

Table of Contents

HOW TO USE THE BOOK FORMS

CHAPTER 1 INTRODUCTION

CHAPTER 2 RIGHTS OF CHILDREN, PARENTS, AND EXPECTANT MOTHERS

- I. Scope of Chapter [§ 2.1]**
- II. Right to Counsel [§ 2.2]**
 - A. In General [§ 2.3]
 - B. The Child [§ 2.4]
 - 1. Delinquency [§ 2.5]
 - 2. CHIPS and JIPS [§ 2.6]
 - 3. UCHIPS [§ 2.7]
 - 4. Termination of Parental Rights [§ 2.8]
 - 5. Wis. Stat. Ch. 51 and Wis. Stat. Ch. 55 Proceedings [§ 2.9]
 - 6. Criminal Contempt [§ 2.10]
 - C. Parents [§ 2.11]
 - 1. Delinquency [§ 2.12]
 - 2. Termination of Parental Rights [§ 2.13]
 - 3. CHIPS and JIPS [§ 2.14]
 - D. Adult Expectant Mothers: UCHIPS [§ 2.15]
 - E. Valid Waiver of Right to Counsel [§ 2.16]
- III. Right to Jury Trial at Fact-Finding Stage [§ 2.17]**
 - A. Delinquency and JIPS [§ 2.18]
 - B. CHIPS [§ 2.19]
 - C. UCHIPS [§ 2.20]
 - D. Termination of Parental Rights [§ 2.21]
- IV. Right to Remain Silent [§ 2.22]**
 - A. Right Against Self-Incrimination in Juvenile Court Proceedings [§ 2.23]
 - B. Right Against Self-Incrimination When Potential Exists for Criminal or Quasi-criminal Prosecution [§ 2.24]
- V. Right of Confrontation and Cross-examination; Right to Present and Subpoena Witnesses [§ 2.25]**
- VI. Right Against Unreasonable Search and Seizure [§ 2.26]**

- VII. Burden of Proof [§ 2.27]**
 - A. Delinquency Adjudications [§ 2.28]
 - B. CHIPS, UCHIPS, and TPR Adjudications [§ 2.29]
 - C. JIPS Adjudications Under Wis. Stat. Ch. 938 [§ 2.30]
 - D. Postadjudicatory Stage [§ 2.31]
 - E. Waiver Proceedings [§ 2.32]

VIII. Notice as a Fundamental Right [§ 2.33]

IX. Substitution of Judge [§ 2.34]

X. Standard Juvenile Court Forms [§ 2.35]

**CHAPTER 3
ROLES OF THE PARTIES IN JUVENILE COURT**

I. Scope of Chapter [§ 3.1]

II. Role of Defense Attorney [§ 3.2]

III. Role of Prosecutor [§ 3.3]

- A. Types of Cases Under Wis. Stat. Ch. 48 [§ 3.4]
- B. Types of Cases Under Wis. Stat. Ch. 938 [§ 3.5]
- C. Exercise of Prosecutorial Discretion [§ 3.6]

IV. Role of Guardian ad Litem [§ 3.7]

V. Role of Juvenile Court [§ 3.8]

- A. In General [§ 3.9]
- B. Juvenile Court Judge [§ 3.10]
- C. Circuit Court Commissioners [§ 3.11]

VI. Role of Intake Worker [§ 3.12]

- A. In General [§ 3.13]
- B. Intake Worker as Police Officer and Magistrate [§ 3.14]
- C. Intake Worker as Investigator and Advisor to Corporation Counsel and District Attorney [§ 3.15]
- D. Intake Worker as Counselor [§ 3.16]
- E. Intake Worker as Advisor to the Court [§ 3.17]

VII. Role of Social Service Agency and Department of Corrections [§ 3.18]

VIII. Role of Police [§ 3.19]

IX. Role of Court-Appointed Special Advocate (CASA) [§ 3.20]

X. Standard Juvenile Court Forms [§ 3.21]

**CHAPTER 4
JURISDICTION AND VENUE****I. Scope of Chapter [§ 4.1]****II. Jurisdiction Under Juvenile Justice and Children's Codes [§ 4.2]**

- A. In General [§ 4.3]
- B. Juveniles Alleged to Be Delinquent [§ 4.4]
 - 1. In General [§ 4.5]
 - 2. Offense Committed When Juvenile Under 10 but Charged When Juvenile Older Than 10 [§ 4.6]
 - 3. Offense Committed When Juvenile Older Than 10 but Charged in Adult Court After Individual Has Turned 17 [§ 4.7]
 - a. In General [§ 4.8]
 - b. State Aware of Offense While Individual Is a Juvenile but Delays Charging Until Individual Is an Adult [§ 4.9]
 - c. State Does Not Discover Offenses Committed by Juvenile Until After Individual Turns 17 [§ 4.10]
 - 4. Offense Committed and Delinquency Petition Filed When Individual Is a Juvenile but Individual Reaches Age 17 While Proceedings Pending [§ 4.11]
 - a. In General [§ 4.12]
 - b. Juvenile Turns 17 Before Adjudication [§ 4.13]
 - c. Juvenile Turns 17 After Adjudication [§ 4.14]
 - 5. Waiver of Juvenile Court Jurisdiction [§ 4.15]
 - 6. Exclusive Original Adult Court Jurisdiction [§ 4.16]
 - a. In General [§ 4.17]
 - b. Transfer from Adult Court to Juvenile Court (Reverse Waiver) [§ 4.18]
 - c. Dispositions [§ 4.19]
 - 7. Statutes of Limitation [§ 4.20]
 - 8. Jurisdiction over Certain Indian Juveniles [§ 4.21]
 - a. Wisconsin Indian Child Welfare Act (WICWA) and Federal Indian Child Welfare Act (ICWA) [§ 4.22]
 - b. Delinquency [§ 4.23]
- C. Juveniles Alleged to Be in Need of Protection or Services [§ 4.24]
- D. Children Alleged to Be in Need of Protection or Services [§ 4.25]
- E. Unborn Children Alleged to Be in Need of Protection or Services [§ 4.26]
- F. Civil Laws, Ordinances, and Truancy [§ 4.27]
- G. Traffic, Boating, Snowmobile, All-Terrain Vehicle, Utility Terrain Vehicle, and Limited-Use Off-Highway Motorcycle Violations [§ 4.28]
- H. Wis. Stat. Chs. 51 and 55 [§ 4.29]
- I. Waiver of Parental Consent to Abortion [§ 4.30]
- J. Jurisdiction over Adults [§ 4.31]
- K. Other Matters [§ 4.32]
- L. Concurrent Jurisdiction with Other Courts in Determining Legal Custody [§ 4.33]

