

STATE OF WISCONSIN  
Department of Health and Family Services  
Division of Children and Family Services

DCFS Memo Series 2008 - 09 /ACTION  
June 2, 2008  
Re: 2007 Wisconsin Act 199:  
Changes to Time Limit  
Provisions

To: Area Administrators/Human Services Area Coordinators  
Bureau Directors  
Child Placing Agency Directors  
Child Welfare Agency Directors  
County Departments of Community Programs Directors  
County Departments of Developmental Disabilities  
Services Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Indian Child Welfare Directors  
Licensing Chiefs/Section Chiefs  
Tribal Chairpersons/Human Services Facilitators

From: Reggie Bicha   
Administrator

Governor Doyle recently signed 2007 Wisconsin Act 199 (Act 199) into law. Act 199 makes changes to the requirements for an informal disposition and to required time periods under the Children's Code and Juvenile Justice Code. This memo addresses the time limit provisions of Act 199. A separate information memo will address the informal disposition provisions of Act 199.

#### 2007 Wisconsin Act 199 – Time Limit Provisions

Previously Chapter 48 allowed 60 days for a child abuse or neglect investigation and 40 days after receiving a referral for an intake worker to enter into an informal disposition, request that a child in need of protection or services (CHIPS) petition be filed, or close the case. In 2000, an appellate decision interpreted this statute to mean that the 60 days and 40 days ran concurrently. This caused confusion in interpretation, as the Department and many counties had interpreted the two timelines to run consecutively.

Act 199 clarifies the statute and provides that:

- The deadline for requesting that a CHIPS petition be filed is changed from 40 days to 60 days.
- The 60 days for the child abuse and neglect investigation and the (new) 60 days for the decision on whether to file a CHIPS petition are the same 60 days (they run concurrently).
- In both Chapters 48 and 938, the court now has discretion to expand the deadline to refer or file a petition if good cause exists. In other words, failure by the juvenile court intake worker (or other party) to act within the specified time period does not require the dismissal of a petition with prejudice. Instead the court will have the discretion to grant a continuance, dismiss the petition, release the child from custody or from the terms of the custody order, or grant any other relief the court considers appropriate.
- Failure to object to a violation of the time limits for requesting or filing a petition under Chapters 48 or 938 waives any challenge to the court's competency to act on the petition.

The effective date for Act 199 was April 11, 2008. This law is not retroactive, and thus only applies to time periods that began on or after the effective date.

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#### Document Summary

This numbered memo summarizes the statutory changes made to time limit provisions under 2007 Wisconsin Act 199, and instructs the formation of memorandums of understanding in order to facilitate compliance with the new law.

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Compliance with this new legislation will necessitate continued cooperation between county departments and court intake workers. Therefore, the Department is requiring that, in those counties where court intake is attached to the Juvenile Court or the Sheriff's Department, there must be a memorandum of understanding (MOU) between the Department of Human/Social Services and the intake office relating to how child protective services investigations and subsequent referrals to the intake worker will be handled. These MOUs should provide for adequate time for both parties to perform their responsibilities within the 60-day time limit.

**ACTION STATEMENT:** For those counties where court intake is not part of the social/human services department, MOUs must be developed no later than December 31, 2008 and submitted to Julie Bachir at the address below. The Department, in consultation with the DOC Division of Juvenile Corrections and the Director of State Courts Office, will assist in these efforts as requested.

**REGIONAL OFFICE CONTACT:** Area Administrator

**CENTRAL OFFICE CONTACT:** Julie Bachir  
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DHFS/DCFS/BPP  
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**MEMO WEB SITE:** [http://dhfs.wisconsin.gov/dcfs\\_info](http://dhfs.wisconsin.gov/dcfs_info)

**Attachments:** [2007 Wisconsin Act 199](#)

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