

# State of Wisconsin



2013 Assembly Bill 675

Date of enactment: April 8, 2014  
Date of publication\*: April 9, 2014

## 2013 WISCONSIN ACT 260

AN ACT to amend 46.238; and to create 146.0257 of the statutes; relating to: evaluation of infants for fetal alcohol spectrum disorders and referral of infants who have that condition for services and treatment.

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

**SECTION 1.** 46.238 of the statutes is amended to read:

**46.238 Infants and unborn children whose mothers abuse controlled substances or controlled substance analogs, or alcohol.** If an agency, as defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is a county department under s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county department, the agency shall offer to provide appropriate services and treatment to the child and the child's infant and the infant's mother or to the unborn child, as defined in s. 48.02 (19), and the expectant mother of the unborn child or the agency shall make arrangements for the provision of appropriate services and treatment. If an agency receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is the department or a licensed child welfare agency under contract with the department, the agency shall refer the report to the county department under s. 51.42 or 51.437 and that county department shall offer to provide, or make arrangements for the provision of, those services and that treatment.

**SECTION 11.** 146.0257 of the statutes is created to read:

**146.0257 Evaluation of infants for fetal alcohol spectrum disorders.** (1) **DEFINITION.** In this section, "agency" has the meaning given in s. 48.981 (1) (ag).

(2) **EVALUATION.** If a hospital employee who provides health care, social worker, or intake worker under ch. 48 suspects that an infant has a fetal alcohol spectrum disorder, the hospital employee, social worker, or intake worker shall refer the infant to a physician for an evaluation to diagnose whether the infant has that disorder. If a physician determines that there is a serious risk that an infant has a fetal alcohol spectrum disorder, the physician shall evaluate the infant to diagnose whether the infant has that disorder. If a physician diagnoses that an infant has a fetal alcohol spectrum disorder, the physician shall report that diagnosis to the agency that is responsible for conducting child abuse and neglect investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the infant and the infant's mother as provided under s. 46.238.

(3) **DIAGNOSIS.** A physician who performs an evaluation under sub. (2) shall provide the infant's parents or guardian with all of the following information:

(a) An explanation concerning the evaluation that was performed, the date of that evaluation, and the diagnosis resulting from that evaluation.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) An explanation that the results of the evaluation must be disclosed to an agency under sub. (2) if the evaluation indicates a diagnosis of a fetal alcohol spectrum disorder.

**(4) CONFIDENTIALITY.** The results of an evaluation performed under sub. (2) may be disclosed as provided in sub. (3).

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