

BUZZ SESSION

July 19, 2024

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SLIDO INSTRUCTIONS

Join at
slido.com
#3245 156



HOUSEKEEPING

- Please note this information is not meant to be construed as legal advice.
- Any guidance provided should not override the judge's decision and authority.
- Some of the questions were answered during a different session.
- If you submitted question that is not addressed, please email bridget.mauerman@wicourts.gov

POLL: Who prepares dispositional orders in CHIPS cases?

1. District Attorney/Corporation Counsel
2. Juvenile Clerk/Register in Probate
3. Judicial Assistant
4. Caseworker
5. More than one of the above

POLL: Who prepares dispositional orders in delinquency cases?

1. District Attorney
2. Juvenile Clerk/Register in Probate
3. Judicial Assistant
4. Caseworker
5. More than one of the above

POLL: Who prepares permanency orders?

1. District Attorney
2. Corp. Counsel
3. Juv Clerk/Register in Probate
4. Judicial Assistant
5. Case Worker
6. More than one of the above

POLL: Who is the juvenile clerk under the directive of?

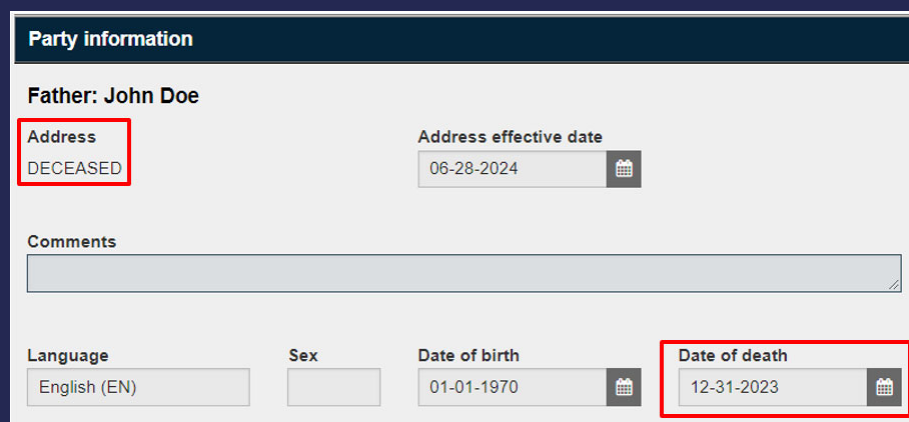
1. Clerk of Court
2. Register in Probate
3. Judges
4. Other

POLL: Is the juvenile clerk also the register in probate ?

1. Yes
2. No

DECEASED PARENT

If a parent in a case is deceased or dies during an open case, how can you identify that parent as being deceased? I can add a date of death, but the parent will show as active. I want to be able to easily identify a party as deceased so as to not accidentally send them a notice or copy of an order.



Party information

Father: John Doe

Address
DECEASED

Address effective date
06-28-2024

Comments

Language
English (EN)

Sex

Date of birth
01-01-1970

Date of death
12-31-2023

There are multiple options, you choose which works best for you

1. Change the party address to "DECEASED"
2. Add Date of Death

Create event

Event date

06-27-2024

Event type

Withdrawn party (WP)

Event parties

John Doe

Parties

--Choose action--

Create

Type	Name	Party notice	Date of birth	Status	Date of death
All	Start typing t	All	Start typing	Start typing t	Start typing
Child		Paper		Active	
Petitioner	State of Wisconsin	Paper		Active	
Mother		Paper		Active	
Father	John Doe	Paper	01-01-1970	Withdrawn	12-31-2023

3. Withdraw the deceased party

- Status will show "withdrawn"
- No notices or orders will print for a withdrawn party

4. Edit your views so the Date of Death shows on the main parties screen

5. Add a Post-it note to the case management screen for easy viewing.

ePost-it

0/1

Add ePost-it

Father, John Doe - Deceased

Save

Cancel

Back to search results Previous Next Confidential Filed Only ePost-it 0/1 Add ePost-it

