

Legal Process

The work of the Juvenile Court Unit is governed by the Juvenile Justice Code, Chapter 938 or the Wisconsin Statutes. Below is information about common legal activities and steps that can occur. Click on a numbered line to take you to information about each topic.

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1. **Temporary Custody by Intake Worker (Social Worker)**: [Top](#)

A juvenile may be held in physical custody if the intake worker at the request of law enforcement determines that there is probable cause to believe the juvenile is within the jurisdiction of the court and probable cause exists to believe one of the following:

- The juvenile will commit injury to the person or property of others.

- The parent, guardian, or legal custodian of the juvenile is neglecting, refusing, unable or unavailable to provide adequate supervision and care and that services to ensure the juvenile's safety and well-being are not available or would be inadequate.

- The juvenile will run away or be taken away so as to be unavailable for proceedings of the court or its officers.

Places where a juvenile may be held in non-secure custody are the home of a parent, home of a relative, licensed foster home or group home, a non-secure facility operated by a licensed child welfare agency, a licensed private or public shelter care facility, and under certain conditions the home of a person that is not a relative.

If the criteria of Chapter 938 of the Wisconsin Statutes is met, a juvenile can be held in secure custody in a juvenile detention facility.

2. **Custody hearing** : [Top](#)

If a juvenile who has been placed in juvenile detention, either non-secure or secure, and is not released, a hearing to determine whether the juvenile shall continue to be held in custody shall be conducted by a judge or circuit court commissioner within 24 hours after the end of the day that the decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal holidays.

3. **Referral Information to Intake Worker** : [Top](#)

Except where a citation has been issued, law enforcement agencies send a police report to Ozaukee County Department of Human Services - Juvenile Court Services. This referral indicates the juvenile should be referred to the court as delinquent. The intake worker will conduct an intake inquiry on behalf of the court to determine whether the available facts establish jurisdiction and to determine what the Intake Worker will recommend to the District Attorney. The Intake Worker has 40 days to complete the intake inquiry and make a referral to the District Attorney. The 40 day period commences on the date a referral from law enforcement is received.

4. **Referral to District Attorney** : [Top](#)

The Intake Worker can recommend to the District Attorney that the case is closed, a Deferred Prosecution Agreement is implemented or a delinquency petition is filed. The District Attorney's Office has to approve all recommendations. If the District Attorney decides to file a delinquency petition, the petition must be filed within 20 days after the date the intake worker's recommendation was filed with the District Attorney's Office.

5. **Deferred Prosecution Agreement** : [Top](#)

The Intake Worker may recommend a Deferred Prosecution Agreement if the Intake Worker has determined that neither the interests of the juvenile nor of the public require filing of a delinquency petition. A Deferred Prosecution Agreement is voluntary and implemented by contract with all parties signing that they agree to the terms and conditions of the agreement. Failure to abide by the agreement may result in court proceedings. A deferred prosecution agreement may be up to one year in length.

6. **Waiver to Adult Court** : [Top](#)

The waiver hearing shall be brought on by filing a petition alleging delinquency and a petition for waiver of jurisdiction which shall contain a statement of the facts supporting the request for waiver. The petition for waiver of jurisdiction shall be filed prior to the plea hearing on the delinquency petition.

7. **Plea Hearing**: [Top](#)

The hearing to determine the juvenile's plea to a delinquency petition or Juvenile In Need of Protection and Services petition

8. **Consent Decree**: [Top](#)

At any time after the filing of a delinquency petition or Juvenile In Need of Protection and Services petition and before the entry of a judgment, the judge may suspend the proceedings and grant a consent decree. The consent decree must be agreed to by the juvenile, the parent, guardian or legal custodian prosecuting attorney and juvenile's attorney. Failure to follow the terms and conditions can result in a revocation of the consent decree and continuance of the suspended proceedings. A juvenile who satisfactorily completes the terms and conditions of the consent decree may not be proceeded against in any court for the same offense alleged in the originating delinquency petition.

9. **Fact-Finding Hearing**: [Top](#)

A Fact-Finding Hearing is a hearing to determine if the allegations of a delinquency petition are supported beyond a reasonable doubt or a hearing to determine if the allegations in a Juvenile In Need of Protection and Services petition are proved by clear and convincing evidence. In adult court this would be the trial with a jury. In juvenile court the fact-finding hearing is before a circuit court judge who makes the findings. There is no jury.

10. **Dispositional Hearing**: [Top](#)

The court shall conduct a hearing to determine the disposition of a case in which a juvenile is adjudged to be delinquent or to be in need of protection or services. Listed below are some delinquency dispositions.

- Rules and conditions
- Counseling
- Restitution
- Community Service
- Forfeiture
- Drug testing
- Alcohol or Drug Treatment or Education
- Supervision (Probation) for up to one year
- Secure Detention for up to 30 days

- Placement out of home in a foster home, group home, or residential child care facility
- Correctional Placement