

Annual Report 2013 20th Judicial Circuit and Ottawa County Probate Courts Ottawa County, Michigan www.miottawa.org/Courts

Annual Report 2013

Theme – "High Performing Courts"

- Collaborative effort with local, state and national partners
- Renewed focus on performance measures
- Public accountability
- Customer Service
- Proactive Succession Planning
- > Becoming High Performance Courts

Leadership



Hon. Edward R. Post 20th Circuit Court Chief Judge

Hon. Mark A. Feyen Probate Court Chief Judge



20th Circuit Court Judges



Hon. Jon Van Allsburg Hon. Jon Hulsing Hon. Kent Engle

Strategic Planning

- Mission...
 - To administer justice and restore wholeness in a manner that inspires public trust
- Vision...
 - As a leader among courts we exemplify high standards for justice and public service

Strategic Planning

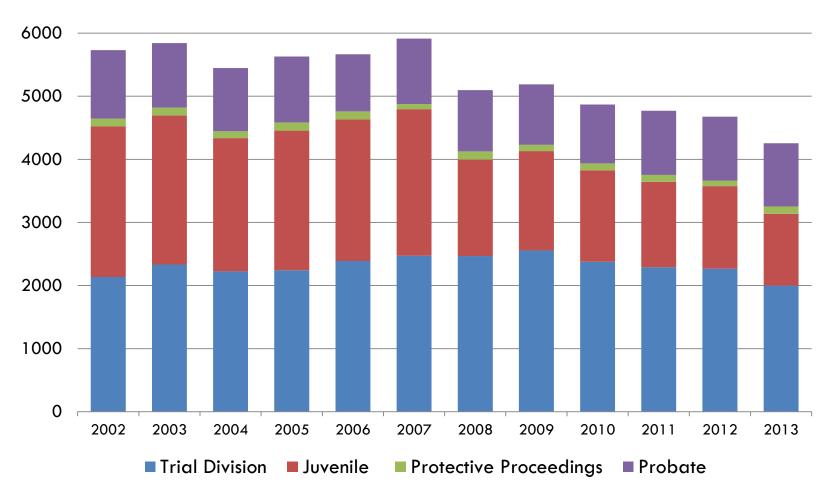
Values...

- C Collaboration
- O Operational Excellence
- U Understanding
- R Responsiveness
- T Transparency
- S Service

"To Administer Justice..."



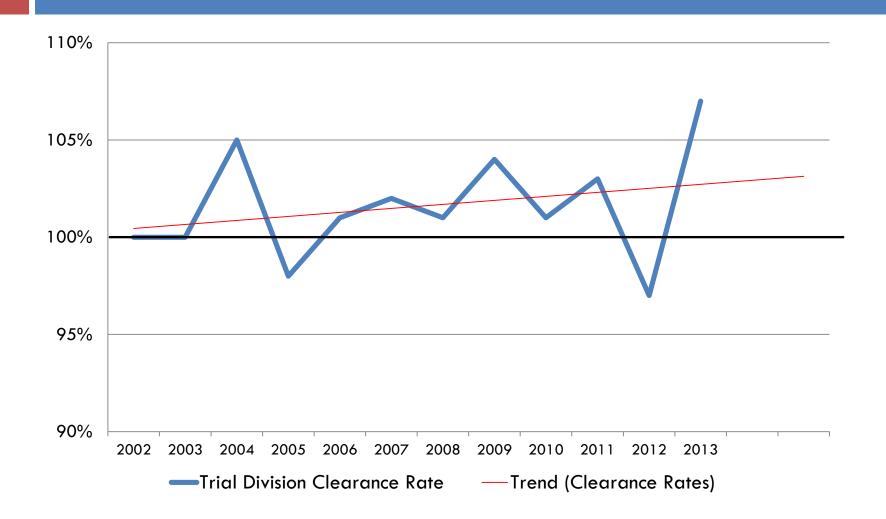
Total Filings - Circuit and Probate Courts



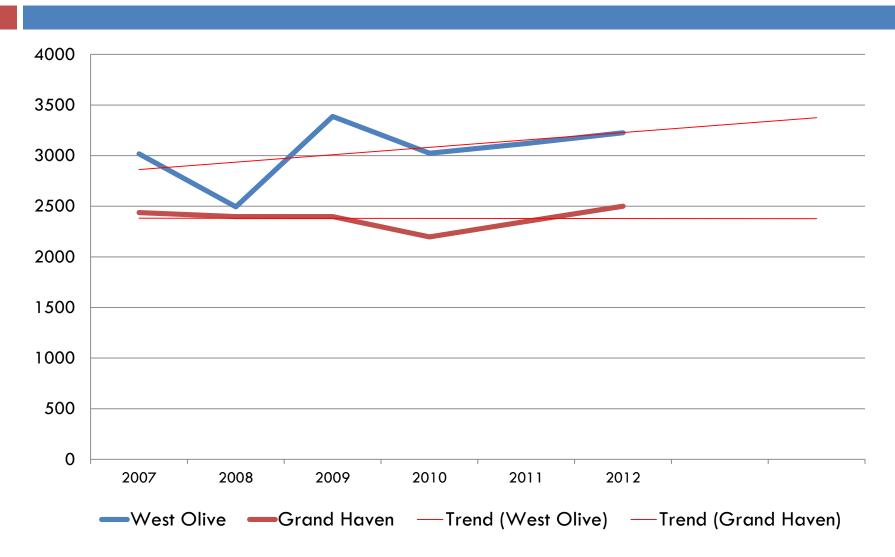
Note: 2002-2007 Juvenile included probation violations

