

FACT-FINDING HEARING CHECKLIST – CHIPS

1. Review s. 48.31 and Wisconsin Juvenile Jury Instructions.
2. Fact-finding hearing to be held:
 - A. Within 20 days of the plea hearing if child is held in secure custody.
 - B. Within 30 days of the plea hearing if child is not held in secure custody.
3. Trial to the Court unless a Jury Trial is requested before or during the plea hearing – 48.31(2).
 - A. Jury trial – 6 persons (5/6 verdict required).
4. Child victim or witness may provide testimony by deposition if court allows it.
5. Court or jury determines the facts using the clear, satisfactory, and convincing evidence standard of proof.
 - A. If WICWA case, the court or jury must also find that continued custody is likely to result in serious emotional or physical damage (by qualified expert witness testimony) and active efforts have been made to prevent breakup of the family.
6. Court makes the conclusions of law related to the allegations of the petition.
7. Court may use written reports upon a waiver of the parties.
8. If child is found in need of protection or services, a dispositional hearing is to be set – 48.31(7)(a):
 - A. Within 10 days if the child is held in secure custody.
 - B. Within 30 days if the child is not held in secure custody.
 - C. If all parties consent, court may proceed immediately with the dispositional hearing.
9. If it appears that disposition of the case may include placement outside of the child's home, the court shall order the parent to provide financial information to the court and county at least 5 days before the dispositional hearing – 48.31(7)(b) and (c).