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STATE OF WISCONSIN

FIRST JUDICIAL DISTRICT

MILWAUKEE COUNTY COURTHOUSE
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DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **CHILDREN'S COURT DIRECTIVES, STANDING ORDERS, POLICIES AND PROCEDURES**

EFFECTIVE SEPTEMBER 3, 2019:

Over the past year and at my request, our District One Local Rules Committee for Children's Court painstakingly reviewed and revised our Local Rules related to Children's Court matters. Additionally, Chief Judge Directives are being issued to maintain alignment with Children's Court Standing Orders, Policies and Procedures. This was done in order to provide the Children's Court system with comprehensive, easy to understand and enforceable directives, policies and procedures. Attached you will find a culmination of their work and the following:

1. **CHIEF JUDGE DIRECTIVE 19-05:** Directive 19-05 rescinds all Children's Court Directives and Standing Orders previously signed by a Children's Court Presiding Judge effective September 1, 2019. In addition Directive 19-05 provides you with three tables. The first table lists previously issued Children's Court Presiding Judge Directives that have been reissued as Chief Judge Directives effective September 3, 2019. The second table provides you with Children's Division Directives that are rescinded effective September 3, 2019. That table also depicts rescinded directives that have been adopted and incorporated into the Children's Division Policies and Procedures. The final table depicts additional newly created Children's Division Policies and Procedures. Finally, Directive 19-05 orders that, effective September 3, 2019 all future Directives that affect the Children's Division will be signed and issued only by the Chief Judge.

2. **CHIEF JUDGE DIRECTIVES 19-06 through 19-11**. These Directives, including **19-05**, now represent the only Directives pertaining to Children's Court matters and are listed below:

    a. **19-06** – Authorization Allowing the Division of Milwaukee Child Protective Services (DMCPS) to make Decisions Concerning Certain Health Care Matters, Pursuant to Chapter 48;
    b. **19-07** – Appointment of Intake Attorneys Representing Parents Whose Children are Subject to an Ongoing Children In Need of Protection and Services (CHIPS) Case;
    c. **19-08** – Sharing of the Division of Milwaukee Child Protective Services (DMCPS) Records with the GAL and Children's Division Court Legal Counsel for Purposes of Screening Chapter 54 Guardianships;
    d. **19-09** – Release of Municipal Court Information with attached form;
    e. **19-10** – Release of Juvenile Information;
    f. **19-11** – Juveniles Waived to Adult Court with attached policies and procedures.

3. **POLICIES AND PROCEDURES 001 through 023** – Addressing a variety of issues at Children's Court in the following attachments, including:

    a. **001** - Children's Division Calendaring
    b. **002** - Permanency Planning Hearing Requirements
    c. **003** - Pro Se Guardianship Mediations
    d. **004** - Family Intervention and Support Services (FISS)
    e. **005** - Pro Se Chapter 54 Guardianship Filings
    f. **006 & 007** - Notice of Change in Placement
    g. **008** - Genetic Testing
    h. **009** - Voluntary Capias Returns
    i. **010** - Chapter 48 Guardianship Revision (Successor)
    j. **011** - Documentation required when filing a TPR
    k. **012** - Voluntary Transition to Independent Living Agreements
    l. **013** - Vital Statistics – Foster Care Cases
    m. **014** - Filing of Court Documents for the Children's Division
    n. **015** - Unified Court
    o. **016** - After Hours – Request for Temp. Guardianship in Medical Emergencies
    p. **017** - Access to Post Adoption Information to See Birth Sibling Placements
    q. **018** - Children Attending Court Hearings
    r. **019** - Milwaukee County Accountability Program (MCAP)
    s. **020** - Consent to Termination of Parental Rights on CHIPS/TPR Cases
    t. **021** - Bench Warrants, Arrest Warrants, Capias
    u. **022** - Juveniles Waived to Adult Court
    v. **023** - Wraparound Assessments

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

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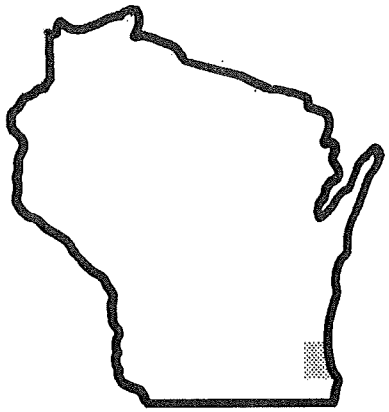

CHIEF JUDGE DIRECTIVE 19-05

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **RESCINDING CHILDREN'S COURT DIRECTIVES, STANDING ORDERS AND ADOPTING CHILDREN'S DIVISION POLICIES AND PROCEDURES**

EFFECTIVE SEPTEMBER 3, 2019:

IT IS HEREBY DIRECTED that, all Children's Court Directives and Standing Orders previously signed by a Children's Court Presiding Judge are hereby rescinded effective September 3, 2019; and,

IT IS HEREBY DIRECTED that, the following previously issued Children's Court Directives have been reissued as a Chief Judge Directives effective September 3, 2019 with no substantive changes:

CHILDREN'S DIVISION DIRECTIVE NUMBER	CHIEF JUDGE DIRECTIVE NUMBER	NAME	PREVIOUS ADOPTED DATE
	19-05	RESCINDING CHILDREN'S COURT DIRECTIVES, STANDING ORDERS AND ADOPTING CHILDREN'S DIVISION POLICIES AND PROCEDURES	
04-07C REVISED	**19-06**	AUTHORIZATION ALLOWING DMCPS TO MAKE DECISIONS CONCERNING CERTAIN HEALTH CARE MATTERS, PURSUANT TO CHAPTER 48	9/7/12

15-01	**19-07**	APPOINTMENT OF INTAKE ATTORNEYS REPRESENTING PARENTS WHOSE CHILDREN ARE SUBJECT TO AN ONGOING CHIPS CASE	6/5/15
12-04	**19-08**	SHARING OF DMCPS RECORDS WITH GUARDIANS AD LITEM IN CHAPTER 54 GUARDIANSHIP CASES	11/3/00
15-02	**19-08**	SHARING OF DMCPS RECORDS WITH CHILDREN'S DIVISION COURT LEGAL COUNSEL FOR THE PURPOSES OF SCREENING CHAPTER 54 GUARDIANSHIPS	4/5/15
STANDING ORDER	**19-09**	RELEASE OF MUNICIPAL COURT INFORMATION W/ATTACHMENT	2/2/01
STANDING ORDER	**19-10**	RELEASE OF JUVENILE INFORMATION	4/15/06
	19-11	JUVENILES WAIVED TO ADULT COURT W/ATTACHMENT	

IT IS HEREBY DIRECTED that, the following Children's Division Directives as listed in the table below are **rescinded** effective September 3, 2019. The table below depicts rescinded directives that have been adopted and incorporated into the Children's Division Policies and Procedures.

CHILDREN'S DIVISION DIRECTIVE NUMBER	PREVIOUS DATE ADOPTED	NAME	CHILDREN'S DIVISION NEW POLICY NUMBER
2000-01	4/24/00	TPR – UNDER AGE TWO	
2000-02	4/24/00	ADOPTION RECRUITMENT ORDERS	
2000-03	4/24/00	PROCESSING PETITIONS	
2000-04	11/3/00	ORIGINAL CHIPS DISPOSITIONAL ORDERS ENTERED AFTER NOVEMBER 15, 2000	
2001-01	2/2/01	DEPUTY CLERK ASSIGNMENT	
2002-01	5/3/02	TPR – ADOPTION CASES	
2003-01	2/4/03	DISCOVERY PROCESS – ORIGINAL CHIPS CASES	
2003-02R	2/11/03	INTAKE AODA SCREENS / ASSESSMENTS	
2003-03	3/10/03	JUDICIAL CALENDAR CHANGES	
2003-04	3/17/03	EMERGENCY REQUEST FOR SUSPENSION VISITATION	
2003-05A	11/17/03	REQUEST FOR ACCESS TO JUVENILE RECORDS	
2003-06	6/9/03	CONFIDENTIALITY OF STATEMENTS MADE AT COORDINATED SERVICE TEAM MEETINGS	
2003-07C	2/13/13	PERMANENCY PLANNING HEARING REQUIREMENTS	002
2003-08	8/4/03	CONSENT TO TERMINATION OF PARENTAL RIGHTS ON CHIPS/TPR CASES	020
2003-09	10/7/03	VITAL STATISTICS – FOSTER CARE CASES	013
2003-10C	3/5/04	CASE PROCESSING INITIATIVE	
2004-01A	12/1/05	DUTY JUDGE	
2004-04	4/6/04	PERMANENCY COUNSELOR, VOLUNTARY TPR	
2004-05	5/5/04	ORDERING OF JURY PANELS AT CHILDREN'S COURT	
2004-08	11/5/04	DELINQUENCY & BMCW RESPONSIBILITIES ON JOINT CASES	
2005-01	1/12/05	CALENDAR OVERBOOKING	
2005-02	2/16/05	CALENDAR OVERBOOKING	
2006-01	8/28/06	JUDICAL CALENDAR CHANGES	
2007-01	4/5/07	JUVENILES PLACED UNDER ORDER OF SUPERVISION	
2007-02	4/5/07	PRESIDING JUDGE CALENDAR	
2008-02	5/9/08	NOTICE OF CHANGE IN PLACEMENT	006 & 007

