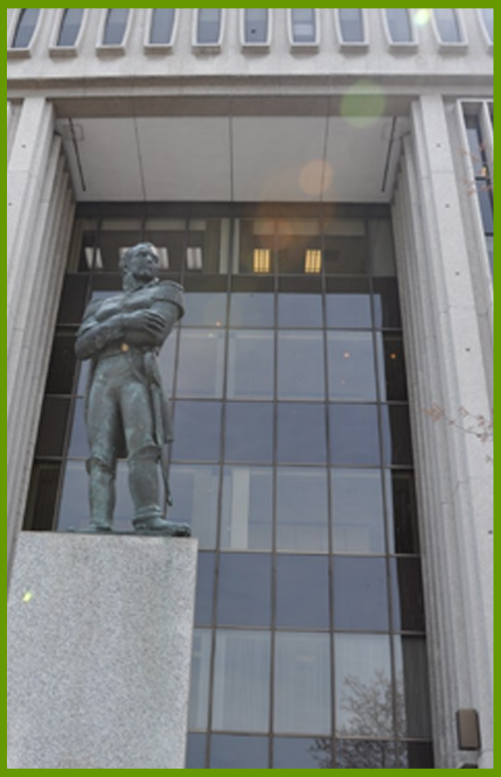
Macomb County

16th Judicial Circuit and Macomb County Probate Courts



2011 Annual Report

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Acknowledgments

We would like to thank the following people and departments for their contribution to this report:

- The Judges and Administrators of the 16th Judicial Circuit and Macomb County Probate Courts.
- Photographer Larry D. Braden for supplying the photographs of Mt. Clemens that appear throughout the report.
- Lori Marsh, Oakland University MPA student, for compiling and producing this annual report.
- The Macomb County Historical Society and Crocker House Museum for providing historical information.

Mission Statement

"Our mission is to serve the public by providing a fair, expeditious, and impartial forum for the resolution of civil and criminal matters through the rule of law."

Message From
Chief Judge David F. Viviano

On behalf of our judges, administrators and employees, I am pleased to present our 2011 Annual Report. Our goal is to provide information in a concise and readable format to allow you to understand our operations and evaluate our performance.

Our nation's founders believed that an independent judiciary is essential to a free society. Judges must decide cases based on the facts before the court and the applicable law, free of any outside influence. Our judges and their staffs work very hard to dispense fair and timely justice in the thousands of cases we handle each year.

2011 was a year of significant change for Macomb County. The structure of county government changed following the approval of a charter creating the office of County Executive. This new form of government was designed to make our county government more efficient and effective in responding to the needs of our citizens.

Also in 2011, due to budgetary pressures, our circuit bench was temporarily reduced by one judge (from 13 to 12). We are now the most "underjudged" court in Michigan (i.e., the most in need of new judgeships to handle our current caseload). And so, we continue to do more with less to maintain, and even improve, our services.

One of the ways we are becoming more efficient is by implementing new technologies. In 2011, our court launched an e-filing pilot project to allow litigants to submit court filings electronically. Looking ahead, we plan to become a fully paperless court and to improve our ability to share electronic content with the public and other units of government.

In 2011, we also created two new specialty courts to better address the needs of our litigants: we launched the first Specialized Business Docket in Michigan and we began a Veterans' Treatment Court (see page 23 of this report).

Our goal is to become a model 21st century court. It is an ambitious goal, but one that we believe is attainable. As the economy begins to improve, we will continue to strive for excellence in every area of our operations. And we will remain committed to our core mission of providing a fair, safe and efficient forum for our citizens to resolve their disputes according to the rule of law.

Sincerely,

Hon. David F. Viviano
Chief Judge, 16th Judicial Circuit and
Macomb County Probate Courts

16th Judicial Circuit Court Overview

The Macomb County Circuit Court is a trial court of general jurisdiction which means that it handles all types of cases except those given by state law to another court. The Civil Division handles civil cases involving more than $25,000 and cases in which parties seek equitable relief. The Criminal Division handles all Macomb County felony criminal cases and some serious misdemeanor cases. The Family Division handles all domestic relations and juvenile matters including delinquency, abuse and neglect, and adoption cases. Circuit Court judges are elected to six-year terms on the non-partisan ballot.

40 North Main Street, Mt. Clemens, MI 48043
http://www.macombcountymi.gov/circuitcourt/

16th Judicial Circuit Court Judges

"Morality cannot be legislated but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless."

~ Martin Luther King, Jr.

Judge David F. Viviano

Chief Judge, 16th Judicial Circuit & Macomb Probate Courts

Macomb County Court Building
40 N. Main St., 5th Floor
Mt. Clemens, MI 48043
Telephone: (586) 493-0334

Education:
- BA, Hillsdale College, 1994
- JD, University of Michigan Law School, 1996

Professional History:
- Private Practice, 1997-2006
- 16th Judicial Circuit Court Judge, 2007-2012
- 16th Judicial Circuit Court Chief Judge, 2012-present
- Macomb County Probate Chief Judge, 2012-present

Distinctions:
- Michigan Supreme Court jury reform pilot program participant
- Implemented e-filing at the Circuit Court level
- Member, Macomb M.A.D.E. Safe Council

Judge John C. Foster

Chief Judge Pro Tempore, Civil/Criminal Division

Macomb County Court Building
40 N. Main St., 4th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5147

Education:
- BA, Alma College, 1967
- M.Div, Pittsburgh Theological Seminary, 1970
- JD, Detroit College of Law, 1977

Professional History:
- Private practice
- 41-B District Judge, 1990-2006
- 16th Judicial Circuit Court Judge, 2006-present

Distinctions:
- Former Assistant and Corporation Counsel for Macomb County
- Alma College Board of Trustees
- First Business Court Judge in the State of Michigan

Judge Mary A. Chrzanowski

Presiding Judge, Family Division

Macomb County Court Building
40 N. Main St., 4th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5149

Education:
- BS, Wayne State University, *with distinction*, 1982
- JD, University of Detroit School of Law, 1985

Professional History:
- Practicing Attorney, 1987-1992
- 16th Judicial Circuit Court Judge, 1992-present

Distinctions:
- Former Macomb County Assistant Prosecutor
- Macomb County Juvenile Drug Court Program Judge
- Warren District Court Drug Court Program Judge
- Elected to four consecutive 6-year terms as a Circuit Court Judge
- Experience presiding over criminal, domestic, juvenile, and civil matters

Judge Richard L. Caretti

Presiding Judge, Civil/Criminal Division

Macomb County Court Building
40 N. Main St., 3rd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5137

Education:
- BA, Wayne State University, 1975
- JD, Detroit College of Law, *magna cum laude*, 1979

Professional History:
- Private practice, 1979-2002
- 16th Judicial Circuit Court Judge, 2002-present

Distinctions:
- Former Detroit Police Officer
- Former 16th Judicial Circuit Court Chief Judge, 2008-2009
- Former Senior Partner Dickinson Wright PLLC
- Former Senior Partner Strobl, Caretti and Sharp

