

DANE COUNTY JUVENILE COURT RESOURCE BOOKLET



A collaborative project of the
Juvenile Court Program,
Dane County Legal Resource Center,
and the Clerk of Courts Office

Introduction

The purpose of this booklet is to help people involved in a Juvenile Court process, and is for information purposes only. The information provided should not be construed as legal advice. This booklet does not constitute an endorsement of any agency nor resource material listed. It is designed to help people experiencing a difficult period in their lives understand the legal processes required to meet their needs and to provide information on appropriate resources.

If you need specific legal advice, contact an attorney or review relevant Wisconsin Statutes, primarily Chapters 48 and 938. All public libraries in the County have reference copies of the Wisconsin Statutes or access the statutes on the internet at this address: <http://www.legis.state.wi.us/rsb/stats.html>.

The Dane County Legal Resource Center (608-266-6316) is located in Room L1007 of the Dane County Courthouse and has information on juvenile court matters including appropriate court-approved forms. The Legal Resource Center is open to the public from 8:30 a.m. to 4:30 p.m., Monday through Friday. Staff are available to assist you find information, but are not able to give legal advice.

An effort will be made by the Juvenile Court offices to update this booklet as needed. **In reviewing the booklet, please be aware that the information contained is current as of January 15, 2006.** There is legislation under consideration, which may change various Wisconsin laws about juvenile court matters. This booklet is a collaborative project of the Juvenile Court Program and the Legal Resource Center.

Unless specifically noted, the room numbers for offices are all in the Dane County Courthouse located at 215 S. Hamilton Street, Madison, Wisconsin.

NOTE TO READER: As you are reading through the booklet, you may find terms that are unfamiliar to you. There may be a definition of the term in the glossary near the back of the book. This book is not intended to cover all juvenile court situations. If, after reading through this book, you still have questions about your specific juvenile court situation, feel free to contact the Dane County Legal Resource Center. If the Legal Resource Center cannot directly assist you, they will refer you to an agency that can.

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Delinquency and JIPS

DELINQUENCY PETITION

When a juvenile (at least 10 years old and not yet 17 years old) is referred because he or she may have violated a criminal law, the Dane County Department of Human Services has 40 days to decide whether to recommend that charges be filed, enter into a deferred prosecution agreement, or close the case.

Deferred Prosecution Agreement. A written agreement between intake worker, juvenile and parent including obligations imposed; may be cancelled and delinquency charges issued if juvenile does not comply with conditions. If juvenile complies with conditions, petition may not be filed.

The District Attorney will usually file a delinquency petition if it is recommended by DCDHS, but may refer it back to law enforcement or the intake worker. Delinquency petitions may only be filed by the District Attorney. The petition must state sufficient facts to show that a criminal law was violated and the named juvenile probably violated it.

ATTORNEY FOR CHILD.

If the child is 10 or older, the State Public Defender (SPD) will appoint an attorney to represent the child. In some cases the child might have both an attorney from SPD and a guardian ad litem (GAL), an attorney appointed by the court to represent the child's best interests. The parents will be required to contribute to the attorney fees of the SPD unless the parents are found to be indigent under SPD guidelines. The SPD is located at:

17 S. Fairchild Street
Madison, WI 53703
Telephone: (608) 266-9150

WHO MAY ATTEND DELINQUENCY HEARINGS

Many juvenile court hearings are confidential, unlike the open criminal courts, but there are times, however, when the court proceedings are open to the public. Interested parties should ask the Social Worker or attorneys about the confidentiality of any particular hearing. Parents may be asked to sign a Release of Information form that allows certain parts of the record to go to other child-serving agencies that will be working with their child and the family or to release school or treatment information to the Social Worker to help them with developing the supervision plan. The Court may also issue an order to have certain records and facts released to involved parties.

CUSTODY ORDER

Before or after a delinquency petition is filed, the juvenile may be taken into custody and placed in secure custody at juvenile detention, non-secure custody at Shelter Home or in the care of a relative or parent. A juvenile may be taken into custody by the police if s/he has run away, in immediate danger, has violated conditions of a temporary custody order, has committed a state or federal crime or for some other reasons. Sometimes a social worker may take a juvenile into custody. All juveniles taken into custody are taken to the Juvenile Reception Center (JRC) in the City-County Building, where an attempt will be made to notify the parent(s). Staff at JRC will decide whether to hold the juvenile or release to a parent or responsible adult. If the JRC staff decides to hold the juvenile in custody, a Custody Hearing must be held within 24 hours from the end of the day the decision was made, excluding Saturdays, Sundays, or legal holidays.

Custody Hearing. The Custody Hearing will usually be before a Court Commissioner. Notice is usually given by phone. A delinquency petition must be filed by the time of the custody hearing unless an extension is granted for up to 48 hours. Unless parents hire counsel for the juvenile, a Public Defender will represent the juvenile at the custody hearing. After the hearing, a juvenile may be held in secure custody (detention) if there is probable cause he or she committed a delinquent act *and* presents a substantial risk of physical harm to another person or of running and away and would be unavailable for court proceedings. A juvenile may be held in non-secure custody (group home, foster home, parent's home) if there is probably cause he or she committed a delinquent act and if not held, will commit injury to the person or property of others *or* the parent is not providing adequate supervision to ensure the juvenile's safety and well-being *or* the juvenile will run away or be taken away so as to be unavailable for court proceedings.

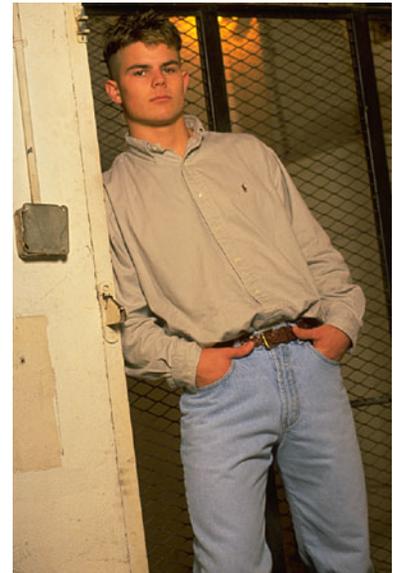
WAIVER/REVERSE WAIVER

Depending on the juvenile's age, prior juvenile court experience and offenses, a waiver petition may be filed by the DA asking that the case not be heard in juvenile court but be transferred to adult court. A juvenile is entitled to a hearing to determine if jurisdiction should be transferred to adult court. After considering a number of factors, the judge will decide if the DA has established clear and convincing evidence that it would be contrary to the best interests of the juvenile or public to hear the case in Juvenile Court. If so, waiver will be granted.

A juvenile charged with certain serious crimes, including murder, may be charged originally as an adult in adult court. In proper circumstances, the juvenile may seek to be waived back to juvenile court (reverse waiver). After considering relevant evidence, the judge will decide if the juvenile has established by clear and convincing evidence that it would in the best interest of the juvenile and public to find him or her delinquent and impose a juvenile disposition. In such cases, the case will be transferred to juvenile court.

PLEA HEARING

A plea hearing must be held within 10 days of filing a petition if a juvenile is in detention and within 30 days if a juvenile is not in detention. At the plea hearing, the court will advise the juvenile of his or her rights and ask if the juvenile wants a difference judge assigned. The request for a new judge must be made before the plea hearing is over. A juvenile may only request a new judge once, so long as he or she is under the jurisdiction of the court. The juvenile will enter a plea. The plea may be admit, deny, or no contest. If the juvenile admits or please no contest, he or she will be found delinquent for the acts in the petition. Often the juvenile's attorney will advise that the juvenile deny the petition until further investigation and negotiation can take place.



PRETRIAL

The next hearing may be a pretrial. At or before the pretrial, the assigned DA, juvenile's attorney and social worker may discuss the case and try to agree on whether the juvenile will admit charges, whether some charges may be dismissed, and what disposition would be appropriate. Any agreement reached by these parties must be submitted to the judge, and the judge does not have to accept the agreements of the parties. The judge will rule on issues according to what is in the best interest of the juvenile and the public.

CONSENT DECREE

CHIPS, JIPS and delinquency cases may all be resolved by means of a Consent Decree. This is a written agreement entered into by the parties and approved by the judge. The parties usually must admit the allegations in the petition in order to have the benefit of a Consent Decree. However, there is no finding by the Court that the child is in need of protection and services or delinquent. Instead, if the parties comply with the terms of the Consent Decree for a specified period of time, the matter will be dismissed. If there is not compliance with the terms of the Consent Decree, the matter is brought back to court for an adjudication (right to trial will have been waived) and disposition.

FACT-FINDING

If no agreement is reached, the case will be scheduled before the assigned judge for a trial or fact-finding hearing. Unless exceptions are found to the time limits, a fact-finding hearing must take place within 20 days of the plea hearing for a juvenile in secure custody, and within 30 days of the plea hearing for a juvenile not in secure custody. At the trial, the juvenile is presumed to be innocent of the charges, and the assigned DA will call witnesses to try to prove the juvenile committed the criminal acts. The juvenile may also bring witnesses to testify and may testify him or herself, but does not have to. If the DA can prove beyond a reasonable doubt that the juvenile is guilty of one or more of the charged offenses, the juvenile will be found delinquent. If the DA cannot prove the charges beyond a reasonable doubt, the charge will be dismissed, or in some cases reduced. If a juvenile is found delinquent, either by entering an admission or no contest plea or as a result of a trial, the case next has a disposition hearing.



DISPOSITION HEARING

A disposition hearing must be held within 10 days from delinquency finding for a juvenile in secure custody and within 30 days from delinquency finding for a juvenile not in secure custody unless time limits are waived or extended. A court report will be filed by the social worker prior to the hearing explaining the family background, assessing the level of risk the juvenile poses in the community, and making recommendations for disposition. The parents may find out from the social worker ahead of the hearing what he or she is recommending. At the dispositional hearing witnesses may be called, and the judge will ask the DA, social worker and juvenile's attorney what each is recommending. The judge will decide what disposition to enter. It will include placement, which can be in the home of the parent, another relative, a licensed foster home or group home, a residential treatment facility or a correctional institution. A juvenile 17 or older may be placed on independent living with supervision.