2009-01	2/4/09	AFTER HOURS - REQUEST FOR TEMP. GUARDIANSHIP IN MEDICAL EMERGENCIES	016
2009-02	5/29/09	BENCH WARRANTS, ARREST WARRANTS, CAPIAS	021
2009-03B	5/13/10	COMPREHENSIVE ASSESSMENT PROCESS REVISION	
2010-01	1/8/10	FOSTER PARENT AND RELATIVE CAREGIVER COURT EXPECTATIONS LETTER	
2010-02	1/8/10	PRO SE GUARDIANSHIP MEDIATIONS	003
2010-03A	7/27/10	TERMINATION OF PARENTAL RIGHTS CASES - Revised	
2010-04	7/27/10	AWOL/CAPIAS IN CHIPS CASES	021
2010-05	11/30/10	WRAPAROUND MILWAUKEE	
2010-06	9/30/10	CHIPS EXTENSION DISPOSITIONAL ORDER	
2011-02	8/30/11	ACCESS TO POST-ADOPTION INFORMATION TO SEEK BIRTH SIBLING PLACEMENTS	017
2011-03	8/30/11	CHILDREN ATTENDING COURT HEARINGS	018
2012-01	4/26/12	JUVENILES UNDER THE AGE OF 18 WHO ARE RELEASED FROM A CORRECTIONAL INSTITUTION OR ALTERNATIVE CARE FACILITY UNDER THE CUSTODY OF THE DEPT. OF CORRECTIONS AND HAVE NO SAFE, SUITABLE AND LEGAL HOME FOR THE JUVENILE	
2012-02	7/26/12	FILING OF DISCOVERY DOCUMENTS	
2012-03	7/25/12	UNIFIED COURT	015
2012-05A	5/13/13	MILWAUKEE COUNTY ACCOUNTABILITY PROGRAM (MCAP)	019
2012-06	11/6/12	WRAPAROUND ASSESSMENTS	023
2013-01	5/30/13	M.O.U. BETWEEN MILWAUKEE DISTRICT ATTORNEY'S OFFICE AND THE OFFICE OF THE STATE PUBLIC DEFENDER REGARDING DISCOVERY IN JUVENILE CASES	
2013-02	7/12/13	GLOBAL POSITIONING SYSTEM TECHNOLOGY AS AN ENHANCEMENT TO LEVEL II MONITORING	
2013-03	12/3/13	FAMILY INTERVENTION AND SUPPORT SERVICES (FISS)	004
2014-01	8/4/14	BRANCH 93 CHANGES	
2014-02	8/28/14	PUBLIC DEFENDER REPRESENTATION ON JUVENILE CASES	
2014-03	10/16/14	TERMINATION OF PARENTAL RIGHTS PETITION	

The table below depicts additional newly created Children's Division Policies and Procedures:

NAME	CHILDREN'S DIVISION NEW POLICY NUMBER
CHILDREN'S DIVISION CALENDARING	001
PRO SE CHAPTER 54 GUARDIANSHIP FILINGS	005
GENETIC TESTING	008
VOLUNTARY CAPIAS RETURNS	009
CHAPTER 48 GUARDIANSHIP REVISION (SUCCESSOR)	010
DOCUMENTATION REQUIRED WHEN FILING A TPR	011
VOLUNTARY TRANSITION TO INDEPENDENT LIVING AGREEMENTS	012
FILING OF COURT DOCUMENTS FOR THE CHILDREN'S DIVISION	014
JUVENILES WAIVED TO ADULT COURT	022

IT IS HEREBY FURTHER DIRECTED that, effective **September 3, 2019** all future Directives that affect the Children's Division will be signed and issued only by the Chief Judge.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 12/14/2011 Last Revision Date: N/A	Current Revision Date: 07/15/2019 Viewed By: Judge Donald	Section: All Children's Division	Policy No: 001	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Children's Division Calendaring**			

Chapter 54 Guardianships: All initial appearances on Chapter 54 Guardianship cases shall be calendared on a rotating basis on one of the five general children's division court calendars (following exceptions listed in the local rules) during a CHIPS time slot for 30 minutes. If no times are available during the CHIPS time slots, the Clerk of Circuit Court can use a delinquency time slot preferably at 8:30 a.m. or 1:30 p.m.

Harassment Injunctions: All harassment injunction hearings will be scheduled in Branch 93 for 30 minutes from 8:30 a.m. to 10:00 a.m.

Child Abuse Injunctions: All child abuse injunction hearings will be scheduled on the judge's calendar whose intake week falls on the date the injunction hearing is first scheduled for 30 minutes at 8:30 a.m. or 9:00 a.m., with no more than one child abuse injunction scheduled per day.

Daily Delinquencies: All daily delinquency cases will be tabbed on a rotating basis to one of the five general children's division court calendars (following exceptions listed in the local rules) and the plea hearing shall be scheduled for the first appearance in Branch 93, between 8:30 a.m. and 10:00 a.m. within 21 days.

CHIPS extensions and revisions: All CHIPS extensions and revisions shall be calendared for their initial appearance on the assigned judge's calendar in a CHIPs time slot for 15 minutes.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 06/23/2003 Last Revision Date: 02/13/2013	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48 CHAPTER 938	Policy No: 002	Pages: Page 1 of 3
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Permanency Plan Hearing Requirements**			

The Court will conduct a Permanency Hearing (PH) within 6 months of the initial removal of a child/juvenile from the home of a parent. As a general rule, PHs will alternate between the assigned court and the court commissioner. If the original CHIPS and/or delinquency proceeding is pending beyond 6 months, the first two PHs should be completed in the assigned court during that proceeding; the first PH, on or before the six-month anniversary of removal and the second PH at or around disposition. In this scenario, the third PH would be set before the commissioner no later than 6 months after the last PH.

After the dispositional hearing, the PH must be scheduled before the court commissioner no later than 6 months after the last PH. The court must ensure that a timely PH is set. Subsequently, after the conclusion of any PHs, the court must ensure that the case is calendared no later than 6 months after that hearing for the next PH before the court or court commissioner. The court has the discretion to calendar a PH earlier (but never later) than 6 months from the last PH date to correspond with a scheduled hearing, i.e. extension proceedings.

A court may, at its discretion, conduct a PH during a CHIPS extension or termination of parental rights (TPR) proceeding in order to avoid repetitive hearings in a short period. However, a court must be satisfied that necessary documentation has been filed and there are no notice issues. In these circumstances, the court must assure that the case is scheduled for the next PH no later than 6 months from that date and remove from the calendar the date which had been scheduled.

Children with both CHIPS and delinquency court orders require a PH be held on both cases. The PHs will be heard together by the assigned court or court commissioner. When the PH is before the assigned court, the cases will be scheduled during the court's CHIPS time slot, the CHIPS Assistant

District Attorney (ADA) will represent the District Attorney's office, and all required parties shall be noticed by the Clerk of Circuit Court (COCC).

When a termination of parental rights petition (TPR) is filed, the CHIPS PH becomes the responsibility of the assigned TPR judge and any scheduled CHIPS PHs should be transferred to the TPR court calendar. The COCC will identify the underlying CHIPS case when a TPR is filed and ensure that the CHIPS cases are cross referenced. PHs continue to be the responsibility of the TPR court until the TPR petition is dismissed or the petition is granted, all appeals exhausted and the adoption granted. The court must ensure that PHs are calendared and occur every 6 months. Entries documenting the PH and determinations must be entered in the TPR files. An entry will be made in the CHIPS file(s) indicating that a TPR was filed and that all PH entries relating to the child are made in the TPR file until that litigation is fully disposed. As a general rule, delinquency PHs continue to be held by the assigned delinquency court or court commissioner.

Division of Milwaukee Child Protective Services (DMCPS) and/or Division of Youth and Family Services (DYFS) must file the first written permanency plan within 60 days of the initial removal. DMCPS and/or DYFS must file an updated permanency plan (PP) 10 days prior to the scheduled PH. For children on both a CHIPS and delinquency order, DYFS is required to file only a PP supplement eight days prior to the scheduled PH. **Form JD-1791 shall be completed for each individual child.** The ADA or DMCPS ongoing case managers will complete and submit the CHIPS PH order for the court's signature at the conclusion of the hearing by the judge. The court shall complete all delinquency PP orders. The court commissioner will complete their orders. The COCC shall email a copy of the signed order to the agency's dropbox and shall mail a copy of the signed order to all non-legal parties who are statutorily required to receive same.

All PH requirements end when the child's placement is ordered in the home of a parent. PH requirements for CHIPS matters also end if an adoption is completed or guardianship is transferred (secs. 54 or 48.977) and the underlying CHIPS order is ended. If the CHIPS order is continued in conjunction with a guardianship order, PHs must continue. PHs on JV and CHIPS cases are still required if a child is placed in the home of a guardian until the order ends even though permanency has been achieved. PHs are also required if a child is placed out-of-home on a consent decree or is living at the home of a parent under Trial Reunification.

If a child is placed in a parental home under an order of supervision then removed via a change of placement, the Court will conduct a PH within 6 months of that subsequent removal from the home of a parent. The court must ensure that a timely PH is set any time an order is signed placing a child outside of the parental home for greater than 6 months. For these matters, DMCPS and/or DYFS's filing of the PP, the PH, and completion of the Form JD-1791 shall occur as outlined above.

If a court determines that a CHIPS case does not require a reasonable efforts finding, the CHIPS case must be calendared for a PH within 30 days of that determination.[1] After the initial PH, cases will be reviewed every 6 months on the alternating schedule between the court and commissioner until permanency is achieved. However, if a TPR petition is filed, all PHs will be before the TPR court.

[1] The district attorney must file a TPR petition within 60 days of a no reasonable efforts determination unless compelling circumstances exist.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 01/08/2010 — Last Revision Date: N/A	Current Revision Date: 7/24/2019 Viewed By: Judge Donald	Section: CHAPTER 54	Policy No: 003	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Pro Se Guardianship Mediation**			

Courts wishing to refer pro se Guardianship cases to mediation should explain mediation to parties and determine that everyone is willing to participate, determine who the necessary participants are, and order all participants to Room 1601 immediately following the hearing to schedule the mediation. The Deputy Court Clerk shall make the appropriate entry and schedule the case back on the assigned Judge's calendar within 30 days. The Administrative Assistant for the Courts in Room 1601, is responsible for scheduling and coordinating all mediations.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 12/03/2013 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48 CHAPTER 938	Policy No: 004	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Family Intervention and Support Services (FISS)**			

The Clerk of Circuit Court should not accept any pro se JIPS or CHIPS filings. Parents or children wishing to file a JIPS or CHIPS pro se petition shall be referred to the FISS unit for an assessment. Families needing services shall be offered services either through community services or FISS services, and any case that requires mandatory reporting shall be referred to 414-220-SAFE.

If, after services are attempted or refused and the family wants to seek court intervention, FISS shall complete a reassessment and refer the family to either the Division of Youth and Family Services (DYFS) or the Division of Milwaukee Child Protective Services (DMCPS) depending on whether based on FISS's assessment the case falls more properly under Chapter 48 or Chapter 938.

DYFS and DMCPS shall provide parents seeking a court order under Chapter 48 or Chapter 938 with the appropriate paperwork to file a petition with the Clerk of Circuit Court's Office. The Clerk of Circuit Court's Office should not accept a JIPS/CHIPS petition filed by the parent or guardian unless the petition is accompanied by a JIPS/CHIPS checklist signed by the DYFS Human Service Worker or a DMCPS Initial Assessment Specialist.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 09/01/2019 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 54	Policy No: 005	Pages: Page 1 of 2
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Pro Se Chapter 54 Guardianship Filings**			

Anyone wishing to file for a petition related to guardianship of a minor must file the petition and corresponding documentation with the Clerk of Circuit Courts (COCC), Children's Division. All guardianship of the estate of a minor must be filed in the Probate Division, at the downtown courthouse.