III. Venue: Wis. Stat. §§ 48.185 and 938.185 [§ 4.34]

- A. In General [§ 4.35]
- B. Delinquency, JIPS, Waiver, and Civil Law and Ordinance Violations [§ 4.36]

- C. Children or Unborn Children in Need of Protection and Services [§ 4.37]
- D. Guardianship and Termination of Parental Rights [§ 4.38]
- E. Extended Out-of-Home Care [§ 4.39]
- F. Changes in Placement, Revision, and Extension of CHIPS, UCHIPS, and JIPS Dispositional Orders [§ 4.40]
- G. Change in Placement; Posttermination of Parental Rights [§ 4.41]

IV. Charts [§ 4.42]

- A. Jurisdiction Under Wis. Stat. Ch. 938 by Age and Offense [§ 4.43]
- B. Original Adult Court Jurisdiction: Procedure [§ 4.44]

V. Practice Form [§ 4.45]

- A. Motion for Change of Venue (Form JUV-0001) [§ 4.46]

VI. Standard Juvenile Court Forms [§ 4.47]

**CHAPTER 5
PHYSICAL CUSTODY**

I. Scope of Chapter [§ 5.1]

II. Definitions and Other General Provisions [§ 5.2]

- A. Types of Custody [§ 5.3]
- B. Places for Holding Child or Expectant Mother in Physical Custody [§ 5.4]

III. Criteria for Taking Child or Expectant Mother into Custody [§ 5.5]

- A. Who Can Take Child or Expectant Mother into Custody [§ 5.6]
- B. Court Order or Violation of Court Order [§ 5.7]
- C. Reasonable Grounds and Probable Cause [§ 5.8]
- D. Welfare of Child or Unborn Child [§ 5.9]
- E. Truancy [§ 5.10]

IV. Release or Delivery from Custody [§ 5.11]

V. Criteria for Keeping Child or Expectant Mother in Custody [§ 5.12]

- A. In General [§ 5.13]
- B. Holding Child or Expectant Mother in Physical Custody [§ 5.14]
- C. Holding Child in Juvenile Detention Facility [§ 5.15]
- D. Holding Child in County Jail or Municipal Lockup Facility [§ 5.16]

VI. Notice [§ 5.17]

VII. Detention Hearing [§ 5.18]

- A. Overview [§ 5.19]
- B. Procedure [§ 5.20]
 - 1. In General [§ 5.21]
 - 2. Juveniles Alleged to Be Delinquent or Not Responsible or Not Competent [§ 5.22]
 - a. In General [§ 5.23]

- b. Appraisal of Rights [§ 5.24]
 - c. Waiver of Hearing [§ 5.25]
 - d. Rehearing [§ 5.26]
 - 3. Children or Unborn Children in Need of Protection or Services [§ 5.27]
 - a. In General [§ 5.28]
 - b. Appraisal of Rights [§ 5.29]
 - c. Waiver of Hearing [§ 5.30]
 - d. Rehearing [§ 5.31]
 - 4. Juveniles in Need of Protection or Services [§ 5.32]
 - a. In General [§ 5.33]
 - b. Appraisal of Rights [§ 5.34]
 - c. Waiver of Hearing [§ 5.35]
 - d. Rehearing [§ 5.36]
- C. Role of Defense Counsel [§ 5.37]
- D. Custody Orders [§ 5.38]
- E. Appeals of Custody Orders [§ 5.39]

VIII. Postadjudication Commitment to Secure Custody [§ 5.40]

- A. In General [§ 5.41]
- B. Disposition Under Wis. Stat. § 938.34(4m) [§ 5.42]
- C. Short-Term Detention Under Wis. Stat. § 938.34(3)(f) [§ 5.43]
- D. Change in Placement Under Wis. Stat. § 938.357(3) [§ 5.44]
- E. Sanctions Under Wis. Stat. § 938.355(6) and (6m) [§ 5.45]
- F. Contempt Under Wis. Stat. Ch. 785 [§ 5.46]
- G. Short-Term Detention by Caseworker Under Wis. Stat. § 938.355(6d) [§ 5.47]

IX. Custodial Interrogation [§ 5.48]

X. Practice Forms [§ 5.49]

- A. Notice and Motion for Amendment of Detention Order (Form JUV-0002) [§ 5.50]
- B. Order for Amendment of Detention Order (Form JUV-0003) [§ 5.51]
- C. Request for a New Detention Hearing and for a Revision of the Detention Order (Form JUV-0004) [§ 5.52]
- D. Motion to Review the Decision of the Circuit Court Commissioner (Form JUV-0005) [§ 5.53]
- E. Motion for Release from Secure Detention (Form JUV-0006) [§ 5.54]
- F. Motion for Release from Secure Custody and for an Alternative Placement Pending Adjudication (Form JUV-0007) [§ 5.55]
- G. Petition for Writ of Habeas Corpus (Form JUV-0008) [§ 5.56]
- H. Writ of Habeas Corpus and Order for Temporary Release (Form JUV-0009) [§ 5.57]
- I. Motion to Release from Custody for Failure to Comply with Wis. Stat. § 938.21 (Form JUV-0010) [§ 5.58]
- J. Motion to Release from Custody for Failure to Comply with Wis. Stat. § 938.205 (Form JUV-0011) [§ 5.59]

