

CIRCUIT CLERK:
JUVENILE COURT:
JUVENILE CLERK:
COMPENSATION:

The circuit clerk of a second class county is not entitled to any fee or salary other than his regular salary for acting as clerk of the juvenile court.

June 19, 1969

OPINION NO. 106

Honorable Arlie H. Meyer
State Representative
Room #235 - 105th District
State Capitol Building
Jefferson City, Missouri 65101



Dear Representative Meyer:

This is in response to your recent request for an opinion which states:

"I am enclosing copies of statutes #211.311, #211.351 and #211.391. My question is 'is the Circuit Clerk of a second class county entitled to any fee or salary other than his regular salary if acting as clerk of the juvenile causes in his office?'"

As background for the discussion of this question it should be noted that the Juvenile Court, for which Section 211.311, RSMo 1959, requires the clerk of the Circuit Court to act as clerk, is not a separate court, but is the Circuit Court or Court of Common Pleas acting with reference to juvenile cases.

Section 211.021, RSMo 1959, provides in part as follows:

"As used in sections 211.011 to 211.431, unless the context clearly requires otherwise: (3)'Juvenile Court' means the Cape Girardeau court of common pleas and the circuit court of each county, except that in the judicial circuits having more than one judge, the term means the juvenile division of the circuit court of the county; * * *" See also Section 28 of Article V of the Constitution of Missouri.

Therefore, it may not be stated that the clerk when acting in juvenile causes is acting in the capacity of a separate office.

The statutory provisions for compensation of circuit clerks in second class counties do not refer to added compensation for serving as clerk in juvenile causes but do refer to additional compensation for other activities. Section 483.315, RSMo 1959, provides:

"The clerk of the circuit court of all counties of the second class shall receive as compensation for his services six thousand seven hundred dollars per annum to be paid in twelve equal monthly installments by the county as warrants drawn on the county treasury. In addition to the annual salary, he may retain all fees earned by him

Honorable Arlie H. Meyer

in case of change of venue from other counties."

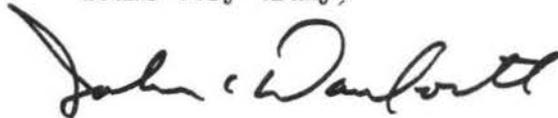
Additional compensation is also referred to in such matters as reports of case loads to the county court, Section 483.317, RSMo Supp. 1967; acting as member of the jury commission board, Section 495.050, RSMo Supp. 1967. The reference in other places to added compensation for performing certain functions clearly demonstrates that for acting in juvenile causes, in the case of the clerk in a second class county, when no mention is made of added compensation, there is no entitlement to it. The reference in Section 211.391, RSMo Supp. 1967, which you cite, to compensation of juvenile court personnel including clerks and typists does not authorize additional compensation for the clerk of the circuit court acting in juvenile causes. It is clear that the reference to "clerks" in Section 211.391 is to additional clerks necessary to conduct juvenile court proceedings and does not refer to the circuit clerk who by statute is designated as the clerk of the Juvenile Court.

CONCLUSION

It is, therefore, the opinion of this office that the circuit clerk of a second class county is not entitled to any fee or salary other than his regular salary for acting as clerk of the juvenile court.

This opinion, which I hereby approve, was prepared by my Special Assistant Richard C. Hudson.

Yours very truly,



JOHN C. DANFORTH
Attorney General