

# *Barry County Trial Court*



## *2006 Annual Report*

### Barry County Judicial Council

Honorable William M. Doherty, Family Court Presiding Judge

Honorable James H. Fisher, Chief Judge

Honorable Gary R. Holman, Civil/Criminal Presiding Judge

Katherine J. Holman, Civil/Criminal Administrator

Robert F. Nida, Family Court Administrator

Debbie S. Smith, County Clerk





## Summary

The Barry County Circuit, District, and Probate Courts have operated together since 1996. The Barry County Trial Court Demonstration Project was the first trial court designated by the Michigan Supreme Court in 1996. The demonstration courts were authorized through 2004 and since that time Barry County's courts have operated together through a plan of Concurrent Jurisdiction, being among the initial group of Concurrent Jurisdiction Plans approved by the Michigan Supreme Court in 2004. The legislation authorizing concurrent jurisdiction plans was based on the success of Barry County and other trial court reform projects.

The consolidation of the administrative operations of the court and the sharing of the various court workloads has yielded many benefits. The court has operated 5-10% under budget every year since 1996. In 2006, the court was approximately 9% under budget (\$400,000). The court has an overall compliance rate of well over

90% with Michigan Supreme Court case flow guidelines, which means that cases are heard in a timely manner and there are no old cases on the docket.

The court has been able to anticipate trends and respond to changing conditions rapidly, avoiding problems which have occurred elsewhere in our state. Community based solutions have been implemented to address problems of Substance Abuse, Child Abuse and Neglect, and Delinquency, providing better service to the public, improved public safety, and reduced taxpayer costs. The court has formed a number of partnerships with other public service providers in the community to make these programs a reality.

2006 saw a continuation of these trends for the court, with similar results.

The Adult Drug Court program continued the outstanding performance it has had since 2001. A comprehensive study completed by NPC Research from Portland, Oregon in 2006 concluded that the Drug Court dramatically reduced substance

abuse and recidivism, and saved over \$350,000 over a two year period.

The Juvenile Courts, Juvenile Drug Court, Wraparound, Home Intensive Care, and Home Detention programs produced similar results and savings, resulting in the Child Care Fund being under budget by over \$250,607 in 2006. The Probate/ Juvenile Court was under budget by \$12,000, and the Friend of the Court was under budget by \$9,000.

Maintaining financial support for these programs is a primary concern for the court in 2008 and beyond. Problems with the state and federal budgets threaten several of these programs after October 1<sup>st</sup> 2007.

The Adult Drug Court is one program which is threatened. It has operated for five years with little or no support required locally. It has received state and federal grants totaling over \$1,000,000 for its operation, which costs about \$200,000 per year.

Federal support for drug courts has been eliminated for the next budget year, and state support is questionable. The best

estimate we currently have is that approximately \$94,000 will be needed annually to operate this program after October 1<sup>st</sup>.

Similarly, the state and federal governments have threatened to modify the cooperative reimbursement program which has provided major funding for Friend of the Court programs. The final outcome of this funding issue has not yet been determined, but this far, efforts to reduce the CRP funding have not been successful. The Friend of the Court could face a deficit of \$60,000 or more after October 1<sup>st</sup> 2007 depending on the final state budget.

The Juvenile Court programs have been primarily funded through the Child Care Fund, which are 50% local funds and 50% state funds. State funding is of course questionable given the state's budget problems, but no significant state reductions are anticipated at this time.

Our judges and administrators continue to do outstanding work implementing policies to utilize funds effectively and managing resources wisely. The court as a whole was under budget by

approximately \$400,000 in 2006 (9 %). The individual performance is as follows:

Family Court= \$271,000

Civil/Criminal = \$129,000

Revenues were approximately \$2,269,000

The court continued to focus efforts on improving all of its operations in 2006, and this continues in 2007, with particular attention to Friend of the Court services. The Friend of the Court has over 4000 active files. If it can be assumed that there are usually 2 sets of parents and 2 children per file, this works out to 24,000 persons, or 40% of the population of Barry County.

The Friend of the Court was combined with the Juvenile Court staff administratively in 2004. Bob Nida administers this staff and him and his staff have made a number of changes to streamline the operation and improve service.

In 2006, a full-time staff position was added, allowing improved telephone response. Policies were instituted relating to

responsiveness to client inquiries and the staff was reorganized to provide better service. The court's process for dealing with requests to change custody was revised in 2006, resulting in quicker resolution of these disputes.

We look forward to continuing our efforts to improve the courts public service in 2007, and continuation of the positive relationship we have enjoyed with the County Board of Commissioners.

## Civil/ Criminal Division



The Civil/ Criminal Division is administered by Kathy Holman, who has 27 years of experience with Barry County. This division is responsible for District Court and Non-Family Circuit Court Cases. The 2006 budget was approximately \$1,484,643, and this division has 16 employees.

This division was \$129,000 under budget in 2006 (8.5%). In addition, total revenues collected amounted to approximately \$1,147,000. A report from the State Court Administrators Office (SCAO) indicates that Barry County ranks well above average in percentage of assessments collected. The court instituted a formal collection process several years ago which dramatically improved collections and reduced unpaid receivables.

The caseload for this division has increased substantially since 1995, although the new filings for the last four years have been

rather flat. The Circuit Court caseload has increased 31% since 1995.

The court operates under a Plan of Concurrent Jurisdiction approved by the Michigan Supreme Court, which allows all of the judges to share the workload to provide more balance among the three courts. This has allowed all of the courts to achieve a very high compliance rate with case flow guidelines adopted by the Michigan Supreme Court.

The S.C.A.O. calculates judicial resource needs every two years, and in 2006 S.C.A.O. concluded that Barry County needs 1.7 circuit judges, 1.2 district court judges, and 0.7 probate judges.

Under the current caseload assignment system, each judge performs the work of about 1.2 judges under the S.C.A.O. methodology.