XI. Standard Juvenile Court Forms [§ 5.60]

**CHAPTER 6
INTAKE INQUIRY**

- I. Scope of Chapter [§ 6.1]**
- II. What Is an Intake Inquiry? [§ 6.2]**
 - A. Purpose [§ 6.3]
 - B. Procedure [§ 6.4]
 - C. Multidisciplinary Screen [§ 6.5]
- III. Notice and Appraisal of Rights [§ 6.6]**
- IV. Actions of Intake Worker [§ 6.7]**
 - A. In General [§ 6.8]
 - B. Closure of Case [§ 6.9]
 - C. Informal Disposition and Deferred Prosecution [§ 6.10]
 - 1. Criteria [§ 6.11]
 - 2. Terms of Informal Disposition or Deferred Prosecution Agreement [§ 6.12]
 - a. In General [§ 6.13]
 - b. Counseling or Diversion [§ 6.14]
 - c. Drug and Alcohol Assessment and Treatment [§ 6.15]
 - d. Restitution [§ 6.16]
 - e. Supervised Work Program or Other Community Service Work [§ 6.17]
 - f. Volunteers in Probation [§ 6.18]
 - g. Teen Court Program [§ 6.19]
 - h. Youth Report Centers [§ 6.20]
 - i. Parents' Attendance at School [§ 6.21]
 - j. Exclusions [§ 6.22]
 - 3. Termination of Informal Disposition or Deferred Prosecution Agreement [§ 6.23]
 - a. Voluntary [§ 6.24]
 - b. Noncompliance [§ 6.25]
 - c. Compliance [§ 6.26]
 - d. Filing of Petition [§ 6.27]
 - D. Referral for Filing of Petition [§ 6.28]
- V. Challenges to Intake Recommendation [§ 6.29]**
 - A. By State or County [§ 6.30]
 - B. By Defense Counsel [§ 6.31]
 - 1. In General [§ 6.32]
 - 2. Violation of 60-Day Time Period for CHIPS and UCHIPS Cases and Violation of 40-Day Time Period for JIPS and Delinquency Cases [§ 6.33]
 - a. In General [§ 6.34]
 - b. Police Reports [§ 6.35]
 - c. Referral by Another County [§ 6.36]
 - 3. Erroneous Termination of Informal Disposition or Deferred Prosecution Agreement for Noncompliance [§ 6.37]
- VI. Standard Juvenile Court Forms [§ 6.38]**

**CHAPTER 7
FILING OF A PETITION (CHIPS, UCHIPS, JIPS, AND DELINQUENCY CASES)****I. Scope of Chapter [§ 7.1]****II. Procedure [§ 7.2]**

- A. In General [§ 7.3]
- B. Who Must Sign Petition [§ 7.4]
- C. Who Is Authorized to File Petition [§ 7.5]
 - 1. Delinquency Petitions [§ 7.6]
 - 2. CHIPS, UCHIPS, and JIPS Petitions [§ 7.7]
 - 3. Delegation of Power by Parent [§ 7.8]
- D. Challenging the Decision Not to File Petition [§ 7.9]
- E. Time Periods [§ 7.10]
 - 1. In General [§ 7.11]
 - 2. When Intake Worker Requests That Petition Be Filed [§ 7.12]
 - a. Twenty-Day Time Period [§ 7.13]
 - b. Extension Granted by Court [§ 7.14]
 - c. Statement of Reasons Attached to Late Petition [§ 7.15]
 - 3. When Intake Worker Closes Case or Enters into Deferred Prosecution Agreement Under Wis. Stat. Ch. 938 [§ 7.16]

III. Sufficiency of Petition [§ 7.17]

- A. Formal Requirements [§ 7.18]
- B. Probable Cause [§ 7.19]
- C. Challenges to Sufficiency [§ 7.20]
 - 1. In General [§ 7.21]
 - 2. Lack of Probable Cause [§ 7.22]
 - 3. Lack of Notice [§ 7.23]
 - 4. Material Misstatement [§ 7.24]
- D. Amendment of Petition [§ 7.25]

IV. Practice Forms [§ 7.26]

- A. Motion to Dismiss the Petition (Form JUV-0012) [§ 7.27]
- B. Motion to Dismiss or, in the Alternative, to Remand the Proceeding to the Intake Stage (Form JUV-0013) [§ 7.28]
- C. Motion to Dismiss the Petition for Failure to Comply with Statutory Time Periods (Form JUV-0014) [§ 7.29]
- D. Motion to Strike or, in the Alternative, to Make the Petition More Specific (Form JUV-0015) [§ 7.30]
- E. Notice of Amendment of Petition (Form JUV-0016) [§ 7.31]

V. Standard Juvenile Court Forms [§ 7.32]

**CHAPTER 8
PLEA HEARING**

I. Scope of Chapter [§ 8.1]

II. Procedure [§ 8.2]

- A. Notice [§ 8.3]
- B. Appearances [§ 8.4]
- C. Time Periods [§ 8.5]
- D. Appraisal of Rights [§ 8.6]