Source: MCAP - Caseload Reporting System

Trial Division Clearance Rates



Referee Hearings

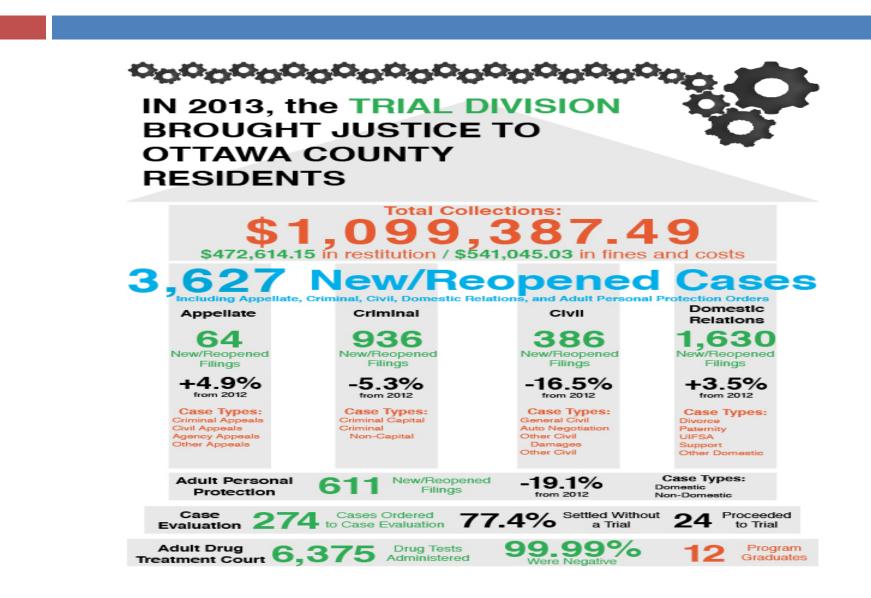


Source: Court Annual Reports

"And Restore Wholeness..."



Trial Division Trends



Trial Division – Major Initiatives

2013 MAJOR INITIATIVES

To administer justice...

Trial Division Collections top \$1 Million Again

The trial division continues to make strides with its felony collections, surpassing the \$1,000,000 mark for the second year in a row with total collections of \$1,099,387.49. Of these funds collected, 43% (\$472,614.15) directly impacted the victims of crime and were returned in the form of restitution. The remaining \$541,045.03 was recouped in the form of fines and costs (court appointed counsel fee reimbursement).

Additionally, 649 Writs to Intercept State of Michigan Income Tax Returns were prepared and submitted to the Department of Treasury. The submission of tax monies provided another effective method for collecting funds for citizens and the court.

New Business Court Established in 2013

As mandated by MCL 600.8033(3), the Circuit Court established a specialized business court in July, 2013. Per the Michigan State Court Administrative Office, the role of a business court is to utilize a case management structure that facilitates more effective and efficient resolution of complex business cases. Cases eligible for the business court are specifically identified by leadership and must meet strict criteria prior to being assigned. The new business court heard a total of 36 cases in the remaining six months of 2013.

...and restore wholeness...

Aduit Drug Treatment Court Maintains Effectiveness

The Adult Drug Treatment Court (ADTC) administered 6,375 drug tests in 2013, with 56 positive test results (.008%) which continues to demonstrate the effectiveness of the program's intervention. Additionally, 12 participants graduated from the program.

The ADTC continued to improve its services and its training throughout the year by acting as host to a variety of training opportunities, including:

 hosted Case Management Training Seminar with the National Association of Drug Court Professionals (NADCP)

•hosted Community Supervision Training with the NADCP

•hosted Motivational Interviewing Training with the Center for Strength-Based Strategies

In addition to having three members of the ADTC team attend the NADCP annual conference, they also worked with American University and the Bureau of Justice Assistance to update the program's Mission, Vision, Goals, and Objectives statements. Also, the ADTC was awarded a two-year Drug Court Enhancement Grant (\$120,417) by the Bureau of Justice Assistance.

... in a manner that inspires public trust

Trial Division Builds New Domestic Mediation Plan

A new domestic mediation plan was created for all divorces filed in the 20th Circuit Court. This plan took effect on January 1, 2014. The purpose of the plan is to provide early intervention and resolution in divorce cases using mediation as a tool for parties to settle their case in a kinder, gentler, and more affordable manner.



