

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Amended

Name _____

Order for Temporary Physical Custody

Date of Birth _____

Secure

Non-secure

Case No. _____

A Hearing for Temporary Physical Custody was held on [Date] _____, which is the effective date of this Order.

THE COURT FINDS:

1. The child/juvenile is in the jurisdiction of this court under

- delinquency: [Statutes] _____ or
- JIPS: [Statutes] _____ or
- CHIPS: [Statutes] _____.

2. Probable cause exists to believe that the

- A. child/juvenile will commit injury to person or property of others.
- B. child/juvenile will cause injury to self. be subject to injury by others.
- C. parent(s), guardian, legal custodian or other responsible adult is
 neglecting refusing unable unavailable to provide adequate supervision and care.
- D. child/juvenile will run away or be taken away, making the child/juvenile unavailable for further court proceedings.
- E. parent(s) has relinquished custody of the child/juvenile.

3. Child/juvenile is not subject to or it is undetermined whether the child/juvenile is subject to the federal Indian Child Welfare Act. An inquiry has been made on the record to each participant in this proceeding as to whether the participant knows or has reason to know that the child/juvenile is an Indian child. *(If the child/juvenile is subject to the Indian Child Welfare Act, use the Indian Child Welfare Act version [IW-1711] of this order.)*

For secure custody, the court further finds that probable cause exists to believe:

- 1. The child/juvenile has committed a delinquent act and there is a substantial risk of
 physical harm to another. running away.
- 2. Juvenile has:
 - committed a felony delinquent act listed under §938.208(1)(a), Wis. Stats.
 - committed a felony delinquent act while in possession of a firearm.
 - possessed a short-barreled rifle, short-barreled shotgun, or handgun.
- 3. The child/juvenile is a fugitive from another state runaway from a juvenile correctional facility, and there was no reasonable opportunity to return the child/juvenile.

- 4. A protective order was issued and the child/juvenile consents in writing to the custody.
- 5. The child/juvenile ran away or committed a delinquent act while in non-secure custody and no other suitable alternative exists.
- 6. The child/juvenile is alleged/adjudicated delinquent and is a runaway from another county and would run away from non-secure custody.
- 7. The child/juvenile is subject to adult criminal court jurisdiction and is under 15 years of age.

For secure custody in a jail, the court further finds:

- 1. No other juvenile detention facility approved by DOC or the county is available.
- 2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

For all custody outside of the home, the court further finds:

1. Continuation of residence in the home at this time is not contrary to the child's/juvenile's welfare.

2. Reasonable efforts to prevent removal and return child/juvenile safely home were *[Complete one of the following]*
 - made by the department or agency responsible for providing services as follows: _____
 - made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows: _____
 - not required under §48.355(2d) and §938.355(2d), Wis. Stats. _____
 - required, but good cause was shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until [Date – Not to exceed 5 days] _____.
 - required, but the department or agency responsible for providing services failed to make reasonable efforts.
3. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
 - made.
 - not required because the child/juvenile does not have siblings in out-of-home care.
 - not required because it would be contrary to the safety or well-being of the child/juvenile or any of the siblings.
4. The placement is certified as a Qualified Residential Treatment Program.
 - A. The standardized assessment and recommendation by a qualified individual have been submitted.
 1. The needs of the child/juvenile can cannot be met through placement in a foster home.
 2. The placement does does not provide the most effective and appropriate level of care for the child/juvenile in the least restrictive environment.
 3. The placement is is not consistent with the short-term and long-term goals for the child/juvenile, as identified in the permanency planning.
 4. The placement is approved disapproved.
 - OR
 - B. The agency primarily responsible for providing services will submit the standardized assessment and recommendation by a qualified individual by: _____. *[No later than 30 days from date of placement]*
5. As to the department or agency recommendation:
 - A. The placement location recommended by the department or agency is adopted.
 - OR
 - B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.
6. All parents present were asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

THE COURT ORDERS:

The Temporary Physical Custody Request is

- 1. **DENIED.**
- 2. **GRANTED.**

The child/juvenile is held in custody

- A. In-home at [Name and Address] _____.
- B. Out-of-home at [Name and Address] _____

- and into the placement and care responsibility of the department in the county where this order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County under Ch. 48, which has primary responsibility for providing services.

- 3. The child/juvenile is placed in an out-of-home placement.
 - A. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings. The department or agency
 - shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
 - is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.
 - B. The department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2., Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), Wis. Stats., no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.

- 4. While in a non-secure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.

- 5. Other conditions of custody: _____

- 6. If any party to this proceeding receives subsequent information that provides reason to know that the child/juvenile is an Indian child, they shall inform the court.

- 7. In a Delinquency or JIPS case, the parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
 - \$ _____.
 - to be determined by [Agency] _____.

- 8. Transportation to the placement and any return to court shall be provided by _____.

- 9. The next hearing is [Date] _____ at [Time] _____ a.m. p.m.

- 10. Other: _____

DISTRIBUTION:

- 1. Court
- 2. Child's/Juvenile's Guardian ad Litem/Adversary Counsel
- 3. Parents
- 4. Parent's Attorney(s)
- 5. Child's/Juvenile's Guardian/Legal Custodian
- 6. District Attorney/Corporation Counsel
- 7. Caseworker