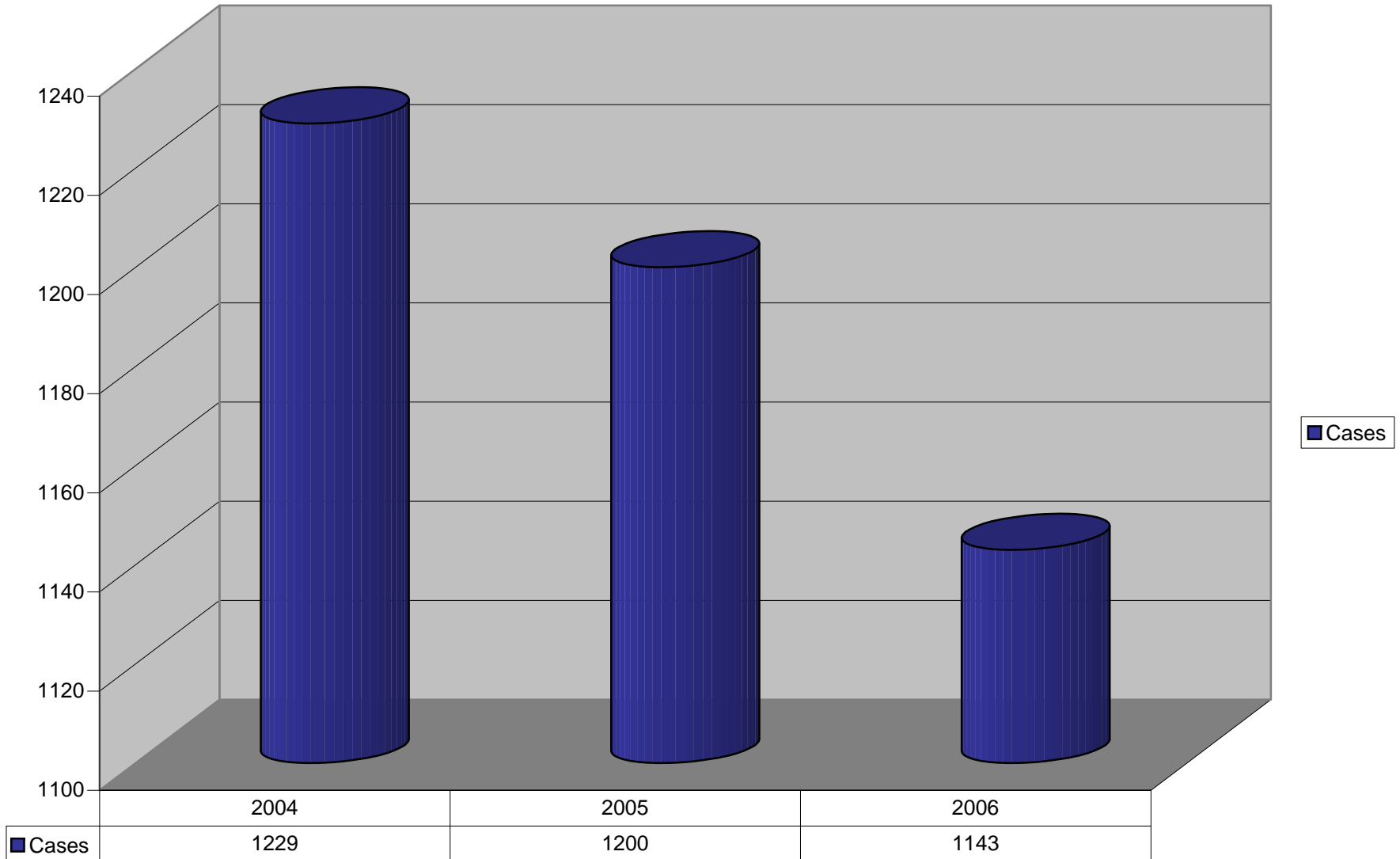
Caseload data indicates that since 2000, felony cases in circuit court have more than doubled, and the balance of the circuit caseload is relatively stable. There are about 500 new domestic relations cases filed each year in circuit court

The district court caseload has also been relatively stable since 2000. There are about 2000 Civil cases files annually, along with 300 domestic violence cases and 600 new felonies. The biggest increase has been in misdemeanors, which have increased from about 1100 to over 1400 per year.

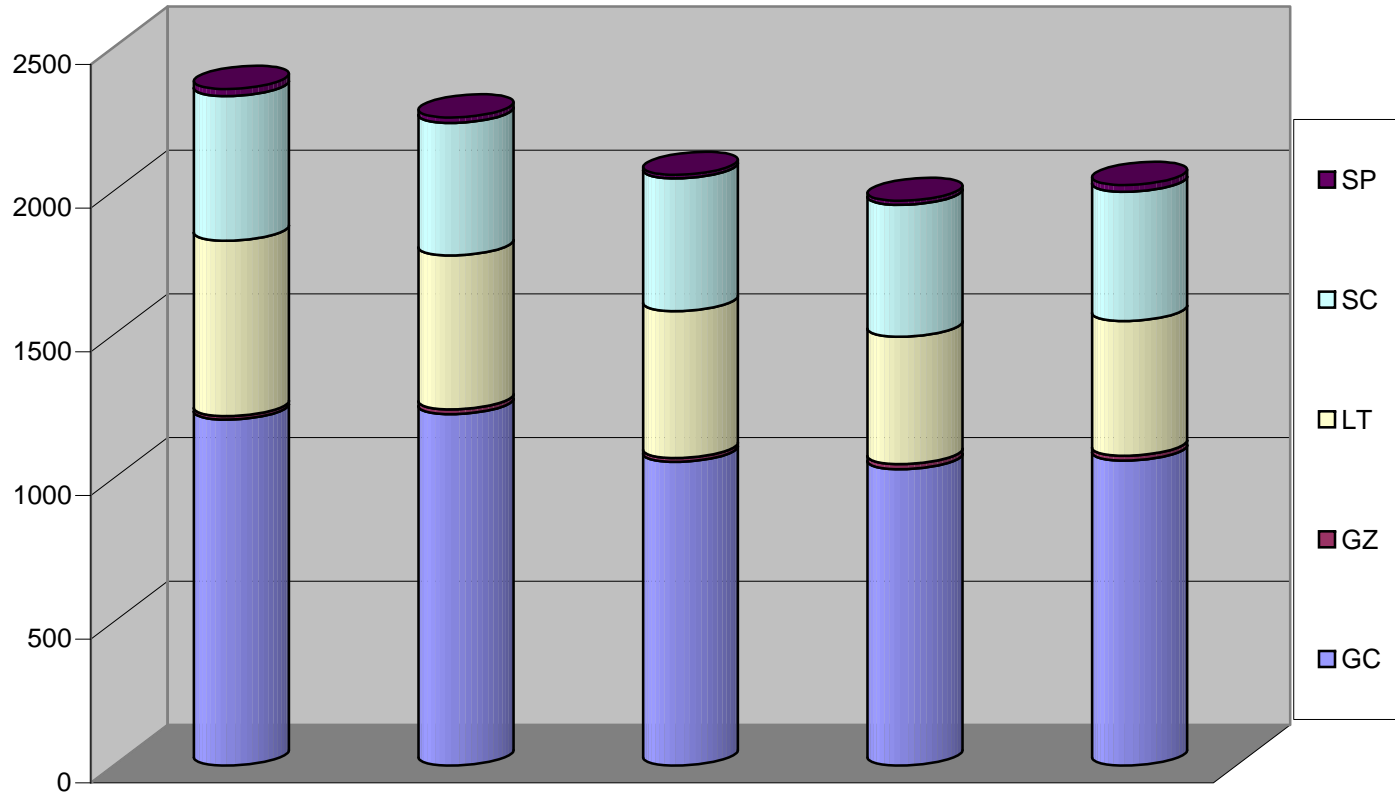
Traffic citations have seen a major reduction, from over 8000 to roughly 5000. This has adversely impacted the revenues collected by the district court, although in 2006 the district court was slightly over budget for costs collected.