Juvenile Services Division Trends

IN 2013, JUVENILE SERVICES PROVIDED PROGRAMS THAT...

Created protective, resilience factors in court youth

Stabilized family systems

- Connected youth to their community
 - Ensured public safety in the community

 Improved quality of life for all county residents

THROUGH

RESTORATIVE, INDIVIDUALIZED TREATMENT and PROGRAMMING

IN 2013 JUVENILE SERVICES CHANGED THE LIVES OF LOCAL FAMILIES

IN 2013, COURT INVOLVED YOUTH.

000000000000

93.7% paid restitution in full
96.3% successfully discharged from the program
88.5% had no adjudications or convictions while supervised
88.8% who had NO positive drug tests while under supervision
93.4% enrolled in school at time of closure
5,080 hours of community service hours ordered
4,768 community service hours performed (a value of \$34,568 to the community)

DIVISIONAL INITIATIVES

Child Care Fund (State Funding of Programe) \$4,604,777

Through the identification of juvenile offense trends and developing creative programs to meet the needs of court involved youth, the county received 50% reimbursement from the state for juvenile justice programming during the 2012-2013 Fiscal Year.

County Juvenile Officer Revenue \$103,925.04

The Court submitted four County Juvenile Officer positions, based on a population formula, and received revenue from the state which provides significant salary reimbursement.

Detention Bed Rental Revenue (Fiecal Year 2013) \$556,221,33

Relationships developed with state professional associations led to increased bed rental contracts. In 2013 bed rental and treatment bed contracts were negotiated with twelve counties. Bed rental to outside counties allows for expanded use of the existing Ottawa County Juvenile Detention Center while offsetting costs and providing a service to counties who otherwise would not have those services available for their court-involved youth.

Juvenile Services Division – Major Initiatives

2013 MAJOR INITIATIVES

To administer justice...

Juvenile Services Collections Increase

In 2013, the Juvenile Services Division collected \$53,276 in attorney fees, \$46,262 in court costs/fines, \$5,410 in counseling fees, and \$182,140 in parental reimbursement for a total of \$287,088 collected. This represents a 20% increase over collections for 2012.

CourtStream - Web Based Case Management System Improves Efficiency

As metrics for programming continue to be increasing in demand, the CourtStream Case Management System allows the Court to respond efficiently. Enhancements that allow the Court to reflect data and measure outcomes were developed implemented to provide needed information on which programming and resource allocation decisions are made.

...and restore wholeness...

Juvenile Drug Treatment Court (JDTC) Provides Positive Intervention

The Juvenile Drug Treatment Court continued is positive impact on court invovled youth in 2013, administering 764 random drug tests to JDTC participants. Of the tests administered, only 38 were positive (4.97%) reflecting well on the intervention's effectiveness on the participants

In addition, the State Court Administrative Office completed the site visit on October 31, 2013. The following were the final comments noted on the site review report: "The 20th Circuit Court Juvenile Drug Court Program is in good standing with the State Court Administrative Office. This program is staffed with people who care about the tuture of the youths involved in the program, and the resources that the program utilizes are robust."

... in a manner that inspires public trust

Youth Level Service (YLS) Risk Assessment implementation Planning Utilizes Data Driven Best Practices

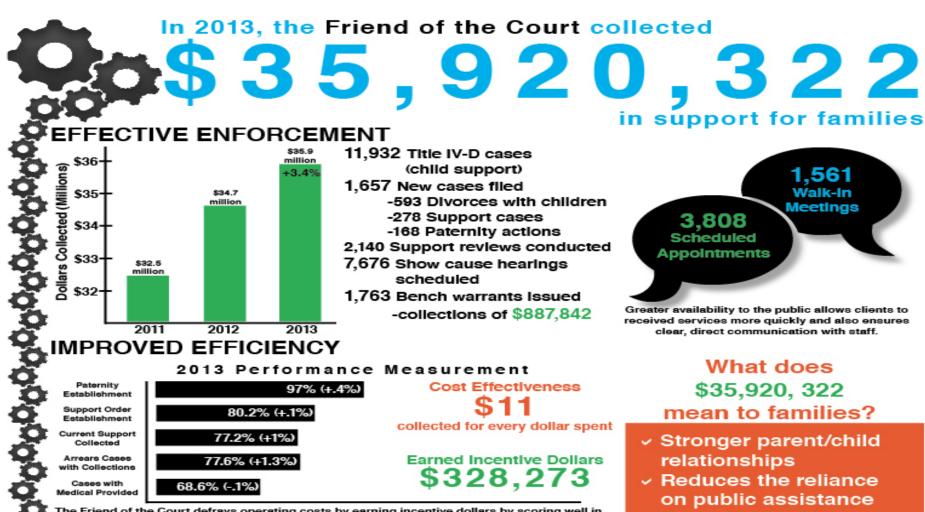
Extensive planning for implementation of the YLS Risk Assessment in early 2014 provided the Court with a clear direction toward data driven and best practices. Once implemented in January, 2014, use of the standardized YLS Risk Assessment will provide an improved understanding of the population served as it relates to probability of re-offense and appropriate treatment approaches. Data will be tracked in the CourtStream Case Management System and will be analyzed on a regular basis.

