

2 **RESOLUTION: Support Pending Legislation to Amend Hearing Timelines for Juveniles**  
3 **Taken into Custody (Chapter 938, Wis. Stats.) to Coincide with Hearing**  
4 **Timelines for Children in Need of Protection or Services (CHIPS) Taken**  
5 **into Custody (Chapter 48, Wis. Stats.) so that a Day in Which the Clerk of**  
6 **Circuit Court’s Office is Closed Does Not Count Toward the Computation**  
7 **of the Chapter 938 Detention Hearing Timeline**  
8

9 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

10 **WHEREAS**, in Children in Need of Protection or Services (CHIPS) proceedings pursuant to Chapter 48, Wis.  
11 Stats. (The Children’s Code), when a child is taken into custody and not immediately released to a parent, guardian,  
12 or legal custodian, the judge or circuit court commissioner in the county where the child is being held must hold a  
13 detention hearing within 48 hours of the time in which the decision to hold the child was made (excluding Saturdays,  
14 Sundays, and legal holidays); and

15 **WHEREAS**, in similar actions involving Juvenile Justice proceedings pursuant to Chapter 938, Wis. Stats.  
16 (The Juvenile Justice Code), when a juvenile is taken into custody and held by a county, the circuit court must hold a  
17 detention hearing within 24 hours after the end of the day on which the decision to hold the juvenile was made  
18 (excluding Saturdays, Sundays, and legal holidays); and

19 **WHEREAS**, as a result of the discrepancy in the timelines between the Chapter 48 and Chapter 938  
20 proceedings, in Chapter 938 cases county circuit court judges, commissioners, juvenile intake workers, and other  
21 courthouse staff need to be prepared to conduct hearings in circumstances in which the county courthouse may  
22 otherwise be closed, such as the Friday after Thanksgiving, extreme weather days, etc. Failing to meet the statutory  
23 deadlines places the county at risk of losing jurisdiction over the pending matter. Additionally, concerns may arise  
24 regarding transportation of juveniles and children on non-work days in order to accommodate hearings.

25 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby  
26 supports legislation that would align the statutes that compute the detention hearing timelines for Children in Need of  
27 Protection or Services (CHIPS) proceedings under Chapter 48 and juvenile delinquency proceedings under Chapter  
28 938 by specifying that a day in which the Clerk of Circuit Courts Office is closed does not count toward the  
29 computation of the detention hearing timeline under Chapter 938. This will ensure county governments are in a  
30 better position to save limited resources and protect the safety of their employees and the public.

31 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the  
32 Winnebago County Clerk to forward a copy of this Resolution to all Wisconsin Counties, the Wisconsin Counties  
33 Association, and all state senators and assembly members representing Winnebago County constituents.

34  
35 Respectfully submitted by:

36 **LEGISLATIVE COMMITTEE**

37 Committee Vote: **12-0**

38 Vote Required for Passage: **Three-Fourths of Those Members Present**

39 Approved by the Winnebago County Executive this \_\_\_\_ day of \_\_\_\_\_, 2020.

40  
41 \_\_\_\_\_  
42 Mark L Harris  
Winnebago County Executive