Judge Peter J. Maceroni

Civil/Criminal Division

Macomb County Court Building
40 N. Main St., 4th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5822

Education:
- BA, Hillsdale College, 1962
- JD, Wayne State University Law School, 1965

Professional History:
- Private practice, 1966-1990
- 16th Judicial Circuit Court Judge, 1990-present
- 16th Judicial Circuit Court Chief Judge, 1992-2004

Distinctions:
- Columbus Day Celebration Man of the Year, 1993
- Appointed to the Michigan Trial Court Assessment Commission by Governor Engler, 1996
- Outstanding County Elected Official, 1997
- March of Dimes Alexander Macomb Citizen of the Year, 2000

Judge Mark S. Switalski

Family Division

Macomb County Court Building
40 N. Main St., 3rd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5135

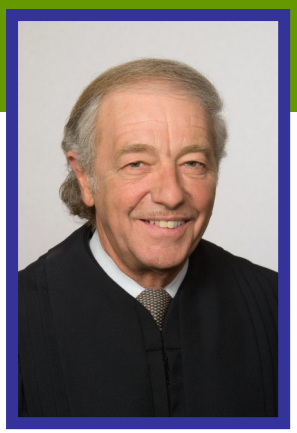
Education:
- BA, University of Michigan, 1973
- JD, Boston University School of Law, 1976

Professional History:
- Private practice, 1977-1988
- 39th Judicial District Court Judge, 1988-2000
- 16th Judicial Circuit Court Judge, 2000-present

Distinctions:
- Former 39th Judicial Circuit Court Chief Judge, 1992-2000
- Former 16th Judicial Circuit Court and Probate Court Chief Judge, 2010-2011
- Macomb County Jail Bed Allocation Committee Chair, 2005-2012
- Macomb County Veteran's Treatment Court Judge
- Inducted to Macomb County Hall of Fame by Macomb Foundation, 2011

Judge Edward A. Servitto, Jr.

Civil/Criminal Division



Macomb County Court Building
40 N. Main St., 3rd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5145

Education:
- BS, Eastern Michigan University, 1974
- JD, Detroit College of Law, *cum laude*, 1977

Professional History:
- Private practice, 11 years
- Assistant Attorney General, State of Michigan
- Special Assistant Attorney General, State of Wisconsin
- 16th Judicial Circuit Court Judge, 2000-present

Distinctions:
- Former City Attorney, Warren

Judge Diane M. Druzinski

Civil/Criminal Division

Macomb County Court Building
40 N. Main St., 2nd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-2571

Education:
- BS, Oakland University, *magna cum laude*, 1991
- JD, University of Detroit-Mercy School of Law, *magna cum laude*, 1994

Professional History:
- Private practice, 1994-2002
- 16th Judicial Circuit Court Judge, 2002-present

Distinctions:
- Macomb County Adult Felony Drug Court Program Judge
- Woman in the Law Recipient

Judge Matthew S. Switalski

Civil/Criminal Division

Macomb County Court Building
40 N. Main St., 2nd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5141

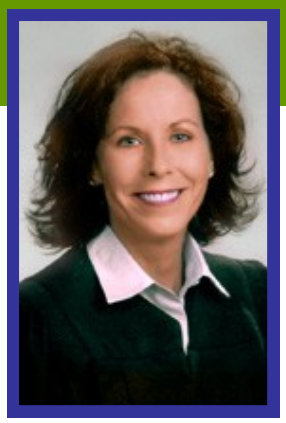
Education:
- BA, University of Michigan, 1991
- JD, University of Detroit, 1994

Professional History:
- Assistant City Attorney Eastpointe & St. Clair Shores, 1995-1998
- Macomb County Assistant Prosecutor, 1999-2002
- 16th Judicial Circuit Court Judge, 2002-present

Distinctions:
- As a prosecutor, obtained jury convictions for murder, rape, arson, carjacking, kidnapping, and armed robbery

Judge Tracey A. Yokich

Family Division



Macomb County Court Building
40 N. Main St., 2nd Floor
Mt. Clemens, MI 48043
Telephone: (586) 493-0355

Education:

- BA, James Madison College at Michigan State University, 1982
- JD, University of Detroit School of Law, 1985

Professional History:

- Clerk, United States Court of Appeals for the Sixth Circuit, Hon. George C. Edwards, Jr., 1985-1986
- Former Assistant Prosecuting Attorney, 1986-1989, 1997-2003
- Macomb County Assistant Corporation Council, 1989-1990
- Macomb County Probate Judge, 2003
- 16th Judicial Circuit Court Judge, 2004-present

Distinctions:

- Michigan House of Representative, 1991-1996
- Michigan Air National Guard member, 1995-2006

Judge Kathryn A. Viviano

Family Division

Education:

- BA, Hillsdale College, 1990
- MBA, Wayne State University, 1996
- JD, Wayne State University, 1999

Professional History:

- Private practice, 1999-2011
- 16th Judicial Circuit Court Judge, 2011-present

Distinctions:

- Former City Attorney of Center Line, MI
- Macomb County Juvenile Drug Court Judge

Macomb County Court Building
40 N. Main St., 2nd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5438

Judge James M. Biernat, Jr.

Civil/Criminal Division

Macomb County Court Building
40 N. Main St., 3rd Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5139

Education:

- BA, Hillsdale College, 1991
- JD, University of Detroit Law School, 1997

Professional History:

- Private Practice, 1997-1999
- Assistant Prosecuting Attorney, Macomb County, 1999-2011
- 16th Judicial Circuit Court Judge, 2011-present

Distinctions:

- Former Macomb County Commissioner, 1993-1998
- Macomb County Adult Felony Drug Court Program Judge

16th Judicial Circuit Court Bench

Top Row Judges: James Biernat, Jr., Ed Servitto, Kathy Viviano, Mary Chrzanowski, Tracey Yokich, Matt Switalski, Richard Caretti, David Viviano
Bottom Row Judges: John Foster, Peter Maceroni, Mark Switalski, Diane Druzinski

Core Values of the 16th Judicial Circuit Court

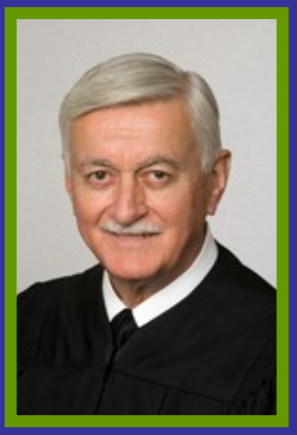
- Honesty and integrity—telling the truth and fulfilling promises.
- Principled decision making—guided by the rule of law and due process.
- Independence of the judiciary.
- Impartiality of the tribunal—free from bias and discrimination.
- Reasonable access to justice—reasonable schedules, promptness, and continuously striving to improve processes.
- Courtesy and consideration for all.
- Openness—our processes are open to public scrutiny and critical analysis.
- Cost effectiveness.

