

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 with the hope 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 plan 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.

GREEN LAKE COUNTY
Submitted by: Jeffrey Haase

The Intake Process

- ❖ How does the 40-day intake process under Wis. Stat. § 938.24 work in your county?
 - I'm not sure.

- ❖ 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?
 - Green Lake County has a specific group of social workers who conduct the intake inquiry.

- ❖ 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.?
 - Yes, the DA tends to follow the recommendations of the social worker.

- ❖ Are Deferred Prosecution Agreements (DPA) often used in your county?
 - Yes

- ❖ Are defense attorneys ever involved in negotiating DPAs prior to the filing of a formal petition?
 - Rarely. Only if there is an open case and then we are made aware of the new referral, otherwise we do not know about the referral until the petition is filed.

- ❖ Are you ever successful at negotiating DPAs once a formal petition has been filed? Does this happen often?
 - This has not happened yet.

Temporary Physical Custody Hearings

- ❖ Do your clients appear personally at these hearings or does your jurisdiction utilize video conferencing?
 - Clients appear in person.

- ❖ Are your custody hearings before a court commissioner or a judge?
 - Judge
- ❖ Is a petition normally filed by the time of/at the hearing?
 - Yes
- ❖ Is there ever sworn testimony taken at custody hearings?
 - No
- ❖ 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?
 - Have not seen this in Green Lake County
- ❖ What is the process for “appealing” the initial custody determination?
 - I have not appealed the initial custody determination.
- ❖ Is a request to review ongoing custody status ever made by someone other than defense counsel?
 - It is sometimes made by the social worker
- ❖ What is the average length of stay in detention?
 - brief stays, usually no longer than one week
- ❖ Where is the detention facility for your county?
 - Fond du Lac
- ❖ At a custody hearing, besides detention what placement options are available for kids?
 - Shelter Care, GPS, EM, return home
- ❖ 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?
 - A hearing must be requested
- ❖ Do you have some sort of monitoring program for kids who are returned home on a custody order?
 - Usually the parents have rules that they must follow.

Competency to Stand Trial

- ❖ How is the question of competency raised in your jurisdiction?

- By the defense attorney
- ❖ Is it common for someone other than defense counsel to raise competency?
 - The social worker or the DA/ADA will usually let the defense attorney know that competency may be an issue so that the attorney can raise the issue.
- ❖ Once raised, does the Court require some sort of affirmative showing, offer of proof, other evidence before ordering an evaluation?
 - No
- ❖ Do parties generally stipulate to the evaluator's finding on present competency? How about on the likelihood of attaining competency within the statutory period?
 - Yes, generally there is a stipulation to the evaluator's findings on competency and the likelihood of attaining competency.
- ❖ 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?
 - This rarely happens so it would be for the purpose of seeking a waiver
- ❖ How often are waivers contested?
 - No information on this
- ❖ If a waiver is contested, how does the State typically prove prosecutive merit?
 - No information on this

- ❖ What sort of witnesses does the State typically call in support of waiver?
 - No information on this
- ❖ What sort of witnesses does the defense usually call?
 - No information on this
- ❖ 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?
 - Very closely
- ❖ 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?
 - Yes, frequently resolved by consent decrees
 - The social worker drafts the consent decrees and a plea is required
- ❖ Are there "standard rules of supervision" that are in all delinquency dispositions?
 - Yes
- ❖ Does the State typically agree with the Department's recommendations?
 - Yes
- ❖ Does your jurisdiction have an intensive supervision program?
 - Not aware of any such program
- ❖ Does your jurisdiction have a specialized "wraparound" program?
 - Not aware of any such program
- ❖ Does your jurisdiction have a community service/restitution program?
 - Yes
- ❖ Which Residential Treatment Centers are used by your county?
 - There are no specific centers used
- ❖ Does your county allow for a dispositional 365 day placement in detention?
 - Not aware if this has ever been done

- ❖ 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?
 - In home is typical
- ❖ 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?
 - Rarely. It would only be used as a last resort
- ❖ 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?
 - We have few juveniles in that position. I believe the judge would seriously consider a stay on registration.

Services in your county

- ❖ What are common treatment programs used in your county for juveniles? Anger management programs? AODA?
 - Anger management, AODA, Teens in Action, Cognitive group, parent/teen group, tutoring
- ❖ Is Day Treatment available in your county? If so, what are the names of the specific day treatment programs?
 - Unknown
- ❖ 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?
 - There is not specific treatment or therapist used.
- ❖ What programs do you have in your county that are gender-specific?
 - Not aware of any programs that are gender specific.

Sanctions

- ❖ How often is there a stipulation as to the basis for sanctions?
 - Usually if there is a request for sanctions there is a stipulation because the violation is obvious.
- ❖ If there is not a stipulation to the violations, how does the State/Department typically attempt to prove the basis?
 - Unknown

- ❖ What sanctions are most often imposed in your county?
 - Sanctions do not occur that often
- ❖ Does your county utilize stayed days in detention as a sanction?
 - On occasion
- ❖ Has a particular sanction worked well for your clients in your opinion?
 - No

Miscellaneous

- ❖ What are common acronyms and their meanings in your county?
 - Nothing unusual
- ❖ Who are experts you have used in juvenile cases and would you recommend them?
 - I don't have any recommendations and haven't really used an expert on a juvenile case here, yet.