

HEARSAY

GENESEE COUNTY
CIRCUIT AND
PROBATE COURTS
E-NEWSLETTER

a quarterly publication

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VOLUME 2, ISSUE 3

APRIL 2016

SOBRIETY COURT

After a presentation to the Circuit Court Criminal Division Judges, District Judge Vikki Bayeh Haley agreed to author an article about the new Sobriety Court over which she presides.

The Genesee County Sobriety Court (GCSC) operates under the authority of Chapter 10A of the Revised Judicature Act; MCL 600.1060 and follows ten principles set forth by the national association of drug court professionals (See www.nadcp.org). The program was developed with the hope of reducing recidivism and restoring alcohol dependent offenders to sobriety.

The Genesee County Sobriety Court operates under a “team” concept consisting of individu-



als from various disciplines within the criminal justice system and social services system who make recommendations to the Sobriety Court Judge. Participants must be over the age of 18, have more than one drinking/driving related offense, and be alcohol dependent.

Defendants charged with operating while intoxicated are ineligible if the driving resulted in serious injury or death. Violent offenders as defined by MCL 600.1060g are also ineligible.

Sobriety Court is open to individuals charged with either a felony or misdemeanor, residing in Genesee County.

The conviction must be a drinking and driving offense for participation in Sobriety Court.

Procedurally, a defendant is referred to sobriety court by a judge upon acceptance of a plea. Before sentencing, a defendant meets with a probation officer who is a part of the so-

briety court team and is evaluated for eligibility.

The evaluation includes an assessment to determine the level alcohol dependency, if any. The team reviews each case to deter-

mine if a defendant would be accepted into the program. A written recommendation is then forwarded to the sentencing court who decides whether to sentence a defendant to sobriety court as a condition of probation.

A defendant may not participate in GCSC unless accepted into the program and sentenced to GCSC by the sentencing judge. Contrary to popular belief sobriety court does not replace any mandatory minimum jail terms.

The program is a treatment based program implementing many components of rehabilitation including participation in a 12-step program, counseling, and intensive monitoring for illegal drug and alcohol.

GCSC program is divided into four phases. The first and most intense phase requires the participant to attend 90 12-step meetings in 90 days, engage in substance abuse counseling. Drug testing twice a week is

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⇒ Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.

⇒ FACT: Rigorous studies examining long-term outcomes of individual Drug Courts have found that reductions in crime last at least 3 years and can endure for over 14 years.

⇒ FACT: The most rigorous and conservative scientific “meta-analyses” have all concluded that Drug Courts significantly reduce crime as much as 45 percent more than other sentencing options.

Source: The National Association of Drug Court Professionals

THE CHIEF SPEAKS

NATIONAL WOMEN'S HISTORY MONTH

In 1980, President Jimmy Carter issued the first Presidential Proclamation declaring the week of March 8th 1980 as *National Women's History Week*. This was followed by a bi-partisan sponsored Congressional Resolution for *National Women's History Week* in 1981.

Each subsequent year required new resolutions, preceded by lobbying efforts throughout the nation to continue to recognize the contribution of women in leadership roles.

In March 1987, Congress declared the month of March as *National Women's History Month* in perpetuity. A special

Presidential Proclamation is issued every year honoring the extraordinary achievements of American Women.

The theme for 2016 is "*Working to Form a More Perfect Union: Honoring Women in Public Service and Government.*"

I want to dedicate this article to the service and leadership of women in the legal community.

The first female Justice of the

Michigan Supreme Court was **Mary S. Coleman** (1973-1982). Coleman was born in Texas. Both of her parents were attorneys. Justice Coleman attended the George Washington University School of Law during the evening, while working fulltime.



She met her husband, Creighton Coleman, while in law school and they married after graduation. The family

settled in Marshall, Michigan. Justice Coleman was in private practice, followed by service as a Calhoun County Probate

Judge from 1961-1973. Creighton Coleman was a State Senator and a Calhoun County Circuit Court Judge (1960-1982).

Mary S. Coleman was elected to the Michigan Supreme Court in November 1972. She was also the first female Chief Justice of the Michigan Supreme Court serving from 1979 until close to the end of her service on the Bench. She retired in 1982.

The first female Genesee County Circuit Court Judge was **Elza H. Papp** (1965-1972). Papp was born in Pennsylvania but lived most of her life in Flint, graduating from Flint Central High School. She graduated
(Continued on Page 4)

ADMINISTRATOR CORNER

ADULT PROBATION GETS NEW REGIONAL MANAGER

In December 2015 Stephanie Musser assumed the position of Region Manager, Outstate Territory, Michigan Department of Corrections, Field Operations Administration. A long title for what most of us call "the person in charge of adult probation."

