

JUVENILE COURT
POLICY/PROCEDURE

DESIGNATION OF INTAKE AND OTHER HUMAN SERVICES
Chapter 938 – Delinquency and Juveniles In Need of Protection or Services

POLICY

Pursuant to §938.067(1) thru (5), staff of the Juvenile Reception Center are designated as the staff to provide screening of children taken into custody under §938.19(1) (except 938.19 (1)(d)5) and not released under §938.20(2).

Staff assigned by the Department of Human Services to provide Delinquency/JIPS Service Intake functions are, in addition to performing other duties required under Chapter 938, recognized by the Court as the intake staff to provide services pursuant to §48.067(6) thru (9) and for the purpose of taking a child/juvenile into custody if necessary under §938.08.

Staff assigned by the Department of Human Services to provide Delinquency/JIPS dispositional functions are recognized by the Court to have the powers and duties outlined in §938.069.

The Department of Human Services may organizationally divide workers into Intake and "on-going"/dispositional units in order to accomplish the objectives of Chapter 938. This policy does not preclude staff from one unit performing duties of the other unit depending on the needs of the child/family and the Department. For example, a worker providing dispositional services may, at the discretion of the Department, also act as an intake worker under authorizing statutes or vice versa.

JUVENILE COURT
POLICY/PROCEDURE

**DESIGNATION OF INTAKE AND OTHER HUMAN SERVICES
CHAPTER 48 – Children In Need of Protection or Services (CHIPS)**

POLICY

Staff assigned by the Department of Human Services to provide Child Protective Service Intake functions are, in addition to performing other duties required under Chapter 48, recognized by the Court as the intake staff to provide services pursuant to §48.067 and for the purpose of taking a child/juvenile into custody if necessary under §48.08.

Staff assigned by the Department of Human Services to provide Child Protective dispositional functions are recognized by the Court to have the powers and duties outlined in §48.069.

The Department of Human Services may organizationally divide workers into Intake and "on-going"/dispositional units in order to accomplish the objectives of Chapter 48. This policy does not preclude staff from one unit performing duties of the other unit depending on the needs of the child/family and the Department. For example, a worker providing dispositional services may, at the discretion of the Department, also act as an intake worker under authorizing statutes or vice versa.

JUVENILE COURT
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**GUIDELINES FOR JUVENILE COURT INTAKE
DELINQUENCY REFERRALS**

POLICY

Pursuant to §938.06(2) the Court may, subject to the Chief Judge of the district, issue guidelines to be used by Intake workers in the review of referrals and for the determination of action(s) to be taken. Consistent with the mission of the Juvenile Court, offenses which are serious and require the intervention of the Court should be filed with the Court.

GUIDELINES AND PROCEDURE

Juvenile Court intake, as related to **delinquency** referrals, involves the District Attorney, the Dane County Human Services Juvenile Court Intake Coordinator (JCIC) and the social worker assigned by the Department of Human Services. Their combined efforts result in:

1. A determination that the information contained in the referral is sufficient to establish prima facie court jurisdiction (938.24(1)), based on age, venue, and elements of the specific law violation.
2. A determination as to how the child/family can best be assured of care, protection, and/or treatment that also reasonably ensures protection of the public interest.

This initial review and determination should be made, whenever possible, within 14 days of the date of referral from Law Enforcement to the Court.

Pursuant to 938.06(2)(a) the following guidelines are to be used by social workers relative to their duties to review delinquency referrals. These guidelines apply whether or not the child is currently under court supervision. In the event the child is already under court supervision, the worker assigned to provide on-going supervision may perform the intake assessment function.

I. PROCEDURE

When a case is referred to the court and a determination is made that there exists prima facie jurisdiction, the next step is to determine how the case will be handled. In some cases the crime itself is serious enough to warrant formal charges without any other information being taken into account. In those cases, intake assessments will be done after charges have been formally filed.

In other cases, information regarding the child and family becomes more critical in determining how to proceed. Family based assessments will be done prior to the action taken, with a recommendation and/or action taken forwarded to the DA, in a format acceptable to the Department and DA, for review within 35 days of the date of receipt of the referral. The options include: (1) Requesting that a formal petition be filed, (2) Entering into a Written Deferred Prosecution Agreement with the child/family, or (3) Counsel/Release the juvenile. The DA has 20 days in which to accept/reject the Intake action and file a petition.

II. FAMILY BASED ASSESSMENTS

Assessments done by the Department will be done in accordance with Department policies related to family-based assessments and will include the information necessary to provide the DA an opportunity to review both the charge and the circumstances of the child/family in order to make a reasoned decision related to the action taken by the Intake Worker.

Assessment information will be used to determine whether intervention/treatment, accountability, and public protection needs can be met with or without formal court intervention. When these needs can be met without formal court intervention it may be desirable.

It is presumed that the worker will request the filing of a petition if, based on the Intake Assessment, any of the following **conditions** are present:

1. The parent is unwilling or unable to provide adequate supervision, behavior management, and/or care for the child.
2. The child has committed prior delinquencies and has not responded to prior intervention and treatment efforts.
3. Resources necessary for the child/family are not available without a court order (this could include out of home placement resources that cannot be done on a voluntary basis and/or other treatment/intervention services that required a court order for involvement).
4. The child cannot be held sufficiently accountable (e.g. restitution) for their behavior and/or the safety of the public cannot be reasonably ensured without court intervention.
5. The child and/or parent do not participate in or cooperate with intake assessment efforts.

CHARGING CATEGORIES

A. Charges in which the filing of a formal petition is expected (Unless the DA makes an exception due to extraordinary circumstances; additionally, Chapter 938 provides that a number of charges fall within the original jurisdiction of the criminal court. The following list relates only to charges that may be filed in juvenile court.)

- a. Homicide
- b. Attempted Homicide
- c. 2nd Degree reckless homicide
- d. Armed Burglary
- e. Offense which involve the use of a dangerous weapon
- f. Other weapons related offenses, including pellet and b-b guns, in which the weapon was used to intimidate, threaten, injure, harass, or otherwise harm another person or in which the use of a weapon could have caused the death of or great bodily harm to another person.
- g. Robbery
- h. Delivery of or possession with intent to deliver of cocaine, cocaine base, LSD, barbiturates, narcotics, hallucinogens, or other illicit drugs.
- i. Threats to harm/injure a witness of a pending charge
- j. Battery to a police officer
- k. Battery to a correctional staff member, social worker, court staff member, attorney, or other party in the juvenile justice system.
- i. First degree sexual assault

B. Other Offenses

The list above is **not** intended to be a complete list of all offenses that may be appropriate for referral to the Court. Other offense referrals will be reviewed following the process outlined above and may/may not be filed formally at the discretion of the District Attorney based on the nature of the offense and request and information provided by the Department of Human Services. Particular emphasis should be given to felony allegations/referrals and in general cases in which intervention on an informal basis is not sufficient to meet the goals of the Juvenile Court should be filed with the Court.

JUVENILE COURT
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CASE ASSIGNMENT(S)

POLICY

Each case filed with the Juvenile Court will be assigned to a Judge in accordance with the following rules:

1. If the child/juvenile or sibling has been previously assigned to a presently sitting juvenile judge, the case shall be automatically assigned to that judge. This rule takes precedence over all other assignment rules, with the exception of procedures related to Substitution.
2. Cases of co-defendants shall be assigned to the same judge (unless otherwise assigned based on rule 1 above) and be counted as individual case assignments.
3. If rules 1 and 2 are not applicable cases will be assigned on a random basis to a judge from among the juvenile judges in a manner prescribed by the juvenile judges and kept on record with the Clerk of Courts and Juvenile Court office.

The Juvenile Court will maintain a procedure approved by the Juvenile Judges for assignment that results in an equitable distribution of case assignments.

PROCEDURE

At the time of filing a petition, the party filing the petition should provide to the Court Clerk information as may be available related to Rules 1 and 2 above. That is, the petition should be filed with a corresponding Court Request form or note indicating if the juvenile or sibling is currently or has been previously assigned to a judge or is a co-defendant with another juvenile.

The Juvenile Clerks will cross-check the juvenile's name with existing records to ensure that Rules 1 and 2 are complied with.

COMMENTS/EXCEPTIONS

Note that in cases in which the Clerks do not receive information about sibling's involvement in the juvenile court and in the event of differences in children's last names that the cross-checking procedure for assignment may not "catch" all cases. In those cases in which it is discovered later that an error has been made, the case should be assigned to the proper judge with the consent of the judges involved.

JUVENILE COURT
POLICY/PROCEDURE

CONSOLIDATION OF CASES ASSIGNED

POLICY

If consolidation of cases of two or more youths is granted with respect to pending petitions, all of those cases will be assigned to the judge assigned to the youth with the lowest case number. Assignment as the result of consolidation shall not affect the assignment of a judge to any subsequently filed petition concerning a youth.

The number of tabs used in the random draw for case assignment should be adjusted accordingly.