S.C.A.O. statistics indicate that both Circuit and District court are performing extremely well both in terms of resolving cases in a timely manner, and also in collection of assessments.

### Circuit Division Caseload

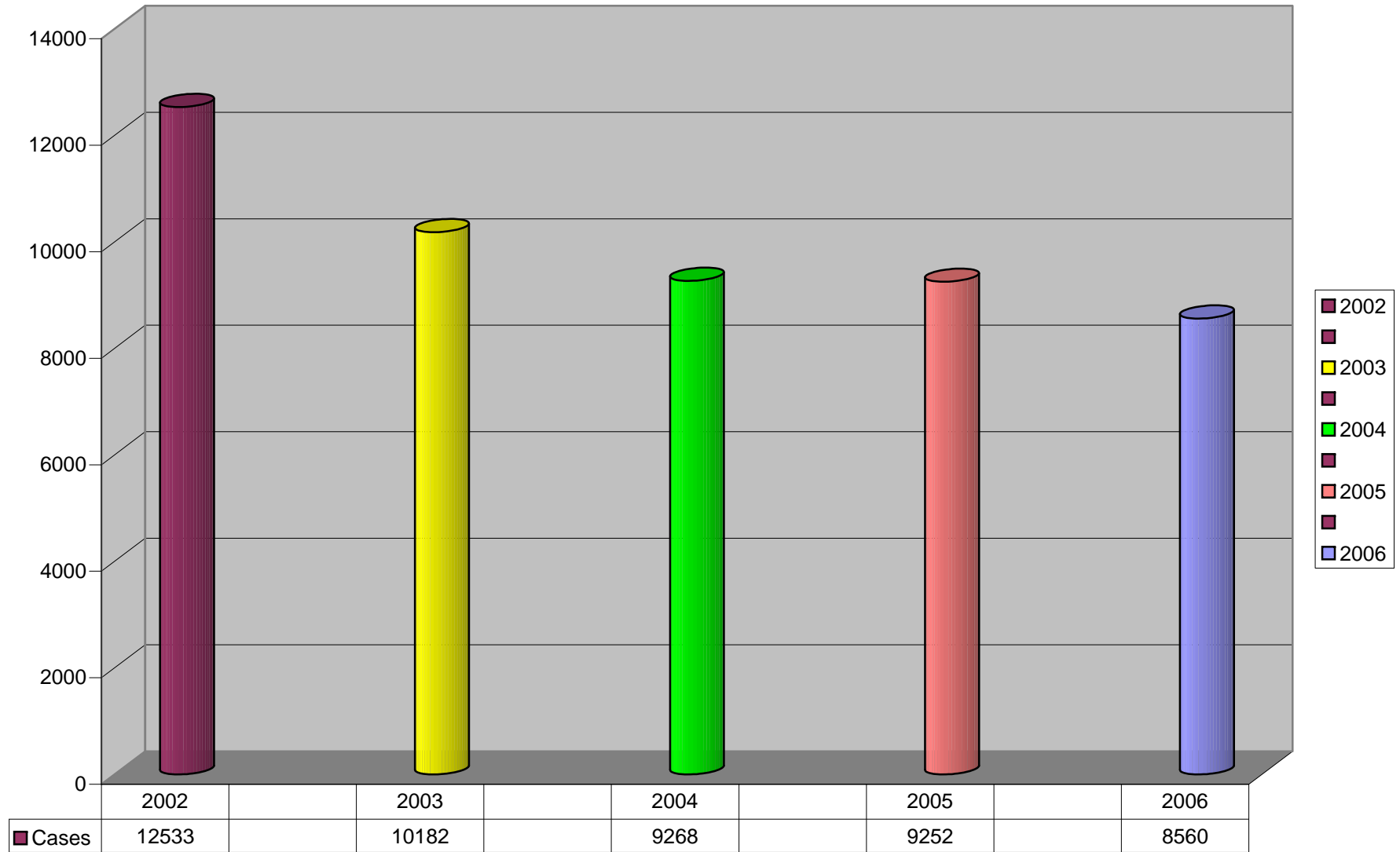


### Non-Traffic Division



	2002	2003	2004	2005	2006
■ SP	25	19	12	14	24
□ SC	503	461	462	459	449
□ LT	610	536	511	443	469
■ GZ	12	16	13	18	17
■ GC	1204	1223	1057	1031	1061

### District Division Caseload



## Adult Drug Court

The Adult Drug Court is part of circuit court and has been in operation since 2001. Until now, it has been funded almost exclusively by state and federal grants. Our Drug Court was one of two in Michigan, which were selected by the Supreme Court, for a study conducted by a national research firm, NPC Research from Portland, Oregon.

The NPC Research report was released late in 2006. It concluded that the Adult Drug Court in Barry County greatly reduced recidivism and substance abuse and that it saved over \$350,000 over the two years studied. It also concluded that the savings are cumulative and will increase each year into the future.

The cost to operate this program is approximately \$218,000 in 2008 and funding is unclear at this point. Federal grants have been eliminated and state funds available are presently unknown. We

have requested that the state fund 57% of the cost for 2008, which means that the local cost would be about \$94,000. We will not know what the actual local cost will be until the final state budget is approved.

This program also saves the county many jail bed days at the county jail, and is a large reason why our county jail population is typically 60-70% of capacity. If this program was discontinued the jail could be at or over capacity in a short period of time.

We believe that it is essential to the county to continue this program even in the unlikely event that there is no state support for it in the future.



## Management Information System

The court's computer network is maintained by Kathy Holman, administrator of the Circuit/District division. The network was greatly improved recently, through a purchase of a new server. This increased the system's speed and increased capacity. Individual computers and printers are periodically replaced, so that overall, the system maintains a high level of functionality. The court contracts with Analysts International for maintenance and consulting, allowing a high level of service and competence at a much lower cost than attempting to maintain the system with in-house employees.

The court now does all of its business with the state electronically, so maintenance of this system is of critical importance

to the court. Electronic filing of court documents is now on the horizon, so this system will be even more important to the court as we move further into the 21<sup>st</sup> century.