Prison Rape Elimination Act (PREA) Compliance Initiative in the Juvenile Detention Center

PREA standards were established by the federal government to make certain every detention or prison facility that cares for inmates or juveniles has policies and practices in place to prevent sexual harassment and/or sexual offense against the residents. Although the Ottawa County Juvenile Detention Center is accredited by the American Correctional Association and already complies with over 400 standards, PREA standards must be met as well. PREA standards are being incorporated into policy and practice to make certain the Center is ready for a PREA audit by the state in 2014.

JUVENILE SERVICES

Friend of the Court Trends



The Friend of the Court defrays operating costs by earning incentive dollars by scoring well in the five incentive categories listed above. The Friend of the Court office continues to maintain high performance in all areas and has improved in 4 of 5 categories compared to 2012.

Prevents poverty

Friend of the Court – Major Initiatives

2013 MAJOR INITIATIVES

To administer justice...

Renewed Partnership with the Prosecuting Attorney's Office Benefits Local Families

With a caseload numbering over 16,000, typically the collection of child support is relatively straightforward and most support payers pay on time and in accordance with their order. However, sometimes the support payers that have the ability to pay choose not to abide be their court orders and pay child support.

In some circumstances, the standard enforcement mechanisms do not result in child support being paid to the children that deserve it, leaving families in poverty and struggling to maintain their daily lives.

In April of 2013, the Friend of the Court formed a partnership with the Ottawa County Prosecutor Attorney's Office to renew the focus on the pursuit of felony charges of either felony failure to pay child support or felony desertion. Felony charges allow for nationwide enforcement, including extradition of delinquent payers if needed.

In the remaining nine months of 2013, the combined efforts of the Friend of the Court and Prosecuting Attorney's offices led to the issuance of 175 felony warrants. An additional 14 warrants were authorized by the Michigan Attorney General's office. These warrants have led to a total of 132 arrests, which is a return of almost 70%.

The financial impact on families of these arrests and subsequent court proceedings were staggering. Collections from these arrests totaled more than \$131,000. The \$131,000 total does not include the amount of regular support payments that continue to be made as a result of probation or delayed sentencing. In fact, statistics show that 92% of those who were charged with a felony charge of failure to pay support or desertion during 2013 are continuing to make regular monthly child support payments.

...and restore wholeness...

Friend of the Court Sees Rise in Demand for Custody Assessments

The Friend of the Court saw a 19% increase in the amount of custody petitions filed (251) in 2013, which equated to a 17% increase in the amount of full custody investigations that were completed (138). 13 complex custody cases also required a full psychological profile assessment to be completed which represented an 18% increase from 2012.

To help manage the increased demand, the custody investigation team was bolstered by the addition of Peter Armstrong in January 2014. Peter is an expert mediator and is able to utilize his experience as a family law attorney to help local families resolve difficult custody disputes.

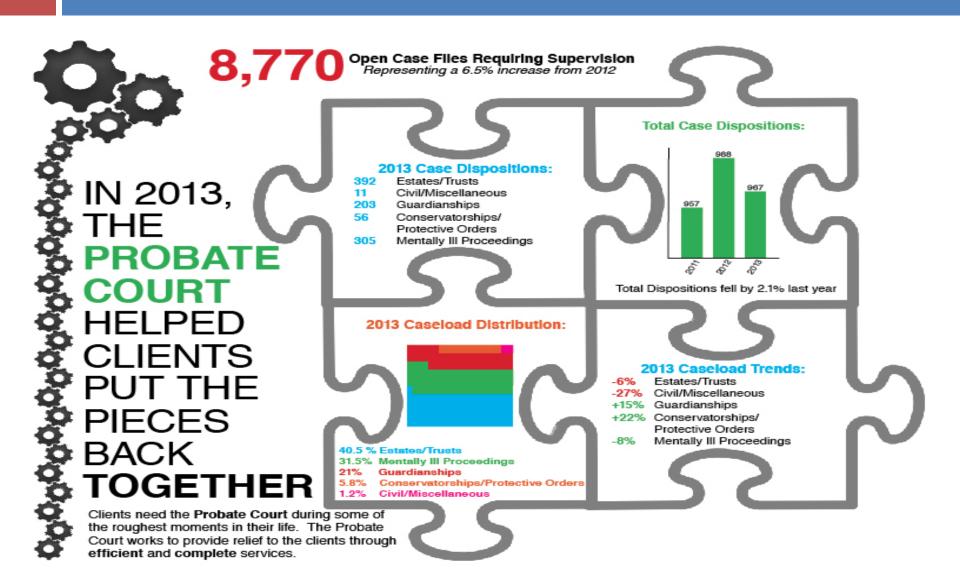
... in a manner that inspires public trust

New Receipting Process Improves Office Efficiency

The Friend of the Court made a significant procedural change to how it receipts cash payments made by clients at the window. Previously, a hand-written receipt was done manually by the clerk when the payment was made and the payment was verified and recorded into the Michigan Child Support Enforcement System (MiCSES) the following day by a data processing specialist. Now, the Friend of the Court has modified the process to now immediately process all incoming cash payments directly through the MiCSES system at the time of the payment. This new process has removed much of the human error from the receipting process, leading to improved accuracy and efficiency.