2024GJ000002 Group Juvenile Misc filings Case actions ▾

Summary Parties Activities Court record Documents Financials Disposition Judgments Exhibits

Case summary

Case caption
Group Juvenile Misc filings

Filing date 01-18-2024 Prior case number Classification

Filing court official Responsible court official Branch Case age 0 day(s) eFiling enabled No

Petitioning agency Petitioning attorney DA case number Bond ID

Consolidated Cross-referenced cases Collapse >>

Father, John Doe - Deceased

If you can't see the post it note on your main screen, click on the >> in the bottom right corner of the screen

DA PROTECT SYSTEM

What should juvenile clerks be aware of when petitions are filed by the DA's office through Protect?

1. DA Protect system does not have notice recipients. Everyone comes over as a "party" when a new petition is filed – including TPR'd parents and caseworkers (see next slide).
2. All JV cases come over as JIPS.

The clerk will need to move, change or delete these “parties” as appropriate after saving the case, this cannot be done from the e-filing que.

PARTY

- Petitioner (DA's Office)
- Child
- Child's Attorney and/or Guardian ad Litem
- Parent
 - Mother
 - Father
 - Parent's attorney(s)
- Guardian
- Indian Custodian and Legal Custodian
- Tribe – if the case is subject to ICWA

NOTICE RECIPIENT

- Caseworker
- Agency
- Alleged father
- Foster parent and Physical Custodian
- Grandparent and relative
- CASA (child advocate)
- School, group home, residential treatment center, shelter home

For whatever reason, all delinquency cases come through CCAP as “Petition under Ch. 938: protection and services (JIPS)” when you bring the case in you must change this to “Petition for determ of status-delinquency (DELQ)” in Waukesha County, but in Dunn and Milwaukee counties it is the opposite.

Case

Year	Type	Case number	Suffix
2021	JV	Auto seq - CW	e.g., PJ

Class code

68014 - Juvenile in Need of Protection/Services

Filing court official

1631 - Smeltzer, Rod W.

Assign

Document

Document name

Petition Under Chpt 938 JIPS Truancy

Stamp

FILED

Stamp page numbers

1

Add event

Event

JIPS - Petition under Ch. 938: protection and services

Court official

Select an event court official

Standard text

Select a standard text option

POLL: What occurs in your county?

1. The JIPS and Delinquencies come through correctly.
2. JIPS come through as Delinquencies, Delinquencies come through as Delinquencies.
3. Delinquencies come through as JIPS, JIPS come through as JIPS.
4. Nothing comes through correctly, we have to change both.

ALLEGED FATHERS – DISPOSITIONAL ORDER

You have rightly kept an alleged father as a notice recipient.

Notice recipients			
-Choose action-		Create	
Name	Type	Business/organization	Email
Start typing to filter	All	Start typing to filter	Start typing to filter
Jamie Carter	Social Worker	Waukesha County DHHS	dhscountdocs@waukeshacounty.gov
John Doe	Alleged Father		

However, you are now at disposition, and the Original Disposition Report to the Court lists parent 1 & 2.

Parent 2 <input type="checkbox"/> Unknown <input type="checkbox"/> Deceased	
Name (Last, First, MI, Suffix)	Birthdate
Doe, John P.	01/01/2000
Address	Telephone Number
123 Main Street, Waukesha, WI 53188	
Marital Status	
<input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
Name - Spouse	
Status: <input type="checkbox"/> Adjudicated <input type="checkbox"/> Adoptive <input checked="" type="checkbox"/> Alleged <input type="checkbox"/> Presumptive	

POLL: How would you list the alleged father on the disposition order?

1. Just as it is on the court report.
2. Leave them off the order.
3. Something else.

They may still have conditions ordered, you can include them on the disposition order, but signify that they are alleged.

The parent(s) are:		
Parent #1's name: Mom Smith	Date of birth: 01/01/2001	<input type="checkbox"/> deceased
Parent #2's name: John Doe (Alleged)	Date of birth: 01/01/2000	<input type="checkbox"/> deceased

OR

They can be left off the disposition order, and a revision filed when/if they are adjudicated.