In reality the position has a great deal of responsibility for probation and parole services in a seven county region, including Genesee County. The local office is the largest in her area.

There are 62 probation and parole agents in the Flint Of-

fice, with a total staff of 75. Both offices are located on the corner of Beach and Court Street, across from the Genesee County Courthouse.



Stephanie has worked for the Michigan Department of Corrections since 1994. Her most recent position, before the one she currently holds, was as a parole violation specialist for the outstate region. The job involved sanctioning parole

violators, with the possibility of return to prison or alternative programming (prison diversion).

The Parole Board is the final authority, typically following a departmental recommendation of prison diversion. If the sanction includes a recommendation of return to prison, there is a revocation hearing before the Parole Board.

Stephanie is originally from Haslett, Michigan. She holds an undergraduate and master's degree from MSU.

On a lighter note, Stephanie was exposed to the annual chili contest between the probation and parole staff. Each year, the unofficial adult probation ambassador, Bob Wesley, drafts a few judges and other

court staff to "judge" the offerings. The event has morphed into a smorgasbord of lunch items, far beyond the beginnings of the chili-off.

This year the judges included Judges Hayman, Latchana, Fullerton and Perry. I was also invited to judge the chili and once again it was a hard decision. A good time was had by all. - bam



Laurie Fraidenburg is the new Judicial Secretary for Judge Theile. She is from the Fenton area and attended Lake Fenton High



Above Photo: Laurie Fraidenburg, Cheryl Benway, Mark Harrison, Jennifer Keillor and Kristyne Traver.

Photo on the Right: Cassandra Swartwood.

School. Before accepting her current position, she worked for Genesee County Friend of the Court for 23 years. While there, she worked in

several capacities as a file clerk, switchboard operations and at their information desk.

Cheryl Benway is the new Court Financial Officer. She attended Baker College where she received a bachelor's degree in accounting and also Central Michigan University where she received a master's degree in general business administration. Her work experience includes private sector employment and non-profit organizations. Of particular interest is her tenure with two German automotive part suppliers as an accounting manager. She traveled to Bavaria frequently for work assignments and became fluent in the German language. She brings a strong and diverse financial background to her position.

Mark Harrison is the new jail population monitor and pre-bail interviewer assigned to the Court Services Division. Mark attended the University of Michigan-Flint and received a bachelor's degree in criminal justice. In addition, he attended the Flint Police Academy and the Oakland County K9 Academy. Mark spent thirteen years with the Genesee County Sheriff Department as a correctional officer. In his current role, he primarily conducts pre-bail interviews to provide information on a defendant's family ties, employment, education, length of residence and other related matters. This background information is provided to a district judge to assist with release and bail decisions.

Jennifer Keillor is the new Judicial Advisory Assistant for Judge Theile. She grew up in a rural community in Sanilac County. As an undergrad, she attended the University of Michigan (Ann Arbor). She majored in psychology with a minor in Asian Studies. After graduating, she attended the University of Toledo School of Law. As a law school student, she interned with the Ohio Court of Appeals, with the Federal District Court of Northern Ohio and with the Ohio Attorney General. She is

presently admitted to the State Bar of Michigan.

Kristyne Traver is the new Judicial Secretary for Judge Gadola. She attended the paralegal program at Mott Community College and graduated from Ferris State University with a criminal justice degree. She was previously employed at the Friend of the Court as a paralegal within the child support modification unit. In addition, she was also an interstate paralegal with the Family Support Division of the Prosecuting Attorney.



Cassandra Swartwood is from Clio, Michigan where she presently lives. She is the new part-time coordinator for Veteran's Court. She attend the University of Michigan-Flint and has a bachelor's degree in social work. Her work experience includes working for the Clio Law Center, a general practice law firm. She is also currently working at Mott Community College as a cashier generalist in student accounts. -jep



- Attorneys are advised that the Michigan Department of Corrections (MDOC) has restricted the use of "court to prison" video conferencing. Only assigned appellate counsel are permitted to continue with prison video visits.

- Thanks to the building and grounds department for assisting the court with the 1st floor move in juvenile services and reimbursement. Once again, a great job.

- The court tech team will be hosting another *Tech Talk* session on May 5, 2016 on printing with Windows and JIS. Watch your email for registration information. By the summer of 2016, all court PCs will have Windows 8 installed.

uated from the Cleveland Law School and was admitted to the practice of law in 1945, becoming the first female Assistant Genesee County Prosecutor. Papp was elected to the Circuit Court in 1965 and retired in 1972.