The petitioner must obtain the appropriate paperwork packet depending on the type of request being made. The COCC shall review CCAP records for the minor to ensure proper paperwork is given (ie. Chapter 48 vs. Chapter 54) or contact the Legal Counsel, Children's Division for guidance. Paperwork can be obtained the following ways:

a. In person, at the Clerk of Courts Office, Room 1530 of Vel R. Phillips Youth & Family Justice Center at 10201 W. Watertown Plank Rd. Wauwatosa, WI 53226. The COCC shall also provide each petitioner with a sample packet.
b. Online, at https://county.milwaukee.gov/EN/Courts/Court-Divisions/Childrens-Court
c. By calling 414-257-6907 and requesting paperwork be mailed (for petitioners living out-of-county only).

The petitioner must complete all portions of the paperwork in its entirety. For those individuals needing assistance with completing the paperwork, Kids Matter Inc. is a community resource that may be able to provide assistance. Kids Matter Inc. can be reached at 414-344-1220.

Paperwork may not be mailed in without prior authorization from the Legal Counsel, Children's Division.

Once the paperwork is completed, the petitioner must call 414-257-6907 to schedule an appointment with the Legal Counsel, Children's Division to review the paperwork for legal sufficiency. During this call the petitioner must provide the names and addresses of all parties involved in the guardianship including the child, biological/adjudicated parents, current placement, petitioner and

any other known persons that might have an interest in the guardianship. This information is necessary to ensure proper notice on the case.

On the scheduled review date, the petitioner will meet with the Legal Counsel, Children's Division to have the paperwork reviewed for legal sufficiency. Once the review is complete, the Legal Counsel, Children's Division will accompany the petitioner to the Clerk of Court's Office and the petition will be filed and a case number and court date assigned. Petitioners shall bring a valid driver's license or valid state ID so the documents being filed can be signed and notarized.

Once the petition is filed and the court date is scheduled, the COCC shall provide a conformed copy of the file stamped documents to the petitioner. The petitioner shall make the appropriate number of copies of the file stamped documents to provide to the parties that require service. The COCC will provide the petitioner with direction on service and notice requirements and the documentation that must be brought back to the court hearing. In addition, the petitioner shall sign a statement acknowledging they understand the service requirements. It is the petitioner's responsibility to provide Service and Notice to all parties on all Chapter 54 Guardianship cases.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 05/09/2008 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: All Children's Division	Policy No: 006	Pages: Page 1 of 6
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Notice of Change in Placement Post Dispositional**			

Any person authorized under Wis. Stats. §48.357 or §938.357 may request a change in placement by filing the appropriate forms under the appropriate case number. When a child has multiple cases, a separate form shall be filed for each case number.

For purposes of this Policy and Procedure:

1. The Clerk of Circuit Court (COCC), shall use the following dropbox email addresses for the corresponding agencies for delivery of notices and orders.
    1. SaintAcourtdocuments@sainta.org
    2. CHWCSCourtDocs@chw.org
    3. juvenileinfor@milwaukeecountywi.gov.
2. The agencies may also eFile any documents identified in this Policy and Procedure.
3. All attorneys appointed on a case shall receive electronic copies of documents filed with the court from the CCAP eFiling system, assuming the attorney has opted into the eFiling system on the case.

Non Emergency Cases Post Dispositional Cases

Out of Home to Out of Home, Out of Home to In Home, or In Home to In Home

Youth cannot be moved until the Court has signed the Order

A. The agency shall file **Form JD-1754** Notice of Change in Placement with the assigned court.
B. The Notice, Form JD-1754, must be scanned into CCAP and the Clerk shall email a copy of the file stamped notice to the filing agency's dropbox.
C. The agency must send a file stamped copy of Notice, Form JD-1754, to all non-legal parties on the same day it is filed with the Court.
D. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement when applicable.
E. The agency shall also file with the court the corresponding Order Form with the Notice, Form JD-1754. An order for each corresponding case number must be filed.

JD-1790 - Out of Home to Out of Home

JD-1792 - Out of Home to In Home

JD-1793 - In Home to In Home

F. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the COCC within 10 days, starting the day after the notice was filed with the court.

G. **Objection to the Change in Placement Filed**

1. If an objection is filed by any party who is entitled to Notice, the COCC shall schedule an initial appearance within 30 days of the original Notice being filed and provide notice of the hearing to all parties.
2. If all parties agree at the initial appearance, or upon the conclusion of the contested hearing, the court will sign the order either approving or denying the placement change.
3. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all other non-legal parties.
4. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

H. **No Objection to the Change in Placement**

1. If no objection is filed by a party who is entitled to notice within 10 days of notice being filed, the court can sign the order and approve the change in placement. If the court has concerns, the court can set a hearing prior to signing the order and the COCC shall provide notice of the hearing to all parties.
3. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all other non-legal parties.
4. If the agency does not receive a copy of the order within 20 days of filing of the Notice, the agency shall contact the assigned Court to inquire as to the status of the Order.

Non Emergency Cases

In Home to Out of Home

Youth cannot be moved until the Court has signed the Order

A. The agency/attorney shall file **Form JD-1766** Request to Change Placement with the assigned court. A non-legal party may eFile the request.

B. The COCC shall schedule a court hearing within 20 days from the filing of the Request, Form JD-1766.

C. The COCC will provide notice of the hearing to all parties with a copy of the Request, Form JD-1766.

D. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement when applicable.

E. At the subsequent hearing the agency/attorney filing the Request JD-1766 shall submit a copy of the Order **JD-1789** - In Home to Out of Home for signature. An order for each corresponding case number must be filed.

F. At the subsequent hearing the court will sign the order either approving or denying the placement change.

G. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all other non-legal parties.

H. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

Emergency Cases

Out of Home to Out of Home, Out of Home to In Home, or In Home to In Home

Youth can be moved immediately under emergency conditions and the agency shall file a Notice no later than 48 hours after the move.

A. The agency shall file **Form JD-1754** Notice of Change in Placement with the assigned court within **48 hours** of the youth being moved.

B. The Notice, Form JD-1754, must filed with the court and file stamped.

C. The agency must send a filed stamped copy of the Notice Form JD-1754 to all non-legal parties within 48 hours of the change in placement.

D. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement when applicable.

E. The agency shall submit to the court the corresponding proposed Order Form with the Notice. An order for each corresponding case number must be filed.

JD-1790 - Out of Home to Out of Home

JD-1792 - Out of Home to In Home

JD-1793 - In Home to In Home

F. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the assigned court within 10 days after the notice was filed with the court.

G. **Objection to the Change in Placement Filed**

1. If an objection is filed by any party who is entitled to Notice, the COCC shall schedule a hearing no later than 30 days of the original Notice being filed and provide notice of the hearing to all parties.
2. Upon the conclusion of the contested hearing, the court will sign the order either approving or denying the placement change.
3. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all other non-legal parties.
4. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

H. **No Objection to the Change in Placement**

1. If no objection is filed by a party who is entitled to Notice within 10 days of notice being filed, the court can sign the order and approve the Change in Placement. If the court has concerns, the court can set a hearing prior to signing the order and the COCC shall provide notice of the hearing to all parties.
2. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all other non-legal parties.
3. If the agency does not receive a copy of the order within 20 days of filing of the Notice, the agency shall contact the assigned Court to inquire as to the status of the Order.

Emergency Cases

In Home to Out of Home

Youth can be moved immediately under emergency conditions and the agency shall file a Notice no later than 48 hours after the move.

A. The agency shall file Form JD-1767, Notice of Postdisposition Emergency Change in Placement Hearing Request, with the assigned court immediately after the youth's placement is changed.
B. If the agency is eFiling the notice, contact the assigned court clerk to alert him/her regarding the emergency filing.
C. The COCC shall schedule a court hearing within 48 hour from the filing of the Notice Form JD-1767.
D. The agency shall provide a file-stamped copy of the notice of the hearing, JD-1767 to all non-legal parties by the most practical means.
E. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement when applicable.
F. A file stamped copy of the Notice Form JD-1767 shall be provided to the District Attorney's Office and, depending on the case type, the GAL, the Public Defender and the Parent's Counsel as appropriate.

G. At the subsequent hearing the agency filing the Notice shall file Form JD-1766, Request to Change Placement.

H. In addition, the agency shall submit a copy of the Order **JD-1789** - In Home to Out of Home for signature. An order for each corresponding case number must be filed.

I. At the subsequent hearing the court will sign the order either approving or denying the placement change.

J. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all other non-legal parties.

K. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

For purposes of counting the 10 days:

s. 801.15 Time.

(1)

(a) In this subsection, "holiday" means any day that is a holiday provided in s. 230.35 (4) (a) or a statewide legal holiday provided in s. 995.20 or both, and a full day on Good Friday.

(b) Notwithstanding ss. 985.09 and 990.001 (4), in computing any period of time prescribed or allowed by chs. 801 to 847, by any other statute governing actions and special proceedings, or by order of court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a day the clerk of courts office is closed. When the period of time prescribed or allowed is less than 11 days, Saturdays, Sundays and holidays shall be excluded in the computation.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 05/09/2008 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: All Children's Division	Policy No: 007	Pages: Page 1 of 5
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Notice of Change in Placement Pre Dispositional**			

Any person authorized under Wis. Stats. §48.217 or §938.217 may request a change in placement by filing the appropriate forms under the appropriate case number. When a youth has multiple cases, a separate form shall be filed for each case number.

For purposes of this Policy and Procedure:

1. The Clerk of Circuit Court (COCC), shall use the following dropbox email addresses for the corresponding agencies for delivery of notices and orders.
    1. SaintAcourtdocuments@sainta.org
    2. CHWCSCourtDocs@chw.org
    3. juvenileinfor@milwaukeecountywi.gov
2. The agencies may also eFile any documents identified in this Policy and Procedure.
3. All attorneys shall receive electronic copies of documents filed with the court from the CCAP eFiling system, assuming the attorney has opted into the eFiling system on the case.

Non-Emergency Pre-Disposition Cases

Out of Home to Out of Home, Out of Home to In Home, or In Home to In Home

Youth cannot be moved until the Court has signed the Order

A. The agency shall file **Form JD-1754**, Notice of Change in Placement with the assigned court and shall include what new information is available to justify the change that was not available at the previous hearing. A non-legal party may eFile the Notice.
B. The Notice, Form JD-1754, must be scanned into CCAP and the COCC shall email a copy of the notice to the agency's dropbox.
C. The agency must send a file stamped copy of Notice, Form JD-1754, to all non-legal parties on the same day it is filed with the Court.
D. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement, when applicable.

E. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the COCC within 10 days after the notice was filed with the court.