ALLEGED FATHERS – FINANCIAL CONTRIBUTION

Parents may be ordered to contribute toward expenses of custody/services and child support (e.g., #10 on Dispo Order).

10. If the child is placed outside of the home, the parent(s) shall provide a statement of income, assets, debts, and living expenses to the county department or agency.

☐ A. The parent(s)/guardian shall contribute toward the expenses of custody/services.

☐ Parent/Guardian 1 [Name] _____

☐ \$ _____ per month commencing on [Date] _____

☐ to be determined by [Agency] _____

☐ Parent/Guardian 2 [Name] _____

☐ \$ _____ per month commencing on [Date] _____

☐ to be determined by [Agency] _____

☐ B. The parent(s), guardian or trustee shall contribute an amount of child support for the out-of-home placement _____

POLL: Can an alleged father be listed on #10 (to contribute towards the expenses)?

1. Yes
2. No
3. Only if parties stipulate

ALLEGED FATHERS CANNOT BE ORDERED TO PAY UNDER #10.



- Ways to establish legal paternity in Wisconsin (see § 48.02(13)):
- Voluntary Paternity Acknowledgement
- Family Court
- 48.299(6)(e)⁴ If the genetic tests show that an alleged father is not excluded and that the statistical probability that the alleged father is the child's biological father is 99.0 percent or higher, the court may determine that for purposes of a proceeding under this chapter, other than a proceeding under subch. VIII, the man is the child's biological parent.

JUVENILE INJUNCTIONS

How do you handle Juvenile Injunction (JI) petitions that are eFiled? Once it is sent to the judge to determine whether to issue a TRO, how do you get it back to file it as a case if the judge orders the TRO? Paper-wise is easy. My understanding is that it doesn't get a case number until the judge decides if he/she will issue the TRO. But, if you send it to the judge for review to determine that, how do you get the case back to file as a new case?

INJUNCTIONS - DENIED AND GRANTED IN CCAP₃

- Instructions for clerk processing of JI cases:
<https://wicourts-help.zendesk.com/hc/en-us/articles/13799707458445-eFiling-review-Processing-temporary-restraining-orders>
- The CCAP₃ Tutorial is very helpful, you need DUO to access it.

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INJUNCTIONS - DENIED AND GRANTED IN CCAP₃

The image shows two screenshots from a legal case management system. The left screenshot displays a table of cases, with the second row highlighted in red. The right screenshot shows the 'Process new electronic filing' form, with a red arrow pointing to the 'Save' button and another red arrow pointing to the 'Enter the Court Official' field.

Cases

Waiting for payment? ☒ No ☐ Yes [Edit views](#)

Show 15 entries [Reset filters](#)

Time submitted	Case type	Class code	Form name	Filer name	Waiver/TRO status
07-23-2019 11:27 AM	CV	30711	Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (Harassment)	Mark Ellis Sanders	Filed
07-23-2019 11:07 AM	CV	30709	Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (Domestic Abuse)	David Smith	Filed
07-23-2019 11:07 AM	CV	30711	Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (Harassment)	David Smith	Filed

Process new electronic filing:

Temporary restraining order

A petition for temporary restraining order was submitted with this filing. Complete the fields below and select Save to send the petition for court official review.

Court official:

Notes:

Enter the Court Official

STATE OF WISCONSIN, CIRCUIT COURT,

Name of Petitioner: _____

* If you are completing this Petition on behalf of the Petitioner, insert your name on page 3.

Date of Birth: _____

--VS--

Respondent/Defendant: _____

Address: _____

Respondent's: Size Race Date of Birth:

Button for rejecting the filing – after the petition is ordered, the filing can no longer be rejected.

