

FORM SUMMARY

Name of Form:	Request to Impose Stayed Delinquency Dispositional Order
Form Number:	JD-1750A

Statutory Reference:	§938.34(16), Wisconsin Statutes
Benchbook Reference:	JV 8
Purpose of Form:	To allow a juvenile to waive the right to a hearing when the supervising agency is asking the court to lift the stay of a dispositional order, and when lifting the stay will not result in the juvenile being moved from an in home to non-secure out-of-home placement.
Who Completes It:	Caseworker and juvenile; order signed by circuit judge.
Distribution of Form:	Court, Juvenile's Guardian ad Litem/Adversary Counsel, Parents, Juvenile's Guardian/Legal Custodian, District Attorney, and Caseworker.
Accompanying Forms:	Generally none, unless the entire dispositional order had been stayed. If that was done, a copy of the dispositional order that is being reimposed should be attached.
New Form/Modification:	Modified; last update 11/19.
Modifications:	Updated distribution list.
Comments:	<p>§938.34(16), Wis. Stats., allows a court in a delinquency case to stay all or a portion of the dispositional order. This is similar to the criminal court authority to impose and stay a sentence.</p> <p>If the juvenile violates the dispositional order, the court can lift the stay and have the original conditions imposed. For example, if the court imposed and stayed a firearms restriction on the juvenile, that stay could be lifted without a hearing, if the juvenile signs this form. The juvenile has a right to a hearing if requested. If the juvenile is placed in his or her home, the lifting of a stay which moves the juvenile to a non-secure out of home placement requires a hearing, and the juvenile may not waive that hearing. A hearing may be waived for placement in secure detention.</p> <p>The form provides the flexibility for the court to determine precisely how many of the stayed conditions should be imposed. It also indicates that although the case worker and juvenile may request specific conditions be imposed, a judge is not bound by that agreement.</p>
About this Form:	<p>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.</p> <p>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.</p>