JUVENILE COURT
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SUBSTITUTION

POLICY

Consistent with §48/938.29 related to the substitution of judges in juvenile cases:

1. The request for substitution in **non-Waiver** cases must be made in writing to the court prior to or during the plea hearing on a form prescribed by the Court or otherwise approved by the Court.*
2. The request for substitution of a judge scheduled to conduct a waiver hearing under §938.18 shall be filed in the assigned Court before the close of the working day preceding the day the waiver hearing is scheduled unless otherwise approved by the judge on the day of the waiver hearing.*
3. For proceedings under §48.375(7) (Waiver of Parental Consent for Abortion) the minor may select the judge whom she wishes to be assigned to the proceeding
- *4. In a proceeding under §938.12 or 938.13(12) only the **juvenile** may request a substitution, and the **juvenile** may not request the substitution of a judge under a proceeding under §938/48.12 or 938/48.13(12) if the judge assigned to the proceeding has entered a dispositional order with respect to the juvenile in a previous proceeding under §938/48.13(4), (6), (6m), (7), or (12). The **child, parent, guardian, or legal custodian** may not request a substitution of judge if the assigned judge has entered a dispositional order with respect to the juvenile in a previous proceeding under §938.12 or 938/48.13(4), (6), (6m), (7), or (12) or if the juvenile or juvenile's parent, guardian, or legal custodian has requested the substitution of a judge in a previous proceeding under those same statutes.
5. Once a substitution of a judge is granted on any petition regarding a specific child that judge is forever disqualified from presiding over any subsequent juvenile court proceedings regarding that child with the exception of Petitions for Revision, Extension, and/or Change of Placement over which that judge has established and maintained jurisdiction

The Juvenile Court will maintain a process for resolving discrepancies in the number of assignments to other courts that may result from the filing/granting of substitution requests.

PROCEDURE

Upon filing of a Substitution Request the Juvenile Clerk will time/date stamp in the request, forward to the Judge/Commissioner for approval, and then process the request in a manner approved by the Court, including sending necessary information to the District Court Administrator.

EXCEPTIONS/COMMENTS

Although statutes and court rules permit filing of requests up to/at the point of a plea hearing, attorneys or other parties authorized to request a substitution should request the substitution as early as possible in the process to facilitate the reassignment and re-scheduling of a hearing in a timely manner.

In the event that due to prior substitutions no current juvenile judge is permitted to hear the matter presented, the case shall be referred to the District Court Administrator for assignment.

Subsequent petitions filed with the court related to the child shall be assigned to the judge assigned as the result of the substitution procedure outlined above. For example, if petition 1 is assigned to Judge A, but upon substitution reassigned to Judge B, petition 2 (the next) would be assigned to Judge B.

Substitution requests may be made based on Change of Placement, Revision, and/or Extension petitions filed in which a judge has not yet heard any aspect of the case may be granted by the Judge at his/her discretion. Note: this may occur following the transition of cases from a prior sitting Juvenile Judge to a new Juvenile Judge.

JUVENILE COURT
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SCHEDULING OF PLEA HEARINGS

POLICY

Plea Hearings are to be set with the Juvenile Court Commissioner, except for those petitions filed under Termination of Parental Rights or any other case as may be specifically directed by the judge assigned to the case (e.g. may direct that all subsequent plea hearings on a child be set directly with the judge). For the exceptions noted, the plea hearing is to be set directly with the judge assigned to the case.

Additionally, plea hearings for new petitions may be set directly with and conducted by the judge assigned in the event there is another matter already calendared with that judge (e.g. Extension, Revision, Change of Placement, Pre-trial or Disposition on another petition, Motion to Impose Sanctions).

EXCEPTIONS/COMMENTS

Note that the Judge may direct that all subsequent hearings (plea and any other hearings) related to the child be set directly with him/her. If so requested, a note should be placed on the outside cover of the juvenile file indicating that so that at the time of processing the petition that will be done.

JUVENILE COURT
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JUVENILE COURT NOTICES

POLICY

Notices to parties of hearings scheduled in Juvenile Court shall be sent in a manner which permits them sufficient time to prepare for the events scheduled.

Verbal notice of subsequent hearings given by the Judge/Commissioner at the time of a court hearing shall constitute sufficient notice for that subsequent hearing.

PROCEDURE

The responsibility for sending Notices for various court activities is divided among different parties in the system as follows:

A. Initial Summons and Hearing Notices

Notice of Hearing for new Delinquency petitions to be prepared/sent by the Juvenile Court (CCAP) system.

Summons for juvenile hearings to be prepared/sent by District Attorney or Corporation Counsel, when applicable.

Notice of Hearing for CHIPS petitions filed by any party to be prepared/sent by the Juvenile Court (CCAP) system

Notice of Hearing for Involuntary TPR petitions to be prepared/sent by the Corporation Counsel's Office

Notice of Hearing for Voluntary/Involuntary TPR petitions filed by private attorney to be prepared/sent by the attorney

Notices for all other petitions filed (e.g. Extensions, Change of Placement, Revisions, Rev. CD,) and other Conferences, Pre-Trials, etc. all prepared/sent by the Branch staff).

B. Subsequent Hearing Notices

Notice of Hearing for Pre-Trials and Trials to parties not present at a Plea Hearing to be sent by the Court Clerk (Branch Clerk if done by a Judge, administrative staff if done by the Commissioner)

Notice of Hearing for Dispositional Hearings to parties not present at a Plea, Pre-Trial, or Trial to be prepared/sent by the Court Clerk (Branch Clerk if done by a Judge, administrative staff if done by the Commissioner)

Notice of Hearing or Conference for a Review or Conference to parties not present at a prior hearing set at the direction of the Judge will be prepared/sent by the Court Branch

Notice of Hearing for Revisions, Extensions, Revocation of Consent Decree, and/or Change of Placement petitions filed by any party to be prepared/sent by Branch staff

Extension Hearings for youth in Corrections to be prepared by Branch staff with notice to Juvenile Reception Center, Dane County Human Services Correctional Liaison in addition to other parties

Notices of Hearings resulting from a change in court date or time requested by an attorney or social worker are to be prepared/sent by the Court (Branch staff if change approved by branch, administrative staff if change approved by Commissioner). (Note Policy on **Changes in Court Time** related to requirements for approval of changes in court time/date prior to cancellation/rescheduling/noticing). Note that in the event this change is "last minute" (that is does not allow sufficient time for preparation, mailing, and receipt of new notices) the attorney or social worker requesting the change is responsible for verbally notifying all related parties to the case, including attorneys, social workers, both parents, victim(s), Juvenile Court (JRC, Shelter Home, or Detention) staff, etc. of the emergency change. (Refer to policy on Change in Court Time).

Also note that §48/938.27(3) requires 72 hours notice to parties unless otherwise stipulated and that telephone notice is to be documented by placing a signed statement in the case file.

JUVENILE COURT
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CHANGE IN COURT TIME

INTRODUCTION

It is important that all parties in the Juvenile Court system understand the importance of proceeding with juvenile cases in a timely and efficient manner. It is therefore expected that all parties will be prepared to proceed at the time(s) scheduled and that changes and other continuances will be granted only when absolutely necessary.

POLICY

Changes in scheduled court time and/or date may only be made for good cause and with the approval of the Judge or Commissioner with whom the matter is scheduled **and** only after presentation of information which justifies the change **and** permits the rescheduling of the matter within statutory time limits.

In the event rescheduling of the hearing is not possible within statutory time limits the matter may not be canceled/rescheduled. In this case the court must go on the record and take whatever action may be necessary to continue the matter until a later date.

Attorneys or Social Workers making a request for a change in court time which is less than five days of the scheduled hearing are responsible for verbally notifying **all** parties of the change if granted. For changes further than five days ahead, written notification to **all** parties is sufficient.

PROCEDURE

The following steps should occur relative to a request for change in time:

1. The party/parties desiring a change in court time/date should contact the Court Branch Clerk (for hearings set with the Judge) or the central Juvenile Court office (for hearings set with the Commissioner) to request the change.
2. The Clerk shall first determine whether rescheduling the hearing within statutory time limits is possible. If not, the request may not be granted. If possible to reschedule within time limits, the Clerk shall obtain information as directed by their Judge/Commissioner as to the reason for the request and provide that information to the Judge or Commissioner to review. If the requesting party is an attorney or social worker they must solicit information from **all** other parties related to the request for change in time/date and provide that information to the Clerk as well.

3. The Judge/Commissioner shall approve or deny the change within no more than one working day of the request. All changes/setovers must be approved/reviewed by the **Judge** or **Commissioner**. Clerks may not approve a change/setover request in other than extreme emergencies.
4. The Branch Clerk (administrative staff if approved by Commissioner) will verbally notify the requesting party of the approval/denial, make the change on the CCAP system, and send notices to all parties within one working day of that notification. All parties are to assume that the hearing is not changed unless otherwise notified.

EXCEPTIONS/COMMENTS

Court staff should assist parents and/or other "non-professional" parties in completing this process as may be necessary. Attorneys, Social Workers, DA's and other professional parties are expected to carry a greater responsibility in making this aspect of the system work smoothly and responsibly.

Note that §938 has expanded the circumstances under which time limits may be extended. Refer to §938.315 and 48.315 for a list of those circumstances/exceptions.

JUVENILE COURT
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SELF-DISQUALIFICATION

POLICY

Self-disqualifications in juvenile cases may be made as needed without the approval of the Chief Judge.

PROCEDURE

The form used for purposes of substitution will be the same form used for disqualification. Upon a decision by a judge to disqualify himself/herself:

1. The form is to be completed by the Branch and submitted to the District Court Administrator so that a new judge can be drawn.
2. The Court Administrator's office will generate the order effectuating the change of judge and send the order to the branch, and branch staff will send out the copies of this order to the interested parties in the case.
3. As is done in substitutions, a tab for the judge disqualifying himself/herself will be placed in the substitution pool.
4. Juvenile court administrative staff shall enter the disqualification event onto the CCAP system.