Cases

Waiting for payment? ☒ No ☐ Yes [Edit views](#)

Show 15 entries [Reset filters](#)

Time submitted	Case type	Class code	Form name	Filer name	Waiver/TRO status
Start typing to filter	All	Start typing to filter	Start typing to filter	Start typing to filter	Filed
07-23-2019 11:07 AM	CV	30711	Petition for Temporary Restraining Order and/or Motion for Injunction Hearing (Harassment)	Mark Ellis Sanders	Filed
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Show	15	entries		Reset filters	
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INJUNCTIONS - GRANTED IN CCAP₃

Cases

Waiting for payment? ☐ No ☐ Yes Edit views

Show 15 entries Reset filters

Time submitted	Case type	Class code	Form name	Filer name	Waiver/TRO status
07-23-2019 11:07 AM	CV	30709	Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (Domestic Abuse)	David Smith	Granted
07-23-2019 11:07 AM	CV	30711	Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (Harassment)	David Smith	Pending

Process new electronic filing: 1 Temporary restraining order Overview Filing Review

The petition for temporary restraining order has been ordered.

Court official: 1580 - Hue, William F.

Court official comments:

3e5947d2-ad05-11e9-8259-bbf70d05... 1/3

Cancel **Next** Return to court official Reject filing

BY THE COURT:
DATE SIGNED: July 23, 2019
Electronically signed by William F. Hue
Circuit Court Judge

Once it is granted you process and fill in the information as you would any other case.

Case: 201910 CV 30710

Class code: 30710 - Domestic Abuse Temp Tr

Class name: Temporary Restraining Order

Document: 201910CV000504 - Group File of TROs denied

Standard text: Temporary restraining order denied - no imminent danger. Come to the courthouse if you want to proceed and request an injunction hearing.

Additional text:

Activity: 201910CV000504 - Group File of TROs denied

Code: 201910CV000504 - Group File of TROs denied

INJUNCTIONS - DENIED IN CCAP₃

Temporary Restraining Order - Denied

No order is generated when a court official denies a petition for a temporary restraining order. See the [OK] button.

Process new electronic filing: 1 Temporary restraining order Overview Filing Review

The petition for temporary restraining order has been denied to the court official. Choose OK to save the denied petition to a group file.

Court official: 1580 - Hue, William F.

Court official comments:

Denied reason: Temporary restraining order denied - no imminent danger. Come to the courthouse if you want to proceed and request an injunction hearing.

Cancel **Next** **OK** Return to court official

STATE OF WISCONSIN, CIRCUIT COURT, COUNTY OF MILWAUKEE

Name of Petitioner: _____

Date of Birth: _____

Respondent/Defendant: _____

Address: _____

Case: _____

Temporary restraining order

Add document to case:

2019GF000504 - Group File of TROs denied

Message for filer: (Note: this text will appear in the email sent to the filer)

Temporary restraining order denied - no imminent danger. Come to the courthouse if you want to proceed and request an injunction hearing.

Cancel **OK**



Press OK to process the denied TRO and on the next screen assign, it to your generic GJ case denied TROs.

INJUNCTIONS - DENIED IN CCAP₃

I REQUEST THE COURT: (Mark any of the following boxes that apply)

☐ 1. Issue a Temporary Restraining Order requiring the respondent to

- ☐ a. avoid the child's residence and/or any premises temporarily occupied by the child.
- ☐ b. avoid contacting the child or causing any other person to have contact with the child in any way unless the court agrees such contact is in the best interest of the child. The respondent is prohibited from knowingly touching, meeting, communicating or being in visual or audio contact with the child unless the court grants visitation rights. *Contact includes: contact at child's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.*
- ☐ c. refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.
- ☐ d. allow the child or a family member or household member of the child acting on his/her behalf to retrieve a household pet.
- ☐ e. Other: (May not be inconsistent with remedies noted above) _____

☐ 2. Set a time for a hearing on the Petition for an Injunction requiring the respondent to

- ☐ a. avoid child's residence and/or any premises temporarily occupied by the child.
- ☐ b. avoid contacting the child or causing any other person to have contact with the child in any way unless the court agrees such contact is in the best interest of the child. *Contact includes: contact at child's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.*
- ☐ c. refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.
- ☐ d. allow the child or a family member or household member of the child acting on his/her behalf to retrieve a household pet.
- ☐ e. Other: (May not be inconsistent with remedies noted above) _____

☐ 3. If the Temporary Restraining Order is denied, the child/petitioner asks the Court to schedule an Injunction Hearing.