Corrections Placement. A juvenile 12 or older can be placed in corrections only after the judge finds that the juvenile committed an act that would be punishable by a sentence of 6 months or more if committed by an adult and the juvenile is a danger to the public and in need of restrictive custodial treatment. "Danger" includes risk of future property crimes; it is not limited to danger of physical harm to persons. As of January, 2005 there are three juvenile corrections institutions: Ethan Allen, in Wales, WI (boys only), Lincoln Hills, in Irma, WI (boys only) and Southern Oaks in Union Grove, WI (girls only). Juveniles may be placed in

the correctional facility for up to 2 years (but not past 18th birthday). The juvenile will appear before OJOR from time to time, which is like a parole board. When OJOR grants release, the juvenile will spend the balance of the time on the order under Corrections supervision in the community. There are a number of short-term Corrections programs that might be ordered as an alternative including Sprite, Corrective Sanctions and Short-Term Re-entry.

Dispositional Order. In addition to deciding where the juvenile will live, the dispositional order will contain rules for the juvenile's behavior. Common rules are to attend school regularly, don't use or possess alcohol or illegal drugs, and obey the reasonable rules of parents, school and social worker. Juveniles may be ordered to participate in individual, family or group therapy, pay restitution, engage in volunteer work (community service) or make amends to the victim. Many juveniles will be ordered to cooperate with supervision by either the NIP or CAP program. The order will also tell the juvenile what sanctions may be applied if he or she fails to follow the rules in the court order. Any custody order in effect will be terminated when the dispositional order is entered.



Costs to Parents. The Court may make the parents pay some or all of the expenses associated with the Court Order including but not limited to:

- 1) Attorneys' fees (unless parent is found indigent under Public Defender rules)
- 2) Out-of-home placement
- 3) Education/medical costs
- 4) AODA services/treatment.

The juvenile will be required to pay a \$20 victim-witness fee for each delinquency finding and will be given 60 days to do so. The court believes it is important that the

juvenile, and not the parent, pay the victim-witness fee and any restitution ordered so as to be held responsible for his or her own behavior.

AFTER THE DISPOSITION

A social worker will continue to work with the family and monitor compliance with the court order. The social worker or other parties may file a petition to change the placement of the juvenile or to revise the rules in the court order. If the juvenile is not in compliance with the court order, the social worker or DA may file a motion to have sanctions imposed on the juvenile. Each of these measures will require a new court hearing unless everyone agrees and waives their right to appear in court.

THE JUVENILE COURT DIFFERENCE: PURPOSE

Although there are similarities, the juvenile justice system differs in some ways from the adult criminal system. The Juvenile Court attempts to address the interests of the public and the needs of the juvenile and family by considering what skills or competencies a child or family need to help avoid future problems, to protect the safety of the public, and to do what is necessary to restore any damage resulting from a child's behavior.

JUVENILE IN NEED OF PROTECTION AND SERVICES—JIPS

A petition may be filed by a parent stating that s/he is unable to control a juvenile, or by the DA stating that the juvenile is habitually truant from home or from school, is a school dropout or is under 10 years of age and committed a delinquent act. If a juvenile is charged as a delinquent but found to be not responsible because of mental illness or not competent to be tried for the delinquency, he or she may also be found JIPS. The parent (unless he or she filed the petition) is a party and has a right to

contest the petition unless it alleges a child under 10 committed a delinquent act. Commission of a delinquent act always must be proved by evidence beyond a reasonable doubt. Other JIPS grounds must be proved by clear and convincing evidence. There is no right to a jury trial in a JIPS case. In a JIPS case, the juvenile may not be sent to a correctional placement.

CHILD IN NEED OF PROTECTION AND SERVICES -- “CHIPS”

CHIPS PETITION.

A CHIPS case is started by the filing of a petition. Usually a petition is filed by the District Attorney’s office on behalf of Dane County Department of Human Services. A petition may also be filed by a parent, stating that he or she needs assistance to care for the child. A guardian ad litem may also file a petition on behalf of a child. There are 14 different grounds under which a CHIPS petition may be filed. The grounds include a claim that the child is abandoned, has been the victim of abuse or whose parent is unable to provide necessary care for the child so as to seriously endanger the physical health of the child. All 14 grounds can be found in Wis. Stat. § 48.13.

CUSTODY ORDER.

Before or after a CHIPS petition is filed, the child might be taken into custody by a social worker and/or police officer and placed in a relative’s home, a foster home or the home of a responsible adult. For example, a child may be removed from the parent’s home if he or she is suffering from illness or injury or is in immediate danger and removal from the surroundings is necessary. The person taking the child into custody must immediately attempt to notify the parent, unless there is reason to believe notice would present an imminent danger to the child. A custody hearing must be held within 48 hours of the time the decision to hold the child was made, excluding Saturday, Sunday and legal holidays.

If a child is taken into custody, parents will be notified of the day and time of the custody hearing. Usually custody hearings are held before a Court Commissioner. The parent may bring a lawyer to the custody hearing and may bring witnesses who know about the circumstances that led to the child being taken into custody. At the hearing, the Commissioner will consider evidence from the social worker, parents and others before deciding whether the child should be returned to the parent(s), moved to another placement, or continued in the placement made when custody was taken. If a party is dissatisfied with the decision of the Court Commissioner, the party may request the assigned judge to review the decision. A form is available in the Commissioner Office to request review. If the child was taken into custody *before* a CHIPS petition was filed, the petition must be filed by the time of the custody hearing unless the court grants an extension. If the petition is not timely filed, the child must be released from custody.

GUARDIAN AD LITEM.

If a child is under 12 or the court has special reasons for concern about a child, the court will appoint a guardian ad litem (GAL) for the child. The GAL is a private attorney who has contracted with Dane County to serve as GAL in juvenile cases. The parents do not have to pay for the GAL. The GAL acts as a lawyer for the child, but instead of always advocating for what the child wants, the GAL advocates for what is best for the child. This is because a child under 10 is too young to know what is best for him or her and to work effectively with an attorney. The GAL will want to talk to the parents and others who know about the child’s situation. Parents are not required to talk to the GAL, but cooperation with the GAL helps him or her make recommendations to the court.



ATTORNEY FOR CHILD.

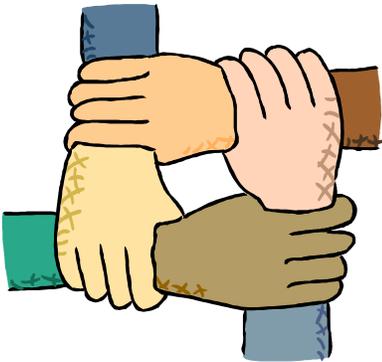
If the child is 12 or older, the State Public Defender (SPD) will appoint an attorney to represent the child. In some cases the child might have both an attorney from SPD and a GAL appointed by the court. The parents will be required to contribute to the attorney fees of the SPD unless the parents are found to be indigent under SPD guidelines. The SPD is located at:

17 S. Fairchild Street
Madison, WI 53703
Telephone: (608) 266-9150

PLEA HEARING & ATTORNEY FOR PARENTS.

Within 30 days after the CHIPS petition is filed, a plea hearing will be held, usually before a Court Commissioner in room 2000 in the Dane County Courthouse. A parent may bring an attorney to represent him/her at the hearing. A parent may ask the Commissioner to determine if the parent is eligible for appointed counsel. If the parent's household income is within 150% of federal poverty guidelines, an attorney may be appointed for the parent at the plea hearing and paid for by county funds. This attorney will be part of the Parents Representation Project, a group of private lawyers who have contracted with Dane County to represent parents in juvenile court.

At the plea hearing parties will be told the name of the judge assigned to the case, and asked whether they want a different judge assigned. If a party requests, the case will be assigned to one of the other juvenile judges, but this request must be made before the end of the plea hearing. The attorney or GAL for the child will be asked to enter a plea either admitting or denying the petition. Each parent will be asked to either admit or deny that the claim in the petition is true. If the parent or attorney for the child denies the claim in the petition, the matter will be set for a trial. The parent or child may request that the allegations in the petition be tried before a jury, instead of the assigned judge. A request for a jury trial must be made by the end of the plea hearing or this right is waived and a judge will decide the case. There are advantages and disadvantages to having a jury decide the facts or a judge decide the facts. Each party should decide which type of trial would be better for the circumstances of the case.



ADMISSION OR NO CONTEST PLEA.

Some parties prefer to enter a no contest plea instead of admitting the petition is true. A no contest plea allows the judge to find that the child is in need of protection and services, and that the facts of the petition are true, without a trial. The parent may point out which parts of the petition he or she admits and which part he or she denies when entering a no contest plea. If the child, through counsel, and all parents admit that the petition is true or enter no contest pleas, then the child will be found to be in need of protection or services (CHIPS) and placed under the supervision of the juvenile court.

TRIAL.

A jury trial starts with the selection of a jury. The trial may begin right after the jury is picked, or may be scheduled for a different day or days. During the selection of the jury, the judge and all parties will be allowed to ask the prospective jurors questions to see whether they are biased or unbiased in the matter. For example, the judge might ask if the jurors have had any experience in their life related to child abuse or neglect claims. The district attorney might ask whether the jurors have strong feelings about the government investigating claims of maltreatment by parents. The parents (or if they are represented, their attorneys) may also ask the jurors questions to determine whether they are

likely to be fair to both sides in the trial, or whether they already seem to have formed an opinion about the case. After the questioning is completed, each party is allowed to “strike” or excuse several jurors. The remaining jurors will hear the case and decide the verdict.

Whether the trial is to a jury or to a judge, the District Attorney has the burden of proving what it says in the petition is true. Therefore, the District Attorney will present his or her witnesses first. Each witness is sworn to tell the truth and then asked questions by the District Attorney. After that, the parent(s) and child (or, if they are represented, their attorneys) may ask the witnesses questions. When the District Attorney has presented all of his or her witnesses, the parent(s) and child may also call witnesses to testify. Whoever calls the witness questions the witness first, and then the other parties (or their attorneys) question the witnesses. If a party who does not have a lawyer wants to call a witness to testify at the trial, but the witness won’t come voluntarily, the party should ask the judge for a subpoena well in advance of the trial. The parent may testify when his/her turn comes in the trial. Sometimes the District Attorney will call the parent to testify during the District Attorney’s case. The parent can’t refuse to testify, but can refuse to answer any questions which might subject him or her to punishment in a criminal case. At the end of the trial the jury, or the judge in a non-jury trial, will decide whether the District Attorney proved his or her case by clear and convincing evidence. If the answer is yes, the child will be found to be in need of protection and services (CHIPS). If the answer is no, the case will be dismissed and any custody order will be terminated.



