



Juvenile Clerks Meet-up JIPS & Delinquency Procedures

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Please note that the information contained in this presentation is not meant to be construed as legal advice.

Any guidance provided should not override a judge's decision and authority.

Questions are welcome; however, CCIP is unable to provide input on individual cases.

Thank you!

Juvenile Cases



Case Types

Chapter 48

JC: "Juvenile CHIPS"

- CHIPS
- UCHIPS
- Abortion Parental Waiver

JG: Juvenile Guardianship

TP: Termination of Parental Rights

JA: Adoption (also AD)

Chapter 938

JV: "Juvenile Delinquency"

- JIPS
- Delinquency

JO: Juvenile Ordinance

Other

Jl: Juvenile Injunction

JM: Juvenile Mental (also ME)

GJ: Group Juvenile

JV Cases

JIPS

Grounds - § 938.13

- (4) Uncontrollable
- (6) Habitually Truant from School
- (6m) School Dropout
- (7) Habitually Truant from Home
- (12) Delinquent Act under 10 years
- (14) NGI or Not Competent

Age

Under 18 years old

Delinquency

Grounds - § 938.12

Committed criminal act (misdemeanor or felony)

- Excludes traffic offenses committed by 16 year old - § 938.17(1)
- Excludes original adult court jurisdiction cases - § 938.183

Age

10 to 17 years old



Juvenile Case Types Memo: <http://courtnet.wicourts.gov/policies/docs/juvcasetypes.pdf>

TPC Hearings & Petitions



Temporary Physical Custody (TPC) Hearing

CHIPS: Within 48 hours of the custody decision

JIPS & Delinquency: Within 24 hours end of the day custody decision made

- § 48.21(1)(a) and § 938.21(1)(a) only exclude “legal holidays” and weekends from the calculation
- § 995.20 defines legal holidays as:
 - New Year’s Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Juneteenth Day, 4th of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and certain election days
 - * The day after Thanksgiving, Christmas Eve, New Year’s Eve, courthouse closures, and additional county holidays are **NOT** excluded from the calculation



TPC Hearing – Filing a Petition

Ch. 48

- A CHIPS petition must be filed by time of TPC Hearing or, if extension granted, within 72 hours of hearing - § 48.21(1)(a)-(b)
- Excludes weekends and “legal holidays”

Ch. 938

- A JIPS/delinquency petition OR request for change in placement, extension or revision must be filed by time of TPC Hearing or, if extension granted, within 48 hours of hearing - § 938.21(1)(a)-(b)
- Excludes weekends and “holidays” (statute is silent so § 801.15(1)(b))



Who can file a Ch. 938 petition?

Delinquency

- District Attorney

Note: If using alpha suffixes, only use for same calendar year

JIPS

- Attorney representing interests of the public, §938.09
 - Corporation Counsel, District Attorney, or Contract Attorney
- Counsel or GAL for parent, relative, guardian, or juvenile

Note: If privately filed (not jointly filed), corporation counsel/DA is not a party. Enter as notice recipient if providing notice of hearings



Capias - Statute

§ 938.28 - Failure to obey summons; capias.

If any person summoned under this chapter fails without reasonable cause to appear, he or she may be proceeded against for contempt of court under ch. 785. If the summons cannot be served, if the parties served fail to respond to the summons, or if it appears to the court that the service will be ineffectual, a capias may be issued for the parent, guardian, and legal custodian or for the juvenile. Subchapter IV governs the taking and holding of a juvenile in custody.



