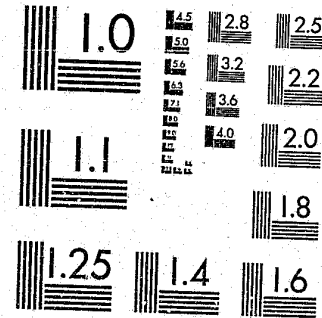


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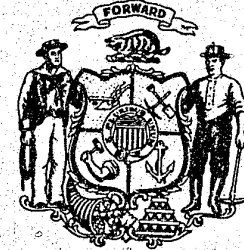
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JUVENILE CORRECTIONAL FACILITIES
IN WISCONSIN: AN OVERVIEW

STAFF BRIEF 78-2

80675

Wisconsin Legislative Council Staff
May 9, 1978

State Capitol
Madison, Wisconsin

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STAFF BRIEF 78-2*

JUVENILE CORRECTIONAL FACILITIES
IN WISCONSIN: AN OVERVIEW

PREFACE

The purpose of this Staff Brief is to provide the Legislative Council's Special Committee on Juvenile Correctional Facilities with an overview of laws relating to juvenile delinquency and a description of juvenile correctional facilities in Wisconsin. Since a major revision of the Children's Code was signed into law on May 3, 1978, to become effective in mid-November 1978, both the current and revised delinquency laws are discussed.

There are three facilities operated by the Department of Health and Social Services which come within the category of juvenile institutions and camps. These are Ethan Allen School, Lincoln Hills School and Flambeau State Camp. Additionally, the Department contracts with several alternate care facilities for the provision of housing and services to juvenile delinquents. These are commonly known as foster homes, group homes and child care institutions.

* This Staff Brief was prepared by Richard Sweet, Staff Attorney, Legislative Council Staff.

PART I

INTRODUCTION TO THE JUVENILE
CORRECTIONAL SYSTEM

A. ADJUDICATION OF DELINQUENCY

1. Present Law

The definition of "delinquent" is contained in s. 48.12 (1), Wis. Stats. A child is delinquent if he or she:

...has violated any federal criminal law, criminal law of any state, or any county, town or municipal ordinance that conforms in substance to the criminal law....

That section further provides that the juvenile court has exclusive jurisdiction over children alleged to be delinquent. One exception to this is for traffic cases. The other exception is that adult courts have jurisdiction over a child 16 or older who is alleged to have violated a state law or a county or municipal ordinance "...only if the juvenile court judge deems it contrary to the best interest of such child or of the public to hear the case and enters an order waiving his jurisdiction...." The exception for waiver into adult court, provided in s. 48.18, Wis. Stats., does not state whether the age of 16 years is to be determined at the time the child allegedly committed the offense or at the time the complaint is filed. [However, Miller v. Quatsoe (E.D. Wis. 1972), 348 Fed. Supp. 764, indicates that the critical time for determining whether a juvenile court or an adult court has jurisdiction is at the time the complaint is filed.]

The possible dispositions for a child adjudged delinquent are set forth in s. 48.34, Wis. Stats. A copy of that section as it exists in the 1975 Wisconsin Statutes is contained in Appendix A to this Staff Brief. One possible disposition which is set forth in this statute, permits the court to order that the child be placed under supervision in his or her own home under conditions prescribed by the court, "...including reasonable rules for his conduct and the conduct of his parents, legal guardian or legal custodian..." [s. 48.34 (1) (b), Wis. Stats.]. Orders for supervision terminate automatically at the end of one year unless the court specifies a shorter or longer period of time. However, the statute further provides that before the order has expired, the court has continuing jurisdiction to renew the order or to make some other disposition of the case, until the child reaches age 18 [s. 48.34 (2), Wis. Stats.].

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Another possible disposition for a child adjudged delinquent is the transfer of legal custody of the child to a relative of the child, a county social service agency, a licensed child welfare agency or the Department of Health and Social Services (hereinafter, "the Department") if the Department so approves. All orders transferring legal custody, except transfer of legal custody to the Department, shall be for a specified length of time set by the court. The court has continuing jurisdiction to renew the order or to make some other disposition of the case, until the child reaches age 18. All transfers of legal custody to the Department for delinquents are until the child reaches age 18, unless the Department discharges the child sooner.

Section 48.52 (1), Wis. Stats., provides that the Department may maintain or use the following facilities for the care of children in its legal custody:

- (a) Receiving homes to be used for the temporary care of children.
- (b) Foster homes.
- (c) Group homes.
- (d) Institutions, facilities and services, including without limitation forestry or conservation camps for the training and treatment of children 12 years of age or older who have been adjudged delinquent.
- (e) Other facilities deemed by the department to be appropriate for the child.

The statute further provides that the Department may also use other public facilities or contract for the use of private facilities. It also states that placement of children in private or public facilities not under its jurisdiction does not terminate its legal custody [s. 48.52 (2), Wis. Stats.].

Section 48.53 (1), Wis. Stats., states that all delinquents whose legal custody has been transferred to the Department:

...shall be discharged as soon as the department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the child or for the protection of the public that the department retain legal custody.

If not released sooner, the Department is required to discharge delinquents whose legal custody has been transferred to it upon their attaining age 18.

2. Chapter 354, Laws of 1977

1977 Assembly Bill 874, a major revision of the Children's Code, was signed into law on May 8, 1978. That Act is now Ch. 354, Laws of 1977, and will take effect in mid-November 1978. Following is a description of the relevant portions of the Children's Code revision. A copy of the sections cited is contained in Appendix B.

Under revised s. 48.12, Wis. Stats., the definition of delinquency is changed to include only those children age 12 and over, but less than age 18, who have violated a federal or state criminal law.

A child may be waived into adult criminal court if the alleged violation of a state criminal law occurred on or after his or her 16th birthday. Procedures for the waiver hearing are set forth in revised s. 48.18, Wis. Stats. Criteria for a judge to use in determining whether waiver into adult court is to occur are set forth in revised s. 48.18 (5), Wis. Stats.

The possible dispositions for a child adjudged delinquent are set forth in revised s. 48.34, Wis. Stats. One of those dispositions is that the court may order the child placed under the supervision of the Department. The statute also provides that a court may designate one of the following locations for the placement of the child [s. 48.34 (3), Wis. Stats.]:

- (a) The home of a relative of the child.
- (b) A home which need not be licensed if placement is for less than 30 days.
- (c) A foster home or group foster home licensed under s. 48.62.
- (d) A residential treatment center licensed under s. 48.60.

Legal custody of the child may be transferred to the Department under revised s. 48.34, Wis. Stats., only for placement in a secured correctional facility and only if:

- (a) The child has been found to be delinquent for the commission of an act which, if committed by an adult, would be punishable by a sentence of six months or more; and

(b) The child has been found to be a danger to the public and to be in need of restrictive custodial treatment.

In the order, the judge is required to decide on a placement and treatment finding. Revised s. 48.355 (1), Wis. Stats., states:

(1) INTENT. In any order under s. 48.34 or 48.345 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the child's well-being which are the least restrictive of the rights of the parent or child and which assure the care, treatment or rehabilitation of the child and the family. Wherever possible the family unit shall be preserved and there shall be a policy of transferring custody from the parent only where there is no less drastic alternative.

