



Audit of the Circuit Clerk

June 2004

Audit of the Clay County Circuit Clerk

Overview and Statutory Authority

An audit of transactions during 2003 and current operations and procedures of the office of Clay County Circuit Clerk was conducted by the Clay County Auditor. The following represents a report on the audit. In my opinion, this audit was conducted in compliance with the below referenced Missouri Revised State Statutes effective August 28, 2003.

Duties (second class and certain first class counties). Section 55.160. He shall audit the accounts of all officers of the county annually or upon their retirement from office.

We have audited certain operations of the Clay County Circuit Clerk. Our audit was conducted in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and including such procedures as we considered necessary in the circumstances. In this regard, we reviewed accounting and bank records and other pertinent documents.

Our audit was limited to the specific matters described above and was based on selective tests and procedures considered appropriate in the circumstances. Had we performed additional procedures, other information might have come to our attention that would have been included in this report.

Shown below is a financial statement addressing Circuit Clerk Funds as of 12/31/03. We performed tests of the supporting records for this financial statement.

**Clay County Circuit Clerk
Combined Statement of Receipts, Disbursements
& Changes in Cash - All Funds
For the year ended December 31, 2003**

	Family Services & Justice Fund	Civil and Criminal	Traffic Bureau	Totals Memorandum Only
RECEIPTS				
Court Deposits, fees, bonds and other	\$ 51,630.00	\$ 4,837,965.01	\$967,179.48	\$ 5,856,774.49
Interest Income	\$ 575.72	\$ 1,417.98	\$421.78	\$ 2,415.48
Less Applied Bonds			(\$140,519.23)	\$ (140,519.23)
Total Receipts	\$ 52,205.72	\$ 4,839,382.99	\$827,082.03	\$ 5,718,670.74
DISBURSEMENTS				
Civil		\$ 437,298.67		\$ 437,298.67
Criminal		\$ 368,121.15		\$ 368,121.15
Interest Transferred		\$ 1,860.20	\$430.97	\$ 2,291.17
Bond Refunds		\$ 5,679,685.15	\$119,060.90	\$ 5,798,746.05
Supplies, Equipment & ME Fees	\$ 34,737.63			\$ 34,737.63
Refunds & Other				
Cost Allocation			\$712,164.09	
Total Disbursements	\$ 34,737.63	\$ 6,486,965.17	\$831,655.96	\$ 6,641,194.67
Receipts over (under) Disbursements	\$ 17,468.09	\$(1,647,582.18)	\$ (4,573.93)	\$ (922,523.93)
Cash, January 1, 2003	\$ 78,185.96	\$ 2,511,580.52	\$ 87,962.96	\$ 2,677,729.44
Cash, December 31, 2003	\$ 95,654.05	\$ 863,998.34	\$ 86,469.14	\$ 1,046,121.53

Circuit Clerk and Professional Staff



Rita Fuller

Circuit Clerk, duties and responsibilities are as follows. Each Circuit Clerk shall have administrative control over, and be responsible for, the safekeeping of the records of the 7th Circuit Court with the exception of the following:

1. Records in Probate Divisions.
2. Records in cases while they are pending in the municipal divisions.

Circuit Clerk Job Descriptions

Court Clerk I

Accepts filing documents, such as complaints and petitions, and checks for completeness and appropriate information; determines general case category and receipts any fees associated with the filing; establishes a case file and forwards to appropriate staff for processing.

Issue summons, notices, subpoenas and similar process; computes applicable dates for service and return of service; affixes court seal and authenticates documents.

Performs court clerical work in the filing and processing of traffic cases including the establishment of the file; indexing and calendaring the case; issuing necessary warrants and summonses; and receipting and disbursing fees and fines as necessary.

Types jury and witness lists, index cards and journal entries; accepts bonds, fines, court costs or other payments and issues receipts; posts fees and other receipts in routine journals or registers; assists in other functions related to receipts and disbursements; locates and checks out files for attorneys, court and public.

Assists higher level clerks in the filing and processing of probate, small claims, criminal, civil and juvenile cases; performs a variety of tasks following well established procedures.

Court Clerk II

Performs technical court clerical work in the filing, processing, and disposition of probate, small claims, criminal, civil, and juvenile cases.

Determines proper routing of complaints, petitions, application for letters and other filings; notifies parties.

Receives and records all fees and other receipts, including child support payments; makes necessary disbursements and prepares required statements and reports.

Assures completeness and accuracy of records leaving the court jurisdiction pursuant to change of venue, outgoing reciprocals, appeal or certification.

