



## **Juvenile Clerks Meet-up Case Expiration, Termination & Closure**

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

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

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

**Thank you!**

## Case Expiration, Termination & Closure



### Expiration of Consent Decrees

- Initial Term
  - CHIPS: Up to six months
  - Delinquency/JIPS: Up to one year
- Extension may be made up to an additional six months
- Automatically expires unless extended or vacated prior to expiration of the Consent Decree
  - Petition AND order to vacate must be made prior to expiration of the Consent Decree

# Expiration of Dispositional Order

## Out-of-Home

Unless earlier time specified by court, the later of:

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



## In-Home

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



# Activity Codes

- While not required, the following activity codes may be used:
  - DOED – Dispositional Order Expiration Date
  - CDTD – Consent Decree Termination Date



# “Closing” CHIPS, JIPS & Delinquency Cases

- Allowing Dispositional Order to expire = No Action Needed
- Consent Decree expires = No additional documents needed, clerk dismisses case in CCAP
- Terminating Dispositional Order early = Use Order Terminating Dispositional Order (JD-1766)
- Need to Modify Family Court Order = Use Case Closure Order Procedures



## Terminating Dispositional Order

- Not required if allowing order to expire
- Form JD-1776 (New form!) should be used to request to terminate a dispositional order or consent decree early

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF Name _____ Date of Birth _____	Request to Terminate Consent Decree / Dispositional Order Case No. _____
<p>I REQUEST THE COURT TERMINATE:</p> <input type="checkbox"/> consent decree. <input type="checkbox"/> dispositional order.	
<p>1. I am interested as <input type="checkbox"/> Caseworker <input type="checkbox"/> District Attorney/Corporation Counsel  <input type="checkbox"/> Other: _____</p>	
<p>2. The current consent decree/dispositional order is set to expire on _____</p>	
<p>3. I am requesting to terminate the consent decree/dispositional order because: <input type="checkbox"/> See attached          _____</p>	
<p><input type="checkbox"/> 4. A party's address has changed. A Notice of Change of Address (JD-1830)  <input type="checkbox"/> was previously filed with the court.  <input type="checkbox"/> is attached.</p>	
<p>DISTRIBUTION:</p> <ol style="list-style-type: none"> <li>1. Court</li> <li>2. Child/Juvenile</li> <li>3. Child/Juvenile's Guardian ad Litem/Adversary Counsel</li> <li>4. Parents</li> <li>5. Parents' Attorney(s)</li> <li>6. Child's Guardian/Legal Custodian</li> <li>7. Relative Caregiver/Foster Parent</li> <li>8. District Attorney/Corporation Counsel</li> <li>9. Caseworker</li> <li>10. Court Appointed Special Advocate (CASA)</li> <li>11. Tribe</li> <li>12. Indian Custodian</li> </ol>	<p>Signature _____</p> <p>Name Printed or Typed _____</p> <p>Address _____</p> <p>Email Address _____ Telephone Number _____</p> <p>Date _____ State Bar No. (if any) _____</p>



# Case Closure Orders / Amending Family Court Orders

- A case closure order can be used in a juvenile court case under Ch. 48 or Ch. 938 where:
  - The child/juvenile is placed with a parent,
  - CHIPS, JIPS, or delinquency dispositional order entered, and
  - Pending or existing family court action
- Applies to PA or FA cases in any county in Wisconsin
- Underlying CHIPS, JIPS, or delinquency case will be terminated as part of Case Closure Order



## Request for Case Closure Order

- Request to enter or modify:
  - Paternity
  - Legal custody
  - Physical placement
  - Visitation
  - Child support and/or
  - Payment of healthcare expenses
- Court must hold a hearing before granting a Case Closure Order

