

BUZZ SESSION

August 22, 2025

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HOUSEKEEPING

- Please note this information is not meant to be construed as legal advice
- Any guidance provided should not override the judge's decision and authority
- Some of the questions were answered during a different session
- If you submitted question that is not addressed, please email christina.tenuta@wicourts.gov

DISCUSSION: MAIL DELIVERY AND NOTICE

USPS is increasingly running slower and slower. Anecdotally, it can 2-3 weeks to receive some court documents.

Q: How is your county dealing with the mail delay, in relation to juvenile notices and 10-day objection deadlines, when the mail is so slow?

RECORDS

Q: How do you mark exhibits in juvenile cases?

A: CCAP Help Center has a lot of really nice step by step instructions with screenshots. This is the one for Applying exhibit stickers and offering exhibits in court.

The image contains two screenshots from the CCAP Help Center. The left screenshot, titled "Placing exhibit stickers", shows a "Document exhibits" table with columns for "Exhibit number", "Exhibit name", "Exhibit type", "Exhibit status", and "Exhibit date". It also includes a "Placing exhibit stickers" section with instructions on how to place stickers on documents. The right screenshot, titled "Offering exhibits", shows a "Offering exhibits" section with instructions on how to offer exhibits in court. It includes a "Offering exhibits" table with columns for "Exhibit number", "Exhibit name", "Exhibit type", "Exhibit status", and "Exhibit date".

<https://wicourtshep.zendesk.com/hc/en-us/articles/13180724256525-Case-management-Appling-exhibit-stickers-and-offering-exhibits-in-court>

RECORDS

Q: How do you mark exhibits in juvenile cases and for how long do you retain the exhibits?

A: If an exhibit can be scanned into a case, turn to SCR 72.03(4) for all juvenile case type exhibits:

- Paper copies can be destroyed **48 hrs. after scanning**, and they do not need to be returned to the offering party before destruction
- If an original is scanned into the case, the original should be kept **180 days after final entry of judgment**, or 30 days after the post-terminal deadline expires if the time for appeal is extended. The exhibit does need to be offered back before destruction

If an exhibit cannot be scanned, turn to SCR 72.01(45) or SCR 72.01 (46)(c):

- SCR 72.01(45) governs the retention period for non-criminal case exhibits (JA, TP, JC, JD, JG, JI, JM, JO). Under this rule, exhibits should be retained **one year after the time for appeal has expired**. The exhibit does need to be offered back before destruction
- SCR 72.01(46)(c) governs the retention period for delinquency exhibits. Under this rule, exhibits are retained for **4 years after the 18th birthday of the juvenile**. The exhibit does need to be offered back before destruction

RECORDS

Q: After a TPR trial, do you offer to return the exhibits after the appeal period has expired?

A: Yes. Under SCR 72.01(45), non-criminal, physical case exhibits need to be offered back to the party prior to destruction

FILING

Q: If juvenile cases are all confidential (JV, JC, JG, AD, TP) - do *all* individual documents need to be scanned/marked confidential into the court record? Or just certain documents?

A: No, clerks should not have to mark *every* document as confidential. The only documents that clerks have to actively mark as confidential are the documents that eFilers may see on their case or documents that are visible by people who are granted access to the file when using the Public Access workstation in the courthouse

SEX OFFENDER REGISTRY

Q: What, if anything, is public facing when a judge orders a youth to comply with the sex offender registry requirements? Is a juvenile's picture posted on the sex offender database websites?

A: Although juveniles are required to register, juvenile information is not available to the general public and will not appear on the sex offender registry website in Wisconsin

Exceptions:

- Law enforcement may notify the community in the interest of "public safety"
- Juvenile moves to another state that shares juvenile information with the public

SEX OFFENDER REGISTRY

Q: How long can a youth be ordered to remain on the sex offender registry?

A: Wis. Stat. Sec. 301.45(5m)

- 15 years after conviction date if not sentenced to supervision or incarceration,
- 15 years after discharge date if sentenced to incarceration or supervision, or
- lifetime

SEX OFFENDER REGISTRY

Q: What is the juvenile clerk's responsibility when a juvenile is ordered to comply with sex offender registry? What if this requirement is stayed?

