

# *Wisconsin Children’s Code and Juvenile Justice Code (and Related Juvenile Law Statutes and Rules)*

## **Table of Contents**

<b>I.</b>	<b>CHILDREN’S CODE (Chapter 48)</b>	<b>Page</b>
	Subchapters	
I.	General Provisions .....	5
II.	Organization of Court.....	15
III.	Jurisdiction .....	18
IV.	Holding a Child or an Expectant Mother in Custody .....	20
V.	Procedure.....	37
VI.	Disposition.....	52
VII.	Permanency Planning; Records.....	80
VIII.	Termination of Parental Rights .....	92
IX.	Jurisdiction over Person 17 or Older .....	111
X.	Rehearing and Appeal .....	111
XI.	Purpose, Duties, and Authority of Department.....	112
XII.	Child Welfare Services.....	121
XIII.	Child Welfare Agencies .....	134
XIV.	Foster Homes .....	135
XV.	Child Care Providers .....	147
XVI.	Licensing Procedures and Requirements for Child Welfare Agencies, Foster Homes, Group Homes, Child Care Centers, and County Departments.....	149
XVII.	General Provisions on Records.....	165
XVIII.	Community Services .....	166
XIX.	Adoption of Minors; Guardianship .....	167
XX.	Other Guardianships and Delegation of Power by Parent.....	183
XXI.	Miscellaneous Provisions .....	198
<b>II.</b>	<b>SELECTED STATUTES (Chapters 51—908)</b>	
	<b>Chapter 51: State Alcohol, Drug Abuse, Developmental Disabilities and Mental Health Act</b>	
51.01	Definitions .....	229
51.036	Crisis Urgent Care and Observation Facilities .....	230

51.13	Admission of Minors .....	232
51.14	Review of Outpatient Mental Health Treatment of Minors Aged 14 or Older .....	235
51.15	Emergency Detention.....	237
51.20	Involuntary Commitment for Treatment.....	240
51.22	Care and Custody of Persons.....	250
51.30	Records.....	251
51.35 (3)	Transfers and Discharges: Transfer of Certain Juveniles From Secured Juvenile Facilities .....	256
51.45	Prevention and Control of Alcoholism and Drug Dependence.....	257
51.47	Alcohol and Other Drug Abuse Treatment for Minors Without Parental Consent.....	264
51.48	Alcohol and Other Drug Testing, Assessment, and Treatment of Minor Without Minor’s Consent .....	264
51.60	Appointment of Counsel .....	264
51.61	Patients Rights .....	264
51.67	Alternate Procedure; Protective Services .....	270

## **Chapter 54: Guardianships and Conservatorships**

### Subchapters

I.	Definitions .....	271
II.	Appointment of Guardian.....	273
III.	Nomination of Guardian; Powers and Duties; Limitations .....	275
IV.	Procedures .....	282
V.	Post-appointment Matters.....	288
VI.	Voluntary Proceedings; Conservators.....	292
VII.	Uniform Guardianship Acts .....	293

## **Chapter 118: General School Operations**

118.125	Pupil Records .....	307
118.126	Privileged Communications .....	310
118.127	Law Enforcement Agency Information.....	310
118.15	Compulsory School Attendance.....	310
118.153	Children at Risk of Not Graduating from High School .....	312
118.16	School Attendance Enforcement .....	313
118.162	Truancy Committee and Plan.....	316
118.163	Municipal Truancy and School Dropout Ordinances. ....	317
118.164	Removal of Pupils from the Class .....	317
118.175	Pupils Without Parents or Guardians; Report Required .....	318
118.29	Administration of Drugs and Emergency Care .....	318
118.291	Asthmatic Pupils; Possession and Use of Inhalers .....	319

