

Juvenile Model Record Keeping Procedures

<https://courtnet.wicourts.gov/policies/modelrecord.htm>

<https://courtnet.wicourts.gov/education/ccip/index.htm>

Juvenile Adoption Procedures - <https://courtnet.wicourts.gov/education/ccip/docs/juvadoption.pdf>

Juvenile Children's Code Chapter 48 -

<https://courtnet.wicourts.gov/education/ccip/docs/childrenscodechap48.pdf>

Juvenile DNA at Arrest - <https://courtnet.wicourts.gov/education/ccip/docs/dnaatarrest.pdf>

Juvenile – Indian Child Welfare Act (ICWA) - <https://courtnet.wicourts.gov/policies/docs/mrkicwa.docx>

Juvenile Justice Code – Chapter 938 -

<https://courtnet.wicourts.gov/education/ccip/docs/juvjusticecodechap938.pdf>

Victim Procedures - <https://courtnet.wicourts.gov/education/ccip/docs/victimproceduresinccap.pdf>

Juvenile Adoption Procedures

❖ **Note:** Adult Adoption Model Record Keeping Procedures are located under Probate/Guardianship > Adult Adoption MRK procedures - <http://courtnet.wicourts.gov/policies/modelrecord.htm>

❖ **Note:** Adoptive Placements are located in the TPR Model Record Keeping procedures.

The adoption of children are within the exclusive jurisdiction of the juvenile court pursuant to [§48.14\(3\)](#).

As of January 2, 2024, JA case type should be used for Juvenile Adoptions and AD case type should be used for Adult Adoptions. The same class code 50601 applies to JA and AD adoptions.

Court commissioners may not conduct hearings for adoptions. [§757.69 \(1m\)\(c\)](#)

Eligible Petitioners

The following individuals may file an adoption petition under [§48.90 \(1\)](#):

- A relative of the child by blood or by adoption, excluding parents whose parental rights have been terminated and persons whose relationship to the child is derived through such parents.
- The child's stepparent.
- Written approval of the guardian provided with petition.
- Proposed adoptive parent with whom the child has been placed under [§48.839](#).

Venue

Venue is in the county where:

- the proposed adoptive parent or child resides or
- a petition for TPR was filed or granted. [§48.83 \(1\)](#)

Processing a New Petition

- In CCAP Case Management, click on *Cases* in eFiling review queues.
- Double click on the filing to open it for review.
- Confirm the parties on the Petition match the parties on the Overview page.
- Select *Next* to continue processing the filing.
- Enter *JA* as the case type.
- Assign case number, if not auto-sequenced.
- Confirm *50601* class code – Adoption.
- Assign filing Court Official following county procedure.

- Process petition and any attachments using the following events:

JC-1645	Petition for Minor Child Adoption	PFA	Petition for adoption
	Certified TPR Order(s)	CCTPR	Certified copy of TPR order
DCF letter	Guardian recommendation for adoption	RCMD	recommendation

- Review the document name to determine if it needs to be renamed per county procedure.
- Select *OK* to return to the Documents screen to file any remaining documents.
- All documents will indicate *Processed* when completed.
- When all documents are filed, click on *Next*.
- Select *Save*.
- Verify parties section matches parties listed on Petition.
Parties – AD – Adoptive Father, AM – Adoptive Mother, CH – Child, FA – Father, IC – Indian Custodian, MO – Mother, PE – Petitioner, TR – Tribe
Notice Recipients - AG – Agency, FP – Foster Parent, OT – Other, PC – Physical Custodian*, SW – Social Worker
*Physical Custodian is not yet programmed in CCAP as a Notice Recipient.

❖ **Note:** The certified TPR orders may not be filed with the petition for step-parent adoptions if parental rights have not been terminated yet.

❖ **Note:** If the child has a guardian, a recommendation for adoption can be attached and filed with the adoption petition or it can be filed at least 10 days prior to the adoption hearing. [§48.85 \(1\)](#). Public adoption agencies have their own form or use their letterhead. Milwaukee DMCPs has their own form.

❖ **Note:** The Petition for Adoptive Placement (JC-1640) should be filed in the TP case with the TPR petition, not in a JA case. It seeks to place the child with an adoptive placement in private adoption cases during the TPR case.

➤ **Practice tip:** Consider entering phone numbers and checking send reminder text message.

