) day deadline, the record and transcripts shall be completed and filed with the clerk of the district court, and immediately transmitted to the clerk of the Court of Criminal Appeals and appellate counsel within forty (40) days of the entry of the district court's order.

When any filing deadline falls on a day when the clerk of the district court's office is closed, the filing due date will be on the next day that court clerk's office is open for the performance of public business.

Indigent Defense System Appointments

When the Oklahoma Indigent Defense System is appointed on appeal, any supplemental designation of record, with acknowledgement of service on court reporters, must be filed within thirty (30) days of the date of appointment.

When the Oklahoma Indigent Defense System or another attorney has been appointed to represent an indigent defendant in an application for post-conviction relief where the defendant has received one or more sentences of death, the notice to the clerk of the district court shall require a certified copy be sent to the Oklahoma Indigent Defense System or the other attorney in addition to the copy provided for direct appeal.

When a defendant makes a request for court-appointed counsel or a transcript at State expense, a pauper's affidavit shall be completed and signed under oath. The initial determination of indigency shall be made by the chief judge of the judicial district or any designee thereof, and shall be made based on the defendant's application and the criteria provided in the Court Rules.

22 O.S. Chapter 18, Appendix
Rule 2.1(C)
22 O.S. § 1054
22 O.S. § 1362

22 O.S. § 1054
22 O.S. Chapter 18, Appendix
Rule 7.3 (C)

22 O.S. Chapter 18, Appendix
Rule 1.5

22 O.S. Chapter 18, Appendix
Rule 3.2(B) (C)(2)

22 O.S. Chapter 18, Appendix
Rule 1.14(A)(1)
22 O.S. Chapter 18, Appendix
Form 13.3

Failure to File on Time

When the transcript cannot be completed and filed within the time provided for filing appeals, the appellant must file the petition in error within ninety (90) days from the date the judgment and sentence are imposed.

22 O.S. Chapter 18 Appendix
Rule 2.1(C)

Form and Content of Record

After a Designation of Record is filed, the clerk of the district court must assemble, in chronological sequence, all of the instruments on file, together with the transcripts that have been designated. The instruments must be certified and numbered consecutively, as well as indexed and bound in volumes not to exceed two hundred (200) pages each. All designations of record, the judgment and sentence or final order, and a certified copy of the docket sheet must be included. Three (3) certified copies (four (4) for capital cases) must be prepared for transmittal to the Court of Criminal Appeals and the appellant's attorney. The Court of Criminal Appeals recognizes the provisions of Section 1054 of Title 22 but directs the clerk of the district court to retain the original record in the district court. The record must be certified by the clerk of the district court by using the AOC Form 13.9, prescribed by AOC.

22 O.S. Chapter 18, Appendix
Rule 2.2(A)

22 O.S. § 1054
22 O.S. Chapter 18, Appendix
Rule 2.2(E)
22 O.S. Chapter 18, Appendix
Form 13.9

Transcript of Evidence

The original transcript (indexed and certified as correct), two (2) certified copies (original and three (3) certified copies in capital cases), and attached exhibits or photos or copies of exhibits, in volumes not to exceed three hundred (300) pages per volume, must be filed with the clerk of the district court by the court reporter of the district court. The court reporter of the district court is required to notify, in writing, the defendant's appellate attorney, the district attorney, the attorney general, the clerk of the district court, and the clerk of the Court of Criminal Appeals that the transcripts have been filed with the clerk of the district court.

22 O.S. Chapter 18, Appendix
Rule 2.2(A)(2)(3)(E)

22 O.S. Chapter 18, Appendix
Rule 2.2(B)(D)

This notice must describe all transcripts by volume number or date of hearing and all exhibits by number/letter and description. The clerk of the district court must file this notice. If more than one (1) court reporter in the district court was involved in the proceedings, each court reporter is responsible for filing a separate itemized list.

No exhibits other than documentary, photographic, or electronically recorded evidence is allowed in the record on appeal, provided, the Court of Criminal Appeals may direct supplementation of the record. But, under no circumstances will controlled or dangerous substances, weapons or ammunition, body fluids or tissues be included in the record.

22 O.S. Chapter 18, Appendix
Rule 2.2(B)(4)

When a transcript is prepared at the expense of the court fund, the district court must enter appropriate orders defining access to those transcripts during the trial proceedings and after completion of the trial proceedings to order the timely return of all transcripts to the clerk of the district court so they may be filed on appeal. When transcripts of preliminary hearings or pretrial proceedings are ordered prepared at court fund expense, the order must require the court reporter of the district court to file the transcripts with the clerk of the district court and provide access to the parties for trial preparation with the requirement that all transcripts must be returned to that court clerk within ten (10) days of sentencing. The order must also direct that a party given access to the transcripts for purpose of appeal must return all transcripts to that court clerk within twenty (20) days from the date the mandate of the decision on appeal is entered by the Court of Criminal Appeals. This order must ensure notice to both the state and the defendant.

22 O.S. Chapter 18, Appendix
Rule 3.2(E)
20 O.S. § 106.4a

When No Transcript is Available

When a transcript has not been completed and cannot be filed, the court reporter of the district court must submit an affidavit to the Court of Criminal Appeals showing why and requesting an extension of time not to exceed thirty (30) days. A copy is mailed to the district judge, the clerk of the district court, and the appellate counsel. An affidavit from any other person is not allowed (note that in civil appeals, the court reporter cannot ask for an extension of time, the appellant must request an extension of time). The clerk of the Court of Criminal Appeals sends a copy of the order granting or denying the extension request to the district judge, the clerk of the district court, and the appellate counsel and the court reporter. Special provisions apply to any request for extension of time beyond sixty (60) days from the original due date.

22 O.S. Chapter 18, Appendix
Rule 3.2(C)

Sealed Records

Any court order that directs the sealing, withholding, or removal of pleadings or other material from the record shall comply with the requirements in the statutes.

When materials sealed by a protective order of the district court are sent as part of the record, the clerk of the district court shall follow these guidelines:

1. Separate the sealed materials from other portions of the record on appeal, but insert notice at the point in the record from which the materials are extracted giving notice that part of the record is sealed.
2. Place the materials in a sealed manila envelope clearly marked "CONFIDENTIAL," with a listing of where in the record the materials were extracted.
3. Affix a copy of the protective order to the outside of the envelope.
4. List the sealed materials in the index as "Confidential Documents."

A good practice recommendation is for the clerk of the district court to read the complete statute, 22 O.S. Chapter 18 Appendix, Rule 2.7, to fully understand procedures for dealing with sealed records.

Records Including Child Pornography

When the record includes exhibits which depict or contain child pornography, the district court shall take precautionary steps handling such exhibits. An exhibit depicting or containing child pornography may only be possessed by the district court, the clerk of the district court, the district attorney, an assistant district attorney, and law enforcement personnel. An exhibit depicting or containing child pornography shall not be copied, duplicated, or reproduced in any manner.

The district court shall enter an order sealing any exhibit introduced at trial that depicts or contains child pornography in accordance with the Oklahoma Statutes. The clerk of the district court shall take possession of the sealed exhibit and secure it in a locked, secured repository with access only as directed by the district court and the Court of Criminal Appeals.

An exhibit depicting or containing child pornography shall not be transmitted with the record. Upon receipt of the Notice to Transmit, the district court shall enter an Order to Transport directing the district attorney, assistant district attorney, or law enforcement to transport the exhibit under seal with two (2) copies of the Order to Transport and hand-deliver both the sealed

22 O.S. Chapter 18, Appendix
Rule 2.7(B)

51 O.S. § 24A.29
22 O.S. Chapter 18, Appendix
Rule 2.7(A)
22 O.S. Chapter 18, Appendix
Rule 2.7(B)
22 O.S. Chapter 18, Appendix
Rule 2.7(C)

22 O.S. Chapter 18, Appendix
Rule 2.7

21 O.S. § 1024.1
22 O.S. Chapter 18, Appendix,
Rule 2.2(G)

51 O.S. § 24A.29(A)(3)

22 O.S. Chapter 18, Appendix,
Form 13.16

exhibit and the copies of the Order to Transport to the clerk of the Court of Criminal Appeals. Any exhibit depicting or containing child pornography shall be transported to the clerk of the Court of Criminal Appeals within ten (10) days of receipt of the Notice to Transmit. The clerk of the district court shall certify the exhibit on the copies of the Order to Transport utilizing the form set out in the statutes.

Upon receipt of the sealed exhibit and copies of the district court's Order to Transport, the individual transporting such an exhibit shall execute and file a Receipt to Transport and acknowledge receipt of the sealed exhibit with the clerk of the district court. The individual shall maintain proper chain-of-custody of the exhibit until hand-delivered to the clerk of the Court of Criminal Appeals with two (2) copies of the Order to Transport. The individual shall return one copy of the district court's Order to Transport with the clerk of the Court of Criminal Appeals' acknowledgment of receipt to the clerk of the district court.

Upon receipt of a sealed exhibit depicting or containing child pornography, the clerk of the Court of Criminal Appeals shall acknowledge receipt of the exhibit on one (1) copy of the district court's Order to Transport and file one (1) copy of the Order to Transport.

A good practice recommendation is for the clerk of the district court to read the complete statutes shown, to fully understand procedures for dealing with records containing child pornography.

21 O.S. § 1024.1
22 O.S. Chapter 18, Appendix
Rule 2.2(G)

Time for Completion of Record

The clerk of the district court must assure the notice of completion of record reaches the clerk of the Court of Criminal Appeals within ninety (90) days from the date the judgment and sentence is imposed. In capital cases, the time is six (6) months from the date the judgment and sentence is imposed. For more information on completion dates for criminal appeals, register for CTP court clerk courses or contact the CTP court clerk specialist.

22 O.S. Chapter 18 § 1054

Duties of the Court Clerk of the District Court on Completion of Record

The clerk of the district court must notify in writing all parties or their counsel (appellate counsel, the attorney general, and the district attorney) when the record on appeal has been completed and is ready for transmission. This notice shall include an index. The clerk of the district court also must notify the clerk of the Court of Criminal Appeals when the record on appeal has been completed and that all parties or their counsel have been advised to that effect. The notice shall also include an index.

22 O.S. Chapter 18, Appendix
Rule 2.3(B)(1)
22 O.S. Chapter 18, Appendix
Rule 2.3(B)(2)

22 O.S. Chapter 18, Appendix
Rule 2.3(B)(3)

When the record is not prepared within the proper time limits, the clerk of the district court must file a Notice of Non-Completion with the clerk of the Court of Criminal Appeals. The report shall state what portion of the record is assembled and ready for transmission and what portions of the record are not yet complete, and why. This notice must be filed within five (5) days after the date the records were due to be complete and ready for transmission. Copies of the notice must be sent to the appellate attorney, the district attorney, and the attorney general. Within five (5) days of the completion of the record on appeal, the clerk of the district court must file a Notice of Completion of record with the clerk of the Court of Criminal Appeals.

22 O.S. Chapter 18, Appendix
Rule 2.3(C)

Transmission of the Record on Appeal

The clerk of the Court of Criminal Appeals must, within ten (10) days after the receipt of the clerk of the district court's notification of the completion of record, issue a notice to transmit two (2) certified copies of the original record and the original and one (1) certified copy of the transcripts to the clerk of the Court of Criminal Appeals and one certified copy of the original record and transcripts, to include copies of exhibits, to either the Oklahoma Indigent Defense System, or to the retained or other appointed counsel of record on appeal. In capital cases in which the Oklahoma Indigent Defense System or other attorney has been appointed to represent an indigent defendant in an application for post-conviction relief, an additional certified copy of the record must be transmitted by the clerk of the district court, or the district court, to the Oklahoma Indigent Defense System or other attorney.

22 O.S. Chapter 18, Appendix
Rule 2.4(A)(C)

Within five (5) days from the date the clerk of the district court receives the notice to transmit the appeal records, that court clerk must transmit the records, and make appropriate entries on the docket to reflect the transmission of the appeal records to the Court of Criminal Appeals.

Counter-Designation of Record

If the appealing party's designation of record does not specify preparation of the entire record, the opposing party or district judge may file a counter-designation of record with the clerk of the district court within thirty (30) days after being served with a copy of the appealing party's brief in chief.

22 O.S. Chapter 18, Appendix
Rule 2.5(B)

Unless otherwise ordered by the district court, the cost for the counter-designation of record is paid by the appealing party.

22 O.S. Chapter 18, Appendix
Rule 2.5(C)

Joinder of Appellants

When two (2) or more defendants stand convicted as co-defendants at a single trial, they may join in one appeal or appeal separately. When two (2) or more co-defendants file separate appeals, represented by different attorneys, one (1) record may be filed, but separate petitions in error must be filed for each appellant. Each attorney has the responsibility to ensure that the appeal records are timely filed and properly cross-referenced.

22 O.S. Chapter 18, Appendix
Rule 3.3
28 O.S. § 155.1

Appeal by Certiorari from Plea of Guilty or Nolo Contendere

In all cases, to appeal from any conviction on a plea of guilty or nolo contendere, the defendant must file in the clerk of the district court's office the Application to Withdraw Plea within ten (10) days of the pronouncement of the judgment and sentence.

22 O.S. Chapter 18, Appendix
Rule 4.2(A)
22 O.S. §§ 1051-1054

The district court holds an evidentiary hearing and rules on the application within thirty (30) days from the date it was filed. If the district court fails to hold an evidentiary hearing within thirty (30) days, the petitioner may seek extraordinary relief with the Court of Criminal Appeals.

22 O.S. Chapter 18, Appendix
Rule 4.2(B)

Notice of Intent to Appeal and Designation of Record must be filed in the district court within ten (10) days from the date the Application to Withdraw Plea is denied.

22 O.S. Chapter 18, Appendix
Rule 4.2(D)

The Notice of Completion must be filed by the clerk of the district court to reach the Court of Criminal Appeals within ninety (90) days from the date the district court ruled on the Application to Withdraw Plea.

22 O.S. Chapter 18, Appendix
Rule 4.3(A)

Post-Conviction Appeals

The record on appeal of a denial of post-conviction relief is limited to the items listed in the rules.

22 O.S. Chapter 18, Appendix
Rule 5.2(C)(6)

The clerk of the district court must on the same day that the order granting or denying post-conviction relief is filed in the district court, mail to the petitioner or counsel of record for the post-conviction proceedings, a file-stamped certified copy of the order of the district court setting out findings of fact and conclusions of law granting or denying the application and include a certificate of mailing with the order.

22 O.S. Chapter 18, Rule 5.3(A)

22 O.S. §§ 1080-1089

Upon receipt of the notice of post-conviction appeal, the clerk of the district court must compile two certified copies of the record on appeal and ensure the Notice of Completion of Record is filed with the Court of Criminal Appeals within thirty (30) days of the filing of the order granting or denying post-conviction relief, unless an extension is requested by the clerk of the district court and granted by the Court of Criminal Appeals.

22 O.S. Chapter 18, Appendix
Rule 5.3(B)

Capital Post-Conviction Appeals

In all cases, the application for post-conviction relief shall be filed with the court of criminal appeals within ninety (90) days from the date the appellee's direct appeal brief is filed with this court or within ninety (90) days from the date a reply brief is filed with the court of criminal appeals in accordance with Rule 9.3 (C).

22 O.S. Chapter 18, Appendix
Rule 9.7(A)(2)

NOTE:

Note that the time for completion of the record in post-conviction appeals is much shorter than the time for completion of the record in appeals from the judgment and sentence.

22 O.S. Chapter 18, Appendix
Rule 9.7(F)(6)

State Appeals

The state shall file with the court clerk a written application to appeal from the adverse ruling or order of the magistrate within five (5) days from the date of the adverse ruling or order. A copy of the application to appeal shall immediately be presented by the state to the presiding judge of the judicial administrative district. The presiding judge shall assign the application to another district judge or associate district judge within the same judicial administrative district. In the event the state's application to appeal is denied and the assigned judge affirms the magistrate's ruling or order, that ruling or order shall be appealable to the court of criminal appeals.

22 O.S. §§ 1089.2
22 O.S. §§ 1089.7

The state must file notice of intent to appeal and designation of record with the trial court clerk within five (5) days from date the reviewing judge's ruling is pronounced in open court or filed in the office of the court clerk, whichever date is earlier. The court clerk shall, within ninety (90) days from reviewing the judge's ruling pronounced in open court or filed in the office of court clerk (whichever date is earlier), perfect the appeal. The designation of the original record shall specify those records filed in the trial court which are to be included in the original record for appeal. The judgment and sentence *must be included* in the designation of record.

22 O.S. § Chapter 18, Appendix
Rule 6.1(D)
22 O.S. § Chapter 18, Appendix
Rule 1.4(A)(C)(1)
22 O.S. § Chapter 18, Appendix
Rule 5.2(A)(1)

Juvenile Appeals

The duties and responsibilities for legal representation to indigent children who are subject to any proceeding or appeal provided for in the Oklahoma Children's Code shall no longer be provided by the Indigent Defense System but shall be provided by volunteer attorneys appointed by the court.

10 O.S. § 24.1

A juvenile delinquency appeal or habeas corpus proceeding relative thereto is not brought in the appellate court designated as proper by this rule, the case will be transferred to the proper court.

12 O.S. § Chapter 15, Appendix 1
Rule 1.21(e)(2)

Appeals to the Court of Criminal Appeals in Juvenile Cases

In juvenile cases, an appeal may be lodged by either party from one of the following actions:

1. An adjudication of juvenile delinquency or certification of a juvenile to stand trial as an adult or deny such certification
2. An order certifying a person as a child or denying the request for certification as a child
3. An order certifying or denying certification of a person as a youthful offender or juvenile
4. An order certifying or denying certification for imposition of an adult sentence
5. A conviction as a youthful offender
6. An order transferring custody

10A O.S. § 2-2-403(D)
10A O.S. § 2-2-601(A)
10A O.S. § 2-5-205(F)

Any party appealing an order or decree shall file with the clerk of the trial court a notice of intent to appeal and a designation of record within ten (10) days from the date the trial court order being appealed is pronounced in open court or filed in the office of the district court clerk (whichever date is earlier).

22 O.S. § Chapter 18, Appendix
Rule 7.2(D)

To ensure the record is perfected within sixty (60) days, the record and transcripts shall be completed and filed with the clerk of the district court and immediately transmitted to the clerk of the court of criminal appeals and appellate counsel within forty (40) days of the order being appealed is pronounced in open court or filed in the office of the district court clerk (whichever is earlier). A Notice of Non-Completion of Record shall be sent to the clerk of the Court of Criminal Appeals if the record is not complete within forty (40) days.

After the notice of intent to appeal and the designation of record are filed, the clerk of the district court prepares three (3) certified copies of all pleadings and instruments filed in the proceedings for transmittal. The original transcript and one (1) certified copy of the record shall be filed with the Court of Criminal Appeals. One (1) certified copy shall be provided to the district attorney, and one (1) certified copy transmitted to either the Oklahoma Indigent Defense System or the retained or other appointed counsel of record on appeal.

22 O.S. Chapter 18, Appendix
Rule 4.3(C)-Rule 7.4

Appeals to the Court of Civil Appeals in Juvenile Cases

Any interested party aggrieved by any order or decree may appeal to the Supreme Court. The pendency of an appeal thus taken shall not suspend the order of the district court regarding a child, nor shall it remove the child from the custody of that court or of the person, institution, or agency to whose care such child has been committed, unless the Supreme Court shall so order.

10A O.S. § 1-5-101

All appeals of cases involving deprived or allegedly deprived children, including termination of parental rights, shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the order appealed from. The record on appeal shall be completed within sixty (60) days from the date of the order.

10A O.S. § 1-5-103

The Notice of Completion of Record shall be filed in the Supreme Court immediately upon completion of the record on appeal. In all juvenile appeals the record on appeal shall be completed for transmission no later than sixty (60) days from the date of the order or judgment appealed.

12 O.S. Chapter 15, Appendix
Rule 1.34(e)

The clerk shall promptly assemble in chronological sequence all of the instruments on file which have been designated for inclusion in the record on appeal and all orders made in the trial court with respect to the content of the transcript and assessment of cost. The instruments, numbered consecutively, indexed, and bound, shall be certified under the seal of the clerk. All designations of record shall be included. A copy of the appearance docket shall be included in the record on appeal.

12 O.S. Chapter 15, Appendix
Rule 1.33

Juvenile Appeals Fees

The clerk of the district court shall charge a fee for preparing, assembling, indexing, and transmitting the record for appellate review. This fee shall be paid by the party taking the appeal and shall be entered as costs in the action. If more than one party to the action shall prosecute an appeal from the same judgment or order, the fee shall be paid by the party whose petition in error is determined by the district court or by the appellate court to commence the principal appeal. The fees collected hereunder shall be paid into the court fund.

28 O.S. § 162(E)

Stand Your Ground Appeals

Any party appealing an order granting or denying immunity from prosecution must announce in open court its intent to appeal. An order staying proceedings shall be entered pending the outcome of the appeal. An appeal by either party from a pretrial order granting or denying immunity from prosecution is commenced by the trial counsel filing a written Notice of Intent to Appeal and Designation of Record with the district court clerk within ten (10) days from date the order being appealed is pronounced in open court or filed with the district court clerk (whichever date is earlier).

22 O.S. Chapter 18, Appendix
Rule 16.3

The district court clerk shall promptly assemble the record in accordance with Rule 2.2 and ensure the Notice of Completion of Record is filed with this court within thirty (30) days of the filing of the Notice of Intent to Appeal and Designation of Record in the district court unless an extension is requested by the district court clerk and granted by this court.

22 O.S. Chapter 18, Appendix
Rule 16.4(B)(2)

Extraordinary Writs

Writs of mandamus, prohibition, and habeas corpus may be taken to the Court of Criminal Appeals only if the petitioner is denied relief in district court. The petitioner files the record with the Court of Criminal Appeals.

22 O.S. Chapter 18, Appendix
Rule 10.1(D)

The clerk of the district court must mail, no later than one (1) day after the order granting or denying extraordinary relief is filed, a certified file-stamped copy of the order to the petitioner and/or counsel of record. A certificate of mailing is included with the order.

Mandates

Court of Criminal Appeals Mandates

After twenty (20) days from the filing of a decision in any appeal, the clerk of the Court of Criminal Appeals must issue a mandate to the clerk of the district court in which the judgment and sentence was rendered in accordance with the decision of the Court of Criminal Appeals.

22 O.S. Chapter 18, Appendix
Rule 3.15

22 O.S. Chapter 18, Appendix
Rule 3.16

The clerk of the district court is notified of any mandate or order. That court clerk must immediately, and without any order from the district court or judge, spread the mandate or order of record in the proper court.

22 O.S. Chapter 18 § 1072

That court clerk should also issue appropriate process and provide it to the proper officer for carrying out the mandate or order.

Immediately upon return of the mandate by the officer to whom the process was delivered, the clerk of the district court should return the mandate to the clerk of the Criminal Court of Appeals, showing the date that the mandate was received, the date it was filed and recorded, the date process was issued to the officer, the date process was served, and whether the convicted person was incarcerated. If incarceration of the prisoner is delayed by reason of flight, or for any other cause, for a period of more than fifteen (15) days after receiving the mandate, the mandate must be returned immediately to the clerk of the Criminal Court of Appeals. Upon later apprehension and incarceration of the prisoner, the clerk of the district court must notify the clerk of the Criminal Court of Appeals, and report the facts, within ten (10) days after the incarceration.

22 O.S. Chapter 18 § 1072

Court of Civil Appeals Mandates

When a judgment or final order shall be reversed on appeal, either in whole or in part, the court reversing the same shall proceed to render such judgment as the court below should have rendered or remand the cause to the court below for such judgment.

12 O.S. § 975

The court reversing such judgment or final order shall not issue execution in causes that are removed before them on error, on which they pronounce judgment, but shall send a special mandate to the court below as the case may require, to award execution thereupon; and such court, to which such special mandate is sent, shall proceed in such cases in the same manner as if such judgment or final order had been rendered therein.

In cases decided by the Supreme Court, when the facts are agreed to by the parties or found by the court below, or a referee, and when it does not appear, by exception or otherwise, that such findings are against the weight of the evidence in the case, the Supreme Court shall send a mandate to the court below directing it to render such judgment in the premises as it should have rendered on the facts agreed to or found in the case.

In every appeal or petition to review any order of a district court or other tribunal, a mandate will be issued to the lower court or tribunal on order of the Chief Justice upon conclusion of the matter on appeal.

12 O.S. Chapter 15, Appendix 1
Rule 1.16

The mandate may be issued seven (7) days after the filing of an order denying certiorari or rehearing in the Supreme Court, or immediately upon expiration of time to file a petition for writ of certiorari or petition for rehearing, and disposition of any timely filed post-decisional motion.

No mandate is issued upon conclusion of original actions, questions certified by federal courts, bar disciplinary matters, or original proceedings on initiative or referendum petitions.

Municipal Appeals – Cities Under 65,000 Population

An appeal may be taken from a final judgment of the municipal court by the defendant by filing in the district court in the county where the situs of the municipal government is located, within ten (10) days from the date of the final judgment, a notice of appeal and by filing a copy of the notice with the municipal court. In case of an appeal, a trial de novo shall be had, and there shall be a right to a jury trial if the sentence imposed for the offense was a fine of more than Five Hundred Dollars (\$500.00), plus costs, fees, and assessments.

11 O.S. § 27-129(A)

Upon appeal being filed, the judge shall within ten (10) days thereafter certify to the clerk of the appellate court the original papers in the case. If the papers have not been certified to the appellate court, the prosecuting attorney shall take the necessary steps to have the papers certified to the appellate court within twenty (20) days of the filing of the notice of appeal, and failure to do so, except for good cause shown, shall be grounds for dismissal of the charge by the appellate court, the cost to be taxed to the municipality. The certificate shall state whether or not the municipal judge hearing the case was a licensed attorney in Oklahoma.

11 O.S. § 27-129(C)

An appeal from a municipal court to the district court is assigned the case type: (CM) as directed by “Additional Aid – List of Case Filing Types” prepared by the AOC office.

Municipal Appeals – Cities Over 65,000 Population

Appeals may be taken from a judgment or order of a municipal criminal court of record to the Court of Criminal Appeals in the same manner and to the same extent that appeals are now taken from the district courts to the Court of Criminal Appeals in criminal matters, and no appeals other than those herein provided shall be allowed.

11 O.S. § 28-128

Chapter Twenty-One

Duties of the Court Clerk:

Jury Selection and Procedures

The Oklahoma Bill of Rights found in the Oklahoma Constitution includes all of the individual rights as defined by the U.S. Constitution plus some additional provisions. The Bill of Rights states that Oklahoma courts are open to every person, and the courts are expected to provide “speedy and certain” remedies for “every wrong and for every injury to person, property, or reputation.” Included with this provision is the mandate that every person has the right, with minor exceptions, to trial by jury.

Oklahoma Constitution
Article 2 § 6
Oklahoma Constitution
Article 2 § 19

The Oklahoma Bill of Rights also states that in criminal prosecutions, all accused persons have a right to a “speedy and public trial before an impartial jury.” This right is also guaranteed in Amendment Six (6) of the Bill of Rights to the U.S. Constitution.

Oklahoma Constitution
Article 2 § 20

Understanding the Oklahoma Jury System

The Oklahoma judicial system provides for three types of juries:

1. The grand jury
2. The petit or trial jury
3. The municipal jury

The Grand Jury

A grand jury consists of twelve (12) people. A grand jury investigates the alleged behavior of anyone suspected of unlawful activity. If at least nine (9) grand jury members find sufficient evidence exists to prosecute the suspected person(s), they return an indictment (22 O.S. § 301), which must be endorsed as “A True Bill” (22 O.S. § 381). The accused person is then charged with violating the law and scheduled for trial in a district court.

Oklahoma Constitution
Article 2 § 18

Oklahoma Constitution
Article 7 § 1

22 O.S. § 311

22 O.S. § 301

22 O.S. § 381

NOTE:

Most people are charged with criminal behavior by “information,” which is a formal accusation of crime brought by a prosecuting officer, such as the district attorney. Persons charged by information do not appear before a grand jury.

22 O.S. § 2

22 O.S. § 301

A district judge orders a grand jury to be convened when one (1) of the following actions occurs:

38 O.S. § 101

1. A required number of qualified electors (registered voters) in the county have signed a petition requesting a grand jury that is on file with the district court.
2. The attorney general of Oklahoma files a verified application with the chief justice of the Supreme Court.

22 O.S. § 351

Multi-County Grand Jury

22 O.S. § 350

In 1988, Oklahoma adopted a multi-county grand jury system, which allows a grand jury to consider cases that affect more than one county.

22 O.S. § 351

Petition for Grand Jury

A petition from county electors to convene a grand jury must be filed with the court clerk before the voters attempt to obtain signatures on the petition. The petition should state the subject matter for the petition and specifically identify the areas of inquiry for the grand jury.

38 O.S. § 101

The court clerk files the petition as a civil case (GJ). Refer to “[Case Identification](#)” in Chapter Twelve, “Duties of the Court Clerk: Record Keeping and Maintenance.” To acquire the directive establishing this standard (SCAD-2009-101), the document must be requested from (AOC) Administrative Office of the Courts.

Within four (4) working days, the presiding district judge must enter an order that the petition is either sufficient on its face or is insufficient.

38 O.S. § 102

The following steps describe the petition process after the judge enters the order:

12 O.S. § 22

1. The court clerk files the order in the case and may notify the petitioner according to local policy, if directed by the presiding district judge.
2. If that judge finds the petition sufficient, the petitioner(s) has forty-five (45) days following the order to obtain the required number of signatures. If the petitioners fail to obtain the proper number of valid signatures within forty-five (45) days, the petition becomes null and void.

38 O.S. § 103

If that judge finds the petition deficient, the petitioner(s) must amend the petition within two days to correct the deficiency. The petitioner(s) then files the amended petition and within two days that judge issues an order ruling on the sufficiency of the amended petition.

38 O.S. § 102

If that judge disapproves the amended petition, the order is appealable. An order of sufficiency for a petition or an order to approve an amended petition is not appealable.

The petitioner(s) has forty-five (45) days from the order approving the amended petition to secure the required number of signatures.

3. After securing the signatures, the petitioners file the completed petitions with the court clerk who shall copy the petitions and deliver the **ORIGINALS** to the county election board the following business day.

38 O.S. § 106

NOTE:

Any person who has signed the petition can file with the court clerk a request to remove their name from the petition. If the court clerk receives such a request, the court clerk sends it to the county election board along with the completed petition. If the court clerk receives the request after the petition has been sent to the county election board, the court clerk immediately delivers the request to the county election board.

38 O.S. § 105

The request shall clearly state the desire of the person to have their name removed from the grand jury petition currently in circulation and shall bear the signature and address of the person making the request.

4. Within seven (7) business days, the county election board establishes whether a sufficient number of qualified county electors have signed the petition. The county election board certifies the petition and returns it to the court clerk.
5. The presiding district judge determines if the certified number of signatures is sufficient. If the number is sufficient, that judge orders a grand jury impaneled to convene within thirty (30) days from the date that the court clerk received the certification from the county election board. If not, the petition is dismissed for failure to obtain sufficient signatures.
6. The court clerk files all documents related to the case.

38 O.S. § 106

38 O.S. § 107

Transfer of Indictments

In all cases that are transferred, the court clerk, without delay, shall deliver the indictment together with all the papers relating to each case to the proper court or justice of the peace, as directed in the order of transfer. Each case file shall be delivered with a certified copy of all the proceedings taken in the district court, and also with a bill of the costs that have accrued in the district court. These costs

12 O.S. § 22

22 O.S. § 441

22 O.S. § 442

shall be collected in the court in which the case is tried, in the same manner as other costs are collected in criminal cases.

Petit or Trial Jury

Whether the accused is indicted by a grand jury or is accused by information, a defendant (with some minor exceptions) has the right to a trial before a jury of peers. The district court is the only state trial court in Oklahoma. The jury in the district court is called a petit or trial jury. The jury consists of twelve persons except in misdemeanor trials and juvenile trials.

Oklahoma Constitution
Article 2 § 19

Selecting Jurors for a Petit or Trial Jury

Petit or trial jurors are citizens of the county in which the district court is located. Refer to “[Selecting the General Panel of Jurors](#)” in this chapter for information on jury selection.

Oklahoma Constitution
Article 2 § 20
38 O.S. § 18.2

Misdemeanor Trial Juries

In misdemeanor trials, the jury shall consist of six persons, chosen as prescribed by law. Criminal cases where the punishment for the offense charged is only a fine that does not exceed Five Hundred Dollars (\$500.00) shall be tried to the court without a jury.

22 O.S. § 601

Juvenile Trial Juries

A jury requested for a trial involving a juvenile shall consist of six (6) persons.

10A O.S. § 1-4-502
10A O.S. § 2-2-401

Special Jury Situations

Small Claims Trial Juries

Actions under the small claims procedures shall be tried to the court without a jury, unless the amount of the claim, counterclaim, or setoff exceeds One Thousand Five Hundred Dollars (\$1,500.00), provided that either party wishes a jury.

12 O.S. § 1761

Forcible Entry and Detainer Trial Juries

If a jury be demanded by either party in actions regarding real property, and no jury is available from the general panel, the judge shall immediately direct that an open venire be issued to the county sheriff, or one of his deputies, for the number of jurors as may be deemed necessary, to be selected from the body of the county. The persons selected shall have the qualifications of jurors.

12 O.S. § 1148.8

If neither party demands a jury trial on or before the day of trial, the case shall be tried to the court without a jury.

12 O.S. § 1148.7

Municipal Juries

Oklahoma Constitution
Article 7 § 1

Municipal juries, consisting of six (6) jurors, serve in municipal courts. The municipal court has original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the municipality where the court is established is charged.

11 O.S. § 27-101

11 O.S. § 27-103

11 O.S. § 27-119

The municipal clerk of any municipality where a municipal court is established, or a designated deputy shall be the clerk of the Municipal Court unless the governing body establishes or authorizes a position of chief municipal court officer to serve as the municipal court clerk.

Selecting Jurors for Municipal Courts

The clerk of the Municipal Court selects six (6) jurors for a municipal court under the same terms and conditions as jury selection for district courts. Once the chief judge of the district court receives a written request from a municipal court judge for a specific number of jurors, the chief judge orders the clerk of the district court to select, from the jury list, the prospective jurors that live in the city limits for that municipal court.

11 O.S. § 28-115

That court clerk places the names of those persons who live in the municipality on a list and certifies it to the judge of the municipal court.

11 O.S. § 27-120

A municipality in any county where an electronic Jury Management System (JMS) has been adopted, at the option of the municipal judge, may select jurors in the same manner as provided for by the county JMS. The municipal court clerk shall be designated to fulfill the duties provided in the plan for the clerk of the district court.

38 O.S. § 18.1(C)

Municipal Juvenile Trials

A municipality with a population of at least twenty-five thousand (25,000.00) may, by written resolution filed with the district court, assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating any municipal ordinance identified in the resolution.

10A O.S. § 2-2-103(A)(1)

Any other municipality may enter into an interlocal agreement with the district court pursuant to the Interlocal Cooperation Act, to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating any municipal ordinance as agreed by the district court, the district attorney, and the municipality.

10A O.S. § 2-2-103(A)(2)

Selecting the General Panel of Jurors

To select a jury panel, court clerks use the computer-generated jury selection process available through the AOC.

38 O.S. § 18
38 O.S. § 18.1
22 O.S. § 359
22 O.S. § 591
22 O.S. § 592

Potential jurors are summoned for jury service for grand juries and both civil and criminal trials. Trial juries for grand juries, criminal actions, and civil or other actions are formed in the same ways.

The chief district court judge determines the approximate number of jurors needed for each period of the court term. The judges then complete a Jury Request form. The court clerk initiates jury selection by forwarding the Jury Request form to the AOC. The court clerk receives the following materials:

38 O.S. § 19
38 O.S. § 20

- A completed jury summons ready to be mailed
- An alphabetical listing of selected jurors
- Mailing labels for selected jurors

- Jury cards for selected jurors
- Sample information and instruction sheets, which could also be mailed to summoned jurors

Computer-Generated Jury Panel Selection

Requesting Computer-Generated Jury Selection

To use the computer-generated juror selection system through the AOC, the judges must send an Order Adopting and Submitting Electronic Means for Jury Selection to the Supreme Court. This request must be approved by the Supreme Court. The Chief Justice then issues an Order Approving Jury Selection Plan with the Aid of Electronic Means.

38 O.S. § 18.1
38 O.S. § 18.2

Using Computer-Generated Jury Selection

In any district court where an electronic Jury Management System (JMS) is implemented, jurors may be selected and summoned utilizing the automated functionality provided in the JMS.

38 O.S. § 18.2
22 O.S. § 591

Alternative Juror Panel Selection Plans

When approved by the Supreme Court, counties with a district court judge who is in charge of administration can adopt and implement an alternative jury selection plan.

38 O.S. § 18.1(A)

38 O.S. § 18.1(B)

Any plan that is adopted must conform to the following requirements:

- A complete plan shall be proposed in writing and submitted for approval by the Supreme Court.
- It shall provide a fair, impartial, and objective method of selecting persons for jury service with the aid of mechanical or electronic equipment.
- It shall designate the court clerk as the official to be in charge of the selection process and shall define the duties of the court clerk.
- It shall specify that a true and complete written list showing the names and addresses of the persons summoned to begin jury service on a particular

date shall be filed of record with the court clerk at least ten (10) days prior to the date such persons are to begin jury service.

Selecting Additional Jurors to Complete the Jury

38 O.S. § 20
38 O.S. § 21

At the district court's discretion, the judge can order additional names to be ordered from the AOC to complete a grand or petit jury or to empanel a new grand or petit jury, or to acquire such additional jurors as may be sufficient to meet the district court's requirements.

The court clerk must prepare ballots for those persons summoned to complete a jury in the same way as those persons selected from the jury panel and place the ballots in the jury box. The court clerk, as directed by the district court, publicly draws sufficient ballots to form the jury.

22 O.S. § 599
22 O.S. § 600

Persons Not Qualified for Jury Service

The following individuals cannot serve on any jury in Oklahoma:

38 O.S. § 28(C)(D)

- Justice of the Supreme Court or Court of Civil Appeals
- Judge of the Court of Criminal Appeals or the district court
- Sheriff or deputy sheriff
- Licensed attorneys who are practicing law
- Persons who have been convicted of a felony, unless they have been restored to their civil rights
- Legislators during legislative session or while involved in state business
- Jailers or law enforcement officers, state or federal, who have custody of prisoners

Jury Service Special Situations (Exemptions)

38 O.S. § 28(B)(2)

Persons are only required to serve on a jury once every two years.

In addition, people over seventy (70) years of age, mothers who are breast-feeding a baby, and members of the armed forces who are serving on active duty during a time of war or declared hostilities may claim an exemption.

38 O.S. § 18.1(B)

The district court can also excuse or discharge any prospective juror summoned for grand or petit jury service if that service poses a substantial hardship on the prospective juror or a person in their care.

38 O.S. § 28(B)(2)

A prospective juror can be excused for a mental or physical condition that causes them to be incapable of performing jury service. The juror, or the juror's personal representative, shall provide the court with documentation from a physician, physician assistant, or advanced practice registered nurse licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to twenty-four (24) months.

38 O.S. § 28(B)(1)

The registration of any registered voter will be canceled if they are removed from jury duty for not being a citizen of the United States.

26 O.S. § 4-120(A)(8)

On a monthly basis, the court clerk in each county will prepare a list of all people who were excused from jury duty for not being a citizen of the United States and provide the list to the secretary of the county election board. The form for this list is provided through Jury Management System software.

26 O.S. § 4-120.5(B)

A recommended practice is for the court clerk to include with the jury summons additional reporting instructions and a Claim of Disqualification or Exemption, so that people not qualified for jury service can identify themselves. This form can be accessed on the [OSCN website](#).

