



WJCCA CONFERENCE CHIPS CASE OVERVIEW

July 17, 2024

Hon. Wendy J.N. Klicko – Sauk County Circuit Court
slides provided by Bridget Mauerman – CCIP Director

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

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

Questions are welcome; however, Judge and CCIP are unable to provide input on individual cases.

Thank you!

Out-of-Home Placements



Legal Status Definitions

- The legal status categories are defined as follows:
 - Birth – Parent who physically delivered the child
 - Adoptive – Parent who adopted the child by court order
 - Adjudicated - Parent based on a court order establishing paternity or parentage or who is the administratively adjudicated parent due to the filing of a paternity acknowledgement form with the Office of Vital Records
 - Marital – Parent who is presumed to be the biological parent because the child was conceived or born during marriage, or is presumed to be the biological parent because the marriage occurred after the child's birth but the parties had a relationship at the time of conception
 - If the mother is married at the time of conception or birth, the father is a marital father

Out-of-Home Placement

- A child/juvenile is considered to be in an out-of-home placement for purposes of the findings (also referred to as ASFA or Title IV-E findings) and permanency planning when placed with anyone except a parent
 - Exceptions for placements in secure detention under certain circumstances
 - See §§ 48.38(2) & 938.38(2)



In-Home vs. Out-of-Home Examples

- If a child is removed from the mother and placed with an adjudicated or presumed (marital) father = in-home placement
- If a child is placed with a non-adjudicated father = out-of-home placement until adjudication under § 48.299(6), § 938.299(6), or a paternity action
- Placement with a relative other than a parent (e.g., grandparent) = out-of-home placement
- Placement with a guardian = out-of-home placement



Out-of-Home Placement Findings – Funding Implications

- **Contrary to the welfare**
 - Finding must be made at hearing authorizing removal or funding cannot be claimed for entire stay in out-of-home care
- **Reasonable efforts to prevent removal**
 - Finding must be made within 60 days from the date of removal or funding cannot be claimed for entire stay in out-of-home care
- **Reasonable efforts to achieve permanency goal:**
 - Finding must be made no later than 12 month after removal and 12 months of the previous finding
 - If not made, Title IV-E funding is only delayed until finding is made



Temporary Physical Custody (TPC)



Temporary Physical Custody (TPC)

- A TPC Request must be completed when a child is removed from the home by the county agency/intake worker



STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	
Temporary Physical Custody Request (Chapter 48)	
Name _____	Case No. _____
Date of Birth _____	
Referring Agency Case Number _____	Intake Case Number _____
Child's/Expectant Mother's Name (Last, First, Middle) _____ Date of Birth _____ Male <input type="checkbox"/> Female <input type="checkbox"/> Child's/Expectant Mother's Address _____ Telephone Number _____ City or Residence _____ Why was child/expectant mother taken into custody? (JC-1609 form, Wis. Stats.) <input type="checkbox"/> Welfare/abuse <input type="checkbox"/> Child suffering from illness, injury or other danger <input type="checkbox"/> Order by judge <input type="checkbox"/> Violation of terms of court-ordered supervision <input type="checkbox"/> Runaway <input type="checkbox"/> Violation of conditions of temporary custody order <input type="checkbox"/> Relinquishment <input type="checkbox"/> Serious health risk to unborn child	
Parent 1's Name and Address Legal Status: <input type="checkbox"/> Born <input type="checkbox"/> Adopted <input type="checkbox"/> Adoptive <input type="checkbox"/> Mentor <input type="checkbox"/> Alleged <input type="checkbox"/> Unknown Date of Birth _____ Home Phone No. _____ Work Phone No. _____ Parent 2's Name and Address Legal Status: <input type="checkbox"/> Born <input type="checkbox"/> Adopted <input type="checkbox"/> Adoptive <input type="checkbox"/> Mentor <input type="checkbox"/> Alleged <input type="checkbox"/> Unknown Date of Birth _____ Home Phone No. _____ Work Phone No. _____ Legal Guardian's Name and Address Date of Birth _____ Home Phone No. _____ Work Phone No. _____	
Date and Time Taken into Custody _____ Taken into Custody By _____ Agency _____ The parents notified by referring party? <input type="checkbox"/> Yes (Date and Time) _____ <input type="checkbox"/> No Why was child/expectant mother not released? _____ Additional information on notice: _____ Supporting facts of reason why child/expectant mother was taken into physical custody (§48.203, Wis. Stats.) <input type="checkbox"/> See attachment (JC-1609 Temporary Physical Custody Request Supplement)	
Copy provided to child/expectant mother, if age 12 or over: <input type="checkbox"/> Yes <input type="checkbox"/> No When child (12 years or older) or expectant mother notified of right to counsel? (§48.207(n) or §48.203(e)(4), Wis. Stats.) <input type="checkbox"/> Yes <input type="checkbox"/> No	
When notice of custody decision and hearing rights provided? (§48.208, Wis. Stats.) Parent 1: <input type="checkbox"/> Yes, Date and Time _____ <input type="checkbox"/> No Parent 2: <input type="checkbox"/> Yes, Date and Time _____ <input type="checkbox"/> No Child (12 years or older) or expectant mother: <input type="checkbox"/> Yes, Date and Time _____ <input type="checkbox"/> No	

Temporary Physical Custody (TPC)

- TPC Request Supplement (JC-1609) details the safety issue(s) that led to removal:
 - Present dangers,
 - Impending dangers,
 - Child's vulnerability, and
 - Parents' protective capacities



STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	
Temporary Physical Custody Request Supplement (Chapter 48)	
Case No. _____	
This document provides supplemental information to the Temporary Physical Custody Request filed in the above-captioned case on (date) _____.	
Circumstances of the Maltreatment 1. Present Danger Threats (Check all that apply) An immediate, significant, and clearly observable family condition that is occurring or in process of occurring at the point of contact with the family and will likely result in severe harm to the child. A. Maltreatment <input type="checkbox"/> Child is being maltreated at the time of the report or initial contact. <input type="checkbox"/> Severe to extreme maltreatment of child is suspected, observed or confirmed. <input type="checkbox"/> Child has multiple or different kinds of injuries. <input type="checkbox"/> Child has injuries to the face or head. <input type="checkbox"/> Child has unexplained injuries. <input type="checkbox"/> The maltreatment demonstrates bizarre cruelty (e.g., torture or extreme emotional abuse). <input type="checkbox"/> The maltreatment of several victims is suspected, observed or confirmed. <input type="checkbox"/> The maltreatment appears premeditated. <input type="checkbox"/> Dangerous (life threatening) living arrangements are present. B. Child <input type="checkbox"/> Parent's viewpoint of the child is bizarre (e.g., skewed and distorted). <input type="checkbox"/> Child is unsupervised and unable to care for self. <input type="checkbox"/> Child needs medical attention. <input type="checkbox"/> Child is profoundly fearful of the home situation or people within the home. C. Parent <input type="checkbox"/> Parent is intoxicated (alcohol or other drugs) now or is consistently under the influence. <input type="checkbox"/> Parent is out of control (mental illness or other significant lack of control). <input type="checkbox"/> Parent is demonstrating bizarre behaviors (e.g., incoherent or inappropriate). <input type="checkbox"/> Parent is unable or unwilling to perform basic care. <input type="checkbox"/> Parent is acting dangerous now or is described as dangerous. <input type="checkbox"/> Parent's whereabouts are unknown. <input type="checkbox"/> One or both parents overtly reject intervention. D. Family <input type="checkbox"/> The family may flee. <input type="checkbox"/> The family hides the child. <input type="checkbox"/> Child is subject to present/active domestic violence. Describe present danger threats: _____	
2. Impending Danger Threats (Check all that apply) A foreseeable state of danger in which a family behavior, attitude, motive, emotion or situation that can be anticipated to have severe effects on a child at any time in the near future and requires safety intervention.	

