

Chapter 180
JUVENILES

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[HISTORY: Adopted by the Village Board of the Village of Coleman at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Amusement parlors — See Ch. 98.
Bicycles — See Ch. 109.

Cigarette sales — See Ch. 273, Art I.

ARTICLE I
Parental Responsibility for Juvenile Misconduct

§ 180-1. Purpose.

The purpose of this article is to reduce the incidents of misconduct by juveniles by requiring proper supervision on the part of custodial parents.

§ 180-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHILD — A person under the age of 18 years.

CUSTODIAL PARENT — A parent or legal guardian of a minor child who has custody of said child.

CUSTODY — Either physical custody of a child under a court order under § 767.23 or 767.24, Wis. Stats., custody of a child under a stipulation under § 767.24, Wis. Stats., or actual physical custody of the child. Custody does not include legal custody, as defined under § 48.02(12), Wis. Stats., 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 article, 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.

§ 180-3. 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 Coleman Municipal Code 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.

§ 180-4. Violations and penalties.

The offense described under § 180-3 shall be subject to a penalty of a minimum of \$100 and a maximum of \$1,000.

§ 180-5. Defenses.

A. The following shall be defenses to a violation of § 180-3:

- (1) Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;
- (2) Where the parent is not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or
- (3) Where the parent has a physical or mental disability or incompetency rendering him or her incapable of supervising the juvenile at the time the misconduct occurred.

B. It is not a defense where the parent assigns his or her 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 his or her defense by clear and satisfactory evidence.

ARTICLE II
Truancy

§ 180-6. Prohibited acts.

A child is prohibited from being a truant.

§ 180-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE — An acceptable excuse as defined in §§ 118.15 and 118.16(4), Wis. Stats.

TRUANT — A pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

§ 180-8. Violations and penalties.

Upon finding that a child is truant, the court shall enter an order making one or more of the following dispositions:

- A. Order the person to attend school.
- B. Impose a forfeiture of not more than \$50 plus costs for a first violation or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to § 938.37, Wis. Stats., and subject to a maximum accumulative forfeiture amount of \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

ARTICLE III
Habitual Truancy

§ 180-9. Prohibited acts.

A child is prohibited from being an habitual truant.

§ 180-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE — An acceptable excuse as defined in §§ 118.15 and 118.16(4), Wis. Stats.,

HABITUAL TRUANT — A pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

§ 180-11. Violations and penalties.

Upon finding that a child is an habitual truant, the court shall enter an order making one or more of the following dispositions:

- A. Suspend the child's operating privilege, as defined in § 340.01(40), Wis. Stats., 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. Order the person to participate in counseling or a supervised work program or other community service work as described in § 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
- C. Order the child to remain at home except during hours in which the child 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 person is accompanied by a parent or guardian.
- D. Order the person to attend an educational program as described in § 938.34(7d), Wis. Stats.
- E. Order the Department of Workforce Development to revoke, under § 103.72, Wis. Stats., a permit under § 103.70, Wis. Stats., authorizing the employment of the person.
- F. Order the person to be placed in a teen court program as described in § 938.342(1g)(f), Wis. Stats.
- G. Order the person to attend school.
- H. Order a forfeiture of not more than \$500 plus costs, subject to § 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- I. Order reasonable conditions consistent with § 118.163(2), Wis. Stats., including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- J. Place the person under formal or informal supervision, as described in § 938.34(2), Wis. Stats., for up to one year.
- K. Order 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.

ARTICLE IV
School Dropouts

§ 180-12. Prohibited acts.

A child is prohibited from being a school dropout.

§ 180-13. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE — An acceptable excuse as defined in §§ 118.15 and 118.16, Wis. Stats.

DROPOUT — A child who has ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse for nonattendance of school.

§ 180-14. Violations and penalties.

Upon finding a child is a dropout, the court shall enter an order suspending the operating privilege of a person who is at least 16 years of age but less than 18 years of age. The court may suspend the person's operating privilege until the person reaches the age of 18. 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.

ARTICLE V
Sanctions for Violations of Dispositional Orders

§ 180-15. Subsequent dispositional order.

