

NO. _____

STATE OF	<u>Wisconsin</u>	§	COURT OF	<u>101st District Court</u>
COUNTY OF	<u>Eau Claire</u>	§		
		§		
IN THE MATTER OF		§		
	<u>Jesse Lopez</u>	§		
D.O.B.	<u>5-10-1988</u>	§		

**PETITION FOR HEARING ON REQUISITION FOR
ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT**

TO THE HONORABLE Cynthia Mason:
 NOW COMES the State of Wisconsin by and through the Compact Administrator
(holding/asylum state)
 and moves this Court to set a hearing and enter an order for the apprehension and confinement of
Jesse Lopez pending his/her transfer to Kansas pursuant to
(name of juvenile) (home/demanding state)
 Article V or the Rendition Amendment of the Interstate Compact on Juveniles ("ICJ"), and the
Wisconsin JJC 938.991 and would show as follows:
(holding/asylum state's statute)

**I.
JURISDICTION AND VENUE**

This Petition for Hearing seeks the apprehension and confinement pending transfer of
Jesse Lopez to Kansas, pursuant to Article V or the Rendition Amendment
(name of juvenile) (home demanding state)
 of the Interstate Compact on Juveniles ("ICJ"), the Wisconsin JJC 938.991 and Rule § 481,
(holding/asylum state's statute)
 Chapter 15 of the Wisconsin Administrative Code, if applicable.
(holding/asylum state's administrative code)

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee,
 Absconder or Juvenile Charged as Delinquent filed by the State of Kansas under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, Jesse Lopez: (check one) 1. has been
(name of juvenile)
 found/located in Eau Claire County/Parish with his/her girlfriend,
(relationship)
Mary Sanchez or 2. is being held in secure detention in this county/parish
(name)
 pending receipt of this requisition from Kansas.
(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant Jesse Lopez, a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

This action is brought by the State of Wisconsin acting through the Compact Administrator, and arises out of the prescriptions of the Interstate Compact on Juveniles, ("ICJ"), Article V or the Rendition Amendment thereof, which requires the Court to enter an Order to apprehend and later surrender

Jesse Lopez in Eau Claire, WI to local representatives of the ICJ Office in Kansas.

This action originated in Kansas when (add particulars as necessary):

Jesse was adjudicated delinquent on 1-15-04 and placed on probation for burglary and auto theft x5.

On 2-1-04, Jesse absconded from his home placement without permission.

On 2-1-04, a Warrant of Apprehension was issued by the court or agency in Kansas. Since Jesse Lopez was: 1. now residing in 2. found/located in this jurisdiction, a

Requisition for Escapee, Absconder or Juvenile Charged as Delinquent, issued under Article V or the

Rendition Amendment of the ICJ, was issued by the Kansas authorities, seeking the

return of Jesse Lopez to serve out the terms of his/her probation,

parole, commitment, or to have a hearing regarding the pending charges.

1The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. Terrazas v. Ramirez, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both Wisconsin and Kansas have adopted the Interstate Compact on Juveniles ("ICJ"). See WI JJC 938.991; and KS 38-1001-1007.
(holding/asylum state) (home/demanding state) (holding/asylum state's statute) (home/demanding state's statute)

Under Article V of the ICJ, a state "from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped...shall present to the appropriate court ... where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile ... Upon receipt of the requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court shall issue an order to any such peace officer or appropriate person directing him to take into custody and detain such delinquent juvenile...If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding."

Under the Rendition Amendment of the ICJ, all provisions and procedures of Articles V and VI of the ICJ shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law...Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state where the juvenile may be found...A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed...The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition...The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

In the instant case, Jesse Lopez, a juvenile: (check one) was not given permission to leave Kansas by his/her (check one) probation, parole officer, or agency, or is alleged to have committed a criminal act in the State of ----- and fled the state. This Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from
(name of juvenile) (home/demanding state) (home/demanding state)

Kansas is "in order". In the instant case, the legality of Kansas' request for
(home/demanding state) (home/demanding state's)
the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of
the juvenile-without regard to the wishes of the managing conservator or any parent of the juvenile.

Respectfully submitted,

(Signature)

(Name)

Wisconsin Deputy Compact Administrator
(Title)