

WISCONSIN INTER-COUNTY AGREEMENT ON VENUE, JURISDICTION, PLACEMENT AND FUNDING RESPONSIBILITY IN CHIPS, JIPS AND DELINQUENCY CASES

This agreement is intended to support and facilitate open communication and collaboration between county human service and social service departments when decisions must be made regarding case transfer, courtesy supervision, placement, funding responsibility, jurisdiction, venue or any other inter-county issues under Chapters 48 and 938 of the Wisconsin Statutes. It is acknowledged that this agreement cannot possibly cover all situations that might arise and open communication and good social work practice, on a case-by-case basis, are vital to ensure that the best interests of children, families and the public are served.

DEFINITIONS

County of Residence: For purposes of the Chapters 48 and 938 venue statutes, the Wisconsin Supreme Court has equated the word “resides” with the word “residence” and has determined “residence” to mean “domicile”, i.e.: *The county where the child’s custodial parent(s), or the court appointed guardian of the person of the child, live with the intent to make it a fixed and permanent home.* Residence is not established when a parent/guardian or child lives in a place for “mere special or temporary purposes” and, therefore, for purposes of the venue statutes, a child who is living in a court ordered placement does not “reside” there. The Wisconsin Supreme Court has determined that a child’s county of residence will, in almost all cases, be that of his or her parents. State v Corey J.G., 215 Wis. 2nd 394 (1998).

County of Responsibility: The county that is financially responsible for the placement and services provided to a child/juvenile/family, whether court ordered or voluntary. The county of responsibility will most often be the county of venue.

Courtesy Supervision: Courtesy Supervision is a cooperative arrangement between two or more counties to provide, or continue to provide, services to children/juveniles and their families who are the subject of a dispositional order, consent decree, deferred prosecution agreement, or informal agreement. Requests for courtesy supervision are based on family need, good practice standards, and practical efficiencies (i.e. available resources, distance). The requesting county shall provide a written request and specific expectations to the receiving county. (Please refer to Addendum A for the suggested protocol for courtesy supervision.)

Courtesy Notification: When the county of venue is not planning to ask for courtesy supervision or a transfer of venue and the county of venue nevertheless notifies the new county of residence that a custodial parent (with the child, in community supervision cases) has moved into the new county. The notification should occur within 30 days of when the county of venue learns that the parent has moved. The notification may be by phone, e-mail, fax or U.S. mail and should include the parent and child’s names and birthdates, new address and a contact person in the county of venue.

Custodial Parent: If the child/juvenile is the subject of a family court custody order, the parent with “sole legal custody”. If the parents have been granted “joint legal custody” of the child/juvenile, the parent who has been designated by the family court as the “primary home” of the child/juvenile. If the parents have been granted joint legal custody and neither parent has

been designated as the “primary home” of the child/juvenile, or there is no family court custody order, the “custodial parent” will be the parent with whom the child/juvenile lives more often. If the child lives an equal amount of time with each parent, consider factors such as school enrollment or which parent claims the child as a dependent for income tax purposes in order to determine the custodial parent.

Director: The director of the county human services or social services department.

Guardian: An adult appointed guardian of the person of the child by a juvenile or probate court pursuant to Ch. 880, Wis. Stats., or an adult relative appointed guardian of a child pursuant to sec. 48.977, Wis. Stats.

Home County: The county in which a child/juvenile’s custodial parent(s), or the court appointed guardian of the person of the child/juvenile, resides and has resided *for at least 6 months* with the intent of making it a fixed and permanent home. Permanency shall be determined by such factors as the purchase or rental of a home, the child’s enrollment in school, parent(s)’ place of employment, residency history (i.e., did the parents live in the county in the past, do they have extended family living in the county) and a history of transience. If a child/juvenile’s custodial parent(s)/guardian have lived in a county for at least 6 months, that county shall be presumed to be the child/juvenile’s home county unless there is credible evidence to indicate that the parent(s)/guardian do not intend to reside permanently in the county.

