

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.

1.

At the conclusion of a dispositional hearing under Article 8 of the Family Court Act, the court may enter an order:

1. dismissing the petition, if the allegations of the petition are established.
2. suspending judgment for a period not in excess of three months.
3. placing the respondent on probation for a period not exceeding six months.
4. making an order of protection in accord with section 842.
5. directing payment of restitution in an amount not to exceed \$10,000.

- A. 1 and 5, but not 2, 3, or 4
- B. 2, 3, and 5, but not 1 or 4
- C. 3 and 4, but not 1, 2, or 5
- D. 4 and 5, but not 1, 2, or 3

The correct response is D. FCA 841 states, "At the conclusion of a dispositional hearing under this article, the court may enter an order: ... (d) making an order of protection in accord with section eight hundred forty-two of this part; or (e) directing payment of restitution in an amount not to exceed ten thousand dollars."

2.

According to Article 4 of the Family Court Act, the personal service of a summons and petition may be made by delivery of a true copy thereof to a person of suitable age and discretion at the actual place of business, dwelling or usual place of abode of the person to be served and by mailing a true copy thereof to the person to be served at his last known residence at least how many days before the time stated in the summons for appearance?

- A. 8 days
- B. 13 days
- C. 15 days
- D. 30 days

The correct response is A. FCA 427(a) states, " Personal service of a summons and petition may be made by delivery of a true copy thereof to the person summoned at least eight days before the time stated therein for appearance; or by delivery of a true copy thereof to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by mailing a true copy thereof to the person to be served at his last known residence at least eight days before the time stated in the summons for appearance; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service."

3.

According to CPL 500.10(9), "bail" means:

1. cash bail or a bail bond
2. real property
3. equity in full force and effect

- A. 1 only, but not 2 or 3
- B. 1 and 2, but not 3
- C. 1 and 3, but not 2
- D. 1, 2, and 3

The correct response is A. CPL 500.10(9) states, "'Bail' means cash bail or a bail bond."

4.

A defendant may at any time waive a jury trial and consent to a trial without a jury in the Superior Court in which the indictment is pending. Such waiver:

1. may be made in writing.
2. must be signed by the defendant in person in open court in the presence of the court.
3. must have the consent of the prosecutor.
4. must be approved by the court.

- A. 1, 2 and 3, but not 4
- B. 1 and 4, but not 2 or 3
- C. 2 and 3, but not 1 or 4
- D. 2 and 4, but not 1 or 3

The correct response is D. CPL 320.10(2) states, "Such waiver must be in writing and must be signed by the defendant in person in open court in the presence of the court, and with the approval of the court."

5.

Pursuant to the CPLR, which of the following statements are correct relating to when a party may amend his or her pleading once without leave of the court?

1. Within twenty days after its service
2. Within thirty days after its service
3. Any time before the period for responding to it expires
4. Within thirty days after service of a pleading responding to it

- A. 1 and 4, but not 2 or 3
- B. 2 and 3, but not 1 or 4
- C. 1 and 3, but not 2 or 4
- D. 2 and 4, but not 1 or 3

The correct response is C. CPLR 3025(a) states, "A party may amend his pleading once without leave of court within twenty days after its service, or at any time before the period for responding to it expires, or within twenty days after service of a pleading responding to it."

6.

Pursuant to CPLR Article 44, the court, on motion of any party, may order a continuance or a new trial in the interest of justice on such terms as may be just:

- A. twenty days before the trial.
- B. at any time during the trial.
- C. eight days after service of the summons.
- D. fifteen days after the joinder of claims.

The correct response is B. CPLR 4402 states, "At any time during the trial, the court, on motion of any party, may order a continuance or a new trial in the interest of justice on such terms as may be just."