

JUVENILE COURT
POLICY/PROCEDURE

RECORDS DEFINITIONS

"Confidential record" means a record which may not be disclosed, except by an appropriate court order, through a statutorily authorized exchange which assures the continuing confidentiality of the record, or by a person exercising a statutorily authorized privilege.

"Continuing Confidentiality" means the requirement that parties designated or approved to receive Juvenile Court information may not further disclose that information unless otherwise specifically authorized by Court Order or Policy or by Statute.

"County department" or **"department"** means the Dane County Human Services Department

"Court" means the branches and Commissioners of the circuit court assigned to exercise jurisdiction under Chapter 48 or 938.

"Juvenile Court file" means the numbered file holding all court materials and documents related to a petition for a child under Juvenile Court jurisdiction

"Juvenile Court record" means, unless otherwise specified by policy, all records under the control of the clerk of courts pursuant to §59.39, any record made pursuant to Juvenile Court order (including, but not limited to, examinations under §48.295 or §938.295, Consent Decrees under §48.32 or §938.32, and court reports under §48.33 or §938.33), and records of intake relating to custody intake under §48.20(3) or §938.20(3) and case intake under §48.24 or §938.24.

"Law Enforcement record" means, unless otherwise specified by court or law enforcement agency policy, any record under the direct control of a law enforcement agency

"Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information relating to a juvenile is recorded or preserved, regardless of physical form or characteristics which has been created or is being kept by an authority, but does not include notes prepared for personal use by the creator of the record, information relating to a juvenile within the exclusive jurisdiction of a court which does not exercise jurisdiction under Chapter 48 or 938, or as otherwise excepted by these policies or by policies of a law enforcement agency or the department of human services.

"Reporters of news" means any person employed by or performing services for an organization regularly disseminating news to the public and seeking from the court information controlled by these policies.

"Social service records" unless otherwise defined by the department are those records, portions thereof, and any other information, including verbal communication (but not including juvenile court records) relating to children/juveniles who have been or are receiving services from or have been or are in the care or custody of the county department, i.e., persons who have requested or received, or who are receiving services, whether directly **from the department** or pursuant to contract or agreement **between the department and** another agency. Social service records also include those records defined by §48.981(1)(e), Stats..

JUVENILE COURT
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COUNTY DEPARTMENT AND SERVICE PROVIDER RECORDS

POLICY

Copies of Juvenile Court records and social service records are confidential and shall not be disclosed except as follows:

1. Records may be released or information disclosed as authorized by statute or pursuant to an order of the juvenile court.
2. The Human Services Department may share its records or information, including relevant court records, either verbally or in writing, with Family Court Counseling Services, DOC Probation and Parole, or with an agency or person to whom the department has referred a client for services or with an agency or person under contract, sub-contract, or agreement with the county department, on a need to know basis only, for the purposes of assessing families' needs, preparing recommendations for the court or to enable the county department to coordinate the delivery of services to the client. This does not include evaluations ordered under §48.295 or §938.295 unless otherwise authorized by policy or specific court approval.
3. The Human Services Department may share their records, including relevant court records, with ARB or other review team developed by the department for the purpose of preparing a recommendation for the court or to enable the county department to access and coordinate the delivery of services to the client.
4. The Human Services Department may share its records, including relevant court records, with CASA volunteers, on a need to know basis, for the purposes of assisting the department and/or the court in providing supervision and support to a child/family. This does not include evaluations ordered under §48.295 or §938.295 unless otherwise authorized by policy or specific court approval.
5. The Human Services Department may share its records, including relevant juvenile court records, with another county department of human/social services and the federal Social Security Administration, for the purposes of assessing a client's need for services or providing services to a client/family.

Unless otherwise approved by Court Policy, copies of court records, court-ordered examinations under §48.295 §938.295, and Law Enforcement records of the county department are not social services records but rather retain their original status and are subject to applicable Wisconsin statutes controlling access and disclosure.

Records and information created by an agency or person providing services under contract or sub-contract to the county department or pursuant to court order which relate to a juvenile or family shall not be disclosed unless otherwise approved by Court Policy, including 6 below.