If the child is placed outside the home, revised s. 48.355, Wis. Stats., requires the judge to name the place or facility where the child shall be cared for or treated, except that in the case of individual foster home treatment, the name and address of the foster parent is to be furnished to the court and the parents within 21 days of the order. All orders, and extensions or revisions of orders, terminate at the end of one year unless the judge specifies a shorter period of time. If an order is made before the child reaches the age of majority, it is effective for up to one year and thus may extend beyond the person's 18th birthday.

B. DELINQUENTS IN THE CUSTODY OF THE DEPARTMENT

1. Corrections Function Within the Department

The Department of Health and Social Services was reorganized in the middle of 1977. That reorganization occurred as the result of a legislative mandate and several years of study. A chart showing the organization of the Department is contained in Appendix C to this Staff Brief.

The Department is broken down into seven divisions and each division is broken down into bureaus. Additionally, there are several offices and boards which are attached administratively to the Office of the Secretary of the Department.

The Division of Corrections is the division which deals with juvenile delinquents and juvenile correctional facilities. A chart showing the organization of the Division of Corrections is contained in Appendix C to this Staff Brief.

No one bureau within the Division is given the sole responsibility for juvenile correctional facilities. The two juvenile correctional institutions, Ethan Allen School and Lincoln Hills School, and the one juvenile correctional camp, Flambeau State Camp, are operated by the Bureau of Institutions. Responsibility for contracting with alternate care facilities for delinquents in the custody of the Department is within the Bureau of Community Corrections. Currently, the Deputy Administrator of the Division has direct supervisory authority over juvenile corrections.

2. Juvenile Correctional Facilities Used by the Department

The Department operates the following two institutions for delinquents whose custody has been transferred to it by the courts:

(a) Ethan Allen School, located at Wales, serves boys from 24 counties in the southern portion of the state.

(b) Lincoln Hills School, located at Irma, serves boys from 48 counties in the northern part of the state and serves girls from all parts of the state.

In addition to the two institutions, the Department operates Flambeau State Camp. However, delinquents are not sent directly to Flambeau State Camp after custody is transferred to the Department. Rather, all boys at Flambeau State Camp have spent some time at either Ethan Allen School or Lincoln Hills School.

Ethan Allen School, Lincoln Hills School and Flambeau State Camp are operated by the Bureau of Institutions within the Department.

The Department, through the Bureau of Community Corrections, uses 34 foster homes, 38 group homes and 21 child care institutions for delinquents whose custody has been transferred to the Department. Foster homes and group homes for persons adjudged delinquent are licensed by the Division of Corrections under current s. 48.62, Wis. Stats. Child care institutions are licensed by the Division of Community Services and are statutorily referred to as child welfare agencies under s. 48.60, Wis. Stats.

PART II

DESCRIPTION OF JUVENILE CORRECTIONAL FACILITIES

A. FACILITIES UNDER THE BUREAU OF INSTITUTIONS

1. Introduction

As noted above, the Bureau of Institutions within the Department operates three institutions or camps for juveniles whose custody has been transferred to the Department--Ethan Allen School, Lincoln Hills School and Flambeau State Camp. Some basic information regarding those three institutions or camps is as follows:

Ethan Allen School

Location: Wales
Serving: Boys from 24 counties in the southern part of Wisconsin
Rated Capacity: 344
Superintendent: Roland C. Hershman
1976-77 Operating Cost: \$4,235,257

Lincoln Hills School

Location: Irma
Serving: Boys from 48 counties in the northern part of Wisconsin and girls from all parts of Wisconsin
Rated Capacity: 287
Superintendent: Paul Imler
1976-77 Operating Cost: \$3,760,113

Flambeau State Camp

Location: Hawkins
Serving: Boys who have spent some time in Ethan Allen School or Lincoln Hills School
Rated Capacity: 50
Superintendent: George Grusnik
1976-77 Operating Cost: \$298,543

The counties sending delinquent boys to Ethan Allen School and Lincoln Hills School, respectively, are as follows (also see the map on page 11]:

Ethan Allen School (24 counties)

Calumet	Grant	Manitowoc	Sauk
Columbia	Green	Milwaukee	Sheboygan
Crawford	Iowa	Ozaukee	Walworth
Dane	Jefferson	Racine	Washington
Dodge	Kenosha	Richland	Waukesha
Fond du Lac	LaFayette	Rock	Winnebago

Lincoln Hills School (48 counties)

Adams	Eau Claire	Marinette	Rusk
Ashland	Florence	Marquette	St. Croix
Barron	Forest	Menomonee	Sawyer
Bayfield	Green Lake	Monroe	Shawano
Brown	Jackson	Oconto	Taylor
Buffalo	Juneau	Oneida	Trempealeau
Burnett	Iron	Outagamie	Vernon
Chippewa	Kewaunee	Pepin	Vilas
Clark	La Crosse	Pierce	Washburn
Door	Langlade	Polk	Waupaca
Douglas	Lincoln	Portage	Waushara
Dunn	Marathon	Price	Wood

