

## 2011 DRAFTING REQUEST

### Bill

Received: **06/29/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Jim Steineke (608) 266-2418**

By/Representing:

May Contact:

Drafter: **phurley**

Subject: **Courts - evidence  
Dom. Rel. - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Steineke@legis.wi.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Privileged communications to teachers

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	phurley 06/30/2011 phurley 07/19/2011	edt_sbasford 07/06/2011	rschluet 07/06/2011	_____	lparisi 07/06/2011		
/1		jdyer 07/26/2011		_____	mbarman 07/26/2011	lparisi 08/17/2011	
/2	phurley 08/18/2011	wjackson 08/19/2011	phenry 08/22/2011	_____	sbasford 08/22/2011	sbasford 08/22/2011	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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None.

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*1/2 WJ 8/19*

*phurley*

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/?		<i>1</i>	<i>7/26/11</i>	<i>7/26/11</i>			
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/?	phurley	PI 508 6/30		_____			
FE Sent For:		PI 7 2 jld					

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2319/P1

PJH:.....

SOB

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6-30-11

AN ACT <sup>General</sup> relating to: privileged communications to a school teacher or teacher's aide.

LPS  
Print w/  
line #15

**Analysis by the Legislative Reference Bureau**

Generally, a person may not refuse to be a witness or prevent another person from being a witness. Current law allows a few exceptions to this rule, and confers a privilege to keep confidential certain communications a person makes to health care providers, members of the clergy, or other professionals in certain circumstances. Under current law, the person who made the communication may refuse to disclose and may prevent the health care provider, member of the clergy, or other covered professional from disclosing the communication in a court proceeding. Generally, only communications that the person expected to be kept confidential may kept undisclosed.

\*

Under this bill, a person who is a petitioner or a respondent in an action affecting the family and who makes a communication he or she expects to be confidential to a school teacher or teacher's aide may refuse to disclose and may prevent the teacher or teacher's aide from disclosing the communication in the action. The bill makes an exception, however, to information a teacher or teacher's aide receives that he or she is required to report under the state's mandatory child abuse and neglect reporting laws.

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

CS

DEFINITIONS.

SECTION 1. 905.055 of the statutes is created to read:

905.055 Communications to a teacher or teacher's aide. (1) In this

section:

(a) "Confidential communication" means a communication made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

(b) "School teacher" means an elementary or secondary school teacher.

(c) "Teacher's aide" means a person who is employed to assist a school teacher.

(2) GENERAL RULE OF PRIVILEGE. In an action affecting the family, as defined in s. 767.001 (1), a petitioner or a respondent has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication he or she made to a school teacher or a teacher's aide.

under sub. (a)

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the person who made the communication. The school teacher or teacher's aide may claim the privilege on behalf of the person, and his or her authority so to do is presumed in the absence of evidence to the contrary.

(4) EXCEPTIONS. There is no privilege under this section concerning observations or information a person is required to report as suspected or threatened child abuse under s. 48.981.

(END)



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

7-19-11

4

Regen

1 AN ACT to create 905.055 of the statutes; relating to: privileged  
2 communications to a school teacher or teacher's aide.

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

Generally, a person may not refuse to be a witness or prevent another person from being a witness. Current law allows a few exceptions to this rule, and confers a privilege to keep confidential certain communications a person makes to health care providers, members of the clergy, or other professionals in certain circumstances. Under current law, the person who made the communication may refuse to disclose and may prevent the health care provider, member of the clergy, or other covered professional from disclosing the communication in a court proceeding. Generally, only communications that the person expected to be kept confidential may be kept undisclosed.

Under this bill, a person who is a petitioner or a respondent in an action affecting the family and who makes a communication he or she expects to be confidential to a school teacher or teacher's aide may refuse to disclose and may prevent the teacher or teacher's aide from disclosing the communication in the action. The bill makes an exception, however, to information a teacher or teacher's aide receives that he or she is required to report under the state's mandatory child abuse and neglect reporting laws.

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



**Parisi, Lori**

---

**From:** Steineke, Jim  
**Sent:** Tuesday, August 16, 2011 12:02 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2319/1 Topic: Privileged communications to teachers

Please Jacket LRB 11-2319/1 for the ASSEMBLY.



2  
TWJ  
MR

## 2011 BILL

Soon  
8-18-11

1 AN ACT <sup>Regen</sup> to create 905.055 of the statutes; relating to: privileged  
2 communications to a school teacher or teacher's aide.

### Analysis by the Legislative Reference Bureau

Generally, a person may not refuse to be a witness or prevent another person from being a witness. Current law allows a few exceptions to this rule, and confers a privilege to keep confidential certain communications a person makes to health care providers, members of the clergy, or other professionals in certain circumstances. Under current law, the person who made the communication may refuse to disclose and may prevent the health care provider, member of the clergy, or other covered professional from disclosing the communication in a court proceeding. Generally, only communications that the person expected to be kept confidential may be kept undisclosed.

Under this bill, a person who is a petitioner or a respondent in an action affecting the family and who makes a communication he or she expects to be confidential to a school teacher or teacher's aide may refuse to disclose and may prevent the teacher or teacher's aide from disclosing the communication in the action. The bill makes an exception, however, to information a teacher or teacher's aide receives that he or she is required to report under the state's mandatory child abuse and neglect reporting laws.

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

School guidance  
counselors

School  
guidance  
counselors

Use 2x

School  
guidance  
counselors

**BILL**

**SECTION 1**

*(B)* guidance counselor

1 SECTION 1. 905.055 of the statutes is created to read:

2 **905.055 Communications to a teacher or teacher's aide.** (1) DEFINITIONS.

3 In this section:

4 (a) "Confidential communication" means a communication made privately and  
5 not intended for further disclosure except to other persons present in furtherance of  
6 the purpose of the communication.

7 (b) "School teacher" means an elementary or secondary school teacher.

8 (c) "Teacher's aide" means a person who is employed to assist a school teacher.

9 (2) GENERAL RULE OF PRIVILEGE. In an action affecting the family, as defined in  
10 s. 767.001 (1), a petitioner or a respondent has a privilege to refuse to disclose and  
11 to prevent another from disclosing a confidential communication he or she made to  
12 a school teacher or a teacher's aide.

school guidance counselor

13 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege under sub. (2) may be claimed  
14 by the person who made the communication. The school teacher or teacher's aide  
15 may claim the privilege on behalf of the person, and his or her authority so to do is  
16 presumed in the absence of evidence to the contrary.

17 (4) EXCEPTIONS. There is no privilege under this section concerning  
18 observations or information a person is required to report as suspected or threatened  
19 child abuse under s. 48.981.

school guidance counselor

20 (END)

*(b)* school guidance counselor means an elementary or secondary school guidance counselor.