



Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

December 3, 2009

The Honorable Henry A. Barringer
Chief Judge
County of Tazewell Juvenile and Domestic Relations Court
P.O. Box 613
Tazewell, VA 24651

Audit Period: July 1, 2008 through June 30, 2009
Court System: County of Tazewell
Judicial District: Twenty -ninth

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 Assess Court Appointed Attorney Fees

The clerk is not properly assessing and collecting court appointed attorney fees involving local and state charges as required by Section 19.2-163 and 16.1-267 of the Code of Virginia. The auditor tested ten cases and noted the following errors.

- In two cases, the clerk erroneously assessed juveniles for court-appointed attorney fees totaling \$240.
- In one case, the clerk erroneously assessed a defendant for court-appointed attorney fees totaling \$120.
- In one case, the clerk did not assess defendant court appointed attorney expenses, resulting in a loss of revenue to the locality totaling \$18.

We recommend the clerk research all similar cases, make the appropriate corrections to case paperwork, and where appropriate, bill the localities for the applicable court appointed attorney fees. Further, we recommend the Clerk work with the Office of the Executive Secretary to receive training in assessing court costs.

Properly Maintain Court Appointed Attorney Records

The Clerk does not consistently maintain court-appointed attorney timesheets or waivers as required by the Court-Appointed Counsel Guidelines and Procedures Manual. The timesheet provides a detailed accounting of the time spent on a case and justification for additional fees requested. A waiver provides a detailed explanation

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of additional fees requested. We recommend the Clerk maintain records in accordance with the Court Appointed Counsel Guidelines & Procedures Manual.

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

AUDITOR OF PUBLIC ACCOUNTS

WJK:rsj

cc: The Honorable Michael J. Bush, Judge
Connie C. Roberts, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia

The Honorable Henry A. Barringer
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