

# Stipulated Plea Hearing Checklist - CHIPS

- ❑ **ATTORNEY:** Is the party proceeding without an attorney?
  - Consider form JD-1736 for waiver colloquy with unrepresented party.
  - Should court appoint counsel for the parent pursuant to the factors set forth in *Joni B.* or refer the parent to the State Public Defender's Office if WICWA case?
  
- ❑ **JURISDICTION:** When taking a plea to jurisdiction (§ 48.30), the court shall address the parties present. Use form JD-1735: Plea Questionnaire/Waiver of Rights for CHIPS and JIPS. *After full colloquy establishing a knowing and voluntary waiver of trial rights, ask the following questions:*
  - Do you have any questions that you want to ask me or your attorney before I go through questions I need to ask you?
  - Have you had enough time to discuss this with your attorney? Are you satisfied with the representation provided by your attorney?
  - Do you understand that the petitioner must prove that your child is in need of protection or of services that can be ordered by the court because (read the jurisdictional statute alleged under § 48.13)?
  - Have you read the Petition or has someone read the Petition to you?
  - Are you admitting to the allegations in the Petition?

-OR-

Do you understand that a plea of no contest means that you are saying that the petitioner does **not** have to prove the facts in the Petition? Do you also understand that if you enter a plea of no contest, the court will find that the allegations in the Petition are true?

  - Are you admitting to the allegations in the Petition?
  - Did anyone promise you anything or threaten you to admit or plead no contest?
  - Have you had any drugs or alcohol in the past 24 hours?
  - Are you using any prescription medication?
  - Do you understand that you still have the right to a hearing on what the order should contain as to where your child is placed, who has custody of the child, what you have to do to get your child back if they are not placed with you, what you have to do to keep your child if placed with you, and what services the agency must provide for you and your child?
  - Counsel, have you had a chance to go over the allegations in the Petition with your client? Are you satisfied that your client understands the nature of the allegations? Are you satisfied that your client's plea is knowingly, voluntarily, and intelligently made?
  - Can the court use the facts alleged in the Petition to make a finding that there are sufficient facts to find that the child is in need of protection or services?

□ **Make the following findings:**

- The court finds that the parties are entering their pleas knowingly, voluntarily and intelligently with full understanding of the nature of the acts alleged in the Petition as well as the potential dispositions. The court further finds, based upon the statements and the facts alleged in the Petition that there is a factual basis for the acceptance of the plea and the court, therefore, accepts the plea. § 48.30(8).
- Based upon the plea and the factual basis for the plea, the court declares the child in need of protection or of services because [read the jurisdictional statute/ground alleged under § 48.13].