38 O.S. § 18(4)

Voluntary Jury Service

Any person who is qualified to serve as a juror can volunteer for service. The individual completes a volunteer jury service form and gives it to the court clerk. The form is available on the [OSCN website](#). The court clerk forwards the request to the AOC where the person's name is included in the list of people qualified for jury duty.

Selecting a Jury from the Jury Panel

Determining the Number of Jurors

In each district court, the presiding judge or chief judge or any other district judge acting as their designee shall, more than twenty (20) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary to meet the needs of the district court for each jury term and shall order the drawing of that number of jurors, either all at one time or at periodic intervals, in advance of each term as they deem proper.

38 O.S. § 18.2(C)

Preparing Ballots

When district court opens, the court clerk must prepare separate ballots of the same size and color, which contain the names of those potential jurors summoned for jury service, or use computer-generated ballots.

22 O.S. § 593
38 O.S. § 19

Each ballot must be folded so that the name is not visible and placed in a box that is large enough to allow the ballots to mix freely when the box is shaken.

Selecting Ballots

After shaking the box, the court clerk selects the ballots until a jury is completed. The ballots with the names of the sworn jurors must be kept separate from the other juror ballots until the sworn jury is discharged. After the sworn jurors are discharged, their ballots are returned to the box and the unused jurors are then available for subsequent trials.

22 O.S. § 595

22 O.S. § 596
22 O.S. § 597

Absent Jurors

If a juror is absent when his or her name is drawn or the juror is excused from serving at the trial, the ballot with his or her name must be folded and returned to the box as soon as the jury is sworn.

22 O.S. § 598

Ballot Box Design

The design of the jury ballot box can vary from county to county. A good practice recommendation is that the lid of the box be spring-loaded and open toward the

22 O.S. § 593

inside of the box. This design ensures that the court clerk cannot see the ballots in the box before they are drawn.

Computer-Generated Jury Selection

In any district court where an electronic JMS is implemented, jurors may be selected and summoned utilizing the automated functionality provided in the JMS. Whenever the court utilizes the approved JMS to randomly select and sequentially order juror names during any step in the jury selection process, the laws requiring paper ballots drawn from a ballot box shall not apply.

38 O.S. § 18.2
22 O.S. § 591
38 O.S. § 20(B)

Alternate Jurors

Whenever the court believes that the trial of a cause is likely to be a protracted one, the court may, immediately after the jury is impaneled and sworn, direct the calling of as many as two additional jurors to be known as "alternate jurors." Such alternate jurors shall be drawn from the same source, and in the same manner, and have the same qualifications as regular jurors.

22 O.S. § 601a

Summoning Jury Members

Serving of the Jury Summons

The court clerk must serve the summons to persons selected for grand or petit jury service not less than ten (10) days before they are to report for jury duty. The summons must contain the name and place of the court where the person is to report, as well as the date and time. The summons can be sent by regular or certified mail, or by a method directed by the court.

38 O.S. § 23(A)

The court clerk files an affidavit of service that includes the mailing date of the summons and the type of mailing used to send the summons. In special cases, the sheriff can serve summons to venire (an entire panel) or talesman (persons added to a jury from among bystanders in the district court).

38 O.S. § 23(B)

In any district court where an electronic JMS is implemented, grand and petit jurors may be summoned by using the automated process of creating and mailing juror summons provided in the electronic JMS. The AOC shall develop a standard juror summons form to be used in the system, which shall include a section for the

38 O.S. § 23(C)

district court to add information specific to that district court. Where the district court follows these procedures, the return-of-service affidavit of this section need not be filed.

On-Call System for Jurors

The chief judge of the district court can implement an on-call system in which potential jurors can remain subject to call for jury service. When a qualified, non-exempt potential juror receives a summons, that person is retained for service subject to call. The juror must call a telephone number for information to learn the time and place of the next assignment.

38 O.S. § 23.1

Swearing the Jury Panel

All general jury panel members must sign an oath when they report to the chief judge. The chief judge administers the oath, which the court clerk then maintains as a judicial record. The oath should be substantially in the form shown in [Figure 21-1](#). An AOC form is available on the [OSCN website](#).

12 O.S. § 576
38 O.S. § 20.1

Oklahoma Uniform Jury Instructions

The Oklahoma Uniform Jury Instructions (OUJI) have been prescribed and instituted by the Supreme Court of the state of Oklahoma and the Court of Criminal Appeals of Oklahoma as uniform instructions to be given in jury trials of civil or criminal cases to ensure the equal and uniform administration of justice.

12 O.S. § 577.1

“I, the undersigned, do solemnly swear or affirm that I am a citizen of the United States and a resident of the State of Oklahoma, County of _____.

I further swear or affirm that I have not been convicted of a felony for which a period of time equal to the original judgment and sentence has not expired, or for which I have not been pardoned.

I further swear or affirm that I am not now adjudicated as being mentally incompetent and that I am not mentally incompetent.

I state, under penalty of perjury under the Laws of Oklahoma, that the foregoing is true and correct.”

(Signature or mark of general jury panel member)

(Signature of Court Clerk)

(Date)

Figure 21-1. Sample Jury Panel Oath

Protecting Juror Information

Jury Lists

Persons serving as jurors during a trial shall not be asked or required to give their complete residence address or telephone number in the presence of the defendant.

38 O.S. § 36 (A)

Names and personal information concerning prospective and sitting jurors shall not be disclosed to the public outside open court, except upon order of the district court. A request for disclosure of petit jurors' names and personal information shall be made in writing directly to the presiding judge or chief judge, or any district judge acting as his or her designee. The district court shall order juror names and personal information to be kept confidential unless the interests of justice require otherwise.

38 O.S. § 36(B)
38 O.S. § 28(G)

Petit Jurors

Names and personal information concerning prospective petit jurors may be provided to the attorneys of record after the general panel jurors have been selected and summoned, unless otherwise directed by the district court. The names and information will be provided in written form only, hereafter referred to as "the jury list." The attorneys shall not share the jury list or information contained in the jury list except as necessary for purposes of jury selection. Following jury selection, the attorneys shall return the original jury lists and any copies to the district court. Counsel shall be under a continuing duty to protect the confidentiality of juror information.

38 O.S. § 36(C)

Grand Jurors

The names of grand jurors shall not be maintained in any public record or otherwise disclosed to the public except upon an order of the district court issued on a showing that exceptional circumstances have created a demonstrated need for disclosure.

38 O.S. § 36(D)

Recording Juror Attendance Records,

Claims Approval, and Fees

28 O.S. § 87

The court clerk must keep a record of each juror's attendance at a court term. The court clerk may use a form, or the alphabetical listing provided by the Jury Management System (JMS) for this purpose.

28 O.S. § 88

The court clerk prepares a payroll sheet for jurors and witnesses for their signatures.

28 O.S. § 86

The court clerk pays expense claims for jurors' attendance, and if necessary, food and lodging, from the court fund as prescribed in the statutes. Lodging and food are paid for sequestered jurors. The district judge who is a member of the governing board of the court fund and either the court clerk or the local associate district judge who is a member of the board must approve the payment.

20 O.S. § 1304

NOTE:

Mileage expense for jurors is the same as the state rate and changes when the state rate changes.

28 O.S. § 86(A)(2)

Please refer to 28 O.S. § 86 for information on fees paid to jurors.

28 O.S. § 86

Lengthy Trial Fund

The clerk of the Supreme Court has issued rules for the operation of the Lengthy Trial Fund. The fund is to be used to provide wage replacement for supplementation to jurors who serve as petit jurors for more than ten days. The court clerk is to collect the fee per statute from each attorney who files a civil case (unless otherwise exempted) to be deposited in the Lengthy Trial Fund. The fees are to be forwarded to the Administrator of the Lengthy Trial Fund (the AOC) for deposit. The Order Adopting Rules for the Operation of the Lengthy Trial Fund and other necessary forms are available from the AOC and on the [OSCN website](#).

28 O.S. § 86(D)

Please refer to “[Lengthy Trial Fund Fees](#)” in Chapter Eleven, “Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports,” for information on fees paid to jurors.

Juror Fee Donation

Jurors can voluntarily donate their fees to an agency established for the prevention of child abuse. The court clerk may provide forms for this purpose to the jurors. Please refer to “[Juror Fees](#)” in Chapter Eleven, “Duties of the Court Clerk: Fees and Other Monies Collected and Related Reports,” for additional information.

28 O.S. § 86.1

Discharging or Requiring Employees to Use Leave for Jury Service

Any person who is summoned to serve as a juror and who notifies their employer of the summons within a reasonable period of time after receipt of a summons and prior to their appearance for jury duty may not be terminated, removed, or otherwise subjected to any adverse employment action as a result of such service.

38 O.S. § 34

An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or time spent actually serving on a jury. Nothing in this provision shall be construed to require an employer to provide annual, vacation, or sick leave to such employees who otherwise are not entitled to such benefits under company policies.

An employer is not required to pay an employee’s wages for the time the employee is absent from employment for jury duty unless the employee uses paid leave for that purpose. The employee should decide whether to use paid leave or take leave without pay for absence from employment for jury duty.

A court shall automatically postpone and reschedule the service of a summoned juror who is employed by an employer with five or fewer full-time employees, or their equivalent, if another employee of that employer has previously been summoned to appear during the same period. Such postponement will not affect an individual’s right to one automatic postponement.

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Chapter Twenty-Two

Duties of the Court Clerk: Criminal Cases

Understanding Criminal Actions

The Oklahoma Statutes define a criminal action as “...the proceeding by which a party charged with a public offense is accused and brought to trial and punishment.” Criminal actions in Oklahoma are prosecuted in the name of the state of Oklahoma against the person charged, known as the defendant.

22 O.S. § 10

22 O.S. § 11

22 O.S. § 12

21 O.S. § 4

Crimes are divided into felonies and misdemeanors. These crimes are mainly classified in criminal actions in the following four categories:

- Traffic

47 O.S. § 16-108

A traffic violation is a misdemeanor committed in violation of the motor vehicle statutes. Please refer to Chapter Twenty-Three, “[Duties of the Court Clerk: Traffic Cases](#),” for information on traffic criminal cases.

- Boating Safety

63 O.S. § 4200
63 O.S. § 4202

A boating violation is a misdemeanor committed in violation of the Oklahoma Boating Safety Regulations Act statutes.

- Felony

A felony is a crime punishable by death or by imprisonment in the state prison and/or a fine.

21 O.S. § 5
21 O.S. § 9

- Wildlife

A wildlife violation is a misdemeanor committed in violation of the “Oklahoma Wildlife Conservation Code” in the Oklahoma Statutes.

29 O.S. § 1-101
29 O.S. § 9-112

- Misdemeanor

A misdemeanor is any crime other than a felony and is generally punishable by a fine or imprisonment in the county jail or both.

21 O.S. § 6
21 O.S. § 10

The AOC shall prepare a schedule of amounts to be received as bail for each offense and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state, and to other interested parties, upon request, for most traffic, wildlife, and boating safety violations.

22 O.S. § 1115
22 O.S. § 1115.3

Procedures for handling felony and misdemeanor criminal cases are very similar although differences exist in the way the two types of cases proceed through the legal process.

Other chapters in this handbook describe issues related to criminal cases. For information on the following areas, please refer to the chapter indicated:

- Fees – Chapter Eleven, “[Duties of the Court Clerk: Fees](#)”
- Records – Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#)”
- Courtroom procedures – Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#)”

- Procedures after judgment and sentence – Chapter Nineteen, “[Duties of the Court Clerk: Post-Judgment Procedures](#)”
- Appeals – Chapter Twenty, “[Duties of the Court Clerk: Appeals](#)”
- Grand and petit jury procedures - Chapter Twenty-One, “[Duties of the Court Clerk: Jury Selection and Procedures](#)”

Defining the Case Flow

The following actions are the usual steps in the legal process for a criminal case:

- Information or indictment
- Arrest warrant
- Initial appearance (arraignment)
- Preliminary hearing (only for felony charges)
- Formal arraignment
Sometimes referred to as district court arraignment or DCA
- Motion hearing
Motion hearing may occur at any stage from arrest to post trial.
- Disposition or sounding docket
Used primarily for taking pleas or setting trials
- Pretrial conference
- Trial
- Post-trial proceedings
- Appeal

Complaint or Affidavit

When the judge receives a complaint that has been verified by oath or affirmation, and the judge is satisfied that a public offense has been committed and that sufficient evidence exists to believe that the defendant committed the offense, the judge must issue an arrest warrant. The complaint and/or affidavit can be one of the following items:

- Information
- Information or indictment by a grand jury
- Traffic ticket endorsed by the district attorney
- Citation for a Water Safety or Wildlife Conservation Code violation
- Oklahoma Tax Commission information (Tax Lien – Indebtedness)
- Fire marshal complaint

22 O.S. § 301

22 O.S. § 303

22 O.S. § 302

22 O.S. § 1114.3

29 O.S. § 9-112

63 O.S. § 4202

68 O.S. § 251

74 O.S. § 316

Misdemeanor

In all misdemeanor cases, the complaint must be made by the district attorney or submitted to the district attorney before an arrest warrant can be issued for the defendant. After the arrest warrant is served, the court clerk records it in the case.

22 O.S. § 231

Initial Appearance

The first appearance in a felony or misdemeanor case is normally the initial appearance, which is sometimes referred to as initial arrest or simply ARR. The initial appearance is also known as the initial arraignment or bond setting. During the defendant's first district courtroom appearance, they are advised of their constitutional rights, the charges against them are described, and a copy of indictment or information is handed to the defendant.

22 O.S. § 251

22 O.S. § 451

Oklahoma Constitution
Article 2 § 20

22 O.S. § 13

22 O.S. § 252

22 O.S. § 1355A

Felony

If the offense is a bondable felony, bail is often set at the initial appearance. The defendant may also be released on personal recognizance.

22 O.S. § 253
22 O.S. § 255
22 O.S. § 1101

During the initial appearance, the defendant can either demand or waive a preliminary hearing. The case is then scheduled for a preliminary hearing or an arraignment, whichever is appropriate.

22 O.S. § 258

Preliminary Hearing

Felony

22 O.S. § 258 (Sixth, Seventh)

The purpose of a preliminary hearing is to determine whether probable cause exists that a felony crime was committed and whether probable cause exists to show that the defendant committed the crime. The hearing should also confirm that the crime happened in the county where the case is being decided.

22 O.S. § 524
22 O.S. § 264

If sufficient evidence is presented, the defendant is said to be “bound over for trial.”

The defendant may waive the preliminary hearing.

Misdemeanor

22 O.S. § 258 (Fifth)
22 O.S. § 465

Preliminary hearings are not held in misdemeanor cases. The next hearing may be a dispositional hearing or docket.

Arraignment

At an arraignment, a defendant is formally charged with a criminal offense, a copy of the indictment or information is read to the defendant and given to the defendant, and the defendant enters a plea. Additionally, defendants are informed of their constitutional rights, and the court might approve the application for a court-appointed lawyer and appoint counsel for indigent defendants.

22 O.S. § 454
22 O.S. § 455
22 O.S. § 456

If the defendant has posted bail and does not appear for arraignment, the judge may direct the court clerk to issue a bench warrant for the defendant's arrest.

22 O.S. § 470

22 O.S. § 514

22 O.S. § 452

22 O.S. Chapter 18, Appendix
Section XIII Form 13.10

Felony

For felonies, the district court arraignment (DCA) must take place within 30 days after the defendant is bound over or waives the preliminary hearing.

The defendant is asked to enter a plea to the charges. The plea must be oral and the defendant must appear in the district court in person. The document (Court of Criminal Appeals OCCA Form 1310, Uniform Plea of Guilty-Summary of Facts) can be used to enter a felony guilty plea. This form is available through OCCA. The plea must be entered on the minutes of the district court.

Misdemeanor

The arraignment is normally the first appearance in a misdemeanor case. A guilty or not guilty plea can be accepted from the defendant or from counsel. For misdemeanor cases, the defendant's presence is not necessary.

22 O.S. § 465

22 O.S. § 514

If the defendant pleads guilty, a sentence is imposed, and sentencing may be set for a later date.

22 O.S. §§ 514~519

If the defendant pleads not guilty, the defendant can request a jury or non-jury trial. The trial date and bail are set. The defendant may be released on personal recognizance.

The plea must be entered on the minutes of the district court.

22 O.S. § 514

Motion Hearing

Motions are made by an attorney requesting an order or ruling in favor of the client. Each county must hold a session to hear motions and demurrers at least once every thirty (30) days. The court clerk may be responsible for preparing and mailing motion dockets. Please refer to Chapter Eighteen, "[Duties of the Court Clerk: Courtroom and Legal Proceedings](#)," in this handbook for detailed information on motions and motion dockets.

20 O.S. § 96

20 O.S. Chapter 1, Appendix 2
Rule 14(B)

Disposition

Criminal disposition hearings are conducted as needed, usually in preparation for jury trial sessions. At a disposition hearing, parties might state a demand for a jury trial or discuss plea agreements.

20 O.S. § 91.2

20 O.S. Chapter 1, Appendix 2
Rule 14(A)

The court clerk may be responsible for preparing and mailing disposition dockets. Disposition dockets can vary between counties and may be governed by local district court rule. Please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#),” in this handbook for detailed information on disposition dockets.

22 O.S. §§ 514~19

Pretrial Conference

A pretrial is an informal conference held in the district judge’s chambers or in the courtroom, at the court’s discretion. The district judge usually takes an active part in the discussions with attorneys and their clients. Please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#),” in this handbook for detailed information on pretrial proceedings.

Trial

The trial is the most formal step of the legal process and may be conducted with or without a jury. The court clerk may be asked to read the indictment or information and state the defendant’s plea. The defendant must be present for a felony trial, but a misdemeanor trial can be held without the defendant present. The defendant may request either a jury or non-jury trial be held.

22 O.S. § 583
22 O.S. § 831

- Non-Jury Trial
- Jury Trial
 - Felony: 12 jurors
 - Misdemeanor: 6 jurors

22 O.S. § 576

22 O.S. § 591
22 O.S. § 601

The verdict is the result of a trial. The district court or the court clerk may, depending on local policy, ask the jury for its verdict. Once the verdict is given, the district court or the court clerk records it on the minutes.

The court clerk may also read the verdict to the jury members and ask them if it is their verdict. Please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Proceedings](#),” in this handbook for detailed information on trial proceedings.

For more information regarding juries, please refer to Chapter Twenty-One, “[Duties of the Court Clerk: Jury Selection and Procedures](#),” in this handbook.

22 O.S. § 860.1

A trial can be conducted in which the defendant is prosecuted for a second or subsequent offense. These trials are called two (2)-stage or bifurcated (two (2)-parts), trials. The first stage of such a trial is conducted without reference to prior offenses. If the defendant is found guilty, the trial enters the second stage. The jury is informed of the prior offense(s) and instructed on the appropriate laws. An example of a two-stage trial is a Murder I case in which the state seeks the death penalty for second and subsequent offenses.

Judgment Proceedings

Presentence Investigation

Whenever a person is convicted of a violent felony offense, the court may require a presentence investigation be made of the offender by the Department of Corrections (DOC) prior to the court’s imposition of a sentence. This is possible whether the conviction is for a single offense or part of any combination of offenses, except when the death sentence is available as punishment for the offense or a person has entered a plea of not guilty to a nonviolent felony offense and is found guilty by the court following a non-jury trial. The DOC shall make a report of information from the investigation to the court.

22 O.S. § 982

A recommended practice for court clerks is to establish a policy or procedure for handling presentence investigations.

Judgment/Sentencing

After a plea or verdict of guilty, or after a verdict against the defendant on a plea of a former conviction or acquittal, if the judgment is not arrested or a new trial granted, the court must appoint a time for pronouncing judgment. When judgment upon a conviction is rendered, the court clerk must enter the same upon the minutes, stating briefly the offense for which the conviction has been made and the sentence of the court.

22 O.S. § 961
22 O.S. § 977

Post-Trial Proceedings

Application (APCR) Filing

A convicted individual can institute post-conviction procedures on an Application for Post-Conviction Relief (APCR) to challenge the conviction or the sentence. They are filed in the court that imposed the judgment and sentence. To initiate a post-conviction proceeding, the convicted individual must file a verified application for post-conviction relief with the court clerk. The procedures for appeal of the order granting or denying post-conviction relief are addressed in Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” of this handbook.

22 O.S. §§ 1080~1089

Court Clerk Responsibilities

Immediately after receiving the application, the court clerk files the application and provides a copy of the application to the district court and the district attorney.

22 O.S. Chapter 18, Appendix
Rule 5.3

The court clerk, on the day the order granting or denying post-conviction relief is filed in the district court, must perform the following duties:

- Remove the case from the motion docket, if necessary
- Enter the order on the appearance docket
- Mail a copy of the order to the district attorney and petitioner or petitioner's counsel with a certificate of mailing included.

Keeping Case Records

The court clerk is responsible for keeping and maintaining the records, books, and papers that pertain to district court cases. Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” in this handbook contains detailed information on each of the records listed below for which the court clerk is responsible.

- Case file
- Receipts
- Appearance docket
- Appearance docket index
- General index
- Journal record

12 O.S. § 22
12 O.S. § 29

12 O.S. § 22
12 O.S. § 29

28 O.S. § 9
12 O.S. § 23

12 O.S. § 24

Performing Tasks in the Criminal Process

In addition to maintaining various records, the court clerk must perform certain tasks associated with the criminal process.

General

The court clerk is responsible for specific duties in criminal cases. Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Procedures](#),” and Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” in this handbook contain additional information on the following tasks:

- Assign the case number
- File case document

12 O.S. § 30

12 O.S. § 31

In criminal cases, the court clerk must file at least the following specific items.

- The complaint and information or indictment 22 O.S. § 2
22 O.S. § 385
- The original of the minutes of the plea and the original of the trial minutes 22 O.S. § 977
22 O.S. § 381
- The charges given or refused, and the endorsements, if any, on those charges 22 O.S. § 1224.2
- The court-ordered transfer of the Executed Search Warrant and Return 22 O.S. § 711
- Documentation of issued items (subpoena, warrants, et al) 22 O.S. § 712
- Returns of Service of Documents 19 O.S. § 545
- The original of the judgment and sentence 12 O.S. § 32.1
- The court reporter's transcript of the proceedings taken in any case
- Application for post-conviction relief 22 O.S. Chapter 18, Appendix
Rules 5.1~5.6
- Index case data
- Record case documents (Scan) 12 O.S. § 24

The court must record the following documents in criminal cases:

- All instruments 12 O.S. § 24
- All items of process 12 O.S. § 28
- Indictments 22 O.S. § 1275
- Information 22 O.S. § 1275
- Bonds Oklahoma Constitution
Article 2 § 20
59 O.S. § 1316
28 O.S. § 9

Additionally, the court clerk must do the following:

- Issue receipts
- Ensure minutes are recorded
- Assess and collect fines, fees, and costs

22 O.S. § 514

22 O.S. § 922

22 O.S. § 977

22 O.S. § 1108

28 O.S. § 151

In a criminal case, the court clerk must record the following documents:

- All instruments bearing the district judge’s signature
- All items of process by which the district court acquired jurisdiction of the case
- Indictments
- Information
- Bonds
- Issue receipts
- Ensure Minutes are recorded for all case-related activities

12 O.S. § 24

12 O.S. § 24

22 O.S. § 1275

22 O.S. § 1275

22 O.S. § 1275

28 O.S. § 9

22 O.S. § 514

22 O.S. § 922

22 O.S. § 977

22 O.S. § 1108

All significant events in a criminal trial must be documented. The statutes require that pleas, verdicts, judgments upon conviction, and bail forfeitures be entered on the minutes.

- Assess and collect fines, fees, and cost

22 O.S. Chapter 18, Appendix

Rule 8.1

28 O.S. § 151

28 O.S. § 9

19 O.S. § 682

In a criminal case, the court clerk collects all fines and costs from the defendant after conviction according to the district court’s orders and enters the orders on the docket entry screen. The court clerk also collects all fines and costs assessed on the appearance docket.

The court clerk receives the money from the defendant, issues a receipt, enters the payment on the docket, and deposits the money daily.

With authorization from the defendant or from the person posting the cash bond (if not the defendant), the court clerk can deduct outstanding fines, fees, and costs against any cash bail posted.

22 O.S. Chapter 18, Appendix

Rule 8.3

If the district judge orders a delayed payment plan, the court clerk must ensure that these amounts are collected and should follow up on any delinquencies. A recommended practice is for counties to use a cost administrator to help collect fines and costs.

- Certify documents
- Assign cases to a judge
- Transfer cases

12 O.S. § 38
49 O.S. § 119(5)

22 O.S. § 445

22 O.S. § 731

22 O.S. § 171

22 O.S. § 172

59 O.S. § 1316

59 O.S. § 1332

11 O.S. § 27-129A

Other tasks that the court clerk must perform that relate to criminal cases include the following duties:

- Issue, process, and file warrants
- Accept, exonerate, and forfeit bail
- Process city appeals
- Issue subpoenas
- Distribute criminal dockets
- Send reports to Department of Public Safety (DPS)
- Record judgment and sentence
- Issue commitment or release orders
- Pay court-appointed attorneys
- Expunge records

12 O.S. § 28

12 O.S. § 2004.1

20 O.S. Chapter 1, Appendix 2 § Rule 14(A)

47 O.S. § 18-101

12 O.S. § 24

22 O.S. § 514

22 O.S. § 977

12 O.S. § 28

20 O.S. § 1304(B)(9)

22 O.S. § 18

Issue, Process, and File Warrants

Arrest Warrants

If the offense charged in the warrant be a misdemeanor and the defendant comes in contact with a law enforcement officer in another county, the law enforcement officer may:

- Issue a verbal warning about the existence of the warrant and further advise the defendant to contact the clerk of the court for the purpose of resolving the outstanding warrant. All verbal warnings shall be documented by the law

enforcement officer on a department-issued warning ticket

- (Out of County Law Enforcement) Arrest the defendant and take the defendant before a magistrate in that county, or the image of the defendant may be broadcast by closed circuit television to the magistrate, who must admit the defendant to bail and take bail accordingly
- (In County Law Enforcement) Take the defendant before a magistrate of the county where the warrant was issued, who must admit the defendant to bail, and immediately transmit the warrant, complaint, depositions, if any, and undertaking, to the clerk of the court in which the defendant must appear.

22 O.S. § 177

22 O.S. § 185

An arrest warrant is a written order of the district court that directs that a person be taken into custody, and it must be formatted per the Oklahoma Statutes. When the district court orders an arrest warrant issued, the warrant is prepared by the district court, the district attorney, or the court clerk, depending on local district court rule.

22 O.S. § 171

22 O.S. § 172

Once the warrant is completed and signed by the district judge, the court clerk performs the following duties:

- Issues the warrant and directs it to the county sheriff
- Places a copy of the warrant in the case file and enters the issuance on the appearance docket
- Receives the return of service from the county sheriff, and files the return of service on the appearance docket

22 O.S. § 174

19 O.S. § 545
12 O.S. § 32.1

Search Warrants

A search warrant is a written order signed by a judge that directs a law officer to search a specific location for property and, if found, to seize it. Warrants must be formatted according to the Oklahoma Statutes. To request issuance of a search warrant, the prosecuting attorney must show probable cause for the warrant and include an affidavit that supports the warrant and includes the person's name, the property, and the place to be searched.

22 O.S. § 1221

22 O.S. § 1223

22 O.S. § 1226

22 O.S. § 1224.1

The district court can take testimony to supplement the affidavits for the warrant. However, the testimony must be recorded, transcribed, and filed.

The court clerk is required to maintain a file of executed search warrants and to index them alphabetically.

22 O.S. § 1223.1

22 O.S. § 1224.1

A recommended practice is to use the numbering format SW-2000-XXXX. After a search warrant is executed, it is filed in the Search Warrant Binder and then indexed.

22 O.S. § 1224.2

If the search warrant is used in a criminal case, the warrant is transferred to the case file. This action requires an order from a judge. The district attorney makes application for the order.

Bench Warrants

When a defendant in a criminal case who has been released on bail fails to appear in district court at the time prescribed, the court clerk may be directed to issue a bench warrant. The warrant must follow formatting directed in the Oklahoma Statutes. When a bench warrant is issued for failure to pay, a fee must be paid that goes to the Court Clerk's Revolving Fund for issuing the warrant.

22 O.S. § 454
22 O.S. § 455
22 O.S. § 456

Warrant Recall

A recommended practice is for the court clerk to establish procedures to ensure that the county sheriff is promptly notified if a warrant is recalled or canceled. A judge must sign an order for a warrant recall.

In addition, the court clerk should maintain a list of recalled warrants that contain the defendant's name, case number, and date of recall, and supply the county sheriff with a copy of this list. The court clerk must also enter the date of a warrant recall on the appearance docket.

Process City Appeals

A defendant or the attorney may appeal a municipal court decision by filing a Post-Conviction Appeal in the district court in which the municipality is located within ten days of the date of the final judgment.

11 O.S. § 27-129(A)

NOTE:

The Oklahoma Statutes do not specify in which division of the district court (civil or criminal) the appeal should be filed. However, the AOC recommends city appeals be filed as misdemeanors. This recommendation is provided by Additional Aid – List of Case Filing Types, which is a form in the AOC office. City appeals are derived from violations of city ordinances or codes. The steps in the appeals process are from municipalities to district court. An appeal of the district court ruling is to the Court of Criminal Appeals.

11 O.S. § 27-130
11 O.S. § 27-132

The city files its entire case file and the case is set for a prompt hearing. The court clerk collects costs after the case is disposed.

Issue Subpoenas

The district court, the district attorney, or a defense attorney can issue a subpoena, a document that states that a witness's attendance is required before a court. The court clerk must issue, without charge, as many blank subpoenas as the defendant requests.

22 O.S. §§ 703~707
22 O.S. § 710

20 O.S. Chapter 1, Appendix 2
Rule 14
12 O.S. § 2005

Distribute Criminal Dockets

The court clerk must mail a copy of all criminal dockets to all attorneys concerned with the cases unless the docket itself is published in a daily publication.

47 O.S. § 18-101

Send Reports to Service Oklahoma

If a criminal case was initiated using a traffic citation as information, the court clerk must notify Service Oklahoma of the district court's actions by completing the back of the citation and sending it to Service Oklahoma. Please refer to Chapter Twenty-Three, "[Duties of the Court Clerk: Traffic Cases](#)," in this handbook for additional information.

47 O.S. § 6-205.2

The court clerk shall furnish a similar report to Service Oklahoma upon the conviction of any person of manslaughter or other felony convictions resulting from a crime in which an automobile was used.

47 O.S. § 6-205.2
47 O.S. § 18-101(E)

Record Judgment and Sentence

The court clerk must enter a court order of judgment and sentence on the case minutes. The order is filed and becomes part of the permanent case records.

Issue Commitment or Release Orders

After receiving an appropriate court order, the court clerk may issue an Order of Commitment or an Order of Release.

22 O.S. § 977

Pay Court-Appointed Attorneys

The court clerk must follow explicitly the court's order for paying a court-appointed attorney. Upon recommendation of SA&I, the order appointing the court-appointed attorney must be attached to the court fund Claim before it can be approved and paid. The approval section of the court fund Claim approves the amount. An order showing the amount can be filed but does not have to be. The name of the defendant and the case number should be on the Court Fund Claim.

22 O.S. § 1082
20 O.S. § 1304
20 O.S. Chapter 18, Appendix 1
Rule 1

Expunging Criminal Records

Sealing Records

Subject to certain conditions, an individual authorized can file a motion with the court for records contained within a case to be sealed. For purposes of this section the word "expungement" shall mean the sealing of criminal records, as well as any public civil record, involving actions brought by and against the state of Oklahoma arising from the same arrest, transaction, or occurrence. Records expunged and met specific criteria as set out in the statutes shall be sealed to the public but not to law enforcement agencies for law enforcement purposes.

22 O.S. § 18(A)(B)(E)

22 O.S. § 19

After receiving such a petition, the matter is set for hearing with directions that a thirty (30) day notice be given to the following entities:

22 O.S. § 18(A)

- The district attorney or prosecuting agency
- The arresting agency
- The Oklahoma State Bureau of Investigation
- Any other person or agency that the court has reason to believe may have relevant information regarding the sealing of a record

22 O.S. § 19(E)

22 O.S. § 19(C)

Beginning three (3) years after 11-1-22, and subject to the availability of funds, individuals with clean slate eligible cases shall be eligible to have their criminal records sealed automatically. A "clean slate eligible case" shall mean a case where each charge within the case meets specific criteria as listed in 22 O.S. § 18 pursuant to paragraph 1, 2, 3, 5, 6, 7, 8, 10, 11, 14 or 15 of subsection A of this section.

22 O.S. § 18(C)

In response to a motion to seal court records, the district court can respond by denying the motion, ordering the records sealed (except for basic identification information); or limiting access to the records to specified parties.

22 O.S. § 49(F)

Procedure for Sealing Records

If the district court orders a record or any part of a record to be sealed, the court clerk can correctly reply to any inquiry that the action never occurred, and no record exists regarding the person(s) involved in the action. The court clerk must secure the record to effectively prevent unauthorized disclosure of sealed information.

22 O.S. § 19(G)
22 O.S. § 19(L)

If records that are to be sealed are recorded in the same document as unsealed material, the information in the sealed material must be recorded in a separate document and sealed. That information must be removed from the original document.

NOTE:

A recommended practice is for the court clerk to set policies or procedures to ensure that all references to the expunged material on microfilm, microfiche, or optical disc records are expunged.

Petition to Inspect Sealed Records

22 O.S. § 19(O)

A sealed record can be inspected only after the district court grants a petition for inspection. The petition can be made by the person who is the subject of the record, the attorney general, or the district attorney.

Petition to Unseal Sealed Records

22 O.S. § 19(O)

A petition to unseal a sealed record can also be filed with the district court. The court clerk or the judge sets a hearing date for the petition thirty (30) days after notifying all interested parties of the hearing date. If appropriate, the court can decide to unseal a record.

Physical Destruction of Records

No criminal justice records are physically destroyed as a result of expungement except that index records concerning the sealed material should be destroyed or removed.

22 O.S. § 19(K)(M)

22 O.S. § 991c(D)(2)

A record that is sealed and remains sealed for ten (10) years after the order can be destroyed, removed, or obliterated at the end of the ten-year period.

22 O.S. § 19(N)

Deferred Sentence Expungement

A sentence may be deferred after a plea of guilty but before entering a judgment of guilt. If the defendant successfully completes the deferred sentence (including the payment of all court costs), the case must be expunged from the docket.

22 O.S. § 18(A)(D)

The court clerk is required to keep a separate confidential index of case numbers and names of defendants and, when appropriate, counts of all expunged cases. These records should be maintained in the same manner and for the same time periods as other criminal records.

22 O.S. § 991c

This statute was revised in 1992 and applies to all deferred sentences successfully completed after July 1, 1992. Sentences successfully completed from September 1, 1987, to June 30, 1992, can be expunged with a court order.

22 O.S. § 991c(D)(3)

Performing Bond Procedures

Bond procedures for court clerks fall into the following five categories:

1. Recording bondsman licenses

Please refer to Chapter Sixteen, “[Duties of the Court Clerk: License Issue](#),” in this handbook for information on recording bondsman licenses.

2. Reporting bonding activities

Please refer to Chapter Fourteen, “[Duties of the Court Clerk: Reports](#),” in this handbook for information on bond reporting requirements.

3. Accepting bail
4. Exonerating bail

5. Forfeiting bail

NOTE:

The court clerk must keep track of uncollected bonds as they can represent a significant source of money for the judicial system. In addition, the court clerk is required to notify the insurance commission of uncollected bonds.

59 O.S. § 1332(D)(3)

Accepting Bail

The court clerk can accept bail from a defendant. The type of bond posted can take several forms, but in most cases the court clerk can use [SA&I Form No. 408](#), Appearance Bond. The court clerk must verify several items before accepting bail.

22 O.S. § 1101

- The court clerk must verify that the bondsman, if involved, is licensed by the Insurance Commission and registered to do business in the county or, if an out-of-county bondsman, has filed a copy of his license and his intention to write bonds in the county. For out-of-county bondsmen, a recommended practice is for the court clerk to obtain a letter of good standing from the court clerk of the county where the bondsman is registered each time a bond is posted.
- The bondsman’s license must be approved for the type of bail involved in the case.
- The bond posted must be adequate to cover the bail required by the court.

59 O.S. § 1302

59 O.S. § 1301

The court clerk issues a receipt for bail received, if appropriate.

22 O.S. § 461

WARNING:

A recommended practice is for court clerks to have policies and procedures in place for when a defendant is confined in another county and is requesting bail in their county. The court clerk should check with the court clerk where the defendant is confined before accepting bail for a defendant unless a court order has been issued ordering the court clerk to take the bail.

Personal Recognizance

A defendant may be allowed bail on personal recognizance at the district court's discretion and subject to conditions set by the district court. If the defendant does not comply with the conditions of the bond, an arrest warrant can be ordered for the defendant's arrest.

59 O.S. § 1334
59 O.S. § 1335

Bail Bonds Received from the Sheriff

The county sheriff may receive bail bond money after normal working hours and on weekends. The county sheriff issues receipts for these funds; deposits them in the depository account; and issues a depository voucher for the cash bond's amount to the court clerk. The court clerk then issues a receipt to the county sheriff for the voucher amount received.

59 O.S. §1320

If a case has not been filed by the district attorney, the court clerk assigns it the next available case number in the appropriate category; enters the case on the appearance docket as "Proceeding to Admit Bail;" posts the receipt; and files the county sheriff's bond. When the actual case is filed by the district attorney, the court clerk cancels the proceeding to admit bail, and enters the formal charge against the defendant. If the district attorney declines to file an information of the arrest charge, the court clerk obtains an order from the judge to return the bond money.

The court clerk enters the voucher number and the person to whom it was issued on the appearance docket.

Bail Bonds Written by Professional Bondsman

A professional bondsman is permitted to write bonds for up to ten times the amount of the statutory deposit made with the insurance commission. Before accepting a bond from a professional bondsman, the court clerk should call the insurance commission to determine the bonding ability. The bond must not be approved if it is not appropriate.

59 O.S. § 1303
59 O.S. § 1306
59 O.S. §1320

59 O.S. § 1321

Bail Bonds Written by Multicounty Agent Bondsman

Multicounty agent bondsman license shall have been continually licensed as a professional bondsman in the state of Oklahoma for a minimum of two (2) years without suspension or having any unpaid forfeitures prior to the date of application.

59 O.S. § 1306.1

A multicounty agent bondsman may appoint by power of attorney a licensed surety bondsman as an agent to execute bail bonds within any county in the state of Oklahoma.

59 O.S. § 1306.1(D)
59 O.S. § 1305

NOTE:

An attorney cannot post bail.

5 O.S. § 11
59 O.S. § 1303(B)

Cash Bonds

A defendant, or someone acting on the defendant's behalf, can make a cash bond for admitting a defendant to bail. The court clerk can accept cash, a cashier's check, or a money order. The court clerk issues a receipt for the cash bond. The defendant must be notified of the time to appear in the district court.

59 O.S. § 1322
59 O.S. § 1323

Surety Bonds

The court clerk can accept a surety bond from a licensed bondsman who is registered in the county. Power of attorney must be attached to every bond written which covers the amount ordered by the court. The court clerk must not allow more than one power to be attached to each bond.

59 O.S. § 1320

59 O.S. § 1321

Property Bonds

Property bonds can be posted by a licensed bondsman or an individual. The approved limits depend on the person posting the bond. A title company may be needed on a property bond.

59 O.S. § 1301(B)(8)

59 O.S. § 1324

Market value is defined to be four times the assessed valuation of the property as recorded on the tax rolls, minus any encumbrances, as filed in the county clerk's office, on the property. A homestead can be accepted as security for appearance if the homestead exemption is waived in writing and is also verified and executed by the spouse, if applicable.

