

SENIOR COURT CLERK SAMPLE QUESTIONS (rev. 02/28/2022)

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

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

3.

According to FCA 168, a copy of an order of protection or temporary order of protection issued by the family court must be filed by the clerk of the court with the sheriff's office or police department of the county or the city police department where the _____ resides.

- A. Petitioner
- B. Respondent
- C. Petitioner or Respondent
- D. Petitioner and Respondent

4.

According to FCA 312, a summons issued by the family court upon the filing of a juvenile delinquency petition must be signed by either

1. The probation department
 2. The presentment agency
 3. The clerk of the court
 4. A judge of the court
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- A. 1 and 2, but not 3 and 4
 - B. 2 and 3, but not 1 and 4
 - C. 3 and 4, but not 1 and 2
 - D. 1 and 3, but not 2 and 4

5.

Which of the following is **not** considered a child custody proceeding under Uniform Child Custody Jurisdiction Enforcement Act, according to DRL 75-a?

- A. Paternity
- B. Visitation
- C. Guardianship
- D. Contractual Emancipation

6.

According to Uniform Rules 205.43, a support magistrate must commence a hearing to determine a willful violation of child support within _____ days of the date noticed in the summons. The hearing must be concluded within _____ days of its commencement.

- A. 3, 15
- B. 7, 14
- C. 15, 30
- D. 30, 60

7.

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

8.

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

9.

Whenever a person who is enrolled as a student in a public or private elementary or secondary school is sentenced for a crime, the court that has sentenced such person shall provide notification of the conviction and sentence to the designated educational official of the school in which such person is enrolled as a student. This notice is required for all students up to and including the age of _____ years.

- A. 16
- B. 17
- C. 18
- D. 19

10.

When a criminal action is terminated in favor of a person, the record is sealed, unless the District Attorney or the court motion that the interests of justice require otherwise. Upon such action, within how many days is the person or his or her attorney entitled to notice?

- A. 5 days
- B. 7 days
- C. 10 days
- D. 14 days

11.

When must the court determine whether or not an eligible youth is a youthful offender?

- A. At arraignment.
- B. At any time before trial.
- C. Upon conviction.
- D. At the time of pronouncing sentence.

12.

Upon or after arraignment in a local criminal court upon an information, a prosecutor's information or a misdemeanor complaint, where the sole remaining count or counts charge a violation or violations of section 221.05, 221.10, 221.15, 221.35 or 221.40 of the penal law and before the entry of a plea of guilty thereto or commencement of a trial thereof, the court may make an adjournment in contemplation of dismissal for a period **not** to exceed _____.

- A. 12 months
- B. 90 days
- C. 30 days
- D. 6 months

13.

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

14.

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.

15.

Pursuant to CPLR 1201, an infant may be represented in an action before the court by:

- 1. the guardian of his property
- 2. a parent that has legal custody of the infant
- 3. an adult spouse who resides with the infant

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

16.

Pursuant to CPLR 2304, a motion to quash, fix conditions or modify a subpoena must be made in the:

- A. Supreme Court.
- B. court in which the matter is returnable.
- C. court of record.
- D. Court of Claims.

17.

Pursuant to CPLR 5003, every order directing payment of money, which has been docketed as a judgment shall bear interest from the:

- A. earliest ascertainable date of deposition.
- B. final report.
- C. date of reasonable breach.
- D. date of such docketing.

18.

Pursuant to 202.22 (a) (7) of the Uniform Civil Rules, one of the calendar types that a judge, to whom cases are assigned, may establish is a Military Calendar. A Military Calendar is:

- A. a calendar of cases where either party in the action is a contractor providing goods or services to the military.
- B. a calendar of cases where the defendant is in a branch of the military.
- C. a list of cases where the military is seeking action against a person or persons within the jurisdiction of the court.
- D. a listing of cases where a party or witness in an action is presently not available for trial due to her/his military service.

19.

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

20.

According to FCA 580-311, a Uniform Interstate Family Support Act proceeding to modify a child support order of another state must be filed by petition. Which of the following is **not** correct regarding the pleading?

- A. The petition must specify the relief sought.
- B. The petition must include the social security numbers of all parties, so far as known.
- C. The petition may include any other information that may assist in locating the respondent
- D. The petition must have a copy of the order from the other state attached.

21.

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.

22.

In order to determine whether a defendant is a second child sexual assault felony offender, what age must the defendant be at the time of the commission of the predicate felony?

- A. 14 years or older
- B. 16 years or older
- C. 18 years or older
- D. 19 years or older

23.

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

24.

Pursuant to CPLR 2101 (e), except where otherwise prescribed, copies, rather than originals, of which of the following papers may be served or filed?