If the Petitioner has checked box 3 on the Petition in Juvenile Court for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing Child Abuse they are still entitled to an injunction hearing.

For harassment cases, petitioners are only entitled to an injunction hearing if the petition alleges conduct that is the same as or similar to conduct that is prohibited under the domestic abuse statutes.

CCAP does not have a way to create a JI case from the denied TRO. You must create a new JI case as you would if they walked in with the petition, and add the documents. The original document in the GJ denied case can stay put.

FILE DESTRUCTION DATE FOR JV DELINQUENCY CASE

What is the file destruction date for a JV delinquency with 1 felony count that the juvenile enters an admission but the finding is withheld pursuant to a consent decree and a misdemeanor count that has a 1 year dispositional order. Consent decree is completed successfully. Does the destruction date go by the felony or misdemeanor?

There are some variables:

- If there is no felony finding, defaulting them to a misdemeanor with no firearm restriction or order to register with WI DOC sex offender registry, the case will be retained according to the 22 year destruction date.
- If the misdemeanor class severity has a firearm restriction or order to register with the sex offender registry, the case will be retained according to the 75 year destruction date.

Juvenile JIPS and Delinquency Retention/Purge Rules
75 years after JV adjudication if adjudicated delinquent on a felony class severity.
75 years after JV adjudication if adjudicated delinquent on a misdemeanor class severity with a firearms restriction or order to register with WI DOC sex offender registry.
75 years after JV adjudication if adjudicated delinquent on a charge with no severity code.
4 years after JV party's 18th birthday (DOB+18)+4 or 4 years after case close if no DOB exists.

INFORMATION TO CHILD SUPPORT

How does Child Support Agency get information once TPR is granted?



- Nothing in Wis. Stat. § 48.396 that allows Child Support Agency access to TPR order, except by order of the court (Wis. Stat. 48.396(2)(a)).
- However, some counties have cooperative agreements with the Child Support Agency related to providing TPR orders.
- Practices vary across counties on how Child Support Agency receives information.

Example #1: Corporation Counsel provides a copy of the signed order to the Child Support Agency, if they are the ones who are filing the petition. If not filed by Corporation Counsel, it would fall onto the petitioner (an attorney, guardian ad litem, relative or parent, etc.) to provide the signed order to the Child Support Agency.

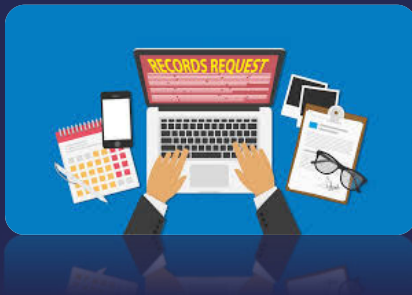
Example #2: Send a letter to the Child Support Agency, but only if we know which county and have a case number. If we don't know if there's a family case anywhere, then we would leave it up to the terminated parent to notify CSA.

Example #3: We have a Cooperative Agreement in place which really has these items in it:

- a) Orders for TPR will be provided to the Child Support Agency after they are signed by the Court.
- b) Orders for Temporary Injunction as well as Injunction will be provided to the Child Support Agency after they are signed by the Court.

CCAP POST-IT NOTES

Are CCAP post-it notes discoverable or subject to an open records request?



- Our office has not taken a position on this. There could be arguments both ways, so we have cautioned clerks to be wary of how post-it notes are used.
- Drafts and notes can fall outside the definition of a “record,” but drafts and notes must meet certain requirements to fall within those definitions. It is the content that determines if something is subject to the public records law, not the medium used to create the record.

- Takeaway: be cautious!
- Work with your corporation counsel to determine if post-it notes should be released.



DISTRIBUTION OF COURT REPORTS & PERMANENCY PLANS

In CHIPS and TPR cases, who is allowed to receive a copy of the court reports and permanency plans (e.g., parents, child, placement provider)?

