

Sauk County, Wisconsin  
**Circuit Court Commissioner Annual Report  
(including Family Court Mediation Program)**

**2018 Mission:** The Court Commissioner’s office conducts preliminary and final hearings in family court, domestic abuse, criminal, traffic, ordinance violation, small claims and probate matters, and also provides information regarding legal procedures relating to those matters.

The mission of the mediation program is to provide child custody, physical placement and/or child visitation dispute resolution services in divorce, legal separation, paternity and other family law actions.

**Departmental Program Summary:**

Court Commissioner’s office:

(1) conducts statutorily-required preliminary and final court hearings in: a) family law cases, including child support; b) traffic, forfeiture and small claims cases; c) domestic abuse injunction cases; and, d) protective placement (“Watts”) annual reviews;

(2) prepares and/or signs court orders and documents, including: a) temporary orders and/or final orders or judgments in family law, small claims, traffic, forfeiture and protective placement cases; b) memorandum decisions in family law cases; and, c) criminal summonses and warrants, as well as attachments for arrest in civil actions;

(3) determines/schedules appropriate court proceedings in the matters set forth in section (1), above, including determination of necessary time required for hearing within existing time constraints; and,

(4) answers procedural/informational requests: as required by statute, provides procedural and statutory information to litigants and to county departments and provides professional assistance to county and state departments and offices to fill in “gaps” in the delivery of legal services caused by budget constraints;

[Note: Although, for budget preparation purposes, items (1)-(4), above, are designated as “programs”, all are actually statutorily-required duties. Regardless of budget constraints, the Court Commissioner’s office cannot refuse to perform any of them. All must be performed within whatever time and/or resources are made available for the office.]

Mediation program: In any “action affecting the family” (Ch. 767, Wis. Stats. - divorce, legal separation, child custody, paternity, etc.) in which child custody,

physical placement or visitation rights are contested, or in which a party is experiencing difficulty in exercising those rights, on request of a party or by court order the matter is referred by the Court Commissioner’s office to a mediator for assistance in resolving the problem. This office coordinates the referrals to mediation and provides general oversight of the program, as well as over the mediators. This program, which is completely self-funded through statutorily-established user fees, has been in existence since 1993.

**2018 Goals Review**

**2018 GOALS REVIEW**

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2018?
Provide sufficient time to hear/decide all cases within time constraints.	Yes
Create educational component for parties pursuing the entry of child custody and physical placement orders in family law cases involving never-married parents.	No. Still assessing appropriate type of program to pursue, if any.
Mediation program: Monitor referrals to mediation where domestic abuse/substance abuse issues may or may not have been revealed initially/terminate referrals as appropriate.	Yes

**Changes / Accomplishments:**

The year of 2018 was one of transition for the Court Commissioner’s office. Longtime (nearly 30 years) court reporter/judicial assistant Rebecca Thruman retired at the end of April. The position was then changed to that of a full-time judicial assistant, with that individual being given additional responsibilities of tracking the filing of motions in all family law cases. This allows these matters to be prosecuted in a more efficient fashion than was previously the case. Additionally, in May, 2018, the court began using a “digital audio recording” (DAR) system for on-the-record proceedings, as opposed to using an in-person court reporter. These changes ultimately have allowed the Court Commissioner’s office to provide additional, more efficient services at a lower cost.

The number of temporary (initial) hearings conducted in divorce and other family law cases in 2018 (310) was slightly less than 2017 (334), but consistent with numbers for the past 5 years. The number of these types of hearings conducted in 2018 still exceeds the annual average from the early-2000’s, 253 per year, by over 20%. This represents the fact that more individuals are able to access the court system than was the case previously. However, the majority of the litigants involved in these matters continue to be appearing “pro se”, unrepresented by counsel. Many issues which would be more efficiently resolved if counsel were involved are not, which leads to more contested hearings than are necessary. This labor-intensive effort continues to place a strain on this two-person office.

Mediation program: The number of mediation referrals for 2017 (120), represents a nearly 20% increase from 2016, but is slightly below the 5-year average of 133. These changes are not the result of fewer cases coming before the courts. Rather, consistent with a trend which began in 2016, it continues to be the result of mediation being bypassed in more cases than was previously the case. In an increasing number of cases, domestic violence or (especially) the use and abuse of drugs is present. By statute, mediation is discouraged or prohibited due to these issues. In cases where these factors are not an issue, there is a continued reliance on mediation to resolve child custody and physical placement disputes without the necessity for court hearings, which by their adversarial nature can often become negative and counter-productive as relates to the best interests of the children. Without this program, which remains completely self-funded, the caseload strain noted above would be even more severe.

**Statistical Summary:**

**OUTPUT MEASURES**

<b>DESCRIPTION</b>	<b>2013 ACTUAL</b>	<b>2014 ACTUAL</b>	<b>2015 ACTUAL</b>	<b>2016 ACTUAL</b>	<b>2017 ACTUAL</b>	<b>2018 ACTUAL</b>
Total hrs. conducted	4112	3753	3437	3429	3625	3616
Mediation referrals	155	147	134	127	103	120
Number of staff (including Commissioner)	2	2	2	2	2	2

## OUTCOME AND EFFICIENCY MEASURES

DESCRIPTION	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 ACTUAL
Family law cases:						
1) Temporary (initial) hearings	378	307	318	334	329	310
2) Final divorce hearings	97	77	66	71	74	102
3) Child support- related hearings	557	552	553	517	491	422
Civil law cases:						
1) Domestic abuse hearings	56	40	37	59	68	48
2) Small claims initial appearances	433	330	346	404	386	409
3) “Watts” reviews	84	85	84	77	74	73
Other cases:						
1) Criminal case initial appearances	1132	1214	1126	946	1006	1221
2) Traffic/Forf. Initial appearances	1296	1143	907	1021	1202	1031
Mediation referrals completed	All	All	All	All	All	All