118.2915	Asthma in Schools; Use of Short-Acting Bronchodilators.....	320
118.292	Possession and Use of Epinephrine .....	320
118.2925	Life-Threatening Allergies in Schools; Use of Epinephrine .....	321
118.293	Concussion and Head Injury .....	321
118.2935	Sudden Cardiac Arrest; Youth Athletic Activities.....	322
118.295	Suicide Intervention; Civil Liability Exemption. ....	322
118.30	Pupil Assessment.....	322
118.305	Use of Seclusion and Physical Restraint.....	324
118.31	Corporal Punishment.....	326
118.32	Strip Search by School Employee.....	327
118.325	Locker Searches.....	327
118.45	Tests for Alcohol Use. ....	327

**Chapter 120: School District Government**

120.13 (1)	School Board Powers: School Government Rules; Suspension; Expulsion.....	327
------------	---	-----

**Chapter 125: Alcohol Beverages**

125.02	Definitions .....	331
125.07	Underage and Intoxicated Persons; Presence on Licensed Premises; Possession; Penalties .....	333
125.075	Injury or Death by Providing Alcohol Beverages to a Minor .....	338
125.085	Proof of Age .....	338
125.09 (2)	General Restrictions: Possession of Alcohol Beverages on School Grounds Prohibited.....	339
125.11	Penalties.....	339
125.115	Responsibility for Commission of a Crime.....	339

**Chapter 253: Maternal and Child Health**

253.15	Shaken Baby Syndrome and Impacted Babies .....	339
--------	--	-----

**Chapter 301: Corrections**

301.12	Cost of Care and Maintenance, Liability; Collection and Deportation Counsel; Collections; Court Actions; Recovery .....	341
--------	--	-----

**Chapter 343: Operators' Licenses**

343.15	Application of Persons Under 18; Liability of Sponsors; Release from Liability; Notification of Juvenile Violation.....	343
--------	--	-----

**Chapter 346: Rules of the Road**

346.63 (2m)	Operating Under Influence of Intoxicant or Other Drug.....	344
346.93	Intoxicants in Vehicle; Underage Persons.....	344

**Chapter 757: General Provisions Concerning Courts of Record, Judges,  
Attorneys and Clerks**

757.001	Definitions .....	345
757.23	Court Commissioner, When Disqualified.....	345
757.24	Liability of Judicial Officers .....	345
757.52	Guardian ad Litem for Persons Not in Being or Unascertainable.....	345
757.675	Supplemental Court Commissioners.....	345
757.68	Circuit Court Commissioners .....	345
757.69	Powers and Duties of Circuit Court Commissioners .....	346
757.70	Hearings Before Court Commissioners.....	348

**Chapter 765: Marriage**

765.002 (1)	Definitions (member of the clergy) .....	348
-------------	--	-----

**Chapter 767: Actions Affecting the Family**

767.001	Definitions .....	348
767.01	Jurisdiction .....	349
767.117	Prohibited Acts During Pendency of Action .....	349
767.217	Notice to Child Support Program .....	349
767.225	Orders During Pendency of Action .....	350
767.251	Content, Preparation, and Approval of Judgment .....	350
767.264	Dismissal; Vacation; Substitution or Withdrawal of Attorney .....	351
767.301	Residence Requirements.....	351
767.333	Initial Orders Based on Stipulation Prior to Judgment .....	351
767.34	Court-Approved Stipulation.....	351
767.385	Maintenance, Legal Custody, and Support When Divorce or Separation Denied .....	352
767.401	Educational Programs and Classes.....	352
767.405	Family Court Services .....	353
767.407	Guardian ad Litem for Minor Children .....	355
767.41	Custody and Physical Placement .....	356
767.43	Visitation Rights of Certain Persons .....	361
767.44	Prohibiting Visitation or Physical Placement If a Parent Kills Other Parent.....	363
767.451	Revision of Legal Custody and Physical Placement Orders .....	363
767.461	Revisions Agreed to by Stipulation .....	365
767.471	Enforcement of Physical Placement Orders.....	365
767.481	Moving the Child’s Residence .....	366
767.501	Actions to Compel Support.....	368
767.511	Child Support.....	368
767.513	Child Health Care Expenses .....	371
767.521	Action by State for Child Support.....	372
767.531	Family Support .....	372

