

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

2013 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 these 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 affecting the family.

Departmental Program Summary:

Court Commissioner's office:

(1) conduct 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) prepare and/or sign court orders and documents, including: a) temporary orders and/or final orders or judgments in family law, domestic abuse, small claims, traffic, forfeiture and protective placement cases; c) memorandum decisions in family law cases; and, d) criminal summonses;

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

(4) answer procedural/informational requests: as required by statute, provide procedural and statutory information to litigants and to county departments and provide 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 to this 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 now been in existence for over 20 years.

2013 Goals Review

2013 GOALS REVIEW

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2012?
	Yes or No (If no, please provide comment)
Create educational component for parties (“pro se” or represented) pursuing the entry of child custody and physical placement orders in non-marital family cases	No--Wisconsin Statutes allow either an “educational” program or a “training” program, but not both. Assessing appropriate type of program to pursue; therefore, completion date uncertain.
Provide sufficient time to hear/decide stipulated and contested case within time constraints; lessen the amount of time devoted to Child Support Agency-type hearings without sacrificing due process rights	Yes
Mediation program: Monitor referrals to mediation where domestic violence issues may or may not have been revealed initially/terminate referral as appropriate	Yes

Changes / Accomplishments: The number of temporary (initial) hearings conducted in 2013 in divorce and other family law cases exceeded the number of 2012 hearings by 58, or nearly 20%, and represents an increase of 11% over the 4-year average, 2009-2012 (343 per year). The average annual number of these types of hearings for the time period 2010-2013 (350 per year) represents an increase of 10% over the time period 2006-2009 (316 per year). The majority of the litigants involved in these cases are appearing “pro se”, unrepresented by counsel. Many issues which would be more efficiently resolved if counsel were involved are not, which leads to an increasing number of contested hearings. This labor-intensive process continues to put a strain on this two-person office. For this reason, in order to create additional court time to be able to conduct these hearings, beginning in 2014 the method of hearing some other types of proceedings has been restructured. Those proceedings are being conducted less often, but in more intensive time blocks.

Mediation program: The number of mediation referrals for 2013 (155) is down one from 2012, but is 5% higher than the annual average for the time period 2009 - 2012 (147 per year). This number is also nearly 20% higher than the annual average for the time period 2005-2008 (131 per year). Overall, mediation referrals assist with the resolution of numerous child custody and physical placement disputes. Without this program, which remains completely self-funded, the caseload strain noted immediately above would be even more severe.

Statistical Summary:

OUTPUT MEASURES

DESCRIPTION	2011 ACTUAL	2012 ACTUAL	2013 ACTUAL
Total hearings conducted	4,306	4,433	4,112
Mediation referrals	153	156	155
Number of staff (including Commissioner)	2	2	2

OUTCOME AND EFFICIENCY MEASURES

DESCRIPTION	2011 ACTUAL	2012 ACTUAL	2013 ACTUAL
Family law cases:			
1) Temporary hearings (divorce/child custody)	345	320	378
2) Final divorce hearings	99	102	97
3) Child support-related hearings	588	644	597
Civil law cases:			
1) Domestic abuse (injunction) hearings	55	39	56
2) Small claims initial appearances	467	497	432
3) "Watts" reviews	88	84	84
Other cases:			
1) Criminal case initial appearances	1459	1371	1172
2) Traffic/forfeiture initial appearances	1205	1376	1296
Mediation referrals completed within timelines established	All	All	All