

**ATTESTATION REPORT
OF
PERKINS COUNTY COURT**

JANUARY 1, 2021, THROUGH DECEMBER 31, 2022

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Issued on May 24, 2023

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PERKINS COUNTY COURT

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PERKINS COUNTY COURT

COMMENT AND RECOMMENDATION

During our examination of the Perkins County Court, we noted a certain deficiency and other operational matters that are presented here. The following comment is required to be reported in accordance with *Government Auditing Standards* and is considered to be a material weakness.

This comment and recommendation is intended to improve the internal control over financial reporting or result in operational efficiencies in the following area:

Segregation of Duties

Good internal control includes a plan of organization, procedures, and documentation designed to safeguard assets and to provide reliable financial records. A system of internal control should include a proper segregation of duties, so no one individual is capable of handling all phases of a transaction from beginning to end.

We noted that the office of the County Court lacked a sufficient segregation of duties, as one person was capable of handling all aspects of processing transactions from beginning to end. Additionally, staff could create and issue orders affixed with the Judge's signature in the JUSTICE (Judicial User System to Improve Court Efficiency) application without formal documentation to support that the Judge approved the order. That same staff had access to court receipts and were able to record non-monetary transactions (e.g., waiving fines) in JUSTICE. We further noted that Perkins County Court access had also been given to seven other Clerk Magistrates who were not employees of the Perkins County Court.

The following errors related to untimely case work were noted:

- One case did not have an \$100 receipt applied correctly and in a timely manner, leading to a bench warrant being issued for the defendant, who had to pay \$32 in sheriff fees unnecessarily. The defendant had satisfied the balance due in August 2020; however, due to the recording error of the initial receipt, the case went on until January 2021. To have the case balance resolved, the defendant paid an additional \$103, which was eventually returned to him in March 2022, more than a year later.
- One case saw the defendant sit out fines and costs in jail, twice. The defendant did not pay the \$450 balance, and a warrant was issued allowing the defendant to sit out costs and fines of \$442 in jail. The Court received documentation in April 2022 that the defendant sat out the required three days. However, a second warrant was issued in June 2022. The defendant sat out the required three days once more. After the second jail time, the costs were waived.
- In April of 2019, one defendant was sentenced to pay costs and fines of \$225. The balance was still outstanding in June 2019, and a warrant was issued. In July 2020, the warrant was recalled, but no further action was taken on the case until June 2021, when the court found the amounts owed to be uncollectable.
- Three cases had four non-monetary receipts, totaling \$263, issued four, five, and almost 12 months after the costs and fees should have been waived.

A lack of segregation of duties increases the risk of possible errors or irregularities; however, due to a limited number of personnel, an adequate segregation of duties may not be possible without additional cost. Further, personnel are under the direction of both the Nebraska State Court Administrator and the Presiding Judge.

We have included this comment in previous examinations.

PERKINS COUNTY COURT

COMMENT AND RECOMMENDATION

(Concluded)

We recommend the County Court and the Nebraska State Court Administrator review this situation. As always, the cost of hiring additional personnel versus the benefit of a proper segregation of duties must be weighed. We also recommend the Supreme Court implement procedures to ensure that each Judge's approval of orders is formally documented. Additionally, we recommend the court ensure cases are being worked and updated in a timely manner to avoid additional and unnecessary use of resources.

County Court Response: The Administrative Office of the Courts and Probation (AOC) accepts that there is a risk from one person having the authority to initiate and complete financial transactions. To reduce the risk of improper transactions, court financial specialists review court records and provide assistance to county courts if there are discrepancies. However, the Judicial Branch does not have the financial and human resources to mitigate all risks related to segregation of duties sufficient to meet current audit guidelines. As a result, in order to fulfill all statutory obligations, the AOC has determined that all clerk magistrates will have the authority to operate all financial functions of a court.

It should be noted this report is critical in nature, as it contains only our comment and recommendation on the area noted for improvement and does not include our observations on any accounting strengths of the County Court.

Draft copies of this report were furnished to the County Court to provide management an opportunity to review the report and to respond to the comment and recommendation included in this report. The formal response received has been incorporated into this report. The response has been objectively evaluated and recognized, as appropriate, in the report. A response that indicates corrective action has been taken was not verified at this time, but it will be verified in the next examination.



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PERKINS COUNTY COURT

INDEPENDENT ACCOUNTANT'S REPORT

Perkins County Court
Grant, Nebraska 69140

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the Perkins County Court as of and for the calendar years ending December 31, 2021, and December 31, 2022. The County Court's management is responsible for the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions based on the accounting system and procedures set forth in Note 1. Our responsibility is to express an opinion on the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions are based on the accounting system and procedures set forth in Note 1, in all material respects. An examination involves performing procedures to obtain evidence about the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our ethical responsibilities in accordance with relevant ethical requirements relating to the engagement.