A: Under s. 938.34(15m)(e) the clerk must forward a copy of the dispositional order to DOC at:

Email: docbopadmin@wisconsin.gov (preferred)

Mail: PO Box 7925, Madison, WI 53707

Fax: 608-240-3355

If the requirement is stayed, you should NOT send a copy of the dispositional order unless the stay is lifted in the future.

STAYING THE REGISTRY REQUIREMENT FOR JUVENILES

A circuit court has discretion to stay the youth's registration by considering these factors (s. 938.34(15m)(c):

- 1) The ages of the juvenile and the victim at the time of violation
- 2) The relationship between the juvenile and the victim
- 3) Whether bodily harm occurred to the victim
- 4) Whether the victim suffered from a mental illness that rendered them incapable of understanding the situation
- 5) Probability that the youth will commit future violations
- 6) Any other factor

SEX OFFENDER REGISTRY

Q: In a delinquency case, if a judge orders a juvenile to comply with the requirements of the sex offender registry (JD-1745, Box 6.E), and then later revises the dispositional order to stay the registry requirement, what procedure should be followed by the court and juvenile to remove the juvenile from the registry?

For example, what type of order or documentation would need to be provided to DOC?

SEX OFFENDER REGISTRY

A: You can either use:

- Order for Revision of Dispositional Order (JD-1786) or
- Amend the Dispositional Order (JD-1745) to stay the sex offender registry requirement

Whichever order is used, the clerk needs to send the order to the DOC at: DOCBOPADMIN@wisconsin.gov.

DISCUSSION QUESTIONS – REVIEW HEARINGS

Q: If the Commissioner holds the review hearings on Ch. 48 and 938 – does the prosecutor attend? Why or why not?

Tip: Most post-TPR permanency review hearings are held by the court (not a panel), pursuant to the adoption agency.

938 JUVENILE COMPETENCY IN A NUTSHELL (IF THERE IS A SUCH A THING)

Someone, either by way of oral motion or filing a Petition for Examination (JD-1731) requests an examination or assessment. The judge must determinate if the exam is being order for:

- Reasonable cause to order (for today we don't care about this)
- Reason to doubt competency- can be brought up at any time and the case essentially pauses to address competency
- Juvenile entered a NGI plea

For differences between NGI and Competency (approx. 6.5 mins):

https://www.youtube.com/watch?v=3E1WokPmelc&list=PLZtNXXsohdaLxNltCyBkCZhRJD_1-BOc

REASON TO DOUBT COMPETENCY

- Clerk uploads (Unless one of the parties does it for you- yay you!) JD-1732 Order for Examination or Assessment
- Once this order is signed use Event Code: OFCE Order for Competency Evaluation. You will need to get this and supporting documents to the examiner. This can only be done inpatient if the court finds a substantial risk of harm OR consent by juvenile/their counsel, parent or GAL
- Schedule for a Return on Doctor's Report (DRR) Hearing in 10 days for secure custody, 30 days for non-secure. (Tip - set check case to follow up on if the report was filed)

REASON TO DOUBT COMPETENCY - CONTINUED

- When the report is filed use Event Code: EPR Examining Psychologist's Report
- Report comes back juvenile is competent:
 - Parties consent to the report- case continues. Clerk prepares JD-1733 Order Concerning Competency or Mental Responsibility Determination and checks box #1. When signed Court Record Event: OCCMR Order Concerning Competency
 - Parties do not consent to the report- schedule for a contested Competency Hearing (CH), parties will call witnesses and the Court Official makes the final ruling
- Report comes back juvenile is NOT competent:
 - Parties consent to the report- see next slide
 - Parties do not consent to the report- schedule for a contested Competency Hearing (CH)

REASON TO DOUBT COMPETENCY - NOT COMPETENT

Clerk prepares JD-1733 Order Concerning Competency or Mental Responsibility Determination and checks box #2. Judge will need to pick if a JIPS or 51 will be filed (sub box C). This is not an option, they have to pick one. Sub box E is checked if competency remediation is ordered (usually if found likely to regain). It may or may not be up to the clerk to get this order to the department, competency remediation provider, corp counsel, etc.

