

Juvenile Clerks Meet-up JIPS & Delinquency Procedures

March 15, 2023

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

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

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

Thank you!

Juvenile Cases



Case Types

Chapter 48

JC: "Juvenile CHIPS"

- CHIPS
- UCHIPS

Abortion Parental Waiver
 JG: Juvenile Guardianship
 TP: Termination of Parental Rights
 JA: Adoption (also AD)

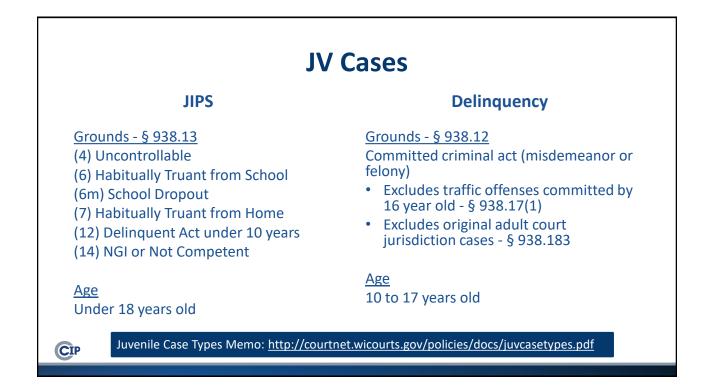
Chapter 938

JV: "Juvenile Delinquency"

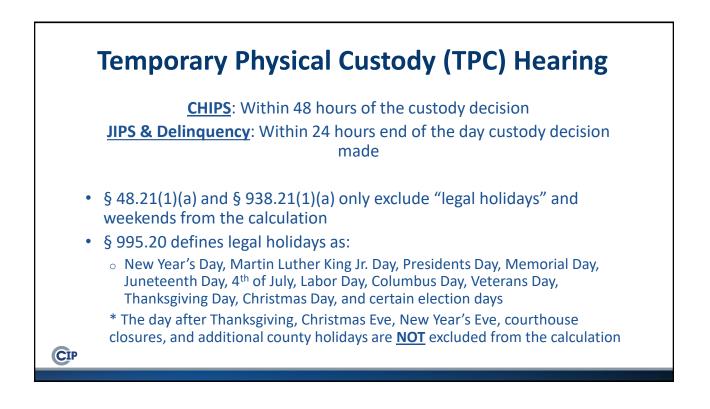
- JIPS
- Delinquency JO: Juvenile Ordinance

<u>Other</u>

JI: Juvenile InjunctionJM: Juvenile Mental (also ME)GJ: Group Juvenile







TPC Hearing – Filing a Petition

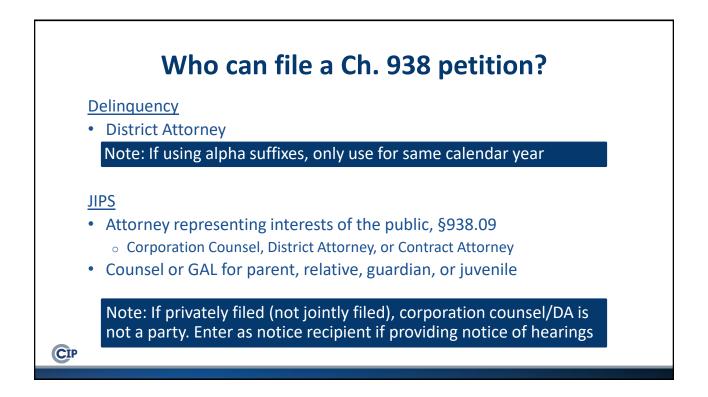
<u>Ch. 48</u>

- 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"

<u>Ch. 938</u>

- 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))