JUVENILE COURT
POLICY/PROCEDURE

GUARDIAN AD LITEM APPOINTMENTS

POLICY

Appointments of Guardian Ad Litem for juvenile cases shall be made in all cases as required by statute and in other cases in which the Court believes the appointment of a Guardian Ad Litem is necessary from the pool of attorneys appointed as part of the Guardian Ad Litem project.

Unless otherwise ordered by the Court, assignments are to be done on a random basis in accordance with an assignment grid developed by the Clerk of Courts.

PROCEDURE

The Court shall automatically appoint a GAL for all children under the age of 12 upon filing of a petition. The Court may appoint a GAL in other cases in which the circumstances of the case merit the involvement of a Guardian Ad Litem.

Upon determining a GAL should be appointed the Clerk for the Juvenile Court Commissioner will prepare an Order for Appointment listing the selected attorney's name and give the Order to the Commissioner for signature. After approval, the Clerk will notify the appointed attorney of the appointment and forward their copy of the Order to them. In any case in which the appointment is made by a Judge some time after the initial filing(s) and proceeding(s) have commenced, the Order for Appointment should be prepared by the Judge's Clerk making the appointment and signed by the Judge.

EXCEPTIONS/COMMENTS

Exceptions to appointments from the pool of selected attorneys may be made by the Court in the event that there has been a **previous GAL** appointed within the last 2 years for the child. In these cases, if the Court does not specify reappointment of the previous GAL, prior to preparation of an Order by the Clerk the case will be reviewed by a person designated by the Clerk of Courts to determine whether reappointment of a new GAL is in the child's best interest. In cases in which the child's interest can be equally well served by the appointment of an attorney from the GAL Project, the appropriate name of a Project GAL will be forwarded to the Court for approval.

The Court may also make exceptions to appointing an attorney from the GAL Project in the event the circumstances of the child and case are unique and require the expertise of an attorney not in the GAL Project.

The Court may appoint specific attorneys from the GAL Project and/or may reject the recommended attorney at his/her discretion. In these circumstances, the Clerk will

forward the next name to the Court and adjust the case assignment schedule accordingly. In the event any individual attorney is "over-assigned" to cases, they may be removed from the "draw" for a period of time as may be deemed necessary by the Clerk of Courts to balance the assignments in compliance with conditions of appointment.

Attorneys interested in receiving GAL appointments may submit a letter of interest and a resume' to the Presiding Juvenile Judge with a copy to the Clerk of Courts.

The Juvenile Court Commissioner has the same authority as a Judge related to the appointment and/or removal of a GAL.

GAL appointments **terminate** when supervision is terminated.

JUVENILE COURT
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CAPIAS PROCEDURE AND POLICY

POLICY

A Capias may be issued by the Court in accordance with §48.28 or §938.28 of Wisconsin Statutes for failure of a child or parent to appear at required hearings when the child or parent has submitted to the jurisdiction of the court, has been properly summoned as required by §48.27 or §938.27, or pursuant to a finding by the Court that service of a Summons will be ineffectual. The Commissioner is authorized to sign a Capias.

A Capias issued based on a CHIPS or JIPS petition is not sufficient grounds for holding a juvenile in secure custody pending appearance at court.

PROCEDURE

At the time of the Court hearing, the District Attorney will complete a Capias form, filling in the information needed for completion of the form (including listing all relevant petition numbers). If the Capias is approved by the Court the branch/staff will docket the action, file the Court's copy (copies if more than one petition) of the Capias, and forward the remaining copies with one copy of the pending petition attached to JRC for distribution.

A. Direction to law enforcement and intake: At the time of the hearing, the Court will indicate on the Capias the intent of the court relative to intake by JRC, utilizing the following guideline(s):

1. If the petition underlying the proceeding is a **CHIPS** petition or a petition under §938.13 (**JIPS**), the Court will direct that the child (ages 12 or over) be "brought to JRC for intake". This directive implies that the JRC intake worker has full discretion at that time in determining the need for a temporary custody order pending the rehearing considering factors in the case and may place the child under an Order for Non-Secure Custody at a place designated in §48.207(CHIPS) or §938.207(JIPS). A child/juvenile referred based on a CHIPS or JIPS Capias may not be placed in Secure Custody under this directive. If the juvenile is referred during regular working hours, the intake Counselor will obtain a new court date from the Court and provide the child with written notice of that new time and date. If the child is referred after regular working hours, JRC will contact the Court the next working day of the need to schedule a new hearing and send written notice to all parties. If the child is held under an order for Non-Secure custody, those arrangements can be made at the time of the Physical Custody/Capias hearing the following day.

2. If the petition underlying the court appearance is a **delinquency** petition, and
:

a. There is evidence presented on the record at the hearing that the juvenile meets the criteria under §938.208 the court may direct that when apprehended the juvenile be taken to Juvenile Reception Center and, under the authority of §938.10, further direct that the juvenile be held in Secure Custody pending a hearing.

b. There is not sufficient evidence presented on the record at the hearing to find that the juvenile meets one of the §938.208 grounds the Judge may direct that when apprehended the juvenile be taken to Juvenile Reception Center for an intake decision.

In any case in which the court's directive is "Bring to Juvenile Reception Center for Intake", a copy of the petition should be attached to the CAPIAS to aid JRC Counselors in making a custody determination.

If the juvenile is held in Non Secure or Secure Custody, the hearing before the Court required by the Capias will be scheduled on the Court Commissioner's calendar unless the issuing judge has included additional directives under the Special Instructions section of the Capias. Immediately in the morning of the next working day, JRC will contact the Court issuing the Capias and determine whether or not the Judge wishes to hear the matter directly, in which case the matter must be set with the Judge for some time on that working day, preferably at a time that will minimize conflict(s) with other juvenile matters.

If the juvenile is not held in Non-Secure or Secure Custody, JRC will confirm the juvenile's current living status and confirm with the juvenile and juvenile's parent/caretaker that the juvenile will appear in court when required. The following day, JRC will notify the Court Branch that issued the CAPIAS, the juvenile's social worker, the juvenile's attorney, and the District Attorney's office that the juvenile was apprehended and released. The Court Branch will set a new court date and send notices of the new date to the appropriate parties.

B. Direction(s) to law enforcement related to out of county service and apprehension: On the Capias, the court will indicate what directions should be followed relative to apprehension of the juvenile outside Dane County. The Capias form will provide standard language related to those directions so that if the juvenile is apprehended outside of Dane County or outside the state, the court's intention relative to holding or returning the juvenile to Dane County is clear.

After being notified that the juvenile has been apprehended and that the Capias can be canceled, the Sheriff's office brings their copy of the Capias to JRC for "receipt" and notation of apprehension. That copy is delivered to staff in the Juvenile Court Commissioners office who locate the related file(s) and will place a copy (copies if more than one petition) in the juvenile's file(s) and docket in CCAP that the Capias has been canceled.

CAPIAS ROSTER

When a juvenile is carried on the Reception Center roster as having a Capias outstanding and has attained age 17 years plus six months, memos are to be forwarded to the District Attorney assigned, Social Worker, and to the Judge who issued the Capias requesting that the matter be reviewed and that Reception Center be advised as to whether the Capias is to remain in effect. Cancellation of the Capias or changes in directions to law enforcement may be made only with the approval of the Court.

EXCEPTIONS/COMMENTS

In the event of extenuating circumstances that become evident at the time of intake in Reception Center, the Counselor may contact the Judge issuing the Capias or the Duty Judge to present the information and ask that an exception be granted.

JUVENILE COURT
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SOCIAL WORKER ATTENDANCE AT HEARINGS

POLICY

Social Workers are expected to attend Court Hearings according to the following guidelines:

1. **Plea Hearings**

a. Workers should attend any Plea Hearing in which they have not already met the client/family.

b. For Plea Hearings set with the Commissioner, workers have the option of not appearing but must notify the Clerk of the Juvenile Court Commissioner prior to the scheduled hearing, either in writing, e-mail, or by phone (266-4407) that they will not be attending and verifying who the worker assigned to the case is.

c. Workers should attend any Plea Hearing in which their presence will expedite completion of a Consent Decree and/or further meeting the treatment/intervention needs of the family/court. If the worker is not recommending a Consent Decree be entered, the worker should notify the Court Clerk of that recommendation (preferably sent via e-mail) prior to the hearing.

If a Worker does not attend the Plea Hearing, he/she will be notified of the results of the hearing by the Clerk (by sending a copy of the Plea Hearing minute(s)) and the time/date set for pre-trial, trial, and/or disposition.

2. **Physical Custody Hearings**

a. In cases involving **Emergency Custody**, the worker who takes custody shall attend the Physical Custody Hearing, unless there is a previously assigned worker, so as to provide the Court with the necessary information related to the taking of custody and other case factors.

b. Workers have the option of appearing at a Physical Custody hearing or review that is initiated by another party. However, the worker if not attending, must communicate to JRC (for delinquency/JIPS only) information related to the current case plan, status of the case, and his or her immediate recommendation regarding placement. Further, workers should indicate their availability by phone at the time of the hearing for possible contact for a phone conference.

3. **Hearings before Judge**

Workers shall attend all hearings scheduled before the Judge unless otherwise excused by the Judge with the exception of **Trials and Jury Draws**. In those cases set for Trial/Jury Draw, the worker shall attend if, based on consultation with the attorneys, it is expected that the case will settle and "go to disposition" at the time set for trial.