Retired Judges

"We make a living by what we get,
we make a life by what we give."
~ Sir Winston Churchill

Judge Donald G. Miller

Retired 2011, Civil/Criminal Division



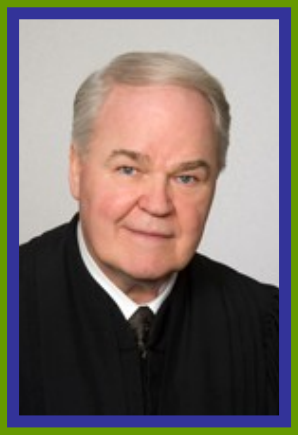
Education:
- BS, Michigan State University, 1961
- JD, University of Detroit, 1982

Professional History:
- Private Practice, 1982-1992
- Workers' Compensation Magistrate, 1992-1993
- Workers' Compensation Appellate Commission, 1993-1998
- 16th Judicial Circuit Court Judge, 1998-2011

Distinctions:
- USAF Fighter Pilot
- Commanded Selfridge Air National Guard Base
- 20 years with Michigan Air National Guard, retired as a Colonel

Judge James M. Biernat, Sr.

Retired 2010, Civil/Criminal Division



Education:
- BS, St. Josephs College, 1963
- Graduate, University of Notre Dame, 1964
- JD, University of Detroit, *with honors*, 1968

Professional History:
- Private Practice, 25 years
- Former Assistant Prosecuting Attorney
- 16th Judicial Circuit Court Judge, 2000-2010

Distinctions:
- Prior adjunct faculty, Macomb County Community College

Judge Antonio P. Viviano

Retired 2010, Family Division

Education:
- BS, Michigan State University, 1957
- JD, University of Detroit Law School, 1961

Professional History:
- Assistant Prosecuting Attorney, 1965-1974
- Private Practice, 1974-1993
- Macomb County Probate Judge, 1993-1998
- 16th Judicial Circuit Court Judge, 1998-2010

Distinctions:
- Former Legal Aid Bureau of Detroit Attorney
- Chief Judge of the 16th Judicial Circuit Court, 2005-2007

Macomb County Probate Court

"No law or ordinance is mightier than understanding."
~ Plato

Judge Pamela Gilbert O'Sullivan

Probate Court, Wills & Estates Division

Macomb County Probate Court
21850 Dunham Road
Mt. Clemens, MI 48043
(586) 469-5290

Education:

- BS, University of Detroit *cum laude*, 1980
- JD, Thomas M. Cooley Law School, 1983
- L.L.M. Taxation, Boston University, 1984
- National Judicial College, Reno, NV, 1995

Professional History:

- Macomb County Probate Court Judge, 1994 -present, Chief Judge 1999-2008
- Faculty, Michigan Judicial Institute, ICLE, and Macomb Community College

Distinctions:

- Appointee to Governor's Task Force on Children's Justice, 1999-present
- Woman of Distinction Award, Girl Scouts
- Medallion Award, St. Joseph Mercy Hospital
- Woman of the Year, AFSCME

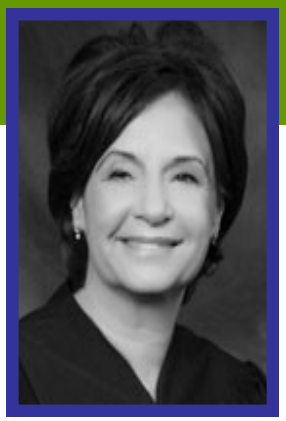
The Macomb County Probate Court is divided into two operational groups: Wills & Estates Division and the Mental Division.

The Wills & Estates Division has legal and equitable jurisdiction over matters relating to the settlement of a deceased person's estate; proceedings concerning the validity, internal affairs, and settlement of trusts; the administration, distribution, modification, and termination of trusts, and the declaration of rights involving trusts, trustees, and beneficiaries of trusts. The Wills & Estates Division is also responsible for matters involving guardianships and conservatorships of both adults and minors.

The Macomb County Probate Court Mental Division has jurisdiction over proceedings under the Mental Health Code and handles matters relating to involuntary commitments for psychiatric treatment and guardianships of individuals with a developmental disability.

Judge Kathryn A. George

Probate Court, Mental Division



Macomb County Court Building
40 N. Main St., 4th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-7180

Education:

- BS, Nursing, Oakland University, 1985
- JD, University of Idaho, 1988

Professional History:

- Michigan Worker's Compensation Appeal Board, 1989-1991
- Sterling Heights Councilwoman and Mayor Pro Tem, 1999-2002
- Macomb County Probate Court Judge, 2002-present

Distinctions:

- Macomb County Hall of Fame Recipient for Outstanding Contributions to the Community, 2007
- Michigan National Guard Special Recognition Medal, 2005

Departmental Information

"The ordinary administration of criminal and civil justice contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem and reverence toward the government."
~ Alexander Hamilton

Court Administration

Jennifer Phillips
Court Administrator

Macomb County Court Building
40 N. Main St., 5th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5164

Education:
- BA, Oakland University, *summa cum laude*, 1997
- MPA, Oakland University, *magna cum laude*, 2001

Professional History:
- Deputy Court Administrator 52-3 District Court, 1999-2003
- Court Administrator 51st District Court, 2003-2010
- Court Administrator 16th Judicial Circuit Court, 2010-present

Distinctions:
- Oakland University Legal Assistant Certification, 1995
- CEDP Fellowship Institute for Court Management, 2006
- Past President Southeast Michigan District Court Administrators' Association
- Active Member National, State, and Local Court Administration Associations

John Brennan
Deputy Court Administrator

Macomb County Court Building
40 N. Main St., 5th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5075

Education:
- BS, Michigan State University, 1981
- JD, Detroit College of Law, 1986

Professional History:
- Macomb Township Supervisor, 1988-2008
- Private Practice, 2008-2010
- Deputy Court Administrator, 2010-present

Distinctions:
- Former Director, Michigan Municipal League's Workers Compensation Board
- Former Director, Michigan Township's Association Board of Directors
- University of Pennsylvania Linebacker, 1977

Lynn Davidson
Friend of the Court Director

Macomb County Court Building
40 N. Main St., 6th Floor
Mt. Clemens, MI 48043
Telephone: (586) 469-5750

Education:
- BS, Wayne State University, *summa cum laude*, 1995
- JD, Detroit College of Law, *cum laude*, 1999

Professional History:
- Judicial Service Officer, Friend of the Court, 1983-1999
- IV-D Manager, Friend of the Court, 1999-2000
- Director, Friend of the Court, 2000-present

Distinctions:
- President, Macomb County Bar Foundation, 2010-2012
- Southeastern Region Director of Michigan Friend of the Court Administration
- Selfridge A.N.G. Base Community Council Member
- Care House, Program Committee Member

Caseload Division

Katie Brower, Caseload Manager

The Caseload Division manages and tracks the progress of a case from case initiation through disposition. Its primary functions include event scheduling, docket management, notice generation, dismissals for lack of progress, and adjournment processing. The Caseload staff also disposes all civil, domestic, and criminal cases pursuant to the State Court Administrator's Office's (SCAO's) caseload reporting requirements.

