

## SENIOR 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.

Pursuant to Article 2 of the Family Court Act, which of the following statements are correct?

1. There shall be a clerk and deputy clerk of court for the Family Court in each county.
2. No clerk of the court or probation officer may prevent any person who wishes to file a petition from having such petition filed with the court immediately.
3. Whenever a child within the jurisdiction of the court appears to the court to be in need of medical, surgical, therapeutic, or hospital care or treatment, a suitable order may be made therefor.
4. A child with physical disabilities means a person under eighteen years of age who may be expected to be incapacitated for education or for remunerative occupation.
5. The original of an order of the Family Court shall be filed with the County Clerk's Office in the county in which the Family Court making the order is located.

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

**The correct response is B.** FCA 216-c states, "No clerk of the court or probation officer may prevent any person who wishes to file a petition from having such petition filed with the court immediately." FCA 233 states, "Whenever a child within the jurisdiction of the court appears to the court to be in need of medical, surgical, therapeutic, or hospital care or treatment, a suitable order may be made therefor."

2.

A sentence of imprisonment for a felony committed by a juvenile offender shall be a(n):

- A. definite sentence.
- B. determinate sentence.
- C. indeterminate sentence.
- D. sentence of supervision.

**The correct response is C.** Penal Law 70.05 states, "A sentence of imprisonment for a felony committed by a juvenile offender shall be an indeterminate sentence."

3.

Civil cases shall be tried in the order in which notes of issue have been filed. Which of the following are entitled to a calendar preference?

1. Any action in which the interests of justice will be served by an early trial.
2. In any action upon the application of a party 70 years of age.
3. An action for dental malpractice.
4. An action for personal injury where the plaintiff is terminally ill and alleges said illness is a result of the defendant's negligence.

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

**The correct response is D.** CPLR 3403 (a) preferred cases states: Civil cases shall be tried in the order in which notes of issue have been filed, but the following shall be entitled to a preference:

1. an action brought by or against the state, or a political subdivision of the state, or an officer or board of officers of the state or a political subdivision of the state, in his or its official capacity, on the application of the state, the political subdivision, or the officer or board of officers;
2. an action where a preference is provided for by statute; and
3. an action in which the interests of justice will be served by an early trial.
4. in any action upon the application of a party who has reached the age of seventy years.
5. an action to recover damages for medical, dental or podiatric malpractice.
6. an action to recover damages for personal injuries where the plaintiff is terminally ill and alleges that such terminal illness is a result of the conduct, culpability or negligence of the defendant.