

JUVENILE COURT  
POLICY/PROCEDURE

**PETITIONS FOR EXTENSION, REVISION, CHANGE OF PLACEMENT  
AND REVOCATION OF CONSENT DECREE**

POLICY

Except in emergency situations in which a change in circumstances prevents the timely filing of the above petitions, all such petitions filed by the Department, Corporation Council or the District Attorney for cases in which supervision is expiring must be filed at least **60** days in advance of the expiration date.

Note that in the event a Permanency Plan Review will be conducted by the Court as well as any Extension, Revision, Change of Placement request, the Request for conducting that review must also be made 60 days in advance of the expiration of supervision due to the lengthy notice requirements related to Permanency Plan Reviews.

Temporary Extensions of supervision must be approved by the Judge and may only be approved upon the provision of information that extended supervision is necessary to protect the welfare of the child and/or the immediate safety of the public.

Requests for the Revocation of a Consent Decree should be filed with the Court official approving the Consent Decree at least 40 days in advance of expiration, since a Temporary Extension of the Consent Decree is not possible.

Requests for Extensions, Revision, Change of Placement and/or Revocation of Consent Decree **must** include the proper petition number and letter suffix (a letter suffix is used for the second and all subsequent petitions related to any juvenile) on which the Court is to act.

PROCEDURE

Petitions under this policy (note the exception for Consent Decrees entered by the Commissioner) should be filed with the Court Branch. In any case in which a request for a Temporary Extension is filed, the Request/Petition must be accompanied by a memo from the Social Worker indicating:

1. The emergency circumstance(s) or incident(s) that necessitates an extension of supervision. In cases in which the incident/circumstances are included in the petition itself, the memo may refer to the petition.
2. In the absence of an emergency situation an explanation of why the Petition was not filed in a timely manner

3. In the absence of an emergency situation an explanation of why an extension is necessary to protect the welfare of the child and/or the immediate safety of the public and what additional services necessitate the continuance of supervision.

**"Emergency situations"** include circumstances or incident(s) in which there is an unforeseen substantive new behavior or change in circumstances that, in the opinion of the party, significantly alters the case plan and necessitates extended supervision. Examples of "emergency situations" include: new delinquency allegations, new abuse/neglect allegations, a significant change in the living situation of a parent/child/custodian, substantial changes in the level of compliance by a parent/child/custodian with conditions of supervision, etc..

In the event the matter cannot be scheduled with the Judge prior to the expiration of supervision, the Clerk will prepare a Temporary Extension Order for the Judge to sign. If denied, notice of that denial and the petition will be returned to the requesting party. The Clerk will docket the receipt of the request and the approval/denial.

#### NOTICE TO PUBLIC DEFENDER'S OFFICE

Since the appointment of a public defender for a child/juvenile is "closed" at disposition, if a petition for revision, extension, or change of placement is received by the Branch in which the child/juvenile was represented by a public defender, the Branch must change the attorney designation back to the generic "State Public Defender's Office" and send to the SPD Office. If the revision/extension/change of placement is based on a petition under §938.13(12) in which the juvenile was represented by a GAL and has since turned 10, the SPD Office must receive a copy of the notice of hearing in order to appoint counsel to represent the juvenile as opposed to being represented by the GAL.