F. If an objection is filed and the next hearing is scheduled before the commissioner, the COCC shall schedule the objection in the assigned judge's court.

G. Every effort should be made to avoid multiple hearings in a short period of time. The COCC should schedule the objection during the next scheduled hearing time unless it exceeds 30 days from the original filing of the notice.

H. The COCC shall provide notice of the hearing to all parties.

I. At the subsequent hearing, the court will sign a Temporary Physical Custody Order, Form JD-1711 or an Amendment to TPC Order Form 1443A-2 R13 depending on if the placement is changed.

J. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to all non-legal parties.

K. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

Emergency Cases Pre-Disposition Cases

Out of Home to Out of Home, Out of Home to In Home, or In Home to In Home

Youth can be moved immediately under emergency conditions and the agency shall file a Notice of Change in Placement no later than 48 hours after the move.

A. The agency shall file **Form JD-1754**, Notice of Change in Placement with the assigned court and it shall include the information that was not available at the prior hearing to justify the change in placement.

B. The Notice, Form JD-1754, must filed with the court and file stamped.

C. The agency must send a filed stamped copy of the Notice, Form JD-1754, to all non-legal parties on the same day it is filed with the Court.

D. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement, when applicable.

E. Any party receiving notice may obtain a hearing on the matter by filing a written objection with the assigned court within 10 days after the notice was filed with the court.

F. If an objection is filed and the next hearing is scheduled before the commissioner, the COCC shall schedule the objection in the assigned judge's court.

G. Every effort should be made to avoid multiple hearings in a short period of time. The COCC should schedule the objection during the next scheduled hearing time unless it exceeds 30 days from the original filing of the notice.

H. The COCC will provide notice of the hearing to all parties.

I. At the subsequent hearing, the court will sign a Temporary Physical Custody Order Form JD-1711 or an Amendment to TPC Order Form 1443A-2 R13 depending on if the placement is changed.

J. The COCC shall email a copy of the signed order to the agency's dropbox and mail a copy to non-legal parties.

K. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

Non-Emergency Pre-Disposition Cases

In Home to Out of Home

Youth cannot be moved until the Court has signed the Order

A. The agency shall file **Form JD-1710,** Temporary Physical Custody Request with the assigned court.

B. The TPC Request, Form JD-1710, must be filed with the court and file stamped.

C. The agency must send a file stamped copy of the Notice, Form JD-1710, to all non-legal parties on the same day it is filed with the Court.

D. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placements when applicable.

E. The COCC shall schedule a hearing in the assigned judge's court. Every effort should be made to avoid multiple hearings in a short period of time. The COCC should schedule the hearing during the next scheduled hearing time unless it exceeds 30 days from the original filing of the Request.

F. The COCC will provide notice of the hearing to all parties.

G. At the subsequent hearing, the court will sign a TPC Order Form JD-1711 or an Amendment to TPC Order 1443A-2 R13 depending on if the placement is changed.

H. The COCC shall email a copy of the signed order to the agency's dropbox and mail to non-legal parties.

I. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

Emergency Pre-Disposition Cases

In Home to Out of Home

Youth can be moved immediately under emergency conditions and the agency shall file a Temporary Physical Custody Request no later than 48 hours after the move.

A. The agency shall file **Form JD-1710,** Temporary Physical Custody Request with the assigned court no later than **48 hours** after the youth has been moved.

B. The TPC Request, Form JD-1710, must be filed with the court and file stamped.

C. The COCC shall schedule a hearing within 48 hours of receipt of the TPC Request, Form JD-1710.

D. The agency must send a filed stamped copy of the TPC Request, Form JD-1710, to all parties and must provide notice of the hearing by the most practical means.

E. Non-legal parties entitled to notice include: parents, guardians, legal custodian of the child, juvenile, child if over twelve, foster parent or other physical custodian, and child's CASA, Indian Tribe and proposed secure placement, when applicable.

F. At the subsequent hearing, the court will sign a TPC Order Form JD-1711 or an Amendment to TPC 1443A-2 R13 Order depending on the placement is changed.

G. The COCC shall email a copy of the signed order to the agency's dropbox and mail to non-legal parties.

H. If the placement is changed, the COCC shall change the party information and make the appropriate docket entry.

For purposes of counting the day 10 days:

801.15 Time.

(1)

(a) In this subsection, "holiday" means any day that is a holiday provided in s. 230.35 (4) (a) or a statewide legal holiday provided in s. 995.20 or both, and a full day on Good Friday.

(b) Notwithstanding ss. 985.09 and 990.001 (4), in computing any period of time prescribed or allowed by chs. 801 to 847, by any other statute governing actions and special proceedings, or by order of court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a day the clerk of courts office is closed. When the period of time prescribed or allowed is less than 11 days, Saturdays, Sundays and holidays shall be excluded in the computation.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 09/01/2019 / Last Revision Date: N/A	Current Review Date: 07/24/2019 Review By: Judge Donald	Section: ALL CHILDREN'S DIVISION	Policy No: 008	Pages: Page 1 of 3
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Genetic Testing**			

In order to ensure the court does not order genetic testing when not warranted, the IA worker or the case manager must be able to answer the following questions in order to determine the legal status of fathers:

1. Was the mother married at the time of birth or conception of the child?
2. Is there a father named on the birth certificate?
3. Is there a valid Voluntary Paternity Acknowledgment Form filed with the State of Wisconsin?
4. Is there adjudication in a family or paternity case? Note the FA or PA case number.
5. If the Assistant District Attorney or Division of Milwaukee Child Protective Services (DMCPS), does not have answers to the above question, contact the Unified Court Coordinator at (414) 257-7990 prior to ordering testing.

When genetic testing is ordered at Children's Court, the Administrative Assistant to the Courts (AAC) will assist in facilitating the testing for children and adults living out of county or incarcerated.

If there is a question as to whether the child or alleged father has been DNA tested per the Genetic Test Order, please contact the AAC at 414-257-5422, Brian.Neu@wicourts.gov or see him in Room 1601 at Children's Court. Once the child and alleged father have been collected, within about two weeks Children's Court should receive a hard copy of the test results. The results will be scanned and docketed. If both parties have been collected and results are not in the docket sheet, the court can contact the AAC to check the DDC website.

TESTING of the CHILD

Lives in the Milwaukee area

The IA worker/case manager for the child shall call 414-257-5422 or email Brian.Neu@wicourts.gov to schedule DNA testing for the child within 2 business days of the genetic

testing order being signed. The test shall be completed within 7 **business days** of the genetic testing order being signed.

Times are usually available Mon. - Fri. 8:15 am - 11:30 am and 1:15 pm - 4:00 pm. The IA worker/case manager shall be present for the genetic sample collection of the child to verify the child's identity. The IA worker/case manager is responsible for transporting or organizing transportation.

If the Child is placed out of the Milwaukee area or in the hospital

The IA worker/case manager shall call 414-257-5422 or email Brian.Neu@wicourts.gov to arrange for DNA testing **immediately following the hearing.** The IA worker/case manager will need to provide a copy of the Genetic Test Order and the address of the placement for the child or the hospital's name, address, and the phone number for a hospital social worker. The AAC will submit a request with The DNA Testing Lab to schedule an appointment for the child on a day of the week or time of the day that works best for the placement. The DNA Testing Lab will email the appointment information to the AAC who will forward the appointment confirmation to the IA worker/case manager to forward to the placement.

TESTING of the ALLEGED FATHER

Lives in the Milwaukee area

If the alleged father has a copy of the Genetic Test Order and a photo ID, one of the Bailiffs at Children's Court can collect his sample while he is here for his hearing. If he does not have a copy of the Order, he can stop at the window of Room 1601 to get a copy and the AAC will call a Bailiff to DNA test the alleged father.

Lives out of the county or state

The IA worker/case manager or the alleged father's attorney shall call 414-257-5422 or email Brian.Neu@wicourts.gov to arrange for the father to be DNA tested. The IA worker/case manager or

father's attorney will need to provide a copy of the Genetic Test Order and the address of the alleged father to the AAC. The AAC will submit a request with The DNA Testing Lab to schedule an appointment for the alleged father. Please let the AAC know if there is a day of the week or time of the day that works best for the alleged father. These requests should be completed right away. The DNA Testing Lab will schedule the appointment and email the information to the AAC. The AAC will forward the appointment confirmation to the IA worker/case manager (and/or alleged father's attorney) to forward to the alleged father.

Incarcerated Alleged Fathers

The IA worker/case manager or the alleged father's attorney shall call 414-257-5422 or email Brian.Neu@wicourts.gov and the AAC will submit a request with The DNA Testing Lab to have the alleged father collected at the Correctional Facility. The AAC will need a copy of the Genetic Test Order, Inmate #, Correctional Facility name, address, and phone number. Collection at some Correctional Facilities can take up to four weeks, so the IA worker/case manager should contact the AAC immediately following the signing of the order.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 07/16/2007 Last Revision Date: N/A	Current Review Date: 07/24/2019 Review By: Judge Donald	Section: CHAPTER 938	Policy No: 009	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Voluntary Capias Returns**			

All voluntary capias returns will be heard by the tabbed judge when the delinquency Assistant District Attorney (ADA) is available. Cases should not be scheduled in advance, but should be heard on the day the juvenile physically appears at the Vel R. Phillips Youth and Family Justice Center (YFJC) *preferably* at 11:30 a.m. or 1:30 p.m. When the juvenile physically appears at the YFJC, the Public Defender (PD) shall notify the appropriate Deputy Court Clerk (DCC). If the assigned court is scheduled to hear delinquency cases, first contact the DCC to determine if they have time on their calendar to hear the case. If the tabbed court cannot hear the case, contact the DCC in Br. 93. The case shall be heard by Branch 93.

The PD shall also contact the ADA and the assigned human service worker (HSW) or their supervisor by phone to inform them that the juvenile/youth has arrived to do a voluntary capias return. Every effort shall be made by the PD to notify the appropriate HSW so that an appropriate placement for the juvenile/youth can be arranged, if necessary. In addition, the PD shall notify the check-in clerk that there will be a voluntary capias return and that the case should be placed in line. The check-in clerk shall contact the file room to have the file brought to court when a file is available and the case does not exist electronically.

