

Disposition

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Court Reports

- Wis. Stats. 938.33
 - Requires an agency designated by the court to submit a report that must include all of the following:
 - Social History of the Juvenile
 - Description of Specific Services recommended
 - Statement of the objectives of the plan
 - Plan for educational services – requires consultation with the juvenile’s school
 - Statement of availability of services for parent / guardian / legal custodian if an order for the parent to participate in services is recommended

Court Reports

■ Requirements – Wis. Stats. 938.33

- An oral report can be given if the agency is recommending in home placement and all parties agree
- A report recommending correctional placement must be in writing unless juvenile and juvenile's attorney consents
 - Must also include a description of less restrictive alternatives that are available and considered and why they are not appropriate
 - A recommendation for an amount of child support to be paid or a referral to child support agency
- SJO Report
 - Must be in writing
 - Report must discuss the suitability for placement in SJO or Corrections, and a recommendation for placement
- Out of Home Report
 - Must be in writing and include a permanency plan, a recommendation regarding child support, and ASFA findings

Court Reports

- So why does this matter to me?
 - Agency will consult:
 - Parents / guardians / legal custodian
 - School
 - Social Services personnel
 - Relatives
 - Mental Health Providers
 - Anyone with a connection to your client could be questioned (sometimes with or without your client's consent)

Possible Dispositions

- Counsel from the bench – Wis. Stats. 938.34 (1)
- Supervision – Wis. Stats. 938.34 (2)
 - Can be supervised by an agency, the department, or an adult approved by the department (includes adult friends of the juvenile)
 - Must include reasonable rules for the juvenile's conduct, designed for the physical, mental and moral well-being and behavior of the juvenile
 - If juvenile is in home and to be supervised by the department or its agent, the court is to order the department / agency to provide specified services
 - Individual Counseling
 - Family Counseling
 - Group Counseling
 - Parent aide services
 - Respite Care
 - Housing Assistance
 - Child Care
 - Parent Skills Training
 - 30 days House Arrest – Wis. Stats. 938.34 (2)(c)

Supervision

- In Home
 - Max period of 1 year, but can be extended by the court for 1 year periods up until 18th birthday
- Out of Home
 - 18/19 order unless court specifies shorter period
- Correctional Placement
 - Court may order up to two years or until 18th birthday, whichever is shorter
- SJO
 - Order will apply for 5 years (if juvenile committed a Class B or C felony or armed burglary) or until age 25 (if the juvenile committed a Class A felony)

Services?

- Know what services are available in your county and state!
 - Counseling
 - Supervision programs
 - Therapy
 - In-School programs
 - After School programs
 - Groups
 - Restitution programs

Placement

- Home of a parent – Wis. Stats. 938.34(3)(a)
- Home of a relative - Wis. Stats. 938.34(3)(a)
- Home of a non-relative - Wis. Stats. 938.34(3)(b)
 - Can only be for 30 days, after that the non-relative must become a foster placement or placement will terminate
- Foster Home - Wis. Stats. 938.34(3)(c)
- Group Home - Wis. Stats. 938.34(3)(cm)
- RTC - Wis. Stats. 938.34(3)(d)
- Independent Living - Wis. Stats. 938.34(3)(e)
 - Juvenile must be 17 years of age and “of sufficient maturity and judgment to live independently and only upon proof of a reasonable plan for supervision by an appropriate person or agency.”

Placement

- Non-Secure Custody for up to 30 days – Wis. Stats. 938.34 (3)(f)
- Detention - Wis. Stats. 938.34(3)(f)
 - 30 days if not offered AODA treatment, counseling and educational services
 - Up to 365 days if services are being offered
 - Law was changed to allow for detention based alternative to correction programs
 - Be sure to get credit for time served in detention awaiting trial / disposition!

Other Dispositions

- Electric Monitoring - Wis. Stats. 938.34(3g)
- Restitution – Wis. Stats. 938.34 (5)
 - Under 14, no more than \$250 – Wis. Stats. 938.34(5)(c)
- Community Service Work / Supervised Work Program – Wis. Stats. 938.34 (5g)
- Community Service Work Program – Wis. Stats. 938.34 (5m)
- Victim-Offender Mediation Program – Wis. Stats. 938.34 (5r)
- Special Treatment or Care (requires the use of a commitment under 51.42 or 51.437) – Wis. Stats. 938.34 (6)
- AODA Treatment / Education – Wis. Stats. 938.34 (6r)
- Drug Testing – Wis. Stats. 938.34 (6s)
- Education Program – Wis. Stats. 938.34 (7d)
- Experiential Education – Wis. Stats. 938.34 (7g)
- Youth Report Center – Wis. Stats. 938.34 (7j)
- Juvenile Offender Education Program – Wis. Stats. 938.34 (7n)
- Vocational Training – Wis. Stats. 938.34 (7r)
- Day Treatment Program – Wis. Stats. 938.34 (7w)
- Forfeiture – Wis. Stats. 938.34 (8)
- Delinquency Victim and Witness Assistance Surcharge – Wis. Stats. 938.34 (8d)

Sex Offender Registration

- Wis. Stats. 938.34 (15m)
- Wis. Stats. 301.45
 - Wis. Stats. 301.45 (5) - Release from requirements for persons who committed a sex offense in this state
 - 15 years from the expiration of supervision
 - OR
 - Lifetime registration (if ordered by the court – Wis. Stats. 301.45 (5)(b)3.