Capias - Adding

- Circuit court form JD-1714
 - Only available on CourtNet & within CCAP (not on public website)
- Adding a Capias
 1. Case actions > create form > selects and generates the Capias (JD-1714)
 2. Capias Authorized (**CAPA**) event is automatically added to the court record
 3. Judge signs the Capias (JD-1714)
 4. Go into eFiling Review to process the signed Capias in the Returned from Judicial Review queue
 - By default, Capias Issued (**CAP**) is the selected court record event to docket the signed form
 - Upon docketing the form, the case goes into Warrant Issued (**WA**) maintenance



Capias - Removing

1. Go to case actions > create form > select the Order to Cancel Warrant/Capias/Commitment (GF-145)
2. Select if you would like the signed form to save to the **WCCC, WCCEE, or WCCS** court record event
3. Either sign the form electronically on behalf of the court official or send it to the judge to sign
4. If the clerk signs it electronically, the GF-145 is saved to the case, docketed to the court record event code they selected, and the Warrant Issued (**WA**) maintenance is removed
5. If the clerk sends it for signature, the judge signs it, then the clerk processes the signed order in eFiling Review
 - By default, the court record event code they selected upon generating the form is selected to docket the signed order
 - Upon docketing the signed order, Warrant Issued (**WA**) maintenance is removed



Capias – Maintenance Codes

- Capias Issued (**CAP**) – Adds Warrant Issued (**WA**) maintenance
- Warrant/Capias/Commitment Canceled (**WCCC**) – Removes Warrant Issued (**WA**) maintenance
- Warrant/Capias/Commitment Entered in Error (**WCCEE**) – Removes Warrant Issued (**WA**) maintenance
- Warrant/Capias/Commitment Served (**WCCS**) – Removes Warrant Issued (**WA**) maintenance



Petition to Disposition



Basic Hearing Timeframes

30 – 30 – 30

- Plea Hearing must be held within 30 days after petition filed
 - 10 days if juvenile in secure custody
- If contested, Fact-Finding Hearing must be held within 30 days of Plea Hearing
 - 20 days if juvenile in secure custody
- Dispositional Hearing must be held within 30 days after Fact-Finding Hearing or entry of admission
 - 10 days if juvenile in secure custody



Continuances: Good Cause Finding

§ 938.315(2):

A continuance may be granted by the court only upon a showing of **good cause in open court or during a telephone conference** under s. 807.13 on the record and only for so long as is necessary, taking into account the request or consent of the representative of the public under s. 938.09 or the parties, the interests of the victims and the interest of the public in the prompt disposition of cases.

Note: Cannot exclude time or grant continuance if it will delay the contrary to the welfare finding (at removal), reasonable efforts to prevent removal finding (within 60 days of removal), or reasonable efforts to achieve goal of the permanency plan finding (every 12 months)



Representation of Juveniles*

GAL Required	Adversary Counsel Required**
JIPS: Placed or recommended placed in out-of-home care	Delinquency cases
	JIPS: Held in juvenile detention
	JIPS: Sanction hearing
	JIPS: Placed or recommended placed in out-of-home care (under 12 may be represented by GAL instead)

*Court always has discretion to appoint GAL and/or adversary counsel for juvenile in JIPS and delinquency case

**A juvenile 15 years or older may waive adversary counsel, but cannot be placed in a correctional facility or waived into adult court.



Representation of Parents – JIPS Cases

- Parents have the right to hire their own attorney
- Parents are only appointed an attorney through the State Public Defender's Office if the JIPS case is subject to Wisconsin Indian Child Welfare Act (WICWA)
 - Uncontrollable, Truancy, Runaway, School Dropout grounds only



Plea Hearing

- Take pleas & inform parties of rights
 - **Delinquency and JIPS (delinquent act under 10):** Juvenile
 - **Other JIPS:** Parent, guardian, legal custodian, Indian custodian, and juvenile (if 12 or older or otherwise competent to enter plea)
- Notice of Rights and Obligations form – JD-1716
- Request for substitution must be made before the end of the Plea Hearing



Plea Options in CCAP – JV Cases

- ✓ **ADM** - Admission
- ✓ **NC** - No Contest
- ✓ **DEN** - Denial
- ✓ **DEF** - Default



Expiration of Consent Decrees

- Initial Term
 - CHIPS: Up to six months
 - Delinquency/JIPS: Up to one year
- Extension may be made up to an additional six months
- Automatically expires unless extended or vacated prior to expiration of the Consent Decree
 - Petition AND Order to Vacate must be made prior to expiration of the Consent Decree
 - *Interest of Leif E.N. & Nora M.S.*, 189 Wis. 2d 480, (Ct. App. 1994).



