

## 2009 DRAFTING REQUEST

### Bill

Received: **02/06/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing: **Charles Saxler**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**  
**Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Notification of other parent of intention to enter into a chaperone agreement

---

### Instructions:

See attached

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 02/10/2009	csicilia 02/11/2009		_____			
/1	chanaman 02/20/2009	csicilia 02/25/2009	rschluet 02/11/2009	_____	cduerst 02/11/2009		
/2			rschluet 02/25/2009	_____	sbasford 02/25/2009	cduerst 09/21/2009	

FE Sent For:

*None*

<END>

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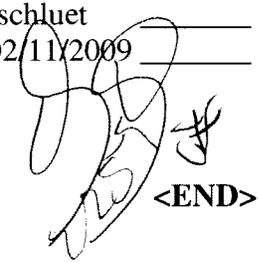
See attached

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/?	chanaman 02/10/2009	csicilia 02/11/2009		_____			
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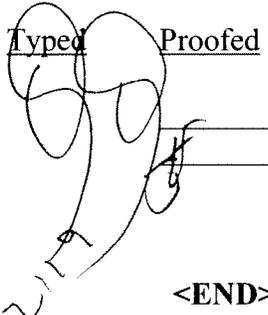
**Instructions:**

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/?	chanaman	1 9/5	2/11 09				
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FE Sent For:

<END>

## Hanaman, Cathlene

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**From:** Saxler, Charles  
**Sent:** Friday, January 16, 2009 2:52 PM  
**To:** Hanaman, Cathlene  
**Subject:** Chaperone Agreement

**Attachments:** 20081215095240.pdf

Cathlene,

Thank you for looking at this for us. We'd just like to add a requirement that the would-be chaperone has notified the other parent (in writing) that they intend to enter into a chaperone agreement, keeping the onus off of DOC. I've attached a copy of the form they sign and some other documentation from the Department of Corrections.

Thanks,

Charlie

**Charles Saxler**  
Office of Senator Pat Kreitlow  
Wisconsin State Senate - 23rd District  
Room 10 South - State Capitol  
PO Box 7882  
Madison, WI 53703-7882  
Phone: 608-266-7511 or 888-437-9436  
[charles.saxler@legis.wisconsin.gov](mailto:charles.saxler@legis.wisconsin.gov)



20081215095240.p  
df (109 KB)

## Chaperone Checklist

### PRIOR TO APPROVING A CHAPERONE:

- Complete **Confidential Information Release Authorization** (DOC-1163) allowing the release of otherwise confidential information to the chaperone
- Face-to-face interview** with proposed chaperone explaining role, responsibility, and expectations of the chaperone
- CIB/CCAP** record check on the proposed chaperone reviewed and destroyed
- Review **Rules of Community Supervision** (DOC-10) and **Standard Sex Offender Rules** (DOC-10SO) with chaperone and offender [cc: chaperone and offender]
- Review **Conditions for Supervised Contact with Minors** with chaperone and offender [cc: chaperone and offender]
- Review the **Chaperone Agreement** with chaperone and offender [cc: chaperone and offender]

## CONDITIONS FOR SUPERVISED CONTACT WITH MINORS

The following includes a list of responsibilities and expectations for offenders and chaperones during approved supervised contact with minors. These responsibilities and expectations are intended to promote the safety and welfare of the child(ren).

### LANGUAGE

Both the offender and the chaperone are responsible for using appropriate language during supervised contact with minors. The following are prohibited:

- Obscene or sexually explicit language
- Verbally abusive or threatening language
- Sexual discussion
- Whispering, developing or keeping secrets between the offender and the child(ren)

### BEHAVIOR

Both the offender and the chaperone are expected to behave/act appropriately during supervised contact with minors. The following behaviors are prohibited:

- Physical discipline and/or abuse
- Consumption of alcohol and/or nonprescribed drugs
- Horseplay, tickling, or wrestling
- Inappropriate affection between adults

If there is supervised contact with more than one child, the offender will interact with the children equally in terms of time and attention. Additionally, all individuals involved in the supervised contact must be appropriately clothed at all times.

### CONTACT

Individuals involved in the supervised contact will respect each other's privacy. The child(ren)'s personal space must be respected at all times. The approved chaperone must be present any time there is contact between the offender and the child(ren). The following conditions regarding contact apply:

- No sexual contact among any individual involved in the supervised contact
- Only the chaperone approved by the agent may supervise contact with the child(ren)
- Only the chaperone may assist the child(ren) with hygiene, bathroom, and self-care activities

Physical contact should be limited and discussed with the agent, chaperone, and offender prior to the supervised contact occurring.

