

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

2017 Highlights: With respect to the requirement that parties to a divorce or legal separation action who have minor children together participate in a program relating to the effects of divorce on children, the Sauk County Family Court transitioned from a 2-hour to a 4-hour requirement. Additionally, the Sauk County mediation program has returned to having three mediators instead of two. For more details relating to both of these highlights, please see the “Changes/ Accomplishments” section below.

2017 Goals Review

2017 GOALS REVIEW

OBJECTIVE	WAS THIS OBJECTIVE REACHED IN 2017?
	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 all cases within time constraints.	Yes
Mediation program: Monitor referrals to mediation where domestic violence issues may or may not have been revealed initially/terminate referral as appropriate. Return to three mediators instead of two.	Yes to both

Changes / Accomplishments: The number of temporary (initial) hearings conducted in divorce and other family law cases in 2017 (329), was consistent with 2016 (334). Although about 5% 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 2017 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.

Parties to Sauk County divorce and legal separation actions who have children together are required to complete a program relating to the effects of divorce on children. In 2017, Sauk County transitioned from a 2-hour in person program (only offered nine or ten times per year) to a four-hour online program (the maximum amount of hours allowed by statute). This program is more accessible to the parties and the cost is actually lower (with fee waivers available to those who qualify). More importantly, the online course, divided into seven distinct sections, is much more interactive than was the in-person seminar. It requires a party to pass a section before moving on to the next. This results in more attention to and retention of important information, to assist the parent in utilizing techniques for cooperating with the other parent as relates to their children.

Mediation program: The number of mediation referrals for 2017 (103) is down from the average for the prior five years (141). Although it is also below the average for the 2002-2010 time period (136 per year), it is within the range of the 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, continuing a trend which began in 2016, it continues to be 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 the children. Without this program, which remains completely self-funded, the caseload strain noted above would be even more severe.

During 2017, two new mediators were hired, replacing one mediator who retired. This brought the number of mediators up to a total of three, which is the number the program had retained up until ten years ago. It is important to have multiple mediators, in the event a specific mediator cannot accept a referral because of prior contact with a party in a separate legal or counseling manner. Additionally, the new mediators bring a fresh perspective to helping to resolve child custody and physical placement disputes.

Statistical Summary:

OUTPUT MEASURES

DESCRIPTION	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL
Total hearings conducted	3,437	3,429	3,625
Mediation referrals	134	127	103
Number of staff (including Commissioner)	2	2	2

OUTCOME AND EFFICIENCY MEASURES

DESCRIPTION	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL
Family law cases:			
1) Temporary (initial) hearings	318	334	329
2) Final divorce hearings	66	71	74
3) Child support-related hearings	553	517	491
Civil law cases:			
1) Domestic abuse hearings	37	559	63
2) Small claims initial appearances	346	404	386
3) "Watts" reviews	84	77	74
Other cases:			
1) Criminal case appearances	1,126	946	1,006
2) Traffic/forf. initial appearances	907	1,021	1,202
Mediation referrals completed	All	All	All