How is the timeframe calculated for a TPC Hearing?

CHIPS: Within 48 hours of the custody decision

Ch. 938: Within 24 hours end of the day custody decision made

- § 48.21(1)(a) and § 938.21(1)(a) only exclude weekends and “legal holidays” from the calculation
- § 995.20 defines legal holidays as:
 - New Year’s Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Juneteenth Day, 4th of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and certain election days
 - * The day after Thanksgiving, Christmas Eve, New Year’s Eve, courthouse closures, and additional county holidays are **NOT** excluded from the calculation



TPC Hearing in CHIPS – Probable Cause

1. CHIPS ground (§ 48.13) and
2. One of the following exists:
 - Child will cause injury to self or be subject to injury by others
 - Parent(s), guardian, legal custodian or other responsible adult is neglecting, refusing, unable, or unavailable to provide adequate supervision and care AND services to ensure the child's safety and well-being are not available or would be inadequate
 - Child will run away or be taken away, making the child unavailable for further court proceedings
 - Parent(s) has relinquished custody of the child



TPC Order – Additional Considerations

- TPC Order remains in effect until petition is dismissed, consent decree is entered, or Dispositional Order is entered - §§ 48.21(5m) & 938.21(5m)
- Court may order reasonable restrictions on the conduct of the parent, guardian, legal custodian or other responsible person to ensure the safety of the child/juvenile - §§ 48.21(4)(a) & 938.21(4)(a)
- Child/juvenile may only be placed with non-relative who is not licensed as foster parent for 30 days, with additional 30 day extension - §§ 48.207(1)(f) & 938.207(1)(f)
- Changes in placement mirror post-disposition changes in placement and use same forms and orders - §§ 48.217 & 938.217



TPC – Filing a Petition

Ch. 48

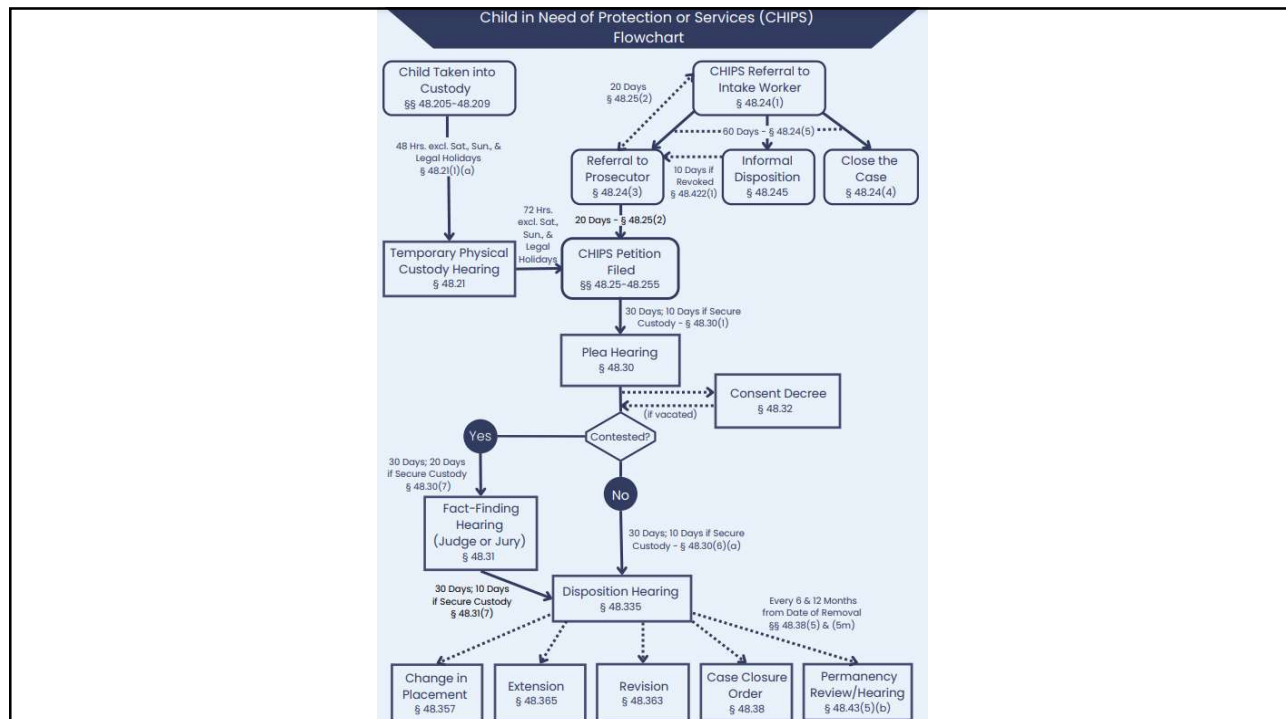
- A CHIPS petition must be filed by time of TPC Hearing or, if extension granted, within 72 hours of hearing - § 48.21(1)(a)-(b)
- Excludes weekends and “legal holidays”

Ch. 938

- A JIPS/delinquency petition OR request for change in placement, extension or revision must be filed by time of TPC Hearing or, if extension granted, within 48 hours of hearing - § 938.21(1)(a)-(b)
- Excludes weekends and “holidays” (statute is silent, so § 801.15(1)(b))



Petition to Disposition



Who can file a CHIPS petition?

- Attorney representing interests of the public, §48.09
 - Corporation Counsel, District Attorney, or Contract Attorney
- Counsel or GAL for parent, relative, guardian, or child
- Parent or guardian, §48.13(4)
 - Unable or needs assistance to care for or provide necessary special treatment or care for child
- Child who is 12 years or older, §48.13(9)
 - In need of special treatment or care with parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide



Representation of Children

- Guardian ad Litem (GAL)
 - Represents child's best interests
 - In Wisconsin, must be an attorney
 - Functions independently
 - Requirements, unless granted leave by court, § 48.235:
 - Meet with the child
 - Assess appropriateness and safety of child's environment
 - Interview child if old enough to communicate and determine child's goals and concerns regarding placement
 - Make clear and specific recommendations to the court
 - Notify court if the best interests of the child are substantially inconsistent with the wishes of that person
- **Statement of Guardian ad Litem - JD-1799**



Representation of Children

- Adversary Counsel
 - Generally, appointed for children 12 years or older
 - May also have a Guardian ad Litem – it depends on the case
 - Represents child's wishes.
 - "...shall advance and protect the legal rights of the party represented..."
 - Typically appointed through the State Public Defender's Office.
 - Indigency determination is not required
- Remember to refer children 12 years of age and older to SPD for appointment of counsel as soon as possible - §§ 48.23 (1m) & (3m)



