

# DISPOSITION

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## Dispositional Hearing

- Child must be adjudicated CHIPS before disposition is entered
- If commissioner took plea of admission, judge must review at the beginning of the Dispositional Hearing
- Dispositional Hearing is mandatory
- Time Limits – Within 30 days of Fact-Finding Hearing or admission

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## Dispositional Hearing

Question.....

What is the purpose of a  
Dispositional Hearing?

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## Dispositional Hearing

The purpose of a Dispositional Hearing is for the court to determine the proper placement, treatment, and services to order in the case, based on the evidence presented to the court at the hearing.

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## Dispositional Court Report

- Required prior to disposition in all CHIPS cases
  - Available to parties at least **48 hours** before hearing – Sec. 48.293(2) unless a different local rule
  - Ch 48 requires written report if out-of-home placement is recommended for child
- Contents of Court Report: Sec. 48.33(1), which includes the “case plan”

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## Dispositional Hearing Procedures

- Hearing must be recorded
- Common law and statutory rules of evidence are NOT binding
- Under Ch 48, child must be present unless
  - Court finds it in best interest of child with counsel's and GAL's consent to exclude
  - Court finds child under 7 too young to comprehend and in child's best interest

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## CHIPS Dispositions



- Court may counsel child, parent, guardian, or legal custodian
- Court may place child under supervision of an agency or suitable adult
- Court may place child at home under supervision an agency and order agency to provide services

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## CHIPS Dispositions



- Designate one of the following as placement:
  - Home of parent, relative, non-relative (less than 30 days)
  - Foster home
  - Guardian home
  - Group home
  - Residential Treatment Center
  - Supervised independent living arrangement

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## CHIPS Dispositions



- Court may transfer legal custody if rehabilitation or treatment cannot be accomplished voluntarily by parent or guardian
- Court may order special treatment and care to be provided to:
  - Parent
  - Guardian
  - Legal custodian

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## CHIPS Dispositions



- Out of Home date of expiration of order, shall be later of:
  - At end of one year after entry of order
  - When child reaches 18
  - When child reaches 19 if qualified full-time student
  - When child reaches 21 if qualified full-time student
    - Must have an IEP
    - Child must be 17 or older when the order is entered
    - Child or child's guardian must agree
  - OR Judge can specify earlier date
- In Home: 1 year maximum

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## CHIPS Dispositions



- Order the Agency to provide Services
- Establish Conditions of Return
  - Specific to the Case
  - Realistic and Attainable
  - Understood by the Parents and the Agency

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## Current Conditions for Return

- Standard 12 – 18 conditions
- Same conditions regardless of facts of case or specific needs of family
- No direction for parents on what are most important conditions or what the initial focus should be
- Overwhelming for parents

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## Tailored and Effective Court Orders



- Why important:
  - Address specific needs of family
  - Increase likelihood of reunification
  - More productive permanency plan and review hearings
  - More timely permanence
  - TPR Cases

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## Setting Conditions

- Remember the goal is to ensure safety.
- Success requires family buy-in: crafting conditions should be a collaborative process.
- Clarity is key to fairness. Be clear and specific.
- Stay focused on essentials and set priorities.
- Be willing to reconsider or adjust conditions based on individual circumstances.
- The more relevant the conditions, the easier and fairer it will be to enforce them.

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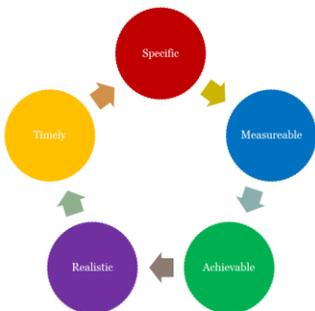
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## Setting Conditions: Smart Goals



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## Progressing Toward Goals

- Prioritize services and conditions that advance family integrity.
- Less is often more when it comes to the number of conditions and the consequences for failing to meet expectations or achieve interim goals.
- Rewards are more effective than sanctions in motivating behavior change. Important to acknowledge each step on the road to success.
- However, judge is not required to return child if conditions of return have been met.
  - Compliance with Dispositional Order Conditions of Return is not dispositive of the child's best interests. *In the Interest of Nadia S.*, 219 Wis.2d 296 (1998).

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