

FORM SUMMARY

Name of Form: Dispositional Order - Protection or Services (Chapter 48)

Form Number: JC-1611

Statutory Reference: §§48.345, 48.355, 48.356, 48.78(2)(ag) and (aj), Wisconsin Statutes

Benchbook Reference:

Purpose of Form: Formal order of the court detailing the disposition in a ch. 48 child in need of protection or services (CHIPS) case (this does not apply to a ch. 938 *juvenile* in need of protection or services).

Who Completes It: Court clerk, corporation counsel or district attorney.

Who Signs It: **BY THE COURT:** Circuit Court Judge/Circuit Court Commissioner.
THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

Distribution of Form: Court, Child's Guardian ad Litem/Adversary Counsel, Parents, Parents' Attorney(s), Child's Guardian/Legal Custodian/Trustee, District Attorney/Corporation Counsel, Caseworker and Court Appointed Special Advocate (CASA).

Accompanying Forms:

New Form/Modification: Modified; last update 08/21.

Modifications: Updated distribution list.

Comments: NOTE: JC-1611T contains TPR Notice. TPR Notice should be provided for out-of-home cases and when a parent is denied periods of physical placement or visitation.

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 statutes to substantiate judicial determinations are not sufficient. Affidavits and *nunc pro tunc* orders are not acceptable to support determinations related to out of home placements.

Pursuant to the requirements of the Federal Indian Child Welfare Act and accompanying regulations of the Bureau of Indian Affairs, the court must make inquiry on the record in all cases whether any party has reason to believe that the child is an Indian child. The responses shall be recorded in the record. Additionally, the court must order the parties to disclose any such belief, should additional information become available.

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.