

Washington County Clerk of Courts Annual Report

By: Theresa M. Russell

2018

Office of the Clerk of Courts

Clerks of court, as custodians of the courts' records, play a significant role in Wisconsin's judicial system. The duties are governed by state statute and Wisconsin Supreme Court rules. Clerks are required to maintain records of all documents filed with the courts, keep a record of court proceedings, maintain the judgment docket, and collect various fees, fines and forfeitures.

Providing services pursuant to statute is also required. Some of these services include court appointed attorneys, guardians ad litem, interpreters, and psychologists. The ability to order reimbursement of these fees is also set by statute and is limited in certain circumstances.

Millions of dollars in fees, fines and forfeitures are paid to the clerk of circuit court's office each year. Various tools are available for use in our collection efforts for court ordered financial obligations.

The clerk of courts office works daily with many different people. Law enforcement, the legal community, local, state and federal agencies, businesses and the general public depend upon the clerk's office to answer questions and be proactive regarding changes in the law, and identify and resolve a wide range of issues.

The administrative responsibilities involve a variety of tasks. These include budgeting, administering trial court resources, jury management, developing effective policies and procedures, recruiting and maintaining knowledgeable staff, and provide a link between the judiciary, the county board and the public.

Clerk of Juvenile Court and Register in Probate

The clerk of juvenile court and register in probate are appointed by the judges of the county and their appointments are approved by the chief judge of the court district. They maintain records of all documents filed pertaining to juvenile delinquency, children in need of protection and services, guardianships, civil commitment, protective placement, adoptions, estates, and wills.

Circuit Court Commissioners

The Washington County Judicial Court Commissioner is a circuit court commissioner. Washington County also has a part-time contracted assistant circuit court commissioner. Circuit court commissioners are experienced lawyers who are appointed to perform limited judicial functions defined by statute. Pursuant to Supreme Court Rule, they are appointed by the Chief Judge of the judicial administrative district in which they serve. The chief judges appoint a judge in each county to evaluate and supervise the circuit court commissioners in that county. Circuit court commissioners preside over court cases and make judgments, decisions, and orders.

Each "Order appointing..." a circuit court commissioner specifies which statutory duties the particular circuit court commissioner is authorized to perform. In Washington County, the Judicial Court Commissioner is appointed to supervise the office of the family court commissioner..

The primary duties performed by the Washington County Judicial Court Commissioner and Assistant Circuit Court Commissioner at this time are:

- The duties set forth in Chapter 767 of the Wisconsin Statutes, commonly referred to as the "Family Code,"
- The duties set forth in Chapter 48 and 948 of the Wisconsin Statutes, commonly referred to as the "Juvenile Code," and
- The duties set forth in Chapter 813 of the Wisconsin Statutes, which deals with temporary restraining orders and ongoing injunctions for domestic abuse and harassment.

Other duties include presiding over probable cause commitment hearings to determine whether an individual is mentally ill or drug dependent and dangerous to the degree that there is authority to hold him or her against his or her will in a treatment facility as set forth in Chapter 51 of the Statutes, and; occasionally presiding over criminal initial appearances, setting bail for individuals in custody, and issuing search warrants.

Family Court Mediation Services

In addition to the above duties, the Judicial Court Commissioner is co-director of Family Court Services overseeing Family Court Mediation Services. Family Court Services are mandated by state statute. Unless waived or deemed inappropriate, mediation is required in any action affecting the family in which it appears that legal custody or physical placement is contested. The court may waive mediation upon a finding that attending mediation would cause undue hardship or would endanger the health or safety of one of the parties.

The goal of mediation is to assist parents in reaching mutually acceptable decisions about their child(ren)'s future. Mediation presumes that both parents want what is best for their child(ren) and recognizes that one's responsibility as a parent continues regardless of his or her marital or relationship status.

Mediation in Washington County consists of a group orientation/education session followed by private meetings between the parents and a mediator. The mediation process continues until there is a mutually agreeable resolution or until the mediator determines that the parties are unable to reach a resolution. The court is then notified of the mediation outcome.