The court is currently in the midst of implementing major improvements in our website. A summer intern, Adam Sheldon, has worked all summer to make the site more informative.

## Family Division



The Family Division of the Court is administered by Bob Nida, who has 32 years of experience with Barry County. The Family Division includes the Probate, Juvenile Court, and Friend of the Court. It has a budget of \$2,630,752 and 28 employees.

Since 2004, the Friend of the Court has been combined with Probate and Juvenile administratively, and the Friend of the Court staff has been reorganized with the goal of improving service to the public.

The Friend of the Court has an active caseload of 4400 cases so if each case involves 2 children and 4 adults, its operation affects the lives of 40% of Barry County. The Friend of the Court has

evolved over the last 30 years from a small staff primarily concerned with collection of child support into a larger staff offering a full array of services to families and children.

The Friend of the Court provides an orientation program for all new clients, and mediation services in all new cases. This allows 80-90% of all new cases to be resolved without resorting to the adversarial process of formal court proceedings.

The Friend of the Court Referee hears most new disputes regarding custody, support, and parenting time, and the processes put in place allow most disputes to be heard very quickly.

One major trend over the last few years has been an explosion in numbers of litigants proceeding without the benefit of legal counsel. This has coincided with a large increase in disputes involving children born out of wedlock. The result has been that the Friend of the Court staff has had an increased demand for services both in processing orders and motions, as well as in counseling and mediation of disputes.

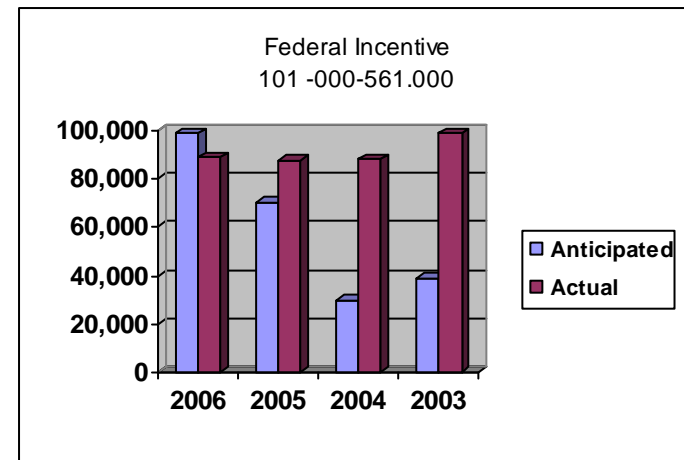
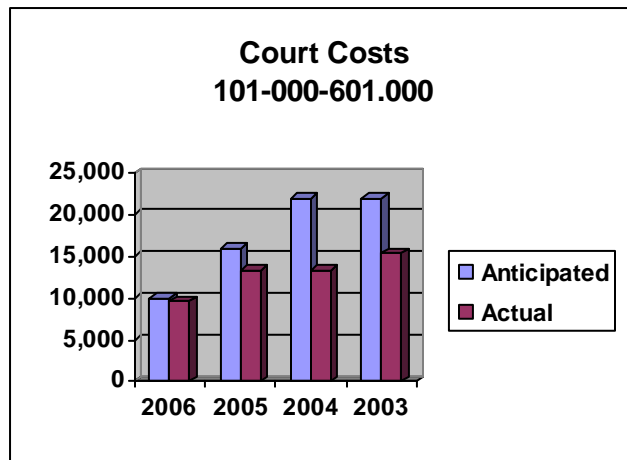
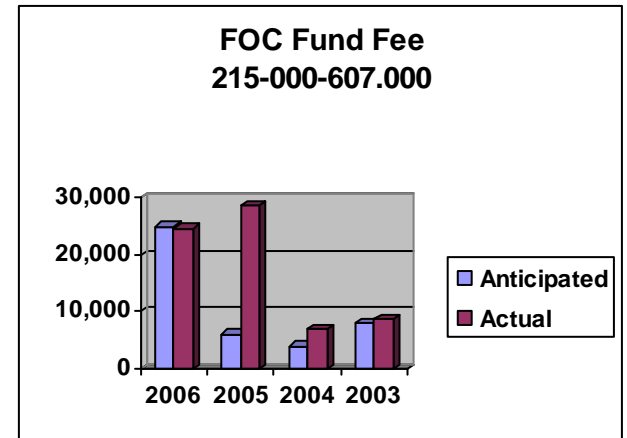
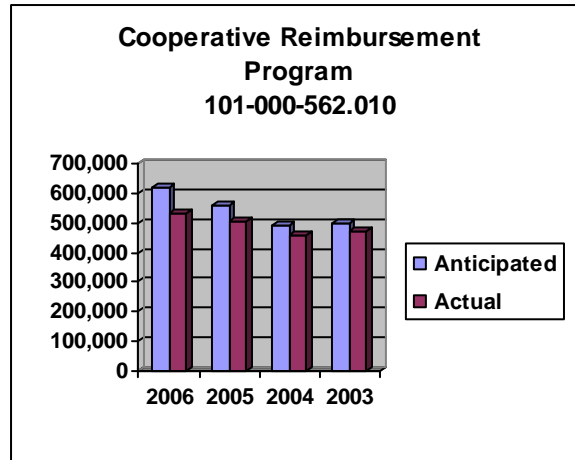
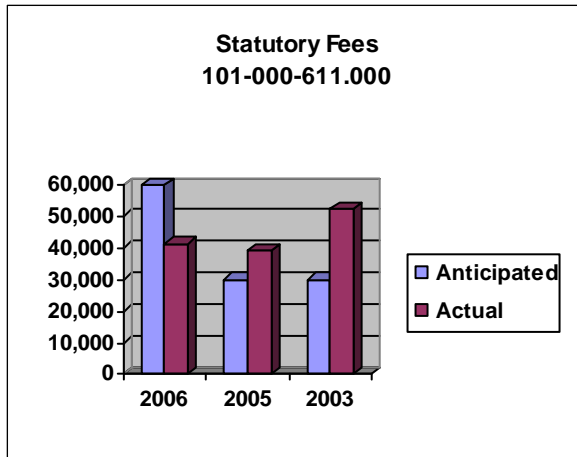
The Friend of the Court has handled this transition very well, as evidenced by the fact that contentious cases are heard quickly after most are resolved peacefully throughout mediation.

There will inevitably be criticism of the Friend of the Court because it deals with families in conflict. Those hundreds of conflicts are not always resolved in ways that satisfy both parents, so there is bound to be some level of unhappiness. It is easy to criticize the Friend of the Court but the real questions should be these:

1. Are needed services reasonably available?
2. Can most disputes be resolved relatively quickly with as little conflict as possible?
3. Are the courtrooms readily accessible for those few cases where agreement may not be achieved?
4. Does the court and its staff adhere to the law, which requires a focus on the best interests of the children?