Parent: See definition found in sec. 48.02 (13), Wis. Stats.

Venue: The county in which a court with jurisdiction may hear and decide a case. See State v Corey J. G., 215 Wis, 2nd 394, 405 (Par. 18). For the purposes of initiating a Chapter 48 proceeding, venue is either in the county where the child, or the expectant mother of an unborn child, resides or is present at the time the petition is filed. For the purposes of initiating a proceeding under Chapter 938, venue is either in the county where the juvenile resides or is present at the time the petition is filed or in the county where the violation of law occurred.

GENERAL PRINCIPLES GOVERNING THE ESTABLISHMENT AND TRANSFER OF VENUE IN JUVENILE COURT

Within the framework provided by Wisconsin statutory and case law, it is the intent of the parties to this “Statewide Inter-County Agreement on Venue, Jurisdiction, Placement and Funding Responsibility” (hereinafter “Agreement”) to establish the policies and procedures which will govern the determination of the appropriate venue, as well as the service and fiscal responsibility, for the cases described herein.

Each county board of supervisors is primarily responsible for providing appropriate and necessary services for the children/juveniles/families residing within its county.

The paramount consideration in all cases will be the best interests of the child/juvenile. In delinquency cases, the protection of the public shall also be considered.

The parties hereto pledge to share all relevant information in their possession, as authorized by ss. 48.78, 48.981(7) and 938.78, Wis. Stats., regarding the children and families affected by this agreement in order to assure open communication and cooperation between county departments of human/social services.

The parties to this Agreement will work with their juvenile court judges to reformulate their written juvenile court intake policies, pursuant to Chapters 48 and 938, Wis. Stats., to reflect the terms of this Agreement.

Wisconsin Law

In State v Corey J. G., 215 Wis. 2nd 394 (1998), the Wisconsin Supreme Court held that venue is most appropriate in the county of a child/juvenile's domicile which the court defined as the county where the child/juvenile's custodial parents reside with the intent to make it a fixed and permanent home. Quoting from the Wisconsin Handbook for Juvenile Court Services, the court stated:

[V]enue is most appropriate in the county of the child's domicile since court and social service personnel may be familiar with the child and family. The local court is sensitive to community values and is prepared to fashion dispositions to community needs and resources. Finally the local court is equipped to determine whether or not dispositional alternatives or supervision programs are helping the child overcome his/her problem

Section 48.185, Wis. Stats., provides that, for the purposes of initiating a Chapter 48 proceeding, venue is either in the county where the child, or the expectant mother of an unborn child, resides or is present at the time the petition is filed

Section 938.185, Wis. Stats., provides that, for the purpose of initiating a Chapter 938, venue shall be in any of the following: the county where the juvenile resides; the county where the juvenile is present, or in the case of a violation of a state law, or a county, town or municipal ordinance, the county where the violation occurred.

Venue for a hearing on the revision or extension of a dispositional order shall remain in the county where the dispositional order was issued unless the child/juvenile's home county has changed. If the child/juvenile's custodial parent(s)/guardian has established a new home county, the juvenile court may, upon a written motion and for good cause shown, transfer the case, along with all appropriate records, to the juvenile court of the home county.

Venue may not transfer in CHIPS and JIPS cases between adjudication and disposition.

For purposes of disposition in delinquency cases, venue may be transferred between adjudication and disposition, from the county where the violation occurred to the county of residence, if the juvenile court of the county of residence agrees.

Policy and Procedure

It is the consensus of the parties to this Agreement that the county where the child/juvenile resides with his/her custodial parent(s) or legal guardian(s) is the most appropriate *venue* for a case to be handled. The county of residence will often have had previous or ongoing contact with the child/juvenile and family and be able to provide the juvenile court with complete and reliable information on which to base physical custody, dispositional, and post-dispositional decisions.