CLERK OF CIRCUIT COURT CASE FILINGS

CASE TYPE	2016	2017	2018
Traffic (TR, FO)	4,444	5448	5822
Criminal (CF, CM)	1,727	2046	2192
Family (FA, PA)	704	675	668
Civil (CV)	790	719	807
Small Claims (SC)	2,249	2,430	2,606
Estates (PR)	183	193	179
Wills Filed (WL)	155	165	164
Mentally Ill (ME, JM)	334	301	239
Guardianships (GN, JG)	108	100	100
Adoptions (AD)	45	24	30
Delinquencies & Juvenile in Need of Protection (JV)	173	144	118
Children in Need of Protection or Services (JC)	65	60	81
Termination of Parental Rights (TP)	16	14	19
Juvenile Injunctions (JI)	2	4	2
Citations & Immunizations (JO)	57	37	42
General Juvenile (GJ)	140	112	97
Misc.*	756	658	811
TOTAL	11,948	13,130	13,977

* CI (Commitment of an Inmate), CL (Construction Lien), CO (Condominium Lien), CX (Complex Forfeiture), FJ (Foreign Judgment), GF (Group File), GP (Group Probate), HL (Hospital Lien), IP (Incarcerated Person), JD (John Doe), OL (Other Lien), SW (Search Warrants), TJ (Transcript of Judgment), TW (Tax Warrant), UC (Unemployment Compensation), WC (Worker's Compensation)

FAMILY AND PATERNITY MEDIATION STATISTICS

	2016	2017	2018
Number of Cases Closed	211	166	222
Number of Cases that did not Proceed to a Mediator*	60‡ (28%)	57‡ (34%)	48 22%
Number of Cases that did Proceed to a Mediator	151	109	174
Parties came to a Signed Agreement through a Mediator	26%	22%	45%
Parties were Unable to come to a Signed Agreement through a Mediator	45%	30%	41%
Other *, ** and ***	29%	48%	13%

* Parties reconciled or withdrew their request for mediation, the court vacated the order for mediation, the case was found to be inappropriate for mediation, or the parties were unavailable for mediation due to illness or incarceration. In prior years this included if the mediation deposit was not paid; that policy changed in 2018.

‡ This also reflects cases where parties rescind their request for mediation after attending orientation.

** Parties came to an agreement after mediation closed, an agreement outside of mediation, the case was determined to be inappropriate for mediation by the mediator, or the parties never scheduled an appointment with the mediator.

*** This also reflects cases where an agreement was drafted by the mediator in a session with the parties but not signed prior to closing the case. The same agreement was later submitted directly to the Court by the parties or their attorneys.

The substantial decrease in the Other category can also be attributed to the addition of a laptop, monitor and printer in the mediation room wherein the mediator is able to contemporaneously draft an agreement with the parties during the mediation session and obtain their signatures, thus increasing the Agreement category. To expedite the process, mediators are also e-filing paperwork with the courts.

CLERK OF CIRCUIT COURT RECEIPTS & DISBURSEMENTS

	2016	2017	2018
Beginning Trust	595,658	762,793	958,886
Clerk of Courts Receipts	7,454,931	8,974,383	7,737,406
Total Receipts	\$8,050,589	\$9,737,176	\$8,696,292
Disbursements to the State of Wisconsin	1,701,832	2,061,420	2,194,352
Disbursements to Washington County	1,423,976	1,897,987	1,777,925,
Disbursements to Municipalities	5,065	5,208	4,805
Court Ordered Disbursements & Refunds	4,156,923	4,813,675	3,812,513
Total Disbursements	\$7,287,796	\$8,778,290	\$7,789,595
Total in Trust as of: 12/31	\$762,793	\$958,886	\$906,697