Consent Decree Reminders

- When a consent decree is ordered:
 - Enter Consent decree - in home (**CDIH**) or Consent decree - out of home (**CDOH**) court record event, which will put the case into Consent Decree maintenance
 - Create some type of system to track expiration date
 - e.g., Enter Consent Decree Termination Date (**CDTD**) activity code
- When a consent decree expires:
 - Reopen charges (**REOPC**) and add "Consent decree not extended" in the additional text for that event
 - Add one of the following court record events to take the case out of Consent Decree maintenance: Consent Decree Not Extended (**CDNE**) or, if the judge has specifically required a satisfaction be filed, add Satisfaction of Conditions of Consent Decree (**SCCD**)
 - Dismiss the charges (**DSMIS**) disposition code



Dispositional Court Report

- Section 938.33 does not provide timeframe, so follow local rule or discovery statute (§ 938.293 - 48 hours)
- Dispositional Court Report and Permanency Plan should not be sent to placement providers
- DCF Court Report templates should be used unless the county created their own court report document.
 - Original Disposition Report to the Court
 - Original Disposition Report to the Court (**ODRC**) or Court Report (**CR**)
 - Youth Justice Dispositional Court Report (New!)
 - Court Report (**CR**)



Expiration of Dispositional Order

Out-of-Home

Unless earlier time specified by court, the later of:

- 18th birthday
- High school graduation/equivalent or 19th birthday
 - If full-time student and reasonably expected to complete the program prior to age 19
- 21st birthday
 - If IEP, full-time student, and youth agrees

In-Home

- Up to 1 year
 - The order can be extended up to one additional year each time.



Correctional Placements

Serious Juvenile Offender Program (SJOP)

- Intensive treatment option available for specified offenses under § 938.34(4h)
 - All listed offenses apply to juveniles 14 years of age and older, smaller number apply to juveniles as young as 10 years old
 - **Must** be ordered at the time of the original Dispositional Order
 - Placement up to age 25 for Class A Felonies (One year mandatory minimum in correctional facility)
 - Up to five years for all other offenses
 - May not transfer to community supervision until juvenile has completed at least two years in SJO program
 - May not discharge until juvenile has completed at least three years in SJO program
- SJOP records (except evaluations and sensitive personal information) are open to inspection by any person who requests (§ 938.396(2g)(k))



Correctional Placements

Lincoln Hills/Copper Lake Schools

- 2017 WI Act 185/2019 WI Act 8 restructured juvenile correctional placements
 - Created Secure Residential Care Centers for Children and Youth (SRCCCY) designation and directed closure of LHS/CLS
 - Eliminated Type 1 juvenile corrections (LHS/CLS) as a dispositional placement option for non-SJOP juveniles—alternative to place in SRCCCY
 - No SRCCCY placements currently exist
 - DOC has issued memo directing that non-SJOP placement at LHS/CLS may occur through a change in placement only
 - Notice of change in placement hearing (or waiver of hearing) and documentation in support of change must be provided to DOC, with opportunity to object
 - Change of placement may occur at the same time as Dispositional Hearing, if notice has been provided



Correctional Changes in Placement

- When a juvenile is placed in the care and custody of DOC, the department may place the juvenile in a juvenile correctional facility or on community supervision or aftercare supervision, either immediately or after a period of placement in a juvenile correctional facility (§ 938.357(4)(am))
- DOC must send written notice of the change in placement to the parent, guardian, legal custodian, county department (if providing aftercare), and committing court
 - DOC has their own form to provide notice of release to the community
- No hearing is required



