

Sauk County, Wisconsin
Register in Probate/Juvenile Clerk of Court
Annual Report

2013 Mission: The mission of the office of Register in Probate / Juvenile Clerk of Court is to maintain records and perform statutory functions pertaining to Formal and Informal Probate; Trusts, Juvenile and Adult Adoptions; Juvenile and Adult Guardianships; Juvenile and Adult Mental Commitments; Juvenile Termination of Parental Rights; Children in Need of Protection and Services; Juveniles in Need of Protection and Services; Juvenile Delinquencies.

Departmental Program Summary: The office of Register in Probate/Juvenile Clerk of Court has two distinct areas of responsibility as mandated by Wisconsin State Statutes. Probate case types are cited in Wisconsin State Statutes 814.851 through 879; Chapters 51 and 55. Juvenile case types are cited in Wisconsin State Statutes 48 and 938. Probate staff serve the Sauk County Court system by following current Wisconsin State Statutes/Sauk County policies and serve the general public, attorneys, court personnel, and justice partners by providing forms, assistance, and information. Additional duties of Probate/Juvenile Clerk staff include the collection and processing of fees, certification and processing of documents, addressing applicable inquiries (Juvenile, Mental Commitments, and Guardianships are sealed and confidential), and serving as clerk at court hearings.

2013 Goals Review

2013 GOALS REVIEW

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2013?
	Yes or No (If no, please provide comment)
Determine strategies to manage Pro Se Juvenile Guardianships as related to Wisconsin State Statutes	No. Continued to monitor facilitation of guardianships with GALs. Process continues to pose numerous challenges due to SCDHS reduction in filing of CHIPS proceedings and referrals for juvenile guardianships.
Effectively and efficiently manage the processing and destruction of juvenile and guardianship case files attaining the appropriate age of destruction.	No. Retention periods have increased in all case types, particularly those cases with orders for firearms restrictions. Will require continued monitoring and alternate means of managing files for both case

2013 GOALS REVIEW

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2013?
	Yes or No (If no, please provide comment)
	types.

Changes / Accomplishments: Juvenile Guardianships continue to challenge resources of the department, the court system and the Guardian ad Litem due to a reduction in the filing of CHIPS proceedings by Human Services and subsequent referrals for guardianship filings by pro se petitioners. Guardian ad Litem addressed this issue with the state in a review which occurred in the Fall of 2013. The complexity of the process, misinformation obtained by petitioners from third parties, and parental objections are the primary basis for the challenges presented. A joint effort of the department and the Guardian ad Litem resulted in the development of a guide to juvenile guardianships provided to the petitioners by the Juvenile Clerk of Court office and by several legal firms – when legal consultation is sought by the petitioners. This has been an attempt to insure accurate completion of the documents and to advise the prospective guardian(s) of their duties/responsibilities as guardian and the limitations of guardianship versus CHIPS filings. The documents have continued to be utilized throughout calendar year 2013. Despite these efforts there has only been a marginal impact on the process to address the challenges presented. The resource guide will continue to be utilized and encouraged and will require continued monitoring over ensuing years to determine it’s overall effectiveness.

The department will therefore be required to continue to monitor the juvenile guardianship filings and to assist filers to consider options for guardianship, if applicable and within the restrictions of departmental responsibilities, within statutory guidelines. Sauk County Guardian ad Litem’s will continue to be required to monitor the appropriateness of guardianship filings and the suitability of prospective guardians as mandated by state statutes with the added responsibility of assisting pro-se parties in the completion of Determination and Order and Letters of Guardianship, thus placing added pressure on each of them outside the scope of their roles.

Probate filings continued to present unique demands within the Register in Probate department due to extensive conflicts between interested parties. In an informal review of departmental history 2013 marked the highest number of contested probate filings in the past thirty plus years. This has resulted in extensive monitoring on case by case basis within the department and additional contact with court personnel and other county departments to address specific issues as they are presented. Additional time and energy has been expended by the judges, judicial assistants, and probate staff. This includes the need for additional hearings of extended length and frequency impacting the aforementioned personnel as well as court calendars.

During the 2013 budgetary process the department worked closely with both Administration and Accounting departments to re-evaluate revenue sources, primarily those relating to filing fees in Probate cases. As a result of inter-family conflicts regarding probate assets/will content/

appointment of personal representatives, the deflated housing market, and the complexity of estates (either pro-se or those represented by counsel) inventories have been filed beyond the statutory six months. This appears to be a trend that will continue to result in inventories and fees being filed later than the statutory six month file date.. This delay thus adversely affects the department's revenue line and ultimately the annual budget. Extensions to file inventories/filing fees are allowable under state statute with the approval of the court for good cause Therefore, there are no known alternatives to address this trend. We will continue to monitor during 2014 and beyond and adjust the budget revenue in accordance.

