



Livingston
County



LIVINGSTON COUNTY COURTS

44th Circuit Court / 47th Probate Court / 53rd District Court



2015 ANNUAL REPORT

www.livgov.com/Courts

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Chief Judge

David J. Reader

Circuit Court Judge

Michael P. Hatty

Probate Court Judge

Miriam A. Cavanaugh



Livingston County Trial Courts

204 S. HIGHLANDER WAY, HOWELL, MI 48843

District Court Judges

Theresa M. Brennan

L. Suzanne Geddis

Carol Sue Reader

On behalf of my fellow judges, we are pleased to present to you our 2015 Annual Courts Report. Although we are circuit court judges, district court judges, and a probate court judge, we are ultimately all trial court judges. By blending our skills and expertise in the law, we have created a plan of concurrent jurisdiction which allows for cases, in all the courts, to be handled more efficiently and effectively on behalf of the public. Our concurrent jurisdiction plan, approved by the Michigan Supreme Court, continues to remain fluid to meet the needs of the people we serve.

Our three district judges handle not only district court cases but circuit court cases and ancillary probate cases as well. Our probate judge handles both probate and circuit court matters. Our other circuit judge, while handling primarily a circuit court docket, remains available to assist the other courts, if needed. My own docket handles circuit court matters as well as any other cases from district and probate that are needed to be heard. This flexibility among judges allows us to deliver prompt and professional service to the public.

As Chief Judge of the Livingston County Trial Courts, I believe that it is important to seek first to understand. We hope that the information provided in this report will help you to understand what we do and how, through communication and collaboration, we can work together to best provide for the needs of the residents of Livingston County.

Hon. David J. Reader
Chief Judge, Livingston County Trial Courts

LIVINGSTON COUNTY COURTS JUDGES

The Livingston County Court system includes the 44th Circuit Court, located in Howell; the 53rd District Court, located in Howell and Brighton; and the 47th Probate Court, also located in Howell. There are six elected judges in Livingston County. Judges are routinely assigned to cases that are not technically in the court where they were elected to serve, but that are assigned based on plans made by the local courts and approved by the State Court Administrative Office as an agency of the Michigan Supreme Court.

The Honorable David J. Reader is the Chief Judge of the Livingston County Courts.

Circuit Court Judges

- **Hon. David J. Reader**
 - First elected in 2004, elected to another six year term in 2010.
- **Hon. Michael P. Hatty**
 - First appointed in 2009, elected to a two year term in 2010, and elected to a six year term in 2012.

District Court Judges

- **Hon. Theresa M. Brennan**
 - First appointed in 2005, elected to a two year term in 2006 , and elected to a six year term in 2008 and 2014.
- **Hon. Suzanne Geddis**
 - First elected in 2004, elected to another six year term in 2010.
- **Hon. Carol Sue Reader**
 - First elected in 2008, elected to another six year term in 2014.

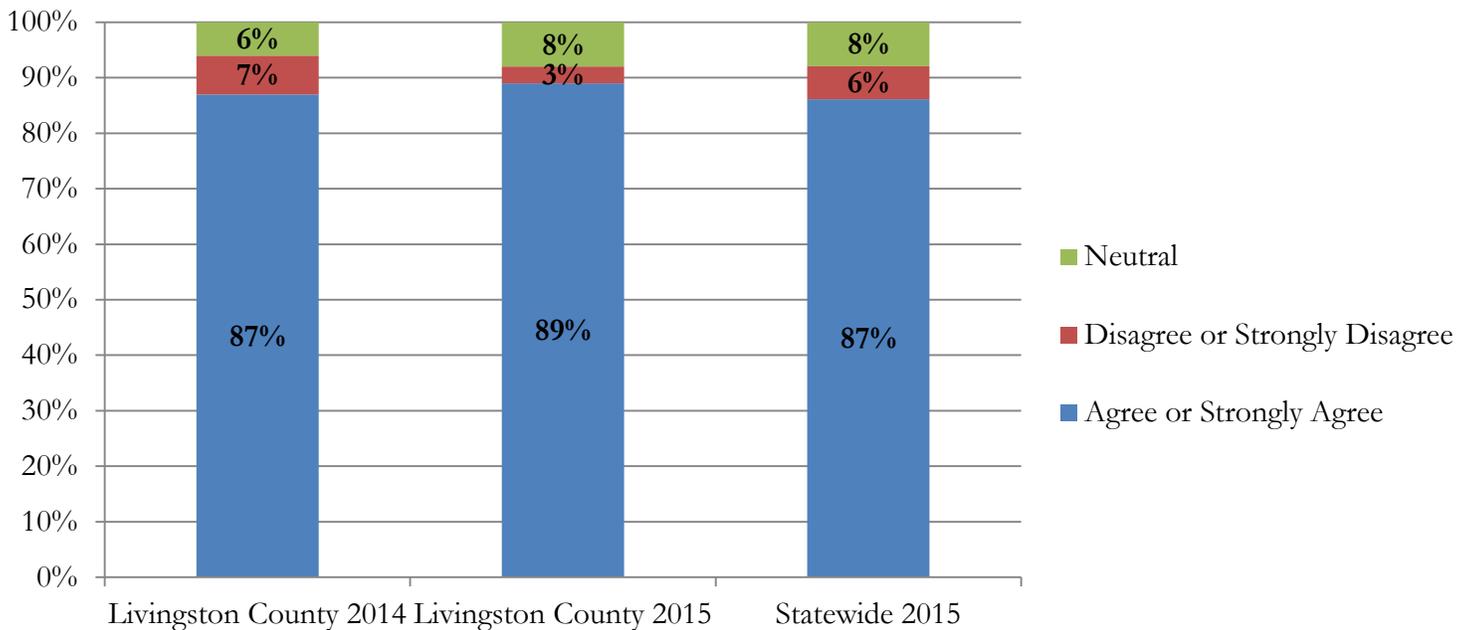
Probate Court Judge

- **Hon. Miriam A. Cavanaugh**
 - First elected in 2012 to a six year term.