The first female judge of the former 68th District Court was **Judith A. Fullerton** (1980-1982). Judge Fullerton was originally from Oklahoma. She graduated from the George Washington University School of Law. Her work experience includes employment as an attorney at the United States Security & Exchange Commission, Office of the Genesee County Prosecutor and Chief Assistant City Attorney, City of Flint.

Judge Fullerton was elected to the Genesee County Circuit Court in 1982. In addition to a civil-criminal docket, she is currently serving as the inaugural Business Court Judge for the Court.

Arthalu Lancaster (1989-2002) was the first female judge to serve in the 67th District Court. Lancaster also served as the first female president of the Genesee County Bar Association (1987-1988). She began her legal career in 1968 as an assistant prosecuting attorney. Two years later, she entered the private practice of law.

Her retirement party was May 9, 2002, the same day that the Genesee County Bar Association dedicated the building purchased by its members.

Jennie E. Barkey (2006-current) is the first female Genesee County Probate Court Judge. Barkey was admitted to the practice of law in 1979 and was appointed as the Genesee County Friend of the Court in 1989.

During her service, she has been instrumental in creating and presiding over the Mental Health Court and Veteran's Treatment Court. Judge Barkey assists the Circuit Court in a variety of roles and is the Presiding Judge of the Probate Court.

Genesee County Circuit Court Jury Commissioner, **Charlotte Williams**, was the first female Chairperson of the Genesee County Board of Commissioners (1980). Williams was also the first African-American to serve as President of the National Association of Counties.

She is a very active member of the community and has been considered a strong role model for decades.

We have been well served by these leaders in public service and the law. It is a pleasure to highlight National Women's History Month - cjrby

for more information: *National Women's History Project* (www.nhwp.org); *Mary S. Coleman, Michigan Supreme Court Historical Reference Guide (1998)*, published by the Michigan Supreme Court Historical Society



2015 PUBLIC SATISFACTION SURVEY RESULTS ARE IN!

As referenced in the January 2016 edition of *Hearsay*, Michigan Courts participated in a statewide survey of court users. The Circuit and Probate Courts partnered on this project. Responses to the Circuit Court survey included the Friend of the Court.

The responses typically require the court user to strongly agree, agree, neutral, disagree or strongly disagree. A summary of the results are as follows:

Question 1: I was able to get my court business done in a reasonable amount of time today.

- Circuit Court: 81% agree or strongly agree
- Probate Court: 87% agree or strongly agree
- Statewide: 87% agree or strongly agree

Question 2: I was treated with courtesy and respect by court staff.

- Circuit Court: 91% agree or strongly agree

- Probate Court: 98% agree or strongly agree
- Statewide: 94% agree or strongly agree

Question 3: The way the case was handled was fair.

- Circuit Court: 77% agree or strongly agree
- Probate Court: 91% agree or strongly agree
- Statewide: 83% agree or strongly agree

Question 4: The judge/magistrate/referee treated everyone with courtesy and respect.

- Circuit Court: 87% agree or strongly agree
- Probate Court: 96% agree or strongly agree
- Statewide: 89% agree or strongly agree

Question 5: The outcome in my case was favorable to me.

- Circuit Court:

- 64% agree or strongly agree
- Probate Court: 78% agree or strongly agree
- Statewide: 68% agree or strongly agree

Question 6: As I leave the court, I understand what happened in my case.

- Circuit Court: 81% agree or strongly agree
- Probate Court: 89% agree or strongly agree
- Statewide: 87% agree or strongly agree

Question 7: What type of case brought you to the courthouse today?

[highest percentage of responses]

- Circuit Court: 42% domestic or child protective proceeding
- Probate Court: 33% guardianship/conservatorship
- Statewide: 24% criminal/probation matters

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WASHTENAW COUNTY JUVENILE PROBATION WATER DONATION



Washtenaw County and Genesee County Juvenile Probation Officers

As the youth involved with Washtenaw County juvenile probation (WCJP) watched the effects of the water crisis in Flint, they thought it would be a great idea to help youth who, like them, are also under court supervision and may need assistance. In response Linda Edwards-Brown (Washtenaw County Family Court Administrator),

her staff William Malcolm, Sarah Stein and two youth made the snowy trek to downtown Flint on February 10, 2016 with two truckloads of water and a \$332.00 cash donation. We send our thanks to WCJP, along with Laborers Local 499. How grateful we are to be in the thoughts of our neighboring communities and fellow colleagues!! Genesee County Juvenile Probation will use the cash donation

to provide certificates for nutritious lead-fighting foods. —dm



(faces intentionally obscured)

AFTER ADOPTION: STARTING THE SEARCH



Do you ever wonder what happened to that long-lost family member who was adopted out of your family? Were you adopted and wishing you could find your biological family members? Where would you start your search if you didn't even have a name to look for?