Child Representation Chart – Ch. 48

GAL Required	Adversary Counsel Required
<ul style="list-style-type: none"> • CHIPS when grounds of abuse or neglect – Under 12 years old • CHIPS when out-of-home has been ordered, recommended, or requested – All ages • Unborn child (UCHIPS) • Guardianships under Ch. 48 • All TPR cases • Minor parent for voluntary TPR • Contested adoptions 	<ul style="list-style-type: none"> • CHIPS when grounds of abuse or neglect – 12 years & older • CHIPS at hearing when out-of-home placement is ordered – 12 years & older • Minor expectant mother of unborn child • Minor parent for involuntary TPR • Chapter 51 & 55 proceedings



See §§ 48.23 & 48.235

Representation of Parents



- Parents have the right to hire their own attorney
- Parents are only appointed an attorney through the State Public Defender's Office if the parent is indigent and:
 - the county is participating in the 5 county SPD pilot, OR
 - Racine, Kenosha, Outagamie, Brown, and Winnebago
 - the case is subject to Wisconsin Indian Child Welfare Act
- A parent can also request a court-appointed attorney
 - Discretion of the court after considering circumstances of parent/case
 - Parent may be required to reimburse the county
- Court always has discretion to appoint a GAL (e.g., competency issues)



Plea Hearing



- After the CHIPS petition is filed, the court will schedule a plea hearing within 30 days
 - The child, parents, guardian, legal custodian and Indian custodian must be advised of their rights
 - Ex: substitute the judge, a jury trial, retain an attorney, etc.
 - Notice of Rights and Obligations – JD-1716 and IW-1716
- *A jury trial demand or substitution request must be made before the end of the Plea Hearing



Plea Hearing

- Pleas are taken from:
 - “Nonpetitioning parties”: parents, guardian, legal custodian, and Indian custodian
 - Child (if 12 years or older or otherwise competent to enter plea)
- If admissions or no-contest pleas are entered, the child will be adjudicated a child in need of protection or services (CHIPS) and the case will be scheduled for a Dispositional Hearing within 30 days
- If a party enters a denial, a Fact-Finding Hearing is scheduled within 30 days
 - Fact-finding hearing can be either a court/bench trial to the judge or a jury trial



Plea Hearing

- Some courts require parents to complete JD-1735 – Plea Questionnaire / Waiver of Rights
- Use as a guide for plea colloquy



STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY																					
IN THE INTEREST OF Name _____ Date of Birth _____	Plea Questionnaire/ Waiver of Rights (CHIPS and JIPS) Case No. _____																				
I am the <input type="checkbox"/> child/juvenile, <input type="checkbox"/> parent, <input type="checkbox"/> guardian, <input type="checkbox"/> legal custodian, <input type="checkbox"/> Indian custodian.																					
I intend to enter an admission or no contest plea to the child in need of protection or services (CHIPS) or juvenile in need of protection or services (JIPS) grounds as follows:																					
<table border="1"> <thead> <tr> <th>Ground/Statute</th> <th>Plea</th> </tr> </thead> <tbody> <tr> <td></td> <td><input type="checkbox"/> Admit</td> </tr> <tr> <td></td> <td><input type="checkbox"/> No Contest</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Admit</td> </tr> <tr> <td></td> <td><input type="checkbox"/> No Contest</td> </tr> </tbody> </table>	Ground/Statute	Plea		<input type="checkbox"/> Admit		<input type="checkbox"/> No Contest		<input type="checkbox"/> Admit		<input type="checkbox"/> No Contest	<table border="1"> <thead> <tr> <th>Ground/Statute</th> <th>Plea</th> </tr> </thead> <tbody> <tr> <td></td> <td><input type="checkbox"/> Admit</td> </tr> <tr> <td></td> <td><input type="checkbox"/> No Contest</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Admit</td> </tr> <tr> <td></td> <td><input type="checkbox"/> No Contest</td> </tr> </tbody> </table>	Ground/Statute	Plea		<input type="checkbox"/> Admit		<input type="checkbox"/> No Contest		<input type="checkbox"/> Admit		<input type="checkbox"/> No Contest
Ground/Statute	Plea																				
	<input type="checkbox"/> Admit																				
	<input type="checkbox"/> No Contest																				
	<input type="checkbox"/> Admit																				
	<input type="checkbox"/> No Contest																				
Ground/Statute	Plea																				
	<input type="checkbox"/> Admit																				
	<input type="checkbox"/> No Contest																				
	<input type="checkbox"/> Admit																				
	<input type="checkbox"/> No Contest																				
<input type="checkbox"/> See attached sheet for additional grounds.																					
I am _____ years old. I <input type="checkbox"/> do <input type="checkbox"/> do not I <input type="checkbox"/> am not <input type="checkbox"/> am <input type="checkbox"/> have not <input type="checkbox"/> have	I am in/have completed the _____ grade in school. I understand the English language. I understand the ground(s) to which I am pleading. I am currently receiving treatment for a mental illness or disorder. I have had any alcohol, medications, or drugs within the last 24 hours. If any, please list: _____																				
Waiver of Rights I understand that by entering this plea, I give up the following rights: <input type="checkbox"/> I give up my right to a court trial in a JIPS case or a jury trial in a CHIPS case. <input type="checkbox"/> I give up my right to remain silent and I understand that silence of any party may be relevant. <input type="checkbox"/> I give up my right to present evidence at trial. <input type="checkbox"/> I give up my right to use subpoenas to require witnesses to come to court and testify for me at trial. <input type="checkbox"/> I give up my right to confront in court the people who testify against me and cross-examine them. <input type="checkbox"/> I give up my right to have the allegations in the petition proved by clear and convincing evidence. I understand the rights that have been checked and give them up of my own free will.																					
Understandings <ul style="list-style-type: none"> • I understand the nature of the acts alleged in the petition and the potential dispositions. • I understand that this waiver gives the judge authority to enter orders that may affect me. • I understand that the judge does not need to follow any plea agreement or recommendation. • I understand that if the judge accepts my plea, the child/juvenile will be found in need of protection or services based upon the facts in the petition or as stated in court. • I understand that if I am not represented by an attorney, that an attorney may discover defenses or mitigating circumstances which would not be apparent to me. 																					
Voluntary Plea I have decided to enter this plea of my own free will. I have not been threatened or forced to enter this plea. No promises have been made to me other than as follows: <input type="checkbox"/> See attached																					

Default Finding

- Default can be used when there is a failure to obey a summons, failure to obey a court order, or failure to appear at trial
- In a CHIPS case, a fact-finding/evidentiary hearing does not need to be conducted if the parent does not appear

*This is different for TPR cases



Consent Decree

- A Consent Decree can be entered after the CHIPS petition is filed and before adjudication
 - Suspends the case
 - Establishes terms and conditions for child, parents, guardian, or legal custodian
 - Whether admission/no contest pleas are required varies by county practice
- All parties (including the child if 12 or older) must sign a Stipulation to the Consent Decree agreeing to the conditions
 - JD-1784A – In-Home
 - JD-1785A – Out-of-Home



Consent Decree

- May be vacated for non-compliance or at party's request
 - If the consent decree is vacated, the CHIPS case is reinstated and the case resumes where it was suspended (e.g., Dispositional Hearing if plea entered prior to consent decree)
- If not vacated, CHIPS petition dismissed when consent decree expires
- Out-of-Home consent decrees require permanency planning and out-of-home placement findings