I. Court Intake

- A. As a general rule (see individual county juvenile court intake policies for exceptions), venue for any juvenile court proceeding under Chapters 48 and 938, Wis. Stats., shall be in the county where the child/juvenile resides with his/her custodial parents(s) or guardian(s) and all referrals shall be made to that county's department of human/social services.
- B. Referrals and venue for children/juveniles living with a relative.
The permanency of the placement will determine the appropriate venue.
 - 1. If the relative placement appears to be permanent, referrals shall be made to the chief intake worker or designee of the county where the child/juvenile lives with the relative(s) (i.e., where the child/juvenile is present) and venue will lie in that county.
 - 2. If it appears likely that the relative(s) will no longer be able to care for the child/juvenile, the referral shall be made to chief intake worker or designee of the custodial parent/guardian's county of residence and venue will lie in that county.
- C. Delinquency and status offense cases-act committed outside of the county of residence.
 - 1. The juvenile court intake officer of the county where the act was committed shall send a copy of the law enforcement referral to the chief intake officer or designee of the juvenile's county of residence. The county where the act was committed and the county of residence shall share all relevant information regarding the child/juvenile and his/her family and shall work together to determine the most appropriate venue and disposition.
 - 2. Children/juveniles living in out-of-county juvenile court ordered placements or under voluntary placement agreements (VPA).
 - a) The court that issued the placement order retains venue under the terms of the original placement order and therefore, a copy of the law enforcement referral shall be forwarded to the chief intake officer or designee for that court.
 - b) The county where the act was committed and the county of the court that issued the placement order or the county that was a party to the VPA shall share all relevant information regarding the child/juvenile and his/her family and shall work together to determine the most appropriate venue and disposition in the case.

- c) If a child/juvenile's parent/guardian change residence during the term of the order or VPA, a copy of the law enforcement referral shall also be forwarded to the chief intake officer or designee of the new county of residence and that county shall also be consulted regarding the most appropriate venue and disposition in the case.
- 3. If the district attorney or the corporation counsel of the county where the act was committed files the petition and will not refer the case to the district attorney or corporation counsel of the county of residence for disposition.
 - a) The county in which the petition is filed shall immediately contact the county of residence (and for children/juveniles in placement, the county of the court which issued the placement order, or, if venue was transferred, to the new county of venue) [hereinafter, the 'other county'] to discuss the status of the case and to work toward a mutually agreeable dispositional recommendation. The county where the act was committed and the other county shall share all relevant information in their possession regarding the child/juvenile and his/her family.
 - b) Timely and adequate notice of the date and time of the dispositional hearing shall be provided to the other county and said county shall be given an opportunity to either testify at the dispositional hearing or present a written statement to the court.

II. Custody and Release of Out-of-County Children/Juveniles

- A. The intake worker in the county where the child/juvenile is present and is taken into custody (the "holding county") is responsible for and has the authority to make the custody and release decision.
 - 1. If a child/juvenile is taken into custody by a county other than his or her county of residence and is not released, the intake worker to whom the child/juvenile is delivered will contact the child/juvenile's county of residence as soon as practicable, but not later than the next working day, to exchange information regarding the child/juvenile/family, as permitted by ss. 48.78, 48.981(7) and 938.78, Wis. Stats., and to jointly explore release options (parents, relatives, runaway home, etc.)
 - 2. If no release options are available or if safety considerations for the child/juvenile or community preclude release, it will be the responsibility of the county of residence to arrange for the child/juvenile's transportation back to the county of residence as soon as possible, optimally within 24 hours of the time the decision to hold the child/juvenile was made, excluding Saturdays, Sundays, and legal holidays.
 - 3. In the event the county of residence is unable to arrange transportation within the 24 hour period described above, the holding county will request a 72-hour extension under 48.21(1)(b), or a 48-hour extension under 938.21(1)(b), if the holding county determines, after consultation with the county of residence, that the facts of the case will support such an extension. The holding county will also immediately deliver to the county of residence (by FAX if necessary) the law enforcement referral and a

