

DOMESTIC
RELATIONS
DIVISION



LUCAS
COUNTY

Court of

Common Pleas

ANNUAL REPORT '79

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TO: The Honorable James M. Holzemer, President
Honorable Ray Kest
Honorable Frances E. Szollosi

This Annual Report of the Court of Common Pleas,
Division of Domestic Relations is submitted as an indi-
cation of our accomplishments during 1979. It was
indeed a landmark year in terms of services provided by
the Court to our community.

Respectfully submitted,

June Rose Galvin, Judge
Robert Dorrell, Judge

1979

The last year of the decade of the '70's was one of great expansion of the responsibilities of the Domestic Relations Court. The primary impetus for this rapid growth was new Ohio Legislation a law creating a Bureau of Support effective January 1, and later legislation giving the Domestic Relations Court jurisdiction in Domestic Violence cases.

Administration of the Court became significantly more complex with the increase of staff from 31 to 53 by the addition of one Department. The 22 new employees of the Bureau of Support represent innumerable hours of personnel work and development from the ground up of a complex agency within an agency. All aspects of its operation have demanded time and energy that have already begun to show results: more children are now getting the money awarded by Court order and needed to support them.

The second new law required that new procedures be developed and Court professional staff time be made available on an immediate service basis. With less than two months to prepare for implementation, the Domestic Relations Court staff worked closely with others in the public and private sectors of the community who were involved with Domestic Violence cases under the law or by choice. All Court Staff were involved in planning and starting the program, including secretaries, Counselors, Referees, Judges, Clerks of Court, and court reporters.

Subsequently much time has been spent in technical assistance with other Courts, social agencies, attorneys, and women advocates' organizations explaining what we do, how we do it, and how we work with others in the community including shelters, law enforcement agencies, criminal court, counseling agencies and mental health centers.

During this period of expansion, the divorce, dissolution, annulment and alimony-only work of the Court continued. It is significant that the number of pending cases was 132 less in December than in January. In addition, the average age at termination of contested cases was reduced by a month. This reflects the continuing effort of the Court staff to improve the efficiency of all internal operations, thereby handling the problems of people in a humane and business-like manner.

As we look forward to the Year of the Family, we can state that we continue to try to find ways to better serve the families whose lives we touch. They make up an increasing portion of the population, and a portion that often needs assistance so that they can continue to support each other as a family.

DOMESTIC RELATIONS ASSIGNMENT COMMISSIONER'S REPORT

The office of the Assignment Commissioner is responsible for monthly, quarterly and annual statistical reporting as is required by the Ohio Supreme Court Rules of Superintendance. The data compiled is used as part of a statewide survey of Domestic Court Activity. We have presented the current year's records as they best compare to the two immediately preceding years.

Notably, the Domestic Relations Division ended calendar year 1979 with a net reduction in pending cases over the preceding year. This is due in part to the continued trend toward reduced case filings in the divorce and dissolution dockets. In 1979, there were 9% fewer cases filed overall than in 1978.

In addition, in 1979 the total number of divorce or dissolution cases granted or dismissed was greater than the number of divorces and dissolutions filed in 1979.

Donna L. Kiroff
Assignment Commissioner

DOMESTIC RELATIONS - SUMMARY OF LEGAL ACTIONS

	<u>1977</u>	<u>1978</u>	<u>1979</u>
Total number of actions pending before the court January 1.....	2019	1944	1698
Divorce, alimony and annulment complaints filed.	2751	2750	2552
Dissolution petitions filed.....	1437	1363	1285
Total number of cases before the court during the year.....	6207	6057	5535
Total number of cases disposed of.....	4409	4359	3969
Dissolutions terminated by hearing.....	1445	1124	1186
Uncontested cases terminated by hearing....	819	837	857
Contested cases terminated by hearing.....	728	911	733
Cases dismissed.....	1417	1487	1193
Total number of divorces pending before the court December 31.....	1627	1410	1326
Total number of dissolutions pending before the court December 31.....	317	288	240

NOTE:

1. Number of hearings on motions during 1979:

 By Judges

 a.) rehearings.....259
 b.) pre-trials.....604
 c.) contempts(Bureau of Support)... 109
 d.) Domestic violence.....191

 By Referees.....3642

TOTAL.....4805

2. There were 132 fewer cases pending December 31, 1979 than January 1, 1979.

DOMESTIC RELATIONS DIVISION REPORT

	<u>1977</u>	<u>1978</u>	<u>1979</u>
Cases pending before the court January 1..	2019	1944	1698
Divorce, alimony, and annulment actions filed.....	2751	2750	2552
Dissolutions filed.....	1437	1363	1285
Divorces, alimony and annulment actions terminated.....	2818	2967	2636
Divorces terminated by dismissal.....	1271	1219	1046
Dissolutions terminated.....	1299	1124	1186
Dissolutions terminated by dismissal.....	146	268	147
Uncontested cases terminated.....	819	837	857
Median age.....	6 months	4 months	4 months
Contested cases terminated.....	728	911	733
Median age.....	10 months	9 months	8 months
Other hearings conducted:			
a.) By Judges.....	312	846	1163
b.) By Referees.....	7847	4887	3642
Gain (+) or loss (-) in cases pending at the end of the year.....	-75	-246	-132

DOMESTIC RELATIONS - A CONCISE RECORD SHOWING
THE NUMBER OF CASES FILED AND TERMINATED FOR THE YEAR

	COMPLAINTS FILED	DISSOLUTIONS <u>FILED</u>	COMPLAINTS <u>GRANTED</u>	COMPLAINTS <u>DISMISSED</u>	DISSOLUTIONS <u>GRANTED</u>	DISSOLUTIONS <u>DISMISSED</u>
1977	2751	1437	1547	1971	1299	146
1978	2750	1363	1748 *	1219**	1124	268
1979	2552	1285	1690 *	1046**	1186	147

1978 * Includes 11 Annulments granted
 ** Includes 2 Divorces denied

1979 * Includes 10 Annulments granted
 ** Includes 1 Divorce denied

DOMESTIC RELATIONS RECORD OF DISPOSITION
OF LEGAL ACTIONS

	<u>1977</u>	<u>1978</u>	<u>1979</u>
Divorce, alimony and annulment actions granted..	1537	1748	1590
Dissolutions granted.....	1298	1124	1186
Divorce, alimony and annulment actions dismissed	1271	1219	1046
Dissolutions dismissed.....	146	268	147
Total number of cases disposed of by the court..	4263	4359	3969

COUNSELING SERVICES

During 1979, the Counseling Department of Domestic Relations Court was reorganized. Counselors handling pre-divorce and post-divorce cases were combined as a single staff and given the new title: Court Counselor. This change has helped the Court provide more continuity in services to clients, and reduced the reluctance of pre-divorce clients to make appointments.

The Counseling Department staff assumed major responsibility in the implementation of the new Ohio Domestic Violence Law within the Domestic Relations Court. Early policy decisions were made by the Court to have the remedy be available to the kind of person who had most needed it in the experience of Toledo family practice lawyers, the judges, the referees and the counselors. This person is usually without money and in emotional and physical crisis. Therefore, the client begins by seeing a Court Counselor. The Counselor attempts to start resolving all of the problems related to the violence, as well as to guide the client through the Court process.

Other new duties of the Department have been Domestic Violence related. Staff members maintain liason with all other community agencies who provide services to families that have problems with violence. Seventy responses were made to requests for the printed program materials developed by the Court. Speaking engagements have helped explain the law to many special groups in the Community.

In our experience, some problems of divorce plague a large percentage of our clientele. One of the areas in which many divorced people with children find a fertile battleground is visitation with the children by the non-custodial parent. Complaints and worse are frequent from both sides, and the children are always in the middle, sometimes learning to manipulate the adults, but always being the losers.

To address this problem, two visitation schedules were developed by the counseling staff, one for local travel and one for travel exceeding 150 miles one way. These are being used as examples by the Counselors to raise the practical considerations about visiting with the parties, and to attempt to get them to agree about this issue, or to at least understand the usual position of the Court. The hope is that understanding on the part of the parents will keep them from putting the children in the middle of a continuing post-divorce fight. These schedules are also available to attorneys to use with their clients.