III. Role of Defense Counsel [§ 8.7]

- A. Substitution of Judge [§ 8.8]
 - 1. Nature of the Right [§ 8.9]
 - 2. Procedure [§ 8.10]
- B. Jury Trial Request [§ 8.11]
- C. Motions to Dismiss the Petition [§ 8.12]
 - 1. Time Period Violations [§ 8.13]
 - 2. Challenges to Sufficiency [§ 8.14]
- D. Effect of Entering Plea on Waiver [§ 8.15]
- E. Placement of Child or Expectant Mother Pending Proceedings [§ 8.16]

IV. Plea Bargaining [§ 8.17]

- A. Nature of Plea Bargaining [§ 8.18]
- B. Role of Defense Counsel [§ 8.19]
- C. Consent Decrees [§ 8.20]
 - 1. What Is a Consent Decree [§ 8.21]
 - 2. Procedure [§ 8.22]
 - 3. Terms and Conditions of a Consent Decree [§ 8.23]
 - a. Volunteers in Probation [§ 8.24]
 - b. Youth Report Centers [§ 8.25]
 - c. Drug and Alcohol Treatment and Education [§ 8.26]
 - d. Restitution [§ 8.27]
 - e. Supervised Work Program [§ 8.28]
 - f. Teen Court Program [§ 8.29]
 - g. School Attendance [§ 8.30]
 - h. Work for Graffiti Violations [§ 8.31]
 - i. Court-Appointed Special Advocate (CASA) [§ 8.32]
 - 4. Findings Required When Child Living Outside the Home [§ 8.33]
 - 5. Permanency Hearing [§ 8.34]
 - 6. Termination of Consent Decree [§ 8.35]
 - a. Objection [§ 8.36]
 - b. Compliance [§ 8.37]
 - c. Noncompliance [§ 8.38]
 - (1) Extension of Consent Decree [§ 8.39]
 - (2) Reinstatement of Petition [§ 8.40]
 - 7. Recusal of Judge [§ 8.41]

V. Admissions [§ 8.42]

VI. Insanity Pleas in Delinquency Cases [§ 8.43]

VII. Practice Form [§ 8.44]

- A. Request for Substitution of Judge (Form JUV-0017) [§ 8.45]

VIII. Standard Juvenile Court Forms [§ 8.46]

CHAPTER 9

DISCOVERY AND OTHER MOTION PRACTICE

I. Scope of Chapter [§ 9.1]

II. Procedure [§ 9.2]

III. Discovery [§ 9.3]

- A. Rules Applicable to CHIPS, UCHIPS, Delinquency, JIPS, and TPR Proceedings [§ 9.4]
1. Police Reports [§ 9.5]
 2. Confidential Informers [§ 9.6]
 3. Relevant Records [§ 9.7]
- B. Rules Applicable Specifically in Delinquency Proceedings [§ 9.8]
1. Nature of the Right to Discovery [§ 9.9]
 2. Discovery and Inspection of Evidence [§ 9.10]
 - a. In General [§ 9.11]
 - b. What the State Is Required to Disclose [§ 9.12]
 - (1) In General [§ 9.13]
 - (2) Juvenile’s Statements [§ 9.14]
 - (3) Prior Juvenile Record [§ 9.15]
 - (4) Physical Evidence [§ 9.16]
 - (5) Intercepted Communications [§ 9.17]
 - (6) Witness List [§ 9.18]
 - (7) Witness Statements [§ 9.19]
 - (8) Criminal Record of Witnesses [§ 9.20]
 - (9) Exculpatory Evidence [§ 9.21]
 - (10) DNA Evidence [§ 9.22]
 - c. What the Juvenile Is Required to Disclose [§ 9.23]
 - (1) In General [§ 9.24]
 - (2) Witness Lists [§ 9.25]
 - (3) Witness Statements [§ 9.26]
 - (4) Criminal Record of Witnesses [§ 9.27]
 - (5) Physical Evidence [§ 9.28]
 - (6) Notice of Alibi [§ 9.29]
 - (7) DNA Evidence [§ 9.30]
 - d. Scientific Testing [§ 9.31]
 - e. Continuing Duty [§ 9.32]
 - f. Protective Orders [§ 9.33]
 - g. In Camera Proceedings [§ 9.34]
 3. Juvenile Waiver [§ 9.35]
- C. Rules Applicable Specifically in CHIPS, UCHIPS, and TPR Proceedings [§ 9.36]
1. Role of the Rules of Civil Procedure [§ 9.37]
 2. Discovery and the Right Against Self-incrimination [§ 9.38]

IV. Pretrial Motion Practice [§ 9.39]

- A. In General [§ 9.40]
- B. Time Periods for Bringing Motions [§ 9.41]
- C. Challenges to Requests for Psychological Evaluations [§ 9.42]
- D. Suppression Motions in Delinquency Cases [§ 9.43]
 - 1. In General [§ 9.44]
 - 2. Illegal Arrest [§ 9.45]
 - 3. Confessions [§ 9.46]
 - 4. Searches [§ 9.47]
- E. Motions to Exclude Other Acts Evidence [§ 9.48]
- F. Competency [§ 9.49]
- G. Motion for Court-Ordered Informal Disposition or Deferred Prosecution [§ 9.50]

V. Practice Forms [§ 9.51]

- A. Motion for Delivery of Law Enforcement Officers' Reports (Form JUV-0018) [§ 9.52]
- B. Order for Delivery of Law Enforcement Officers' Reports (Form JUV-0019) [§ 9.53]
- C. Demand for Discovery and Inspection (Form JUV-0020) [§ 9.54]
- D. Motion for Discovery (Form JUV-0021) [§ 9.55]
- E. Defendant's Response to State's Discovery Demand (Form JUV-0022) [§ 9.56]
- F. Letter to Request Inspection or Delivery of Records (Form JUV-0023) [§ 9.57]
- G. Release and Motion for Inspection of Records (Form JUV-0024) [§ 9.58]
- H. Order for Inspection of Records (Form JUV-0025) [§ 9.59]
- I. Motion for Protection of Records (Form JUV-0026) [§ 9.60]
- J. Motion to Suppress Physical Evidence (Form JUV-0027) [§ 9.61]
- K. Motion to Suppress Statements (Form JUV-0028) [§ 9.62]
- L. Motion to Suppress Identification (Form JUV-0029) [§ 9.63]
- M. Motion and Affidavit for Severance of Juvenile Defendants (Form JUV-0030) [§ 9.64]
- N. Motion and Affidavit in Support of Motion to Sever Charges (Form JUV-0031) [§ 9.65]
- O. Motion to Suppress (Form JUV-0032) [§ 9.66]