- copy of the Temporary Physical Custody Request in order to assure compliance with all statutory time limits for filing a petition and timelines regarding out of home placements.
4. If the holding county decides to detain a child/juvenile over the objection of the county of residence, the holding county shall be responsible for the related detention/shelter/placement costs.
 5. If the emergency custody hearing is held in the holding county, the holding county shall insure that all judicial findings required by the Adoption and Safe Families Act (AFSA), are timely made and properly recorded.
 6. The holding county and county of residence will work cooperatively to coordinate detention hearings, provide complete and reliable information to the court, verify placement date, etc.
 7. In situations where a parent is traveling outside of his/her county of residence and becomes temporarily unable to care for a child (e.g., parent is hospitalized or incarcerated), the holding county may facilitate the short-term placement of the child while the holding county and the county of residence make arrangements for the return of the child/juvenile to the county of residence.
- B. Children/juveniles in out-of-county court ordered or voluntary placements.
The holding county shall proceed as in II.A. above, except that contact shall *also* be made with the county of the court that issued the placement order (i.e., the county of venue) or, in cases where the placement was voluntary, the holding county shall contact the county that is a party to the placement agreement. If venue has been transferred, the holding county shall contact the new county of venue.
- C. Services for an unborn child, who may be at risk of abuse due to the expectant mother's habitual use of drugs, are the responsibility of the mother's county of residence. If, while the mother is away from her county of residence, the county where the mother is present determines that the unborn child is in immediate danger, the county where the mother is present shall make every reasonable effort to consult with the county of the expectant mother's residence prior to taking custody of the mother. Efforts to return the mother to the county of residence should be consistent with section II.A. above.
- D. Except as provided in II.A.4., above, if the holding county complies with II.A.1. above, all detention costs incurred by the holding county will be the responsibility of the county of residence (or, when the child/juvenile is already the subject of a court order or voluntary placement agreement, the county of the court that issued the order or the county that is a party to the placement agreement) unless otherwise agreed upon by between the counties.
- E. Children/Juveniles placed in out-of-county Second Chance Homes. For children placed in "Second Chance Homes as defined in sec. 48.625(1m), Wis. Stats., the holding county and the county of residence shall proceed as provided in II.A. above.

III. Transfer of Venue

A decision to initiate a venue transfer shall be guided by the best interest of the child/juvenile as well as a consideration of the permanency of the child/juvenile's new residence, as well as any other reasonable expectations and arrangements as agreed upon by the sending and receiving counties.

Courtesy Notification: Even if the county of venue does not plan to request courtesy supervision or a transfer of venue, the county of venue should notify the new county of residence of the fact that a parent (with the child in community supervision cases) has moved into the new county. See Definition section for further information.

A. Prior to the Transfer of Venue

1. Sharing Information. The county department of the juvenile court that issued the dispositional order (county of venue) shall contact the new (or intended) county of residence as soon as the county of venue learns that the custodial parents/guardians are planning to establish, or have established, a new county of residence.
2. Courtesy Supervision. Within 30 days of the date that the county of venue learns that the custodial parent (with the child, in community supervision cases) has established a new county of residence, the county of venue shall request the new county of residence to provide courtesy supervision, unless otherwise agreed to by the respective counties. (See Addendum A)
3. County of Responsibility. The county of venue shall retain financial responsibility for any placement or community based services included in the dispositional order issued by the juvenile court of the county of venue (other than the courtesy supervision services provided by the new county of residence) unless the director of the new county of residence agrees, in writing, to assume financial responsibility for the court ordered placement and/or services, or
 - a) Until the effective date of an administrative order issued pursuant to Addendum B (attached), designating the new county of residence to be the home county and, therefore, the county of responsibility; or
 - b) Until the juvenile court in the new county of residence holds its own permanency plan (12-month) hearing or issues a revision or an extension order; or
 - c) Until 60 days after the date of an order transferring venue to the new home county contingent upon the sending county's compliance with A.2. above and B.2., B.3. and C., below.