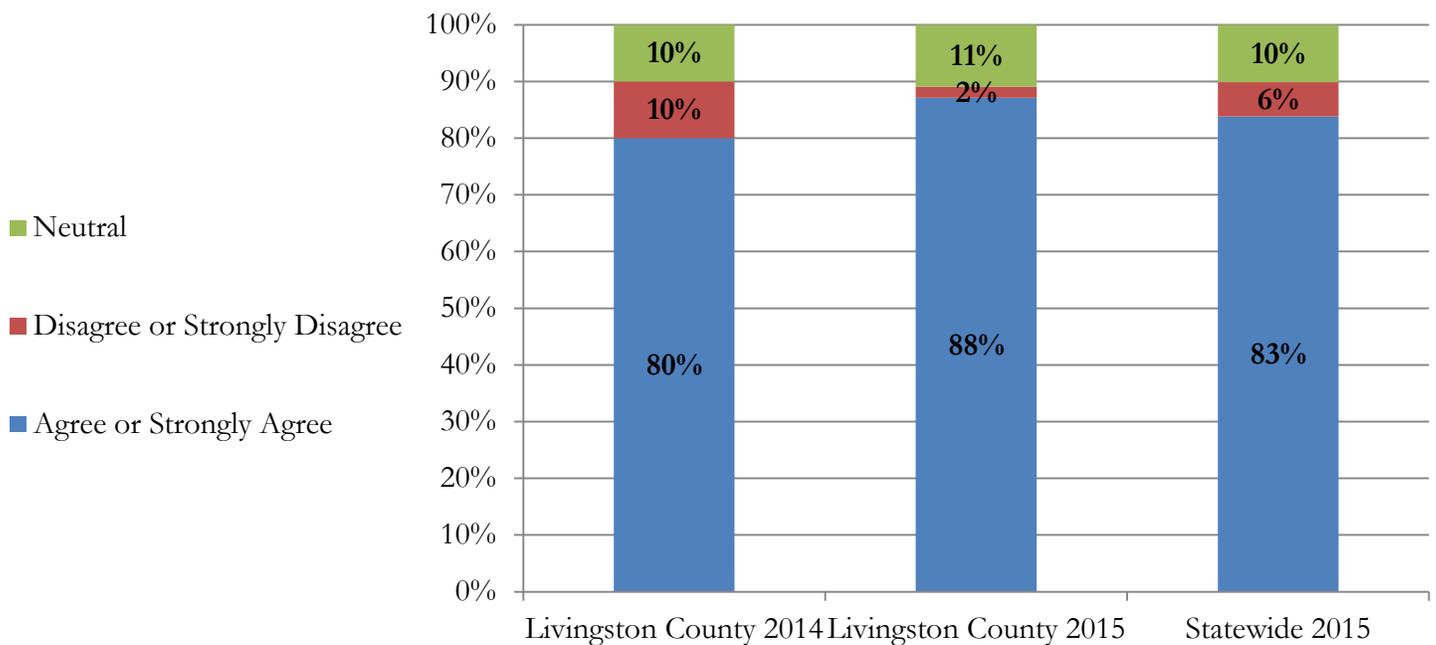
LIVINGSTON COUNTY COURTS PUBLIC SATISFACTION SURVEY RESULTS

Each year, a statewide survey is administered in each court in Michigan. In 2015, Livingston County Courts improved public satisfaction in every category from 2014. Livingston County also fared above the statewide average in every category. Included below are some of the results. Please note that the percentages will not sum to 100% because individuals could select more than one response. For the full satisfaction survey results please visit <http://courts.mi.gov/education/stats/performance-measures/pages/livingston.aspx>

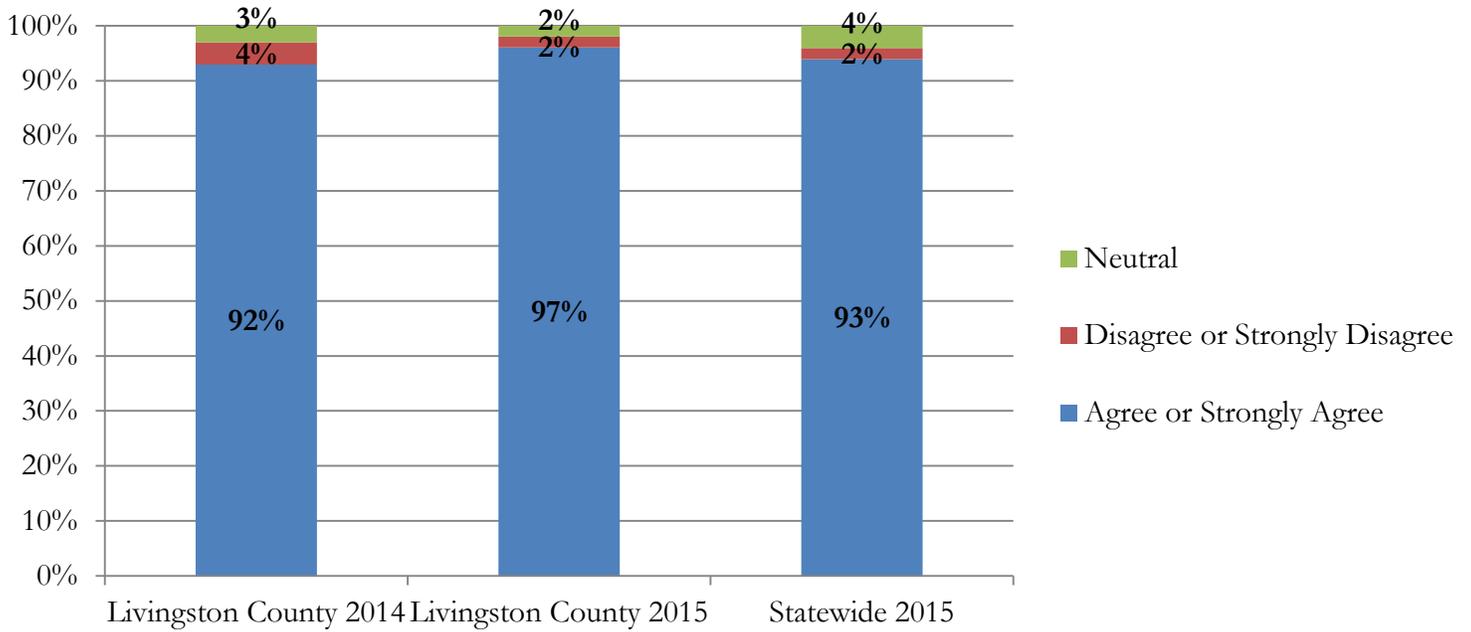
“I was able to get my court business done in a reasonable amount of time today.”



“The way the case was handled was fair.”



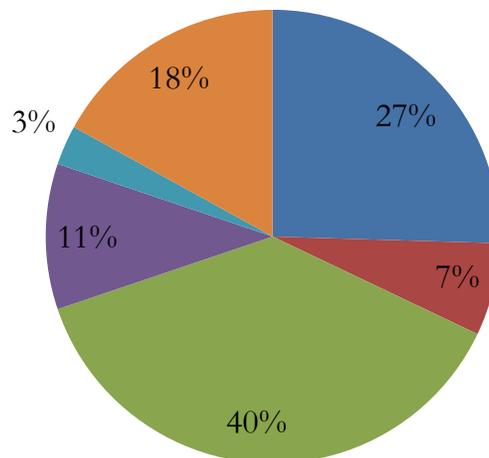
“I was treated with courtesy and respect by court staff.”



