

## FORM SUMMARY

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<b>Name of Form:</b>	<b>Dispositional Order-Protection or Services (Chapter 48) Indian Child Welfare Act</b>
<b>Form Number:</b>	<b>IW-1611</b>
<b>Statutory Reference:</b>	§§48.345, 48.355, 48.356 and 48.78(2)(ag) and (aj), Wisconsin Statutes; 25 U.S.C. §§1912, 1915
<b>Benchbook Reference:</b>	
<b>Purpose of Form:</b>	Formal order of the court detailing the disposition in a ch. 48 child in need of protection or services (CHIPS) case (this form should not be used in a ch. 938 <i>juvenile</i> in need of protection or services).
<b>Who Completes It:</b>	Court clerk, corporation counsel or district attorney.
<b>Distribution of Form:</b>	Original to court, copies to child/guardian ad litem, parent/guardian/legal custodian/trustee, Indian custodian, foster parent/physical custody, child's attorney, district attorney/corporation counsel, social worker, tribe, and other interested parties.
<b>Accompanying Forms:</b>	JD-1753, Notice Concerning Grounds to Terminate Parental Rights, must be attached.
<b>New Form/Modification:</b>	Modified; last update 09/14.
<b>Modifications:</b>	Simplified expiration date section to match statutory language; added Circuit Court Commissioner to signature line and updated Wambolt language. Also added if the child is placed in-home and therefore is not subject to ICWA to use JC-1611 form instead. Changed Bureau of Milwaukee Child Welfare to Division of Milwaukee Child Protective Services.
<b>Comments:</b>	<p>2013 WI Act 334, extending supervision until age 21 under certain circumstances. <u>Effective August 1, 2014.</u></p> <p>This form is to be used when the child is placed out of the home, because ICWA does not apply when the child is placed in the home. 2011 WI Act 181</p> <p>Pursuant to ASFA Final Rules, judicial determinations must be explicitly documented and made on a case by case basis. The order must contain the child-specific reasons for the court's decision. Reference simply to state statute to substantiate judicial determinations is not sufficient. Affidavits and <i>nunc pro tunc</i> orders are not acceptable to support determinations related to out of home placements.</p> <p>Additionally, in order to follow the requirements of the Indian Child Welfare Act, the order must contain a finding as to whether the continued custody of the child by the parent or Indian custodian is likely</p>

to result in serious emotional or physical damage to the child. This finding must be supported by the testimony of one or more qualified expert witnesses. The order must also contain a finding whether active efforts have been made to prevent the break up of the Indian family. Finally, the order must state whether the placement preferences of ICWA have been followed.

RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

RMC has concerns that out of home placements ordered to be effective in the future may violate ASFA rules. One suggested procedure in these cases is to first enter a dispositional order placing the child at home, then revise the dispositional order pursuant to §48.363 upon the actual removal from the home. Another option is to adjourn the dispositional hearing until the actual removal date.

**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.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**