

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 13, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

No. 97-3493

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

**IN THE INTEREST OF CRYSTAL C.,
A PERSON UNDER THE AGE OF 17:**

CHERI S.,

PETITIONER-RESPONDENT,

V.

CRYSTAL C.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Racine County:
EMILY S. MUELLER, Judge. *Affirmed.*

SNYDER, P.J. Cheri S., Crystal C.'s mother, initiated a Juvenile in Need of Protection and Services (JIPS) petition under ch. 938, STATS. The petition alleged that Cheri was unable to control Crystal, specifically, her truancy from school.

Crystal filed a motion to dismiss the petition, alleging that a parent is not authorized to file a § 938.13, STATS., petition under the Juvenile Justice Code. The juvenile court denied Crystal's motion, and she appeals.¹

Statutory interpretation is a question of law which this court decides de novo. See *Harnischfeger Corp. v. Labor and Industry Review Comm'n*, 196 Wis.2d 650, 659, 539 N.W.2d 98, 102 (1995). The issue in this case is whether § 938.25, STATS., permits a parent to file a JIPS petition. Crystal claims that this section allows such a petition only if it is filed by "[t]he district attorney, corporation counsel, or other appropriate official" Section 938.25(1). She reasons that because the term "parent" is not included in the above listing, the court was without jurisdiction to hear the petition filed by her mother.

We disagree. Instead, we conclude that another statutory section, § 938.13, STATS., governs this issue. That section is entitled "Jurisdiction over juveniles alleged to be in need of protection or services." It provides:

The court has exclusive original jurisdiction over a juvenile alleged to be in need of protection or services which can be ordered by the court, and:

(4) *Whose parent or guardian signs the petition requesting jurisdiction under this subsection and is unable or needs assistance to control the juvenile.* [Emphasis added.]

The plain language of this section gives the court jurisdiction over any case in which the juvenile's parent or guardian signs the petition. Cheri initiated and signed the petition, and the court had jurisdiction to act on it.

¹ Cheri did not file a respondent's brief. Although the time of the dispositional order has expired, we will address the issue on the merits.

Crystal, however, claims that a different statutory section controls which provides much narrower guidelines for who is to initiate a petition such as the one before us here. She directs us to § 938.25(1), STATS.:

Petition: Authorization to file. (1) ... The *district attorney, corporation counsel or other appropriate official* specified under s. 938.09 may file the petition if the proceeding is specified under s. ... 938.13. The counsel or guardian ad litem for a parent, relative, guardian or juvenile may file a petition under s. 938.13 [Emphasis added.]

Crystal's reading, however, does not include the first sentence of this statutory section: "A petition initiating proceedings under this chapter shall be signed by a person who has knowledge of the facts alleged or is informed of them and believes them to be true." Section 938.25(1). When this language is coupled with the subsequent provision that "[t]he district attorney, corporation counsel or other appropriate official ... *may file the petition* ...," it is apparent to us that while the enumerated officials are permitted to file such a petition, nothing in the language of this provision prohibits a concerned parent from acting if he or she deems it necessary.

We also conclude that this reading supports the objectives of the Juvenile Justice Code: "to ... equip juvenile offenders with competencies to live responsibly and productively," § 938.01(2), STATS., and "[t]o respond to a juvenile offender's needs for care and treatment, consistent with the prevention of delinquency ...," § 938.01(2)(f). Certainly a juvenile's parent is in the best position, in many cases, to assess the needs of a recalcitrant teenager. We conclude that the plain language of both §§ 938.13 and 938.25, STATS., whether read in harmony or independently, permits a parent to file a petition if he or she deems it necessary.

We therefore affirm the trial court's denial of the motion to dismiss for lack of jurisdiction and conclude that Crystal's mother was permitted to bring the petition.

By the Court.—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)4, STATS.