- Licensed property bondsmen have listed property with the Insurance Commission before licensing was approved. They are permitted to write property bonds for up to four times this property's market value.
- All other property bonds can be accepted only for the property's market value.

59 O.S. § 1324(A)

NOTE:

A recommended practice is for the court clerk to have a court order before accepting property as bail if the deed of land is listed with the Bureau of Indian Affairs. Court clerks should have an attached prior approval given from the Bureau of Indian Affairs.

68 O.S. § 2840(A)(3)

Oklahoma Constitution
Article 1 § 3

Additionally, the court clerk should have prior approval with an administrative directive or a court order for bail for property with a mobile home on the property.

The court clerk should also have a court order before accepting property as bail that is registered on the tax rolls as school land property. These properties would also need prior approval of the Oklahoma Commission of Land Office, and they should have an attached prior approval.

64 O.S. § 1058

Before accepting property bonds, the court clerk should proceed with the following tasks:

- If a bondsman is involved, confirm the bondsman's licensing.
- Require an assessed valuation affidavit from the county assessor that certifies the assessed valuation of the property. The person making bond is responsible for providing this affidavit.
- Determine the bond writing ability or market value for the property which is four (4) times the property's assessed valuation minus any encumbrances. If a licensed property bondsman is writing the bond, the bond writing ability is four (4) times the market value of the property. Also, the surety must be worth double the sum to be secured, over and above all exemptions, debts, and liabilities.

12 O.S. § 62

59 O.S. § 1324(B)

- Homesteads may be accepted as security if the homestead exemption is waived in writing, verified, and executed by the spouse, if any. [SA&I Form No. 408](#), Appearance Bond, has the affidavit and waiver of homestead exemption incorporated into the form.
- If there is a first mortgage on real estate, the surety must obtain the affidavits of two (2) freeholders versed in land values in the community where such real estate is located as to the value of such real estate.

12 O.S. § 62
 12 O.S. § 63
 12 O.S. § 64
 22 O.S. §1104

NOTE:

A recommended practice is for the court clerks to obtain an administrative order from the court with policies or procedures on accepting property bonds in respective counties.

Example: The use of bonded abstractors for market value less encumbrances.

- File the bond and required affidavits in the case file and note the transaction on the appearance docket.
- Before a defendant can be released with a property bond, the court clerk files a certified copy of the bond with the county clerk to become a lien on the property involved. The person making bond must pay the filing costs required by the county clerk.

59 O.S. § 1324(B)

Exonerating Bail

When ordered by the court, bail must be released according to the type of bond posted. In all cases, the court clerk enters the action on the appearance docket.

If a surety bond was made, the court clerk informs the bondsman of the court order.

22 O.S. § 1324(B)

For a property bond, the court clerk issues a Certificate of Discharge ([SA&I Form No. 407](#)) to the person who posted the bond. That person can then file the discharge with the county clerk. After the proper fees are paid, the county clerk uses the discharge to release the lien on the property.

Forfeiting Bail

If ordered by the court, a defendant's bail can be forfeited. The [Order and Judgment of Forfeiture](#) is used for bond forfeitures.

22 O.S. § 1108
59 O.S. § 1332

Within ten (10) days of the defendant failing to appear, the court shall issue an order for an arrest warrant and for the bond to be forfeited. Within 15 days of the date of forfeiture, the [Order and Judgment of Forfeiture](#) shall be filed with the court clerk of the trial court. Within thirty (30) days of the bond forfeiture, the court clerk notifies the bondsman with the form and, if applicable, also notifies the insurer, by certified mail with a return receipt requested. The defendant should also be notified. The court clerk is not required to mail the order and judgment of forfeiture to the bondsman or insurer, if within fifteen (15) days from the date of forfeiture, the defendant is returned to custody. The bond is reinstated by the court with the bondsman's approval, or the order of forfeiture is vacated or set aside by the court.

The bail bondsman has ninety (90) days after receiving the [Order and Judgment of Forfeiture](#) to return the defendant to custody.

NOTE:

Refer to the Oklahoma Statutes for detailed definition of "return to custody."

59 O.S. § 1328

59 O.S. § 1332(D)

Reasonable travel expenses of returning the defendant to custody must be guaranteed by the bondsman if necessary. If the defendant is not returned to custody within this ninety (90) day period, the bail bondsman must deposit cash or other valuable securities in the face amount of the bond with the court clerk. If the bail bondsman does not make the deposit on the 91st day, the court clerk must notify the insurance commissioner in writing on the Notice of Non-Payment of Bond Forfeiture form, provided by the insurance commissioner. The court clerk must also send a certified copy of the [Order and Judgment of Forfeiture](#), and proof that the bondsman and, if applicable, the insurer, have been notified by mail with return receipt requested.

After receiving payment of a bond forfeiture, the court clerk deposits the money

into the depository account and maintains it until the statutory time allowed for the bondsman to file a motion for remitter has passed. At the end of this time, the court clerk transfers the forfeited amount to the court fund. If a motion for remitter is filed, the bail bondsman or insurer must pay all expenses for the defendant's return to custody if necessary.

59 O.S. § 1327

At any time before a breach of any type of bail has occurred, the surety or bondsman may surrender the defendant, or the defendant may surrender. When a bondsman or surety surrenders a defendant, the bondsman or surety must file written notification of the surrender. After the surrender and after the written notice has been filed, the bond must be exonerated, and the court clerk must enter a minute in the case exonerating the bond. The bondsman may recommit a defendant by presenting a [Recommitment of Defendant by Bondsman](#) form provided by the AOC to the official in whose custody the defendant is being surrendered. The bondsman files a written notification with the court, and the bond is then exonerated. The court clerk must enter a minute exonerating the bond.

The bond shall be exonerated by operation of law in any case in which the defendant has been arrested:

59 O.S. § 1327(E)

- On new charges or on any warrant in the same jurisdiction in which the bondsman or insurer has posted the appearance bond or bonds for the defendant, and the defendant has been subsequently released on his or her own personal recognizance or a pretrial release has been authorized by the court.
- There is an added charge to a case that would result in a higher fine or longer term of sentence if convicted, or an amendment to a charge that would result in a higher fine or longer term of sentence if convicted.

Returning Stolen or Embezzled Property

The return of (allegedly) stolen or embezzled property is initiated by a citizen's request. The court clerk uses the case type prefix CP. The following is a summary of statutory requirements and suggestions from the AOC. The AOC also provides the forms for returning stolen or embezzled property.

22 O.S. § 1321

22 O.S. § 1322

A citizen can obtain an application and instructions from either a court clerk or a victim-witness coordinator. After completing the application, the citizen gives it to the court clerk.

The court clerk then files the case in the following manner:

12 O.S. § 29

- Accepts the application
- Initiates a new case file
- Collects the filing fee shown in the Uniform Fee Schedule
- The hearing shall be held not less than fifteen (15) days after the notice has been served or published, if applicable.
- Determines if the applicant will make notice by mail or by publication and provide the applicant with one of the following forms:
 - One copy of the form for notice by publication and one original and one copy of the Affidavit of Notice by Publication
 - One original and one copy of the form for notice by mail and one original and one copy of the Affidavit of Notice by Mailing

12 O.S. § 30
22 O.S. § 1321(C)
22 O.S. § 1321(E)

22 O.S. § 1321(C)

22 O.S. § 1321(C)

22 O.S. § 1321(C)

If the applicant requests that the court clerk mail the notice by certified mail, return receipt requested, all procedures and fees shown in the Uniform Fee Schedule should be applied.

28 O.S. § 31

If the applicant requests the court clerk to notify by publication, the court clerk follows the usual publication procedures and charges the standard publication deposit from the Uniform Fee Schedule.

28 O.S. § 156

If the applicant notifies by publication or mail, either of the following items must be returned to the court clerk.

- The certified mail green card; a copy of the Notice of Hearing with a completed Certificate of Mailing and an Affidavit of Notice by Mailing
- An Affidavit of Notice by Publication

The court clerk files the above documents in the case file.

The court clerk informs the applicants of their responsibility to notify the district attorney that notice has been given.

When all of the above steps are completed, the hearing can proceed.

Handling Water Safety or Oklahoma Wildlife Conservation Code Violations

Bail

A law enforcement officer arresting a person for a water safety or Oklahoma Wildlife Conservation code violation can accept bail in several forms:

22 O.S. § 1111

- Cash Bail

22 O.S. § 1111(A)(1)

NOTE:

Cash bail includes personal checks or other negotiable instruments. The defendant and the arresting officer jointly mail the cash to the court clerk, and the ticket is filed the same as any traffic ticket. The arresting officer issues a receipt to the defendant.

- Driver's License

22 O.S. § 1111(A)(2)

22 O.S. § 1111(B)

A valid driver's license can be deposited as bail with the arresting officer. The receipt that the arresting officer issues for the driver's license serves as the defendant's temporary driver's license for a period of twenty (20) days.

When a driver's license is posted as bail, the court clerk returns it to the defendant when one of the following actions is completed:

22 O.S. § 1111.1

- The defendant's personal check is accepted for cash bail and the collection of funds.
- The defendant appears to answer charges or post bond.
- The defendant enters a plea by transmitting to the court clerk the cash bail.
- Envelopes

22 O.S. § 1111(A)(1)

Bail can be mailed in postage-paid pre-addressed envelopes furnished by the court clerk to the county sheriff's office, the Oklahoma Department of Public Safety (DPS), and the Oklahoma Department of Wildlife Conservation. The cost of these envelopes is paid from the court

Arraignment

The arresting officer indicates on the citation the time and place for the defendant to appear in court to answer the charges. The offense is a misdemeanor and is processed in the same manner as a misdemeanor case. If the defendant fails to appear, the court usually takes the following steps:

- If a defendant posted a cash bond, it shall be forfeited.
- If a defendant posted a driver's license, the court clerk shall immediately forward to Service Oklahoma the operator's license attached to an official notification form furnished by Service Oklahoma, advising that the defendant failed to appear.
- On a motion of the district attorney, the court shall issue a bench warrant for the arrest of the defendant.

Bond Schedule

The bond schedule for water safety or wildlife related offenses is published by the AOC on an annual basis. The court clerk should ensure they are using the most recent edition of that bond schedule.

29 O.S. § 3-201

These citations are mainly written by and/or regulated by the Oklahoma Statutes as shown below:

29 O.S. § 2-116.1

- Wildlife Citations
 - Game Warden
- Boating Safety Citation
 - Department of Public Safety

63 O.S. § 4202

63 O.S. § 4221

22 O.S. § 1113

Guilty Plea

The defendant can plead guilty to the charge. In this case, the bail deposit is used for payment of the fine and costs.

Failure to Comply

Wildlife Bail Procedure Act

If the person charged fails to appear in court in person or by counsel for arraignment on the charge against them or fails to arrange with the court within the time designated on the citation for a future appearance, on motion of the district attorney, the court shall issue a bench warrant for the arrest of the person charged.

29 O.S. § 9-113

In addition to any other penalties provided for in the Wildlife Bail Procedure Act, when a person fails to comply with a wildlife citation or a sentence for a violation of wildlife laws or rules, the district court which has jurisdiction of the citation or which issued the sentence shall mail a notice to the person informing them that if they do not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within thirty (30) days from the date of mailing, the Oklahoma Department of Wildlife Conservation shall be notified to begin procedures to forfeit or suspend any license, permit, stamp or other issue of the department held by the person.

29 O.S. § 9-114

Listed below are the forms provided by the Oklahoma Department of Wildlife Conservation:

- Notice of Failure to Comply and Pending Suspension
- Wildlife License Compliance Report
- Wildlife License Suspension Report
- Oklahoma Department of Wildlife Conservation Law Enforcement Division Restitution and/or License Reinstatement Fee Recovery

A recommended practice for the court clerk is to set policies and procedures to comply with the Department of Wildlife Conservation and court orders. For more information on the use of these forms, visit the [Oklahoma Department of Wildlife Conservation website](#).

Oklahoma Boating Safety Regulation Act

63 O.S. § 4218

Except as otherwise provided by the provisions of this section, any person violating the provisions of the Oklahoma Boating Safety Regulation Act for which another penalty is not provided, upon conviction thereof, shall be guilty of a misdemeanor.

The Department of Public Safety is hereby granted authority and jurisdiction to administer and enforce all provisions of the Oklahoma Boating Safety Regulation Act. The department is authorized to promulgate and enforce all necessary rules of the Oklahoma Statutes and shall prescribe all forms it deems necessary to implement the provisions of the Oklahoma Boating Safety Regulation Act.

63 O.S. § 4202

A recommended practice for the court clerk is to set policies and procedures to comply with the Department of Public Safety, the Oklahoma Boating Safety Regulation Act and court orders. For more information on prescribed forms, contact the Oklahoma Department of Public Safety.

63 O.S. § 4200-4236

Handling Change of Venue

Assuming that the jurisdiction and venue were proper when a case was filed in the original court, the Oklahoma Constitution provides that in all criminal prosecutions, the accused has the right to request a change of venue as prescribed by law. The statutes contain procedural laws on how and when a venue can or should be granted. The change of venue is done with an Order of Removal, which is prescribed by AOC.

Oklahoma Constitution
Article 2 § 20

22 O.S. §§ 561-566

When a case is transferred to another county, the court record must be transmitted to the court clerk of the receiving county with the following actions:

- The Order of Removal from the county must be entered on the minutes of the sending court.
- The court clerk of the sending court must complete and transmit a certified copy of the order to the court clerk of the receiving court within ten (10) days.
- The court clerk of the sending court must also send a certified copy of the record and the pleadings including the undertaking for the defendant's and witnesses' appearances within ten (10) days. If it is necessary to have any of

22 O.S. § 562

22 O.S. § 566

22 O.S. § 562(A)

the original pleadings or other papers before the receiving court, the sending court must at any time on the application of the district attorney or the defendant, order those papers or pleadings to be transmitted by the court clerk of the sending court, who retains a certified copy.

- The case must be docketed and stand for trial within six (6) months from the date the case was ordered removed from the original court.
- All expenses incurred as a result of the action prior to the date of the order of removal shall be taxed as costs and shall remain payable to the court fund of the county from which the action was removed.
- The court fund of the county from which the action is removed, shall be liable for the expense and charge of removing, delivering, and keeping the prisoner; the fees of jurors and witnesses in attendance during the trial; court reporter's fees; all fees and mileage of the county sheriff and the per diem of bailiffs during the time the case is on trial; and such other expenses as may be lawfully incurred incidental to the trial. Costs and expenses shall be approved by the court administrator of the Supreme Court of the state of Oklahoma and certified by the court clerk of the court to which the action was transferred to the court clerk of the county from which the case was removed.

22 O.S. § 562(B)

22 O.S. § 562(C)(E)

Fugitive from Justice

A person charged in any state or territory of the United States with treason, felony, or other crime, who shall flee from justice and be found in this State, must, on demand of the executive authority of the state or territory from which he fled be delivered up by the Governor of this state, to be removed to the state or territory having jurisdiction of the crime.

22 O.S. § 1123

22 O.S. §§ 1121~1141.30

22 O.S. § 1141.2

22 O.S. § 1141.7

Listed below are Oklahoma Statutes and actions taken by court procedures in a Fugitive from Justice proceeding:

- Governor warrant
- District attorney to present application
- Waiver of Extradition

22 O.S. § 1141.22

22 O.S. § 1141.23

22 O.S. § 1141.25

Chapter Twenty-Three

Duties of the Court Clerk:

Traffic Cases

Handling Traffic Cases

47 O.S. § 18-101(A)

The court clerk is required to keep a traffic docket and record, either manually or on computer, of every traffic complaint, citation, or other traffic charge received from law enforcement officials. These actions include convictions, forfeitures of bail, acquittals, and fines.

WARNING:

The court clerk is accountable for all traffic complaints, citations, or other traffic charges received from law enforcement officials. The court clerk should ensure the security of these documents and ensure that accurate and complete records are maintained.

22 O.S. § 1114.3

Abstracts to Service Oklahoma

Within five (5) days after a conviction or bail forfeiture, the court clerk must furnish to Service Oklahoma an abstract of every traffic case conviction, forfeitures of bail, acquittals and fines on a form provided by Service Oklahoma. This is true, excluding the following exceptions:

47 O.S. § 18-101(B)
47 O.S. § 18-101(D)

- Cases involving illegal parking or standing violations
- Convictions by a non-lawyer judge (subject to certain conditions of the Oklahoma Statutes)

47 O.S. § 18-101(C)

The court clerk must also furnish an abstract for manslaughter or other felony convictions arising from the use of a vehicle.

47 O.S. § 18-101(E)

Service Oklahoma provides a form for the abstractor, or the information can be computer generated. The abstract should include the following information:

47 O.S. § 18-101(D)

- The name, address, sex, date of birth, and driver's license number of the person charged and the state or jurisdiction from which the license is issued
- The traffic citation number
- The license plate number, make, and model of the vehicle involved
- The offense, the hearing date, the plea, the judgment, or if bail was forfeited, the amount of the fine or forfeiture
- The name of the court and whether it is municipal or district court

The Traffic Docket Envelope

12 O.S. § 23

The traffic docket envelope, or a computer docket, is used as the appearance docket for all traffic cases, and all documents that pertain to a particular case should be kept in this envelope. The court clerk should ensure that the information on the traffic docket envelope or computer program is accurate and complete.

Fees

Oklahoma Bond Schedule

No later than September of each year, the AOC prepares and distributes the Oklahoma Bond Schedule, a schedule of amounts to be received as bail. A recommended practice is that court clerks ensure that they have the most current version of this schedule. Also, a copy of the current [Bond Schedule](#) and Fee Schedule shall be posted in the court clerk's office for public viewing.

22 O.S. § 1115.3(E)
28 O.S. § 7

Acceptable Payment Methods

22 O.S. § 1115.1(D)
28 O.S. § 151

The court clerk can accept the following items for payment of traffic case fines and costs:

- Currency (except by mail)
- Personal, cashier's, traveler's, certified, or guaranteed bank check
- Credit or Debit cards
- Postal or commercial money order
- Other payment forms approved by the court

NOTE:

If a false or bogus check is given as payment in a traffic case, the court clerk is neither civilly nor criminally liable for accepting the check.

22 O.S. § 1115.4(A)
19 O.S. § 682

The Arrest

Citation or Ticket Issue

A traffic case normally begins when an arresting officer apprehends a citizen who has violated a traffic law. The officer completes a Department of Public Safety (DPS) Uniform Violations Complaint form (also called a citation or ticket).

47 O.S. § 16-108
22 O.S. § 1114.3(A)

Upon issuing a citation that is required to be filed in district court, the arresting highway patrol officer or the Department of Public Safety shall deliver or forward the "Complaint Information" or "Abstract of Court Record" of the citation in electronic or written format to the district court clerk without the endorsement of the district attorney or an assistant district attorney. It shall be the duty of the district court clerk to deliver the "Complaint Information" to the district attorney who shall endorse or decline and file the "Complaint Information" with the district court clerk; or the district attorney, if the highway patrol officer has issued a citation which could result in the district attorney filing an information. The district attorney shall endorse or decline and file both parts of the citation with the district court clerk. The district court clerk's office shall maintain the "Abstract of Court Record" part of the citation until the final disposition of the case.

22 O.S. § 1114.3A

NOTE:

The court clerk can furnish a sufficient supply of pre-addressed, postage prepaid envelopes to all highway patrol officers, sheriffs, and police chiefs who write tickets in the county. A recommended practice is for the court clerk to furnish an instruction sheet for the defendant regarding the ticket. The arresting officer could then give the defendant an envelope and instruction sheet at the time of arrest.

22 O.S. § 1114.3(A)

22 O.S. § 1111(A)

The arresting officer gives a copy of the citation to the defendant. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before the defendant is required to appear for arraignment by indicating such plea on the copy of the citation furnished to the defendant or on a legible copy thereof, together with the date of the plea and signature.

22 O.S. §
1115.1(D)

Defendant Release

Under specific conditions (assuming that statute is followed, and the officer is satisfied), any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance. The arrested person acknowledges, as evidenced by the electronic signature of the person, a written promise to appear as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician.

22 O.S. §
1115.1A

Traffic Tickets

Table 23-1 contains instructions for processing traffic tickets received in the court clerk's office.

22 O.S. §
1115.1

NOTE:

Littering is now considered a traffic violation.

21 O.S. §
1753.3

Court Appearances

Table 23-2 contains instructions regarding the court clerk's tasks for court appearances in traffic cases.

47 O.S. § 11-
902(C)(7)

Handling Municipal DUI Cases

In any case in which a defendant is charged with driving under the influence of alcohol (or other intoxicating substance) within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county in which the municipality is located.

28 O.S. §
153.1

Table 23-1. Court Clerk's Tasks for Processing Traffic Tickets

Court Clerk's Tasks for Processing Traffic Tickets	Statute Reference
<p>When a traffic ticket is received in a county, confirm that the traffic offense occurred in that county. If not, mail the ticket plus any related documents and information to the court clerk in the county in which the offense occurred.</p> <p>NOTE: It is recommended that the court clerk should document the transfer, the citation number, the county the citation is being transferred to, and any pertinent information viable for tracking the citation for accountability.</p>	<p align="center">47 O.S. § 18-101(A)</p>
<p>The court clerk should ensure accountability and security for all citations/tickets received.</p> <p>Some counties maintain a log that shows when tickets are received, when they are forwarded and received from the district attorney (DA), and when they are closed.</p>	<p align="center">22 O.S. § 1114.3</p>
<p>Take the original ticket to the DA.</p> <p>The DA or prosecuting attorney endorses the ticket on the back side which makes the ticket an information against the defendant. The DA then returns the ticket to the court clerk.</p> <p>NOTE: The Oklahoma Statutes require that the DA shall endorse the ticket or decline it before the court clerk files it.</p>	<p align="center">22 O.S. § 1114.3</p> <p align="center">22 O.S. § 1114.3(A)(1)</p>
<p>Assign a case number and open and maintain the case file.</p> <p>Traffic cases are filed using the prefix TR for case numbers.</p> <p>The following are specific instructions based on case activity:</p>	<p align="center">12 O.S. § 29 12 O.S. § 30 SCAD-2009-101 (Contact AOC for access)</p>

Table 23-1. Court Clerk's Tasks for Processing Traffic Tickets (Continued)

Tasks for Processing Traffic Tickets	Statute Reference
<p><u>Non-Prosecuted Cases</u></p> <p>If the DA declines to prosecute the case, the court clerk assigns the prefix “DTR” for “decline to prosecute” citations. For non-prosecuted cases, perform the following actions:</p> <ul style="list-style-type: none"> • File stamp the citation • Assign and write the case number on the citation (DTR-0000-000) • Docket the case on the computer • For OHP Citations only: Complete the Abstract by indicating “decline to prosecute” on the citation and mail the abstract to Service Oklahoma. <p><u>Prosecuted Cases</u></p> <p>If the DA is prosecuting the case, perform the following actions:</p> <ul style="list-style-type: none"> • File stamp the citation • Assign a case number and write it on the citation (TR-0000-000) • Endorse the officer’s signature (optional) • Docket the case on the computer and if applicable, on the Traffic Envelope • Index the case using an appropriate system 	<p align="right">SCAD-2009-101 (Contact AOC for access) 22 O.S. § 1114.3 12 O.S. § 31 12 O.S. § 30</p> <p align="right">22 O.S. § 1114.3(A)(1)</p> <p align="right">12 O.S. § 22 12 O.S. § 29</p> <p align="right">47 O.S. § 18-101(B)</p> <p align="right">22 O.S. § 1114.3(C)(D) 22 O.S. § 1114.3(A)(1)</p> <p align="right">12 O.S. § 31</p> <p align="right">12 O.S. § 30</p> <p align="right">22 O.S. § 1114.3(A)(1)</p> <p align="right">12 O.S. § 22 12 O.S. § 29</p>

Table 23-1. Court Clerk's Tasks for Processing Traffic Tickets (Continued)

Tasks for Processing Traffic Tickets	Statute Reference
<p><u>Guilty or Nolo Contendere Plea Cases</u></p> <p>In all cases except those defined in the statutes, defendants can, at any time from their arrest until the court appearance time, plead guilty or nolo contendere to the offense as charged without appearing in court. The defendant indicates the plea on the back side of the ticket, above the defendant’s signature. Defendants must pay the fine and costs indicated for the violation on the Oklahoma Bond Schedule at the same time they return the ticket with the guilty or nolo contendere plea.</p> <p>NOTE: Defendants are not permitted to use a <i>mailed in</i> guilty plea settlement for some of the more serious traffic violations, such as Driving Under the Influence (DUI) or Leaving the Scene, and certain other conditions described in the statutes without appearing in court.</p> <p>For guilty or nolo contendere plea cases, the defendant can return the ticket and the payment either in person or by mail. In either case, perform the following actions:</p> <ul style="list-style-type: none"> • Confirm that the defendant signed the ticket and indicated a guilty or nolo contendere plea on the ticket. • Write a receipt for the payment and give the original to the defendant (if present) or place it in the court file. • Complete all case records to show what action was taken. • Complete the Abstract of Court Record with the disposition and transmit electronically or mail a copy to Service Oklahoma within five (5) days. • Optional documentation of “Closed” on the case file or envelope helps with identifying completed cases. The court clerk should set a policy about storing traffic case files that are closed cases with open cases according to storage space and convenience. 	<p align="center">22 O.S. § 1115.1(D) 28 O.S. § 151 22 O.S. § 1115.1(A)(4)</p> <p align="center">28 O.S. § 151 28 O.S. § 9</p> <p align="center">12 O.S. § 32.1</p> <p align="center">22 O.S. § 1114.3(C)(D) 47 O.S. § 18-101(B)</p> <p align="center">47 O.S. § 18-101(B)</p>

Table 23-1. Court Clerk's Tasks for Processing Traffic Tickets (Continued)

Tasks for Processing Traffic Tickets	Statute Reference
<p><u>No Plea or Non-Appearance Cases</u></p> <p>If the defendant does not sign the ticket or indicate a plea, and fails to appear for arraignment, the court can issue a warrant for the defendant’s arrest. The court clerk must notify Service Oklahoma within one hundred twenty (120) calendar days from the date of the citation that a citation was issued and that it has not been satisfied as provided by law.</p> <p>The court clerk also completes a Notice of Suspension that requests Service Oklahoma to suspend the defendant’s driver’s license or to request the defendant’s home jurisdiction to suspend the driver’s license if the jurisdiction is a member of the Non-resident Violator Compact.</p> <p>See Table 23-2 for Suspension and Warrants</p>	<p align="right">22 O.S. § 1115.1(E) 47 O.S. § 16-112 47 O.S. § 18-101(B)</p> <p align="right">22 O.S. § 1115.5(B)</p>
<p>When the defendant has satisfied or completed all court orders and satisfied judgments and suspensions as provided for in the Oklahoma Statutes, the court clerk notifies the defendant and Service Oklahoma that the citation has been satisfied as provided by law.</p>	<p align="right">47 O.S. § 18-101(B) 22 O.S. § 1114.3(C) 22 O.S. § 1115.1A(G)</p>
<p><u>Dismissed Cases</u></p> <p>If a case is dismissed, perform the following actions:</p> <ul style="list-style-type: none"> • Document all appropriate items on the computer case • Collect appropriate fees if assessed by the court • Complete the Abstract of Court Record with the disposition and transmit electronically or mail a copy to Service Oklahoma • Optional documentation of “Closed” on the case file or envelope helps with identifying completed cases. The court clerk should set a policy about storing traffic case files that are closed cases with open cases according to storage space and convenience. 	<p align="right">12 O.S. § 22 12 O.S. § 23 28 O.S. § 151 22 O.S. § 1114.3(C)(D)</p> <p align="right">47 O.S. § 18-101(B)</p>
<p>Ensure that all documents related to the case are filed and that all documents and information are documented accurately and completely.</p>	<p align="right">12 O.S. § 23 12 O.S. § 31</p>

Table 23-1. Court Clerk's Tasks for Processing Traffic Tickets (Continued)

Tasks for Processing Traffic Tickets	Statute Reference
<p><u>Mandatory Court Appearance Cases</u></p> <p>A defendant must appear in court when charged with any of the following violations:</p> <ul style="list-style-type: none"> • Any felony • Negligent Homicide • Driving Under the Influence and actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance. • Eluding or attempting to elude an enforcement officer • Driving while a license is under suspension, revocation, or cancellation • Failure to stop or remain at the scene of an accident • Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate <p>If the defendant is not eligible for release upon personal recognizance, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate municipal or county jailor or custodian.</p> <p>A juvenile may be held in custody pursuant to the provisions of the Oklahoma Statutes but shall be incarcerated separately from any adult offender.</p>	<p>22 O.S. § 1115.3(A) 22 O.S. § 1115.1(A)(4) 22 O.S. § 1115.2(B) 22 O.S. § 1115.3(A)</p> <p>22 O.S. § 1115.2(B)</p> <p>22 O.S. § 1115.2(C)</p>

Table 23-2. Court Clerk's Tasks for Handling Court Appearances in Traffic Cases

Task for Court Appearances in Traffic Cases	Statute Reference
<p>At the time of arrest, the arresting officer lists the date, time, and location for the defendant's court appearance on the front side of the ticket. Traffic cases should be considered at the time indicated on the ticket unless the defendant has been informed otherwise. Several courtroom appearances may be required before the court reaches its final decision. The court could order bond during this process.</p> <p>NOTE: The court procedures for a traffic case are similar to those for a misdemeanor as described in Chapter Twenty-Two, "Duties of the Court Clerk: Criminal Cases." As in all cases, the court must ensure that an accurate record of the court proceedings is maintained and filed.</p>	<p>22 O.S. § 1115.1(A)(B) 47 O.S. § 16-112</p> <p>28 O.S. § 151</p>
<p>When all action for the case has been completed, close the case in the following manner:</p> <p>NOTE: The judge may defer the execution of the sentence to permit the defendant to pay the fine in installments or at some future date. Pay particular attention to such a deferment and ensure that the defendant complies with the court's instructions. If the defendant fails to comply, notify the court immediately.</p> <ul style="list-style-type: none"> • Collect the appropriate fees. Refund any difference between the cash bond and the judgment of fines and costs. • Receipt all money collected and follow the court clerk's policy for handling receipts. For example, hand the receipt to the individual paying in person, mailing the receipt in self-addressed envelope if the individual is paying by mail, etc.) • Confirm that all appropriate information is complete and accurate on the computer. • Complete the Abstract of Court Record with the disposition and transmit electronically or mail a copy to Service Oklahoma within five (5) days. 	<p>22 O.S. § 991c 22 O.S. Chapter 18, Appendix Rule 8.3</p> <p>28 O.S. § 151</p> <p>28 O.S. § 9</p> <p>28 O.S. § 151.1 12 O.S. § 30 12 O.S. § 31 22 O.S. § 1114.3(C)(D) 47 O.S. § 18-101(B)</p>

Table 23-2. Court Clerk's Tasks for Handling Court Appearances in Traffic Cases (Continued)

Task for Court Appearances in Traffic Cases	Statute Reference
<ul style="list-style-type: none"> Optional documentation of “Closed” on the case file or envelope helps with identifying completed cases. The court clerk should set a policy about storing traffic case files that are closed cases with open cases according to storage space and convenience. <p>NOTE: A situation may arise when the second (DPS) copy of the ticket is not available, as in a closed case which is re-opened. In this instance, complete a Facsimile Abstract of Court Record and mail it to Service Oklahoma in lieu of the second copy of the citation.</p>	
<p><u>Court Order Plea Withdrawn or Set Aside</u></p> <p>If the court has ordered a plea withdrawn, amended, or set aside, the court clerk shall perform these actions:</p> <ul style="list-style-type: none"> Complete a facsimile Abstract of Court Record stating the court order’s action in the case (plea withdrawal, amend, or set aside), thus reopening the case, and send by electronic format or mail copy to Service Oklahoma. This allows Service Oklahoma records to accurately depict court records. At the completion or judgment of the court, complete a new facsimile Abstract of Court Record recording the disposition of the case: (Guilty plea, Nolo Contendere plea; bond forfeiture, dismissal, or Not Guilty verdict) and send by electronic format or mail copy to Service Oklahoma. <p>Appeals from traffic case convictions are processed in the same way as appeals for misdemeanors. Please refer to Chapter Twenty, “Duties of the Court Clerk: Appeals,” for detailed information on the appeals process.</p>	<p align="right">22 O.S. Chapter 18, Appendix Rule 4.2(A)</p> <p align="right">47 O.S. § 18-101(A) 47 O.S. § 18-101(B)</p> <p align="right">22 O.S. Chapter 18, Appendix Rule 4.2(D) 22 O.S. § 1054 22 O.S. § 1076</p>

Table 23-2. Court Clerk's Tasks for Handling Court Appearances in Traffic Cases (Continued)

Task for Court Appearances in Traffic Cases	Statute Reference
<p><u>Failure to Appear for Court Case</u></p> <p>If the defendant fails to appear on the date indicated on the ticket and has not entered a guilty or nolo contendere plea and has not paid the proper fees, take the following actions:</p> <ul style="list-style-type: none"> • Step 1: Optional: Mail Failure to Comply Notice <ul style="list-style-type: none"> • Mail the defendant a failure to comply letter or a notice if the court clerk elects to complete this step • Step 2: Complete the Notice of Suspension within 120 days of the date on the citation. <ul style="list-style-type: none"> • Within 120 days, the court clerk shall mail a request to Service Oklahoma to suspend the defendant's driving privilege and driver's license to operate a motor vehicle in Oklahoma. • For an out-of-state defendant, within 120 days, the court clerk shall mail a request to Service Oklahoma to suspend the defendant's driving privilege and suspend the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. • The court clerk shall maintain a record of each request for driving privilege and driver's license suspension submitted to Service Oklahoma. <p>NOTE: The court clerk can assess and collect a mailing fee for all mailings.</p>	<p align="center">22 O.S. § 1115.1(E)</p> <p align="center">22 O.S. § 1115.1(E)</p> <p align="center">22 O.S. § 1115.1(E)(1)(d)</p> <p align="center">22 O.S. § 1115.1(G)</p> <p align="center">28 O.S. § 31</p>

Table 23-2. Court Clerk's Tasks for Handling Court Appearances in Traffic Cases (Continued)

Task for Court Appearances in Traffic Cases	Statute Reference
<p><u>Withdrawal of Suspension</u></p> <p>The court clerk shall maintain a record of each request for driving privilege and driver’s license suspension submitted to Service Oklahoma. The following actions are taken after a license has been suspended:</p> <ul style="list-style-type: none"> • When the court clerk receives appropriate bail or plea including the payment of the fine and costs, settles the case with the court, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof of the action by first class mail, postage prepaid, to the defendant at the last address furnished by the defendant. • The court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall, in all other cases, notify the Service Oklahoma of the resolution of the case. <p>If for any reason the court clerk needs to withdraw the court-requested suspension, Service Oklahoma will need a letter on court letterhead asking Service Oklahoma to withdraw the suspension.</p> <p><u>Bench Warrants</u></p> <p>For any of the following scenarios, the court can issue a bench warrant, subject to certain conditions:</p> <ul style="list-style-type: none"> • A bond certificate has been deposited and it cannot be collected. • A personal check or other form of bail is not honored. • The defendant was released on personal recognizance, did not plead guilty or nolo contendere and pay fees, or did not appear in court. • The defendant fails to appear to answer charges when a court appearance is mandatory. 	<p align="center">22 O.S. § 1115.1</p> <p align="center">22 O.S. § 1115.1(G)</p> <p align="center">22 O.S. § 965</p> <p align="center">22 O.S. § 1115.1(E)</p>

Chapter Twenty-Four

Duties of the Court Clerk: Civil Cases

Understanding Civil Actions

Legal actions that are not criminal in nature are considered civil actions, and many types of civil actions exist. This chapter deals with civil actions in general but also provides specific information for procedures that relate to particular types of civil cases.

The following chapters in this handbook deal with specific types of civil actions which require more in-depth explanations:

- Divorce - Chapter Twenty-Five, “[Duties of the Court Clerk: Dissolution of a Marriage \(Divorce\) Cases](#)”
- Paternity - Chapter Twenty-Six, “[Duties of the Court Clerk: Paternity Cases](#)”
- Domestic Abuse - Chapter Twenty-Seven, “[Duties of the Court Clerk: Domestic Abuse Cases](#)”
- Small Claims - Chapter Thirty-One, “[Duties of the Court Clerk: Small Claims Actions](#)”
- Probate - Chapter Thirty-Two, “[Duties of the Court Clerk: Probate Cases](#)”
- Adoption - Chapter Twenty-Eight, “[Duties of the Court Clerk: Confidential Cases – Adoption](#)”

- Juvenile and Children - Chapter Twenty-Nine, “Duties of the Court Clerk: Confidential Cases – Children and Juvenile”
- Mental Health and Substance Abuse - Chapter Thirty, “Duties of the Court Clerk: Confidential Cases - Mental Health”

Defining the Case Flow

The following actions are the steps in the legal process for a civil case. Wherever the defendant or plaintiff is mentioned as performing an action, that action may be performed by an attorney(s) who represents the defendant or plaintiff.

- Filing of Petition
12 O.S. § 2003
12 O.S. § 2004
- Issue of Summons
12 O.S. § 2004(G)
- Return of Summons
12 O.S. § 32
12 O.S. § 2005.2
- Issue of Alias Summons
12 O.S. § 68
12 O.S. § 396
- Answer
12 O.S. § 2007
- Body Attachment
12 O.S. Chapter 2,
Appendix Rule 4
- Motions
- Motion Hearing
12 O.S. § 2011.1
- Dismissal
12 O.S. § 667
- Continuance
- Disposition Hearing
20 O.S. Chapter 1,
Appendix 2 Rule 14
- Pretrial Conference
12 O.S. Chapter 2,
Appendix Rule 5
- Trial
12 O.S. §§ 551-668
- Post-Trial Proceedings
- Appeals
12 O.S. § 952

Please refer to Chapter Nineteen, “Duties of the Court Clerk: Post-Judgment Proceedings”

Filing of Petition

The plaintiff initiates a civil action by preparing and filing a petition with the court clerk. The plaintiff is the complaining party and the adverse party is the defendant. The plaintiff must pay all necessary fees for filing a civil action.

12 O.S. § 2003

NOTE:

The court clerk is not responsible for determining the legal sufficiency of the petition.

NOTE:

As an historical point of interest, the belief is that, at one time, the CJ prefix referred to “Civil Jury” and the CS prefix referred to “Civil Special.”

Issue of Summons

When a petition is filed, the court clerk issues a summons. The summons is a document, prepared by the plaintiff, that informs the defendant of the lawsuit that a legal answer to the petition must be filed by a certain date.

12 O.S. § 2004

12 O.S. § 2004(A)

For each person, the court clerk must collect the proper fee for issuing the summons, according to the fee schedule.

Summons Preparation

The court clerk issues a summons for each defendant, if more than one defendant is involved, after a petition is filed. Additional summons may be issued if requested by the plaintiff.

28 O.S. § 12

28 O.S. § 152.1(A)(5)(8)

The court clerk must sign and seal the summons. The summons must be directed to the defendant and should contain the following information:

- Name of the district court
- Names of the parties involved in the case
- Name and address of the plaintiff’s attorney, or the plaintiff’s name and address if no attorney is involved

12 O.S. § 2004(A)

12 O.S. § 2004(B)

- Names of the parties involved in the case
- Name and address of the plaintiff's attorney, or the plaintiff's name and address if no attorney is involved
- The dates by which the defendant is required to answer, appear, and defend
- Statement of the consequences if the defendant fails to appear as ordered

12 O.S. § 2004(B)

Summons Service

The summons and the petition are served together. The plaintiff selects the method of service and furnishes necessary copies.

