

JUVENILE COURT
POLICY/PROCEDURE

**GUIDELINES FOR JUVENILE COURT INTAKE
DELINQUENCY REFERRALS**

POLICY

Pursuant to §938.06(2) the Court may, subject to the Chief Judge of the district, issue guidelines to be used by Intake workers in the review of referrals and for the determination of action(s) to be taken. Consistent with the mission of the Juvenile Court, offenses which are serious and require the intervention of the Court should be filed with the Court.

GUIDELINES AND PROCEDURE

Juvenile Court intake, as related to **delinquency** referrals, involves the District Attorney, the Dane County Human Services Juvenile Court Intake Coordinator (JCIC) and the social worker assigned by the Department of Human Services. Their combined efforts result in:

1. A determination that the information contained in the referral is sufficient to establish prima facie court jurisdiction (938.24(1)), based on age, venue, and elements of the specific law violation.
2. A determination as to how the child/family can best be assured of care, protection, and/or treatment that also reasonably ensures protection of the public interest.

This initial review and determination should be made, whenever possible, within 14 days of the date of referral from Law Enforcement to the Court.

Pursuant to 938.06(2)(a) the following guidelines are to be used by social workers relative to their duties to review delinquency referrals. These guidelines apply whether or not the child is currently under court supervision. In the event the child is already under court supervision, the worker assigned to provide on-going supervision may perform the intake assessment function.

I. PROCEDURE

When a case is referred to the court and a determination is made that there exists prima facie jurisdiction, the next step is to determine how the case will be handled. In some cases the crime itself is serious enough to warrant formal charges without any other information being taken into account. In those cases, intake assessments will be done after charges have been formally filed.

In other cases, information regarding the child and family becomes more critical in determining how to proceed. Family based assessments will be done prior to the action taken, with a recommendation and/or action taken forwarded to the DA, in a format acceptable to the Department and DA, for review within 35 days of the date of receipt of the referral. The options include: (1) Requesting that a formal petition be filed, (2) Entering into a Written Deferred Prosecution Agreement with the child/family, or (3) Counsel/Release the juvenile. The DA has 20 days in which to accept/reject the Intake action and file a petition.

II. FAMILY BASED ASSESSMENTS

Assessments done by the Department will be done in accordance with Department policies related to family-based assessments and will include the information necessary to provide the DA an opportunity to review both the charge and the circumstances of the child/family in order to make a reasoned decision related to the action taken by the Intake Worker.

Assessment information will be used to determine whether intervention/treatment, accountability, and public protection needs can be met with or without formal court intervention. When these needs can be met without formal court intervention it may be desirable.

It is presumed that the worker will request the filing of a petition if, based on the Intake Assessment, any of the following **conditions** are present:

1. The parent is unwilling or unable to provide adequate supervision, behavior management, and/or care for the child.
2. The child has committed prior delinquencies and has not responded to prior intervention and treatment efforts.
3. Resources necessary for the child/family are not available without a court order (this could include out of home placement resources that cannot be done on a voluntary basis and/or other treatment/intervention services that required a court order for involvement).
4. The child cannot be held sufficiently accountable (e.g. restitution) for their behavior and/or the safety of the public cannot be reasonably ensured without court intervention.
5. The child and/or parent do not participate in or cooperate with intake assessment efforts.

CHARGING CATEGORIES

A. Charges in which the filing of a formal petition is expected (Unless the DA makes an exception due to extraordinary circumstances; additionally, Chapter 938 provides that a number of charges fall within the original jurisdiction of the criminal court. The following list relates only to charges that may be filed in juvenile court.)

- a. Homicide
- b. Attempted Homicide
- c. 2nd Degree reckless homicide
- d. Armed Burglary
- e. Offense which involve the use of a dangerous weapon
- f. Other weapons related offenses, including pellet and b-b guns, in which the weapon was used to intimidate, threaten, injure, harass, or otherwise harm another person or in which the use of a weapon could have caused the death of or great bodily harm to another person.
- g. Robbery
- h. Delivery of or possession with intent to deliver of cocaine, cocaine base, LSD, barbiturates, narcotics, hallucinogens, or other illicit drugs.
- i. Threats to harm/injure a witness of a pending charge
- j. Battery to a police officer
- k. Battery to a correctional staff member, social worker, court staff member, attorney, or other party in the juvenile justice system.
- i. First degree sexual assault

B. Other Offenses

The list above is **not** intended to be a complete list of all offenses that may be appropriate for referral to the Court. Other offense referrals will be reviewed following the process outlined above and may/may not be filed formally at the discretion of the District Attorney based on the nature of the offense and request and information provided by the Department of Human Services. Particular emphasis should be given to felony allegations/referrals and in general cases in which intervention on an informal basis is not sufficient to meet the goals of the Juvenile Court should be filed with the Court.