

Disposition and Tailored and Effective Court Orders

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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 (s. 48.30(9))
- Dispositional Hearing is mandatory
- Time Limits – Within 30 days of Fact-Finding Hearing or Plea Hearing

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.

Dispositional Court Report



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

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/GAL's consent to exclude
 - Court finds child under 7 too young to comprehend and in child's best interest

CHIPS Dispositions



- Court may counsel child, parent, guardian, or legal custodian
- Court may place child under supervision of an agency or suitable adult
- Order must include the specific services to be provided to the child and family

CHIPS Dispositions



- Designate one of the following as placement:
 - Parent
 - Relative
 - Includes parent of a sibling who has legal custody of sibling
 - Unlicensed, non-relative (up to 30 days)
 - Alleged father and his relatives
 - Foster home
 - Guardian
 - Group home
 - Residential Treatment Center
 - Supervised independent living arrangement

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

Dispositional Order Expiration Date



- Out of Home, shall be later 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

TPR Warnings



- Oral and written advisements required when:
 - Child is placed out of the home
 - Parent is denied visitation
- Must include:
 - Possible grounds for TPR
 - Conditions for return
- Written warnings tied to certain TPR grounds

Conditions for Return



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

Typical 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

Tailored and Effective Court Orders

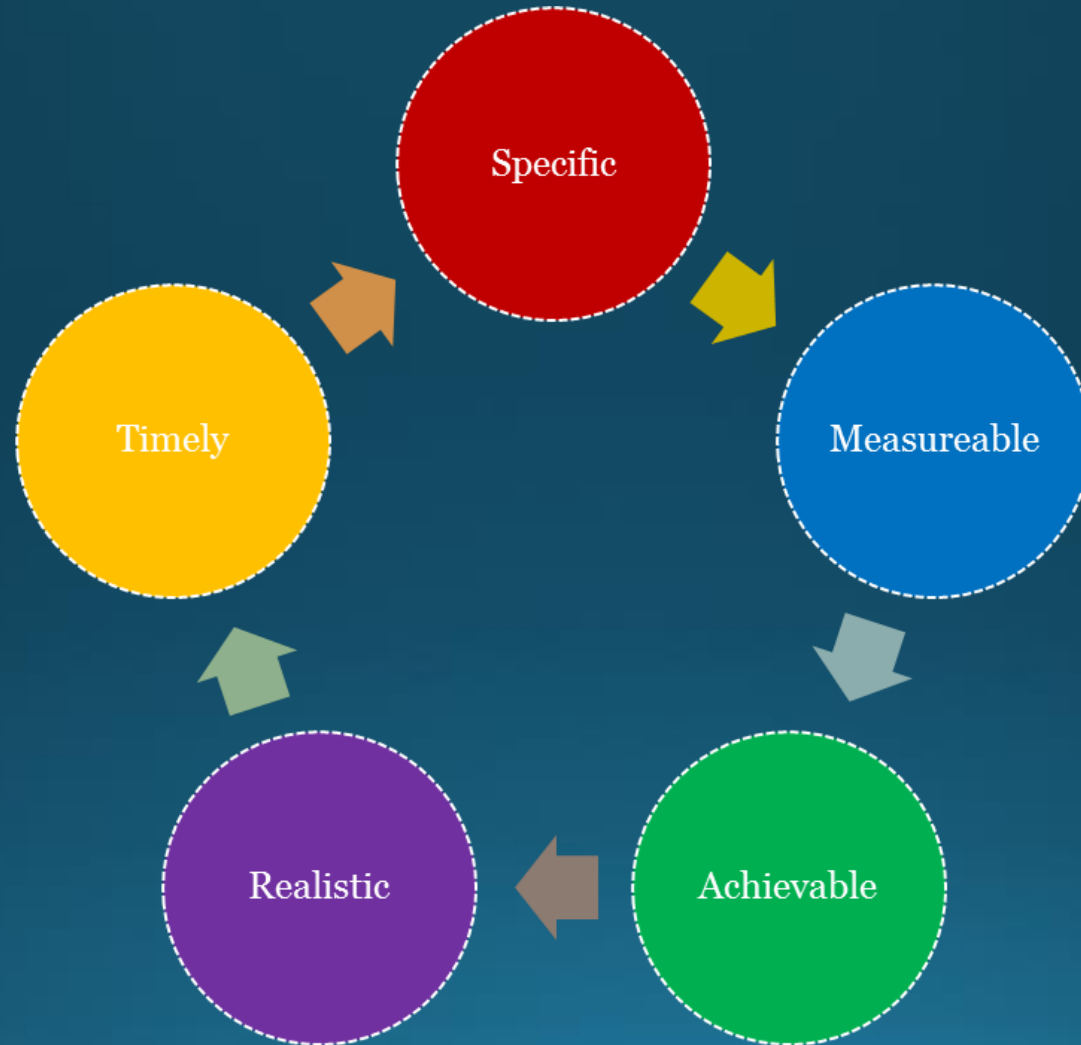


- Why important?
 - Address specific needs of family
 - Increase likelihood of reunification
 - More productive permanency plan and review hearings
 - More timely permanence
 - TPR Cases

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

Setting Conditions: Smart Goals



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)