VI. Standard Juvenile Court Forms [§ 9.67]

**CHAPTER 10
FACT-FINDING HEARING**

I. Scope of Chapter [§ 10.1]

II. What Is a Fact-Finding Hearing? [§ 10.2]

III. Procedure [§ 10.3]

- A. Notice [§ 10.4]
- B. Who May Be Present [§ 10.5]
 - 1. Public Hearings [§ 10.6]
 - 2. Hearings Closed to the Public [§ 10.7]
 - 3. Exclusion of Child in CHIPS Cases [§ 10.8]
 - 4. Telephonic or Live Audiovisual Testimony [§ 10.9]
- C. Time Periods [§ 10.10]
 - 1. In General [§ 10.11]

- 2. Exclusions and Continuances [§ 10.12]
- 3. Reasonable Efforts Findings [§ 10.13]
- D. Use of Depositions Taken by Audiovisual Means [§ 10.14]
- E. Jury Selection [§ 10.15]
- F. Applicability of Rules of Civil Procedure [§ 10.16]

IV. Prosecutor’s Proof [§ 10.17]

V. Findings of Fact and Conclusions of Law [§ 10.18]

VI. Summary Judgment [§ 10.19]

VII. Standard Juvenile Court Forms [§ 10.20]

**CHAPTER 11
DISPOSITIONAL HEARING**

I. Scope of Chapter [§ 11.1]

II. Judicial Exercise of Discretion [§ 11.2]

III. Procedure [§ 11.3]

- A. In General [§ 11.4]
- B. Notice [§ 11.5]
- C. Time Periods [§ 11.6]
- D. Evidence and Burden of Proof [§ 11.7]
- E. Court Reports [§ 11.8]
 - 1. What Is a Court Report [§ 11.9]
 - 2. When the Report Must Be in Writing [§ 11.10]
 - 3. Notice [§ 11.11]
 - 4. Victim-Impact Statement [§ 11.12]
- F. Permanency Plan [§ 11.13]
 - 1. What Is a Permanency Plan [§ 11.14]
 - 2. Time Periods [§ 11.15]
- G. Dispositional Orders [§ 11.16]
 - 1. What Is a Dispositional Order [§ 11.17]
 - 2. Time Periods [§ 11.18]
 - a. CHIPS and UCHIPS Cases [§ 11.19]
 - b. Delinquency and JIPS Cases [§ 11.20]
 - 3. Contents [§ 11.21]

IV. Dispositional Alternatives in Delinquency and JIPS Cases [§ 11.22]

- A. In General [§ 11.23]
- B. Supervision [§ 11.24]
- C. Placement Outside the Home [§ 11.25]
- D. Transfer of Legal Custody [§ 11.26]
- E. Drug Offenses [§ 11.27]
- F. Restitution [§ 11.28]
- G. Special Treatment or Care [§ 11.29]
- H. Restriction or Suspension of Driving Privileges [§ 11.30]

- I. Forfeiture [§ 11.31]
- J. Supervised Work Program or Other Community Service Work [§ 11.32]
- K. Youth Report Centers [§ 11.33]
- L. Supervised Independent Living [§ 11.34]
- M. Education Programs [§ 11.35]
- N. Alcohol or Drug Treatment or Education [§ 11.36]
- O. Volunteers in Probation [§ 11.37]
- P. Teen Court [§ 11.38]
- Q. Electronic Monitoring [§ 11.39]
- R. Serious Juvenile Offender Program [§ 11.40]
- S. Victim-Offender Mediation Program [§ 11.41]
- T. Coordinated Services Plan of Care [§ 11.42]
- U. DNA Testing [§ 11.43]
- V. Sex-Offender Registration [§ 11.44]
- W. Other Dispositions [§ 11.45]
- X. Stays of Dispositional Orders [§ 11.46]
- Y. Notice of Sanctions [§ 11.47]
- Z. Exceptions in JIPS Cases [§ 11.48]
- AA. Role of Defense Counsel [§ 11.49]

V. CHIPS and UCHIPS Cases [§ 11.50]

- A. Dispositional Alternatives in CHIPS Cases and UCHIPS Cases Involving Child Expectant Mother [§ 11.51]
- B. Dispositional Alternatives in UCHIPS Cases Involving Adult Expectant Mother [§ 11.52]
- C. Duty to Warn [§ 11.53]
- D. Role of Defense Counsel [§ 11.54]

VI. Practice Forms [§ 11.55]

- A. Motion for Further Dispositional Study (Form JUV-0033) [§ 11.56]
- B. Motion for Alternative Disposition (Form JUV-0034) [§ 11.57]
- C. Notice and Motion to Review Dispositional Order (Form JUV-0035) [§ 11.58]
- D. Petition for a New Hearing (Form JUV-0036) [§ 11.59]
- E. Motion for Continuance (Form JUV-0037) [§ 11.60]

VII. Standard Juvenile Court Forms [§ 11.61]

**CHAPTER 12
POSTDISPOSITIONAL PROCEEDINGS**

- I. Scope of Chapter [§ 12.1]**
- II. Nature of Postdispositional Hearings [§ 12.2]**
- III. Revision of Dispositional Order [§ 12.3]**
- IV. Change in Placement [§ 12.4]**
 - A. In General [§ 12.5]

