

**REGISTER IN PROBATE/JUVENILE CLERK OF COURTS**

**2012 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.

**2012 Goals Review**

**2012 GOALS REVIEW**

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2012?
	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 process working with GALs. Process continues to pose a case by case challenge. Act 87 did not provide relief as previously anticipated.
Effectively and efficiently manage the processing and destruction of juvenile and guardianship case files attaining the appropriate age of destruction.	No. Retention periods have changed in all case types, particularly those cases with orders for firearms restrictions.

**Changes / Accomplishments:**

The Register in Probate in collaboration with Sauk County court appointed GALs developed an instructional checklist/acknowledgment document for pro-se filing of juvenile guardianships in 2011. The documents are distributed to pro se adults seeking to file juvenile guardianships, with the acknowledgment to be returned for filing with the case. The focus is to attempt to insure accurate completion of the documents and to advise the prospective guardian of duties/responsibilities as guardian and the limitations of guardianship versus CHIPS filings. The documents have been utilized throughout calendar year 2012. While several legal firms have adopted the documents, attaching them to juvenile guardianship case files, the overall anticipated effect has had only a marginal impact on the process. It will continue to be utilized and encouraged and will require continued use over ensuing years to determine it's overall effectiveness.

The Wisconsin Legislature enacted Wisconsin Act 87 in 2011. The Act was to be a statewide effort to address the continuing challenges posed by juvenile guardianships. While the Act provides for a Power of Attorney designation for a parent(s) to identify an adult to act on behalf of the child (while retaining the rights of the parent(s)), it may only be used in existing juvenile case filings (i.e. CHIPS). As a result it does not provide the relief initially anticipated by our office. Our office will therefore be required to continue to monitor the juvenile guardianship filings and to assist filers to consider options for guardianship, if applicable, within statutory guidelines. Sauk County Guardian ad Litem's will be required to continue to monitor the appropriateness of guardianship filings and the suitability of prospective guardians as mandated by state statutes with the continuing added responsibility of assisting pro-se parties in the document process.

During the course of 2012 Probate filings presented unique challenges within our office due to extensive conflicts between interested parties. This has resulted in extensive monitoring within our office and additional closer than average contact with court personnel and other departments on a case by case basis. This has resulted in additional time and energy expended in in-court processing and file maintenance.

In the 2013 budgetary process the Probate office worked closely with the Administration and Accounting departments in order to re-evaluate revenue issues primarily relating to filing fees in Probate cases. As a result of inter-family conflicts regarding probate assets, the deflated housing market, and the difficulties of estates (either pro-se or counsel represented) securing itemized assets probate fees have been filed later than the designated filing six month post petition file date. This has delayed filings as anticipated, thus adversely affecting our revenue line and prompting the re-evaluation. As extensions to file inventories/filing fees is allowable under state statute with the approval of the court for good cause, the re-evaluation resulted in our office moving to accommodate this trend in the 2013 budget. We will continue to do so in subsequent years or as warranted by the continued trend.

## **Statistical Summary:**

## OUTPUT MEASURES

DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL
<b>Termination of Parental Rights</b>	21	06	17
<b>Adoption (Child/Adult)</b>	31/1	10	20/1
<b>Guardianship (Adult)</b>	50	62	37
<b>Guardianship (Juvenile)</b>	21	15	23
<i>Guardianship Filing Total</i>	<b>71</b>	<b>77</b>	<b>60</b>
<b>Children in Need of Protection CHIPS</b>	17	22	11
<b>Juvenile in Need of Protection JIPS</b>	10	07	15
<b>Juvenile Delinquencies</b>	31	38	53
<b>Juvenile Injunctions</b>	09	04	02
<b>Juvenile Restitution</b>	01	01	01
<i>Juvenile Filing Total</i>	<b>68</b>	<b>50</b>	<b>71</b>
<b>Mental Commitments (Adult)</b>	149	109	110
<b>Mental Commitments (Juvenile)</b>	20	23	22
<i>Commitment Filing Total</i>	<b>169</b>	<b>132</b>	<b>132</b>
<b>Probate Unclassified</b>	05	02	05
<b>Probate Formal</b>	45	31	33
<b>Probate Informal</b>	70	95	85
<b>Probate Ancillary</b>	00	00	02
<b>Special Administration</b>	28	20	22
<b>Summary Assignment</b>	05	00	04
<b>Summary Settlement</b>	01	00	00
<b>Termination of Joint Tenancy</b>	01	01	00
<b>Termination of Life Estate</b>	02	02	01
<b>Determination of Descent</b>	01	00	02
<b>Trusts</b>	03	05	05
<b>Wills Filed – No Probate</b>	124	115	107
<i>Probate Filing Total</i>	<b>285</b>	<b>271</b>	<b>266</b>

## OUTCOME AND EFFICIENCY MEASURES

DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL
Walk-in inquiries/filings	10-20 minutes – dependent on nature of inquiry/filing.	10-20 minutes – dependent on nature of inquiry/filing.	20% - 5-15 minutes processing 60% - 15-45 minutes processing 20% - 45+ minutes processing
Mail Inquiries/filings	1-2 day response/return	1-2 day response/return	80% - 1 day processing 20% - 2 day+ processing
Formal Probate	12 month closure-per statutes.	12 month closure-per statutes.	50% - closed within 12 months 30% - closed within 18 months 20% - closed after 18 months
Informal Probate	12 month closure-per statutes.	12 month closure-per statutes.	70% - closed within 12 months 20% - closed within 18 months 10% - closed after 18 months
Terminations and Adoptions	30 days from date of filing Per state statutes	30 days from date of filing Per state statutes	TPR and Adoption 95% - 30 days from date of filing – state mandate Adoption only 98% - Within 30 days of filing
Juvenile Delinquencies	30-60 days from filing of petition to disposition.	30-60 days from filing of petition to disposition.	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.	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 without resolution or dismissal
Juvenile/Adult Guardianships And Protective Placements	Pro-se: 15-30 minutes to disseminate info; explain process and forms. Temp. Hrg. Not required. 30 days from date of filing Immediately without hrg.	Pro-se: 20 – 45 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) 25% - Temp.Hrg. Within 48 or after 96 hours after filing 75% - 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.	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