

## Parental Responsibility for Juvenile Misconduct

(1) Purpose. The purpose of this section is to reduce the incidents of misconduct by juveniles by requiring proper supervision on the part of custodial parents.

(2) Definitions. For Purposes of this section, unless otherwise defined:

a. "Child means a person under the age of eighteen years.

b. "custodial parent" means a parent or legal guardian of a minor child who has custody of said child.

c. "Custody" means either physical custody of a child under a court order under Section 767.23 or 767.24 of the Wisconsin Statutes, custody of a child under a stipulation under Section 767.24 of the Wisconsin Statutes, or actual physical custody of the child. Custody does not include legal custody, as defined under Section 48.02(12) Wisconsin Statutes, by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the child's ordinance violations occurred.

(3) Prohibited Conduct. Every custodial parent has a duty to properly supervise his or her child. Any custodial parent whose child is convicted of a Village of De Soto Municipal Ordinance violation twice in a six-month period or three or more times within a twelve-month period is guilty of failing to properly supervise said child. The six and twelve-month periods shall be measured from the date of the first violation.

(4) Penalty. The offense described under section three (3) shall be subject to penalty of a minimum of \$100 and a maximum of not more than \$1,000.

(5) DEFENCES: The following shall be defenses to a violation of section 3:

a. Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;

b. Where the parent is not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or

c. Where the parent has a physical or mental disability or incompetence rendering them incapable of supervising the juvenile at the time the misconduct occurred.

(b) It is not a defense where the parent assigns their parental responsibility to another, except pursuant to legal proceedings which result in a court order effectuating the same.

(c) The parent has the burden of proving their defense by clear and satisfactory evidence.

Section 2. This ordinance shall take effect and be in full force from and after its passage and posting.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF October, 2005

Village President *Chris Mussatti*  
Chris Mussatti

ATTEST:

*Carrie A. Brudos*  
Carrie Brudos, Village Clerk

POSTED: 10-7-05