- B. Request by Party Responsible for Implementing Dispositional Order [§ 12.6]
 - 1. CHIPS, UCHIPS, JIPS, and Delinquency Cases [§ 12.7]
 - a. Change in Placement from One Out-of-Home Placement to Another Out-of-Home Placement or to In-Home Placement [§ 12.8]
 - b. Change in Placement from In-Home Placement to Out-of-Home Placement [§ 12.9]
 - 2. Placement of Delinquent Juveniles in Juvenile Correctional Facilities and Secured Residential Care Centers for Children and Youth [§ 12.10]
 - a. Departmental Review [§ 12.11]
 - b. Transfer to More Restrictive Placement [§ 12.12]
 - c. Transfer to Less Restrictive Placement [§ 12.13]
 - d. Release to Aftercare or Community Supervision [§ 12.14]
 - e. Revocation of Aftercare Supervision or Community Supervision [§ 12.15]
 - f. Length of Supervision [§ 12.16]
- C. Request by Party Primarily Bound by Dispositional Order [§ 12.17]
- D. Change-in-Placement Order [§ 12.18]
- E. Hearing to Determine Permanency Plan [§ 12.19]
- F. Expiration of Change-in-Placement Order [§ 12.20]

V. Extension of Dispositional Order [§ 12.21]

- A. In General [§ 12.22]
- B. Time Periods [§ 12.23]
- C. Court Report Required [§ 12.24]
 - 1. In General [§ 12.25]
 - 2. Children Placed Outside Home [§ 12.26]
 - 3. Children Not Placed Outside Home [§ 12.27]
- D. Hearing on Request for Extension [§ 12.28]

VI. Permanency Hearing [§ 12.29]

VII. Serious Juvenile Offender Program [§ 12.30]

- A. In General [§ 12.31]
- B. Program Components [§ 12.32]
- C. Discharge from Program [§ 12.33]

VIII. Duty to Warn in CHIPS, UCHIPS, JIPS, and Delinquency Cases [§ 12.34]

IX. Sexually Violent Person Commitments [§ 12.35]

X. Practice Form [§ 12.36]

- A. Notice of Intent to Pursue Postdispositional Relief (Form JUV-0038) [§ 12.37]

XI. Standard Juvenile Court Forms [§ 12.38]

**CHAPTER 13
APPEALS**

- I. Scope of Chapter [§ 13.1]**
- II. Final and Nonfinal Orders [§ 13.2]**
- III. Interlocutory Appeals [§ 13.3]**
 - A. Procedure [§ 13.4]
 - B. Contents of Petition [§ 13.5]
 - C. If Court Grants Review [§ 13.6]
 - D. Appealing Orders Waiving Juvenile Court Jurisdiction [§ 13.7]
 - 1. In General [§ 13.8]
 - 2. Timing of Appeal [§ 13.9]
 - 3. Standard of Review [§ 13.10]
- IV. Appeals of Final Orders [§ 13.11]**
- V. Appeals of Termination of Parental Rights Orders [§ 13.12]**
- VI. Stays Pending Appeal [§ 13.13]**
- VII. Practice Forms [§ 13.14]**
 - A. Standard Court Forms [§ 13.15]
 - B. Petition for Leave to Appeal a Nonfinal Order (Form JUV-0039) [§ 13.16]

**CHAPTER 14
WAIVER INTO ADULT COURT**

- I. Scope of Chapter [§ 14.1]**
- II. Procedure [§ 14.2]**
 - A. Nature and Subjects of Waiver Hearing [§ 14.3]
 - B. Initiating Waiver Proceeding [§ 14.4]
 - 1. Filing Petition [§ 14.5]
 - 2. Contents of Petition [§ 14.6]
 - C. Hearing on Petition [§ 14.7]
 - 1. Time Periods [§ 14.8]
 - 2. Notice [§ 14.9]
 - 3. Discovery [§ 14.10]
 - 4. Type of Hearing Required [§ 14.11]
 - 5. Hearing When Juvenile Absconds [§ 14.12]
- III. Prosecutive Merit [§ 14.13]**
 - A. What Is Prosecutive Merit [§ 14.14]
 - B. Challenging Prosecutive Merit [§ 14.15]
- IV. Decision to Waive Jurisdiction [§ 14.16]**
 - A. In General [§ 14.17]
 - B. Waiver Criteria of Wis. Stat. § 938.18(5) [§ 14.18]

- 1. In General [§ 14.19]
- 2. Juvenile’s Personality [§ 14.20]
- 3. Prior Record [§ 14.21]
- 4. Type and Seriousness of Offense [§ 14.22]
- 5. Adequacy and Suitability of Resources in Juvenile System [§ 14.23]
- 6. Desirability of One Trial [§ 14.24]
- C. Alternatives to Waiver [§ 14.25]
- D. The Decision to Grant or Deny Waiver [§ 14.26]
- E. If Court Grants Waiver [§ 14.27]

V. Stipulating to Waiver [§ 14.28]

VI. Practice Form [§ 14.29]

- A. Motion to Dismiss Defective Waiver Petition (Form JUV-0040) [§ 14.30]

VII. Standard Juvenile Court Forms [§ 14.31]

**CHAPTER 15
CONFIDENTIALITY**

I. Scope of Chapter [§ 15.1]

II. Hearings [§ 15.2]

- A. Exclusion of CHIPS Child [§ 15.3]
- B. Exclusion of the Public [§ 15.4]
- C. Rights of Victims Under Wis. Stat. Ch. 938 [§ 15.5]
- D. News Media [§ 15.6]
- E. Foster Parents and Other Physical Custodians [§ 15.7]
- F. Other Persons Approved by the Court [§ 15.8]