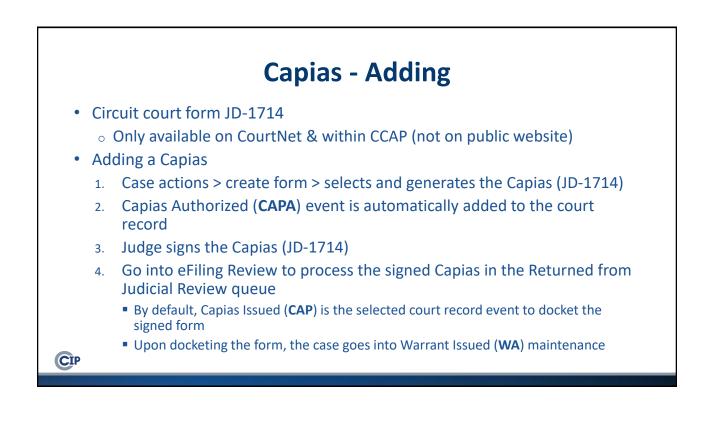
CIP

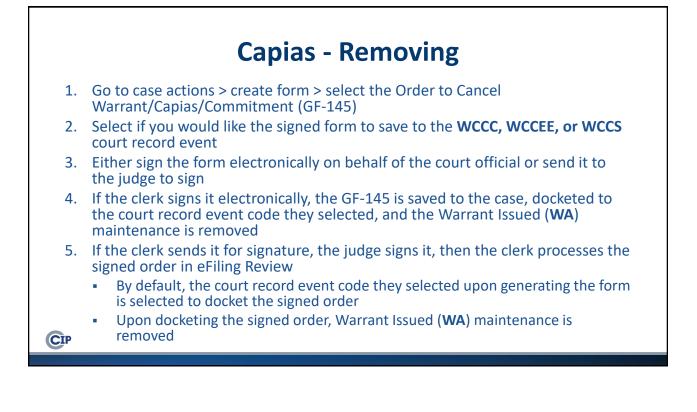


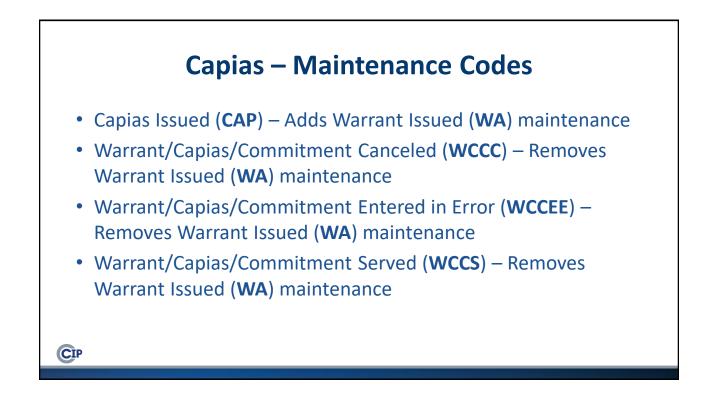
Capias - Statute

§ 938.28 - Failure to obey summons; capias.

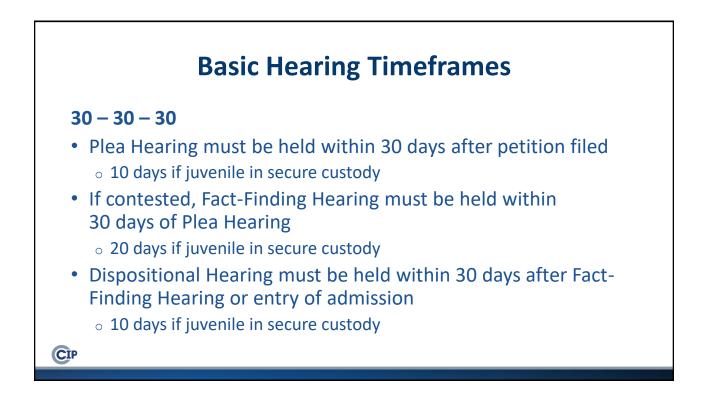
If any person summoned under this chapter fails without reasonable cause to appear, he or she may be proceeded against for contempt of court under ch. 785. If the summons cannot be served, if the parties served fail to respond to the summons, or if it appears to the court that the service will be ineffectual, a capias may be issued for the parent, guardian, and legal custodian or for the juvenile. Subchapter IV governs the taking and holding of a juvenile in custody.