Fact-Finding Hearing

- Court or Jury Trial
 - Party that entered the denial at a Plea Hearing has the right to either a court/bench trial to the judge or a 6-person jury trial
 - A 5/6 verdict is required in a jury trial to find the child CHIPS
 - Alleged CHIPS ground must be proven by clear and convincing evidence
- In addition, judge must determine whether “child is in need of protection or services which can be ordered by the court”



Jury Trial Procedures

<https://wilawlibrary.gov/jury/>

1. Hearing outside presence of jury
2. Court welcomes jury and clerk administers oath to jury panel
3. Jury Selection (Voir Dire)
4. Clerk administers oath to jurors selected
5. Preliminary Instructions from court
6. Opening Statements
7. Petitioner's case
8. Motions at close of Petitioner's case
9. Respondent(s)' case
10. Petitioner's rebuttal
11. Motions at close of evidence
12. Instructions conference
13. Jury Instructions
14. Closing Arguments
15. Jury deliberates (questions)
16. Jury verdict (verdict read in court)
17. Motion(s) after verdict



Continuances: Good Cause Finding

§ 48.315(2):

(2) A continuance shall be granted by the court only upon a showing of **good cause** in open court or during a telephone conference under s. 807.13 **on the record** and **only for so long as is necessary**, taking into account the request or consent of the district attorney or the parties and the interest of the public in the prompt disposition of cases

*Cannot exclude time or grant continuance if delays the contrary to the welfare finding (at removal), reasonable efforts to prevent removal finding (within 60 days of removal), or reasonable efforts to achieve goal of the permanency plan finding (every 12 months)



Dispositional Court Report

- A Dispositional Court report must be filed before the Dispositional Hearing
 - *Section 48.33 doesn't provide timeframe, so look to any local rule or discovery statute (§ 48.293 - 48 hours)
- Proposed Conditions for Return/Supervision should be attached
- Dispositional Court Report and Permanency Plan should not be provided to placement providers



Dispositional Hearing

- If the child is adjudicated to be CHIPS – Child in Need of Protection or Services, the case proceeds to a Dispositional Hearing
- The court orders placement of the child
 - In-home
 - Conditions of Supervision should be ordered for both parents
 - Out-of-home
 - Conditions for Return are ordered for both parents
 - Termination of Parental Rights (TPR) warnings are read and included with order
- Order must also contain specific services that the agency will provide the family



TPR Warnings

- The court shall orally inform the parent(s) who appear in court of any grounds for TPR which may be applicable and of the conditions necessary for the child to be returned to the home or for the parent to be granted visitation
- TPR warnings are required - §§ 48.356 & 938.356
 - Child/juvenile is placed outside his/her home
 - Dispositional Hearing, Out of Home Change in Placement, Extension Hearing, Revision Hearing, etc.
 - Excludes TPC Hearings and Consent Decrees
 - A parent is denied visitation, and
 - A permanency hearing
- Circuit court forms were updated to add TPR warnings to certain out-of-home orders (versus attaching them)
 - Use “T” versions



Qualified Residential Treatment Program (QRTP)

- As of Sept. 2021, additional requirements when child/juvenile placed in shelter home, group home, or residential treatment center certified as QRTP
 - Assessment by agency filed within 30 days of placement
 - QRTP findings within 60 days of placement
- Children/juveniles placed in a QRTP setting prior to effective date are exempt from the findings requirement
- Includes CHIPS, JIPS, delinquency, and post-TPR placements



QRTP Resources

List of certified QRTP placements:

- <https://dcf.wisconsin.gov/family-first/qrtip>

QRTP E-Learning Activity:

- <https://wicciptraining.com/ELearningActivities>

QRTP Resource Guide (under Judicial Resources)(see handout):

- <https://wicciptraining.com/Resources>



Post-Disposition Activities



Notice of Change of Address

- If address for parent, guardian, child/juvenile, or placement provider changes:
 - File Notice of Change of Address (Chapters 48 and 938) – JD-1830
 - Do not use for Change in Placement!

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF	<input type="checkbox"/> Amended
Name _____	Notice of Change of Address (Chapters 48 and 938)
Date of Birth _____	Case No. _____
I am notifying the court of the following change of address for	
Name: _____	
<input type="checkbox"/> parent <input type="checkbox"/> guardian <input type="checkbox"/> child/juvenile <input type="checkbox"/> placement provider	
Previous Address: _____	
Current Address: _____	



Circuit Court Form Changes

OLD

NEW

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF	Request to
Name _____	<input type="checkbox"/> Change Placement
Date of Birth _____	<input type="checkbox"/> Revise Dispositional Order
	<input type="checkbox"/> Extend Dispositional Order
	<input type="checkbox"/> Review Permanency Plan
	<input type="checkbox"/> Terminate Consent Decree/ Dispositional Order
	Case No. _____
Child/Juvenile's Street and City Address	
Parent 1's Name	Parent 1's Address
Parent 2's Name	Parent 2's Address
Guardian, Legal/Physical Custodian	Guardian, Legal/Physical Custodian's Address
Other	Address
I REQUEST THE COURT: (Check all that apply in 1-6) 1. I am interested as <input type="checkbox"/> Child/Juvenile or Counsel <input type="checkbox"/> Parent <input type="checkbox"/> Case Worker <input type="checkbox"/> District Attorney/Corporation Counsel <input type="checkbox"/> Guardian ad Litem <input type="checkbox"/> Expectant Mother <input type="checkbox"/> Other: _____	

- JD-1764 – Request to Extend Dispositional Order
- JD-1766 – Request to Change Placement / Revise Dispositional Order
- JD-1769 – Request for Permanency Hearing
- JD-1776 – Request to Terminate Consent Decree / Dispositional Order

Types of Change in Placement

- In-Home to Out-of-Home
 - Always requires a hearing (to make findings)
 - Will change the expiration date of the Dispositional Order, unless judge directs otherwise
 - Separate revision necessary to establish conditions for return
- Out-of-Home to Out-of-Home
- Out-of-Home to In-Home
 - Expiration date will change if order was set to expire more than one year from change in placement order
- In-Home to In-Home



Change in Placement Notice vs. Request

Notice of Change in Placement (JD-1754)

- In-Home to In-Home, Out-of-Home to Out-of-Home, or Out-of-Home to In-Home
- AND
- Filed by prosecutor or county agency

*Hearing only required if objection

Request for Change in Placement (JD-1766)

- In-home to Out-of-Home
- OR
- Requests made by other parties,
- OR
- Local practice/directive (e.g., judge require hearing before returning the child home)

*Hearing required



JD-1754 – Notice of Change in Placement

- Agency/prosecutor must provide the notice to case participants
 - See § 48.357(1)(am)1.a. and distribution list
 - Must be filed with the court on the same day notice is sent
- Participants have 10 days to object
 - Including current placement provider
 - Excludes weekends and holidays - § 801.15(1)(b)



STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	Notice of Change in Placement
Name _____	Case No. _____
Date of Birth _____	

