FORM SUMMARY

Name of Form:	**Short Term Detention – Pending Investigation/As a Consequence**
Form Number:	JD-1770
Statutory Reference:	§§938.355(6d) and 938.534(1)(b) 2, Wisconsin Statutes
Purpose of Form:	Document authorizing custody hold of juvenile pending investigation of an alleged violation of a dispositional order or as a consequence for violation of a dispositional order.
Who Completes It:	Caseworker who authorizes the hold.
Distribution of Form:	Original is filed with the court. The caseworker will transmit a copy of the hold with the juvenile to the placement facility for its records. The caseworker will retain a copy and the juvenile/juvenile's attorney may be provided with one as well.
Accompanying Forms:	Juvenile's statement if applicable.
New Form/Modification:	Modification; last upate 7/96
Modifications:	The name of the form has been changed to show that the 72 hour hold may be used as a consequence. A county board resolution approving use of the 72-hour custody hold is now mandated in §938.355(6d), Wisconsin Statutes. The previous version of the 72-hour custody hold did not require county board approval, but did require that the juvenile court adopt written policies and provided that the county board could limit the use of this section. Some counties may not have sought county board approval under the old law since it was not required. **Each county which wishes to utilize the 72-hour custody hold should immediately seek the appropriate county board resolution.** Prior county board approval continues to be required for use of up to 30 days placement in secure detention facility as a dispositional option in §938.34(3)(f), Wisconsin Statutes. 1997 Act 205, expanded the individuals authorized to make the custody hold from caseworker to include as well "any other person authorized to provide or providing intake or dispositional services for the court." The purpose of the investigation for which a hold can be ordered has been clarified by the addition of the phrase "and the appropriateness of a sanction" from §938.355(6d)(a)1, Wisconsin Statutes, and the "appropriateness of revoking the juvenile's aftercare status" from §938.355(6d)(b)1, Wisconsin Statutes. Paragraph 3 of the form has been modified accordingly with the addition of those phrases. The legislature added new categories for which a juvenile may be taken into

custody. Previously it was limited to investigation of a violation of the dispositional order. Three new bases have been added:

- that the juvenile has violated the dispositional order;
- that the juvenile is on aftercare and may have violated the aftercare status and a hold is appropriate while investigating the alleged violation and whether aftercare should be revoked.
- that the juvenile is on aftercare and has violated the aftercare status.

Section 938.534(1)(b)2, Wisconsin Statutes, concerning the intensive supervision program, also allows for a 72-hour hold. RMC believes the form need not be modified to specifically enumerate these alternatives because the first two boxed alternatives in paragraph 3 cover the situation.

The juvenile is also now specifically required to be advised that he or she may make an oral or written statement concerning the placement if the placement is as a consequence. A new section 4 has been added to indicate that fact and what statement, if any, the juvenile has made.

Comments:

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference. Do not make any local changes to these forms without indicating on the form that it is a local variation, such as JD-XXXX *(local)* or your local county code number.