



Juvenile Clerks Meet-up Juvenile Ordinance

February 19, 2025

Trent Koerner – Office of Court Operations
Bridget Mauerman – Children's Court Improvement Program

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

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

Thank you!

PowerPoint & Materials

<https://wicciptraining.com/Resources>

Training Materials > Juvenile Clerks Meet Up

Juvenile Ordinance (JO) Overview



Case Types

JO

- 15 years or under for driving, boating, ATV, or snowmobile forfeiture
- 16 years or under for non-driving forfeiture, including:
 - Truancy
 - Underage drinking
 - Underage tobacco

FO

- 16 years or older for driving, boating, ATV, or snowmobile forfeiture
- 17 years or older for non-driving forfeiture, including:
 - Truancy – age 17
 - Underage drinking – age 17-20
 - Underage tobacco – age 17



<https://courtnet.wicourts.gov/policies/docs/juvcasetypes.pdf>

Procedure

- > [2015-16 Restraining order legislation](#)
 - > [2017-18 Restraining order legislation](#)
 - > [CCAP Electronic Exhibits application](#)
 - > [Clerk's Guide to Wis. Stat. Chapter 971 Processes](#)
-
- > [Guide to Criminal Competency Expedited Appeal Procedure](#)
 - > [John Doe proceedings – Committee of Chief Judges operating procedures](#)
 - > [Jury trial and court trial history event code usage](#)
 - > [Juvenile offense case types](#)
 - > [Mary's Law Summary \(Wis. Const. Art. I, sec. 9m\)](#)
 - > [Notarial Acts of Clerks](#)



Basic Hearing Timeframes

30 – 30 – 30

- Plea Hearing must be held within 30 days after petition filed
 - 10 days if juvenile in secure custody
- If contested, Fact-Finding Hearing must be held within 30 days of Plea Hearing
 - 20 days if juvenile in secure custody
- Dispositional Hearing must be held within 30 days after Fact-Finding Hearing or entry of admission
 - 10 days if juvenile in secure custody



Continuances: Good Cause Finding

§ 938.315(2):

A continuance may 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 representative of the public under s. 938.09 or the parties, the interests of the victims and the interest of the public in the prompt disposition of cases.



Fact-Finding Hearing

- No right to jury trial
- Prosecutor has burden of proof by clear and convincing evidence - § 938.31(1)



Questions:

1. What happens when the juvenile denies and they can't reach an agreement with the prosecuting attorney. Is it a Fact-finding Hearing? **Yes**
2. A court trial? **Yes**
3. Do you have to appoint a public defender? **No**
 - The juvenile and parents have no statutory right to counsel in JO cases.
 - State Public Defender's Office will only represent if charged in conjunction with a delinquency case.



Questions:

4. Does the parent HAVE to be in the courtroom because they are a minor? **No**. If the parent is disruptive, can the court remove them? **Yes**.
- Parents do not have a right to be in the courtroom, as they are not a party in a JO case. See § 938.299(1)(a).
 - However:
 - Judge may allow “other persons requested by a party and approved by the court”.
 - Juvenile could request a public Fact-Finding Hearing.



General Dispositions

§ 938.343

1. Counsel the juvenile or the parent or guardian
2. Impose a forfeiture
3. Teen court program
4. Community service
 - Juvenile under 14 years old limited to 40 hours
5. Restitution



Special Dispositions §§ 938.342 & 938.343

- Truancy
 - Attend school or youth report center
- Habitual Truancy
 - Place under supervision up to 1 year
 - Driver's license suspension for 30 days to 1 year
 - Additional dispositions provided under § 938.342(1g)
- Boating safety course
- Hunting, trapping, or fishing license suspension
- Hunter education, snowmobile, off-motorcycle, or ATV/UTV safety course
- AODA assessment, treatment, or education



POLL QUESTION:

**HAS YOUR COURT EVER HAD A HABITUAL
TRUANCY ORDINANCE CASE (NOT JIPS CASE)?**

Dispositions - § 938.344

Certain Intoxicating Liquor, Beer and Drug Violations

- Forfeiture, community service, and driver's license suspension (length of suspension depends on offense)
- Court may stay any of the penalties & require juvenile to conduct any of the following:
 - AODA Assessment
 - Outpatient AODA Treatment
 - Court-approved AODA Education Program
 - Teen Court
 - Youth Report Center



POLL QUESTION:

DOES YOUR COUNTY HAVE TEEN COURT PROGRAM?



