



1997 SENATE BILL 239

June 10, 1997 – Introduced by Senator BRESKE, cosponsored by Representatives RYBA, SYKORA and GROTHMAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to amend** 48.21 (3) (d), 48.243 (1) (b), 938.21 (2) (c), 938.21 (3) (d) and
2 938.243 (1) (b) of the statutes; **relating to:** advising juveniles and parents of
3 the possible consequences of a juvenile court proceeding.

Analysis by the Legislative Reference Bureau

Under current law, information indicating that a juvenile should be referred to the court assigned to exercise jurisdiction under the juvenile justice code (juvenile court) as delinquent, in need of protection or services or in violation of a civil law or municipal ordinance must be referred to the juvenile court intake worker, who must conduct an intake inquiry to determine whether the available facts establish prima facie jurisdiction and to determine the best interests of the juvenile and the public with regard to any action to be taken. Before conferring with a parent, guardian, legal custodian or juvenile during the intake inquiry, the intake worker must inform a juvenile alleged to have committed a delinquent act and a parent, guardian or legal custodian, and juvenile, who are the focus of an inquiry regarding the need for protection or services of the nature and possible consequences of the proceeding, which consequences include the various dispositions that may be imposed on a juvenile who is adjudged delinquent or found to be in need of protection or services. Currently, however, if the juvenile was present at a custody hearing, the intake worker need not provide that information at the intake inquiry. Instead, prior to the commencement of the custody hearing, the judge or juvenile court commissioner must inform the juvenile and his or her parent, guardian or legal custodian of the nature and possible consequences of the custody hearing as compared to possible

SENATE BILL 239

future hearings. Also, under current law, at or before the commencement of a plea hearing, the judge or juvenile court commissioner must again inform the juvenile and his or her parent, guardian or legal custodian of the nature and possible consequences of the proceeding.

This bill requires a judge or juvenile court commissioner at a custody hearing or a plea hearing and an intake worker at an intake inquiry, when informing the juvenile and his or her parent, guardian or legal custodian of the possible consequences of the proceeding, to inform the juvenile and the parent, guardian or legal custodian only of the dispositions which may be applicable and which are available in the county of the juvenile court.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.21 (3) (d) of the statutes is amended to read:

2 48.21 **(3)** (d) Prior to the commencement of the hearing, the parent, guardian
3 or legal custodian shall be informed by the court of the allegations that have been
4 made or may be made, the nature and possible consequences of this hearing as
5 compared to possible future hearings, including any dispositions under s. 48.345
6 which may be applicable and which are available in the county of the court, the right
7 to confront and cross-examine witnesses and the right to present witnesses.

8 **SECTION 2.** 48.243 (1) (b) of the statutes is amended to read:

9 48.243 **(1)** (b) The nature and possible consequences of the proceedings,
10 including any dispositions under s. 48.345 which may be applicable and which are
11 available in the county of the court;

12 **SECTION 3.** 938.21 (2) (c) of the statutes is amended to read:

13 938.21 **(2)** (c) Prior to the commencement of the hearing, the juvenile shall be
14 informed by the judge or juvenile court commissioner of the allegations that have
15 been or may be made, the nature and possible consequences of this hearing as

SENATE BILL 239

1 compared to possible future hearings, including any dispositions under s. 938.34 or
2 938.345 which may be applicable and which are available in the county of the court,
3 the provisions of s. 938.18 if applicable, the right to counsel under s. 938.23
4 regardless of ability to pay if the juvenile is not yet represented by counsel, the right
5 to remain silent, the fact that the silence may not be adversely considered by the
6 judge or juvenile court commissioner, the right to confront and cross-examine
7 witnesses and the right to present witnesses.

8 **SECTION 4.** 938.21 (3) (d) of the statutes is amended to read:

9 938.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
10 or legal custodian shall be informed by the court of the allegations that have been
11 made or may be made, the nature and possible consequences of this hearing as
12 compared to possible future hearings, including any dispositions under s. 938.34,
13 938.342 or 938.345 which may be applicable and which are available to the court, the
14 right to confront and cross-examine witnesses and the right to present witnesses.

15 **SECTION 5.** 938.243 (1) (b) of the statutes is amended to read:

16 938.243 (1) (b) The nature and possible consequences of the proceedings,
17 including the provisions of ss. 938.17 and 938.18, if applicable, and any dispositions
18 under s. 938.34, 938.342 or 938.345 which may be applicable and which are available
19 in the county of the court.

20 **SECTION 6. Initial applicability.**

21 (1) This act first applies to intake inquiries, custody hearings and plea hearings
22 held on the effective date of this subsection.

23 (END)