

New Clerk Orientation Buzz Session

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Guides for History Event Codes

- ▶ History event code guides are available on CourtNet:
 - ▶ On the bottom of the Model Record Keeping page; and
 - ▶ The CCIP page



Form Summaries

JC-1611	Dispositional Order - Protection or Services (Chapter 48)	09/08/2022	<input type="checkbox"/> Form English <input type="checkbox"/> Form English <input type="checkbox"/> Form Spanish <input type="checkbox"/> Form Spanish
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FORM SUMMARY	
Name of Form:	Dispositional Order - Protection or Services (Chapter 48)
Form Number:	JC-1611
Statutory Reference:	§§48.345, 48.355, 48.356, 48.78(2)(ag) and (aj), Wisconsin Statutes
Benchbook Reference:	
Purpose of Form:	Formal order of the court detailing the disposition in a ch. 48 child in need of protection or services (CHIPS) case (this does not apply to a ch. 938 <i>juvenile</i> in need of protection or services).
Who Completes It:	Court clerk, corporation counsel or district attorney.
Who Signs It:	BY THE COURT: Circuit Court Judge/Circuit Court Commissioner. THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.
Distribution of Form:	Court, Child's Guardian ad Litem/Adversary Counsel, Parents, Parents' Attorney(s), Child's Guardian/Legal Custodian/Trustee, District Attorney/Corporation Counsel, Caseworker and Court Appointed Special Advocate (CASA).
Accompanying Forms:	
New Form/Modification:	Modified; last update 08/21.
Modifications:	Updated distribution list.
Comments:	NOTE: JC-1611T contains TPR Notice. TPR Notice should be provided for out-of-home cases and when a parent is denied periods of physical placement or visitation.

Pursuant to the requirements of the Federal Indian Child Welfare Act and accompanying regulations of the Bureau of Indian Affairs, the court must make inquiry on the record in all cases whether any party has reason to believe that the child is an Indian child. The responses shall be recorded in the record. Additionally, the court must order the parties to disclose any such belief, should additional information become available.

Approval Date: 09/08/2022
Release Date: 11/10/2022

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JC-1611s, Dispositional Order - Protection or Services

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RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

RMC has concerns that out of home placements ordered to be effective in the future may violate ASFA rules. One suggested procedure in these cases is to first enter a dispositional order placing the child at home, then revise the dispositional order pursuant to §48.363 upon the actual removal from the home. Another option is to adjourn the dispositional hearing until the actual removal date.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.

Distribution Lists

- Distribution lists have been updated and are located on the bottom left of each Circuit Court form
- Each form summary also contains a distribution list

DISTRIBUTION:

1. Court
2. Child's Guardian ad Litem/Adversary Counsel
3. Parents
4. Parents' Attorney(s)
5. Child's Guardian/Legal Custodian/Trustee
6. District Attorney/Corporation Counsel
7. Caseworker
8. Court Appointed Special Advocate (CASA)

Distribution Lists

On the Dispositional Order, the caregiver is not listed among the recipients on the distribution list, per Wis. Stat. Sec. 48.355(2)(d).

However, the caregiver may receive a copy of the Dispositional Order if the request is made to the court and the court issues an order releasing the Dispositional Order to the caregiver.

Schools now receive notice of Permanency Plans Reviews/Hearings

- ▶ JD-1769 – Request to Review Permanency Plan form asks for the school's information so the court can provide the school with notice
- ▶ The school only receives notice, 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](https://dpi.wi.gov/sites/default/files/imce/foster-care/Perm%20Plan%20Review%20Input%20Tool.pdf)

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____ <input type="checkbox"/> Amended	
Name _____	Request for Permanency Hearing
Date of Birth _____	Case No. _____
I REQUEST THE COURT SCHEDULE A PERMANENCY HEARING:	
1. I am interested as <input type="checkbox"/> Caseworker <input type="checkbox"/> District Attorney/Corporation Counsel <input type="checkbox"/> Other: _____	
2. The Permanency Plan must be filed at least 5 business 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: _____	
<input type="checkbox"/> 3. A party's address has changed. A Notice of Change of Address (JD-1830) <input type="checkbox"/> was previously filed with the court. <input type="checkbox"/> is attached.	
DISTRIBUTION:	
1. Court	Signature _____
2. Child/Juvenile	Name Printed or Typed _____
3. Child/Juvenile's Guardian ad Litem/Adversary Counsel	Address _____
4. Parents	Email Address _____ Telephone Number _____
5. Parents' Attorney(s)	Date _____ State Bar No. (if any) _____
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	

Party vs. Notice Recipient

▶ Party

- ▶ Petitioner
- ▶ 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

- ▶ Case Worker
 - ▶ In addition to filing regular documents as non-party filer, case workers can file initiating documents.
 - ▶ Agency
 - ▶ Alleged father
 - ▶ Foster parent and Physical Custodian
 - ▶ Grandparent and relative
 - ▶ CASA
 - ▶ School, group home, residential treatment center, shelter home
- *Attorneys cannot be added for notice recipients, only parties.

