

2013 DRAFTING REQUEST

Bill

Received: 1/16/2013 Received By: gmalaise
Wanted: As time permits Same as LRB:
For: Legislative Council - JLC 6-0292 By/Representing: Anna Henning
May Contact: Drafter: gmalaise
Subject: Children - abuse and neglect Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: anna.henning@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Recodification of the child abuse and neglect reporting law

Instructions:

See attached--draft up recommendations of the Legislative Council's Special Committee on Reporting of Child Abuse and Neglect

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>
/?	gmalaise 1/16/2013			_____			
/P2	gmalaise 2/8/2013	jdyer 2/1/2013	phenry 2/1/2013	_____	sbasford 2/1/2013		
/1		jdyer 2/11/2013	phenry 2/11/2013	_____	sbasford 2/11/2013	mbarman 2/12/2013	

FE Sent For:

→ Not
Needed

<END>

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/?	gmalaise 1/16/2013	1/2/11 jld	2/1/11 pn				
/P2		jdye 2/1/2013	phenry 2/1/2013		sbasford 2/1/2013		

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1/?	gmalaise	P2 2/1 jld lc conversion	4/6 ph.				
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FE Sent For: 2/1 ph/rs
<END>

Malaise, Gordon

From: Henning, Anna
Sent: Wednesday, January 16, 2013 11:26 AM
To: Malaise, Gordon
Cc: Moore, David; Rose, Laura; Learned, Julie
Subject: Special Committee Draft
Attachments: 0057_1.pdf

Hi Gordon,

This morning, the Joint Legislative Council voted to introduce the draft recommended by the Special Committee on Reporting of Child Abuse and Child Neglect (attached). I know you've already reviewed the draft, but you should consider this the official drafting request. It should be prepared for introduction in the Senate.

Thanks again for all of your help throughout the committee's work!

Anna

Anna Henning
Staff Attorney
Wisconsin Legislative Council
(608) 266-0292
anna.henning@legis.wisconsin.gov

1 **AN ACT** *to repeal* 48.981 (2) (a) 15., 16., and 16m., 48.981 (3) (bm) 1. to 3., 48.981
2 (3) (c) 9., 48.981 (3m) (d), 48.981 (7) (a) 2r., 48.981 (7) (a) 10g., 48.981 (7) (a) 10j.
3 and 48.981 (7) (a) 10r.; *to renumber* 48.981 (1) (b), 48.981 (1) (ct), 48.981 (1) (cv),
4 48.981 (1) (cx), 48.981 (1) (i), 48.981 (3) (a) 2. a. to d., 48.981 (3) (b), 48.981 (3) (c)
5 2., 48.981 (3) (c) 2m., 48.981 (3) (c) 5., 48.981 (7) (a) 1., 48.981 (7) (a) 2., 48.981
6 (7) (a) 3., 48.981 (7) (a) 3m., 48.981 (7) (a) 4p., 48.981 (7) (a) 9., 48.981 (7) (a) 11r.,
7 48.981 (7) (a) 12., 48.981 (7) (a) 14m., 48.981 (7) (a) 15g., 48.981 (7) (cr) 1. a. and
8 b., 48.981 (7) (cr) 2. a. to f., 48.981 (7) (cr) 4. a. to d., 48.981 (7) (cr) 4. f. and g.,
9 48.981 (7) (cr) 5. a. to d., 48.981 (7) (cr) 5. f., 48.981 (7) (cr) 6. a. to e. and 48.981
10 (7) (cr) 7. a. and b.; *to renumber and amend* 48.981 (2) (a), 48.981 (3) (a) 1., 48.981
11 (3) (a) 2. (intro.), 48.981 (3) (a) 2d., 48.981 (3) (a) 2g., 48.981 (3) (a) 3., 48.981 (3)
12 (a) 4., 48.981 (3) (bm) (intro.), 48.981 (3) (c) (title), 48.981 (3) (c) 1. a., 48.981 (3)
13 (c) 1. b., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5r.,
14 48.981 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3)
15 (cm), 48.981 (3) (d), 48.981 (7) (a) (intro.), 48.981 (7) (a) 1m., 48.981 (7) (a) 2m.,
16 48.981 (7) (a) 4., 48.981 (7) (a) 4m., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7)
17 (a) 6m., 48.981 (7) (a) 8., 48.981 (7) (a) 8m., 48.981 (7) (a) 8s., 48.981 (7) (a) 10.,
18 48.981 (7) (a) 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981 (7) (a) 13.,
19 48.981 (7) (a) 14., 48.981 (7) (a) 15., 48.981 (7) (a) 15m., 48.981 (7) (a) 17., 48.981
20 (7) (am), 48.981 (7) (b), 48.981 (7) (c), 48.981 (7) (cm), 48.981 (7) (cr) 1. (intro.),
21 48.981 (7) (cr) 2. (intro.), 48.981 (7) (cr) 3., 48.981 (7) (cr) 4. (intro.), 48.981 (7) (cr)
22 4. e., 48.981 (7) (cr) 5. (intro.), 48.981 (7) (cr) 5. e., 48.981 (7) (cr) 6. (intro.), 48.981