Some people search the Internet, hoping to find answers. Others think of trying talk shows. Many people have no idea that their local and state governments are great places to begin.

The Genesee County Circuit Court Family Division Adoption Unit responds to all inquiries about adop-

tion-related matters. If the answer is not here, adoption staff will direct people where else to search. Adoptees (people who were adopted) and former family members can go to the local circuit court in the county in which the adoptee and/or the adoptive parent(s) resided at the time of the adoption, as a court adoption file will be maintained.

Submitting proof of relationship to the file, as well as a "Petition for Adoption Information," starts the formal process.

An adoption caseworker would then begin the search for information about the adoption and for any subsequent activity

relating to the case. The petitioner would be guided through the rest of the process. There are fees, depending on what the petitioner is trying to accomplish.

Not all reunions are easy and every search is different. There are several factors that effect the ability to get information from the court. Despite the differences, the court search always begins with a petition. Go to <http://7thCircuitCourt.com/wp-content/uploads/2016/03/Request-for-information-from-adoption-record.pdf> for instructions and forms to start a search, or contact the Adoption Unit at 810.424.4470 for more information. —da

RE-ENGINEERING OF THE REIMBURSEMENT OFFICE

Cash, checks, credit card and money order payments are accepted.

**COLLECTIONS HOTLINE:
810.257.2711**

client reports to his/her probation officer for the first time.



At the conclusion of their initial meeting, the probationers are directed to the court financial staff. A financial interview takes place and an ability to pay determination is made.

Payment plans are established and wage assignments are entered when applicable. Cash, checks, credit card and money order payments are accepted. There is an ATM in the courthouse to facilitate payments.

The hours of operation at Adult Probation are Monday-Thursday, 8:30-4:00. The hours of the reimbursement office are Monday-Friday, 8:00-4:00.

We would like to thank the Adult Probation office staff for playing an important role in as-

sisting the court with collections.

We appreciate their mutual interest in explaining to defendants that all conditions of probation must be complied with, including financial obligations. —cb

Commencing October 2015, a successful collaboration began between the Reimbursement Office and the MDOC Adult Probation Office.

Court financial staff are now embedded in the adult probation office as an additional point of payment.

This has contributed to a 28% increase in the collection of general fund revenue.

The joint effort begins when a

| Collection Enforcement Comparison | |
|---|------------------------|
| 10.1.14 - 3.31.15 | 10.1.15-3.31.16 |
| 136 payment plans | ↑ 525 payment plans |
| 15 wage assignments | ↑ 321 wage assignments |
| 4950 transactions | ↑ 8860 transactions |
| Satellite Office Activity October—March FY 15/16 | |
| State revenue | \$22,283.26 |
| County revenue | \$19,781.93 |
| Restitution | \$2,304.21 |
| Total | \$44,364.40 |

GETTING TO KNOW TARA PENDER, DHHS COURT LIAISON



We are pleased to highlight the good work of the DHHS Court Liaison, Tara Pender. Tara has been working in the position of DHHS Court Liaison since December 2013. When asked her primary job responsibilities, Tara replied, “Whatever people need.”

That positive attitude has made the position a great success, and an asset to the Court and to the DHHS. The Court and the DHHS may have different roles

in child protective proceedings, but the same goal: achieving permanency for children. Tara helps facilitate a working relationship between the two systems to achieve our common goal.

The position of DHHS Court Liaison was originally created in the larger, urban counties to assist private agency workers and DHHS staff in navigating the procedural requirements of the Court, and to help the Court staff better understand DHHS policy.

Each County utilizes the position in different ways, but the end result is the same – better communication to help achieve permanency.

The judicial offices and staff

have found the position to be very beneficial. Tara may be involved in something as challenging as facilitating a discussion regarding the placement plan for a child, or as simple as getting a birth certificate for a neglect file, but her input is always appreciated.

Previously, Tara worked as a Child Protective Services and Maltreatment Investigator for DHHS for several years. Her experience and knowledge of DHHS policy and Court procedures has been critical to the success of the position.

Her office is located on the 5th floor of the Circuit Courthouse, near the Milliken Room. Please join in welcoming Tara to our Court team. —ri

SOBRIETY COURT (CONT'D.)

required. Alcohol use is monitored either through a breath test 3 times a day or an alcohol tether.