Continuances: Good Cause Finding

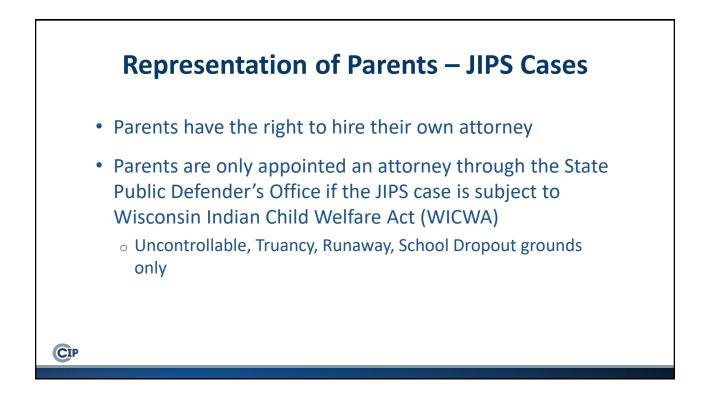
§ 938.315(2):

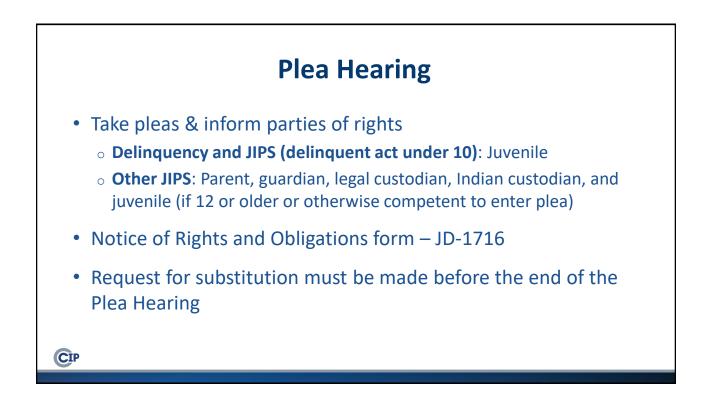
A continuance may be granted by the court only upon a showing of **good** cause in open court or during a telephone conference under s. 807.13 on the record and only for so long as is necessary, taking into account the request or consent of the representative of the public under s. 938.09 or the parties, the interests of the victims and the interest of the public in the prompt disposition of cases.

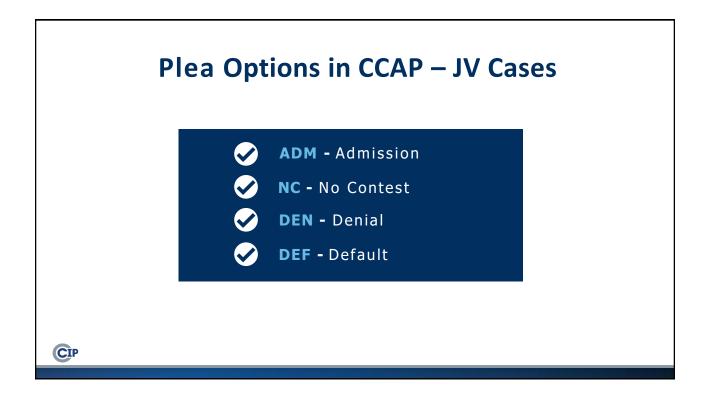
Note: Cannot exclude time or grant continuance if it will delay the contrary to the welfare finding (at removal), reasonable efforts to prevent removal finding (within 60 days of removal), or reasonable efforts to achieve goal of the permanency plan finding (every 12 months)