FRIEND OF THE COURT

Probate Court Trends



Probate Court – Major Initiatives

2013 MAJOR INITIATIVES

To administer justice...

Probate Court Recognizes Increased Need for Interpretive Services

Like many Courts across the state, the Ottawa County Probate Court is seeing an increased need among its clients for interpretive services. This is occurring in two ways: the frequency in which an interpreter is needed and also the variety of languages that are needing translation. Without the use of approved interpretive services, access to the court and ultimately justice may be denied to county citizens. The Probate Court saw a 198% increase in 2013 with more than \$850 in interpreter costs.

...and restore wholeness...

Probate Court Utilizes Mediation to Resolve Conflicts and Benefit Children

One of the Probate Court's principle tasks is to establish and dissolve guardianship when children need temporary or permanent relocation from their parents. The establishment or a requested change in an established guardianship can result in lengthy court hearings that consume valuable time of the participants and the Court.

In some cases, a referral to mediation is utilized instead. This referral is ordered by Judge Feyen and can be beneficial to the parties because they use a different venue that allows for more direct contact than the courtroom. Often times, mediation is a solution that equates to more buy-in from the participants as they have more of a say in the final plan than if it is ordered by the Court. In 2013, the Probate Court referred 12 cases to mediation.

... in a manner that inspires public trust

Comment Cards Reflect Positively on Probate Staff

The Ottawa County Probate Court has been monitoring its procedures and customer service through the use of comment cards for the full calendar year. Comment cards were made available to clients upon their completion of their case in Probate Court. The comment cards have provided qualitative evidence that Probate Court leadership has used to refine processes and improve the access of the public to the court.

Comments include:

"Thank you for your help! We are very grateful for how simple that process was in gaining guardianship."

"I came to the Probate Court for the matter of guardianship. This is such a foreign process to me and everyone went out of their way to help me navigate (the process). I am extremely appreciative of the time, patience, and care that I received. I am comforted in knowing how much the professionals here care."

"The staff has always been very helpful to myself and my office staff. 'Professional' is the word I think of what I think of the judge and his staff. It is a pleasure to practice before this court."

PROBATE COURT

"In a Manner that Inspires Public Trust"



Performance Measures

- NCSC CourTools
- MSC Time Guidelines
- Juvenile Services
 - > Child Care Fund Annual Audit
 - Community Report Card
 - > ACA; Detention
- FOC Federal Incentive Requirements
- Grant Reporting



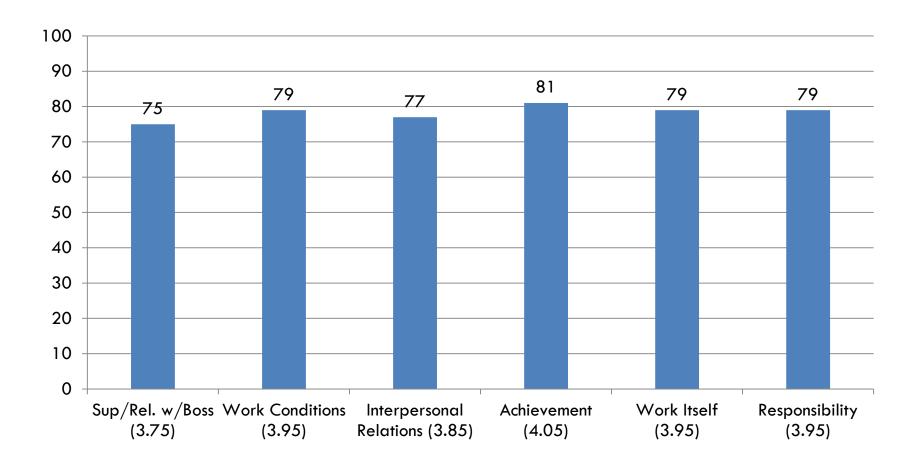
Attorney Satisfaction and Court Performance Ratings 2006 and 2012

	2006	2012
Overall Level of Satisfaction	75% Satisfied	85% Satisfied
Overall Court Performance	40% Excellent 52% Good	54% Excellent 29% Good

Source: 2006 Ratings are from the PRAXIS Consulting, Inc. Survey Report – September 6, 2006. 2012 ratings are from the 2012 Survey of Attorneys conducted by the Courts.