767.55	Child Support: Employment-Related Orders.....	372
767.553	Annual Adjustments in Support Orders.....	373
767.57	Maintenance, Child Support, and Family Support Payments; Fees.....	374
767.59	Revision of Support and Maintenance Orders.....	376
767.71	Reconciling Percentage-Expressed Support Orders.....	379
767.73	Delinquent Child or Family Support; Suspension of Operating Privilege.....	379
767.75	Assignment of Income for Payment Obligations.....	380
767.77	Enforcement of Payment Obligations.....	382
767.78	Enforcement; Contempt Proceedings.....	382
767.80	Determination of Paternity.....	382
767.803	Determination of Marital Children.....	384
767.804	Genetic Test Results.....	384
767.805	Voluntary Acknowledgment of Paternity.....	385
767.813	Summons.....	386
767.814	Names on Pleadings After Paternity Determined.....	388
767.815	Enlargement of Time in a Paternity Proceeding.....	388
767.82	Paternity Procedures.....	388
767.83	Right to Counsel.....	388
767.84	Genetic Tests in Paternity Actions.....	389
767.85	Temporary Orders.....	390
767.853	Paternity Hearings and Records; Confidentiality.....	390
767.855	Dismissal If Adjudication Not in Child’s Best Interest.....	390
767.86	Time of First Appearance.....	390
767.863	First Appearance.....	390
767.865	Deceased Respondent.....	391
767.87	Testimony and Evidence Relating to Paternity.....	391
767.88	Pretrial Paternity Proceedings.....	392
767.883	Trial.....	392
767.89	Paternity Judgment.....	393
767.893	Default and Stipulated Judgments.....	394
767.895	Motion to Reopen Judgment Based on Statement Acknowledging Paternity.....	394
<b>Chapter 785: Contempt of Court.....</b>		<b>395</b>
 <b>Chapter 802: Civil Procedure – Pleadings, Motions and Pretrial Practice</b>		
802.045	Limited Scope Representation Permitted – Process.....	397

<b>Chapter 813: Injunctions, Ne Exeat and Receivers</b>		
813.122	Child Abuse Restraining Orders and Injunctions.....	397
813.126	New Hearing.....	400
813.127	Combined Actions; Domestic Abuse, Child Abuse and Harassment.....	400
<b>Chapter 891: Presumptions</b>		
891.39	Presumption as to Whether a Child is Marital or Nonmarital; Self-Crimination; Birth Certificates.....	400
891.395	Presumption as to Time of Conception.....	401
891.40	Artificial Insemination.....	401
891.405	Presumption of Paternity Based on Acknowledgment.....	401
891.407	Presumption of Paternity Based on Genetic Test Results.....	401
891.41	Presumption of Paternity Based on Marriage of the Parties .....	401
<b>Chapter 893: Limitations of Commencement of Actions and Proceedings; Procedure for Claims Against Governmental Units</b>		
893.415	Action to Collect Support.....	402
893.88	Paternity Actions .....	402
<b>Chapter 895: Damages, Liability, and Miscellaneous Provisions Regarding Actions in Courts</b>		
895.035	Parental Liability for Acts of Minor Child.....	402
895.037	Abortions on or for a Minor Without Parental Consent or Judicial Waiver .....	404
895.485	Civil Liability Exemption; Out-of-Home Care Providers and Child-Care Placing Agencies .....	404
<b>Chapter 908: Evidence – Hearsay</b>		
908.08	Audiovisual Recordings of Statements of Children.....	405