Scheduling the Adoption Hearing

- The court shall schedule an adoption hearing within 90 days of the Petition for Minor Child Adoption being filed. [§48.88 \(1m\)](#)
- Use the following activity code:

ADOH	Adoption Hearing
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Order for Hearing and Notice

- If a proposed order is not filed, the court should prepare an Order for Hearing based on the type of adoption filing.
 - JC-1641 – Order for Hearing and Investigation (Adoption) must be used for non-step-parent adoptions. [§48.88 \(2\)\(a\)](#)
 - The court may request the tribal child welfare department of the Indian child's tribe to conduct the investigation. If the tribal child welfare department agrees, the investigation is accepted in lieu of the adoption agency. [§48.88 \(2\)\(ag\)](#)
 - JC-1643 – Order for Hearing and Screening (Stepparent Adoption) must be used for step-parent adoptions. [§48.88 \(2\)\(c\)](#)
- The judge should sign the Order for Hearing - JC-1641 or JC-1643.
- Process these documents using the following events:

JC-1641*	<i>Proposed Order: Order for Hearing and Investigation (Adoptive Placement/Adoption)</i>	POHI	Prop Order Hearing and Investigation (Adoption)
JC-1641	Order for Hearing and Investigation (Adoptive Placement/Adoption)	OHI	Order for hearing and investigation (adoption)
JC-1643*	<i>Proposed Order: Order for Hearing and Screening (Stepparent Adoption)</i>	POHS	Prop Order Hearing and Screening- Stepparent Adopt
JC-1643	Order for Hearing and Screening (Stepparent Adoption)	OHS	Order for hearing and screening (stepparent adopt)
JD-1724	Notice of Hearing (Juvenile)	NOH	Notice of hearing
IW-1724	Notice of Hearing (Juvenile) – ICWA	NOHI	Notice of hearing – ICWA *not yet active in JA
JD-1825	Affidavit of Service (Chapter 48 and 938)	AFS	Affidavit of service

- The Order for Hearing will serve as notice of the adoption hearing.
 - Some counties will also issue JD-1724 or IW-1724 – Notice of Hearing.
- The Order for Hearing forms state the petitioner shall give notice of the hearing by mailing a copy of this order to interested persons.
- Notice shall be mailed, not later than 3 days from the date of the Order for Hearing and Investigation (JC-1641) to: [§48.88 \(1m\)](#)
 - Child - if 12 years old or older,
 - Child's Guardian ad Litem/Adversary Counsel,
 - Adoptive Parents,
 - Parents' Attorney(s),
 - Adoption Agency,
 - Tribe and Indian Custodian (if applicable)

- Notice for Order for Hearing and Screening (JC-1643) shall be mailed to:
 - Child's Guardian ad Litem
 - Stepparent
 - Birth Parents
 - Parents' Attorney(s)
 - Adoption Agency,
 - Tribe and Indian Custodian (if applicable)
- JD-1825 – Affidavit of Service may be filed by the petitioner to show notice was provided.

❖ **Note:** The Order for Hearing and Investigation (Adoptive Placement) (JC-1641) should be filed in the TP case, not in a JA case. It seeks to place the child with an adoptive placement in private adoption, non-stepparent cases during the TPR case.

Appointing a Guardian ad Litem

- The court shall appoint a Guardian ad Litem for any child who is subject to a contested adoption proceeding. [§48.235 \(1\)\(c\)](#)
 - The child's age does not apply to adoption proceedings for a Guardian ad Litem.
 - SPD will appoint if the court makes a referral through [§48.23 \(3\)](#).

JD-1798A	Order Appointing Guardian ad Litem or Attorney (Ch. 48 and 938)	OAG	Order Appointing GAL
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❖ **Note:** At any time, upon request or on its own motion, the court may appoint counsel for the child or any party, unless the child or the party has or wishes to retain counsel of his or her own choosing. [§48.23 \(3\)](#)

Documents that must be filed prior to Adoption Hearing

1. Investigation or Screening/Home Study

- *Public and Private* - The adoption investigation report shall be filed at least 10 days before the adoption hearing. [§48.88 \(2\)\(b\)](#)
 - The statewide DCF form is Adoption Investigation Report to Circuit Court.
 - Milwaukee's form is the Report to the Court on the Adoption Investigation.
- *Step-parent* – The report of the screening shall be filed with the court within 30 days. [§48.88 \(2\)\(c\)](#)
 - The report may be called the step-parent screening or adoption homestudy summary step-parent adoption.
 - It is typically filed on the adoption agency's letterhead but some private agencies may have their own form.

