

1 **AN ACT** *to create* 48.13 (14) of the statutes; **relating to:** children in need of protection
2 or services jurisdiction over a child who is born with the presence of alcohol, a
3 controlled substance, or a controlled substance analog in the child’s blood, breath, or
4 urine.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Permanency for Young Children in the Child Welfare System.

This draft creates a new ground in which a court assigned to exercise jurisdiction under the Children’s Code (juvenile court) has jurisdiction over a child who is in need of protection or services. The draft allows the juvenile court to have jurisdiction over a child who was born with alcohol, a controlled substance, or controlled substance analog in his or her blood, breath, or urine.

5 **SECTION 1.** 48.13 (14) of the statutes is created to read:

6 48.13 (14) Who was born [addicted or dependent upon] [with a significant presence of]
7 [with any amount, including a trace amount of] alcohol, a controlled substance, or a controlled
8 substance analog in the child’s blood, breath, or urine [as determined by a medical
9 professional].

NOTE: This SECTION creates a new ground in which a juvenile court has jurisdiction over a child in need of protection or services. This ground gives jurisdiction over a child who was born with alcohol, a controlled substance, or a controlled substance analog in his or her blood, breath, or urine.

COMMENT: Is it the committee’s intent to require that a child be addicted or dependent upon alcohol or drugs before he or she is subject to a child in need of protection or services (CHIPS) action? What is the committee’s intent regarding the level of alcohol or drugs that give rise to a CHIPS action? Is the intent that the child have a significant

