

# Circuit Court and Records

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LOB #183:

## **GENERAL RECEIVER/ACCOUNTING**

### **Purpose**

Because all functions of the Clerk's Office are mandated by the Code of Virginia, the primary purpose is to observe all Code-mandated duties related to accounting for the Fairfax Circuit Court. The Code of Virginia, Title 8.01, Chapter 22, mandates the accounting provisions for all moneys under the control of the Circuit Court Clerk's Office, and establishes disbursement requirements for the pay out of all court-Ordered payments, whether refund of bonds, garnishment monies, settlement funds, money judgments, or victim restitution payments.

### **Description**

The Accounting Office of the Circuit Court of Fairfax serves the functions of a Virginia general receiver, as it relates to monies kept by the Clerk Court for matters before the Circuit Court. Much of that record-keeping and account reconciliation and interest accrual work involves garnishment actions arising under Code of Virginia §8.01-511, which is a post-judgment remedy available to judgment creditors. Victims of crimes who are awarded restitution by a judge under Code of Virginia §19.2-305.1 can earn interest on the award, which the Accounting Division verifies is accrued properly. When a defendant pays court costs or victim restitution into the Clerk's Office, the Accounting Division disburses those funds to the Commonwealth or victim, respectively. When a non-appellate bond is posted for a court case, the Accounting Division accepts the bond and deposits it into a non-interest bearing account; when the case is concluded, the Accounting Division disburses the bond to the appropriate party pursuant to a Court Order. The Clerk of Court is mandated by Code of Virginia §8.01-600 to apply security protocols in its Accounting Division in accordance with the Virginia Public Deposits Act, set out at §2.2-4400.

In addition to the general court receivership duties, the Accounting Division serves as the accountant to each of the customer-service divisions of the of the Circuit Court. To that end, the Accounting Division, verifies and reconciles all fees and/or taxes collected from the public counters of the Public Services Division, Civil Division, Probate Division, Criminal Division, Land Records and Historic Archives. Fees and taxes collected are reported to the Commonwealth of Virginia and Fairfax County the next business day by 7:30am and funds are transmitted from the Accounting Division of the Clerk's Office to the state and locality, respectively. As the custodian of funds relating to court cases, the Clerk's Office receives annual audits by either the Virginia Auditor of Public Accounts, or another Certified Public Accountant designated by him.

### **Benefits**

By having established an Accounting Division in the Clerk's Office that serves the function of a Virginia General Receiver, the Fairfax Circuit Court saves the citizens of Fairfax any receivership fees that are otherwise allowed to them by Code of Virginia §8.01-589. In addition, the Circuit Court Accounting Division is responsible for infant settlement funds are deposited into the Court and placed in to interest-bearing account for the benefit of the minor, until they reach the age of 18 per Code of Virginia §8.01-606, which protects the minor from diminution of their compensatory award.

### **Mandates**

As mentioned above, Code of Virginia, Title 8.01, Chapter 22, mandates the accounting provisions for all moneys under the control of the Circuit Court Clerk's Office, and establishes disbursement requirements for the pay out of all court-Ordered payments, whether refund of bonds, garnishment monies, settlement funds, money judgments, or victim restitution payments.

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## Trends and Challenges

In 2015 the Clerk of Court updated its fines and costs payments system, introducing on-line fines and costs payments through the case management system's CitePay portal. This customer, on-line pay system allows defendants to pay their court fines and costs online, and without a trip to the Courthouse. In FY 2015, 5,618 e-payments were made through Cite-Pay. As it becomes easier for a defendant to stay current on their Court-ordered payment plan, the Accounting Division will see increased on-time payments, which is a positive result for the Commonwealth of Virginia and the crime's victim.

## Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
<b>LOB #183: General Receiver / Accounting</b>			
<b>FUNDING</b>			
<u>Expenditures:</u>			
Compensation	\$263,375	\$257,290	\$271,525
Operating Expenses	215,596	242,553	220,648
<b>Total Expenditures</b>	<b>\$478,971</b>	<b>\$499,843</b>	<b>\$492,173</b>
General Fund Revenue	\$0	\$0	\$0
<b>Net Cost/(Savings) to General Fund</b>	<b>\$478,971</b>	<b>\$499,843</b>	<b>\$492,173</b>
<b>POSITIONS</b>			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	5 / 5	5 / 5	5 / 5
<b>Total Positions</b>	<b>5 / 5</b>	<b>5 / 5</b>	<b>5 / 5</b>

## Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Number of Infant Settlement Accounts Held in Trust	271	243	215	215	215
On-time Civil Marriage Celebrants requiring bond	219	191	239	250	250

In FY 2015, the number of one-time civil marriage celebrants (who must post a \$500 bond with the Court) hit a three-year high, totaling 239.