1. Affidavits
2. Orders
3. Exhibits
4. Notes of Issue

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

Answer Key

1. 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. 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. The correct response is A. According to FCA 168.2, "A copy of an order of protection or temporary order of protection shall be filed by the clerk of the court with the sheriff's office or police department in the county in which the petitioner resides, or, if the petitioner resides within a city, with the police department of such city."

4. The correct response is C. According to FCA 312.1, "The summons shall be signed by a judge or by the clerk of the court." There is no mention of the probation department or presentment agency.

5. The correct response is D. According to DRL 75-a, "'Child custody proceeding' means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, person in need of supervision, contractual emancipation, or enforcement under title three of this article."

6. The correct response is D. According to Uniform Rules 205.43(b), "After service is made, the judge or support magistrate must commence a hearing to determine a willful violation within 30

days of the date noticed in the summons. The hearing must be concluded within 60 days of its commencement.”

7. The correct response is A. CPL 500.10(9) states, ““Bail” means cash bail, a bail bond or money paid with a credit card.”

8. 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.”

9. The correct response is C. CPL 380.90(2) states, “Whenever a person under the age of nineteen who is enrolled as a student in a public or private elementary or secondary school is sentenced for a crime, the court that has sentenced such person shall provide notification of the conviction and sentence to the designated educational official of the school in which such person is enrolled as a student.”

10. The correct response is A. CPL 160.50(1) states, “Upon the termination of a criminal action or proceeding against a person in favor of such person, as defined in subdivision three of this section, unless the district attorney upon motion with not less than five days notice to such person or his or her attorney demonstrates to the satisfaction of the court that the interests of justice require otherwise, or the court on its own motion with not less than five days notice to such person or his or her attorney determines that the interests of justice require otherwise and states the reasons for such determination on the record, the record of such action or proceeding shall be sealed and the clerk of the court wherein such criminal action or proceeding was terminated shall immediately notify the commissioner of the division of criminal justice services and the heads of all appropriate police departments and other law enforcement agencies that the action has been terminated in favor of the accused, and unless the court has directed otherwise, that the record of such action or proceeding shall be sealed.”

11. The correct response is D. CPL 720.20(1) states, “Upon conviction of an eligible youth, the court must order a pre-sentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender.”

12. The correct response is A. CPL 170.56(1&2) states, “Upon ordering the action adjourned in contemplation of dismissal, the court must set and specify such conditions for the adjournment as may be appropriate, and such conditions may include placing the defendant under the supervision of any public or private agency. At any time prior to dismissal the court may modify the conditions or extend or reduce the term of the adjournment, except that the total period of adjournment shall not exceed twelve months.”

13. 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.”

14. 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.”

15. The correct response is D. CPLR 1201 states, “Unless the court appoints a guardian ad litem, an infant shall appear by the guardian of his property or, if there is no such guardian, by a parent

having legal custody, or, if there is no such parent, by another person or agency having legal custody, or, if the infant is married, by an adult spouse residing with the infant, a person judicially declared to be incompetent shall appear by the committee of his property, and a conservatee shall appear by the conservator of his property.

16. The correct response is B. CPLR 2304 states, "A motion to quash, fix conditions or modify a subpoena shall be made promptly in the court in which the subpoena is returnable."

17. The correct response is D. CPLR 5003 states, "Every money judgment shall bear interest from the date of its entry. Every order directing the payment of money which has been docketed as a judgment shall bear interest from the date of such docketing."

18. The correct response is D. 202.22 (A) (7) of the Uniform Civil Rules states, "(a) A judge to whom cases are assigned under the individual assignment system may establish such calendars of cases as the judge shall deem necessary or desirable for proper case management. These calendars may include: (7) Military Calendar. A military calendar is for cases where a party to an action or a witness necessary upon the trial is in military service, and is not presently available for trial, and a deposition cannot be taken, or, if taken, would not provide adequate evidence.

19. 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."

20. The correct response is D. According to FCA 580-311: "(a)... the petition or accompanying documents must provide, so far as known, the name, residential address and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent. (b) The petition must specify the relief sought." It is not necessary in all cases to include a copy of the order issued by another tribunal.

21. 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."

22. The correct response is C. CPL 400.19(2) states, "When information available to the people prior to the trial of a felony offense for a sexual assault against a child indicates that the defendant may have previously been subjected to a predicate felony conviction for a sexual assault against a child, a statement may be filed by the prosecutor at any time before trial commences setting forth the date and place of each alleged predicate felony conviction for a sexual assault against a child and a statement whether the defendant was eighteen years of age or older at the time of the commission of the predicate felony.

23. 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.”

24. The correct response is D. CPLR 2101 (e) states, “Except where otherwise specifically prescribed, copies, rather than originals, of all papers, including orders, affidavits and exhibits may be served or filed. Where it is required that the original be served or filed and the original is lost or withheld, the court may authorize a copy to be served or filed.”