



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 199
[2007 Senate Bill 496]

**Informal Disposition and Time
Limits Under the Children's and
Juvenile Justice Codes**

2007 Wisconsin Act 199 affects time limits and information dispositions under the Children's and Juvenile Justice Codes.

Extension of Time Limits

Act 199 requires a juvenile court intake worker to request that a petition to be filed under the Children's or Juvenile Justice Code, enter into an information disposition, or close the case within 60, instead of 40, days after receiving referral information.

The Act also extends the time within which a district attorney or corporation counsel must file a petition or close a case after an intake worker cancels an information disposition from 10 days to 20 days.

Consequences for Failure to Act Within a Time Period

There are several time limits set forth in the Children's and Juvenile Justice Codes. The Act provides that failure by the juvenile court to act within a time period does not require the dismissal of a petition with prejudice (i.e., precluding filing a new petition) or deprive the juvenile court of competency to exercise jurisdiction. In addition, failure to object to a period of delay or continuance in a proceeding under the Children's or Juvenile Justice Code waives any challenge to the juvenile court's competency to act during the period of the delay or continuance. The Act also provides that, if the juvenile court or a party fails to act within a time period specified in the Children's or Juvenile Justice Code, the juvenile court may grant a continuance for good cause shown, dismiss the petition, release the child from secure or nonsecure custody or from the terms of a custody order, or grant any other relief that the juvenile court considers appropriate.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

Informal Disposition

An informal disposition is a written agreement under which the child and his or her parent, guardian, or legal custodian agree to meet certain obligations. The Act makes the following changes relating to informal dispositions:

- Requires the consent of a child to enter into an information disposition, permits a child to object to the extension of an informal disposition, and permits a child to terminate an informal disposition only if the child is 12 years of age or older. Otherwise, these provisions require only the consent or the objection to an extension or permission to terminate by the parent, guardian, or legal custodian.
- For an unborn child, requiring only the consent of the expectant mother, if 12 years of age or older, and the parent, guardian, and legal custodian of a child expectant mother to enter into an informal disposition and only an expectant mother, if 12 years of age or older, or a parent, guardian, or legal custodian of a child expectant mother are permitted to object to an extension of, or to request the termination of, an informal disposition. The unborn child, by the unborn child's guardian ad litem, is not required to consent to an information disposition and may not object to the extension, or request the termination of, an informal disposition.
- Permits the district attorney or corporation counsel to include in a petition under the Children's Code information received before the effective date of the informal disposition, as well as information received during the period of the informal disposition. In addition, the petition may include information indicating that a party has not met the obligations imposed under the informal disposition to provide a basis for the juvenile court's jurisdiction.
- Provides that statements made to an intake worker during an intake inquiry are not inadmissible if an informal disposition is terminated by the filing of a petition under the Children's Code.

Effective Date: Act 199 takes effect on April 11, 2008.

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