

Sample Test Questions for the Court Clerk & Sr. Court Clerk Examinations

The questions on the multiple-choice examination will assess candidates' knowledge of the Civil Practice Law and Rules, Criminal Procedure Law, Penal Law, Family Court Act, Uniform Rules for the New York State Trial Courts, Real Property Actions and Proceedings Law, Domestic Relations Law, Social Services Law, Vehicle and Traffic Law, and the Mental Hygiene Law in effect in the New York State Unified Court System as of December 31, 2015. For a comprehensive listing of the examination subject areas, applicants should refer to the "**Subject of Examination**" section on the Examination Announcement for the above titles.

The written multiple-choice examination for Court Clerk will consist of **90** test questions and the multiple-choice exam for Senior Court Clerk will consist of an additional **30** test questions (**120** test questions in total). All applicants will have **4** hours to complete the examination.

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 written 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.
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- 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.

Pursuant to Article 5 of the Family Court Act, the Court may enter an order of filiation in any proceeding in the family court, if:

1. both parents are before the court.
2. the father waives both the filing of a paternity petition under Section 523 and a hearing under Section 533.
3. the court is satisfied as to paternity of the child from the testimony or sworn statements of the parents or other witnesses.

- A. 1 only, but not 2 or 3
- B. 1 and 2, but not 3
- C. 2 only, but not 1 or 3
- D. None of the above

4.

Each attorney appearing in a proceeding is required to file a written notice of appearance on or before the time of the attorney's first appearance in court or no later than _____ days after appointment or retainer, whichever is sooner.

- A. 5
- B. 7
- C. 10
- D. 20

5.

In a criminal action, the court must pronounce sentence in every case where:

- A. a conviction is entered.
- B. the District Attorney requests that a sentence be imposed.
- C. a defendant waives his right to be sentenced.
- D. a probation report is waived.

6.

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

7.

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

8.

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.

9.

The court has determined that an inmate has insufficient funds to pay the full filing fee required to commence an action and has ordered that the inmate be allowed to pay a reduced filing fee. Which of the amounts listed below would be a statutorily correct amount for the court to require the inmate to pay?

- A. \$50
- B. \$95
- C. \$155
- D. \$205

10.

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

11.

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.

12.

An infant shall 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

Senior Court Clerk Examination Questions

13.

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

14.

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.

15.

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.
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- 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

Answers:

Court Clerk and Sr. Court Clerk Questions: 1-D; 2-A; 3-B; 4-C; 5-A; 6-C; 7-A; 8-D; 9-A; 10-C; 11-B; 12-D.

Sr. Court Clerk Questions: 13-B; 14-C; 15-D.