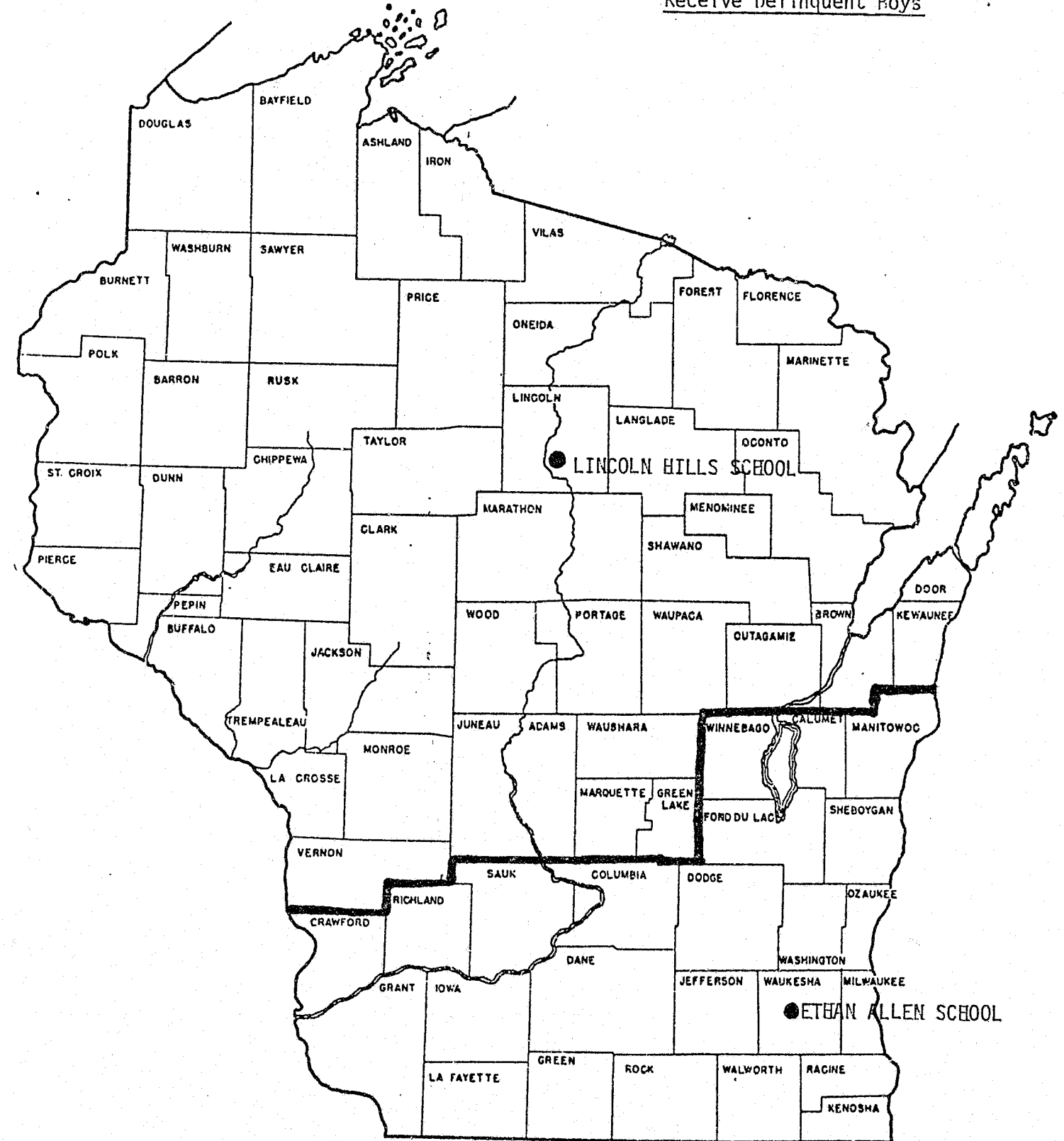
In addition to the two institutions and one camp now in existence, there have been three others operated by the Division of Corrections during 1973-77:

(a) Goodland State Camp (Madison) used to serve delinquent girls from the southern part of the state prior to its closing in February 1978.

(b) Before Goodland State Camp, the Wisconsin School for Girls (Oregon) served such girls until its closing in July 1976. The Wisconsin School for Girls is now called Oakhill Correctional Institution and is a minimum security facility for adult male offenders.

(c) The Kettle Moraine Boys School (Plymouth) used to serve delinquent boys prior to its closing in November 1974. It is now called the Kettle Moraine Correctional Institution and is a medium security facility for adult male offenders.

Counties From Which Ethan Allen School and Lincoln Hills School Receive Delinquent Boys



2. Populations

Table 1 shows the average daily population for each juvenile correctional institution and camp in Wisconsin for calendar years 1973-77.

TABLE 1
AVERAGE DAILY POPULATIONS OF
JUVENILE INSTITUTIONS AND CAMPS

	Ethan Allen School	Lincoln Hills School	Kettle Moraine Boys School	Wisconsin School for Girls	Flambeau State Camp	Goodland State Camp
1973	224	222	134	90	28	--
1974	266	225	84	101	27	--
1975	359	237	--	100	27	--
1976	397	244	--	42	38	--
1977	429	249	--	--	27	25

SOURCE: Department of Health and Social Services.

Table 2 shows the population of juvenile institutions and camps on the first day of each calendar quarter starting with January 1, 1975 and ending with April 1, 1978. This Table is intended to show the population fluctuations during the course of a year.

TABLE 2
QUARTERLY POPULATIONS OF JUVENILE
INSTITUTIONS AND CAMPS

	Ethan Allen School	Lincoln Hills School	Wisconsin School for Girls	Flambeau State Camp	Goodland State Camp
January 1, 1975	377	257	106	19	--
April 1, 1975	419	268	107	30	--
July 1, 1975	373	221	72	23	--
October 1, 1975	314	218	99	34	--
January 1, 1976	360	244	132	29	--
April 1, 1976	409	263	97	32	--
July 1, 1976	412	239	--	27	16
October 1, 1976	375	238	--	32	19
January 1, 1977	438	195	--	26	22
April 1, 1977	432	264	--	31	28
July 1, 1977	418	236	--	3	24
October 1, 1977	409	245	--	28	33
January 1, 1978	430	290	--	25	9
April 1, 1978	374	328	--	30	--

SOURCE: Department of Health and Social Services.

3. Physical Plant

Ethan Allen School has a rated capacity of 344 males. The capacities of the individual buildings are as follows:

Buildings	Capacity
8 resident halls (cap. 25 each)	200
2 resident halls (cap. 30 each)	60
1 resident hall (cap. 12)	12
1 reception center (cap. 72)	72
Total	344

Additionally, there are several buildings which are used as part of the program for the residents of Ethan Allen School and several buildings which are used for staff housing, maintenance and utilities. Three of the buildings which are part of the program for residents are a vocational school, an academic school and a gymnasium building.

Lincoln Hills School has a rated capacity of 287. The capacities of the individual buildings are as follows:

<u>Buildings</u>	<u>Capacity</u>
11 resident halls (cap. 24 each)	264
1 resident hall (cap. 23)	<u>23</u>
Total	287

In addition to the resident halls at Lincoln Hills School, there are other buildings associated with the program for residents and with utilities. One of these buildings is used as a school. Another building is used for food services and administration.

Flambeau State Camp has one building which houses 50 people. There is a separate building which contains a garage and shop and another building which contains a gymnasium.

4. Staff

Table 3 shows the number of permanent authorized positions at each of the juvenile institutions and camps. The Table does not include project positions, CETA positions and limited term employes. The figures were obtained by the Division of Corrections on May 9, 1978, from each of the facilities. Positions are not normally classified by the Division of Corrections in the categories used here, so there may be some discrepancy in categorization between the facilities.

TABLE 3

PERMANENT AUTHORIZED POSITIONS (MAY 9, 1978)

	<u>Ethan Allen School</u>	<u>Lincoln Hills School</u>	<u>Flambeau State Camp</u>
Administrative	6.0	4.0	2.0
Clerical	16.0	15.0	.5
Management Services	15.0	15.5	
Engineering and Maintenance	17.5	13.0	
Security	108.5	102.0	6.0
Education	29.0	26.0	1.5
Treatment	13.5	16.0	2.0
Total	205.5	191.5	12.0

SOURCE: Department of Health and Social Services.

5. Escapes

Table 4 shows the number of escapes from each of the juvenile institutions and camps for calendar years 1973-77. The figures were provided by the Division of Corrections which stated that there is no uniform definition of what constitutes an escape from a juvenile correctional institution. This may differ from institution to institution, depending on the circumstances under which the juvenile left the grounds and the length of time he or she was away.