2. Guardian Recommendation for Adoption

- A. If the child has a guardian, a recommendation must be filed at least 10 days before the adoption hearing, if not filed with the adoption petition. [§48.85 \(1\)](#)
- B. Public adoption agencies have their own form or use their letterhead.
 - Milwaukee DMCPs has their own form.

- Process these documents using the following events:

DCF	Adoption Investigation Report to Circuit Court Report to the court on the adoption investigation	ARO	Adoption – report of investigator
DCF	Step-parent screening or Adoption homestudy summary step-parent adoption	SPAS	Step-parent adoption screening
DCF	Guardian recommendation for adoption	RCMD	recommendation

- The Consent to Adoption (JC-1646) may be filed. This form can be used for any party to consent to the adoption. There is not a statutory procedure requiring when this form must be used.

JC-1646	Consent to Adoption	CTAD	Consent to adoption
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Birth Certificates

❖ **Note:** A birth certificate should not be retained or scanned into the court file. [§69.24](#) prohibits the copying of a vital record except under the limited circumstances specified in [§69.30](#). There is not a statute requiring the birth certificate to be filed with the court in a TPR or adoption proceeding.

- Option 1* - GF-158 - Annotation of Birth Facts Abstracted from Certified Copy of the Birth Certificate can be used. This form will be filed in the case in lieu of the certified copy of the birth certificate noting important information from the birth certificate. The clerk would complete the form and return the birth certificate.
- Option 2* - If the judge or a party wants the birth certificate filed in the case, it should be sealed. This can be done on the judge's own motion or the petitioner can file the Motion to Seal or Redact a Court Record (GF-246A).
- If needed, process these documents using the following events:

GF-158	Annotation of Birth Facts Abstracted from Certified Copy of the Birth Certificate	ABF	Annotation of Birth Facts
GF-246A	Motion to Seal or Redact a Court Record	MSD	Motion to Seal Document
GF-246B*	<i>Proposed Order: Order on Motion to Seal or Redact a Court Record</i>	POSD	Prop. Order to Seal Document *not yet active in JA
GF-246B	Order on Motion to Seal or Redact a Court Record	OSD	Order to Seal Document

Adoption Hearing

- Adoption hearings can be informal and held in chambers unless an interested person objects. [§48.91 \(1\)](#)
- The petitioner and a minor 14 or older shall attend the adoption hearing unless the court orders otherwise. [§48.91 \(1\)](#)
- If the court is satisfied that the necessary consents or recommendations have been filed and the adoption is in the best interests of the child, the court shall make an order granting the adoption. [§48.91 \(3\)](#)
 - For an Indian child, the court shall comply with the order of placement preference unless the court finds good cause for departing from that order. [§48.91 \(3\)](#)
- The court may order to change the name of the minor to what is requested by the petitioners. [§48.91 \(3\)](#)
- Process these documents using the following events:

JC-1647*	<i>Proposed Order: Order on Petition for Minor Child Adoption</i>	POFAD	Prop Order on Petition for Adoption
JC-1647	Order on Petition for Minor Child Adoption	OFAD	Order for adoption
IW-1647*	<i>Proposed Order: Order on Petition for Minor Child Adoption - ICWA</i>	POMAI	Proposed Order for Minor Child Adoption - ICWA
IW-1647	Order on Petition for Minor Child Adoption - ICWA	OMCAI	Order for Minor Child Adoption - ICWA

- Distribute order to:
 - Child's Guardian ad Litem/Adversary Counsel
 - Child's Guardian
 - Adoptive Parent(s)
 - Parents' Attorney
 - Adoption Agency
 - Tribe
 - Indian Custodian
- Enter a disposition code to close the case.
 - If the adoption petition is granted, enter ADO.
 - If the adoption petition is dismissed or denied, enter DIS.

ADO	Adoption Order
DIS	Dismissed

Procedures after Adoption Hearing

1. State Vital Records Office

- The Report of Adoption must be mailed by the court to the State Vital Records Office where the child was born along with a certified copy of the adoption order.