The Counseling Department continued to provide family evaluation services necessitated because of divorce in families where there are children under age 14. This includes gathering data about the character, family relations, past conduct, earning ability, and financial worth either before a divorce or dissolution, or because of a change in circumstances since a divorce or dissolution. A report and recommendations are made to the Court about custody, visitation and child support. These reports are also done for out-of-town Courts, or when there are no young children but there are special circumstances.

Pre-marriage counseling was provided for the Juvenile Division under provisions of the law which state, "If the Bride is under 16 and pregnant, consent of the Family Court Judge is required. In all cases where parental consent must be obtained, the State requires that the Bride and Groom obtain counseling." This counseling includes conferences with the Bride, Groom, and their parents. The purpose is to ascertain that the couple are not marrying solely because of pregnancy. The relationship between the two needs to be strong enough to last through difficult periods and the Groom needs to be able to provide financial support.

Finally, there are large numbers of people who call the Court for assistance with family problems because they have had previous contact with the Court or believe they might have in the future if help is not obtained. Counseling and referral services are provided to these clients in as timely a manner as possible.

FAMILY EVALUATION

<u>Cases Opened</u>	1978	1979
Divorce	1480	1380
Dissolution	654	627
Special Problems (Previously recorded under divorce)	-	6
Out of Town (Previously recorded under divorce)	-	8
Domestic Violence (New law effective 3-27-79)	-	188
Post Divorce	78	79

<u>Cases Closed</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Divorce	1616	1819	1474
Dissolution	699	707	628
Special Problems (Previous to 1979 was recorded as divorce)	-	-	6
Out of Town (Previous to 1979 was recorded as divorce)	-	-	9
Domestic Violence	**	**	188
Post Divorce	-	71	80

**Service not offered

FAMILY COUNSELING

	1977	1978	<u>1979</u>
Supervision	4	6	2
Short-Term Counseling	*	246	283
Domestic Violence	**	**	59

*No record Kept

** Service Not Offered

PREMARRIAGE COUNSELING

<u>Year</u>	<u>No. of Cases</u>
1977	30
1978	17
1979	19

CHILD AND FAMILY SUPPORT

The following reflects the work of the Domestic Relations Referees on an assigned hearing time docket system, on motions filed during pending marriage termination proceedings or after marriage termination in cases that have been certified to the Juvenile Division.

The Domestic Relations motions include child support; injunctions, temporary alimony; evictions of persons from the home in pending divorce actions; temporary custody and visitation; domestic violence hearings; and contempt. Motions in prior marriage termination cases certified to the Juvenile Division include child support; injunctions; contempt; lump sum judgments; increase, decrease, suspend or terminate child support; payroll deductions; and custody and visitation matters.

	1978	1979
Domestic Relations Motions Filed (new system started in July, 1978)	1,205	2,771
Domestic Relation Hearings	3,025	3,606
Certified Motions Filed	1,175	1,416
Certified motions terminated with the filing of J.E.	1,054	1,000
Certified motions transferred out (No J.E. necessary)	164	187
Certified Motions waiting for J.E. to be filed 12-31-79		128
- Cases still current or waiting decisions		101
Certified Hearings	1,898	1,855

Leon Frankel
Child Support Referee

CUSTODY DEPARTMENT

The Custody Department regularly handles three main categories of cases:

- 1) Post Divorce Change of Custody - Actions of divorced parties seeking to change custody from one party to another.
- 2) Visitation and Companionship - Actions by divorced parties seeking to change, modify, or terminate the rights of the other parties to see the children.
- 3) Motions to Show Cause - Contempt of Court - Actions by parties to enforce visitation or other orders of the Court except those dealing with money.

In addition to the above categories the Custody Department also hears motions to dissolve injunctions, motions for minor warrants (warrants to arrest the child being held by another party) and Illegal Placements for adoption (due to a change in the Juvenile-Probate Court Rules the Custody Department has phased out the handling of Illegal Placements in 1979). Note will be made in the statistics following that the final four hearings on this category of cases have been completed.