12 O.S. § 2004(C)(1)

- **Service by Personal Delivery**

Service by personal delivery can be made by the county sheriff, a deputy sheriff, a licensed process server, or a person specifically appointed by the district court for the purpose of serving the summons. Service is completed by delivering a copy of the summons and of the petition personally or by leaving copies thereof at an agreed meeting place with some person then residing at the person's dwelling house or usual place of abode.

If the county sheriff or a deputy sheriff of the county where the action takes place serves the summons, either the court clerk or the plaintiff's attorney can deliver the summons to the county sheriff's office. If the serving county sheriff is in another county, the court clerk mails the summons and voucher for payment of fees to that county sheriff. If a licensed process server or other appointed person serves the summons, the plaintiff's attorney delivers the summons to that person.

28 O.S. § 152.1(A)(5)

NOTE:

Sheriffs' fees are to be paid per address for serving or endeavoring to serve the summons and petition.

- **Service by Mail**

12 O.S. § 2004(C)(2)

Subject to certain conditions, the plaintiff may choose to have the summons served by mail. In this case, the summons and the petition are sent by prepaid certified mail with a return receipt requested, and delivery is restricted to the addressee. Separate mailings must be made to each defendant if multiple defendants are involved. The plaintiff prepares the return receipt and the envelope.

NOTE:

The envelope should contain the court clerk’s return address.

The effective date of service by mail is the date of receipt or refusal by the defendant(s).

12 O.S. § 2004(C)(3)

- **Service by Publication**

Service by publication is permitted under specified conditions. A notice, signed by the court clerk, is published once a week for three (3) consecutive weeks in a newspaper authorized by law to publish legal notices in the county. All named parties and successors are included in one notice. The notice states the required information, which varies depending on the specific type of suit involved.

- **Service on the Secretary of State**

12 O.S. § 2004(C)(4)

The Secretary of State, as the agent for a corporation, may be served process on a domestic (Oklahoma) or foreign (all other states) corporation provided certain conditions apply. If appropriate, the Secretary of State is served by filing two (2) copies of the summons and the petition with the Secretary of State with notification that service is made according to the Oklahoma Statutes. A statutory fee is required to be paid to the Secretary of State.

18 O.S. § 1142(A)(7)

Third-Party Summons

A third-party summons and petition can be issued by the court clerk if a third-party is added to the action. The procedures are the same as for regular summons and petitions.

12 O.S. § 2014

NOTE:

The court clerk should collect all statutory fees for copies and mailing before the summons is issued.

28 O.S. § 12

Return of Summons

The return of the summons is proof that the defendant received the summons.

12 O.S. § 2004(G)

The person who serves the summons must immediately provide proof of service to the court clerk.

12 O.S. § 2004(G)(2)

The return must include the name of the person served and the date, place, and service method.

If the court clerk mailed the summons, the court clerk must send a copy of the return to the plaintiff or the plaintiff's attorney within three days after the return is filed.

12 O.S. § 2004(G)(3)

If the county sheriff or deputy sheriff serves the summons and the return is filed in the court clerk's office, the court clerk must send a copy of the return to the plaintiff or the plaintiff's attorney within three (3) days after the return is filed.

12 O.S. § 2004(G)(2)

If a licensed and/or special process server serves the summons, the court clerk has no responsibility to notify the issuing party when the return of service is filed.

When the issuing party takes a Summons for Service by certified mail, the court clerk has no responsibility to notify the issuing party when the certified mail receipt and/or envelope has been filed.

12 O.S. § 32
12 O.S. § 2004(G)

The court clerk must document the return of summons on the appearance docket. The entry shall be evidence in case of the loss of the summons and should include the following information:

- Whether the return of summons was made or not on the defendant
- The name of the defendant or the defendant served with the summons and petition
- The date and manner of service on each defendant

NOTE:

The court clerk should ensure that the name, address, and telephone number of the person issuing the summons is on file for reference after the return.

Alias Summons Issued

If the original summons was returned as “Not Summoned,” or “Not Found,” the plaintiff can ask that an alias summons be issued. The alias summons is similar in form to the original summons, but the word “alias” appears above the word “summons” in the heading. The procedure for issuing an alias summons is the same as for issuing the original summons.

Entry of Appearance and Answer

12 O.S. § 2005.2
12 O.S. § 2007

Every party to any civil proceeding in the district courts shall file an entry of appearance by counsel or personally as an unrepresented party when no other pleading or other paper in the case by that counsel or party has been filed, but no later than the first filing of any pleading or other paper in the case by that counsel or party. The defendant formally responds to the petition by filing a **written** answer to the petition with the court clerk and providing the plaintiff with a copy.

Body Attachment

12 O.S. § 68

If the defendant receives a summons but chooses to ignore it, the court can order a Body Attachment that requires that a law enforcement official deliver the plaintiff to the courtroom.

Motions

A motion is an application or request to the court for an order. Either party in a case can file motions and pleadings. Copies of all motions and pleadings must be provided by the litigants to the other parties in the case or to their attorneys.

12 O.S. § 2007(B)

Motion Hearings

A motion hearing provides an opportunity for the court to rule on the motions that may have been filed in a case. For additional information on motions, motion hearings, and motion dockets, please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Procedures.](#)”

20 O.S. § 96
20 O.S. Chapter 1, Appendix 2
Rule 14(B)

Dismissal

The plaintiff can dismiss a case subject to certain limitations listed in the Oklahoma Statutes. Any action in which no pleading has been filed or other action taken for a year and in which no motion or demurrer has been pending during any part of the year shall be dismissed without prejudice by the court on its own motion after notice to the parties or their attorneys of record. The court may upon written application and for good cause shown, by order in writing, allow the action to remain upon its docket.

12 O.S. § 684
12 O.S. § 1083
20 O.S. Chapter 1, Appendix 2
Rule 14(A)

Continuance

A continuance is the interruption of the civil process and its resumption at a later time. If good cause exists, the district court can continue an action at any stage of the proceedings.

12 O.S. § 667

Disposition Hearing

A disposition hearing is a meeting of the judge and the attorneys involved in a case. The purpose of this hearing is to determine if all parties are ready to proceed. If they are ready, then a trial date is scheduled in the district court.

20 O.S. § 91.2
20 O.S. § Chapter 1, Appendix 2
Rule 14

Pretrial Conference

A pretrial conference is an informal conference held in the judge's chambers or in the courtroom, at the district court's discretion. The judge usually takes an active part in the discussions with attorneys and their clients. Please refer to Chapter Eighteen, "[Duties of the Court Clerk: Courtroom and Legal Procedures](#)," for detailed information on pretrial proceedings.

12 O.S. Chapter 2, Appendix
Rule 5

12 O.S. Chapter 2, Appendix
Rule 5(I)
28 O.S. § 152.1(B)

If the applicable jury fee has not been paid at the time of the pretrial conference as required, then the court may find that the trial will be held without a jury.

Trial Docket

A trial docket shall be made out by the court clerk, at least twelve (12) days before the first day of each term of the court. The actions shall be set for particular days in the order prescribed by the judge of the court.

12 O.S. § 663

The court clerk is responsible for maintaining a trial docket. Please refer to Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Procedures](#),” for information on trial dockets.

Trial

The trial is the most formal step of the legal process. It is a judicial examination of the issues in an action and is conducted with a jury unless the parties involved in the case waive a jury trial.

12 O.S. § 551

12 O.S. § 591

The verdict is the decision made in a trial. The court clerk may, depending on local policy, ask the jury for its verdict. Once the verdict is given, the court clerk records it on the minutes. The court clerk or the district court may also be requested to poll the jury by reading the verdict to the jury members and asking them if it is their verdict.

12 O.S. § 585

12 O.S. § 586

Judgment, Decree, or Appealable Order

After the granting of a judgment, decree, or appealable order, it shall be reduced to writing, signed by the court, and filed with the court clerk. A file-stamped copy of every judgment, decree, or appealable order shall be served upon all parties, including those parties who are in default for failure to appear in the action, by the counsel for a party or party who prepared it, or by a person designated by the trial court, promptly and no later than three (3) days after it is filed and a certificate of service must be filed with the court clerk.

12 O.S. § 696.2

Post-Trial Proceedings

A person can institute post-trial procedures to challenge a judgment. Please refer to Chapter Nineteen, “[Duties of the Court Clerk: Garnishments/Post-Judgments Proceedings](#),” for more information.

Appeals

The judgment in a civil case can be appealed to a higher court. Please refer to Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” for detailed information on appeals.

Keeping Case Records

The court clerk is responsible for keeping and maintaining the records, books, and papers that pertain to district court cases. Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” contains detailed information on each of the records discussed below for which the court clerk is responsible.

- Case file 12 O.S. § 22
- Receipts 12 O.S. § 30
- Appearance docket 28 O.S. § 9
- Appearance docket index 12 O.S. § 23
- General index 12 O.S. § 24
- Journal record/microfilming/imaging 12 O.S. § 29

Performing Tasks in the Civil Process

In addition to maintaining various records, the court clerk must perform certain tasks associated with the civil process.

General

The court clerk is responsible for specific duties in civil cases. Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” and Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Procedures](#),” contain additional information on the following tasks.

- Assigning the case number 12 O.S. § 30
- Filing the case documents 12 O.S. § 31
- Indexing the case data 12 O.S. § 24
- Recording the case documents 12 O.S. § 29
- Issuing receipts 28 O.S. § 9
- Ensuring minutes are recorded for all case-related activities 12 O.S. § 23
- Establishing and collecting fees and costs 12 O.S. § 860
- 28 O.S. § 12

- Recording the case documents 28 O.S. § 151
- Certifying documents 49 O.S. § 114(A)(2)
- Assigning cases to a judge 49 O.S. § 119(5)
- Transferring cases 12 O.S. § 38(B)
- Filing depositions (ONLY if ordered by a judge) 12 O.S. § 140.1

Issuing Court-Ordered Documents 12 O.S. § 3227(D)

The court clerk has the authority to issue various documents prepared by the plaintiff, defendant, or their attorneys. The court clerk records on the appearance docket the issuance of the document and then gives it to the proper person for service. Civil case documents include the following items:

- Subpoenas (attorneys may also issue subpoenas) 12 O.S. § 28
- Orders 12 O.S. § 2004.1
- Vouchers 12 O.S. § 2005
12 O.S. § 682

Issuing Subpoenas

The court clerk issues subpoenas under the district court’s seal. Attorneys, as officers of the court, can also issue subpoenas. The subpoena must include the following information:

- Name of the court 12 O.S. § 2004.1(A)(1)
- Title of the action
- A command to the person subpoenaed to appear at the time and place specified and to give testimony or to produce for inspection or copying designated books, documents, or other tangible items identified in the Oklahoma Statutes (subpoena duces tecum). 12 O.S. § 3230(C)(1)
12 O.S. § 2004.1(B)(1)

A subpoena that is blank except for the court clerk’s signature and the court seal can be issued when requested. A party completes the information before serving the subpoena.

12 O.S. § 2004.1(A)(4)

Subpoenas can also be issued to require a person to give a deposition.

12 O.S. § 2004.1(A)(2)
12 O.S. § 3252

A subpoena can be served by delivering or mailing a copy to the person and providing the fees for one day’s attendance and the mileage allowed by law. Refer to Chapter Eleven, “[Duties of the Court Clerk: Fees](#),” for more information on fees and costs.

12 O.S. § 2004.1(B)(1)

If the subpoena is mailed, it must be sent certified mail with a return receipt requested and delivery restricted to the person named in the subpoena.

12 O.S. § 2004.1(B)(2)

NOTE:

The court clerk should ensure that the name, address, and telephone number of the person issuing the subpoena is on file for reference after the return.

12 O.S. § 2004.1(B)(2)

The person who serves the subpoena must provide proof of service immediately to the court clerk. If it was served by a sheriff or deputy sheriff, an affidavit is completed. If it was mailed, the return receipt that shows the subpoena was served by mail must be provided.

The court clerk collects the appropriate fees according to the Uniform Fee Schedule for issuing subpoenas.

28 O.S. § 152.1(A)(3)(4)
28 O.S. § 152.1(A)(5)

Issuing Orders

The court clerk may be ordered by the district court to issue injunctions or other court orders. These items are served in the same manner as a summons and may require either the plaintiff or the defendant to post a bond.

12 O.S. § 1386
12 O.S. § 1392

Handling Cases that Require Special Procedures

The following specific civil cases are processed in essentially the same manner as other civil cases. All of the information discussed for civil cases in general applies to these cases, except as noted otherwise.

Change of Name

The service of summons does not apply when a petition is filed for a change of name. Instead, the petitioner publishes a notice of the petition filing once in a newspaper, at least ten (10) days prior to the hearing date.

12 O.S. § 1633

Friendly Suits

The defendant's attorney usually handles the proceeding (the petitioners are often pro se). Petitions, orders, and other papers are filed with the court clerk. A district court hearing is held. All necessary fees for filing a civil action must be paid, including a court reporter fee according to the Oklahoma Statutes.

12 O.S. § 83
28 O.S. § 152.1

Monies: Next Friend, Guardian Ad Litem, Person Less Than 18 Years Old

Money in excess of One Thousand Dollars (\$1,000.00) over sums sufficient for paying costs and expenses including medical bills and attorney's fees shall be deposited, by order of the court, in one or more federally insured banking, credit union or savings and loan institutions, a trust established for the person approved by the court, or invested by a bank or trust company having trust powers under federal or state law, approved by the court; provided, that the court may approve a structured settlement, by the terms of which the proceeds of a settlement may be invested by the plaintiff or the defendant in an annuity to be paid to or for the benefit of the minor by an insurance company licensed in this state. If authorized by the court at the request of the next friend or guardian ad litem, all or a portion of the recovered monies may be deposited in an account pursuant to the Oklahoma College Savings Plan Act with the minor designated as beneficiary of the account.

12 O.S. § 1386
12 O.S. § 1392

Replevin

A plaintiff files a petition for replevin to recover specific personal property. Upon receiving the petition, the court clerk issues a notice (along with the summons) to the defendant that an order for the return of specific property is sought. The defendant has five (5) days, after service of the summons, to file a written objection with the court clerk and to mail or deliver a copy to the plaintiff's attorney.

12 O.S. § 1571(A)(3)
12 O.S. §§ 1571~1585

A replevin action may necessitate the issuing of various orders and may involve the posting of bond.

Majority Rights

District courts have the authority to confer certain rights of majority upon minors. Petitions seeking majority rights must be filed with the court clerk. A hearing must be scheduled not less than fifteen (15) days or more than thirty (30) days after the petition is filed. Notice of the hearing must be sent to the minor's parents or others listed in the Oklahoma Statutes. The petitioner must also publish a notice of the hearing in a newspaper at least ten (10) days before the hearing.

10 O.S. § 91
10 O.S. § 93

Sinking Funds

Under certain conditions, a treasurer of public funds can file a written application with the court clerk for investment of sinking funds. The court clerk enters the application on the appearance docket, without cost, and immediately transmits it to the district attorney. Within three (3) days, the court enters an order to set the case for hearing and to require the court clerk to give notice to the public of the application. This notice can be by published by newspaper or any other method as ordered by the court. The applicant pays the publication costs.

62 O.S. § 541

Surface Damage

Every operator drilling, or preparing to drill, for oil or gas must file a corporate surety bond, a letter of credit from a banking institution, cash, or a certificate of deposit with the Secretary of State. The bonding company or banking institution must file a certificate of bond deposit [with a Ten-Dollar (\$10.00) fee] with the court clerk in each county where the operator is drilling or plans to drill. The court clerk must keep a record of these certificates and establish a file for their safe keeping.

52 O.S. § 318.4

If the landowner and the operator cannot agree on surface damages, the operator petitions the district court to appoint appraisers. The court clerk files this petition as a civil case. A ten (10) day notice of the petition must be given to the opposite party, usually by personal service or by giving notice as specified in the statutes.

52 O.S. § 318.5(B)

Within twenty (20) days, appraisers are selected to inspect the property. The appraisers file a written report with the court clerk who, within ten (10) days, forwards a notice and a copy of the report to each attorney of record, each party, and each interested party of record.

52 O.S. § 318.5(C)(D)

The case proceeds as in any other civil action. Either party can file a written demand for a trial by jury with the court clerk within sixty (60) days after the appraiser's report is filed.

52 O.S. § 318.5(F)

52 O.S. § 318.6

If the judgment is appealed, a certified copy of the final order or judgment must be transmitted by the court clerk to the county clerk to be filed and recorded.

Driver's License Appeal

A person who has been denied a driver's license or whose license has been canceled, suspended, or revoked can appeal the action by filing a petition with the district court. A person who has been denied a driver's license or whose license has been canceled, suspended, or revoked can appeal the action by filing a petition with the district court. The petition must be filed within thirty (30) days of the action. The court clerk files the petition and sets a hearing not less than thirty (30) days, or more than sixty (60) days from the date the petition is filed. The court clerk mails a certified copy of the petition and order for hearing to Service Oklahoma by certified mail.

47 O.S. § 6-211(A)(E)

12 O.S. Chapter 15, Appendix
Rule 1.34(c)

47 O.S. § 6-211(I)

If Service Oklahoma files a notice of appeal from the court order, the court clerk prepares a complete transcript of all pleadings, proceedings, and transcripts and sends them to Service Oklahoma at no cost except the transcribing cost.

An appeal may be taken by the person or by Service Oklahoma from the order or judgment of the district court to the Supreme Court of the state of Oklahoma. In all appeals from decisions falling within the provisions of 47 O.S. § 6-211(M) (driver's license appeals), whether prosecuted under these rules or under the cited section, the record shall be filed in the Supreme Court with the petition in error.

47 O.S. § 6-211(K)

12 O.S. Chapter 15, Appendix
Rule 1.34(c)

Financial Responsibility Appeals

Any order or act of Service Oklahoma under the provisions of the Oklahoma Statutes shall be subject to review, at the instance of any party in interest, by appeal to the district court.

47 O.S. § 7-102

In order to furnish a means of relief from extreme and unusually severe hardship there is provided that any owner or operator whose driving privilege has been suspended by Service Oklahoma under certain provisions provided by statute for failure to furnish security or for failure to satisfy a judgment may make application for modification of the order of suspension to the district court of the county where such owner or operator resides.

47 O.S. § 7-505(A)

47 O.S. § 6-211(I)

An appeal may be taken by any interested party from the order of the district court to the Supreme Court of the state of Oklahoma. The court clerk is to prepare and furnish a complete transcript of all pleadings and proceedings, together with a complete transcript taken at the hearing at no cost to Service Oklahoma, except the cost of transcribing.

47 O.S. § 7-505(e)

47 O.S. § 6-211(I)

12 O.S. Chapter 15, Appendix
Rule 1.20(a)(9)

Railroad Right-of-Way

The owner of real property can refuse to grant a company right-of-way on which to locate a railroad. Either party can file a petition with the court clerk that requests the appointment of commissioners to examine the property. After the ten (10) day notice to the opposite party, the court can direct the sheriff to summon three disinterested freeholders to be selected by the court as commissioners.

47 O.S. § 7-505(E)

66 O.S. § 57

66 O.S. § 53(A)

The notice to the property owner can be served personally, by leaving a copy of the notice at the owner's residence (with certain restrictions), or by publication. If notice is served by publication, the notice must be printed in a newspaper once a week for two (2) consecutive weeks, and the notice and petition must be mailed, within five (5) days of the first publication, to the party at his or her last known mailing address.

66 O.S. § 53(B)

66 O.S. § 53(C)

The commissioners must be sworn to inspect the property, assess damages, and file a report with the court clerk. The court clerk must file and record the report and may send a certified copy to the county clerk for filing and recording.

66 O.S. § 55(B)

12 O.S. Chapter 2, Appendix
Rule 21

Within ten (10) days of filing the commissioners' report, the court clerk then forwards to all interested parties a copy of the report and a notice that states the reply date requirements. The form for notice is provided in the Oklahoma Statutes. The attorney of record for the condemnor must provide the court clerk with the names and last-known addresses of the parties to whom a notice and the report must be mailed. The attorney must also provide

12 O.S. Chapter 2, Appendix
Rule 21

sufficient copies of the notice and report and pre-addressed postage-paid envelopes. The court clerk files a copy of the case notice and endorses on it the details of its distributions.

66 O.S. § 55(A)

Within thirty (30) days after the commissioner's report is filed, either party can file written exceptions with the court clerk for ruling by the court. As an alternative, within sixty (60) days of the report's filing, either party can demand a trial by jury.

From this point, the case is processed as any other civil matter. Either party aggrieved may appeal from the decision of the district court to the Supreme Court. The corporation shall in all cases pay the costs and expenses of the first assessment. And in case of review or appeal, the final decision may be transmitted by the clerk of the proper court, duly certified, to the proper register of deeds, who files and records as provided for the recording of the report.

12 O.S. § 681
12 O.S. Chapter 15, Appendix
Rule 1.20(a)(12)
66 O.S. § 56

Highway Right-of-Way

69 O.S. § 1201~1238
69 O.S. § 1203

The actions required for the court clerk in this type of case are identical to those for a railroad right-of-way case.

Enforcement of Foreign Judgments

12 O.S. § 722(a)

A judgment creditor or attorney must make and file an affidavit with the court clerk when filing a foreign judgment. The affidavit specifies the judgment debtor's and judgment creditor's names and their last known addresses. The court clerk promptly mails notice by regular mail that the foreign judgment was filed to the judgment debtor at the address given. The notice includes the name and address of the judgment creditor and his or her attorney. The court clerk records the matter in the appearance docket. In addition, the judgment creditor can mail a notice of filing to the judgment debtor and file proof of mailing with the court clerk.

12 O.S. § 722(b)

12 O.S. § 722(c)

No execution of other process for enforcement of a foreign judgment can be issued until twenty (20) days after the judgment filing date.

Forcible Entry and Detainer

An action for forcible entry and detainer brought pursuant to statutory procedures that is standing alone or joined with a claim for recovery of rent, damages to the premises, or a claim arising under the Oklahoma Residential Landlord and Tenant Act, where the total recovery sought, exclusive of attorney's fees and other court costs, does not exceed the jurisdictional amount for the small claims court, shall be placed on the small claims docket of the district court.

12 O.S. § 1148.5A

12 O.S. § 1148.14

See Chapter 31 for more information on small claims actions.

If the claims for possession, rent, and damages do not exceed the statutory limit for small claims the petition can be filed as a small claims action. If the claim exceeds the statutory limit for small claims but does not exceed Ten Thousand Dollars (\$10,000.00), it must be filed as a civil action (CS) and the appropriate CS court fees paid. If the claim exceeds Ten Thousand Dollars (\$10,000.00), it must be filed as a civil action (CJ) and the appropriate CJ court fees paid.

28 O.S. § 152(A)(9)(10)(14)

12 O.S. § 1764

12 O.S. § 1148.4

The procedures for processing a forcible entry and detainer case are similar to a routine civil action except for the summons service. At the time the petition is filed, the court clerk sets the trial date, which must not be less than five (5) days or more than ten (10) days from the date the summons is issued. Summons must be served not less than three (3) days before trial and the return day must not be later than the day of the trial.

The actions for unlawful entry and detainer, commonly known as an eviction, standing alone or when joined with a claim for collection of rent or damages to the premises, or both, shall be commenced by filing an affidavit and issuing a summons with the clerk of the court. This affidavit and summons are to be developed by the Oklahoma Bar Association using plain and understandable language. The Administrative Office of the Courts shall provide public access to the affidavit by providing a link to the forms on the Oklahoma State Courts Network (OSCN) website.

12 O.S. § 1148.15

12 O.S. § 1148.16

Habeas Corpus

A person whose liberty is being restrained may petition the court for a writ of habeas corpus. The application, with specific content, is filed with the court clerk for the court's consideration. If granted, the court clerk promptly issues the writ, sealed with the court seal. No deposit or security for costs can be required of an applicant for a writ of habeas corpus.

12 O.S. § 1148.4

12 O.S. § 1148.5

If the writ is directed to the county sheriff, the court clerk delivers it immediately to the county sheriff's office. If the writ is directed to any other person, the court clerk delivers the writ to the county sheriff for service.

12 O.S. §§ 1331-1355

The return of writ must be signed and verified by the person making it and must contain specific statutory language.

12 O.S. § 1335

12 O.S. § 1336

For more information on habeas corpus, please refer to Chapter Nineteen, "[Duties of the Court Clerk: Post-Judgment Proceedings](#)."

12 O.S. § 1339

Handling Dispute Resolution

The Dispute Resolution System was established to provide an avenue for citizens to resolve disputes without resorting to costly and time consuming formal judicial proceedings.

A certain portion of fees collected from civil cases must be deposited to the Dispute Resolution System Revolving Fund. Please refer to Chapter Nine, “[Duties of the Court Clerk: Finance and Accounting Procedures](#),” for information on completing [SA&I Form No. 1723](#), Calculation of Fees Earned, which includes fees for dispute resolution.

12 O.S. Chapter 37, Appendix
Rule 1
12 O.S. § 1809

Handling Change of Venue

When the court orders the transfer of a case because a party shows that the venue is or should be in some other county, the court clerk must prepare a transcript of all the papers filed and orders entered, and a bill of the costs accrued. The court clerk must collect a new filing fee, which is due to the court clerk to which transfer is ordered and must transmit it by certified mail along with the files and transcript of the case. Unless otherwise ordered by the court, the plaintiff is responsible for the appropriate filing fees when a case is brought in the wrong venue and transferred to a court having proper venue. In all other instances, the moving party is responsible for fees. The fees for the transfer must be paid within ten (10) days of the transfer order.

12 O.S. § 140.1

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Chapter Twenty-Five

Duties of the Court Clerk: Dissolution of Marriage (Divorce) Cases

Understanding the Dissolution of a Marriage Process

The dissolution of a marriage (divorce) is a civil action. However, procedures for handling dissolution of marriage cases differ in many areas and need to be addressed separately.

In Oklahoma, the district court can grant a dissolution of a marriage for any one of multiple reasons listed in the Oklahoma Statutes.

43 O.S. § 101

NOTE:

The court clerk's only duty in a dissolution of a marriage is to instruct the participants that they need to acquire the proper forms. The court clerk is not allowed to offer legal assistance.

5 O.S. § 1

Residence Requirements

Either the plaintiff (petitioner) or the respondent in a case for dissolution of marriage must have been a resident of Oklahoma for at least six (6) months preceding the filing of the

43 O.S. § 102

petition for dissolution of marriage.

Actions for dissolution of marriages or annulment of marriages can be initiated in the county in which the plaintiff has resided for thirty (30) days immediately preceding the petition filing or in the county in which the respondent is a resident.

43 O.S. § 102
43 O.S. § 103(A)(1)

Actions for separate maintenance can be initiated in the county in which either party is a resident.

43 O.S. § 103(A)(2)

Involvement of Minor Children

Special considerations are made in the Oklahoma Statutes for the dissolution of marriage cases in which minor children are involved, including child support, care and custody, visitation, and other areas.

NOTE:

A Summary of Support Order is now prepared by an attorney, and it is not to be filed in the court clerk's office as a part of the record.

43 O.S. § 112(A)
43 O.S. § 120(B.1)

After the attorney completes the form furnished by the Department of Human Services, and a link is provided by AOC, the form is submitted to the Central Case Registry.

Defining the Case Flow

A dissolution of a marriage case will progress through some or all of the following steps:

43 O.S. § 105

- Petition
- Summons
- Answer
- Hearing(s)
- Temporary Orders
- Trial
- Final Decree

43 O.S. § 105

43 O.S. § 106

43 O.S. § 110
43 O.S. § 107.3

43 O.S. § 110

43 O.S. § 103

43 O.S. § 107.1

43 O.S. § 122

12 O.S. Chapter 2, Appendix
Rule 8

Petition

43 O.S. § 105

The plaintiff initiates a dissolution of marriage, annulment of marriage, or a legal separation action by filing a petition. The plaintiff must verify by affidavit the truth of the petition.

Minor Children Statement

43 O.S. § 112

The petition must state whether minor children of the marriage are involved. If minor children are involved, an affidavit attached to the petition must provide certain information.

43 O.S. § 105

43 O.S. § 110

12 O.S. Chapter 2 Appendix
Rule 8

12 O.S. § 2004

Summons

When a petition is filed, a summons is either served or published in a newspaper as in other civil cases. The respondent can waive service of the summons no sooner than one (1) day after the petition is filed.

43 O.S. § 106

For more information on Summons Service and Return of Summons please refer to Chapter 24, “[Duties of the Court Clerk: Civil Cases.](#)”

Answer

The respondent can answer the plaintiff’s petition and can provide a cause against the plaintiff. The respondent is then eligible for the same consideration as if they are the plaintiff. When new information is provided in the answer, the respondent must verify its accuracy by affidavit.

12 O.S. Chapter 2, Appendix
Rule 8

Hearing(s)

43 O.S. § 110

Various hearings, such as motion hearings and hearings on the case’s merits, may be held in a dissolution of a marriage case. Except in an emergency, no hearing on the case’s merits can be held unless the petition has been on file for at least ten (10) days, or for at least thirty (30) days if minor children are involved.

12 O.S. Chapter 2, Appendix
Rule 8

43 O.S. § 101(A)

The court can issue temporary orders if appropriate. If either party fails to obey the court’s orders, the opposing party can apply for the court to order a citation for contempt.

Trial

43 O.S. § 121

Courts grant a dissolution of a marriage on the merits listed in the Oklahoma Statutes. A trial, jury or non-jury, may be held at the request of a party on other matters before the

court, including contempt proceedings before, during, or after a dissolution of a marriage case.

No judicial order, judgment, or decree shall direct the payment of attorney fees, child support, alimony, or temporary support or any similar type of payment through the office of the court clerk, except in the case of necessity duly shown by evidence presented to the court.

12 O.S. Chapter 2, Appendix
Rule 8.1

All such payments when ordered to be paid through the office of the court clerk, shall be made only by money order, government check, or cashier's check payable to the payee to receive such payment. The court clerk shall make an entry of such payment on the appearance docket, then transmit the money order, government check, or cashier's check to the payee. Such payments shall not be subject to the poundage fee.

Final Decree

The final decree in a dissolution of marriage action is issued following a court hearing or a trial.

43 O.S. § 122

Delay for Minor Children

Except for certain exceptions, the court cannot issue a final order for at least ninety (90) days after the petition filing when minor children are involved in the case.

43 O.S. § 107.1

Child Support

When child support payments are part of a Decree of Dissolution of Marriage, the court establishes an appropriate level of child support by using the child support computation forms and guidelines. A child support computation form shall be signed by the judge and incorporated as a part of all orders that establish or modify a child support obligation. The forms specified by the Oklahoma Statutes shall be prepared by the Department of Human Services and shall be published by the AOC.

43 O.S. § 120
43 O.S. § 119

Keeping Case Records

Most of the records maintained by the court clerk in dissolution of a marriage cases are the same as for other civil cases. Chapter Twelve, "[Duties of the Court Clerk: Record Keeping and Maintenance](#)," contains detailed information on each of the records listed below.

- Case file 12 O.S. § 22
12 O.S. § 30
- Receipts 28 O.S. § 9
28 O.S. § 151
- Appearance docket and appearance docket index 12 O.S. § 23
- General index
- Journal record 12 O.S. § 24
- Motion, hearing, disposition, and trial docket 12 O.S. Chapter 2, Appendix
Rule 4
- Juror attendance, claims, and fee records (if a jury trial is
held) 20 O.S. Chapter 1, Appendix 2
Rule 14
- Child Support Registry 28 O.S. § 87
43 O.S. § 112A
43 O.S. § 120

Performing Tasks in the Dissolution of a Marriage Process

In addition to maintaining various records, the court clerk must perform certain tasks associated with the dissolution of a marriage process. The following tasks are the court clerk’s most important responsibilities. Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” and Chapter Eighteen, “[Duties of the Court Clerk: Courtroom and Legal Procedures](#),” contain additional information on these tasks.

- Accept petition for dissolution of a marriage 12 O.S. § 31
43 O.S. § 105
43 O.S. § 105
12 O.S. § 2004
- Issue summons
- Assign the case number 12 O.S. § 32
- File case documents 12 O.S. § 30
12 O.S. § 31
- Index case data
- Record case documents 12 O.S. § 24
- Issue receipts 28 O.S. § 9
12 O.S. § 696.2
- Ensure minutes are taken and recorded 28 O.S. § 151

- Establish and collect costs
- Certify documents
- Assign cases to a judge
- Transfer cases
- Transmit Support and Alimony Payments

49 O.S. § 113(D)
 49 O.S. § 119(5)
 12 O.S. § 38(B)

 12 O.S. § 140.1
 43 O.S. § 136

The court does not normally order that support and/or alimony payments be made through the court clerk’s office. If the court does order payments to be made in this way, the court clerk must transmit them to the payee. The payor must make payments only by money order, government check, or cashier’s check, payable to the payee. The court clerk does not collect poundage but must note the payment on the appearance docket. The payee must keep the court clerk informed in writing of the current address.

12 O.S. Chapter 2, Appendix
 Rule 8.1

If the payee is receiving support from the Department of Human Services (DHS), DHS can petition the court for an order to obtain reimbursement for money expended. This order may require payments to be made to DHS through the court clerk. The district attorney often becomes involved in this process, depending on local policy.

56 O.S. § 237
 56 O.S. § 237.10
 56 O.S. § 238

- Register support orders or income-withholding orders from another state

A support order or income-withholding order from another state can be registered in Oklahoma by sending the following documents and information to the appropriate office.

- A letter of transmittal requesting registration and enforcement
- Two (2) copies, including one (1) certified copy, of all orders to be registered, including any modification of an order
- A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage
- The name of the obligor, and if known, the address and social security number; the name and address of the obligor’s employer and any other source of income; and a description and location of property not exempt from execution

- The name and address of the obligee, and if applicable, the agency or person to whom support payments are to be made
- On receipt of a request for registration, the registering court files it as a foreign judgment, regardless of form.
- Maintain the Child Support Registry – Repealed

Alimony Without Divorce

Either party may obtain alimony from the other without a divorce, in an action brought for that purpose in the district court. The party may site any of the reasons for which a divorce may be granted. Either party may make the same defense to such action as they might make to an action for divorce. The “Alimony without Divorce” cause may be converted to obtain a divorce from the other party.

43 O.S. § 129
43 O.S. § 103(A)(2)
43 O.S. § 108

Court clerks follow the same procedures for annulment cases as they do for dissolution of marriages causes.

Separate Maintenance: Annulment

A proceeding for an annulment of a marriage, or a legal separation shall be titled "In re the Marriage of _____ and _____." The petition must be verified as true, by the affidavit of the petitioner. A summons may issue thereon, and shall be served, or publication made, as in other civil cases.

43 O.S. § 105(A)(C)(D)

Separate Maintenance and Annulment cases follow the same procedures as Dissolution of Marriage.

Separate Maintenance

An action for legal separation may be brought in the county in which either party is a resident at the time of the filing of the petition.

43 O.S. § 103(A)(2)

A separate maintenance cause at any time in the procedure of the case may be converted or modified and become a dissolution of marriage.

Annulment

An action for annulment of a marriage may be filed in the county in which the petitioner has been a resident for the thirty (30) days immediately preceding the filing of the petition or in the county in which the respondent is a resident; provided, the action may be assigned for trial in any county within the judicial district by the chief judge of the district.

43 O.S. § 125
43 O.S. § 126
43 O.S. § 103(A)(1)

Chapter Twenty-Six

Duties of the Court Clerk:

Paternity Cases

Handling Paternity Actions

An action to determine the paternity, or father, of a child may be filed as a civil action in the district court and should be given the prefix FP. These cases are tried by a judge, and not by a jury. The court may dismiss a paternity action only without prejudice.

Paternity actions may also be filed in administrative courts handled through the Department of Human Services and not filed in district court.

A proceeding to determine parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, dissolution of marriage, annulment, legal separation, probate or administration of an estate, or other appropriate proceeding.

The proceeding to determine parentage may be brought by the following individuals or groups:

- The child
- The mother of the child

10 O.S. § 7700-601
10 O.S. § 7700-632
10 O.S. § 7700-635

10 O.S. § 7700-103(D)
10 O.S. § 7700-602
10 O.S. § 7700-103(D)
10 O.S. § 7700-602

10 O.S. § 7700-602

- A man whose paternity of the child is to be adjudicated
- The Department of Human Services
- A representative authorized to act for an individual who is deceased, incapacitated, or a minor who would otherwise be entitled to bring a proceeding

28 O.S. § 152

If the civil proceeding is filed by a private individual, a filing fee is required.

Determination of Paternity

Paternity is generally determined by blood testing. Evidence of statistical probability of paternity established at ninety-nine (99%) or more creates a court order.

10 O.S. § 7700-505(A)(1)

The court may not assess fees, costs, or expenses against the Department of Human Services, or an agency of another state designated to administer a statewide plan for child support, except as provided by other law.

10 O.S. § 7700-636(D)

Venue of Paternity Actions

The venue for paternity actions is at the option of the plaintiff in the county of this state where one of the following situations exists:

10 O.S. § 7700-605

- The child resides
- The respondent resides or is found if the child does not reside in the state
- A proceeding for probate or administration of the presumed or alleged father's estate has been commenced

Court Order Closer of Proceedings

On request of a party and for good cause shown, the court may close a proceeding. A final order in a proceeding is available for public inspection. Once a proceeding is closed, other papers and records are available only with the consent of the parties or on order of the court for good cause.

10 O.S. § 7700-633

Adjudication, Amended Birth Certificate

The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child. An order adjudicating parentage shall identify the child by name and date of birth. If the order of the court is at variance with the child's birth certificate, the court shall order the State Department of Health, Division of Vital Records to issue an amended birth registration.

10 O.S. § 7700-636

Assessment of Costs

The court may assess filing fees, reasonable attorney fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding.

10 O.S. § 7700-636(C)

The court may not assess fees, costs, or expenses against the Department of Human Services, or an agency of another state designated to administer a statewide plan for child support, except as provided by other law.

10 O.S. § 7700-636(D)

Paternity Actions in Dissolution of Marriage

In any action concerning the custody of a minor unmarried child or the determination of child support, the court may determine if the parties to the action are the parents of the children. In a paternity action, prior to genetic testing to establish paternity pursuant to the Uniform Parentage Act, the court may award custody to the presumed father if it would be in the best interests of the child. A "presumed father" means a man who is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

10 O.S. § 7700-204

10 O.S. § 7700-607
43 O.S. § 109.2

The court may determine which party should have custody of the children involved; may award child support to the parent awarded custody; and may order payment of cost and attorney fees.

43 O.S. § 109.2(B)

Appeal, Vacate, Judicial Review

10 O.S. § 7700-637

A party to an adjudication or paternity may challenge the adjudication only under the laws of Oklahoma related to appeal, vacation of judgments, or other judicial review.

Actions after Judgment

Support is ordered according to the child support guidelines. The court may order the surname of the child changed to that of the father. Visitation may also be established by the court.

10 O.S. § 83(C)

10 O.S. § 83(D)

10 O.S. § 83(E)

Centralized Paternity Registry

The Centralized Paternity Registry is maintained by the Department of Human Services. The Court clerk is no longer required to send court orders adjudicating paternity to the DHS since that statute was repealed. An unrevoked notice of intent to claim paternity of a minor or an instrument acknowledging paternity may be introduced in evidence by any party in any relevant proceeding.

10 O.S. § 90.4
10 O.S. § 90.5
10 O.S. § 7506-1.1

10 O.S. § 7506-1.1(H)

The department, upon request, must provide the names and addresses of persons listed with the registry to any court or authorized agency, and other persons deemed necessary to receive such information by the department. The information is not divulged to any other person except upon order of the court.

