



# ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

## TRIAL COURT FINANCIAL POLICIES AND PROCEDURES MANUAL 7th EDITION

Policy No., FIN 15.03, Escheat

### EXECUTIVE SUMMARY OF UPDATE

#### POLICY PURPOSE

The purpose of this policy is to establish uniform guidelines for the trial courts to use in **escheating** unclaimed civil funds and funds covered by un-cashed court checks that become stale. Neither this policy nor its adoption is intended to suggest that any other escheatment procedures used by the trial courts in the past were improper, unreasonable, or noncompliant with legal requirements.

#### POLICY ISSUE(S)

This is a new policy that originated with the Uniform Civil Filing Fee legislation in 2005 (AB145). The legislation had an effective date of January 1, 2006. The legislation expressly allowed the superior courts to escheat to itself any civil money (Government Code section 68084.1). Additionally, the policy allows the escheatment of any money covered by a check that the court issued (e.g., to a vendor, juror, or employee). The policy and statute does not cover criminal monies and specifically precludes courts from escheating victim restitution money.

#### Major points of the policy:

1. Money that remains unclaimed or checks un-cashed for at least three years are potentially eligible.
2. Procedures to follow prior to conversion are spelled out in the policy including:
  - a.) The court must attempt contact with the lawful owner and document the efforts.
  - b.) The Court Executive Officer must review and either accept or reject each claim.

- c.) Any interest earned is paid to each claimant.
- d.) De minimus Amount-The presiding judge may direct the transfer of any qualifying individual deposit or un-cashed check of \$20 or less, or any amount if the name of the original depositor is unknown, to the Trial Court Operations Fund as revenue without the need for publication of notice.