4. **Hearings for Juveniles in Detention**

For juveniles held in Detention, workers are to attend all scheduled court hearings except trials/jury draws unless the worker has already met the juvenile/family and one of the following is arranged:

- a. The hearing may be covered by one of the court Social Workers, or
- b. The social worker notifies JRC of their intent **not** to appear at least two hours prior to the hearing, informs JRC of relevant information by FAX or e-mail, and provides JRC with 2 telephone numbers (direct number and main office number) at which he/she might be reached during the hearing (this requires the worker be available at the office or other designated number during the approximate time of the hearing).

EXCEPTIONS/COMMENTS

In many cases, it may be appropriate for workers to utilize the services of the Juvenile Court Intake Coordinator who also has the authority to act on behalf of workers and the department at court hearings.

JUVENILE COURT
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PARTY APPEARANCES WHEN DOUBLE-SCHEDULED

POLICY

As much as possible, the Court will calendar cases in a way that minimizes the conflict(s) of time for parties involved in the system (i.e. attorneys and social workers).

However, in the event of being expected to be in more than one court at a time, the following priorities for appearance shall govern attendance:

1. Trial (for worker, only when under subpoena)
2. Any contested matter when notification has occurred more than three weeks in advance
3. The Judge scheduled for conducting Juvenile hearings on that day
4. The Commissioner scheduled for conducting Juvenile hearings on that day
5. The Judge conducting hearings not scheduled on his/her normal juvenile schedule
6. The Commissioner conducting hearings not scheduled on their normal juvenile schedule

PROCEDURE

In cases in which parties know about their conflict in advance they should make attempts to arrange alternate coverage, arrange alternate plans, and/or attempt to resolve the conflict prior to the time of the hearings as may be necessary to avoid delaying action on either/any case(s). In cases in which the conflict remains, the parties are expected to notify the Branch/Juvenile Office of the conflict and inform the court of their whereabouts as the cases come before the court.

JUVENILE COURT
POLICY/PROCEDURE

MEDIA ACCESS TO JUVENILE COURT PROCEEDINGS

POLICY

Media (print, radio, television) are not granted access to juvenile court proceedings unless specifically authorized by the Court or statute* in a manner consistent with Wisconsin Statutes, Supreme Court and Dane County Court Rules and in the best interests of protecting the welfare of the child and the safety of the public.

Media may be excluded from portions of the proceeding at the discretion of the Court.

Requests for video coverage of any Juvenile Court proceeding must be made in advance in accordance with Circuit Court Rules.

Members of the media shall be expected to comply with §48.299(1)(b) and §938.299(1)(b) related to not divulging information that would lead to the identification of the juvenile who is a subject of proceedings under Chapter 48 or 938 unless otherwise permitted by statute.*

*Pursuant to §938.299, the media may, without specific court approval, attend any hearing that is open to the public. Certain exclusions apply. Refer to Policy I-CC on "**Permitted Attendance at Court Hearings**".

JUVENILE COURT
POLICY/PROCEDURE

**NOTICE TO VICTIMS
AND ATTENDANCE AT COURT HEARINGS**

POLICY

Statutory responsibilities related to the notification of victims of a child's act(s) for petitions filed are assigned to the District Attorney's office. Procedures related to the notification of victims of their rights to attend hearings, make statements to the court (written or oral), consult as to dispositions, and other rights provided under statute shall be developed and carried out by that office unless otherwise specified by statute.

Statutory responsibilities related to the notification of victims of their rights (not otherwise required of the District Attorney's Office) in formal cases and of their rights related to the opportunity to have input, through victim impact statements or direct contact with the social worker or other means, in cases referred for consideration of Deferred Prosecution Agreement or other informal action will be fulfilled by the Department of Human Services. The Department will provide a statement of rights in formal cases to the District Attorney's Office for inclusion in the initial mailing(s) to victims.

The District Attorney's Office is responsible for notification of victims who wish to be notified of physical custody and/or other court hearings.

In accordance with §938.299(1)(am) a victim of a child's act or alleged act may attend any hearing under this chapter except that the judge may exclude a victim from any portion of a hearing which deals with sensitive personal matters of the child or child's family which do not directly relate to the act/alleged act committed against the victim. A member of the victim's family and, at the request of the victim, a representative of an organization providing support services to the victim, may attend these hearings as well.

Before imposing a disposition or entering a consent decree in a proceeding under §938.12 the Court shall inquire of the District Attorney and Social Worker as to whether the required victim notifications were made and whether or not the victim requested to be or was consulted in developing their recommendations (if the victim had requested such involvement). If the victim is present at the hearing, the court shall allow a victim to make a statement or to submit a written statement to be read to the court. In the event a victim who has requested and has received notification of hearings but does not attend the hearing nor has submitted a written statement by the time of the hearing, the court may proceed to disposition without a statement.

PROCEDURES RELATED TO HEARINGS

A. Notification of Court Hearings

The District Attorney's Office will provide notification to victims of their rights under these provisions and solicit information as to whether or not the victim wishes to attend the permitted hearings. If a victim wishes to be notified of hearings, the District Attorney's Office will provide that notice.

B. Notification of Physical Custody Hearings

The District Attorney's Office will attempt to notify victims of initial physical custody hearings and will inform the Juvenile Reception Center (JRC) of any victims who wish to be notified of subsequent physical custody review hearings. If a victim has requested such notification, JRC will notify the District Attorney's Office of any review hearings, and the District Attorney's Office will notify the victim.

C. Confirmation of Compliance

During a court hearing the court shall inquire of the District Attorney and Social Worker as to whether the required victim notification, contact, and/or consultation was completed. This shall be done on the record and noted in the Court Minutes recorded by the Clerk.

Refer to the Clerk of Courts Juvenile Procedure Manual for further procedure detail.

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. 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. 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 assigned judge will sign the order for the evaluation and deliver it to clerk of the juvenile court no more than two (2) working days after entering the order. 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 or in cases where an evaluation is necessary to determine the safety of a proposed physical custody plan/order. 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. Unless another party has requested the evaluation and will complete the referral form (see c., below), prior to the hearing at which it is anticipated the court will order the evaluation, the assigned social worker shall gather any information relevant to the request for the evaluation and complete the referral form. The social worker shall *attempt* to bring the completed referral form to the court hearing. If the social worker was unable to anticipate the request for the evaluation, the social worker shall complete the referral and submit it to the Clerk of the Juvenile Court no more than seven (7) 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 deliver the order to the Clerk of the Juvenile Court on the day the order is signed. If the social worker has not yet completed the referral form, the worker shall complete the referral and submit it to the Clerk of the Juvenile Court 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 a “short” referral form and the necessary “Consent(s) for the Release of Confidential Information” immediately after the hearing at which the evaluation is ordered. The party requesting the evaluation shall provide the court with the referral form and consent form(s) immediately

upon completion and the court will initiate the referral process. The social worker shall complete the standard referral form and submit it with any necessary additional referral information (e.g., law enforcement records) to the court within the applicable time period. (See a. and b., above).

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.

4. Distribute Brochure.

At the time of the hearing at which an evaluation is ordered, the social worker shall give the parent(s) (or guardian/legal custodian) a copy of the brochure entitled Court Ordered Evaluations: A Parents' Rights and Responsibilities. The social worker will attempt *to* answer any questions the parties may have about the evaluation process.

5. 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 the Clinical

Assessment Unit of the Mental Health Center of Dane County (CAU) 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 of the Juvenile Court

1. Tracking the Referral and Monitoring Timelines.
 - a. If the referral is not submitted to the clerk of the juvenile court within seven (7) working days of the date on the order (within two (2) working days for fast-track evaluations), the clerk will notify the Juvenile Court Administrator/designee who will notify, via e-mail, the social worker and the social worker's supervisor.
 - b. If the referral has not been submitted within ten (10) working days of the date of the order (four (4) working days for fast track), the Juvenile Court Administrator 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), the Juvenile Court Administrator/designee will notify the assigned judge/commissioner who entered the order for the evaluation.
2. Within one (1) working day of receipt, the clerk shall forward a copy of the order for the evaluation, the completed referral and any attachments, including consent forms, to the Clinical Assessment Unit
3. Fast-Track Evaluations. On the day the Clerk of the Juvenile Court receives the order and the referral information, the clerk shall telephone the current provider of the fast-track evaluations and arrange for the appointment of an evaluator. The clerk shall also immediately forward a copy of the order and the referral information to the evaluator

D. Clinical Assessment Unit (CAU)

1. Upon receipt of the referral material, the CAU 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, the CAU 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 the CAU within the 5 working day deadline, at the end of the 5th working day, the CAU will mail a copy of the court order, referral information and all attachments, including the signed Consent forms, to the assigned evaluator.

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 the CAU.
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 be sent to the CAU 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 the CAU, 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 the CAU grants an extension, the social worker shall confirm the extension, in writing, with both the evaluator and CAU.

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 the CAU.

F. When a Party Requests an Evaluation: Short-form Referral

If a party requests an evaluation, immediately after the hearing at which the evaluation is ordered, the party initiating the request shall complete a “short” referral form and the necessary “Consent(s) for the Release of Confidential Information” and shall, without delay, deliver to the court the completed referral and consent form(s). The social worker shall complete the standard referral form and attach any additional referral material deemed relevant to the evaluation (e.g., law enforcement records) and deliver the material to the court within the applicable time period. (See above, “Assigned Social Worker”, paragraph B.1.).

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-IV 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

JUVENILE COURT
POLICY/PROCEDURE

AUTHORITY OF JUVENILE COURT COMMISSIONER

POLICY

Unless otherwise specified by statute or ordered by the Court or indicated in Court Policy the Juvenile Court Commissioner(s) may make the necessary findings and conduct any uncontested proceedings under §48.12, §48.13, §938.12, 938.13, or 938.18 except the Commissioner may not place a child out of home pursuant to a petition under §48.13, §938.12, or §938.13 when there are potential Termination of Parental Rights issues to be addressed through notification of the parent(s) and/or setting conditions for return.

