

JUVENILE COURT
POLICY/PROCEDURE

COURT ORDERED EVALUATIONS UNDER §48.295 or §938.295
(PSYCHOLOGICAL, AODA, PSYCHIATRIC, OTHER)

POLICY/INTENT

The juvenile court may order an examination of child or a child's parent, guardian or legal custodian (hereinafter "subject") if the court determines there is a need for additional information regarding a subject's physical or mental health or development or a subject's alcohol or other drug dependency. The court may also order an examination of the alcohol or other drug abuse by an expectant mother. The examination must be conducted by a physician, psychiatrist, psychologist or by another professional with at least a masters degree in social work or another field of child development. The court may order an examination only after a petition is filed and the court finds that reasonable cause exists to warrant such an examination.

ESTABLISHING REASONABLE CAUSE FOR A COURT-ORDERED EXAMINATION

Whoever requests a court ordered examination (hereinafter "evaluation") must establish that reasonable cause exists to warrant the evaluation and shall present the following information to the court in support of their request:

1. A description of the behavior or problem that requires evaluation.
2. A summary of the information the evaluation is expected to reveal.
3. A statement of how the evaluation will assist in the development of the case plan.
4. If this information is reasonably available, a description of any alternative methods for obtaining the needed information that were explored by the requester or others or an explanation of why no reasonable alternative is available.
5. If this information is reasonably available, an explanation of why it would be difficult to implement an effective case plan without the requested evaluation.

The court will consider the answers to these questions in light of all of the other factors in the case. If an evaluation is not ordered, the parties should reach an understanding of what further information is needed and who will be responsible for obtaining it. The court will also hear any objections from the proposed subject(s) of the evaluation. If the court determines there is reasonable cause to warrant an evaluation, the court will order the evaluation and the parties shall proceed as provided below.

PROCEDURE AND TIMETABLE FOR COMPLETION OF THE EVALUATION(S)

Time is of the essence in processing the referrals for the court ordered evaluations and it is expected that everyone will conform to the deadlines noted below.

A. Assigned Judge.

The Clerk will complete the order within two (2) working days of the hearing and submit to the assigned Judge/Commissioner for signature. If the judge who entered the order is not available to sign it, the duty judge will sign. Note: In most cases the judge will sign the order directly after the hearing at which the evaluation is ordered.

Fast-Track Evaluations. A fast-track evaluation may be ordered for youth in detention. If a fast-track evaluation is ordered, the judge will sign the order on the day it is issued.

At the hearing at which the order for an evaluation is issued, the court will verbally reinforce expectations related to cooperation by the parent/child.

B. Assigned Social Worker

1. Referral Form.

- a. The Social Worker shall complete the referral and submit it to Community Partnerships (CP) or the UW Adolescent Alcohol and Drug Intervention Program (AADAIP) no more than two (2) working days after the evaluation is ordered.
- b. Fast-Track Evaluations-Referral Form and Court Order. If a fast-track evaluation is ordered, the order should be signed by the judge immediately after the order is issued and the Social Worker should complete the referral information and submit it to CP no more than two (2) working days after the order for the fast-track evaluation is issued.
- c. If a party (i.e., not the Social Worker) requests an evaluation, the party initiating the request shall complete the referral form and submit it to CP no more than two (2) working days after the order is issued. CP will provide forms to applicable attorneys. The Social Worker may need to assist by collecting materials for the referral.

2. Consent(s) for the Release of Confidential Information.

Prior to *or directly after* the hearing at which the request for the evaluation will be filed with the court, the Social Worker shall attempt to meet with the parent(s)/guardian/legal custodian who will be the subject of the evaluation to explain the purpose of the evaluation and to have him/her sign any necessary Consent(s) for the Release of Confidential Information. (Consent forms will be available from the department and the court). The Social Worker should *try to* anticipate the confidential records the evaluator may wish to review and draft a

consent form for each record-holder (e.g., University Hospital and Clinics, Gateway Recovery, Madison Metropolitan School District). If the Social Worker is unable to meet with the parent(s)/guardian/legal custodian prior to the hearing, The Social Worker will bring consent forms to the hearing and will make every effort *to* have the forms executed by the parent(s)/guardian/legal custodian directly after the hearing.