1 (7) (cr) 7. (intro.), 48.981 (7) (cr) 8., 48.981 (7) (cr) 9., 48.981 (7) (d), 48.981 (7)
2 (dm), 48.981 (7) (e), 48.981 (7) (f) and 48.981 (10); **to consolidate, renumber and**
3 **amend** 48.981 (2) (bm) 1. (intro.), a. and b. and 48.981 (2) (bm) 2. (intro.), a. and b.;
4 **to amend** 48.236 (4) (a), 48.24 (5), 48.685 (4m) (a) 4., 48.685 (4m) (b) 4., 48.981 (1)
5 (ag), 48.981 (2) (b), 48.981 (2) (bm) 3., 48.981 (2) (c), 48.981 (2) (d), 48.981 (2r),
6 48.981 (3) (title), 48.981 (3m) (b) 1., 48.981 (3m) (c) (intro.), 48.981 (3m) (c) 1.,
7 48.981 (3m) (c) 2. b., 48.981 (3m) (c) 3., 48.981 (5), 48.981 (8) (a), 48.981 (8) (b),
8 48.981 (8) (c), 48.981 (9) (b) 1., 48.981 (9) (b) 2., 50.065 (4m) (a) 4., 50.065 (4m)
9 (b) 4., 51.30 (4) (b) 17., 118.07 (5), 146.82 (2) (a) 11. and 18m., 165.85 (4) (b) 1.,
10 440.88 (3) (a) (intro.), 441.04, 446.02 (2) (a) 1., 448.05 (2), 457.09 (5) (d), 767.405
11 (4), 895.442 (1) (a), 895.442 (5), 905.06 (4) and 948.03 (6); and **to create** 48.47 (9),
12 48.67 (2m), 48.981 (1) (bm), 48.981 (2) (ag) (intro.), 1. and 2., 48.981 (2) (ar) 16r.,
13 30. and 31., 48.981 (2) (bm) (title), 48.981 (2) (bm) 1d., 48.981 (2m) (a) (title),
14 48.981 (2m) (b) (title), 48.981 (2m) (c) (title), 48.981 (2m) (d) (title), 48.981 (2m)
15 (e) (title), 48.981 (2s), 48.981 (3d) (a) (title), 48.981 (3d) (b) (title), 48.981 (3d) (bm)
16 (title), 48.981 (3d) (c) (title), 48.981 (3f) (title) and (a) (intro.), 48.981 (3g) (a) (title),
17 48.981 (3g) (b) (title), 48.981 (3g) (bm) (title), 48.981 (3g) (h) (title), 48.981 (3m)
18 (a) (title), 48.981 (3m) (b) (title), 48.981 (7d) (intro.), 48.981 (7d) (a) (title), 48.981
19 (7d) (b) (title), 48.981 (7d) (c) (title), 48.981 (7d) (cm) (title), 48.981 (7d) (dp)
20 (title), 48.981 (7d) (hm) (title), 48.981 (7d) (i) (title), 48.981 (7d) (Lr) (title), 48.981
21 (7d) (m) (title), 48.981 (7d) (om) (title), 48.981 (7d) (pg) (title), 48.981 (7g) (intro.),
22 48.981 (7m) (title), 48.981 (7r) (title), 48.981 (8) (d) (title), 118.19 (15), 256.15 (6)
23 (a) 2m., 256.15 (8) (b) 4., 301.068 (5m), 440.88 (3) (bm), 447.04 (1) (a) 5s., 448.05
24 (5) (a) 3., 448.53 (1) (dm), 448.535 (1) (f), 448.78 (4m), 448.963 (2) (bm), 449.05