III. Records [§ 15.9]

- A. In General [§ 15.10]
- B. Police Records [§ 15.11]
 - 1. In General [§ 15.12]
 - 2. Access by or with Permission of Child, Expectant Mother, Parent, Guardian, or Legal Custodian [§ 15.13]
 - 3. Access by School Officials [§ 15.14]
 - 4. Access by Victims Under Wis. Stat. Ch. 938 [§ 15.15]
 - 5. Access by Fire Investigators [§ 15.16]
 - 6. Traffic Violations [§ 15.17]
- C. Department of Transportation Records [§ 15.18]
- D. Agency Records [§ 15.19]
 - 1. In General [§ 15.20]
 - 2. Access by or with Permission of Child, Expectant Mother, Parent, Guardian, or Legal Custodian [§ 15.21]
 - 3. Confidential Exchange of Information Between Agencies [§ 15.22]
 - 4. Access by Department of Corrections [§ 15.23]
 - 5. Records Relating to Juveniles Who Have Escaped from Certain Facilities, Centers, or Jails [§ 15.24]
 - 6. Records Relating to Juveniles Alleged to Be Sexual Predators [§ 15.25]

- 7. Records Relating to Individuals Seeking Credentialing [§ 15.26]
- E. Court Records [§ 15.27]
 - 1. In General [§ 15.28]
 - 2. Access by or with Permission of Child, Expectant Mother, Parent, Guardian, or Legal Custodian [§ 15.29]
 - 3. Access by School Officials [§ 15.30]
 - 4. Access by Victims [§ 15.31]
 - 5. Access by Law Enforcement Agencies [§ 15.32]
 - 6. Access by Fire Investigators [§ 15.33]
 - 7. Access to Monitor Compliance with Federal Regulations [§ 15.34]
 - 8. Access by Researchers [§ 15.35]
 - 9. Access to Information for Firearms-Restrictions Record Search or Concealed-Weapon-License Background Check [§ 15.36]
 - 10. Access Relating to Juveniles Alleged to Be Sexual Predators [§ 15.37]
 - 11. Access Relating to Juveniles Required to Register as Sex Offenders [§ 15.38]
 - 12. Access by Defense Counsel [§ 15.39]
 - 13. Access by “the Requester” [§ 15.40]
 - 14. Access Relating to Caregiver Background Checks [§ 15.41]
 - 15. Traffic Violations [§ 15.42]
 - 16. Access by Foster Parents and Other Physical Custodians [§ 15.43]
 - 17. Other Court Proceedings [§ 15.44]
- F. School Records [§ 15.45]
- G. Medical Records: Test Results Under Wis. Stat. § 938.296 [§ 15.46]

IV. Sanctions for Disclosure of Information [§ 15.47]

V. Standard Juvenile Court Forms [§ 15.48]

**CHAPTER 16
CONTEMPT AND JUVENILE SANCTIONS**

I. Scope of Chapter [§ 16.1]

II. Juvenile Sanctions in Delinquency and JIPS Cases Under Wis. Stat. § 938.13(4), (6m), (7), (12), and (14) [§ 16.2]

- A. In General [§ 16.3]
- B. Procedure [§ 16.4]
- C. Defenses [§ 16.5]
 - 1. Notice [§ 16.6]
 - 2. Reasonableness of Conditions [§ 16.7]
 - 3. Proof of Violation [§ 16.8]
 - 4. Sanction to Secure Custody [§ 16.9]
 - 5. Double Jeopardy [§ 16.10]

III. Sanctions for JIPS Cases Under Wis. Stat. § 938.13(6): Habitual Truants [§ 16.11]

IV. Short-Term Detention for Violation of Delinquency Order, Aftercare Supervision, or JIPS Order [§ 16.12]

V. Contempt [§ 16.13]

- A. In General [§ 16.14]
- B. To Compel Compliance with Dispositional Order [§ 16.15]
 - 1. For Continued Violation of Order [§ 16.16]
 - 2. Under Wis. Stat. Ch. 785 [§ 16.17]
 - a. In General [§ 16.18]
 - b. Types of Contempt Under Wis. Stat. Ch. 785 [§ 16.19]
 - c. Procedure for Remedial Contempt [§ 16.20]
 - d. Procedure for Punitive Contempt [§ 16.21]
- C. Defenses [§ 16.22]
 - 1. Consideration of Less Restrictive Alternatives [§ 16.23]
 - 2. Length of Jail Time Excessive [§ 16.24]
 - 3. Nature of Contempt Action [§ 16.25]
 - 4. Reasonableness of Purge Condition [§ 16.26]

VI. Standard Juvenile Court Forms [§ 16.27]**CHAPTER 17****TERMINATION OF PARENTAL RIGHTS****I. Scope of Chapter [§ 17.1]****II. Nature of Termination Proceedings [§ 17.2]**

- A. In General [§ 17.3]
- B. Civil Versus “Quasi-Criminal” [§ 17.4]
- C. Rights of Parents in TPR Proceedings [§ 17.5]
 - 1. In General [§ 17.6]
 - 2. Right to Counsel [§ 17.7]
 - 3. Right to Jury Trial [§ 17.8]
 - 4. Right Against Self-Incrimination [§ 17.9]
 - 5. Right to Cross-examine Witnesses [§ 17.10]
 - 6. Right to Present Evidence [§ 17.11]
 - 7. Burden of Proof [§ 17.12]
 - 8. Substitution of Judge [§ 17.13]

