

FORM SUMMARY

Name of Form: Order for Temporary Physical Custody (Secure/Nonsecure)

Form Number: JD-1711

Statutory Reference: §§48.19(1), 48.21, 48.205, 48.415(1m), 48.355(2d), 938.19(1), 938.205, 938.21, and 938.355(2d), Wisconsin Statutes

Benchbook Reference:

Purpose of Form: The formal order signed by the court directing the custody ordered by the court for a child/juvenile.

Who Completes It: Court, district attorney or corporation counsel.

Who Signs It: **BY THE COURT:** Circuit Court Judge/Circuit Court Commissioner.

Distribution of Form: Court, Child's/Juvenile's Guardian ad Litem/Adversary Counsel, Parents, Parents' Attorney(s), Child's/Juvenile's Guardian/Legal Custodian, District Attorney/Corporation Counsel, and Caseworker.

Accompanying Forms: Generally none.

New Form/Modification: Modified; last revision 09/22.

Modifications: Added #2 under secure custody to match Chapter 938 TPC Request (JD-1710).

Comments: This form is intended to be used in both chapter 48 and chapter 938 proceedings. There is no separate form number for chapter 48.

Pursuant to ASFA Final Rules, judicial determinations must be explicitly documented and made on a case by case basis. The order must contain the child-specific reasons for the court's decision. Reference simply to state statute to substantiate judicial determinations are not sufficient. Affidavits and *nunc pro tunc* orders are not acceptable to support determinations related to out-of-home placements.

Pursuant to the requirements of the Federal Indian Child Welfare Act and accompanying regulations of the Bureau of Indian Affairs, the court must make inquiry on the record in all cases whether any party has reason to believe that the child is an Indian child. The responses shall be recorded in the record. Additionally, the court must order the parties to disclose any such belief, should additional information become available.

A separate order must be completed for each child/juvenile.

RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

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.