TABLE 4
ESCAPES FROM JUVENILE INSTITUTIONS AND CAMPS

	<u>Ethan Allen School</u>	<u>Lincoln Hills School</u>	<u>Kettle Moraine Boys School</u>	<u>Wisconsin School for Girls</u>	<u>Juvenile* Camp System</u>
1973	86	42	55	182	11
1974	44	74	45	175	19
1975	31	70	--	58	19
1976	57	25	--	22	15 Flambeau 19 Goodland
1977	69	40	--	--	16 Flambeau 3 Goodland

* Prior to 1976, separate figures were not kept for escapes from each camp.

SOURCE: Department of Health and Social Services.

6. Certain Characteristics of Juvenile Delinquents

Certain characteristics of juveniles who are admitted to correctional institutions from 1972-76 are described in a publication by the Division of Corrections, Admissions to Juvenile Institutions- Calendar 1976 (August 1977). This information for calendar year 1977 will not be available until the latter part of 1978.

Table 5 shows the median age on admission for boys and for girls for calendar years 1972-76 in the juvenile correctional institutions. Information contained in that Table is only for newly admitted boys and girls and does not include juveniles who are readmitted.

TABLE 5
MEDIAN AGE OF NEW ADMISSIONS
TO JUVENILE INSTITUTIONS

	Median Age	
	Boys	Girls
1972	16.1	15.8
1973	16.3	15.7
1974	16.2	16.2
1975	16.3	16.1
1976	16.3	15.8

SOURCE: Admissions to Juvenile Institutions-Calendar 1976,
Department of Health and Social Services, August 1977.

Table 6 shows the race of boys and girls who were newly admitted to juvenile correctional institutions in calendar year 1976.

TABLE 6
RACE OF NEW ADMISSIONS
TO JUVENILE INSTITUTIONS

	Race	
	Boys	Girls
White	68.4%	53.2%
White (Mexican Origin)	2.1	.0
Black	26.0	40.3
Native American (Indian)	3.5	5.2
Other	.0	1.3

SOURCE: Admissions to Juvenile Institutions-Calendar 1976,
Department of Health and Social Services, August 1977.

Appendix D reproduces a portion of Admissions to Juvenile Institutions-Calendar 1976 which shows the major delinquent offense committed just prior to admission for new admissions. The figures are broken down on the basis of the major delinquent offense, sex of the offender and institution. That Appendix shows that the three largest categories of major delinquent acts committed by boys just prior to admission were burglary, auto theft and other theft. The three most common major delinquent acts committed by girls just prior to admission were other theft, sexual misconduct and burglary.

B. FACILITIES UNDER THE BUREAU OF COMMUNITY CORRECTIONS

The Division of Corrections utilizes three types of alternate care facilities for the placement of delinquents whose custody has been transferred to the Department. Those types of facilities are commonly known as foster homes, group homes and child care institutions.

Foster homes are required to be licensed under s. 48.62, Wis. Stats. No more than four children are to be placed in a foster home unless they are related as brothers and sisters or unless the Department, in accordance with its rules, makes an exception [s. 48.64, Wis. Stats.]. Group homes are licensed by the Department as an exception under this provision. Foster homes serve one to four children. Group homes serve five to eight children. Group homes are not currently a separate statutory category, but it should be noted that both Ch. 354, Laws of 1977, and 1977 Assembly Bill 1220 (the Budget Review Bill) contain provisions for the licensure of group homes for five to eight children.

What are commonly known as child care institutions are licensed under s. 48.60, Wis. Stats., as child welfare agencies. This statute provides that no person shall receive children to provide care and maintenance for 75 days in any consecutive 12-month period for four or more children at a time unless a license is obtained to operate a child welfare agency [s. 48.60 (1), Wis. Stats.].

Appendix E to this Staff Brief shows the locations of the 34 foster homes licensed by the Division of Corrections to serve delinquents whose custody has been transferred to the Department. Those 34 foster homes are under contract with the Division of Corrections to provide services. The table also shows the number of beds available in the homes and the sex of the residents who can be served.

Appendix E also shows the locations of the 38 group homes which are utilized by the Division of Corrections for delinquents

whose custody has been transferred to the Department. All but two of those group homes are licensed by the Division of Corrections. One is licensed by Lutheran Social Services and another is licensed by the Division of Community Services. All are under contract with the Division of Corrections to provide services.

Finally, Appendix E shows the 21 child care institutions utilized by the Division of Corrections for delinquents whose custody has been transferred to the Department. The name and location of each child care institution is shown as well as the number of beds and the sex of the residents who can be served. Child care institutions are licensed by the Division of Community Services. An agreement is entered into between the Division of Corrections and a child care institution for each delinquent placed in that institution.

The foster homes, group homes and child care institutions listed in this Part of the Staff Brief are those which were used by the Division of Corrections as of April 1, 1978. Capacities of child care institutions were provided by the Department and are current as of August 1, 1977.

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APPENDIX A
PORTIONS OF CH. 48, 1975 WIS. STATS.

PORTIONS OF CH. 43, 1975 WIS. STATS.

48.12 Jurisdiction over children alleged to be delinquent or in need of supervision. The juvenile court has exclusive jurisdiction, except as provided in ss. 48.17 and 48.18, over any child:

(1) Who is alleged to be delinquent because he has violated any federal criminal law, criminal law of any state, or any county, town or municipal ordinance that conforms in substance to the criminal law; or

48.34 Disposition if child adjudged delinquent. (1) TYPE OF DISPOSITION. If the court finds that the child is delinquent, it shall enter an order making one of the following dispositions of the case:

(a) Counsel the child or his parents, guardian or legal custodian; or

(b) Place the child under supervision in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian or legal custodian, designed for the physical, mental and moral well-being and behavior of the child; or

(c) Relieve the parent, guardian or legal custodian of legal custody of the child and place him in a foster home as described in s. 48.62, except that the home does not have to be licensed if the child is placed there for less than 30 days;

(d) Transfer legal custody of the child to one of the following:

1. A relative of the child; or
2. A county agency specified in s. 48.56 (1); or
3. A licensed child welfare agency; or
4. The department, if the department so approves;

(e) If the child is found to have violated a state law or a county, town or municipal ordinance which has resulted in intentional damage to the property of another, the court may order the child to make reasonable restitution for such damage if the court considers it beneficial to the well-being and behavior of the child;

(f) If the child is in need of special treatment and care, the court may order the child's parents, guardian or legal custodian to provide such care. If the parent, guardian or legal custodian fails to provide such care, the court may order it provided. Alternatively, the court may make a judicial determination that continuance in the home of the parent or guardian would be contrary to the child's welfare for any reason and place the child in the licensed foster home or child-caring institution recommended by the child-placing agency. The court will review for

approval the plan for the child agreed upon by the parent or guardian and the child-placing agency. When it is determined that a child is in need of special treatment and care, legal custody shall not be transferred from the parent or guardian unless it is shown that the special treatment and care cannot be accomplished by means of voluntary consent of the parent or guardian.

(g) The court may restrict, suspend or revoke the operating privilege of a child who is adjudicated delinquent. Any limitation of the operating privilege shall be endorsed upon the operator's license and notice of the limitation forwarded to the department of transportation.