The answer to all of these questions in Barry County is a resounding “YES” but we recognize the limitations on the level of services available. We continue to examine ways to improve services

# Friend of the Court Revenue History 2003-2006



and we continue to implement changes that allow us to do so. This process is ongoing.

The Probate and Juvenile filings within the Family Division remained at roughly the same level in 2006 as the previous year although, neglect and abuse petitions declined for a second straight year. Looking back over the last seven years, neglect and abuse petitions have fluctuated from a low 27 in 2003 to a high of 57 in 2004. There were 32 petitions in 2006.

Probate filings were at their lowest level in the last seven years (337), and juvenile petitions were down slightly to 349, which also was the lowest level in the last seven years.

There have been far fewer methamphetamine cases in court since 2005, and this may account for the downward trend we have seen in juvenile petitions the last two years.

Whatever the reason, it is good news. The Child Care Fund, a 50-50 state/local responsibility was \$250,607 under budget in 2006. This is a very difficult expense to predict but for several years we have had several community- based programs in place

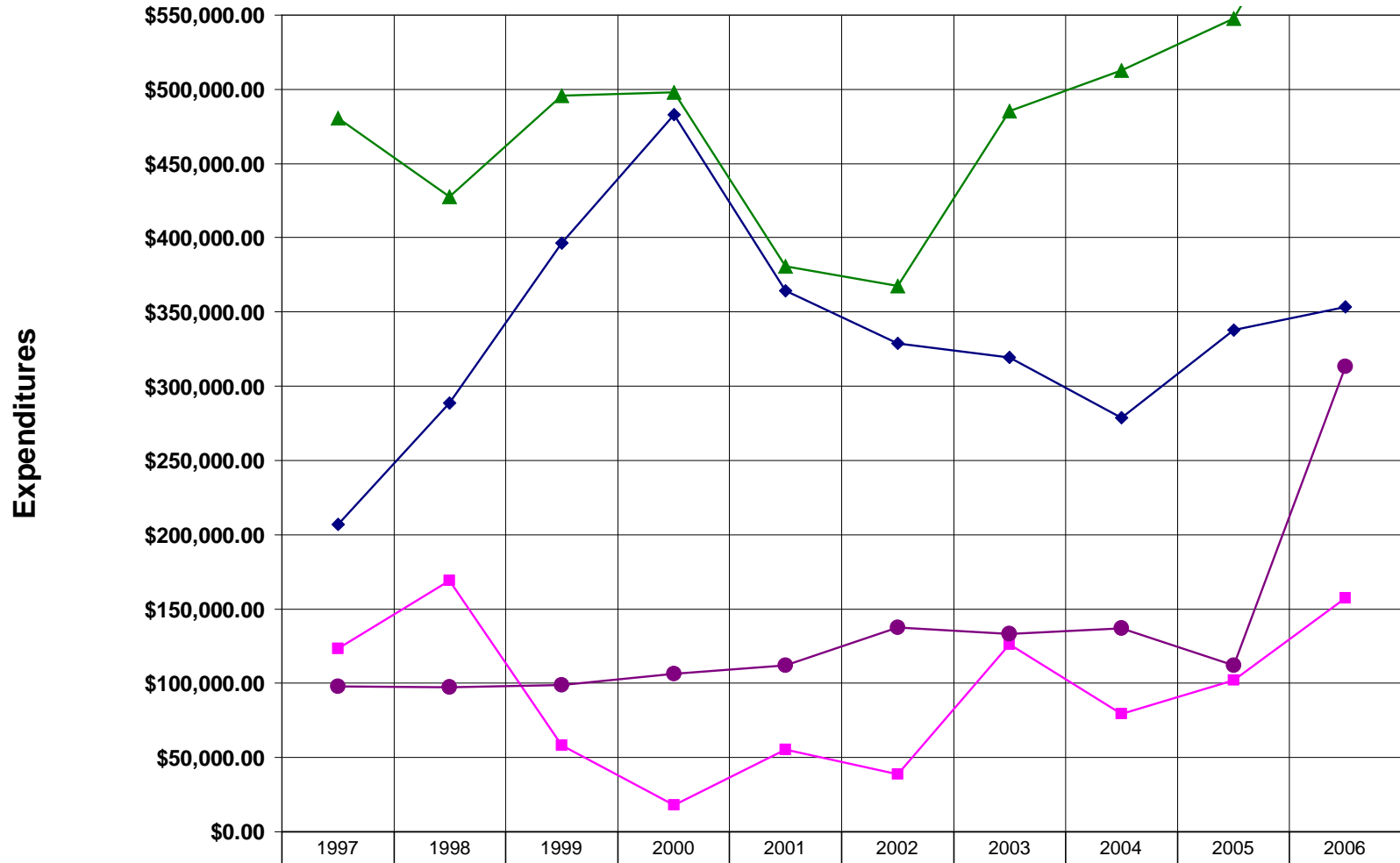
which have allowed us to operate under budget most years. This stands in stark contrast to the situation faced by most counties.

These programs include the Juvenile Drug Court, Wraparound, Home Intensive Care and In-Home Detention. It is difficult to calculate with precision what savings result from these programs, but we estimate it to be in excess of \$500,000 each year.

The Juvenile Drug Court for example, costs about \$132,387 per year. While the number of participants is small, most of those enrolled would be placed outside of their family homes if this program was not available. Such out of home placements typically cost \$60-70,000 per year, so while the cost of the program is 15-\$20,000 per year per participant, the alternative is much more expensive. The Juvenile Drug Court will be requesting additional local funding of \$42,000 in 2008, due to the expiration of a grant and we are requesting an increase of roughly \$83,000 in the child care fund.

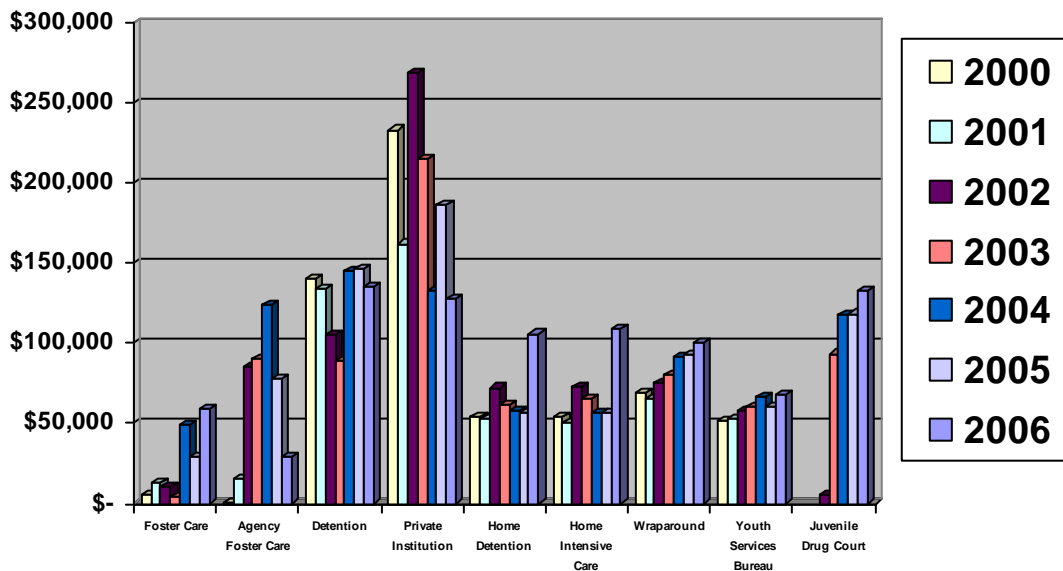
The Family Division collected revenue of \$1,121,598 in 2006, and expenditures were 271,000 under budget.

## Family Division -- Juvenile Section Child Care Fund



◆ Title IVE	\$206,808.61	\$288,712.43	\$396,275.97	\$483,028.05	\$364,385.72	\$328,899.70	\$319,229.72	\$278,726.55	\$337,925.00	\$353,569.98
■ State Ward Board And Care	\$123,101.86	\$169,195.22	\$57,922.57	\$18,128.82	\$55,472.46	\$38,566.82	\$126,356.80	\$79,226.49	\$101,976.00	\$157,326.96
▲ Child Care Fund	\$480,351.70	\$427,712.59	\$495,435.31	\$497,896.29	\$380,799.28	\$367,583.12	\$485,059.84	\$512,662.84	\$547,560.33	\$678,244.18
● In Home Care	\$97,751.95	\$97,159.00	\$98,697.43	\$106,375.22	\$112,204.37	\$137,458.02	\$133,047.14	\$136,862.35	\$111,787.36	\$313,171.45

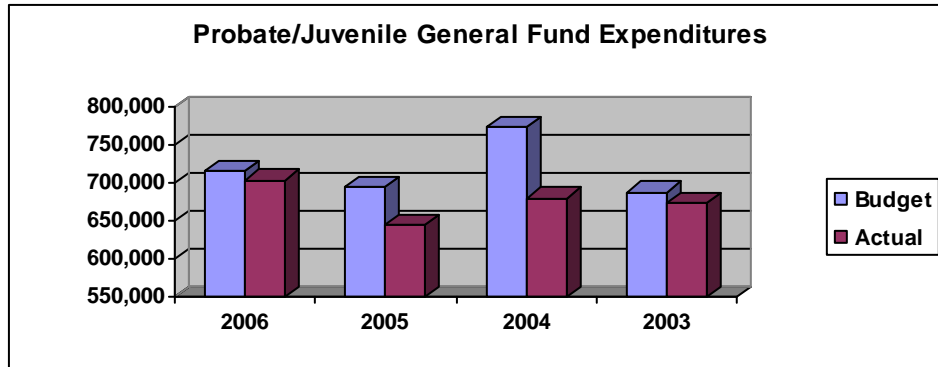
### Family Division -- Juvenile Section Child Care Fund Expenditures



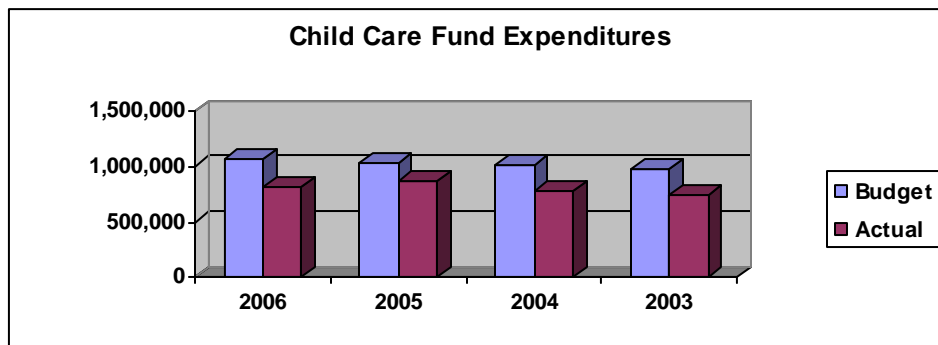
\* Please note that the State of Michigan reimburses the Court for half of the foster care, agency foster care, detention, private institution, home detention, home intensive care, and wraparound expenditures. The State also reimburses the Court for \$67,542 of wraparound expenses and for half of the expenses beyond that. The Michigan Drug Court Grant reimburses the Court for almost 40% of drug court expenditures.

	FC	AFC	Det.	P.I	HD	HC	WA	YSB	JDC
2000	5688	260	140234	232813	53913	54356	69436	51487	
2001	13173	15385	133456	161800	52783	50258	65084	53322	
2002	10470	85083	105351	268478	72138	72607	75324	58265	5518
2003	4743	90399	89235	214818	61658	65321	80165	60838	93283
2004	48595	123971	144719	132766	58235	56636	91309	66124	117236
2005	29,628	78,217	146,770	185,753	57,046	56,351	92,347	60,659	118,220
2006	59,148	29,294	135,430	127,408	105,755	108,591	100,590	68,056	132,387

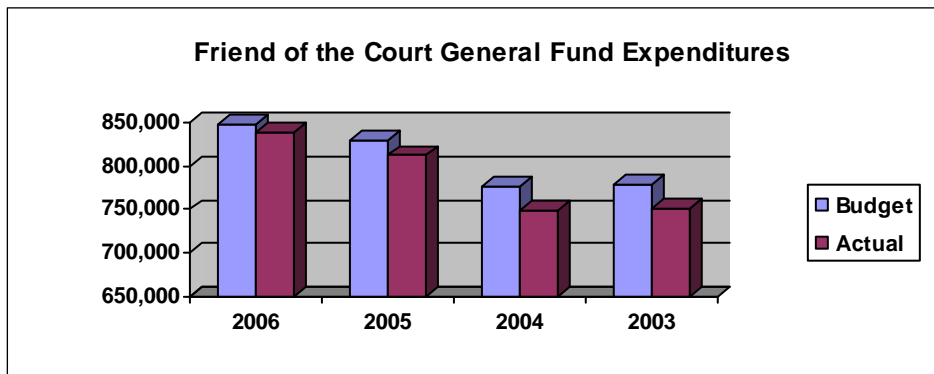
# Family Court Expenditures 2003-2006



	2006	2005	2004	2003
Budget	715,834	695,464	772,130	688,143
Actual	703,783	645,485	680,112	673,313