POLL QUESTION:

**WHAT DOES YOUR COURT USE FOR AODA
EDUCATION PROGRAM (ONLINE PROGRAMS,
TECHNICAL COLLEGE, OTHER)?**

Dispositional Order

- Use Dispositional Order – Civil Law/Ordinance Violation (JD-1747)
 - Event code – Disposition Order (DO)
- Do **not** use:
 - Judgment of Conviction and Sentence to County Jail/Fine/Forfeiture (CR-204)
 - Court Order for Intoxicated Driver Assessment and Driver Safety Plan (GF-176)



Forfeiture Amounts



Costs - § 938.37(1)

Under 14 Years Old

- Only impose underlying forfeiture amount
- Cannot impose costs, fees, or surcharges under Ch. 814

14-16 Years Old

- Can impose same costs, fees, or surcharges under Ch. 814
- Except cannot impose witness fees to the juvenile

Reference Documents

Wisconsin Circuit Court Fee, Forfeiture, Fine And Surcharge Tables

<https://www.wicourts.gov/courts/circuit/docs/fees.pdf>

2024 Uniform Bond Book (Deposit/Bail/Bond Schedule)

<https://www.wicourts.gov/publications/fees/docs/bondsched24.pdf>

*Believe error for s. 125.07(4)(b) Underage Drinking - should read “Costs, fees or surcharges are discretionary with the court for juveniles 14, 15 and 16 years of age.”

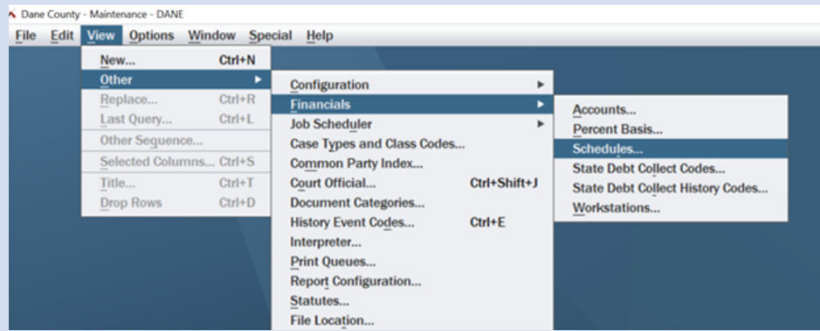


Looking up Financial Schedules in CCAP

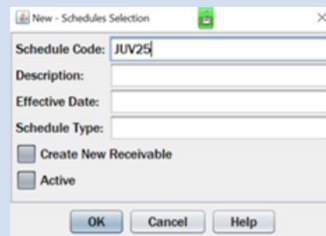
When you open AppStarter, click on “Maintenance”



Once in Maintenance, you will go to View> Other>Financials> Schedules



Type in Schedule Code



Inquiry - Schedule Code

Schedule Code: JUV25
 Description: Juvenile State \$25
 Effective Date: 01-01-1990
 Receivable Account: CRJR Criminal Judgments Receivable
 Local Schedule: JVO25 Juvenile Ord. \$25

Allow Partial Payments Create New Receivable

None Restitution Fee Surcharge Fine Cost Both

Accounts

Code	Flat Fee	Pct.	Pct. Basis	Is Standard Acct
SF0TH	25.00			Y

Sales Tax

Acct. Code	Descr.	Pct.