(2) ORDERS FOR SUPERVISION. All orders for supervision under sub. (1) (b) shall automatically terminate at the end of one year unless the court specifies a shorter or longer period in its order. But before the order has expired the court has continuing jurisdiction to renew the order or make some other disposition of the case, either on its own motion or that of any interested party, until the child reaches the age of 18.

(3) ORDERS TRANSFERRING LEGAL CUSTODY. (a) All orders under sub. (1) (c) and (d), except orders transferring legal custody to the department, shall be for a specified length of time set by the court. But, before the order has expired the court has continuing jurisdiction to renew the order or make some other disposition of the case, either on its own motion or that of any interested party, until the child reaches the age of 18. Any person to whom legal custody of a child is transferred, except the department, shall report to the court in writing once a year on the status of the child. All transfers of legal custody to the department under sub. (1) (d) except those under ch. 54 shall be until the age of 18 unless the department discharges the child sooner under s. 48.53.

(b) When the court transfers legal custody of a child to any licensed child welfare agency or the department, it shall transmit with the order transferring legal custody a summary of its information concerning the child or a transcript of the testimony taken at the hearing.

(4) CONTINUING JURISDICTION. (a) The continuing jurisdiction of the court shall not prevent either a juvenile court in another county from taking jurisdiction of a child alleged to have violated a state law or a county, town or municipal ordinance in that county or a criminal court from taking jurisdiction of a person 18 or over who is alleged to have violated a state or federal law.

(b) If a child who is under the continuing jurisdiction of the court is present in another county, the court may order the case transferred along with all appropriate records to the court of the county where the child is.

48.52 Facilities for care of children in legal custody of department. (1) FACILITIES MAINTAINED OR USED FOR CHILDREN. The department may maintain or use the following facilities for the care of children in its legal custody:

(a) Receiving homes to be used for the temporary care of children;

(b) Foster homes;

(c) Group homes;

(d) Institutions, facilities and services, including without limitation forestry or conservation camps for the training and treatment of children 12 years of age or older who have been adjudged delinquent;

(f) Other facilities deemed by the department to be appropriate for the child, except that no state funds may be used for the maintenance of a child in the home of a parent or relative eligible for aid under s. 49.19 if such funds would reduce federal funds to this state.

(2) USE OF OTHER FACILITIES. (a) In addition to the facilities and services described in sub. (1), the department may use other facilities and services under its jurisdiction. The department may also use other public facilities or contract for the use of private facilities for the care and treatment of children in its legal custody; but placement of children in private or public facilities not under its jurisdiction does not terminate the legal custody of the department. Removals to institutions for the mentally ill or developmentally disabled shall be made in accordance with ch. 51.

(b) Public facilities are required to accept and care for persons placed with them by the department in the same manner as they would be required to do had the legal custody of these persons been transferred by a court of competent jurisdiction. Nothing in this subsection shall be construed to require any public facility to serve the department inconsistently with its functions or with the laws and regulations governing their activities; or to give the department authority to use any private facility without its consent.

(c) The department shall have the right to inspect all facilities it is using and to examine and consult with persons in its legal custody who have been placed in that facility.

(3) PLACEMENT. Nothing in this section shall preclude the placement of a child in any of the above facilities so long as he is under the age of 18, provided he is legally under sentence to the department under a provision of the criminal code.

(4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may institute and maintain coeducational programs and institutions under this chapter.

48.53 Duration of control over delinquents. (1) All children adjudged delinquent, whose legal custody has been transferred to the department, shall be discharged as soon as the department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the child or for the protection of the public that the department retain legal custody.

(2) All children adjudged delinquent, whose legal custody has been transferred to the department, and who have not been discharged under sub. (1), shall be discharged when they reach the age of 18.

APPENDIX B

PORTIONS OF CH. 48, WIS. STATS., AS AFFECTED
BY CH. 354, LAWS OF 1977

PORTIONS OF CH. 48, WIS. STATS., AS AFFECTED
BY CH. 354, LAWS OF 1977

48.12 Jurisdiction over children alleged to be delinquent. The court has exclusive jurisdiction, except as provided in ss. 48.17 and 48.18, over any child 12 years of age or older who is alleged to be delinquent because he or she has violated any federal or state criminal law.

48.34 Disposition of child adjudged delinquent. If the judge adjudges a child delinquent, he or she shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, except that subs. (4m) and (8) shall be exclusive dispositions:

- (1) Counsel the child or the parent, guardian or legal custodian.
- (2) Place the child under supervision of an agency, the department if the department approves or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable rules for the child's conduct and the conduct of the child's parent, guardian or legal custodian, designed for the physical, mental and moral well-being and behavior of the child.
- (3) Designate one of the following as the placement for the child:
 - (a) The home of a relative of the child.
 - (b) A home which need not be licensed if placement is for less than 30 days.
 - (c) A foster home or group foster home licensed under s. 48.62.
 - (d) A residential treatment center licensed under s. 48.60.
- (4) If it is shown that the rehabilitation or the treatment and care of the child cannot be accomplished by means of voluntary consent of the parent or guardian, transfer legal custody to:
 - (a) A relative of the child;
 - (b) A county agency;
 - (c) A licensed child welfare agency; or
- (4m) Transfer legal custody to the subunit of the department administering corrections for placement in a secured correctional facility, but only if:
 - (a) The child has been found to be delinquent for the commission of an act which if committed by an adult would be punishable by a sentence of 6 months or more; and
 - (b) The child has been found to be a danger to the public and to be in need of restrictive custodial treatment.
- (5) If the child is found to have committed a delinquent act which has resulted in damage to the property of another, or actual physical injury to another excluding pain and suffering, the judge may order the child to repair damage to property or to make reasonable restitution for the damage or injury if the judge considers it beneficial to the well-being and behavior of the child. Objection by the child to amount of damages claimed shall entitle the child to a hearing on the question of damages before the amount of restitution is ordered.
- (6) If the child is in need of special treatment and care the judge may order the child's parent, guardian or legal custodian to provide such care. If the parent, guardian or legal custodian fails or is financially unable to provide the care, the judge may order the care provided by an appropriate agency whether or not legal custody has been taken from the parents.

(7) The judge may restrict, suspend or revoke the operating privilege, as defined in s. 340.01 (40), of a child who is adjudicated delinquent under a violation of any law in which a motor vehicle is involved. Any limitation of the operating privilege shall be endorsed upon the operator's license and notice of the limitation forwarded to the department of transportation.

(8) If the judge finds that no other court services or alternative services are needed or appropriate it may impose a maximum forfeiture of \$50 based upon a determination that this disposition is in the best interest of the child and in aid of rehabilitation. Any such order shall include a finding that the child alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the child fails to pay the forfeiture, the judge may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this chapter.

(9) SUPERVISED WORK PROGRAM. (a) The judge may utilize as a dispositional alternative court-ordered participation in a supervised work program. The judge shall set standards for the program within the budgetary limits established by the county board. The work program may provide the child reasonable compensation reflecting a reasonable market value of the work performed, and shall be administered by the county department of public welfare or a community agency approved by the judge.

