

2008 ANNUAL REPORT
WAUSHARA COUNTY CIRCUIT COURT
GUY D. DUTCHER, CIRCUIT COURT JUDGE
TARA DEBAUCHE, COURT REPORTER
CLERK OF CIRCUIT COURT OFFICE STAFF
JANE PUTSKEY, CLERK OF CIRCUIT COURT
ELLEN CASWELL, DEPUTY
CHERYL NEUMANN, DEPUTY
SUSAN BARTH, DEPUTY
TRACY PIENCIKOWSKI-GYRION, DEPUTY
KATRINA RASMUSSEN, DEPUTY
REGISTER IN PROBATE OFFICE STAFF
REBECCA GRAMSE, REGISTER IN PROBATE
WENDY MEYER, DEPUTY

MISSION STATEMENT

To provide superior justice related support services to all participants and the general public. To file, maintain and preserve the official circuit court record accurately and proficiently according to state statutes. To properly receipt and disburse bail bond, fines, forfeitures, fees, and keep accurate and up-to-date accounting records.

CASE FILINGS CLERK OF COURTS OFFICE

Small Claims (SC)-642 new cases filed in 2008. Small claims court may be used only for certain types of cases. Small claims cases are lawsuits when the amount claimed is \$5,000.00 or less; evictions; replevins (repossession of property); garnishments of wages or bank accounts (to enforce judgments from funds owed to the debtor) when the amount owed is \$5,000.00 or less. Many small claims cases filed are filed by self-represented plaintiffs and most defendants do not hire an attorney to represent them on these cases. Litigants rely on the staff to answer a lot of procedural questions on these types of cases.

Civil Litigation (CV)-406 new cases filed in 2008. Most of these cases involve complex scheduling and lengthy court or jury trials. Cases filed in this category are lawsuits when the amount claimed for property damage, personal injury, money judgments, exceeds \$5,000.00; replevins with values greater than \$25,000.00; garnishments of wages or bank accounts (to enforce judgments from funds owed to the debtor greater than \$5,000.00); name changes; appointing guardian ad litem for settlement of cases involving minor children; wage earner actions; foreclosures and other real estate disputes; domestic restraining orders; harassment restraining orders; child or vulnerable adult restraining orders; administrative agency reviews.

Misdemeanor (CM)-665 new cases filed in 2008. These are criminal offenses considered less serious than a felony. Misdemeanor defendants generally are sentenced to pay a fine and put on probation or a limited local jail term, but not by imprisonment in a state penitentiary. The number of cases filed understates the workload since many of the probation cases come back to court because probation is revoked.

Criminal Felony (CF)-140 new cases filed in 2008. These are crimes of a graver nature than a misdemeanor, usually punishable by imprisonment in a penitentiary for more than a year and/or substantial fines.

Municipal Forfeiture Actions (FO)-429 new cases filed in 2008. These actions involve violations of municipal laws other than traffic.

Traffic Cases (TR)-3448 new cases filed in 2008. Every citation filed is entered into the CCAP (Circuit Court Automated Program) system. The cases must also be disposed through default, stipulation, dismissal, court trial or jury trial. This office collects and receipts the forfeitures, and properly disburses the funds to the state, county and municipalities.

Family Cases (FA)-166 new cases filed in 2008. These cases mainly involve divorce/custody disputes. Case numbers filed understates the workload, because post judgment hearings are calendared under the original case number. Therefore, post judgment matters are not counted as new cases, but do involve additional filing of documents, scheduling and court time. In 2006 the Wisconsin State Court website offered on-line divorce forms, so we have seen a steady increase of self-represented litigants. The self-represented cases have increased the amount of time court staff spends filing new cases, answering procedural questions and filing of documents within the case.

Paternity Cases (PA)-51 new cases were filed in 2008. These cases are filed to adjudicate paternity, health care coverage and child support orders. Case numbers filed understates the workload, because post judgment hearings are calendared under the original case number. Therefore, post judgment matters are not counted as new cases, but do involve additional filing of documents, scheduling and court time

Incarcerated Persons (IP)-4 new cases were filed in 2008. These are cases filed by prisoners seeking to commence, prosecute or defend an action or proceeding under Sec. 814.29(1m) without payment of costs and fees.

Complex Forfeitures (CX)-5 new cases were filed in 2008. These are actions that because of their complex nature require access to the rules of civil procedure. A CX case is typified by action brought by the Environmental Protection Unit of the Department of Justice, but could be brought by any government agency, such as Waushara County Zoning Office for zoning violations.

John Doe Proceedings (JD)-2 new cases filed in 2008. These are cases that can be filed by the district attorney or any person that believes that a crime has been committed.

CASE FILINGS REGISTER IN PROBATE OFFICE

Juvenile Cases (JV)-49 new cases filed in 2008. These are cases involving a juvenile that has committed a crime. These records are not open to the public.