- I am interested as ☐ Caseworker, ☐ District Attorney/Corporation Counsel.
Other parties use JD-1766 – Request to Change Placement.
- The child/juvenile is currently under a ☐ temporary physical custody order. ☐ dispositional order.
- The Indian Child Welfare Act does not apply. For an Indian child, use the ICWA version of this form (IW-1754).
- This notice of change in placement is:
 - ☐ out-of-home to out-of-home.
 - ☐ out-of-home to in-home.
 - ☐ in-home to in-home.*For In-Home to Out-of-Home, use JD-1766 – Request to Change Placement.*
- Name and address of new/proposed placement: _____
- ☐ Emergency conditions necessitated an immediate change in placement on (date) _____.
 - This notice was sent within 48 hours after the emergency change in placement.*
Describe the reasons for the new placement, the emergency conditions that necessitated an immediate change, why it is preferable, and how it satisfies any treatment plan or permanency plan.
 - If you object to the change in placement, a written objection must be filed with the court within 10 business days after filing of this notice. If you file a written objection, the court will schedule a hearing. Copies of the request for a hearing should be sent to all parties.
- ☐ The placement will be changed on (date) _____.
 - The proposed placement:
 - ☐ will be changed at least 10 business days after this notice was filed with the court.
 - ☐ was authorized in ☐ temporary physical custody order ☐ dispositional order.*The 10 business day waiting period is not required.*
 - Describe the reasons for the new placement, why it is preferable, and how it satisfies any treatment plan or permanency plan.
 - If you object to the change in placement, a written objection must be filed with the court within 10 business days after filing of this notice. If you file a written objection, the court will schedule a hearing. Copies of the objection should be sent to all parties.
- If this change in placement was authorized in the current order, your objection must state new information that affects the advisability of the order.
- Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were:
 - ☐ made by _____
 - ☐ not required because the child/juvenile does not have siblings in out-of-home care.
 - ☐ not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings because _____
- ☐ The proposed placement is certified as a Qualified Residential Treatment Program.

JD-1754, 02/23 Notice of Change in Placement 5548.217, 48.357, 801.15(1)(b), 938.217, and 938.357, Wisconsin Statutes
This form shall not be modified. It may be supplemented with additional material. Page 1 of 1

Notice of Change in Placement – When can the child be moved?

- Immediately – Notice is filed at the same time
 - Placement was authorized in Dispositional Order
 - Written waivers of objection filed by all parties
- Immediately – Notice filed within 48 hours of placement
 - “Emergency conditions necessitate an immediate change in the placement” - § 48.357(2)(a)1.
 - Consider establishing local procedure to address time sensitive changes in placement
- 10 Days after Notice of Change in Placement is filed
 - All other circumstances



What constitutes “emergency conditions”?

- Statutes: No definition
- DCF’s Ongoing Service Standards:
 - An emergency change of placement may be done when the child/youth is no longer safe, as determined by any of the following:
 - Confirming Safe Environments
 - If the out-of-home care provider is no longer willing or able to care for the child
 - If community safety requires immediate removal of the child from the placement
 - A safety assessment indicates that controls put into place on the safety plan are no longer keeping the child safe in the home
 - Other emergency conditions necessitate an immediate change in placement
 - <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf>



JD-1766 – Request to Change Placement

- Used for in-home to out-of-home placement, request by parties other than prosecutor/agency, or local practice
- Triggers a Change in Placement Hearing
 - Notice of the hearing must be provided at least 3 days prior to hearing unless all parties waive notice requirements



STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF	Request to Change Placement / Revise Dispositional Order
Name _____	Case No. _____
Date of Birth _____	

I REQUEST THE COURT: (check all that apply in 3-4)

1. I am interested as ☐ Caseworker ☐ District Attorney/Corporation ☐ Guardian ad Litem
☐ Child/Juvenile or Counsel ☐ Parent ☐ Expectant Mother
☐ Other _____

2. The Indian Child Welfare Act does not apply. For an Indian child, use the ICWA version of this form (IW-1766).

☐ 3. Change the Placement of the child/juvenile.

A. The child/juvenile is currently under a ☐ temporary physical custody order. ☐ dispositional order.

B. This request to change placement is
☐ in-home to out-of-home. This applies after an Emergency Change in Placement Hearing.
☐ out-of-home to out-of-home.
☐ out-of-home to in-home.
☐ in-home to in-home.

C. Name and address of proposed placement: _____

D. Date of proposed change in placement: _____

E. Describe the reasons for the new placement, why it is preferable, and how it satisfies any treatment plan or permanency plan. ☐ See attached

☐ F. The proposed change in placement would move the child/juvenile from in the home to a placement outside of the home.

1) Placement in the home at this time is contrary to the welfare of the child/juvenile because:

2) Reasonable efforts to prevent removal were (complete one of the following):

☐ made by the department or agency responsible for providing services as follows:

☐ made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows:

☐ not required under §48.355(2d) or §938.355(2d), Wis. Stats., _____

Post-Disposition Emergency Change in Placement In-Home to Out-of-Home

- When a child/juvenile is placed in-home and then is removed from the home post-disposition under an emergency situation, a Notice of Postdisposition Emergency Change in Placement (JD-1767) should be filed
- An Emergency Change in Placement Hearing must be held within 48 hours of emergency placement
 - Excludes weekends and legal holidays



STATE OF WISCONSIN, CIRCUIT COURT, COUNTY _____

IN THE INTEREST OF _____

Notice of
Postdisposition Emergency
Change in Placement
and Hearing Request
(In-Home to Out-of-Home)

Name _____

Date of Birth _____

Case No. _____

1. The child/juvenile is currently under a dispositional order: _____

2. The placement of the child/juvenile was changed on (date) _____ (time) _____ a.m. p.m. due to emergency conditions necessitating an immediate change.

Give reason for new placement, describe emergency conditions necessitating an immediate change, why it is preferable and how it satisfies any treatment plan ordered by the court: _____

3. Name and address of new placement: _____

4. Placement in the home at this time is contrary to the welfare of the child/juvenile because: _____

5. Reasonable efforts to prevent removal were (Complete one of the following)

☐ made by the department or agency responsible for providing services as follows: _____

☐ made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows: _____

☐ not required under §48.355(2d) or §938.355(2d), Wis. Stats., _____

☐ 6. The child/juvenile is subject to the Indian Child Welfare Act, and emergency removal and placement outside of the home ☐ is ☐ is not necessary to prevent imminent physical damage or harm to the child/juvenile.

7. It is requested that a hearing in this matter be held no later than (date) _____ (time) _____ a.m. p.m., which is within 48 hours of the change in placement, excluding Saturdays, Sundays, and legal holidays.