Once fully executed, the consent form shall be attached to the referral form when the referral form is submitted as provided in 1. above.

3. Law Enforcement Records.

The Social Worker shall attach to the referral form, all law enforcement records in the department's possession regarding the child and his/her parents or caretakers that are relevant to the purpose for the evaluation. Secs. 48.396(1) and 938.396(1), Stats.

2. Tracking the Evaluation.

The Social Worker shall remain informed regarding the progress of the evaluation. If the worker determines that the evaluator's report will not be submitted to the court in a timely manner (at least 48 hours prior to the hearing), the worker shall consult with the parties in the case and make a recommendation to the court whether to proceed with the scheduled hearing or to set it over pending receipt of the evaluation. The court will make the final decision on whether to hold the hearing as scheduled or set it over. If the hearing is set over, the worker, in conjunction with CP or AADAIP shall continue to track the progress of the evaluation and notify the court and the parties if there continue to be any problems meeting the new completion deadline.

C. Clerk

1. Within one (1) working day of receipt of the signed order, the clerk shall forward a copy of the order for the evaluation to CP or AADAIP.
2. Fast-Track Evaluations. On the day the Clerk receives the order, the clerk shall telephone or email CP so they can arrange for the appointment of an evaluator. The clerk shall also immediately forward a copy of the order to CP.

D. Community Partnerships (CP)

1. Upon receipt of the referral material, CP shall assign an evaluator and send a written notice of the appointment to the individuals listed in 2, below. The notice shall include:
 - a. The name and contact information for the assigned evaluator
 - b. The name and contact information of the individual subject must contact if he/she objects to the named evaluator, and

- c. Notice to the subject that if s/he objects to the assigned evaluator, within 5 working days of the date of the letter another evaluator will be assigned.
2. The notice shall be mailed to the following:
 - a. If an adult is the subject of the evaluation, to his/her attorney and to the adult directly.
 - b. If a child is the subject of the evaluation, to the child's guardian ad litem/attorney and to the attorney for the child's parent/guardian/legal custodian or to the parent/guardian/legal custodian directly if s/he has no attorney.
 - c. The assigned Social Worker.
3. If the subject of the evaluation objects to the assigned evaluator within the 5 working day deadline, CP shall assign another evaluator and, as soon as possible, again send out the notice as provided in 1. and 2. above.
4. If no objections are registered with CP within the 5 working day deadline, at the end of the 5th working day, CP will mail a copy of the court order, referral information and all attachments, including the signed Consent forms to the assigned evaluator.
5. Tracking the Referral and Monitoring Timelines.
 - a. If the regular or fast tracks referral is not submitted to CP within two (2) working days of the date on the order (within two (2) working days to JRC for fast-track evaluations), CP will notify, via e-mail, the Social Worker and the Social Worker's supervisor.
 - b. If the referral has not been submitted within seven (7) working days of the date of the order (four (4) working days for fast track), CP will notify, via e-mail, the CYF Mental Health Services Manager.
 - c. If the referral has not been submitted within fifteen (15) working days of the date of the order (seven (7) working days for fast track), CP will notify the assigned judge/commissioner who entered the order for the evaluation.

E. Evaluator

1. Upon receipt of the referral material, the evaluator will schedule the necessary appointments. The evaluator should attempt to make contact with the subject for ten (10) days after receipt of the referral material. If necessary, the evaluator may ask the Social Worker to help in getting the subject's cooperation in scheduling an appointment. If the evaluator is unable to gain the subject's cooperation in scheduling the evaluation (defined as one "no-show" without prior call, "no-show" on a rescheduled appointment, two canceled appointments, or no response to calls/mail in 10 days) the evaluator shall contact the Social Worker. The Social Worker shall then inform the subject's attorney/guardian ad litem and the court. The Social Worker shall also attempt to gain the subject's compliance/cooperation (which could include a court hearing or conference). The evaluator and the Social Worker should document their efforts to contact the subject and await further direction on completing the evaluation.