B. Motion for Transfer of Venue

1. Time for Filing. A post-disposition motion for transfer of venue may be filed at any time after the issuance of the dispositional order if:
 - a) The custodial parent(s)/guardian(s) (with the child/juvenile for purposes of community supervision orders) have resided in their new county of residence for at least 6 consecutive months; *and*

- b) It is evident that the new county of residence has become the “home county” (see definition) of the parent(s)/guardian(s).
- 2. Timely Notice. The motion to transfer venue *must* be mailed to the persons listed in III.B.3., below, at least:
 - a) 30 days prior to the hearing on the motion, and
 - b) 60 days prior to the due date for the next permanency plan review under ss. 48.38(5) or 938.38(5), Wis. Stats., or 60 days prior to the expiration of the current dispositional order, in order to allow the new home county an adequate amount of time to review the facts of the case and (if warranted) file its own petition for extension or hold its own permanency plan review
- 3. Adequate Notice of Motion to Transfer Venue.
 - a) Venue transfers shall be initiated by written motion. The motion (or the supporting affidavit) shall contain all of the relevant facts which support the conclusion that the parent(s)/guardian(s) have established a permanent residence in the new home county.
 - b) A copy of the motion and, if available, the supporting affidavit, shall be mailed to the
 - (1) Corporation Counsel and/or District Attorney of the new home county.
 - (2) Director of the Human/Social Service Department of the new home county.
 - (3) If the new home county has been providing courtesy supervision, a copy of the motion and affidavit shall also be mailed to the assigned worker in the new home county.
- C. If the county of venue is unable to provide the new home county with timely notice required by III.B.2.b., above, then the county of venue shall file the Request for Revision/Extension/Permanency Plan Review (12-month) hearing and the order for transfer of venue to the new home county shall not issue until after hearing has been held. The new home county shall be given an opportunity to participate in the Revision/Extension/Permanency Plan Review (12-month) hearing.
- D. Venue Transfer between Adjudication and Disposition.
 - 1. Available in delinquency cases only.
 - 2. Venue may be transferred to the county of residence immediately after adjudication.
 - 3. A motion to transfer venue is not required.
 - 4. Transfer requires the concurrence of the sending and receiving county departments, the prosecutor of each county and the juvenile courts of each county.
 - 5. The involved county departments shall coordinate their efforts to bifurcate the case.
- E. Unless the new home county has credible information which raises legitimate questions regarding the duration or permanency of the parent(s)/guardian(s)’ (and,

in community service cases, the child/juvenile's) residence in the new home county, the new home county shall not contest the motion to transfer venue.

- F. After the transfer of venue order is issued, the new county of venue shall file all subsequently required petitions for extension and conduct all future permanency plan reviews as determined appropriate by that county.
- G. File Transfer. Within 5 working days after the venue transfer order is issued, the sending county shall make a complete copy of the child/juvenile's human/social services department record and forward the copy to the social worker in the receiving county who was assigned to provide courtesy supervision. If there was no previous arrangement for courtesy supervision, the sending county shall send the file with a copy of the venue transfer order and an explanatory cover memo to the Director in the receiving county.
- H. The sending county and the new "home county" shall coordinate the transfer of responsibility in order to assure a smooth transition of the case. The sending county shall continue to provide services to the child/juvenile/family, to the extent practicable, until contacted by the home county/new county of venue to arrange the transition of the case.

IV. Inter-County Placements

- A. A county may request the placement of a child in a foster home licensed by another county without transfer of venue. The request shall be in writing and the county that licensed the home (licensing county) shall review the placement request and respond in a timely manner. Under no circumstances shall a county ("placing county") place a child in a foster home licensed by another county without the *written* consent of the licensing county.
- B. A county that places a child in a foster home licensed by another county shall provide the foster home parents with the information required by Wisconsin Administrative Code, Ch. HSS 37. If the required information is not known at the time of placement, the placing county will make a good faith effort to obtain and supply the missing information to the foster parents as soon as possible.
- C. Emergencies: In general, the county where the child is present will be responsible for the immediate protection of the child in an emergency. Nevertheless, the placing county must be ready to respond immediately when needed and the placing county shall have a written plan for responding to emergency situations so the licensing county is not left with primary responsibility. A copy of the plan shall be provided to the licensing county and it shall include phone numbers to call in an emergency.
- D. If the placing county anticipates problems with the placement, the placing county shall share all relevant information regarding the anticipated problems with the licensing county.