DISPOSITION HEARING.

Whether a child is found to be CHIPS because all parties agreed or as the result of a trial, the next step is a disposition hearing. The dispositional hearing is always before the assigned judge, not a jury. The disposition hearing has to be held within 30 days of the day the child was found to be CHIPS, but can be held the same day if the parties agree. Usually the social worker from the Dane County Department of Human Services will file a court report with the court before the dispositional hearing. Parents have a right to know what the court report says. Any party may present witnesses at the dispositional hearing, but often the parties will just explain to the court what each thinks the disposition should be. The court will place the child under the supervision of the court for a period of time, from a few months to a year (which can be extended later). The court will decide where the child will live: with a parent, a relative or in a foster home. An older child might be placed in a group home. A child with special treatment needs might be placed in a residential treatment center. The court cannot order inpatient psychiatric or inpatient drug and alcohol treatment for a child or parent in a juvenile case.

In addition to deciding where the child will live, the judge will order rules for the parent(s) and child. If the child is not placed with the parents, the judge must tell the parent(s) what conditions they have to meet to have the child returned to him or her. A schedule for visitation with the child will usually be set up, which might be supervised by an employee of the Human Service Department or a qualified friend or relative. The judge may order that the child or parent undergo a psychological evaluation or a drug and alcohol evaluation. These are usually done at county expense. The judge may order parenting classes, individual and family counseling, domestic violence or aggression treatment, drug and alcohol treatment, no contact with persons who have harmed the child or any other condition designed to improve the child’s welfare and the parent’s ability to care for the child. In some cases, the court orders that the family cooperate with a Court Appointed Special Advocate, (CASA) who is a trained volunteer who meets regularly with the child and parent to make sure that court-ordered conditions are being met and that the child is safe.

EXTENSION & CHANGE OF PLACEMENT.

After the disposition hearing, there might be additional hearings in juvenile court. If the initial term of supervision is about to expire, any party may file a petition asking that juvenile court supervision be extended so that additional services may be provided or an out-of-home placement may continue. The court will schedule a hearing on the extension and each party may explain to the court whether or not he/she thinks the extension should be granted. There is no limit to the number of times a juvenile court order may be extended, as long as the child is under 18, or is 18 and still in school making progress toward a diploma or its equivalent. In some cases, a change of placement petition may be filed. This petition could request that a child be removed from the home, or that a child who is already out-of-home be returned home or moved to another placement. Sometimes written notice is given of these petitions and, if no party objects, the petition is granted by the judge without a hearing. The parties always have the right to have a hearing on a change of placement petition if there is disagreement about the request. After listening to all of the parties (or their attorneys if represented) the judge will decide whether the petition for change of placement should be granted. There is no right to a jury trial for an extension or change of placement petition.

Termination of Parental Rights

Termination of parental rights (TPR) means that all rights, powers, privileges, immunities, duties and obligations existing between parent and child are permanently severed, pursuant to a court order. Parental rights may be terminated either voluntarily or involuntarily. The court does not terminate parental rights for the convenience of the parent(s). It is usually for the purpose of allowing adoption of a child.

NOTE: Establishing one or more of the statutory grounds for termination is not sufficient to obtain an order terminating parental rights. The court must also find that termination is in the best interests of the **child**. Termination of a parent's rights cannot be done to advance the interests of the parents, whether emotional or financial. In most cases, it is in a child's best interests to have two parents. As a rule, termination of parental rights is not found by the court to be in the child's best interests unless the child will be adopted or the parent has a negative affect on or is a danger to the child. If it is not likely that the child will be adopted, parties are strongly advised to consult an attorney prior to filing a petition for termination of parental rights.

VOLUNTARY TPR

The juvenile court may terminate parental rights with the parent's consent. The court may accept voluntary consent to TPR only under the following conditions:

1. The parent appears at the hearing on the TPR petition and gives his or her consent. Before accepting the consent, the judge must explain the effect of TPR and question the parent to ensure that the consent is informed and voluntary.
2. If the court finds that it would be difficult or impossible for the parent to appear in person at the hearing on the TPR petition, the court may accept written consent as given before an embassy or consul official, a military judge or a judge of court in another county or state or in a foreign jurisdiction.
3. A person who may be the father of a nonmarital child may also consent to TPR by signing a written, notarized statement that he has been informed of and understands the effect of TPR and voluntarily disclaims any rights to the child, including the right to notice of TPR proceedings.

4. If the TPR proceeding is held prior to a proceeding for adoption by the child's stepparent, or if the child's birth parent is a resident of a foreign jurisdiction, the parent may also consent to the TPR by filing an affidavit with two witnesses' signatures stating that the parent has been informed of and understands the effect of a TPR order and voluntarily disclaims all rights to the child, including the right to notice of TPR proceedings.
- The capacity of a parent to give voluntary and informed consent may be an issue in a voluntary TPR proceeding. This issue may be raised by a guardian ad litem (GAL) representing the child's best interest, who must inform the court of any reason to doubt the parent's capacity. The court must then determine whether the parent is capable of giving informed and voluntary consent. If the court finds that the parent is incapable of knowingly and voluntarily consenting, the court must dismiss the TPR proceeding. Such a dismissal, however, does not preclude an involuntary TPR, pursuant to WI Statute § 48.41.

ADOPTION

Adoption is the act of accepting a child (or adult) born to another person as one's own with all the legal rights and responsibilities of parenthood. There is no filing fee to file an adoption. The forms are available on the WI Court Systems website: <http://www.wicourts.gov/forms1/circuit.htm>.

In order for an adoption to occur, a biological parent's rights must be terminated by death or through a legal process.

Any unmarried adult, married couple or spouse of the child's birth parent, who is a resident of Wisconsin, may petition to adopt a child in this state. Any child present in this state may be adopted if the child's parents are either deceased or have had his/her parental rights terminated in this or another state or foreign jurisdiction. In the case of adoption by a stepparent, only the birth parent to whom the stepparent is not married must be deceased or have had his/her rights terminated. Any adult who is a resident of Wisconsin may adopt an adult.



Within a few days of filing a petition for adoption, a hearing will be scheduled to take place before a circuit court judge in about 4-8 weeks. When the petition is filed, the court will order the necessary investigation. The purpose of the investigation is to determine whether the child is a proper subject for adoption and whether the petitioner(s) are appropriate to become parents to the child. The investigation will include checks of criminal records, contact with references and verifying health and income information. Depending on the circumstances of the adoption, the investigation may be conducted by a private adoption agency or the State of Wisconsin Department of Health and Family Services (DHFS). There may be fees for the adoption study. If the household income is less than \$25,000 (amount subject to change), DHFS will conduct a step-parent investigation at no cost. If the child has a guardian, the guardian must recommend the adoption in order for it to take place. Adoption hearings are closed to the public. Requests by the parties to allow family and close family friends to attend the hearing are generally granted by the judge.

An order of adoption creates the relation of parent and child between the adopted person and the adoptive parent. Rights of inheritance are altered.

Any child whose adoption would otherwise be valid under Wisconsin statutes may be readopted in this state. Often a child adopted in a foreign country by Wisconsin residents is readopted in order to obtain a Wisconsin birth certificate for the child.

After the adoption hearing, a check for the fee for generating a new birth certificate will be collected. The vital records department of the state of birth creates the new birth certificate. If your child was born in a foreign country, Wisconsin will create a birth certificate. (The foreign birth certificate and English translation is required.) Wisconsin charges \$32 for the first certificate and \$3 for each additional certificate ordered at the same time. [Fees are subject to change]

Adoption files are closed to the public pursuant to WI Statute § 48.93. Adopted persons who wish to obtain information about themselves and their birth relatives, or birth parents seeking to give information to their birth children should contact:

Adoption Records Search Program
P.O. Box 8916
Madison WI 53708-8916
(608) 266-7163

<http://www.dhfs.state.wi.us/Children/adoption/adoptees.htm>

INVOLUNTARY TPR

Under WI Statute § 48.415, the grounds for involuntary TPR are as follows:

- Abandonment
- Relinquishment
- Continuing need of protection or services
- Continuing parental disability
- Continuing denial of periods of physical placement or visitation
- Child abuse
- Failure to assume parental responsibility
- Incestuous parenthood
- Homicide or solicitation to commit homicide of parent
- Parenthood as a result of sexual assault
- Commission of a serious felony against one of the person's children
- Prior involuntary TPR to another child

TPR PROCEDURE

Forms for initiating a TPR case are available for purchase in room L1007 of the Dane County Courthouse or on the WI Courts System website: <http://www.wicourts.gov/forms1/circuit.htm>.

If a TPR petition is for an involuntary TPR, the petitioner may also petition the court for a temporary order prohibiting the person whose parental rights are sought to be terminated from visiting or contacting the child. In doing so, the petitioner must allege facts that show that prohibiting visitation or contact would be in the child's best interest. The court may issue a temporary order ex parte or hold a hearing on whether to issue an injunction. A temporary order remains in effect until an injunction hearing may be held and suspends any similar orders under a CHIPS or juveniles in need of protection or services (JIPS) order.

The court must hold the hearing on or before the date of the hearing on the TPR petition. The court may grant the injunction if it finds it would be in the best interest of the child. Current law further provides that the court must issue a temporary order and injunction prohibiting visitation or contact if

the parent has been convicted of first- or second-degree intentional homicide of the child's other parent. This provision does not apply if the court determines by clear and convincing evidence that visitation or contact would be in the child's best interests. The court must consider the child's wishes in making that determination.

Unless time periods are waived or extended, the hearing on the TPR petition must be held within 30 days after the petition is filed. At this hearing, the court must determine whether any party wishes to contest the petition and must inform the parties of their right to a jury trial and the rights of a putative party to paternity. If the petition is contested, the court must set a date for a fact-finding hearing that is within 45 days after the hearing on the petition, unless all of the parties agree to commence with the hearing immediately.

Before accepting an admission of the alleged facts in a petition, the court must do all of the following:

1. Address the parties present and determine that the admission is voluntary, with understanding of the nature of the acts alleged and the potential dispositions.
2. Establish whether any promises or threats were made to elicit an admission and alert all unrepresented parties that a lawyer may discover defenses or mitigating circumstances, which would not be apparent to them.
3. Establish whether a proposed adoptive parent of the child has been identified.
4. Make inquiries to satisfactorily establish that there is a factual basis for the admission.

