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**CHIEF JUDGE
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26 - 09**

DATE: August 27, 2026

TO: All Judges, All Court Commissioners, District Court Administrator, County Executive, Clerk of Circuit Court, Corporation Counsel, Sheriff, District Attorney, City Attorney, State Public Defender, DAS, Fiscal Affairs, Court Coordinators, Children, Youth and Family Services, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Court Reporting Services, IMSD, Legal Resource Center, CCAP, Facilities Management, and Media

FROM: Chief Judge Carl Ashley

RE: Dual Jurisdiction Delinquency and Original Jurisdiction Traffic Policy

Effective Oct 5, 2026:

IT IS HEREBY DIRECTED THAT: the following policies and procedures apply to all juveniles who have cases, arising from the same incident, in both the criminal division for a traffic matter under Chapter 343 or 346 and the juvenile division for delinquency charges.

Pursuant to Wis. Stat. 938.12(1), the Children's Division has exclusive jurisdiction, except as provided in 938.17, 938.18, and 938.183, over any juvenile 10 years of age or older who is alleged to be delinquent. Wis. Stat. 938.17(1) places exclusive jurisdiction in proceedings against juveniles 16 years of age or older for violations of Chapter 343 and 346, including Wis. Stat. 346.04(3) (Fleeing) with the Criminal Division.

In the event that a juvenile has a delinquency petition before the Children's Division and a criminal complaint before the Criminal Division arising from the same incident the cases shall proceed as outlined below:

(CF/CM) Case Initiation:

The Milwaukee County District Attorney's office shall file the criminal complaint with the Criminal Division. The Clerk of Circuit Court (COCC) shall create the case in CCAP and assign a Criminal Division Judge as the "Filing Court Official". The State Public Defender's Office (SPD) shall ensure necessary representation is provided in all criminal proceedings. The initial appearance on the criminal complaint shall be scheduled and heard in criminal intake court in accordance with statute and local court rules. The preliminary hearing shall be scheduled and heard in the Criminal Division in accordance with local court rules.

Delinquency (JV) Case Initiation:

The Milwaukee County District Attorney's office shall file the delinquency petition with the Children's Division. The Clerk of Circuit Court (COCC) shall create the case in CCAP and assign a Children's Division Judge as the "Filing Court Official". The State Public Defender's Office (SPD) shall ensure necessary representation is provided in all delinquency proceedings. The detention hearing on the delinquency petition shall be scheduled and heard in Branch 93 of the Children's Division in accordance with statute and local court rules. The plea hearing shall be scheduled and heard in the Children's Division in accordance with local court rules.

Case Joinder:

Upon completion of the preliminary hearing on the CF case, or initial appearance in the CM case, the COCC shall change the "Responsible CO" in CCAP on the CF/CM case to reflect the judge assigned to the JV case. A status hearing shall be scheduled in the CF case before the Children's Division Judge on the same day and time the next scheduled activity on the JV case. The CF/CM and JV cases shall continue to be scheduled before the Children's Division until both cases achieve closure. Upon case closure of the CF case the COCC shall change the "Responsible CO" in CCAP on the CF case to reflect the "Filing Court Official" or succession judge in the Criminal Division.

If the juvenile exercises a right to substitution on the CF/CM case, cases shall be transferred by the COCC to a new judge in the Children's Division pursuant to regular JV substitution practice or local court rules, even if the juvenile does not have a right to substitute on the JV case.

The JV case and CF/CM case will be called consecutively on the record to ensure confidentiality of the JV proceeding. In the JV proceeding, the policy of the Children's Division regarding use of restraints shall apply. In the CF/CM proceeding, restraints may be used at the discretion of the Sheriff's Department.

If a waiver is granted on the JV case, the COCC shall transfer the CF/CM case back to the Criminal Division and the COCC shall change the "Responsible CO" in CCAP on the

CF/CM case to reflect the “Filing Court Official” or succession judge in the Criminal Division. Any criminal complaint filed as a result of the waiver granted on the JV case shall be opened and assigned to the appropriate Criminal Division court pursuant to local court rules.

Issues not covered in the policy and procedure, as outlined above, will be addressed on a case-by-case basis by the Children’s Division judge assigned to the JV and CF/CM matters. The court will put all reassignments on the record and the Clerk will note in the record.

Post-Conviction/Post-Adjudication:

Post-Conviction issues raised in the CF/CM case shall be scheduled and heard by the Criminal Division. SPD shall ensure necessary representation is provided in all criminal proceedings.

Post-Adjudication issues raised in the JV case shall be scheduled and heard by the Children’s Division. SPD shall ensure necessary representation is provided in all delinquency proceedings.

Dated at Milwaukee, Wisconsin, this 27th day of August, 2026.



Hon. Carl Ashley
Chief Judge

CA: CB