

FORM SUMMARY

Name of Form:	Judgment for Unpaid Restitution/Forfeiture/Surcharge
Form Number:	JD-1761
Statutory Reference:	§§895.035(2m)(a) & 895.035(2m)(b), Wisconsin Statutes
Benchbook Reference:	JV 6, 8, & 10
Purpose of Form:	A written judgment against the juvenile or parent with custody for unpaid restitution and/or forfeiture. This judgment can be docketed and become a lien against the debtors.
Who Completes It:	The party seeking to convert the restitution or forfeiture into a money judgment generally provides the completed copy to the court for signature following the hearing. In cases brought <i>pro se</i> by the victim, the court may have to complete the form in court.
Who Signs It:	BY THE COURT: Circuit Court Judge/Circuit Court Commissioner.
Distribution of Form:	Court, Juvenile, Juvenile's Guardian ad Litem/Adversary Counsel, Parents, District Attorney/Corporation Counsel, Caseworker, and Petitioner.
Accompanying Forms:	Generally none.
New Form/Modification:	Modification, last revision 09/22.
Modifications:	Added surcharge to form title, #2, and #5.
Comments:	<p>Unpaid restitution and forfeitures can be converted into a money judgment against the juvenile or the parent with custody.</p> <p>A hearing is required to be held. Following the hearing the court would sign the judgment if it is granted. This form can be used for both restitution petitions (JD-1759) and forfeiture petitions (JD-1760) by checking the appropriate box. The name and address information is mandatory to allow the judgment to be entered in the judgment and lien docket.</p> <p>Although it is possible that petitions for judgment on both restitution and forfeiture could be brought at the same time and heard at the same time, RMC recommends that separate judgments be entered for each judgment creditor.</p> <p>Associating a juvenile's name and/or their parent's name with a specific juvenile court case number in a publicly accessible document discloses the existence of a juvenile matter and violates the required court confidentiality under Wis. Stat. 938.396(2).</p>

Therefore, because the JD-1761 associates the juvenile's name with a juvenile case number, it is a confidential document. The fact that a judgment was taken against a juvenile or their parent is public record, but the fact that the judgment is part of a juvenile case is confidential.

Any judgment taken against the juvenile and/or the parent with custody on the JD-1761 should still be docketed on the judgment and lien docket with all the required information. Once docketed, although the juvenile's name and/or the parent's name will appear to the public, the case number will be masked on WCCA and the CCAP Public Access terminals. A copy of the judgment should not be filed with the Clerk of Circuit Court. The original judgment should remain a confidential document in the juvenile court file. If an inquiry is made to the Juvenile Clerk as to more specific information than what is available on the judgment and lien docket, then the inquirer will have to apply to the court for an order allowing inspection of the juvenile judgment or the juvenile's record.

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.