Other Survey Results (Agree or Strongly Agree)	Livingston County 2014	Livingston County 2015	Statewide Average 2015
The judge/magistrate/referee treated everyone with courtesy and respect.	84%	91%	89%
As I leave the court, I understand what happened in my case.	86%	94%	87%

Survey Participants

- Party (Plaintiff/Defendant)
- Agency Worker
- Attorney/Prosecutor
- Family/Friend of Party to Case
- Witness
- Other

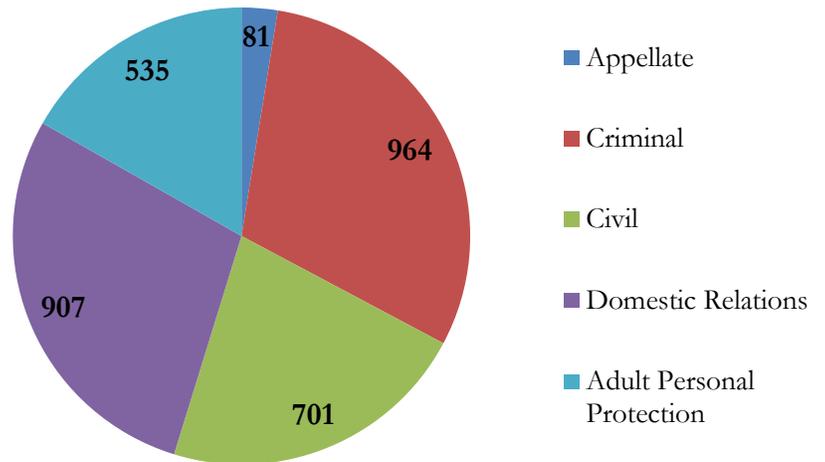


LIVINGSTON COUNTY 44TH CIRCUIT COURT

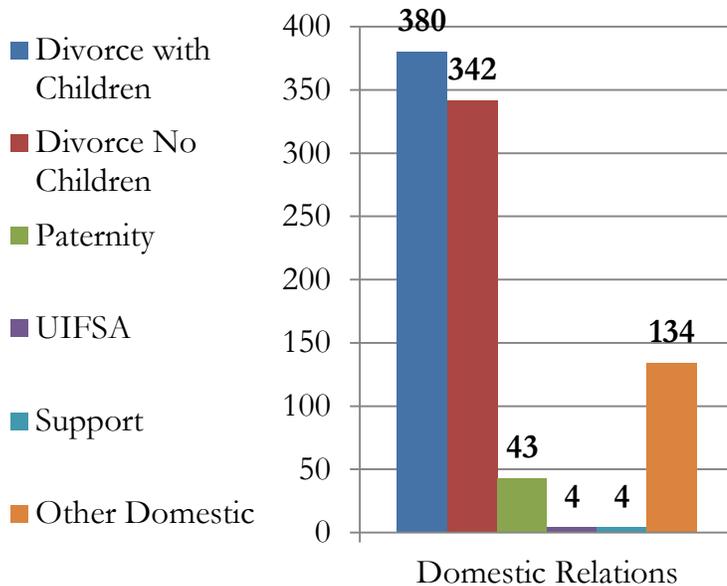
The Circuit Court has jurisdiction over cases such as felony criminal, civil liability with claims more than \$25,000, and all Family Court including divorce, paternity, personal protection actions, name changes, and related cases.

The Livingston County Clerk is the clerk of the Circuit Court and is responsible for accepting and filing Circuit Court pleadings, providing record copying and certification of Circuit Court records, and maintaining motion hearing dockets. The County Clerk also maintains case files and case managements systems, clerks court hearings, and accepts payment on criminal felony cases, as well as, performing collection activities on outstanding monies owed to the Court.

2015 New Filings



2015 New Filings - Domestic Relations



In Livingston County, the Circuit Court Administration also provides a host of services for the Court including the jury commission process, transcript requests, public defender services, appointment of appellate attorneys, interpreter requests, preparation of the Livingston County Approved Bail Bond List, and many other important aspects of the Circuit Court process.

Circuit Court Administration also conducts Alternative Dispute Resolutions. Alternative Dispute Resolutions are a less costly, more private, and an effective way to address many civil cases. There are several types, however, Livingston County most frequently uses Case Evaluation and Mediation.

LIVINGSTON COUNTY FRIEND OF THE COURT

“The success of the Friend of the Court relies upon the contribution of all employees.”

– Melissa A. Scharrer, Friend of the Court

The primary responsibility of the Friend of the Court (FOC) is to assist the Court in handling cases involving families. The definition of family includes parents going through divorce with children; parents who were never married but have children and are separating; and parties who are going through a divorce and have either no children or no minor children, but where spousal support may be ordered. In addition, as these cases result in either a Judgment of Divorce or a Final Order, while it signals the end of a marriage or the end of a relationship, it is not the end of the connection or bond between parents and their children. In cases where parents separate or divorce when a child is an infant, the association of the family with the Court/FOC can be for 18 years or more.

While **approximately 80%** of cases pay regular support, those that choose not to have contact with the FOC often end up with a bench warrant for failing to appear at a hearing. In those situations, the support enforcement officer (a retired MSP Detective/Sergeant) is able to assist. Deputized by the Sheriff, he is able to arrest individuals with bench warrants and bring them before the court.

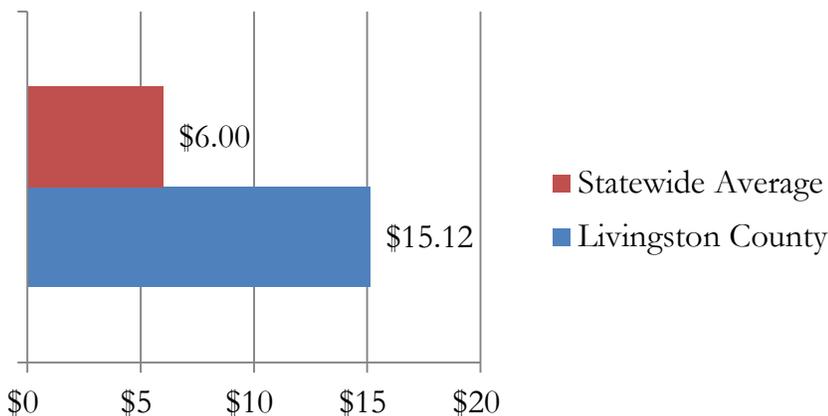
In 2015, the Friend of the Court had **5,700 open cases.**

The Livingston County Friend of the Court continues to retain the highest Cost Effectiveness ratio among all Michigan counties at \$15.12. This means that for every dollar expended \$15.12 is collected in support.

The SMILE Program

The FOC sponsors the **SMILE program** for parents going through separation or divorce. The program stands for: **Start Making It Livable for Everyone** and is designed to help parents understand and cope with the emotional impact divorce has on themselves and their children. One of the custody investigators, who also has a master’s degree in psychology, designed a presentation for the SMILE program integrating her knowledge and expertise to better equip parents with the tools they need to help themselves and their children through the divorce and separation process.

