

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

**2016 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) 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, 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) determine/schedule 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) 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 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.

## 2016 GOALS REVIEW

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2016?
	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 family law cases involving never-married parents (program already in place for married parents).	Have completed analysis of potential number of participants. Based upon that figure, still assessing appropriate type of program to pursue.
Provide sufficient time to hear/decide stipulated and contested cases 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 divorce and other family law cases increased by 5% in 2016 (from 2015 levels), to 334. Although higher than both 2014 and 2015 levels, the number of hearings remains below the average during the recession years of 2008-2013 (352 per year). This perhaps continues to indicate an improvement in the economic condition of families compared to that time period. The number of these types of hearings conducted in 2016 still exceeds the pre-2008 annual average (2002-2007: 253 per year) by over 30%. This represents the fact that more individuals are able to access the court system on these issues 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. For this reason, in order to create additional court time to be able to conduct these hearings, beginning in 2014 the method of hearing several other types of cases was restructured. Those proceedings are now conducted less often, but in more intensive time blocks. Three years into this process, it appears to be producing intended results.

Mediation program: The number of mediation referrals for 2016 (127) is down from the prior five years (145 per year average). Although slightly below the annual average for the 2002-2010 time period (136 per year), it still exceeds the typical average for years prior to that (for example, 1996-2001: 116 per year). The decrease in referrals is not the result of fewer cases coming before the courts. Rather, it is the result of mediation being “bypassed” in more cases than was previously the case (that is, cases involving domestic abuse or, increasingly, the abuse of drugs, where, by statutory directive, mediation is discouraged). In cases where these factors are not an issue, there is a continued reliance on mediation to resolve child custody/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 children. Without this program, which remains completely self-funded, the caseload strain noted immediately above would be even more severe.

**Statistical Summary:**

**OUTPUT MEASURES**

<b>DESCRIPTION</b>	<b>2014 ACTUAL</b>	<b>2015 ACTUAL</b>	<b>2016 ACTUAL</b>
Total hearings conducted	3,753	3,437	3,429
Mediation referrals	147	134	127
Number of staff (including Commissioner)	2	2	2

**OUTCOME AND EFFICIENCY MEASURES**

<b>DESCRIPTION</b>	<b>2014 ACTUAL</b>	<b>2015 ACTUAL</b>	<b>2016 ACTUAL</b>
Family law cases:			
1) Temporary hearings (divorce/child custody)	307	318	334
2) Final divorce hearings	77	66	71
3) Child support-related hearings	552	553	517
Civil law cases:			
1) Domestic abuse (injunction) hearings	40	37	59
2) Small claims initial appearances	335	346	404
3) "Watts" reviews	85	84	77
Other cases:			
1) Criminal case initial appearances	1,214	1,126	946
2) Traffic/forfeiture initial appearances	1,143	907	1,021
Mediation referrals completed within established timelines	All	All	All