DISTRIBUTION – CHILDREN

Permanency Plans

- Copy is provided to child's GAL and/or counsel, regardless of age (s. 48.38 and 48.293)
- However, statutes allow children 14+ years to inspect court and agency records (s. 48.396 and 48.78)

Court Reports

- There is no distribution list for court reports in statute (s. 48.33 and 48.425), so practice varies by county
- Statutes allows children 14+ years to inspect court and agency records (s. 48.396 and 48.78)

DISTRIBUTION – PARENTS

Permanency Plan:

- Parents DO receive the Perm Plan in a CHIPS case. (s. 48.38).
- In a TPR case, however, after the TPR is ordered but before the adoption occurs, the parents DO NOT receive the permanency plan, because their rights are terminated

Court Reports:

- County practice varies:
 - There is no distribution list for court reports in statute. (CHIPS - s. 48.33 and TPR - s. 48.425)
 - Discovery statute allows inspection. It also gives the custodian of the record (county agency) discretion to provide copy to or through court order. (s. 48.293 – *Discovery*)
 - Law allows parents to inspect all court and agency records, unless it would result in imminent danger to anyone. (s. 48.396 & 48.78 (2)(ag))

DISTRIBUTION – PLACEMENT PROVIDER

The foster parent or relative caregiver does not receive a copy of *any* court report in a juvenile case. For example, they are not entitled to receive:

- Original Dispositional Report or Extension of Original Disposition Report
- Youth Justice Dispositional Court Report
- Court Report for Transfer of Legal Guardianship
- Court Report for TPR
- Permanency Plan

Why?

- A placement provider does not have party status in a TPR/CHIPS/JIPS case
- Statutes do not include in distribution lists or other statutes permitting access to records (e.g., 48.396)
- The report is not shared with the placement provider because it often includes protected health and treatment information about the child and/or the parents(s)

Exception: If placement provider is child's guardian or legal custodian

WICWA INITIAL NOTICE REQUIREMENTS

For a case subject to the Wisconsin Indian Child Welfare Act (WICWA), when does notice need to be sent to the Bureau of Indian Affairs (BIA)?

INITIAL NOTICE

- Initial notice must be sent by registered mail to the Indian child's parents, Indian custodian, and tribe with a request for return receipt
 - The initial notice must be received at least 10 days prior to the first hearing (excludes TPC Hearings)
 - Responsibility for providing proper notice is on the petitioner
 - The return receipts must be filed with the court
- If identity or location of a parent or tribe cannot be determined, then this initial notice must be sent to the Bureau of Indian Affairs (BIA) Midwest Regional office via registered mail
 - Must be received at least 15 days prior to the first hearing (excludes TPC Hearings)

COPIES OF INITIAL NOTICE

- **Additionally**, copies of all initial notices sent to parents, tribe, and Indian custodian must be sent to Bureau of Indian Affairs (BIA) Midwest Region office by registered or certified mail with return receipt or personal service
 - No timeframe to send is provided in ICWA regulations
 - No requirement that they be sent individually by case
 - Can be sent in batches on a set schedule
 - 25 CFR § 23.11

NOTICE OF SUBSEQUENT HEARINGS

- Notice of subsequent hearings must be sent to the parents and tribe in writing by:
 - Mail
 - Personal service
 - Fax
 - **NOT E-MAIL (What about e-filing?!)**
- [Wis. Stat. § 48.028(4)(a)]
- Notice obligation continues even if tribe does not formally intervene in the case
 - Not required to send any notice to BIA

PARENT'S GUARDIAN

- If a parent has a guardian, how should I handle entering the guardian in CCAP and distributing notice of hearings and documents?

- It depends on the authority granted to the parent's guardian.
- If letters of guardianship give the guardian the right to receive legal notice and sue on behalf of the ward, you can add the parent's guardian to the case as a party.
- So it is not confused with a guardian for the child, you can use "Other" party type.

