

Juvenile Practice County By County (Delinquency)

In an effort to provide both a “cheat” sheet of sorts for lawyers who are new to juvenile practice in your county and in the hopes that we might all get new ideas for ways to improve juvenile practice throughout the state, I came up with these questions regarding juvenile proceedings. My hope is to gather answers from each of the counties and include this information on the Juvenile Practice website for staff attorneys to use as a resource, and have handouts of the information at trainings. This information should provide a good overview of juvenile practice for staff attorneys and private bar attorneys new to juvenile law.

Grant County

Submitted by: Rose T. Oliverto

The Intake Process

- ❖ How does the 40-day intake process under Wis. Stat. § 938.24 work in your county?
 - Intake officer reviews information, sends letter to child and parents to meet with social worker, then decision made to refer to DA or social services does an information agreement with juvenile.
- ❖ Do you use the term probation officer or social worker or something else to describe the county representative from human services?
 - Social worker
- ❖ Is there a specific social worker/probation officer or group of social workers/probation officers who conduct the intake inquiry?
 - Yes. There are two social workers who handle intake.
- ❖ Do the District Attorneys in your county tend to agree with the social worker/probation officer's decision regarding whether or not to charge, whether or not to offer a Deferred Prosecution Agreement, etc.?
 - Not all the time – deferred prosecutions are rare if at all.
- ❖ Are Deferred Prosecution Agreements (DPA) often used in your county?
 - Not really.
- ❖ Are defense attorneys ever involved in negotiating DPAs prior to the filing of a formal petition?
 - I only know that happening once in the 20 plus years I have been here.
- ❖ Are you ever successful at negotiating DPAs once a formal petition has been filed? Does this happen often?
 - Never had a DPA in Grant County and Consent agreements are rare.

Temporary Physical Custody Hearings

- ❖ Do your clients appear personally at these hearings or does your jurisdiction utilize video conferencing?
 - Most of the time in person or else phone.
- ❖ Are your custody hearings before a court commissioner or a judge?
 - Judge
- ❖ Is a petition normally filed by the time of/at the hearing?
 - Not usually
- ❖ Is there ever sworn testimony taken at custody hearings?
 - Sometimes
- ❖ Does your jurisdiction have a “temporary release from secure custody”, furlough, or something whereby secure custody findings are made but the client is allowed to be outside of secure detention?
 - No
- ❖ What is the process for “appealing” the initial custody determination?
 - Defense attorney files motion or requests change at next hearing.
- ❖ Is a request to review ongoing custody status ever made by someone other than defense counsel?
 - No
- ❖ What is the average length of stay in detention?
 - Two to five days
- ❖ Where is the detention facility for your county?
 - LaCrosse County.
- ❖ At a custody hearing, besides detention what placement options are available for kids?
 - Foster home, group home, mainly try to place with family.

- ❖ If your client is in secure custody or in a county facility group home, what needs to happen for the custody status to be reviewed?
 - At next court date or attorney files motion
- ❖ Do you have some sort of monitoring program for kids who are returned home on a custody order?
 - Social services monitors

Competency to Stand Trial

- ❖ How is the question of competency raised in your jurisdiction?
 - Attorney files motion
- ❖ Is it common for someone other than defense counsel to raise competency?
 - Not usually
- ❖ Once raised, does the Court require some sort of affirmative showing, offer of proof, other evidence before ordering an evaluation?
 - Not usually.
- ❖ Do parties generally stipulate to the evaluator's finding on present competency? How about on the likelihood of attaining competency within the statutory period?
 - Usually, usually.
- ❖ Is your county good about periodically reevaluating clients after he or she has been found incompetent, but likely to attain competency?
 - Yes
- ❖ What competency training is provided in your county?
 - None

Waiver to Adult Court

- ❖ Do the District Attorneys in your county file waiver frequently?
 - No

- ❖ Do the judges in your county often waive kids into adult court?
 - No
- ❖ When the State files the waiver request, are they truly seeking waiver, or is it used as a bargaining chip for some sort of juvenile disposition?
 - Had that happen once.
- ❖ How often are waivers contested?
 - Almost always.
- ❖ If a waiver is contested, how does the State typically prove prosecutive merit?
 - Police reports
- ❖ What sort of witnesses does the State typically call in support of waiver?
 - Social workers and police officers.
- ❖ What sort of witnesses does the defense usually call?
 - Counselors, family members, teachers, psychologists.
- ❖ Is it at all common for a juvenile to initiate waiver proceedings?
 - No.
- ❖ Are you aware of any instances in your jurisdiction of the Court initiating proceedings?
 - No.

Disposition

- ❖ How closely are the social worker's recommendations followed?
 - Most of the time recommendations are followed.
- ❖ Are cases in your county frequently resolved by consent decrees? Who drafts the consent decrees? Do the district attorneys require a plea for consent decrees?

- Grant County consent agreements are very rare – DA would do, no plea required.
- ❖ Are there "standard rules of supervision" that are in all delinquency dispositions?
 - Yes
- ❖ Does the State typically agree with the Department's recommendations?
 - Most of the time.
- ❖ Does your jurisdiction have an intensive supervision program?
 - Yes
- ❖ Does your jurisdiction have a specialized "wraparound" program?
 - Not that I am aware of.
- ❖ Does your jurisdiction have a community service/restitution program?
 - No.
- ❖ Which Residential Treatment Centers are used by your county?
 - Family children centers, LaCrosse, WI
- ❖ Does your county allow for a dispositional 180 day placement in detention?
 - No
- ❖ Do you feel your judges tend to keep kids in their homes whenever possible or are they quick to remove them to foster homes, group homes, RCCs, etc?
 - Tend to keep in home as much as possible or with other family members.
- ❖ Are kids often sent to corrections? Is it used as a last resort? Do you think your county sends kids to corrections that should not be sent? Why do you think that happens and what is the motivation? Is it financially driven?
 - Very, very rare kids are sent to corrections.
- ❖ Do your judges generally stay sex offender registration for juveniles? When do they make the decision to stay registration? Immediately or do they defer the decision?

- More likely than not sex offender registration is stayed during the order at the time of the dispositional hearing, then defense attorney files motion to exempt juvenile from registration before order expires.

Services in your county

- ❖ What are common treatment programs used in your county for juveniles? Anger management programs? AODA?
 - AODA, anger management all through social services.
- ❖ Is Day Treatment available in your county? If so, what are the names of the specific day treatment programs?
 - No
- ❖ What treatment is available in your county for sex offenders? Is there a specific program or a specific therapist that is often/usually used for treatment of sex offenders in your county?
 - It used to be Wyalusing in Crawford County.
- ❖ What programs do you have in your county that are gender-specific?
 - Do not know.

Sanctions

- ❖ How often is there a stipulation as to the basis for sanctions?
 - Rare.
- ❖ If there is not a stipulation to the violations, how does the State/Department typically attempt to prove the basis?
 - Witnesses who know about the violations.
- ❖ What sanctions are most often imposed in your county?
 - Extra community service, detention 3 – 5 days – LaCrosse.
- ❖ Does your county utilize stayed days in detention as a sanction?
 - Sometimes

- ❖ Has a particular sanction worked well for your clients in your opinion?
 - Stay of detention

Miscellaneous

- ❖ What are common acronyms and their meanings in your county?
 -
- ❖ Who are experts you have used in juvenile cases and would you recommend them?
 - Dr. Michael Caldwell – I would recommend him.