



Walter J. Kucharski, Auditor

Commonwealth of Virginia

**Auditor of Public Accounts
P.O. Box 1295
Richmond, Virginia 23218**

December 8, 2009

The Honorable Barry G. Logsdon
Chief Judge
City of Newport News Juvenile and Domestic Relations Court
2501 Huntington Avenue
Newport News, VA 23607

Audit Period: July 1, 2008 thru June 30, 2009
Court System: City of Newport News
Judicial District: 7th

We are performing a statewide audit of the Juvenile and Domestic Relations Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review we noted certain matters that required management's attention and corrective action. These matters included:

Bill Locality for Public Defenders

The Clerk did not bill the locality for the public defenders as required by the Code of Virginia Section 19.2-163 when they represented defendants charged with local offenses. The Clerk assessed the defendant a public defender fee based on a Judge's order, but did not recover the Commonwealth's costs by billing the locality. The Clerk does not bill the locality until the Clerk receives a timesheet from the public defender.

When the defendant pays the fines and costs associated with the local offense, the Clerk sends these funds to the locality. However, because the Clerk does not have a timesheet from the public defender the Commonwealth incurred costs in excess of \$900, which the locality should have paid.

There is no indication the Clerk informed the judge the public defenders are not providing time sheets resulting in the loss of Commonwealth monies. We recommend the judge work with the public defenders to assist the Clerk in properly assessing and billing the locality for public defender usage, so the Commonwealth does not lose these funds.

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Properly Complete and Retain Supporting Documentation

The Clerk does not maintain all required supporting documentation for court appointed attorney payments and inconsistently follows the normal procedures for payment. Section 19.2-163 of the Code of Virginia permits court appointed attorneys to apply for additional fees when cases warrant additional fees due to time or difficulty.

The Office of the Executive Secretary Supreme Court of Virginia has established guidelines for the submission and approval of these waiver applications to ensure all disbursements from the Criminal Injuries Compensation Fund comply with the Code of Virginia. Control procedures include individual applications, signatures from the Attorney, Clerk, presiding Judge and Chief Judge, and sets the procedure for the retention of these documents.

We noted that the Clerk is inconsistently following all of these procedures including the retention of the documentation of the waiver applications and approval. Failure to follow approved procedures could result in attorneys receiving excess amounts or duplicate payments for the same waiver. The Clerk should work to ensure that this office follows all the appropriate procedures, thus safeguarding the fund from accidental miss-payment.

Properly Approve the Reporting of Leave

The Judge does not approve the reporting of leave taken by the Clerk. Instead, the Clerk completes and approves her own leave report. Section 2102.3 of the Human Resources Policy Manual requires the supervising Judge to approve the reporting of the Clerk's leave. Supervisory review and approval is an essential internal control to ensure the accuracy and appropriateness of transactions. Allowing someone to prepare and approve their own leave without a supervisory review can result in both intentional and unintentional errors going undetected. We recommend the supervising Judge immediately begin reviewing and approving the reporting of the Clerk's leave.

We acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc: The Honorable Ronald Everett Bensten, Judge
The Honorable Thomas W. Carpenter, Judge
The Honorable Judith Anne Kline, Judge
Patsy A. Ewell, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia