

Barry County Trial Court



2005 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 Judge

Katherine J. Holman, Civil/Criminal Administrator

Robert F. Nida, Family Court Administrator

Debbie S. Smith, County Clerk





Summary

The Barry County Trial Court continued its long record of outstanding public service in 2005. Cases were resolved in a timely manner, the court continued improvements in its services, and all aspects of the court operation were again under budget, by a total of \$357,000 (9%)

The Felony Drug Court completed its third full year in operation, and was the object of an extensive study commissioned by the legislature. This study was recently completed and should be released shortly. The study concluded that Drug Court participants are far less likely to be arrested than non-participants and that the Adult Drug Court had saved approximately \$353,000 in Barry County over a two year time period. Funding for the continuation of

this important service of the court after 2006 should be a prime consideration for the commission

The Friend of the Court continued its reorganization efforts in 2005, with staff and policy changes aimed at improving customer response and aiding families dealing with divorce and broken relationships. The Friend of the Court may be facing some financial issues starting October 1st of 2007, if threatened federal incentive grant funding is implemented. This could create a budget shortfall of \$50,000 or more after October 1st, 2007.

The number of cases involving production of methamphetamine cases in the county appears to have abated, which is good news. This has contributed to a drop in child abuse and neglect filings, and a reduction in foster care expenses.

Overall, the caseload for the Civil/Criminal Division and Family Division of the court was level compared to recent years, with fewer Probate/Juvenile filings and more misdemeanors than in 2004.

The court is still waiting for the county commission to act on the facilities issue that was raised over a year ago. The court could operate more efficiently and effectively if the Friend of the Court was located in the Courts and Law Building. We would be open to discuss this with the commission at any time.

We look forward to continuing work with the commission to improve the court's service to the public in the upcoming year.

Civil/ Criminal Division



The Civil/Criminal Division was created in 2004 with Kathy Holman as administrator. Kathy has a master's degree in Public Administration and has 26 years of experience working for Barry County.

The caseload has increased over the last several years, although it has remained fairly constant over the past three. Since 1995, the Circuit Court caseload has increased by 26%, and the District Court caseload has increased 33%. The Probate/Juvenile Court caseload has declined by 36% during that time frame. The court's concurrent jurisdiction plan has allowed the judges to balance out these shifting workloads so that the court can continue to process and resolve its new filings in a timely manner.

Financially, this division was \$125,000 under budget (8.8%) In addition, the Civil/Criminal division generated

revenue from assessments, filing fees, and other charges

totaling \$1,252,000 in 2005.

Adult Drug Court

The Adult Drug Court is a part of the Civil/Criminal Division, providing intensive supervision and monitoring for non-violent felony probationers with substance abuse problems. The program completed three full years of operation in 2005. Funded almost entirely by the state and federal grants thus far, it costs about \$200,000 annually to maintain this program.

The program was funded in 2005 by a Byrne grant (Federal) an SCAO grant (State), and a small local match (County). The grants were supposed to continue until October 1st 2007, but the court very recently learned that Byrne funding might be eliminated on October 1st 2006.

It is logical to ask, at this point, if it makes sense to continue this program. Is it worth it if the county has to pay for it?

The legislature is examining drug courts as an alternative to incarceration, and early in 2006 NPC Research from Portland, Oregon completed a very thorough study of the Barry County Adult Drug Court. The final report will be released shortly, but excerpts available at this time demonstrate the value of this program:

1. Barry County Adult Drug Court participants are re-arrested less than half as often as the comparison group. Graduates are re-arrested $\frac{1}{4}$ as often, and overall are re-arrested very rarely. For the 21 months after program entry, drug court graduates did not commit any new offenses at all.
2. Re-arrest rates for 24 months:

Drug Court Graduates= 4%

All Drug Court Participants= 26%

Comparison Group= 50%

3. Drug Court graduates had no arrests for new property or person crimes at all.
4. After a painstaking examination of all costs, it is estimated that the Barry County Drug Court saved \$353,000 over a two-year period.
5. 165 people have participated in the program, with 48 now enrolled. Of those who have completed the program, about 65% have successfully graduated.
6. It costs \$4,000 per year to supervise a person in drug court, \$18,000 per year to jail them, and \$30,000 per year to imprison them.

Given this information, the efficacy of the program is clear. It makes the community safer, and it allows those with substance abuse problems to reclaim their lives.

Continued funding of this program is a policy decision reserved to the legislative branch (i.e., the county commission). The court has been under budget over \$200,000 for each of the last 10 years (\$357,000 in 2005). Hopefully the commission will conclude that this is a program whose continuation should be a priority.

Family Division



The family Division of the court was also established in 2004. The administrator, Bob Nida, has a

Masters Degree in public administration and has been employed by Barry County for over 31 years.

The Family Division of the court has continued to consolidate its operations administratively. The Friend of the Court staff was reorganized into teams of professional and support staff in 2005, and a full-time receptionist was put in place to increase response time.

Tim McMahon has been installed as the Deputy Friend of the Court, so he is now responsible for all of the professional staff of the Family Division. This has allowed Vicky Alspaugh to devote all of her time to referee/ magistrate work, allowing the court to schedule parenting time, child support, and custody disputes more quickly.

A new procedure for processing requests for changes in custody and parenting time suggested by the

Friend of the Court staff has also been implemented.

This has been very helpful and has allowed the court to resolve these disputes more quickly.

The Friend of the Court currently has approximately 4,200 open files. The Federal Government has proposed drastic cuts in incentive grant funding for the 2008 budget year. If these cuts become reality, the Friend of the Court in Barry County could be facing a budget deficit of \$50,000 starting October 1st of 2007.

In 2005, the Friend of the Court operated \$16,000 (2%) under budget. The Probate/ Juvenile area of the Family Division was the beneficiary of a reduction in filings in 2005, and the emphasis on community based solutions and programs resulted in impressive cost savings.

The Child Care fund was under budget by \$173,000, and the Probate/Juvenile general fund was under budget by \$50,000. Total revenue generated was approximately 1,350,000.

The Family Division will remain hampered in its efforts to further consolidate its operations until all of the staff is in one location. The anticipated annual costs resulting from changes in the Friend of the Court cooperative reimbursement contract from the changed location would amount to about \$30,000 annually. The Judicial Council believes this would be money well spent, and moving the Friend of the Court and court-related activities of the County Clerk to the Courts and Law Building would open many opportunities for better public service and greater cost efficiencies.





Conclusion

The court is fortunate to have a very capable and hard working staff who are focused on customer service and who have proven themselves to be very adaptable and capable of change over the last ten years. They are led by two highly qualified administrators, Kathy Holman and Bob Nida, who bring wealth of experience to their positions. The judges remain committed to

working together with the staff to continually improve service to the public.

All of this has allowed the Barry County Trial Court to continue to deliver fast, efficient service to the taxpayers of Barry County. The court needs the assistance of the county commission to continue to improve its services, and the court is asking the commission to focus on two priorities in 2007.

1. Continued Adult Drug Court Funding
2. Facilities