III. Grounds for Termination of Parental Rights [§ 17.14]

- A. In General [§ 17.15]
- B. Abandonment [§ 17.16]
- C. Relinquishment [§ 17.17]
- D. Continuing Need of Protection or Services [§ 17.18]
- E. Continuing Parental Disability [§ 17.19]
- F. Continuing Denial of Periods of Physical Placement or Visitation [§ 17.20]
- G. Child Abuse [§ 17.21]
- H. Failure to Assume Parental Responsibility [§ 17.22]
- I. Incestuous Parenthood [§ 17.23]
- J. Homicide or Solicitation to Commit Homicide of Parent [§ 17.24]
- K. Parenthood as a Result of Sexual Assault [§ 17.25]
- L. Commission of a Felony Against a Child [§ 17.26]
- M. Prior Termination of Parental Rights to Another Child [§ 17.27]

IV. Procedure [§ 17.28]

- A. In General [§ 17.29]
- B. Filing the Petition [§ 17.30]
- C. Notice [§ 17.31]
 - 1. In General [§ 17.32]
 - 2. Who Must Be Served [§ 17.33]
 - 3. Others Entitled to Notice [§ 17.34]
 - 4. Contents of Summons [§ 17.35]
 - 5. Service by Publication [§ 17.36]
- D. Time Periods [§ 17.37]
- E. Initial Hearing on Petition [§ 17.38]
 - 1. In General [§ 17.39]
 - 2. Court Report [§ 17.40]
 - 3. Determining Paternity [§ 17.41]
 - 4. Admission to the Petition [§ 17.42]
- F. Fact-Finding Hearing [§ 17.43]
 - 1. In General [§ 17.44]
 - 2. Rules of Evidence at Trial [§ 17.45]
 - 3. Rules of Civil Procedure in Juvenile Court Proceedings [§ 17.46]
 - a. In General [§ 17.47]
 - b. Summary Judgment [§ 17.48]
 - c. Stipulation to an Element [§ 17.49]
 - d. Default for Failure to Appear [§ 17.50]
 - 4. Role of the Guardian ad Litem [§ 17.51]
 - 5. Finding of Unfitness [§ 17.52]
- G. Disposition [§ 17.53]
 - 1. In General [§ 17.54]
 - 2. Standards and Factors Considered [§ 17.55]
 - 3. Procedures at Hearings [§ 17.56]
 - 4. Decision by the Court [§ 17.57]
 - a. Dismissing the Petition [§ 17.58]
 - b. Termination of Parental Rights [§ 17.59]
 - 5. Dispositional Orders [§ 17.60]

V. Role of Defense Counsel [§ 17.61]

VI. Voluntary Termination of Parental Rights [§ 17.62]

VII. Termination of Parental Rights Under the Indian Child Welfare Act [§ 17.63]

- A. In General [§ 17.64]
- B. Jurisdiction [§ 17.65]
- C. Additional Proof and Burden-of-Proof Issues [§ 17.66]
 - 1. In General [§ 17.67]
 - 2. Active Efforts [§ 17.68]
 - 3. Qualified Expert Witnesses [§ 17.69]

VIII. Standard Juvenile Court Forms [§ 17.70]

**CHAPTER 18
PARENTAL CONSENT FOR MINOR’S ABORTION**

- I. Scope of Chapter [§ 18.1]**
- II. History [§ 18.2]**
- III. Circuit Court Procedure [§ 18.3]**
 - A. Consent [§ 18.4]
 - B. Judicial Waiver of Consent Requirement [§ 18.5]
 - 1. Filing Petition [§ 18.6]
 - 2. Right to Counsel [§ 18.7]
 - 3. Initial Appearance [§ 18.8]
 - 4. Hearing on Petition [§ 18.9]
 - 5. Determination [§ 18.10]
 - 6. Notification and Delivery of Order [§ 18.11]
 - C. Failure of Court to Act Within Applicable Time Periods [§ 18.12]
 - D. Fees and Costs [§ 18.13]
- IV. Other Abortion-Related Prohibitions [§ 18.14]**
- V. Appeals [§ 18.15]**
 - A. Court of Appeals [§ 18.16]
 - B. Supreme Court [§ 18.17]
 - C. Persons Barred from Appellate Proceedings [§ 18.18]
- VI. Standard Juvenile Court Forms [§ 18.19]**

**CHAPTER 19
UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT**

- I. What the Uniform Child Custody Jurisdiction and Enforcement Act Is [§ 19.1]**
- II. Jurisdiction Under the UCCJEA [§ 19.2]**
 - A. Initial Child Custody Jurisdiction [§ 19.3]
 - B. Exclusive, Continuing Jurisdiction [§ 19.4]
 - C. Jurisdiction to Modify Determination [§ 19.5]
 - D. Temporary Emergency Jurisdiction [§ 19.6]
- III. Declining Jurisdiction [§ 19.7]**
 - A. Inconvenient Forum [§ 19.8]
 - B. Jurisdiction Declined by Reason of Conduct [§ 19.9]
- IV. Procedure [§ 19.10]**
 - A. Information Submitted to the Court [§ 19.11]
 - B. Appearance of Parties and Child [§ 19.12]
 - C. Simultaneous Proceedings [§ 19.13]

V. Enforcement [§ 19.14]

- A. Duty to Enforce [§ 19.15]
- B. Registration of Child Custody Determination [§ 19.16]
- C. Expedited Enforcement of Child Custody Determination [§ 19.17]
- D. Warrant to Take Physical Custody of Child [§ 19.18]

VI. Conclusion [§ 19.19]

VII. Standard Juvenile Court Forms [§ 19.20]

APPENDICES

- A Chart
Procedure Under Chapter 938
- B Lists of Standard Juvenile Court Forms
List of Chapter 48 Standard Juvenile Court Forms
List of Chapter 938 Standard Juvenile Court Forms
List of Indian Child Welfare Act Standard Juvenile Court Forms
- C Summary Explanation of 2015 Wis. Act 373

FORMS INDEX

SUBJECT INDEX