

COURT REVIEW OR MODIFICATION OF CONDITIONS

.01 AUTHORITY

[Wisconsin Statute 973.09](#)

[Wisconsin Statute 302.113\(7m\)](#)

.02 GENERAL STATEMENT

An offender on probation may be returned to the committing court for a probation review by order of the court or through the initiative of the agent. The judge may wish to review the offender's progress or the agent may feel that other conditions or modifications are in order. The department may also petition the court to modify any conditions of Extended Supervision set by the court.

.03 REVIEW OR MODIFICATION OF PROBATION CONDITIONS

The agent will:

- Advise and consult with the supervisor regarding the probation review.
- Inform the offender of the probation review.
- Prepare a memo to the court including court history, adjustment on supervision, the reason for the request, and a specific statement of what the agent requests of the court.

The court will set the hearing date and inform the offender and the attorney of record. The agent should be available to present information if requested.

Following the review, appropriate entries should be made in the case notes.

.04 MODIFICATION OF CONDITIONS OF EXTENDED SUPERVISION

The department may petition the court to modify the conditions of Extended Supervision set by the court if the offender is not serving a life sentence. The agent shall follow the steps in the Review or Modification of Probation Conditions above to prepare the petition. The agent must serve a copy of the petition to the offender and the offender's attorney, if there is one. The court will serve a copy of the petition on the district attorney. The court may notify a victim.

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The court may hold a hearing to consider the petition. If a hearing is conducted, the agent should be available to present information to the court, if requested.

REVISED ECRM LANGUAGE – SUPERVISION\DCC\COURT REVIEW/AMENDED COURT ORDERS/MODIFICATION OF CONDITIONS

Court Review/Amended Court Orders/Modification of Conditions

.01 AUTHORITY

[Wisconsin Statute 973.09](#)

[Wisconsin Statute 973.10](#)

[Wisconsin Statute 302.113\(7m\)](#)

.02 GENERAL STATEMENT

The court issues an amended order when an original order is changed. A client on probation may be returned to the committing court for a probation review by order of the court or through the initiative of the agent. The judge may wish to review the client's progress or the agent may feel that other conditions or modifications are in order. The department may also petition the court to modify any conditions of Extended Supervision set by the court. Requests to modify conditions of supervision on the Judgment of Conviction should be limited to situations that cannot be addressed using the Rules of Supervision.

.03 PROCEDURE – REVIEW OR MODIFICATION OF PROBATION CONDITIONS

An amended order is initiated by the court, agent, offender or defense counsel and may reflect correction of an error, or addition, deletion or revision of conditions.

When an agent requests an amended court order, the agent shall submit three documents to the court: a Petition and Stipulation to Amend Judgment of Conviction in Probation Cases ([DOC-37](#)), a court memo indicating the reasons why the agent is requesting the amendment, and the Order and Amendment to Judgment of Conviction in Probation Cases ([DOC-37a](#)). The [DOC-37](#) and court memo should be sent in a PDF format; the [DOC-37a](#) in a Word (.docx) document format. Prior to sending the documents to the court, the agent must staff the request with their supervisor, and inform the client.

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The court may set a hearing date in the event a stipulation is not reached. The court will inform the client and the attorney of record of the hearing date. The agent should be available to present information if requested.

When an amended court order is issued, the agent will:

- Make appropriate entries in the case notes.
- Explain the amended order to the client.

There are occasions when the agent requests an extension of a probation term to give the client time to complete court-ordered conditions or complete programming. The [DOC-37](#) and [DOC-37a](#) should be used to extend probation for non-financial reasons. Extensions for the purpose of collecting court-ordered obligations should be requested using the [CR-208A](#) and [CR-208B](#). The [CR-208A](#) should be sent in a PDF format; the [CR-208B](#) in a Word (.docx) document format.

.04 PROCEDURE - MODIFICATION OF CONDITIONS OF EXTENDED SUPERVISION

The department may petition the court to modify the conditions of Extended Supervision set by the court if the client is not serving a life sentence. The agent shall:

- Advise and consult with the supervisor regarding the court review.
- Inform the client of the court review.
- Submit three documents to the court: a Petition to Modify Court Imposed Conditions of Extended Supervision (CR 250), a memo to the court indicating why the agent is requesting the amendment, and a Order Modifying Court-Imposed Conditions of Extended Supervision s. 302.113(7m) (CR 252). The [CR-250](#) and court memo should be sent in a PDF format; the [CR-252](#) in a Word (.docx) document format.

The agent must upload a copy of the petition to the CCAP document exchange and a copy may be share with the client. The court will notify the victim of any court proceedings.

The court may hold a hearing to consider the petition. If a hearing is conducted, the agent should be available to present information to the court, if requested.