Fact-Finding Hearing

The purpose of the fact-finding hearing is to determine whether grounds exist for TPR in those cases in which the termination is contested.

- The hearing may exclude the child and is closed to the public.
- If the hearing is to a jury, the jury may only decide whether any grounds for TPR have been proven. The court must decide whether or not termination should be granted.
- If grounds for TPR are found by the court or jury, the court must find the parent unfit; however, such a finding does not preclude dismissal of the petition. The court must then proceed immediately to hear evidence and motions relating to the disposition. The court may consider disposition or schedule the dispositional hearing within 45 days if either of the following conditions exist:
 1. All parties to the proceeding agree.
 2. The court has not yet received a report on the child's history from an agency and now directs the agency to prepare this report.
- If the court delays making a disposition, it may transfer temporary custody of the child to an agency for placement of the child until the dispositional hearing. [WI Statutes § 48.424]

Factors

In considering the best interests of the child, the court must consider the following:

1. The likelihood of the child's adoption.
2. The age and health of the child, both at the time of the disposition and, if applicable, at the time of removal from the home.
3. Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
4. The wishes of the child.
5. The duration of the separation of the parent from the child.
6. Whether the child will be able to enter into a more stable and permanent family relationship as a result of the TPR, considering the child's current placement, the likelihood of future placements and

the results of prior placements. [WI Statutes § 48.426]

Dispositions

At the dispositional hearing, any party may present evidence relevant to the issue of disposition, including expert testimony, and may make alternative dispositional recommendations. After receiving evidence, the court must enter a disposition within 10 days.

The court may enter any of the following dispositions:

1. Dismiss the petition if the evidence does not warrant the TPR.
2. Order TPR of one or both parents.
3. If the rights of both parents or of the only living parent are terminated and if a guardian has not been appointed either:
 - (a) transfer guardianship and custody of the child pending adoptive placement to a county department; a licensed child welfare agency; DHFS; a relative with whom the child resides, if the relative has filed a petition to adopt the child or is a kinship care relative; or an individual who has been appointed guardian of the child by a court of a foreign jurisdiction; or
 - (b) transfer guardianship of the child to an agency and custody of the child to an individual in whose home the child has lived for at least 12 consecutive months immediately prior to the TPR or to a relative.

If the court enters a TPR order, the court must do all of the following:

1. Inform each birth parent whose rights have been terminated of current law permitting access for medical and other information regarding a child's birth parent following TPR.
2. Forward to the DHFS:
 - (a) the name and date of birth of the child whose birth parent's rights have been terminated;
 - (b) the names and current addresses of the child's birth parents, guardian and legal custodian; and
 - (c) the medical and genetic information obtained. [WI Statutes § 48.427]

Appeals

Parents whose rights are terminated may have a right to appeal the judgment to the Court of Appeals or file a motion in the trial court for a new trial. Appeal rights may be lost if the party does not act very quickly (thirty days or less) following a judgment terminating parental rights, although some rights may continue for a longer period of time. Grounds for appeal are limited, consult Wisconsin Statutes § 48.46. A parent wishing to appeal should immediately consult an attorney regarding filing a notice of appeal (or motion for new trial) as quickly as possible.

Child Abuse/Harassment Juvenile Restraining Orders

A person who believes that he or she or his or her child or ward is the victim of abuse or harassment by a juvenile, the person may petition the Juvenile Court for a TRO and Injunction (purchase forms in room L1007). If a TRO is wanted against an adult, contact the Probate Office (Room 1000 Dane County Courthouse) for the appropriate forms and procedure. A guardian ad litem (GAL) will be appointed by the court to represent the child's best interests at court hearings.

- "Harassment" is defined as striking, shoving, kicking or otherwise subjecting a person to physical contact or attempting or threatening to engage in such contact, or engaging in a course of conduct

or repeatedly committing acts which harass or intimidate a person and which serve no legitimate purpose.

- “Child abuse” is physical injury inflicted on a child other than by accident, sexual intercourse or sexual contact with a child contrary to law, sexual exploitation of a child, including encouraging prostitution, forcing the child to view sexual activity, causing the child to expose genitals or pubic area contrary to law, and emotional damage to a child’s psychological or intellectual functioning. A GAL must be appointed to represent the best interests of the child when a TRO is issued.

A TRO is in effect until the injunction hearing before the judge and may prohibit the respondent from having any contact with the petitioner until the time of hearing. If the parties live together, the respondent may be prohibited from going back to the residence. Both parties have a right to appear at the injunction hearing. If the judge signs the injunction, the respondent may be prohibited from having contact with the petitioner for a maximum of four years (child abuse) or two years (harassment).

Departments Involved in Juvenile Court Actions

Juvenile Court Program Divisions Room 2000 Dane County Courthouse

The Juvenile Court Program is a county department operating under the authority of the Presiding Juvenile Judge (as appointed by the Chief Judge of the judicial district). The Juvenile Court Program provides a number of services and programs in collaboration with other county agencies, law enforcement, and community based providers relating to juvenile delinquents in Dane County.

Administration/Reception Center

The Juvenile Reception Center (JRC) is the point of referral for juveniles alleged to have committed a crime for whom the law enforcement agency apprehending the juvenile is unable to release the juvenile to a parent, guardian, or other responsible adult and/or in situations in which the law enforcement officer believes the juvenile should be referred for secure custody. JRC also provides a number of other services related to the physical custody of juveniles and coordinating information with the courts, human services, and law enforcement.

Through the Administration division, the Juvenile Court Program also contracts with a community-based provider (Community Adolescent Programs, Inc.) for Restitution and Victims Services. CAP, Inc. provides supervision and services related to youth restitution, community service, and victim-offender conferencing.

Juvenile Detention Center

The Juvenile Detention Center's mission is to provide a physically and emotionally safe and secure environment for juveniles placed temporarily by the court and to provide youth with the opportunity to learn new skills that will enable them to contribute to the community when they leave. The Detention Center has a capacity of 18 juveniles. Juveniles are held in Detention primarily because: (1) There is reason to believe that if released they would cause harm to other persons, (2) There is reason to believe that if released they would be unavailable for further court proceedings, and (3) They have been found to be in violation of a valid court order and rules of supervision. The majority of juveniles (approx. 75%) are held in Detention primarily while their court process and disposition is pending.

Shelter Home

The Shelter Home provides non-secure (unlocked) residential services for juveniles who may need a place to stay pending further court action but for whom placement in a secure setting (Detention) is not necessary. The Shelter Home provides for placement of up to 8 boys and 8 girls. Juveniles may stay at the Shelter Home for up to 60 days.

Home Detention Program

The Home Detention Program (HDP) began in 1975 as an alternative to detention or non-secure placement of youth. By providing a Community Youth Worker to assist the parent(s) in providing adequate supervision and monitoring to a juvenile, the program:

- Reduces the need for the placement of juveniles in detention or non-secure placements pending court disposition.
- Assists both the parents and juvenile in resolving conflicts that might otherwise lead to further problem behavior.
- Provides information to the court about the ability of the juvenile and family to maintain a safe and supervised plan that would enable the juvenile to remain at home at the time of court disposition.

In more recent years, the Home Detention Program has been able to "bridge" the gap between pre-disposition situations and the implementation of longer-term supervision and support services by providing a Community Youth Worker to help maintain the situation at home pending services being in place.

Juveniles are assigned to the Home Detention Program by the juvenile court and may remain under that interim supervision for 20-120 days (depending on the nature of the situation and need for assistance).

Dane County Circuit Court Judges

Selected Circuit Court judges in Dane County are assigned to juvenile court matters. Final decisions of a Circuit Court judge may be appealed to the Wisconsin Court of Appeals. One of the Juvenile Judges is appointed Presiding Judge of Juvenile Court, and supervises the operation of the Juvenile Court Program Division.

Clerk of Courts: Probate Office Room 1000 Dane County Courthouse (608) 266-4331

Proceedings administered by the Probate Office include adoptions of adults and minors, guardianship of minors and incompetents and the accounting thereof, the supervision of monies invested for trusts and minor guardianships, and proceedings for civil commitment of mentally ill persons.

A guardian of the person of the minor child may be needed if the child's parents are deceased or unable to care for the child. A guardian has the authority to consent to medical treatment and enroll a child in school, among other things. The parents' rights are not terminated when a guardian is appointed. The guardian merely assumes a parent-like role in addition to the parents. A juvenile guardianship lasts until the child turns 18 or until the court orders it terminated. Parents may be responsible for the GAL fee of \$100 related to these proceedings.

A court order for protective placement may also be required to authorize a guardian of the person to place or keep someone at a nursing home or group home. These orders are reviewed each year to determine whether the person is in the least restrictive environment consistent with his or her needs

and abilities. This review is known as a "Watts Review." More information can be found on the Probate Court website: <http://www.countyofdane.com/probate/proindex.htm>.

Dane County Department of Human Services

Madison Office – 2322 S. Park St., Madison 53713, 608-261-5437 (service areas: Madison, Fitchburg, Monona, Verona, Cottage Grove)

Cross Plains Office – 1837 Bourbon Rd., Cross Plains 53528, 608-798-5800 (service areas: Cross Plains, Middleton, Mount Horeb, Mazomanie)

Stoughton Office – 125 Veterans Rd., Stoughton 53589, 608-873-5636 (service areas: Stoughton, Oregon, McFarland, Cambridge, Belleville, Brooklyn)

Sun Prairie Office – 1460 W. Main St., Sun Prairie 53590, 608-837-7380 (service areas: Sun Prairie, DeForest, Marshall, Waunakee)

DHS is involved with several aspects of juvenile court actions, especially in the area of Protective Services and Delinquency. When a child has been charged with a delinquent act or is alleged to be a Child in need of Protection or Services (CHIPS) or Juvenile in need of Protection or Services (JIPS), a Social Worker from the Dane County Department of Human Services will be assigned to the family. This usually takes one or two weeks. The social worker will then contact the parents by letter or phone to set up an initial meeting, called an Intake Interview. This meeting will take place at either the Social Worker's office or the family home depending on the worker's schedule and preference.