10 O.S. § 7506-1.1(I)

The department provides the forms necessary for filing with the centralized paternity registry and makes them available to any father or putative father of a minor born out of wedlock who wishes to file with the registry. The forms for acknowledgment of paternity, rescission of acknowledgment of paternity, and denial of paternity are available at each county office of the Department of Human Services and at the State Department of Health, Division of Vital Records.

10 O.S. § 7506-1.1(J)(1)

63 O.S. § 1-311.3(B)

Except as otherwise provided by law, a valid acknowledgment of paternity signed by both parents is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all of the rights and duties of a parent.

10 O.S. § 7700-305(A)

Except as otherwise provided by law, a valid denial of paternity by a presumed father when executed in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all rights and duties of a parent.

10 O.S. § 7700-305(B)

Artificial Insemination: Consent and Gestational Agreements

For more information on this subject, go to Chapter 28, “Duties of the Court Clerk: Adoption Cases.”

Chapter Twenty-Seven

Duties of the Court Clerk:

Domestic Abuse Cases

Understanding the Domestic Abuse Process

In 1982, the legislature passed the “Protection from Domestic Abuse Act” (PDAA) to protect individuals from any act or threat of physical harm by family or household members.

22 O.S. § 60.1-60.29

The act allows a victim of domestic abuse, stalking, harassment, or rape to seek a protective order against an alleged perpetrator. Any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years can also seek a protective order. A victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon, child abuse, or member of the immediate family of a victim of first-degree murder, may petition, or have a petition filed on the victim’s behalf if the victim is a minor, for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario.

22 O.S. § 60.2(A)

22 O.S. § 60.2(G)

Protective orders cannot be mutual. Each party must file a petition for relief sought. If both parties allege domestic abuse by the other party, the parties shall do so by separate petitions. The district court shall review each petition separately in an individual or a consolidated hearing and grant or deny each petition on its individual merits. If the court finds cause to grant both motions, the court shall do so by separate orders and with specific findings justifying the issuance of each order. This court may only consolidate a hearing according to conditions stated in the Oklahoma Statutes.

22 O.S. § 60.4(K)

Domestic abuse means any act of physical harm, or the threat of imminent physical harm that is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member.

22 O.S. § 60.1(2)

22 O.S. § 40

Filing Petition for Protective Order

Any victims (plaintiffs) of crimes under the PDAA, or someone acting in their behalf can file a petition for a protective order with the district court:

22 O.S. § 60.2(A)(1)

1. In the county in which the victim lives
2. In the county in which the defendant lives
3. In the county in which the domestic abuse occurred

22 O.S. § 60.2(A)

22 O.S. § 60.2(A)(1)

The victim seeking relief must be sixteen (16) years of age or older. A petitioner can file on behalf of a family or household member who is incompetent, under sixteen (16) years of age, or any adult victim of a crime.

22 O.S. § 60.2(A)(2)

If the person seeking relief is not a family or household member or an individual who is, or has been, in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency and provide a copy to the district court before the full hearing.

22 O.S. § 60.3

22 O.S. § 40.3(A)

22 O.S. § 60.2(A)(2)

If the abuse occurs when the district court is not open for business, the individual may request an emergency temporary order of protection with law enforcement.

NOTE:

Domestic Violence Centers exist in various communities in Oklahoma. Although these centers are not district court related, they often advise victims and help them with petition preparation and court appearances.

22 O.S. § 40.2

Victims of Various Offenses: Protection of Immediate Family Members

A member of the immediate family of a victim of first-degree murder may seek a victim protection order against the person who was charged and subsequently convicted as the principal or an accessory in the crime of murder in the first degree.

22 O.S. § 60.6(A)
22 O.S. § 60.6(B)(1)

Defining the Case Flow

Domestic abuse cases are civil cases, but quasi-criminal cases even though the PDAA is codified in the Criminal Procedure Code. An individual who violates a protective order is guilty of a misdemeanor.

A domestic abuse case will usually progress through the following steps:

- Petition filing by the victim
- Initial hearing
- Temporary order and copy of petition service to the defendant
- Full hearing (show cause hearing)
- Permanent protective order issue or case dismissal
- Expungement of Protective Order

22 O.S. § 60.2(A)(1)
22 O.S. § 60.2(C)(1)

22 O.S. § 60.3
22 O.S. § 60.4(A)
22 O.S. § 60.4(B)

22 O.S. § 60.4(C)

22 O.S. § 60.18

Petition for Protective Order

During Business Hours

The court clerk provides [Petition for Protective Order](#) forms to victims who appear in the court clerk's office. Sometimes, victims will already have the forms prepared. If not, the victim can prepare the form in the court clerk's office. At the request of the victim, the court clerk, the victim-witness coordinator, victim support person, and or court case manager shall prepare or assist the plaintiff in preparing the petition. These forms are provided by the Administrative Office of the Courts and are posted on the Oklahoma Supreme Court Network.

22 O.S. § 60.2(B)

22 O.S. § 60.2(D)
22 O.S. § 60.2(B)(D)

The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by the petitioner, defendant, or minor child residing in the residence of the petitioner or defendant. The district court may order the defendant to make no contact with the animal and forbid the defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

22 O.S. § 60.2(E)

WARNING:

The court clerk must not give legal advice to victims. The court clerk can only assist victims with the mechanics of preparing the petition and explain the terms and information on the form.

5 O.S. § 1

During Non-Business Hours/Emergency Ex Parte Protective Orders

22 O.S. § 40.3(A)

When the court is not open for business, the victim of domestic violence, stalking, harassment, rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon or member of the immediate family of a victim of first-degree murder may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:

- Provide the victim or member of the immediate family a petition for an emergency temporary order of protection.
- Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances.

- Inform the victim or member of the immediate family of a victim whether the judge has approved or disapproved the emergency temporary order.
- Notify or serve the person subject to the emergency temporary protection order of the issuance and conditions of the order.
- Provide plaintiff a copy.

22 O.S. § 60.3(D)

The emergency temporary ex parte order shall be in effect until the court date that was assigned by the court during the approval of the order. Emergency temporary ex parte orders shall be heard within fourteen (14) days after issuance.

22 O.S. § 60.3(C)

Fees

One important exception to normal civil procedure is that no fees are assessed or collected from the victim when the petition is filed. The district court may assess costs to the defendant at a later time or to the plaintiff if the petition is found to be frivolous.

22 O.S. § 60.2(C)
22 O.S. § 60.2(C)

Address Confidentiality Program

Persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking, human trafficking, or child abduction frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of the confidentiality program is to enable state and local agencies to respond to requests for public records without disclosing the location of any victim under the PDAA. It is also meant to enable interagency cooperation with the attorney general in providing address confidentiality for any victim under the PDAA, and to enable state and local agencies to accept an address designated by the attorney general and by a program participant as a substitute mailing address.

22 O.S. § 60.14

The attorney general shall designate state, local agencies, the federal government, federally recognized tribes, and nonprofit agencies to assist persons in applying to be program participants. A volunteer or employee of a designated entity that provides counseling, referral, shelter, or other services to victims under the PDAA and has been trained by the attorney general shall be known as an application assistant. Any assistance and counseling rendered by the office of the attorney general or an application assistant to applicants shall in no way be construed as legal advice.

22 O.S. § 60.14 (H)

22 O.S. § 60.14(G)(2)

No employee of a state or local agency shall knowingly and intentionally disclose a program participant's actual address unless disclosure is permitted by law.

Initial Hearing

Emergency Protective Order

If the plaintiff requests an emergency ex parte order (an order made without the adverse party being given notice), the district court holds a hearing on the same day that the petition is filed to determine if an emergency ex parte order is necessary to protect the victim “from immediate and present danger.”

22 O.S. § 60.3(A)

The emergency ex parte order remains in effect until after a full hearing is held. However, if the defendant does not appear at the hearing, the order remains in effect until the defendant is served with the permanent order. If the terms of the permanent order are the same as those in the emergency order, or are less restrictive, then it is not necessary to serve the defendant with the permanent order. Any emergency ex parte order must state on the order the language specified in the Oklahoma Statutes.

22 O.S. § 60.11

If an action for divorce, separate maintenance, guardianship, adoption, or any other proceeding involving custody or visitation has been filed and is pending in a county different than the county in which the emergency ex parte order was issued, the hearing on the petition for a final protective order shall be transferred and held in the same county in which the action or proceeding is taking place.

22 O.S. § 60.3(D)

22 O.S. § 60.3(B)(1)

Temporary Protective Order

The district court can also issue a temporary protective order for a defined period of time with a fixed date for review to determine whether it should remain in place.

22 O.S. § 60.4(A)

Petition Serving to the Defendant

A copy of a petition for a protective order, any notice of hearing, copy of any emergency temporary order or emergency ex parte order issued by the court shall be served upon the defendant in the same manner as a bench warrant. If the service is to be in another county, the court clerk may issue service to the sheriff by facsimile or other electronic transmission for service by sheriff and receive the return of service in the same manner.

22 O.S. § 60.4(A)(2)

22 O.S. § 60.5(A)

Service by Sheriff's Department

22 O.S. § 60.4(A)(2)(3)

Emergency temporary orders, emergency ex parte orders and notice of hearings shall be given priority for service and can be served twenty-four (24) hours a day when the location of the defendant is known.

Within twenty-four (24) hours of the return of service of any emergency, temporary, ex parte or final protective order, extension, modification, vacation, cancellation, or consent agreement concerning a final protective order the clerk of the issuing court shall send certified copies thereof to all appropriate law enforcement agencies designated by the plaintiff, law enforcement agencies receiving the original orders pursuant to this section and to any law enforcement agencies designated by the court.

22 O.S. § 60.5(A)

Full Hearing

Within fourteen (14) days of the filing of the petition for a protective order, the district court shall schedule a full hearing on the petition, if the court finds sufficient grounds within the scope of the PDAA stated in the petition to hold such a hearing, regardless of whether an emergency ex parte order has been previously issued, requested, or denied.

22 O.S. § 60.4(B)(1)

However, when the defendant is a minor child who has been removed from the residence pursuant to Oklahoma Statutes, the district court shall schedule a full hearing on the petition within seventy-two (72) hours, regardless of whether an emergency ex parte order has been previously issued, requested, or denied.

22 O.S. § 60.4(C)(2)
22 O.S. § 60.4(G)(4)

A customer or applicant who has been determined to be a victim of domestic violence, stalking, or harassment, shall be exempt from the public utility's or a municipally owned public utility initial credit and deposit requirements as established by the public utility. This determination shall be evidenced by submission of the certification letter, provided by statute, to the public utility or a municipally owned public utility. The certification letter expires after ninety (90) days. Victims may receive certification through any of the following:

22 O.S. § 60.4(C)
22 O.S. § 60.4(G)

- An existing protective order;
- Law enforcement personnel; or
- A designated representative of a certified domestic violence shelter or certified domestic violence program pursuant to Section 18p-6 of Title 74 of the Oklahoma Statutes.

17 O.S. § 180.12
11 O.S. § 35-107

22 O.S. § 60.5(A)

NOTE:

Certain conditions and exceptions as described in the statutes apply to the case process when minor children are involved in the case.

Final Protective Order Issue

The most typical result of a full hearing is the issue by the district court of a final protective order. This order is for a fixed period not to exceed five (5) years unless modified or rescinded by a motion from either party, or if this court approves any consent agreement entered into by the victim and the defendant.

22 O.S. § 60.5(A)

The court clerk has the final protective order served on the defendant in the same way as other orders and, within twenty-four (24) hours after the return of service, the court clerk sends certified copies to the appropriate law enforcement agencies designated by the plaintiff or ordered by the district court.

22 O.S. § 60.11

The court clerk should notify by certified copy of any extension, modification, vacation, cancellation or consent agreement concerning a final protective order.

74 O.S. § 150.12B

Notification shall be sent within twenty-four (24) hours by the court clerk to those law enforcement agencies receiving the original orders and to any law enforcement agencies designated by the court.

A statement, as it appears in the statutes, must be printed in **BOLD-FACED TYPE OR IN CAPITAL LETTERS** on any ex parte or final protective order issued under the PDAA act.

Vine Protective Orders

A good practice recommendation is that court clerks provide petitioners with a VINE (Victims Information and Notification Everyday) brochure when they fill out a protective order at the county courthouse. This information makes victims aware of this program. When a protective order is issued, they may choose to register for notification.

A VINE Protective Order helps keep victims informed by sending them automated notifications when protective orders have been issued and served against a respondent. The system also notifies victims that a hearing date has been scheduled or changed and that their protective order is about to expire or has expired. Victims must register to receive the notifications in the form of a phone call or an email and can list up to five (5) of each number or email address.

Court clerks are not required to enter these protective orders into the VINE system. This information comes from the data entered into the OSCN or ODCR court networks and is then sent to Appriss (the company name of the database platform). Victims can log onto

VINELink.com and choose “Find a Protective Order” and then follow the prompts to register for notifications.

74 O.S. § 150.12B

Interstate Domestic Violence Protection Orders Act: Foreign Protection Orders

22 O.S. § 60.22

A foreign protection order is a protection order issued by a tribunal of another state.

22 O.S. § 60.26

The court clerk is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this act.

Keeping Case Records

Most of the records maintained by the court clerk in domestic orders/protective orders cases are the same as for other civil cases. Chapter Twelve, “[Duties of the Court Clerk: Record Keeping and Maintenance](#),” contains information on each of the records listed below.

12 O.S. § 60.26

- Case file

The court clerk files the case in the domestic relations appearance docket, if the court clerk maintains that docket, or in the civil appearance docket. Domestic abuse case numbers are preceded by the prefix PO (Case Type, Domestic Orders).

Refer to “[Case Identification](#)” in Chapter Twelve, “Duties of the Court Clerk: Record Keeping and Maintenance.”

28 O.S. § 151

- Receipts
- Appearance docket and appearance docket index
- Journal record/microfilming/imaging
- Motion, hearing, disposition, and trial docket

12 O.S. § 22

12 O.S. § 23

12 O.S. § 24

12 O.S. § 22

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Chapter Twenty-Eight

Duties of the Court Clerk:

Confidential Cases – Adoption and Artificial Insemination

Handling Adoption Cases

Proceedings for adoption cases can be brought in the district court in the county in which the petitioners or the child to be adopted reside, in Tulsa County or in Oklahoma County, or where termination proceedings took place, at the election of the petitioners.

Any child present in Oklahoma can be adopted by persons as specified in the Oklahoma Statutes, provided that consent is obtained, if required as noted in the Oklahoma Statutes.

The court shall appoint an attorney for a minor in a contested proceeding and may appoint an attorney for a child in an uncontested proceeding or appoint an attorney for the child to examine all expenses and attorney fees presented to the court for approval. Upon approval of the court, the attorney may be allowed a reasonable fee for services.

10 O.S. § 7502-1.1
10 O.S. § 7502-1.2
10 O.S. § 7503-2.7
10 O.S. § 7503-2.1
10 O.S. § 7503-2.5
10 O.S. § 7505-1.2
10 O.S. § 7505-4.2
10 O.S. § 7503-1.1
10 O.S. § 7503-2.6
10 O.S. § 7700-103
10 O.S. § 7505-1.2

The court may appoint a separate guardian ad litem for the minor in a contested proceeding and shall appoint a separate guardian ad litem upon the request of a party, the minor, the attorney of the minor, the prospective adoptive parent, or a person or agency having physical or legal custody of the child.

Any adult person can be adopted by any other adult person, subject to the conditions listed in the statutes. The court clerk’s tasks and responsibilities are the same as for the adoption of a minor.

10 O.S. § 7507-1.1

NOTE:

Unless ordered by the court, all hearings and other proceedings, and all papers, files, and records regarding an adoption case must be kept confidential with access allowed only as provided in the Oklahoma Statutes. Please refer to the Oklahoma Statutes and to “**Confidential Records**” in Chapter Thirteen, “Duties of the Court Clerk: Record Access and Disposition.” To ensure compliance with the confidentiality laws, court clerks should not release or allow access to any adoption records without a court order or a court minute directive.

10 O.S. § 7505-1.1

NOTE:

The Oklahoma Department of Human Services, through their Confidential Intermediary Search Program has certified certain individuals as Confidential Intermediaries who have legal authority to access adoption files in the court clerk’s office without a court order.

10 O.S. § 7508-1.3

Notice of Plan for Adoption

A notice of plan for adoption may be filed with the court clerk if a child is born out of wedlock with information as specified in the Oklahoma Statutes. Any written consent, extrajudicial consent for adoption or permanent relinquishment required must be attached to the petition or may be filed after the petition filing.

10 O.S. § 7503-2.2
10 O.S. § 7503-3.1
10 O.S. § 7503-3.2

Consent to and Relinquishment for Adoption

Except as otherwise provided by the Oklahoma Statutes, when consent is required, the persons giving consent must also file a written medical and social history report of the minor to be adopted.

10 O.S. § 7504-1.1
10 O.S. § 7503-2.1
10 O.S. § 7505-4.2
10 O.S. § 7505-2.1(H)

A proceeding for termination of parental rights shall be heard by the court without a jury.

Cost Report

A written report must be filed with the petition (or afterwards with the district court's consent) that discloses all costs, funds, and monies expended or expected to be expended for the adoption. The district court cannot issue a final adoption decree until it is satisfied that all costs and expenses have been disclosed and are allowable according to the Oklahoma Statutes.

10 O.S. § 7505-3.2 (A)
10 O.S. § 7505-3.1

Home Study

Once a petition for adoption is filed, the court orders a home study to determine the facts involved in the case. The Oklahoma Statutes specify those parties who can conduct a home study, and a report must be filed with the district court within sixty (60) days of the order, unless the court grants an extension. Home study may be waived for good cause shown.

10 O.S. §§ 7505-5.1 ~ 7505-5.4
10 O.S. § 7505-5.4
10 O.S. § 7505-5.2(A)

The home study report shall become a part of the case file and must include a definite recommendation for or against the proposed adoption and reasons for the recommendation.

10 O.S. § 7505-5.3(E)

Hearing(s) and Decree(s)

NOTE:

Whenever the Oklahoma Adoption Code requires that a judge sign an order setting the date of hearing and giving notice, the chief judge in the county may, by judicial order, provide that the order or notice can be signed by the court clerk or a deputy court clerk by affixing the signature of the court clerk or deputy beneath the place where the judge's name appears followed with the word "by:" and then the signing officer's title.

10 O.S. § 7505-1.3

Artificial Insemination: Consent and Gestational Agreements

The consent in this action shall be executed and acknowledged by both the husband and wife and the person who is to perform the technique, and the judge having jurisdiction over adoption of children, and an original shall be filed under the same rules as adoption papers. The written consent filed shall not be open to the general public, and the information contained therein may be released only to the persons executing such consent, or to persons having a legitimate interest therein as evidenced by a specific court order.

10 O.S. § 553

According to the Oklahoma Gestational Agreement Act, any proceedings conducted pursuant to this act will be governed by the Code of Civil Procedure of the State of Oklahoma. All such proceedings, any pleadings, motions, documents or records associated therewith and the identities of the parties to a gestational agreement are all to be kept confidential, and any such proceedings shall be held in closed court without the admittance of any person other than interested parties and their counsel. The same standards of confidentiality, inspection and disclosure applied to cases of adoption in this state shall apply to the proceedings and papers related to gestational agreements under this act.

10 O.S. § 557.15

Petition

A petition for adoption shall be verified by the petitioner. Any written consent, extrajudicial consent for adoption or permanent relinquishment required by the Oklahoma Adoption Code may be attached to the petition, or may be filed, after the filing of the petition.

10 O.S. § 7505-3.1

A written adoption full-disclosure statement shall be prepared by the attorneys of record for the petitioner and birth parents in a direct-placement adoption of a minor in this state. The adoption full-disclosure statement signed by the petitioner or petitioners shall be attached to the petition for adoption filed with the court in each direct-placement adoption of a minor in this state.

10 O.S. § 7503-1.2

Initial Hearing and Interlocutory Decree

The court examines the home study report and may hold a hearing regarding the report. The court may then issue an interlocutory decree, which gives the child’s care and custody to the petitioners pending further court orders.

10 O.S. § 7505-6.1

Observations

The person(s) responsible for the home study observe the child in the proposed adoptive home environment and report to the court in writing any pertinent observations.

10 O.S. § 7505-5.3(F)

Final Hearing and Final Adoption Decree

Six (6) months after the interlocutory decree is granted, the petitioners can apply to the court for a final adoption decree. The court sets a time and place for the final hearing. If the court is satisfied that the adoption is in the best interest of the child, the court enters a final decree of adoption.

10 O.S. § 7505-6.3
10 O.S. § 7505-6.5

Notice of Adoption

When consent for adoption is not necessary, the petitioner must prepare a notice of adoption for the parent(s) according to the Oklahoma Statutes. The notice is served like a summons in a civil case not less than ten (10) days prior to the final adoption hearing.

10 O.S. § 7503-2.1(B)(2)(c)(1)
12 O.S. § 2004

See “[Issue of Summons](#)” in Chapter Twenty-Four, “Duties of the Court Clerk: Civil Cases.”

Waiver of Interlocutory Decree

Under certain conditions, the court can waive the interlocutory decree requirement and the six-month waiting period and grant a final adoption decree at the initial hearing.

10 O.S. § 7505-6.3

Appeals

Decisions in adoption proceedings can be appealed in the same way as any civil case. Please refer to “[Appeals to the Supreme Court \(Civil Cases\)](#)” in Chapter Twenty, “Duties of the Court Clerk: Appeals,” for information on civil appeals.

10 O.S. § 7505-7.1
10 O.S. § 7505-6.6

Certificates

State

The court clerk must complete Part III of the form furnished by the state registrar within thirty (30) days after the final adoption decree is issued.

Before the 15th of each month, the attorney or child-placing agency handling the adoption sends all certificates prepared during the preceding month to the state registrar of vital statistics. The court clerk should retain a copy of the completed certificate in the case file.

10 O.S. § 7505-6.6(A)
10 O.S. § 7505-6.6(B)

Federal

Section 1951 of Title 25 of the federal statutes requires that any state court that enters a final decree for adoption of any Indian child must provide certain information to the Secretary of the Interior:

- A copy of the final order or decree
- The child’s name and tribal affiliation
- The biological parents’ names and addresses
- The adoptive parents’ names and addresses
- Any agency’s identity that has files or information relating to the adoption
- The affidavit of the biological parents that their identity remains confidential, if available

Confidential Index of Birth and Adoptive Names

The court clerk must create and maintain a confidential index that cross-references an adoption of a child by both the child's birth name and the adoptive name. Fees

The court clerk must collect all fees specified for adoption cases as indicated in the Uniform Fee Schedule.

10 O.S. § 7509-1.2

Handling Access to Files for Confidential Intermediary Search Program

The Oklahoma Department of Human Services, through the Confidential Intermediary Search Program, has certified certain individuals as Confidential Intermediaries. These individuals are the only persons who have the legal authority to access adoption files in the court clerk's office without a court order.

28 O.S. § 152(A)(8)

The Confidential Intermediaries must provide the following items to the court clerk for a record search:

10 O.S. § 7508-1.3

- Certification letter.
- Referral form from DHS to the court
- Photo identification to prove who they are.

10 O.S. § 7508-1.3(G)(3)

For more information on the confidential intermediaries, contact the [Department of Human Services](#).

A recommended practice for the court clerk should be to complete the following procedures:

- Retain a copy of the certification letter
- Retain a copy of the referral form from DHS to the court
- Retain a copy of the photo identification
- Retain a copy of the Request for Confidential Intermediary Search (This is different from the referral form).
- Perform the search
- If a record is found, allow only the person with the identification letter and matching photo identification to view the file

WARNING:

If the file contains an Affidavit of Non-Disclosure, the Confidential Intermediary cannot look at the file. The Confidential Intermediary knows about this restriction and should not request to look at the file.

10 O.S. § 7508-1.2(F)
10 O.S. § 7508-1.3(D)

NOTE:

No copies of the file should be made without a court order.

10 O.S. § 7505-1.1(B)(C)

Understanding the Court Clerk's Tasks

[Table 28-1](#) lists the court clerk's tasks for adoption cases.

Table 28-1. Court Clerk's Tasks for Adoption Cases

Task for Adoption Cases	Chapter Reference	Statute Reference
Ensure the security and confidentiality of all adoption proceedings and documents at all times		10 O.S. § 7505-1.1
Accept documents for filing		
Assign case number Adoption cases use the prefix FA for case numbers.	12	SCAD-2009-101 (Contact AOC for access)
Open case file	12, 18	12 O.S. § 29 12 O.S. § 30
Start appearance docket	12, 18	12 O.S. § 22 12 O.S. § 23
Start appearance docket index	12, 18	
Start journal record	12	12 O.S. § 24
Enter in general index, if appropriate	12, 18	
Enter hearing dates, times, and places as set by the court on the appropriate documents		10 O.S. § 7505-1.3
Issue notice for service		12 O.S. § 28
Accept return of service		12 O.S. § 32 12 O.S. Chapter 2, Appendix 1 Rule 2
Accept publisher's affidavit if notice was published in the newspaper and enter it on the appearance docket		12 O.S. § 2004(C)(3)(d)

Table 28-1. Court Clerk's Tasks for Adoption Cases (Continued)

Task for Adoption Cases	Chapter Reference	Statute Reference
Complete Section B, sign, certify, and mail the certificate of adoption prepared by the attorneys to the Oklahoma State Bureau of Vital Statistics		10 O.S. § 7505-6.6
Check, prepare, and mail the notice of adoption of an Indian child to the Secretary of the Interior		25 USC § 1951
File information in appropriate dockets as necessary Minute docket Motion docket Trial docket Take minutes Issue receipts Certify documents Transfer cases		12 O.S. § 22 12 O.S. Chapter 2, Appendix Rule 4 12 O.S. § 663 12 O.S. § 23 12 O.S. § 860 28 O.S. § 9 12 O.S. § 38(B) 49 O.S. § 119(5) 49 O.S. § 113(D) 12 O.S. § 140.1

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Chapter Twenty-Nine

Duties of the Court Clerk: Confidential Cases – Children and Juveniles

This chapter discusses the legal process for handling cases for alleged deprived children or children in need of treatment; for juveniles alleged delinquent or in need of supervision; and for youthful offenders. The court clerk's role and responsibilities in these processes are explained.

Over the past few years, changes in the law have created some distinctions in the ways in which children's and juvenile cases are handled. In the Oklahoma Statutes, children's and juvenile cases are covered in two separate chapters. Article 1, Chapter 1 of Title 10A of the statutes is cited as the "Oklahoma Children's Code." Article 2, Chapter 1 of Title 10A is cited as the "Oklahoma Juvenile Code." The Youthful Offender Act is included in Article 2, in Chapter 5.

Juvenile Mental Health is found in 43A O.S. §§ 5-501 ~ 5-521.

10A O.S. § 1-1-101
10A O.S. § 2-1-101
10A O.S. § 2-5-201 et seq

Each category is handled separately in this chapter.

This chapter is intended to give only a general overview of the process for handling children’s and juvenile cases. A recommended practice is that the court clerk access the applicable statutes for more detailed information.

Record Access

The provisions of the Oklahoma Discovery Code and the Rules for District Courts of Oklahoma do not apply to juvenile proceedings except as provided in the Oklahoma Statutes.

10A O.S. § 1-4-401(A)

The district court may order the parties to exchange information that is not work-related and not privileged as designated in the Oklahoma Statutes.

10A O.S. § 1-4-401(B)

All information produced, exchanged, or used during the pendency of the deprived action is confidential and shall be subject to a protective order. The disclosure or use of the information for any other purpose is prohibited except as permitted by law.

10A O.S. § 1-4-401(D)
10A O.S. § 2-6-106

NOTE:

Unless ordered by the district court, all hearings and other proceedings, and all papers, files, and records regarding any children’s cases or juveniles’ proceedings must be kept confidential with access allowed only as provided in the statutes. Please refer to the statutes and to “Confidential Records” in Chapter Thirteen, “Duties of the Court Clerk: Record Access and Disposition.”

10A O.S. § 1-6-102
10A O.S. § 2-6-102

Juvenile Court Records and Department of Human Services Agency Records

Juvenile court records and Department of Human Services (DHS) agency records pertaining to a child may be inspected, and their contents shall be disclosed, without a district court order to the persons identified in the Oklahoma Statutes, upon showing of proper credentials and pursuant to their lawful duties.

10A O.S. §1-6-103

Where more than one child is included in a juvenile court record, the district court may order the names and information of the other children redacted as a condition of granting access or copies of the record.

10A O.S. § 1-6-104

Alternatively, the court may prohibit disclosure of the record where redaction is not practical or possible.

10A O.S. § 1-4-306(B)(4)

NOTE:

A recommended practice is for the court clerk to obtain a district court order for tracking the persons to whom information or documents are released.

10A O.S. § 1-4-306(A)(3)(4)

Court-Appointed Representatives

Court Appointed Attorney

If a parent or legal guardian of the child requests an attorney and is found to be indigent, counsel may be appointed by the court at the emergency custody hearing and shall be appointed if a petition has been filed alleging that the child is a deprived child; provided, that the court may appoint counsel without such request, if it deems representation by counsel necessary to protect the interest of the parent, legal guardian, or custodian.

10A O.S. § 1-4-306(A)(1)

The child's attorney shall be independent of and not selected by the district attorney, the child's parent, legal guardian, or custodian. If financially capable, the parent, legal guardian, or custodian shall reimburse the court fund for the services of a court-appointed attorney for the child.

10A O.S. § 1-4-306(A)(3)

The attorney shall be allowed a reasonable fee for such services as determined by the court. When an attorney is required to travel to more than one district court location in order to represent a parent or a child, or children whom the attorney has been court-appointed to represent, the court may in its discretion allow the attorney a reasonable reimbursement for mileage.

10A O.S. § 1-4-306(A)(3)(4)

Family Representation and Advocacy Program (FRAP)

Effective November 1, 2023, the Family Representation and Advocacy Program (FRAP) was created by statute and is hereby created within the Administrative Office of the Courts (AOC). The Family Representation and Advocacy Program shall have the responsibility to ensure that all parents, legal guardians, and Indian custodians who are entitled to court-appointed counsel and all children are appointed counsel who have the training, support, and access to resources to provide uniform and high-quality legal representation. For further information on this program, contact the Administrative Office of the Court.

10 O.S. § 801

10 O.S. § 802

Guardian Ad Litem

After a petition is filed, the court shall appoint a guardian ad litem upon the request of the child or the attorney of the child. The guardian ad litem shall be appointed to objectively advocate on behalf of the child and act as an officer of the court to investigate all matters concerning the best interests of the child. The guardian ad litem shall be given access to the court files and agency files and access to all documents, reports, records, and other information relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to the laws relating to child abuse and neglect including reports generated by service providers.

10A O.S. § 1-4-306(B)

The Oklahoma Bar Association shall develop a standard operating manual for guardians ad litem and the AOC/OSCN will provide a website link.

10A O.S. § 1-4-306(B)(5)

Court-Appointed Special Advocate

Whenever a court-appointed special advocate program (CASA) is available to the district court to serve as a guardian ad litem, priority may be given to appointment of the court-appointed special advocate to serve as guardian ad litem for the child regardless of whether a guardian ad litem has been requested pursuant to the provisions of Oklahoma Statutes. A court-appointed special advocate shall serve without compensation.

10A O.S. § 1-4-306(C)

Handling Children's Cases

Alleged Deprived Child

Upon the filing of a petition, the assumption of the custody of a child, or issuance of an emergency custody order pursuant to the provisions of the Oklahoma Children's Code, the district court shall obtain jurisdiction over any child who is or is alleged to be deprived.

10A O.S. § 1-4-101

Jurisdiction shall also be obtained over any parent, legal guardian, or custodian of and any other person living in the home of the child who appears in that court or has been properly served with a summons pursuant to the Oklahoma Statutes.

10A O.S. § 1-4-304

Protective and Emergency Custody

A child may be taken into custody prior to the filing of a petition by a peace officer or employee of the district court, without a court order, if the officer or employee has reasonable suspicion that the child is in need of immediate protection, or by an order of the district court issued upon the application of the district attorney.

10A O.S. § 1-4-201(A)

Also by order of the district court, when the child is in need of medical or behavioral health treatment to protect the health, safety, or welfare of the child and the parent, legal guardian, or custodian of the child is unwilling or unavailable to consent to such treatment or other action, the district court shall specifically include in the emergency order authorization for the medical or behavioral health evaluation or treatment as it deems necessary.

The peace officer, an employee of the district court, or the employee of the Department of Human Services responsible for assuming physical custody of a child shall provide the parent, legal guardian, or physical custodian of the child with immediate written notice of the protective or emergency custody of the child if personally present, or if not present, as soon as possible.

10A O.S. § 1-4-202

Emergency Custody Hearing

All cases of alleged deprived children must be heard separately from adult case trials. They must be private unless specifically ordered by the district judge to be conducted in public. Persons who have a direct interest in the case must be admitted.

10A O.S. § 2-2-402(A)

Within the next two (2) judicial days following the child being taken into protective or emergency custody, the district court shall conduct an emergency custody hearing. At the hearing, information may be provided to the district court in the form of oral or written reports, affidavits or testimony.

10A O.S. § 1-4-201

10A O.S. § 1-4-203

The office of the district attorney and the Department of Human Services shall maintain records concerning a child in protective custody who is released prior to the emergency custody hearing. The records shall describe the reason for the release.

10A O.S. § 1-4-205(A)

10A O.S. § 1-4-205(B)(2)

If a petition is not filed, the emergency custody order shall expire. The district attorney shall submit for filing in the district court record a written record specifying the reasons why the petition was not filed and specifying to whom the child was released.

Restraining Order

At the emergency custody hearing or when a petition has been filed alleging that a child has been physically or sexually abused, the district court may enter an order restraining the alleged perpetrator of the abuse from having contact with the child or attempting to contact the child and requiring the alleged perpetrator to move from the household in which the child resides. The district court may issue a restraining order only if certain conditions are found as described in the Oklahoma Statutes.

10A O.S. § 1-4-206(A)

Within twenty-four (24) hours of the return of service of the restraining order, the court clerk shall send certified copies to all appropriate law enforcement agencies designated by that court. The court clerk shall send a certified copy of any extension, modification, vacation, cancellation, or consent agreement concerning the restraining order to those law enforcement agencies receiving the original orders and to any law enforcement agencies designated by the district court.

10A O.S. § 1-4-206(D)

Petition

The district attorney may file a petition in an alleged deprived child proceeding to determine if further action is necessary.

10A O.S. § 1-4-301

The petition for an alleged deprived child proceeding shall be filed and a summons issued within seven (7) judicial days from the date the child is taken into custody unless, upon request of the district attorney at the emergency custody hearing, the district court determines there are compelling reasons to grant additional time for the filing of the petition for a period of time not to exceed fifteen (15) calendar days from the assumption of custody.

10A O.S. § 1-4-205(B)(1)

A copy of the petition must be attached to and delivered with the summons. The petition must be verified and contain information specified in the statutes.

10A O.S. § 1-4-301(C)

The district court shall liberally allow the petition to be amended at any time to add, modify, or supplement factual allegations that form the basis for the cause of action up until seven (7) days prior to the adjudicatory hearing.

10A O.S. § 1-4-302(B)

Summons

Upon the filing of the petition, the district court shall schedule a hearing and shall issue a summons requiring the parents, legal guardian, custodian, the child (if the child is twelve (12) or more years of age), and any other persons that court determines to be proper or necessary parties to the proceedings to appear personally before the district court at the date, time, and place stated in the summons.

10A O.S. § 1-4-303(A)

The district court may endorse upon the summons an order directing the parent, guardian, custodian, or other person having the physical custody or control of the child to bring the child to the hearing.

10A O.S. § 1-4-303(A)(2)

The summons shall be attached to a copy of the petition and shall advise the parties of the right to counsel, including the right of the child's parent or legal guardian to court-appointed counsel if indigent.

10A O.S. § 1-4-304(A)(1)
12 O.S. § 2004

The service of the summons shall be made by personal delivery, by mail, or by publication as provided for in civil actions.

10A O.S. § 1-4-304(A)(2)

The district court cannot hold the hearing until at least forty-eight (48) hours after the service of the summons, except with the consent of the parent, legal guardian, or custodian.

If the parent or legal guardian is not served within the state, the district court shall not hold the hearing until at least five (5) days after the date of mailing the summons.

10A O.S. § 1-4-304(A)(3)

Before service by publication is authorized, the state shall file an affidavit with the district court stating that after a distinct and meaningful search of all reasonably available sources, the parent or legal guardian of the child could not be identified or located, as applicable, and describing the diligent efforts made to identify, locate, and serve the party. The affidavit shall be sufficient evidence of the diligence exercised by the state to identify or locate a party who is the subject of the publication notice. An affidavit prepared by the Department of Human Services describing a distinct and meaningful search of all reasonably available sources to locate a party may be adopted by the state as evidence of additional efforts made to locate or identify the party.

10A O.S. § 1-4-304(B)(1)

The state may then obtain an order from the district court authorizing service to be made upon the party by publication. A copy of the petition and summons shall also be mailed by regular first-class mail to the party at his or her last-known place of residence. Service by publication is complete on the date of the last publication.

10A O.S. § 1-4-304(B)(2)

An affidavit showing publication of the notice shall be filed with the court clerk. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated in the notice.

10A O.S. § 1-4-304(B)(3)

Service by publication shall be made by publishing a notice one time at least twenty-five (25) days prior to the date fixed for the hearing. Service shall be made in a newspaper authorized by law to publish legal notices which is published in the county where the petition is filed. If no newspaper authorized by law to publish legal notices is published in the county, the notice shall be published in some such newspaper of general circulation which is published in an adjoining county.

10A O.S § 1-4-304(B)(4)

Court-Appointed Attorney, Guardian Ad Litem, and Court-Appointed Special Advocate

If a parent or legal guardian of the child requests an attorney and is found to be indigent, counsel may be appointed by the district court at the emergency custody hearing and shall be appointed if a petition has been filed alleging that the child is a deprived child; provided, that court may appoint counsel without the request, if it deems representation by counsel necessary to protect the interest of the parent, legal guardian, or custodian.

10A O.S § 1-4-306(A)

10A O.S § 1-4-306(B)

After a petition is filed, the district court shall appoint a guardian ad litem upon the request of the child or the attorney of the child and may appoint a guardian ad litem sua sponte or upon the request of the Department of Human Services, a licensed child-placing agency, or another party to the action.

The Bar Association shall develop a standard operating manual for guardians ad litem and the AOC/OSCN will provide a website link.

10A O.S § 1-4-306(C)

Whenever a court-appointed special advocate program (CASA) is available to the district court to serve as a guardian ad litem, priority may be given to appointment of the court-appointed special advocate to serve as guardian ad litem for the child regardless of whether a guardian ad litem has been requested pursuant to the provisions of Oklahoma Statutes.

Adjudication Hearing and Order

The district court shall hold an adjudication hearing following the filing of a petition alleging that a child is deprived. The hearing shall be held not more than ninety (90) calendar days following the filing of the petition.

10A O.S. § 1-4-601(A)

The child and the child’s parents, guardian, or other legal custodian shall be entitled to not less than twenty (20) days’ prior notice of the hearing.

10A O.S. § 1-4-601(B)(1)

The child shall be released from emergency custody in the event the adjudication hearing is delayed beyond ninety (90) days from the date the petition is filed unless the district court issues a written order per the Oklahoma Statutes.

10A O.S. § 1-4-601(B)(1)

If the adjudicatory hearing is delayed, the emergency custody order shall expire unless the hearing on the merits of the petition is held within one hundred eighty (180) days after the actual removal of the child.

10A O.S. § 1-4-601(B)(2)

If the district court finds that the factual allegations of the petition are not supported by a preponderance of the evidence, the district court shall order the petition dismissed and shall order the child discharged from any custody. The child's parents, guardian, or other legal custodian shall also be discharged from any restriction or other previous temporary order.

