

Resolution No. 2011- 10-5

A COUNTY COUNCIL RESOLUTION
AUTHORIZING AN ISETS AND TRUST SOLVENCY PLAN

Whereas pursuant to, IC 5-13-5-1(1) the Clerk of the Circuit Court shall keep a cashbook of public funds and as prescribed by chapter 8 of the State Board of Accounts Manual shall reconcile said cashbook monthly, it has been revealed that there is a significant discrepancy of funds.

Whereas the State of Indiana's Child Support Bank Account (ISETS), held at Greenfield Banking Company, has fallen short of funds to meet liabilities on several occasions throughout 2011 and prior years that the Clerk of the Circuit Court and the State Board of Accounts performed an audit of said account and,

Whereas, duplicate checks had been issued to custodial parents in addition to warrants that had already been rendered for payment and that funds had been transferred to the State of Indiana's Office of the Attorney General as unclaimed property even though the funds had been surrendered for payment by claimant.

Whereas, the Clerk of the Circuit Court has on two previous occasions transferred funds into the ISETS account by means of a loan (\$4,000) and general funds transfer (\$5,560.09) which now create an additional liability to the account in the amount of \$9,560.08 that should be paid back and,

Whereas, the clerk of the Circuit Court has made every reasonable effort to collect either from the custodial parent by letter [including letter to the Hancock County Prosecuting Attorney for assistance] or by setting up a recoupment in the ISET system and by making claim to the State of Indiana's Office of the Attorney General for duplicate funds and,

Whereas, the Clerk of the Circuit Court, has made a realistic determination that the true liability to the ISETS bank account is \$44,221.66 and,

Whereas the Clerk of the Circuit Court's trust-side account is long in the amount of \$108,412.37 as identified by a bank account with a balance as of September 27, 2011, in the amount of \$53,412.37 from former case management trust account and a certificate of deposit in the amount of \$55,000 carried forward since 1986 (renews annually in February) and,

Whereas, the clerk of the Circuit Court has made every reasonable attempt to identify the available funds, including interviewing former clerks Carolyn Grass, Shari Burris and Anne McDaniels, and bookkeepers Terri Schwarzkopf and Donna Owens and,

Whereas, the Clerk of the Circuit Court has carried forward adjustments on the current case management trust account to reconcile the trust bank account in the amount of \$3,445.38 as displayed on Exhibit A, Monthly Report-Adjustment Detail Report and,

Whereas the clerk of the Circuit Court has requested advice from the State Board of Accounts and the State's Department of Child Services and having received confirmation that neither agency would take exception to using unidentified funds to offset the shortfall in one account with the long in the other,

Comes now the Clerk of the Circuit Court and requests that the correction to the shortfall in the ISETS bank account and the trust adjustment shall be offset by the long in the trust account and excessive funds shall be surrendered to the State of Indiana as prescribed by law.

NOW, BE IT RESOLVED BY THE HANCOCK COUNTY COUNCIL:

- Section 1: That the Clerk of the Circuit Court's ISETS bank account has consistently fallen short in cash to meet liability against the account, and
- Section 2: That the current case management has adjustments to write off, and
- Section 3: That the Clerk of the Circuit Court's Trust account has a large unidentified variance, and
- Section 4: That the Clerk of the Circuit Court attests that every reasonable attempt has been made to collect bad debt or duplicate payments, and
- Section 5: That the Clerk of the Circuit Court has made realistic attempt to identify funds in the trust account, and
- Section 6: That the clerk of the Circuit Court has communicated with the State Board of Accounts and the Department of Child Services the action plan set forth, and
- Section 7: That the clerk of the Circuit Court attests that the certificate of deposit will mature February 2012;
- Section 8: That the Hancock County Council has been informed that the State Board of Accounts and the State's Department of Child Services would not take exception to using unidentified funds to offset the shortfall in one account with the long in the other:

THEREFORE, the Hancock County Council authorizes funds long in the clerk of the Circuit Court's former trust account to offset the short fall in the ISETS bank account and adjustments in the current trust account.

FURTHER, the Hancock County Council authorizes the excessive funds after the correction to be transferred to the State of Indiana as prescribed by law.

FINALLY, the Hancock County Council grants that the liquid funds will be used immediately to offset shortage and the certificate of deposit will be held until maturity so that the public entity does not loose principal or interest.

Adopted this 12 day of October, 2011.

Hancock County Council

William A. Bolander
William Bolander

Jim Shelby
Jim Shelby

Tom Roney

Rosalie Richardson
Rosalie Richardson

Brian Kirkwood
Brian Kirkwood, DDS

Richard Pasco
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John Jessup
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FILED

OCT 12 2011

Robin D. Lowder
Auditor of Hancock County

ATTEST:

Robin Lowder
Robin Lowder, Auditor