

## FORM SUMMARY

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**Name of Form:** Request for Custody by School Attendance Officer/Designation by School District Administrator

**Form Number:** JD-1703

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**Statutory Reference:** §§118.16(2m)(a), 938.19(1m), 938.20, Wisconsin Statutes

**Benchbook Reference:** JV 4

**Purpose of Form:** To provide a standardized form of request for taking truant juvenile into custody.

**Who Completes It:** The school attendance officer completes the top portion; the school district administrator the bottom.

**Distribution of Form:** Original retained by School District Administrator. Copies to person taking juvenile into custody and parent/guardian/legal custodian.

**Accompanying Forms:** Generally none.

**New Form/Modification:** Modification, last update 05/00.

**Modifications:** Added Indian Child Welfare Act (ICWA) language and references.

**Comments:** Under section 938.20, the person is to consider the following release options:

- deliver to a parent, guardian, or legal custodian; or, if not available:
- deliver to a responsible adult after counseling or warning; or, if not available:
- deliver to a youth service center; or, if not available:
- deliver to the school administrator or designee; or,
- release the juvenile without immediate adult supervision after counseling or warning.

There is no provision in the statutes to refer such a juvenile to intake. However, RMC has included a referral to intake in the event there is some other reason why the juvenile should be held separate from the school attendance officer's request. For example, a juvenile ordered to be taken into custody may also be subject to a separate capias, or may be apprehended during the commission of a crime, in which case referral to intake may be appropriate. RMC did not want this form to give the impression that all such juveniles must be released even if there is another basis for holding the

juvenile and referring to intake.

The following is retained from the prior form summary:

A juvenile who is truant may be taken into custody by a person named by the school district administrator. The school attendance officer must request the custody from the school district administrator.

The school district administrator must designate person(s) who have the authority to take the juvenile into custody, consider release options or take the juvenile to the juvenile intake worker.

The statute is silent on whether the school district administrator may designate such a person in advance, although the general import of the statute seems to be that the school attendance officer would present the request to the school district administrator on a case-by-case basis as it occurs.

Blank copies of this form should be made available to each school district administrator/school attendance officer within the court's jurisdiction.

The form interchanges the use of the term "juvenile" and "child." Technically, the term should be "juvenile" because these are ch. 938 matters. However, the language in §118.16(2m)(a) concerning who may be designated as the person to take the juvenile into custody are specific with reference to "child." RMC decided to use the term "child" where the references are to ch. 118 and "juvenile" where the references are to ch. 938.

**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.**