2015 Cost Effectiveness Ratio



Friend of the Court Referees & Conciliator

Through the Family Court Plan and authorization by the Chief Judge, the court is able to utilize attorney referees to assist the judges in promptly handling family cases. Pursuant to statute, referees are allowed to hear most types of family matters including child custody, parenting time, support, change of domicile, health care issues, property issues, enforcement of judgments, and settlement conferences. In the majority of cases, the issues are resolved at the referee level. For those that are not resolved, either party can file an objection to the referee's recommendation and request that the judge hear the matter.

Assisting the referees and the court is the FOC conciliator. This part-time position is held by retired referee, Kathleen Oemke, who with her years of experience and knowledge of domestic law is a valuable asset to parents seeking temporary resolutions to their custody and parenting time disputes.

2015 Conciliation Conferences

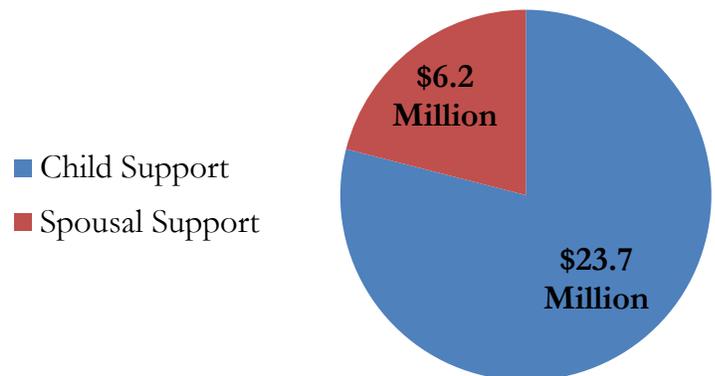
117 conciliation conferences were held.

99 were resolved by the conciliator.

Almost 85% were able to resolve their issues and come to an agreement for custody and parenting time that best reflected the needs of their children.

2015 Support Collection

Total of \$29.9 Million Collected



2015 Initiatives

- In 2015 and continuing in 2016, the Friend of the Court began the process of streamlining office operations and improving workflow with the implementation of an Electronic Content Management system (ECM) that utilizes OnBase software. The Friend of the Court works along with the County Clerk on this joint project, which has required much dedication and hard work from both staffs and continues to be a work in progress. The Friend of the Court is optimistic that the process will continue in a positive direction and will improve the efficiencies between the Judges, Clerk's Office, Friend of the Court, and the public.

2016 Initiatives

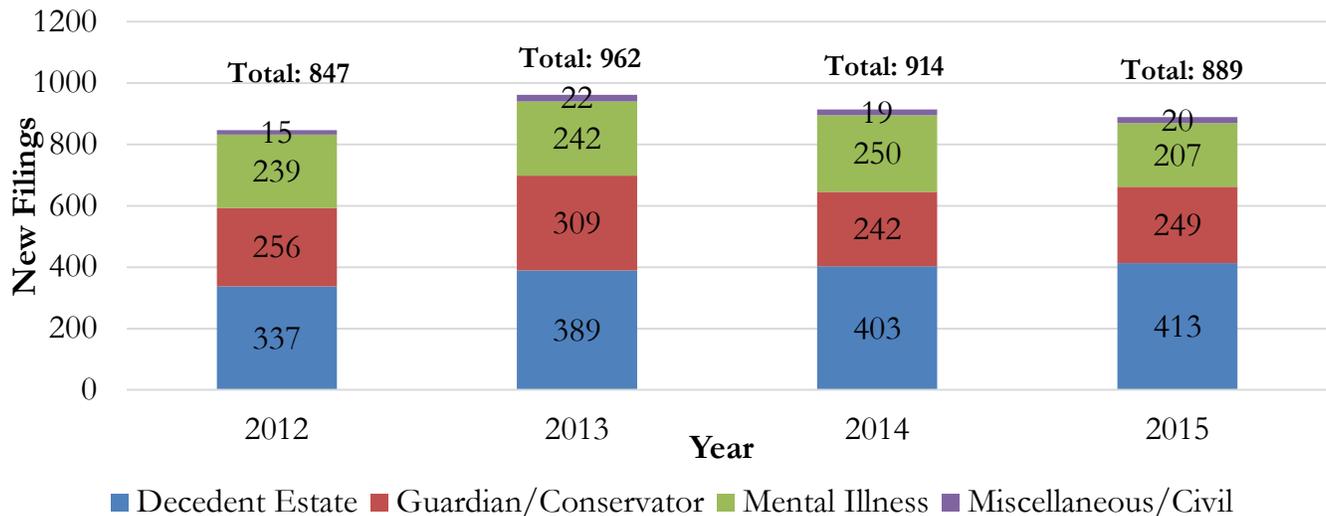
- In 2016, the Friend of the Court will be converting all computers from a State and County managed computer system to a County managed system. This will allow better functionality between the various software programs that we utilize and reduce the time spent in correcting issues that arise.

LIVINGSTON COUNTY 47TH PROBATE COURT

“The Probate Court serves an important function for families and the community during a time of crisis. Many who come to the Court are experiencing a loss or the physical or mental deterioration of a loved one. Others are dealing with family crises that involve the care of minor children. The Probate staff is not only educated in the most up-to-date policies and procedures to assist families efficiently and effectively, but also remain compassionate and respectful to these families during such a difficult time.”

– Caitlin Keene, Probate Register

2015 New Filings



Estates

- The Court oversees the authority of a “fiduciary” (a person or organization appointed to a position of trust; applies to personal representatives, trustees, guardians, or conservators) to distribute the assets of a deceased person or assets held by a trust.