If at any time a court cannot be found to hear the case, the check-in clerk shall contact the Delinquency Court Coordinator at (414) 257-7989 or Judicial Operations Manager (414) 454-4189 to assist in finding a court to hear the case. Under no circumstances will a juvenile be turned away if he or she arrives at the YFJC for a voluntary capias return.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 09/01/2019 Last Revision Date: N/A	Current Review Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48	Policy No: 010	Pages: Page 1 of 2
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Chapter 48 Guardianship Revision (Successor)**			

A person seeking to become the successor ("new") guardian (petitioner) must call the Division of Milwaukee Child Protective Service (DMCPS) and request that the agency complete an assessment (home study) of the petitioner's home and where the child(ren) currently reside. The DMCPS number is **414-220-SAFE (7233)**. Once the assessment (home study) has been completed and a report has been completed by the Initial Assessment Specialist (IAS) (usually about two or three weeks after the home study), the IAS should provide a copy to the petitioner. In addition, the IAS shall fax a copy of the home study report to the Permanency Counselor at 414-454-4411 or email it to Catherine.McCoy@wisconsin.gov.

Once the home study is completed and the petitioner has received the home study, the petitioner shall contact the Permanency Counselor who will complete a notice sheet by gathering all biographical information on the person seeking to become the new/successor guardian and the others involved. The Permanency Counselor will obtain a copy of the home study either from the person seeking to become the new/successor guardian or from DMCPS directly. A Guardian ad litem (GAL) will be appointed, (when possible the previous GAL will be appointed) and the home study and biographical information will be forwarded to them.

The appointed GAL will investigate the request by the petitioner and make a determination on whether the filing of a petition would be in the best interests of the child. The GAL's investigation shall be completed within 30 days, upon which the GAL either files a petition for Revision of Disposition Order; and/or files any other petition on behalf of the child that the GAL deems to be in the child's best interests; upon good cause, requests another 30 days to complete the investigation; or if the GAL determines that the filing of a petition is not in the child's best interests, notifies the Court, DMCPS, the current Guardian, and the person seeking to become the new/successor guardian.

It is anticipated that the GAL will file **Form JC-1628** Petition to Revise Guardianship Order (Chapter 48), when any of the following apply:

1. The CHIPS Dispositional Order has been terminated;
2. The guardian(s) is/are alleged to be deceased, unwilling, unable or unfit to continue as Guardian(s);
3. Neither guardian(s) nor parent(s) have come forward to file a Petition to Terminate or Revise the Guardianship or the guardian(s) has not filed a resignation; or
4. Another person or persons present themselves as fit and appropriate to assume the duties of Guardian.

The GAL shall eFile the Request for Revision. The COCC will schedule a hearing within 30 days and will provide notice to all parties.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 02/09/2018 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48	Policy No: 011	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Documentation Required when Filing a TPR**			

When Division of Milwaukee Child Protective Services (DMCPS) is filing a termination of parental rights referral, the District Attorney's Office requires the following information in order for a TPR referral to be considered complete:

1. The last known addresses of the biological parent(s) and alleged fathers;
2. A certified copy of the birth certificate;
3. Inquiry on paternal interest;
4. All marriage, divorce and adjudication documents on the biological parents;
5. Acknowledgment of paternity form;
6. Voluntary Paternity Acknowledgment;
7. Individual Adoptability Report (report should include any medical or mental health needs);
8. Name of the DMCPS ongoing worker, phone number and email address.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 09/01/2019 Last Revision Date: N/A	Current Review Date: 07/24/2019 Review By: Judge Donald	Section: CHAPTER 48	Policy No: 012	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Voluntary Transition to Independent Living Agreements**			

Wis. Stat. §48.366 allows individuals placed in out-of-home care pursuant to a CHIPS order to choose to continue to stay in out-of-home care and receive services after age 18 without a court order under a Voluntary Transition to Independent Living Agreement. In order to qualify, the person must be a full-time student and have an Individualized Education Plan (IEP) in effect. The Voluntary Transition to Independent Living Agreement can remain in effect until the person turns 21, is granted a High School Diploma or HSED, or is terminated at the person's request, whichever occurs first.

1) Division of Milwaukee Child Protective Services (DMCPS) will file Petition (**Form JD-1810**) within 150 days of the Transition to Independent Living Agreement being entered into for determination that the out-of-home placement is in the person's best interest.
2) Along with the Petition, DMCPS shall also provide an Order (**Form JD-1811**) for the Judge's signature.
3) The Petition will be filed under the JC case number that placed the individual in out-of-home care until age 18 or beyond. If there is no JC case in Milwaukee County, the Clerk of Circuit Court's Office will assign a GJ case number.
4) A Hearing on the Petition will be scheduled within **30 days** of filing.
5) The hearing will be scheduled before the judge to whom the case was previously assigned to. If the case was not previously before the Milwaukee County Circuit Court or there is no successor judge previously assigned, the case shall be scheduled in front of the presiding judge.
6) DMCPS is responsible for providing Notice/Service for the Petition to the following parties not less than three (3) days before the scheduled hearing:
    a. The person who is the subject of Petition/Voluntary Transition to Independent Living Agreement.
    b. The guardian of the person who is in out of home care.
    c. The placement of the person.
7) The petition must be granted or denied within 180 days of the Transition to Independent Living Agreement being entered into.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 10/07/2003 / Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48	Policy No: 013	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Vital Statistics Documents for CHIPS Cases**			

In order to ensure the timely achievement of permanency for children in foster care, the following information must be obtained and placed in the Division of Milwaukee Child Protective Services/or their assigned subagent case file prior to the plea hearing:

1. The last known addresses of the biological parent(s) and alleged fathers;
2. All marriage, divorce and adjudication documents on the biological parents;
3. Declaration of Paternal Interest;
4. A certified copy of the child's birth certificate;
5. Voluntary Paternity Acknowledgment (if applicable).

In Federal Fast Track cases, all documents shall be obtained immediately following a court determination that reasonable efforts to reunify the family are not necessary or appropriate, Wis. Stat. §48.355(2d).

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 09/01/2019 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: All Children's Division	Policy No: 014	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Filing of Court Documents for the Children's Division**			

If documents are <u>not</u> eFiled by the Agency they shall be filled as follows:

Documents that shall be filed with the Clerk of Circuit Court's Office Room 1530

- Chapter 54 guardianships
- Sanction motions unless filed during the pendency of a case by the DYFS human service worker

Documents that shall be filed with the Legal Counsel, Children's Division

- Agency or pro se adoption filings

Documents that shall be filed with the Check-in Clerk of the assigned Branch

- All court reports shall be filed at least two days prior to the hearing.

Documents that shall be filed with the CHIPS/TPR Permanency Plan Check-in Clerk

- All CHIPS and TPR permanency plans shall be filed on the second floor in room 2500 at least 12 days prior to the hearing.

Documents that shall be filed with the Delinquency Court Coordinator

- Delinquency permanency plans or permanency plan supplementals shall be filed with the Delinquency Court Coordinator in Room 1601 at least 12 days prior to the hearing.

Filings when there is an open Capias

- DYFS human service workers shall refrain from filing any petitions (except requests to extend dispositional order) when a capias has been issued for the juvenile and the juvenile remains AWOL.
- Petitions for change of placement, revisions, and sanctions should be filed by the DYFS human service worker in Branch 93 at the capias return hearing and served on all parties.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 07/25/2012 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: ALL CHILDREN'S DIVISION	Policy No: 015	Pages: Page 1 of 2
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Unified Court**			

When the District Attorney's Office receives a request for temporary physical custody (TPC) of a child who is determined to be safely placed with the **non-custodial** parent (per the family court order) and the parents are willing to stipulate to a modification of the existing family court order, the ADA should contact the Unified Court Coordinator in Room 1601 prior to the TPC hearing so that the family court stipulation and order can be prepared and reviewed prior to the hearing.

In addition, during the pendency of the CHIPS case or dispositional order, if at anytime the child is safely placed with the **non-custodial** parent (per the family court order), the case may be referred to the Unified Court Coordinator to address child support orders. Additionally, upon guardianships being granted or terminated, the cases may be referred to the Unified Court Coordinator to address child support adjustments for payees and payors.

The Case Closure Order procedure (Wis. Stat. §48.355(4g) and §938.355(4g)) may be used 1) when the juvenile court case has reached disposition, 2) the child is placed with a safe and suitable parent, and 3) there is an underlying family court case to be modified. Any subsequent modifications after the Case Closure Order is entered shall be addressed by the family court using the normal procedures under Ch. 767.

If the Case Closure Order cannot be implemented because it does not meet the above criteria, then a Resolution Conference is required and must be scheduled and facilitated by the moving party's attorney **prior** to filing the family court modification motion in Unified Court. The Resolution Conference is to be scheduled with the Unified Court Coordinator, Presiding Judge's Deputy Court Clerk, or Administrative Assistant Courts on the Mediation and Resolution Meeting Room calendar. The Resolution Conference shall be attended by the parents, their respective attorneys, the guardian

ad litem, and the ongoing case manager with consultation from the Child Support Services' attorney. The Court shall require the moving party's attorney to go to Room 1601 at the Vel R. Phillips Youth and Family Justice Center (YFJC) to obtain the Unified Court packet that contains all forms and instructions.

The moving party's attorney MUST file the following information with the Unified Court at least 21-30 days prior to the Unified Court hearing date:

- Resolution Conference Outcome Form;
- Notice of Motion and Motion to Change Support/Legal Custody/Physical Placement (**Form FA 4170-V**) or prepare your own, and sufficient copies for distribution;
- MANDATORY $50.00 filing fee for a motion to change placement (Attorneys shall pay per eFiling requirements); **or**
- Attach a signed and approved copy of Petition for Waiver of Filing and Service Fees-Affidavit of Indigency and Order (**Form CV-410**). The Indigency Form must be submitted to the Judicial Operations Manager for approval in Room 1601.

The Unified Court will hear contested and non-contested matters in the following case types: JC-CHIPS, JG-Guardianships, PA-Paternity adjudications, FA–Family court orders; custody, placement, and child support.

In all cases where the Children's Court Division has ordered genetic testing and the paternity results indicate a probability of paternity at 99% or greater, the case shall be referred to the Unified Court Coordinator to initiate a paternity action or filing of a Voluntary Paternity Acknowledgment.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 02/04/2009 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: ALL CHILDREN'S DIVISION	Policy No: 016	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **After Hours – Request for Temporary Guardianship in Medical Emergencies**			

If an emergency medical situation occurs during non-business hours and the child's parent or guardian is unable or unwilling to sign the necessary medical consent forms, Division of Milwaukee Child Protective Services (DMCPS) or Division of Youth and Family Services (DYFS) may contact the duty judge to obtain an oral order for temporary guardianship.

The agency requesting the temporary guardianship shall document (prior to contacting the duty judge) the reasonable efforts made to locate the parent(s)/guardian to secure consent of the parent if feasible, the specifics of the emergency and, when applicable, the attending physician's name and phone number. The agency supervisor shall contact the duty judge with the appropriate information.