IN THE INTEREST OF		Order Concerning Competency or Mental Responsibility Determination	
Name _____	Date of Birth _____	Case No. _____	
THE COURT FINDS AND ORDERS:			
☐ 1. Competent to Proceed: The juvenile has the present mental capacity to understand the proceedings and assist in his or her defense.			
☐ 2. Not Competent to Proceed:			
A. There is probable cause to believe that the juvenile • has committed the offense(s) alleged in the petition; and • is not competent to proceed at this time.			
B. The juvenile proceedings shall be suspended.			
C. A new petition shall be filed alleging the juvenile ☐ is in need of protection or services under §938.13(14), Wisconsin Statutes. ☐ to be mentally ill under Chapter 51, Wisconsin Statutes.			
D. Pending the filing of a new petition, the juvenile shall be ☐ released from custody. ☐ held in custody.			
☐ E. If provided with the appropriate treatment, the juvenile is likely to become competent to proceed within the lesser of 12 months or the maximum sentence that may be imposed on an adult for the most serious delinquent act with which the juvenile is charged. • The agency/department responsible for providing services to the juvenile shall obtain the necessary reexamination and report to the court on the juvenile's condition every 3 months and within 30 days before the expiration of the juvenile's commitment or dispositional order.			

Court record event codes:
One of these is used when the signed order is brought in based on what was ordered in Box C
OCCMR-JIPS
OCCNR- 51

2nd Event Code
very important this suspends the case
DNC (DE not competent to stand trial, case suspended)

JUVENILE NOT COMPETENT – CASE DISMISSES

Q: What if the judge dismisses the delinquency case?

A: The statute and case law (In the Interest of A.L., 2017 WI App 72) directs that the delinquency case should remain suspended indefinitely, until if and when the juvenile becomes competent. However, it is ultimately up to the judge to decide how to handle the case.

- If the delinquency case is dismissed before DNC is entered (the case is not in suspended status), dismiss the charges/case like you would normally do.
- If the case is in suspended maintenance, use the following code to take the case out of suspended status before dismissing the case:
 - NCCD - Not Competent Case Dismissed

JUVENILE BECOMES COMPETENT

In the underlying delinquency case every 3 months a review on competency must take place. Activity code Review Hearing (RH). A new report should be filed prior to each hearing. Parties can contest each report which then requires a contested Competency Hearing

If the juvenile is eventually found competent the clerk will upload JD-1733 (Order Concerning Competency or Mental Responsibility Determination) and check box # 3

- ☐ 3. Competent Now:
- A. The juvenile has been provided appropriate treatment and, upon reexamination, has been determined to have the present mental capacity to understand the proceedings and assist in his or her defense.
 - ☐ B. Medications are Needed to Maintain Competency.
 - The juvenile is competent now because of the medications being administered, but if the medications were discontinued, it is likely the juvenile would become incompetent. The juvenile shall continue to be administered medications so as to maintain competency for the duration of the proceedings.

If the juvenile is never found competent the case remains in suspended status. No additional order, code, etc is needed. (Same if competency remediation is not ordered.)

Court record event code when order is signed: OCCMR (Order Concerning Competency...)

2nd Event Code
very important this un-suspends the case
DCSL (DE competent to stand trial, suspension lifted)

NGI: NOT GUILTY BY REASON OF INSANITY

1. Clerk uploads JD-1732 Order for Examination or Assessment
2. Once this order is signed use Event Code: OFEN Order for Examination NGI
3. Next Activity: NGI and Admit- DRR (Return on Doctor's Report)
NGI and Denial Activity - FFH (Fact Finding Hearing)
4. Not NGI & Plea of Admit or No Contest & No Contest to Report: Plea has been entered and no one is contesting that the juvenile is not NGI. Clerk prepares JD-1733 Order Concerning Competency or Mental Responsibility Determination and checks box #1. Case proceeds to disposition

NGI: NOT GUILTY BY REASON OF INSANITY (CONT'D)

