

OUTAGAMIE COUNTY BOARD MEETING
January 28, 2020

RESOLUTION NO. 130--2019-20

ROLL CALL to adopt & lock in. RESOLUTION NO. 130—2019-20 IS ADOPTED & LOCKED IN.

1/28/2020 8:01:15 PM RollCall Systems, Inc.



Res. No. 130--19-20

Adopt + lock in

VOTE RESULTS: Passed By Majority Vote

YES: **31** NO: **0** ABSTAIN: **0** ABSENT: **5**

1 - THOMPSON	YES	19 - MARCKS	YES
2 - MILLER	YES	20 - THOMAS	YES
3 - RENTERIA	YES	21 - T. THYSSEN	YES
4 - PATIENCE	YES	22 - HAGEN	YES
5 - GABRIELSON	YES	23 - KLEMP	YES
6 - KONETZKE	YES	24 - IVERSON	ABSENT
7 - HAMMEN	YES	25 - NOOYEN	YES
8 - N. THYSSEN	ABSENT	26 - DAVIDSON	ABSENT
9 - KRUEGER	YES	27 - CULBERTSON	YES
10 - LAMERS	YES	28 - STURN	YES
11 - DILLENBERG	YES	29 - BUCHMAN	YES
12 - MC DANIEL	ABSENT	30 - WOODZICKA	YES
13 - WEGAND	ABSENT	31 - CLEGG	YES
14 - DE GROOT	YES	32 - VANDERHEIDEN	YES
15 - PETERSON	YES	33O'Connor-Schevers	YES
16 - SCHROEDER	YES	34 - RETTLER	YES
17 - CROATT	YES	35 - MELCHERT	YES
18 - SPEARS	YES	36 - SUPRISE	YES

OUTAGAMIE COUNTY BOARD MEETING
January 28, 2020

RESOLUTION NO. 130--2019-20

Supervisor Gabrielson moved, seconded by Supervisor Spears, to reconsider Resolution No. 130 for the purpose of lock in.

ROLL CALL to reconsider. **RESOLUTION NO. 130—2019-20 IS RECONSIDERED.**

1/28/2020 8:00:59 PM RollCall Systems, Inc.



Res. No. 130--19-20

Reconsider

VOTE RESULTS: Passed By Majority Vote

YES: **31** NO: **0** ABSTAIN: **0** ABSENT: **5**

1 - THOMPSON	YES	19 - MARCKS	YES
2 - MILLER	YES	20 - THOMAS	YES
3 - RENTERIA	YES	21 - T. THYSSEN	YES
4 - PATIENCE	YES	22 - HAGEN	YES
5 - GABRIELSON	YES	23 - KLEMP	YES
6 - KONETZKE	YES	24 - IVERSON	ABSENT
7 - HAMMEN	YES	25 - NOOYEN	YES
8 - N. THYSSEN	ABSENT	26 - DAVIDSON	ABSENT
9 - KRUEGER	YES	27 - CULBERTSON	YES
10 - LAMERS	YES	28 - STURN	YES
11 - DILLENBERG	YES	29 - BUCHMAN	YES
12 - MC DANIEL	ABSENT	30 - WOODZICKA	YES
13 - WEGAND	ABSENT	31 - CLEGG	YES
14 - DE GROOT	YES	32 - VANDERHEIDEN	YES
15 - PETERSON	YES	33O'Connor-Schevers	YES
16 - SCHROEDER	YES	34 - RETTLER	YES
17 - CROATT	YES	35 - MELCHERT	YES
18 - SPEARS	YES	36 - SUPRISE	YES

OUTAGAMIE COUNTY BOARD MEETING
January 28, 2020

RESOLUTION NO. 130--2019-20

At the January 14, 2020, County Board Meeting, Resolution No. 130 was held in the Health and Human Services Committee.

At the January 28, 2020 County Board Meeting, Supervisor Patience moved, seconded by Supervisor Gabrielson, for adoption.

RESOLUTION NO. 130—2019-20 IS ADOPTED.

1/28/2020 8:00:40 PM RollCall Systems, Inc.



