

## CHILD IN NEED OF PROTECTION OR SERVICES (CHIPS): THE BASICS

This document, created by End Domestic Abuse Wisconsin — Wisconsin Coalition Against Domestic Violence — Legal Department, does not constitute legal advice.

### What does CHIPS mean?

“CHIPS” stands for child in need of protection or services. This is a juvenile court proceeding involving minors under the age of 18 for issues such as abuse, neglect, or abandonment.

### Eight Steps of a Chips Proceeding

<b>1</b>	<b>(Optional) Temporary Physical Custody Hearing - Wis. Stat. § 48.21</b>	<ul style="list-style-type: none"> <li>• Child removed from home and placed in temporary out-of-home care.</li> <li>• Court must hold hearing within 48 hours of child being removed from the home to determine temporary physical custody order. Wis. Stat. §§ <a href="#">48.205-48.209</a>.             <ul style="list-style-type: none"> <li>○ CHIPS petition must be filed under § <a href="#">48.25</a> by the time of the hearing.</li> <li>○ Child may be held an additional 72 hours in some circumstances. Wis. Stat. § <a href="#">48.21(1)(b)</a>.</li> </ul> </li> <li>• This step can happen at any stage of the CHIPS proceeding or may not happen at all.</li> </ul>
<b>2</b>	<b>Petition Filed - § 48.25</b>	<ul style="list-style-type: none"> <li>• Petition filed explaining child is in need of protection or services based on CHIPS statute. Wis. Stat. § <a href="#">48.13</a></li> <li>• Who can file a petition:             <ul style="list-style-type: none"> <li>○ The public, the district attorney, corporation counsel, or other appropriate <b>officials</b>. Wis. Stat. §§ <a href="#">48.13</a> or <a href="#">48.133</a>.</li> <li>○ An attorney or GAL for the parent, child, guardian, or relative. Wis. Stat. § <a href="#">48.13</a>.</li> </ul> </li> </ul>
<b>3</b>	<b>Plea Hearing - § 48.30</b>	<ul style="list-style-type: none"> <li>• Held 10 or 30 days after filing CHIPS petition depending on whether child is in state custody.</li> <li>• Parent/ legal guardian/legal custodian/child’s attorney or child over 12 may contest petition allegations.             <ul style="list-style-type: none"> <li>○ Contested petition next step: <u>Step 3 - Fact-Finding Hearing</u>.</li> <li>○ Uncontested petition next step: <u>Steps 4 and 5- Dispositional Court Report and Dispositional Hearing</u>.</li> </ul> </li> </ul>
<b>4</b>	<b>Fact-Finding Hearing - § 48.31</b>	<ul style="list-style-type: none"> <li>• Held 20 or 30 days after plea hearing depending on whether child is in out-of-home care.</li> <li>• Court determines:</li> </ul>

		<ul style="list-style-type: none"> <li>○ Whether allegations in the CHIPS petition can be proven by <u>clear and convincing evidence</u>;</li> <li>○ Whether child is in need of protection or services.</li> <li>● If the court finds the child is in need of protection or services, a <u>dispositional hearing (Step 5 )</u> is scheduled</li> <li>● If the court finds the facts in the petition have not been proven, the petition is dismissed with <u>prejudice</u>.</li> </ul>
<b>5</b>	<b>Dispositional Court Report -§ 48.33</b>	<ul style="list-style-type: none"> <li>● Before dispositional hearing, the court assigns an agency to write a dispositional report that: <ul style="list-style-type: none"> <li>○ Describes the family;</li> <li>○ Recommends services; and</li> <li>○ Specifies conditions for court supervision. Wis. Stat. § <a href="#">48.33(1)(a) - (f)</a></li> </ul> </li> </ul>
<b>6</b>	<b>Dispositional Hearing - § 48.335</b>	<ul style="list-style-type: none"> <li>● Held 10 or 30 days after fact-finding hearing depending on whether child is in out-of-home care.</li> <li>● Court decides how to provide for the safety and protection of child: if services and treatment for the family are needed, and/or if child must be placed outside of the home.</li> </ul>
<b>7</b>	<b>Dispositional Court Order -§ 48.355</b>	<ul style="list-style-type: none"> <li>● Written order containing court decision on placement and treatment plan, including finding of facts and conclusions of law based on evidence presented in the dispositional hearing.</li> <li>● Dispositional order should: protect the safety and well-being of the child; infringe as little as possible on the rights of the child/parent(s); and ensure care, treatment, and rehabilitation for the child and family.</li> </ul>
<b>8</b>	<b>Permanency Plan - § 48.38</b>	<ul style="list-style-type: none"> <li>● Designed to help the child placed in out-of-home care reunite with their family when appropriate or to help child obtain a placement that will provide long term stability <ul style="list-style-type: none"> <li>○ Written permanency plan must be filed regularly with the court in most cases where the child is placed outside the home</li> <li>○ The court must conduct a hearing on the permanency plan a minimum of every 12 months. §§ <a href="#">48.38(5)</a>, <a href="#">48.38(5m)</a></li> </ul> </li> </ul>