The Court Commissioner may, unless otherwise specified by statute, conduct, make necessary findings, and enter orders related to temporary physical custody decisions under §48.21 or §938.21 and conduct any hearings or enter findings and orders related to §48.125, §938.125, §48.17, and §938.17. The Commissioner may, on behalf of the Court, sign a Capias under §48/938.27.

The Court Commissioner may, in order to expedite cases in which a child is placed under a temporary physical custody order or in other cases where no party objects, order examinations or evaluations under §48.295(1) or §938.295, such order/decision subject to review by the assigned judge at the request of any party in the manner consistent with the review of temporary physical custody determinations.

The Court Commissioner has the same authority as Judges to appoint and/or remove Guardian Ad Litem for juvenile cases. The Court Commissioner also is authorized to make decisions related to disclosure of information to victims, to hear matters related to establishing a restitution amount if/when contested, issue orders requiring compliance with deferred prosecution agreements, conduct hearings/enter orders related to docketing unpaid restitution, and responding to other records requests related to disclosure of information related to criminal and other case matters.

EXCEPTIONS/COMMENTS

Refer to Policy on "Review of Commissioner's Orders" related to any reviews requested by parties of actions taken by the Court Commissioner.

JUVENILE COURT
POLICY/PROCEDURE

COURT COMMISSIONER HEARINGS AND RECORDS

POLICY

The Court Commissioner may conduct any hearings as provided for by Statute and/or other hearings or conferences as may be deemed necessary by the Court unless specifically prohibited by Statute or directed otherwise by the Judge.

All Court Commissioner hearings are audio-taped, and tape recordings of hearings will be kept by the Court for a period of five years.

JUVENILE COURT
POLICY/PROCEDURE

REVIEW OF COMMISSIONER'S ORDERS

POLICY

Commissioner's orders under §48.065(4) and §938.065(4) are, at the request of any party to the case, subject to review by the Judge assigned to exercise jurisdiction over the child. Judicial review and decisions related to the review shall be made as soon as possible but not more than 72 hours after the Branch receives the request for review.

PROCEDURE

A form to request Judicial Review of a Commissioner's Order is available from the Juvenile Court Commissioners Clerk. The requesting party is to complete the form and deliver to the Clerk. The Clerk will deliver the Request for Review, the juvenile's court file, and the audio recording to the assigned Judge as soon as possible.

Upon review, the Judge will issue a written decision. If the decision relates to a juvenile under Physical Custody, a copy of the decision should be delivered to Juvenile Reception Center. Juvenile Reception Center staff will contact all parties of the decision related to Physical Custody and make necessary arrangements to modify the form of custody as ordered.

JUVENILE COURT
POLICY/PROCEDURE

COURT REPORTS

POLICY

Unless otherwise directed by the Court, the Dane County Human Services Department is responsible for the completion of Court Reports in a manner consistent with §48/938.069(1)(d), §48/938.293(2), §48/938.33, and §938.331 of Wisconsin Statutes.

Workers assigned by the department shall prepare a written report for use at all Dispositional and Extension hearings and shall file the report with the Juvenile Court Office or the Judge's office no later than two working days prior to the time of the hearing. It is the responsibility of counsel and/or other parties to seek access to any such reports prior to the day of the hearing.

Waiver of the requirement for filing a written report may be granted by the Court if authorized by statute.

PROCEDURE

Court reports should be provided to the Judge's office and should be "time-stamped" upon receipt.

Additionally, procedures and requirements governing the filing and content of court reports include the following:

1. In Delinquency cases, workers are encouraged to submit completed Delinquency Assessment/Court Reports at or before the time of the Plea Hearing. This encouragement is given in an effort to expedite the court process toward meeting the needs of those juveniles and their families who have completed the assessment process.
2. For Pre-Trial (or Plea/Disposition) hearings on pending Delinquency petitions, workers are not required but are encouraged to prepare and bring to the hearing written reports in cases where they believe that an adjudication/disposition will occur. These reports should be filed with the court prior to the hearing if possible.
3. It is anticipated that most CHIPS cases will result in a scheduled dispositional hearing in which the report will be filed with the court two working days prior to the hearing. If the petition is uncontested, reports may be filed with the court at the plea hearing, or at any hearing thereafter if the worker has completed his/her assessment and planning and is prepared to make recommendations to the court. Copies shall be provided to the court office and all parties.

4. In cases of multiple-child families, a single report addressing the individual needs of each child may be prepared, but in such cases additional copies shall be filed so that each child's court file will have a copy.
5. Workers shall make a diligent effort to discuss the content of and recommendations in the report with parents, children over 10 years of age, and others directly affected by the recommendations and shall allow the recommendations portion of the report to be read by such persons.
6. Attorneys shall have the right to receive and retain a copy of the report, but they may not allow any report to leave their presence. They may discuss the substance of the report with their client. CASA Volunteers may be provided a copy of the report by the Social Worker or Court without additional approval.
7. Upon request parties not represented by counsel may be given copies of the report by the Court. No party receiving the report in this manner may disclose to any other person any report or part thereof.
8. In all reports recommending that a child be placed outside his/her home, the worker shall propose specific findings to be made on all matters necessary to support such out-of-home placement as may be required in Chapters 48 or 938.
9. For services for which payment may be required as recommended by the social worker, the worker will recommend who is to be responsible for payment. For payment of services requested by another party, the requesting party is to clarify payment issues prior to the court entering an order.
10. Reports for Revisions or Change of Placements are not required unless the proposed change of placement is from home to out-of-home. Workers are reminded that the petition(s) or proposal(s) for such changes must follow the requirements of Chapters 48 or 938.
11. Reports are required for Extension hearings, and the report should follow the requirements of §48.365(2g)(a) or §938.365(2g)(a). The report need not duplicate information in the petition or prior court reports.

EXCEPTIONS/COMMENTS

The Court may allow the waiver of the filing of Court Reports unless otherwise prohibited by statute, but in the event of granting such a waiver shall direct that a written report be filed in not more than 5 working days from that date unless otherwise permitted by statute.

For the limited purpose of providing necessary treatment services or for the development of a treatment plan for a child/family, a Social Worker may at his/her

discretion, share information from the Court Report which will facilitate others providing services to the child/family or department pursuant to a contract, sub-contract, agreement, or court order. That person shall not further disclose that information without prior court approval.

Electronic Submission of Court Reports

The submission of electronic copies of reports is not a substitute for nor does it eliminate the expectation that hard copies of court reports be submitted to the court at least 2 working days ahead of any hearing scheduled as a disposition (and, as noted in current policy in other cases in which the worker believes the case will be going to disposition even if not scheduled as such). The submission of court reports electronically is only to be done when extenuating and unforeseen circumstances prevent the submission of the report ahead of time as required.

If a worker is sending the report electronically:

1. The e-mail that includes the attached report should be sent to all of the following simultaneously: The Judge, Branch Clerk, Branch Secretary, DA's/Designees, assigned defense counsel and/or guardian ad litem. It is the Social Worker's responsibility to get e-mail addresses and the address line must show all recipients. If one recipient cannot receive the document by e-mail, then e-mail may not be used to transmit the Report.
2. The e-mail should include a brief statement about what the circumstances were or what change occurred that resulted in the written report not getting to the court 2 days ahead of time as required.

The Court Clerk and/or Judge will print one copy of the report for review by the Judge. The Worker should then still submit the required written copies to the court as soon as possible, ultimately up to the time just prior to the hearing itself. Reports brought by the Worker should always be delivered personally to the Court Clerk so they can be "stamped in"/documented appropriately.

JUVENILE COURT
POLICY/PROCEDURE

**NOTIFICATION OF SCHOOLS
FOR JUVENILES ALLEGED/FOUND DELINQUENT**

POLICY

Pursuant to §938.396(2g)(m)1 if a petition filed under §938.12 or §938.13(12) is filed alleging that the juvenile has committed a delinquent act that would be a felony if committed by an adult, the court clerk shall notify the school board of the school district in which the juvenile is enrolled or the school board's designee of the fact that the petition has been filed and the nature of the delinquent act alleged in the petition.

Additionally, pursuant to §938.396(2g)(m)2, if a child is adjudged delinquent, the court clerk will notify, within 5 days of the disposition the school district of the fact that the child has been adjudicated delinquent and the nature of the disposition. If the proceeding on the petition is closed, withdrawn, or otherwise terminated without a finding that the juvenile has committed a delinquent act, the court clerk shall notify the school board that the proceeding has been terminated without a finding of delinquency.

In the event a condition of supervision resulting from a delinquency finding is attendance at school, the clerk will simply proceed to notify the school board of the school district in which the child is enrolled of the fact that the child has been adjudicated delinquent and that a condition of the disposition is school attendance pursuant to 938.396(2g)(m)3.

PROCEDURE

As part of the process of filing and entering a petition on the CCAP system, for those petitions alleging that the juvenile has committed a felony, the staff member(s) entering that information shall prepare and send the required notice to the School District in a form and manner approved by the Clerk of Courts.

At the time of preparing the Court Order in which the juvenile is adjudged delinquent, the Notice to the parent or school district and/or principal as required by statute is to be prepared. For hearings conducted by the Judge, the Branch Clerks are responsible for this function. For hearings conducted by the Commissioner, the Juvenile Court office staff are responsible.