A. If the child was born in Wisconsin,

- Complete the Wisconsin Report of Adoption - DHS form F-05022. [Click here to access the Report of Adoption on CourtNet.](#)
 - Page 1 should be completed by the family and page 2 should be completed by the court.
- The report can be scanned in or simply enter that the report was sent to Vital Records with this event:

DHS Form F-05022	Report of Adoption	ROA	Report of Adoption
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- A \$40 check from the adoptive parents must be included to pay the filing fee of the Report of Adoption and to request a certified copy of the new birth certificate. Additional copies are \$3 each.

B. If the child was born in another state,

- The birth state's Report of Adoption should be used and sent to the birth state, not Wisconsin's Vital Records.
- Ask the adoptive parents to provide the birth state's Report of Adoption or www.cdc.gov/nchs/w2w/ includes each state's vital records website.
- The report can be scanned in or simply enter that the report was sent to the birth state's Vital Records with this event:

ROA	Report of Adoption
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C. If the child was born in another country but not adopted internationally,

- Complete the Report of Adoption for a Child Born in a Foreign Country - DHS form F-05022F. [Click here to access the Report of Adoption for a Child Born in a Foreign Country on CourtNet.](#)
 - Parts I-VI should be completed by the family and Parts VII-VIII should be completed by the court.
- The report can be scanned in or simply enter that the report was sent to Vital Records with this event:

DHS Form F-05022F	Report of Adoption – Foreign Country	ROA	Report of Adoption
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- Vital Records will also need copies of the establishment of birth facts that were filed with the court.
- A \$40 check from the adoptive parents must be included to pay the filing fee of the Report of Adoption and to request a certified copy of the new birth certificate. Additional copies are \$3.

2. ICWA Cases

- Complete IW-1649 - Indian Child Adoptee Information Indian Child Welfare Act.
- A certified adoption order and IW-1649 must be sent to the Bureau of Indian Affairs in DC.
 - Bureau of Indian Affairs Chief, Division of Human Services
 - 1849 C Street NW
 - Mail Stop 4513 MIB
 - Washington, DC 20240
- Process the document using the following event:

IW-1649	Indian Child Adoptee Information - ICWA	ICAI	Indian child adoptee information - ICWA
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❖ **Note:** There is no statutory authority for the court to complete a Record of Adoption form. You may want to consult with your judge before completing the form.

Foreign Adoption

Child born in another country but not adopted internationally

- Within 60 days after the child is brought into Wisconsin from a foreign country for the purpose of adoption, the child's guardian shall file a petition to adoption the child, a petition to terminate parental rights to the child, or both. [§48.839 \(3\)\(a\)](#)
- The same adoption procedures apply to a child born in another country and adopted in Wisconsin.
 - The child's guardian will file the Petition for Minor Child Adoption (JC-1645).
 - The judge will sign an Order for Hearing and Investigation (Adoptive Placement/Adoption) - JC-1641 and schedule an Adoption Hearing within 90 days.
- The court will issue JC/IW-1647 - Order on Petition for Minor Child Adoption.
- Complete the Report of Adoption for a Child Born in a Foreign Country - DHS form F-05022F. [Click here to access the Report of Adoption for a Child Born in a Foreign Country on CourtNet.](#)
 - Parts I-VI should be completed by the family and Parts VII-VIII should be completed by the court.
 - The report can be scanned in or simply enter that the report was sent to Vital Records with this event:

DHS Form F-05022F	Report of Adoption – Foreign Country	ROA	Report of Adoption
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- Vital Records will also need copies of the establishment of birth facts that were filed with the court.
- A \$40 check from the adoptive parents must be included to pay the filing fee of the Report of Adoption and to request a certified copy of the new birth certificate. Additional copies are \$3.

Registering a Foreign Adoption

- Registration is required for the court to acknowledge the adoption of a child who was born in a foreign jurisdiction, who was not a citizen of the U.S. at the time of birth, the adoption was finalized under the laws of the jurisdiction from which the child was adopted, and the child was admitted to the U.S. with a proper visa issued by the U.S. citizenship and immigration services. [§48.97 \(2\)](#)
- Within 365 days of the child being admitted to the U.S., the parents will file a letter to the court requesting registration of the foreign adoption order and JC-1650 – Petition for Registration of a Foreign Adoption Order. The following will be attached to the petition:
 - Evidence as to the date, place of birth, and parentage of the child,
 - A certified or notarized copy of the final order of adoption entered by a court of the foreign jurisdiction and, if that final order is not in English, a certified translation or notarized copy of a certified translation of that final order; and
 - Any other information necessary for the state registrar to prepare a certification of birth data for the child. [§48.97 \(2\)\(c\)](#)