(b) The supervised work program shall be of a constructive nature designed to promote the rehabilitation of the child, shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a member of an agency staff or other qualified person. The program may not conflict with the child's regular attendance at school.

(10) SUPERVISED INDEPENDENT LIVING. (a) The judge may order that a child 17 or more years of age be allowed to live independently, either alone or with friends, under such supervision as the judge deems appropriate.

(b) If the plan for independent living cannot be accomplished with the consent of the parent or guardian, the judge may transfer custody of the child as provided in sub. (4) (a) to (c).

(c) The judge may order independent living as a dispositional alternative only upon a showing that the child is of sufficient maturity and judgment to live independently and only upon proof of a reasonable plan for supervision by an appropriate person or agency.

48.355 Dispositional orders. (1) INTENT. In any order under s. 48.34 or 48.345 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the child's well-being which are the least restrictive of the rights of the parent or child and which assure the care, treatment or rehabilitation of the child and the family. Wherever possible the family unit shall be preserved and there shall be a policy of transferring custody from the parent only where there is no less drastic alternative.

(2) CONTENT OF ORDER. (a) In addition to the order, the judge shall make findings of fact and conclusions of law based on the evidence presented to the judge to support the disposition of each individual coming before him or her.

(b) The court order shall contain:

1. The identity of the agency which is to be primarily responsible for the provision of the services mandated by the judge and, if custody is to be transferred to effect the treatment plan, the identity of the legal custodian.

2. If the child is placed outside the home, the name of the place or facility, including transitional placements, where the child shall be cared for or treated, except that in the case of individual foster home treatment where the name and address of the foster parent shall be furnished to the court and the parent within 21 days of the order, except that if, after a hearing on the issue with due notice to the parent or guardian, the judge finds that disclosure of the identity of the foster parent would result in imminent danger to the child or the foster parent, the judge may order the name and address of the prospective foster parents withheld from the parent or guardian.

3. The date of the expiration of the court's order.

4. A designation of the amount of support, if any, to be paid by the child's parent, guardian or trustee.

(3) PARENTAL VISITATION. If, after a hearing on the issue with due notice to the parent or guardian, the judge finds that it would be in the best interest of the child, the judge may set reasonable rules of parental visitation.

(4) TERMINATION OF ORDERS. All orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

(5) EFFECT OF COURT ORDER. Any party, person or agency who provides services for the child under this section shall be bound by the court order.