### III. JUVENILE JUSTICE CODE (Chapter 938)

Subchapters		
I.	General Provisions .....	410
II.	Organization of Court.....	416
III.	Jurisdiction .....	419
IV.	Holding a Juvenile in Custody .....	425
V.	Procedure.....	439
VI.	Disposition.....	459
VII.	Permanency Planning; Records.....	502
IX.	Jurisdiction over Persons 17 or Older.....	516
X.	Rehearing and Appeal .....	517

XI.	Authority .....	517
XII.	County Juvenile Welfare Services .....	525
XVII.	General Provisions on Records.....	526
XVIII.	Community Services .....	528
XX.	Miscellaneous Provisions .....	528

**IV. SELECTED STATUTES (Chapters 946–977)**

**Chapter 946: Crimes Against Government and Its Administration**

946.495	Violation of Nonsecure Custody Order .....	537
946.50	Absconding .....	537

**Chapter 948: Crimes Against Children**

948.01	Definitions .....	537
948.02	Sexual Assault of a Child.....	538
948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child .....	538
948.03	Physical Abuse of a Child .....	539
948.05	Sexual Exploitation of a Child .....	540
948.051	Trafficking of a Child .....	540
948.055	Causing a Child to View or Listen to Sexual Activity.....	540
948.06	Incest with a Child.....	541
948.08	Soliciting a Child for Prostitution .....	541
948.081	Patronizing a Child .....	541
948.09	Sexual Intercourse with a Child Age 16 or Older .....	541
948.093	Underage Sexual Activity.....	541
948.20	Abandonment of a Child.....	541
948.21	Neglecting a Child.....	541
948.215	Chronic Neglect; Repeated Acts of Neglect.....	542
948.22	Failure to Support.....	542
948.23	Concealing or Not Reporting Death of a Child; Not Reporting Disappearance of a Child.....	543
948.24	Unauthorized Placement for Adoption. ....	543
948.25	Unauthorized Interstate Placements of Children. ....	543
948.30	Abduction of Another’s Child; Constructive Custody .....	543
948.31	Interference with Custody by Parent or Others.....	544
948.40	Contributing to the Delinquency of a Child .....	544
948.45	Contributing to Truancy.....	545
948.50	Strip Search by School Employee.....	545
948.51	Hazing.....	545
948.53	Child Unattended in Child Care Vehicle .....	545
948.55	Leaving or Storing a Loaded Firearm Within the Reach or Easy Access of a Child .....	545

948.60	Possession of a Dangerous Weapon by a Person Under 18.....	545
948.605	Gun-Free School Zones.....	546
948.61	Dangerous Weapons Other Than Firearms on School Premises .....	546
948.62	Receiving Stolen Property from a Child.....	547
948.63	Receiving Property from a Child .....	547

**Chapter 950: Rights of Victims and Witnesses of Crime**

950.055	Child Victims and Witnesses; Rights and Services.....	547
950.08	Information and Mediation Services .....	547

**Chapter 970: Criminal Procedure – Preliminary Proceedings**

970.032	Preliminary Examination; Juvenile Under Original Adult Court Jurisdiction.....	548
970.035	Preliminary Examination; Juvenile Younger Than 15 Years Old .....	549

**Chapter 977: State Public Defender**

977.06	Indigency Determinations; Redeterminations; Verification; Collection .....	549
977.07	Determination of Indigency .....	550
977.08	Appointment of Counsel.....	551

**V. ADMINISTRATIVE RULES**

<b>Chapter DCF 61: Qualified Residential Treatment Programs .....</b>	<b>555</b>
<b>Chapter DCF 80: Services for Youth Who Are Adjudicated Delinquent .....</b>	<b>559</b>
<b>Chapter DCF 81: Intensive Supervision Program.....</b>	<b>561</b>

**VI. SELECTED WISCONSIN CONSTITUTION PROVISIONS**

**Article I. Declaration of Rights**

Sec. 9m	Victims of crimes (“Marsy’s Law”).....	567
---------	--	-----

**INDEX**