- The parents are not required to readopt the child in Wisconsin. [§48.97 \(2\)\(b\)](#)
- The court may change the name of the child to what is requested by the adoptive parents. [§48.97 \(2\)\(d\)](#)
- A hearing is not required by statute.
- Process these documents with the following events:

JC-1650	Petition for an Order for Registration of a Foreign Adoption Order	PORFA	Petition for order registering foreign adoption
JC-1651*	<i>Proposed Order: Order Registering a Foreign Adoption Order</i>	PRFAO	Prop Order Registering a Foreign Adoption Order
JC-1651	Order Registering a Foreign Adoption Order	ORFA	Order registering foreign adoption

- Enter a disposition code to close the case.
 - If the adoption petition is granted, enter ADO.
 - If the adoption petition is dismissed or denied, enter DIS.

ADO	Adoption Order
DIS	Dismissed

Procedures after Adoption Hearing

State Vital Records Office

- The court shall transmit the order registering the foreign adoption order to the state registrar. [§48.97 \(2\)\(d\)](#) [§69.15 \(2\)\(e\)](#)
- The Report of Adoption for a Child Born in a Foreign Country is DHS form F-05022F.
 - A. [Click here to access the Report of Adoption for a Child Born in a Foreign Country on CourtNet.](#)
 - B. Parts I-VI should be completed by the family and Parts VII-VIII should be completed by the court.
 - C. The report can be scanned in or simply enter that the report was sent to Vital Records with this event:

DHS Form F-05022F	Report of Adoption – Foreign Country	ROA	Report of Adoption
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- The court also needs to include a certified copy of JC-1651 – Order Registering a Foreign Adoption Order and copies of the establishment of birth facts documents that were presented to the court.
 - A. A \$40 check from the adoptive parents must be included to pay the filing fee of the Report of Adoption and to request a certified copy of the new birth certificate.
 - Each additional copy of the Certification of Birth Facts document is \$3.

Adoption Records

Adoption records are governed by [§48.93](#).

- JD-1740 should be used to Request Adoption Court Records.
- The request should be filed in the JA or AD adoption case. If the county does not have an adoption case, it should be filed in a GJ Group Juvenile case.
- Process the following documents using these events:

JD-1740	Request to Disclose Adoption Court Records	RDAR	Request to disclose adoption court records
JD-1741	Order on Request to Disclose Adoption Court Records	ORDAR	Order on req. to disclose adoption court records

DCF Adoption Records Search Program - <https://dcf.wisconsin.gov/adoption/search>

- The program is available to adult adoptees, offspring of adult adoptees, adoptees whose birth parent(s) terminated rights when they were minor, adoptive parents, and birth parents.
- It is not a mandatory program prior to requesting court adoption records.
- \$40 fee for the program is sent to DHS.

DCF Access to Adoption Records

1. Pre-1982 Adoption

- All information must be released by a court order.
- DCF would complete JD-1740 - Request to Disclose Adoption Court Records.
- The judge would determine if good cause exists to disclose the adoption record(s) under [§48.93](#).

2. Post-1982 Adoption (when [§48.427 \(6\)](#) was created)

DCF is entitled to the following information without a court order:

- The name and date of birth of the child whose birth parent's rights have been terminated.
- The names and current addresses of the child's birth parents, guardian, and legal custodian.
- The medical and genetic information obtained under §48.422 (9) or §48.425 (1)(am) or (2) - Family History Questionnaire.
- If the court knows or has reason to know that the child is an Indian child, information relating to the child's membership or eligibility for membership in an Indian tribe.

Adoption Records Retention

- Termination of parental rights and adoption case files. [SCR 72.01 \(42\)](#)
 - All documents deposited with the clerk of circuit court, register in probate or clerk of court for juvenile matters in every termination of parental rights and adoption proceeding: 150 years.

Adoption Resources

Court Processing Questions

- For juvenile adoption questions, contact the Children's Court Improvement Program (CCIP).
- For adult adoption questions, contact the Office of Court Operations.