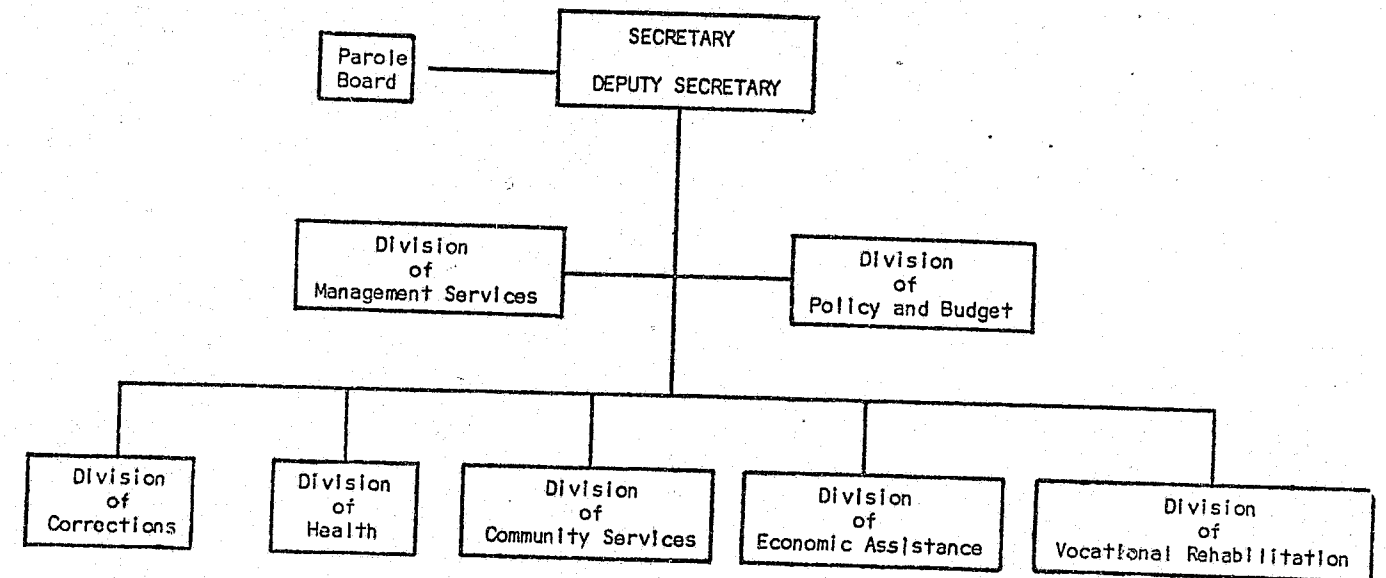
APPENDIX C

ORGANIZATION OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND THE DIVISION OF CORRECTIONS

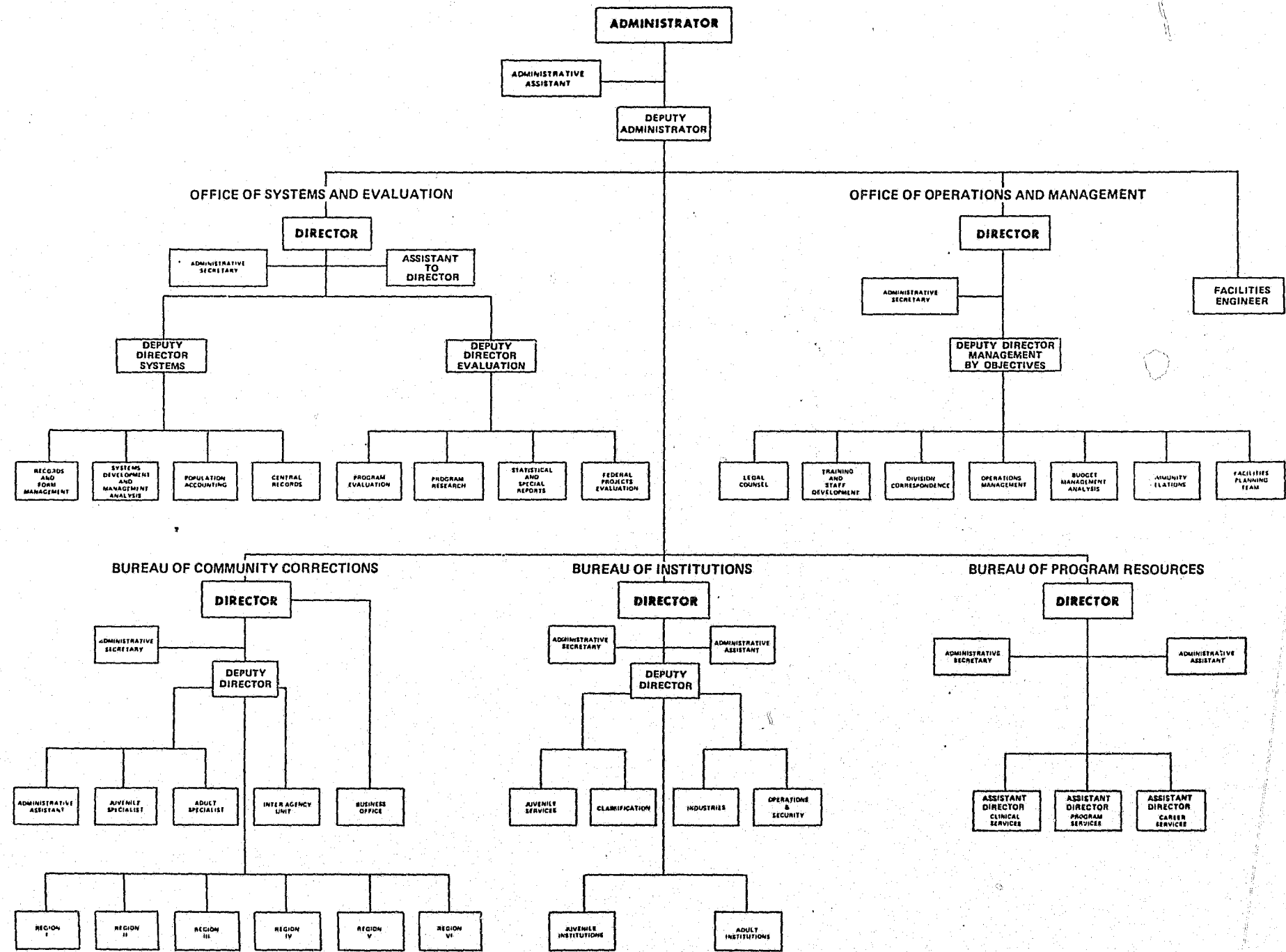
APPENDIX C

ORGANIZATION OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND THE DIVISION OF CORRECTIONS

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF CORRECTIONS



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JANUARY 1978

APPENDIX D
MAJOR DELINQUENT OFFENSES FOR DELINQUENTS
NEWLY ADMITTED TO JUVENILE INSTITUTIONS (1976)

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New Admissions and New Admissions-State Probation Violator
to Wisconsin Juvenile Correctional Institutions
by Institution and Major Delinquent Act Just Prior to Admission

NUMBERS

January 1-December 31, 1976

Major Delinquent Act Just Before Admission	Total	Total Boys	Total Girls	Institution					
				Ethan Allen School (Boys)	Lincoln Hills School		Oakhill* School (Girls)	Goodland** Camp (Girls)	
					Total	Boys			Girls
<u>Number</u>	<u>860</u>	<u>776</u>	<u>84</u>	<u>532</u>	<u>274</u>	<u>244</u>	<u>30</u>	<u>26</u>	<u>28</u>
Murder, including attempt	4	3	1	2	2	1	1	-	-
Negligent homicide	1	1	-	1	-	-	-	-	-
Endangering safety, reckless use of weapons	5	4	1	4	-	-	-	-	1
Aggravated assault	45	38	7	32	12	6	6	1	1
Assault, battery	15	11	4	8	3	3	-	3	1
Threaten bodily harm	3	3	-	1	2	2	-	-	-
Armed robbery	50	50	-	42	8	8	-	-	-
Unarmed robbery	9	9	-	8	1	1	-	-	-
Carry concealed weapons	7	7	-	6	1	1	-	-	-
Burglary	284	275	9	191	88	84	4	2	3
Possession of burglary tools	2	2	-	2	-	-	-	-	-
Auto theft	170	165	5	105	63	60	3	1	1
Other theft	137	111	26	78	37	33	4	8	14
Forgery, fraud, checks, extortion	13	10	3	7	5	3	2	-	1
Receiving stolen property	10	9	1	7	2	2	-	1	-
Arson	3	3	-	1	2	2	-	-	-
Criminal damage to property	3	1	2	1	-	-	-	2	-
Vandalism	10	9	1	5	5	4	1	-	-
Drug offenses	22	18	4	10	12	8	4	-	-
Uncontrollable	7	5	2	1	6	4	2	-	-
Running away	8	6	2	3	4	3	1	1	-
Sex misconduct	30	15	15	8	8	7	1	7	7
Drinking	2	2	-	-	2	2	-	-	-
Truancy	2	2	-	-	2	2	-	-	-
Disorderly conduct	4	4	-	3	1	1	-	-	-
All others	14	13	1	6	8	7	1	-	-

* Located at Oregon. Closed July 1976. [Also called Wisconsin School for Girls.]

** Located at Madison. Closed February 1978.

MAJOR DELINQUENT OFFENSES FOR DELINQUENTS
NEWLY ADMITTED TO JUVENILE INSTITUTIONS (1976)

APPENDIX D

PERCENTS

Major Delinquent Act Just Before Admission	Total	Total Boys	Total Girls	Institution					
				Ethan Allen School (Boys)	Lincoln Hills School			Oak Hill* School (Girls)	Goodland** Camp (Girls)
					Total	Boys	Girls		
Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Murder, including attempt	0.5	0.4	1.2	0.4	0.7	0.4	3.3	-	-
Negligent homicide	0.1	0.1	-	0.2	-	-	-	-	-
Endangering safety, reckless use of weapons	0.6	0.5	1.2	0.7	-	-	-	-	3.6
Aggravated assault	5.2	4.9	8.3	6.0	4.4	2.4	20.0	3.8	-
Assault, battery	1.7	1.4	4.8	1.5	1.1	1.2	-	-	3.6
Threaten bodily harm	0.3	0.4	-	0.2	0.7	0.8	-	11.5	-
Armed robbery	5.9	6.4	-	7.9	2.9	3.3	-	-	-
Unarmed robbery	1.0	1.1	-	1.5	0.4	0.4	-	-	-
Carry concealed weapons	0.8	0.9	-	1.3	0.4	0.4	-	-	-
Burglary	33.0	35.5	10.7	35.7	32.2	34.5	13.3	7.7	10.6
Possession of burglary tools	0.2	0.3	-	0.4	-	-	-	-	-
Auto theft	19.9	21.4	5.9	19.6	23.1	24.7	10.0	3.8	3.6
Other theft	16.0	14.3	30.8	14.6	13.5	13.6	13.3	30.9	50.0
Forgery, fraud, checks, extortion	1.5	1.3	3.6	1.3	1.8	1.2	6.8	-	3.6
Receiving stolen property	1.2	1.1	1.2	1.3	0.7	0.8	-	3.8	-
Arson	0.3	0.4	-	0.2	0.7	0.8	-	-	-
Criminal damage to property	0.3	0.1	2.4	0.2	-	-	-	7.7	-
Vandalism	1.2	1.1	1.2	0.9	1.8	1.6	3.3	-	-
Drug offenses	2.6	2.3	4.8	1.9	4.4	3.3	13.3	-	-
Uncontrollable	0.8	0.6	2.4	0.2	2.2	1.6	6.8	-	-
Running away	0.9	0.8	2.4	0.6	1.4	1.2	3.3	3.8	-
Sex misconduct	3.5	1.9	17.9	1.5	2.9	2.9	3.3	27.0	25.0
Drinking	0.2	0.3	-	-	0.7	0.8	-	-	-
Truancy	0.2	0.3	-	-	0.7	0.8	-	-	-
Disorderly conduct	0.5	0.5	-	0.6	0.4	0.4	-	-	-
All other	1.6	1.7	1.2	1.3	2.9	2.9	3.3	-	-

* Located at Oregon. Closed July 1976. [Also called Wisconsin School for Girls.]