8. The Request for Change in Placement will be filed by the time of this hearing.

DISTRIBUTION:

1. Court _____

2. Child/Juvenile _____

3. Parent/Guardian/Legal Custodian _____

4. Case Worker/Direct Agency/Corporation Counsel _____

5. Child's Attorney's Attorney/ GAL _____

6. Other _____

Case Worker/Direct Agency/Corporation Counsel _____

Name Printed or Typed _____

Date _____

JD-1767, 2017 Notice of Postdisposition Emergency Change in Placement and Hearing Request (In-Home to Out-of-Home) §948.357(2)(b) and §938.357(2)(b), Wisconsin Statutes
This form shall not be modified. It may be supplemented with additional material.
Page 1 of 1

Post-Disposition Emergency Change in Placement In-Home to Out-of-Home

- Post-Disposition Emergency Change in Placement Order (JD-1768T) is a temporary order that remains in effect until the Change in Placement is issued by the Court
- A Request for Change in Placement (JD-1766) must be filed by the time of the Emergency Change in Placement hearing
 - Revision would also be required to establish conditions of return
- If all parties consent, Request for Change in Placement and any Request for Revision can be heard at time of Emergency Change in Placement Hearing



Revision

- A Request to Revise the Dispositional Order (JD-1766) can be used to:
 - Amend the Conditions for Return/Services
 - Suspend visitation
 - Transfer legal custody
- Revision procedures cannot change placement of a child or order a trial reunification
- A hearing is required unless written waivers of objection

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	
Name: _____	Request to Change Placement / Revise Dispositional Order
Date of Birth: _____	Case No. _____
I REQUEST THE COURT: (Check all that apply in 3-4)	
1. I am interested as: <input type="checkbox"/> Caseworker <input type="checkbox"/> District Attorney/Corporation <input type="checkbox"/> Guardian ad Litem	
<input type="checkbox"/> Child/Juvenile or Counsel <input type="checkbox"/> Parent <input type="checkbox"/> Expectant Mother	
<input type="checkbox"/> Other: _____	

<input type="checkbox"/> 4. Revise the Dispositional Order:	
A. The proposed revisions are: _____	<input type="checkbox"/> See attached
B. The following new information is available that affects the Dispositional Order: _____	<input type="checkbox"/> See attached
C. I request the court:	
<input type="checkbox"/> revise the Dispositional Order based upon the written waivers of objection signed by all parties entitled to receive notice.	
<input type="checkbox"/> schedule a Revision Hearing.	



Suspending Visitation through a Revision

- A Request to Revise the Dispositional Order would be filed detailing why requesting a suspension of visitation
- Court must order specific conditions for the parent to complete in order to be granted visitation
- TPR warnings and Conditions to reinstate visitation must be attached to the order
 - After 1 year of suspended visitation, the prosecutor can file a TPR based on the ground of Continuing Denial of Periods of Physical Placement or Visitation



Extensions

- Request to Extend the Dispositional Order – JD-1764 (New form!)

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF	Request to Extend Dispositional Order
Name _____	Case No. _____
Date of Birth _____	

- An Extension Hearing must be scheduled by the Court
- Temporary Order for Extension – If a request to extend is made prior to the expiration of the Dispositional Order and the court is unable to schedule hearing prior to the termination date, the court may issue an Order Granting Temporary Extension (JD-1765) to extend the Dispositional Order up to 30 days



Trial Reunification

- A request for a trial reunification (JD-1801) should include the proposed length of time up to 90 days
 - Only county agency can request
 - A party can file an objection within 10 days to request a hearing
- Judge orders trial reunification using JD-1802
- Permanency planning continues occur during a trial reunification because the child/juvenile is still in an out-of-home placement
 - Parents may not qualify for child care assistance due to the out-of-home placement and pay child support unless a request or motion is filed

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF	Notice and Request for
Name _____	<input type="checkbox"/> Trial Reunification
Date of Birth _____	<input type="checkbox"/> Extension of Trial Reunification
	<input type="checkbox"/> Revocation of Trial Reunification
	Case No. _____
Child/Juvenile's Street and City Address	
Parent 1's Name	Parent 1's Address
Parent 2's Name	Parent 2's Address
Guardian, Legal/Physical Custodian, Foster Parent	Address
Other	Address
I REQUEST THE COURT: <input type="checkbox"/> 1. Order a trial reunification effective [Date] _____, which is at least ten (10) days after the notice was filed with the court. The trial reunification is in the best interests of the child/juvenile because: _____ <input type="checkbox"/> See attached The trial reunification satisfies the objectives of the child's/juvenile's permanency plan because: _____ <input type="checkbox"/> See attached Name and address of proposed trial reunification home: _____ The proposed length of the trial reunification [not to exceed 90 days]: _____ If you do not object, the trial reunification may be granted without a court hearing. If you object to the trial reunification, a written objection must be filed with the court within ten (10) days of the filing of this request. If you file a written objection, a hearing will be scheduled within 30 days of the trial reunification request. <input type="checkbox"/> 2. Extend the current trial reunification. [Total period for a trial reunification and any extensions may not exceed 150 days] Date trial reunification expires: _____ Date trial reunification should be extended to: _____ The trial reunification continues to be in the best interests of the child/juvenile because: _____ <input type="checkbox"/> See attached If you do not object, the trial reunification may be extended without a court hearing. If you object to the trial reunification being extended, a written objection must be filed with the court within ten (10) days of the filing of this request. If you file a written objection, a hearing will be scheduled. <input type="checkbox"/> 3. Revoke the current trial reunification. Specify in detail the reasons the current trial reunification is no longer in the best interests of the child/juvenile: _____ <input type="checkbox"/> See attached	



Trial Reunification

- If the trial reunification is successful, a Notice of Change in Placement (JD-1754) from out-of-home to in-home should be completed 10 days before the trial reunification will end
 - Once the trial reunification ends, a Change in Placement Order (Out-of-Home to In-Home) (JD-1792) should be signed placing the child in-home
 - Expiration date may change – maximum of 1 year for in-home order
- To request an extension of the trial reunification, complete JD-1801
 - The extension cannot exceed 150 days total (Ex: if the trial reunification was 90 days, the extension can only be 60 days)



Permanency Planning



Permanency Goals

- Permanency goals that can be ordered are:
 - Reunification – child is returned to the home
 - Guardianship
 - Adoption (after a Termination of Parental Rights)
 - Placement with a fit and willing relative
 - Other planned permanent living arrangement (Aging out)
- Concurrent Planning
 - Working on two goals simultaneously, not consecutively
 - DCF's standards direct when two goals must be recommended; ultimately up to the judge



Permanency Plan

First Permanency Plan

- A permanency plan must be filed within 60 days of a child's removal from the home
 - §§ 48.38(3) & 938.38(3)

Subsequent Permanency Plans

- Must be filed at least 5 business days before the permanency review/hearing
- Permanency Planning continues until child placed in the home of a parent or CHIPS order terminates
 - Permanency Planning still occurs while the child is under a Trial Reunification!



Permanency Review/Hearing Timeframes

- Permanency review – § 48.38(5)(a)
 - No later than 6 months after date of removal
 - Every 6 months thereafter
 - Court must review the 12-month hearings
- Permanency hearing – § 48.38(5m)(a)
 - No later than 12 months after date of removal
 - Thereafter, the earlier date of:
 - 6 months from prior permanency review
 - 12 months from prior hearing
- Time cannot be tolled/extended for conducting the 12-month permanency hearings
 - See § 48.315(2m)(b)



Permanency Plan Timing – Removal Date

- Typically, date taken into custody under TPC
- If a child was out of home, returned home, and then re-removed:
 - Permanency plan timing would be based off the most recent re-removal date
 - However, the time child spent in all out-of-home placement episodes would be included in the 15 out of 22 months calculation for purposes of filing a TPR petition
- If a child is already living with a relative/guardian prior to CHIPS petition (no TPC), removal is the date of the first order placing with relative/guardian



Permanency Reviews/Hearings – Schools

- JD-1769 – Request for Permanency Hearing (New form!)
- Asks for school's information so school can be provided with notice
- School only receives notice of hearing, not the permanency plan
- DPI created guide for schools:
https://dpi.wi.gov/sites/default/files/imce/foster-care/Perm_Plan_Review_Input_Tool.pdf



STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF _____

Name _____ Date of Birth _____

Request for Permanency Hearing

Case No. _____

I REQUEST THE COURT SCHEDULE A PERMANENCY HEARING:

1. I am interested as ☐ Caseworker ☐ District Attorney/Corporation Counsel ☐ Other: _____

2. The Permanency Plan ☐ is attached. ☐ is on file with the court. ☐ will be provided to the parties five days prior to the hearing.

