

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

NOVEMBER 19, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62(1), STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-1429

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

**IN THE INTEREST OF AMY M. A.,
A PERSON UNDER THE AGE OF 18:**

STATE OF WISCONSIN,

Petitioner-Respondent,

v.

AMY M. A.,

Defendant-Appellant.

APPEAL from an order of the circuit court for Eau Claire County:
BENJAMIN D. PROCTOR, Judge. *Dismissed.*

CANE, P.J. Some of the facts and dates are important to understand the issue of whether Amy M.A.'s appeal of the trial court's order denying her motion to revise a condition of her juvenile supervision is moot. These facts and dates are undisputed.

On July 26, 1995, Amy M.A. was found delinquent for possession of THC and drug paraphernalia, in violation of §§ 161.41(3r) and 161.573, STATS.

The trial court placed Amy under supervision for one year with conditions, among others, that she,

within two weeks of this court date, reveal to her social worker every source she has ever had in the State of Wisconsin who has provided her with drugs; she shall provide all places she has gotten these substances, and shall provide any other information she has which will be helpful to the police in finding out whoever is delivering drugs to her as a child.

After Amy unsuccessfully attempted to have the court remove these conditions, the court on October 3, 1995, stayed them supervision pending appeal.

On March 29, 1996, the trial court also denied Amy's motion requesting the court to delete the above conditions when it was shown that Amy had satisfied all of the conditions of supervision except for naming a gang member who had sold her drugs because she was concerned for her safety. The trial court reasoned that if it were not for the legal issue of whether the court has authority to require a juvenile to provide information to her social worker as to who sold her drugs, it would grant the motion based on the fact that Amy had provided the other information and done well on supervision. On April 19, 1996, Amy appealed the court's order denying revision of the dispositional order.

On July 9, 1996, Amy's social worker filed a petition to extend the dispositional order, stating as grounds for the extension that, "Amy has satisfactorily completed all conditions except reveal drug sources. This is currently in the court of appeals. Extension will allow the appeal process to complete." Accepting the State's argument that it was unnecessary in light of § 48.315, STATS., the trial court declined to extend the dispositional order.

Although Amy originally appealed the trial court's order denying her request to revise the dispositional order, she now contends the appeal is moot because her supervision has expired and the condition of supervision is no longer enforceable. She contends that pursuant to the terms of her

dispositional order for one year beginning on July 26, 1995, and the operation of § 48.355(4), STATS., her supervision expired on July 26, 1996. Amy reasons that unless her dispositional order is stayed, she is no longer subject to the juvenile court's jurisdiction and, therefore, whether Amy can be required to report her drug sources is moot. This court agrees.

A dispositional order has no validity once the time period has elapsed. *In re B.J.N.*, 162 Wis. 2d 635, 641, 469 N.W.2d 845, 847 (1991); *see also Huggett v. State*, 83 Wis.2d 790, 804, 266 N.W.2d 403, 409 (1978) (where the court held that if an adult probationer's sentence is improperly extended, a subsequent revocation and sentence are void and must be vacated). Here, the trial court stayed only the requirement that Amy report her drug sources. It declined to stay or extend the dispositional order and consequently the dispositional order terminated pursuant to

§ 48.355(4), STATS.¹

Although the State at the trial level contended that § 48.315(1)(a), STATS., automatically tolled the termination of Amy's dispositional order, it has apparently abandoned this argument on appeal. Amy correctly points out that § 48.315(1)(a) does not toll termination of dispositional orders. In *In re L.M.C.*,

¹ Section 48.355(4), STATS., provides:

(4) Termination of orders. (a) Except as provided under par. (b) or s. 48.368, all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child whose legal custody has been transferred to the department of corrections under s. 48.34(4g) or who is under the supervision of the department of health and social services under s. 48.34(4m) or (4n) or under the supervision of a county department under s. 48.34(4n) if the child is 18 years of age or older when the original dispositional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

146 Wis.2d 377, 389, 432 N.W.2d 588, 593 (Ct. App. 1988), the court held that § 48.315(1)(a) did not override the specific language concerning extensions set forth at §§ 48.355(4) and 48.365(6).

Therefore, because the court did not stay Amy's dispositional order or extend the order past its expiration date of July 26, 1996, Amy is no longer subject to juvenile court jurisdiction, and the issue of whether Amy must comply with the condition that she report her drug sources is moot. Accordingly, the appeal is dismissed.

By the Court. – Appeal dismissed.

This opinion will not be published. RULE 809.23(1)(b)4, STATS.