6. Records and information received or created by a service provider, including but not limited to psychiatrists, psychologists and medical personnel, relating to an individual receiving services pursuant to court order or county department contract, sub-contract, or agreement may be shared with employees or other agents of the service provider agency on a need to know basis and shall be provided to the court or county department on request unless otherwise ordered by the court.

CONTINUING CONFIDENTIALITY

Any person or agency receiving a record or information under this policy shall be informed that further disclosure of the record or information without court authorization or otherwise permitted by statute is prohibited under penalty of contempt.

EXCEPTIONS/COMMENTS

Administrative records (e.g. agency memoranda and personnel policies) which do not contain individual client information are not covered by this policy.

Records or information in service provider agency files which are **not related to an individual** receiving services pursuant to a contract, sub-contract, agreement, or court order are not covered by this policy.

Refer to the Policy on Records Relating to Examinations under §48.295/938.295 for specifics related to the release/sharing of evaluation records.

Children Come First Coordinators/Supervisors may share its records, including relevant court records, under the same provisions as the Human Services Department for the purposes of coordinating development and implementation of services provided it is done with the documented consent of the county social worker and with the declaration required under “Continuing Confidentiality” above.

JUVENILE COURT
POLICY/PROCEDURE

RECORDS RELATED TO EXAMINATIONS UNDER §48.295 or §938.295

POLICY

Records relating to an examination under §48.295 or §938.295 are juvenile court records subject to the provisions of §48.396(2) or §938.396(2) and are not subject to §51.30 nor 42 C.F.R Part 2. An examination under this section is neither a treatment service within the meaning of Chapter 51 nor a drug or alcohol abuse prevention functions as defined by federal law.

An examination ordered under this section which is made part of the court record is not subject to privilege, i.e. the examined party is without authority to allow or prohibit disclosure of the examination record, for the purpose of communicating the examination record to the court, district attorney, and counsel for or the child or other party, in preparing the court report under §48.33 or §938.33 and, subject to the decisions of the court, for use in proceedings related to the juvenile court petition.

Copies of and references to examination records which are contained in the juvenile's county department file continue to be a juvenile court record and are not subject to the exchange provision of §48.78 or §938.78. All such copies and references shall be clearly identified as a confidential juvenile as a confidential juvenile court record which may not be disclosed except as authorized by Court Policy or Order.

Unless otherwise prohibited by the court or by other policies, the county department may share copies of evaluation records with day treatment programs, group homes, child caring institutions, Family Court Counseling staff, therapists, court-ordered evaluators/therapists, a Court Appointed Special Advocate (CASA) volunteer, and CCF Case Coordinators/Supervisors for the purpose of assisting the county agency in the development of a treatment plan and in implementing the court's dispositional order. CCF Case Coordinators/Supervisors may also release copies of court ordered evaluations to the above with the documented consent of the assigned county social worker for the purpose of facilitating court ordered placement or implementing supervision plans. Evaluators may provide a copy of the evaluation to third-party payers for purposes of seeking reimbursement as may be required by agreement with the Department. Further release of the evaluations by the third party is prohibited, and information indicating this prohibition must be included with the evaluation. Under no circumstances may any of the persons authorized to receive copies or the assigned evaluator further release the assessment to any other persons, including parents, children, attorneys, and other treatment providers without approval of Court Policy or Order of the assigned juvenile judge.

The court shall cause copies to be transmitted to the district attorney or corporation counsel, to counsel or guardian ad litem for the child, counsel for the

parent(s), and to the court-appointed special advocate for the child. If applicable, the court shall also cause copies to be transmitted to counsel or guardian ad litem for the unborn child and the unborn child's expectant mother. At no time, without specific court approval, shall a copy of the evaluation be given to the parent(s), child, or other persons by the parties above to be read, retained, or removed from the presence of the court. For parents not represented by counsel, the court, if requested, may order release of the report. It is preferable, however, in all cases that the evaluator or worker interpret the results of evaluation to the parties.

All copies of evaluation records covered under this section and/or disclosed under this section shall be stamped "**Further disclosure of this record or information is prohibited under penalty of contempt**".

PROCEDURE

Unless otherwise provided by Policy or Statute, records of examinations/evaluations ordered by the juvenile court pursuant to §48.295 or §938.295 may only be inspected or copied upon written order/authorization of the court. The order shall contain the name(s) of persons and agencies who may have access to the records. Further disclosure to other persons or agencies is prohibited under penalty of contempt unless the judge amends the original order to specifically allow such further disclosure.

