

**Family Court – Outagamie County
1971**

APPLETON LEAGUE OF WOMEN VOTERS POSITION PAPER

FAMILY COURT OF OUTAGAMIE COUNTY

Adoption: In 1971 the League of Women Voters of Appleton adopted the item entitled "A study of the Family Court in Outagamie County Court, Branch No. 1, with a view toward full implementation of its functioning so that it will more closely comply with the intent of the Family Code of the State of Wisconsin as contained in Chapters 245-248, Wisconsin Statutes."

Study: The resource committee studied state statutes regarding the family court, collected information on family courts in other states, interviewed lawyers, the Family Court Commissioner, and the Judge of Outagamie County Court, Branch 1, attended courtroom hearings in Branch 1 and juvenile court, and sent questionnaires to people who had received divorces in Outagamie County in the past 14 months and another questionnaire to professionals associated with Family Court (lawyers, clergymen, social workers). The information thus obtained was summarized and sent to every League member. A general meeting open to the public was held on the topic "The Individual versus the Law." Panel members included the County District Attorney, a local lawyer and a representative from the American Civil Liberties Union of Milwaukee. A tour of the Court House was conducted for League members. Two sets of unit meetings for discussion and consensus were held.

Consensus: The following consensus report was filed:
There is strong agreement that Juvenile Court should be combined with Family Court. Eventually the ideal Family Court would handle all matters involving the family and its members as related to the family; to add these other items of adoption, commitment to mental institutions, and alcoholism would involve a change in the state statutes because these cases are, by law, connected to Probate Court, Branch one, throughout the state. To combine Juvenile and Family Court would involve judicial decisions at the county level of government.

A strong majority of League members favor an expanded concept of the Family Court to provide counseling for families, at every level of family relationships; especially of interest were premarital counseling and post-divorce counseling.

A minority agreed that the need exists for the counseling but does not agree that this is compatible with the legal function of the courts. These members would favor a plan by which the county would contract for services from a private agency (such as Family Service) therein providing the mechanism for counseling while not providing the counselors within the court.

There was a wide range of opinion concerning the issue of having counseling a required part of the divorce procedure; no consensus was reached.

There is overwhelming support for a change in state statutes to replace the current adversary system with a no-fault divorce system.

That large majority of members favoring counseling within the court structure would like to see a trained (marriage) counselor added to the staff of the County Court Commissioner.

There was some interest in two additional court personnel: a tracer of fathers evading their child support responsibilities and a child advocate who would represent the rights of the children in every court case involving children.

As long as the adversary system of divorce continues, there is very strong support for a guardian ad litem to be appointed in every contested custody case. If the no-fault divorce system is enacted, the need for a guardian ad litem seemed to be of less importance to a majority of members.

Interest was expressed in encouraging the Governor to consider these issues in making judicial appointments. Other ways to make League opinion felt are to contact judges, the Bar Association, and the County Board when appropriate.

The majority favors changes in state statutes for the following issues: change to a no-fault divorce system; have judges elected to a specific court so that their philosophy could be adjudged by the voter; and raise judicial salaries in order to attract the most qualified candidates. There was some interest in eventually dividing Probate matters so that the cases related to the Family Court would be handled there.

The support position recommended was: Family Courts:

1. Combine Juvenile Court and Family Court.
2. Add a trained counselor to staff of Family Court Commissioner.
3. Appoint a guardian ad litem in all cases of contested custody.
4. Raise the salary of judges.
5. Desire action at state level on following matter [s]:
 - a. Change to no-fault divorce system.
 - b. Judges be elected to a specific court.]

At the annual meeting in April, 1972, members voted to adopt the consensus with the exception of the statement that judges be elected to a specific court. Members felt that insufficient background material had been provided on that point to allow members to come to an adequately informed consensus. That item was dropped from the support position.

Action: In December, 1971, a letter was sent to the Governor reporting our consensus and asking that he consider our opinions in making his judicial appointments.

A League member appeared in Green Bay in February, 1972, before a hearing of the state Committee for Judicial Organization to inform them of our study.

Outagamie Citizens Council on the Family was formed in March, 1972. This is not a League committee, but an offshoot of interest aroused by the study.

In July, 1972, a letter was sent to the new Outagamie Branch 3 Judge informing him of the League's position.

In August, 1972, the Circuit Judge called a citizens meeting to consider the judicial organization with regard to county courts and in September, 1972 he announced the formation of the Family Court to begin January 1, 1973.

In October and November, 1972, League wrote to and attended County Judiciary and Enforcement Committee hearings in support of the family counselor attached to the Family Court, (and support of higher judicial salaries). November 16, 1972, the County Board approved the hiring of a part-time Family Court Commissioner and full-time Family Court Counselor by a 27-10 vote.

During the implementation period of the new Family Court the Branch 1 Judge announced the hiring of an investigator, saying that he did not want a family counselor attached to the court. In January, 1973 the League made a statement before the County Board regarding hiring a Family Court counselor.

A local Time for Action in the February 1973 bulletin asked members to contact their County Supervisors favoring a family counselor attached to the Family Court.