The child/juvenile was removed from the home on: _____

The Permanency Hearing must be held by: _____

The child/juvenile's school name and address: _____

☐ 3. A party's address has changed. A Notice of Change of Address (JD-1830) ☐ was previously filed with the court. ☐ is attached.

DISTRIBUTION:

1. Court
2. Child/Juvenile
3. Child/Juvenile's Guardian ad Litem/Advisory Counsel
4. Parents
5. Parents' Attorney(s)
6. Child's Guardian/Legal Custodian
7. Relative Caregiver/Foster Parent
8. District Attorney/Corporation Counsel
9. Caseworker
10. Court Appointed Special Advocate (CASA)
11. Title
12. Indian Custodian

Signature _____
Name Printed or Typed _____
Address _____
Email Address _____ Telephone Number _____
Date _____ State Bar No. (if any) _____

Permanency Hearing Orders

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF _____

Permanency Hearing Order
with Termination of Parental Rights Notice

Name _____ Date of Birth _____

Case No. _____

A Request for Hearing was filed with the Court and notice was given to all interested parties.

A hearing was held on [Date] _____, which is the effective date of this Order.

THE COURT REVIEWED THE PERMANENCY PLAN FILED BY THE AGENCY AND FINDS:

1. The provisions of the Indian Child Welfare Act do not apply. (For an Indian child, use the Indian Child Welfare Act version (M-1791) of this form.)

2. ☐ A. The permanency goal for the child/juvenile has been ☐ return to the home. ☐ adoption. ☐ placement with a guardian. ☐ permanent placement with a fit and willing relative. ☐ placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).

B. This goal ☐ continues to be ☐ is no longer appropriate.

☐ 3. A. The concurrent permanency goal for the child/juvenile has been ☐ return to the home. ☐ adoption. ☐ placement with a guardian. ☐ permanent placement with a fit and willing relative. ☐ placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).

B. This goal ☐ continues to be ☐ is no longer appropriate.

4. It ☐ is ☐ is not appropriate for the child/juvenile to have a concurrent permanency goal.

5. The extent of compliance with the Permanency Plan is as follows:

	in compliance	in partial compliance	not in compliance
<input type="checkbox"/> agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> service provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Parent #1 (Name) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Parent #2 (Name) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> child/juvenile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. The placement of the child/juvenile ☐ continues ☐ no longer continues to be necessary, safe, and appropriate.

☐ Placement in a planned permanent living arrangement is the best permanency goal for the child/juvenile at this time. It continues not to be in the best interests of the child/juvenile to be returned home or placed for adoption, with a guardian, or with a fit and willing relative. The reasons for these findings are: _____

7. Adequate efforts ☐ have ☐ have not been made to involve the appropriate service providers in meeting the special needs of the child/juvenile and his or her parent(s).

8. Sufficient progress ☐ has ☐ has not been made in eliminating the causes for the child/juvenile's out-of-home placement and toward returning the child/juvenile safely to his or her home or toward obtaining a permanent placement for the child/juvenile.

☐ 9. The child/juvenile has been placed outside of his or her home in a foster home, group home, residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months.

The permanency plan is ☐ appropriate. ☐ not appropriate because it fails to sufficiently address the circumstances which prevent the child/juvenile from:

☐ being returned safely to the home; ☐ being placed safely in the home of a fit and willing relative; ☐ having a petition for involuntary termination of parental rights filed on behalf of the child/juvenile; ☐ being placed for adoption; ☐ being placed with a guardian; ☐ being placed in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).

☐ 10. The child/juvenile is likely to be returned home, placed for adoption, placed with a guardian, placed with a fit and willing relative, or placed in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult by [Date] _____.

11. Reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were ☐ made by the department or agency responsible for providing services as follows: _____

☐ not made by the department or agency responsible for providing services as follows: _____

12. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were ☐ made. ☐ not required because the child/juvenile does not have siblings in out-of-home care. ☐ not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.

☐ 13. The child/juvenile has a permanency goal of placement in a planned permanent living arrangement, and the agency has taken the following steps, including consulting with the child/juvenile, to ascertain whether the child/juvenile has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the caregiver is applying the reasonable and prudent parent standard to decisions concerning participation in those activities: _____

Only for OPPLA

Only for OPPLA

Permanency Hearing Order

- Reminder: If reunification is no longer a goal, the agency must continue to make reasonable efforts to provide services ordered by the court to prove the TPR ground of Continuing Need of Protection or Services



THE COURT ORDERS:

- The permanency goal for the child/juvenile ☐ remains ☐ is changed to
 - ☐ return to the home.
 - ☐ adoption.
 - ☐ placement with a guardian.
 - ☐ permanent placement with a fit and willing relative.
 - ☐ placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).
- The concurrent permanency goal for the child/juvenile ☐ remains ☐ is changed to ☐ is added to include
 - ☐ return to the home.
 - ☐ adoption.
 - ☐ placement with a guardian.
 - ☐ permanent placement with a fit and willing relative.
 - ☐ placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).
- The parent(s) who appeared in Court have been orally advised of the applicable grounds for termination of parental rights (TPR) and the conditions that are necessary for a safe return to the home or a restoration of visitation rights. Notice Concerning Grounds to Terminate Parental Rights is provided below. Conditions for return/visitation are part of this Order or attached.
- The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings. The department or agency
 - ☐ shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
 - ☐ is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.
- Other: _____
- The department or agency shall file a new permanency plan with the Court by (Date) _____.
- The department or agency shall file a request to change placement with the Court by (Date) _____.

NOTICE CONCERNING GROUNDS TO TERMINATE PARENTAL RIGHTS

Your parental rights can be terminated against your will under certain circumstances. A list of potential grounds to terminate your parental rights is given below. Those that are check-marked may be most applicable to you, although you should be aware that if any of the others also exist now or in the future, your parental rights can be taken from you.

- ☐ **Abandonment.** Any of the following must be proven by evidence that:
- ☐ You have left your child without provision for care or support.
 - ☐ and neither parent has been found for 60 days.
 - ☐ in a place or manner that exposes your child to substantial risk of great bodily harm or death.
 - ☐ You have failed to visit or communicate with your child for:

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
 - *Interest of Leif E.N. & Nora M.S.*, 189 Wis. 2d 480, (Ct. App. 1994).



Expiration of Dispositional Order

Out-of-Home

Unless earlier time specified by court, the later of:

- 18th birthday
- High school graduation/equivalent or 19th birthday
 - If full-time student and reasonably expected to complete the program prior to age 19
- 21st 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.



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. _____

I REQUEST THE COURT TERMINATE:

☐ consent decree.
☐ dispositional order.

1. I am interested as ☐ Caseworker ☐ District Attorney/Corporation Counsel
☐ Other: _____

2. The current consent decree/dispositional order is set to expire on _____

3. I am requesting to terminate the consent decree/dispositional order because: ☐ See attached

☐ 4. A party's address has changed. A Notice of Change of Address (JD-1830)
☐ was previously filed with the court.
☐ is attached.