**The offender may never be alone with the child(ren).**

### VISITATION

A written itinerary must be provided to the agent for each proposed visit with the child(ren). All visits must be preapproved by the supervising agent. If the chaperone is unable to fulfill the above conditions due to any type of emergency, the visit must be terminated or the agent must be contacted to approve an alternate plan.

Governor



Appendix 9.3

(agent address and phone  
number)

Secretary

State of Wisconsin  
Department of Corrections

CHAPERONE AGREEMENT

I understand that \_\_\_\_\_ hereinafter referred to as offender, is on supervision for a sexual offense or has a history of sexually deviant and/or assaultive behavior. I understand sexual offenders do not usually tell others about this behavior and their interest in deviant behavior. The purpose of my entering this contract is to assist in providing adequate supervision of the offender to prevent further deviant behavior and/or assist the offender in avoiding behavior which violates offender rules of supervision, specifically the condition that he/she has no unsupervised contact with any person(s) under the age of 18.

I understand that \_\_\_\_\_ has committed the offense(s) of \_\_\_\_\_ and that I must assume at all times that he/she is capable of committing another offense. I realize that the offender will probably encourage me to think he will not re-offend and I understand that I must watch for any behavior or attitudes that should be addressed in treatment. I further understand that I do not need evidence or proof of deviant behaviors to take action. I have discussed with the agent things to watch for and I understand that it is not my responsibility to investigate before I report any of these things to the proper authorities. I will not withhold information from the authorities and I will not allow anyone to talk me out of reporting without first speaking to the offender's therapist or probation/parole agent. The offender's agent is \_\_\_\_\_.

As a chaperone I agree not to knowingly leave the offender alone with any person under the age of 18. I agree to continuously supervise the offender's presence and behavior in the company of any person(s) under the age of 18 at any time that I have knowledge of the presence. I agree to meet with and/or speak to the offender's agent or therapist when requested. I am willing to discuss the offender's history and my own.

I will inform the agent of any questions or problems that arise in order to keep the Department of Corrections/Division of Community Corrections confident that I am an alert, responsible chaperone.

\_\_\_\_\_  
Chaperone Date

\_\_\_\_\_  
Sex Offender Tx Provider Date

\_\_\_\_\_  
Agent Date

original: File cc: Chaperone, Offender

\_\_\_\_\_  
CIB/CCAP on chaperone  
reviewed and destroyed  
\_\_\_\_\_  
Copy of DOC-10 provided  
to chaperone

## Hanaman, Cathlene

---

**From:** Saxler, Charles  
**Sent:** Wednesday, January 28, 2009 11:27 AM  
**To:** Hanaman, Cathlene  
**Subject:** Bill Draft- Chaperone Arrangements

Hi Cathlene,

I am just checking in on the status of the bill draft we asked for relating to chaperone arrangements for sex offenders. I know you guys are swamped, but I just wanted to see where we were.

Thank you,  
Charlie

**Charles Saxler**  
**Office of Senator Pat Kreitlow**  
**Wisconsin State Senate - 23rd District**  
*Room 10 South - State Capitol*  
*PO Box 7882*  
*Madison, WI 53703-7882*  
*Phone: 608-266-7511 or 888-437-9436*  
*[charles.saxler@legis.wisconsin.gov](mailto:charles.saxler@legis.wisconsin.gov)*



g's

*draft note soon in 2/10*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** <sup>*agency*</sup> **relating to:** notification regarding chaperoning a sex offender.

***Analysis by the Legislative Reference Bureau***

Currently, the Department of Corrections (DOC) approves individuals as chaperones for sex offenders, and DOC designs a chaperone agreement for the individual to sign. This bill requires the chaperone agreement to indicate that the individual ~~agrees to notify~~ any other person with whom the individual has a child in common of the individual's intention to chaperone a sex offender.

*has notified*

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 301.50 of the statutes is created to read:

3 **301.50 Notification of intent to chaperone sex offenders.** <sup>*PLAIN*</sup> **The**  
4 department <sup>*e shall*</sup> **(must)** design a form to be signed by any individual who intends to be a  
5 chaperone for sex offenders. The form must include a place for the individual's  
6 signature as well as a statement that the individual has informed any person with  
7 whom the individual has a child in common, whether through blood, marriage, or

1 adoption, that the individual intends to chaperone a sex offender unless any of the  
2 following applies:

3 (1) The child in common is over the age of 18 years old.

4 (2) The individual who intends to be a chaperone has no periods of physical  
5 placement or other contact with the child in common.

6 (3) The individual who has a child in common with the individual who intends  
7 to be a chaperone has no periods of physical placement or other contact with the child  
8 in common.

9 **SECTION 2. Initial applicability.**

10 (1) This act first applies to ~~persons~~ *individuals* who are approved to be a chaperone on the  
11 effective date of this subsection.