SUMMARY OF FAMILY COURT OF OUTAGAMIE STUDY

Consensus taken Nov. 1971
Report submitted June 1972

- SEPTEMBER 1971 "The Individual Vs. the Law"
Panel composed of Peter Nelson, James Lond, and Joan McManus. (See Bulletin for Sept. and Oct.)
- Questionnaires sent to people who were divorced in Outagamie County with past 14 months; another questionnaire sent to professionals associated with Family Court (lawyers, clergy, social workers)
- INTERVIEWS WITH ATTORNEY DON JURY (Sept.);
ATTORNEY DENNIS HERRLING, FAMILY COURT
COMMISSIONER JOHN ENSLEY, AND JUDGE URBAN
VAN SUSTEREN. (Questions submitted in advance to Ensley and Van Susteren).
- OCTOBER COURT HOUSE TOUR (October)
- COURT ROOM VISITS by committee members; multiple visits for divorce hearings; some visits to juvenile court
- NOVEMBER UNITS October 25 (7)
ACTION ACTION ACTION ACTION CONSENSUS (attached)
- DECEMBER Letter to Gov. Lucey reporting consensus, asking our opinions be considered in his judicial appointments
Citizens Study
- JANUARY Letter to Committee for Judicial Organization
FEBRUARY Appearance at Green Bay hearing 2/29/72 to inform this Committee of LWV study
- Outagamie Citizens Council on the Family formed by Cynthia Johnson, as offshoot of study
- May 1972 Attempt to inform judicial aspirants of LWV study, to attempt to inform all potential candidates-- this did not come to pass. Planned action includes contacting those men appointed by Lucey to tell of LWV study.
Other planned action: Appear anywhere to promote the hiring of a counselor to be attached to Court Commissioner's Office, etc.

Documents attached: List of committee members
Copy of consensus questions
Copy of consensus
Transcript of testimony at Green Bay hearing

CONSENSUS: The Family Court of Outagamie County

The League of Women Voters of Appleton, Wisconsin, met November 8 and 10, 1971 to reach consensus following a study of the Family Court in Outagamie County. Forty-eight members participated.

There is strong agreement that Juvenile Court should be combined with Family Court. Eventually the ideal Family Court would handle all matters involving the family and its members as related to the family; to add these other items of adoption, commitment to mental institutions, and alcoholism would involve a change in the state statutes because these cases are, by law, connected to Probate Court, Branch One, throughout the state. To combine Juvenile and Family Court would involve judicial decisions at the county level of government.

A strong majority of League members favor an expanded concept of the Family Court to provide counseling for families, at every level of family relationships; especially of interest were premarital counseling and post-divorce counseling.

A minority agreed that the need exists for the counseling but does not agree that this is compatible with the legal function of the courts. These members would favor a plan by which the county would contract for services from a private agency (such as Family Service) therein providing the mechanism for counseling while not providing the counselors within the court.

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There was some interest in two additional court personnel: a tracer of fathers evading their child support responsibilities and a child advocate who would represent the rights of the children in every court case involving children.

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Interest was expressed in encouraging Governor Lucy to consider these issues in making judicial appointments. Other ways to make League opinion felt is to contact judges, the Bar Association, and the County Board when appropriate.

The majority favors changes in state statutes for the following issues: change to no-fault divorce system, have judges elected to a specific court so that their philosophy could be adjudged by the voter, and raise judicial salaries in order to attract the most qualified candidates. There was some interest in eventually dividing Probate matters so that the cases related to the Family Court would be handled there.

At this time, the membership desires to act chiefly at the local level of government, taking positions on state items when appropriate and approved by state LWV. A state LWV study of Family Courts does not seem possible at this time given the announced structure of the state study for the next two years. A study of Family Courts will be kept in mind as a possible state lively issues proposal at a later time.

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Add to local action as position on Family Court:
(Under Health, Education, and Welfare)

Family Courts:

1. Recommends combining Juvenile Court and Family Court.

Addition to position on Family Court

2. Recommends adding a trained counselor to staff of Family Court Commissioner.
3. Recommends appointment of guardian ad litem in all cases of contested custody.
4. Recommends that the salaries of judges are raised.
5. Desires action at state level on following matters:
 - a. Recommends change to no-fault divorce system
 - b. Recommends that judges are elected to a specific court

SUMMARY OF FAMILY COURT OF OUTAGAMIE STUDY

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Report submitted June 1972
Submitted by Cynthia Johnson, Chairman

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Action Family Council

LWV-- Family Court Study Committee

Cynthia Johnson	1015 E. Jardin St.	739-5146
Blanche Behrmann	2300 Woodrow Ct.	739-6579
Jane Kaplan	1751 N. Division	734-5218
Nina Kirkpatrick	718 E. Alton St. Ext. 298	739-3681
Ann Long	1503 S. Memorial Dr.	734-6353
Joy Povolny	31 S. Meadows Dr.	739-3846
Patricia Rauch	610 Owaissa St.	734-6194
Lillyan Smith	229 N. Park Ave.	739-4483
Minna Weiner	39 S. Meadows Dr.	734-5218

Next meeting is Thursday, September 2, 1971 at Cynthia's house at 7:30 p.m. At 8:30 Attorney Don Jury will speak to us about the Family Code for Wisconsin and of the laws involved in Family Court cases.

Pat and Joy have been briefed on the study and now have their assignments. Joy is going to distribute, collect, and interpret the questionnaire which is almost ready to send to 100 people involved in divorce or legal separation in Outagamie County within the last 14 months. Pat is going to (with Jane) work up another questionnaire for the social workers and other professional personnel involved in cases related to Family Court.

Be thinking of consensus questions! Joy reminds me they must be published in the October bulletin and must be approved by the Board prior to that.

Cynthia