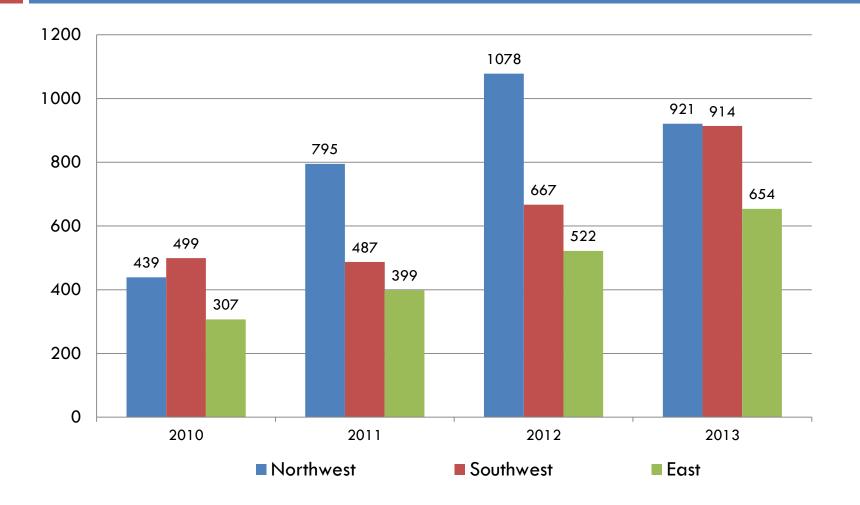
2013 Employee Satisfaction Ratings¹ CourTools: 6 Dimensions

2013 Overall Score: 78 (or 3.9) (n=154)



1 For All Courts: 20^{th} Circuit, Ottawa County Probate, and 58^{th} District. Interpretation: 100 = highest level of satisfaction. >80 = doing a good job; 70-80 = doing okay; <70 = needs improvement. Source: National Center for State Courts – Survey Summary, March 2013. CourTools (M9). Ratings also converted to a mean score using a 5 point scale: 5=Strongly Agree; 3=Neutral; 1=Strongly Disagree.

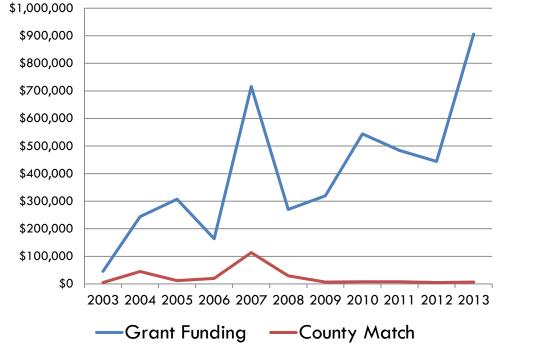
Legal Self Help Center - Users by Geographic Region

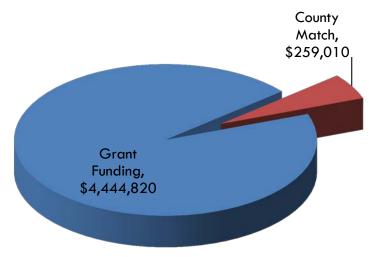


Grants – ROI: \$17.16/County Dollar

Grant Funds Received and County Match

Total Grant Funds and Total County Match 2003-2013





Thank You

- Questions?
- For further information
 - Kevin J. Bowling, JD, MSJA
 - Court Administrator
 - <u>kbowling@miottawa.org</u>



A Road Map for Improving Court Management

The High Performance Court Framework clarifies what court leaders and managers can do to produce high quality administration of justice. It consists of six key elements:

- **1. Administrative Principles** define high performance. They indicate the kind of administrative processes judges and managers consider important and care about.
- Managerial Culture is the way judges and managers believe work gets done. Building a supportive culture is key to achieving high performance.
- **3. Perspectives** of a high performing court include: (a) Customer, (b) Internal Operating, (c) Innovation, and (d) Social Value.
- **4. Performance Measurement** builds on *CourTools* to provide a balanced assessment in areas covered by the Customer and Internal Operating Perspectives.
- **5. Performance Management** concerns the Innovation Perspective and uses performance results to refine court practices on the basis of evidence-based innovations. It also fulfills the Social Value Perspective by communicating job performance to the public and policy makers.
- **6. The Quality Cycle** is a dynamic, iterative process that links the five preceding concepts into a chain of action supporting ever-improving performance.

Administrative Principles

The High Performance Court Framework rests on four principles that define effective court administration and are widely shared by judges and court managers. Administrative principles include the following: (1) giving every case individual attention; (2) treating cases proportionately; (3) demonstrating court procedures are fair and understandable; and (4) exercising judicial control over the legal process.