Guardianship & Conservatorships

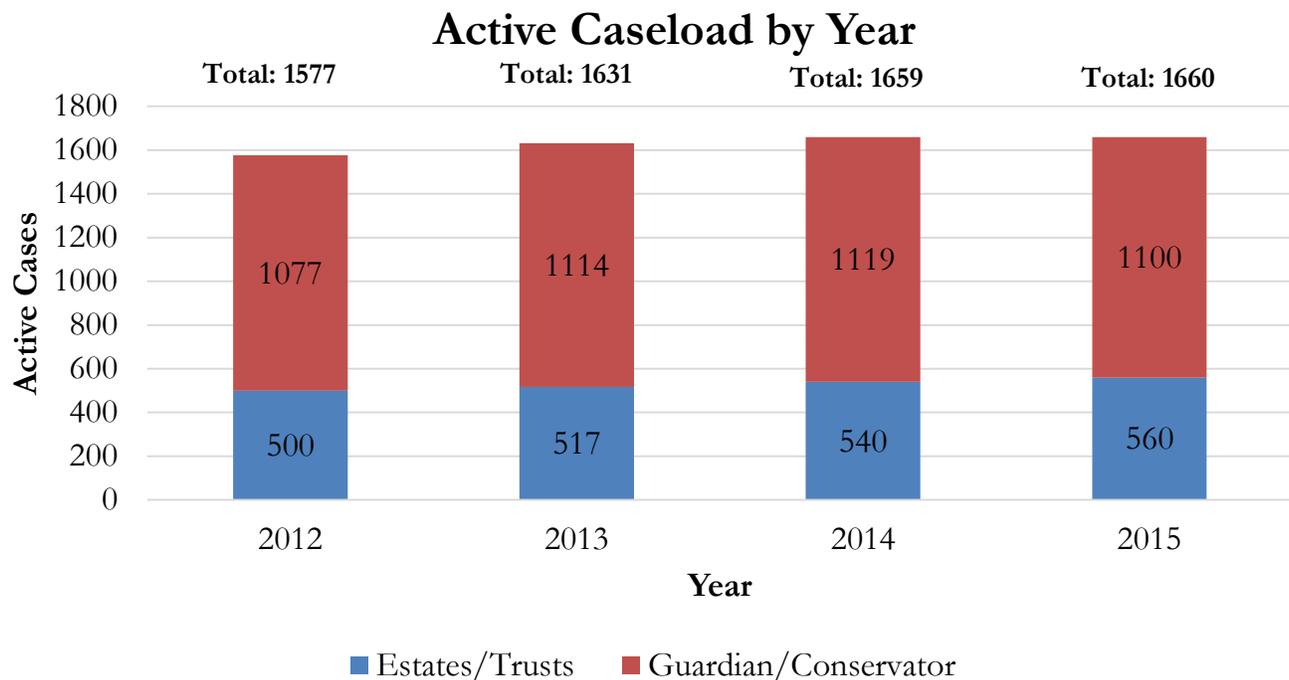
- The Court oversees the authority of a fiduciary to make personal or financial decisions for a person who lacks legal capacity to make informed decisions or to manage his or her assets. Guardians make decisions affecting the person such as medical, legal, or placement in some type of care facility. Conservators make decisions regarding preservation and management of the person’s assets.

Involuntary Treatment

- If it appears to the Court that an individual requires immediate involuntary mental health treatment to prevent physical harm to him or herself or others, the Court may order the individual hospitalized. The judge or jury must find that there is clear and convincing evidence that the individual is a person requiring treatment.

Miscellaneous Proceedings

- This includes several types of cases, such as advanced directives and registration of foreign births, which are handled by Probate Court.



Probate Court Performance Measures

Timely and efficient case processing:

- Case clearance rate: 99%
- Cases are processed within SCAO established time frames
- Probate Register conducts hearings on uncontested matters as permitted under Local Administrative Order
- Leverage paid staff with community based interns

- **Efficient and effective use of financial resources:**

- Total fees collected in 2015 are up 5% from those collected in 2012.
- Total attorney fees paid for indigent clients in 2015 was down over 7% from those paid for in 2013.

- **Favorable outcomes for court involved community members:**

- Working with DHHS to address minor guardianships where child safety issues have been raised as barriers to reunification
- Assuring that adult guardianship reviews occur as required by statute.

- **Well trained and informed staff:**

- Implemented Probate Court Procedures Manual
- Staff attends annual training conferences
- Daily information exchange through Michigan Probate and Juvenile Registers Association

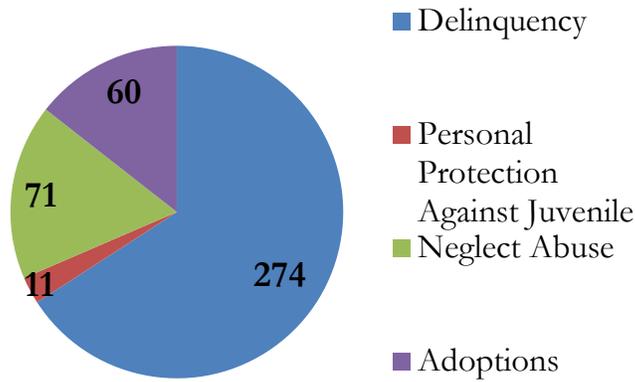
- **Services that are accessible to the public:**

- Website updates
- Video teleconferencing for Involuntary Commitment hearings through Woodlands Correctional
- Facility

LIVINGSTON COUNTY JUVENILE COURT

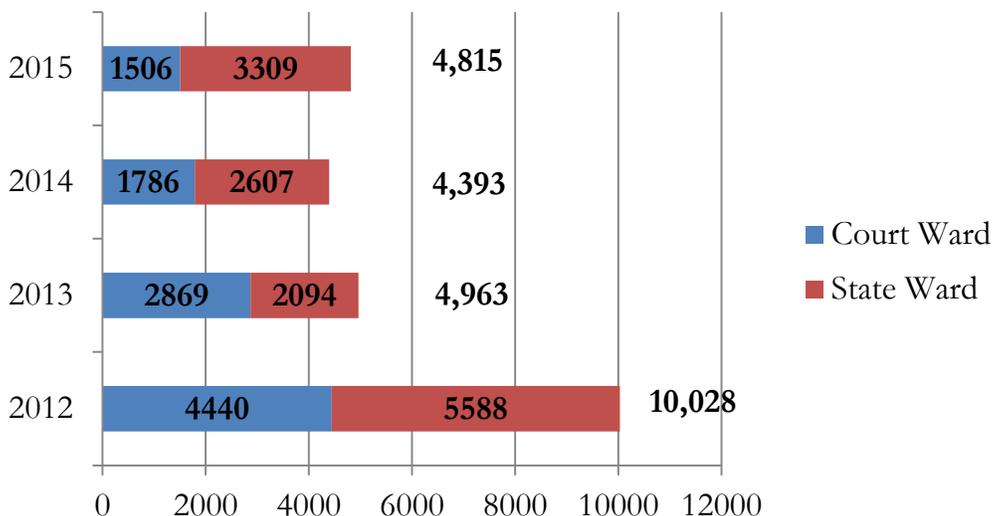
The main responsibilities of the Juvenile Court include Child Protection and Juvenile Justice. Child Protection focuses on helping children who are being neglected or abused. These cases are most often initiated by DHHS filing a petition with the Court. Juvenile Justice involves youth under the age of 17 and focuses on rehabilitation through positive activities and treatment rather than punishment.

2015 New Case Filings



In 2015, the Livingston County Juvenile Court was recognized by Governor Rick Snyder in his Criminal Justice Message for its strong commitment to successful and cost-effective community-based services. Through the utilization of evidence based, intensive services, Livingston has not only reduced costs by hundreds of thousands of dollars over the past four years, but has reduced the number of days youth spend in costly residential placements by over 8,000 days. The Juvenile Court continues to use creative programs to address a spectrum of different youth needs of in the community.

Days Spent in Care



The increase between 2014 & 2015 is based on one juvenile placement in residential annualized. The amount increase is not uncommon in juvenile justice.