**CLERK OF CIRCUIT COURT
JURY TRIALS**

CALENDAR YEAR	TRIALS HELD
2018	21
2017	32
2016	22

**CLERK OF CIRCUIT COURT
JURY EXPENSE**

	2016	2017	2018
Per Diem	\$17,663	\$21,512	\$15,750
Meals	3,148	3,453	3,594
Mileage	9,680	12,304	8,516
Forms & Envelopes	298	296	205
Postage	2,873	2,838	2,826
Toll Free Line	18	18	13
GRAND TOTAL	\$33,680	\$40,421	\$30,904

CIRCUIT COURT COMMISSIONER HEARINGS HELD

PATERNITIES & IV-D	2015	2016	2017	2018
Terms, Evidentiary Pretrials	58	55	54	40
General: Initial Appearances, Blood Test Reviews, Seek Work Orders, Warrants, etc.	631	651	527	579
Motions to Revise, Actions to Compel, URESA, UIFSA, Tax Intercept	95	63	51	105
Child Support/Contempts	97	128	81	98
Private Paternities	7	14	12	15
TOTAL	888	911	725	837

FAMILY				
Temporary Order Hearings	148	126	72	74
Final Hearings	180	189	166	165
Motions to Revise	279	250	253	236
Placement/Contempt & Placement Enforcement	143	181	127	96
Post Judgment Custody & Placement	173	222	141	171
TOTAL	923	968	759	742

OTHER				
Juvenile	965	1,103	806	637
Mental Commitment/Protective Placement	158	167	143	74
Domestic Abuse/Harassment Injunctions	206	279	190	206
Custodies	135	132	113	67
TOTAL	1,464	1,681	1,252	984

GRAND TOTAL OF HEARINGS	3,275	3,560	2,736	2,563
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2018 HIGHLIGHTS:

Employee News:

After 44 years of dedicated service to Washington County, Wendy Hoefert retired from her position as Office Manager and Chief Deputy. Ann Polenske retired after 13 years of service and Toni Vacca, the mediation coordinator after 10 years.

Carol Schraufnagel was promoted to the position of Office Manager and Chief Deputy. Lisa Milella was promoted to the Court Specialist position and was appointed as the Clerk of Juvenile Court.

Welcome to our new employees: Senior court assistants Hillaree Fisher and Sherry Coykendall work in the probate/juvenile division and Kristine Becker in the family division; Therese Henke is the family mediation coordinator.

Commissioner Dolores Bomrad was appointed to serve on the Mediation Subcommittee of PPAC. Theresa Russell was appointed as a representative on the WI Consolidated Court Automation Programs (CCAP) Steering Committee and WI Court Records Management Committee (RMC).

New Implementations:

Piloted the interface between CCAP and State Debt Collection Agency (SDC).

The Clerk of Court collaborated with the District Attorney to collect restitution on behalf of victims by utilizing SDC.

Lake Districts are submitting citations electronically through TRACS effective March 2018.

Updates:

Operating while Intoxicated Treatment Alternatives and Diversion Program (OWI TAD) - With County Board support, the OWI TAD program was reinstated in 2018. Washington County TAD partners with UW Milwaukee at Washington County to study the efficacy of its diversion programs. The most recent data indicate OWI TAD participants' recidivism rate was 80% lower than comparable non-TAD OWI offenders.

Opiate/Opioid TAD- Washington County's Opiate/Opioid TAD program began in 2017, and gives individuals the opportunity to have controlled substances charges dismissed upon successful completion of the program. The program has run at capacity with a wait list almost from its inception.

Drug Treatment Court Pilot - Washington County is planning to pilot a Drug Treatment Court. Implementation will likely begin late 2019 or early 2020, once the necessary training is completed.

COMMENTS:

As the third branch of government, the circuit court has the responsibility of making the court system accessible to everyone. Behind the scenes, the Washington County court team consists of the judges, judicial court commissioner, assistant family court commissioner, clerk of courts, register in probate, clerk of juvenile court and support staff. This team makes a difference every day in the success of the court system in Washington County.

Respectfully submitted by,

Theresa M. Russell

Clerk of Circuit Court