Res. No. 130--19-20

Support legislation re. hearing timelines for Children in Need of Protection proceedings + juvenile delinquency cases

VOTE RESULTS: Passed By Majority Vote

YES: 31 NO: 0 ABSTAIN: 0 ABSENT: 5

1 - THOMPSON	YES	19 - MARCKS	YES
2 - MILLER	YES	20 - THOMAS	YES
3 - RENTERIA	YES	21 - T. THYSSEN	YES
4 - PATIENCE	YES	22 - HAGEN	YES
5 - GABRIELSON	YES	23 - KLEMP	YES
6 - KONETZKE	YES	24 - IVERSON	ABSENT
7 - HAMMEN	YES	25 - NOOYEN	YES
8 - N. THYSSEN	ABSENT	26 - DAVIDSON	ABSENT
9 - KRUEGER	YES	27 - CULBERTSON	YES
10 - LAMERS	YES	28 - STURN	YES
11 - DILLENBERG	YES	29 - BUCHMAN	YES
12 - MC DANIEL	ABSENT	30 - WOODZICKA	YES
13 - WEGAND	ABSENT	31 - CLEGG	YES
14 - DE GROOT	YES	32 - VANDERHEIDEN	YES
15 - PETERSON	YES	33O'Connor-Schevers	YES
16 - SCHROEDER	YES	34 - RETTLER	YES
17 - CROATT	YES	35 - MELCHERT	YES
18 - SPEARS	YES	36 - SUPRISE	YES

RESOLUTION NO.: 130—2019-20

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 For Children in Need of Protection (CHIPS) proceedings under State Statutes
2 Chapter 48, (the Children's Code), when a child is taken into custody and not
3 immediately released to a parent, guardian, or legal custodian, the judge or circuit
4 court commissioner in the county where the child is being held must hold a
5 detention hearing within 48 hours of the time in which the decision to hold the
6 child was made (excluding Saturdays, Sundays, and legal holidays).
7

8 For juvenile justice proceedings under State Statutes Chapter 938, (the Juvenile
9 Justice Code), when a juvenile is taken into custody and held by a county, the
10 circuit court must hold a detention hearing within 24 hours after the end of the
11 day on which the decision to hold the juvenile was made (excluding Saturdays,
12 Sundays, and legal holidays).
13

14 As a result of the hours discrepancy between these two statutory provisions,
15 county circuit court judges, commissioners, juvenile intake workers, and other
16 courthouse staff have raised concerns about county employees needing to be
17 prepared to hold a detention hearing under circumstances where the courthouse
18 would otherwise be closed. For example, counties throughout the state need to be
19 prepared to conduct Chapter 938 detention hearings on certain non-legal holidays
20 (e.g., the Friday after Thanksgiving) and extreme weather days. If a detention
21 hearing is not held prior to the statutory deadline, the county risks losing
22 jurisdiction over the pending matter. Additionally, there are concerns regarding
23 transportation of juveniles and children on non-work days in order to
24 accommodate hearings.
25

26 There is pending legislation that specifies that a day in which the Clerk of Circuit
27 Courts Office is closed does not count toward the computation of the detention
28 hearing timeline under Chapter 938. This will ensure county governments are in a
29 better position to save limited resources and protect the safety of their employees
30 and the public.
31

32 NOW THEREFORE, the undersigned members of the Health and Human Services
33 Committee and Public Safety Committee recommend adoption of the following resolution.

34 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support
35 pending legislation that would correct a discrepancy between parallel statutes that compute the
36 detention hearing timelines for Children in Need of Protection (CHIPS) proceedings under State

1 Statutes Chapter 48 (the Children's Code), and juvenile delinquency cases under Chapter 938
2 (the Juvenile Justice Code), by specifying that a day in which the Clerk of Circuit Courts Office
3 is closed does not count toward the computation of the detention hearing timeline under Chapter
4 938 which will ensure county governments are in a better position to save limited resources and
5 protect the safety of their employees and the public, and

6 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward
7 a copy of this resolution to all Wisconsin Counties, the Wisconsin Counties Association, and the
8 Outagamie County Lobbyist for distribution to legislators.

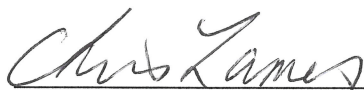
9 Dated this 28th day of January, 2020.