Any person requesting an opportunity to inspect or (only for school personnel) receive a copy of an examination/evaluation report ordered by the juvenile court must file the following written documents with the clerk of the assigned juvenile court branch:

1. A statement explaining the purpose for examining the record and the name, address and professional affiliation of the individual requesting access to the record.
2. An informed consent signed by the child's parent or guardian, and by the child if the child is 14 years of age or older. The consent must identify the requester by name, address and professional affiliation, describe the purpose for the disclosure, include a notice to the parent/guardian/child of their right to withhold their consent and include a time limit within which the requestor may have access to the record.

The assigned branch will forward a copy of the request and the informed consent to the attorney or guardian ad litem for the child and provide 10-days within which counsel may object to the disclosure. If no objection is received within the ten-day notice period and/or if the court determines that disclosure is appropriate, the court may order the inspection or copy of the requested record or portions thereof. The court's order shall include any necessary and appropriate restrictions on the further disclosure of information by the requester. Any record or information copied shall be stamped "**Except by court order, dispersal of this document is prohibited under penalty of contempt**".

JUVENILE COURT
POLICY/PROCEDURE

ACCESS TO/RELEASE OF COURT FILES

POLICY

Access to and/or the release of Court files may not be granted unless specifically authorized by Court Policy/Order or Statute as follows:

***Review** as defined in this and any other related records policy means that the party may read/see information in the record but may not remove the record from the court office and may not make copies of documents unless otherwise ordered by the court or specifically permitted in these policies.

1. **Review** of the Court file without Court Order may be granted to:

- personnel of the Court, including persons providing services to the Court, Family Court Commissioner, Family Court Counseling Service, IV-D, Family Support, and CASA Volunteers
- the State Department of Health and Social Services staff providing services to the juvenile pursuant to a court order,
- State Probation Officers (adult) assigned to investigate or provide supervision to the youth, and -the attorney representing the youth in adult court with the consent of the youth.
- Staff of the State Department of Corrections Division of Youth Services Juvenile Corrective Sanctions program and Juvenile Probation agents. Staff in this category may make copies of the information they may require for purposes of providing services to the juvenile.
- the department of corrections, for purposes of providing the department with a juvenile's offense history **if** the child has been adjudicated delinquent for a sexually violent offense as defined in §980.01(6).
- the victim-witness coordinator for the purpose of enforcing the rights of or providing services to individuals related to the case.

2. Counselors of the Family Court Counseling Office, in addition to reviewing records as noted above, may make copies of any court or Human Service records to which they will otherwise be entitled to receive from the department, including evaluations ordered under §48/938.295, without further specific court authorization. Information received shall be segregated in confidential envelopes within the Family Court Counseling file and would not be used in any family proceeding nor disclosed to any other party or their attorney without specific prior approval of the assigned juvenile judge.

3. A person 17 years of age or older must receive permission from the court to **review** his/her file as outlined below (#8). Copies of orders previously provided the person or his or her parents which are now lost may be duplicated and provided to the requestor without additional permission of the Court.
4. Law Enforcement agencies may **review** files pursuant to a request authorized by statute (§938.396(2)(c)) for the investigation of the juvenile's possible involvement in gang related activity.
5. The Youth Restitution Program may verbally disclose certain information about the juvenile's offense and record to potential employer(s) as may be reasonably necessary to protect fellow employees and the public. Such information shall be restricted to that which is necessary to permit the on-the-job supervision to be structured to meet the needs of the child and to protect the safety and welfare of the employer, fellow employees, and the public, and may include the nature of the offense for which the juvenile was found delinquent.
6. Municipal Courts may **review** Juvenile Court files for the purpose of verifying the current status of the child in Juvenile Court related to the following: the nature of prior petitions, the current status of the child (e.g. under supervision, Delinquent, CHIPS, etc.), or for verifying a juvenile's participation in AODA or other treatment programs as may be relevant to the Municipal Court in making a disposition in a pending Municipal Court action. Material is not to be removed from the file or copied without the permission of the Judge assigned to the case, and consistent with requirements for continuing confidentiality below further disclosure of the record or information is prohibited.
7. Pursuant to §938.396(2m), the Court shall disclose to the requestor, the name and age of a child who has been adjudicated delinquent for committing a violation of §940.01 First-degree intentional homicide), 940.02 (First degree reckless homicide), 940.03 (Felony Murder), 940.05 (Second degree intentional homicide), 940.06 (Second-degree reckless homicide), 940.225(1) or (2) (First or Second Degree Sexual Assault), or 943.32(2) (Armed Robbery), or 939.62(2m)(a)1,2 or 3, the nature of the violation, and the disposition imposed as a result of that violation. The requestor may further disclose that information to anyone.
8. Pursuant to §938.396(2)(d) upon request of a court of criminal jurisdiction or a District Attorney they may **review** court records for the purpose of investigating whether a person has possessed a firearm in violation of §941.29(2) relating to any child who has been adjudicated delinquent for an act that would be a felony if committed by an adult.
9. Requests for the inspection of records other than those indicated above must be approved by the Court pursuant to a request made on the form provided by the Court and verification by the Court that the person making the request is the person authorized by statute to inspect such information.