If the judge grants an ex parte order for temporary guardianship pursuant to Wis. Stat. §54.50; on the next business day, the agency shall submit to the judge who granted the temporary guardianship the *Order on Petition for Temporary Guardianship* (**Form GN-3250**). The court shall call the case on the record and sign the order, if applicable. The agency shall serve all parties with a copy of the order.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 08/30/2011 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48	Policy No: 017	Pages: Page 1 of 1
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Access to Post Adoption Information to Seek Birth Sibling Placements**			

Pursuant to Wis. Stats. §48.78(2), the Division of Milwaukee Child Protective Services (DMCPS) and their contract agencies providing placement services are authorized and directed to access any and all Department of Children and Families (DCF) and DMCPS records, including eWiSACWIS, to determine whether a child(ren) taken and held in custody under the provisions of Chapter 48 have a sibling(s) (including a birth sibling(s) who has subsequently been adopted as defined in Wis. Stat. §48.38(4)(br)1 in placement and whether the child in custody can be placed with that sibling as required by Wis. Stats. §48.21(5)(b)2m and §48.355(2)(b)6p. The information secured through this process shall be used solely for the purpose of complying with the requirements of Wis. Stats. §48.21(5)(b)2m and §48.355(2)(b)6p.

When adoptive parent(s) are identified through this information and contacted as to their willingness to accept placement of a birth sibling(s), the DMCPS will assure the adoptive parent(s) that identifying information regarding themselves and their children has not been disclosed to anyone other than DMCPS personnel and the courts to comply with sibling placement requirements If the adoptive parents(s) accept placement of the sibling(s), identifying information will only be disclosed as required by law.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 08/30/2011 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48	Policy No: 018	Pages: Page 1 of 2
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Children Attending Court Hearings**			

Children eight years old to eleven years old shall attend all hearings during the pendency of a CHIPS case and the Division of Milwaukee Child Protective Services (DMCPS) shall be responsible for coordinating and ensuring the transportation of these children to court. If the Guardian ad Litem (GAL) believes that it would not be in the child's best interest to attend a hearing, the GAL shall be prepared to articulate the specific reasons for the child's absence from court. The existence of a no contact order between the parent and the child shall be considered good cause to excuse the appearance of the child from court.

Children twelve years old and above shall attend the emergency temporary physical custody hearing and all subsequent hearings during the pendency of a CHIPS case and the Division of Milwaukee Child Protective Services (DMCPS) shall be responsible for coordinating and ensuring the transportation of these children to court. If the child refuses to be transported to the court hearing, the case manager shall contact the child's attorney immediately.

If at anytime the GAL or attorney for the child feels the child should not attend a hearing or a child makes a knowing and voluntary decision to not attend a hearing, the attorney representing the child or the GAL in a TPR or guardianship case can request that the child's appearance be waived. Only the child's attorney or GAL can ask that a child's appearance be waived.

If at anytime an attorney/GAL for the child feels it would be inappropriate to have the child wait in the waiting area with the parent, the attorney/GAL should make arrangements with DMCPS or their contract agencies prior to the hearing to have the child report directly to the Public Defender's office and/or Guardian ad Litem's (GAL) office until the case is called. If at anytime during the hearing, one of the parties feels that a matter or topic needs to be discussed that is inappropriate with the child

present, the party shall alert the court and the court shall decide whether the child should be excused from that portion of the hearing.

In addition, if at any time a GAL feels that it is in the best interest of the child **under** the age of eight to attend a hearing, the GAL should coordinate the child's appearance with the DMCPS contract agency case manager.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 08/28/2012 Last Revision Date: 05/13/2013	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 938	Policy No: 019	Pages: Page 1 of 2
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Milwaukee County Accountability Program (MCAP)**			

Preamble

Per Wis. Stat. §938.06(5) Short-term detention as a disposition, the County Board of Supervisors of any county may, by resolution, authorize the court to use detention as a disposition under Wis. Stats. §§938.34(3)(f) or (6)(am). In June of 2012, the Director of the Department of Health and Human Services (DHHS), went to the Milwaukee County Board to request authorization to implement a short-term secure placement program within the Milwaukee County Secure Detention Center-juvenile facility as a dispositional placement option for at risk juveniles. On July 26, 2012, the County Board adopted a resolution (File No. 12-564) approving the use of the Detention Center as a post dispositional placement.

Juveniles can be ordered into the Milwaukee County Accountability Program (MCAP) for a one year order which uses the Detention Center as a post dispositional placement option for a six month period. Juveniles must be identified by the Division of Youth and Families Services (DYFS) as at risk for a Type I placement through the use of the Youth Assessment and Screening Instrument (YASI) and determined appropriate for the program through a Division staffing. Juvenile should not be placed on a waiting list for MCAP without the court determining that the juvenile will be able to maintain a post disposition placement in the first phase of MCAP for a minimum of six month.

Juveniles ordered into MCAP shall have a review set on the assigned Branch's calendar every 60 days post disposition for the duration of the order.

If it is determined that a juvenile in MCAP needs to be temporarily moved to the general population in the detention center, the Human Service Worker (HSW) can move the juvenile if they have stayed sanction days based on DYFS department policies. If the juvenile does not have stayed sanction days

and the Superintendent or Deputy Superintendent determine the juvenile must be moved, a hearing must be conducted within 24 hours of the juvenile being moved into the general population. Prior to the hearing, the HSW must file a petition for sanctions. The HSW or the detention staff shall provide notice of the hearing to all parties including telephone notice. The detention center staff shall ensure that the detention list reflects the need for a hearing in Branch 93.

If it is determined by the Superintendent of Detention that a juvenile needs to be permanently removed from the MCAP program and immediately placed in the general population, a hearing must be conducted within 24 hours and the HSW shall file a petition for revision and change of placement that will be heard on the next business day. The HSW or the detention staff shall provide notice to all parties including contacting all parties via phone regarding the hearing. The detention center staff shall ensure that the detention list reflects the need for a hearing in Branch 93.

If a youth commits a new offense during Phase II of MCAP, the youth shall not be placed in the secure MCAP program.

When a juvenile is to be placed outside of the detention center as they enter Phase II of the MCAP program, the HSW shall file a notice of change in placement including all appropriate orders to be signed by the court no later than ten business days before the anticipated discharge date. If no one objects to the change in placement, the HSW shall move the juvenile to the community or alternative placement once the order is signed. **Youth cannot be moved without a signed order** (See *Milwaukee County Circuit Court Children's Division Policy and Procedure 006.*)

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 08/04/2003 Last Revision Date: N/A	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48	Policy No: 020	Pages: Page 1 of 3
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Consent to Termination of Parental Rights**			

In any involuntary termination of parental rights (TPR) case, if a case manager or parent's attorney is advised by a parent that they wish to consent to termination of parental rights, the matter will be scheduled for a hearing to accept the consent to termination within 10 days of the parent's request. If there is a pending plea hearing (initial appearance) already scheduled on the TPR court's calendar, the consent will be accepted at the plea hearing.

In any instance in which a parent wishes to consent to termination of parental rights while another parent of the same child(ren) is continuing to contest the petition for involuntary termination of parental rights, pursuant to Wis. Stat. §803.04(4) the fact-finding phase of those proceedings are severed so as to avoid delay, embarrassment or prejudice to the consenting parent. The assigned judge may order otherwise if he or she deems it appropriate. If the fact-finding phase is severed, the proceedings in which the consenting parent offers testimony in support of the voluntary consent to termination is closed and confidential pursuant to Wis. Stat. §48.299. Testimony will be strictly limited to the parent's consent and any unresolved paternity issues. Only the remaining parties to the severed fact-finding proceeding will be present. As a matter of courtesy, counsel for a non-consenting parent will be notified of the date and location of the consent hearing and may be present. However, absent the agreement of the consenting parent or an order of the court, the non-consenting parent will not be allowed to be present. Dispositional hearings are not severed under this policy unless the assigned judge orders separate dispositional hearings.

If at any time during the pendency of an involuntary termination of parental rights case, a case manager is advised by a parent that he or she wishes to voluntarily consent to termination of parental rights, the case manager is to immediately contact the parent's attorney (if the parent has an

attorney) and advise the attorney of the parent's decision. The parent's attorney shall consult with their client as soon as possible and, if the client confirms that they wish to consent and the lawyer is satisfied the decision is informed and voluntary, the parent's attorney should contact the assigned court to schedule a hearing within 10 days. The parent's attorney will be responsible for notifying the assigned assistant district attorney, guardian ad litem and ongoing case manager of the date, time and location of the hearing. As a matter of courtesy, notice of the time, place and location of the hearing will also be provided to any non-consenting parent's attorney. He or she may attend the consent hearing, however, absent the agreement of the consenting parent or an order of the assigned judge, the non-consenting parent may not attend the hearing.

In instances in which an unrepresented parent expresses an intention to consent to termination of parental rights after filing and before the first court hearing (plea hearing/initial appearance), the case manager should contact the clerk of the assigned court to advise that a consent is anticipated at the first hearing. The clerk of the assigned court will contact the State Public Defender to assure that an attorney will be available prior to the scheduled hearing to consult with the parent, determine eligibility for representation and the desire of the parent to be represented. If the parent is eligible and wishes to be represented, counsel will consult with their client as to their rights and alternatives. Every reasonable effort will be made to accept the consent to termination on the date of the first hearing if the defense counsel, other attorneys and the court is satisfied the consent is informed and voluntary. If case calendaring in the assigned branch prevents that court from accepting the consent on that date, the clerk should contact the other courts to determine if they can accept the consent on that date.[1] If the parent is not eligible for representation by the Public Defender or declines

[1] Consultation should occur as soon as the assigned branch learns of the potential for consent if it appears that the assigned court will not have time to accept the consent testimony.

representation, the court will accept the consent from the parent if it is informed and voluntary. The policy regarding severance of the fact-finding proceedings and those permitted to be present during consent testimony applies to the circumstances governed by this paragraph as well.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 02/10/2004 Last Revision Date: 07/27/2010	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Section: CHAPTER 48 CHAPTER 938	Policy No: 021	Pages: Page 1 of 7
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Capias Procedures for Delinquency and CHIPS Cases**			

Delinquency: A Capias (**warrant**) shall be issued by the court in a delinquency case when the juvenile has been summoned and has not yet appeared in court or otherwise submitted to the jurisdiction of the court. The court may stay the execution of the Capias until a date-certain if it determines there is good cause to do so. Capias may be used when a juvenile does not appear for their detention hearing or plea hearing on a daily delinquency ("order-in"). The Capias shall specify the name of the crime and the section charged and the number of the section alleged to have been violated.