Michigan Adoption Day Celebration

Under the direction of the Honorable Miriam A. Cavanaugh, the Livingston County Juvenile Court joined in the participation of Michigan's Adoption Day celebration on 11/24/2015 as part of the Thanksgiving "Giving Thanks for Families" season. Over the course of the day, the Court finalized 10 adoptions, assisting in creating forever families for the children involved. This day was important in creating long lasting forever families for the children of Livingston County who were in need of permanency and stability in their lives. In addition to the 10 adoptions finalized that day, the Court finalized an additional 74 adoptions over the course of 2015, cementing loving and supportive family environments for children.

Juvenile Court Programs

Multi-Systemic Therapy (MST)

- MST is an intensive family and community based treatment program that focuses on addressing all environmental systems that impact chronic and violent offenders. MST works with the toughest offenders ages 12 through 17 who have a history of offending.

Intensive Probation Services

- Designed to work with youth who are at risk of out of home placement, these Probation Officers specialize in trauma, mental health, substance abuse, truancy, and incorrigibility. This program offers more support and supervision than traditional probation.

Wraparound Services

- Partnering with Livingston County Community Mental Health, Wraparound facilitators work with family, school staff, therapists, and other community stakeholders to assist with treatment planning, crisis planning, safety planning, and advocating for the needs of the family.

Youth Arts Alliance (YAA!)

- This four county collaboration (Livingston, Monroe, Washtenaw, and Jackson) offers a creative avenue of expression for juveniles through visual arts, theatre, creative writing, music, and computer programming.

Diversion/Youth Assistance

- The recently expanded Diversion Services Program collaborates with community organizations to offer youth services such as Victim's Impact Panel, Community Service Program, Juvenile Awareness Group, Court Watch, and Restorative Justice.

Sports Leadership Opportunity (SLO)

- Created by local attorneys, SLO helps juveniles become physically active while also providing positive mentoring.

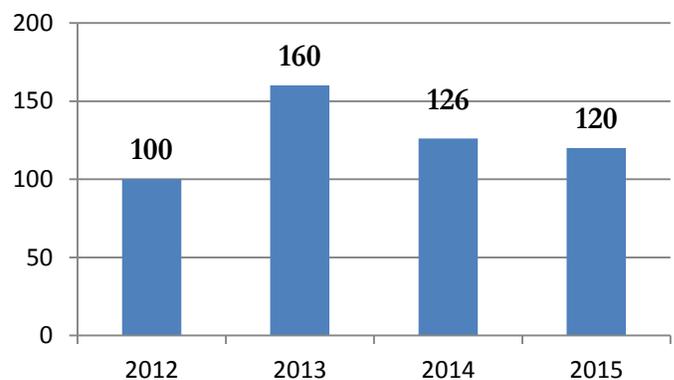
Juvenile Drug Treatment Court

- A four phase intervention program designed to assist and support juveniles who are on probation and having difficulty staying clean and sober. This program involves frequent court appearances, random drug and alcohol testing, individual counseling, group counseling, family counseling, family support/education group, sober activities, and intensive monitoring.

Court Appointed Advocate Program (CASA)

The CASA is contracted through LACASA. CASA is a program, in which carefully screened and specially trained volunteers appointed by the Judge, advocate for the best interests of abused and neglected children in child protective proceedings. The role of the CASA volunteer, as an independent voice for the children, is to investigate, facilitate, and advocate on behalf of the children until they are in a safe, permanent home. The CASA volunteer handles only one case at a time and remains with the children throughout the case until it is discharged. In 2015, 63 children were served by the program.

Children Associated with Neglect Abuse Petitions

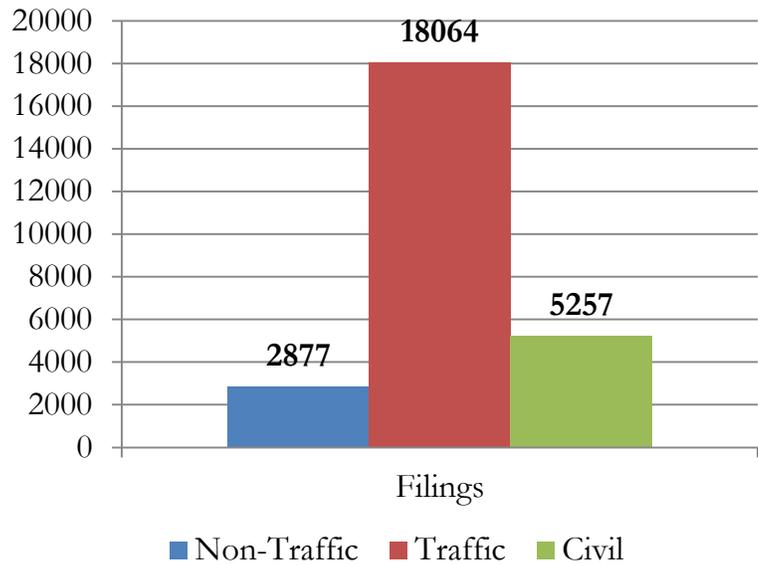


LIVINGSTON COUNTY 53RD DISTRICT COURT

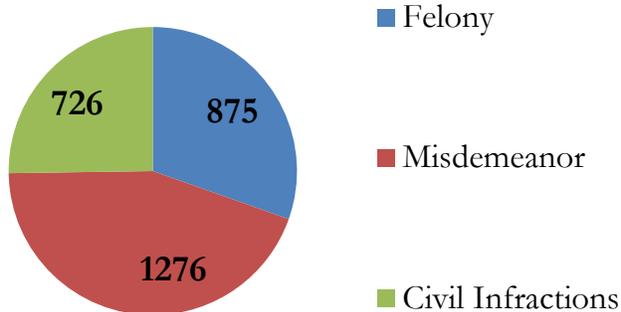
The 53rd District Court is located in Howell with a branch in Brighton. District Court is responsible for criminal misdemeanor cases and the initial stages of arraignment and preliminary examination on felony cases. If the District Court finds sufficient evidence on a felony case, the case is bound over or transferred to Circuit Court.

Civil matters, civil infractions, traffic tickets, weddings, and divorces without minor children are other types of cases that the District Court handles.

2015 New Case Filings

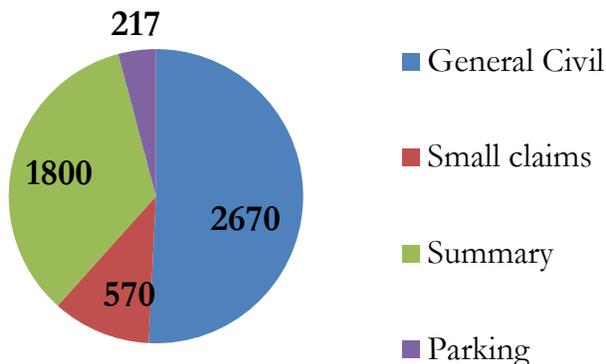


2015 New Case Filings - Non-Traffic



Civil matters are divided into three different categories. General civil cases are lawsuits between parties seeking monetary damages up to \$25,000. Small claims are cases that do not exceed \$5,000 and do not involve lawyers or juries. This type of case does not have the right to an appeal. The third type of civil case is landlord tenant, which are proceedings to recover possession of premises and/or obtain a monetary judgement.

