



**ASSEMBLY AMENDMENT 4,  
TO 1995 SENATE BILL 501**

March 21, 1996 – Offered by Representatives LADWIG, HUEBSCH, KRUG, WOOD and ALBERS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 29, line 11: before that line insert:

3 “**SECTION 1m.** 48.01 (1) (intro.) of the statutes is amended to read:

4 48.01 (1) (intro.) This chapter may be cited as “The Children’s Code”. In  
5 construing this chapter, the best interests of the child shall always be of paramount  
6 consideration. This chapter shall be ~~interpreted~~ liberally construed to effectuate the  
7 following express legislative purposes:

8 **SECTION 1p.** 48.01 (1) (a) of the statutes is renumbered 48.01 (1) (ad).”.

9 **2.** Page 31, line 11: delete that line and substitute:

10 “**SECTION 8m.** 48.01 (1) (g) of the statutes is renumbered 48.01 (1) (a) and  
11 amended to read:”.

12 **3.** Page 31, line 12: substitute “(a)” for “(g)”.

13 **4.** Page 31, line 15: after “parents” insert “, whenever appropriate,”.

14 **5.** Page 33, line 4: delete lines 4 to 16.

15 **6.** Page 34, line 1: delete lines 1 and 2 and substitute:

1           **“SECTION 11m.** 48.01 (2) of the statutes is repealed and recreated to read:

2           48.01 **(2)** In proceedings involving an American Indian child, the best interests  
3 of the child shall be determined consistent with the Indian child welfare act, 25 USC  
4 1901 to 1963. In this subsection, “American Indian child” means any unmarried  
5 person who is under 18 years of age and who is one of the following:

6           (a) A member of an Indian tribe, as defined in 25 USC 1903 (8).

7           (b) Eligible for membership in an Indian tribe and is the biological child of a  
8 member of an Indian tribe.”.

9           **7.** Page 35, line 9: before that line insert:

10          **“SECTION 15m.** 48.02 (14g) of the statutes is created to read:

11          48.02 **(14g)** “Physical injury” includes but is not limited to lacerations,  
12 fractured bones, burns, internal injuries, severe or frequent bruising or great bodily  
13 harm, as defined in s. 939.22 (14).”.

14          **8.** Page 94, line 3: delete the material inserted by engrossed senate  
15 amendment 1 and insert the following, which was deleted by engrossed senate  
16 amendment 1:

17          **“SECTION 111.** 48.981 (1) (a) of the statutes is repealed.”.

18          **9.** Page 95, line 6: before that line, insert the following, which was deleted by  
19 engrossed senate amendment 1:

20          **“SECTION 114.** 48.981 (1) (e) of the statutes is repealed.

21          **SECTION 115.** 48.981 (2m) (c) (intro.) of the statutes is amended to read:

22          48.981 **(2m)** (c) (intro.) Except as provided under pars. (d) and (e), the following  
23 persons are not required to report as suspected or threatened abuse, as defined ~~under~~  
24 ~~sub. in s. 48.02 (1) (a) 2. (b),~~ sexual intercourse or sexual contact involving a child.”.

1           **10.** Page 98, line 11: before that line, insert the following, which was deleted  
2 by engrossed senate amendment 1:

3           “**SECTION 120.** 48.982 (1) (a) of the statutes is repealed.”

4           **11.** Page 102, line 4: before that line, insert the following, which was deleted  
5 by engrossed senate amendment 1:

6           “**SECTION 125.** 767.11 (8) (b) 1. of the statutes is amended to read:

7           767.11 (8) (b) 1. That a party engaged in abuse, as defined in s. 813.122 (1) (a),  
8 of the child, as defined in s. ~~48.981 (1) (a) and (b) or 813.122 (1) (a)~~ 48.02 (2).

9           **SECTION 126.** 767.11 (10) (e) 1. of the statutes is amended to read:

10           767.11 (10) (e) 1. There is evidence that a party engaged in abuse, as defined  
11 in s. 813.122 (1) (a), of the child, as defined in s. ~~48.981 (1) (a) and (b) or 813.122 (1)~~  
12 ~~(a)~~ 48.02 (2).

13           **SECTION 127.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

14           767.24 (2) (b) 2. c. The parties will be able to cooperate in the future decision  
15 making required under an award of joint legal custody. In making this finding the  
16 court shall consider, along with any other pertinent items, any reasons offered by a  
17 party objecting to joint legal custody. Evidence that either party engaged in abuse,  
18 as defined in s. 813.122 (1) (a), of the child, ~~as defined in s. 48.981 (1) (a) and (b) or~~  
19 ~~813.122 (1) (a)~~ 48.02 (2), or evidence of interspousal battery, as described under s.  
20 940.19, or domestic abuse, as defined in s. 813.12 (1) (a), creates a rebuttable  
21 presumption that the parties will not be able to cooperate in the future decision  
22 making required. This presumption may be rebutted by clear and convincing  
23 evidence that the abuse will not interfere with the parties’ ability to cooperate in the  
24 future decision making required.