POLL: In a JIPS/delinquency proceeding, if the child is already under guardianship (prior to the opening of the case) does your judge/judges consider it a:

- In-Home Placement
- Out-of-Home Placement
- Varies by judge or case
- Unsure

All CHIPS, JIPS & Delinquency Cases

- Some ambiguity in statutes – ultimately judge's determination.
- An order placing the child/juvenile with a guardian is considered out-of-home for purposes of permanency planning. Sections 48.38(2) and 938.38(2) state permanency planning is required for "each child living in the home of a guardian or a relative other than a parent".
 - Does not provide exception or provide distinction for children/juveniles placed with guardian pre-petition.
- Some issues generating Permanency Plans in eWiSACWIS when the child/youth was living with the guardian prior to the petition being filed.

Other statutes suggesting placement with guardian is out-of-home:

- §§ 48.355(4)/938.355(4) - the expiration date for the CHIPS, JIPS, or delinquency dispositional order for a child/juvenile placed in the home of a "relative other than a parent" is the same as other out-of-home placements.
- §§ 48.33(4)/938.33(4) - the "home of a relative other than a parent" and "the home of a guardian under s. 48.977(2)" are included in the list of out-of-home placements for purposes of the dispositional Court Report, the contents of which require a permanency plan and the out-of-home placement findings (e.g., contrary to the welfare, reasonable efforts to prevent removal, etc.).
- §§ 48.335(3g)/938.335(3g) - requires the agency to present evidence related to the out-of-home care findings (e.g., contrary to the welfare, reasonable efforts to prevent removal) at the Dispositional Hearing for a child/juvenile who is placed in "the home of a relative other than a parent" or "the home of a guardian under s. 48.977(2)".

ACCESS TO JUVENILE RECORDS – FORMS

How do you know when to use the Request to Inspect Juvenile Court Records (JD-1738) vs Request and Authorization to Open Juvenile Court Records for Inspection (JD-1739) for juvenile records and the associated orders?

Request and Authorization to Open Juvenile Court Records for Inspection JD-1739A & JD-1739B

- These forms are used when a child/juvenile, parent, guardian, or legal custodian is requesting or authorizing another person to have access to the juvenile court records.
- This request requires an order from the judge indicating that release of these records would not result in imminent harm to anyone.
- Does not permit copies unless specifically ordered by the court.
 - The "Other" box can be used to request and order copies.

Request to Inspect Juvenile Court Records JD-1738A & JD-1738B

- These forms are used for a specific statutory exception provided in ss. 48.396(2) or 938.396(2g).
- This request does not require a court order.
 - However, depending on local practice or specific request, clerk may have judge issue an order.
 - An order would be required to permit person to obtain copies.
 - The "Other" box can be used to request and order copies.
 - Copies permitted without order for Title IV-E and other federal monitoring.
- Serious Juvenile Offender & Repeat Offender Requests: Excludes court reports, permanency plans, evaluations, and other sensitive personal information.

POLL: Under what circumstance are you getting a court order for JD-1738A requests?

1. All the time
2. Never
3. Person is requesting copies
4. Other

POLL: Do you get a court order when a military recruiter (juvenile has consented) wants information about juvenile's delinquency history?

1. Yes – Routinely
2. Yes – Only if requesting copies
3. No

ACCESS TO JUVENILE RECORDS – DOJ

What information can the juvenile clerk share with DOJ when they want to confirm delinquency adjudications/dispositions and other information? Which form should they use?

1. Currently, there is no circuit court form for DOJ to use to request this information. The current forms (JD-1738A and JD-1739A) would not be appropriate.
2. DOJ can submit the request for DNA and firearm restriction verification via email. See the Limited Use of Email to Transmit Certain Documents Memo on CourtNet.
3. Information that juvenile clerk can provide:
 - Firearm Restriction: whether the juvenile has been adjudicated for a felony/there is firearm restriction.
 - DNA at Arrest: whether probable cause found, any failure to appear, and adjudication status.
4. An order is not required.
 - However, you cannot provide a copy of the dispositional order or other court documents without a court order.

ADDITIONAL
QUESTIONS OR COMMENTS?

