

**2011 ANNUAL REPORT**  
**WAUSHARA COUNTY CIRCUIT COURT**

Guy D. Dutcher, Circuit Court Judge  
Tara DeBauche, Court Reporter

**CLERK OF CIRCUIT COURT**

Melissa M. Zamzow

**Deputy Clerks**

Ellen Caswell

Cheryl Neumann

Susan Barth

Wendy Meyer

Katrina Rasmussen

**REGISTER IN PROBATE**

Rebecca Gramse

**Deputy Register in Probate**

Tracy Piencikowski-Gyrion

**CASE FILINGS CLERK OF COURTS OFFICE**

**Small Claims (SC)**-564 new cases filed in 2011. Small claims court may be used only for certain types of cases. Small claims cases are lawsuits when the amount claimed is \$10,000.00 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 \$10,000.00 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)**-357 new cases filed in 2011. 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 \$10,000.00; 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 \$10,000.00); 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. Foreclosure cases seem to be slowly declining as there were 169 filed in 2008, 161 filed in 2009, 154 filed in 2010 and 143 in 2011.

**Misdemeanor (CM)**-575 new cases filed in 2011. 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. The number of cases filed understates the workload since many of the probation cases come back to court because probation is revoked or probation is extended due to conditions set by the court not being completed.

**Criminal Felony (CF)**-172 new cases filed in 2011. These crimes are of a graver nature than a misdemeanor, usually punishable by imprisonment in a penitentiary for more than a year and/or substantial fines. The increase in this type of case from 131 in 2009 is due to drug activity and burglaries that have resulted in charges being issued.

**Municipal Forfeiture Actions (FO)**-359 new cases filed in 2011. These actions involve violations of municipal laws other than traffic.

**Traffic Cases (TR)**-3299 new cases filed in 2011. Every citation filed is entered into the CCAP (Consolidated Court Automated Program) system. These cases are concluded 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)**-126 new cases filed in 2011. These cases mainly involve divorce/custody disputes. Case numbers filed understate the workload due to post judgment hearings. These hearings are calendared under the original case number; therefore, they are not counted as new cases. Post judgment hearings 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)**-62 new cases were filed in 2011. These cases are filed to adjudicate paternity, health care coverage and child support orders. The case numbers filed again understate the workload due to post judgment hearings. They also are calendared under the original case number; therefore, they too are not counted as new cases and involve additional filing of documents, scheduling and court time

**Incarcerated Persons (IP)**-6 new cases were filed in 2011. 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)**-4 new cases were filed in 2011. 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)**-4 new cases filed in 2011. 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)**-63 new cases filed in 2011. These are cases involving a juvenile that has committed a crime. These records are not open to the public.

**Juvenile CHIPS Cases (JC)**-16 new cases filed in 2011. These are cases where children are in need of protection and services. These records are not open to the public.

**Juvenile (JI)**- 1 case filed in 2011. 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)**-10 cases filed in 2011. These records are not open to the public.

**Adoption Cases (AD)**-17 new cases filed in 2011. These records are not open to the public.

**Mental Commitment Cases (ME)**-47 new cases filed in 2011. 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)**-27 new cases filed in 2011. 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 about 212 accountings that are filed on a yearly basis.

**Probate Cases (PR)**-91 new cases filed in 2011. 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 58 accountings that are filed on a yearly basis.

**Juvenile Ordinance (JO)**-39 new cases filed in 2011. 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)**-42 wills filed in 2011, 4 for safekeeping and 38 filed without probate.

## **OTHER RESPONSIBILITIES**

- ? Enter and maintain construction liens, hospital liens and condominium liens
- ? Enter and maintain docketed judgment records
- ? Enter and maintain 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 284 applications processed for passports and passport cards in 2011, a decrease of 119 from 2010.

## **2010 JURY TRIALS**

There were 2 jury trials held in 2011 for a total of 2 days.

## **APPEALS**

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. In 2011 there were three cases sent to the Court of Appeals.

## **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 394 payment plans set up in 2011.

## **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 2011 the following failure to pay actions were taken:

Warrants issued for failure to pay-459

Suspension of driver's licenses for failure to pay-686

Debts were turned over to the Wisconsin Department of Revenue for failure to pay-1183  
\$32,687.38 collected through tax intercepts & over \$11,500 through collection agency in 2011.

## **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**

In 2011 Judge Dutcher was assigned to 5 out of county cases and 41 Waushara County cases were assigned to judges in other counties. Judge Dutcher was only assigned to five out of county cases due to his current caseload of 1.6 Judges.

## **TRAINING, EDUCATION and CONFERENCES**

In order to keep up with the ever changing laws, procedures and computer updates the staff regularly attend trainings. The trainings include: Regional Training, Webinar/online, and Quarterly 6<sup>th</sup> District meetings for Clerk of Court and staff. The Clerk of Court and Register in Probate also have bi-annual conferences.