The Framework Emphasizes Four Administrative Principles

- Giving every case individual attention
- Treating cases proportionately
- Demonstrating procedural justice
- Exercising judicial control over the legal process

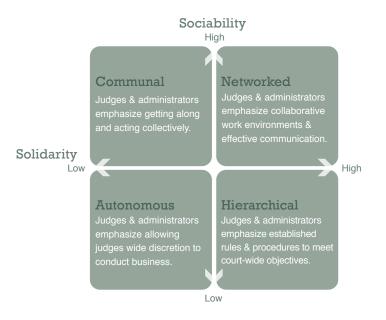
A high performing court embraces each principle and seeks to make it real in its own local court context. Despite broad agreement on the importance and relevance of these principles, they do not necessarily lead to universal practices due to substantial differences in court cultures.

Managerial Culture

Court culture is the way judges and managers believe work currently gets done and the way they would like to see it get done in the future. Court culture acts as a filter between principles and practices. Different cultures apply the same administrative principles differently.

Managerial culture falls along two distinct "dimensions." The first dimension, called solidarity, is the spectrum of beliefs about the importance of judges and managers working together toward common ends. Solidarity refers to the degree to which a court has clearly understood and shared goals, mutual interests, and common ways of doing things. The second dimension, called sociability, concerns beliefs as to whether it is important for judges and managers to work cooperatively with one another. Sociability refers to the degree to which court personnel acknowledge, communicate, and interact with one another in a cordial fashion.

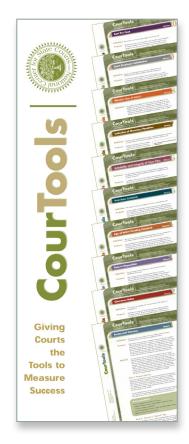
Classifying courts along both dimensions produces four distinguishable types of cultures: (1) communal, (2) networked, (3) autonomous, and (4) hierarchical. Each of the four cultures is a particular combination of solidarity and sociability, as shown below.



An essential lesson from field research is that a high degree of solidarity is necessary to support performance initiatives. Hence, a challenge for court leaders is to encourage and facilitate collective decision-making among individual judges on what is best for the court as a whole. As a result, by focusing on solidarity and building consensus, a court can reduce the level of fragmentation and isolation, enabling it to more effectively apply the administrative principles.

Performance Perspectives, Measurement, and Management

The High Performance Court Framework uses the concept of perspectives to help guide performance assessment. Perspectives highlight how the interests of different individuals and groups involved in the legal process are affected by administrative practices. The Framework's four perspectives provide an integrated approach to performance measurement



and management, as shown in the diagram: High Performance Court Framework at a Glance.

Performance Measurement. Combining the Customer and Internal Operating Perspectives yields four measurable performance areas (effectiveness, procedural satisfaction, efficiency, and productivity). Illustrative measures of the performance areas are drawn from *CourTools*, previously developed by the NCSC.

Performance Management. In a complementary way, the Innovation and Social Value Perspectives emphasize a court's dynamic use and management of evidence-based information, not just anecdotes, informal feedback, or intuition. The Innovation Perspective outlines four forms of social capital critical to developing positive results on an ongoing basis (as summarized in the graphic). It offers an approach courts can use to augment problem-

The High Performance Court Framework at a Glance

The following diagram shows how four perspectives produce a workable strategy to guide performance assessment. The perspectives show how the interests of those involved in the legal process are affected by how a court conducts business.

Customer Perspective

How should we treat all participants in the legal process?

Internal Operating Perspective

What does a well functioning court do to excel at managing its work?

These two perspectives form a balanced scorecard of performance

Innovation Perspective

How can court personnel learn to respond and adapt to new circumstances and challenges?

This perspective brings into service four organizational capitals

Social Value Perspective

What is a court's responsibility to the public and funding bodies?

This perspective encompasses legitimacy and institutional relations

The High Performance Court Framework at a Glance

Following from left to right, the diagram illustrates how the perspectives frame an integrated approach to performance measurement and management.

HPC Measurement: A Balanced Scorecard

Effectiveness Gauges the match between stated goals and their achievement.

CourTools and Other Measures: Measure 5: Trial Date Certainty Measure 7: Enforcement of Penalties Measure 8: Juror Usage

Efficiency

Gauges the variability and stability in key processes.

CourTools and Other Measures: Measure 2: Clearance Rate Measure 4: Age of Pending Caseload Measure 6: Case File Integrity

Procedural Satisfaction Gauges if customers perceive the court is providing fair and accessible service.

CourTools and Other Measures: Measure 1: Access Measure 1: Fairness Transaction time

Productivity

Gauges whether processes make the best use of judge and staff time.

CourTools and Other Measures: Measure 10: Cost Per Case Measure 3: Time to Disposition Workload Assessment

HPC Management: The Four Capitals

Organizational Capital

Organizing judges and staff to achieve the best use of time in pursuing common goals and communicating those goals clearly to justice system partners.

Human Capital

Promoting the sharing of information and ideas on performance strategies, targets, and results. Input and feedback are solicited by court leaders from all personnel.