After holding a hearing, the Municipal Court may impose sanctions on juveniles who violate their dispositional order related to truancy, habitual truancy or dropping out of school regardless of whether the particular sanction was imposed as a disposition in the order violated by the juvenile, provided that:

- A. At the juvenile's dispositional hearing, the court explained the conditions of the dispositional order to the juvenile and informed the juvenile of the possible sanctions that could be imposed for a violation of those conditions; or
- B. Before the subsequent violation, the juvenile has acknowledged in writing that he or she has read, or had read to him or her, those conditions and possible sanctions and he or she understands the conditions and possible sanctions.

§ 180-16. Subsequent dispositional order for truancy.

If the court finds a subsequent violation of a condition of a truancy dispositional order, the court may order as a sanction any combination of the following:

- A. Suspension of the child's operating privilege, as defined in § 340.01(40), Wis. Stats., for not more than one year. If the juvenile does not hold a valid driver's license, other than an instruction permit or a restricted license, the court may order the suspension to begin on the date the license would otherwise be reinstated or issued or two years after the date of the order, whichever occurs first.

- B. Order the person to participate in counseling or a supervised work program or other community service work as described in § 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
- C. Order the child to remain at home except during hours in which the child 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 person is accompanied by a parent or guardian.
- D. Order the person to attend an educational program as described in § 938.34(7d), Wis. Stats.
- E. Order the Department of Workforce Development to revoke, under § 103.72, Wis. Stats., a permit under § 103.70, Wis. Stats., authorizing the employment of the person,
- F. Order the person to be placed in a teen court program as described in § 938.342(1g)(f), Wis. Stats.
- G. Order the person to attend school.
- H. Order a forfeiture of not more than \$500 plus costs, subject to § 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- I. Order reasonable conditions consistent with § 118.163(2), Wis. Stats., including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- J. Place the person under formal or informal supervision, as described in § 938.34(2), Wis. Stats. for up to one year.
- K. Order 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.

§ 180-17. Subsequent dispositional order for habitual truancy.

If the court finds a subsequent violation of a condition of a habitual truancy dispositional order, the court may order as a sanction any combination of the following:

- A. Petition the Juvenile Court of the County of Marinette to impose a sanction. If the Juvenile Court imposes a sanction, the Juvenile Court must order the village to pay the county the costs of providing the sanction. A petition for placement of a juvenile in a secured detention facility or juvenile portion of a county jail is subject to the adoption of a resolution by the Marinette County Board of Supervisors authorizing the use of these placements as a sanction.
- B. Suspend the operating privilege or place a limitation on the operating privilege, as defined in § 340.01(40), Wis. Stats. Suspend or place a limitation on any fish or game license for not more than one year. If the juvenile does not hold a valid driver's license, other than an instruction permit or a restricted license, the court may order the suspension to begin on

the date the license would otherwise be reinstated or issued or two years after the date of the order, whichever occurs first.

- C. Order counseling or participation for not more than 25 hours in a supervised work program or other community service work. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
- D. Order any of the dispositions described in § 180-16C through K of this chapter

§ 180-18. Subsequent dispositional order for dropouts.

If the court finds a subsequent violation of a condition of a dropout dispositional order, the court may impose any of the sanctions listed in Subsections A to C below. In order to impose the home detention with monitoring by electronic monitoring system in Subsection B below the court must first petition the Juvenile Court to impose the sanctions listed in Subsection B below. If the Juvenile Court imposes the monitoring by electronic monitoring system sanction, the Juvenile Court shall also order the municipality to pay the county the cost of providing the sanction.

- A. Suspension or limitation on the use of the juvenile's operating privileges or any fish or game license for a period of not more than three years. If the juvenile does not hold a valid driver's license, other than an instruction permit or restricted license, the court may order the suspension to begin on the date the license would otherwise be reinstated or issued or two years after the date of the order, whichever occurs first.
- B. Detention at the juvenile's home or current residence for a period not more than 30 days under rules of supervision specified in the order. The order may require electronic monitoring.
- C. Not more than 25 hours of uncompensated participation in a supervised work program or other community service work.

§ 180-19. Contempt sanctions.

If a juvenile commits a second or subsequent violation of a condition imposed in his or her dispositional order, the court may impose contempt sanctions upon the juvenile as provided in § 800.12, Wis. Stats., except those provisions providing for incarceration.