See also Juvenile Party Types & eFiling Memo – *newly updated!*

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: ☐ parent ☐ guardian ☐ child/juvenile ☐ placement provider

Previous Address: _____

Current Address: _____

Name: ☐ parent ☐ guardian ☐ child/juvenile ☐ placement provider

Previous Address: _____

Current Address: _____

The effective date of the change is _____.

This form cannot be used to change the child/juvenile's placement.

Signature

Name Printed or Typed

Address

Email Address _____ Telephone Number _____

Date _____ State Bar No. (if any) _____

DISTRIBUTION:
1. Court

Notice to School Board

- ▶ JD – 1725
- ▶ Wis. Stat. Sec. 48.355(2)(c), 938.355(2)(c), and 938.396(2g)(m)

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	
Name _____	Notice to School Board
Date of Birth _____	Case No. _____
To: _____	
This is to notify you that: (select all that apply)	
<input type="checkbox"/> 1. a petition has been filed alleging the juvenile has committed a delinquent act that would be a felony if committed by an adult. The nature of the delinquent act alleged in the petition is: _____	
<input type="checkbox"/> 2. the juvenile delinquency petition that alleged the juvenile committed a delinquent act that would be a felony if committed by an adult has been dismissed without a finding that the juvenile has committed a delinquent act. The uses and redisclosure of this information by the school district is limited under §§48.396(1) and 938.396(2g)(m), Wis. Stats.: <ul style="list-style-type: none"> • The information can only be disclosed to employees who work directly with the child/juvenile or who have legitimate educational interests, including safety interests in the information. • A district employee may not further disclose the information. • A school board may not use the information as the sole basis for expulsion or suspension of the child/juvenile. 	
<input type="checkbox"/> 3. the juvenile was adjudicated delinquent of a misdemeanor or felony offense. Attached is a copy of the dispositional order that includes the nature of the violation committed by the juvenile and the disposition imposed on the juvenile as a result of the violation.	

Notice to School Board

- ▶ When a delinquency **petition** is filed for felony charges, send the Notice to School Board form and file a copy with the court
- ▶ Then, send form again if the case is dismissed
- ▶ At time of **disposition**, if juvenile adjudicated delinquent for misdemeanor or felony: Notice to School Board form and a copy of the dispositional order -this excludes consent decrees because there is no adjudication
- ▶ At time of **disposition**, any time school attendance is ordered as part of the dispositional order in a CHIPS, JIPS, or delinquency case: Notice to School Board form only
 - ▶ The school would then be responsible for notifying the county agency if the child/juvenile violates the school attendance requirement (within five days of the violation)
- ▶ At time of **disposition**, when a delinquency dispositional order results in enrollment in new school district: Notice to School Board form and current/previous delinquency dispositional orders

Attorney for Foster Parent or Relative

- ▶ The attorney for a foster parent or relative cannot opt-in to the case
 - ▶ However, they should be entered as a Notice Recipient
- ▶ The foster parent or relative is not considered a party to the action
See s. 48.27(3)(a) 1m
 - ▶ They are entitled to notice of all hearings, opportunity to be heard, and object to change in placement
- ▶ The foster parent, relative, and attorney would need a court order to access the records in the court file

Permanency Plan Timing

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 Plan Timing – Review or Hearing

- ▶ 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

Case Closure Orders

- ▶ A case closure order should be used to terminate the dispositional order in a juvenile court case under Ch. 48 or Ch. 938 where:
 - ▶ the child/juvenile is (or will be) placed with a parent and
 - ▶ the juvenile court entered a dispositional order and
 - ▶ a new family court order needs to be entered in a pending PA or FA Wisconsin case or
 - ▶ an existing Wisconsin family court order needs to be modified with regards to paternity, legal custody, physical placement, visitation, child support or payment of healthcare expenses
- ▶ A hearing is required
 - ▶ At least 5 days before the hearing, the court shall cause notice of the hearing, together with a copy of the request or proposal

Case Closure Orders

- ▶ The Case Closure Order (JD-1815) should only contain the JC case number
- ▶ This order is filed in the JC CHIPS case and
- ▶ It is also filed in the FA/PA case but it is sealed.
- ▶ Code: CCO - Case closure order