Technological Capital

Using technology to achieve greater efficiency and quality, while managing it competently. Implementing up-to-date technology in an integrated way is key to effectively managing court business processes.

Information Capital

Pursuing a credible evidence-based system to evaluate court performance. Ongoing attention to measurement and analysis help to ensure data are valid and meaningful.

HPC Management: Strengthening the Role of Courts in Society

Public Trust and Confidence

Public support is recognized as critical for legitimacy and compliance with decisions. As a result, a court will seek to demonstrate and communicate a record of successful job performance.

Support of Legitimizing Authorities

Adequate funding from other branches of government is sought on the basis of measurable court performance, especially the efficient use of public resources. solving skills so as to better diagnose and forecast challenges.

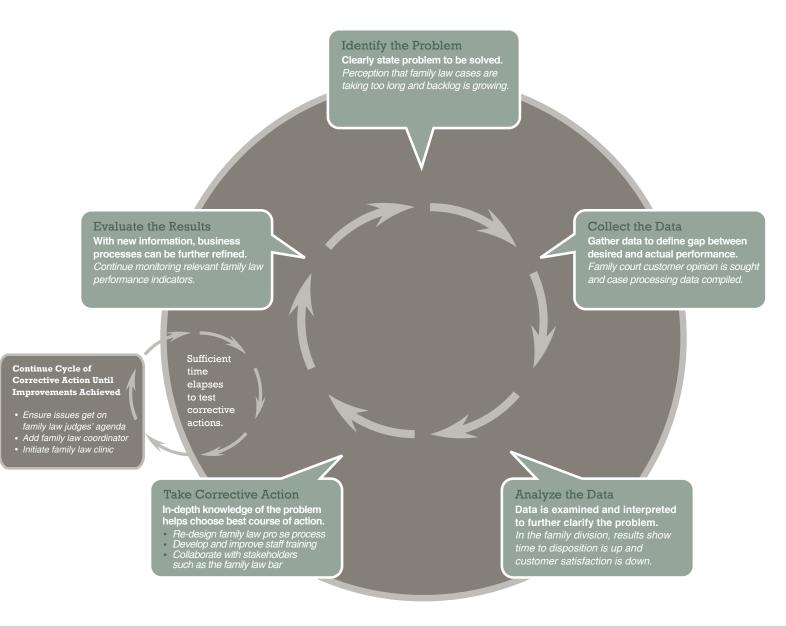
The Social Value Perspective stresses the use of information in communicating the work of the court to its partners in the justice system as well as members of the public and policy makers.

Quality Cycle

The Framework is a flexible set of steps a court can take to integrate and implement performance improvement into its ongoing operations, creating what can be called a "quality cycle." The court administration quality cycle includes five steps: determining the scope and content of a problem, information gathering, analysis, taking action, and evaluating the results.

In many courts, the road to high performance begins with the will to see how the four administrative principles are working out in practice and using data to gauge what "working out" means. In other words, when a court's culture supports a commitment to high quality service, there is ongoing attention to identifying and resolving administrative problems. A clear statement of a specific problem is the first

Quality Cycle: Family Law Case Example



step in organizing a court's resources to effectively address it.

Collecting relevant data is the next key step of the quality cycle. A court can begin by consulting the Framework's proposed set of performance areas and accompanying measures (described in the first two perspectives) to gauge whether reality is consistent with expectations.

The third step in the cycle is examining and interpreting the results from the data collection and drawing out implications on what the real causes of the problem(s) are and what remedies might be appropriate. This step is clearly iterative. Once the basic character of a problem is identified, additional information can be gathered to further narrow and refine the problem and outline relevant responses.

The fourth step in the cycle is a fusion of performance measurement and management. Clearly specifying the problem allows court managers to marshal their resources (as represented by the four capitals) and choose the new way of doing business that best fits the contours of the problem. As new information emerges, potential business process refinements and staff capability improvements will naturally evolve.

The fifth step involves checking to see whether the responses have had the intended outcomes and reporting those results. By gathering input from appropriate judges, court staff, and court customers and monitoring the relevant performance indicators, the court can determine if the problem is really fixed. The goal is not to temporarily change performance numbers, but to achieve real and continuing improvements in the process and in customer satisfaction.

Results also need to be shared with stakeholders in the legal process, members of the public, and policy makers in a clear and comprehensible manner. This narrative should indicate the net gains of past and current improvements and the status of mechanisms designed to avert problems in the future.

Authored by:

Brian Ostrom, Ph.D., Project Director Roger Hanson, Ph.D.

Resources: High-Performance Courts

CourTools www.courtools.org

Court Culture Assessment www.ncsc.org/courtculture.ashx



www.ncsc.org

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This summary is based on the National Center for State Courts Working Paper Series *Achieving High Performance: A Framework for Courts.* Copies can be obtained by contacting the NCSC Research Division at 1.800.616.6109. Information Design provided by VisualResearch, Inc. Copyright © 2010 by the National Center for State Courts. All rights reserved.