

1969 Senate Bill 410

Date published:  
February 4, 1970

**CHAPTER 351, LAWS OF 1969**

AN ACT to renumber 48.27 (2) and (3); to amend 48.02 (10) and 48.27 (4), as renumbered; to repeal and recreate 48.27 (1); and to create 48.27 (2) of the statutes, relating to child support.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 48.02 (10) of the statutes is amended to read:

48.02 (10) "Legal custody" means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child. Legal custody may be taken from a parent only by court action. ~~If legal custody is taken from a parent without termination of parental rights, the parents' duty to provide support continues even though the person having legal custody may provide the necessities of daily living.~~

SECTION 2. 48.27 (1) of the statutes is repealed and recreated to read:

48.27 (1) (a) If legal custody is taken from the parents and disposition is made under s. 48.34 (1) (c) or (d) or 48.35 (1) (b) or (c), the duty of the parents to provide for support shall continue even though the legal custodian may provide such support, and upon a parent's failure to make payment for such support, the department may apply to the juvenile court for an order to compel payment; but if the parents are unable to provide such support, the financial resources of the child may be used therefor.

(b) Upon termination of parental rights and disposition under ss. 48.40 and 48.43, the financial resources of the child may be used for its support even though its legal custodian may provide such support.

CHAPTER 351

1226

SECTION 3. 48.27 (2) and (3) of the statutes are renumbered 48.27 (3) and (4), respectively and 48.27 (4), as renumbered, is amended to read:

48.27 (4) The county charged with the cost of the care and treatment under subs. ~~(1)~~ and (2) and (3) may recover the cost from the county where the child has legal settlement by filing verified claims with that county clerk which shall be payable as are other claims against the county. Any dispute relating to these claims and involving a judge's finding of legal settlement may be appealed by any county to the department under s. 46.106 (4), (5) and (6) and adjusted pursuant to this procedure after hearing, review ~~if any~~, and correction.

SECTION 4. 48.27 (2) of the statutes is created to read:

48.27 (2) When a child whose legal custody has not been taken from its parents is given medical, psychological or psychiatric treatment by order of the court and no provision is otherwise made by law for payment, the cost thereof, when approved by order of the court, shall be a charge upon the county, but nothing herein shall prevent recovery of such costs from the parents of such child, as the court may order.

Approved January 12, 1970.

---