Delinquency, CHIPS and JIPS: A Capias **may** be issued by the court when a juvenile has previously appeared in court or submitted to the jurisdiction of the court, but fails to appear for a subsequent hearing. A Capias may also be issued by the Court in either a delinquency, a child in need of protection and service (CHIPS), or a juvenile in need of protection and services (JIPS) case when a juvenile/child fails to comply with certain court orders or is reported as a runaway (AWOL from a court ordered placement).

A Capias issued based on a CHIPS or JIPS petition is not sufficient grounds for holding a juvenile/child in secure custody pending appearance at court.

Information Required on all Capias
In order for law enforcement to apprehend and take custody of a child/juvenile, the following information must be included in the capias:

Date of Birth:
Sex:
Race:
Hair Color:
Height:
Weight:
Phone:
Other Identifying Characteristics:
Statutory charge for the juvenile and whether it is a Felony or Misdemeanor

JV-Delinquency and Juveniles in Need of Protection and Services Cases

When there is a Pending Case and the Juvenile Has Not Yet Appeared in Court or Has Missed a Court Hearing:

If the juvenile is not present at the hearing, the court shall order a Capias. The court may stay the execution of the Capias until a date-certain if it determines there is good cause to do so. The additional text box should **ONLY** be used to instruct the police department what they should do with the juvenile after he/she is apprehended. Additional text box should read:

Transport to the Detention Center.

All juveniles transported to the Detention Center will be screened for secure holding based on the detention intake policy. **All of these cases shall be heard by Branch 93.**

In cases where the court wants the juvenile held in secure custody until brought before a court the additional text box should read:

Transport to the Detention Center pending a secure detention hearing.

All of these cases will be heard by Branch 93, unless the docket sheet reflects the following:

Court orders override of detention intake policy and the juvenile shall not be released until brought before Branch _____.

The COCC will have to check the appropriate boxes on the Capias:

☐ A summons to appear in this court was issued to the person named below and:
- ☐ the summons was served and this person failed to appear and obey the summons.
- ☐ the summons could not be served,

(OR)

☐ The person has:
- ☐ failed to appear for a scheduled and known hearing.

Once the request is provided to the Court and approved, the Clerk of Circuit Court (COCC) will create the Capias in CCAP and forward it to the court for signature. The COCC will print a copy of the signed order for the Bailiff in court and email a copy to the agency's dropbox.

Capias Requested by Division of Youth and Family Services (DYFS):

If DYFS requests the apprehension of a juvenile that has run away from a court ordered placement or is out of compliance with a court order, DYFS should file the apprehension request with Branch 93. This apprehension request should include the signature of the DYFS Administrator.

When the COCC completes the apprehension request in CCAP the additional text box should **ONLY** be used to instruct the police department what they should do with the juvenile after he/she is apprehended and taken into custody. The additional text box should be limited to:

Transport to the Detention Center pending a secure detention hearing.

The COCC will have to check the appropriate boxes on the Capias:

☐ The person has:
  ☐ been reported as a runaway.
☐ Other: _____ *(This section of the Capias should be used to explain in further detail the reason for the Capias. In most cases it should read "Juvenile has violated a court order.")*

Once the Capias is completed in CCAP by the COCC it should be provided to the court for signature. The COCC shall provide a copy to the Bailiff in court and email a signed copy to the agency's dropbox. **All these cases shall be heard by Branch 93.**

JC-Children in Need of Protection and Service Cases (JC cases)

Capias Requested by the Division of Milwaukee Child Protective Services (DMCPS):

If a child on a CHIPS order is AWOL from their court ordered placement, the ongoing case manager shall immediately undertake reasonable efforts to locate the child by contacting the family; prior caretakers; the school, etc. The ongoing case manager shall immediately fax an apprehension request to the assigned judge at (414) 454-4074 that includes the specific efforts made by the case manager to locate the child; the child's date of birth; court case number(s), a basic physical description of the child, including approximate weight and height, hair color, eye color and any distinctive marks (tattoos, scars, if applicable), and last known address. Copies of the apprehension request shall be provided to all non-legal parties by the ongoing case manager on the same day the request is filed with the court.

Once the COCC receives the fax, the COCC shall scan in the apprehension request for the assigned judge. The court will have the case called on the record and issue a Capias pursuant to Wis. Stats. §§48.19(1)(d)1 and 4. The additional text box should ONLY be used to instruct the police department what they should do with the child after he/she is apprehended.

Additional text box should read:

> ***Contact DMCPS case manager's name at phone number (which can be found in the left hand corner of the request) or call 220-SAFE for placement.***

If DMCPS is unable to find a placement and the police department transports the child to detention, custody intake will release the child to a temporary shelter per intake policy or to DMCPS.

In **rare** cases the court may wish to hold a child in need of protection and services in secure detention for violating a court order. The docket sheet shall read:

Court orders override of detention intake policy and the child shall remain in detention until brought before the assigned court. Child being held pursuant to a Valid Court Order Exception of Juvenile Justice Delinquency Prevention Act (JJDPA).

The additional text box should read:

Transport to the Detention Center pending a secure detention hearing.

The Deputy Court Clerk will have to check the appropriate boxes on the Capias:

☐ The person has:
- ☐ failed to appear for a scheduled and known hearing.
- ☐ been reported as a runaway.

☐ Other: _____ *(This section of the Capias should be used to explain in further detail the reason for the Capias.)*

Once the court signs the Capias the clerk shall print one out and provide it to the Bailiff in court, email a signed copy to the agency's dropbox.

The DMCPS should provide an appropriate placement for the child upon apprehension by law enforcement. If the child is found and the placement can be resolved by returning the child to the court ordered placement or via a notice of change in placement, the ongoing case manager can request that the Capias be withdrawn or canceled by faxing a request to the assigned judge at (414) 454-4074. If documentation is presented from detention stating that the child was released from

detention directly to DMCPS, Branch 93 shall withdraw the capias; no appearances are required by the child or DMCPS. If the child was released to temporary shelter by detention, per intake policy, the assigned DMCPS case manager shall appear with or without the child in Branch 93 to withdraw the Capias.

If the assigned judge orders the child to be transported to the Detention Center pending a hearing, the judge who issues the Capias shall conduct the appropriate hearing under Wis. Stat. §48.21. The COCC shall notify the assigned court of the Capias return upon receipt of the detention list. If the assigned judge is unable to hear the case, the Deputy Court Clerk or judge shall contact the Commissioner in Branch 93 to see if the Commissioner is available to hear the case.

Direction to Law Enforcement

Please note that all warrants for underlying Children's Court proceedings will always be in the form of a Capias. Please note that statutorily, a Capias is equivalent to a bench warrant and an arrest warrant.

Entering information in NCIC by the Sheriff's Department:

1. When the petition underlying the proceeding is under Wis. Stat. §48.13, as noted in the statutory reference section of the Capias, the child is in need of protection and service (CHIPS). In the majority of these cases, the court will direct law enforcement to contact the Division of Milwaukee Child Protective Services (DMCPS) at (414) 220-SAFE. The instruction might also include the assigned case manager's number who should be available during regular business hours to place the child. The DMCPS should provide an appropriate placement for the child upon apprehension by law enforcement. In rare cases, the court may direct law enforcement to transport to the Detention Center pending a hearing. The intake worker does not have discretion

to release the child/juvenile if the Capias specifies that the child/juvenile must be held in secure detention until brought before the court.

2. If the petition underlying the proceeding is under Wis. Stat. §938.13, as noted in the statutory reference section of the Capias, the juvenile is in need of protection and service (JIPS), In these cases, the court will most likely direct law enforcement to transport to the Detention Center pending a hearing, however law enforcement might be directed to contact DMCPS at (414) 220-SAFE.

   This procedure implies that the intake worker at the detention center has full discretion per intake policy, at the time the juvenile is transported to determine if the juvenile will be held in secure custody, non secure custody, or released home. The intake worker does not have discretion to release the child/juvenile if the Capias specifies that the child/juvenile must be held in secure detention until brought before the court.

3. If the petition underlying the proceeding is under Wis. Stat. §938.208(1), as noted in the statutory reference section of the Capias, the juvenile is alleged delinquent. In all of these cases law enforcement will be directed that when apprehended the juvenile shall be taken to the Juvenile Detention Center under the authority of Wis. Stat. §938.19(1)(b).

   This procedure implies that the intake worker at the detention center has full discretion per intake policy, at the time the juvenile is transported to determine if the child/juvenile will be held in secure custody, non secure custody, or released home. The intake worker does not have discretion to release the child/juvenile if the Capias specifies that the child/juvenile must be held in secure detention until brought before the court.

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

The following polices 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.

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.

Milwaukee County Circuit Court Children's Division Policy & Procedure	Original Date Issued: 11/06/2012 Last Revision Date: 09/01/2019	Current Revision Date: 07/24/2019 Viewed By: Judge Donald	Sections: CHAPTER 48 CHAPTER 938	Policy No: 023	Pages: Page 1 of 2
☒ DMCPS ☒ DYFS ☒ District Attorney Office ☒ Public Defender Office ☒ Advisory Counsel ☒ GALS	Current Effective Date: 09/03/2019	Subject: **Wraparound Milwaukee Assessments**			

Wraparound Milwaukee, the umbrella for Milwaukee County Children's Mental Health Services, includes voluntary mental health programs and services for youth, including Wraparound, REACH, Older Youth and Emerging Adult Heroes (O-YEAH) and Comprehensive Community Services (CCS). These programs do not require a court order for enrollment. Wraparound, REACH and O-YEAH programs are part of a Medicaid HMO, which requires a DSM-V diagnosis and determination that the youth meets other seriously emotionally disturbed (SED) requirements. If eligible, the court may require a youth to participate in one of the programs as a condition of their supervision.

When a youth is referred to Wraparound Milwaukee, an assessment will be completed to determine which program may meet the youth's needs. The Wraparound Milwaukee Screener will be responsible for gathering information regarding the youth's mental health status, including any diagnoses that qualify the youth for enrollment. If sufficient information is not available, or the diagnostic information is outdated, the Screener will partner with Children's Mobile Crisis (CMC) to have an evaluation completed by CMC staff. If clinically appropriate and necessary for determining eligibility, the Screener will coordinate additional psychological testing which may include a psychological evaluation. Needed assessments should be coordinated prior to the next hearing assuming Wraparound Milwaukee received the referral in a timely manner. If a parent is unwilling to sign the necessary documents for an evaluation to be completed, Wraparound Milwaukee shall contact the assigned human service worker (HSW), or ongoing case manager (OCM), who can facilitate getting the document signed or the filing of a temporary guardianship.