10A O.S. § 1-4-602

If the district court finds that the factual allegations in a petition filed by the state alleging that a child is deprived are supported by a preponderance of the evidence, those allegations are sufficient to support a finding that the child is deprived. Additionally, it is in the best interests of the child that the child be declared a deprived child and made a ward of the district court, then the district court shall sustain the petition, and shall make an order of adjudication finding the child to be deprived and shall adjudge the child as a ward of the district court.

The order of adjudication shall include a statement that advises the parent that failure to appear at any subsequent hearing or comply with any requirements of the district court may result in the termination of parental rights to the child. When a child has been adjudicated deprived, the district court shall enter a dispositional order according to the Oklahoma Statutes.

10A O.S. § 1-4-603(B)

When a child has been adjudicated deprived, the parent or other legal custodian shall register with the court clerk within two (2) days of the adjudication and provide a valid, current address or other place where the parent or other legal custodian may be served with a summons.

10A O.S. § 1-4-603(C)

In the event that the address or place where the parent or legal custodian may be served a summons change during the course of the litigation, the parent or other legal custodian

10A O.S. § 1-4-603(D)

shall have the obligation of filing a change of address form with the court clerk. In the event that an amended petition or motion is filed, the address listed on the form of the court clerk shall constitute the last-known address of the parent or other legal custodian unless the state has actual knowledge of the parent or other legal custodian's location.

Upon notice to the parent or other person legally obligated to support the child and upon an opportunity to be heard and a finding of financial ability to pay, the district court may order the parent or other person to reimburse the court fund, in whole or in part, for any disbursements made from the court fund in conjunction with the case, including but not limited to, court-appointed attorney fees, expert witness fees, sheriff's fees, witness fees, transcripts and postage.

10A O.S. § 1-4-701(A)(3)

Written Individualized Service Plans

The Department of Human Services or a licensed child-placing agency shall prepare and maintain a written individualized service plan for any child that has been adjudicated to be a deprived child.

10A O.S. § 1-4-704(A)

The plan shall be furnished to the district court within thirty (30) days after the adjudication of the child and shall be made available to counsel for the parties and any applicable tribe by the department or the licensed child-placing agency having custody of the child or responsibility for the supervision of the case.

10A O.S. § 1-4-704(B)

The individualized service plan shall be based upon a comprehensive assessment and evaluation of the child and family and shall be developed with the participation of the parent, legal guardian, or legal custodian of the child, the attorney for the child, the guardian ad litem for the child, the child's tribe, if any, and the child, if appropriate. The health and safety of the child shall be the paramount concern in the development of the plan.

10A O.S. § 1-4-704(C)

If any part of the plan is disputed or not approved by the district court, an evidentiary hearing may be held and at its conclusion, the district court shall determine the content of the individualized service plan in accord with the evidence presented and the best interests of the child.

10A O.S. § 1-4-704(C)(3)

When approved by the district court, each individualized service plan shall be incorporated and made a part of the dispositional order of the district court.

Dispositional Hearing and Order

When a child has been adjudicated deprived, a dispositional hearing may be held on the same day as the adjudication hearing, but in any event the hearing shall be held and an order entered no later than forty (40) calendar days thereafter. The dispositional hearing shall not be delayed unless the district court finds on the record, after a showing of good cause, that the child's best interests would be served by granting a delay. The district court shall set forth the reasons why a delay is necessary and shall schedule the hearing at the earliest possible time following the delay.

10A O.S. § 1-4-706(A)

10A O.S. 1-4-707

Family Drug Court

Each district court is hereby authorized to establish a "Family Drug Court" for the purpose of treating children adjudicated as deprived and their families in cases where the parent, parents, or legal guardian has a substance abuse disorder. The Department of Mental Health and Substance Abuse Services shall assist in the establishment of family drug courts and, if funds are available, may contract for family drug court treatment services.

10A O.S. § 1-4-712(A)

At the adjudicatory or dispositional hearing in a deprived case, the district court may determine whether there are any statutory preclusions, other prohibitions, or program limitations that exist and are applicable to considering the family for participation in the drug court program.

If participation in the drug court program is denied at the initial hearing, the case shall proceed as authorized by the Children's Code.

Family Drug Court Costs and Fees

The family drug court judge may order the family, or a member of the family, to pay court costs, treatment costs, drug-testing costs, and supervision fees. The Family Drug Court judge may order an adult member or members of the family responsible for the health or welfare of the child or children to pay a program user fee, not to exceed Twenty Dollars (\$20.00) per month.

10A O.S. § 1-4-716

There shall be created with the county treasurer of each county within this state a cash fund to be designated as the Family Drug Court Revolving Fund.

The Family Drug Court may establish a schedule for the payment of costs and fees.

10A O.S. § 1-4-716(C)

The cost for treatment, drug testing, and supervision fees shall be set by the Family Drug Court team and shall reflect actual expenses or rates established by the Department of Mental Health and Substance Abuse Services and made part of the district court's order for payment.

The costs for drug testing and supervision fees shall be paid to the Family Drug Court coordinator for deposit into the county Family Drug Court Revolving Fund.

The costs for treatment shall be paid to the respective Family Drug Court treatment provider or providers.

The court clerk shall collect all other costs and fees ordered.

Permanency/Review Hearings

The district court shall conduct a permanency hearing to determine the appropriate permanency goal for the child and to order completion of all steps necessary to finalize the permanent plan. The hearing shall be held no later than:

10A O.S. § 1-4-811(A)(1)

- Thirty (30) days after a determination by the district court that reasonable efforts to return a child to either parent are not required according to the Oklahoma Statutes
- Six (6) months from the date of the child's removal from the home and at least once every six (6) months thereafter until permanency is achieved or the district court otherwise terminates jurisdiction

10A O.S. § 1-4-811(A)(1)(b)

10A O.S. § 1-4-811(A)(1)
(a) 10A O.S. § 1-4-807

An exception is when the Department of Human Services has documented a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child that is based upon a consideration that the child is presently not capable of functioning in a family setting. Then, the district court shall reevaluate the status of the child every ninety (90) days until there is a final determination that the child cannot be placed in a family setting.

10A O.S. § 1-4-807(A)(2)

A permanency hearing may be held concurrently with a dispositional or review hearing. DHS reports must be provided at the review hearings.

10A O.S. § 1-4-811(B)
10A O.S. § 1-4-808

Paternaly and Support of Alleged or Adjudicated Deprived Child

When the paternity of an alleged or adjudicated deprived child has not been established, the district court, within six (6) months after the filing of a deprived petition, shall either establish paternity or defer the issue of paternity establishment to the appropriate administrative or district court for any child for whom paternity has not been legally established according to the Uniform Parentage Act.

10A O.S. § 1-4-702

The order establishing paternity shall be filed as a separate document and shall not be confidential. The clerk of the district court where the paternity order has been filed shall provide, upon request, a copy of the order establishing paternity to a representative of Oklahoma Child Support Services. A district court order for the release of the order establishing paternity or other information contained in that court's record pertaining to paternity and child support shall not be required. The order may be captioned with a different case style in order to establish and enforce a child support order in an action other than the deprived proceeding.

10A O.S. § 1-4-702(A)(4)

Termination of Parental Rights

The district court can terminate parental rights for various reasons listed in the Oklahoma Statutes. Prior to a hearing on the petition or motion for termination of parental rights, notice of the date, time, and place of the hearing and a copy of the petition or motion to terminate parental rights shall be served upon the parent who is the subject of the termination proceeding by personal delivery, by certified mail, or by publication as provided for in the Oklahoma Statutes.

10A O.S. § 1-4-904

10A O.S. § 1-4-905(A)

10A O.S. § 1-4-304

The notice shall contain the following or substantially similar language:

"FAILURE TO PERSONALLY APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE TERMINATION OF YOUR PARENTAL RIGHTS TO THIS CHILD OR THESE CHILDREN. IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION OR MOTION ATTACHED TO THIS NOTICE."

Notice shall be served upon the parent not less than fifteen (15) calendar days prior to the hearing.

A parent entitled to service of summons, the state, or a child shall have the right to demand a trial by jury on the sole issue of termination of parental rights only in special circumstances of this statute.

10A O.S. § 1-4-503(A)

The district court shall have the power to vacate an order terminating parental rights if the parent, whose parental rights were terminated pursuant to the Oklahoma Statutes, files a motion to vacate the order within thirty (30) days after the order is filed with the court clerk.

10A O.S. § 1-4-905(B)

Notice of the motion shall be given to all the parties and their attorneys and the district court shall set the matter for hearing as quickly as possible.

Information for Child Placed Outside Home

The district court shall ensure that certain information defined in the statutes accompanies any deprived child placed outside the child's home as soon as the information is available.

10A O.S. § 1-7-104

Handling Juvenile Cases

Board of Juvenile Affairs/Office of Juvenile Affairs

In 1995, the Board of Juvenile Affairs was established as the rulemaking body for the Office of Juvenile Affairs, created in 1994. The Office of Juvenile Affairs is responsible for programs and services for children alleged or adjudicated to be delinquent or in need of supervision.

10A O.S. § 2-7-101
10A O.S. § 2-7-202

As the rulemaking body of the Office of Juvenile Affairs, the board is specifically charged with the duty of promulgating rules which will implement the duties and responsibilities of the office pursuant to the Oklahoma Juvenile Code.

10A O.S. § 2-7-301
10A O.S. § 2-7-101(G)

It shall be the duty of the director and other employees of the juvenile bureau, at the request of and under the direction of the district court, to investigate and report on all cases that are pending in the juvenile docket of the district court, and to investigate and report on all cases of delinquent children and children in need of supervision, residing or being in the county. The director and counselors shall have the power to file, or cause to be filed, information or complaint and to institute and commence the necessary legal proceedings for the purpose of carrying into effect the laws of this state relating to delinquent children and children in need of supervision, and the director and counselors shall investigate and report to the district court for appropriate legal action the existence and maintenance of

10A O.S. § 2-4-104

any place or public resort or institution in the county which is or may be detrimental to morals and welfare of children. It shall be the duty of the court clerk to assign adequate personnel to perform the clerical duties necessary and incidental to the operation of the juvenile docket of the district court.

Juvenile Offender Tracking Program

10A O.S. § 2-7-901

The Juvenile Offender Tracking Program was created for the following purpose:

1. To establish an accurate and accessible database with information on juvenile offenders readily available to law enforcement agencies, juvenile court personnel, district attorneys, and others who require such information
2. To enhance community control of crime through information sharing regarding juvenile offenders that can be used by patrol officers and criminal investigators for the early identification of offenders and assist in the reduction of crime

Juvenile Drug Court Program

22 O.S. § 471.1(B)(F)

10A O.S. § 2-2-505

A district court can establish a juvenile drug court program, subject to availability of funds, to treat alleged and adjudicated juveniles who have a history of substance abuse providing the program follows all guidelines of the Oklahoma Juvenile Code. The Department of Mental Health and Substance Abuse Services shall assist in establishing juvenile drug courts. Please refer to Chapter Thirty-Three, “[Duties of the Court Clerk: Drug Court](#),” for more information on juvenile drug courts.

Custody and Court Proceedings

When a petition is filed, or custody of an alleged delinquent child or child alleged to be in need of supervision is assumed, the district court of the county in which a child resides or is found, or is alleged to be in need of supervision, has jurisdiction over all principals involved in the case.

10A O.S. § 2-2-101

10A O.S. § 2-2-102

A child can be taken into custody in a variety of ways described in the statutes prior to the filing of a petition that alleges that the child is delinquent or in need of supervision.

10A O.S. § 2-2-101

A child taken into custody who appears to be a minor in need of treatment, as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, may be admitted to a behavioral health treatment facility in accordance with the provisions of the Inpatient Mental Health and Substance Abuse Treatment of Minors Act.

10A O.S. § 2-2-101(E)

If a child taken into protective custody is in need of immediate emergency medical treatment or other action to protect the health or welfare of the child, the district court may issue an emergency ex parte order upon application of the district attorney of the county in which the child is located. The emergency ex parte order remains in effect until a full hearing is conducted.

10A O.S. § 2-2-101(F)

Preliminary Inquiry

A preliminary inquiry shall be conducted to determine whether the interests of the public or of the child who is within the purview of the Oklahoma Juvenile Code require that further district court action be taken. If it is determined by the preliminary inquiry that no further action be taken and if agreed to by the district attorney, the intake worker may make such informal adjustment without a petition.

10A O.S. § 2-2-104

Petition

Upon review of any information presented in the preliminary inquiry, the district attorney may consult with the intake worker to determine whether the interests of the child and the public will be best served by the dismissal of the complaint, the informal adjustment of the complaint, or the filing of a petition.

10A O.S. § 2-2-104(C)

If a child is taken into custody before a petition is filed, a petition must be filed and a summons issued within five (5) judicial days from the date custody was assumed or the child must be relinquished to the custody of a parent or other person as specified in the statutes.

10A O.S. § 2-2-106(A)

Health Care Examination

After a petition has been filed, the district court may order the child to be examined and evaluated for medical issues, including behavioral health diagnoses, by a physician or other appropriate professional to aid the court in making the proper disposition concerning the child.

10A O.S. § 2-2-108

Whenever a child appears to be in need of nursing, medical, or surgical care, the district court may order the parent or other person responsible for the care and support of the child to provide such care in a hospital or otherwise. If the parent or other person fails to provide such care, the district court may, after due notice, enter an order that the expenses of the care shall be a charge upon the county. This must be approved by the district court. The district court may also adjudge that the person having the duty under the law to support the child pay part or all of the expenses of such care. In an emergency when the health condition of the child requires it, the district court may cause the child to be placed in a public hospital or institution for treatment or special care or in a private hospital or institution that will receive the child and consent to emergency treatment or surgery.

10A O.S. § 2-2-108(B)

Summons/Warrant

Summons

After a petition is filed, if the parties involved do not voluntarily appear before the district court, the district court can issue a summons which requires the person(s) having custody or control of the child to appear before that court with the child at the time and place specified.

10A O.S. § 2-2-107(A)

The summons must state the relief requested and must explain the right of the parties to have an attorney present at the petition hearing.

The summons must be served on the person(s) who have actual custody of the child, and if the child has reached twelve (12) years or older, a copy is served on the child.

10A O.S. § 2-2-107(B)(D)
12 O.S. § 2004

10A O.S. § 2-2-107(E)

The court must not hold an adjudication hearing to determine if a child is delinquent or in need of supervision until at least forty-eight (48) hours after the service of the summons, except with the consent of the parent or guardian.

10A O.S. § 2-2-107(D)(1)

If the parent is not served in the state, the court cannot hold the hearing until at least five (5) days after the mailing date of the summons, except with the consent of the parent, legal guardian, or custodian.

10A O.S. § 2-2-107(D)(2)

Warrant

If after a petition has been filed, it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by

10A O.S. § 2-2-107(E)

the district court, the judge may immediately issue a detention order or warrant authorizing the taking of said child into emergency custody. Any such child shall not be considered to be in the custody of the Office of Juvenile Affairs.

10A O.S. § 2-2-402(E)

In a delinquency proceeding, whenever a warrant for the arrest of a child is issued, it shall state the offense the child is being charged with having committed. Warrants for the arrest or detention of a child shall meet all other requirements for arrest warrant issue for adult criminal offenders.

For a child in need of supervision proceeding, whenever a warrant for the child's detention is issued, it must state the reason for the detention.

Hearings

For any child being held in a secure detention on charges as an accused juvenile delinquent, adjudication shall occur within thirty (30) days after the detainment for that charge. This time may be extended by this statute and section.

10A O.S. § 2-2-402(D)

All cases of juveniles alleged delinquent or in need of supervision must be heard separately from adult case trials. They must be private unless specifically ordered by the judge to be conducted in public. Persons who have direct interest in the case must be admitted.

10A O.S. § 2-2-402(A)(1)

Adjudication Hearing

In adjudication hearings, any person entitled to service of summons or the state shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge on the judge's own motion may call a jury to try any such case. The jury shall consist of six persons.

10A O.S. § 2-2-401

The adjudication hearing is similar to a trial in a criminal case. The hearing must be held according to the rules of evidence and it may be adjourned from time to time.

10A O.S. § 2-2-402(A)

Except for second or subsequent delinquency adjudication hearings, all adjudication hearings for children are private unless specifically ordered by the district court to be conducted in public. Persons with a direct interest in the case can be admitted to a private hearing.

10A O.S. § 2-2-402(A)(2)

If the district court finds that the allegations of a petition alleging a child to be delinquent or in need of supervision are supported by the evidence, that court shall sustain the petition, and shall make an order of adjudication setting forth whether the child is delinquent or in need of supervision and shall adjudge the child as a ward of the district court.

10A O.S. § 2-2-402(A)

If the district court finds that the allegations of the petition are not supported by the evidence, that court shall order the petition dismissed and shall order the child discharged from any detention or restriction previously ordered. The parents, legal guardian or other legal custodian of the child shall also be discharged from any restriction or other previous temporary order.

10A O.S. § 2-2-402(E)

Certification Proceedings

Except as otherwise provided by law, if a child is charged with a delinquent act as a result of an offense which would be a felony if committed by an adult, the district court on its own motion or at the request of the district attorney shall conduct a preliminary hearing to determine whether or not there is prosecutive merit to the complaint. If the district court finds that prosecutive merit exists, it shall continue the hearing for a sufficient period of time to conduct an investigation and further hearing to determine if the child should be held accountable for acts of the child as if the child were an adult, if the child should be found to have committed the alleged act or omission.

10A O.S. § 2-2-403(A)

After the investigation and hearing, the district court may in its discretion proceed with the juvenile proceeding, or it shall state its reasons in writing and shall certify, based on clear and convincing evidence, that the child shall be held accountable for acts of the child as if the child were an adult and shall be held for proper criminal proceedings for the specific offense charged, by any other division of the district court which would have trial jurisdiction of the offense if committed by an adult.

10A O.S. § 2-2-403(A)

The juvenile proceeding shall not be dismissed until the criminal proceeding has commenced and if no criminal proceeding commences within thirty (30) days of the date of the certification, unless stayed pending appeal, the district court shall proceed with the juvenile proceeding and the certification shall lapse.

An order either certifying a person as a child or an adult or denying such certification shall be a final order, appealable when entered and shall not be modified.

10A O.S. § 2-2-403(D)

Preliminary Hearing to Determine Probable Cause

If the state asks that the child be certified to stand trial as an adult or if the judge determines a hearing needs to be held, the judge sets a preliminary hearing to determine if probable cause exists that the child committed the crimes as alleged in that county.

10A O.S. § 2-2-403(A)

Dispositional Hearings/Orders

No later than forty (40) days after making an order of adjudication, the district court shall hold a dispositional hearing, at which all evidence helpful in determining the proper disposition best serving the interest of the child and the public, including but not limited to oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the adjudication hearing.

10A O.S. § 2-2-501
10A O.S. § 2-2-502

Orders of disposition may be made in respect to children adjudicated in need of supervision or delinquent. The court may place the child on probation with or without supervision in the home of the child, or in the custody of a suitable person, upon such conditions as the court shall determine.

10A O.S. § 2-2-503(A)

If the child is placed on probation in a county having a juvenile bureau, the court may impose a probation fee of not more than Twenty-five Dollars (\$25.00) per month, if the court finds that the child or parent or legal guardian of the child has the ability to pay the fee. In counties having a juvenile bureau, the fee shall be paid to the juvenile bureau; in all other counties, no fee shall be paid to the Office of Juvenile Affairs

10A O.S. § 2-2-503(A)(1)

Review Hearings

Every disposition order regarding a child adjudicated to be delinquent or in need of supervision shall be reviewed by the district court at least once every six (6) months until such time as the conditions which caused the child to be adjudicated have been corrected or the parental rights of the parent or parents are terminated pursuant to the Oklahoma Children's Code.

10A O.S. § 2-2-402(E)

Petition Dismissal or Order of Adjudication

Petition Dismissal

If the district court finds that the allegations in the petition are not supported by the evidence, the court must order the petition dismissed and order the child and any legal custodian(s) discharged from any detention or restriction previously ordered.

10A O.S. § 2-2-402(D)

10A O.S. § 2-2-404

Order of Adjudication

If the court finds that a child is delinquent or in need of supervision, the court sustains the petition and makes an order of adjudication, which adjudges the child a ward of that court.

The district court can defer delinquency adjudication proceedings, dismiss a case with prejudice, or direct alternative diversion programs for any of the reasons specified in the statutes.

10A O.S. § 2-2-802(A)

Termination of Parental Rights

The finding that a child is delinquent or in need of supervision shall not deprive the parents of the child of their parental rights, but a district court may terminate the rights of a parent to a child for any reason authorized in the Oklahoma Children's Code. The provision of the Oklahoma Children's Code shall govern termination of parental rights.

10A O.S. § 2-2-802(B)

Whenever parental rights of the parents of a child have been terminated and the child is committed to the Office of Juvenile Affairs, the executive director of the Office of Juvenile Affairs shall serve as the legal guardian of the estate of the child, until another guardian is legally appointed, for the purpose of preserving the child's property rights, securing for the child any benefits to which they may be entitled under social security programs, insurance, claims against third parties and otherwise, and receiving and administering such funds or property for the care and education of the child.

Records

Sealing Records

The district court may order the records of a person alleged to be delinquent to be sealed under certain conditions described in the statutes.

10A O.S. § 2-6-108

Expunging Records

Any person who is the subject of an open juvenile court record can petition the district court in which the record is located for an order to expunge all or part of the record under certain conditions described in the statutes.

10A O.S. § 2-6-109

Destroying Records

Please refer to “[Types of Confidential Records: Children and Juvenile Cases](#)” in Chapter Thirteen, “Duties of the Court Clerk: Record Access and Disposition,” for information on destroying juvenile records.

Handling Juvenile Mental Health Cases

43A O.S. § 5-509(C)

Juvenile mental health cases are handled under the Inpatient Mental Health and Substance Abuse Treatment of Minors Act.

10A O.S. § 2-2-101(E)

A petition alleging a minor to be a minor in need of treatment shall be filed by a district attorney and may be filed by a district attorney only after receipt and review of the mental health evaluation as specified in the Oklahoma Statutes.

43A O.S. § 5-509

The proceeding is styled “in the matter of _____, a minor alleged to be in need of inpatient mental health or substance abuse treatment.”

43A O.S. § 5-509

Upon the filing of a petition alleging a minor to be a minor in need of treatment, the district court shall appoint an attorney to represent the minor if the minor is not represented by counsel. An attorney so appointed shall consult with the minor at least twenty-four (24) hours prior to the date set for hearing the petition. In addition, that court may appoint a guardian ad litem and shall complete other duties as defined in the Oklahoma Statutes.

43A O.S. § 5-510

Handling Youthful Offender Cases

Youthful Offender Act

The Youthful Offender Act is intended as a means to protect the public while rehabilitating and holding youth accountable for serious crimes. The law provides that eligible seventeen-year-olds should have the opportunity to be processed as youthful offenders as provided by law and held accountable through the various provisions of the Youthful Offender Act for custody, institutional placement, supervision, extended jurisdiction within the Office of Juvenile Affairs, and the ability to transfer youthful offenders to the Department of Corrections when incarceration or additional supervision is required beyond the maximum age allowed in the Office of Juvenile Affairs.

10A O.S. § 2-5-201

10A O.S. § 2-5-202(B)

No older youth should be deemed ineligible or denied consideration as a youthful offender who is otherwise lawfully eligible based upon the age of the youth being seventeen (17) years, but the intent is that such youthful offenders shall not remain in the custody or under the supervision of the Office of Juvenile Affairs beyond the youthful offender's maximum age of eighteen (18) years and six (6) months or until nineteen (19) years of age if jurisdiction has been extended as provided in the Oklahoma Statutes.

10A O.S. § 2-5-202(C)

Youthful Offender

"Youthful offender" means a person thirteen (13) or fourteen (14) years of age who is charged with murder in the first degree and certified as a youthful offender as provided by Section 2-5-205 of Title 10A, fifteen (15), sixteen (16), or seventeen (17) years of age

10A O.S. § 2-5-202(A)

and charged with a crime listed in subsection C of Section 2-5-205 of Title 10A, and sixteen (16) or seventeen (17) years of age and charged with a crime listed in subsection E of Section 2-5-205 of Title 10A.

All reports, evaluations, motions, records, exhibits or documents regarding the educational history, mental health or medical treatment or condition of the person that are submitted to the court or admitted into evidence during the hearing on the motion for certification as a juvenile or a youthful offender or on the motion for imposition of an adult sentence shall be confidential and shall be filed or admitted under seal, except that such records shall be provided to the Office of Juvenile Affairs. If the youthful offender is sentenced to custody or supervision of the Department of Corrections by the court, or if the juvenile or youthful offender is later charged as an adult with a felony crime the district court shall release the record under seal by order of court.

10A O.S. § 2-5-204(D)

Certification

When a person proceeds to trial as either a youthful offender or as an adult as provided by the Youthful Offender Act, the accused person shall have all the statutory and constitutional rights and protections of an adult accused of a crime. All proceedings shall be as for a criminal action, except as provided for in the Youthful Offender Act.

10A O.S. § 2-5-204(C)

Certification From Adult to Juvenile

On certification from adult to juvenile cases, the case will be tried in the adult system through preliminary. The court shall rule on any motions for certification as a youthful offender or an alleged juvenile delinquent before ruling on whether to bind the accused over for trial. In its decision on the motion for certification as an alleged juvenile delinquent, the district court shall detail findings of fact and conclusions of law and shall state that court has considered each of the guidelines by statute in reaching its decision.

10A O.S. § 2-5-205(E)

The order certifying a person as a youthful offender or an alleged juvenile delinquent or denying the request for certification as either a youthful offender or an alleged juvenile delinquent shall be a final order, appealable to the Court of Criminal Appeals when entered. In its decision on the motion for certification as an alleged juvenile delinquent, the district court shall detail findings of fact and conclusions of law to each of the above considerations and shall state that court has considered each of the guidelines in reaching its decision.

10A O.S. § 2-5-205

Custodial Interrogation and Right to Counsel

A custodial interrogation of a youthful offender over sixteen (16) years of age shall conform with all the requirements for the interrogation of an adult.

No custodial interrogation shall start until the youthful offender or child and the parents, guardian, attorney, adult relative, adult caretaker, or legal custodian of the youthful offender or child have been fully advised of the constitutional and legal rights of the youthful offender or child, including the right to be represented by counsel at every stage of the proceedings, and the right to have counsel appointed by the district court if the parties are without sufficient financial means; provided, however, that no legal aid or other public or charitable legal service shall make claim for compensation as contemplated herein.

10A O.S. § 2-2-301(B)
10A O.S. § 2-2-401

10A O.S. § 2-2-301(A)

Counsel shall be appointed by the court only upon determination by the court that the parent, legal guardian, or legal custodian is found to be indigent. If indigency is established, the Oklahoma Indigent Defense System shall represent the child. In all other cases pursuant to this title, including juvenile proceedings that are civil in nature, juvenile mental health, or in-need-of-supervision proceedings and appeals, with the exception of proceedings in counties where the office of the county indigent defender is appointed, the court shall, if counsel is appointed and assigned, allow and direct to be paid from the local court fund a reasonable and just compensation to the attorney or attorneys for such services as they may render. Fees are set out in the statute.

10A O.S. § 2-2-301(C)(D)

10A O.S. § 2-5-208A(E)

Rehabilitation Plan

Whenever a youthful offender is placed in the custody of or under the supervision of the Office of Juvenile Affairs, the office shall within thirty (30) days prepare and file with the district court a written rehabilitation plan for the youthful offender. The rehabilitation plan shall be tailored to the needs and goals of the youthful offender while ensuring protection of the public while the offender is in the custody or supervision of the Office of Juvenile Affairs.

Adult or Youthful Offenders Public Records

All youthful offender court records for a person who is certified to stand trial as an adult or youthful offender shall be considered adult records and shall not be subject to the provisions of the Oklahoma Juvenile Code.

When a youthful offender has successfully completed his or her treatment and rehabilitation plan and is discharged by the court without a court judgment of guilt and the case dismissed with prejudice, the arrest or adjudication record does not have to be disclosed for the purposes of employment, civil rights, or any regulation, license, questionnaire, application, or any other public purpose.

10A O.S. § 2-5-202(D)

If the court dismissed the youthful offender case, the person may file a motion to expunge the plea and the youthful offender adjudication and sentence from the record.

10A O.S. § 2-5-210A(D)

The court may order the expungement of all files and records over which the court has jurisdiction pertaining to the arrest and adjudication of the former youthful offender and shall order the court clerk to expunge the entire file and record of the case or any files produced or created by a law enforcement agency in which the name of the former youthful offender is mentioned.

Understanding Common Procedures for Children, Juvenile, and Youthful Offender Cases

Guardian Ad Litem - Children's Cases

The district court may appoint a guardian ad litem to represent certain rights of the child. These guardians may be paid according to statute for services rendered.

Whenever a petition is filed alleging that a child is a deprived child, the district court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition and shall appoint a guardian ad litem upon the request of the child or the attorney of the child and whenever a court-appointed special advocate (CASA) is available to that court to serve as a guardian ad litem regardless of whether or not a guardian ad litem has been requested by the child or the attorney of the child. A court-appointed special advocate program shall be made available to each judicial district.

10A O.S. § 1-4-306(B)
10A O.S. § 2-2-208
20 O.S. § 1304(B)(10)

The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the district court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the child.

10A O.S. § 1-4-306(2)

Whenever a court-appointed special advocate is available for appointment as a guardian ad litem as provided by this subsection, the district court shall give priority to the appointment of a court-appointed special advocate as the guardian ad litem of a deprived child. A court-appointed special advocate shall serve without compensation.

10A O.S. § 1-4-306(C)(1)(3)

The district court shall appoint a guardian ad litem of the estate of the child when necessary for the purpose of preserving the child's property rights, securing for the child any benefits to which the child may be entitled under social security programs, insurance, claims against third parties, and otherwise, and receiving and administering such funds or property for the care and education of the child.

10A O.S. § 1-8-108

When the child is in the emergency or temporary custody of the Department of Human Services, the district court may appoint an attorney or a parent as guardian ad litem of the estate of the child.

When a child is in the permanent legal custody of the department, the director shall serve as the legal guardian of the estate of the child until an attorney guardian ad litem is appointed.

A copy of the order appointing a guardian ad litem shall be provided to the department.

When the appointment of a guardian ad litem is necessary, the appointment may be made in the deprived case; provided, the actions of the guardian ad litem shall be subject to the approval of the district court with jurisdiction to adjudicate the property interests of the child.

Juvenile Cases

Whenever a petition is filed alleging that a child is a delinquent child or a child in need of supervision, the district court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition and shall appoint a guardian ad litem upon the request of the child or the attorney of the child.

10A O.S. § 2-2-301(E)

The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the district court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the child.

10A O.S. § 2-2-301(F)

The guardian ad litem shall be given access to the district court file and access to all records and reports relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to the Oklahoma Statutes.

10A O.S. § 2-2-301(F)

Whenever parental rights of the parents of a child have been terminated and the child is committed to the Office of Juvenile Affairs, the executive director of the Office of Juvenile Affairs shall serve as the legal guardian of the estate of the child, until another guardian is legally appointed, for the purpose of preserving the child's property rights, securing for the child any benefits to which he may be entitled under social security programs, insurance,

10A O.S. § 2-2-802(B)

claims against third parties, and otherwise, and receiving and administering such funds or property for the care and education of the child.

CASA

A court-appointed special advocate (CASA) means a responsible adult volunteer who has been trained and is supervised by a court-appointed special advocate program recognized by the district court. When appointed by that court, the CASA volunteers serve as an officer of that court in the capacity as a guardian ad litem. They assist the child and advocate on behalf of the best interests of the child.

10A O.S. § 1-1-105(A)(15)(16)
10A O.S. § 1-4-306 (C)

Appeals

Children's Cases

All appeals of cases involving deprived or allegedly deprived children, including termination of parental rights, shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the order being appealed. Notice of Completion of Record shall be filed in the Supreme Court immediately upon completion of the record on appeal. The record on appeal shall be completed within sixty (60) days from the date of the order.

10A O.S. § 1-5-103
12 O.S. Chapter 15, Appendix 1
Rule 1.34(e)

Juvenile Cases

Any interested party involved in a juvenile proceeding can appeal an order or decree to the Supreme Court or the Court of Criminal Appeals in the same manner as other appeals, except in certain cases of an adjudication of juvenile delinquency.

10A O.S. § 2-2-601(A)
22 O.S. § Chapter 18
Rule 7.1

The record on appeal of an order of adjudication or of an order certifying or denying certification of a juvenile to stand trial as an adult shall be completed and the appeal perfected within sixty (60) days after the date of the order.

10A O.S. § 2-2-601(B)

The record and transcripts shall be completed and filed with the district court clerk, and immediately transmitted to the clerk of the Court of Criminal Appeals and appellate counsel within forty (40) days of the entry of the trial court's order. If the record is not complete within forty (40) days of the trial court's order, a Notice of Non-Completion of Record shall be sent to the clerk of the Court of Criminal Appeals, explaining the cause of the delay.

22 O.S. Chapter 18, Appendix
§ Rule 7.3(C)

Refer to “[Appeals to the Supreme Court Civil Appeals in Juvenile Cases](#)” and “[Appeals to the Court of Criminal Appeals in Juvenile Cases](#)” in Chapter Twenty for more information on the appeals process for juvenile cases.

Court Clerk Tasks

[Table 29-1](#) shows the court clerk’s tasks for children and juvenile proceedings.

Table 29-1. Court Clerk's Tasks for Children and Juvenile Proceedings

Task for Children and Juvenile Proceedings	Chapter Reference	Statute Reference
Always ensure the security and confidentiality of all children and juvenile proceedings and documents. Deprived/In Need of Treatment Delinquent/In Need of Supervision Juvenile Mental Health Youthful Offender: Documents may be confidential, but not record		10A O.S. § 1-6-102 10A O.S. § 2-6-102 43A O.S. § 1-109 10A O.S. § 2-5-204(D)
Court Clerk's Record Keeping Tasks for Court Cases (Assign case number, open case file, start appearance docket, enter documents on appearance docket, and other general information that all cases have)	12	See Table 12-2 for general tasks
Enter documents on juvenile appearance docket:		
Emergency Show Cause: Deprived Taking Child into Custody: Delinquent	12, 29	10A O.S. § 1-4-201 10A O.S. § 2-2-101
Notice of Emergency Hearing & Service:	12, 29	Deprived: 10A O.S. § 1-4-202 Delinquent: 10A O.S. § 2-2-106
Petition and Summons/Notice Service Deprived/In Need of Treatment Delinquent/In Need of Supervision Juvenile Mental Health Youthful Offender	12, 29	12 O.S. §§ 28; 2004 10A O.S. § 1-4-205 10A O.S. § 2-2-106 43A O.S. § 5-509 10A O.S. § 2-5-206A
Return of Summons/Notice Deprived/In Need of Treatment Delinquent/In Need of Supervision Juvenile Mental Health	12, 29	12 O.S. § 2004(G) 10A O.S. § 1-4-304 10A O.S. § 2-2-107 43A O.S. § 5-510
Procedure for court-appointed attorney, guardian ad litem, court-appointed special advocates	12, 29	Deprived: 10A O.S. § 1-4-306 Delinquent: 10A O.S. § 2-2-301(C)

Table 29-1. Court Clerk's Tasks for Children and Juvenile Proceedings (Continued)

Task for Children and Juvenile Proceedings	Chapter Reference	Statute Reference
Enter hearing dates, times, and places as set by court on the appropriate docket:	29	
Adjudication Hearing or Docket (Adjudication Hearing is part of the statistical reporting)	29	Deprived: 10A O.S. §1-4-601 10A O.S. §1-4-708 Delinquent: 10A O.S. § 2-2-401 Mental Health: 43A O.S. § 5-511 43A O.S. § 5-512 Youthful Off.: 10A O.S. § 2-5-208A
Dispositional Hearing or Docket (Dispositional Hearing is part of the statistical reporting)	29	Deprived: 10A O.S. § 1-4-706 Delinquent: 10A O.S. § 2-2-501
Review Hearings or Docket (Review Hearing is part of the statistical reporting)	29	Deprived: 10A O.S. § 1-4-807 Delinquent: 10A O.S. § 2-2-504 Youthful Off: 10A O.S. § 2-5-209A
Permanency Hearing or Docket	29	Deprived: 10A O.S. § 1-4-809
Certification of Juvenile to Adult	29	10A O.S. § 2-2-403
Termination of Parental Rights	29	10A O.S. 1-4-906
Juvenile Drug Court: Children and Family Juvenile Drug Court	29	10A O.S. §§ 1-4-712 ~ 1-4-716 10A O.S. §§ 2-2-505 ~ 2-2-508
Transfer of Juvenile Case: Deprived Delinquent	29	10A O.S. § 1-4-101 10A O.S. § 2-2-102
Juvenile Appeals Deprived Delinquent	20, 29	10A O.S. §§ 1-5-101 ~ 1-5-103 12 O.S. Chapter 15, Appendix §§ Rule 1.21(e); Rule 1.23(d) & Rule 1.34(e) 22 O.S. Chapter 18, Appendix §§ Rule 7.1 ~ Rule 7.7
Destruction of record	13	20 O.S. § 1005(A)(7)

Chapter Thirty

Duties of the Court Clerk:

Confidential Cases – Mental Health and Substance Abuse

The Oklahoma Mental Health Law

The purpose of the Oklahoma Mental Health Law is to assure adequate and humane care and treatment of persons alleged to be in need of mental health treatment or treatment for drug or alcohol abuse.

43A O.S § 1-103

NOTE:

In 1997, the Oklahoma legislature passed the “Oklahoma Drug Court Act,” which authorizes district courts in Oklahoma to establish a drug court program, subject to availability of funds. Please refer to Chapter Thirty-Three, “[Duties of the Court Clerk: Drug Courts.](#)”

43A O.S § 1-104

22 O.S. § 471.1(B)

The treatment of minors alleged to be in need of mental health treatment or treatment for drug or alcohol abuse is governed by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act and is under the jurisdiction of the juvenile court.

43A O.S. §§ 5-501-5-521

Please refer to Chapter Twenty-Nine, “[Duties of the Court Clerk: Confidential Cases – Children and Juvenile](#),” for information on handling cases for minors.

NOTE:

Unless ordered by the court, all hearings and other proceedings, and all papers, files, and records regarding a mental health or substance abuse case must be kept confidential with access allowed only as provided in the Oklahoma Statutes. Please refer to the Oklahoma Statutes and to “[Confidential Records](#)” in Chapter Thirteen, “[Duties of the Court Clerk: Record Access and Disposition](#).” To ensure compliance with the confidentiality laws, court clerks should not release or allow access to any mental health or substance abuse records without a court order or court minute directive.

43A O.S. § 1-109

This chapter refers only to civil mental health proceedings. These procedures are the same for persons alleged to be mentally ill or alcohol or drug dependent who have criminal charges pending against them, but who are not confined in jail or other lock-up facilities. Persons who are confined for a criminal charge can be admitted to a state mental health facility if it is deemed appropriate.

22 O.S. § 1175.6

Mental Health Criminal Procedures

22 O.S. §§ 1161-1176

Information on criminal procedures for mental health are also addressed in Title 22 of the Oklahoma Statutes.

In Oklahoma, mental illness and drug or alcohol addiction are treated as illnesses and not as crimes. The purpose of court proceedings is to secure appropriate medical treatment for individuals, not to punish or reform them.

43A O.S. § 3-402

Handling Mental Health Cases

Any person who is alleged to be in need of care and treatment for mental illness or substance abuse can be admitted and confined to a state institution, as described in the Oklahoma Statutes, by one of the following procedures:

43A O.S. § 5-101

- Emergency admission
- Voluntary application
- Involuntary court commitment

NOTE:

No person who is admitted to any facility is considered to be mentally or legally incompetent except those persons who have been determined to be mentally or legally incompetent in separate and independent proceedings of an appropriate district court.