5. NGI and Denial has the Fact Finding Hearing first.
 - If allegations are not proven, case dismissed and NGI is not addressed. Clerk prepares JD-1748 Order Dismissing Petition and checks Box #2 in "Court finds" (check the appropriate next box) & Box #1 in "Court orders."
 - If allegations are proven, NGI is addressed. NGI may be disputed and a contested Competency Hearing scheduled
6. If court finds NGI (either via agreement or judge's order), the petition dismissed with prejudice and 51 or JIPS is ordered
 - Clerk prepares (JD-1733) Order Concerning Competency or Mental Responsibility Determination and checks Box #4. Court event OCCMR and OCCNR if JIPS/51 ordered.
 - 2nd Court Record Event/Maintenance Event: NCCD (Not Competent- Case Dismissed)

WHAT DOES A SUSPENDED CASE LOOK LIKE AND DOES IT SHOW UP IN THE UNSCHEDULED CASES IN THE JUDICIAL DASHBOARD?

Our CCAP View- upper right hand corner.

Judicial Dash view

The case does not show up "unscheduled" on the Judicial Dashboard because by suspending the case it is no longer aging.

The screenshot displays the Judicial Dashboard interface. At the top, there are status tags: 'Confidential' (red), 'Open' (green), 'Electronic filing' (grey), and 'Case suspended' (yellow). Below these is a 'Case actions' dropdown menu. The main header shows 'Waukesha 2024JV000024 In the Interest of Ryan'. A sub-header indicates the case status: 'Confidential, Electronically filed, Case suspended'. The dashboard includes tabs for 'Activities', 'Court record', 'Documents', and 'Charges'. A section titled 'Judicial Dashboard Unscheduled Cases Criteria: Detail by Category' is visible, with a note stating: 'For all categories, the cases do not have future court activity and the case is aging.'

TRANSCRIPT

Q: How can a clerk respond to a request from a parent for a transcript in a Ch. 48 guardianship case?

A: Statute s. 48.396(2)(ag) addresses *records* under Ch. 48 and likely this statute applies to transcript requests for both to ss. 48.977 and 48.9795 guardianship cases. However, when a clerk receives a request for a transcript they should always consult with the judge first, since these statutes do not specifically reference transcripts, just "record of a court"

The applicable form for a transcript request in Ch. 48. guardianship case is JD-1739A (Request and Authorization to Open Juvenile Court Records for Inspection)

On that form, the parent could request it personally (Box 1) or authorize the attorney or another person to obtain the transcript (Box 2.B.)

As the form only references *inspection*, they would need to specifically request a *copy* of the transcript under the "Other" box (Box 3). If the judge grants the request, JD-1739B (Order on Request to Open Juvenile Court Records for Inspection) is used; alternatively the judge may deny the request if the court finds that release of that information would result in imminent danger to anyone

TRANSCRIPT

Depending on local practice, judge opinions, etc. it might be helpful to write clarification into local rules, your website, or use a transcript specific request form.

- <https://www.waukeshacounty.gov/circuit-courts/information-pages/court-record-information/#ObtainCopiesofaTranscript>

521 Riverside Ave., Room 211
Waukesha, WI 53191
Phone: (262) 548-7444
Fax: (262) 548-7445

REQUEST FOR JUVENILE COURT TRANSCRIPT RECORDING

Please complete the following information:

Today's Date: Case Name (initials only): Case #:

Date of Proceeding(s): Court Officer:

Please check one of the following:

☐ I would like a CD copy of the electronically recorded proceeding.
☐ I would like a written certified transcript.
☐ I am unsure and would like someone to call me to discuss my options.

Reason for request (must be clearly stated):

Contact Information

Requester's Name: (Please Print) Telephone Number:

Address:

Signature of Requester: E-mail address (optional):

Please complete this form and mail or file with the Clerk of Juvenile Court, 521 Riverside Avenue, JC 105, Waukesha, Wisconsin 53191.

If the Court approves this request, you will be required to make arrangements with the court reporter directly for payment and delivery. Payment could be required before transcription or at time of delivery.

NO PERSON IN POSSESSION OF A CONFIDENTIAL JUVENILE RECORD MAY RELEASE THE INFORMATION TO ANY OTHER PERSON EXCEPT AS PROVIDED BY LAW. SUCH AN UNAUTHORIZED RELEASE SHALL CONSTITUTE CONTEMPT OF COURT AND MAY RESULT IN SANCTIONS.