2015 New Case Filings - Civil

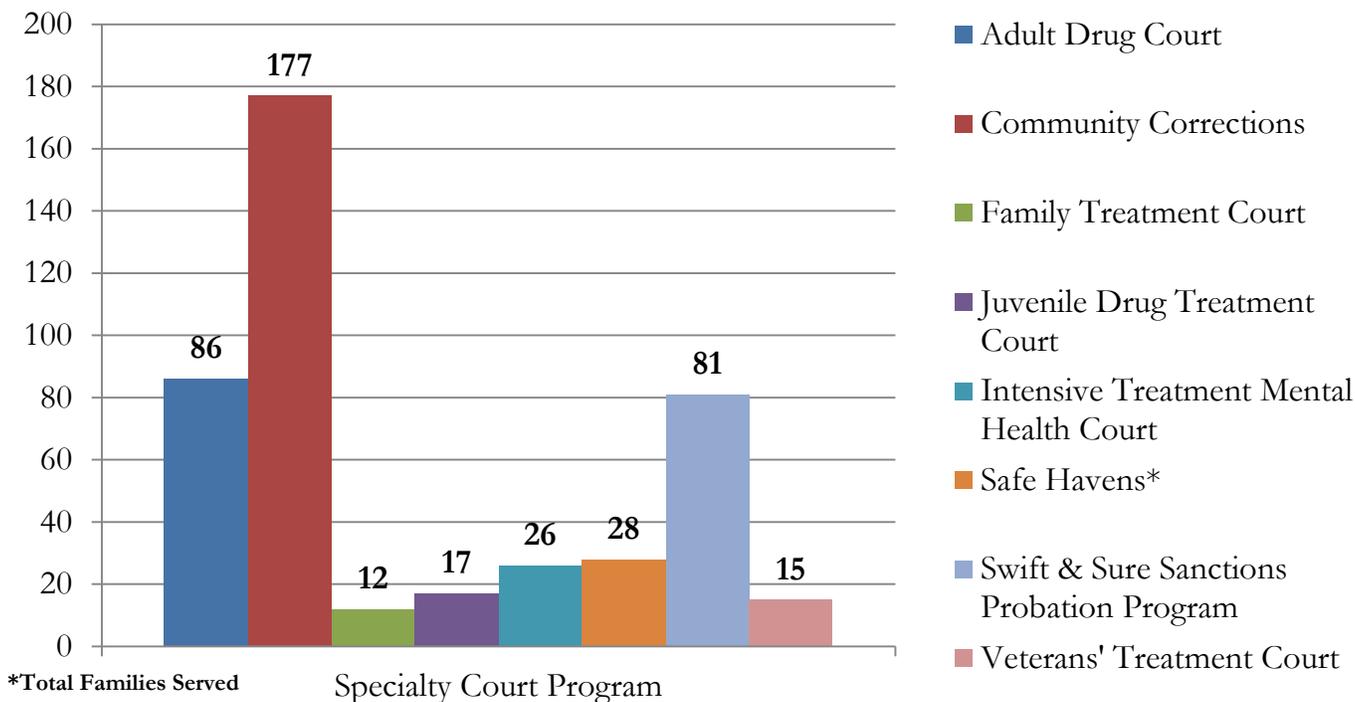


The District Court is also the center for Community Corrections and two Specialty Court Programs: Intensive Treatment Mental Health Court and Veterans' Treatment Court.

In the future, the District Court is looking at ways to initiate alternative collection policies and improve case flow in the court.

LIVINGSTON COUNTY SPECIALTY COURT PROGRAMS

Total Participants in Fiscal Year 2015



Safe Havens

Livingston County's Safe Havens provides a supervised visitation and safe exchange center, the Family Connection Center (TFCC), and coordination of services for families experiencing domestic violence, sexual assault, stalking, child abuse, and dating violence. The purpose is to provide a safe setting for supervised visitation and safe exchange of children in families with a history of domestic violence and other issues. This project also provides successful initiatives to educate family professionals who practice in the County about the dynamics of domestic violence and other issues, and associated trauma, the impact on families, and ways to respond to family members who interact with the system. This project is a collaborative effort of the Court, LACASA, and the Livingston Family Center.

Family Treatment Court

Family Dependency Treatment Court (FTC) assists families in neglect abuse cases where parental substance abuse is a contributing factor. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents with the necessary support and services they need to become drug and alcohol abstinent. FTC aids parents or guardians in regaining control of their lives and promotes long-term stabilized recovery to enhance the possibility of family reunification within mandatory legal time. The goal of Family Dependency Treatment Court is to promote services that work toward the early return of children from foster care.

Swift & Sure Sanctions Probation

Case Study

At the age of 6, Sarah* described her childhood as “rough”. She asked to be placed in foster care due to the verbal and mental abuse she suffered in her parental home. By the time she was 12, she was self-mutilating, using marijuana and alcohol daily, and was in and out of psych wards for her undiagnosed mental illness. At the age of 14, she was raped by a heroin addict and refused to press charges as she was continuously receiving threats. It was then that she started injecting heroin, combining it into her mix of marijuana and alcohol. She used heroin daily until, at the age of 22, her heart started to fail. She was admitted to the hospital and was monitored on a heart machine for several months until a donor was available. While in the hospital Sarah was able to stay sober. She had a heart transplant a few months after she was admitted into the hospital. After release, despite being adamant of making it to her doctor appointments, she continued to use heroin daily.

On August 8th, 2015, at the age of 25, Sarah was sentenced to Swift and Sure Probation for possessing a controlled substance (heroin) less than 25 grams. This was her first felony. Her criminal history included two misdemeanors for Retail Fraud 3rd degree, both out of Livingston County. Upon Sarah’s completion of her 4 month jail sentence, she was released and placed on a tether for six months. At this time she had been diagnosed as having Bipolar, PTSD, self-mutilation, suicide attempts, and an overdose on heroin. She was referred to a trauma specialist, where she began her trauma intervention. The Swift and Sure program assisted Sarah with transportation to and from treatment, to and from drug testing, and to and from probation appointments. The Swift and Sure case manager met with Sarah weekly for the first four months and gave her weekly homework assignments. The assignments varied from journal prompts to in-depth goal setting. These assignments help reinforce accountability, responsibility, forward and positive thinking.

