



# Commonwealth of Virginia

Auditor of Public Accounts

P.O. Box 1295

Richmond, Virginia 23218

**Walter J. Kucharski, Auditor**

January 11, 2010

The Honorable Avelina S. Jacobs  
Chief Judge  
County of Fauquier Juvenile and Domestic Relations Court  
18 East Market Street  
Leesburg, VA 20176

Audit Period: July 1, 2008 thru June 30, 2009  
Court System: County of Fauquier  
Judicial District: Twentieth

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:

## Properly Review, Retain Court Appointed Attorney Documents, Improve Recordkeeping and Maintenance of Files

The Clerk did not retain the Application and Authorization for Waiver Fee Cap (form DC-40(A)) and the required attorney timesheet, properly assess court-appointed attorney fees, collect fines involving local and state charges, collect fixed fees, or update the financial management system. In addition, the clerk could not locate files for test work. The auditor tested 52 cases and noted the following errors:

### Court Appointed Attorney Fees

- In two cases there was no Waiver Fee Cap request or required timesheet when a waiver was requested totaling \$728, per Section 19.2-163 et.al. of the Code of Virginia. Since there was no waiver request or timesheet, the Chief Judge could not verify the amount claimed.
- In one case, the Clerk failed to follow requirements of Section 16.1-267 of the Code of Virginia by erroneously charging a juvenile fee totaling \$60.

### Collection of Fines

- In one case involving a state violation, the Clerk did not properly code the fine to the Commonwealth

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as required by Section 19.2-340 of the Code of Virginia, which resulted in a loss to the Commonwealth of \$200.

Collection of Fixed Costs

- In one case, the Clerk overcharged the defendant \$10 when collecting fixed costs.

Missing Case Papers

- In six cases, the Clerk could not locate case files for test work.

We recommend the clerk retain all required paperwork pertaining to court-appointed attorneys and make the appropriate corrections to case paperwork. Further, we recommend the Clerk work with the Office of the Executive Secretary to receive training in the calculation of court costs and maintenance of files.

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

AUDITOR OF PUBLIC ACCOUNTS

WJK:alh

cc: The Honorable J. Gregory Ashwell, Judge  
Lois C. Welch, Clerk  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia