Wis. Stat. §48.13 - Jurisdiction over children alleged to be in need of protection or services. (CHIPS)

This document provides information on some of the CHIPS Grounds. Additional grounds are listed in §48.13.

This document is <u>not</u> legal advice. If you have legal questions, please speak to an attorney.

3 Who has been the victim of abuse, as defined in s. 48.02(1) (a), (b), (c), (d), (e), (f), or (g), including injury that is self-inflicted or inflicted by another.

- "Abuse" means physical injury which is intentionally or recklessly inflicted on a child, including injury which is self-inflicted.
  - "Intentionally" means that the person who causes the physical injury had the purpose to cause physical injury or was aware that his or her conduct was practically certain to cause that result.
  - "Recklessly" means that the physical injury was caused by conduct which creates an unreasonable risk of harm to the child and demonstrates a conscious disregard for the safety of the child.
  - "Abuse" does not include physical injury which is inflicted by accident.
- "Physical injury" includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, and severe or frequent bruising. It also includes bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

3m Who is at substantial risk of becoming the victim of abuse, as defined in s. 48.02(1)(a), (b), (c), (d), (e), (f), or (g) including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse.

- "Substantial risk" means that a significant and appreciable threat of abuse exists.
  - In assessing the seriousness of the risk, among the factors you may consider are: (1) the nature and severity of the abuse to the other child in the home; (2) the similarity of the subject child to the abused child, with regard to age, sex, size, health, and intelligence; (3) the similarity or dissimilarity of the subject child to the abused child by way of relationship or position of favor or disfavor in relation to the alleged abuser; and (4) any changes which have occurred in the home since the prior abuse.
- "Abuse" means physical injury which is intentionally or recklessly inflicted on a child, including injury which is self-inflicted.
  - "Intentionally" means that the person who causes the physical injury had the purpose to cause physical injury or was aware that his or her conduct was practically certain to cause that result.
  - "Recklessly" means that the physical injury was caused by conduct which creates an unreasonable risk of harm to the child and demonstrates a conscious disregard for the safety of the child.
  - "Abuse" does not include physical injury which is inflicted by accident
- "Physical injury" includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, and severe or frequent bruising. It also includes bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- "Reliable information" means information which is accurate, trustworthy, and dependable. "Credible information" means information which in the light of reason and common sense is worthy of belief.
  - Information may be reliable and credible even though it may not establish the identity of the alleged abuser of another child. In other words, you may be convinced that reliable and credible information exists that another child has been the victim of abuse in the home of child even though the information does not establish who committed the abuse.
- “Another child in the home" means someone under the age of 18, not child, who resides or resided in the home of child either permanently or temporarily. The other child does not have to be related to child.

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4 Whose parent or guardian signs the petition requesting jurisdiction under this subsection and is unable or needs assistance to care for or provide necessary special treatment or care for the child.

- "Special treatment or care" means professional services which need to be provided to child or child's family to protect the well-being of the child, to prevent placement of child outside of the home, or to meet the special needs of child. This term includes, but is not limited to, medical, psychological, or psychiatric treatment; alcohol or other drug abuse treatment; or other services that are necessary and appropriate.

8 Who is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized or institutionalized.

- "Inadequate care" means less care than is reasonably necessary to provide sufficient food, clothing, housing, medical and dental services, education, or to meet the special needs of child. In determining what constitutes inadequate care, you may consider all the facts and circumstances bearing on child's need for care, including age, physical condition, and special needs.
- "Missing" means that the parent is unable to be located despite reasonable efforts.
- "Incarcerated" means that the parent is an inmate in a jail, Huber facility, house of correction, prison, or any other correctional facility located either in Wisconsin or elsewhere
- "Hospitalized" means that the parent has been admitted as a patient into a hospital located either in Wisconsin or elsewhere.
- "Institutionalized" means that the parent is in a facility on an inpatient basis relating to issues involving mental health, alcohol or other drug dependency, or developmental disability.

10 Whose parent, guardian, or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

- "Neglect" means a failure to provide which is neither intentional nor due to parental incapacity but rather is due to an inattentive state of mind.
- "Refusal" is a willful and intentional failure to provide.
- "Inability" means an incapacity on the part of the parent to perceive or to respond adequately to the needs of the child, but does not include an incapacity which is solely the result of poverty.
- "Necessary care" means that care which is vital to the needs and the physical health of the child. Parents have the right and duty to protect, train, and discipline their children and supervise their activities. In determining what constitutes necessary care, you may consider all of the facts and circumstances bearing on the child's need for care, including his or her age, physical condition, and special needs.
- "Physical health" refers to bodily health and safety and does not include the mental or emotional health of the child. The physical health of the child is "seriously endangered" if the failure to provide creates a significant risk that the child will be seriously harmed or injured. However, actual harm or injury need not have occurred. In determining whether the physical health of the child was seriously endangered, you may consider the natural and probable consequences of the failure to provide. You may also consider the nature of any possible harm to the child and the level of risk that a particular harm will occur.

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Whose parent, guardian or legal custodian is at substantial risk of neglecting, refusing or being unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of the child, based on reliable and credible information that the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of another child in the home.

- "Substantial risk" means a significant and appreciable threat exists that parent will fail to provide necessary [care, food, clothing, medical or dental care, or shelter] for child for reasons other than poverty so as to seriously endanger his/her physical health. In determining the seriousness of the risk, among the things you may consider are: (1) the nature and severity of the failure to provide necessary [care, food, clothing, medical or dental care, or shelter] to the other child; (2) the similarity of the subject child to the other child, with regard to age, sex, size, health, and intelligence; (3) the similarity or dissimilarity of the subject child to the other child by way of relationship or position of favor or disfavor; and (4) any changes which have occurred in the home since the prior neglect in terms of services having been provided, people having moved into or moved out of the home, and/or any monitoring or supervision which has been put into place.
- "Neglect" means a failure to provide which is neither intentional nor due to parental incapacity but rather is due to an inattentive state of mind.
- "Refusal" is a willful and intentional failure to provide.
- "Inability" means an incapacity on the part of the parent to perceive or to respond adequately to the needs of the child, but does not include an incapacity which is solely the result of poverty.
- "Necessary care" means that care which is vital to the needs and the physical health of the child. Parents have the right and duty to protect, train, and discipline their children and supervise their activities. In determining what constitutes necessary care, you may consider all of the facts and circumstances bearing on the child's need for care, including his or her age, physical condition, and special needs.
- "Physical health" refers to bodily health and safety and does not include the mental or emotional health of the child. The physical health of the child is "seriously endangered" if the failure to provide creates a significant risk that the child will be seriously harmed or injured. However, actual harm or injury need not have occurred. In determining whether the physical health of the child was seriously endangered, you may consider the natural and probable consequences of the failure to provide. You may also consider the nature of any possible harm to the child and the level of risk that a particular harm will occur.
- Information is "reliable" if the nature, source, corroboration for, and other facts and circumstances relating to that information establish it as accurate and trustworthy. Information is "credible" if in the light of reason and common sense, it is worthy of belief.
- "Another child in the home" means someone, under the age of 18, other than child, who resides or resided in the home of parent, either permanently or temporarily. The other child may, but need not necessarily, be related to child.
- The other child's physical health is seriously endangered if the failure to provide creates a significant risk that the other child will be seriously harmed or injured. Actual harm or injury need not have occurred. In determining whether the physical health of child was seriously endangered, you may consider the natural and probable consequences of the failure to provide. You may also consider the nature of any actual or possible harm to the child and the level of risk that a particular harm will occur. However, you may not consider actual or possible harm to the emotional health of the child.