TRANSCRIPT

Q: How should you respond to a request from a county agency for a transcript in a Ch. 48 guardianship case?

A: The same procedure as described previously would apply - CCIP is not aware of any exception in s.48.396 that would apply to the county agency in a s. 48.9795 guardianship case

CHANGE IN PLACEMENT NOTICE VS. REQUEST

Notice of Change in Placement (JD-1754)

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

AND

- Filed by prosecutor or county agency

*Hearing only required if objection

Request for Change in Placement (JD-1766)

- In-home to Out-of-Home

OR

- Requests made by other parties,

OR

- Local practice/directive (e.g., judge require hearing before returning the child home)

*Hearing required

CHANGE IN PLACEMENT TO SECURE DETENTION

Q: Does there need to be a hearing to make a change in placement to secure detention if the juvenile is already in an out-of-home placement?

A: No, the statutes seem to imply that this is allowed without a hearing if “emergency conditions necessitate an immediate change in the placement.”

However, notice of the change in placement would need to be provided to all parties within 48 hours and the juvenile (or any party) could request a hearing by filing an objection

CHANGE IN PLACEMENT TO SECURE DETENTION

- Pre-Disposition: s. 938.217(2)(a), which references placements in s. 938.208 [Juvenile Detention Facility].
 - Best practice – make one of the secure detention findings under s. 938.208 on Change in Placement Order (JD-1790) under “Other”
- Post-Disposition: s. 938.357(2)(c), which references the dispositional placements under s. 938.34(3), includes secure detention as an option
 - The county board would need to have authorized use of secure detention for purposes of disposition
 - Limited to a total of 365 days, including any time previously spent in secure detention

SECURE CUSTODY FINDINGS

JD-1710 Temporary Physical Custody Request (Ch.938)

For secure custody, the court further finds that probable cause exists to believe:

- ☐ 1. The child/juvenile has committed a delinquent act and there is a substantial risk of
☐ physical harm to another. ☐ running away.
- ☐ 2. Juvenile has:
☐ committed a felony delinquent act listed under §938.208(1)(a), Wis. Stats.
☐ committed a felony delinquent act while in possession of a firearm.
☐ possessed a short-barreled rifle, short-barreled shotgun, or handgun.
- ☐ 3. The child/juvenile is a ☐ fugitive from another state ☐ runaway from a juvenile correctional facility, and there was no reasonable opportunity to return the child/juvenile.

JD-1711, 09/24 Order for Temporary Physical Custody (Secure/Non-secure)

§§48.19(1), 48.21, 48.205, 48.415(1m), 48.355(2d), 938.19(1), 938.21, 938.205, and 938.355(2d), Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

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- ☐ 4. A protective order was issued and the child/juvenile consents in writing to the custody.
- ☐ 5. The child/juvenile ran away or committed a delinquent act while in non-secure custody and no other suitable alternative exists.
- ☐ 6. The child/juvenile is alleged/adjudicated delinquent and is a runaway from another county and would run away from non-secure custody.
- ☐ 7. The child/juvenile is subject to adult criminal court jurisdiction and is under 15 years of age.

INTERPRETERS

There is not an exception in 48/938
for interpreters to view/obtain
records

Wisconsin's Court Interpreter Code of Ethics
(Supreme Court Rule 63):
Interpreters shall protect the confidentiality of all
privileged and other confidential information

Suggestions for preparation include review of public
documents

WI State Statute
905.015 Prohibits
interpreters from
disclosing
confidential
communication.
(Nothing about
court documents.)

DECLARATION V. AFFIDAVIT

Now that attorneys are filing Declarations and not Affidavits what
is your staff using for the event code?

AF for Affidavit

AFS for Affidavit/Declaration of Service

SGF for Statement of GAL Fees

FIREARM PROHIBITION AND PURGED CASES: A CAUTIONARY TALE



That could
have been bad.

PURGED CONSENT DECREE CASES AND DNA EXPUNGEMENT

Consent decrees end and no additional order is needed. However, for a juvenile to expunge their DNA from DOJ they need a certified order from the court showing the case was dismissed. What if the case has been purged? There is no way to do this

Option: Send a certified dismissal order for all completed consent decrees



ADDITIONAL QUESTIONS OR COMMENTS?