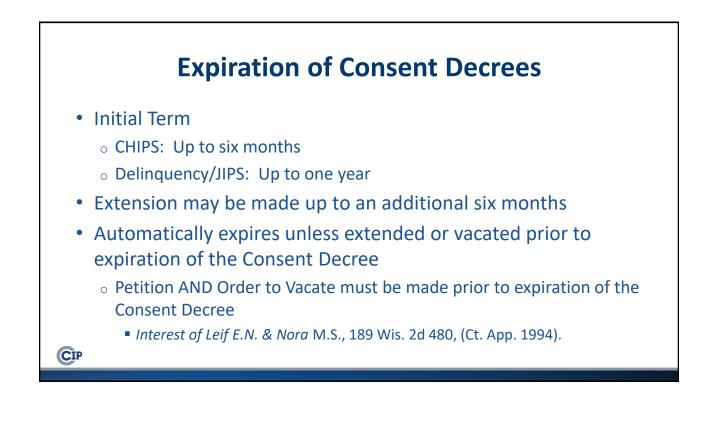
Representation of Juveniles*

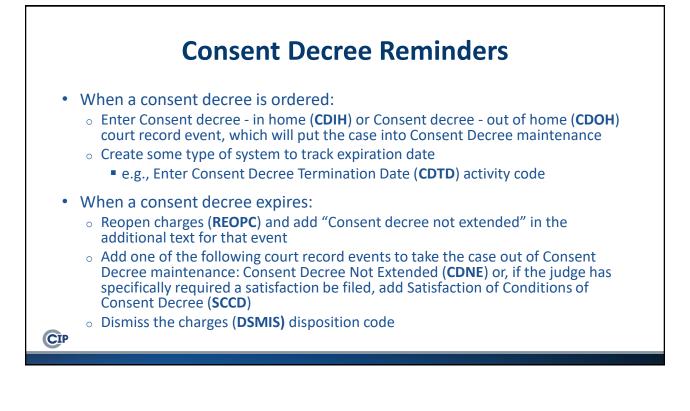
GAL Required	Adversary Counsel Required**
JIPS: Placed or recommended placed in out-of-home care	Delinquency cases
	JIPS: Held in juvenile detention
	JIPS: Sanction hearing
	JIPS: Placed or recommended placed in out-of-home care (under 12 may be represented by GAL instead)
*Court always has discretion to appoint GA delinquency case	AL and/or adversary counsel for juvenile in JIPS and
**A juvenile 15 years or older may waive a facility or waived into adult court.	dversary counsel, but cannot be placed in a correctional

