

1993 Senate Bill 645

Date of enactment: April 8, 1994  
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## 1993 WISCONSIN ACT 230

AN ACT to repeal 48.981 (2m) (d) 1. a., 48.981 (2m) (d) 1. b., 48.981 (2m) (d) 1. c., 48.981 (2m) (d) 1. d., 48.981 (2m) (d) 1. e., 48.981 (2m) (d) 1. f. and 48.981 (2m) (d) 1. g.; to renumber and amend 48.981 (2m) (d) 1. (intro.); to amend 48.375 (4) (b) 2, 48.981 (1) (cm) and 48.981 (3) (c) 1; and to create 48.981 (1) (am) of the statutes, relating to: the investigation of child abuse or neglect.

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

**SECTION 1.** 48.375 (4) (b) 2. of the statutes is amended to read:

48.375 (4) (b) 2. The minor provides the person who intends to perform or induce the abortion with a written statement, signed and dated by the minor, that the pregnancy is the result of sexual intercourse ~~that must be reported under s. 48.981 (2m) (d) 1. a., b., c. or f~~ with a caregiver specified in s. 48.981 (1) (am) 1, 2, 3, 4 or 8. The person who intends to perform or induce the abortion shall place the statement in the minor's medical record. The person who intends to perform or induce the abortion shall report the sexual intercourse as required under s. 48.981 (2m) (d) 1. ~~a., b., c. or f.~~

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

48.981 (1) (am) "Caregiver" means, with respect to a child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect, any of the following persons:

1. The child's parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, half brother or half sister.
2. The child's guardian.
3. The child's legal custodian.
4. A person who resides or has resided regularly or intermittently in the same dwelling as the child.

5. An employe of a residential facility or child caring institution in which the child was or is placed.

6. A person who provides or has provided care for the child in or outside of the child's home.

7. Any other person who exercises or has exercised temporary or permanent control over the child or who temporarily or permanently supervises or has supervised the child.

8. Any relative of the child other than a relative specified in subd. 1.

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

48.981 (1) (cm) "Emotional damage" means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, ~~which is caused by the child's parent, guardian, legal custodian or other person exercising temporary or permanent control over the child~~ and for which the child's parent, guardian or legal custodian has failed to obtain the treatment necessary to remedy the harm. "Emotional damage" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

**SECTION 4.** 48.981 (2m) (d) 1. (intro.) of the statutes is renumbered 48.981 (2m) (d) 1. and amended to read:

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48.981 (2m) (d) 1. That the sexual intercourse or sexual contact occurred or is likely to occur with ~~any of the following: a caregiver.~~

**SECTION 5.** 48.981 (2m) (d) 1. a. of the statutes is repealed.

**SECTION 6.** 48.981 (2m) (d) 1. b. of the statutes is repealed.

**SECTION 7.** 48.981 (2m) (d) 1. c. of the statutes is repealed.

**SECTION 8.** 48.981 (2m) (d) 1. d. of the statutes is repealed.

**SECTION 9.** 48.981 (2m) (d) 1. e. of the statutes is repealed.

**SECTION 10.** 48.981 (2m) (d) 1. f. of the statutes is repealed.

**SECTION 11.** 48.981 (2m) (d) 1. g. of the statutes is repealed.

**SECTION 12.** 48.981 (3) (c) 1. of the statutes is amended to read:

48.981 (3) (c) 1. Within 24 hours after receiving a report under par. (a), the county department or licensed child welfare agency under contract with the county department shall, in accordance with the authority granted to the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations ~~and. If the investigation is of a report of abuse or neglect or threatened abuse or neglect by a caregiver specified in sub. (1) (am) 5 to 8 who continues to have access to the child or a caregiver specified~~

~~in sub. (1) (am) 1 to 4, or of a report that does not disclose who is suspected of the abuse or neglect and in which the investigation does not disclose who abused or neglected the child, the investigation shall also include observation of or an interview with the child, or both, and, if possible, a visit to the child's home or usual living quarters and an interview with the child's parents, guardian or legal custodian. If the investigation is of a report of abuse or neglect or threatened abuse or neglect by a caregiver who continues to reside in the same dwelling as the child, the investigation shall also include, if possible, a visit to that dwelling.~~ At the initial visit to the child's ~~home or living quarters~~ dwelling, the person making the investigation shall identify himself or herself and the county department or licensed child welfare agency involved to the child's parents, guardian or legal custodian. The county department or licensed child welfare agency under contract with the county department may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's ~~home or living quarters~~ dwelling only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

**SECTION 13. Initial applicability.** (1) EMOTIONAL DAMAGE. The treatment of section 48.981 (1) (cm) of the statutes first applies to emotional damage, as defined in section 48.981 (1) (cm) of the statutes, as affected by this act, that occurs on the effective date of this subsection.

**SECTION 14. Effective date.** This act takes effect on September 1, 1994.