



2005 ASSEMBLY BILL 313

April 12, 2005 – Introduced by Representatives OWENS and OTT, cosponsored by Senator ROESSLER. Referred to Committee on Children and Families.

1 **AN ACT** *to amend* 767.24 (8); and *to create* 118.019 (2) (dm) and 253.15 of the
2 statutes; **relating to:** requiring the Department of Health and Family Services
3 to prepare and distribute informational materials describing the duty of a
4 parent to provide protection, care, supervision, and support for the parent's
5 child and the possible legal consequences of a failure to perform that duty and
6 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.

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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; describing the possible legal consequences of a failure to perform that duty; 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 the removal 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; criminal liability for failing to protect the child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest; criminal liability for abandoning, neglecting, or failing to support the child; and criminal liability for contributing to the delinquency or truancy of the child. 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:

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

2 118.019 (2) (dm) The duty of a parent to provide protection, care, supervision,
3 and support for the parent’s child and the possible legal consequences of a failure to
4 perform that duty. The instruction provided under this paragraph shall be based on
5 the informational materials prepared under s. 253.15 (1).

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

7 **253.15 Information relating to parental duties.** (1) The department shall
8 prepare and distribute informational materials describing the duty of a parent to
9 provide protection, care, supervision, and support for the parent’s child, describing
10 the possible legal consequences of a failure to perform that duty, and listing, by

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1 geographical region, all public and private agencies that provide services for children
2 and families. The possible legal consequences that the materials must describe shall
3 include all of the following:

4 (a) Removal of the child from the home under s. 48.345 (3) or 938.34 (3).

5 (b) Involuntary termination of the parent's parental rights under s. 48.415.

6 (c) 1. Criminal liability under s. 948.02 (3), 948.03 (4), 948.04 (2), 948.05 (2),
7 or 948.06 (2) for failing to protect the child from sexual assault, physical abuse,
8 mental harm, sexual exploitation, or incest.

9 2. Criminal liability under s. 948.20, 948.21, or 948.22 for abandoning,
10 neglecting, or failing to support the child.

11 3. Criminal liability under s. 948.40 or 948.45 for contributing to the
12 delinquency or truancy of the child.

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

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

24 767.24 **(8)** NOTICE IN JUDGMENT; PROVISION OF PARENTAL DUTY INFORMATION. A
25 judgment ~~which~~ that determines the legal custody or physical placement rights of

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1 any person to a minor child shall include notification of the contents of s. 948.31.
2 When a judgment determining the legal custody or physical placement rights of a
3 person to a minor child is granted, the court shall provide to that person a copy of the
4 informational materials prepared under s. 253.15 (1) describing the duty of a parent
5 to provide protection, care, supervision, and support for the parent's minor child and
6 the possible legal consequences of a failure to perform that duty.

SECTION 4. Nonstatutory provisions.

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

SECTION 5. Initial applicability.

13
14 (1) PROVISION OF INFORMATIONAL MATERIALS.

15 (a) The treatment of sections 118.019 (2) (dm) and 253.15 (2) (with respect to
16 the provision of instructional programs in human growth and development) of the
17 statutes first applies to instructional programs provided in the 2006-07 school year.

18 (b) The treatment of section 253.15 (2) (with respect to the provision of
19 informational materials to the parents of newborn children) of the statutes first
20 applies to children born on the the first day of the 4th month beginning after the
21 effective date of this paragraph.

22 (c) The treatment of sections 253.15 (2) (with respect to the provision of
23 informational materials to persons whose legal custody or physical placement rights
24 to a child have been determined by the circuit court) and 767.24 (8) of the statutes
25 first applies to persons whose legal custody or physical placement rights to a child

