

2007 DRAFTING REQUEST

Bill

Received: 06/08/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Jon Erpenbach (608) 266-6670

By/Representing: Anne S

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies: Anne Sappenfield, LC

Submit via email: YES

Requester's email: Sen.Erpenbach@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Privilege of child abuse information

Instructions:

See Attached

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>
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/1	rnelson2 06/11/2007	bkraft 06/14/2007	pgreensl 06/15/2007	_____	cduerst 06/15/2007	mbarman 08/27/2007	

FE Sent For:

<END>

NO

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1 wj 6/14

6/14
PS

6/14
PS/STA

<END>

FE Sent For:

Nelson, Robert P.

From: Sappenfield, Anne
Sent: Friday, June 08, 2007 10:16 AM
To: Nelson, Robert P.
Subject: Bill draft

Hi Bob--

Sen. Erpenbach has requested a bill draft to modify s. 905.04 (4) (e). He would like to have subds. 1. and 2. replaced with the following language--"There is no privilege for information contained in a report of child abuse or neglect that is provided under s. 48.981 (3) when such a report is required under s. 48.981 (2)." The attorney from the Wisconsin Coalition Against Sexual Assault drafted the language. I don't see any problem with modifying it if you need to.

The contact person in Sen. Erpenbach's office is Kelly Johnson-Becker. Let me know if you have questions. Thanks and have a great weekend!

Anne Sappenfield
Senior Staff Attorney
Legislative Council Staff
(608) 267-9485



State of Wisconsin
2007 - 2008 LEGISLATURE

* LPS - check spelling

LRB-2867/P1

RPN:.....

bjk

Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

SA
X-ref

neglect

gen. cat.

1

AN ACT ...; relating to:

abuse

the reporting of child abuse or information
the reporting of child abuse or information
exemption for privileged interaction

Analysis by the Legislative Reference Bureau

chiropractor

Under current law, confidential communications between a patient and a physician, a registered nurse, a chiropractor, a psychologist, a social worker, a marriage and family therapist, or a professional counselor are privileged and may not be disclosed to any other person without the patient's permission. There are a number of exceptions to this privilege, including situations where the examination of a abused or neglected child creates a reasonable ground for the opinion by the physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist, or professional counselor that the abuse or neglect was not accidental. Current law regarding privilege defines "abuse" and "neglect" by reference to definitions in the children's code.

an

chiropractor

*

*

This bill provides that there is no privilege for the information contained in a report of child abuse or neglect that is provided under the children's code section that requires the report of possible child abuse or neglect by a large number of professionals, including all of the persons listed in the current law under the privilege statute.

to report possible child abuse or neglect professionals

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

2

SECTION 1. 905.04 (4) (e) 1. of the statutes is repealed.

1

^X
SECTION 2. 905.04 (4) (e) 2. of the statutes is repealed. ✓

2

^X
SECTION 3. 905.04 (4) (e) 2m. of the statutes is created to read: ✓

3

✓ 905.04 (4) (e) 2m. There is no privilege for information contained in a report of child abuse or neglect that is provided under s. 48.981 (3) ✓ when that report is

4

5

required under s. 48.981 (2) ⊙

6

(END)

Barman, Mike

From: Barman, Mike on behalf of LRB.Legal
Sent: Monday, August 27, 2007 10:06 AM
To: Nelson, Robert P.
Subject: FW: Bill Draft

From: Johnson, Kelly
Sent: Monday, August 27, 2007 10:03 AM
To: LRB.Legal
Subject: Bill Draft

I would like to have LRB 2867/1 jacketed for introduction and I would also like Representative Strachota to be able to do an Assembly companion bill if his office chooses to.

Thank you!!

Kelly Johnson-Becker
Office of Senator Jon Erpenbach
27th District
608-266-6670