Enters minutes of court proceedings, operates electronic sound recording equipment, and other courtroom related duties.

Prepares juror lists and performs related work involving summons, appearance and payment of jurors.

Prepares and types judgments, executions, attachments or levy forms, bonds, warrants, petitions and affidavits and reviews same for accuracy.

Assists in scheduling trials, hearings, and continuances and other matters.

Answers inquiries and furnishes information by reviewing court records.

Court Clerk III

Acts as chief clerk for a circuit judge or an associate circuit judge; or as a chief deputy clerk in a large circuit or associate division, reporting to and acting in the absence of a chief clerk; or as chief deputy for the circuit clerk; performs and may supervise comprehensive court clerical services in the assigned divisions of the court.

Perform clerical work in receiving and initiating case files; performs or supervises technical court clerical duties such as reviewing judgments, preparing garnishments, executions, bond settings, preparation of case appeals and docket control; assists subordinate court clerks in the performance of court clerical duties; generally provides supervision and direction to subordinates and coordinates work flow in the office or unit.

Receives and review petitions; prepares subpoenas, summonses, warrants, bonds and other writs and documents pursuant to judicial orders; processes support actions; prepares docket records reflecting pertinent court proceedings necessary for accurate records.

Reviews petitions and documents necessary to open estates; prepares and signs orders appointing administrator or guardian; checks inventory of assets and audit settlements; sets claims for hearing; grants uncontested petitions and claims; prepares orders.

Prepares judge's docket, trial and hearing calendars, and reviews case files to make certain records are in order prior to hearing; serves as required in courtroom; swears witnesses and operates electronic sound recording equipment; arranges and organizes the docket, notes continuances, makes minute and docket entries to reflect case progress.

Contacts attorneys and other court personnel to resolve discrepancies discovered in reviewing records; prepares a variety of orders, documents and correspondence requiring a detailed knowledge of applicable terminology, rules and procedures.

Controls and accounts for receipts and disbursements of the office, including fines, fees, payments, deposits, bonds and support money.

Controls forms, manages court records and maintains personnel records of subordinate personnel.

Maintains schedule of cases and prepares notices to parties regarding setting and continuances.

Account Clerk II

Work involves the independent maintenance of a set of moderately complex accounting records. Employees in this class differ from Account Clerk I by the independence of work performed, increased responsibility, more difficult and complex duties requiring additional knowledge and abilities, and limited review of work required. Work involves balancing accounts and preparation of prescribed financial statements and reports. Work may include the supervision of other employees. Work methods are governed by established procedures with technical problems and irregularities being referred to a supervisor who periodically reviews records and reports.

Supervises and performs accounting duties in receiving and disbursing monies including court costs, fines, bonds, child support and other payments due the court.

Prepares and issues receipts for funds received; makes deposits.

Posts accounting data to ledgers, cost sheets, books, registers, journals; reconciles accounts; takes trial balances and prepares financial statements manually or by using an automated system.

Operates microcomputer, or other computer terminal, adding machine, cash register, and typewriter.

Checks, evaluates and reviews travel and jury expense sheets and supporting documents submitted for reimbursement; determines amount due in accordance with state law and court policy.

Responds to inquiries from the general public, attorneys and court employees concerning court costs and child support payments.

Prepares daily and monthly cumulative report; prepares routine and/or procedural financial reports.

Circuit Clerk Web Site

The following pages are found on the Clerk's web site. Below is an example of the site's offerings.

How to use the Small Claims Court

The Small Claims Court was established to help people handle claims of \$3000 or less with or without an attorney.

For the Plaintiff

Before you decide to sue someone for money you believe is owed you, there are several things to consider.

First, have you tried to settle your problem? There are many alternatives to going to court. You should confront the person you believes owes you money, and request he/she pays. This can be done in person, over the telephone or by writing a letter (if you write a letter, keep a copy for yourself). Also, there are many consumer protection agencies which can be of service to you such as the Better Business Bureau. If you can settle your problem, it may be faster, easier, and cheaper than going to court. You have nothing to lose by trying. If you cannot settle the problem, the court is available to hear your claim. Second, you must decide if you think you are able to protect and defend your own interest. Ask yourself such questions as: Can I explain my problem and make myself understood? Does the person I want to sue have a claim for money against me? (If the answer to the last question is "yes", remember that the other side has a right to tell the court about it and have the judge decide who is owed what.) If you feel you need a lawyer, you may bring one. Finally, if you do bring suit and you do win, will you be able to collect any money? Read the section on COLLECTING. You might be able to save yourself time and money.