10 Respectfully Submitted,
11 HEALTH AND HUMAN SERVICES
12 COMMITTEE AND PUBLIC SAFETY
13 COMMITTEE
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16 
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18 Dan Gabrielson
19


Justin Krueger

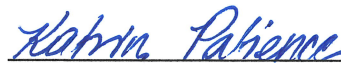
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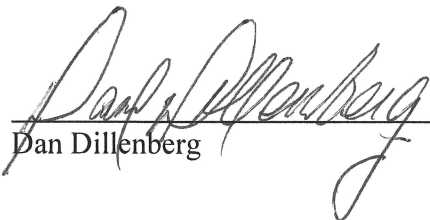
23 Christine Lamers
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Cathy Thompson

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26 
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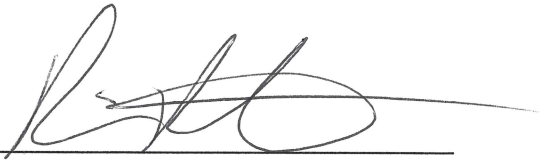
28 Kelly Schroeder
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Katrin Patience


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33 Dan Dillenberg
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Mike Woodzicka

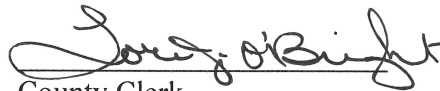
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Dominic Renteria


Eric Davidson

Duly and officially adopted by the County Board on: January 28, 2020

Signed: 
Board Chairperson


County Clerk

Approved: 1-29-20

Vetoed: _____

Signed: 
County Executive



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2142/1
EAW:amn

2019 BILL

- 1 **AN ACT to amend** 801.15 (1) (b) and 938.21 (1) (a) of the statutes; **relating to:**
2 hearing timelines for juveniles in custody.

Analysis by the Legislative Reference Bureau

Under this bill, for the purpose of calculating the timeline for holding a hearing to determine whether to continue to hold a juvenile who is taken into custody under the Juvenile Justice Code, the last day of the statutory period is not included if it is a day that the clerk of courts office is closed.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 801.15 (1) (b) of the statutes is amended to read:
4 801.15 (1) (b) Notwithstanding ss. 985.09 and 990.001 (4), in computing any
5 period of time prescribed or allowed by chs. 801 to 847, for a hearing held by a court
6 under s. 938.21 (1) (a), by any other statute governing actions and special
7 proceedings, or by order of court, the day of the act, event, or default from which the

2019 - 2020 Legislature

- 2 -

LRB-2142/1

EAW:amn

BILL**SECTION 1**

1 designated period of time begins to run shall not be included. The last day of the
2 period so computed shall be included, unless it is a day the clerk of courts office is
3 closed. When the period of time prescribed or allowed is less than 11 days, Saturdays,
4 Sundays and holidays shall be excluded in the computation.

5 **SECTION 2.** 938.21 (1) (a) of the statutes is amended to read:

6 938.21 (1) (a) If a juvenile who has been taken into custody is not released
7 under s. 938.20, a hearing to determine whether to continue to hold the juvenile in
8 custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the court
9 within 24 hours after the end of the day on which the decision to hold the juvenile
10 was made, ~~excluding Saturdays, Sundays, and legal holidays as computed under s.~~
11 801.15 (1) (b). By the time of the hearing a petition under s. 938.25 or a request for
12 a change in placement under s. 938.357, a request for a revision of the dispositional
13 order under s. 938.363, or a request for an extension of a dispositional order under
14 s. 938.365 shall be filed, except that no petition or request need be filed if a juvenile
15 is taken into custody under s. 938.19 (1) (b) or (d) 2., 6., or 7. or if the juvenile is a
16 runaway from another state, in which case a written statement of the reasons for
17 holding a juvenile in custody shall be substituted if the petition is not filed. If no
18 hearing has been held within 24 hours or if no petition, request, or statement has
19 been filed at the time of the hearing, the juvenile shall be released except as provided
20 in par. (b). The court shall grant a rehearing upon request of a parent not present
21 at the hearing for good cause shown.

22 **SECTION 3. Initial applicability.**

23 (1) This act first applies to a juvenile who is taken into custody under s. 938.19
24 on the effective date of this subsection.

25

(END)