

Juvenile Clerks Meet-up Case Expiration, Termination & Closure

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Please note that the information contained in this presentation is <u>not</u> meant to be construed as legal advice.

Any guidance provided should not override a judge's decision and authority.

Questions are welcome; however, CCIP is unable to provide input on individual cases.

Thank you!

Case Expiration, Termination & Closure



Expiration of Consent Decrees

- Initial Term
 - o CHIPS: Up to six months
 - o Delinquency/JIPS: Up to one year
- Extension may be made up to an additional six months
- Automatically expires unless extended or vacated prior to expiration of the Consent Decree
 - Petition AND order to vacate must be made prior to expiration of the Consent Decree



Expiration of Dispositional Order

Out-of-Home

Unless earlier time specified by court, the later of:

- 18th birthday
- High school graduation/equivalent or 19th birthday
 - If full-time student and reasonably expected to complete the program prior to age 19
- 21st birthday
 - If IEP, full-time student, and youth agrees

In-Home

- Up to 1 year
 - The order can be extended up to one additional year each time.





Activity Codes

- While not required, the following activity codes may be used:
 - DOED Dispositional Order Expiration Date
 - o CDTD Consent Decree Termination Date



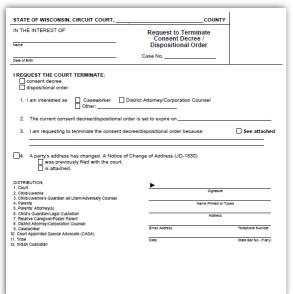
"Closing" CHIPS, JIPS & Delinquency Cases

- Allowing Dispositional Order to expire = No Action Needed
- Consent Decree expires = No additional documents needed, clerk dismisses case in CCAP
- Terminating Dispositional Order early = Use Order Terminating Dispositional Order (JD-1766)
- Need to Modify Family Court Order = Use Case Closure Order Procedures



Terminating Dispositional Order

- Not required if allowing order to expire
- Form JD-1776 (New form!) should be used to request to terminate a dispositional order or consent decree <u>early</u>





Case Closure Orders / Amending Family Court Orders

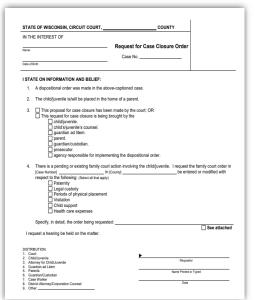
- A case closure order can be used in a juvenile court case under Ch. 48 or Ch. 938 where:
 - o The child/juvenile is placed with a parent,
 - o CHIPS, JIPS, or delinquency dispositional order entered, and
 - Pending or existing family court action
- Applies to PA or FA cases in any county in Wisconsin
- Underlying CHIPS, JIPS, or delinquency case will be terminated as part of Case Closure Order



Request for Case Closure Order

- Request to enter or modify:
 - Paternity
 - Legal custody
 - Physical placement
 - Visitation
 - Child support and/or
 - o Payment of healthcare expenses
- Court must hold a hearing before granting a Case Closure Order





Case Closure Order

Case Closure Order (JD-1815)

STAT	E OF WISCONSIN, CIRCUIT COURT,COUNTY
IN TH	E INTEREST OF
	Case Closure Order
Name	Case No
Date of	Birth
THE	COURT FINDS:
1.	A dispositional order was made in this case on [Date]
2.	The child/juvenile is placed in the home of a parent.
3.	There is a pending or existing family court action involving the child/juvenile.
4.	A request for case closure order has been brought pursuant to §§ 48.355(4g) or 938.355(4g), Wis. Stats.
5.	The hearing on the request was heard on [Date], which is the effective date of this Order
6.	Entry of a case closure order is is not in the best interest of the child/juvenile.
THE	COURT ORDERS:
	equest for case closure order is <u>DENIED</u> .
□ 2.	GRANTED. A. The family court order in Case Number in County is entered or modified as indicated in the attached document (FA-614).
	 The dispositional order in the above-captioned case is terminated. The derk of juvenile court shall transmit this Order and the attached family court order to the court exercising jurisdiction in the family court case, where it shall be filed and become part of the record in the case.
	 This case closure order, excluding the attached family court order, shall be sealed in the record of the family court case unless otherwise ordered in the family court case.
	The clerk of the family court in the court exercising jurisdiction in the family court case shall provide the attached family court order to all parties in that action, including the county child support agency.

Order Relating to Paternity, Legal Custody, Physical Placement, Visitation, Child Support, and Health Care Expenses (FA-614)

Only include family court case number

STATE OF WISCONSIN, CIRCUIT COURT,	COUNTY
N RE: THE MARRIAGE PATERNITY OF	Order Relating To Paternity Legal Custody Physical Placement Visitation Child Support
Petitioner/Joint Petitioner A	
and Respondent/Joint Petitioner B	
The State of Wisconsin (Child Support Agency) ☐ is	☐ Health Care Expenses
is not a party to this action.	Case No
THE COURT FINDS:	
The parties are subject to A. a pending action for Divorce	☐ Legal Separation ☐ Paternity

Entering and Distributing Orders

Juvenile Court Clerk

- Add Case Closure Order (CCO)
 event and Order affecting family
 court action (OAFCA) events
- Distribute copies of both orders to case participants (using distribution list on JD-1815)
- Send copies of both orders to the family court clerk where family court case located

Family Court Clerk

- Add Case Closure Order (CCO) event & seal document (OSD)
- Add Order affecting family court action (OAFCA) event
- Distribute copy of Order
 Affecting Family Court Action (FA-614) to all of the parties in the family court case, including the child support agency



Case Closure Orders – Additional Considerations

- Juvenile court must follow the guidelines of Ch. 767 when entering/modifying family court orders
- Parenting plans, legal custody and physical placement studies, and mediation not required
- Family court retains jurisdiction for enforcement and future modifications
 - Including all requirements and presumptions for modification in Ch.
 767 (e.g., time limits, change in circumstances, etc.)



Questions or Comments?

Up next...CCAP demonstration!

