

## Chapter 7

### Failure to Exercise Parental Responsibility

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#### SEC. 9-7-1     DEFINITIONS.

- (a)     Child means a person who is less than eighteen (18) years of age;
- (b)     Legal Custodian means a person other than a parent or guardian or an agency to whom legal custody of the child has been transferred by a court, but does not include a person who has only physical custody of the child;
- (c)     Legal Custody means the legal status created by the order of a court, which confers the right and duty to protect, and discipline a child, and to provide food, shelter, legal services, education, and ordinary medical and dental care, subject to the right, duties, and responsibilities and the provisions of any court order;
- (d)     Parent means either a biological parent, a husband who has consented to the artificial insemination of his wife under Sec. 891.40 Wis. Stats., or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under Sec. 767.60 Wis. Stats., parent includes a person adjudged in a judicial proceeding to be the biological father. Parent does not include any person whose parental rights have been terminated;
- (e)     Physical Custody means actual custody of the person in the absence of a court order granting legal custody to the physical custodian;
- (f)     In this Chapter, legal custody does not include an agency or a person other than a parent or legal custodian.

#### SEC. 9-7-2     PARENTAL RESPONSIBILITY FOR ACTS OF MINOR CHILD.

- (a)     A person commits the offense of failing to exercise parental responsibility if the person is a parent, or legal custodian of a child and the child has been found on private or public property within the Village of Prairie du Sac in violation of any provision of the Code of Ordinances, three times within any twelve (12) month period.
- (b)     A conviction or judgment by a Court based upon proof that the child committed an act in violation of a provision of the Code of Ordinances, subject to its admissibility under Sec. 904.01 Wis. Stats., shall in an action under subsection (a) create an irrebuttable presumption that the child committed the act.

#### SEC. 9-7-3     PENALTY.

The offense described under Sec. 9-7-2(a) shall be subject to a penalty of not less than One hundred (\$100.00) dollars and not more than One thousand (\$1,000.00) dollars plus all costs.

**History:** Code of Ordinances, 1986. Chapter 7 of Title 9 created. Ordinance No. 6, Series of 1996.