Additionally, the Caseload Division reports statistical caseload information to SCAO. Every Michigan court is required to report to SCAO various statistical data including new case filings, dispositions, and clearance rates. Clearance rates measure the difference between new filings and dispositions within a given time period to help determine docket efficiency. As noted in the Statistical Information section of this report (starting on page 25), the Circuit and Probate Courts are pleased to report 2011 clearance rates ranging from 96.7% to 103.5%. (Clearance rates over 100% occur when pending cases are cleared in addition to new filings.)

The Caseload Division also oversees Case Evaluation. Case Evaluation is a form of alternative dispute resolution in which a panel of attorneys evaluates civil cases and places a settlement value on each case. The case evaluation process eliminates the need for a trial in many cases.

In 2011, there were 1,223 case evaluation hearings conducted. Of the 1,223 cases evaluated, 564 resulted in dispositions (this figure includes cases settled prior to the hearing). Of the remaining cases, 256 were determined to have a value less than $25,000 and were referred to the Resolution Center for mediation. The final 403 cases heard by the evaluators were not resolved at the hearing stage and proceeded on the trial docket.

Judicial Aide

Paula Verticchio, Judicial Aide Manager

Judicial Aide is the division of Court Administration responsible for attorney appointments and collections. Local Administrative Order 2010-1 governs the selection, appointment, and compensation of counsel who represent indigent parties in our court. Based on their ability to pay, defendants are required to reimburse Macomb County for the cost of representation. Judicial Aide is responsible to coordinate the appointment of counsel for indigent parties in felony cases, parents and children in neglect/abuse cases, and juveniles in delinquency cases. Additionally, Judicial Aide is the official point of contact for court patrons requiring accommodation pursuant to the *Americans with Disabilities Act* and also schedules foreign language interpreters and American Sign Language interpreters as needed.

Judicial Aide is also responsible for collecting money from defendants who have been ordered to repay fees assessed for court-appointed counsel, foreign language interpreters, transcripts, and expert witnesses. Judicial Aide works with defendants on payment arrangements, wage assignments, processing requests for information, return of cash bonds, and requests for copies of video courtroom proceedings.

Additional responsibilities of Judicial Aide include performing financial reviews and making recommendations to the Circuit Court Bench at sentencing and/or hearings, cashiering, and remitting restitution funds to victims. Judicial Aide also processes show cause hearings, income tax garnishments, driver's license suspensions, bench warrants, and orders to remit prisoner funds.

In 2011, Judicial Aide collected $1,026,574 in attorney fees from defendants. Judicial Aide's continuing goals are to improve services by streamlining the appointment process and using innovative technologies and programs to increase collections.

Reimbursement Division

Daena Riccobono, Reimbursement Manager

The Reimbursement Division assists the Family Division in seeking reimbursement of court ordered assessments including court-appointed attorney fees and the cost of care in juvenile cases. Michigan law requires that the costs incurred by a child or a parent through the juvenile system be reimbursed by the legal parents, the child, and/or other legally responsible persons consistent with their ability to pay. A responsible person(s) ability to pay is based on financial statements and other verification provided to the Reimbursement Division, which prepares reimbursement recommendations for the Judges and Referees.

The Division's day-to-day responsibilities include interviewing responsible parties, reviewing financial information, preparing recommendations, preparing court orders, and inputting costs such as juvenile cost of care, court-appointed attorney fees, tether costs, and state ward placement costs. In addition, the Reimbursement Division processes payments and reviews delinquent accounts for further collection action.

The Division processes billing notices and show cause hearings for delinquent responsible parties. Annually, the Division reviews several thousand cases to prepare orders to the State of Michigan for state income tax intercepts. After all the collection procedures available to the Division have been exhausted, the Division reviews and forwards severely delinquent accounts to outside collection agencies in a final effort to recoup tax monies expended for the cost and care of juveniles.

In 2011, the Reimbursement Division collected a total of $1,834,086. This includes $453,226 from tax intercepts, which is the highest amount collected in the Division's history. The Division's goals moving forward include developing reports that enable more efficient review of cases. Additionally, the Division would like to provide additional payment options, including electronic fund transfers.

Juvenile Division

Nicole Faulds, Juvenile Division Director

The Juvenile Division handles cases related to juvenile delinquency, juvenile traffic matters, parental abuse/neglect, adoptions, emancipations, juvenile guardianships, and parental waivers. Juvenile Division staff provide services to delinquents who fall under the jurisdiction of the Circuit Court.

There are various departments within the Juvenile Division.

Legal Department: The legal department consists of six attorney referees who preside over various Court hearings and trials in juvenile matters. The referees are assigned to the Family Division judges in the Circuit Court.

Diversion Unit: This program diverts first time juvenile offenders from formal Court processing. The caseworkers provide assessment, intensive casework services, and monitoring to juveniles who have been referred to the Court.

Probation: The probation department provides services to juvenile delinquents that come under the jurisdiction of the Court. The probation department is divided into different units. Intake Probation provides pre-trial assessment, monitoring, and dispositional recommendations to the Court. Field Services provides probation monitoring services to wards of the Court who are sentenced to standard probation. Intensive Probation provides probation services to youth who need increased monitoring. The Drug Court program provides intensive probation services and substance abuse treatment for eligible participants. The Juvenile Sex Offender Relapse Prevention program offers intensive probation services and treatment for juvenile sex offenders.

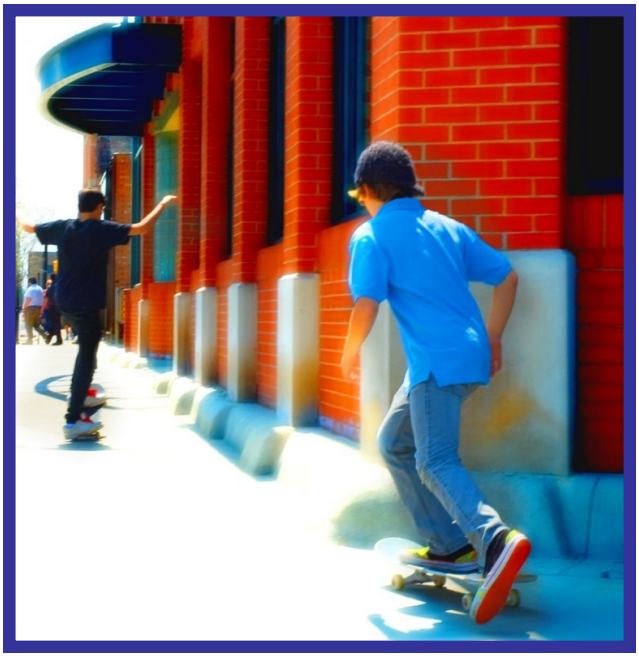
Psychology and Counseling: The Juvenile Division provides psychological evaluations, substance abuse assessments, and counseling services to juveniles under the jurisdiction of the Court.

