

FORM SUMMARY

Name of Form: Request and Authorization to Open Juvenile Court Records for Inspection

Form Number: JD-1739A

Statutory Reference: §§48.396(2)(a) - (2)(ap) and 938.396(2g)(ag) - (2g)(am), Wisconsin Statutes

Benchbook Reference: JV 12

Purpose of Form: To provide a standardized form for requesting/authorizing certain parties to access child/juvenile court records, as well as providing a record of the request.

Who Completes It: The party requesting or authorizing access to the record.

Distribution of Form: Court and Person making request.

Accompanying Forms: Generally none.

New Form/Modification: Modified; last update 03/20.

Modifications: Updated distribution list.

Comments: If a hearing is scheduled, all parties should receive a copy of the request with the notice of hearing.

Although child/juvenile court records are generally considered not open for inspection, certain specific exceptions are allowed.

- The child/juvenile, parents, guardians, or legal custodian can request access to a child/juvenile's court records; The expectant mother, 14 years of age or older, whose unborn child is the subject of a chapter 48 proceeding and the guardian ad litem for the unborn child can request access to a child/juvenile's court records;
- The parents, guardians, or legal custodian may authorize a third party to have access to court records of the child/juvenile;

If the request is made for access, the court having custody of the records must open the records unless the court finds, *after due notice and hearing*, that inspection of those records by the person named in the petition would result in imminent danger to anyone.

Presumably the court is required to review the record before making the disclosure to determine if there is such a danger. If so, the court--apparently on its own motion--must schedule a hearing on the

request for disclosure. Notice must be provided to the interested persons.

Any person who receives information under this request may further disclose the information to anyone without restriction.

For Ch. 48, only circuit court judge can sign. For Ch. 938, the court that is the custodian of the records can open its records for inspection.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.