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
IN THE INTEREST OF _____	
Name _____	Case Closure Order
Date of Birth _____	Case No. _____
THE COURT FINDS:	
1. A dispositional order was made in this case on (date) _____.	
2. The child/juvenile is placed in the home of a parent.	
3. There is a pending or existing family court action involving the child/juvenile.	
4. A request for case closure order has been brought pursuant to §§ 48.355(4g) or 938.355(4g), Wis. Stats.	
5. The hearing on the request was heard on (date) _____, which is the effective date of this Order.	
6. Entry of a case closure order <input type="checkbox"/> is <input type="checkbox"/> is not in the best interest of the child/juvenile.	
THE COURT ORDERS:	
The request for case closure order is	
<input type="checkbox"/> 1. DENIED.	
<input type="checkbox"/> 2. GRANTED.	
A. The family court order in (Case Number) _____ in (County) _____ is entered or modified as indicated in the attached document (FA-614).	
B. The dispositional order in the above-captioned case is terminated.	
C. The clerk of juvenile court shall transmit this Order and the attached family court order to the court exercising jurisdiction in the family court case, where it shall be filed and become part of the record in that case.	
D. This case closure order, excluding the attached family court order, shall be sealed in the record of the family court case unless otherwise ordered in the family court case.	
E. The clerk of the family court in the court exercising jurisdiction in the family court case shall provide the attached family court order to all parties in that action, including the county child support agency.	
THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.	
DISTRIBUTION:	
1. Court	6. Guardian/Custodian
2. Child/Juvenile	7. Case Worker
3. Attorney for Child/Juvenile	8. District Attorney/Corporation Counsel
4. Guardian ad Litem	9. Family Court File
5. Parents	10. Other: _____
JD-1815, 11/17 Case Closure Order §§48.355(4g) and 938.355(4g), and Ch. 767, Wisconsin Statutes	
This form shall not be modified. It may be supplemented with additional material. Page 1 of 1	

Case Closure Order – Family Court Order

- ▶ The Order Affecting the Family Court Action (FA-614) should only contain the FA/PA case number
- ▶ It is filed in the JC CHIPS case
- ▶ It is also filed in the FA/PA case
- ▶ Code: OAFCA - Order affecting family court action

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN RE: THE ☐ MARRIAGE ☐ PATERNITY OF _____

Petitioner/Joint Petitioner A: _____
and
Respondent/Joint Petitioner B: _____

The State of Wisconsin (Child Support Agency)
☐ is
☐ is not a party to this action.

Case No. _____

Order Relating To
☐ Paternity
☐ Legal Custody
☐ Physical Placement
☐ Visitation
☐ Child Support
☐ Health Care Expenses

THE COURT FINDS:
 1. 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
☐ B. an order that has been granted in an action affecting the family determining: (Check all that apply)
☐ Legal Custody ☐ Periods of Physical Placement ☐ Visitation Rights
☐ Child Support ☐ Coverage of Health Care Expenses
 2. A hearing was conducted in this matter on (date) _____.

THE COURT ORDERS:
 1. The order be ☐ entered ☐ modified with respect to ☐ See attached
☐ A. Paternity.
 Specifically:
☐ B. Legal Custody for the following children: _____
☐ 1. Joint legal custody with both parents.
☐ 2. Sole legal custody with (Name of Parent) _____
☐ 3. Other: _____ ☐ See attached
☐ C. Physical Placement for the following children: _____
☐ 1. Primary physical placement with (Name of Parent) _____
☐ 2. Shared placement.
☐ 3. The new placement schedule for the changes above is as follows: _____ ☐ See attached
☐ 4. Placement with (Name of Parent) _____ is required to be ☐ supervised. ☐ unsupervised.
☐ 5. Other: _____

FA-614, 1/1/18 Order Relating To: Paternity/Custody/Placement/Visitation/Support/Health Care Expenses
This form shall not be modified. It may be supplemented with additional material.
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Orders in Family Court Case

- ▶ Provide both orders to the family court in the county where the family court case is pending/pre-existing
- ▶ Family court clerk
 - ▶ File the Case Closure Order (JD-1815)
 - ▶ This order should be sealed unless the family court judge orders that the Case Closure Order (JD-1815) not be sealed
 - ▶ Enter code: OSD - Order Sealing Document
 - ▶ Also, check the "Sealed" option under the "Restrictions" tab when scanning this order into CCAP
 - ▶ File the Order Affecting the Family Court Action (FA-614)
 - ▶ Enter code: OAFCA - Order affecting family court action
 - ▶ Distribute the Order affecting the family court action (FA-614) to all of the parties in the family court case, including the child support agency

When is a §48.9795 guardianship case stayed?