EXCEPTIONS/COMMENTS

Note that it will be necessary, based on information provided by the petitioner, for Clerks to determine the appropriate school district or official in those cases where notice will be required.

JUVENILE COURT
POLICY/PROCEDURE

**NOTIFICATION OF THE DEPARTMENT OF JUSTICE
FOR DELINQUENCY FINDINGS (FELONY)
AND NOTIFICATION OF THE JUVENILE OF FIREARM RESTRICTIONS**

POLICY

Pursuant to §938.396(2g)(n), the Court will notify the Department of Justice if a child is adjudged delinquent for an act that would be a felony if committed by an adult.

Pursuant to §938.341, whenever a court adjudicates a juvenile delinquent for an act that if committed by an adult in Wisconsin would be a felony, the court shall inform the juvenile of restrictions on the possession/use and penalties under §941.29 and shall notify the Department of Justice of that fact.

PROCEDURE

The Clerk completing the order or minutes related to the finding of delinquency for an offense that would be a felony if committed by an adult will complete an electronic form for the notification of the Department of Justice which includes the name of the juvenile and the adjudicated offense. Only required information will be provided, including the case number of the case for which the juvenile was found delinquent.

JUVENILE COURT
POLICY/PROCEDURE

**GUIDELINES FOR RESTITUTION AND COMMUNITY SERVICE
DISPOSITIONS**

POLICY

The Juvenile Court will maintain guidelines to be used by the Court in ordering a juvenile to complete restitution and/or community service obligations under §938.34(5) or (5m). Modifications of the guidelines established below may be made at the discretion of the Court, considering the following factors:

- The maximum impact of the order on the child, considering that the initial impact of performing Community Service is achieved in 12-48 hours. The impact of increased hours on services available, considering there are limited placements and staff supervision available for all juveniles referred
- The importance of the obligation relative to other aspects of the treatment or supervision plan. Priority may be given to other treatment or supervision components
- The age of the juvenile, considering that younger children are more difficult to place
- Other physical, behavioral, or mental characteristics of the juvenile may affect the ability of the program to place or monitor the juvenile
- Other time commitments of the child may reduce the time available for Community Service work or employment
- Geographic or transportation factors that may limit/enhance the juvenile's ability to be placed and have access to employment/community service work

GUIDELINES

In all cases, the program implemented shall be of a constructive nature designed to promote the accountability of the juvenile and restoration of the community/victim, shall be appropriate to the age level and physical ability of the child, and may be combined with other counseling, treatment, or supervision services.

Related to Restitution, Social Workers are encouraged to recommend 100% restitution for documented losses as determined by the District Attorney's office. When multiple offenders are involved, division of restitution should involve those individuals able to complete restitution. For juveniles age:

- 16 or 17, a recommended limit is \$1,000 per individual per disposition
- 14 & 15, a recommended limit is \$500 per individual per disposition
- 12-13, a recommended limit is \$250 per individual per disposition
- 10-11, a recommended limit is \$100 per individual per disposition

Exceptions to these limits may be made if the juvenile can demonstrate an ability to pay costs higher than the recommended amount(s) (e.g. has savings).

Related to Community Service the following guidelines should be considered:

Offense Level of Most Serious Concurrent Charge	Recommended Hours 1 st referral for Community Service & 1-3 concurrent counts/petitions	Recommended Hours 2 ^{nd+} Adjudication or 4+ concurrent counts/petitions
Category I Class B & C Misdemeanors	12 Hours	24 Hours
Category II Class A Misdemeanors	24 Hours	36 Hours
Category III Class C, D, & E Felonies	36 Hours	48 Hours
Category IV Class A & B Felonies	48 Hours	48 Hours

Ordering Community Service for a third time for a juvenile should be done rarely, considering the length of time between orders, nature of offense(s), and other dispositional options that may better address the needs related to treatment and supervision of repeat offenders.

For youth ages 10-11 who are ordered to participate in other community-based intervention programs no additional community service should be ordered

Combinations of Restitution and Community Service in one disposition may be considered if necessary, but the total time commitment for the juvenile to complete the obligation along with other time commitments should be considered.

PROCEDURE

The Restitution Specialist in the District Attorney's office has the responsibility for gathering the information and preparing a recommended amount for restitution to be provided to the Social Worker, District Attorney, and the Court. Copies of all court orders which include Restitution or Community Service to be supervised by the Youth Restitution program shall be sent to YRP by the branch/office entering the order. Referrals by Social Workers with additional information related to the juvenile must be sent to YRP within 5 working days of the order being entered.

EXCEPTIONS/COMMENTS

To the degree possible, all amounts related to restitution shall be determined and provided to the court prior to disposition so that any disagreements about amounts can be resolved at that time.

All parties should keep in mind that, although it is the hope that victims will be fully compensated for any loss or damage, that they do retain rights to proceed with a civil action in the event they have not been fully compensated (See Policy on Disclosure of Information to Victim's of a Child's Act).

Pursuant to statute and procedures developed by the Clerk of Courts, in the event a juvenile fails to pay restitution as ordered, the victim, victim's insurer, DA, Corporation Counsel, or supervising agency may petition the court to have the amount of unpaid restitution docketed as a judgment against the juvenile/parent.

JUVENILE COURT
POLICY/PROCEDURE

VENUE TRANSFERS

INTRODUCTION

A number of counties in Wisconsin have entered into an Inter-County Agreement related to Jurisdiction and Venue on Delinquency and CHIPS matters. While the Agreement entered into by the Department is not binding on either the Court or the District Attorney, it does provide guidelines which will generally be followed relative to the handling of these cases.

The general underlying principle is that the county where the child resides with parents is the most appropriate place for a case to be handled.

The Policies/Procedures incorporated in this manual are relevant parts of that agreement. The entire agreement includes other guidelines related to custody intake, court intake, and inter-county communications related to solving problems with inter-county cases.

POLICY

As a general rule, venue for any juvenile court proceeding under 48.12, 938.12, 48.13, 938.13 and 938.18 shall be in the county where the child resides with parents. If a child is residing outside of the county of the parents residence, venue will be in the county of the parents residence if the child has been placed outside of the parental home under a court order or under a voluntary agreement. If the parents were not living together at the time of the court ordered or voluntary placement, venue will be in the county where the parent having physical custody at the time of the child's placement now resides.

For a child living with relatives (including "non-legal" custodial parent), venue will be determined on a case by case basis.

If the District Attorney files a petition contrary to these guidelines, the department will immediately contact the home county department to discuss the status of the case and work toward a mutually agreeable dispositional recommendation. The home county will assist by providing information, reports, and/or possibly testifying at any dispositional hearing in the petitioning county.

If parents of a child move to another county after the filing of a petition which results in an out of home placement, the county of the juvenile court making the dispositional order for placement will retain liability for the costs of such care. If the parents of a child in placement move and maintain residence in another county for at least six months before the time revision of a court order is needed to provide supervision of a child

in the parental home (i.e. child returning to parental home), the court making the original order may transfer jurisdiction of the case to the county where the parents now reside for hearing on the revision matter.

In situations where a matter resulting in placement is heard in a county other than the home county, based on a decision of a District Attorney to petition in that county, jurisdiction and the attendant liability for costs of care will be transferred back to the home county at the time of disposition **as long as the home county** has been involved in the development of a court recommendation **and concurs** with the need for placement.

In addition, Sec. 938.185(1)(c) provides for a transfer of proceedings from one county to another (where the juvenile resides) after adjudication and prior to disposition if the court of the county of residence agrees to that transfer.

PROCEDURE

Receiving Venue Transfers from Other Counties:

In cases in which a Change of Venue order from another county is received, the the Juvenile Court Commissioner Clerk will send a copy of the findings and order changing venue to the Assistant Corporation Counsel for Human Services, 4th Floor Northport. The accompanying files documents will be placed in a newly opened juvenile file and entered into the CCAP computer system.

HSD will check the current service status, if any, of the child in Dane County and review the order and findings as needed to confirm that the change was made in compliance with the Inter-Agency Agreement. If some immediate service is necessary, the Assistant Corporation Counsel will refer the case immediately to an HSD unit. If the venue change does not appear to meet the criteria in the Inter-Agency Agreement, the Assistant Corporation Counsel will prepare a letter, with a copy to the Juvenile Court Commissioner Clerk, to the referring county explaining the reasons that the change does not appear proper. The Court will file that letter in the juvenile's court file and retain the records until such time as there is a change in the Venue Order, if any occurs.

Additionally, the Clerk will send a copy of the underlying petition and the change of venue order to the Deputy District Attorney for Juvenile cases.

Sending Venue Transfers to Other Counties:

In cases in which a Dane County Juvenile Court Judge transfers venue to another county, the proper documents and records will be sent to the new county by staff in the Clerk of Courts office. Copies of the order transferring venue will be retained in the juvenile's Dane County file in accordance with procedures established by the Clerk of Courts.

Accepting Venue Changes Between Adjudication and Disposition

In the event the court receives a notice related to a venue change between the time of adjudication and disposition (e.g. notice of hearing, order for venue change, etc.) the Juvenile Court Commissioner Clerk will proceed as above but immediately FAX a copy of the motion/order to the HSD Corporation Counsel and provide a copy to the Juvenile Court Intake Coordinator, Public Defender's office, and the District Attorney's Office. Concurrently, the clerk will draw a judge for assignment, create a court file, and set the matter for disposition in 21-30 days. Within 10 working days, the Human Services Department, Public Defender, and the District Attorney will provide a written recommendation to the assigned judge related to "accepting venue". If there is no objection to accepting jurisdiction, the court shall notify the originating county of that and proceed with disposition as scheduled. If, upon reviewing the recommendations of the parties, the court decides not to agree to the venue transfer, the court will notify the originating county of that fact and cancel the dispositional hearing scheduled here. If there is not an agreement among the parties, the court may, at its discretion, schedule a conference to review this decision. If the conference cannot be scheduled prior to the sending county's action related to transfer, the court branch will send notice to the sending county that venue is not accepted until further notice..