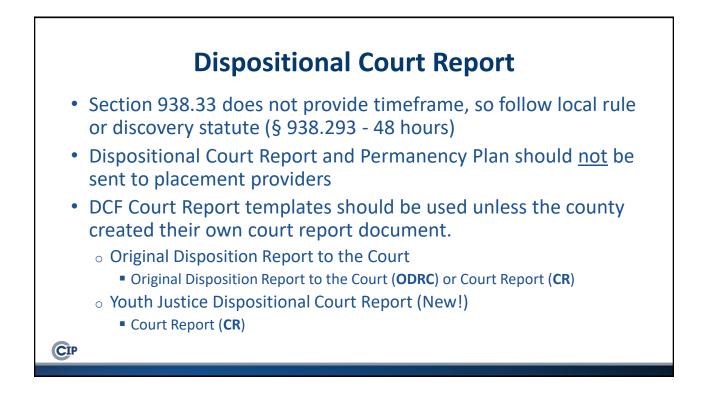












Expiration of Dispositional Order

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

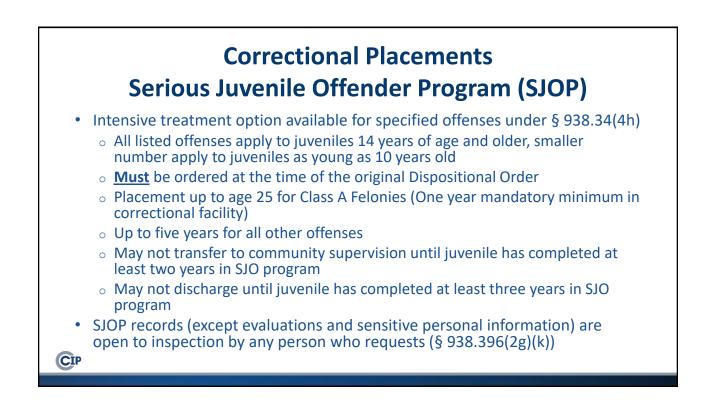
agrees

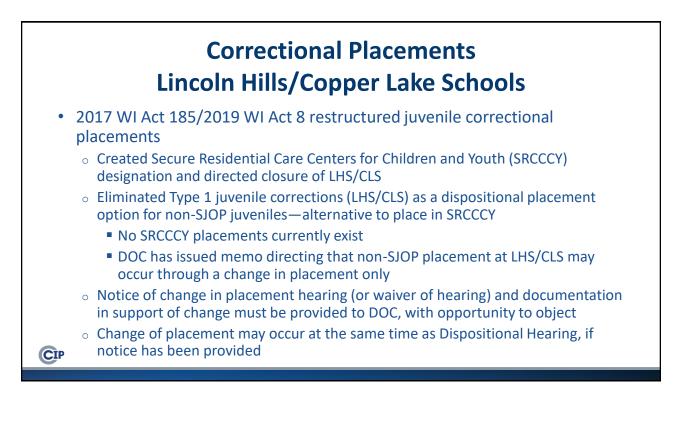
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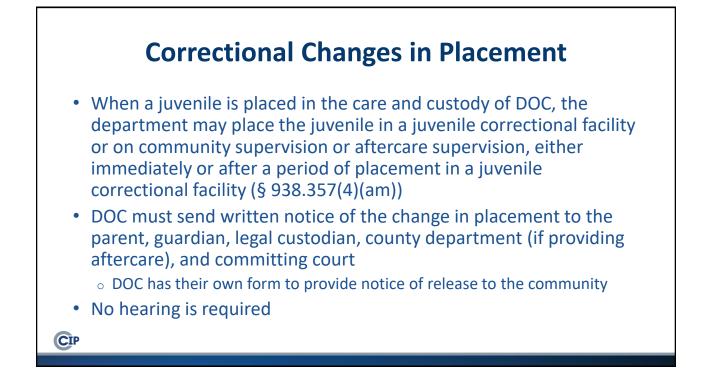
In-Home

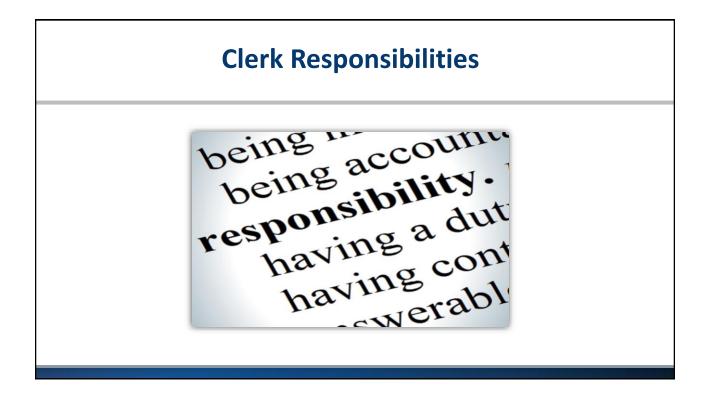
- Up to 1 year
 - The order can be extended up to one additional year each time.