REQUIREMENT FOR CONTINUING CONFIDENTIALITY

Unless otherwise specifically authorized by statute (e.g. §938.396(2m)(a) or (b), §938.396(2)(f) or Court Policy/Order, any person or agency receiving a record or information under Court Policy shall be informed that further disclosure of the record or information without Court authorization is prohibited under penalty of contempt.

PROCEDURE

Any requests for information or review as provided for in this policy shall be made in writing to the Branch assigned on a form provided by the court. If the request is made in person, the court staff will verify the identity of the individual making the request and so note that on the form. If the request is mailed to the court, the request must be notarized as assurance that the person making the request is that person. If court approval is required, the judge assigned will review the request within 72 hours and approve/deny the request and notify the requester of approval/denial and the manner in which the records may be inspected/reviewed. In these cases, the judge may, in his/her discretion, limit disclosure/review to the following documents: petitions, motions, court orders, and hearing minutes.

In the event the request is made by the parent, guardian, or legal custodian of a juvenile or by the juvenile age 14 or over (§938/48.396(2)(ag) the judge may refuse access to the record(s) if there is concern that inspection of the records by any of those parties would result in imminent danger to anyone. In this case, the judge shall set a hearing within 21 days at which time the court may determine whether or not to release the records for inspection. The court shall provide due notice of the hearing to the party making the request and any other party as may be deemed to be appropriate by the court.

In all cases, the request and approval must be documented in the court file, including a notation of when the file was reviewed by the requesting party.

EXCEPTIONS/COMMENTS

If copies of records are requested and provided, pursuant to §814.61(1) a charge per page is required. In the event the requestor does not provide a case number if required to conduct the search, a search fee is authorized by §814.61(11) and as determined by the Clerk of Courts.

JUVENILE COURT
POLICY/PROCEDURE

DISTRIBUTION OF/ACCESS TO COURT ORDERS

POLICY

Copies of Court Orders will be sent by the Court in all cases to:

1. The Parent(s) of the child/children under jurisdiction
2. All attorneys representing a party in the case
3. Children 10 years of age or older
4. The Social Worker assigned to the case for assessment or supervision
5. Persons/Agencies providing physical supervision of a child in placement (i.e. foster parent, group home, residential treatment center)
6. The Youth Restitution Program for any juvenile ordered to complete restitution or community service
7. Any other person/agency authorized by the Court as deemed relevant as necessary or of assistance in providing the supervision/treatment for the child/family

Objections may be made by any party to the distribution of a court order to any party, person, or agency, and the court may bar distribution of the order upon making a good cause finding that distribution of the order would not be in the best interests of the juvenile.

In addition, copies of court dispositional and physical custody orders for children adjudged or alleged **delinquent** will be provided to law enforcement agencies upon request for the purpose of assisting the law enforcement agency and the court in monitoring and/or supervising the child's compliance with conditions of the order. Requests for copies of orders for children alleged/adjudged CHIPS must be directed to and approved by the Judge or Commissioner entering the order prior to distribution to law enforcement.

