

1985 Assembly Bill 706

Date of enactment: April 2, 1986
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1985 Wisconsin Act 172

AN ACT to amend 48.363 and 48.365 (1) and (2) of the statutes, relating to permitting a district attorney or corporation counsel to petition for a revision or extension of a juvenile dispositional order.

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

SECTION 1. 48.363 of the statutes is amended to read:

48.363 Revision of dispositional orders. ~~The~~ A child, the child's parent, child, guardian or legal custodian or, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order which does not involve a change in placement, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available which affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall notify the parent, child, guardian and legal custodian, ~~and~~ all parties bound by the dispositional

order and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 2. 48.365 (1) and (2) of the statutes are amended to read:

48.365 (1) The parent, child, guardian, legal custodian, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or the court on its own motion, may request an extension of an order under s. 48.355. The request shall be submitted to the court which entered the order. No order under s. 48.355 may be extended except as provided in this section.

(2) No order may be extended without a hearing. The court shall notify the child or the child's guardian ad litem or counsel, ~~and~~ the child's parent, guardian, legal custodian ~~and~~, all the parties present at the original hearing and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.