

FORM SUMMARY

Name of Form: **Postdisposition Emergency Change in Placement Order with Termination of Parental Rights Notice (In-Home to Out-of-Home)**

Form Number **JD-1768T**

Statutory Reference: §§ 48.357(2)(b), 938.357(2)(b), Wisconsin Statutes

Benchbook Reference:

Purpose of Form: Order of the court for emergency change from in-home to out-of-home placement in a postdispositional case under Ch. 48 or Ch. 938.

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

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

Distribution of Form: Court, Child/Juvenile, Child's/Juvenile's Guardian ad Litem/Adversary Counsel, Parents, Parents' Attorney(s), Child's Guardian/Legal Custodian, Relative Caregiver/Foster Parent, District Attorney/Corporation Counsel, Caseworker, Court Appointed Special Advocate (CASA), Tribe, and Indian Custodian.

Accompanying Forms: None.

New Form/Modification: Modification; last update 03/26.

Modifications: Removed "when the child was 72 hours old or younger" from Relinquishment checkbox in notice section, per 25 Wis Act 94.

Comments: This form is intended to be used in both Ch. 48 and Ch. 938 matters (2015 Wisconsin Act 373).

A hearing must be held within 48 hours (excluding Saturdays, Sundays, and legal holidays) of the emergency removal from in-home to out-of-home of a child/juvenile that is subject to a CHIPS, JIPS, or delinquency dispositional order. At the time of this emergency change in placement hearing, a Request to Change Placement (JD-1766, IW-1766) must have been filed. A hearing must be held on that request with parties notified at least three days prior; however, the more permanent change in placement can be heard at the same time as the emergency hearing, provided that the parties waive the notice requirement. This emergency order shall remain in effect until such time that the more permanent change in placement hearing is held or otherwise ordered by the court.

Pursuant to the Indian Child Welfare Act (ICWA), any emergency removal or placement must be terminated immediately when it is no longer necessary to prevent imminent physical damage or harm

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to the child. In order to facilitate an emergency removal or placement, the court must promptly hold a hearing and make a finding on the record that emergency placement/removal is necessary to prevent imminent physical damage or harm to the child. That finding is provided on this form for those situations in which ICWA applies.

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.