Sex Offender Registration

Keeping Kids Off the Sex Offender Registry

SPD Conference

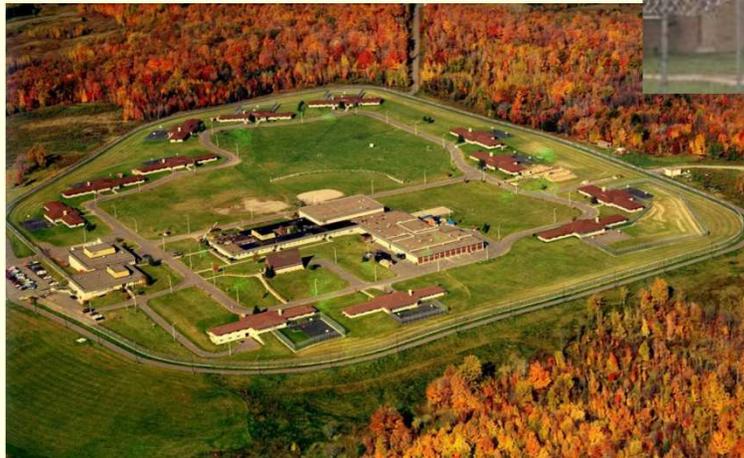
Thursday (Tomorrow) at 4:15

Milwaukee Room

Paul Rifelj

Juvenile Corrections

- Lincoln Hills School for Boys
- Copper Lake School for Girls
- Mendota Juvenile Treatment Center



Juvenile Corrections

- Wis. Stats. 938.34 (4m)
 - Juvenile found delinquent for an act that would be punishable by sentence of 6 months or more if committed by an adult
 - Juvenile found to be a danger to the public and in need of restrictive custodial treatment

Juvenile Corrections

- Placement in corrections is not for a specified period of time
 - Ultimately OJOR (Office of Juvenile Offender Review) will make a determination of release
 - Juvenile must complete required programming to be released from correctional placement or reach the maximum age of jurisdiction
 - Placement in “security” (rule violations) may result in removal from programming, requiring a longer stay in corrections.

Serious Juvenile Offender Program

- SJO – Wis. Stats. 938.538 / 938.34 (4h)
 - Available for the following offenses if 14 or over:
 - 939.32 (1)(a) – Attempt to commit crime for which the penalty is life imprisonment
 - 940.03 – Felony Murder
 - 940.06 – Second Degree Reckless Homicide
 - 940.21 - Mayhem
 - 940.225 (1) – First Degree SA
 - 940.305 – Taking Hostages
 - 940.31 - Kidnapping
 - 941.327(2)(b)4 – Tampering with Household Products with intent to kill, injure or endanger health or safety of another, or to cause significant injury or damage the business of another
 - 943.02 - Arson
 - 943.10 (2) – Armed Burglary
 - 943.23 (1g) – OMVWOC by threat or use of force
 - 943.32 (2) – Armed Robbery
 - 948.02 (1) – SA of a child
 - 948.025 (1) – Repeated acts of SA to child
 - 948.30 (2) – Abduction of another’s child with use or threat of force
 - Attempted 948.32 (2) – Attempted Armed robbery
 - If 10 or over:
 - Attempt or commission of 940.01 – First Degree Intentional Homicide
 - 940.02 – First Degree Reckless Homicide
 - 940.05 – Second Degree Intentional Homicide

SJO

- Component phases
 - Period of correctional placement for at most 3 years, unless the underlying case was a Class A felony, in which case the juvenile may be held until age 25
 - Aftercare Supervision
 - Services

- Discharge from SJO
 - Juvenile Offender Review program may discharge to aftercare supervision can occur anytime after 2 years of SJO completed
 - Department of Corrections may discharge from SJO after 3 years
 - Order will apply for 5 years (if juvenile committed a Class B or C felony or armed burglary) or until age 25 (if the juvenile committed a Class A felony)

Stay of Order

- Any disposition ordered can also be stayed – Wis. Stats. 938.34 (16)
 - This includes:
 - Sex Offender Registration
 - Out of Home Placement
 - Correctional Placement
- But keep in mind that any violation of the court's rules can result in a lift of the stay
 - State v. Cesar G., 272 Wis.2d 22

Firearm Restrictions

- Wis. Stats. 938.341 / 938.34
 - Any felony adjudication results in a firearms restriction
 - This is not automatically lifted by expunction!

Sources of Information

- Who do we need to talk with to get information?
 - Juvenile
 - Parents? Relatives?
 - Legal Custodian / Guardian?
 - Teachers? School?
 - Coaches? Employers? Social Workers?
 - Juvenile Intake workers?
 - Religious leaders?
 - Who will have positive information about this juvenile?

Potential arguments

- Prior record, if any
- Success in school / home settings
- Successful completion of services
- Employment / CSW successes
- Juvenile's personality
- Needs can be met in community
- Relationship with community programs
- Relationship with parents / caregivers

Questions?

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- Attorney Eileen Fredericks – SPD Juvenile Practice Coordinator
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