Case Types

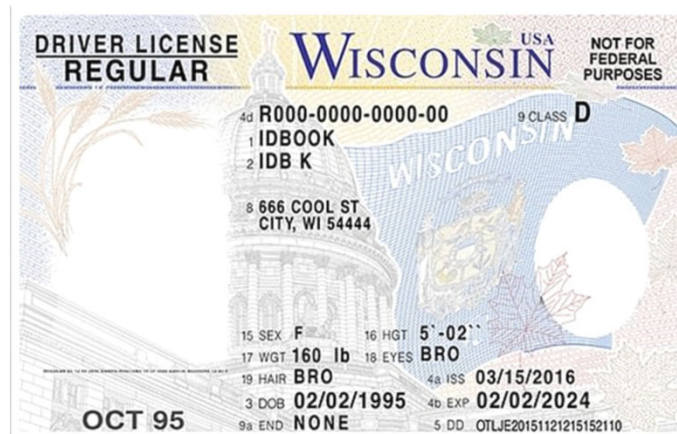
Case Type	Description
JC	Juvenile CHIPS
JO	Juvenile Civil Law and Ordinance Violations





**DISCUSSION QUESTIONS:
ANY EXAMPLES OF HOW LOOKING UP
FINANCIAL SCHEDULES IS HELPFUL?
ANY TIPS OR TRICKS TO SHARE?**

Failure to Pay Forfeiture



Suspension of DL / Hunting and Fishing License for Failure to Pay

- If a juvenile fails to pay the forfeiture imposed under 938.343(2), the court may:
 - suspend any license issued under ch. 29 or
 - suspend the driver's license
- Suspension (both): No more than 2 years
- Suspension of license for failure to pay is applicable to any 938.343 forfeiture
- Initial disposition may allow up to 12 months to pay
- Court shall forward notice of the suspension, stating that suspension is for failure to pay



Suspension of DL for Failure to Pay

- Generate Order of Revocation/Suspension – Receivables (Form GF-151) when failure to pay results in license suspension
- This form is applicable to CF, CM, CT, FA, FO, JO, JV, PA, TR case types
- Generating GF-151 will add “Suspend License” (SUSP) history event code to the court record
- Form automatically sent to DOT
- For detailed technical instructions, refer to the CCAP Help Page: <https://wicourtshelp.zendesk.com/hc/en-us/articles/18437196643341-Financial-forms-Order-of-Revocation-Suspension-Receivables-GF-151>



Financial forms - Order of Revocation/Suspension - Receivables (GF-151)

Updated · October 31, 2024

Follow

Purpose: Print the Order of Revocation/Suspension - Receivables (GF-151C) when the failure to pay (FTP) action for one or more assessments on a receivable is Suspend License (SL) or Juvenile License Suspension (JL). This applies to case types: CF, CM, CT, FA, FO, JO, JV, PA, TR.

Applicable Users: Circuit court staff

- There must be at least one assessment where the Failure to Pay action is Suspend License (SL) or Juvenile License Suspend (JL).
- When payment is made and you want to reinstate the debtor's driver's license, print the Order of Revocation/Suspension - Reinstatement (GF-151R).



Questions:

When closing a JO citation what is the accurate/appropriate "Failure to pay action" to use? Traffic related offenses (SL) and non traffic related offenses (J)? What if it is a DNR violation? Is there a separate FTP action to be used or should we use the same guideline if it is traffic related or not?



Available Failure to Pay Actions in Financials

1	CA	≡	Capias - Failure to pay
2	CC		Contempt of Court
3	CL		Collection Agency
4	CO		Commitment
5	CS		Community service
6	DN		DNR Non-Compact Susp
7	EP		Execution of property
8	HL		DNR Compact Suspension
9	J		Judgment
10	JL		Juvenile license suspend
11	N		None
12	NJ		No Judgment
13	RD		Revoke/deny approval
14	RN		Reminder notice
15	RR		Refuse registration
16	SA		Sanctions
17	SC		Order to show cause
18	SL		Suspend license
19	TI		Tax Intercept



Available Failure to Pay Actions in Financials

- For any JO case, use “JL” (Juvenile license suspend)

Debtor name	Charge number	Assess number	Receivable number	Schedule	Amount	Paid to date	Adjustments	COC balance due	DOC balance due	Due date	Failure to pay action	Ca
<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing to"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing to"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>	<input type="text" value="Start typing"/>
██████	1	██████	██████	Local Forf. Violations (LOTH)	\$326.50	\$0.00	\$0.00	\$326.50	\$0.00	11-15-2019	Juvenile license suspend (JL)	20