Family history will be one of the topics that will be discussed so that the Social Worker can get to know the family better. This is important because the Social Worker, as the case planner, will be making recommendations to the court about what the conditions of supervision will be, which community services to use, or even which type of out of home placement may be best suited to a child's needs, where necessary.

The Department also offers foster care services, services to children with developmental disabilities, mental health services for children, and youth and financial and medical assistance programs, among several other programs. Contact them for more information at one of the agency sites listed above or check the website: <http://www.countyofdane.com/humanservices/hshome.htm>.

Frequently Asked Questions about Juvenile Court

Q: What's the difference between Juvenile Court and Family Court?

A: Both offices deal with children and families. Juvenile Court handles matters such as child or juvenile protective services, crimes committed by children or juveniles, as well as termination of parental rights. Family court handles matters such as divorce, legal separation, annulment, child custody, child support, as well as paternity, counseling and mediation. Another court, probate court, handles adoptions and guardianships. All of these courts assist one another with cases that may cross into another's jurisdiction.

Q: How is "juvenile" defined in Wisconsin?

A: According to WI Statute § 938.02(10m), a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, does not include a person who has attained 17 years of age.

Q: At what age can a minor be prosecuted as an adult for the commission of a crime?

A: The age of majority for criminal offenses and forfeitures is 17. Wis. Stats. § 938.02(1) provides that " 'Adult' means a person who is 18 years of age or older, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, 'adult' means a person who has attained 17 years of age." See WI Statute § 938.183 "Original adult court jurisdiction for criminal proceedings" for more information regarding age. There are other circumstances in which a person under age 17 could be dealt with in adult court, including: (1) A juvenile age 15 or 16 may be "waived" into adult court by the juvenile court, and (2) there are certain very serious offenses that may be prosecuted in adult court.

Q: What is the "Juvenile Justice Code"?

A: Wisconsin Statute 938: <http://www.legis.state.wi.us/statutes/Stat0938.pdf>. The term "Juvenile Justice Code" relates to that portion of the law that deals with youth who are breaking the law in some way. In some cases, the "law" may refer to local ordinances or other rules or expectations that don't apply to adults (e.g. attending school, running away). Much of the Juvenile Justice Code relates to youth who are alleged to be delinquent, that is they have broken a law that also applies to adults.

Q: What and where is the Juvenile Reception Center?

A: Located in room 302 of the City-County Building (210 Martin Luther King Jr. Blvd), the Juvenile Reception Center (JRC) serves as a location for multiple services in Juvenile Court, including being the point of referral for juveniles alleged to have committed a crime for whom the law enforcement agency apprehending the juvenile is unable to release the juvenile to a parent, guardian, or other responsible adult and/or in situations in which the law enforcement officer believes the juvenile should be referred for secure custody. JRC also provides a number of other services related to the physical custody of juveniles and coordinating information with the courts, human services, and law enforcement.

Q: What is the Juvenile Detention Center?

A: The Juvenile Detention center is a locked/secure facility for holding youth, primarily prior to court disposition, to help ensure safety of the community and appearance of the youth in court. The Detention Center is located in the City-County Building.

Q: Are Juvenile cases and records confidential?

A: Many Juvenile Court hearings are confidential. There are times, however, when the court proceedings are open to the public, mainly in second or subsequent delinquency cases. You should ask your Social Worker or attorney about the confidentiality of your particular hearing. You may be asked to sign a Release of Information form that allows certain parts of the record to go to other child-serving agencies that will be working with your child and the family. The Court may also issue an order to have certain records and facts released to involved parties.

Q: What are the legal rights of parents in juvenile cases?

A: To hire representation for themselves or their child and to be heard in Court.

Q: What are the legal rights of my child in Juvenile Court?

A: The Supreme Court ruled that juveniles have the right to know the allegations against them, to have legal representation, to question witnesses, protect themselves against self-incrimination, have a transcript of court proceedings on request, and have the right to appeal. In delinquency (law violation) situations, juveniles do not have a right to a jury trial but can have a trial with the judge.

Q: What is termination of parental rights?

A: According to WI Statute § 48.40(2), the severing of rights, powers, privileges, immunities, duties and obligations existing between parent and child, pursuant to a court order, voluntarily or involuntarily in the best interests of a child.

Q: My son got beat up by a classmate. Can I file a restraining order on behalf of my son?

A: Yes. The forms are available at the Dane County Legal Resource Center (room L1007 Courthouse) if the petition is against a juvenile. If the petition is against an adult, the forms are available at the Probate Office (room 1000 Courthouse).

Q: How do I get help if I am a victim of a crime committed by a juvenile?

A: First make sure that the crime has been reported to law enforcement. Cooperate with the investigating officer and give as much information as possible regarding the type of damage and other details regarding the crime. They will also give you some information about who to contact if you have questions about your rights, and you will receive more information about your rights as a victim from either the District Attorney's Office or Human Services. This is your opportunity to give the social worker or District Attorney information about how the incident affected you, any losses you suffered, and other information you would like the court to consider.

If the juvenile is referred to juvenile court, you may also receive notice from the court regarding the hearing if you have let the District Attorney's Victim/Witness staff that you would like to receive that notice. You have the right to attend some of the hearings and make a statement to the court if you choose. Due to various laws and statutes affecting juveniles, there are only certain costs that are recoverable in juvenile court as well as monetary limits. If you are not satisfied regarding the action taken in juvenile court, victims do have the right to sue the parents and child in civil court. The victim must initiate this process.

Q: What can the Juvenile Justice system do to help me with my child's problems?

A: When a child is placed on supervision with the Department of Human Services, a variety of programs and services can be made available to the child and family in order to help the child successfully complete supervision and prevent future problems. Such programs range from diversion programs to intensive supervision as well as a variety of individual and family counseling services. The assigned caseworker will aid the family in evaluating their needs and obtaining services.

Q: How do cases get started in Juvenile Court?

A: A case usually begins with a complaint brought against a juvenile through a report filed by law enforcement. The police send most complaints to the Juvenile Intake office after they have contact with a victim of a crime, or a threatened party. The complaint is reviewed by Juvenile Intake staff from Human Services and the District Attorney's Office. Juvenile Intake reviews the accusation (complaint/referral) and works with the District Attorney's Office to decide whether it is suitable for informal action (Deferred Prosecution Agreement) or if it should be filed as a petition in Juvenile Court.

If the petition is filed with the Court, the hearing process will ensue. If it is sent to Human Services for further work with the youth/family, you would be contacted by a Social Worker from Human Services for an intake conference.

Q: What is non-secure custody?

A: It is an unlocked placement. It is not as restricted as a secure facility, such as detention, and could be the home of a parent, relative or guardian, friend of the family, foster or group home, or a hospital.

Q: Will my child have an attorney to help him? What if I can't afford to hire one for him?

A: In most cases, juveniles have the right to be represented by a lawyer. If the juvenile does not have sufficient funds to hire a lawyer, he or she may be eligible to have a Public Defender appointed. The attorney will represent the interests of the juvenile during all stages of the proceeding unless the juvenile wishes to continue without a lawyer and the Judge permits this. If a Public Defender is appointed, the Court will order that the parent(s) pay for this representation. The Public Defender will determine the cost based on the nature of the charge. The Judge will enter an order of recoupment: a Court Order that states the parent must reimburse the State for legal costs. Parents have the right to appeal this order to show indigence (inability to pay). Information about the appeal process will be provided once the case is concluded.

Q: Why does my child's attorney say he/she cannot speak to me when I am paying for the representation?

A: Any child with pending charges in Juvenile Court has the right to be represented by counsel in all stages of Court proceedings. If a youth is not represented by an attorney, there may be some limitations on what the court can order. It is important for the child to be able to speak freely and honestly with his/her attorney so the attorney can provide the best counsel possible. It is also important that the attorney be able to respect the client/attorney trust by keeping conversations with the juvenile private. The attorney may only discuss general information with the parents due to this trust obligation.

Q: When do parents need their own lawyer or representation?

A: Two possible circumstances when parents may wish to seek their own representations are: 1) If the parent(s) will be required to provide sworn testimony during a trial, depending on the nature of their testimony, or 2) If the parent(s) object to the way they are being represented to the Juvenile Court by the District Attorney, or the child's defense attorney, or if they have a hostile relationship to the child's position. There may be other circumstances that arise for which having representation will be desirable for presentation of a parent's position to the Court and preservation of a parent's interests.

Q: What's an Intake Interview?

A: When your child has been charged with a delinquent act or is alleged to be a Juvenile in need of Protection or Services (JIPS), a Social Worker from the Dane County Department of Human Services will be assigned to your family. This usually takes one or two weeks. The social worker will then contact you by letter or phone to set up an initial meeting, called an Intake Interview. This meeting will take place at either the Social Worker's office or your home depending on the worker's schedule and preference. Family history will be one of the topics that will be discussed so that the Social Worker can get to know you better. This is important because the Social Worker, as the case planner, will be making recommendations to the court about what the conditions of supervision will be, which community services to use, or even which type of out of home placement may be best suited to your child's needs, where necessary.

Q: What is the hearing process?

A: In most Juvenile Court cases, the Juvenile Justice Code requires several steps in the hearing process, including:

- A plea or jurisdictional hearing, at which the Juvenile and/or the parent, in some cases, will enter an admission or denial regarding the allegations in the petition. This hearing is where you may hear the juvenile's attorney make a request for a different Judge or for a waiver of the time limits for the next hearing. This may sound foreign and confusing to you, but the attorney is simply preserving the juvenile's rights under the statutes. Some of these rights may be lost if not requested at the PLEA hearing. The Commissioner or Judge may also order psychological and/or Alcohol Drug abuse (AODA) evaluations at this hearing. It is important to note here that this hearing is an initial hearing and long-term planning decisions will probably not be made at this time.
- A pre-trial conference at which the attorneys, Social Worker, parents, and the Judge may be able to work out an agreement that will settle the case without going to a trial.
- A fact-finding hearing or trial in which the Judge determines whether a juvenile is delinquent or in need of protection or services by hearing testimony from all parties. If the Judge determines that the juvenile is delinquent or in need of protection or services, the final hearing will be set.
- A dispositional hearing at which the Judge will hear the reports and recommendations of the Social Worker and others involved with this case. The Judge may have received written reports from other parties, such as psychologists and school personnel, before the hearing. Parents also will be asked their views on the recommendations. After the Judge hears all of the testimony, he or she will begin to list the "findings of fact," and then will decide the disposition of the case. The Judge will make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary.