DISTRIBUTION:

1. Court
2. Child/Juvenile
3. Child/Juvenile's Guardian ad Litem/Advisory Counsel
4. Parents
5. Parents' Attorney(s)
6. Child's Guardian/Legal Custodian
7. Relative Caregiver/Foster Parent
8. District Attorney/Corporation Counsel
9. Caseworker
10. Court Appointed Special Advocate (CASA)
11. Tribe
12. Indian Custodian

Signature _____

Name Printed or Typed _____

Address _____

Email Address _____ Telephone Number _____

Date _____ Date Bar No. (if any) _____



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 _____ Case No. _____

Date of Birth: _____

Request for Case Closure Order

I STATE ON INFORMATION AND BELIEF:

- A dispositional order was made in the above-captioned case.
- The child/juvenile is/will be placed in the home of a parent.
- ☐ This proposal for case closure has been made by the court; OR
☐ This request for case closure is being brought by the
☐ child/juvenile,
☐ child/juvenile's counsel,
☐ guardian ad litem,
☐ parent,
☐ guardian/custodian,
☐ prosecutor,
☐ agency responsible for implementing the dispositional order.
- 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)
☐ Paternity
☐ Legal custody
☐ Periods of physical placement
☐ Visitation
☐ Child support
☐ Health care expenses

Specify, in detail, the order being requested: _____ ☐ See attached

I request a hearing be held on the matter.

DISTRIBUTION:

- Court
- Child/Juvenile
- Attorney for Child/Juvenile
- Guardian ad Litem
- Parents
- Guardian/Custodian
- Case Worker
- District Attorney/Corporation Counsel
- Other _____

Requestor _____

Name Printed or Typed _____

Date _____

Case Closure Order

Case Closure Order (JD-1815)

- Filed in both cases, but sealed in the FA/PA case

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF _____

Name _____ Case No. _____

Date of Birth _____

Case Closure Order

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

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

- Filed in both cases

Petitioner/Joint Petitioner A: _____

Respondent/Joint Petitioner B: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN RE: THE ☐ MARRIAGE ☐ PATERNITY OF _____

Petitioner/Joint Petitioner A _____

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:

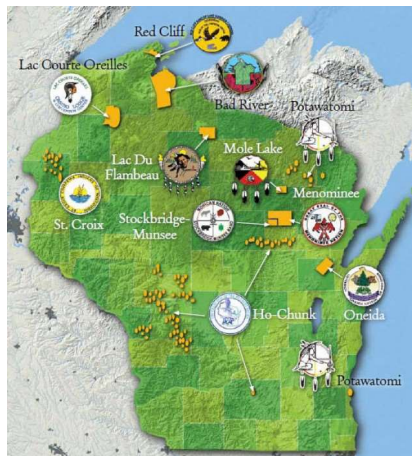
- The parties are subject to
☐ A. a pending action for
☐ Divorce ☐ Annulment ☐ Legal Separation ☐ Paternity
☐ independent action to determine legal custody of the child or visitation rights.
OR

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.)



Wisconsin Indian Child Welfare Act



ICWA Forms

Juvenile

View [all juvenile forms](#)

Categories

- > [Adoption and Adoptive Placements](#)
- > [Child Abuse/Juvenile Harassment Orders/Injunction](#)
- > [Juvenile \(Chapter 48\)](#)
- > [Juvenile \(Chapter 938\)](#)
- > [Termination of Parental Rights \(Voluntary or Involuntary\)](#)

Indian Child Welfare Act (ICWA)

- > [Adoption and Adoptive Placements \(ICWA\)](#)
- > [Juvenile \(Chapter 48 - ICWA\)](#)
- > [Juvenile \(Chapter 938 - ICWA\)](#)
- > [Termination of Parental Rights \(Voluntary or Involuntary - ICWA\)](#)



IW-1608 – TPC Request
IW-1609 – Statement of Active Efforts
IW-1610 – Petition for Protection or Services (Chapter 48)
IW-1611T – Dispositional Order – Protection or Services (Chapter 48)
IW-1711 – Order for TPC
IW-1716 – Notice of Rights and Obligations
IW-1720 – Summons
IW-1724 – Notice of Hearing (Juvenile)
IW-1740 – Motion for Transfer to Tribal Court
IW-1741 – Order on Motion for Transfer to Tribal Court
IW-1754 – Notice of Change in Placement
IW-1766 – Request to Change Placement, Revise Dispositional Order, Extend, Review Permanency Plan, Terminate Dispositional Order
IW-1785A – Stipulation for Consent Decree (Out-of-Home)
IW-1785B – Consent Decree (Out-of-Home)
IW-1788 / 1788T – Order for Extension of Dispositional Order/Consent Decree
IW-1789T – Order for Change in Placement (In-Home to Out-of-Home)
IW-1790T – Order for Change in Placement (Out-of-Home to Out-of-Home)
IW-1791 / 1791T – Permanency Hearing Order

WICWA Reminders

- See WICWA Judicial Checklist & E-Learning Activity:
<https://wicciptraining.com/>
- Indian child status is a political designation--not a race or ethnicity--since individual tribes are sovereign nations
- The rights and responsibilities of WICWA/ICWA are granted through the child's status, not the parent(s)
 - This is why a non-Indian parent has the same rights in the case as any Indian parent (e.g., right to an attorney, registered mail notice, etc.)



WICWA Reminders

- If there is reason to know that a child may be an Indian child, they should be treated as such and WICWA/ICWA should be followed until there is confirmation from the tribe that the child is not an Indian child
 - ICWA regulations provides guidance on “reason to know”
 - www.govinfo.gov/content/pkg/FR-2016-06-14/pdf/2016-13686.pdf
- Failure to participate by the tribe does not waive the case requirements under WICWA/ICWA
- Each tribe may have its own Placement Preferences
- Use Statement of Active Efforts form (IW-1609)



www.wiccuptraining.com

[Home](#)
[E-Learning Activities](#)
[Training Calendar](#)
[Resources](#)
[Contact](#)
[FAQ](#)

E-Learning Activities

The materials and learning activities provided on this website should not be construed as legal advice and are meant for informational purposes only. Please use Microsoft Edge, Chrome, or Firefox browsers to view the learning activities. Newer versions of Internet Explorer (IE11) will no longer be supported by Microsoft.

Module 1: Child in Need of Protection or Services

Temporary Physical Custody Hearing	28:30
Plea Hearing	24:30
Fact-Finding Hearing	16:30
Consent Decree	12:00
Dispositional Hearing	33:15
Extension Hearing	15:00
Revision Hearing	12:30
Change in Placement	33:00
Permanency Hearing	33:00
Case Closure Order	11:30

Module 2: Termination of Parental Rights

Voluntary Hearing on the Petition	23:30
Involuntary Hearing on the Petition	32:00
Involuntary Fact-Finding Hearing	21:00
TPR Dispositional Hearing	24:00

Module 3: Specialty Topics

Interstate Compact on the Placement of Children	14:30
Adoption	19:00
Qualified Residential Treatment Program	15:00
WICWA	38:00
Child Safety Decision-Making	26:45
§ 48.977 Guardianship	17:30
§ 48.9795 Guardianship	29:00

Thank you!

- Bridget – Bridget.Mauerman@wicourts.gov
- Judge Klicko – wendy.klicko@wicourts.gov