If a hearing on the venue change in the originating county is scheduled in the originating county within 14 days of receipt of the notice, the Clerk shall send a notice to the originating county that the matter is under advisement and that the venue transfer is not accepted until further notice.

JUVENILE COURT
POLICY/PROCEDURE

COMPETENCY AND NGI EVALUATIONS

POLICY

Pursuant to §938.295(2)(a) the court shall order an evaluation of the child if there is probable cause to believe the child has committed the alleged offense and there is reason to doubt the child's competency to proceed, or upon entry of a NGI plea under §938.30(4)(c).

PROCEDURE

Competency and NGI evaluations are not brokered through the Clinical Assessment Unit as is the case for psychological, psychiatric, and AODA evaluations. Therefore, the Court is responsible for assigning evaluators and payment.

The branch ordering the evaluation is responsible for:

1. Appointment of the evaluator.
 - a. The branch will contact an evaluator to determine if they are willing and able to complete the initial evaluation and written report within the prescribed time limits and if they are willing to complete subsequent three-month re-evaluations (only for Competency evaluations when education to competency is ordered) during the next 12 months, if necessary. Unless special circumstances exist, evaluations will be done on an out-patient basis. For children in the Detention center, it is preferable for the evaluator to meet with the child in JRC. If this is not possible, arrangements need to be made with the Sheriffs Office for transportation.
 - b. A list of evaluators is provided to assist the branch. The list is by no means all-inclusive, but merely an attempt to streamline this process. The listed evaluators have received special training on Competency and NGI evaluations. All are aware of the statutory time limits. Additionally they have expressed a willingness to meet with Detention residents in Detention. The branch is free to appoint a qualified evaluator not on the list, but would need to ascertain whether the evaluator feels qualified to complete, and testify to if necessary, this type of evaluation on a juvenile and if they are willing to complete subsequent three-month re-evaluations (only for Competency evaluations when education to competency is ordered). If they cannot commit to doing so, other evaluators should be contacted.
2. Preparation of the Order.

- a. Specify, in the order, the date by which the report must be filed so as to give the assigned attorneys a reasonable opportunity to review the report. A formatted order that specifies the questions to be addressed is available on the M: drive.
 - b. Mail to the evaluator a copy of the order, the petition, any social worker reports, and/or evaluations contained in the court file. (If the child is in the Detention center, the order and materials can be dropped off in JRC.).
 - c. Mail to the evaluator a copy of the JIPS order if three month re-evaluations are ordered.
 - d. Other copies of the orders are to be sent to the assigned attorneys, social worker, child, and parent(s)/guardian.
3. Distribution of the completed evaluation.
- a. The evaluator will mail the completed evaluation, including 3 copies, and their bill for service directly to the branch.
 - b. Copies of the evaluation should be sent to the assigned attorneys and the social worker.
 - c. The bill should be forwarded to the Courts Division Manager-Juvenile of the Clerk of Courts Office for payment.

EXCEPTIONS

When an attorney requests, and the Court authorizes, an evaluator not on the approved list, it will be the attorneys responsibility to contact the evaluator and ask if the evaluator is qualified and is available to complete the evaluation(s) within the prescribed time limits. The attorney will notify the court of the evaluators acceptance, or refusal, within 24 hours for a child held in secure custody and within 48 hours for a child not held in secure custody. The branch will still be responsible for getting the order and other materials to the assigned evaluator.

TIME LIMIT GUIDELINE

Competency Hearings should be held within 10 days for a child in secure custody and within 30 days for a child not held in secure custody. If the 10th or 30th day falls on a weekend or holiday, the hearing may be scheduled for the following work day. NGI Hearings are controlled by statutory time limits.

EDUCATION TO COMPETENCY/ RE-EVALUATIONS

In the case of a competency evaluation being ordered and received wherein the evaluator recommends and the court finds that the juvenile is not competent to proceed but is likely to become competent to proceed within 12 months or within the time period of the maximum sentence that may be imposed on an adult for the most serious delinquent act with which the juvenile is charged, whichever is less, the court may proceed under a JIPS petition (or in certain circumstances, a Chapter 51 petition). The Court may elect to include a provision in the JIPS dispositional order that the juvenile cooperate with competency education. The Court must include a provision in the JIPS dispositional order that the juvenile be periodically re-evaluated with written reports every three months, as provided in § 938.30(5)(e). Every effort should be made to insure that the same evaluator who did the initial competency evaluation will do these periodic re-evaluations. As soon as possible after the JIPS dispositional hearing, clerks will notify the Juvenile Court Administrator of the need for competency education, will forward the court order for competency education to JRC and will forward the court order for re-evaluation to the assigned evaluator.

Unless the juvenile is placed in an institution under a Chapter 51 proceeding, the Department of Human Services and/or Juvenile Court Program will have staff available who are trained to provide the competency education. The assigned Juvenile Court staff will communicate with the Social Worker to gather copies of the evaluation, re-evaluations, court report and any other pertinent documents, and will communicate with the Social Worker as the education process occurs. The assigned Juvenile Court staff will also communicate with the evaluator if the evaluator initiates contact and seeks information about the competency education. The education is complete when the juvenile can demonstrate an understanding of the court process to the educator and further demonstrate that the juvenile can likely assist in their defense. A variety of materials are utilized with the juvenile to assist in the education process.

The DCDHS Social Worker working with the juvenile will track timelines and contact the evaluator to insure that the re-evaluations are completed at three month intervals. The Social Worker will also coordinate with the branch clerk every three months to be sure that the re-evaluation report has been received. Once received, branch staff will provide the DA, the defense attorney and Social Worker with the re-evaluation report.

If the re-evaluation report indicates that the evaluator believes the juvenile has become competent, the court shall hold a hearing as soon as possible, no more than 10 days after the court receives the report. The clerk will schedule the hearing and notice all parties.

While not mandated by statute, consideration should also be given to scheduling a hearing under either of the following scenarios. First, if the evaluator believes that the juvenile is not yet competent, but still able to attain competence within the time that remains, and if the competency education has been deemed complete by the educator, the Court may wish to hold a hearing to review the matter. Alternatively, the Court may contact the Juvenile Court Administrator with the directive to have the competency

education continue. The second scenario is if the evaluator believes that the juvenile is not yet competent and is unlikely to attain competence in the time that remains, the branch should consider holding a hearing to deal with the possible dismissal of the underlying delinquency petition and to discuss the status of the ongoing JIPS supervision.

JUVENILE COURT
POLICY/PROCEDURE

PARENTAL SUPPORT FOR CHILDREN PLACED IN SUBSTITUTE CARE

POLICY

Pursuant to statute §938.275(1) or §48.275(1) the Juvenile Court will order that parents provide support payments to the department for children placed in substitute care (foster home, group home, child caring institutions) or in a non-secure or secure facility by the court. Pursuant to §46.10(14)(b), a support order issued for this purpose constitutes a wage assignment of all commissions, earnings, salaries, wages, pension benefits and other money due or to be due in the future to the county department, depending on the placement of the child and rules developed by the department.

Orders for parental support entered under these provisions shall supersede any other court ordered payment for child support for the period during which the child is placed out of the home and/or an amount of liability remains outstanding.

PROCEDURE

Roles of Clerk of Courts and Department of Human Services

Responsibility for determining the amount of parental support to be ordered lies with the Department of Children and Families based on information provided to the department by the parent(s) and percentage guidelines established by the Wisconsin Department of Children and Families in DCF 150. The Clerk of Courts is responsible for providing notice to the parent(s) related to their obligations under these statutes and the necessary forms and other materials on which they will provide a statement of income/assets to the department. The Clerk of Courts is also responsible for processes related to filing of these orders with the necessary parties to ensure proper payment. The Court (Judge or Commissioner) is responsible for approving or modifying the recommended support payment and entering an order for payment. In this regard, the Court may modify the amount of support recommended by the department pursuant to criteria provided by statute (§46.10(14)(c)).

Procedural Steps to Determine Amount and Enter the Support Order

To accomplish this process, including the required prior notice to parent(s) of potential liability for cost of care, the following general procedures will be in place:

1. At the time of either a physical custody hearing or plea hearing or any other hearing at which it becomes apparent that out of home placement may be a possibility, the Court (Judge or Commissioner) will inquire if out of home placement is a possible or likely outcome of the eventual proceedings. If so, or in other cases at the

discretion of the Court, the Clerk will provide to the parent(s) present both notice of this liability and a packet of forms and other information necessary for the parent to provide a proper statement of income/assets to the department upon which the amount of liability will be determined. Prior to distribution of the order and form(s), the Clerk will complete the Order for the Judge/Commissioner signature and complete the informational box on the financial statement (next court date, assigned judge, room number and social worker assigned). The Court will also enter an order, with a copy to that parent(s) and department which orders the parent(s) to complete and provide to the department the necessary information within seven days of the order date.

