

County Board File No. _____

Ordinance No 900.02

ORDINANCE TO PROHIBIT HABITUAL TRUANCY

SECTION I: Pursuant the authorization granted in Section 118.163(2) and Section 938.342 of the Wisconsin Statutes, the Iowa County Board hereby amends Ordinance No. 900.02 to read as follows:

HABITUAL TRUANCY PROHIBITED

- (1) **Prohibition of Habitual Truancy.** A child, i.e. a person under 18 years of age, is prohibited from being a habitual truant.
- (2) **Definitions.** For purposes of this ordinance:
 - (a) "Habitual Truant" shall mean a pupil who is absent from school without an acceptable excuse under Section 118.16(4) and Section 118.15 of the Wisconsin Statutes for part or all of 5 or more days on which school is held during a school semester.
- (3) **Penalty.** Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:
 - (a) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The Court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
 - (b) An order for the child to participate in counseling or a supervised work program or other community service work as described in Section 938.34(5g) of the Wisconsin Statutes. The costs of any such counseling, supervised work program or other community service work may be assessed against the child, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on the child.
 - (c) An order for the child to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the child is accompanied by a parent or guardian.

- (d) An order for the child to attend an educational program as described in Section 938.34(7d) of the Wisconsin Statutes.
- (e) An order for the Department of Workforce Development to revoke, under Section 103.72 of the Wisconsin Statutes, a permit under Section 103.70 of the Wisconsin Statutes authorizing the employment of the child.
- (f) An order for the person to be placed in a teen court program as described in Section 938.342(1g)(f) of the Wisconsin Statutes.
- (g) An order for the person to attend school.
- (h) A forfeiture of not more than \$500 plus costs, subject to Section 938.37 of the Wisconsin Statutes. All or part of the forfeiture plus costs may be assessed against the child, the parents or guardian of the child, or both.
- (i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (j) An order placing the person under formal or informal supervision, as described under Section 938.34(2) of the Wisconsin Statutes, for up to one year.
- (k) An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

Dated this 7th day of December, 1999.

Respectfully submitted by the Committee on Courts, Justice and Law Enforcement of the Iowa County Board of Supervisors, Jacob Ehr, Chairman.

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