

Resolution 5-21
**Support Legislation to Align Detention Hearing Deadlines
in Wisconsin Statutes Chapters 48 and 938**

WHEREAS, in Children in Need of Protection or Services (CHIPS) proceedings pursuant to Wisconsin Statutes Chapter 48, when a child is taken into custody and not immediately released to a parent, guardian or legal custodian, the judge or circuit court commissioner in the county where the child is being held must hold a detention hearing within 48 hours of the time in which the decision to hold the child was made (excluding Saturdays, Sundays, and legal holidays); and

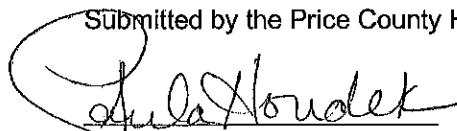
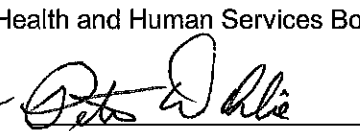
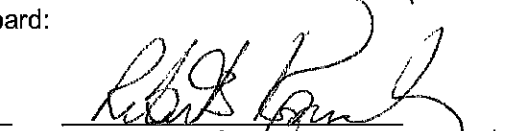
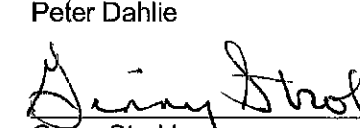
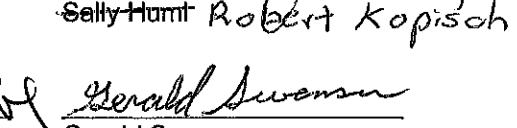
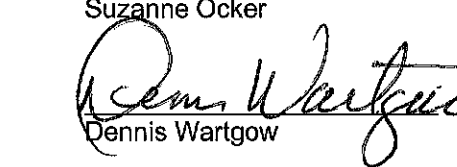
WHEREAS, in similar actions involving Juvenile Justice proceedings pursuant to Wisconsin Statutes Chapter 938, when a juvenile is taken into custody and held by a county, the circuit court must hold a detention hearing within 24 hours after the end of the day on which the decision to hold the juvenile was made (excluding Saturdays, Sundays, and legal holidays); and

WHEREAS, as a result of the discrepancy in the timelines between the Chapter 48 and Chapter 938 proceedings, in Chapter 938 cases county circuit court judges, commissioners, juvenile intake workers, and other courthouse staff need to be prepared to conduct hearings in circumstances in which the county courthouse may otherwise be closed, such as the Friday after Thanksgiving, extreme weather days, etc. Failing to meet the statutory deadlines places the county at risk of losing jurisdiction over the pending matter. Additionally, concerns may arise regarding transportation of juveniles and children on non-workdays in order to accommodate hearings.

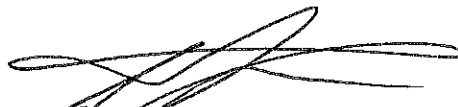
NOW, THEREFORE, BE IT RESOLVED by the Price County Board of Supervisors that it hereby supports legislation that would align the statutes that compute the detention hearing timelines for children in need of protection or services proceedings under Chapter 48 and juvenile delinquency proceedings under Chapter 938 by specifying that a day in which the Clerk of Circuit Courts Office is closed does not count toward the computation of the detention hearing timeline under Chapter 938. This will ensure county governments are in a better position to save limited resources and protect the safety of their employees and the public.

THEREFORE, BE IT FURTHER RESOLVED by the Price County Board of Supervisors that it hereby directs the Price County Clerk to forward a copy of this Resolution to all Wisconsin Counties, the Wisconsin Counties Association, and all state senators and assembly members representing Price County constituents.

Submitted by the Price County Health and Human Services Board:

 Paula Houdek, Chair	 Peter Dahlie	 Sally Hunt Robert Kopisch
<u>excused</u> Suzanne Ocker	 Ginny Strobl	 Gerald Swenson
 Dennis Wartgow		

Reviewed by County Administrator:


Nicholas Trimner

Adopted by the Price County Board of Supervisors this 14th day of January 2021


Robert D. Kopisch, County Board Chair


Jean Gottwald, County Clerk

For 10 Against 0