

Post-Dispositional Matters, Negotiating Alternatives and Collateral Consequences of Adjudication

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Collateral Consequences

- Records not completely sealed or confidential
- Felony Firearm/Body Armor Prohibition
- Sex Offender Registration
- DNA Collection
- Education Consequences
- Bar to Joining the Armed Forces
- Eviction or Denial of Access to Low Income Housing
- Employment Discrimination
- Denial of Childcare License

SEX OFFENDERS REGISTRY



Avoiding Registration

- Dismiss or amend charges
- Use of DPA's and Consent Decree's
- Get it "STAYED"
- Negotiate upfront





Removal of Restriction

- Court must subsequently determine that the person is not likely to act in a manner dangerous to public safety
- 938.29(8)
- Negotiate upfront



Expungement

- Must be at least 17
- Satisfactorily complied with the conditions of the dispositional order
- Juvenile will benefit from and society will not be harmed by the expungement
- Applies to ANY adjudication
- 938.355(4m)
- Negotiate upfront

Sanctions



I've made a huge mistake.

1. Detention -10 days (not available in JIPS cases)
2. Suspension of License-3 years
3. Home detention with or without monitor -30 days
4. Community service-25 hours
5. Youth report center

What the hell is an “incident”

In the Interest of Ellis H., 2004 WI
App 123, 274 Wis. 2d 703, 684
N.W.2d 157



Alternatives

- No sanction
- Shorter sanction
- Lesser sanction
- Sentence credit

Change of Placement



Two ways

- Notice of Change
 - No hearing unless objection within 10 day
- Request for Change
 - Hearing

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Name

Date of Birth

**Notice of
Change in Placement**
 Out-of-Home to Out-of-Home
 Out-of-Home to In-Home
 In-Home to In-Home

Case No. _____

1. The child/juvenile is currently under a temporary physical custody order. dispositional order.
2. The provisions of the Indian Child Welfare Act do not apply. (For an Indian child who is placed out-of-home, use the Indian Child Welfare Act version (IW-1754) of this form.)

3. The placement

- A. will be changed on [Date] _____, which is at least ten (10) days after the notice was filed with the court. This change was was not authorized in the temporary physical custody/dispositional order.

If you object to the change in placement, a written objection must be filed with the court within ten (10) days after filing of this notice. If you file a written objection, the court will schedule a hearing. Copies of the objection should be sent to all parties. If this change in placement was authorized in the current order, your objection must state new information that affects the advisability of the order.

Give reason for new placement, why it is preferable and how it satisfies any treatment plan ordered by the court:

- B. was changed on [Date] _____ due to emergency conditions necessitating an immediate change. This notice was sent within 48 hours after the emergency change in placement.

If you object to the change in placement, a written objection must be filed with the court within ten (10) days after filing of this notice. If you file a written objection, the court will schedule a hearing. Copies of the request for a hearing should be sent to all parties.

Give reason for new placement, describe emergency conditions necessitating an immediate change, why it is preferable and how it satisfies any treatment plan ordered by the court:

4. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
- made by _____
- not required because the child/juvenile does not have siblings in out-of-home care.
- not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings because _____

5. Name and address of new placement: _____

6. If placement continues to be outside the home, the parents/guardian/legal custodian/trustee may be required to pay support for the placement.

DISTRIBUTION:

1. Court
2. Child/Juvenile
3. Parents/Guardian/Legal Custodian
4. Foster Parent/Physical Custodian
5. Case Worker/District Attorney/Corporation Counsel
6. Child/Juvenile's Attorney/GAL
7. Other: _____

Case Worker/District Attorney/Corporation Counsel

Name Printed or Typed

Date

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Name _____

Date of Birth _____

Request to

- Change Placement
- Revise Dispositional Order
- Extend Dispositional Order
- Review Permanency Plan
- Terminate Dispositional Order

Case No. _____

Child/Juvenile's Street and City Address

Parent 1's Name

Parent 1's Address

Parent 2's Name

Parent 2's Address

Guardian, Legal/Physical Custodian

Guardian, Legal/Physical Custodian's Address

Other

Address

I REQUEST THE COURT: (Check all that apply in 1-6)

1. I am interested as Child/Juvenile or Counsel Parent Case Worker
 District Attorney/Corporation Counsel Guardian ad Litem Expectant Mother
 Other: _____
2. The provisions of the Indian Child Welfare Act do not apply. (For an Indian child who is placed out-of-home, use the Indian Child Welfare Act version (IW-1766) of this form.)
3. Change the placement of the child/juvenile.
 - A. The child/juvenile is currently under a temporary physical custody order. dispositional order.
 - B. Give the reason for the new placement, why it is preferable and how it satisfies any treatment plan.

 - C. Name and address of proposed placement: _____ See attached
 - D. Date of proposed change in placement: _____
- E. The proposed change in placement would move the child/juvenile from in the home to a placement outside of the home.
 - 1) Placement in the home at this time is contrary to the welfare of the child/juvenile because:

 - 2) Reasonable efforts to prevent removal were (Complete one of the following)
 made by the department or agency responsible for providing services as follows:

made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows:

not required under §48.355(2d) or §938.355(2d), Wis. Stats.,

4. Revise the dispositional order.

Specify in detail the revisions requested: See attached _____

Because of the following new information: _____

See attached

5. Extend the current dispositional order.

Date current dispositional order expires: _____

Date dispositional order should be extended to: _____

Because of the following reasons: See attached _____

6. Review permanency plan. Permanency plan

is attached.

is on file with the court.

will be provided to the parties five days prior to the hearing.

Date of last permanency hearing: _____

Hearing must be held on or before: _____

School name and address: _____

Caseworker name and contact information: _____

7. Terminate the current dispositional order, which expires on [Date] _____.

Because of the following reasons: See attached _____

DISTRIBUTION:

1. Court
2. Child/Juvenile and Attorney
3. Parents/Guardian/Legal Custodian/Attorney (if any)
4. Case Worker
5. Physical Custodian
6. District Attorney/Corporation Counsel
7. Guardian ad Litem
8. Court Appointed Special Advocate
9. School (for permanency plan review)
10. Other: _____



Signature

Name Printed or Typed

Date

Revisions

- Any person bound by the dispo order may request revision
- Request must allege that new information available
- Shall hold a hearing proposed revision is contested
- 3 days notice
- *Examples: no contact, intensive supervision, specific treatment*

EXTENSIONS

INFINITY WAR



- Right to a hearing
- 30 day extension without hearing
- Report filed
- Any party can present evidence
- Specified length not to exceed 1 year

Permanency....



Permanency Plans

- Required for each child living in an out of home placement
- Reviewed ever 6 months
- Hearing required every 12 months



CHIPS?

- Wis. Stat. 48.13
- Focus on access to services rather than punishment or accountability?
- Basis for delinquency mental health or family relationships?
 - Chips instead of extension
 - Advantages/Disadvantages
 - Supervision and services through CPS
 - Client Consent
 - Still not a GAL