Participants in Phase 1 are required to attend court sessions twice a month and meet regularly with their probation officer.

After completion of Phase 1, participants may be eligible for restricted license. Installation of an interlock device is required before a restricted license may be issued.

Gradually restrictions and requirements are modified as the defendant moves through the program. The program is de-

signed to last between 18 and 24 months.

Failure to comply with the requirements of the program may result in a sanction particularly designed for the individual defendant and varies depending on the nature of the violation.

Sanctions include, but are not limited to, being held back from advancing to the next phase, work detail, additional counseling, additional 12-step meetings, jail or expulsion from the program.

The GCSC judge will decide what type of sanction to impose after receiving input and recommendations from team

members. If jail or expulsion is the possible sanction, the defendant is afforded full due process rights.

In the event a defendant is expelled from the program, GCSC will notify the sentencing court. The defendant will return to the sentencing court for possible probation violation proceedings.

Defendants participating in sobriety court must pay \$300.00 for the program. Additionally, the defendants are required to pay the costs of drug testing, Breathalyzer devices, interlock, and alcohol tether.

Payment programs may be set up, and every effort is made to accommodate the needs of indigent individuals.

The National Center for DWI Courts attribute the success of sobriety courts to the frequent contact with the court and intensity of the program.

It is also believed that listening to other success stories from other defendants who have achieved long term sobriety through the program can help motivate defendants to reach their own goal of long term sobriety. -jvbh

DOWNTOWN HAPPENINGS

- Don't miss the **9th Annual Flint Handmade Spring Craft Market** on Saturday, April 30th from 10am – 4pm at Flint's Masonic Temple. The market will feature a wide variety of unique modern handmade items such as local foods, art glass, jewelry, knit goods, hand poured candles, and natural beauty products.

- **Wildroot Coffee** recently opened on the corner of Court & Franklin streets. Specialty brews, snacks & good conversation is what they offer here. Wildroot will soon be expanding their lunch menu.

- Check out the **Genesee Conservation District** Facebook page for great information & articles. Their page provides a

plethora of information to help educate the public on co-existing with animals (coyotes!), invasive plant species that may be creeping through your garden, pests, and so much more.

- The **Cinco De Mayo Flint 5K** is returning for another year! On May 7th, at 9am, starting at the Swartz Creek Golf Course and get a chance to run a portion of the course that is included in the Crim. Participants will receive a festive sombrero and be able to enjoy post-race festivities that include delicious Mexican snacks from Rico's Authentic Mexican Take-Out!

- If you miss having lunch at the Potato Patch in the old Windmill Place then you'll be

thrilled to try **Spectacular Spudz** now located in the Flint Farmer's Market! This eatery, which opened in October, offers a dozen different toppings for their premium baked potatoes including Philly Steak & Onion, Bacon, Chicken & Cheese and so many more!

- Free **Urban Artfare** at the Loft on May 13th during Artwalk from 6-11pm. Featuring Flint famous visual artists and spoken word poets.

- Register now for the **Tour de Crim** happening on Saturday, May 14th at 11am. This is a family-friendly bicycle ride with optional obstacles! All ages can come and enjoy music, food & downtown festivities! Costumes & decorated bikes are strongly encouraged! www.crim.org

- Hungry for lunch but can't make it to your favorite spot in 30 minutes or less? Get it delivered! **5100Jet** has a list of local restaurants that will deliver right to your home or business, including Outback or BWBs! www.5100Jet.com

- Log on to www.geneseecountyparks.org events tab for a list of their classes which are available for everyone from kids to seniors. They offer a variety of classes including cooking, healthy living, wild adventures, hiking, photography, gardening and beyond. -cv

- The first two court employees to send an email to *Hearsay* will receive our thanks.

2015 SURVEY (CONT'D.)

Questions 8: Who are you?
[highest percentage of responses]

Circuit Court:
32% of respondents were a party
Probate Court:
37% of respondents were a party
Statewide:
54% of respondents were a party

Question 9: What is your gender?

Circuit Court: 63% female
Probate Court: 54% male
Statewide: 54% male

Question 10: How do you identify yourself?

Circuit Court:
61% white
30% African American/Black
Probate Court:
80% white
14% African American/Black
Statewide:
71% white
19% African American/Black



Hearsay is now available on the Circuit Court website www.7thCircuitCourt.com/hearsay-newsletter

We want to hear from you! Send us an email letting us know what you would like to see in the newsletter and feedback on the current edition. You can also submit ideas and information about activity in your department. hearsay@7thcircuitcourt.com