** Located at Madison. Closed February 1978.

APPENDIX E
FOSTER HOMES, GROUP HOMES AND CHILD CARE
INSTITUTIONS USED BY THE DEPARTMENT OF HEALTH
AND SOCIAL SERVICES FOR DELINQUENTS

FOSTER HOMES, GROUP HOMES AND CHILD CARE
INSTITUTIONS USED BY THE DEPARTMENT OF HEALTH
AND SOCIAL SERVICES FOR DELINQUENTS

FOSTER HOMES
(34 as of April 1, 1978)

Municipality (County)	Sex of Residents	Number of Beds
Bristol (Kenosha)	Boys or Girls	2
Bristol (Kenosha)	Boys or Girls	1
Brookfield (Waukesha)	Girls	1
Cadott (Chippewa)	Boys or Girls	4
Chetek (Barron)	Boys	2
Colgate (Washington)	Boys	4
Cumberland (Darron)	Boys	1
Eau Claire (Eau Claire)	Girls	1
Eau Claire (Eau Claire)	Boys or Girls	2
Eleva (Trempealeau)	Boys or Girls	1
Fall Creek (Eau Claire)	Boys	1
Granton (Clark)	Boys	4
Kenosha (Kenosha)	Boys or Girls	3
Kenosha (Kenosha)	Boys or Girls	1
Madison (Dane)	Girls	1
Madison (Dane)	Boys	2
Menomonie (Dunn)	Boys	2
Merrill (Lincoln)	Boys	2
Merrill (Lincoln)	Boys	1
Middleton (Dane)	Boys	3
Milwaukee (Milwaukee)	Boys or Girls	1
Milwaukee (Milwaukee)	Girls	2
Milwaukee (Milwaukee)	Boys	1
Onalaska (La Crosse)	Girls	1
Onalaska (La Crosse)	Boys	4
Phillips (Price)	Boys	1
Phillips (Price)	Boys	1
Rhineland (Oneida)	Girls	4
River Falls (Pierce)	Boys	1
Sheboygan (Sheboygan)	Boys	2
Superior (Douglas)	Boys or Girls	3
Waupun (Dodge)	Boys	4
Waupun (Dodge)	Boys	2
Wisconsin Rapids (Wood)	Boys	1
Total		67

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Boys - 39
Girls - 10
Boys or Girls - 18

GROUP HOMES
(38 as of April 1, 1978)

<u>Municipality (County)</u>	<u>Sex of Residents</u>	<u>Number of Beds</u>
Amery (Polk)	Girls	7
Appleton (Outagamie)	Boys	8
Appleton (Outagamie)	Boys	8
Beloit (Rock)	Boys	8
Brule (Douglas)	Girls	6
Conover (Vilas)	Girls	8
Eau Claire (Eau Claire)	Boys or Girls	8
Elkhart Lake (Sheboygan)	Boys	7
Emerald (St. Croix)	Boys	8
Glendale (Milwaukee)	Girls	5
Green Bay (Brown)	Boys	8
Janesville (Rock)	Boys or Girls	8
Kenosha (Kenosha)	Boys	8
Madison (Dane)	Boys or Girls	6
Madison (Dane)	Boys or Girls	7
Madison (Dane)	Boys	6
Merrill (Lincoln)	Boys	8
Middleton (Dane)	Boys or Girls	8
Milwaukee (Milwaukee)	Boys or Girls	8
Milwaukee (Milwaukee)	Boys	8
Milwaukee (Milwaukee)	Boys	8
Milwaukee (Milwaukee)	Boys	8
Milwaukee (Milwaukee)	Boys	8
Minocqua (Oneida)	Boys	8
Platteville (Grant)	Boys	8
Racine (Racine)	Boys or Girls	7
Racine (Racine)	Boys	8
Racine (Racine)	Boys	8
Rhineland (Oneida)	Boys or Girls	8
River Falls (Pierce)	Boys	8
Stoughton (Dane)	Boys or Girls	8
Superior (Douglas)	Boys or Girls	8
Wausau (Marathon)	Boys	8
Wausau (Marathon)	Girls	8
Wausaukee (Marquette)	Boys	8
West Allis (Milwaukee)	Girls	7
West Allis (Milwaukee)	Boys	8
Westfield (Marquette)	Boys or Girls	5

Total

287

Boys - 165
Girls - 41
Boys or Girls - 81

CHILD CARE INSTITUTIONS
(21 as of April 1, 1978)

<u>Name of Institution</u> <u>Municipality (County)</u>	<u>Sex of Residents</u>	<u>Number of Beds</u>
Elmbrook Parent Psychological and Social Services Brookfield (Waukesha)	Girls	8
Lad Lake, Inc. Dousman (Waukesha)	Boys	65
Eau Claire Academy Eau Claire (Eau Claire)	Boys or Girls	110 (78B, 32G)
Our Lady of Charity Center Green Bay (Brown)	Girls	76
St. Joseph's Home for Children Green Bay (Brown)	Boys	48
St. Michael's Home for Children La Crosse (La Crosse)	Boys or Girls	42 (28B, 14G)
Juneau Academy Milwaukee (Milwaukee)	Boys	42
Martin Center, Inc. Milwaukee (Milwaukee)	Boys	24
Maryhill Center Milwaukee (Milwaukee)	Girls	24
St. Aemillian Child Care Center, Inc. Milwaukee (Milwaukee)	Boys	45
St. Charles Boys Home Milwaukee (Milwaukee)	Boys	58
Witt Hall Milwaukee (Milwaukee)	Boys	24
Norris, Inc. Mukwonago (Waukesha)	Boys	78
Sunburst Youth Homes, Inc. Neillsville (Clark)	Boys or Girls	96
Rawhide, Inc. New London (Outagamie, Waupaca)	Boys	16

CHILD CARE INSTITUTIONS
(21 as of April 1, 1978)
(Continued)

<u>Name of Institution</u> <u>Municipality (County)</u>	<u>Sex of Resident</u>	<u>Number of Beds</u>
Wyalusing Academy Prairie du Chien (Crawford)	Boys or Girls	70
Taylor Home Racine (Racine)	Boys	24
Project Pride Rhinelander (Oneida)	Boys	8
Martin Luther Centers Stoughton (Dane)	Boys or Girls	56 (29B, 27G)
Carmelite Boys Home Wauwatosa (Milwaukee)	Boys	40
Homme Home for Boys Wittenberg (Shawano)	Boys	25
Total		979

Boys - 632
Girls - 181
Boys or Girls - 166

END