Adoptions: The adoptions department processes adoption petitions, reviews supporting documentation, and makes recommendations to the Court on adoption matters.

Clerical Services: The clerical services unit opens cases, processes Court orders, and maintains records for cases within the Juvenile Division.

In 2011, the Juvenile Division processed:

- 2,503 delinquency petitions;
- 475 neglect/abuse petitions;
- 337 adoption petitions;
- 6 parental waivers;
- 4 emancipations; and
- 4 juvenile guardianships.



Of the 2,503 delinquency petitions filed in 2011, 1,308 were referred to the diversion process. Diverting cases from formal Court processing not only saves the taxpayers money by keeping a juvenile out of detention or other more costly programs, but it also allows a youth to avoid having a public criminal record. In turn, this will allow more opportunities for employment and education, and increase the juvenile's chance of developing into a productive member of society.

Friend of the Court

Lynn Davidson, Friend of the Court Director

The Macomb County Friend of the Court (FOC) provides enforcement and investigative services to the Family Division of the Circuit Court. The FOC enforces court orders relating to child support, custody, parenting time, and payment of medical expenses on behalf of litigants who have domestic actions pending in the Family Division.

There are four managers at the Friend of the Court: Lynn M. Davidson, Director of the Friend of the Court; David T. Elias, Family Court Counsel/Referee; Thomas F. Blohm, Enforcement Division Director; and Lynda L. Grillo, Clerical Services Supervisor.

The investigative function of the FOC is carried out by Custody Investigators, Support Investigators, the Family Court Counsel/Referee, and seven Referees who support the Family Court Judges on all domestic relation issues such as child support, custody, parenting time, domicile of the minor children, spousal support, or property settlement issues.

During the year 2011, the FOC opened 4,797 new cases and closed 2,513 cases. Final recommendations were completed in 1,924 domestic cases and a total of $114,495,617 in support was distributed by the FOC/Michigan State Disbursement Unit. The activities of the enforcement team resulted in the arrest of 1,619 individuals. Additionally, 30,428 members of the public checked in for services during 2011.

Further, 653 hearings were conducted by referees during 2011. The referees heard 4,409 motions and conducted 1,560 status conferences. A total of 2,530 referrals for child support, spousal support, parenting time, and related issues were completed by the referees and 68.65% of the referrals were completed in less than 60 days.

The Custody Investigation Department completed 1,082 investigations in 2011. Of that total, 261 were full investigations and recommendations, 571 were advisory recommendations, and 250 consent agreements were reached between the parties.

The FOC conducted 9,296 show cause hearings in 2011. The majority (8,728) were support enforcement hearings. There were 130 parenting time show cause hearings, 98 medical enforcement hearings, and 340 miscellaneous proceedings.

The FOC is continuing to make efforts to streamline its processes to take better advantage of available federal funds through ongoing data cleanup efforts. By implementing a paperless system and imaging all hard files, the FOC has more floor space and staff to pursue other responsibilities more closely related to the enforcement of support.

The FOC has applied for and received State of Michigan grant monies to continue a supervised parenting time program to allow a non-custodial parent who has been court-ordered to participate in supervised parenting time an opportunity to do so in a safe and friendly environment. Looking ahead, the FOC plans to implement an aggressive state-sanctioned plan to reduce support arrearages due to the State of Michigan.

Specialty Court Division

Lisa Ellis, Chief of Specialty Courts

Adult Felony Drug Court

The Adult Felony Drug Court provides intensive treatment and supervision to jail or prison bound non-violent felony defendants who are addicted to or dependent on drugs or alcohol. The program includes 15 to 21 months of intensive supervision by the Drug Court Judges, Drug Court Team, and Probation Officers. Drug Court is designed to stop the cycle of drug or alcohol abuse and criminal activity by helping defendants learn to be sober, productive, and law-abiding citizens, resulting in the reduction of crime and its attendant costs to the community.

Eligibility is limited. Defendants interested in this program must be referred to the Drug Court staff and screened for eligibility. Defendants can only be admitted after a full assessment and a hearing before the Drug Court Judge.

This project was initially supported by a grant awarded by the U.S. Department of Justice and administered in Michigan by the Michigan Department of Community Health/Office of Drug Control Policy. Continued financial support has also been provided by the State of Michigan through drug court grant programs.

During fiscal year 2011, the Adult Drug Court had 34 new admissions and 20 successful graduations. Of the 20 graduates, 16 were unemployed at the beginning of the program. At graduation, 18 were employed full-time, one part-time, and one was no longer in the work force. Judges Diane Druzinski and James Biernat, Jr. currently preside over the Adult Felony Drug court.

Juvenile Drug Court

The mission of the 16th Judicial Circuit Juvenile Drug Court is to increase public safety by providing a continuum of services to include judicial supervision, due process, and an integration of County and community agencies offering treatment to encourage abstinence and sobriety.

The Juvenile Drug Court Program incorporates judicial supervision, substance abuse treatment, rewards, sanctions, and drug/alcohol testing. Status review hearings are held monthly or on a weekly basis when violations occur. Program components include assessment, intensive outpatient treatment, individual, family, and group counseling, sanctions and rewards, electronic monitoring, and on-site drug testing.

In 2011, the program achieved the following:

- 52% graduation rate;
- 100% of participants showed improvement in school attendance and grades; and
- Over 6,000 drug tests were administered to participants.

Judges Mary Chrzanowski and Kathryn Viviano currently preside over the Juvenile Drug Court.

Specialty Court Division

Lisa Ellis, Chief of Specialty Courts

Veterans' Treatment Court

The mission of the Macomb County Veterans' Treatment Court (MCVTC) is to assist Macomb County veterans in the justice system through a specialized treatment court docket, focusing on substance abuse and mental health treatment, and by providing the tools required for veterans to lead productive and law-abiding lives. The purpose of the program is to identify those individuals who have served or are serving in the United States Armed Forces in order to:

- Coordinate services and feedback between the Court, Probation, John D. Dingell VA Medical Center, and any other service providers;
- Provide veteran mentors to veteran defendants;
- Provide intensive probation monitoring and court supervision; and
- Treat the needs of veterans promptly and professionally.

The MCVTC is comprised of the 16th Judicial Circuit Court, 41A District Court, and 41B District Court. Each Court has its own individual Veterans' Court docket on specified days of the month. Judge Mark Switalski presides over the Circuit Court docket with assistance from Judge Tracey Yokich and retired Judge Donald Miller. Once per month, the Judges and key team members meet for a full MCVTC team meeting. All participating courts share resources including mentor services, VA contacts, public defender lists, forms, and protocols. The 16th Judicial Circuit Court coordinates all activities on behalf of the participating courts.