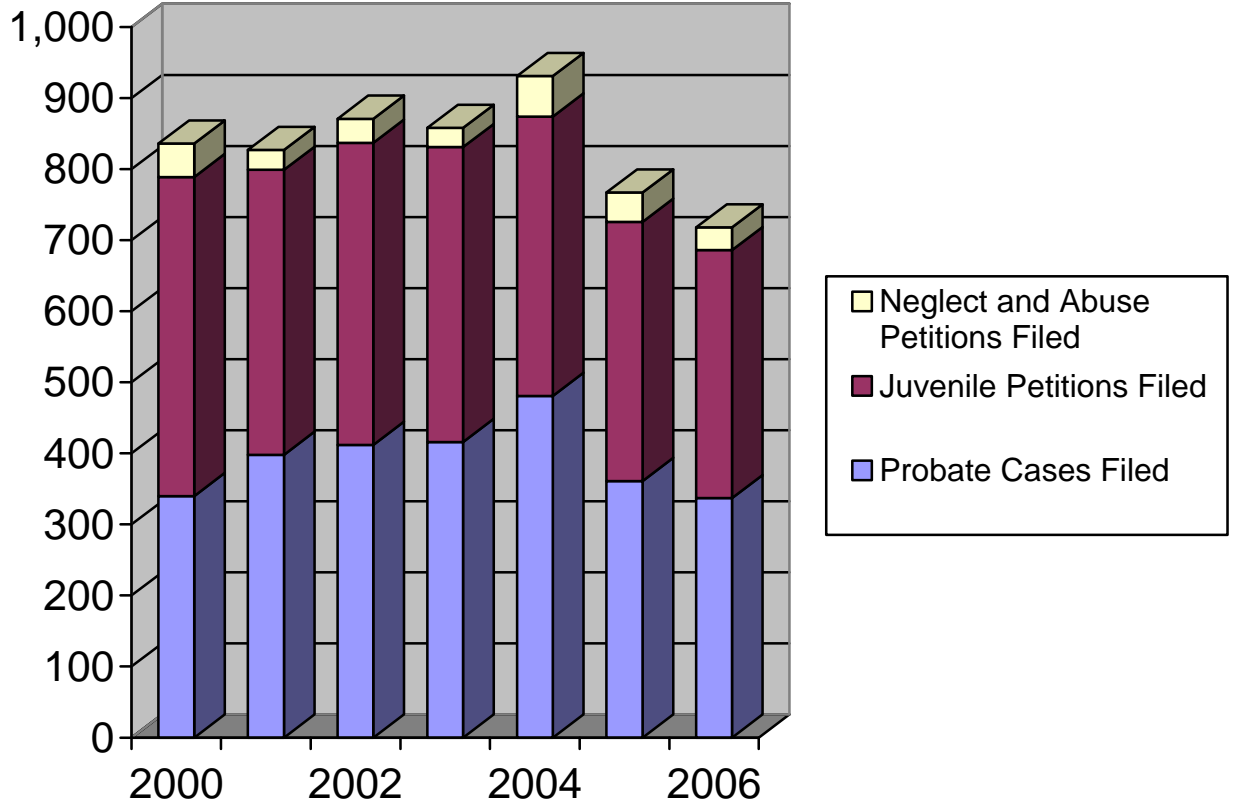


	2006	2005	2004	2003
Budget	1,066,337	1,029,945	1,006,533	965,044
Actual	815,730	857,348	770,992	733,863



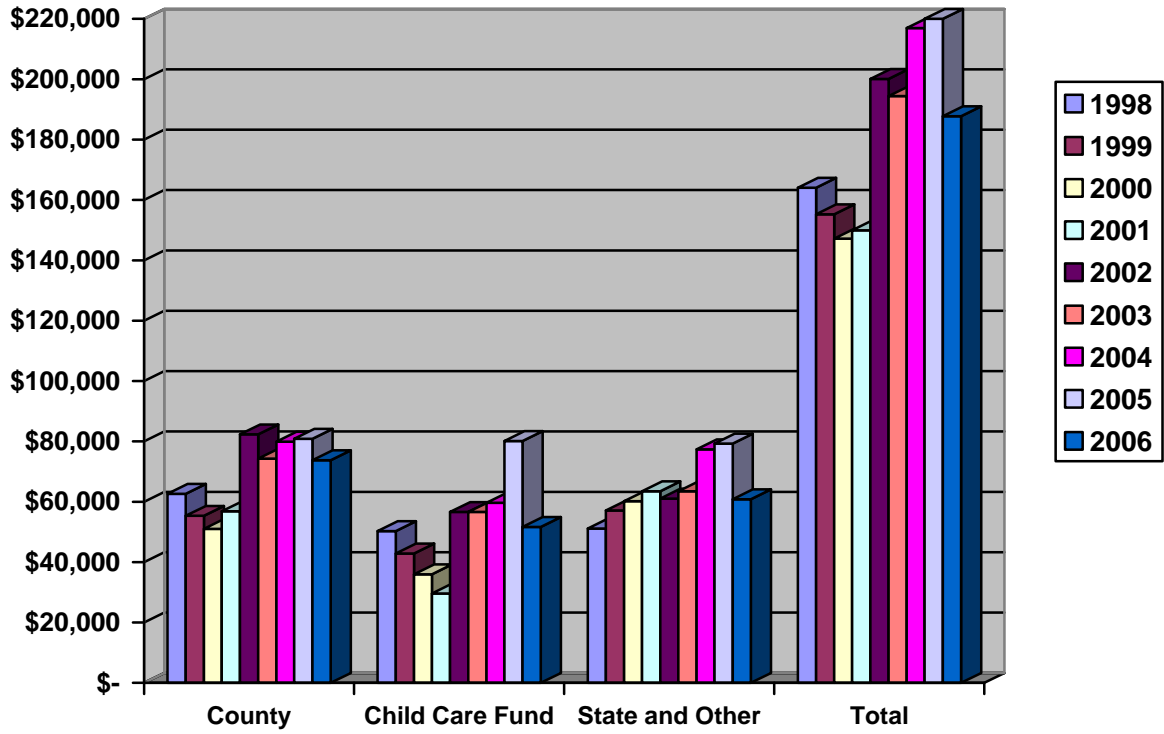
	2006	2005	2004	2003
Budget	848,581	828,300	775,582	777,777
Actual	839,125.70	812,042	748,804	751,223

