



## 2013 SENATE BILL 209

June 5, 2013 – Introduced by Senators HARRIS, DARLING, HANSEN, CARPENTER, L. TAYLOR, LEHMAN and LASSA, cosponsored by Representatives JOHNSON, KLEEFISCH, GOYKE, KESSLER, WRIGHT, JACQUE, BALLWEG, A. OTT, SARGENT, C. TAYLOR, KAUFERT, SCHRAA, BIES, RINGHAND, GENRICH, RICHARDS, THIESFELDT, MASON, KOLSTE, LEMAHIEU, PETRYK, HEBL, TRANEL, POPE and PASCH. Referred to Committee on Health and Human Services.

1     **AN ACT** *to amend* 48.981 (3) (a) 2d. and 48.981 (3) (c) 1. a.; and *to create* 48.981  
2           (3) (a) 2. bm. of the statutes; **relating to:** the investigation of a child abuse  
3           report in which a person who is not a caregiver of the child is suspected of  
4           permitting, allowing, or encouraging the child to engage in prostitution.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, certain persons having reasonable cause to suspect that a child seen in the course of professional duties has been abused must report that suspected abuse to the sheriff or police department or to the county department of human services or social services or, in Milwaukee County, the Department of Children and Families (DCF) or a child welfare agency under contract with DCF (collectively “agency”). Current law also permits any other person having reason to suspect that a child has been abused to make such a report.

Current law requires the sheriff or police department to refer to an agency all cases of child abuse reported to it in which a caregiver is suspected of the abuse or of facilitating or failing to take action to prevent the suspected abuse and all cases in which it cannot be determined who abused the child. Then, within 24 hours after receiving the referral, the agency must initiate a diligent investigation to determine if the child is in need of protection or services. Current law, however, permits, rather than requires, the sheriff or police department to refer to an agency a case in which a person who is not a caregiver of a child is suspected of the abuse of the child and permits, rather than requires, the agency to initiate a diligent investigation to determine if the child is in need of protection or services.

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This bill requires the sheriff or police department to refer to an agency, and the agency to investigate, a case of child abuse in which a person who is not a caregiver of the child is suspected of permitting, allowing, or encouraging the child to engage in prostitution.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 48.981 (3) (a) 2. bm. of the statutes is created to read:

2           48.981 (3) (a) 2. bm. Cases in which a person who is not a caregiver is suspected  
3 of abuse, as defined in s. 48.02 (1) (d), of a child.

4           **SECTION 2.** 48.981 (3) (a) 2d. of the statutes is amended to read:

5           48.981 (3) (a) 2d. The Except as provided in subd. 2. bm., the sheriff or police  
6 department may refer to the county department or, in a county having a population  
7 of 500,000 or more, the department or a licensed child welfare agency under contract  
8 with the department a case reported to the sheriff or police department in which a  
9 person who is not a caregiver is suspected of abuse or of threatened abuse of a child.

10          **SECTION 3.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

11          48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the  
12 agency shall evaluate the report to determine whether there is reason to suspect that  
13 a caregiver has abused or neglected the child, has threatened the child with abuse  
14 or neglect, or has facilitated or failed to take action to prevent the suspected or  
15 threatened abuse or neglect of the child or that a person who is not a caregiver has  
16 committed abuse, as defined in s. 48.02 (1) (d), of the child. Except as provided in sub.  
17 (3m), if the agency determines that a caregiver is suspected of abuse or neglect ~~or,~~  
18 of threatened abuse or neglect ~~of the child, determines that a caregiver is suspected,~~  
19 or of facilitating or failing to take action to prevent the suspected or threatened abuse

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1 or neglect of the child; determines that a person who is not a caregiver has  
2 committed abuse, as defined in s. 48.02 (1) (d), of the child; or cannot determine who  
3 abused or neglected the child, within 24 hours after receiving the report the agency  
4 shall, in accordance with the authority granted to the department under s. 48.48 (17)  
5 (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation  
6 to determine if the child is in need of protection or services. If Except as provided in  
7 this subd. 1. a., if the agency determines that a person who is not a caregiver is  
8 suspected of abuse or of threatened abuse, the agency may, in accordance with that  
9 authority, initiate a diligent investigation to determine if the child is in need or  
10 protection or services. Within 24 hours after receiving a report under par. (a) of  
11 suspected unborn child abuse, the agency, in accordance with that authority, shall  
12 initiate a diligent investigation to determine if the unborn child is in need of  
13 protection or services. An investigation under this subd. 1. a. shall be conducted in  
14 accordance with standards established by the department for conducting child abuse  
15 and neglect investigations or unborn child abuse investigations.

**SECTION 4. Initial applicability.**

16  
17 (1) REPORTS OF SUSPECTED CHILD PROSTITUTION. This act first applies to a report  
18 of suspected child abuse received under section 48.981 (3) (a) 1. of the statutes on the  
19 effective date of this subsection.

**SECTION 5. Effective date.**

20  
21 (1) REPORTS OF SUSPECTED CHILD PROSTITUTION. This act takes effect on the first  
22 day of the 2nd month beginning after publication.

23 (END)