- E. The licensing county may consider requests from the placing county for courtesy supervision.
- F. If a county becomes aware that children are being placed inappropriately in their licensed foster homes, the licensing county shall inform the home/placing county of its concerns as soon as possible.

V. County of Responsibility

A transfer of venue merely establishes the location (venue) for any subsequently required court hearings or permanency plan reviews. The statutes governing the transfer of venue from one county's juvenile court to another are silent regarding the subsequent transfer of supervision and financial responsibility from the original county of venue (the sending county) to the new county of venue (the receiving county). Therefore, the parties hereto agree that the following procedures will govern the transfer of supervision and financial responsibility after a transfer of venue order is issued by a juvenile court.

- A. The county of the court that issued the current dispositional order will retain responsibility for funding and providing the services required by its juvenile court's dispositional order until one of the following occur:
 - 1. There is a written agreement between the directors of the county of venue and the home county. (See Section V.C., below.)
 - 2. There is a transfer of venue. (See Section V.B., below).
 - 3. An administrative decision is issued. (See Addendum B, attached.)
- B. Transfer of Venue.
 - 1. File Transfer. See III.G., above.
 - 2. Responsibility for Supervision. Within 5 working days of receipt of the social services/human service file, the receiving county shall assume formal supervision responsibility for the child/juvenile/family.
 - 3. Financial Responsibility for Services and Placement:
 - a) If the sending county has complied with the requirements of III.A.2. (request for courtesy supervision), III.B., (timely and adequate notice), and III.C. (opportunity provided to receiving county to participate in the dispositional hearing or permanency plan hearing/review) the receiving county shall assume financial responsibility for the services and placement included in the current dispositional order no later than 60 days after the issuance of the venue transfer order.
 - b) If the sending county has not complied with the courtesy supervision request, the timely and adequate notice and the hearing participation requirements referenced above, and there is no written agreement providing otherwise between the county directors (see subsection C., below), the sending county shall retain responsibility for the services and placement included in the current dispositional order, except as provided in 4., below.
 - 4. Petitions for Extension and Permanency Plan Review Hearings

- a) After the order for transfer of venue is issued, the receiving county shall be responsible for filing any petitions for extension and holding any subsequently required permanency plan review hearings or administrative reviews as determined necessary and appropriate by the receiving county
 - b) The receiving county shall be responsible for providing and funding any services and/or placement ordered by its juvenile court.
- C. When the county of venue and the *home* county are not one and the same*, the county of venue shall proceed as required in section I.C.3., above. If the home county has been involved in the development of the recommendations to the juvenile court and if the home county agrees with the services and/or placement recommendation made by the county of venue, then the home county shall assume financial responsibility for the court ordered services/placement. The agreement shall be in writing and shall be signed by the directors of the involved county departments of human/social services.
- 1. If the dispositional order has not yet been issued, the county of venue will provide its juvenile court with a copy of the written agreement and request that the juvenile court incorporate the agreement into the terms of the dispositional order.
 - 2. If the dispositional order has already been issued, and the written agreement will not be subsequently incorporated by motion into the current order, the agreement will be considered a contract between the two county departments and the new home county will assume the service and funding responsibilities enumerated therein.
 - 3. If a venue transfer has not already been initiated, the agreement shall also include a provision requiring the county of venue to file a motion to transfer venue to the home county.

Attachments:

Signature pages, pages 12-15

Addendum A – Courtesy Supervision Protocol

Addendum B – Administrative Review Procedure

* E.g., When a district attorney files a petition in the county where the juvenile is present or the alleged delinquent act occurred and refuses to transfer the case to the home county for disposition or, after a petition has been filed, the custodial parents/guardian(s) (and the child for community services cases) move out of the county of venue and establish a new home county.