- ▶ The §48.9795 Full, Limited, or Temporary guardianship case must be stayed until the pending Chapter 48 or 938 case reaches Disposition
- ▶ It is possible to schedule the CHIPS/JIPS/Delinquency Dispositional Hearing at the same time as the Guardianship Hearing
- ▶ When the history event code / court record event MGS - *Minor Guardianship Stay* is added, the case will be stayed and will stop aging
 - ▶ The maintenance code stops the case from aging - *Stay 48.9795 Juv Grdnshp (SG)*
- ▶ The history event code / court record event MGRS - *Minor Guardianship Remove Stay* - removes the case from *Stay 48.9795 Juv Grdnshp (SG)* maintenance

Can a §48.9795 Emergency Guardianship move forward when there is a pending Chapter 48 or 938 case?

- ▶ Yes, an Emergency guardianship can move forward when there is a Chapter 48 or 938 case pending
- ▶ An Order Appointing an Emergency Guardian may not change the placement of a child under the supervision of a court pursuant to s. 48.13, 48.133, or 48.14 (1) to (10) or (12) or ch. 938

TPR – Withdrawing Parents from Case

- ▶ Unless there is a local court rules, we recommend withdrawing parents 30 days post-TPR. This will allow the TPR orders to be filed, for attorneys to submit any bills, and for the parent/parent's attorney to e-file any Notice of Intent to Pursue Post-disposition or Appellate Relief
- ▶ A terminated parent should not receive notice of any post-TPR permanency hearings or post-TPR changes in placement
- ▶ If an attorney needs to opt-in to review the TPR case before filing the appeal, the attorney should be added as "other" and only be given access for a short time
- ▶ Post-TPR permanency plans and changes in placement should be restricted from "other" parties

WI Adoption of a foreign born adoptee

- ▶ [§48.839 \(3\)\(a\)](#), within 60 days after the child is brought to Wisconsin from a foreign country for the purpose of adoption, the child's guardian shall file a petition to adopt the child, a petition to terminate parental rights to the child, or both
- ▶ WI Vital Records will issue a Wisconsin birth certificate upon receiving an adoption order pursuant to [§69.15 \(2\)\(b\)](#)
- ▶ However, when adoptees are born in Thailand, Thai law requires that a temporary legal guardianship be issued to a Thai social worker, while the child is placed in the US for a period of six months. During this time, a U.S. adoption agency usually conducts a home study. Upon approval from the Thai government, the local adoption may then proceed, upon initiation by the pre-adoptive family in the U.S.

Registering a Foreign Adoption

- ▶ §48.97(2), when a foreign born adoptee (not a U.S. citizen at birth) is adopted in a foreign jurisdiction:
 - ▶ WI shall recognize the adoption of a child born in a foreign jurisdiction
 - ▶ The child may enter the US with the proper visa from the U.S. Citizenship and Immigration Services
 - ▶ The adoptive parent is not required to readopt in WI

Registering a Foreign Adoption

§48.97(2), within 365 days of the child entering the U.S., the adoptive parent shall petition the court (JC-1650) to register the foreign adoption order and submit the following:

- ▶ Submit evidence of the foreign adoption: date, place of birth, and parentage of the child
- ▶ A certified or notarized copy of the foreign adoption order with a certified or notarized translation if necessary
- ▶ Proof that a home study occurred, preadoptive training completed, and agree to preadoptive agency supervision
- ▶ No hearing required on the petition
- ▶ If WI court orders the registration of the foreign adoption order (Jc-1651) the child's name may be changed
- ▶ Court transmits the WI order to state registrar

Registering a Foreign Adoption

JC-1650 Petition for an Order for Registration of a Foreign Adoption Order

- ▶ CODE: PORFA = Petition for order registering foreign adoption

JC-1651 *Proposed Order*: Order Registering a Foreign Adoption Order

- ▶ CODE: PRFAO = *Prop* Order Registering a Foreign Adoption Order

JC-1651 Order Registering a Foreign Adoption Order

- ▶ CODE: ORFA = Order registering foreign adoption

If the adoption petition is granted:

- ▶ CODE: ADO = Adoption Order

If the adoption petition is dismissed:

- ▶ CODE: DIS = Dismissed

Registering a Foreign Adoption

DHS form F-05022F, Report of Adoption for a Child Born in a Foreign Country

- ▶ CODE: ROA = Report of Adoption

Clerks are responsible for sending the following to Vital Records:

- ▶ Report of Adoption for a Child Born in a Foreign Country (DHS form F-05022F)
- ▶ Certified copy of the Order (JC-1651)
- ▶ Copies of the establishment of birth facts documents that were presented to the court.
- ▶ A \$40 check from the adoptive parents to pay the filing fee and to request a certified copy of the new birth certificate.
- ▶ Each additional copy of the Certification of Birth Facts document is \$3.

Discussion Questions

- ▶ What helpful reminders do you use for juvenile cases in CCAP?
- ▶ Any other tips to share with new juvenile clerks?

Any Questions?

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