Often in contested custody cases a full custody investigation is done by one of the Court Counselors. This investigation is made at the request of either party or their counsel to disclose in the fullest possible way the parental capability and circumstances prior to a custody hearing. (Due to the demands for custody investigations and the backlog that resulted therefrom the Custody Department in 1980 has initiated a pre-trial procedure in each contested custody situation which should markedly reduce the time from filing to hearing date. Additional statistics will be available in the 1980 annual report.)

In the past eight years, the custody caseload has tripled in volume. Marilyn Klar joined the staff in May of 1979, and started hearing Custody Department cases two days per week in June of 1979. This has helped to reduce the backlog.

The table below compares the number of cases heard in 1979 with three prior representative years.

	1973	1975	1978	1979
Custody	221	273	356	389
Visitation and Companionship	146	241	280	195 *
Illegal Placement	42	46	14	4
Show Cause			101	104
Minor Warrant				9

DEPARTMENTAL STATUS	1973	<u>1975</u>	<u>1978</u>	<u>1979</u>
Cases Pending 1-1	192	164	238	312
Cases pending 12-31	182	270	312	446 **

* The decrease in hearings on the issue of visitation and companionship is due to the Court initiating in 1979 a standard visitation and companionship schedule for parents living within the same geographic area and a second schedule for long distance (greater than 150 miles) visitation. These schedules in many cases are implemented in the final divorce judgment entry and replace the prior order of "reasonable rights of visitation and companionship". It is felt that the marked decrease in filing has resulted due to the standardization of the Court's Order in normal situations.

** Of the 446 total cases pending at the end of the year, 125 are cases that are awaiting journalization by counsel. In order to reduce this problem the Court has gone to forms for the Referee's Report and Judgment Entry which will be prepared by the Court. This should eliminate this large number of cases awaiting journalization. The effect of this will be discussed in the 1980 annual report.

Anthony Rudge
Custody Referee

LUCAS COUNTY BUREAU OF SUPPORT

The establishment of the Lucas County Bureau of Support was mandated with the passage of Senate Bill 87. On January 2, 1979, the Lucas County Bureau of Support began operation under the supervision of the Court.

The Bureau is responsible for the administration of Court ordered support and alimony payments. It collects, disburses, and enforces Court orders requiring such payments. The Bureau is required by law to initiate enforcement proceedings on any support order that is overdue for a period of ten days. The Bureau attempts to resolve the delinquency issue on an administrative level by first contacting the obligor to allow him/her an opportunity to rectify the problem. If a satisfactory arrangement cannot be made, a court hearing is then scheduled.

Those determined to be in contempt of Court face a jail sentence, fines, and court costs. Additionally the Court has the power to require the obligor's employer to withhold a portion of his/her personal earnings, and direct the same to be paid to the Bureau of Support.

Enforcement activities were initiated in May, 1979, and a systematic effort began in full force in late August, 1979. We believe a correlation can be drawn from the enforcement effort and the dollar amount collected. Please refer to Table 1.

Because of the vast requirements imposed by Senate Bill 87 the Bureau is in the process of computerizing its entire operation. Upon completion, the Bureau will have a case management system unique in the State of Ohio. This system will improve our entire operation, and should aid the Bureau in recouping additional Federal and State incentive monies, allowing the Bureau to continue to be self-sufficient and return money to the County.

Joseph J. Pilat
Director

TABLE 1:
Collection Activity

	<u>Child Support and Alimony</u>	<u>Alimony Only</u>
January	\$ 709,498.45	\$ 22,789.36
February	693,494.85	19,863.63*
March	767,469.97	22,476.10
April	745,312.50	22,969.79
May	817,172.14	24,374.58
June	783,970.10	26,002.57
July	855,712.44	29,520.57
August	833,702.55	30,826.74
September	784,675.16	27,903.31
October	937,049.41	40,564.77
November	894,253.74	37,058.67
December	<u>843,204.61</u>	<u>37,946.83</u>
Total	\$9,565,515.92	\$342,296.92

Total Child Support and Alimony collected and disbursed by the Lucas County Bureau of Support from January 2, 1979 through December 31, 1979 \$10,007,812.84

Total number of checks written by the Lucas County Bureau of Support January 2, 1979 through December 31, 1979 112,640

*On February 22, 1979, the Lucas County Bureau of Support assumed the responsibility of alimony collections from the Clerk of the Court. Payments made prior to this date are reflective of the Clerk's activity.