If you are unclear on any point in any of the hearings, be sure to ask the Judge/Commissioner, the assigned Social Worker, or an attorney to explain the order in more detail. In some minor cases, an agreement called a "Consent Decree" may be worked out at the pre-trial hearing thereby avoiding a final dispositional hearing.

Q: What happens if my child is found guilty of a crime? Will my child go to jail?

A: Depending on the facts and circumstances, the final disposition of a juvenile case may or may not include time in a secure facility. Only in rare circumstances (in which the youth is "waived" to adult court) will this involve placement in an adult facility (jail or prison). If confinement is ordered, it will most likely be in a juvenile detention (short-term) or juvenile correctional (longer-term) facility. However, most youth involved in the juvenile justice system do not end up in a confinement facility. Recommendations will be made to the Judge regarding placement of your child. The Judge will make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary.

Q: Who sets up community service work ordered by the court?

A: If the court orders a youth to make restitution payments or perform community service (unpaid service work), in most cases that will be referred to a community-based program working with the court. Parents are encouraged to help support completion of this obligation and will likely be asked by either the Social Worker or the restitution program about ways you can be involved in making sure the youth completes the requirements.

Q: What are CHIPS and JIPS?

A: CHIPS stands for Child In need of Protection or Services. It is a proceeding in juvenile court for any person under the age of 18 for noncriminal reasons including abuse, neglect, and abandonment. Similarly, JIPS stands for Juvenile in Need of Protection or Services, and are court proceedings involving a juvenile under the age of 18—(1) whose parent signs a petition requesting the court to take jurisdiction and is unable to control the juvenile; (2) who is habitually truant from school or home; (3) who is a school dropout; (4) who is under the age of 10 and has committed a delinquent (criminal) act; or (5) who has been determined to be not responsible for a delinquent act by reason of mental disease or defect or who has been determined to be not competent to proceed. Particularly for CHIPS situations, the primary focus for the court will be on the safety of the child. For JIPS situations, the primary focus for the court will more likely be on the child/youth. In both CHIPS and JIPS cases, the court has the ability to order that a wide variety of services and supports be put in place to provide safety for the child/youth as well as help youth and parents work toward becoming independent and successful.

Q: What should I do if I suspect a child is being abused?

A: Call the Human Service intake office that serves the area in which the family resides as soon as possible. Human Services will investigate. When in doubt, report it to either a law enforcement agency or a Human Services office. There are several Human Services offices throughout the county, and you can look them up in the phone book, on the Internet, or contact your local police department for assistance.

Q: Can Juvenile cases and records be expunged?

A: Pursuant to §938.355(4m) a juvenile who has been adjudged delinquent may, on attaining 17 years of age, petition the court to expunge the court's record of the juvenile's adjudication. Expungement will not be approved if the juvenile, even though he/she has reached age 17, is currently under Juvenile Court jurisdiction/supervision. Expungement will only be approved in exceptional circumstances in which the juvenile/adult making the request demonstrates through course of conduct and/or provision of other information that it is in both the best interests of the juvenile and the public that their juvenile record be expunged.

Q: What is “you place/you pay” and does Dane County use it?

A: This inter-county agreement corresponds to venue and venue transfers for juvenile court. See the WI Department of Corrections website for more information about “you place/you pay” at: http://www.wi-doc.com/MISC_pages/venue_agreement_faq.doc. Dane County is part of this agreement. See also http://www.countyofdane.com/juvenilecourt/procedure_manual.htm for Dane County policies, specifically the section on Venue.

Q: What is “venue” and what does it mean to me?

A: The term “venue” applies to the concept of deciding in what county the matter presented to the court can be heard. Unlike adult cases in which “venue” is typically limited to where the crime occurs, for juvenile cases venue may be where the offense occurs, where the youth lives, or where the parent lives.

Q: Are forms for Juvenile Court available online?

A: Yes. Go to <http://www.wicourts.gov/forms1/circuit.htm - juvenile> to find mandatory Juvenile Court forms on the Internet.

Q: Is there assistance available in the Courthouse for filling out Juvenile Court forms?

A: There is no assistance currently available in the courthouse specifically for filling out Juvenile Court forms. Court clerks may be able to tell you what needs to be filed, but they are not allowed to give out information that could be considered “legal advice”.

Glossary of Common Legal Terms Used in Juvenile Court

NOTE: Legal terms are specifically for use Wisconsin and Dane County legal systems and may not be accurate for other jurisdictions. These terms are used most in Juvenile Court and may be defined differently in another court section.

A

ADAIP: Adolescent Alcohol/Drug Abuse Intervention Program at University Hospital and Clinics

ARTT: Achieving Reunification Through Teamwork, case management for youth with significant mental health concerns; see “Children Come First”

adjudication: The pronouncement of a final judgment in court; sometimes abbreviated ADJ

adoption: The act of accepting a child (or adult) born to another person as one’s own with all the rights and responsibilities of parenthood

affidavit: A voluntary written statement of facts signed under oath in the presence of a notary public

aftercare: This refers to the term of supervision of youth who have been placed in a state juvenile correctional facility. In Dane County, aftercare supervision is provided by the State of Wisconsin Department of Corrections – Division of Juvenile Corrections. Some counties provide aftercare supervision through their own human services department.

AODA: Alcohol/Other Drug Abuse

AODA evaluation: An assessment by a professional as to whether a juvenile or adult is dependent or abuses alcohol, legal or illegal drugs, and a recommendation for treatment

appeal: To seek review by a higher court of a lower court’s decision. Circuit court decisions may be appealed to the Court of Appeals.

ARB: Administrative Review Board. The principle charge of the ARB is to provide Department of Human Services case recommendations for children at risk of institutional placement. In practice, ARB serves three primary functions: 1) It is the designated reviewer/gatekeeper for Children Come First enrollment, 2) It reviews department recommendations for institutional placement, 3) It offers assistance for case planning to social workers and their supervisors. This function is used at the discretion of the social worker.

ASFA: Adoption and Safe Families Act; Federal Child Welfare Law with a focus on safety and permanence for children

B

Bockari: A co-ed Madison group home that provides short-term residential care, needs assessment, and behavioral treatment for teens who are unable to live in their parental homes

C

CAP: Community Adolescent Program

Capias: This refers to a particular type of warrant that is issued by the court when a child/youth/parent misses a court hearing. The Capias directs law enforcement to apprehend the child/juvenile/parent and bring them back before the court.

CASA: Court Appointed Special Advocate. A trained volunteer who meets with the child and parents when a child is under juvenile court supervision to make sure the court order is being followed and the child is safe.

CBRB: Community Based Review Board. The CBRB is a function of Community Partnerships, the private Children Come First vendor. Community Partnerships pays for all of their own alternate care placements, as well as full hospital costs. They use the same general review format as the Administrative Review Board (ARB), but CBRB is staffed exclusively by Community Partnerships staff. Reviews for all Children Come First correctional recommendations come to ARB, as do all potential institutional recommendations for the County part of the Initiative (the ARTT unit).

CCF: Children Come First; a program designed to coordinate mental health care and related services for children and families referred.

child abuse: According to Statute § 48.02, abuse could mean physical injury inflicted on a child by other than accidental means, sexual intercourse or sexual contact, emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms

CHIPS: (Child in need of protection and/or services) A proceeding in juvenile court for any person under the age of 18 for noncriminal reasons including abuse, neglect, and abandonment

circuit courts: In Wisconsin, the trial courts of each county

community service: Unpaid work a juvenile may be required to perform to "pay back" the community for the harm they have caused.

consent decree: A contract between all the parties in a juvenile case which provides that the case will be dismissed if the parties meet written conditions for a specified period of time up to one year. A consent decree needs approval by the judge.

contempt of court: Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due the court, or disobedience, resistance, or obstruction of the authority, process or order of a court

court commissioner: An attorney appointed by the chief judge of a judicial administrative district to perform specific duties authorized by law under the direction of the chief judge and the judges in the county in which the person is appointed. Court commissioners typically preside over initial

appearances in all criminal proceedings, preliminary examinations, and small claims actions, conduct hearings in family or juvenile court cases, and perform duties in probate court.

court reporter: A person who makes a word-for-word record of what is said in court, generally by using a stenographic machine, shorthand, or audio recording, and then produces a transcript of the proceedings upon request

cross-examination: The questioning of a witness in a trial by a party who did not call the witness to testify

custody: This may refer to either “legal” custody, that is who is responsible for the child/juvenile, or some kind of “physical custody” which refers to where the child/juvenile actually resides. For example, a parent almost always retains legal custody even if the child/juvenile is placed outside the home in some other form of physical custody (e.g. foster home, group home, residential care center, etc.).

D

DCDHS: Dane County Department of Human Services

DCSO: Dane County Sheriff’s Office

de novo: See “trial de novo”

decree: A decision or order of the court; a “final decree” is one that fully and finally disposes of the litigation; an “interlocutory decree” is a provisional or preliminary decree that is not final; See also “Consent decree”

deferred prosecution: Written agreement between a juvenile, parents, and social worker that if conditions are met, formal delinquency proceedings will not be filed.

delinquency/delinquent: See “juvenile delinquency”

detention: “Juvenile Jail” Juveniles charged with delinquency who present substantial risk of harm to him or her self or to others or running away may be held in detention until the pending court case is disposed of.

dismiss: Pending case is terminated before adjudication

dismiss and read in: Delinquency charge is dropped, but the conduct involved in the charge is considered by the court ordering restitution or entering other dispositions

disposition: The final decision of a judge related to things like placement of a child/juvenile, rules of supervision, and other final orders entered by the court. The “dispositional report” is a court-ordered report written by the social worker which tells the judge about a family and makes recommendations about services the family needs. After a finding of CHIPS, JIPS or delinquency, the “dispositional hearing” is a hearing at which a judge decides on a plan for placement and services for a child or juvenile. The “dispositional order” is a report telling what the judge has decided at a dispositional hearing.