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<u>PARTICIPATING</u>	
Adams County	Date
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Ashland County	Date
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Barron County	Date
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Bayfield County	Date
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Brown County	Date
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Buffalo County	Date
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Jefferson County	Date
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Juneau County	Date
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Kenosha County	Date

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<u>PARTICIPATING</u>	
Kewaunee County	Date
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La Crosse County	Date
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Lincoln County	Date
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Sheboygan County	Date
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Taylor County	Date

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PARTICIPATING

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Vernon County Date

Vilas County Date

PARTICIPATING

Walworth County Date

PARTICIPATING

Washburn County Date

PARTICIPATING

Washington County Date

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Waukesha County Date

PARTICIPATING

Waupaca County Date

PARTICIPATING

Waushara County Date

PARTICIPATING

Winnebago County Date

PARTICIPATING

Wood County Date

Inter-County Agreement on Venue, Jurisdiction, Placement and Funding Responsibility in CHIPS, JIPS and Delinquency Cases.

ADDENDUM A

SUGGESTED COURTESY SUPERVISION PROTOCOL

It is the intent of the parties hereto that the implementation of this Courtesy Supervision Protocol will encourage cooperative efforts between county agencies in the delivery of services to families and children and will promote the best interests of children and the safety of our communities.

I. Sending County-Referral Process

- a. The sending county will identify the appropriate county to provide the requested courtesy supervision services (the receiving county).
- b. Within 30 days of the date that the county of venue learns that the custodial parent (with the child in community supervision cases) has established a new county of residence, the county of venue shall send a letter requesting courtesy supervision services to the Children and Family Services Unit of the receiving county. The following information shall be included in/with the written request. (Note the attached referral example)
 - i. Name and address of family to be supervised.
 - ii. Background of case including all child abuse and neglect referrals.
 - iii. Description of presenting and current service and treatment needs
 - iv. Description of services and treatment currently provided.
 - v. Description of recommended services and treatment
 - vi. Attach a copy of the most recent court report and court order or Voluntary Placement Agreement.

- #### **II. Receiving County – Response:**
- The receiving county shall respond to the request for courtesy supervision, in writing, within 21 days of the receipt of the request for courtesy supervision. If the receiving county agrees to provide courtesy supervision, the response shall include the name of the assigned worker. If the receiving county denies the request, the response shall include the reasons(s) for the denial.

III. Sending County

- a. Transmittal of Case Documentation: Within ten (10) days of the receiving county's agreement to provide courtesy supervision, or by a date to be agreed upon between the counties, the sending county shall either mail the following documents from the case file to the receiving county, or shall make the following available on WiSACWIS:
 - i. Proposed or current disposition order.
 - ii. Family assessment and treatment/case plan and safety plan
 - iii. Most recent case evaluation
 - iv. Most recent permanency plan
 - v. Plan of action in case of emergency situation. (i.e. contact name, phone number, placement options etc)

- b. Notification of Parties. The sending county shall be responsible for notifying the family and all other participants (juvenile court, DA/Corporation Counsel, guardian ad litem, attorneys for all parties, CASA, etc) of the courtesy supervision agreement and provide the name and phone number of the caseworker assigned by the receiving county.
- c. Sanctions. The sending and receiving counties shall agree in advance regarding how a juvenile will be held accountable for violations of the court order.

IV. Role of Sending County-Case Manager

- a. Completes all of the required case related documentation including court reports, permanency plans, case evaluations, supplemental rate reviews, safety plans, etc.
- b. Arranges for and attends all necessary court hearings and permanency plan reviews
- c. Obtains authorization for all requested or needed services including all required funding authorizations. Provides the receiving county with written verification of service/funding authorizations as requested by the receiving county.
- d. Keeps receiving county informed of any changes or new information.
- e. Establishes monthly contact with receiving county case manager.
- f. Any necessary changes in placement shall be the responsibility of the sending county.

