

Wisconsin Department of Justice: AG Schimel, Sen. Cowles, Rep. Horlacher stand up to child neglect with new legislation

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MADISON, Wis. – Today, Attorney General Brad Schimel, Senator Rob Cowles, and Representative Cody Horlacher announced details about new legislation that will give prosecutors additional tools to fight child neglect.

“For nearly three decades as a prosecutor, I’ve experienced firsthand how child abuse and neglect often do irreparable harm to children and families and continue from generation to generation,” said Attorney General Schimel. “Those of us in law enforcement have no greater responsibility than to protect our children and this legislation will target the worst offenders and hold them accountable.”

Current Wisconsin law requires that the State prove that a person who neglected a child did so intentionally. However, by its nature, neglect is not an intentional act. This proposed legislation would remedy this confusion in our law.

“This legislation reforms the neglect statutes to add substance and clarity. Current statutes have proved to be inadequate in many instances that we all can agree certainly constitute neglect, as a result children have been hurt,” said Senator Robert Cowles (R-Green Bay).

This bill creates additional graduated based upon the severity of the injury to the child. Thus, more severe neglect can be punished more severely than less severe neglect. Under current law a prosecutor can only charge a felony if there is actual bodily harm, otherwise, they have to charge it as a Class A misdemeanor, there are

no options in between.

“I am grateful for the input and energy by child advocates, law enforcement, and community members, as well as Attorney General Schimel and Senator Cowles in my work to protect some of our most vulnerable and make sure that our community standards are reflected in this legislation,” said Representative Cody Horlacher (R-Mukwonago).

Similar to what already exists in statute regarding repeated acts of sexual assault or physical abuse, the proposed changes in this bill will increase penalties for repeated acts of neglect and provides the ability to charge repeated acts of neglect when multiple neglectful acts are committed against the same child. It can be very difficult for a child to identify specific dates of violation sufficiently to support charges when there are multiple acts of neglect committed against them so the tools provided to law enforcement in this bill are crucial to ensuring the safety of our children.

Lastly, with this bill Wisconsin joins a list of growing states by creating a Drug Endangered Child component within the neglect law. Children can now be better protected from neglect resulting from the use, distribution or manufacturing of controlled substances.

Neglect can be every bit as damaging to a child as sexual abuse or physical abuse. It is long overdue for Wisconsin to give prosecutors the ability to charge long-term neglect as an ongoing course of conduct so that we can achieve justice for these child victims and prevent offenders from committing future crimes against children.

This bill has been circulated for co-sponsorship and has support from both Democrats and Republicans.