DNA: Deoxyribonucleic Acid; a biological, genetic specimen that a juvenile may be ordered by the court to provide in certain delinquency actions. Specimen is usually obtained by swabbing inside of mouth with a foam brush.

domestic abuse: Intentional infliction of physical pain, physical injury, or illness; intentional impairment of physical condition; sexual assault; criminal damage to property of the victim, or a threat to engage in such conduct, by an adult family member, person residing or formerly residing with the victim, person with whom the victim has a child in common, person who has or had a dating relationship with the victim, or a person who provides in-home or community care for the victim.

due process: A fundamental principle of fairness in all legal matters, both civil and criminal. The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case.

E

evidence: The proof presented in the form of sworn testimony and exhibits, intended to convince the judge and/or jury of facts material to the case

ex parte proceeding: A proceeding in which not all parties are present or given the opportunity to be heard

expert witnesses: Experts in a field who will testify in a trial or hearing

expunge: Pursuant to §938.355(4m) a juvenile who has been adjudged delinquent may, on attaining 17 years of age, petition the court to expunge the court's record of the juvenile's adjudication. There is no provision for expunging police records.

F

finding or finding of fact: The determination by the finder of fact after a trial of a factual question contributing to a decision in a case. If a judge has served as sole finder of fact, the judge is required to state on the record all facts that are relevant to his or her decision. A “fact-finding hearing” is a hearing at which a judge or jury decides whether claims that a child has been mistreated or needs special help or whether a juvenile was delinquent are true.

G

group home: Any facility operated by a person required to be licensed by the department of health and family services for the care and maintenance of 5 to 8 children

guardian: A person who has been appointed by a judge to make decisions for a minor child or incompetent adult (both called “ward”); a “guardian of the person” is responsible for all life decisions of the ward and/or a “guardian of the estate” will manage that ward’s financial affairs. The ward may or may not live with the guardian.

guardian ad litem (GAL): An attorney appointed by the court to take legal action on behalf of a minor or an adult not able to handle his or her own affairs. A GAL acts in the best interests of the client, regardless of the client’s own wishes.

H

harassment: Striking, shoving, kicking, or otherwise subjecting a person to physical contact or attempting or threatening to engage in such contact, or engaging in a course of conduct or repeatedly committing acts which harass or intimidate a person and which serve no legitimate purpose.

Home Detention Program (HDP): Part of the Juvenile Court Program. Youth may be placed on Home Detention supervision which means that a staff member from the program will work with the parents and others to provide temporary supervision of a youth, generally prior to a final court disposition or while the youth waits to get started in some more long-term program. In almost all cases, the youth remains in his or her own home during this period of supervision.

I

injunction: A mandatory or prohibitive order issued by a court. A domestic abuse, child abuse or harassment injunction is a court order for the respondent to avoid contact with the petitioner and/or petitioner's residence, or to cease harassing behavior.

J

JIPS: (Juvenile in need of protection and services) Court proceedings involving a juvenile under the age of 18—(1) whose parent signs a petition requesting the court to take jurisdiction and is unable to control the juvenile; (2) who is habitually truant from school or home; (3) who is a school dropout; (4) who is under the age of 10 and has committed a delinquent (criminal) act; or (5) who has been determined to be not responsible for a delinquent act by reason of mental disease or defect or who has been determined to be not competent to proceed.

Juvenile Reception Center (JRC): The Juvenile Reception Center is located in the City-County Building and is part of the Juvenile Court Program. JRC provides intake services for the physical custody of juveniles who have been apprehended by law enforcement but are not released to a parent or other party. Once referred to JRC, a youth may be placed in secure custody (detention), in some other place of non-secure custody (e.g. Shelter Home, group home, foster home, responsible adult) or released.

jurisdiction: The court's right to get involved. In child welfare, if the court determines that a child is in need of protection and services, it has a right to get involved.

juvenile: According to WI Statute § 938.02(10m), a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, does not include a person who has attained 17 years of age

juvenile delinquency: As defined in WI Statute § 938.02(3m) a juvenile who is 10 years of age or older who has violated any state or federal criminal law, except as provided in § 938.17, § 938.18 and § 938.183, or who has committed a contempt of court, as defined in § 785.01 (1), as specified in § 938.355 (6g)

M

mediation: The cooperative process involving the parties and a mediator, the purpose of which is to help the parties, by applying communication and dispute resolution skills, define and resolve disagreements

MHCDC: Mental Health Center of Dane County (625 W Washington Ave, Madison; (608) 280-2700)

N

neglect: Failure to provide food, clothing, shelter, a safe living environment, medical or dental care which seriously endangers the child's physical health. Some examples would be: broken glass laying on the floor, electrical wires a child can touch, dog and cat waste laying around the house, drugs or alcohol left where a child can reach them, no food, or a failure to protect the child from neglect.

NIP (Neighborhood Intervention Program): Programs designed for preadjudicated delinquent children at risk or youth who have been adjudicated delinquent

O

OASIS: Part of the Parental Stress Center, a self-help treatment program for children 5-17 who have been sexually abused, and their family members

OJOR: The Office of Juvenile Offender Review is part of the Wisconsin Department of Corrections – Division of Juvenile Corrections (DJC) and is responsible for reviewing the placement status of juveniles placed in the juvenile correctional facilities and making a determination of when to release a juvenile back to the community. Like a “parole board” for juveniles in a correctional facility.

out of home placement: Also called “alternate care” or “substitute care,” and includes detention, a shelter home, foster home, group home, residential treatment center, relative placement, or corrections placement

P

permanency plan: Plan which talks about where a child is placed, what services the child and his/her family need, and what needs to happen for a child to come back home or to make a safe, permanent home for the child somewhere else

petition: Formal request for the Court to take legal action; the petition gives the Court information as to why a child or juvenile comes within juvenile court jurisdiction and is the paperwork that starts the formal court process

plea hearing: A hearing at which the child, and in some cases the parent, will enter an admission or denial regarding the allegations in the petition. This hearing is where the juvenile's attorney may request a different Judge or a waiver of the time limits for the next hearing. The Commissioner or Judge may also order psychological and/or Alcohol or Drug abuse (AODA) evaluations at this hearing. This hearing is an initial hearing and long-term planning decisions will probably not be made at this time.

psychiatric evaluation: Assessment of an individual by a medical doctor practicing psychiatry to determine if an individual has physical or psychological problems and recommend treatment including medication.

psychological evaluation: Assessment and testing by a psychologist to determine if an individual has psychological problems and recommend treatment.

purge or purge conditions: Certain conditions that are necessary to cure contempt of court. If the party fails to meet these conditions, a bench warrant and commitment may be issued resulting in jail time.

R

recoupment: This is the legal process by which parents may be ordered to reimburse the state for costs associated with providing legal representation to their child. There are exceptions under which a parent may not be required to contribute to the cost of legal services for their child, and in all cases the final amount ordered for payment may be affected by the parent's ability to pay.

residential treatment facility/CCI: Facility where children or juveniles live, go to school and receive counseling and treatment.

restitution: Compensation paid by an offender to a crime victim for losses resulting from the crime, for example, property damages and medical expenses.

reverse waiver: In certain homicide cases, a juvenile between age 10 and 17 may be charged with a crime in adult court but seek to have the case transferred to juvenile court.

S

sanctions: Conditions that the court may impose if a juvenile violates a dispositional order to secure compliance with the order.

SH: Shelter Home is a co-ed Madison group home that provides short-term residential care, school, needs assessment and behavioral treatment for teens while a case is pending or if another placement has terminated.

SJO: Serious Juvenile Offender. Correctional placement for juveniles found delinquent for certain serious offenses. May last past age 18, in some cases until age 25.

SOPORT: Sex Offender Program of Recovery and Therapy. Out-patient treatment for juveniles who have committed sexual assaults.

State Public Defender or SPD: an independent state agency charged by Wisconsin Statutes Chapter 977 with providing legal representation to indigent clients in criminal and certain civil cases

status conference/pretrial: A meeting of parties or attorneys before a judge or court commissioner to inform the court as to how the case is proceeding, what discovery has been conducted, progress of settlement negotiations, probable length of trial, and other matters relevant to moving the case toward trial.

stipulation: An agreement by attorneys or parties on opposite sides of a case as to any matter pertaining to the proceedings or trial. Before a stipulation is binding, it must be in writing and signed by the parties and/or attorneys or it must be placed on the record. Stipulations may need approval of judge.

summons: A notice to a named person that an action has been commenced in court against the person and he or she is required to answer the complaint in such action

T

temporary physical custody (TPC): This is a temporary order entered by the court that specifies where the child/juvenile is to be placed pending further court proceedings. At the time of disposition, this temporary physical custody order would end.

temporary restraining order (TRO): An ex parte temporary order of a court pending a hearing at which both parties can be present

termination of parental rights (TPR): The severing of rights, powers, privileges, immunities, duties and obligations existing between parent and child, pursuant to a court order, voluntarily or involuntarily.

trial de novo: A completely new trial held as if the original trial had never taken place

TRSC: Temporary Release from Secure Custody

V

venue: Refers to the proper location or jurisdiction that has authority to take action on certain types of cases. For children/juveniles, typically venue may be legal where the alleged incident occurs, where the child/juvenile lives, or where the child's/juvenile's parent lives. Venue may be transferred from one county to another under certain circumstances.

vital records office: State of Wisconsin Bureau of Vital Records, which is responsible for filing, preserving, protecting, changing, and issuing copies of birth, death, marriage, and divorce certificates for events that occur in Wisconsin

VOC: Victim Offender Conferencing. Voluntary meeting, facilitated by a professional, between a juvenile and the victim of his or her delinquent act to permit a juvenile to apologize and learn how his or her actions affected the victim.

W

waive/waiver to adult court: Juvenile who is charged with a serious offense or has used up all juvenile court services may have case transferred to adult court and be subject to adult criminal proceedings.

warrant: An order from a court or other authorized body or person that directs an officer to arrest a person, search a house, etc.

witnesses: Persons who testify to what they have seen, heard, or know

Y

YRP: Youth Restitution Program. Through this program, juveniles may obtain a job or earn money to pay restitution to the victims in their cases.

Useful Web Links

*NOTE: There are far too many useful links than would fit on this list. Use your judgment when viewing a web page. Pages on .edu, .org, or .gov sites may contain more reliable information than a commercial site. Pages with dates (such as “last updated on:”) will indicate how current is the information provided. All sites were working at time publication.