Public Adoption Guide - <https://wicciptraining.com/Resources/GetFile/945>

DCF Adoption Records Search Program

- <https://dcf.wisconsin.gov/adoption/search>
- The program is available to adult adoptees, offspring of adult adoptees, adoptees whose birth parent(s) terminated rights when they were minor, adoptive parents, and birth parents.
- \$40 fee for the program is sent to DHS.

Wisconsin Family Connections Center

- <https://wifamilyconnectionscenter.org/>
- The center provides services and support to individuals, families, and caregivers with past or present involvement with foster care, adoption, reunification, kinship, and guardianship.

Wisconsin Adopt

- <https://wiadopt.org/>
- Information about making an adoption plan for a child and how to adopt.

Victim-Related Procedures in CCAP: Party Types, eFiling, Enforcement of Rights, Addresses, and Civil Judgments

Office of Court Operations, November 2020

Entering Victims into CCAP Using the Victim (VI) Party Type

Although victims are not technically a party in a criminal action¹, they are still afforded several constitutional and statutory rights in the case. Accordingly, it is sometimes necessary to add them to the CCAP Case Management System so the court has access to the victim's name and address.

Victims can be added to CCAP using the Victim (VI) party type. This is a confidential party type, which means the following:

- Victim names and addresses will not appear on WCCA
- Victim names and addresses will not appear on Courthouse WCCA
- Victim names and addresses will not appear to other eFiled parties on the case
- Victim names and addresses will not print on CCAP-generated forms (e.g., Notice of Hearing (GF-101), Summons (Juvenile) (JD-1720), etc.)

Clerks are not required to add the victim to CCAP for every criminal or juvenile case. Depending on local practice, the court may not need to have the victim's name and address available. However, if local practice requires the need to have victim information available, entering victims using the Victim (VI) party type allows the clerk to keep this information in a confidential manner.

Pro Se Victims and eFiling

Pro se victims cannot opt in to be an eFiling party, even if they are entered in CCAP using the Victim (VI) party type and even if they are willing to pay the \$20.00 eFiling fee. The Electronic Filing Notice to Other Party (GF-180) and Electronic Notice Status Change (GF-208) will not print for the Victim (VI) party. Victims may electronically file documents as non-party eFilers.

Note about "Opting In"

There has been some confusion over the use of the term "opt in" with the passage of Marsy's Law in May, 2020. Under Marsy's Law, victims can request or "opt in" to exercise certain rights at any time in the case, such as the right to receive notice of proceedings, the right to appear, and the right to be heard. The use of the term "opt in" with respect to Marsy's Law and eFiling is different. Despite victims having the right to "opt in" to certain rights under Marsy's Law, pro se victims cannot "opt in" to be an eFiling party.

¹ Wis. Const. Art. I, § 9m(6).

Attorneys for Victims and eFiling – CRIMINAL CASES

Victims have standing in criminal cases and may assert that their constitutional or statutory rights have been violated.² If a victim has an attorney, the victim should be added to CCAP using the Victim (VI) party type and the attorney can be added to the victim party.

An attorney representing the victim in a criminal case may opt in to be an eFiling party and will not be charged the \$20.00 eFiling fee. By default, a victim's attorney will be restricted from viewing the Order for Presentence Investigation Report (PSI) and the Examining Physician's or Psychologist's Report. If the court allows the attorney to view these documents, access will need to be provided by the clerk using the Restrictions tab.

Attorneys for Victims and eFiling – JUVENILE CASES

Victims have standing in juvenile cases and may assert that their constitutional or statutory rights have been violated.³ If a victim has an attorney, the victim should be added to CCAP using the Victim (VI) party type. Unlike in criminal cases, attorneys for victims in juvenile cases should be added as a Victim's Attorney (VA) Notice Recipient Type and should not be added as the attorney for the victim in the Victim (VI) party type.

An attorney representing the victim in a juvenile case may not opt in to be an eFiling party. The victim's attorney should not have access to all of the confidential information in a juvenile case without a court order. Accordingly, victim's attorneys should be added to the case as notice recipients. Victim's attorneys may electronically file documents as non-party eFilers.

Filing a Victim's Request to Enforce Rights

If a victim files a request with the court to enforce the victim's rights, **the clerk shall:**

- File the request in the underlying criminal case using the **REQ (Request)** court record event and send it to the judge for review;
- If no criminal case has been filed, file the request in a GF (Group File) case using the **REQ (Request)** court record event and send it to the judge for review;
- Schedule a hearing for the court to review the request.

