

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASAI-AB731)

Received: **03/30/2000**

Received By: **malaigm**

Wanted: **Today**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **Himself**

This, file may be shown to any legislator: NO

Drafter: **malaigm .**

May Contact:

Alt. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Child abuse reporting exception

Instructions:

Redraft 97a2639/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaured</u>
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FE Sent For:

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FE Sent For:

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**ASSEMBLY AMENDMENT 5,
TO 1997 SENATE BILL 378**

May 7, 1998 - Offered by Representative GROTHMAN.

RP 46.515
(4)(b) 1m.

AM 46.515 (6g)(a)

RP (6m)

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At the locations indicated, amend the bill; as shown by senate substitute amendment 2, as follows:

- 1. Page 8, line 11: delete lines 11 to 14.
- 2. Page 13, line 14: delete "Except as permitted or required under" and substitute "Notwithstanding".
- 3. Page 14, line 3: delete lines 3 to 11.
- 4. Page 15, line 13: after that line insert:

"SECTION 7r. 48.981 (2) of the statutes is amended to read:

48.981 (2) **PERSONS REQUIRED TO REPORT.** A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or

1 counselor, mediator under s. 767.11, child care worker in a day care center or child
2 caring institution, day care provider, alcohol or other drug abuse counselor, member
3 of the treatment staff employed by or working under contract with a county
4 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
5 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
6 technician or police or law enforcement officer having reasonable cause to suspect
7 that a child seen in the course of professional duties has been abused or neglected
8 or having reason to believe that a child seen in the course of professional duties has
9 been threatened with abuse or neglect and that abuse or neglect of the child will occur
10 shall, except as provided under sub. (2m) and s. 46.515 (6g) (a), report as provided
11 in sub. (3). Any other person, including an attorney, other than a person specified
12 in s. 46.515 (6g) (a), having reason to suspect that a child has been abused or
13 neglected or reason to believe that a child has been threatened with abuse or neglect
14 and that abuse or neglect of the child will occur may make such a report. No person
15 making a report under this subsection may be discharged from employment for so
16 doing.”.

17 (END)

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**ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 731**



1 At the locations indicated, amend the substitute amendment as follows:

2 , 1 . Page 3, line 8: after that line insert:

3 **SECTION 4d.** 46.515 (4) (b) lm. of the statutes is repealed.

4 **SECTION 4m.** 46.515 (6g) (a) of the statutes is amended to read:

5 46.515 (6g) (a) ~~Except as permitted or required under~~ Notwithstanding s.

6 48.981 (2), no person may use or disclose any information concerning any individual

7 who is selected for an assessment under sub. (4) (b), including an individual who

8 declines to undergo the assessment, or concerning any individual who is offered

9 services under a home visitation program funded under this section, including an

10 individual who declines to receive those services, unless the use or disclosure is

11 connected with the administration of the home visitation program or the

1 administration of the medical assistance program under ss. 49.43 to 49.497 or unless
2 the individual has given his or her written informed consent to the use or disclosure.

3 History: 1997 a. 293.

3 SECTION 4s. 46.515 (6m) of the statutes is repealed.

4 SECTION 4w. 48.98; (2) of the statutes, as affected by 1999 Wisconsin Act

5 (Senate Bill 106), is amended to read:

6 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
7 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
8 mental health professional, social worker, marriage and family therapist,
9 professional counselor, public assistance worker, including a financial and
10 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
11 counselor, mediator under s. 767.11, child care worker in a day care center or child
12 caring institution, day care provider, alcohol or other drug abuse counselor, member
13 of the treatment staff employed by or working under contract with a county
14 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
15 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
16 technician or police or law enforcement officer having reasonable cause to suspect
17 that a child seen in the course of professional duties has been abused or neglected
18 or having reason to believe that a child seen in the course of professional duties has
19 been threatened with abuse or neglect and that abuse or neglect of the child will occur

20 shall, except as provided under sub. (2m) and s. 46.515 (2g)(a), report as provided
21 in sub. (3). A court-appointed special advocate having reasonable cause to suspect
22 that a child seen in the course of the court-appointed special advocate's activities
23 under s. 48.236 (3) has been abused or neglected or having reason to believe that a
24 child seen in the course of those activities has been threatened with abuse or neglect



except as provided

1 and that abuse or neglect of the child will occur shall, except as provided in sub. (2m),
 2 report as provided in sub. (3). Any other person, including an attorney, ~~other than~~
 3 ~~a person specified in s. 46.515 (6g) (a)~~, having reason to suspect that a child has been
 4 abused or neglected or reason to believe that a child has been threatened with abuse
 5 or neglect and that abuse or neglect of the child will occur may make such a report.
 6 Any person, including an attorney having reason to suspect that an unborn child has
 7 been abused or reason to believe that an unborn child is at substantial risk of abuse
 8 may report as provided in sub. (3). No person making a report under this subsection
 9 may be discharged from employment for so doing.

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20; s. 13.93 (2) (c).

10 SECTION 4x. 48.981 (2) of the statutes, as affected by 1999 Wisconsin Acts
 11 (Senate Bill 106) (Assembly Bill 521) and (this act), is repealed and recreated to read:

12 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
 13 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
 14 mental health professional, social worker, marriage and family therapist,
 15 professional counselor, public assistance worker, including a financial and
 16 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
 17 counselor, mediator under s. 767.11, child care worker in a day care center or child
 18 caring institution, day care provider, alcohol or other drug abuse counselor, member
 19 of the treatment staff employed by or working under contract with a county
 20 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
 21 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
 22 technician, first responder or police or law enforcement officer having reasonable
 23 cause to suspect that a child seen in the course of professional duties has been abused
 24 or neglected or having reason to believe that a child seen in the course of professional

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except as provided

(6g)

1 duties has been threatened with abuse or neglect and that abuse or neglect of the
 2 child will occur shall, except as provided under sub. (2m) and s. 46.515 (a), report
 3 as provided in sub. (3). A court-appointed special advocate having reasonable cause
 4 to suspect that a child seen in the course of the court-appointed special advocate's
 5 activities under s. 48.236 (3) has been abused or neglected or having reason to believe
 6 that a child seen in the course of those activities has been threatened with abuse or
 7 neglect and that abuse or neglect of the child will occur shall, except as provided in
 8 sub. (2m), report as provided in sub. (3). Any other person, including an attorney,
 9 ~~other than a person specified~~ in s. 46.515 (6g) (a), having reason to suspect that a
 10 child has been abused or neglected or reason to believe that a child has been
 11 threatened with abuse or neglect and that abuse or neglect of the child will occur may
 12 make such a report. Any person, including an attorney having reason to suspect that
 13 an unborn child has been abused or reason to believe that an unborn child is at
 14 substantial risk of abuse may report as provided in sub. (3). No person making a
 15 report under this subsection may be discharged from employment for so doing@

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2. Page 4, line 21: delete lines 21 to 23 and substitute:

"SECTION 9x. Effective dates. This act takes effect on July 1, 2000, except as follows:

(1) The repeal and recreation of section 48.981 (2) of the statutes takes effect on the first day of the 7th month beginning after publication of 1999 Wisconsin Act (Assembly Bill 521)."

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(END)