## Calendar Year Petitions Filed -- Family Division



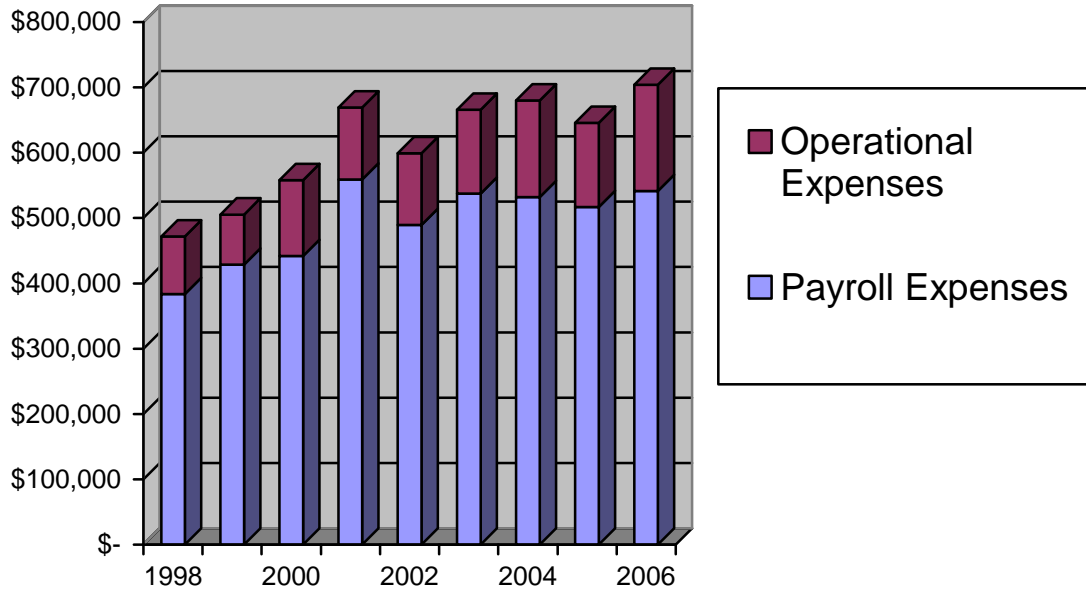
	2000	2001	2002	2003	2004	2005	2006
Probate Cases Filed	340	398	412	416	481	361	337
Juvenile Petitions Filed	449	401	425	415	393	365	349
Neglect and Abuse Petitions Filed	47	28	34	27	57	41	32

**Family Division -- Probate Court and Juvenile Section  
General Fund  
Calendar Year Collections**



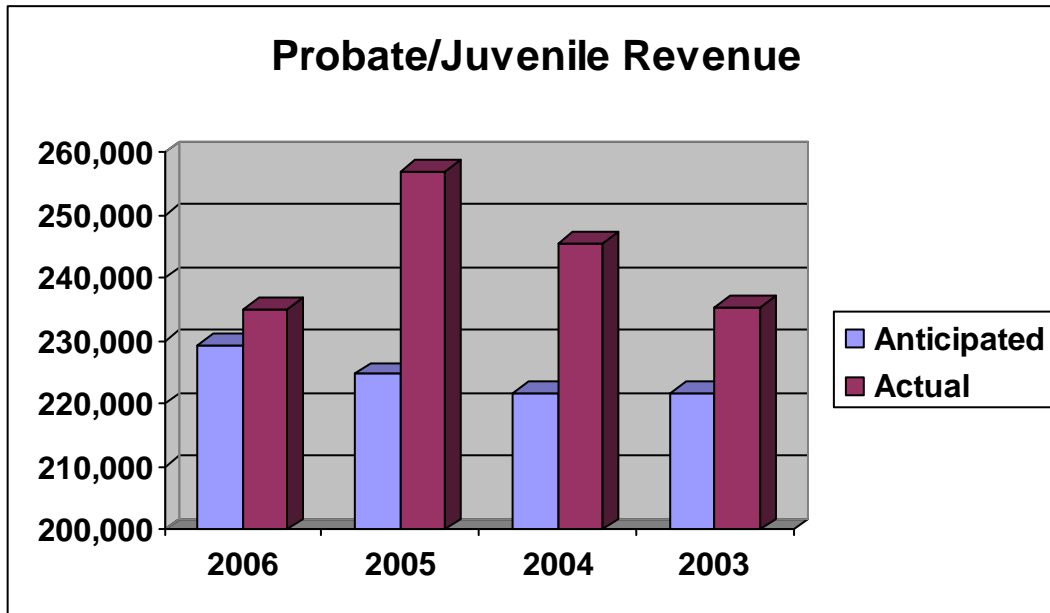
	County	Child Care Fund	State and Other	Total
1998	62,665	50,265	51,078	164,008
1999	55,312	42,854	57,100	155,266
2000	50,972	35,977	60,221	147,170
2001	56,812	29,642	63,517	149,971
2002	82,326	56,653	61,088	200,067
2003	74,318	56,648	63,458	194,424
2004	79,852	59,724	77,376	216,952
2005	80,896	80,150	79,254	240,300
2006	73,719	51,698	60,876	187,677

## Family Division -- Probate Court and Juvenile Section General Fund Expenditures Calendar Year Figures



	1998	1999	2000	2001	2002	2003	2004	2005	2006
Payroll Expenses	383,667	428,813	441,889	559,131	489,355	537,182	531,812	516,907	541,505
Operational Expenses	87,871	76,482	116,043	109,955	109,874	128,307	148,301	128,578	162,277

## Probate/Juvenile Revenue History 2003-2006



	2006	2005	2004	2003
Anticipated	229,331	224,776	221,716	221,701
Actual	234,955	256,930	245,477	235,471

County Juvenile Officer Grant
Judge's Salary Reimbursement
Filing Fee – Circuit
Appeals from Circuit Court
Motion Fee Circuit
Collection Fees
Probation Oversight Fees
Probation Costs
CVA Collections
Estate Inventory Fees
Marriage Ceremonies
Jury Fees
Change of Name
Deposit Boxes
Adoption Collection Fees
Certified Copies
Mot/Pet/Acct/Obj/Claim Fees
Trust Reg/Will Safe Keeping
DNA Sampling/Family/BCSD & Family
Reimbursement Attorney Fees
Postage Refund



## Conclusion

The court continued operating under budget in 2006 as it has for the last 12 years. The judges have continued to work together, and they share shifting caseload and assist one another. Our staff remains highly motivated and well adapted to change. We have maintained a reasonable level of technology and we continue to operate innovative programs allowing us to provide a high level of service at a very reasonable cost to the taxpayer.

The court remains very well positioned to adapt to changing conditions in a positive way. We thank the Board of Commissioners for providing us with the resources that have enabled us to make this a reality.