TABLE 2:

Revenue

The Lucas County Bureau of Support, through its collections and Co-Operative Agreements with the Lucas County Welfare Department, returned to the County General Fund the following monies:

Poundage (This represents the 1½% fee on collections)	\$148,942.21
LCWD Incentive Payments (15% of all AFDC dollars collected)	177,498.43
Incentive Refunds under Co-Operative agreements with the LCWD (75% of Welfare related costs from January through November, 1979)	248,397.32
Incentive Refund for the month of December, 1979 billed in January, 1980	26,672.92
	<hr/>
TOTAL	\$601,511.08

In addition, the Bureau has the potential ability to collect approximately \$45,000.00 for 75% of the non-Welfare (AFDC) costs of operation for the year 1979. Demand will be made for this money in the first quarter of 1980.

TABLE 3:

Budget

The Lucas County Bureau of Support had a budget allowance of \$665,725.00 for the calendar year 1979. Actual expenditures amounted to \$383,446.91. The expenditures, less the dollars recouped as described in table #2, indicate that the Lucas County Bureau of Support was in fact a viable operation during its first year of operation.

Expenses.....	\$383,446.91
Less Money Returned.....	<u>601,511.08</u>
Income in Excess of Expenses.	\$218,064.17

TABLE 4:

Enforcement Activity

Motions & Orders to Show Cause scheduled before the Court (from May 30, 1979 to December 21, 1979.)	487
Administrative letters sent (From August 21, 1979 to December 31, 1979.)	1,535
Interviews conducted by Enforcement Staff in response to the Administrative Letters (October - December, 1979).	791
New Account Activity (Parties appearing personally at the Bureau of Support to open a new account or re-activate a dormant account thru December 31, 1979.)	2,702

COLLECTIONS

	<u>1978</u>	<u>1979</u>
Support For Minor Children	\$8,273,073.95	\$ 9,665,515.92
Alimony	233,778.48	<u>342,296.92</u>
TOTAL		\$10,007,812.84

Poundage for Child Support	**	\$ 143,888.22
Poundage for Alimony	2,328.92	5,054.19
Family Evaluation Fee	18,325.00 *	38,750.00
Custody Investigation Fee	**	1,400.00
Court Costs - Domestic Relations Cases	77,635.99	121,956.85
Court Costs - Certified Cases	**	21,164.00
Incentive Payments and Reimbursements, Welfare Department through Bureau of Support	***	425,895.75
TOTAL RETURNED TO COUNTY GENERAL FUND		\$ 756,874.96

*Initiated 7-78
**Figures not in previous reports
***Program not in existence

F.E. Landry
Business Manager

STAFF OF DOMESTIC RELATIONS DIVISION

1979

June Rose Galvin, Judge
Robert Dorrell, Judge

BUREAU OF SUPPORT

Joseph Pilat, Director
James Armacost
Joyce Bell
Alberta Cunningham
Elana Echols
Walter Graff
Linda Harpst
Kathryn Heintschel
Mildred Krause
David Lautzenheiser
Linda Marvet
Peggy Mayo
Donna Mohn
John Neenan
Karen Poronczuk
Clifford Quinn
Minnie Quinn
Carol Reinbolt
Joann Steiger
Judy Updegraff
Keith Wilkowski
Gary Wilson

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Barbara Smith
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ASSIGNMENT COMMISSIONERS

Donna Kiroff
Frances Nicholas

BAILIFFS

Kenneth Boyd
Lawrence Kiroff

COURT REPORTERS

Lynn Kolling
Martha Ray

SECRETARIES TYPISTS

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FAMILY COURT CENTER

