

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 \$25,000, 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 Clerk is also responsible for maintaining the marriage licenses issued by the office of the Clerk as well as the issuance of concealed handgun permits. 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 \$2,455,976 represents an increase of \$27,486 or 1.1 percent over the FY2012-13 approved budget. This increase is driven solely by the personnel component and reflects a reduction in budgeted vacancy savings as well as rising VRS life insurance and health care expenditures. It is important to note that this year's budget reflects the 5.0 percent raise to employees that was imposed by state government, partially offset by a reduction in the VRS requirement. The operating and capital components remained flat from the previous fiscal year.

Annual Fiscal Plan

<u>Description</u>	<u>FY12 Actual</u>	<u>FY13 Original</u>	<u>FY14 Approved</u>	<u>Change 13 to 14</u>
Personnel	\$ 2,116,863	\$ 2,175,882	\$ 2,203,368	1.3%
Operation	343,863	252,608	252,608	0.0%
Capital	212	0	0	0.0%
Total	<u>\$ 2,460,938</u>	<u>\$ 2,428,490</u>	<u>\$ 2,455,976</u>	<u>1.1%</u>
Personnel Complement	N/A	N/A	N/A	N/A

Note: The Circuit Court Clerk positions [38] are funded by the State and are either Complement III or IV positions.

Court Clerk (cont'd)

	Performance Measures			Change
	FY12	FY13	FY14	13 to 14
Workload Measures				
Civil Cases Commenced	3,113	3,135	3,200	65
Criminal Cases Commenced	5,616	5,833	6,000	167
Number of Wills and Administrations Recorded	1,011	1,064	1,100	36
Number of Instruments Recorded in Deed Books	48,972	48,926	49,000	74
Marriage Licenses Issued	2,036	2,094	2,000	(94)
Number of Judgments Docketed	19,546	19,900	21,000	1,100
Concealed Weapon Permits Issued	2,564	2,049	1,600	(449)

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 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. Currently, approximately 95 users have subscribed to the service through the Clerk’s service provider.

It should be noted that in FY2010-11 this revenue source was removed from State restricted revenue and replaced with a line of credit. This revenue source is not included in the County’s original 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 2012, funding of \$265,025, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was reappropriated to be spent during FY2012-13. The appropriation of funds have been used to continue making enhancements and improvements to the current imaging system for indexes and land records and improving access to court records in order to provide better service to the public in the records room.

Also of interest is the reduction in excess clerk fees to the local government. The fee allocation to localities was reduced by 50.0 percent in the FY2010-11 State budget cycle. This reduced the amount of funds reimbursed to the locality by the Commonwealth from the collection of fees by the Circuit Court Clerk.

With the assistance of the County’s Information Technology Office, the Circuit Court Clerk implemented several new programs for tracking pertinent information stored in and administered by the Circuit Court Clerk. The Code of Virginia was amended requiring Affidavits for Search Warrants filed in the office of the Clerk to be sealed until such time as the Search Warrant was filed with the Clerk. The software program allows for the Affidavit and Search Warrant to be tracked electronically by staff. Because storage space is limited in the courthouse, a program was written by IT to track the files stored off-site which generated savings for the office.