

FORM SUMMARY

Name of Form:	Notice of Postdisposition Emergency Change in Placement and Hearing Request (In-Home to Out-of-Home)
Form Number:	JD-1767
Statutory Reference:	§§48.357(2)(b) and 938.357(2)(b), Wisconsin Statutes
Benchbook Reference:	
Purpose of Form:	To request an emergency change from in-home to out-of-home placement in a post-dispositional case under Ch. 48 or Ch. 938.
Who Completes It:	Case worker, district attorney, or corporation counsel.
Distribution of Form:	Court file, child/juvenile, child's/juvenile's attorney, GAL, parent, guardian, legal custodian, case worker, and district attorney/corporation counsel.
Accompanying Forms:	Request to Change Placement, Form JD-1766 or IW-1766 may accompany or be provided at a later date; Proposed Postdisposition Emergency Change in Placement Hearing Order (In-Home to Out-of-Home), Form JD-1768.
New Form/Modification:	Modified; last update 09/16.
Modifications:	Added new imminent damage/harm finding for ICWA cases.
Comments:	<p>2015 Wisconsin Act 373. This form is intended to be used in both Ch. 48 and Ch. 938 matters.</p> <p>A hearing must be held within 48 hours (excluding Saturdays, Sundays, and legal holidays) of the emergency removal from in-home to out-of-home of a child/juvenile that is subject to a CHIPS, JIPS, or delinquency dispositional order. At the time of this emergency change in placement hearing, a Request to Change Placement (JD-1766/IW-1766) must be filed. A hearing must be held on that request with parties notified at least three (3) days prior; however, the more permanent change in placement can be heard at the same time as the emergency hearing, provided that the parties waive the notice requirement.</p> <p>Pursuant to the Indian Child Welfare Act (ICWA), any emergency removal or placement must be terminated immediately when it is no longer necessary to prevent imminent physical damage or harm to the child. In order to facilitate an emergency removal or placement, the court must promptly hold a hearing and make a finding on the record that emergency placement/removal is necessary to prevent imminent physical damage or harm to the child. That finding is provided on this form for those situations in which ICWA applies.</p>
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.