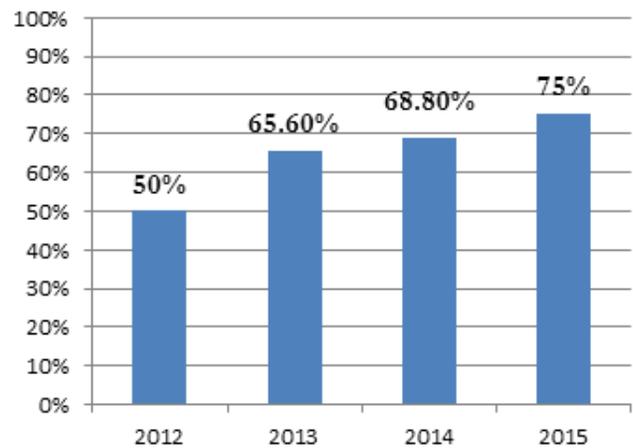
In a few short days, Sarah will have 9 months sober. This is the longest period of sobriety she has had since using heroin. Sarah attends AA/NA meetings at least once daily, communicates with her sponsor often, reports to probation two times a month, drug tests eight times a month, and sees her general therapist once per week. Sarah completed her trauma intervention in three months and the results are incredible. The final trauma inventory is drastically different than the initially completed inventory. Her progress is at the .01 level of significance, the highest level statistically. Sarah attributes her successes to the resources that have been provided by the Swift and Sure Program that have always encouraged her to keep moving forward.

*For confidentiality purposes, this name has been altered

Adult Drug Court

Livingston County’s longest running program helps offenders with substance abuse and co-occurring disorders. Through rigorous and random drug testing, group and individual therapy sessions through dedicated providers, Adult Drug Court offers participants intense supervision over a one-year period.

Successful Completion Rate

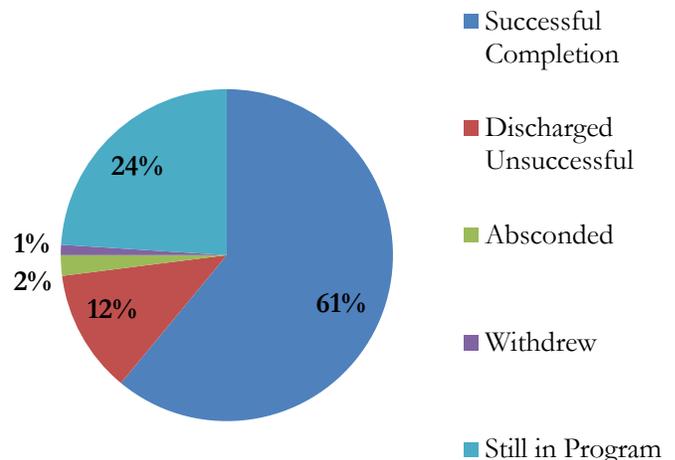


85% of District Court Offenders identified their drug of choice as alcohol.

52% of Circuit Court Offenders identified their drug of choice as alcohol.

35.6% of Circuit Court Offenders identified their drug of choice as heroin or other opiates.

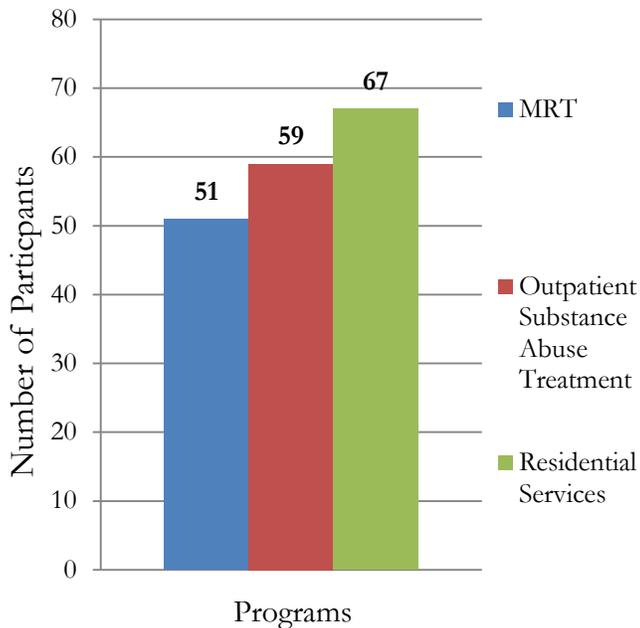
2015 Cases



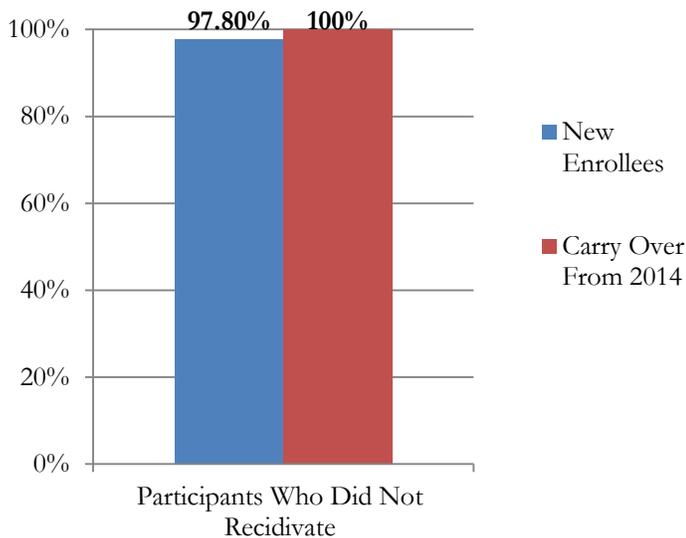
Community Corrections

The focus of Community Corrections is to connect individuals to treatment as soon as possible. The referral system alleviates the burden on probation and parole, helps the jail use their resources more efficiently, and works in tangent with the Specialty Courts to divert referrals into the best treatment court for their individual needs.

Program Utilization



Recidivism Rates - Individuals in Outpatient Substance Abuse Treatment



Veterans' Treatment Court

Started in January 2015, the goal of a Veterans' Court is to divert eligible veteran-defendants from the traditional court process to a specialized criminal court docket that gives a greater focus on the faulty decision-making of veterans. Peer-to-peer and vet-to-vet mentoring is also an important part of the veterans' court to help veterans build and achieve healthy goals. In these courts, the veterans voluntarily participate in a judicially-supervised treatment plan developed with a team of court staff, veteran peer mentors, veteran health care professionals, and mental health professionals. Participants and mentors meet with the court twice a month for a review hearing.

84% of participants abstained from drugs and alcohol.

Recidivism for graduates is **below 5%**.

Intensive Treatment Mental Health Court

The Court partners with Community Mental Health (CMH) and the National Alliance on Mental Illness (NAMI) to help offenders with mental illness or co-occurring disorder. Participants join in activities such as Discovery group, WRAP group, ACT, Dual Recovery group, individual therapy, Genesis House, MRT, and other sober activities.

During the most recent quarter, **95%** of participants have remained sober and drug free.

90% of individuals who weren't compliant with their medication became compliant within the first 30-60 days of entering the program this quarter.