

❖ **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.

VILAS COUNTY

Submitted by: Courtney Jolin

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?
 - “Intake Worker” or “Supervisor” for once they are on an order with supervision. Kids call them PO's usually.
- ❖ Is there a specific social worker/probation officer or group of social workers/probation officers who conduct the intake inquiry?
 - No. They are split up geographically/by school district in the county.
- ❖ 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.?
 - Usually, not always.
- ❖ 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. Attorneys usually only come in once a petition is filed.
- ❖ Are you ever successful at negotiating DPAs once a formal petition has been filed? Does this happen often?
 - We frequently negotiate consent decrees, but DPAs aren't usually agreed to after a petition has been filed. A lot of the time, petitions are filed in cases where the juvenile hasn't complied with the DPA.
- ❖ **Temporary Physical Custody Hearings**

- ❖ Do your clients appear personally at these hearings or does your jurisdiction utilize video conferencing?
 - Sometimes they personally appear, often times they are by phone (over my objection).
- ❖ Are your custody hearings before a court commissioner or a judge?
 - Judge unless he is out of town and a court commissioner is covering.
- ❖ Is a petition normally filed by the time of/at the hearing?
 - No.
- ❖ Is there ever sworn testimony taken at custody hearings?
 - Not usually.
- ❖ 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. It’s either secure in lockup or non-secure is ordered, nothing in between.
- ❖ What is the process for “appealing” the initial custody determination?
 - None to my knowledge.
- ❖ 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?
 - Completely depends on the case, but usually not long in most cases (a week would be a long time).
- ❖ Where is the detention facility for your county?
 - Not in the County—it is an hour and a half away in Wausau at Marathon County Secure. Sometimes, they will use temporary detention at Lincoln Hills, which is closer to Vilas County but less desirable as it is more expensive.

- ❖ At a custody hearing, besides detention what placement options are available for kids?
 - At home placement, placement on the electronic monitor, or placement in the Shelter Home portion of the Marathon County juvenile facility (which is considered non-secure).
- ❖ 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?
 - Significant change of circumstances
- ❖ Do you have some sort of monitoring program for kids who are returned home on a custody order?
 - Yes, they frequently use the electronic monitor/GPS monitor on kids.
- ❖ **Competency to Stand Trial**
- ❖ How is the question of competency raised in your jurisdiction?
 - Usually by the defense attorney, occasionally by the State.
- ❖ Is it common for someone other than defense counsel to raise competency?
 - No.
- ❖ Once raised, does the Court require some sort of affirmative showing, offer of proof, other evidence before ordering an evaluation?
 - The Vilas Judge would trust the attorney who raised it and not require any further offer of proof.
- ❖ Do parties generally stipulate to the evaluator's finding on present competency? How about on the likelihood of attaining competency within the statutory period?
 - Not sure, I have not had any recent cases involving competency on juveniles.
- ❖ Is your county good about periodically reevaluating clients after he or she has been found incompetent, but likely to attain competency?
 - No personal experience, but I would think yes.
- ❖ What competency training is provided in your county? Unknown.

❖ **Waiver to Adult Court**

❖ Do the District Attorneys in your county file waiver frequently?

- No. I have never seen it done in 6 years practicing there.

❖ Do the judges in your county often waive kids into adult court?

- No. It would take a LOT to get Judge Nielsen to waive a juvenile into adult court.

❖ 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?

- Haven't seen this done.

❖ How often are waivers contested?

- N/A

❖ If a waiver is contested, how does the State typically prove prosecutive merit?

- N/A

❖ What sort of witnesses does the State typically call in support of waiver?

- N/A

❖ What sort of witnesses does the defense usually call?

- N/A

❖ Is it at all common for a juvenile to initiate waiver proceedings?

- No. I have had clients suggest it, but have let them know the Judge is VERY unlikely to allow a waiver into adult court.

❖ 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?
 - Usually pretty 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. The Juvenile Intake Department/Worker drafts upon direction from the Assistant DA. The ADA does not require a plea on consent decrees.
- ❖ Are there "standard rules of supervision" that are in all delinquency dispositions?
 - Yes.
- ❖ Does the State typically agree with the Department's recommendations?
 - Usually, not always.
- ❖ Does your jurisdiction have an intensive supervision program?
 - Yes.
- ❖ Does your jurisdiction have a specialized "wraparound" program?
 - No.
- ❖ Does your jurisdiction have a community service/restitution program?
 - Yes, we have a Restorative Justice program for victim-offender conferencing.
- ❖ Which Residential Treatment Centers are used by your county?
 - Northwest Passages (frequently), Keystone (South Dakota- for Native American youth, paid for through the Lac du Flambeau Tribe), occasionally Liebertas in Green Bay.
- ❖ Does your county allow for a dispositional 365 day placement in detention?
 - Have not seen that 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?
 - Our Judge tries to keep kids at home as much as possible.

- ❖ 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?
 - Our Judge RARELY sends kids to Lincoln Hills. It is only used as a last resort. I do not think he sends kids that should not be sent. The cases that he does send to Lincoln Hills are usually kids who have failed at every other placement (group home, treatment) and have continued to get more delinquency charges or who are a serious danger to the public/high level cases.
- ❖ 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?
 - Our Judge is usually willing to entertain staying registration.
- ❖ **Services in your county**
- ❖ What are common treatment programs used in your county for juveniles? Anger management programs? AODA?
 - Family Resource Center in Lac du Flambeau for tribal members, they provide many services there. For non-tribal members, there is Options and Impact Day Treatment.
- ❖ Is Day Treatment available in your county? If so, what are the names of the specific day treatment programs?
 - Yes, we have a program called Impact which is day treatment. It is located just over the county line in Rhinelander (Oneida County).
- ❖ 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?
 - None immediately in our county. The closest place is Elmergreen & Associates in Wausau.
- ❖ What programs do you have in your county that are gender-specific?
 - None.
- ❖ **Sanctions**

- ❖ How often is there a stipulation as to the basis for sanctions?
 - Sometimes, and often if the State is wanting to impose and stay sanctions.
- ❖ If there is not a stipulation to the violations, how does the State/Department typically attempt to prove the basis?
 - Through testimony of the juvenile intake worker, usually. Often along with school records, etc.
- ❖ What sanctions are most often imposed in your county?
 - Secure detention at Marathon County for the worst violations of orders, often times the electronic GPS monitor is used, or a move up to Intensive Supervision from regular supervision.
- ❖ Does your county utilize stayed days in detention as a sanction?
 - Yes, they often put in 5-30 days secure detention (stayed) to use at the supervisor's discretion over the course of the order. They usually specify that these days will be used in 5 day maximum blocks.
- ❖ Has a particular sanction worked well for your clients in your opinion?
 - Maybe the monitor instead of secure 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?
 -