

1993 Senate Bill 25

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1993 WISCONSIN ACT 56

AN ACT *to amend* 48.20 (2) (ag), 48.20 (2) (e), 48.20 (3) and 118.16 (1) (b); and *to create* 48.19 (1m), 48.20 (2) (f), 48.20 (2) (g) and 118.16 (2m) of the statutes, **relating to:** permitting a school district administrator to designate a certain school district or social services agency employe to take a truant child into custody, the taking of truant children into custody and the release of truant children from custody.

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

SECTION 1. 48.19 (1m) of the statutes is created to read:

48.19 (1m) A child who is absent from school without an acceptable excuse under s. 118.15 may be taken into custody by an individual designated under s. 118.16 (2m) (a) if the school attendance officer of the school district in which the child resides or the child's parent, guardian or legal custodian requests that the child be taken into custody. The request shall specifically identify the child.

SECTION 2. 48.20 (2) (ag) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.20 (2) (ag) Except as provided in pars. (b) to (e) (g), a person taking a child into custody shall make every effort to release the child immediately to the child's parent, guardian or legal custodian.

SECTION 3. 48.20 (2) (e) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

48.20 (2) (e) If a child is taken into custody under s. 48.19 (1) (d) 9. or 10., the law enforcement officer who took the child into custody may release the child under par. (ag) or (b) or, if the school board of the school district in which the child resides has established a youth service center under s. 118.16 (4) (e), may deliver that child to that youth service center. If the child is delivered to a youth service center, personnel of the youth service center may release the child to the child's parent, guardian or

legal custodian, or release the child to the child's school, after counseling the child as may be appropriate. If the child is released to the child's school, personnel of the youth service center shall immediately notify the child's parent, guardian or ~~or~~ and legal custodian that the child was taken into custody under s. 48.19 (1) (d) 9. or 10. and released to the child's school.

SECTION 4. 48.20 (2) (f) of the statutes is created to read:

48.20 (2) (f) If a child is taken into custody under s. 48.19 (1m), the person who took the child into custody may release the child under par. (ag), (b) or (e) or to the child's school administrator, as defined in s. 125.09 (2) (a) 3., or a school employe designated by the school administrator. If a child is released to a school administrator or the school administrator's designee under this paragraph, the school administrator or designee shall do all of the following:

1. Immediately notify the child's parent, guardian or legal custodian that the child was taken into custody under s. 48.19 (1m) and released to the school administrator or his or her designee.

2. Make a determination of whether the child is a child at risk, as defined in s. 118.153 (1) (a), unless that determination has been made within the current school semester. If a child is determined to be a child at risk under this subdivision, the school administrator shall provide a program for the child according to the plan developed under s. 118.153 (2) (a).

3. Provide the child and his or her parent or guardian with an opportunity for educational counseling to determine whether a change in the child's program or curriculum, including any of the modifications specified in s. 118.15 (1) (d), would resolve the child's truancy problem, unless the child and his or her parent or guardian have been provided with an opportunity for educational counseling within the current school semester.

SECTION 5. 48.20 (2) (g) of the statutes is created to read:

48.20 (2) (g) If a child is taken into custody under s. 48.19 (1) (d) 9. or 10. and is not released under par. (ag), (b) or (e) or if a child is taken into custody under s. 48.19 (1m) and is not released under par. (ag), (b), (e) or (f), the person who took the child into custody shall release the child without immediate adult supervision after counseling or warning the child as may be appropriate.

SECTION 6. 48.20 (3) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.20 (3) If the child is released under sub. (2) (b) to (d) or (g), the person who took the child into custody shall immediately notify the child's parent, guardian and legal custodian of the time and circumstances of the release and the person, if any, to whom the child was released. If the child is not released under sub. (2), the person who took the child into custody shall arrange in a manner determined by the court and law enforcement agencies for the child to be interviewed by the intake worker under s. 48.067 (2), and shall make a statement in writing with supporting facts of the reasons why the child was taken into physical custody and shall give any child 12 years of age or older a copy of the statement in addition to giving a copy to the intake worker. When the intake interview is not done in person, the report may be read to the intake worker.

SECTION 7. 118.16 (1) (b) of the statutes is amended to read:

118.16 (1) (b) "School attendance officer" means an employe designated by the school board to deal with matters relating to school attendance and truancy. "School attendance officer" does not include an individual designated under sub. (2m) (a) to take into custody a child who is absent from school without an acceptable excuse under s. 118.15 unless that individual has also been designated by the school board to deal with matters relating to school attendance and truancy into custody.

SECTION 8. 118.16 (2m) of the statutes is created to read:

118.16 (2m) (a) A school district administrator may designate any of the following individuals to take a child who resides in the school district and who is absent from

school without an acceptable excuse under s. 118.15 into custody under s. 48.19 (1m):

1. An employe of the school district who is directly involved in the provision of educational programs to the truant child.

2. An employe of the school district who is directly involved in the provision of a modified program or curriculum under s. 118.15 (1) (d), a program for children at risk under s. 118.153 or an alternative educational program under s. 119.82 or any other alternative educational program to children who attend the school attended by the truant child, if the school district administrator believes that the program or curriculum may be appropriate for the truant child.

3. A school social worker employed by the school district who provides services to children attending the school attended by the truant child, if the school district administrator believes that the services provided by the social worker may be appropriate for the truant child.

4. An employe of a social services agency who is directly involved in the provision of social services to the truant child or the child's family.

5. A school attendance officer, but only if the school attendance officer meets the criteria specified in subs. 1, 2 or 3.

(b) A designation under par. (a) shall be in writing and shall specifically identify the child whom the individual is authorized to take into custody.

(c) A school district administrator may not designate an individual under par. (a) unless the individual agrees to the designation in writing.

(d) A school district administrator who makes a designation under par. (a) shall provide each individual so designated with an identification card of a form determined by the school board. The designee shall carry the identification card on his or her person at all times while the designee is on official duty under s. 48.19 (1m) and shall exhibit the identification card to any person to whom the designee represents himself or herself as a person authorized to take a child into custody under s. 48.19 (1m).

(e) A school district administrator who makes a designation under par. (a) or the individual designated under par. (a) shall immediately attempt to notify, by personal contact or telephone call, the child's parent, guardian and legal custodian that the designation has been made and that the child may be taken into custody under s. 48.19 (1m). The school district administrator, or the designee, is not required to notify a parent, guardian or legal custodian under this paragraph if the parent, guardian or legal custodian is the person who requested that the child be taken into custody under s. 48.19 (1m).