



RESOLUTION# 21-3-5

ITEM# 5-1
DATE March 16, 2021
Effective Date March 16, 2021

Introduced by Judicial and Legislative Committee
Page 1 of 1

Motion: LaFontaine Adopted: LAD
 1st Clendenning Lost:
 2nd 0 Tabled:
 No: 0 Yes: 19 Absent: 0

Number of votes required:
 Majority Two-thirds

Reviewed by: PAK, Corp Counsel
 Reviewed by: _____, Finance Dir.

INTENT & SYNOPSIS: To seek a legislative change in a statutory juvenile hearing time frame that can be impractical and even impossible to meet at times.

FISCAL NOTE: None.

		NO	YES	A
1	LaFontaine, D		X	
2	Rozar, D		X	
3	Feirer, M		X	
4	Wagner, E		X	
5	Fischer, A		X	
6	Breu, A		X	
7	Ashbeck, R		X	
8	Hahn, J		X	
9	Winch, W		X	
10	Thao, L		X	
11	Curry, K		X	
12	Valenstein, L		X	
13	Hokamp, J		X	
14	Polach, D		X	
15	Clendenning, B		X	
16	Pliml, L		X	
17	Zurfluh, J		X	
18	Hamilton, B		X	
19	Leichtnam, B		X	

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, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES that it 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.

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

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Adopted by the County Board of Wood County, this 16th day of March 2021.

Grant A. Pliml
 County Clerk

BILL CLENNING (Chair) William B. Clendenning
 BILL LEICHTNAM Bill Leichtnam
 KENNETH CURRY Kenneth Curry
 ED WAGNER Ed Wagner
 JOSEPH ZURFLUH Joseph H. Zurfluh

Grant A. Pliml
 County Board Chairman