Clerk Responsibilities



DNA at Arrest – Probable Cause

- Statutory Requirement:
 - Notify DOJ if court has found probable cause that juvenile has committed a violent offense
- Clerk's Responsibility:
 - Check "Probable Cause" checkbox for charge in the case where PC is found
 - Checking this box will send a "test the DNA" message to DOJ if the charge is a violent crime as defined by statute
 - Talk to the judge(s) to establish process for how probable cause will be found in delinquency cases



Summary
Parties
Activities
Court record
Documents
Charges
Financials
Disposition
Judgments
Data reporting
Exhibits

Data reporting

Department of Natural Resources

Time reported Reason

Department of Justice Firearms Restrictions and Involuntary Commitments

Date reported Reason

Department of Justice DNA@Arrest

Date reported Reason

08-01-2022 Probable cause found

Exhibits

Document exhibits

--Choose action-- Create Edit views

Number	Title	Party type	Party	Filer	Activity	Sealed	Confidential	Offered	Status
Start typing to filter	Start typing to filter	All	Start typing to filter	Start typing to filter	Start typing to filter	All	All	All	All

Other exhibits

--Choose action-- Create Edit views

Number	Title	Biological material	Original for court	Storage location	Party type	Party	Activity	Offered	Status	Date destroyed	Return date	To whom
Start typing to filter	Start typing to filter	All	All	Start typing to filter	All	Start typing to filter	Start typing to filter	All	All	Start typing to filter	Start typing to filter	Start typing to filter

DNA at Arrest – Failure to Appear

- Statutory Requirement:
 - Juvenile failed to appear for a delinquency proceeding
- Clerk's Responsibility:
 - Use Juvenile Nonappearance (**JNONA**) in all JV cases when juvenile fails to appear
 - Use Other Nonappearance (**ONONA**) when someone other than juvenile fails to appear (e.g., parents)



Firearm Restriction

Adjudication and Prohibited Possession of Firearms and Caregiver License Restriction Report (GF-220)

Required: When juvenile adjudicated delinquency for offense that would be a felony if committed by an adult. § 938.396(2g)(n)

Not Required/Don't Send:

- Consent Decree
- Waiver into Adult Court
- Not possessing firearms condition of dispositional order



DOJ Inquiry

- May be submitted via email
 - See Info Bulletin: <http://courtnet.wicourts.gov/bulletins/docs/ib1902.pdf>
- DOJ does not need to use circuit court form (none currently apply)
- DNA at Arrest
 - Confirm probable cause, failure to appear, or an adjudication status.
- Firearm Restriction
 - Confirm whether the juvenile was adjudicated for a felony/there is firearm restriction

Do not provide copy of dispositional order unless authorized by the judge.
See §§ 938.396(2g)(n)-(o)



Sex Offender Registry

- Statutory Requirement:
 - Juvenile is ordered to register as sex offender § 938.34(15m)(e)
 - <https://appsdoc.wi.gov/public/faqsForRegistrants>
 - See also the *What you Need To Know* resource in the materials
- Clerk's Responsibility:
 - Send copy of the Dispositional Order to the Department of Corrections - § 938.34(15m)(e)
 - Email: docbopadmin@wisconsin.gov (preferred)
 - Mail: PO Box 7925, Madison, WI 53707
 - Fax: 608-240-3355
 - If judge stays the sex registry requirement, only required if stay imposed



Notice to School Board – JD-1725

Court Record Event: NTS

- JIPS
 - School attendance is condition of the dispositional order (Form only)
- Delinquency
 - Delinquency petition alleging felony offense AND any subsequent dismissal
 - Any delinquency adjudication
 - Include dispositional order
 - Does not include consent decrees
 - Juvenile's school changes as a result of a dispositional order
 - Include any previous dispositional orders



Thank you!

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