1 (3m), 451.04 (2) (dm), 455.04 (1) (dm), 455.04 (4) (dm), 457.08 (1) (bm), 457.10
2 (3m), 457.12 (3m), 459.24 (2) (g) and 459.24 (3) (g) of the statutes; **relating to:**
3 recodification of child abuse and neglect reporting law; making probation agents,
4 parole agents, and certain employees, contractors, and volunteers of schools and
5 institutions of higher education mandated reporters of child abuse and neglect;
6 requiring training for certain mandated reporters of child abuse and neglect;
7 definitions of physical injury and neglect for purposes of mandated reporting of child
8 abuse and neglect; requiring child protective service agencies to notify tribal agents
9 of reports of suspected child abuse or child neglect; and granting rule-making
10 authority.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Reporting of Child Abuse and Child Neglect.

Recodification of s. 48.981

The draft makes the following changes to recodify s. 48.981, the child abuse and neglect reporting law:

- Throughout s. 48.981, reorganizes provisions to break large paragraphs into separate paragraphs; adds titles to various provisions; consolidates provisions with duplicative language; and updates language to clarify meaning.
- Amends the definition of "agency" to provide that, for purposes of performing the duties specified in certain provisions of s. 48.981, "agency" includes a licensed child welfare agency under contract with a county department to perform investigations, in order to facilitate the use of the definition throughout the section.
- Renumbers definitions for "community placement", "Indian unborn child", and "member of the clergy", to place them in the single paragraphs in which they appear within the section.

- In s. 48.981 (2) (bm), creates a definition of “abuse” by cross-reference so that the word “abuse” may be used throughout the paragraph without repeated references to its definition.
- In provisions authorizing any person to report suspected abuse or neglect of children and unborn children, removes the clause “including an attorney” from the phrases “any person not otherwise specified, including an attorney”, and “any person, not including an attorney”, to reduce redundancy.
- Amends the authority for interviewing children in absence of consent to account for a ruling of the U.S. court of appeals for the seventh circuit and other federal cases.
- Updates cross-references in s. 146.82 (2), stats., regarding the release of certain medical information, to account for a change in federal law.

Persons Mandated to Report

Current law requires certain professionals to report suspected abuse and neglect of children and unborn children. A person who is mandated to report must do so if he or she has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur. Mandated reporters are subject to criminal penalties if they fail to report.

Under current law, all school employees are required to report suspected child abuse or neglect. In addition to generally requiring all school employees to report suspected abuse or neglect, current law also specifies that school teachers, school administrators, and school counselors are mandated reporters.

The draft makes the following changes to the categories of mandated reporters:

- Adds probation agents and parole agents to the list of professionals who are mandated to report suspected abuse or neglect.
- With respect to school personnel, amends the current requirement that all school employees report suspected abuse or neglect to apply the reporting requirement to school employees, volunteers, and contractors who work directly with children for at least 40 hours in a school year.
- Exempts from the obligation to report: school board members, children, and students who have not yet graduated from high school.