Any completed psychological evaluations will be for the sole purpose of providing a DSM-V diagnosis and a recommendation to the court regarding the youth's eligibility for mental health treatment. The psychological evaluation will not become part of the court record.

The screener/HSW shall submit a court letter outlining Wraparound Milwaukee's findings from the assessment, any recommendations, and DSM-V diagnoses in conjunction with the Division of Youth and Family Services/Division of Milwaukee Child Protective Services recommendation. The HSW/OCM assigned to the case **shall** provide the following information to the court if the assessment has **not** been completed:

1. When was the referral to Wraparound submitted/received?
2. When did the meeting with the youth and family occur? If not, what are the barriers?
3. What other documentation or consultation is needed for Wraparound to make an enrollment decision? What are the barriers to obtaining these items? What is the plan to overcome these barriers?
4. Is there anything additional court parties should know about the screening for this child?

When a party is requesting a Wraparound assessment, the party shall complete and submit to the court for signature a form JD-1731, Petition For Examination or Assessment and only check the box entitled Wraparound assessment under #1. The party shall also submit for signature a form JD-1732, Order for Examination or Assessment.

Note: It is the court's expectation that a referral to Wraparound will occur when the MASI identifies a mental health need.

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District Court Administrator
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STATE OF WISCONSIN

FIRST JUDICIAL DISTRICT

MILWAUKEE COUNTY COURTHOUSE
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CHIEF JUDGE DIRECTIVE 19-06

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **AUTHORIZATION ALLOWING THE DIVISION OF MILWAUKEE CHILD PROTECTIVE SERVICES (DMCPS) TO MAKE DECISIONS CONCERNING CERTAIN HEALTH CARE MATTERS, PURSUANT TO CHAPTER 48.**

EFFECTIVE SEPTEMBER 3, 2019:

IT IS HEREBY DIRECTED that, the DMCPS shall, in all cases in which the DMCPS has temporary physical custody or legal custody of a child, have authority to make decisions for enrollment with health providers for the child; and,

IT IS HEREBY DIRECTED that, the DMCPS shall, in all cases in which the DMCPS has temporary physical custody or legal custody of a child, have authority to consent to the provision of routine medical care for the child including immunizations and vaccinations; an assessment of the child's medical, nutritional, dental, developmental and emotional and behavioral status; and, an initial mental health screening; and,

IT IS HEREBY DIRECTED that, immunizations shall be defined by the Recommended Immunization Schedule for children ages 0-18 years as approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP); and,

IT IS HEREBY DIRECTED that, if the initial mental health screening shows the need for a mental health assessment or mental health treatment, parental consent will be required before an assessment or any treatment can be given to the child; and now therefore,

IT IS HEREBY FURTHER DIRECTED that, if such consent cannot be obtained, the DMCPS will return to the court to seek a court order for a mental health assessment or treatment.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

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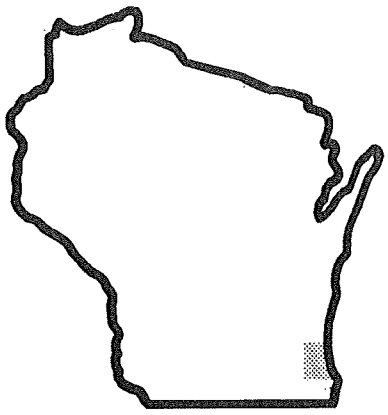

CHIEF JUDGE
DIRECTIVE
19-07

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **APPOINTMENT OF INTAKE ATTORNEYS REPRESENTING PARENTS WHOSE CHILDREN ARE SUBJECT TO AN ONGOING CHILDREN IN NEED OF PROTECTION AND SERVICES (CHIPS) CASE**

EFFECTIVE SEPTEMBER 3, 2019:

IT IS HEREBY DIRECTED that, an Attorney representing a parent in an ongoing CHIPS case is hereby appointed to represent that parent if that parent has a subsequent child subject to a Temporary Physical Custody Order; and,

IT IS HEREBY DIRECTED that, the appointment will take effect prior to the Temporary Physical Custody hearing; and now therefore,

IT IS HEREBY FURTHER DIRECTED that, the Court shall review the appropriateness of the intake attorney appointment at the Temporary Physical Custody hearing.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

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CHIEF JUDGE DIRECTIVE 19-08

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **SHARING OF THE DIVISION OF MILWAUKEE CHILD PROTECTIVE SERVICES (DMCPS) RECORDS WITH THE GUARDIAN AD LITEM (GAL) AND CHILDREN'S DIVISION COURT LEGAL COUNSEL FOR PURPOSES OF SCREENING CHAPTER 54 GUARDIANSHIPS**

EFFECTIVE SEPTEMBER 3, 2019:

IT IS HEREBY DIRECTED that, the Court authorizes the DMCPS to share abuse and neglect reports and records under Wis. Stat. §48.78(2) (a) relating to the child who may be the subject of a Chapter 54 guardianship; and,

IT IS HEREBY DIRECTED that, the Court authorizes the guardian ad litem to access any Chapter 48 court files, under Wis. Stat. §48.396(2), relating to the child who may be the subject of a Chapter 54 guardianship; and,

IT IS HEREBY DIRECTED that, information related to the child's parents, and any prospective guardian shall be shared with the assigned GAL for the purpose of investigating the guardianship request and making a recommendation to the court regrading the appropriateness of the request; and,

IT IS HEREBY DIRECTED that, information related to the child's parents, and any prospective guardian shall be shared with the Children's Division court staff for the purpose of screening the request for appropriateness, legal sufficiency, and any potential issues related to the filing of the petition; now therefore,

IT IS HEREBY FURTHER DIRECTED that, the GAL and Children's Division Court Legal Counsel that obtains access to a report or record from DMCPS, shall keep the information confidential and may only disclose that information to the court, unless directed by the court to disclose that information to all parties to the proceeding.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

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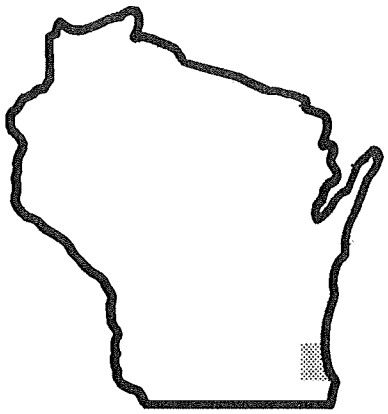

CHIEF JUDGE
DIRECTIVE
19-09

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **RELEASE OF MUNICIPAL COURT INFORMATION**

EFFECTIVE SEPTEMBER 3, 2019:

IT IS HEREBY DIRECTED that, information regarding juveniles prosecuted in Municipal Courts within Milwaukee County shall be released to the Milwaukee County Division of Youth and Family Services; and,

IT IS HEREBY DIRECTED that, to ensure the release of information is provided only to authorized staff, staff shall request this information on the authorized Request for Juvenile Municipal Court Information facsimile form which is attached; and,

IT IS HEREBY FURTHER DIRECTED that, the Municipal Court shall release this information to the Division of Youth and Family Services upon request.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

Attachment: Request for Juvenile Municipal Court Information Facsimile Form

VEL R. PHLLIPS YOUTH JUSTICE CENTER
DIVISION OF YOUTH AND FAMILY SERVICES
10201 WEST WATERTOWN PLANK ROAD
WAUWATOSA, WISCONSIN 53226-3532
PHONE: 414-257-7721

DIVISION OF YOUTH AND FAMILY SERVICES FAX NUMBERS

☐ **ADMINISTRATION: 414-257-8199**
☐ **HSW 1ST FLOOR: 414-257-7711**
☐ **MANAGEMENT: 414-257-7660**
☐ **HSW 2ND FLOOR: 414-257-8128**

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REVIEW ☐ SHRED WHEN DISCARDED

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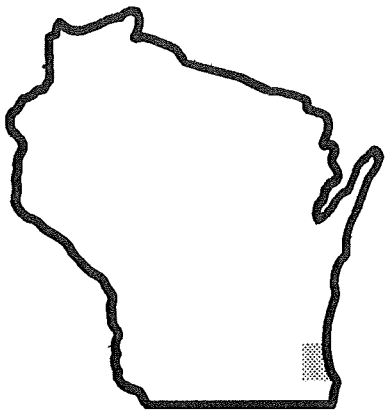

CHIEF JUDGE
DIRECTIVE
19-10

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **RELEASE OF JUVENILE INFORMATION**

EFFECTIVE SEPTEMBER 3, 2019:

IT IS HEREBY DIRECTED that, pursuant to Wis. Stat. §938.78, Agency Records are confidential and may only be disclosed pursuant to statutorily enumerated exceptions or by order of the court. "Agency" for purposes of this directive means the Division of Youth and Family Services (DYFS); and,

IT IS HEREBY DIRECTED that, pursuant to the court's authority under Wis. Stat. 938.78(2) (a) to authorize the release of DYFS Records, copies of service provider records, for which DYFS is the custodian of the records, generated by agencies or individuals providing services to a juvenile under a dispositional order signed by the court shall be made available to the prosecution or defense upon written request so as to enable them to perform their statutory duties; and,

IT IS HEREBY DIRECTED that, this directive does not authorize the release of case notes generated by DYFS staff (Human Service Workers) nor HIPPA protected or other legally privileged information; and now therefore,

IT IS HEREBY FURTHER DIRECTED that, this directive does not authorize the re-release of any records by anyone to third parties. Any party obtaining records pursuant to this directive is expressly prohibited from releasing the records or their contents to any third party.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

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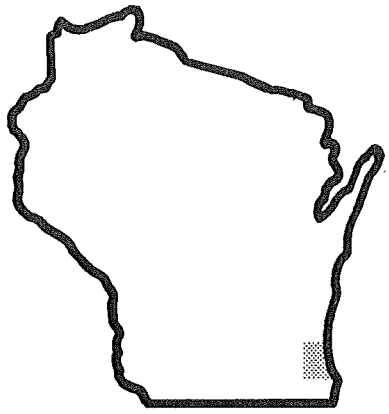

CHIEF JUDGE
DIRECTIVE
19-11

DATE: August 15, 2019

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, Delinquency and Court Services Division, Division of Milwaukee Child Protective Services, Legal Aid Society, JusticePoint, WCS, Managing Court Reporter, IMSD, Legal Resource Center, CCAP, Facilities Management, Press

FROM: Chief Judge Maxine Aldridge White

RE: **JUVENILES WAIVED TO ADULT COURT**

IT IS HEREBY DIRECTED that, **effective September 3, 2019**, the attached policies and procedures 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 attached policy and procedure herein, to give effect to this directive.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2019.

Hon. Maxine Aldridge White
Chief Judge

MAW: dla

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

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

The following polices 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.

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.