2. Upon receipt of the income/assets disclosure information, the department will determine the recommended level of support and provide that information to the parent(s) and the social worker assigned to the case. That information will be provided to the Court at the time an order is entered for placement.
3. At the time of disposition, the parent may contest the amount of support recommended by the department based on certain factors provided in the statutes. If possible and if time permits this may be done at the same time as the hearing held to determine disposition. If time does not permit this to be addressed at the time of disposition, the Court may refer that portion of the matter to the Commissioner for scheduling and resolution.
4. In the event of **non-compliance** on the part of the parent in completion of the Disclosure of Income & Assets forms, the recommended amount of payment will be determined by the department to be the **full cost of care/month**, based on the type of placement ordered. In that case, the Court will enter an order for the full amount of payment (actual dollar amount to be provided by the department).
5. In the event the income/asset(s) information is not completed for reasons **other than non-compliance** (e.g. time problems, errors in providing forms, etc.), the Court shall enter an order that provides that the parent pay the cost of care to be determined by the department within 30 days (assuming compliance on the part of the parent(s)). If that is the case, the department will proceed to determine the amount and provide that to the parent(s) along with information explaining their rights relative to contesting the amount. If the amount is not contested, the department will forward to the Commissioner an order to be signed which includes the amount determined and confirmation that the parent(s) have been notified of the amount and have not indicated the intention to contest the matter. If the parent(s) does wish to contest the amount the department will request that the matter be scheduled with the Commissioner for a hearing at a time to be determined by the Court.

In any case in which a support order is entered, the order shall contain the amount each parent is liable for during the period of the child's placement.

Issues Related to Wage Assignment

Statutes provide that the order entered under these provisions becomes an assignment of wages and other income. In the event of non-compliance on the part of the parent(s) to pay the ordered amount(s), the department will provide to the Commissioner a Wage Assignment letter that will be filed with the parent(s)' employer. Upon signature of that letter, the Clerk of Courts will mail the letter to the employer and provide copies to the parent and any other support-related agency that may be working with the parent/child (i.e. IV-D).

The department is responsible to notify the court to discontinue the wage assignment at such time as the obligation is completed or otherwise modified. Again, the Commissioner will sign the appropriate letter/form to terminate the wage assignment and the Clerk will forward copies to the necessary parties.

EXCEPTIONS/COMMENTS

There are several issues to be aware of relative to this policy/procedure:

1. The majority of the provision of necessary **notice** and forms will likely be accomplished by the Commissioner and Juvenile Court Commissioner Clerk during the Plea Hearing process. However, there may be situations (esp. in the instance of extensions or change of placement hearings) in which the Judge and Branch Clerk will be responsible for accomplishing the notice and provision of information and entering the order for disclosure of income/assets.
2. There are numerous procedures developed by the department and the Clerk of Courts relative to issues of determination of the liability, the filing of orders for payment and wage assignment, and the overlap of these support orders with existing or subsequent child support orders that provide that the parent is assessed the proper amount, that the proper parties receive information of the order/assessment, and that the order is amended or terminated at the proper time. These procedures are not included in this policy but may be available through the Clerk of Courts office or Department of Human Services.
3. The parent(s) is responsible for the cost of care beginning from the first date of placement through termination of that placement. In cases in which there is an outstanding liability after the time a child is actually placed out of the home, the order for payment and, if necessary, the wage assignment will remain in effect until such time as the obligation is fulfilled.

JUVENILE COURT
POLICY/PROCEDURE

**FILING COURT DOCUMENTS INVOLVING JUVENILES
WITH MORE THAN ONE CASE FILE**

POLICY

Each juvenile file must be "self contained" and include all relevant document filings (petitions, motions, reports, correspondence, etc.) as necessary for the court to consider information pertaining to that petition. Parties filing documents with the court are required to submit sufficient copies in order that a copy may be placed in all relevant files (each petition for each child/juvenile will have a separate file).

The court may, at its discretion, decline to consider any information not properly submitted for filing by any party.

PROCEDURE

Parties filing documents with the court shall file sufficient copies of the document so that a copy may be placed in all relevant files. The original document may contain the file numbers of all relevant files and subsequent copies may highlight the file number for the related files in which the document should be placed.

JUVENILE COURT
POLICY/PROCEDURE

APPOINTMENT OF CASA VOLUNTEERS

POLICY

The Court may appoint a CASA (Court Appointed Special Advocate) Volunteer to a case according to guidelines developed by the Court in conjunction with the CASA program and the recommendation of the Social Worker and/or Guardian Ad Litem assigned to a child's case.

CASA Volunteers are permitted to attend any court hearings related to the child to which they are assigned and may receive necessary information from the Social Worker or Guardian Ad Litem as may be necessary to carry out their duties as a CASA Volunteer as permitted in these policies.

PROCEDURE

When the CASA Program is recommended by a Social Worker or Guardian Ad Litem the appointment of the CASA volunteer should be included in the dispositional order, and the court will send a copy of that order to the CASA program. If a referral for a CASA Volunteer is part of the disposition (not yet assigned), when docketing the case the Juvenile Administrative Staff will send a copy of the order to the CASA program and note that was done.

JUVENILE COURT
POLICY/PROCEDURE

PERMITTED ATTENDANCE AT COURT HEARINGS

POLICY

Pursuant to §938.299(1)(a), the general public is to be excluded from hearings under §938 unless a public fact-finding hearing is demanded by a juvenile through his or her counsel. Statutes provide for exceptions related to whether or not this demand must be honored, and in general, what other parties may attend as determined by the court.

Statutory exceptions to the above general principle of hearings not being open to the public are:

- (1) A **victim** of a juvenile's act/alleged delinquent act may attend any hearing. A **member of the victim's family** or a **representative from an organization providing victim support services** may attend. Certain exclusion apply related to matters dealing with sensitive personal matters of the juvenile or juvenile's family. (Reference §938.299(1)(am)). Victims are not permitted to further disclose information obtained at the hearing unless necessary to commence civil action or otherwise permitted by statute.
- (2) The **general public** (including news media) may attend any hearing related to a felony delinquency allegation for a juvenile who has been adjudicated delinquent previously and that previous adjudication remains of record and unreversed. Certain exclusions apply related to objections that may be made by victims of sexual assault or those portions of proceedings that may deal with sensitive personal information regarding the juvenile or juvenile's family. Additionally, the **general public** (including news media) may attend any hearing for a juvenile alleged to have committed a felony classified as part of the Serious Juvenile Offender Program (refer to list in §938.34(4h)(a).

PROCEDURE

Persons permitted to attend a hearing based on this statute should be directed to the assigned bailiff.

EXCEPTIONS

The court may exclude persons from hearings otherwise permitted by statute in the event of space or safety constraints resulting from inadequate space in which to adequately separate or monitor parties.

JUVENILE COURT
POLICY/PROCEDURE

RECOUPMENT OF LEGAL FEES

POLICY

Pursuant to §48.275(2) and §48.275(2) the court shall order parents of children subject to proceedings under Chapters 48 or 938 to reimburse the state and county for costs of legal services provided to their child/juvenile.

PROCEDURE

To implement this policy, the following steps are taken:

1. Notice of required recoupment legal fees is provided to the client by SPD when counsel is appointed.
2. Upon completion of the proceeding(s) or at such time as the state is no longer providing legal counsel, the Court shall order the parent(s) to make payments to the Clerk of Circuit Court in the amount of \$480 for felony delinquencies and \$240 for all other cases, unless otherwise determined by the SPD office. Multiple count petitions are assessed the same amount as single count petitions, and combination felony/misdemeanor petitions are assessed as a felony petition. Branch staff should complete the recoupment order, have it signed, and forward it with the file to The Juvenile Court Commissioner Clerk.
3. In the event that the parent(s) request an indigency determination, SPD will provide the form and conduct the evaluation upon request and notify the court of that determination. The Court will issue an amended order by completing the Amended Reimbursement Order section of the form from SPD. The SPD will send the Public Defender Order Appointing Council form to the Juvenile Court Commissioner Clerk.
4. Recoupment payments are to be mailed or personally delivered to the Clerk of Courts, Room 1000, and receipted under the CCAP JLF financial code.
5. The Clerk of Circuit Court will continue to report the number of cases, amount(s) ordered, amount(s) amended, and amount(s) collected to SPD on a quarterly basis.

JUVENILE COURT
POLICY/PROCEDURE

VICTIM/WITNESS SURCHARGE

POLICY

Pursuant to §938.34(8d), in addition to any other delinquency disposition, the court shall impose a delinquency victim and witness assistance surcharge in an amount determined by statute. This fee is to be assessed on a "per disposition" basis.

The court may provide up to 60 days for payment but reserves discretion to shorten or lengthen the time required for payment.

PROCEDURE

At the time of disposition, the court shall determine the amount to be assessed and include that surcharge in the court order.

The court clerk will provide the juvenile/parent with the information necessary related to the payment (e.g. where to send payment, due date, etc.).

JUVENILE COURT
POLICY/PROCEDURE

USE OF STANDARD PLEA QUESTIONNAIRE & WAIVER OF RIGHTS

POLICY

In any delinquency case, before a plea to any charge that will result in an adjudication is accepted, Form JD-1737 (Plea Questionnaire/Waiver of Rights) shall be fully completed and provided to the Court unless otherwise ordered by the Judge or Court Commissioner. The form shall include the elements of the offense(s) to which a plea will be entered or have copies of the applicable jury instructions attached.

PROCEDURE

The required form will be available in the Juvenile Branch offices and in hearing room 2A. Prior to the Plea Hearing, the attorney representing the juvenile should ensure completion of the form as required above and provide it to the court at the Plea Hearing.