43A O.S. § 1-105

Emergency Admission

NOTE:

Sheriffs and peace officers may request an assessment at the point of initial contact by the Department of Mental Health and Substance Abuse Services. Sheriffs and peace officers shall be entitled to reimbursement from the Department of Mental Health and Substance Abuse Services for transportation services associated with minors or adults requiring initial assessment, emergency detention, protective custody, and inpatient services.

43A O.S. § 1-110(A)(E)

Custody and Detention

In an emergency detention, three stages are possible:

- Protective custody (twelve (12)-hour maximum)
- Emergency detention (One hundred twenty (120)-hours or five (5) days)
- Court commitment (the maximum time depends on the statute used for filing the commitment papers)

43A O.S. § 5-208(A)(1)

43A O.S. § 5-208(A)(3)

43A O.S. § 5-208(D)

Any person who appears to need immediate emergency care for mental illness or alcohol or drug dependency can be taken into protective custody and detained as provided in the statutes.

43A O.S. § 5-410

A professional mental health examination must be conducted within twelve (12) hours to determine if the person is a “person requiring treatment.” Following the examination, the person must be either released or held for emergency detention depending on the results of the examination.

Under certain conditions defined in the Oklahoma Statutes, the court can order additional period(s) of temporary involuntary detention following the original detention. The court must notify persons specifically identified in the statutes when additional involuntary detention is required.

43A O.S. § 5-209

Emergency admissions imply “time sensitive situations.” To protect persons’ health and rights, the court and its staff should be familiar with statutory procedures so appropriate decisions can be made quickly.

43A O.S. §§ 5-410-5-421
43A O.S. § 5-417

Effective November 1, 2022, House Bill 4227 amends 43A O.S. § 5-420.

NOTE:

District judges may inquire with the Oklahoma Department of Mental Health and Substance Abuse Services for additional information and forms and request an updated version of the *Emergency Detention Guidelines Booklet*. (The Guidelines may no longer be prepared).

Hearing

For an individual who is held in emergency detention, the court clerk must deliver a copy of the petition, the statement of the mental health professional, and if appropriate, the peace officer’s affidavit to that person along with a notice of the hearing date, time, and place. These documents must be delivered in person at least one (1)-day prior to the hearing and before the expiration of the emergency detention period. Copies must also be delivered to other individuals or facilities specified in the statutes.

43A O.S. § 5-412

The hearing on the petition may be conducted as a jury trial, and the jury shall be composed of six persons having the qualifications required of jurors in courts of records. If the court has appointed an attorney for the person alleged to be a person requiring treatment, the attorney shall represent the person until final disposition of the case and if the person is indigent, the court shall pay the attorney fees.

43A O.S. § 5-412(B)(3)(5)
43A O.S. § 5-411(A)(2)

43A O.S. § 5-416(B)(1)(2)

At the hearing, the court determines if the person is “a person requiring treatment.” If the court determines the person does not require treatment, the person must be released. If the court, in considering a commitment petition other than hospitalization, including an assisted outpatient treatment program, is adequate to meet the treatment needs of the individual and is sufficient to prevent injury to the individual or to others, the court may order the individual to receive whatever treatment other than hospitalization is appropriate for a period set by the court.

The court may enter an order of admission pursuant to the provisions of the Oklahoma Statutes, directing that the person be committed to inpatient treatment and, if the individual refuses to comply with this order of inpatient treatment, the court may direct a peace officer to take the individual into protective custody and transport the person to a public or private facility designated by the court. Persons, involuntarily committed for treatment by a court receive a review of their involuntary status at least once every three (3) months.

43A O.S. § 5-420(A)

Voluntary Application

43A O.S. § 5-302

Three statutory procedures exist for persons to be voluntarily admitted for treatment:

- On an informal basis as an informal patient, providing accommodations exist and the determination is made by individuals at the facility that the person requires treatment
- Application directly to the hospital or facility
- Application through the court

43A O.S. § 5-304

43A O.S. § 5-305

43A O.S. § 5-305

Application Through the Court

Any person who desires or needs treatment in a state mental health facility for mental illness or substance abuse can present a written application to the district court in either the county of residence or in the county in which a facility is located.

43A O.S. § 5-306

An attorney can assist the person with the application. In some counties, the district attorney's office will assist persons in completing the application.

The application must be accompanied by a doctor's certificate, which states that it is desirable or necessary for the person making the application to be admitted to a mental health facility.

The applicant must appear before the court in person and present the application and the physician's certificate. The court questions the applicant and determines whether or not the application should be approved.

43A O.S. § 5-308

If the court approves the application, an order is issued directing the applicant to be admitted to a state facility and provide or arrange for the transportation of that person to the inpatient facility.

Involuntary Commitment

Petition

Relatives, guardians, the district attorney, peace officers, physicians, and other persons listed in the statutes can petition the court to determine if an individual requires treatment and to order the least restrictive treatment for that individual.

43A O.S. § 5-410(A)
43A O.S. § 5-410(B)
43A O.S. § 5-411(A)
43A O.S. § 5-411(D)(3)
43A O.S. § 5-413
43A O.S. § 5-412

The petition must contain a statement of the facts and the names and addresses of any witnesses to the facts. The petition must be verified and is made under penalty of perjury.

The court advises the individual “alleged to be in need of treatment” of their right by law. The individual has a right to an attorney, appointed if indigent, the right to a closed hearing or a jury trial (6 persons), and the right to be present at the hearing. If indigent, the attorney fees shall be paid from the court fund.

43A O.S. § 5-414

The court determines, from the evidence, if there is probable cause to detain the individual prior to a hearing on the petition. If probable cause is determined, the individual can be detained for up to seventy-two (72) hours, unless extended by court order.

43A O.S. § 5-412

The court sets a hearing date and appoints an attorney and an examining commission. A copy of the petition and the hearing notice must be personally served at least one day prior to the hearing to persons listed in the Oklahoma Statutes and must contain specific information as defined in the Oklahoma Statutes.

Examination

The examining commission consists of two (2) qualified examiners, as defined by the Oklahoma Statutes, who conduct a careful personal examination and inquiry into the mental condition of the individual and provide the court with a certificate of their findings.

43A O.S. § 5-307

Hearing

At the hearing, based on the examining commission certificate and other evidence, the court determines whether the individual named in the petition should be admitted to a state mental health facility for treatment. Individuals have the right to appear at the hearing unless their presence creates an unsafe or unmanageable environment.

43A O.S. § 5-411
43A O.S. § 5-415

The Supreme Court has authorized and approved the use of videoconferencing in the district courts of Oklahoma. At the discretion of the presiding judge a proceeding may be conducted by videoconferencing in the same manner as if the parties had appeared in person, and the judge presiding over the matter may exercise all powers consistent with the proceeding.

12 O.S. Chapter 2, Appendix
Rule 34

Costs

The individual named in the petition is responsible for paying attorney fees unless that individual is indigent and unable to pay them. For indigent persons, the attorney's fees are paid from the court fund.

43A O.S. § 5-411(D)(3)

Members of the examining commission are paid a reasonable amount for their services, which is set by the court. These members also receive mileage reimbursement for necessary travel and an additional amount for expenses as allowed by the court. These monies are paid from the local court fund. All monies received in connection with the hearing are deposited into the local court fund.

28 O.S. § 81(F)
20 O.S. § 1304(B)(19)
28 O.S. § 82
74 O.S. § 500.2

Providing Protective Services for the Elderly and for Incapacitated Adults

If, after receiving a report of alleged abuse, neglect, or exploitation of an elderly person or incapacitated adult as defined in the Oklahoma Statutes, the Department of Human Services determines that such a condition exists and that the individual requires protective services, that department petitions the court. The person must give consent to receive these services unless the court determines that the individual is not capable of consenting.

43A O.S. § 10-104
43A O.S. § 10-105
43A O.S. § 10-106

Voluntary Protective Services

When a caretaker of a vulnerable adult who consents to the receipt of protective services refuses to allow such services, the Department of Human Services may petition the court for a decree preventing the caretaker from interfering with the services to the person.

43A O.S. § 10-106(B)

Protective services are paid from either the assets of the vulnerable adult, any eligible available private or public assistance programs, or a fund established by the department for this.

43A O.S. § 10-106(D)

Involuntary Protective Services

The court can order protective services, as defined in the statutes, for an elderly person or incapacitated adult who is not able to consent to these services.

43A O.S. § 10-107

Emergency Protective Services

The court can order emergency involuntary protective services, as defined in the statutes, for an elderly person or incapacitated adult who is not able to consent to these services and who is believed to be in immediate danger of physical harm or death and/or financial exploitation.

43A O.S. § 10-108

Attorney fees are paid as the court orders from the estate of the vulnerable adult if the vulnerable adult is not indigent. If the vulnerable adult is indigent, attorney fees are paid from the court fund.

Costs

The Department of Human Services or other entities as defined in the statutes are responsible for paying protective service costs.

43A O.S. § 10-109
12 O.S. § 66

The court clerk does not charge a fee for filing a petition for protective services by the Department of Human Resources, the district attorney, or other government entities.

Confidential/Expungement

The reports, records, and working papers used or developed in an investigation of the circumstances of a vulnerable adult pursuant to the provisions of the Protective Services for Vulnerable Adults Act are confidential. Records and their contents disclosed pursuant to this section shall remain confidential.

43A O.S. § 10-110(A)(D)

43A O.S. § 10-110(E)

Records of investigation conducted pursuant to the Protective Services for Vulnerable Adults Act shall not be expunged except by court order.

Preparing Report for County Election Board

The court clerk must prepare a report each month of all persons who have been judged incapacitated by court order and send the report to the county election board of their respective county.

26 O.S. § 4-120.5

NOTE:

1. A person must be adjudged incapacitated by court order prior to being placed on the monthly report. The report should include only names of persons adjudged incapacitated by court order.

26 O.S. § 4-120

30 O.S. § 3-113(B)(1)

2. Orders in guardianship cases may address the ward's ability to vote.

3. "Adjudged mentally incapacitated" differs from "referred for mental treatment." Persons referred for mental health treatment should not be included on the report sent to the county election board.

43A O.S. § 10-103(4)(5)

43A O.S. § 1-103(12)

Handling Court Clerk's Responsibilities

[Table 30-1](#) lists the court clerk's tasks for mental health and substance abuse cases.

Table 30-1. Court Clerk's Tasks for Mental Health and Substance Abuse Cases

Task for Mental Health and Substance Abuse Actions	Chapter Reference	Statute Reference
Always ensure the security and confidentiality of all mental health and substance abuse proceedings and documents.	12, 13	43A O.S. § 1-109
Accept documents for filing These documents can include: Petition (Filed without cost) Detention order Appointment of examining commission Appointment of attorney Notice of hearing Examining commission certificate Admission order		12 O.S. § 66 43A O.S. § 5-413(C) 43A O.S. §5-415(E) 43A O.S. § 5-208 43A O.S. § 5-411 43A O.S. § 5-412 43A O.S. § 5-414 43A O.S. § 5-415(E)
Assign case number. Mental Health cases use the prefix MH.	12	12 O.S. § 30 SCAD-2009-101 (Contact AOC for access)
Issue notice for service.	12	12 O.S. § 28
Accept return for service.	12	12 O.S. § 32 12 O.S. § 2005(D)
Establish case file for all documents related to the case.	12	12 O.S. § 22 12 O.S. § 29
Start appearance docket.	12	12 O.S. § 22 12 O.S. § 23
Start appearance docket index.	12	
Start journal record.	12	12 O.S. § 24

Table 30-1. Court Clerk's Tasks for Mental Health and Substance Abuse Cases (Continued)

Task for Mental Health and Substance Abuse Actions	Chapter Reference	Statute Reference
Enter in general index, if appropriate.	12	
Enter hearing dates, times, and places as set by the court on the appropriate documents.	12	12 O.S. § 23
Issue vouchers for payment of attorney fees or examining commission member fees as directed by the court.		20 O.S. § 1304(B)
Perform other civil action tasks as required by the case or the court: File case documents in case file. Record case documents in journal record. Issue case documents such as orders and summons. File information in appropriate dockets as necessary: Minute docket Motion docket Trial docket Ensure minutes are taken and recorded. Issue receipts. Certify documents. Transfer cases.	12, 22	12 O.S. § 31 12 O.S. § 24 12 O.S. § 28 12 O.S. § 22 12 O.S. § 663 43A O.S. § 5-411 28 O.S. § 9 12 O.S. § 38(B) 49 O.S. § 119(5) 49 O.S. § 113(D) 12 O.S. § 140.1

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Chapter Thirty-One

Duties of the Court Clerk:

Small Claims Actions

Understanding Small Claims

The legislature established small claims procedures to provide a speedier and more informal court process for certain civil cases. Parties can file small claims actions to recover a money judgment or property if the value of the money or personal property involved does not exceed Ten Thousand Dollars (\$10,000.00). The following actions may be filed as small claims provided the value of the judgment is not above the small claims limit.

12 O.S. § 1751(A)(1)

- Money Judgments
- Forcible Entry and Detainer -Please refer to Chapter Twenty-Four, “[Duties of the Court Clerk Civil Cases](#)” for more information.

12 O.S. §§ 1751-1773

12 O.S. §§ 1148.1-1148.16

- Replevin - Please refer to Chapter Twenty-Four, “[Duties of the Court Clerk Civil Cases](#)” for more information.

12 O.S. §§ 1571-1585

Parties are not required to have attorneys in small claims actions, but they must comply with the law if representing themselves.

12 O.S. § 1751(A)(1)

The following claims are specifically excluded from small claims procedures:

- Libel suits
- Slander suits
- Claims brought by a collection agency

Attorney’s fees in an uncontested small claims case cannot exceed ten percent of the judgment. Attachment or prejudgment garnishment does not apply to small claims procedures. Upon application to the court, supported by sufficient documentation, the court may award attorney fees not to exceed twenty-five percent (25%) of the judgment.

12 O.S. § 1751(B)(C)
12 O.S. § 1760

A small claims plaintiff can file an action in either of the following three (3) locations

12 O.S. § 1753

1. The county in which the debt was contracted or the note or other indebtedness was given
2. Any county in which venue is otherwise provided by law
3. The county in which the defendant resides

Defining the Case Flow

As a civil action, a small claims procedure progresses through the following steps:

- Affidavit and order filed and appropriate fees collected
- Hearing date and time set
- Counterclaim or setoff filed
- Hearing Held

12 O.S. § 1753

12 O.S. § 1756
12 O.S. § 1758

12 O.S. § 1761

- Jury Trial Held, if requested by defendant in claim of more than Fifteen Hundred Dollars (\$1,500.00) or more. (The defendant must notify the court clerk in writing at least two (2) working days before the date set for the defendant’s appearance and must deposit fees set by the Oklahoma Statutes with the court clerk). 12 O.S. § 1761
- Judgment rendered 12 O.S. § 1762
- Asset hearing held 12 O.S. § 1772(3)(a)
- Garnishments 12 O.S. § 1772(3)(b)
12 O.S. § 1763
- Appeals

Affidavit and Order

The plaintiff or attorney can initiate a small claims case by filing a Small Claims Affidavit and paying the appropriate fees. The affidavit includes an order. Upon receiving the affidavit, the court clerk issues the affidavit and the order following the procedures detailed in [Table 31-1](#) at the end of this chapter. 12 O.S. § 1753

NOTE:

Court clerks can help individuals in completing forms but cannot offer any legal advice. Court clerks should advise individuals to seek the advice of an attorney. 12 O.S. § 1754
5 O.S. § 1

Hearing Date and Time

The court clerk sets the hearing date and time, usually on a docket. The hearing date is no more than sixty (60)-days nor less than ten (10)-days from the date of issue. 12 O.S. § 1754
12 O.S. § 1756

Counterclaim or Setoff

The defendant in a small claims action is not required to formally answer the affidavit but can file a verified answer which provides any new matters which may constitute a counterclaim or setoff. These documents must be filed with the court clerk at least seventy-two (72)-hours prior to the hearing. 12 O.S. § 1758
12 O.S. § 1759

A copy of the counterclaim or setoff must also be delivered, in person, to the plaintiff. If the counterclaim or setoff is for an amount over Ten Thousand Dollars (\$10,000.00), the action is transferred to another district court docket unless both parties agree **in writing** to continue as a small claims action.

Hearing

12 O.S. § 1761

The hearing gives both the plaintiff and the defendant an opportunity to offer their evidence and to have witnesses called. The hearing is conducted in an informal atmosphere and in many cases neither party has an attorney. The court may render a judgment at the end of the hearing, grant a continuance for further testimony, evidence, or argument, or take the case under advisement.

Jury Trial

12 O.S. § 1761

Actions under the small claims procedure shall be tried to the court without a jury, unless the claim, counterclaim, or setoff amount exceeds One Thousand Five Hundred Dollars (\$1,500.00); if either party wants a court reporter or a jury, that party must notify the court clerk at least two working days before the hearing time and must deposit Fifty Dollars (\$50.00) with the court clerk.

For a court reporter or a jury trial, the court clerk must collect the appropriate fees according to the Uniform Fee Schedule.

28 O.S. § 12
28 O.S. § 152.1(A)(9)

Judgments

The court renders a judgment against either party in a small claims action, and that party must pay any award immediately, unless the court orders a delayed payment schedule.

12 O.S. § 1762
12 O.S. § 2005(B)
12 O.S. § 1761

A file-stamped copy of every judgment, decree, or appealable order must be mailed promptly (no later than three days after it is filed) to all parties who are not in default for failure to appear in the action by the counsel for a party who prepared it, or by a person designated by the trial court.

12 O.S. § 696.2(B)

The mailing must be done as prescribed in the Oklahoma Statutes.

12 O.S. § 2005(D)

12 O.S. § 842

If the judgment, decree, or appealable order was prepared by the court, the court may direct a bailiff, court clerk, or other party to mail and certify the service. A certificate of service must be filed with the court clerk.

Hearing on Assets

The court conducts a hearing on assets to determine if a person against whom a judgment has been rendered (judgment debtor) has assets, either money or property, which can be used to satisfy the judgment. A judge, or a referee appointed by the judge, conducts the asset hearing.

Forms for an application and order to appear and answer as to assets and interrogatories to be answered by the debtor shall be supplied by the court clerk on forms created by the Oklahoma Bar Association.

12 O.S. § 1772(1)(b)
12 O.S. § 1772(A)(1)(b)

Application and Order

To conduct an assets hearing, the party to whom the judgment was awarded (judgment creditor) must file an application with the court clerk. The judge of the court in which the judgment was rendered issues an order for the hearing. The order is served on the judgment debtor. Forms for this procedure are provided by AOC on their website.

12 O.S. § 842

Fees

The court clerk charges the judgment creditor the “proceeding after judgment” fees specified in the Uniform Fee Schedule plus fees for serving the papers either by certified mail or personal service. The judgment creditor is also charged court reporter costs if a reporter transcribes the proceedings of the asset hearing.

12 O.S. § 1764
12 O.S. § 1765

Hearing Procedure

At the asset hearing, the judgment creditor or attorney asks the judgment debtor questions concerning the debtor’s assets. If the judgment debtor has assets, the court can order that the debt be paid in installments. The court can also issue a writ of execution to collect judgments.

12 O.S. § 901
12 O.S. § 1772

Interrogatories

Interrogatories, or written questions used to obtain written answers from parties to a legal action, can be used in lieu of a hearing to determine what assets are available to satisfy a judgment. Before judgment creditors can issue interrogatories, they must submit an application and the judge must issue an order. The application, the order, and the interrogatories and answers form must be served on the judgment debtor.

12 O.S. § 1772(3)(a)

12 O.S. § 3233

The party requesting the interrogatories must pay all fees associated with serving the interrogatories. The judgment creditor must file a written answer to the interrogatories within 30 days of receiving them.

Please refer to Chapter Nineteen, “[Duties of the Court Clerk: Post Judgment Procedures](#),” for more information.

Appeals

Parties in small claims actions can appeal judgments in the same manner parties in other civil actions do. Please refer to Chapter Twenty, “[Duties of the Court Clerk: Appeals](#),” for more information on appeals.

12 O.S. § 1763

Transfer of Actions from Small Claims to Other Dockets

On a motion from the defendant, a small claims action can, at the discretion of the court, be transferred from the small claims docket to another docket of the court. The motion must be filed and the defendant must give notice to the opposing party(ies) by mailing a copy of the motion at least 48 hours prior to the time fixed in the order for the defendant to appear or answer. The defendant must also deposit Fifty Dollars (\$50.00) as a court cost.

12 O.S. § 1757

If the court sustains a motion to transfer within 10 days, the defendant as movant must file the order requesting the transfer on a form provided by the AOC (Order Directing Transfer from Small Claims to Civil Docket). Before the transfer is affected, the movant shall deposit, with the court clerk, the court costs that are charged in other civil cases according to the Oklahoma Statutes, minus any sums that have already been paid to the court clerk. The plaintiff files the petition conforming to court standards within twenty (20)-days.

12 O.S. § 1757(C)

12 O.S. § 1757(D)

Handling Court Clerk Responsibilities

After the judgment in a small claims case, ancillary procedures and charges revert to regular civil procedures.

Table 31-1 contains tasks that the court clerk performs in small claims actions including general tasks and record-keeping associated with civil actions, and specific tasks related to small claims actions.

NOTE:

Small claims actions are the only proceedings where the court clerk can assist parties with filing. However, the parties must clearly understand that while the court clerk can provide limited assistance, any legal advice must come from an attorney.

5 O.S. § 1
12 O.S. § 1754

Forcible Entry and Detainer

An action for forcible entry and detainer brought with a claim for recovery of rent, damages to the premises, or a claim arising under the Oklahoma Residential Landlord and Tenant Act, where the total recovery sought, exclusive of attorney's fees and other court costs, does not exceed the jurisdictional amount for the small claims court, shall be placed on the small claims docket of the district court. The court clerk shall help claimant prepare the affidavit, by which the action is commenced, and the summons, and generally assist unrepresented plaintiffs to the same extent that he is now required so to do under the Small Claims Procedure Act.

12 O.S. § 1148.14
12 O.S. § 1148.15
12 O.S. § 1148.16

Effective November 1, 2023, the Administrative Office of the Courts shall provide public access to the affidavit by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

12 O.S. § 1148.15
12 O.S. § 1148.16

Issuing Summons and Service

The summons shall be issued and returned as in other cases, to summon the defendant to appear for trial at the time and place specified therein, which shall be not less than five (5) days nor more than ten (10) days from the date that the summons is issued. The summons shall apprise the defendant of the nature of the claim that is being asserted against him; the relief sought and the amount for which the plaintiff will take judgment if the defendant fails to appear. Pleadings may be amended to conform to the evidence.

12 O.S. § 1148.4

Service shall be at least three (3) days before the day of trial, and the return day shall not be later than the day of trial, and it may also be served by leaving a copy thereof with some person over fifteen (15) years of age, residing on the premises, at least three (3) days before the day of trial. If service cannot be made by the exercise of reasonable diligence on the tenant then other means of service may be used according to the Oklahoma Statutes.

12 O.S. § 1148.5

Fees

Please refer to the [Uniform Oklahoma Fee Schedule](#) provided to the court clerk by the AOC.

12 O.S. § 1148.10

Writ of Execution

If judgment be for plaintiff, the court shall, at the request of the plaintiff, his or her agent or attorney, issue a writ of execution thereon, shall following the wording of the form provided by statute.

Table 31-1. Court Clerk's Tasks for Small Claims Actions

Task for Small Claims Actions	Chapter Reference	Statute Reference
Assign case number Small claims actions use the prefix SC for case numbers.	12	SCAD-2009-101 (Contact AOC for access)
Open case file	12	12 O.S. §§ 29, 30
Enter in appearance docket	12	12 O.S. § 22 12 O.S. § 23
Enter in appearance docket index	12	
Enter in general index, if appropriate	12	
Receive the Affidavit The court clerk receives an affidavit filed (in person or by mail) from the plaintiff or attorney which opens a small claims case. The court clerk can assist the plaintiff in preparing the affidavit but must not offer any legal advice. File the affidavit. Make a true and correct copy of the affidavit and order. <ul style="list-style-type: none"> • Copy for plaintiff • Copy to be served on defendant 	12 O.S. § 1753 12 O.S. § 31 12 O.S. § 1754	
Collect appropriate fees.		28 O.S. § 9 28 O.S. § 12
Issue the Order Complete the order, select a hearing date not more than sixty (60) days from the date of the order, and sign the order. Seek service of the affidavit and order on the defendant at least seven days before the hearing date. Unless the plaintiff requests otherwise, the affidavit and order are served on the defendant by prepaid certified mail with a return receipt requested from the addressee only. Service of Affidavit and order notifies the defendant of the hearing date and orders the defendant to appear at the hearing set for a specific date, time, and place.		12 O.S. § 1756 12 O.S. § 1755 12 O.S. § 2004

Table 31-1. Court Clerk's Tasks for Small Claims Actions (Continued)

Task for Small Claims Actions	Chapter Reference	Statute Reference
<p>File the Service Documents</p> <p>Attach the certified letter receipt and the return card or other evidence of service to the original copy of the affidavit recorded in the action.</p> <p>If the envelope is returned undelivered, and sufficient time remains to serve the documents, do the following:</p> <ol style="list-style-type: none"> 1. Collect the fee. 2. Deliver a copy of the affidavit and order to the county sheriff to serve on the defendant at least seven (7) days prior to the hearing date. <p>If the affidavit and order are not served on the defendant in time for the hearing, the plaintiff is to request for a new order containing a new hearing date and applies to the court clerk. Follow the same procedures as for the initial order.</p>		<p align="right">12 O.S. § 1755</p> <p align="right">12 O.S. § 1756</p>
<p>Statement of Judgment (Small Claims)(AOC Form 27a)</p> <p>A small claims judgment becomes a lien on real property of the judgment debtor only after the Statement of Judgment is filed with the county clerk. When requested, prepare a Statement of Judgment for the judgment creditor who can then take a certified copy to the county clerk to file to establish a lien.</p>		<p align="right">12 O.S. § 1770(A) 12 O.S. § 706</p>

Table 31-1. Court Clerk's Tasks for Small Claims Actions (Continued)

Task for Small Claims Actions	Chapter Reference	Statute Reference
<p>Release Small Claims Lien (Continued)</p> <p>The court clerk can release a small claims lien upon written application by the judgment debtor after the judgment has been satisfied. Listed below are the forms to complete the task.</p> <ul style="list-style-type: none"> • AOC Form 21: Full or Partial Release of Judgment lien(s) by Judgment Creditor (signed by attorney and judgment debtor) • AOC Form 21a: General or Partial Release of Judgment Lien (signed by judge) • AOC Form 21b: Release of Judgment Lien of Appeal (signed by court clerk) <p>Notify the judgment creditor at least ten (10) days before the lien is released. If the judgment creditor does not respond or object to the lien release within ten (10) days after the notice is mailed, enter the release of the lien on the appearance docket.</p> <p>No court hearing is required unless requested by one of the parties to the action.</p> <p>Collect all appropriate court fees and other costs from the party who files the application for lien release.</p> <p>If requested, prepare a Certificate of Release (AOC Form . 25) for the judgment debtor to file with the county clerk to release the lien.</p>		<p align="right">12 O.S. § 1770(B)</p> <p align="right">12 O.S. § 706(E) 12 O.S. § 706.2</p> <p align="right">12 O.S. § 1770(B)</p> <p align="right">12 O.S. § 1770(C)</p>

Table 31-1. Court Clerk's Tasks for Small Claims Actions (Continued)

Task for Small Claims Actions	Chapter Reference	Statute Reference
Perform other civil action tasks as required by the case or the court: File case documents in case file Record case documents in journal record Issue case documents such as orders and summons File information on appropriate dockets as necessary Minute docket Motion docket Trial docket Ensure minutes are taken of all court proceedings and recorded on the appropriate files. Perform other civil action tasks as required by the case or the court: Issue receipts Certify documents Transfer small claims cases	12	12 O.S. § 31 12 O.S. § 24 12 O.S. § 28 12 O.S. § 23 12 O.S. Chapter 2, Appendix Rule 4 12 O.S. § 22 12 O.S. § 663 12 O.S. § 23 12 O.S. § 860 28 O.S. § 9 12 O.S. § 38(B) 12 O.S. § 1757

Chapter Thirty-Two

Duties of the Court Clerk: Probate Cases

Understanding Probate Cases

Probate cases are civil cases and can include the following case types:

- Estate administration including wills, succession, and abandoned or unclaimed property
- Guardianship
- Conservatorship

Probate cases can sometimes become long and involved legal battles with an almost unlimited number of possible procedural variations. This chapter includes basic information for processing standard probate cases and explains the court clerk's role and responsibilities in this process. Chapter Twenty-Four, "[Duties of the Court Clerk: Civil Cases](#)," also applies to probate cases.

The statutes allow hearings regarding probate cases to be heard in the judge’s chambers. Any actions taken by a judge in chambers while performing in a judicial capacity are as valid as those taken in open court. The use of videoconferencing technology in the district courts is hereby authorized in all stages of civil proceedings and shall be governed by the Rules for District Courts of Oklahoma.

30 O.S. § 1-116
20 O.S. § 130

Handling Estate Administration Cases

Will Deposit and Storage

Any person over eighteen (18) can prepare a will subject to the conditions described in the statutes.

84 O.S. § 41(A)

Any district court judge must accept any will presented to the court for deposit by a testator (a person who makes and executes a will). Before delivering the will to the court clerk, the testator or attorney should place the will in a sealed wrapper so that it cannot be read and include the following information on the wrapper:

84 O.S. § 81

- Testator’s name
- Testator’s residence
- Deposit date
- A will deposited for storage must be delivered only to
 - The testator in person
 - Upon the testator’s written order, duly proved by the oath of a subscribing witness
 - After the testator’s death, to the person, if any, named in the endorsement on the wrapper of the will; or,
 - If there is no endorsement, and if the will was not deposited with the judge of the district court having jurisdiction of its probate, then it should be delivered to the judge of the district court who has jurisdiction.

84 O.S. § 82

28 O.S. § 31

The court clerk then performs specific tasks:

- Open a new case (WIL-Year-Number)

28 O.S. § 31

For access to the directive establishing this standard (SCAD-2009-101), contact the AOC.

28 O.S. § 31

- Issue a receipt for will storage (if fee is reinstated; fee required up to 11/1/2004)
- Enter the following information:
 - Testator's name
 - Date will was received for deposit
 - Person's name who presented the will (if different from the testator)
 - Any person's name who is permitted to receive the will after the testator's death
- Place the will in a vault or other secure location

The wrapper containing the will must not be opened until delivered as prescribed in the Oklahoma Statutes.

84 O.S. § 81

84 O.S. § 82

The court clerk then releases the will from storage.

- To the testator in person
- Upon the testator's written order, duly proved by the oath of a subscribing witness
- After the testator's death, to the person, if any, named in the endorsement on the wrapper of the will
- If there is no such endorsement, and if the will was not deposited with the judge of the district court having jurisdiction of its probate, then to the judge of the district court who has jurisdiction.
 - If a will is deposited with, or delivered to, a district court, that district court judge must, after the testator's death, publicly open and examine the will. The judge then files it in the judge's office until the will is duly proved or it is delivered to the judge of the district court that has probate jurisdiction of the will.

84 O.S. § 82(A)(1)

84 O.S. § 82(A)(2)

84 O.S. § 82(A)(3)

84 O.S. § 82(A)(4)

84 O.S. § 83

Will Probate

Anyone who has custody of a will must present that will to the district court or the executor within thirty days of notice that the testator has died.

58 O.S. § 21

NOTE:

The court clerk is responsible for the safe preservation of all original wills presented to the district court. No original will can be removed from the courthouse without a court order. The court clerk should file a copy of the original will in the case file and keep the original will in a vault or other secure location.

58 O.S. § 24.1

84 O.S. § 83

Petition

Admitting a will to probate is initiated by filing a petition, in writing, with the court clerk. The petition must be signed by the petitioner or attorney and must include specific facts about the case as outlined in the Oklahoma Statutes. The original will should accompany the petition. If the petitioner does not have possession of the will, the court can ask for an order requiring the person who does have the will to produce it.

58 O.S. § 23

58 O.S. § 21

58 O.S. § 24

Notice of Hearing

When a petition for probate of a will is filed, the court must fix a date to hear the petition, not less than ten (10) days and not more than thirty (30) days from the date the petition is filed.

58 O.S. § 25

The court clerk or the attorney for the petitioner must mail notice to all heirs, legatees, and devisees as detailed in the statutes at least ten (10) days prior to the hearing. The attorney must then provide proof by affidavit of the notice mailing at the hearing.

58 O.S. § 26

58 O.S. § 34

A notice of the hearing must be published in one (1) issue of a newspaper at least ten (10) days prior to the hearing and an affidavit of publication must be filed with the court clerk if the name or address of any of the heirs, legatees, and devisees of the testator are not known.

58 O.S. § 25

58 O.S. § 240

Hearing

58 O.S. § 44

The purpose of the hearing is to determine the validity of the will, determine the heirs, devisees, and legatees, and appoint an executor or administrator of the estate. The hearing is not meant to establish who is entitled to receive assets or property from the estate.

The court must ensure that testimony from the hearing is recorded using one of the methods described in the statutes and that all documents are filed with the court clerk's office.

58 O.S. § 42

At the hearing the court issues an order either admitting or refusing to admit the will to probate. The judgment and the will must be recorded where the will is admitted to probate. The court order usually appoints a personal representative to administer the estate and specifies the amount of bond, if any, to be executed by the representative. After the court has approved the bond, the court clerk must record it.

58 O.S. § 176

NOTE:

The chief judge in the county may by judicial order provide that such order or notice may be signed by the court clerk or a deputy affixing their signature beneath the place where the judge's name appears followed with the word "by:" and then followed with the signing officer's title.

58 O.S. § 716

Letters Testamentary and Letters of Administration

The court must issue letters to the executor or administrator authorizing the transaction of the business of the estate. Letters testamentary must be prepared according to the Oklahoma Statutes and are issued to a person named in the will who is appointed executor. Letters of Administration are issued to the court-appointed administrator in the case of a death intestate. Before the court can issue any letters, the executor or administrator must take an oath to perform the required duties according to the law and post the bond or waiver of bond. The oath is attached to the letters, and the court clerk must record all letters in the case.

58 O.S. § 110

58 O.S. § 111

58 O.S. § 121

Court-Appointed Attorney

The court may, in its discretion, appoint some competent attorney-at-law to represent in all such proceedings the devisees, legatees, heirs, or creditors of the decedent, who are minors

58 O.S. § 710

and have no general guardian in the county, or who are nonresidents of the state, and those interested, who, though they are neither such minors or nonresidents, are unrepresented. The order must specify the names of the parties for whom the attorney is appointed, who is thereby authorized to represent such parties in all such proceedings had subsequent to his appointment. The attorney may receive a fee to be fixed by the court for his services, which must be paid out of the funds of the estate as necessary expenses of administration, and upon distribution may be charged to the party represented by the attorney.

Court Clerk Record of Proceedings

The court clerk shall, when requested by any interested party or his attorney, be required to record all petitions for probate of wills or for the appointment of administrators, all notices, proofs of publication or of mailing or posting, all orders in connection with said proceedings and all other papers from the filing of the petition aforesaid to the appointment and qualification of any executor or executors, or administrator or administrators, as well as notices to creditors, with proof of publication and proof of posting and estate tax receipts or exemption certificates.

58 O.S. § 718.1-718.4

All orders and decrees of the court or judge must be entered at length in the minute book, and upon the close of each regular or special term, the judge must sign the same.

58 O.S. § 701

Petition for Administration in Death Intestate

The court must grant administration of a person's estate who dies intestate (without leaving a will) to specific persons defined in the statutes.

58 O.S. § 122

Petitions for letters of administration must be in writing and signed by the applicant or counsel.

58 O.S. § 127

The court clerk's responsibilities for mailing and publishing a notice of the hearing are the same as for probate of a will. The procedures for handling an intestate administration are the same as for a probate of a will.

58 O.S. § 128

Contest of a Will

Before Admission to Probate

Any person can contest a will by filing written grounds of objection to its probate with the court clerk. The objector must provide a copy of the objection to the petitioner and other interested parties of the estate.

58 O.S. § 41

After Admission to Probate

Any person interested in the estate can contest a will within three months from the date the will was admitted to probate. This objection is a sworn petition filed with the court clerk, which alleges that certain evidence has been discovered since the probate of the will. The petition and any documents must be served on the executor of the will and to all heirs, legatees, and devisees.

58 O.S. § 61

Notice must be issued to the executor, any heirs, legatees, and devisees, which require them to appear in court on a specified day to show cause why the will should not be revoked. These notices are served in the same way as a summons in a civil action. Refer to Chapter Twenty-Four, “[Duties of the Court Clerk: Civil Cases](#)” for details.

58 O.S. § 62
12 O.S. § 2004

Show Cause Hearing

At the show cause hearing, the court may decide that the original will is valid and remains in probate or the court may annul and revoke the original probate because the original will is invalid or not proved to be the last will. If a new will is valid, the court may admit it to probate in the same manner as the original will. If the original will is revoked, the duties of the original personal representative must cease unless named as personal representative under the succeeding will.

58 O.S. § 64
58 O.S. § 65

If the original will is confirmed and remains in probate, the fees and expenses must be paid by the party contesting the original will. If the original will is revoked, the party resisting revocation pays the costs or they are deducted from the estate, as the court directs.

58 O.S. § 66

The court clerk's actions and responsibilities for a show cause hearing are basically the same as for the original hearing.

Contest of Petition for Letters of Administration

58 O.S. § 127
58 O.S. § 128

Petitions for a Letter of Administration can be filed with the judge by the applicants or their counsel. These petitions must be in writing and provide certain facts as stated in the statutes. Notice of the petition hearing is handled in the same way as for a probate hearing.

58 O.S. § 129

Any interested person can contest a petition for Letters of Administration by filing opposition on the grounds of incompetency of the applicant. At any time within thirty (30) days after appointment of an administrator, a person can file a petition of objection, assert his or her own rights to be the administrator, and ask for Letters to be issued to him or her. The court sets a hearing date and the contestant mails notice of contest at least five (5) days before the hearing to the known heirs and the original petitioner or administrator.

At the hearing, the original letters of administration may be upheld, or revoked and replaced by letters of administration to another person. The court clerk's duties and responsibilities are essentially the same as for the original hearing.

58 O.S. § 130

Duties of Executors and Administrators

Personal representatives have certain tasks, powers, and limitations as specified by the statutes. This chapter attempts to cover only a few of these items, particularly those that relate to the court clerk. In each of the actions described below, the court clerk must file or record all pertinent documents in the case.

Notice to Creditors

Within two (2) months after letters are issued, personal representatives must give notice to the creditors of the deceased to present their claims at a specified location. The representatives must mail the notice to all known creditors and the notice must be published in a county newspaper once a week for two (2) consecutive weeks. The representatives must file copies of the notice along with an affidavit of mailing and publication with the court clerk.

58 O.S. § 331

58 O.S. § 332

Suit on Rejected Claim

When a creditor's claim is rejected, either by the executor, administrator, or the judge, the holder can bring suit as an ancillary proceeding in the probate case or as an independent

58 O.S. § 339

action, according to its amount, against the executor or administrator. Any proceeding or action must be filed within forty-five (45) days after the date the claim was rejected, or within two (2) months after it becomes due, otherwise the claim is forever barred.

Inventory and Appraisal of Estate

Unless otherwise ordered by the court, the personal representative must make an inventory and appraisal of the decedent's estate within two (2) months from the date of the personal representative's appointment. The court must appoint three (3) disinterested persons. Two (2) of them must serve as appraisers. After subscribing to an oath, the appraisers appraise all of the decedent's estate. The appraisers and the personal representative sign the inventory, under oath.

