

2001 DRAFTING REQUEST

Bill

Received: **01/24/2002**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Linda**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect prevention brochure

Instructions:

See Attached--require DHFS to create brochure warning parents of their responsibilities to protect child for distribution schools, hospitals, and courts.

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>
/?	malaigm 02/20/2002	rschluet 02/27/2002		_____			S&L
/1			jfrantzc 02/28/2002	_____	lrb_docadmin 02/28/2002	lrb_docadmin 03/01/2002 lrb_docadmin 03/01/2002	

FE Sent For: @ mthw

<END>

2001 DRAFTING REQUEST

Bill

Received: **01/24/2002**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Linda**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect prevention brochure

Instructions:

See Attached--require DHFS to create brochure warning parents of their responsibilities to protect child for distribution schools, hospitals, and courts.

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>
/?	malaigm 02/20/2002	rschluct 02/27/2002		_____			S&L
/1			jfrantze 02/28/2002	_____	lrb_docadmin 02/28/2002		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 01/24/2002

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Carol Owens (608) 267-7990

By/Representing: Linda

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - abuse and neglect

Extra Copies: PJK
DAK
PG

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect prevention brochure

Instructions:

See Attached--require DHFS to create brochure warning parents of their responsibilities to protect child for distribution schools, hospitals, and courts.

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>
1/?	malaigm	<i>[Signature]</i> 2-20-02 1/27 jld	<i>[Signature]</i> 2/28	<i>[Signature]</i> 2/28			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.

Date 2-24-02

Legislator, agency, or other person requesting this draft Carol Owens 53rd Rep

Person submitting request (name and phone number) Carol Owens - 267-7990

Persons to contact for questions about this draft (names and phone numbers) Carol
or Linda 267-7990- or 920-589-4262

Describe the problem, including any helpful examples. How do you want to solve the problem? .

The problem is abused or neglected children
1. I want to be sure that the parent knows and accepts her responsibility - especially in the case of a single or divorced parent that takes a new partner

2. a penalty is a factor - and parental rights may need to be severed - (hard to do)

3. in some cases courts return children to abusers.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO

If yes, please indicate why we may run out of time

Should we give this request priority over any pending request of this legislator, agency, or person?

4. maybe adding this issue in high school YES NO
Curriculum in a marriage or parenting class - educational folders in County Clerk - hospitals - any where that deal with babies or young children

Rep Owens (Linda)

7-7990

have DTFs put together (by rule?)
a brochure that would be given
to mothers: at divorce & separation
767.24(8) by court (or clerk of court?)

attending physician or nurse-midwife and at birth by hospital personnel & midwives
?? (only if mother's not married?)

and to ~~of~~ students in high school
118.019 parenting and family living classes

brochure would stress the moral & legal obligation to protect, nurture, and care for children,

948.02, 948.03 (2) including leaving children w/ significant others
948.04, 948.05 would list possible penalties for not doing so, including: ...
948.06 (948.21)

948.20 948.40 (3) would list agencies, orgs, other sources for assistance w/ caring for children
948.22?



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4778/8

GMM:.....

9/15 + jld

Gen

1 AN ACT ...; relating to: requiring the department of health and family services
 2 to prepare and distribute informational materials describing the duty of a
 3 parent to provide protection, care, supervision, and support for the parent's
 4 child and the possible legal consequences of a failure to perform that duty and
 5 listing agencies that provide services for children and families.

Analysis by the Legislative Reference Bureau

Under current law, a parent has the duty to provide protection, care, supervision, and support for the parent's child. Currently, a parent who abandons his or her child, permits his or her child to be abused, or neglects his or her child is subject to the child in need of protection or services (CHIPS) jurisdiction of the court assigned to exercise jurisdiction under the Children's Code (juvenile court), which may, among other dispositions, remove the child from the home to protect the health and safety of the child. Similarly, the juvenile court may terminate the parental rights of a parent who abandons or abuses his or her child, fails to assume parental responsibility for his or her child, or meets certain other grounds. Moreover, a parent may also be subject to criminal liability for failing to protect his or her child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest, for abandoning, neglecting, or failing to support his or her child, or for contributing to the delinquency or truancy of his or her child.

This bill requires the department of health and family services (DHFS) to prepare and distribute informational materials describing the duty of a parent to provide protection, care, supervision, and support for the parent's child and the possible legal consequences of a failure to perform that duty, including the removal

describing

and listing, by geographical region, all public and private agencies that provide services for children and families. The possible legal consequences described by the materials must include

; criminal liability

semicolon

; and criminal liability

of the child from the home as a result of a CHIPS disposition, the involuntary termination of the parent's parental rights to the child, and criminal liability for failing to protect the child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest, for abandoning, neglecting, or failing to support the child, or for contributing to the delinquency or truancy of the child. ~~The informational materials must also include a listing, indexed geographically, of all public and private agencies that provide services for children and families.~~ DHFS must distribute those informational materials to all hospitals and maternity homes, which must provide a copy of the materials to the parents of all children born at or on route to the hospital or maternity home, to all nurse-midwives, who must provide a copy of the materials to the parents of all children whose birth is attended by the nurse-midwife, to all circuit courts, which must provide a copy of the materials to all persons whose legal custody or physical placement rights to a child have been determined by the circuit court, and to all school boards that provide instructional programs in human growth and development, which may include those materials in the curriculum for the program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 118.019 (2) (dm) of the statutes is created to read:

118.019 (2) (dm) The duty of a parent to provide protection, care, supervision, and support for the parent's child and the possible legal consequences of a failure to perform that duty. The instruction provided under this paragraph shall be based on the informational materials prepared under s. 253.15.