The Department may provide a copy of a Court Order to an agency or person under contract, subcontract, or agreement with the department, the State Department of Health and Human Services and/or Division of Corrections, and other County Human Service Departments for the purpose of enabling the Department to coordinate the delivery of services to the client. Children Come First Coordinators/Supervisors may provide a copy of court orders to agencies or individuals, with the documented consent of the county social

worker, as may be necessary to carry out the order of the court provided that parties receiving the information are warned that further release is not permitted.

PROCEDURE

Related to requests by Law Enforcement for copies of Court/Physical Custody Orders:

1. Approval applies only to specific case requests from law enforcement personnel who have an interest in monitoring the child's compliance with conditions of the order.
2. The Court clerk will note in the file the request and provision of orders.
3. The copy of the order will be stamped relative to requirements for continuing confidentiality.
4. For Physical Custody orders, JRC will review conditions of the order and may provide them at their discretion (verbally) for the purpose of assisting in monitoring compliance
5. Conditions related to contact with other individuals at school and/or presence on school property may be shared by law enforcement with the appropriate school personnel.

JUVENILE COURT
POLICY/PROCEDURE

ACCESS TO RECORDS BY MILITARY RECRUITERS

POLICY

All requests for release of juvenile records as requested by military recruiters will be answered as follows:

NO JUVENILE RECORDS AVAILABLE

unless otherwise permitted by statute or court policy.

JUVENILE COURT
POLICY/PROCEDURE

JOB CORPS ACCESS TO JUVENILE COURT FILES

POLICY

Authorized staff of the Job Corps program may review (read, not copy) Juvenile Court Records for the purpose of completing necessary background checks on juveniles/young adults enrolling in the Job Corps Program. Review of the record is limited to staff designated by the Job Corps placement agency.

Approval for record access may be given either by approval of the Juvenile Judge who has jurisdiction over the juvenile or pursuant to policies related to access to court records by third parties (Refer to Policy III-D).

PROCEDURE

The following steps should be taken related to this access:

1. The agency administering the Job Corps Program placement will secure the signature of the juvenile/parent on a Request for Release of Information form or access form approved by the Clerk of Courts.
2. That form should be delivered to the Juvenile Court Commissioner Clerk. Court staff will determine if there is a juvenile file and if so, what judge is assigned. If there is not a Juvenile Court record, the review is concluded. If there is a file, staff will get approval for review from either the Judge assigned to the juvenile or the Commissioner.
3. If the file is available, staff from the Job Corps agency may review the contents of the file and complete the **Statement from Court or Other Agency** form as required. No contents of the file may be removed from the Records Center or copied. If the file is not available (e.g. stored elsewhere), arrangements should be made between court and agency staff to retrieve the file and set a time to review it.

EXCEPTIONS/COMMENTS

Any exceptions to this, either in terms of process or information released, must be approved by the Court.

JUVENILE COURT
POLICY/PROCEDURE

**RELEASE OF INFORMATION BY MUNICIPAL COURT(S)
RELATED TO TRUANCY AND MUNICIPAL COURT ACTION(S)**

POLICY

The Municipal Court of any jurisdiction within Dane County may confidentially exchange information, which is otherwise confidential as provided under Chapter 48 or 938 of the Wisconsin Statutes, to wit: the Notice of Disposition for each person found habitually truant under Municipal Ordinance and ordered to perform community service with any provider of such services as may be contracted with by the Municipality relative to any juvenile over the age of 15 years and six months who is under the concurrent jurisdiction of the Dane County Juvenile Court and the Municipal Court so long as the exchange is confidential and not otherwise divulged to any other agency or person(s) not enumerated in this policy.

The Municipal Court Judge of any jurisdiction within Dane County may, at his/her discretion and without further court order, release confidential municipal juvenile records to the parents or legal guardians of such juvenile, provided such information is not released unless the parent or guardian appears in person at the court offices and provides appropriate proof of parental status. However, Municipal Court records of alcohol, drug or mental health assessments, screenings, treatment and similar documents designated as confidential by statute may not be released pursuant to this rule.

The Municipal Court of any jurisdiction within Dane County may release confidential municipal juvenile records to the media or may allow the attendance of the media at confidential municipal juvenile proceedings pursuant to the same rules as adopted in Juvenile Circuit Court, if any, or pursuant to their lawful discretion, if there are no applicable rules, without further circuit court order.