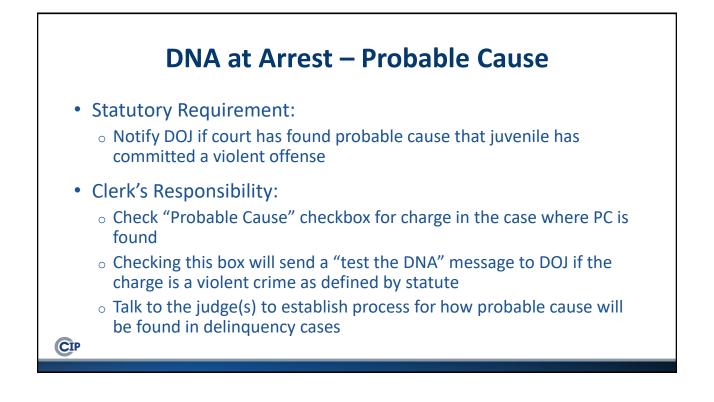




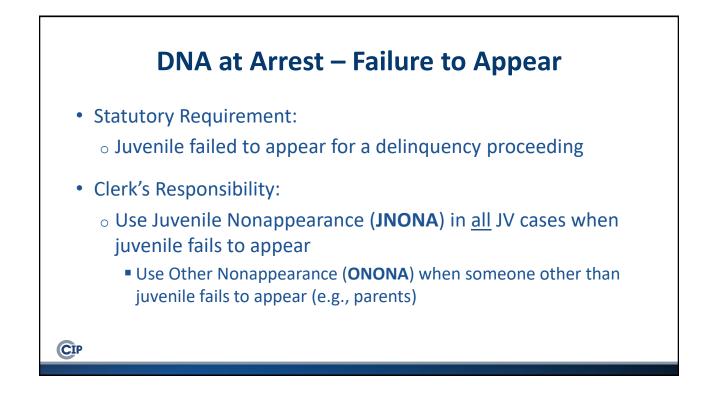




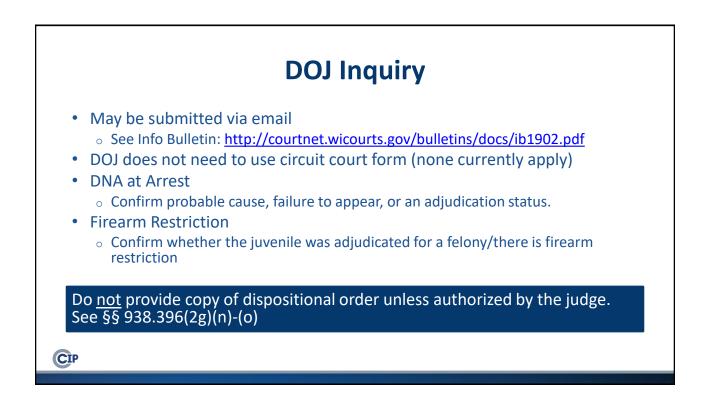


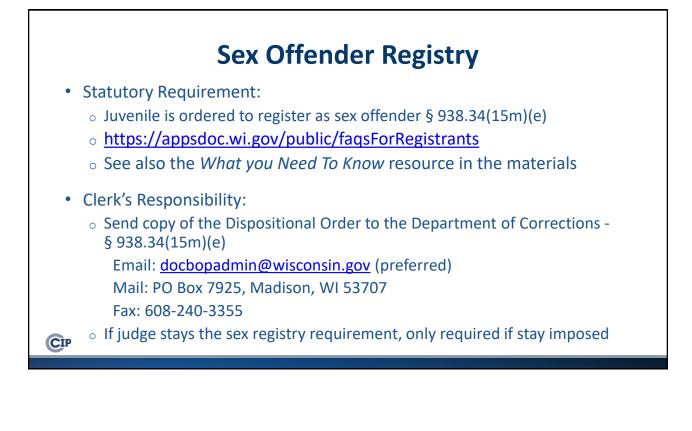


Data reportin	g									
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Time reported						1	Reason			
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Department	of Justice DI	NA@Arrest								
Date reported				1	Reason					
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Notice to School Board – JD-1725 Court Record Event: NTS

• JIPS

CIP

- School attendance is condition of the dispositional order (Form only)
- Delinquency
 - Delinquency petition alleging felony offense AND any subsequent dismissal
 - Any delinquency adjudication
 - Include dispositional order
 - Does not include consent decrees
 - o Juvenile's school changes as a result of a dispositional order
 - Include any previous dispositional orders



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