

MARY E. TRIGGIANO  
Chief Judge  
Telephone: (414) 278-5116

CARL ASHLEY  
Deputy Chief Judge  
Telephone: (414) 278-5316

WILLIAM S. POCAN  
Deputy Chief Judge  
Telephone: (414) 278-4512

HOLLY SZABLEWSKI  
District Court Administrator  
Telephone: (414) 278-5115

STATE OF WISCONSIN

**FIRST JUDICIAL DISTRICT**

MILWAUKEE COUNTY COURTHOUSE  
901 NORTH NINTH STREET, ROOM 609  
MILWAUKEE, WISCONSIN 53233-1425

TELEPHONE (414) 278-5112  
FAX (414) 223-1264  
WEBSITE: [www.wicourts.gov](http://www.wicourts.gov)



**CHIEF JUDGE  
DIRECTIVE  
19-11A  
(AMENDED)**

**DATE:** May 17, 2022

**TO:** All Judges, All Court Commissioners, District Court Administrator, County Executive, Clerk of Circuit Court, Corporation Counsel, Sheriff, District Attorney, City Attorney, 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

**FROM:** Chief Judge Mary E. Triggiano

**RE: JUVENILES WAIVED TO ADULT COURT**

**IT IS HEREBY DIRECTED** that, the Children's Division Policy and Procedure #022 shall govern and direct treatment of juveniles waived to adult court.

**IT IS HEREBY FURTHER DIRECTED** that, the District Attorney's Office, Sheriff's Department, Clerk of Circuit Court, Public Defender's Office and Court Coordinator's Office shall cooperate and follow the Children's Division Policy and Procedure #022 herein, to give effect to this directive.

Dated at Milwaukee, Wisconsin, this 17<sup>th</sup> day of May 2022.

  
\_\_\_\_\_  
Hon. Mary E. Triggiano  
Chief Judge

MET: dla

Attachment: Milwaukee County Circuit Court Children's Division Policy & Procedure 022 Juveniles Waived to Adult Court

<b>Milwaukee County Circuit Court Children's Division</b> Policy & Procedure	Original Date Issued: 09/01/2019	Current Revision Date: 07/24/2019	Section:  CHAPTER 938	Policy No:  022	Pages:  Page 1 of 2
	Last Revision Date: N/A	Viewed By: Judge Donald			
<input checked="" type="checkbox"/> DMCPS <input checked="" type="checkbox"/> DYFS <input checked="" type="checkbox"/> District Attorney Office <input checked="" type="checkbox"/> Public Defender Office <input checked="" type="checkbox"/> Advisory Counsel <input checked="" type="checkbox"/> GALS	Current Effective Date:  09/03/2019	Subject:  <b>JUVENILES WAIVED TO ADULT COURT</b>			

The following policies and procedures apply to all juveniles who have been waived to adult court pursuant to Wis. Stat. §938.18(6).

- A. All Petitions for Waiver of Jurisdiction (Wisconsin Circuit Court Form JD-1722) shall be electronically submitted via eFiling to the Clerk of Circuit Court.
- B. The District Attorney shall electronically submit a proposed Order Waiving Juvenile Court Jurisdiction" (Wisconsin Circuit Court Form JD-1723) prior to the Waiver Hearing.
- C. If the waiver petition is denied, the case shall proceed according to scheduling timelines set forth in Wis. Stat. Chapter 938.
- D. If the waiver petition is granted, the court shall electronically sign the Order Waiving Juvenile Court Jurisdiction and distribute as follows:
  - a. Electronic Copy to the District Attorney and Juvenile's Attorney;
  - b. One copy or duplicate original to the Juvenile's Parents and the Sheriff's Department.
- E. If the waiver petition is granted, the Juvenile Court shall set bail and schedule a bail review 5 days after the waiver petition was granted. At the bail review hearing, the District Attorney shall inform the court of the status of the criminal case filing. If the criminal case is not yet filed, the court shall review bail and determine if release is appropriate. If the juvenile is not released, the District Attorney shall have 72 hours to file the criminal complaint. If the criminal complaint is not filed within 72 hours of the bail review hearing, the juvenile shall be released from custody.
- F. If the waiver petition is granted, the Milwaukee County Sheriff's Office at the Vel R. Phillips Youth and Family Justice Center shall immediately complete an Arrest & Detention Report (ADR), attach the Order Waiving Juvenile Court Jurisdiction (JD-1723) prepared by the District Attorney's Office and signed by the Judge, and any additional documents, as needed.

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G. Within 24 hours of the Juvenile Court's decision to waive juvenile court jurisdiction, the juvenile shall be booked into the Milwaukee County Jail pursuant to Chief Judge Amended Directive 12-10A.

- a. If the juvenile is 17 years of age or older, and is not presently subject to a juvenile court order, the juvenile shall be transported to the Milwaukee County Jail for booking and remain there.
- b. If the juvenile is under 17 years of age, or is subject to a juvenile court order, the juvenile shall remain in Secure Detention and be booked into the Milwaukee County Jail via mobile booking.