SECTION 2. 253.15 of the statutes is created to read:

253.15 Information relating to parental duties. (1) The department shall prepare and distribute informational materials describing the duty of a parent to provide protection, care, supervision, and support for the parent's child ~~and~~ the possible legal consequences of a failure to perform that duty, including removal of the child from the home under s. 48.345 (3) or 938.34 (3), ~~involuntary~~ termination of the parent's parental rights under s. 48.415, ~~and~~ criminal liability under s. 948.02 (3),

and listing, by geographical region, all public and private agencies that provide services for children and families. The possible legal consequences that the materials must describe shall include all of the following: (a) Removal

describing

s. 48.345 (3) involuntary

s. 48.415 criminal

; ; ;

§ 3. Criminal liability

① § 2, Criminal liability under

1 948.03 (4), 948.04 (2), 948.05 (2), or 948.06 (2) for failing to protect the child from
 2 sexual assault, physical abuse, mental harm, sexual exploitation, or incest, ~~under~~ s.
 3 948.20, 948.21, or 948.22 for abandoning, neglecting, or failing to support the child,
 4 ~~and~~ under s. 948.40 or 948.4⁵ for contributing to the delinquency or truancy of the
 5 child. ~~The materials shall also include a listing, indexed geographically, of all public
 6 and private agencies that provide services for children and families.~~

7 (2) The department shall distribute the materials prepared under sub. (1) to
 8 all hospitals and maternity homes, which shall provide a copy of the materials to the
 9 parents of all children born at or on route to the hospital or maternity home, to all
 10 nurse-midwives licensed under s. 441.15, who shall provide a copy of the materials
 11 to the parents of all children whose birth is attended by the nurse-midwife, to all
 12 circuit courts, which shall provide a copy of the materials to all persons whose legal
 13 custody or physical placement rights to a child have been determined by the circuit
 14 court, and to all school boards that provide instructional programs in human growth
 15 and development under s. 118.019, which may include the materials in the
 16 curriculum for the program.

17 SECTION 3. 767.24 (8) of the statutes is amended to read:

18 767.24 (8) NOTICE IN JUDGMENT; PROVISION OF PARENTAL DUTY INFORMATION. A
 19 judgment which determines the legal custody or physical placement rights of any
 20 person to a minor child shall include notification of the contents of s. 948.31. When
 21 a judgment determining the legal custody or physical placement rights of a person
 22 to a minor child is granted, the court shall provide to that person a copy of the
 23 informational materials prepared under s. 253.15 describing the duty of a parent to

1 provide protection, care, supervision, and support for the parent's minor child and
2 the possible legal consequences of a failure to perform that duty.

~~History: 1971 c. 149, 157, 211; 1975 c. 39, 122, 200, 283; 1977 c. 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.24; 1981 c. 391; 1985 a. 70, 176; 1987 a. 332 s. 64; 1987 a. 355, 364, 383, 403; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 32; 1993 a. 213, 446, 481; 1995 a. 77, 100, 275, 289, 343, 375; 1997 a. 35, 191; 1999 a. 9.~~

3 **SECTION 4. Nonstatutory provisions.**

4 (1) PREPARATION AND DISTRIBUTION OF INFORMATIONAL MATERIALS. ✓ By the first day
5 of the 4th month beginning after the effective date of this subsection, ✓ the department
6 of health and family services shall prepare the informational materials specified in
7 section 253.15 (1) ✓ of the statutes, as created by this act, and distribute those
8 materials as required under section 253.15 (2) of the statutes, as created by this act.

9 **SECTION 5. Initial applicability.**

10 (1) PROVISION OF INFORMATIONAL MATERIALS. (a) The treatment of sections
11 118.019 (2) (dm) ✓ and 253.15 (2) ✓ of the statutes (with respect to the provision of
12 instructional programs in human growth and development) first applies to
13 instructional programs provided in the 2002-03 school year.

14 (b) The treatment of section 253.15 (2) ✓ of the statutes (with respect to the
15 provision of informational materials to the parents of newborn children) first applies
16 to children born on the the first day of the 4th month beginning after the effective
17 date of this paragraph. (c)

18 (2) The treatment of sections 253.15 (2) (with respect to the provision of
19 informational materials to persons whose legal custody or physical placement rights
20 to a child have been determined by the circuit court) and 767.24 (8) of the statutes
21 first applies to persons whose legal custody or physical placement rights to a child
22 are determined on the first day of the 4th month beginning after the effective date
23 of this paragraph. ~~subsections~~

24 (END)

Start (plain)

plain



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 28, 2002

MEMORANDUM

To: Representative Owens

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-4778/1 Child abuse and neglect prevention brochure

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.