- Deletes the provisions referring specifically to school teachers, administrators, and counselors because these professionals are covered under the provision requiring certain school employees, volunteers, and contractors to report.
- Adds to the list of persons required to report suspected child abuse or neglect employees, volunteers, and contractors of an institution of higher education, other than children, who have regular, ongoing contact with children, other than matriculated students, in a professional or primary setting.

Training of Certain Mandated Reporters

Under current law, the department of public instruction (DPI) is required to develop and conduct training programs for specified school employees who are mandated reporters of suspected child abuse and child neglect. Current law does not otherwise require training to be provided to mandated reporters, nor does it impose any training requirements on mandated reporters.

The draft creates a training requirement for certain mandated reporters who are required to report suspected child abuse and neglect because of their membership in a profession for which state licensure or certification is required, or for which employment, registration, appointment, or assignment is subject to statutory qualifications. Specifically, the draft requires the following professionals to complete an approved training course as a condition for their initial licensure, certification, employment, appointment, or assignment:

- Child care center licensees.
- Certain employees of child care centers, group homes, and residential care centers for children and youth.
- Teachers.
- School administrators and school district administrators.
- Law enforcement officers.
- Emergency medical technicians.
- First responders.
- Alcohol and other drug abuse counselors.
- Registered nurses.
- Chiropractors.
- Dentists.

- Physicians.
- Physician assistants.
- Physical therapists.
- Physical therapist assistants.
- Dietitians.
- Occupational therapists.
- Optometrists.
- Acupuncturists.
- Psychologists.
- Private practice school psychologists.
- Social workers.
- Marriage and family therapists.
- Professional counselors.
- Speech–language pathologists.
- Audiologists.
- Family court mediators.
- Probation and parole officers.

The draft requires the department of children and families (DCF) to approve training courses for mandated reporters and directs the department to promulgate rules setting forth the criteria required for such training courses. It authorizes the department to approve training courses provided by individuals, organizations, or institutions of higher education. It requires the rules promulgated by the department to specify the required content of an approved training course and the qualifications required for the providers of such training.

With the exception of rule–making requirements, the training requirements take effect 2 years after publication.

Definitions of “Physical Injury” and “Neglect”

In the children’s code, “abuse” is defined to mean one of several specified activities, including “physical injury inflicted on a child by other than accidental means”. The term “physical injury” is further defined to mean lacerations, fractured bones, burns, internal injuries,

severe or frequent bruising, or great bodily harm, as defined in the criminal code.

For purposes of mandated reporting of child abuse, the draft removes the words "severe or frequent" from the phrase "severe or frequent bruising" within the definition of "physical injury".

In the children's code, "neglect" is defined to mean the failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

For purposes of mandated reporting of child neglect, the draft removes the phrase "for reasons other than poverty" from the definition of "neglect".

Tribal Notification Requirements

Under current law, a county that has a federally recognized Indian reservation or a Bureau of Indian Affairs (BIA) service area for the Ho-Chunk Nation wholly or partially within its boundaries must notify a tribal agent when it receives a report of suspected child abuse or child neglect and it knows or has reason to know the child is an Indian child or an Indian unborn child. If the county knows which Indian tribe the child is affiliated with or with which Indian tribe the unborn child may, when born, be eligible for affiliation, it must notify the tribal agent of that tribe. If the county does not know the tribal affiliation of the child or unborn child, it must notify the tribal agent serving the reservation or Ho-Chunk service area where the child or expectant mother resides. If the county does not know the child or unborn child's tribal affiliation and the child or the unborn child's expectant mother does not live on a reservation or in a Ho-Chunk service area, the county must notify any tribal agent serving a reservation or Ho-Chunk service area in the county. A county that does not have a federally recognized Indian reservation or a BIA service area for the Ho-Chunk Nation within its boundaries is not required, under current law, to notify a tribe that it received a report of suspected child abuse or child neglect pertaining to a child it knows or has reason to know is an Indian child or Indian unborn child.