PROCEDURE

The Municipal Court shall notify the Chief Judge of Juvenile Court of any such contractual arrangement with a provider of services and of the intent to disclose information as indicated above. Providers are to be notified of their obligation(s) as to continuing confidentiality of this information but may release to potential employers/job sites information as may be necessary to protect the safety of other workers at the site.

JUVENILE COURT
POLICY/PROCEDURE

ACCESS TO COURT RECORDS BY REPORTERS OF NEWS

POLICY

Reporters of news shall be permitted to inspect copies of Juvenile Court Delinquency Records only if permitted by statute (§938.396(2g)(k) & (l)) or as noted below.

Inspection of court records pursuant to statute is limited, unless otherwise authorized by the Judge assigned to the case, to pending or prior delinquency petitions, other petitions related to pending or prior delinquency actions (e.g. revision/extension/change of placement), court orders, notices, and motions related to prior or pending delinquency petitions.

In all of the above, the reporter may further disclose the information only if permitted by statute.

PROCEDURE

For all of the above the Clerk of Courts will establish procedures and criteria for authorization and may limit or otherwise direct access in a manner necessary to the maintenance and security of the records. Any further exceptions must be approved by the Court.

JUVENILE COURT
POLICY/PROCEDURE

ATTORNEYS SIGNING OUT OF JUVENILE RECORDS

POLICY

Consistent with Circuit Court Rule 113, attorneys may sign out a Juvenile Court file only for cause shown and only upon receipt of a specific court order from the assigned judge which grants authorization to do so.

Under no circumstances shall original records be kept longer than 10 days, and a written receipt/form shall be obtained for each file removed from the office.

PROCEDURE

Documents in files may only be provided to the attorney for the child, parent, District Attorney's Office, Corporation Counsel, or GAL or their designee (e.g. law clerk, intern, etc.) and only if they are eligible to receive them.

If the assigned attorney wishes to request they be allowed to remove the file from the building, he/she must complete the File Request form and obtain judicial approval prior to being given the file. The clerk will maintain the File Request form in a specific location (so as to be able to "track" those that might be signed out) and upon return of the file note that on the Request form and place the Form in the file as a permanent record of to whom and when the file was signed out. If the file is not returned by the time designated in the Request, the clerk will contact the attorney to return the file.

In all cases, the file must be returned to the clerk not less than 48 hours prior to any scheduled court hearing, upon request of the clerk, or no later than 10 days, whichever comes first.

JUVENILE COURT
POLICY/PROCEDURE

**EXCHANGE OF INFORMATION BETWEEN
THE COUNTY DEPARTMENT AND SCHOOLS**

I. DELINQUENTS AND JUVENILES IN NEED OF PROTECTION OR SERVICES

POLICY

Information from the Department of Human Services to the School District:

Pursuant to §938.78(2)(a) & (b) and subject to any Memorandum of Understanding entered into between the Department and a school district, the County Department is permitted to **confidentially** disclose the contents of any record kept or information received about an individual in its care or legal custody for the purpose of coordinating services, conducting investigations, or taking other appropriate actions as may be necessary for either the department or the district to perform their duties.

"In their care or legal custody" is defined to include any individual/child in which the department is involved in conducting an intake assessment, providing services pursuant to a court order or on a voluntary basis, or is defined by the department to be an "open" case.

Information from the School District to the Department of Human Services

Whenever a school official makes a referral to Intake pursuant to §938.24 alleging that the named juvenile is habitually truant from school and in need of protection or services which can be ordered by the court, the official shall provide all the information required by §118.16(5). This disclosure of both progress and behavioral information is lawful because the law authorizing this disclosure, §118.125(2)(g) was in effect prior to November 19, 1974, and therefore is exempt from federal law. The Juvenile Court Judge is the "public official" within the meaning of this statute and is authorized to receive such information through the intake unit.

