

# CIRCUIT COURT

## Court Clerk

### Description

The Circuit Court Clerk is a Constitutional Officer elected for a term of eight years, who serves as the administrative officer of the Circuit Court, is the Register of Deeds, and serves as a Probate Judge serves in other states. The Circuit Court Clerk is responsible for maintaining and administering the files in felony cases, claims over \$15,000, matters including adoptions, divorces, disputes concerning wills and estates, controversies involving property as well as maintaining and administering the files for misdemeanor appeals and civil appeals from District Court. The Clerk is also responsible for the collection of fines and costs in criminal cases; the collection of recordation fees and taxes; and maintains a financial system to track the collections and remittance of these sums to the State and local governments.

The land records, which need to be retained permanently by the Clerk, include deeds, surveys, wills, the indices for judgments, financing statements, and assumed names (or partnership names). The land records section of the Clerk's office contains a portion of the history of the County of Henrico and the importance of preserving these records is imperative.

### Objectives

- To provide access to all public records using technology to the extent allowed by law.
- To maintain and preserve the integrity of all documents of historical value to the County.
- To provide services to the public in the areas of land records, marriage licenses, and probates of wills.
- To efficiently assist attorneys and the public in all areas of the Clerk's Office.

### Budget Highlights

The Circuit Court Clerk's budget of \$2,547,244 represents a net decrease of \$3,355 or 0.1 percent over the FY2008-09 approved budget.

Pursuant to Virginia Code Section 17.1-279, the Clerk collects a \$5.00 technology fee on all instruments recorded in the land books, judgments docketed, and all civil suits commenced. Of this total, \$4.00 is to be reimbursed to the locality by the Compensation Board to support technology efforts

### Annual Fiscal Plan

<u>Description</u>	<u>FY08 Actual</u>	<u>FY09 Original</u>	<u>FY10 Approved</u>	<u>Change 09 to 10</u>
Personnel	\$ 2,055,990	\$ 2,246,149	\$ 2,252,658	0.3%
Operation	402,111	292,364	289,944	(0.8%)
Capital	21,112	12,086	4,642	(61.6%)
<b>Total</b>	<b>\$ 2,479,213</b>	<b>\$ 2,550,599</b>	<b>\$ 2,547,244</b>	<b>(0.1%)</b>
Personnel Complement	N/A	N/A	N/A	N/A

*Note: The Circuit Court Clerk positions [41] are all Complement III positions (funded by the State).*

*Court Clerk (cont'd)*

<b>Performance Measures</b>				
	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>Change 09 to 10</b>
<b>Workload Measures</b>				
Civil Cases Commenced	3,001	2,873	3,000	127
Criminal Cases Commenced	8,001	7,189	8,000	811
Number of Wills and Administrations Recorded	1,099	1,333	1,500	167
Number of Instruments Recorded in Deed Books	67,768	47,400	50,000	2,600
Marriage Licenses Issued	2,106	1,793	2,000	207
Number of Judgments Docketed	19,450	19,493	20,000	507
Concealed Weapon Permits Issued	1,296	1,714	1,200	(514)

within the Clerk's office. The funding is distributed to the Clerk by the Compensation Board. The Clerk implemented an electronic recording system in the Clerk's office and currently maintains deeds, plats, judgments, wills and fiduciaries, criminal orders, and civil orders. Pursuant to the Code of Virginia, "Every circuit court clerk shall provide secure remote access to land records...on or before July 1, 2008." The Clerk made available, via a secure remote paid site, the deeds, judgments, and financing statements effective July 1, 2008. All users are required to enter into a subscription agreement and payment is made before access is granted.

It should be noted that this revenue source is not included in the approved budget, but is appropriated during the fiscal year as the Compensation Board makes funds available. Upon the implementation of the secure remote site to land records, the Code of

Virginia provides that the Clerk can apply to the Compensation Board to implement other technology projects within the office.

In September 2008, funding of \$347,450, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was reappropriated to be spent during FY2008-09. In December 2008, the Virginia Compensation Board awarded Henrico County the Clerk's Technology Trust Funds for FY2008-09, which had accumulated to a total of \$452,680. The current appropriation of funds will be used to further enhance access to land records, various hardware and software projects as well as new systems for the court side of the Clerk's Office to include tracking systems for the large volume of files maintained by the clerk and court exhibits.