Statistical Summary:

OUTPUT MEASURES

DESCRIPTION	2012 ACTUAL	2013 ACTUAL	2014 ESTIMATE
Termination of Parental Rights	17	08	15
Adoption (Child/Adult)	20/1	20/1	20
Guardianship (Adult)	37	53	50
Guardianship (Juvenile) <i>Guardianship Filing Total</i>	23 60	17 70	20
Children in Need of Protection CHIPS	11	19	20
Juvenile in Need of Protection JIPS	15	03	10
Juvenile Delinquencies	53	40	35
Juvenile Injunctions	02	11	05
Juvenile Restitution <i>Juvenile Filing Total</i>	0 81	00 73	01
Mental Commitments (Adult)	110	81	125
Mental Commitments (Juvenile) <i>Commitment Filing Total</i>	22 132	21 102	25
Probate Unclassified	05	09	03
Probate Formal	33	17	35
Probate Informal	85	98	75
Probate Ancillary	02	00	02
Special Administration	21	14	25
Summary Assignment	04	00	03
Summary Settlement	00	00	01
Termination of Joint Tenancy	00	00	01
Termination of Life Estate	01	00	01
Determination of Descent	02	00	01
Trusts	05	03	03
Wills Filed – No Probate <i>Probate Filing Total</i>	107 266	106 247	120 251

OUTCOME AND EFFICIENCY MEASURES

DESCRIPTION	2012 ACTUAL	2013 ACTUAL	2014 BUDGET
Walk-in inquiries/filings	10-20 minutes – dependent on nature of inquiry/filing.	20% - 5-15 minutes processing 60% - 15-45 minutes processing 20% - 45+ minutes processing	20% - 5-15 minutes processing 60% - 15-45 minutes processing 20% - 45+ minutes processing
Mail Inquiries/filings	1-2 day response/return	80% - 1 day processing 20% - 2 day+ processing	80% - 1 day processing 20% - 2 day+ processing
Formal Probate	12 month closure-per statutes.	50% - closed within 12 months 30% - closed within 18 months 20% - closed after 18 months	50% - closed within 12 months 30% - closed within 18 months 20% - closed after 18 months
Informal Probate	12 month closure-per statutes.	70% - closed within 12 months 20% - closed within 18 months 10% - closed after 18 months	70% - closed within 12 months 20% - closed within 18 months 10% - closed after 18 months
Juvenile Delinquencies	30-60 days from filing of petition to disposition.	70% - disposition entered 30-45 days 30% - disposition entered 45+ days	70% - disposition entered 30-45 days 30% - disposition entered 45+ days
Juvenile Injunctions	Approximately 1 hour and 45 minutes to process, assign GAL(s), schedule hearing within 12 days of filing.	90% - up to 1.45 hrs processing 10% - 1.45+ hrs processing 100% - hearing within 12 days	90% - up to 1.45 hrs processing 10% - 1.45+ hrs processing 100% - hearing within 12 days
Juvenile/Adult Guardianships and Protective Placements	Pro-se: 15-30 minutes to disseminate info; explain process and forms. Temp. Hrg. 48 - 96 hours after filing Perm. Hrg. 3-4 weeks after filing.	70% - 20-60 minutes processing (Pro-se) 30% - 60+ minutes processing (Pro-se; with counsel) Temp.Hrg. Within 48 or after 96 hours after filing Perm. Hrg. 3-4 weeks after filing.	70% - 20-60 minutes processing (Pro-se) 30% - 60+ minutes processing (Pro-se; with counsel) Temp.Hrg. Within 48 or after 96 hours after filing Perm. Hrg. 3-4 weeks after filing.

Juvenile/Adult Mental Commitments	Release from detention or scheduled Probable Cause Hrg. Within 72 hours of detention-excluding WE or holidays per state stat. Final Hearing within 14 days of detention-including WE or holidays.	70% - Scheduled for PCH within 72 hours (excluding weekends/holidays) 30% - Released from detention without hearing 80% - Settlement agreement signed at PCH 20% - Continued to final hearing	70% - Scheduled for PCH within 72 hours (excluding weekends/holidays) 30% - Released from detention without hearing 80% - Settlement agreement signed at PCH 20% - Continued to final hearing
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