With respect to all other referrals, intake inquiries and preparation of dispositional reports, pursuant to §938.78(2)(b)2 and subject to any Memorandum of Understanding entered into between the School District and the Department, a school district in which the individual is enrolled is authorized/ordered to **confidentially** disclose to the County department any information contained in the district pupil records as may be necessary for the agency to provide care and treatment for the individual. The department may use the pupil records only for the purpose of providing care and treatment and the district may make the records available only to employees of the department who are providing treatment or care for the individual. Only that information necessary to provide safe and reasonable treatment, supervision, or planning for the individual may be further shared (verbally) by the

department with other individuals providing direct care, supervision, or treatment pursuant to a contractual agreement or memorandum of understanding with the department.

The authorization contained in this policy has the effect of a Court Order as may be required under §938.78(2)(a) or (b)2.

CONTINUING CONFIDENTIALITY

Any record or information exchanged under this policy or disclosed by court order is subject to continuing confidentiality requirements unless otherwise permitted by statute or court policy or Court Order.

II. CHILDREN IN NEED OF PROTECTION OR SERVICES (CHIPS)

POLICY

The County Department is permitted to disclose the following information to the school attended by the child:

- Whether the case is open for social services
- Whether the case is currently assigned to a social worker, and if so who
- What is the current status of Juvenile Court jurisdiction and or at what stage potential jurisdiction is in (e.g. pending investigation, court pending, etc.)
- Whether there is evaluation information in the possession of the department that would enable the school to carry out their educational responsibility (e.g. intellectual assessment, social/emotional status, academic achievement, etc.). If yes, whether there is a current court order authorizing release of that information, and if not whether the school is requesting that the department submit such a request to the court.
- Information on referrals to voluntary services in child welfare investigations that did not result in the filing of a Juvenile Court petition.
- **May verbally disclose** information from court records which are contained in department files, except for clinical (psychiatric/psychological) and AODA evaluations, for the **limited** purpose of facilitating joint planning for educational needs. Disclosure of Court ordered clinical evaluation records or information requires a court order.
- Information regarding day care services when travel plans are in question.

Whenever a school official makes a referral to Intake pursuant to §48.24 alleging that the named juvenile is habitually truant from school and in need of protection or services which can be ordered by the court, the official shall provide all the information required by §118.16(5). This disclosure of both progress and behavioral information is lawful because the law authorizing this disclosure, §118.125(2)(g) was in effect prior to November 19, 1974, and therefore is exempt from federal law. The Juvenile Court Judge is the "public

official" within the meaning of this statute and is authorized to receive such information through the intake unit.

With respect to all other referrals, intake inquiries and preparation of dispositional reports, county department staff should receive the following information unless parental objections has been registered with the school:

- Whether or not the child is enrolled, and if so where.
- Whether the child is in regular attendance at the registered school
- The name of the school contact person
- Further information may be obtained by parental consent or specific court order

CONTINUING CONFIDENTIALITY

Any record or information exchanged under this policy or disclosed by court order is subject to continuing confidentiality requirements.

JUVENILE COURT
POLICY/PROCEDURE

ACCESS TO COURT RECORDS BY OTHERS

POLICY

Pursuant to §938.396(2m)(a) & (b) the court shall open for inspection by the requester the pending or prior delinquency court records related to a juvenile who:

1. Has been alleged to be delinquent for committing a violation specified in
 - §939.62(2m)(a)1,2, or 3
 - §948.30(1)
 - §939.31

or

2. Has been alleged to be delinquent for a committing a violation that would be a felony if committed by an adult and has been previously been adjudicated delinquent and that previous adjudication remains of record and unreversed.

Inspection is limited, unless otherwise authorized by the Judge assigned to the case, to review of pending or prior **delinquency** petitions, other petitions related to a delinquency matter (i.e. revision/extension/change of placement petitions), and court orders, hearing minutes, notices, and other motions related to pending or prior **delinquency** petitions.

PROCEDURE

The Clerk of Courts may establish a procedure related to the manner or form in which a request for inspection must be made and the manner in which records may be reviewed, including such limitations as may be necessary to ensure the security and accurate maintenance of records and provide for timely inspection within the limitations of staff time necessary to prepare the information for review and monitor the inspection.

Under no circumstances, unless otherwise authorized by the Court by order or policy, may the requester make a copy of the information provided for review or otherwise remove the information from the area designated by the Clerk of Courts for review.

The information obtained by the requester under this provision may be further disclosed to anyone.