12 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2021/7dn

CMH:.....

js

Charlie:

Please review this draft carefully. The draft makes the form that DOC currently distributes to chaperones a statutory requirement. Also note that I require a parent to sign a statement saying that he or she has told the other parent only under certain circumstances: the child in common has to be under the age of 19 and both parents need to have contact with the child. Is that OK?

Cathlene Hanaman  
Legislative Attorney  
Phone: (608) 267-9810  
E-mail: [cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2021/1dn  
CMH:cjs:rs

February 11, 2009

Charlie:

Please review this draft carefully. The draft makes the form that DOC currently distributes to chaperones a statutory requirement. Also note that I require a parent to sign a statement saying that he or she has told the other parent only under certain circumstances: the child in common has to be under the age of 19 and both parents need to have contact with the child. Is that OK?

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2021/1

CMH:cjs:rs

Stays

d-note / soon please

2009 BILL

IN  
2/20

SAW

Repeal

to a parent before

1 AN ACT to create 301.50 of the statutes; relating to: notification regarding  
2 chaperoning a sex offender.

**Analysis by the Legislative Reference Bureau**

Currently, the Department of Corrections (DOC) approves individuals as chaperones for sex offenders, and DOC designs a chaperone agreement for the individual to sign. This bill requires the chaperone agreement to indicate that the individual has notified any other person with whom the individual has a child in common of the individual's intention to chaperone a sex offender.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

3 SECTION 1. 301.50 of the statutes is created to read:

, unless sub. (1), (2), or (3) applies,

4 301.50 Notification of intent to chaperone sex offenders. The  
5 department shall design a form to be signed by any individual who intends to be a  
6 chaperone for sex offenders. The form must include a place for the individual's  
7 signature as well as a statement that the individual has informed any person with  
8 whom the individual has a child in common, whether through blood, marriage, or

who intends to be a chaperone  
who intends a chaperone

**BILL**

*of his or her intent*

1 adoption, ~~that the individual intends~~ to chaperone a sex offender unless any of the  
2 following applies:

3 (1) The child in common is over the age of 18.

4 (2) The individual who intends to be a chaperone has no periods of physical  
5 placement or other contact with the child in common.

6 (3) The individual who has a child in common with the individual who intends  
7 to be a chaperone has no periods of physical placement or other contact with the child  
8 in common.

**SECTION 2. Initial applicability.**

9 (1) This act first applies to individuals who are approved to be a chaperone on  
10 the effective date of this subsection.  
11

12 (END)

*INS  
Z-P*

*① The individual  
does not have to inform  
an individual with whom  
he or she has a child in  
common if any of the  
following...*

*d-note*

**2009–2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB–2021/2ins  
CMH:.....

Insert 2–8

(2) The individual who intends to be a chaperone is not the child's parent or has failed to assume parental responsibility.

(3) The individual who has a child in common with the individual who intends to be a chaperone is not the child's parent or has failed to assume parental responsibility.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2021/2dn

CMH:/.....

*cjs*

Charlie:

After talking to the drafting attorney who specializes in domestic relations, I used the language in the bill. The phrase "is not the child's parent" eliminates the requirement for the chaperone to inform a person whose parental rights have been terminated and for the chaperone whose parental rights have been terminated to inform the person with whom he or she has a child in common. The phrase "failed to assume parental responsibility" is taken from the termination of parental rights statute (s. 48.415 (6)) and likewise eliminates the requirement for the same persons whose parental rights have been terminated de facto although a court has not been involved for whatever reason. I think that is your intent and I don't think the language ~~is overbroad and will include~~ people you want informed, but please review it carefully. My concern was that the requirement would otherwise include people who have no contact with the child.

*exclude*

Cathlene Hanaman  
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Phone: (608) 267-9810  
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**DRAFTER'S NOTE  
FROM THE  
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LRB-2021/2dn  
CMH:cjs:rs

February 25, 2009

Charlie:

After talking to the drafting attorney who specializes in domestic relations, I used the language in the bill. The phrase "is not the child's parent" eliminates the requirement for the chaperone to inform a person whose parental rights have been terminated and for the chaperone whose parental rights have been terminated to inform the person with whom he or she has a child in common. The phrase "failed to assume parental responsibility" is taken from the termination of parental rights statute (s. 48.415 (6)) and likewise eliminates the requirement for the same persons whose parental rights have been terminated de facto although a court has not been involved for whatever reason. I think that is your intent and I don't think the language will exclude people you want informed, but please review it carefully. My concern was that the requirement would otherwise include people who have no contact with the child.

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**Parisi, Lori**

---

**From:** Saxler, Charles  
**Sent:** Monday, September 21, 2009 11:51 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2021/2 Topic: Notification of other parent of intention to enter into a chaperone agreement

Please Jacket LRB 09-2021/2 for the SENATE.