

ASSOCIATE COURT CLERK SAMPLE QUESTIONS

The questions shown below are for illustrative purposes only. They are examples of the different question types and formats that candidates may encounter on the multiple-choice examination. Questions that appear on the actual examination vary in difficulty and may be easier or more difficult than the questions illustrated below.

SAMPLE QUESTIONS:

1.

According to CPLR 5003, every money judgment shall bear interest from the date of:

- A. commencement of the action.
- B. the verdict if based on an action of an equitable nature.
- C. its entry.
- D. the cause of action existed.

The correct answer to the Sample Question is C. According to CPLR 5003, "Every money judgment shall bear interest from the date of its entry."

2.

Pursuant to CPLR 5004 (a), the rate of interest upon a judgment shall be _____ per annum, except where otherwise provided by statute.

- A. 7.5%
- B. 8%
- C. 9%
- D. 10%

The correct answer to the Sample Question is C. According to CPLR 5004 (a), "Interest shall be at the rate of nine per centum per annum, except where otherwise provided by statute."

3.

Pursuant to CPLR 7804 (b), a proceeding (except as otherwise specifically provided) shall be brought in:

- A. Supreme Court only
- B. County Court or Supreme Court
- C. City Court, County Court, or Supreme Court
- D. Appellate Division of Supreme Court

The correct answer to the Sample Question is A. According to CPLR 7804 (b), "A proceeding under this article shall be brought in the supreme court..."

4.

Pursuant to CPLR 5230 (c), an execution shall be returned to the clerk of the court from which it was issued within _____ days.

- A. 60
- B. 90
- C. 120
- D. 180

The correct answer to this Sample question is A. According to CPLR 5230 (c), “An execution shall be returned to the clerk of the court from which it was issued or to the support collection unit within sixty days...”

5.

Which of the following statements regarding an acknowledgment of paternity is correct?

- A. The acknowledgment must be reduced to writing and filed with the local Office of Child Support Enforcement where the child resides.
- B. An executed acknowledgement shall establish paternity and liability for support of the child.
- C. A challenge to an acknowledgement based on fraud must be filed before the child reaches twenty-one years of age.
- D. The obligation for child support shall be suspended during the challenge to acknowledgment.

The correct answer to this Sample Question is B. According to FCA 516-A (a), “An acknowledgment of paternity executed pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of the public health law shall establish the paternity of and liability for the support of a child pursuant to this act.”

6.

Pursuant to DRL Article 7 Title I, a petition for registration of a foreign adoption order may be combined with a petition for:

- A. child support.
- B. a name change.
- C. dissolution of marriage.
- D. establishment of paternity.

The correct answer to the Sample Question is B. According to DRL 111-c(3), A petition for registration of a foreign adoption order may be combined with a petition for a name change.

7.

Pursuant to Article 2 of the FCA, which of the following indigent persons do not have the right to the assignment of counsel by the court where he/she are financially unable to obtain the same?

- A. Both the petitioner and respondent in any proceeding under Article 5 in relation to the establishment of paternity.
- B. The respondent in any proceeding under Article 10.
- C. The petitioner and respondent in any proceeding under Article 8.
- D. The parent of a child in any adoption proceeding who opposes the adoption of such child.

The correct answer to the Sample Question is A. According to FCA 262,

(a) *Each of the persons described below in this subdivision has the right to the assistance of counsel. When such person first appears in court, the judge shall advise such person before proceeding that he or she has the right to be represented by counsel of his or her own choosing, of the right to have an adjournment to confer with counsel, and of the right to have counsel assigned by the court in any case where he or she is financially unable to obtain the same:*

- (i) the respondent in any proceeding under article ten or ten-A of this act and the petitioner in any proceeding under part eight of article ten of this act;*
- (ii) the petitioner and the respondent in any proceeding under article eight of this act;*

(vii) the parent of a child in any adoption proceeding who opposes the adoption of such child.

(viii) the respondent in any proceeding under article five of this act in relation to the establishment of paternity.

8.

In a criminal action, a Superior Court means which of the following?

1. Supreme Court
 2. County Court
 3. Court of Claims
 4. District Court
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- A. 1 and 2, but not 3 or 4
 - B. 1 and 3, but not 2 or 4
 - C. 2 and 3, but not 1 or 4
 - D. 1 and 4, but not 2 or 3

The correct answer to this Sample Question is A. According to CPL 10.10 (2), "Superior Court" means a) the supreme court; or b) a county court.

9.

The defendant in a criminal action may at any time before trial waive a jury trial and consent to a trial without jury in the Superior Court in which the indictment is pending except where the indictment charges the crime of:

- A. treason
- B. murder in the First Degree
- C. arson in the First Degree
- D. kidnaping in the First Degree

The answer to the Sample Question is B. According to CPL 320.10, except where the indictment charges the crime of murder in the first degree, the defendant, subject to the provisions of subdivision two, may at any time before trial waive a jury trial and consent to a trial without a jury in the superior court in which the indictment is pending.

10.

A court's determination of an application of two or more indictments to be consolidated and treated as a single indictment for trial purposes is discretionary except that the court must order such consolidation when the defendant's application seeks consolidation with respect to offenses which are joinable in a single indictment when:

- A. they are based upon the same act or criminal transaction.
- B. the defendant is under 16 years old.
- C. such offenses are defined by the same or similar statutory provisions.
- D. proof of first offense would be admissible and material as evidence upon a trial of the second.

The answer to the Sample Question is B. According to CPL 200.20 (5), a court's determination of an application for consolidation pursuant to subdivision four is discretionary; except that where an application by the defendant seeks consolidation with respect to offenses which are, pursuant to paragraph (a) of subdivision two, of a kind that are joinable in a single indictment by reason of being based upon the same act or criminal transaction, the court must order such consolidation unless good cause to the contrary be shown.