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McLean County Auditor's Office

Audit Summary

Statutorily Mandated Audit – Circuit Clerk Fees

In addition to the expenditure testing, revenue and fee testing was conducted on the funds that the County Auditor's Office is required to audit by statute. The five funds tested are Court Automation Fee Fund, Court Document Storage Fee Fund, Law Library Fee Fund, Electronic Citation Fee Fund, and the Children's Waiting Room Fund.

The maximum fee allowed to be charged for each fund per approval by the McLean County Board is:

- \$5 – Court Automation
- \$5 – Document Storage
- \$10 – Law Library
- \$5 – Children's Waiting Room
- \$5 – Electronic Citation Fee (The County Board did not opt out, thus making this the maximum)

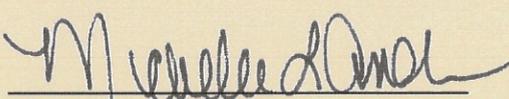
During the course of the audit, a difference in the amount charged versus the maximum allowed (for the above fees) in Adoption (AD) cases was noted. By statute, the maximum fee for adoptions is \$65. After additional research by Circuit Clerk Don Everhart, it was determined that no additional fees are to be charged on Adoption Cases; the entire \$65 is to go to the Circuit Clerks fees. Mr. Everhart found that the Law Library, Court Automation, Children's Waiting Room, and Document Storage fees are denoted "all civil", which lead the previous Circuit Clerk to add them as the new fees were created. However, Mr. Everhart found in the AOIC's manual on fines and fees that "all civil" does not include Adoption, it must be specifically noted on a fee for it to be charged on an Adoption case. At no time were individuals charged more than the \$65 maximum per statute, it was just incorrectly divided up on various fees. The fees previously collected for Adoption cases (Law Library, Court Automation and Document Storage) have been removed from the fee pattern.

Per review of the fee distribution patterns, the only exceptions noted are:

- Divorce with Appearance
 - \$10 – Court Automation
 - \$10 – Document Storage
 - \$20 – Law Library
 - \$10 – Children's Waiting Room

Per Don Everhart, Circuit Clerk, the reason for doubling the four fees above is it contains a joint filing fee and appearance fee, so no exception is noted. The DWA pattern includes the appearance fee; thus, for the sake of time, DWA combines pattern DIV (Divorce) and AP4 (Divorce Appearance).
- Traffic Overweight (TOW)
 - Fee pattern did not include Document Storage Fee

Per Don Everhart, Circuit Clerk, the fee was being manually added to the distribution pattern by his staff, as it was being charged on TOW cases. It has now been added to the fee distribution pattern.
- The balance of the fee patterns tested that had fees omitted or at the wrong amount, are either inactive or are rarely used.


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9/13/2013
Date