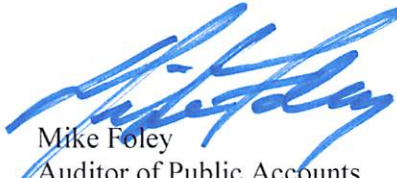
In our opinion, the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions for the calendar years ending December 31, 2021, and December 31, 2022, are based on the accounting system and procedures prescribed by the Nebraska Supreme Court, as set forth in Note 1, in all material respects.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; noncompliance with provisions of laws, regulations, contracts, or grant agreements that have a material effect on the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions; fraud that is material, either quantitatively or qualitatively, to the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions; and any other instances that warrant the attention of those charged with governance. We are also required to obtain and report the views of management concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over the Schedules of Changes in Assets and Liabilities

Arising from Cash Transactions or on compliance and other matters; accordingly, we express no such opinions. Our examination disclosed a certain finding that is required to be reported under *Government Auditing Standards*, and that finding, along with the views of management, is described in the Comment Section of the report.

The purpose of this report is to express an opinion on the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions, as described in paragraph one above. Accordingly, this report is not suitable for any other purpose. This report is a matter of public record, and its distribution is not limited.

May 23, 2023



Mike Foley
Auditor of Public Accounts
Lincoln, Nebraska

PERKINS COUNTY COURT
GRANT, NEBRASKA
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
CUSTODIAL FUNDS

For the Calendar Year Ended December 31, 2022

	Balance January 1, 2022	Additions	Deductions	Balance December 31, 2022
ASSETS				
Cash and Deposits	\$ 11,844	\$ 73,722	\$ 73,497	\$ 12,069
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 2,120	\$ 6,895	\$ 8,522	\$ 493
Law Enforcement Fees	89	674	698	65
State Judges Retirement Fund	598	4,379	4,584	393
Court Administrative Fees	785	5,136	5,618	303
Legal Services Fees	324	2,746	2,823	247
Due to County Treasurer:				
Regular Fines	2,510	19,426	19,236	2,700
Overload Fines	-	1,050	25	1,025
Regular Fees	-	406	406	-
Petty Cash Fund	50	-	-	50
Trust Fund Payable	5,368	33,010	31,585	6,793
Total Liabilities	\$ 11,844	\$ 73,722	\$ 73,497	\$ 12,069

The accompanying notes are an integral part of the Schedule.

PERKINS COUNTY COURT
GRANT, NEBRASKA
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
CUSTODIAL FUNDS

For the Calendar Year Ended December 31, 2021

	Balance January 1, 2021	Additions	Deductions	Balance December 31, 2021
ASSETS				
Cash and Deposits	\$ 7,075	\$ 87,241	\$ 82,472	\$ 11,844
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 703	\$ 12,788	\$ 11,371	\$ 2,120
Law Enforcement Fees	81	939	931	89
State Judges Retirement Fund	400	5,213	5,015	598
Court Administrative Fees	332	7,346	6,893	785
Legal Services Fees	309	3,753	3,738	324
Due to County Treasurer:				
Regular Fines	2,617	29,804	29,911	2,510
Overload Fines	-	-	-	-
Regular Fees	186	680	866	-
Petty Cash Fund	50	-	-	50
Trust Fund Payable	2,397	26,718	23,747	5,368
Total Liabilities	\$ 7,075	\$ 87,241	\$ 82,472	\$ 11,844

The accompanying notes are an integral part of the schedule.

PERKINS COUNTY COURT
NOTES TO FINANCIAL SCHEDULES

For the Calendar Years Ending December 31, 2021, and December 31, 2022

1. Criteria

A. Reporting Entity

The Perkins County Court is established by State statute and is administratively operated through the Court Administrator's Office of the Nebraska Supreme Court, which is part of the State of Nebraska reporting entity. The Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the County Court reflect only the Custodial Funds activity of the County Court, including the receipts and their subsequent disbursement to the appropriate entities for which they were collected. The Schedules do not reflect the personal services expenses of the County Court, which are paid by the Nebraska Supreme Court, or the operating expenses, which are paid by Perkins County.

B. Basis of Accounting

The accounting records of the County Court Custodial Funds are maintained, and the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions have been prepared, based on the accounting system and procedures prescribed by the Nebraska Supreme Court. Under this system of accounting, fines, fees, and receipts relating to trust funds are shown as additions to assets and as an increase in the related liability when received or collected. Likewise, disbursements are shown as deductions to assets and as a decrease in the related liability when a check is written.

2. Deposits and Investments

Funds held by the County Court are deposited and invested in accordance with rules issued by the Supreme Court, as directed by Neb. Rev. Stat. § 25-2713 (Reissue 2016). Funds are generally consolidated in an interest-bearing checking account; however, the County Court may order certain trust funds to be invested separately. Any deposits in excess of the amount insured by the Federal Deposit Insurance Corporation are required by Neb. Rev. Stat. § 77-2326.04 (Reissue 2018) to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.