This specialty court is designed to provide participants with a structure within which to obtain the necessary treatment and feedback to minimize the likelihood of future criminal behavior. The court is highly interactive, which ensures that all those invested in the process have access to each other and share information and treatment goals toward one end: helping veterans succeed.

For more information, go to http://mcvtc.macombgov.org.

Specialized Business Docket

The Specialized Business Docket (SBD) is the first business court in Michigan and was launched in November of 2011 pursuant to Local Administrative Order 2011-05. Currently, Judge John C. Foster presides over the docket.

One advantage of the SBD is that the cases are heard by a judge who specializes in civil litigation, which enables the cases to move more quickly through the litigation process. New technologies, such as e-filing and video conferencing, are utilized in order to make the process more efficient.

Cases must be evaluated to determine if they qualify for the SBD, as some cases are mandatory, some are eligible, and some are required to be excluded. If a case is permitted, it must follow clearly outlined procedures. For more information, go to http://www.macombcountymi.gov/circuitcourt/sbd.htm.

Clerk of Court

Carmella Sabaugh, Macomb County Clerk/Register of Deeds

Carmella Sabaugh has been Macomb County Clerk/Register of Deeds since 1993 and is credited with modernizing the office.

E-recording – No Waiting in Line
The office accepts real estate documents for recording electronically for an additional $5 fee per document. Go to ERXchange.com for instructions.

Credit Cards Accepted – Paying is Easy
Our offices accept credit card payments for fees, making it easier to pay when you don't know the exact cost ahead of time.

Real Estate Deeds on Internet
Macomb County real estate deeds and documents can be viewed and printed for a fee from the website. The online entry book even lets you view documents in the "recording gap." Viewing is free in the office.

Request Documents via Fax or Internet
We accept fax or Internet requests for deeds and other documents. The request form is available on the Internet or through our 24-hour fax-on-demand system (Call 1-888-99-CLERK, request document #7010).

Hours
For current hours visit the Web site. A drop box is available for court customers inside the Court Building lobby. Circuit court fax filing and e-filing are available 24x7.

Overnight Delivery
When you need documents in a hurry, you may get them via next day delivery as long as you pay the delivery fee.

Automated Form Requests
You may get forms online or via a toll-free fax-on-demand system, 1-888-99-CLERK.

Circuit Court E-filing
For C and N case types for Chief Judge David Viviano and Judge John Foster go to: http://macombcountymi.gov/circuitcourt/efile.htm

Docket Entries on Internet
The Macomb County Circuit Court case index and docket information are on the Internet. When the clerks enter data into the system, it is available via the Internet in real time.

Wireless Internet in Court Building and in Register of Deeds office
Free wireless Internet service is currently available throughout the entire county courthouse and on the second floor of the old County building.

Business/Death Index on Internet
The public county business registration list and public death records index is searchable on the Internet.

PPO Assistance Center
With the help of Turning Point, a Personal Protection Order Assistance Center was opened to help people with court forms and the legal process. It is located on the first floor of the county court building.

One-Day/One-Trial
Jurors will be fresh thanks to our new one-day/one-trial system. Jurors serve one day or one trial, whichever is longer. That means new jurors arrive every day. Jurors and attorneys are happier and it saves a little money for the county as well.

Bus Rides, Books and Pagers for Jurors
Free bus rides, free library books, and pagers are provided to jurors.

COMING SOON
Register of Deeds tract index (December 2012)

Register of Deeds SuperIndex
Search all the text of real estate documents and not just what is indexed through this amazing fraud-detection service!

For more information visit:
www.macombcountymi.gov/clerksoffice

Statistical Information

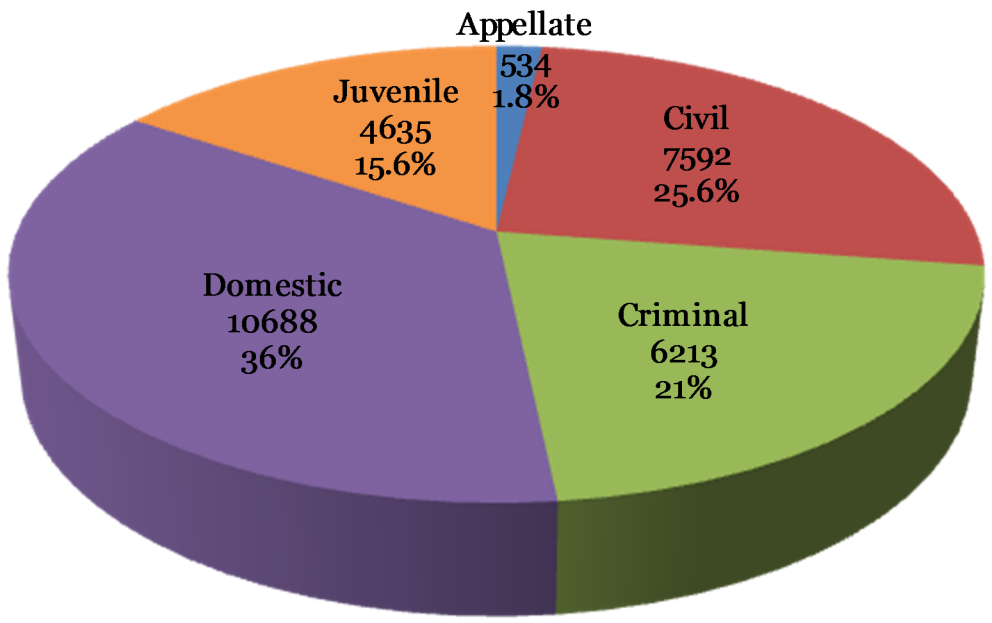
"It is the mark of a truly intelligent person to be moved by statistics."

~ George Bernard Shaw

16th Judicial Circuit Court
Statistical Information

Chart 1

Caseload by Category for 2011



New case filings for 2011 totaled 20,782 cases, which is 2,003 cases less than 2010, representing an 8.8% decrease. The overall caseload, including existing cases and new filings, for 2011 totaled 29,662. [See Chart 1, above]

Criminal and juvenile new case filings represented the most significant decreases. New criminal filings in 2011 were 946 cases less than 2010, representing a 17.3% decrease. New juvenile filings in 2011 were 844 less than 2010, representing a 19% decrease. [See Chart 2, page 27]