58 O.S. § 281
58 O.S. § 282
58 O.S. § 283
58 O.S. § 287

One Year Report

All personal representatives must make a full account and a report of their administrations at the end of one year after their appointments.

58 O.S. § 234(C)

Tax Release

Before the final settlement and distribution of the estate can occur, the court must be satisfied that all taxes have been paid or that satisfactory payment arrangements have been made. To satisfy this requirement, the personal representative can file documents such as a waiver or release from the Oklahoma Tax Commission or declare under oath that all taxes have been paid.

58 O.S. § 635

Final Settlement

The personal representative can file a petition for final account and determination of heirship when certain conditions have been met. In practice, the petition is normally filed by the petitioner's attorney along with an order for hearing and notice of hearing. The case must be set for hearing not less than twenty (20) days after the petition is filed.

58 O.S. §§ 611-613
58 O.S. § 553

Notice of a final hearing must be sent to all heirs, legatees, and devisees at least ten (10) days prior to the hearing. A notice must also be published once a week for two (2) consecutive weeks in a county newspaper.

58 O.S. § 553

58 O.S. § 631

At the hearing, the court examines all details of the case, and if appropriate, orders the final decree and the distribution of the estate’s residue, and discharges the executor or administrator.

Distribution and Settlement of Estates: Minors Without Guardians, Unknown Heirs, Whereabouts Unknown, Heirs Refusing to Accept

The personal representative may be ordered to deposit unclaimed monies in trust with the court clerk until they are received by a qualified person. The court clerk must deposit and handle these monies as directed by the Oklahoma Statutes and the court order. A recommended practice is to read the Oklahoma statute and the court order for directions on how to handle the deposit with the county treasurer.

Appeals

A probate appeal may be taken from judgments or orders of the district court as set out in the Oklahoma Statutes. Appeals in probate cases are processed in the same way as for any civil case. Please refer to Chapter Twenty, “[Duties of the Court Clerk: Appeals.](#)”

58 O.S. § 724
58 O.S. § 721

Will or Trust Disclaimer

A beneficiary under a trust or a devisee under a will may disclaim any interest in a trust or estate by filing a disclaimer with the court clerk in the county of venue.

84 O.S. § 25

The court clerk can file disclaimers on a miscellaneous docket after collecting the proper fees.

60 O.S. §§ 751-759
28 O.S. § 31

Judicial Proceeding for Record of Birth

Any citizen of the United States who has resided in this state for not less than ten (10) years, the last three (3) of which must have been continuous within this state and the last one (1) of which must have been continuous within the county of his application, the birth of whom has not been recorded by the State Commissioner of Health, or his predecessor, may petition the district court of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. This applicant may appear before a judge of the district court in the county of which the applicant is a resident and file a verified petition in writing, which petition shall state the time and place of birth and parentage and such other facts as are deemed pertinent. The

63 O.S. § 1-315(a)

petition shall be filed in the office of the court clerk and given a number in the probate files.

63 O.S. § 1-315(b)

The judge of the district court shall be satisfied with the proof offered, shall make and enter an order establishing the time and place of birth, the age and the parentage of the applicant, which order shall be final and conclusive of all the facts therein adjudged. A certified copy of the order shall be filed in the office of the State Commissioner of Health, and a certified copy thereof shall be issued by the commissioner in the same manner as certificates of birth.

Judicial Record of Death

If a death certificate is required to settle a property or financial interest for a person who has allegedly died in this state twenty-five (25) years ago or longer, and the statutory requirements have been met, for the filing of a delayed death certificate cannot be met; then a verified petition may be filed with the district court of the county where the death allegedly occurred for an order establishing a judicial record of death.

63 O.S. § 1-315.1(A)

The verified petition shall contain the following:

- The full legal name of the person who is allegedly deceased
- The date and place of birth of the decedent
- The age of the decedent
- The date and place of the death of the decedent
- The property or financial interest to be resolved

63 O.S. § 1-315.1(B)

Upon the filing of the verified petition, the office of the court clerk of the county where the petition is filed shall give the petition a number in the probate files of the county. Notice of the verified petition shall be made upon the State Department of Health and published once in a newspaper of general circulation in the county where the petition is filed.

63 O.S. § 1-315.1(C)

The court order shall be final and conclusive of all the facts therein adjudged.

A certified copy of the order shall be filed with the State Department of Health, and a certified copy shall be issued by the State Department of Health in the same manner as certificates of death. Issuance of the order filed with the State Department of Health

63 O.S. § 1-315.1(D)
63 O.S. § 1-315.1(E)(F)

pursuant to the Oklahoma Statutes shall satisfy any and all requirements set forth in any Oklahoma Statute requiring a death certificate or order of any court requiring the issuance of a death certificate.

Handling Estate Administration Special Procedures

Joint Tenancy Termination

Judicial Determination

Following the death of a person who is a life tenant or joint tenant in real property, a surviving person who has interest in the property can file an Affidavit of Surviving Joint Tenant with the court clerk for termination of the tenancy. The affidavit (AOC Form) must contain specific information as listed in the statutes. The court clerk collects the appropriate fees per the Uniform Fee Schedule.

58 O.S. § 911
16 O.S. Chapter 1, Appendix
Section 8.1

After the affidavit is filed, the court must order a hearing date not less than ten (10) days from the date of the order. Notice must be given to all heirs, legatees, and devisees, and other interested persons of the affidavit and the hearing. The notice must contain the following information:

58 O.S. § 911

- A statement that the affidavit was filed
- A statement that an order setting a hearing was made
- The date, hour, and place of the hearing
- A description of the real estate involved

This notice is usually prepared by the petitioner's attorney and issued by the court clerk.

58 O.S. § 911

A notice of the petition and hearing must also be published in one issue of a county newspaper at least ten (10) days before the hearing date and an affidavit of publication filed with the court clerk.

The court may require a waiver or release of the estate tax lien by the Oklahoma Tax Commission before judicial termination of the joint tenancy or life estate.

58 O.S. § 912(C)(3)

At the hearing, the court decrees, if appropriate, the termination of the life estate or joint tenancy. A certified copy of the decree must be filed in the county clerk's office in the county where the property is located.

Without Judicial Determination

A surviving tenant of a joint tenancy (with right of survivorship) or remainderman of a life estate to real property, which is held by husband and wife, can file documents with the county clerk for termination of the joint tenancy or life estate. If certain conditions are satisfied, the filing terminates the joint tenancy. The court clerk is not involved in this process.

58 O.S. § 912(C)(1)

Summary Administration of Small Estates

If the value of an entire estate does not exceed One Hundred Fifty Thousand Dollars (\$150,000.00), and the personal representative makes an application, the court can dispense with regular proceedings as directed by the statutes. The court clerk's actions and responsibilities are the same as for a standard estate administration case.

58 O.S. § 241

Probate of Will by Surviving Spouse

A surviving spouse of an Oklahoma resident can petition to probate a will following the procedures outlined in the statutes providing that the following conditions are met:

58 O.S. § 1102
58 O.S. §§ 1101-1106

- The deceased leaves a surviving spouse.
- The deceased leaves a will which gives all of the estate to the surviving spouse.
- The deceased names the surviving spouse as executor.

The procedures for the probate of a will by a surviving spouse are slightly different and somewhat simpler than for a standard estate administration case, but the court clerk's duties and responsibilities are the same.

58 O.S. § 911
58 O.S. § 1106

Court Clerk's Responsibilities in Estate Administration Cases

Table 32-1 lists the court clerk's general duties and responsibilities for estate administration cases.

Table 32-1. Court Clerk's Tasks for Estate Administration Cases

Task for Estate Administration	Chapter Reference	Statute Reference
Accept petitions and other documents presented for safekeeping and for probate. In a probate, accept petition and original will for probate and ensure the safe preservation of the original will.		58 O.S. § 23 58 O.S. § 24 58 O.S. § 24.1 58 O.S. § 1102
Assign case number Probate cases use the prefix PB.	12	12 O.S. § 22 12 O.S. § 29
Establish case file for all documents related to the case	12	12 O.S. § 30
Start appearance docket	12, 18	12 O.S. § 22 12 O.S. § 23
Start appearance docket index	12, 18	
Start journal record		12 O.S. § 24
Enter in general index, if appropriate	12, 18	
Enter hearing dates, times, and places as set by the court on the hearing order and the hearing notice and other appropriate documents.		12 O.S. § 32.1 58 O.S. § 25 58 O.S. § 716
File proof of notice and affidavit of publication in case file.		58 O.S. § 332 58 O.S. § 34 58 O.S. § 702
Ensure that minutes are kept and recorded for all hearings and transactions. Ensure that all related documents, including letters, oaths, bonds, and judgments from the hearing are filed and recorded on the appropriate records.		58 O.S. § 44 58 O.S. § 701 58 O.S. § 718.1 58 O.S. § 718.3
Collect and deposit any unclaimed monies from estate settlements. Perform other civil action tasks as required by the case or the court. File case documents in case file Record case documents in journal record Issue court-ordered documents such as orders and summons Issue notices when required Collect and deposit any fees Issue receipts and certify documents	12, 18, 24	58 O.S. § 693 12 O.S. § 31 12 O.S. § 24 12 O.S. § 28 12 O.S. § 2005 28 O.S. § 12 28 O.S. § 9 12 O.S. § 38(B)

Handling Unclaimed Property from Estate Administration Cases

Intangible property that is held by the court and which remains unclaimed by the owner for more than one (1) year after becoming payable or distributable is presumed to be abandoned.

60 O.S. § 657

The court clerk must report all abandoned property to the State Treasurer and include all of the information listed in the statute. Please refer to Chapter Fourteen, “[Duties of the Court Clerk: Reports](#),” for more information on the Unclaimed Property Report.

60 O.S. § 661

Handling Guardianship and Conservatorship Cases

The purpose of the Oklahoma Guardianship and Conservatorship Act is to protect the welfare of all state citizens and to protect the financial resources and the physical well-being of minors, partially incapacitated, and incapacitated persons.

30 O.S. § 1-103

The court that grants a guardianship or conservatorship appointment has exclusive jurisdiction over that guardian or conservator and has specific powers as described in the statutes. The law requires the court to review each guardianship and conservatorship case. Each district’s chief judge must establish a system for performing the following activities:

30 O.S. § 1-114(A)(B)

- Filing guardianship and conservatorship cases and records which distinguish them from probate cases
- Monitoring the filing of the required annual reports and inventories to ensure court notification whether or not they have been filed

30 O.S. § 1-114(C)

NOTE:

Per the statutes, the Oklahoma Bar Association has prepared a Guardianship and Conservatorship Handbook and the Administrative Office of the Courts shall provide distribution to the district courts through a link on OSCN.

30 O.S. § 1-124

A good practice is to verify that the handbook, manual, or forms and directions are the latest version of the documents.

30 O.S. § 1-111

30 O.S. § 1-122

NOTE:

Confidential information filed with or submitted to the court concerning any guardianship or conservatorship case is not a public record and must be sealed by the court. Access to any confidential information must be strictly controlled. Please

refer to the statutes and Chapter Thirteen, “[Duties of the Court Clerk: Record Access and Disposition.](#)”

Guardianship and Conservatorship Cases for Minors

The court can appoint guardians for minors or for their estates, usually following the nomination of a guardian by a will or other written instrument. Minors who are at least fourteen (14) years old can nominate (not appoint) their own guardians.

30 O.S. § 2-101
30 O.S. § 2-102
30 O.S. § 2-103
30 O.S. § 2-104

When a petition for guardianship is filed with the court, the court sets a hearing date and mails a notice of hearing to the minor or to the minor’s parents or other appropriate adult relatives. The notice of hearing must be mailed at least ten days prior to the petition hearing.

30 O.S. § 2-101(D)(E)

Minor Entering Armed Forces

No costs shall be required by the court clerk in any guardianship proceeding where the proceeding is for the purpose of appointing a guardian to approve or authorize the ward to enter the armed forces of the United States. Guardianship of a minor over the age of seventeen (17) years, where there shall be attached to the petition for the appointment of guardian an affidavit that the minor has applied for enlistment in the armed forces of the United States and that the sole purpose of the proceeding is to secure legal permission for that enlistment.

30 O.S. § 4-404(A)
28 O.S. § 31.1

Guardianship and Conservatorship Cases for Adults

A petition can be filed to appoint a guardian for an adult person who is believed to be incapacitated or partially incapacitated. This petition must be verified and must contain specific information as detailed in the statutes.

30 O.S. § 3-101

When a petition for guardianship is filed with the court, the court sets a hearing date and serves a notice of hearing, in person, to the subject of the proceeding. A notice of hearing should be mailed to other persons entitled to notice of a hearing on the original petition. The notice of hearing must be mailed at least ten days prior to the petition hearing.

30 O.S. § 3-110

Content of Court Findings of Order Appointing Guardians

In establishing the specific limitations on the legal activities of a ward for whom a limited guardian of the person is appointed, the court shall make specific determinations regarding the capacity of the subject of the proceeding, including, but not limited to, determining

30 O.S. § 3-113(B)(1)
26 O.S. § 4-120.5

whether the ward retains sufficient capacity to vote. The court clerk would include a ward if court ordered on the report to the election board. Please refer to Chapter Fourteen, “[Duties of the Court Clerk: Reports](#),” for more information on report to election board.

Cost for Relative Guardianship

The clerk of the district court in which an application for a relative guardianship is filed shall collect court costs as set per the Oklahoma Statutes (relative guardianship entails the transfer of the care and custody of a child to an adult relative of the child within the third degree of consanguinity).

30 O.S. § 4-404(C)

Court Clerk’s Responsibilities

The court clerk must properly maintain the original pleadings filed in the action and confirm that the parties (and other individuals entitled to notice) are notified of the proceedings according to law.

12 O.S. § 29
12 O.S. § 28
12 O.S. § 24

The court clerk must ensure that all hearing minutes are kept and recorded in the appropriate case files and that all petitions and other related documents, including bonds, are recorded in the appropriate case files.

12 O.S. § 32.1
12 O.S. § 23
58 O.S. § 701

Courtney Smith Act

A guardian who has general guardianship and who has obtained an order by a court for inpatient mental health treatment for the ward may apply for an order requiring either municipal or county officials to retrieve, only if in an unsheltered environment, and deliver the gravely disabled ward to an inpatient treatment facility.

30 O.S. § 31

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Chapter Thirty-Three

Duties of the Court Clerk: Drug Court and Mental Health Court Program

In 1997, the Oklahoma legislature passed the “Oklahoma Drug Court Act,” which authorizes district courts in Oklahoma to establish a drug court program, subject to availability of funds.

22 O.S. § 471-471.11
22 O.S. § 471.1(B)
22 O.S. § 472

NOTE:

The court clerks are urged to study the statutes, consult with their district judge(s), their district attorney, and the Administrative Office of the Courts (AOC) regarding the rules and procedures for establishing such a program.

The following information is a general overview of some of the major considerations regarding drug courts.

Establishing a Drug Court Program

22 O.S. § 471.1(F)

The court may request assistance from the Department of Mental Health and Substance Abuse Services, which is the primary agency to assist in developing and implementing a drug court program.

A district court can establish a juvenile drug court program to treat alleged and adjudicated juveniles who have a history of substance abuse providing the program follows all guidelines of the Oklahoma Juvenile Code.

22 O.S. § 471.1(C)

10A O.S. § 2-2-505

Each county may set up drug courts, and they may establish the following drug courts individually or in combination.

Effective August 26, 2022, Senate Bill 1548 amends 22 O.S. § 471.1(B).

10A O.S. § 2-2-505

22 O.S. § 471.1(C)

22 O.S. § 471.1(J)

- Juvenile Drug Court
- Felony Drug Court
- Misdemeanor Drug Court
- Family Drug Court
- Anna McBride Act

10A O.S. § 1-4-712

22 O.S. § 472

Restrictions

Eligible offenses may be restricted by the rules of the specific drug court program. Oklahoma drug courts shall not be required to consider every offender with a treatable condition or addiction even if the controlling offense is eligible for consideration in the program. Traditional prosecution shall be required where an offender is determined not appropriate for the drug court program. Each drug court program shall apply recognized best practices as set out in the statute.

22 O.S. § 471.1(C)(G)

Drug Court Teams

Drug courts requiring a separate judicial processing system differ in practice and design from the traditional prosecution and trial systems. The drug court team shall consist of a judge to preside over the drug court judicial process, a district attorney, a defense attorney, a drug court coordinator, and other persons designated by the drug court team.

22 O.S. § 471.1(D)

Program Administrators

The chief judge of the judicial district must designate one or more judges to preside over the drug court program. If the district has more than one chief judge, the presiding judge of the administrative judicial district must designate the judge(s) to preside over the program.

22 O.S. § 471.1(D)

22 O.S. § 471.1(E)

20 O.S. § 91.2(B)

Docket and Case Files

Whenever a district court establishes a drug court program, the judge presiding over the program must establish a drug court docket. In the cases assigned to the drug court docket, the judge determines what information or pleadings are to be maintained in a confidential case file that must be closed to public inspection. The originating criminal case file must remain open to public inspection.

22 O.S. § 471.1(D)(E)
20 O.S. § 91.2(B)

Any criminal case that has been filed and processed in the traditional manner must be cross-referenced to a drug court case file by the court clerk. The originating criminal case file must remain open to public inspection. The judge determines what information or pleadings are to be maintained in a confidential case file that must be closed to public inspection.

22 O.S. § 471.1(E)

Fees and Costs

The drug court judge must order the offender to pay court costs, treatment costs, drug testing costs, and a program user fee not to exceed Twenty Dollars (\$20.00) per month and necessary supervision fees, unless the offender is indigent. The drug court judge shall establish a schedule for the payment of costs and fees.

22 O.S. § 471.6(H)

The court clerk shall collect all other costs and fees ordered and deposit the costs and fees with the county treasurer in a drug court fund. The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the court's order for payment.

User fees shall be set by the drug court judge within the maximum amount authorized by the Oklahoma Statutes and payable directly to the court clerk for the benefit and administration of the drug court program. The court clerk shall collect all other costs and fees ordered. The remaining user fees shall be remitted to the State Treasurer by the court clerk for the deposit in the Department of Mental Health and Substance Abuse Services' Drug Abuse Education and Treatment Revolving Fund.

22 O.S. § 471.1(l)

All funds received by a drug court shall be credited to and accounted for in the county treasurer's office in a special cash fund to be known as the drug court fund. Each drug court fund shall be a continuing fund and shall be dedicated to the operation of the drug court as authorized by law. The expenditures of any funds received by a drug court program and deposited with the county treasurer shall be made only upon sworn itemized claims approved by the county clerk, filed with the county treasurer, and paid by cash voucher drawn by the county treasurer from the funds.

Driving Privileges of the Offender

22 O.S. § 471.6(l)

If the driving privileges of the offender have been suspended, revoked, canceled, or denied by Service Oklahoma, and the drug court judge determines that no other means of transportation for the offender is available, the drug court judge may enter a written order requiring Service Oklahoma to stay any actions against the driving privileges of the offender.

Disposition of a Drug Court Case and the Criminal Case

A copy of the final disposition order for the drug court case shall also be filed in the original criminal case file under the control of the court clerk, which is open to the public for inspection. Original criminal case files that are under the control of the court clerk and are subsequently assigned to the drug court program shall be marked with a pending notation until a final disposition order is entered in the drug court case.

22 O.S. § 471.9(B)

After an offender completes the program, the drug court case file shall be sealed by the judge and may be destroyed after ten (10) years. The district attorney shall have access to sealed drug court case files without a court order.

The drug court judge shall have the discretion to expressly waive all or part of the court costs and fees, driver's license reinstatement fees, if applicable, and fines associated with the criminal case upon successful completion of the drug court program.

22 O.S. § 471.9(E)

When an offender has successfully completed the drug court program, the criminal case against the offender shall be the order of the court either dismissed or the sentence deferred for a period not to exceed two (2) years if the offense was a first felony offense. If the offender has a prior felony conviction, the disposition shall be as specified in the written plea agreement.

22 O.S. § 471.9(A)

Establishment of Deferred Prosecution Programs

Any programs established after July 1, 1997, or in existence on July 1, 1997, may be known as a drug court program; provided, the program is not contrary to public interest or provisions of law. Any drug court program established and in existence prior to July 1, 1997, which is not limited to treatment programs in support of deferred prosecution programs, shall be considered a drug court program, for all purposes of the Oklahoma Drug Court Act.

22 O.S. § 471.11

The Anna McBride Act

Establishing a Mental Health Court Program

Any district or municipal court in Oklahoma may establish a mental health court program pursuant to the provision of the Oklahoma Statutes, subject to the availability of funds. The court may request assistance from the Department of Mental Health and Substance Abuse Services, which shall be the primary agency to assist in developing and implementing a mental health court program.

22 O.S. § 472(B)
22 O.S. § 472(C)

Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a mental health court case file by the court clerk if the case is subsequently assigned to a mental health court program. The originating criminal case file shall remain open to public inspection. The court shall determine what information or pleadings are to be retained in the mental health court case file, which shall be closed to public inspection.

22 O.S. § 472(G)

Appendix A

Using the Oklahoma Statutes

NOTE:

For any questions on how to interpret an Oklahoma Statute or law, the district attorneys or their assistants shall give opinions and advice to the board of county commissioners and other officers of the counties in their districts, when requested, upon all matters in which any of the counties of their districts are interested or relating to the duties of such boards or officers in which the state or counties may have an interest.

This appendix is meant only as a guideline for accessing and using the Oklahoma Statutes.

The Oklahoma Statutes Online

The Oklahoma Statutes can be accessed online through the [Oklahoma Supreme Court Network \(OSCN\)](#). Once the site comes up, click on the navy-blue bar at the top of the page that says “Legal Research,” then click on “[Statutes](#).” When the list of statute titles appears, click on “expand” at the right-hand side of the title listing. After the title sections appear, click on the section needed. These copies of the statutes have all

the information found in the statute books plus historical information and court case data. They are updated once each year in August.

On the OSCN website, new Oklahoma Statutes and statute changes and the session laws are added each year in August following that year's legislative session. The Oklahoma Session Laws, plus other items of interest to county officers such as, the Oklahoma Constitution, and Oklahoma Attorney General Opinions are also listed under the "Oklahoma Legal Materials" heading on the OSCN website.

Searching the Oklahoma Statutes Databases

The OSCN supports two types of search requests:

- A natural language search is any sequence of text, like a sentence or a question. After a natural language search, the OSCN sorts documents by their relevance to the search request.
- A Boolean search request consists of a group of words or phrases linked by connectors such as *and* and *or* that indicate the relationship between them.

A database code appears in green, and the word "Search" appears in blue after the heading "Statutes" on the list of Titles page and after each Title listed on that page. It also appears after the Title number and name on the Title pages.

Clicking on the blue word "Search" starts a "Quick Search" for the complete list of titles, or a particular title or section, depending on where the search was initiated. After typing in the search words or phrases, such as "county officers and training," clicking on "Go" in the grey box will bring up a list of Oklahoma Statute titles related to that search such as the following example:

Certain County Officials to Participate in Training Programs and Educational Seminars - Expenses

Database: *Oklahoma Statutes Citationized, Title 19. Counties and County Officers*

Statute Citation: 19 O.S. § 130.7

Chapter 6 - Officers

Effective: 04/20/2015

Relevancy (Number of Hits):10

[Retrieve Hit Highlighted Document](#) [Citationize](#) [Retrieve Document \(No Highlights\)](#)

Click on the blue line "[Retrieve Hit Highlighted Document](#)" to access that Oklahoma Statute.

Clicking on the word "Search" on the "Quick Search" page will bring up a "Simple Query" page for a more in-depth search.

Clicking on the words “Advanced Search” on the “Quick Search” page will bring up an “Advanced Query Editor” for an even more in-depth search.

The Oklahoma Statutes

The Oklahoma Statutes are made up of statutes, supplements, and session laws.

All the laws enacted, amended, and repealed since statehood comprise a multi-volume set published every ten years. For example, the Oklahoma Statutes, 2011, contains all the laws passed from statehood up to and including the 2011 legislative session.

The Supplements

Each year following the beginning year volumes, a Supplement (one or more volumes) is published that contains all the laws enacted, amended, or repealed at that year’s legislative session. Therefore, a full reading of the laws for 2011 through the current year would require the reader to consult not only the 2011 Oklahoma Statute volumes, but the latest Supplement book(s) for each year following 2011 (2012~2020).

Conflicting Oklahoma Statutes

When provisions within an Oklahoma Statute contravene any former code (are contrary to), the most recent provision prevails.

75 O.S. § 22

Conflicting Oklahoma Statutes and Session Laws

In all cases where there is a conflict between the original acts and adopted statutes, the original acts shall govern, and the adopted statutes shall be deemed as repealed, amended, or modified thereby, without reference to the date of the approval of such original acts. For purposes of this section, "original acts" means the enrolled documents of the acts as produced by the house of origin.

75 O.S. § 12

Session Laws Citations

Following each session of the state legislature, all laws enacted in that session are published as the Oklahoma Session Laws for that year. They are published as chapters in the order of their enactment.

In the interim between the time legislators pass the laws and the time the Annual Supplement to the Statutes is printed or the OSCN website is updated, the Oklahoma Session Laws are the only reference available for the new laws. In order to find a law, either the date the bill passed, or the bill's number is needed, as the Session Laws index lists the laws both chronologically and by number.

The Oklahoma Session Laws are the most accessible source of legislative process such as these examples:

- Appropriation bills
- Concurrent resolutions
- Other measures

Index

The Index volume (volume 8 in 2011) of the Oklahoma Statutes has two parts. The first part is the General Index, an alphabetical index of topics found in the previous volumes. The second part is a Popular Name Table, which contains a selective alphabetical listing of those Oklahoma laws that are commonly referred to by a popular name or descriptive term, or by a statutory short title.

For example, in the Popular Name Table, the topic “Alcohol Testing, Standards for Workplace Drug and Alcohol Testing Act,” could be found under “Alcoholics: Alcoholics and Intoxicated Persons: Standards for Workplace Drug and Alcohol Testing Act” or “Alcoholics: Alcoholics and Intoxicated Persons: Tests and Testing: Workplaces, standards” in the General Index to find the related Oklahoma Statute(s).

General Index

The General Index to the Oklahoma Statutes is organized by major topics. Following each major topic heading is an alphabetical list of subentries to the major topic. Each subentry may be further subdivided. Following each subentry is the title and section where statute that pertains to the entry can be found. For example, to find the laws addressing the mandatory training required for county officers, locate the major topic heading "Counties" and the subheading “Officers” which refers to another major topic heading “County Officers and Employees generally, this index”.

Under this topic heading, locate "Training."

This particular example appears in the index in the following manner:

Training

Counties, 19 § 130.1

Professional development programs, 19 § 130.2 et seq

Purchasing Agents, 19 § 1500

Reimbursement, 19 § 165

Therefore, statutes addressing county training are in Title 19, Section 130.1, 130.2, and the following sections (et. seq. means "and following").

Other notations following a listing are:

- “generally, this index” means the subentry is a major topic in a broad, general area of the Oklahoma Statutes where the subject is covered.
- “elsewhere in the index” means the topic is a major heading elsewhere
- The word “ante” means the concept is listed prior to that listing under the same topic heading.
- The word “post” means the concept is listed after that listing under the same topic heading.
- “et seq” means follows section number, which implies the current section and several sections that follow relate to the topic.

Tables

The tables, volume 8 of the 2011 Oklahoma Statutes, help locate a statute when only the session law date and/or number are known.

Table 1 lists the Session Laws from 1931 to 2001 and shows corresponding sections in Oklahoma Statutes 2001.

Table 1A lists the Session Laws from 2002 to 2011 and shows corresponding sections in Oklahoma Statutes 2011.

Table 2 lists Revised Laws 1910 and shows corresponding sections in Oklahoma Statutes 2001.

Table 3 lists Compiled Statutes 1921 and shows corresponding sections in Oklahoma Statutes 2001.

Table 4 lists Oklahoma Statutes 1931 and shows corresponding sections in Oklahoma Statutes 2001.

For example, to find the location of the session law "laws 1970, C. 110 § 1" in the Oklahoma Statutes, 1991, locate the table for "laws 1970" under the major heading "Session Laws 1931-1991." The table reads as follows:

Laws 1970

Chapter	Section	Title	Section
110	----- 1	----- 19	---138.4

A Closer Look

Titles

Oklahoma Statutes, supplements, and Session Laws are all organized into major categories called Titles, which are arranged alphabetically by the title of the category. Each title is numbered consecutively in both the Table of Contents and throughout the Oklahoma Statutes. The Titles listed in Volume I begin as follows:

Title

1. Abstracting
2. Agriculture
3. Aircraft and Airports

Thus, a reference made to "Title 2 of the Oklahoma Statutes" is actually a reference to laws generally pertaining to agriculture. Title 19 deals with "Counties and County Officers."

Each title in the Oklahoma Statutes is organized by chapters that pertain to the major topic of the title to assist researchers. Chapters are further divided into sections. Instead of starting over with the number one in every new chapter, sections are numbered continuously throughout each title, so that only the title and section number need be known to access an Oklahoma Statute.

Chapters and Sections

Under each title are the chapter headings and section numbers. Sections are organized into chapters by subject matter to assist the researcher. They are used for categorizing information and are not used when referencing an Oklahoma Statute. Thus, Title 19, Counties and County Officers, contains chapters such as the following:

<u>Chapter</u>	<u>Title</u>
1	Status and Power of Counties

2	Creation and Modification of Counties
6	Officers
25	County Employees' Retirement Systems

Under each chapter are the sections that pertain to that chapter. Each section is a copy of the Oklahoma Statute that covers the topic in that chapter and section. For example, Title 19, Chapter 1, begins as follows:

<u>Section</u>	<u>Heading</u>
§ 1	Organized Counties to be Empowered for the Following Purposes
§ 2	Definition of Property of County
§ 3	County's Powers Exercised by Board of Commissioners-Certain Contracts Void by Individual Commissioner

After each section of the Oklahoma Statutes is a "Historical Data" section, which includes the following information:

- The year in which the law was enacted
- The year(s) in which amendments were made
- The chapter (or page number) and the section of the Oklahoma Session Laws at which the law or amendment is found
- The date on which the law or amendment became effective if an emergency was declared

For example, following 19 O.S. § 1 is the footnote:

R.L. 1910, § 1497; Amended by Laws 1986, SB 367, c. 135, § 1, emerg. eff. April 17, 1986.

The section may also include a "Citationizer© Summary of Documents Citing This Document," which may include Oklahoma Attorney General Opinions, Oklahoma Supreme Court Cases, and other related documents.

Referencing the Oklahoma Statutes

Oklahoma Statutes should be referenced as 19 O.S. § 130.1 where 19 is the title number, O.S. is the Oklahoma Statutes, § is the symbol that designates a section in the Oklahoma Statutes, and 130.1 is the section number. Chapter numbers are not included in the official citation.

In the book format, Oklahoma Statutes from the beginning year volumes usually do not have a date indication. If the law has been changed or a new law has been passed, references from the Supplements are written as 19 O.S. 2019, § 116 to show that the latest version of that law is found in the 2019 Supplement to the 2011 Oklahoma Statutes.

Distribution

Effective November 1, 2020, those government offices and institutions that were previously eligible to receive free, hard-bound paper copies of the Official Oklahoma Statutes, Supplements, and Session Laws distributed by the Secretary of State may no longer receive them. The new Oklahoma Statute, effective November 1, 2020, states that the Secretary of State shall provide free electronic access.

75 O.S. § 13

The language in the Oklahoma Statutes regarding copies of free book sets has been repealed effective November 1, 2020.

Appendix B

Related Sources Contact Information

Association of County Commissioners of Oklahoma (ACCO)

429 Northeast 50th Street
Oklahoma City, Oklahoma 73105
405-524-3200
1-800-982-6212
Fax: 405-524-3700
<http://www.okacco.com>

Publications Available:

Policy and Procedures
Sheriff's Policy and Procedures
ACCO Fire and Safety Manual

Council on Law Enforcement Education and Training (CLEET)

2401 Egypt Road
Ada, Oklahoma 74820-0669
580-310-8017
405-239-5156
405-239-5176

john.parker@cleet.state.ok.us; steve.tilley@cleet.state.ok.us

<https://www.ok.gov/cleet/>

County Training Program (CTP)

Division of Agricultural Sciences and Natural Resources

Department of Agricultural Economics

318 Agricultural Hall

Oklahoma State University

Stillwater, Oklahoma 74078-8088

405-744-6160

Fax: 405-744-8210

ctp@okstate.edu

<http://agecon.okstate.edu/ctp>

Publications Available:

Handbook for County Clerks of Oklahoma

Handbook for County Court Clerks of Oklahoma

Handbook for County Commissioners of Oklahoma

Handbook for County Treasurers of Oklahoma

Handbook for County Sheriffs of Oklahoma

Purchasing Handbook for Oklahoma Counties

For other publications, refer to the [CTP website](#).

Governmental Finance Officers Association (GFOA) of the United States and Canada

203 North LaSalle Street, Suite 2700

Chicago, Illinois 60601-1210

312-977-9700

Fax: 312-977-4806/ 312-977-9083

<http://www.gfoa.org/>

Publications Available:

Governmental Accounting, Auditing, and Financial Reporting

Office of the Oklahoma State Auditor and Inspector (SA&I)

Room 100 State Capitol, 2300 North Lincoln Boulevard, Suite 123

Oklahoma City, Oklahoma 73105

405-521-3495

Fax: 405-521-3426

<http://www.sai.ok.gov/>

Publications Available:

County Government Chart of Accounts
County Government Forms
Purchasing Forms

Oklahoma Attorney General

313 Northeast 21st Street
Oklahoma City, Oklahoma 73105
405-521-3921 – Oklahoma City
918-581-2885 – Tulsa
Fax: 405-521-6246

<http://www.oag.ok.gov/>

Oklahoma Bar Association

1901 Lincoln Boulevard
Oklahoma City, Oklahoma 73105
405-416-7000
1-800-522-8065 – Toll-free

<http://www.okbar.org>

Oklahoma Cooperative Extension Service (OCES)

Division of Agricultural Sciences and Natural Resources
Department of Agricultural Economics
139 Agricultural Hall
Oklahoma State University 74078-6026
405-744-5398

Fax: 405-744-8210

<https://extension.okstate.edu/>

Publications Available:

OSU Extension Fact Sheets

Oklahoma Department of Labor

3017 North Stiles Avenue, Suite 100
Oklahoma City, Oklahoma 73105

405-521-6100 – General Information
888-269-5353

labor.info@labor.ok.gov
<https://www.ok.gov/odol/>

Oklahoma Department of Libraries

200 Northeast 18th Street
Oklahoma City, Oklahoma 73105
405-521-2502
Fax: 405-525-7804
jan.davis@libraries.ok.gov
<https://libraries.ok.gov/>

Publications Available:

Directory of Oklahoma (published every two years)
Oklahoma state agencies, boards, commissions, courts,
institutions, legislatures, and officers

Oklahoma Department of Public Safety

3600 North Martin Luther King Avenue
Oklahoma City, Oklahoma 73111
405-425-2424 – General Information
405-425-2098 – Driver’s License Reinstatement
405-425-2059
405-425-2262 – Records Management
<https://oklahoma.gov/dps.html>

Oklahoma Department of Transportation

200 N.E. 21st Street
Oklahoma City, Oklahoma 73105
405-522-8000
405-521-2553 – Local Government Division
405-521-2625 – Office Engineer Division
<https://oklahoma.gov/odot.html>

Oklahoma Employment Security Commission

2401 North Lincoln Boulevard

P.O. Box 52003

Oklahoma City, Oklahoma 73152-2003

405-557-7100 – General Information

405-557-5452 – Help Desk

888-980-9675 – Toll-free

eztaxexpress@oesc.state.ok.us

https://www.ok.gov/oesc/Businesses/Business_and_Employer_Resources/

Oklahoma Indigent Defense System

111 North Peters Avenue, Suite 500

Norman, Oklahoma 73069

P.O. Box 926

Norman, Oklahoma 73070

405-801-2601

<https://www.ok.gov/OIDS/>

Oklahoma Insurance Commission

Bail Bond Division

400 North east 50th Street

Oklahoma City, Oklahoma 73105

405-521-2828

<https://www.oid.ok.gov/>

Oklahoma Legislature

State Capitol Building

2300 North Lincoln Boulevard

Oklahoma City, Oklahoma 73105

<http://www.oklegislature.gov/> – Contact information for legislatures and senators

Oklahoma Press Service, Inc.

An affiliate of the Oklahoma Press Association

3601 North Lincoln Boulevard

Oklahoma City, Oklahoma 73105-5499

405-499-0020

888-815-2672 – Toll-free

<https://okpress.com/?>

Publications Available:

Oklahoma Open Meeting & Open Record Book

Oklahoma Public Employees Retirement System (OPERS)

P.O. Box 53007

5400 North Grand Boulevard, #400

Oklahoma City, Oklahoma 73112

405-858-6737

800-733-9008 – Toll-free

Fax: 405-7847-5946

<http://www.opers.ok.gov/>

Publications Available:

Oklahoma Public Employees Retirement Handbook

Oklahoma State Bureau of Investigation (OSBI)

6660 North Harvey Place, Unit 6600, Suite 140

Oklahoma City, Oklahoma 73116

405-848-6724

800-522-8017

<http://www.osbi.ok.gov>

Oklahoma State Department of Health

1000 N.E. 10th Street

Oklahoma City, Oklahoma 73117

405-271-5600

800-522-0203 – Toll-free

webmaster@health.ok.gov

<https://www.ok.gov/health/>

Oklahoma State Election Board Secretary

State Capitol Building

2300 North Lincoln Boulevard, Room G28

Oklahoma City, Oklahoma 73105

P. O. Box 53156

Oklahoma City, Oklahoma 73152

405-521-2391

Fax: 405-521-6457

<https://oklahoma.gov/elections.html>

Publications Available:

Roster, state and county officers and election returns

Oklahoma Supreme Court

Oklahoma Judicial Center

2100 Lincoln Boulevard

Oklahoma City, Oklahoma 73105

Suite 1: Supreme Court Justices

Suite 2: Court of Criminal Appeals

Suite 3: Administrative Office of the Courts (AOC)

Suite 4: Clerk of the Supreme Court

P.O. Box 53126

Oklahoma City, OK 73152

405-556-9400

405-556-9335 – Civil Division

405-556-9350 – Criminal Division

<https://www.oscn.net/v4/>

Administrative Office of the Courts (AOC)

2100 North Lincoln Boulevard Suite 3

Oklahoma City, Oklahoma 73105

405-556-9300

Fax: 405-556-9135

<https://www.oscn.net/applications/oscn/start.asp?viewType=COURTS>

https://www.ok.gov/portal/agency.php?agency_id=22

Forms website: <https://www.oscn.net/static/forms/start.asp>

Oklahoma Tax Commission (OTC)

2501 North Lincoln Boulevard

Oklahoma City, Oklahoma 73194

405-521-3160

Phone Number Listings: https://www.ok.gov/tax/OTC_Phone_Numbers.html

Fax: 405-522-4275
<https://www.ok.gov/tax/>

Publications Available:

State payments to governments – from Public Information Office
State tax collections – from Public Information Office

Secretary of State, State of Oklahoma

421 N.W. 13th, Suite 210
Oklahoma City, Oklahoma 73103
405-521-3912
Fax: 405-521-3771
webmaster@sos.ok.gov
<https://www.sos.ok.gov>

West Publishing Company Thomas Reuters Corporation

610 Opperman Drive
Egan, Minnesota 55123
651-687-7000
800-344-5009 – State/Local Government
<https://www.mnopedia.org/group/west-publishing-company>

Publications Available:

Oklahoma Statutes, Supplements, and Session Laws