Preparing Your Claim

The first thing to do is correctly state the name and address of the person or company you wish to sue. You must decide where to sue. **THIS IS ONE OF THE MOST IMPORTANT QUESTIONS YOU SHOULD ASK.** Ask the clerk if you are in the right court and the right county. State your claim as simply and as precisely as possible on the form provided by the clerk of the small claims court. "I paid Mr. X \$25.00 for plumbing work and he never did the work". Now all you have to do is pay the filing fee and the cost of

serving the summons on the defendant. After you have filed your claim, the court will mail a notice to the person you have sued (the defendant). This notice will state the date and time he is to come to court and the reason why he is being sued. This is why you need the correct address. The notice will be sent certified mail, and if the defendant signs for the letter, your next step is to be in court on the date set by the court when you file your suit, ready to present your claim. However, if the defendant

does not sign for the letter, you may need to have the notice served by a process server which will cost you an additional fee. (See the filing fee page for details) Or ask the small claims clerk for more assistance.

Preparing for Court

- (a) Get together everything you need - books, papers, documents, and/or cancelled checks. Put them into the order that you need for presentation to the court.
- (b) Make sure all the witnesses who are necessary for you to present your case are in the courtroom on time. If you have a witness who does not want to come to court, you have the right to "subpoena" him/her. Subpoena is a legal method to require his/her presence. The clerk of the small claims court will give you the subpoena. It must be personally served on the witness. This must be done before your court date.
- (c) On the day you were told your claim would be heard, **BE THERE!** If you are not there, your case may be dismissed. When it is time for your case to be heard, you should present your case in an orderly manner. Try to keep all facts in order and show the judge any letters or other documents which help support your claim. Don't get confused, don't get rushed. It might be a good idea to practice your presentation the night before.

For the Defendant

If You Are Being Sued

If you have received a notice in the mail that you are being sued, **DO NOT THROW IT AWAY. KEEP IT AND BRING IT TO COURT.** If you do not appear on the day and time stated in the summons, **A JUDGMENT MAY BE TAKEN AGAINST YOU.** If you do not agree that you owe money, prepare to go to court and present your side of the story. Bring with you all the necessary papers and any witnesses you might need. If your witnesses do not want to come to court, you may ask the clerk for a subpoena to force the witnesses to appear. Practice your presentation before you come to court. If you feel you need a lawyer, you may bring one.

Out-Of-Court Settlements

If you and the plaintiff are able to settle the matter by yourselves, you may do so. If you settle, notify the clerk of the court promptly.

How to File a Counterclaim

If you think you have a claim against the person who sues you, the law gives you a right to counter sue him/her. Some counterclaims must be filed with the court within ten days after you receive notice that the plaintiff has sued you, and others may be brought at any time up to and including the time of the hearing.

- (a) If your claim does not arise out of the same transaction or occurrence as the plaintiff's claim then: Within ten days after you receive your summons you may appear before the clerk of the small claims court and file your counterclaim on forms provided by the clerk.
- (b) If your claim arose from the same transaction or occurrence as plaintiff's claim, you may appear before the clerk of the small claims court and file your counterclaims

on forms provided by the clerk, or you may raise your counterclaim at the hearing.

For Both Parties

Appeal - If you do not like the court's decision, you have only ten days to file your appeal of notice of appeal. The appeal forms may be obtained from the clerk of the small claims court. Ask the clerk for assistance.

Collecting - After the judge has decided in your favor, and you have waited ten days from the date the judge decided the case, it is time to start collecting, if the losing party has not filed an appeal and posted a bond. There are several ways to collect your judgment. You may be able to get the losing party to pay you voluntarily either all at one time or in installments. If he/she will not pay you voluntarily, you may start collection proceedings on forms provided by the clerk of the small claims court. Again ask the clerk for assistance.

Traffic / Criminal Division

Welcome to the Traffic and Criminal Division home page. Here you will find information about traffic related violations and criminal forms.

The Traffic and Criminal Division can be reached at 816-792-7704.

Traffic Violation Bureau Fines and Costs

[Conservation](#)

[Fines and Costs](#)

[Parks](#)

[Water Patrol](#)

[Weight Scales](#)

Criminal Forms

Appeal From Criminal Case Information Form

Available formats: [PDF \(View/Print Only\)](#) [PDF Template](#)

Application to Inspect Closed Criminal Records

Available formats: [PDF \(View/Print Only\)](#) [PDF Template](#)