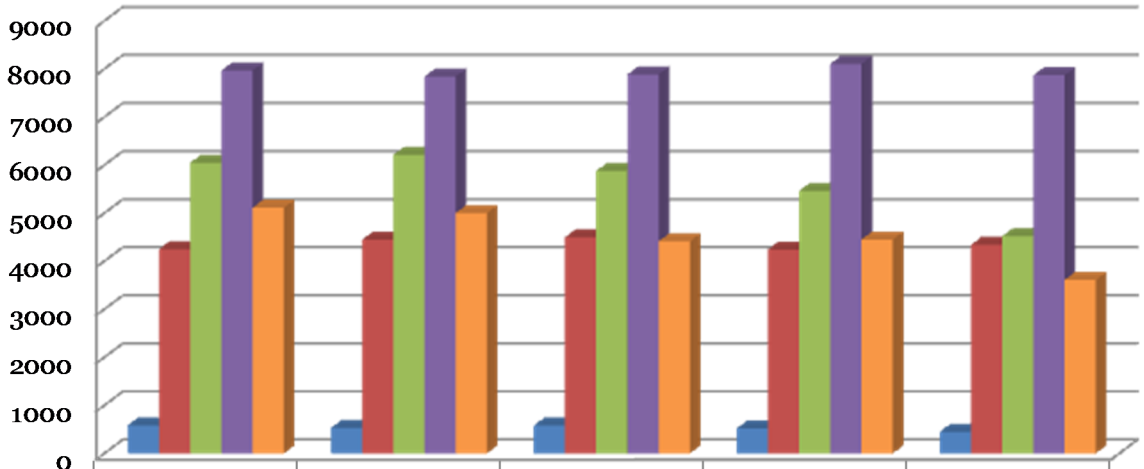
In 2011, there were 1,010 fewer dispositions than in 2010. There were 786 less criminal cases disposed in 2011 than 2010. However, 293 more domestic cases were disposed in 2011 than 2010, representing an 3.7% increase. Civil case dispositions increased by 5.4% with 222 more cases disposed. [See Chart 3, page 27]

Clearance rates for civil, criminal, domestic, and juvenile cases all increased in 2011 compared to 2010 rates. This means that the criminal, domestic, and juvenile judges all cleared more cases than were filed within the year, producing 103.5% , 101.8%, and 103.1% clearance rates respectively. [See Charts, page 28]

16th Judicial Circuit Court
Statistical Information

Chart 2

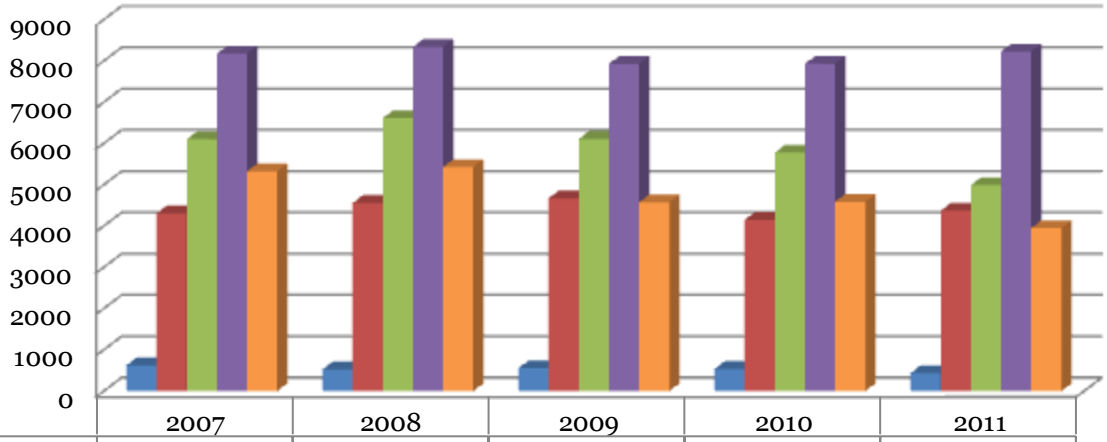
New Filings



	2007	2008	2009	2010	2011
Appellate	586	527	578	519	448
Civil	4249	4444	4496	4243	4339
Criminal	6048	6210	5876	5464	4518
Domestic	7968	7840	7885	8107	7869
Juvenile	5113	5001	4412	4452	3608

Chart 3

Dispositions



	2007	2008	2009	2010	2011
Appellate	623	524	555	535	434
Civil	4307	4557	4670	4149	4371
Criminal	6102	6612	6111	5776	4990
Domestic	8175	8337	7930	7931	8224
Juvenile	5322	5427	4573	4587	3949

16th Judicial Circuit Court
Clearance Rates

Appellate Cases

	2007	2008	2009	2010	2011
Clearance Rate	104.7%	98.9%	95.2%	102.7%	96.7%
Incoming	595	530	583	521	449
Outgoing	623	524	555	535	434

Civil Court

	2007	2008	2009	2010	2011
Clearance Rate	97.8%	98.9%	100.6%	95.4%	96.9%
Incoming	4406	4606	4640	4349	4511
Outgoing	4307	4557	4670	4149	4371

Criminal Court

	2007	2008	2009	2010	2011
Clearance Rate	96.4%	101.2%	99.3%	100.5%	103.5%
Incoming	6329	6534	6151	5745	4822
Outgoing	6102	6612	6111	5776	4990

Domestic Court

	2007	2008	2009	2010	2011
Clearance Rate	99.6%	103.4%	97.6%	94.9%	101.8%
Incoming	8206	8064	8124	8353	8080
Outgoing	8175	8337	7930	7931	8224

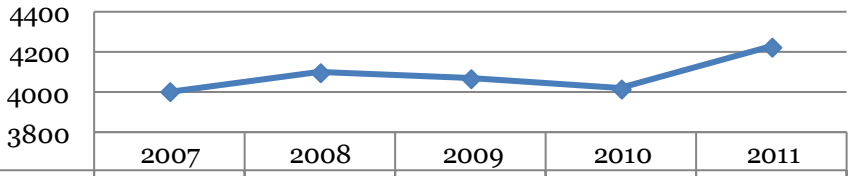
Juvenile Court

	2007	2008	2009	2010	2011
Clearance Rate	97.8%	103.2%	97.8%	97.4%	103.1%
Incoming	5442	5260	4674	4709	3829
Outgoing	5322	5427	4573	4587	3949

Macomb County Probate Court
Statistical Information

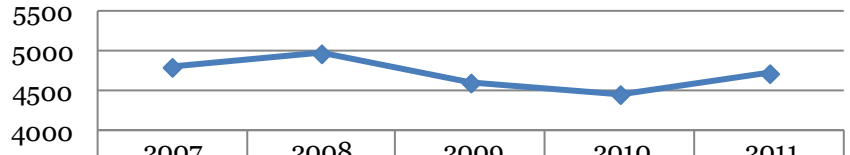
In 2011, there was an increase in Probate Court new filings and dispositions. New filings increased by 210 cases compared to 2010, up 5.2%. In 2011, dispositions increased by 265 or 6% from 2010. The corresponding clearance rate for Probate Court has increased .7% from 2010 to 2011.