Juvenile CHIPS Cases (JC)-32 new cases filed in 2008. These are cases where children are in need of protection and services. These records are not open to the public.

Juvenile (JI)-1 new case filed in 2008. These are injunction order cases where the respondent is a juvenile. These records are not open to the public.

Termination of Parental Rights Cases (TP)-8 cases filed in 2008. These records are not open to the public.

Adoption Cases (AD)-11 new cases filed in 2008. These records are not open to the public.

Mental Commitment Cases (ME)-67 new cases filed in 2008. These cases involve commitment of mentally ill persons for treatment. The parties must be both mentally ill and a danger to self or others. These records are not open to the public.

Guardianship Cases (GN)-39 new cases filed in 2008. These cases involve protection of persons who are aged, infirm, developmentally disabled, or otherwise unable to make decisions for themselves on a long-term basis. These records are not open to the public. The Register in Probate office conducts an Annual Account Day, which allows the guardians to come in to ask questions and receive help on the filing of the annual account. There are currently 182 accountings that are filed on a yearly basis.

Probate Cases (PR)-65 new cases filed in 2008. These cases involve the settling of estates after death. Some cases involve formal proceeding before the court, some cases are informal proceeding, which do not require court hearings, and some estates are settled through summary settlement, summary assignment, and ancillary proceedings. Probate trusts need to have annual accounts filed. There are currently 50 accountings that are filed on a yearly basis.

Juvenile Ordinance (JO)-44 new cases filed in 2008. These cases involve juveniles who are ticketed for violating county ordinances, such as underage drinking, possession of tobacco, truancy, etc. These records are not open to the public.

Wills (WL)-30 wills filed in 2008, 3 for safekeeping and 27 filed without probate.

OTHER RESPONSIBILITIES

- enter and maintain construction liens, hospital liens, mechanic liens and condominium liens
- enter and maintain docketed judgment records including transcript of judgments and foreign judgments
- enter and maintain Wisconsin Department of Revenue tax warrant/liens
- issue writs and executions on judgments
- responsible for jury management
- storage, managing and preserving trial exhibits
- supervising and training jury bailiffs
- file and maintain a record of all documents filed with the circuit court
- schedule circuit court hearings and trials
- keep a record of all court proceedings
- prepare notices, judgments of conviction, driver's license suspensions, juvenile placement orders and all other documentation and orders required by statute
- collects the various filing fees, court costs, fines and forfeitures ordered by the court or specified by statute
- balance trust account monthly and prepare ST-83 report
- monthly disbursements to county treasurer and municipalities

PASSPORTS

There were 337 applications processed for passports and passport cards in 2008. In addition to the passport, as of July 14, 2008 the U.S. Department of State is now issuing passport cards. The cards are less expensive and allow travel to Canada, Mexico, the Caribbean, and Bermuda at land border crossings or sea ports-of-entry only.

2008 JURY TRIALS

There were 9 jury trials held in 2008 for a total of 14 days.

APPEALS

On all appealed circuit court cases, the Clerk of Court or Register in Probate offices are responsible to compile the Circuit Court record and forward same to the Court of Appeals. Proper format, procedures and deadlines must be adhered to according to Wisconsin Statutes.

PAY PLANS

Anyone owing money to the Clerk of Courts office that cannot pay it in full may be qualified for a payment plan. Payment plan documents are completed by the defendant and if qualified a payment plan is set up. We also set up voluntary wage assignments for the defendants. Depending on the ability to pay a \$15.00 payment plan fee is collected. There were 366 payment plans set up in 2008.

FAILURE TO PAY ACTIONS

The Clerk of Courts office tracks payments and due dates for payment of fines, forfeitures, guardian ad litem fees on family cases and attorney's fees on criminal cases. Penalties for failure to pay can be one or more of the following: suspension of driver's license; warrant being issued for defendant's arrest; intercept of Wisconsin tax refund; order to show cause hearing; civil judgment. In 2008 the following failure to pay actions were taken:

Warrants issued for failure to pay-768

Suspension of driver's licenses for failure to pay-436

Debts were turned over to the Wisconsin Department of Revenue for failure to pay-648

83 debts intercepted for a total of \$13,113.04 collected through tax intercepts in 2008.

REPORTS

The following reports are prepared by the Clerk of Courts office and filed with the state:

Interpreter reimbursement report-quarterly

Juvenile reimbursement report-quarterly

Report of Actual Costs-annually

Jury report-annually

Reimbursement of costs prisoner litigation-quarterly

OUT-OF-COUNTY ASSIGNMENTS

Waushara County is part of the 6th Judicial District. There are presently 23 judges that serve in the 6th Judicial District. Judges are assigned to cases filed in their county, but if they are substituted or recuse themselves from a case, the case is assigned to another judge. Many the assignments are done within the district. In 2008 Judge Dutcher was assigned to 43 out of county cases and 36 Waushara County cases were assigned to judges in other counties.