Dane County Juvenile Court Program

<http://www.countyofdane.com/juvenilecourt/index.html>

- Contains information about court procedures and services the Juvenile Court Program offers

Dane County Clerk of Courts: Probate Office

<http://www.countyofdane.com/probate/proindex.htm>

- Includes contact information and specific information for Dane County Probate Office

Dane County Department of Human Services: Division of Children, Youth and Families

<http://www.co.dane.wi.us/humanservices/cyf/cyfhome.htm>

http://www.co.dane.wi.us/humanservices/youth/2004_youth_directory.pdf

- Relevant information about the services of the division, including useful links to community partnership programs for youth and families; second link is to the Youth Resource Directory for Dane County published by the Dane County Youth Commission

Mental Health Center of Dane County, Inc.

<http://www.mhcdc.org/>

- Contains valuable information about services offered in Dane County, including a directory and resource links, as well as information in Spanish

Dane County Legal Resource Center (DCLRC)

<http://wsll.state.wi.us/branch/dclrc/index.html>

- Useful site listing services and publications available at DCLRC (Room L1007 Dane County Courthouse)

Wisconsin State Law Library: Legal Topics A-Z

<http://wsll.state.wi.us/witopicindex.html>

- Contains a wealth of information on various legal topics, such as Adoption, TPR, and CHIPS

Wisconsin State Bar Association Legal Q and A

<http://www.legalexplorer.com/legal/legal-QA.asp>

- Provides information about specific legal topics in question and answer format

Adoption in Wisconsin, Wisconsin Department of Health and Family Services

<http://www.dhfs.state.wi.us/children/adoption/index.htm>

- Assorted links to pertinent adoption information for Wisconsin residents

Wisconsin Department of Corrections, Juvenile Division

http://www.wi-doc.com/index_juvenile.htm

- Information about the programs and services offered by the state’s division of juvenile corrections

Safe Schools: Legal Resource Manual

<http://www.doj.state.wi.us/ss%5Fmanual2002/>

- Resource from the WI Department of Justice on legal issues and programs that make schools safer.

National Center for Juvenile Justice

<http://ncjj.servehttp.com/NCJJWebsite/index.html>

- A resource for independent and original research on topics related directly and indirectly to the field of juvenile justice

US Department of Justice, Office of Juvenile Justice and Delinquency Program

<http://ojjdp.ncjrs.org/>

- Provides links to resources designed to prevent and respond to juvenile delinquency and victimization

American Bar Association Resource for the Public

<http://www.abanet.org/public.html>

<http://www.abanet.org/crimjust/juvjus/home.html>

- Includes resources for the public about various types of law and legal resources; second link is to the Juvenile Justice Center

Juvenile Crime

<http://www.public-policy.org/~ncpa/hotlines/juvcrm/jchln.html#>

- A compilation of resources on the high school debate topic by the National Center for Policy Analysis

NCJRS Virtual Library: Juvenile Justice

<http://virlib.ncjrs.org/JuvenileJustice.asp>

- A listing of many publications and documents produced on the topic of Juvenile Justice by the National Criminal Justice Reference Service

Stepfamily Association of America

<http://www.saafamilies.org/>

- Includes information and answers to questions about step-families

National Adoption Information Clearinghouse

<http://naic.acf.hhs.gov/>

- A comprehensive resource on all aspects of adoption, including a free monthly email service

Nolo Press

<http://www.nolo.com>

- Contains legal information that is free of most legal jargon and designed for people who are not trained in the law

Sphinx Legal

<http://www.sphinxlegal.com>

- Contains legal information that is free of most legal jargon and designed for people who are not trained in the law

National Mental Health Association: When Your Child is Behind Bars

<http://www.nmha.org/children/justjuv/bars.pdf>

- Helps families to advocate for education and mental health services for their children in the juvenile justice system.

Reading List

NOTE: This is a small sampling of resources available. Please consult your local library catalog for more books on the subjects of juvenile court, delinquency, adoption, and protective services. Books are for adults, unless noted.

Ayers, William. *A Kind and Just Parent: the children of juvenile court*. Boston: Beacon Press, 1998.

- Portrays the lives of students--both within the juvenile temporary detention center and on the "outside." Ayers puts their stories into historical context; argues about the roles of media, poverty, and neglect; refutes the idea of teenager as "superpredator"; and challenges parents to determine the standard to use when we think of justice for kids.

Billitteri, Thomas J. *The Gault Case: legal rights for young people*. Berkeley Heights, NJ: Enslow Publishers, 2000.

- When fifteen-year-old Gerald Gault and two friends were accused of placing an obscene phone call to a neighborhood woman, the process of obtaining legal rights for young people was set in motion in the court system. While no one denied that what the boys were accused of doing was wrong, the Supreme Court found it unacceptable that the boys did not have the same rights during a trial as adults would. The landmark decision provided for changes in the way our juvenile courts are run, to make them more equal with adult courts. For grades 6 and up.

Curry, Hayden. *A Legal Guide for Lesbian and Gay Couples*. Berkeley, CA: Nolo, 2002.

- Medical care issues, powers of attorney, visitation, insurance, burial, property, and finances, with detailed sample documents included. Other topics include estate planning; lawyers and legal research, including a list of lesbian and gay rights organizations; and surrogate mothers.

Durrett, Deanne. *Teen Privacy Rights: a hot issue*. Berkeley Heights, NJ: Enslow, 2001.

- Traces privacy issues from the drafting of the Bill of Rights to the potential threat of the Internet, and covers the full spectrum of current topics involving teen privacy rights, including court records, medical records, parental consent, adoption records, and surfing the Web. For grades 6 and up.

Exploring Delinquency: causes and control. Edited by Dean G. Rojek and Gary F. Jensen. Los Angeles: Roxbury Pub. Co., 1996.

- A comprehensive set of readings in the study of juvenile delinquency. The articles are organized into discrete topics, such as juvenile justice, specific case law on delinquency, and research topics such as minorities in juvenile justice systems.

Greenberg, Keith Elliot. *Adolescent Rights: are young people equal under the law?* Brookfield, CT: Twenty-first Century Books, 1995.

- Provides an overview of how the legal system has treated children in the past and discusses the rights young people have today.

Humes, Edward. *No Matter How Loud I Shout: A Year in the Life of Juvenile Court*. NY: Simon & Schuster, 1997.

- After being granted access to the juvenile court system usually closed to the public, the author spent a year surveying the attempts of Los Angeles (80,000 juvenile cases per year) to deal with its juvenile crime. The book follows the cases of seven young people who were caught up in the severely under-budgeted system, as well as the few adults who made a difference.

Jacobs, Thomas A. *Teens on Trial: young people who challenged the law--and changed your life*. Minneapolis: Free Spirit Pub, 2000.

- The author familiarizes readers with the legal system, dispels myths and mysteries, and shows that the law is by and for the people—including young people. Explores cases about privacy, visitation and divorce, search and seizure, dress code, drug testing, free speech in school newspapers and yearbooks, sexual harassment at work, transfer to adult court, and the death penalty, among others.

_____. *What Are My Rights? 95 Questions and Answers About Teens and the Law*. Minneapolis: Free Spirit Pub, 1997.

- Covers laws related to the family, school, workplace, growing up, and more, it also discusses the consequences of willful misconduct and bad judgment. Special "FYI" sections point the way toward additional readings and Web sites; "Think About It, Talk About It" questions inspire readers to consider and share what they've learned and what it means to them. For young adult reading level.

Juvenile Crime: opposing viewpoints. San Diego: Greenhaven Press, 2002.

- Contributors debate whether juvenile crime is increasing, the causes of juvenile crime, and possible solutions. Chapters include: Is Juvenile Crime and Violence Increasing? What Are the Causes Of Juvenile Crime and Violence? What Contributes To Gang-Related Juvenile Crime? How Can Juvenile Crime Be Combated?

McShane, Marilyn D. and Franklin P. Williams. *Encyclopedia of Juvenile Justice*. Thousand Oaks, CA: Sage, 2003.

- Provides more than 200 entries in one volume. The editors cover historical and contemporary theories, concepts, and real-world practices of juvenile justice in the United States. The entries address a broad range of issues and topics, such as alcohol and drug abuse, arson, the death penalty for juveniles, computer and Internet crime, gun violence, gangs, missing children, school violence, teen pregnancy, and delinquency theories

Nemiroff, Marc and Jane Annunziata. *All About Adoption: How Families are Made and How Kids Feel About It*. Washington, DC: Magination Press, 2003.

- For ages 4-8 reading level

Newton, Judith Sperling. *Voluntary Termination of Parental Rights and Adoption*. Madison: CLE Books—State Bar of Wisconsin, 2002.

- Contains a step-by-step guide through the process of TPR and adoption.

Plant, Peter and Frank R. Vazquez. *Wisconsin Juvenile Court : a guide to the children's code, related statutes and caselaw*. Tallahassee, FL: Juris Press, 2002.

- Contains pertinent statutes related to juvenile, as well as descriptions of common juvenile court procedures and actions.

Plum, Henry J. and Frank J. Crisafi. *Wisconsin Juvenile Court Practice and Procedure, Second Edition*. Salem, NH: Butterworths, 1993.

- Covers common Juvenile Court actions, including TPR and protective services.

Pomeroy, Virginia A. and Gina Marie Pruski. *Wisconsin Juvenile Law Handbook*. Madison: CLE Books-State Bar of Wisconsin, 1996.

- Contains detailed explanations of all aspects of delinquency, CHIPS, and other juvenile court procedures.

Truly, Traci. *Teen Rights: a legal guide for teens and the adults in their lives*. Naperville, IL: Sphinx Pub, 2002.

- Discusses the duties, rights and responsibilities of today's teenager. Divided into home, school and on-the-job environments, this book explains what the legal expectations are and what to do when and if those legal expectations are abused or renounced. Additional topics such as financial responsibility of teenagers, the juvenile court system and property ownership are also discussed.

Weill, Sabrina Solin. *We're Not Monsters: teens speak out about teens in trouble*. NY: HarperTempest, 2002.

- Provides a wide variety of resources, from basic information and statistics to stories and quotes from other teens, and clearly explains what a concerned friend can do and gets into some of the social issues involved and potential areas for advocacy.

Wisconsin Children's Code and Juvenile Justice Code. Madison: Wisconsin State Bar, 2004-.

- Provides quick access to the Children's Code (chapter 48 in the WI Statutes) and the Juvenile Justice Code (chapter 938), as well as related court commissioner statutes.