2. Within 45 days from the date the evaluator receives the referral material, the evaluator shall complete the evaluation and submit his/her written report to the court. The evaluator shall also send a copy of the evaluation to CP.
3. Fast-Track Evaluations. The evaluator shall meet with the subject(s) of the evaluation within three (3) working days of receiving notice of his/her appointment. A verbal report, summarizing the evaluator's recommendations will be given to the assigned Social Worker within seven (7) working days of the notice of appointment. The written report of the evaluation will be delivered to the court within 21 days of the notice of appointment. A copy of the written report will also be sent to CP with the evaluator's billing statement.
4. Exceptions to this timeline may be granted by the juvenile court at the time the evaluation is ordered or by CP, in consultation with the court if:
 - a. The nature of the evaluation or the subject's circumstances prevent completion of the evaluation by the original deadline; or
 - b. The best interests of the child are better served by extending the deadline for the evaluation.

In the event the court or CP grants an extension, the Social Worker shall confirm the extension, in writing, with both the evaluator and CP.

4. Evaluators who fail to complete the evaluation within the applicable timeframe may forfeit payment for the evaluation and/or be removed from the provider list. Evaluators who fail or are unable to complete the evaluation shall return all of the referral material to CP.

F. When a Party Requests an Evaluation

- 1 If a party (i.e., not the Social Worker) requests an evaluation, the party initiating the request shall complete the referral form and submit it to CP no more than two (2) working days after the order is issued. CP will provide forms to applicable attorneys. The Social Worker may need to assist by collecting materials for the referral.

(See above, "Assigned Social Worker").

CONTENT OF EVALUATION REPORT

The report should include separate sections regarding each of the following topics:

- A. The presenting problem(s) as described in the referral materials provided to the evaluator.

- B. A description of the evaluator's contacts with the subject(s) of the evaluation.
- C. A summary of the subject's psychosocial history as the evaluator determines such information to be relevant to the information requested by the referral and/or to the extent the evaluator determines the history to be relevant to the evaluator's ultimate recommendations to the court. The evaluator need not include the client's psychosocial history if the evaluator is aware the information was previously provided to the court (i.e., the information is included in prior court report(s), evaluations, or documents, copies of which have been provided to the evaluator.) Instead, the evaluator should refer to these other documents in his/her report and not duplicate the subject's history. However, if there are significant differences between the prior information provided to the court and the information developed by the evaluator during his/her evaluation process, or if the evaluator is aware that relevant historical information is missing from the earlier reports, the report should clearly highlight the added information.
- D. A description of nature of the evaluation, the identity of the persons interviewed, the particular records reviewed and any tests administered.
- E. The information and data gathered by the evaluator and the evaluator's interpretation of that information and data.
- F. The subject's DSM diagnosis.
- G. The evaluator's opinion(s)/recommendation(s) related to the following:
1. The subject's care, supervision, treatment and/or service needs. If specific questions have been posed by the court, or included in the referral material, the evaluator should address and/or limit the scope of his/her inquiry to those questions. However, the evaluator should, using his/her best professional judgment, address and include any information/opinions/recommendations s/he determines to be relevant to the treatment and/or service needs of the child and his/her family and/or caretaker(s).
 2. The treatment and/or services that should be in place to meet the identified needs of the child and his/her caretakers and promote any necessary or recommended changes in the child or caretaker's behavior or attitude.
 3. The amount of care and supervision or structure the child needs in his/her placement.
 - a. The evaluator should identify the child's supervision, care and treatment needs and recommend the *conditions* of supervision and care that, in his or her opinion, would best meet those identified needs. The evaluator should *not* identify *specific* placement(s) unless requested to do so by the court (see b., below).
 - b. In CHIPS cases, the recommendation(s) described above may require an assessment of the parent(s)' caretaker(s)' ability to consistently meet the

safety, nurturance, and dependency needs of the child. When the care-taking abilities of a parent/caretaker are being evaluated, in addition to identifying the strengths and weaknesses of the parent(s)/caretaker(s), the evaluator may be asked to recommend a specific parent/caretaker who can best meet the child's needs.

- c. If the protection of the community is identified an issue in the case, a recommendation regarding the *type* of structure or supervision that will ameliorate the identified risk.