New Filings



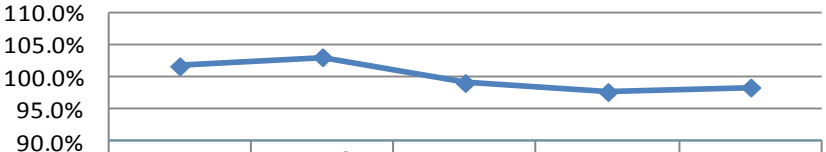
	2007	2008	2009	2010	2011
New Filings	4006	4101	4071	4019	4229

Dispositions



	2007	2008	2009	2010	2011
Dispositions	4802	4973	4604	4457	4722

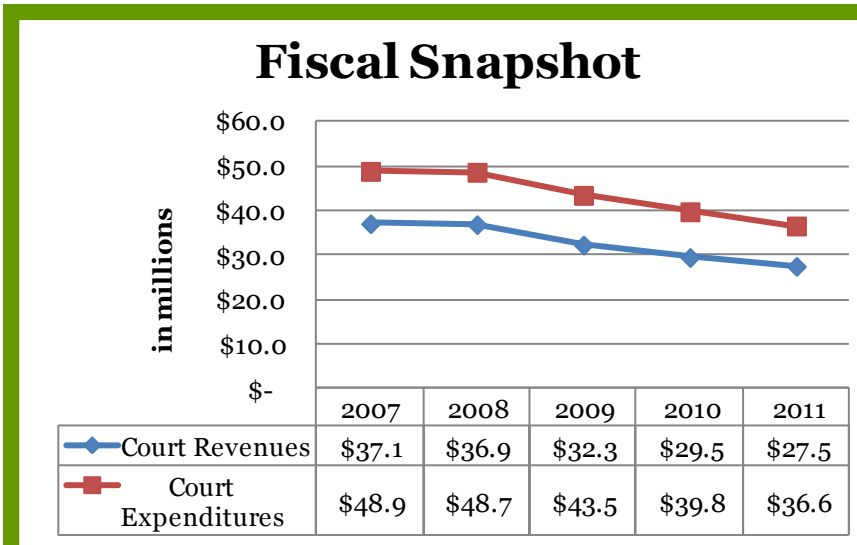
Clearance Rates



	2007	2008	2009	2010	2011
Clearance Rate	101.6%	103.0%	99.0%	97.6%	98.3%
Incoming	4726	4830	4649	4565	4805
Outgoing	4802	4973	4604	4457	4722

Fiscal Snapshot

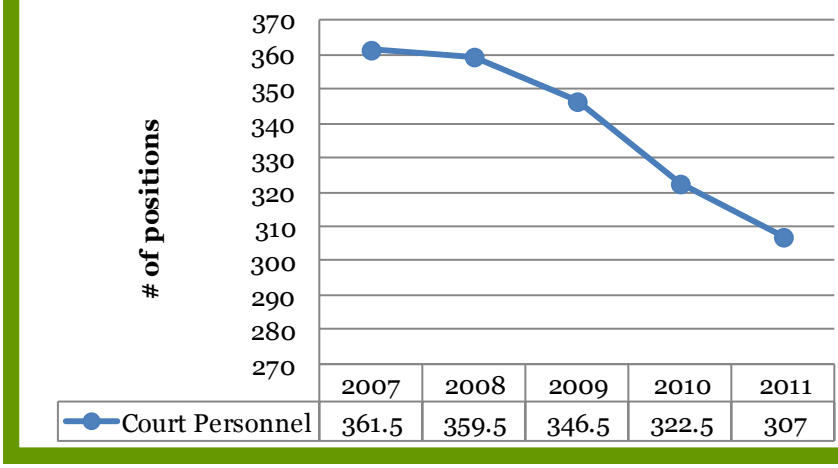
Revenues & Expenditures



	2007	2008	2009	2010	2011
Court Revenues	$37.1	$36.9	$32.3	$29.5	$27.5
Court Expenditures	$48.9	$48.7	$43.5	$39.8	$36.6

There has been a decline in expenditures as well as revenues since 2007. Court Revenues are down $2 million or 6.8% from 2010 to 2011. Court Expenditures are down $3.2 million or 8% from 2010 to 2011.

Personnel



	2007	2008	2009	2010	2011
Court Personnel	361.5	359.5	346.5	322.5	307

There has been a steady reduction in personnel positions. Since 2010, 15.5 positions have been reduced with an overall reduction of 54.5 since 2007.

Brief History of Macomb County

Named in honor of General Alexander Macomb, a highly decorated veteran of the War of 1812, Macomb County was formally organized on January 15, 1818 as the third county in the Michigan territory. At that time, it covered a much larger area than it does today. In 1819 and 1820, large portions of the county were removed to form the counties of Oakland, Lapeer, Genesee, and St. Clair.

The first Europeans arrived in the area during the 17th century. They included French fur trappers who recognized the richness of the marshes and sought new opportunities for trade. Moravian missionaries established the first organized, non-native settlement in the county in 1782 as a refuge for Christianized Indians driven out of Ohio. They built along the banks of the Clinton River, then known as the Huron River, but were forced to leave four years later by the Chippewa Indians. In the late 1790s, Christian Clemens visited the area, and in March 1800, purchased a distillery considered the first building on the site of the future Mount Clemens. The next year he purchased 500 acres for development. This site, known as High Banks, was platted as the Village of Mount Clemens in 1818, when it was proclaimed the Macomb County Seat.

In the early 1800s, and at least by 1840, settlers moved into the interior of the county, carving out farms from the hardwood forests. The roots of the county villages and townships were established by this time. In addition to the original French and English, later settlers included Germans, Belgians, and others who came directly from Europe. In the 1870s, mineral baths brought international fame to Mount Clemens. Many believed the waters had healing powers. Although the stream still runs beneath the city, interest in the spas died out in the early 20th century.

Recently, there has been a reemergence of interest in the mineral baths now being offered at Henry Ford Macomb-East Campus in Mount Clemens. Between 1920 and 1930, Macomb County doubled in population, rising from 38,103 to 77,146 persons. Two significant developments spurred this growth – the establishment of Selfridge Field in 1917, and the beginning of the urbanization movement northward from the City of Detroit. During the 1940s and the 1950s the movement from the central city to the suburbs increased. The largest growth occurred between 1950 and 1970, when over 440,000 people were added to Macomb County's population.

Today, Macomb County encompasses 482 square miles, and ranks third in population in the state, with a 2010 census total of 833,430 persons. The county is recognized as a leader in business and industry, and designated as a "Community of Economic Excellence" by the State of Michigan.

Elected Officials

Mark A. Hackel
Macomb County Executive

Anthony V. Marrocco
Public Works Commissioner

Carmella Sabaugh
Clerk & Register of Deeds

Eric Smith
Prosecuting Attorney

Ted B. Wahby
Treasurer

Anthony Wickersham
Sheriff

Board of Commissioners

Kathy D. Vosburg, *Chair*

Marvin E. Sauger, *Vice-Chair*

Fred Miller, *Sergeant-at-Arms*

Don Brown

James L. Carabelli

Phillip A. DiMaria

David Flynn

Roland Fraschetti

Ray Gralewski

Toni Moceri

Joe Sabatini

Bob Smith

Kathy Tocco