Suspension of DL / Hunting and Fishing License for Sanctions

- If juvenile found to have violated a condition of his or her dispositional order, suspension permitted for not more than 3 years



POLL QUESTION:

**HOW FREQUENTLY IS THE COURT TAKING
POSSESSION OF THE LICENSE WHEN IT IS
SUSPENDED?**

Civil Judgment

- Petition must be filed no later than 1 year after dispositional order expires
 - See § 895.035(2m)(b)
- Circuit Court forms:

Form Number	Form Title	Event Code	Code Description
JD-1758	Notice of Intent to Enter Civil Judgment for Restitution, Forfeiture, or Surcharge	NCJRF	Notice of Intent Civ Judgmt Restitution/Forf/Surch
JD-1760	Petition for Judgment Against Juvenile/Parent for Unpaid Forfeiture/Surcharge	PJFOR	Pet judgment against juv/parent unpaid forf/surch
JD-1761	Judgment for Unpaid Restitution/Forfeiture	JFFO	Judgment for unpaid fine/forfeiture/other



Incarceration Not Allowed

- Commitment Order for Non-payment of Fine/Forfeiture (GF-148) not appropriate to use for juvenile forfeitures, even once the “juvenile” turns 17 or 18 years old
- Ch. 938 does not provide authority for using juvenile detention or jail as a sanction for nonpayment of forfeitures in delinquency or juvenile ordinance cases
- See §§ 938.17(2)(d), 938.343(2) & 938.34(8)



Restitution



POLL QUESTION:

**WHO PROVIDES NOTICE TO VICTIMS IN JO CASES
IN YOUR COUNTY?**

Orders for Restitution

- Restitution may be ordered as part of the disposition for juvenile ordinance case - § 938.343(4)
- Both juvenile and juvenile's parents may be ordered to pay restitution - § 938.45(1r)(a)
- A civil judgment can be entered for nonpayment of the restitution ordered by the court (within 1 year of dispo order) - § 895.035(2m)



Civil Judgment

- Restitution may be ordered as part of the disposition for juvenile ordinance case - § 938.343(4)
- Both juvenile and juvenile's parents may be ordered to pay restitution - § 938.45(1r)(a)
- A civil judgment can be entered for nonpayment of the restitution ordered by the court (within 1 year of dispo order) - § 895.035(2m)

Form Number	Form Title	Event Code	Code Description
JD-1758	Notice of Intent to Enter Civil Judgment for Restitution, Forfeiture, or Surcharge	NCJRF	Notice of Intent Civ Judgmt Restitution/Forf/Surch
JD-1759	Petition for Judgment Against Juvenile/Parent for Unpaid Restitution	PJRES	Pet for judgment against juv/parent unpaid rest.
JD-1761	Judgment for Unpaid Restitution/Forfeiture	JFFO	Judgment for unpaid fine/forfeiture/other



Wrap-up

- Questions or Comments
- Topics for Next Juvenile Clerks Meet-up



Thank you!

- Bridget – Bridget.Mauerman@wicourts.gov
- Trent – Trent.Koerner1@wicourts.gov



Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
PHONE (608) 266-3121 FAX (608) 267-0911



To: Clerks of Circuit Court
Juvenile Clerks
From: Marcia Vandercook
Date: updated June 18, 2018
Re: Juvenile offense case types

We are frequently asked what case types should be given to juvenile traffic and other juvenile offenses. The answer depends on the age of the juvenile and the type of offense. Here are some general principles to apply:

- As a general rule, a juvenile is a person who is 17 or younger. For crimes, forfeitures, and ordinance violations, a juvenile is a person who is 16 or younger. See §938.02(1), (10m).
- For most traffic offenses (ch. 341- 349, 351 and conforming ordinances), 16-year-olds are treated as adults because they are old enough to have operators' licenses. This also applies to other driving offenses involving boats, ATVs, and snowmobiles (ch. 23, 30, and 350 and conforming ordinances). See §938.17(1). A violation of absolute sobriety under §346.63(2m) is considered a traffic offense, not an underage drinking offense.
- Not every offense that involves a car or other motor vehicle is a traffic offense. Offenses such as disorderly conduct with a vehicle, squealing tires, display of power, etc, are regular ordinance violations, not traffic. The same is true for parking violations.
- Underage drinking, smoking, and curfew are "status offenses", penalties that apply because the person is too young to engage in a particular activity, not because the law considers the person to be a juvenile. Like any other offense, these are JO cases when the offender is 16 or under; FO otherwise. See §125.07(4), §134.66(2).
- Truancy cases are JO cases when the person is 16 or younger, and FO cases when the person is 17. §118.163(1m), §118.163(4), §938.125(2), §938.342(1g).
- TROs and injunctions under ch. 813 are civil cases. These fall within the jurisdiction of the juvenile court until the respondent is 18. See §48.14(10).
- Age is determined as of the time of charging, not the time of the offense. §938.02; *State v. Annola*, 168 Wis.2d 453 (1992).

Here are two different charts that we hope will help your staff make sense of this:

- JO:
- (1) the offender is 15 or under, and the offense is a traffic forfeiture.
 - (2) the offender is 15 or under, and the offense is a driving offense involving boats, ATVs, or snowmobiles.
 - (3) the offender is 16 or under, and the offense is a non-driving forfeiture, including DNR license violations and disorderly conduct with a car.
 - (4) the offender is 16 or under, and the offense is underage drinking.
 - (5) the offender is 16 or under, and the offense is underage tobacco.
 - (6) the offender is 16 or under, and the offense is truancy.

FO: (1) the offender is 16, and the offense involves driving boats, ATVs, or snowmobiles.
 (2) the offender is 17 or older, and the offense is a non-driving forfeiture.
 (3) the offender is 17- 20, and the offense is underage drinking.
 (4) the offender is 17, and the offense is underage tobacco.
 (5) the offender is 17, and the offense is truancy.

JV: (1) the offender is 15 or under, and the offense is a criminal driving offense.
 (2) the offender is 16 or under, and the offense is a criminal non-driving offense.
 (3) the offender is 16, and the offense is a false statement in title application, forged proof of financial responsibility, duty to render aid in a boating accident (resulting in death or serious injury), or striking an attended vehicle (resulting in death or serious injury).

JJ: (1) the respondent is 17 or under, and the petition is for a restraining order or injunction.

TR: (1) the offender is 16 or older, and the offense is a traffic forfeiture.

CT or CM: (1) the offender is 16 or older, and the offense is a driving misdemeanor.

CM: (1) the offender is 17 or older, and the offense is a non-driving felony.
 (2) original criminal jurisdiction over juveniles is available in limited circumstances.

CF: (1) the offender is 16 or older, and the offense is a driving felony.
 (2) the offender is 17 or older, and the offense is a non-driving felony.
 (3) original criminal jurisdiction over juveniles is available in limited circumstances.

Driving offenses	16 & OLDER	UNDER 16
Traffic forfeitures, ch. 341-349, 351	TR	JO
ATV forfeitures, ch. 23	FO	JO
Boating forfeitures, ch. 30	FO	JO
Snowmobile forfeitures, ch. 350	FO	JO
Misdemeanor traffic	CT or CM	JV
Felony traffic, with exceptions below	CF	JV

Crimes	17 & OLDER	UNDER 17
Boating accidents & reporting, 30.67(1)	CF	JV
Hit & run, 346.67(1)	CF	JV
Fraudulent title, 342.06(2)	CF	JV
Forged proof of insurance, 344.48(1)	CF	JV
Misdemeanor non-driving	CM	JV
Felony non-driving	CF	JV

Forfeitures	17 & OLDER	UNDER 17
Disorderly conduct	FO	JO
Disorderly conduct with motor vehicle	FO	JO
Curfew	FO	JO
Underage drinking (but not drinking and driving)	FO	JO
Underage tobacco	FO	JO
Parking	FO	JO
Other ordinance violations	FO	JO
Truancy	FO	JO