The court "shall act promptly" to review the request and shall afford a remedy for the violation, "clearly stat[ing] on the record the reasons for any decision" and shall provide those reasons to the victim or victim's attorney.⁴

² Wis. Const. Art. I, § 9m(4)(a) and Wis. Stat. § 950.105.

³ *Id.*

⁴ Wis. Const. Art. I, § 9m(4)(a)

Victim Addresses – Confidential Crime Victim(s) Information (CR-247) Form

Victim addresses are confidential by statute and should not be disclosed.⁵ To assist the court in keeping victim addresses confidential, individuals and government agencies needing to file this information with the court should use the [Confidential Crime Victim\(s\) Information \(CR-247\)](#) form. If a clerk receives this form, **the clerk shall:**

- Enter the form into CCAP using the **CCVI (Confidential Crime Victim Information)** court record event.

There are several important notes about this form:

- If the document is uploaded or scanned into CCAP and saved to the **CCVI** court record event, **it will automatically be marked as confidential** and not available to the parties.
- If the document is received from the District Attorney or any other queue in eFiling Review, **it will not automatically be marked as confidential**. Users will have to manually designate the form as confidential. Ideally, the DA’s Office will mark the form confidential when it is electronically-filed, but clerks should review the filing to make sure this box was checked. If it is not, the clerk will have to check the confidential box.
- This **form is not intended to be a “Victim Key”** that some counties have developed to assign victims anonymous identifiers, such as “Victim 1.” Counties can adopt such practices, but any victim key should be separate from this form. Unlike with victim addresses, there is no statute that specifically makes victim names confidential. Victim names, including Victim Keys, will have to be sealed by the court.
- This **form may be provided to the Department of Corrections (DOC)** when requested. DOC frequently needs victim addresses for purposes such as collecting restitution. DOC has developed systems that allow them to maintain the victim’s identifying information, including addresses, in a confidential manner.

Note about Confidentiality and Victim Information

Under the Wisconsin Statutes, only victim addresses are automatically confidential. Other information, such as victim names and victim impact statements, can be confidential, but must first be sealed by the court at the request of the parties or the court’s own motion. Some counties may adopt policies or issue blanket orders to seal victim information in every case, but that decision is within the discretion of the judge. If clerks notice a victim’s address in the court file, clerks can redact the address and should inform the filer that the address should not be disclosed in future filings and request that the filer use CR-247, if necessary.

⁵ See Wis. Stats. §§ 302.113(9g)(g)3., 302.114(6)(e), and 973.09(3m)(c).

Victim Addresses – Civil Judgments and the Judgment and Lien Docket

Because victim addresses are confidential, special care must be taken when creating civil judgments for unpaid restitution and docketing them on the judgment and lien docket. There are three ways Court Operations has identified that will allow victims to collect unpaid restitution without their addresses being disclosed:

1. Clerks can collect unpaid restitution on behalf of victims by certifying the debt to Department of Revenue (DOR) using the State Debt Collection Program (SDC) or Tax Refund Interception Program (TRIP). Clerks will disburse any money collected by DOR directly to the victim.
2. Clerks can enter the court's address on the judgment and have the debtor send money directly to the clerk for disbursement to the victim. This option prevents the victim's address from appearing both on the civil judgment and on the judgment and lien docket.
3. Clerks can leave the creditor address field black when entering the judgment in the judgment and lien index so the address will not display online. The victim's address will still need to be included on the civil judgment, which means the address will have to be redacted from the "paper" copy in the court file. This option is not ideal if the victim does not want the defendant to know where he/she lives because it will be on the copy of the judgment that is sent to the defendant. For this reason, options 1 or 2 are preferable.

We recognize that options 1 and 2 create extra work for clerks. At the same time, Marsy's Law does guarantee victims the right to "full restitution" and "to be provided assistance collecting restitution."⁶ Although Marsy's Law does not define what constitutes "assistance" or who is responsible for providing it, options 1 and 2 arguably help the county satisfy this requirement.

Other Resources on Marsy's Law

For more information about Marsy's Law, see the "Marsy's Law Summary (Wis. Const. Art. I, sec. 9m)" Court Operations Memo on CourtNet:

<http://courtnet.wicourts.gov/policies/courttopsmemos.htm>.

⁶ Wis. Const. Art. I, § 9m(2)(m).