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	
Name _____	Request for Case Closure Order
Date of Birth: _____	Case No. _____
<p><b>I STATE ON INFORMATION AND BELIEF:</b></p> <p>1. A dispositional order was made in the above-captioned case.</p> <p>2. The child/juvenile is/will be placed in the home of a parent.</p> <p>3. <input type="checkbox"/> This proposal for case closure has been made by the court; OR  <input type="checkbox"/> This request for case closure is being brought by the  <input type="checkbox"/> child/juvenile,  <input type="checkbox"/> child/juvenile's counsel,  <input type="checkbox"/> guardian ad litem,  <input type="checkbox"/> parent,  <input type="checkbox"/> guardian/custodian,  <input type="checkbox"/> prosecutor,  <input type="checkbox"/> agency responsible for implementing the dispositional order.</p> <p>4. There is a pending or existing family court action involving the child/juvenile. I request the family court order in (Case Number) _____ in (County) _____ be entered or modified with respect to the following: (select all that apply)  <input type="checkbox"/> Paternity  <input type="checkbox"/> Legal custody  <input type="checkbox"/> Periods of physical placement  <input type="checkbox"/> Visitation  <input type="checkbox"/> Child support  <input type="checkbox"/> Health care expenses</p> <p>Specify, in detail, the order being requested: _____ <input type="checkbox"/> See attached</p> <p>I request a hearing be held on the matter.</p> <p><b>DISTRIBUTION:</b></p> <p>1. Court                  2. Child/Juvenile                  3. Attorney for Child/Juvenile                  4. Guardian ad Litem                  5. Parents                  6. Guardian/Custodian                  7. Case Worker                  8. District Attorney/Corporation Counsel                  9. Other: _____</p> <p>Requestor _____                  Name Printed or Typed _____                  Date _____</p>	



# Case Closure Order

## Case Closure Order (JD-1815)

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

IN THE INTEREST OF \_\_\_\_\_

**Case Closure Order**

Name \_\_\_\_\_ Case No. \_\_\_\_\_

Date of Birth \_\_\_\_\_

**THE COURT FINDS:**

- A dispositional order was made in this case on [Date] \_\_\_\_\_.
- The child/juvenile is placed in the home of a parent.
- There is a pending or existing family court action involving the child/juvenile.
- A request for case closure order has been brought pursuant to §§ 48.355(4g) or 938.355(4g), Wis. Stats.
- The hearing on the request was heard on [Date] \_\_\_\_\_, which is the effective date of this Order.
- Entry of a case closure order  is  is not in the best interest of the child/juvenile.

**THE COURT ORDERS:**

The request for case closure order is

1. **DENIED.**

2. **GRANTED.**

A. The family court order in [Case Number] \_\_\_\_\_ in [County] \_\_\_\_\_ is entered or modified as indicated in the attached document (FA-614).

B. The dispositional order in the above-captioned case is terminated.

C. The clerk of juvenile court shall transmit this Order and the attached family court order to the court exercising jurisdiction in the family court case, where it shall be filed and become part of the record in that case.

D. This case closure order, excluding the attached family court order, shall be sealed in the record of the family court case unless otherwise ordered in the family court case.

E. The clerk of the family court in the court exercising jurisdiction in the family court case shall provide the attached family court order to all parties in that action, including the county child support agency.

## Order Relating to Paternity, Legal Custody, Physical Placement, Visitation, Child Support, and Health Care Expenses (FA-614)

- Only include family court case number

Petitioner/Joint Petitioner A: \_\_\_\_\_

Respondent/Joint Petitioner B: \_\_\_\_\_

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

IN RE: THE  MARRIAGE  PATERNITY OF \_\_\_\_\_

**Petitioner/Joint Petitioner A** \_\_\_\_\_

and

**Respondent/Joint Petitioner B** \_\_\_\_\_

The State of Wisconsin (Child Support Agency)

is

is not a party to this action.

**Order Relating To**

Paternity

Legal Custody

Physical Placement

Visitation

Child Support

Health Care Expenses

Case No. \_\_\_\_\_

**THE COURT FINDS:**

- The parties are subject to
  - a pending action for
    - Divorce
    - Annulment
    - Legal Separation
    - Paternity
  - independent action to determine legal custody of the child or visitation rights.
- OR
- an order that has been granted in an action affecting the family determining: (Check all that apply)
  - Legal Custody
  - Periods of Physical Placement
  - Visitation Rights
  - Child Support
  - Coverage of Health Care Expenses

# Entering and Distributing Orders

## Juvenile Court Clerk

- Add Case Closure Order (CCO) event and Order affecting family court action (OAFCA) events
- Distribute copies of both orders to case participants (using distribution list on JD-1815)
- Send copies of both orders to the family court clerk where family court case located

## Family Court Clerk

- Add Case Closure Order (CCO) event & seal document (OSD)
- Add Order affecting family court action (OAFCA) event
- Distribute copy of Order Affecting Family Court Action (FA-614) to all of the parties in the family court case, including the child support agency



## Case Closure Orders – Additional Considerations

- Juvenile court must follow the guidelines of Ch. 767 when entering/modifying family court orders
- Parenting plans, legal custody and physical placement studies, and mediation not required
- Family court retains jurisdiction for enforcement and future modifications
  - Including all requirements and presumptions for modification in Ch. 767 (e.g., time limits, change in circumstances, etc.)



Questions or Comments?

Up next...CCAP demonstration!