V. Role of Receiving County-Case Manager

- a. Maintains, at a minimum, monthly contact with the family and service providers as identified in the case plan(s) and documents all case activity.
- b. Maintains, at a minimum, monthly contact with the sending county case manager or designee through written and/or verbal communication that may include case evaluations/progress reports.
- c. Provides necessary referral(s) for available services identified in the case plan(s).
- d. Notifies sending county of any service(s) determined by the receiving county to be necessary and appropriate.
- e. Assists in the establishment of an in-home safety plan.

Performance Expectation/Dispute Resolution

In the event that disagreements or gaps are identified between service expectations and/or performance, caseworkers will first attempt to resolve the dispute between themselves. If an agreement cannot be reached between the case managers, the matter shall be referred, as soon as possible, to supervisory or site management staff that will attempt to resolve the dispute. If the supervisors/site managers do not resolve the matter in dispute, a combined staffing shall be scheduled. All involved parties should be notified of and invited to attend the staffing (including appropriate services providers, case managers, legal counsel, etc) for the purposes of resolving the dispute in a timely manner.

ADDENDUM B

ADMINISTRATIVE REVIEW PROCEDURE

If any of the parties hereto are unable to reach an agreement in a specific case regarding which of the parties is the home county of a child/juvenile and, therefore, the county of responsibility, the county directors shall submit the dispute to a peer review panel composed of three county directors chosen from among the other parties to this Agreement. Each disputing county shall select one county director for the peer review panel and the two peer review panel members shall select the third county director member. The peer review panel shall review the dispute and shall issue a binding decision.

- A. Either of the counties in dispute may initiate an administrative review by submitting its request for a peer review to the director of the other county and to the director selected by the petitioning county to serve on the peer review panel. The request for a peer review shall be in writing and shall include the following:
 - 1. The factual basis for the petitioning county's position that the other county is the home county and, therefore, should assume responsibility for the services/placement costs ordered by the juvenile court.
 - 2. A list of the providers of the court ordered services/placements.
 - 3. An estimate of the monthly costs of the court ordered services/placement
 - 4. The name of the director chosen by the petitioning county to serve on the peer review panel.
- B. The other county shall respond in writing to the petitioning county's request for peer review within 14 days of its receipt of the request. The responding county shall include the factual basis for its position that it is not the home county and, therefore, not the county of responsibility. The responding county shall also include the name of the county director it has selected to serve on the review panel. A copy of the response shall be mailed to the director of the petitioning county and to both of the directors selected by the disputing counties.
- C. Within 21 days of receipt of the responding county's response:
 - 1. The two directors who have been selected to serve on the peer review panel shall select a third director member. The peer review panel shall make sure that each of its members has a copy of the material submitted by each of the disputing counties.
 - 2. The peer review panel shall meet in person or via telephone conference for purposes of reviewing the written material submitted by the disputing counties (A director may appoint a designee to participate in his/her place).
 - 3. If the panel determines that it needs additional information from either of the disputing counties before it can reach a decision, the panel shall appoint one of its members to obtain the necessary additional information. The request for the additional information shall be in writing and copies of the request shall be provided to the other members of the peer review panel and to each of the disputing counties.

4. The disputing counties shall respond, in writing, to the request for additional information within 10 days of receipt of the request, and a copy of the response shall be provided to the other county and to each of the members of the peer review panel.

D. Administrative Decision.

1. The peer review panel shall issue its written decision naming the home county and designating the home county as the county of responsibility within 7 days of the meeting described in subparagraph C.2. above or within 14 days of its receipt of the additional information obtained under subparagraph C.4.
2. A copy of the decision shall be provided to each of the disputing counties.
3. The decision shall include an effective date.
 - a. Unless subparagraph b., below applies, the effective date shall be retroactive to the date the panel determines to be the date upon which the responsible county became the home county of the child/juvenile.
 - b. If the county of venue and the home county are not one and the same, the decision shall require the county of venue to file a motion to transfer venue to the home county within 10 working days of the date of the decision. The administrative decision will then be effective on the day that the order for transfer of venue to the new home county is issued by the juvenile court.

- E. The decision of the panel shall be binding on the involved counties and is not subject to appeal.