The draft makes the following changes to the requirement that a county agency notify a tribal agent when it receives a report of suspected child abuse or child neglect pertaining to a child or unborn child the agency knows or has reason to know is an Indian child or is an Indian unborn child:

- Applies the notification requirement to child protective agencies in all counties of the state.
- Eliminates the requirement to notify a tribal agent when the county agency does not know the tribe with which the child is affiliated or the tribe with which the unborn child may, when born, be eligible for affiliation.
- Eliminates a restriction on information that a county agency may provide to a tribal agent, and specifies that additional information may be provided as allowed by law.
- Specifies that notice of a report of suspected child abuse or child neglect does not constitute notice for any other purpose.

1 **SECTION 1.** 48.236 (4) (a) of the statutes is amended to read:

2 48.236 **(4)** (a) Inspect any reports and records relating to the child who is the subject
3 of the proceeding, the child's family, and any other person residing in the same home as the
4 child that are relevant to the subject matter of the proceeding, including records discoverable
5 under s. 48.293, examination reports under s. 48.295 (2), law enforcement reports and records
6 under ss. 48.396 (1) and 938.396 (1) (a), court records under ss. 48.396 (2) (a) and 938.396
7 (2), social welfare agency records under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect
8 reports and records under s. 48.981 ~~(7)(a)~~ (7d) (Lr), and pupil records under s. 118.125
9 (2) (L). The order shall also require the custodian of any report or record specified in this
10 paragraph to permit the court-appointed special advocate to inspect the report or record on
11 presentation by the court-appointed special advocate of a copy of the order. A
12 court-appointed special advocate that obtains access to a report or record described in this
13 paragraph shall keep the information contained in the report or record confidential and may
14 disclose that information only to the court. If a court-appointed special advocate discloses
15 any information to the court under this paragraph, the court-appointed special advocate shall
16 also disclose that information to all parties to the proceeding. If a court-appointed special
17 advocate discloses information in violation of the confidentiality requirement specified in this

1 paragraph, the court-appointed special advocate is liable to any person damaged as a result
2 of that disclosure for such damages as may be proved and, notwithstanding s. 814.04 (1), for
3 such costs and reasonable actual attorney fees as may be incurred by the person damaged.

4 **SECTION 2.** 48.24 (5) of the statutes is amended to read:

5 48.24 (5) The intake worker shall request that a petition be filed, enter into an informal
6 disposition, or close the case within 60 days after receipt of referral information. If the referral
7 information is a report received by a county department or, in a county having a population
8 of 500,000 or more, the department or a licensed child welfare agency under contract with the
9 department under s. 48.981 (3) (a) ~~1., 2., or 2d.,~~ (bg), or (bp) that 60-day period shall begin
10 on the day on which the report is received by the county department, department, or licensed
11 child welfare agency. If the case is closed or an informal disposition is entered into, the district
12 attorney, corporation counsel, or other official under s. 48.09 shall receive written notice of
13 that action. If a law enforcement officer has made a recommendation concerning the child,
14 or the unborn child and the expectant mother of the unborn child, the intake worker shall
15 forward this recommendation to the district attorney, corporation counsel, or other official
16 under s. 48.09. If a petition is filed, the petition may include information received more than
17 60 days before filing the petition to establish a condition or pattern which, together with
18 information received within the 60-day period, provides a basis for conferring jurisdiction on
19 the court. The court shall grant appropriate relief as provided in s. 48.315 (3) with respect to
20 any petition that is not referred or filed within the time periods specified in this subsection.
21 Failure to object to the fact that a petition is not requested within the time period specified in
22 this subsection waives any challenge to the court's competency to act on the petition.

23 **SECTION 3.** 48.47 (9) of the statutes is created to read:

1 48.47 (9) TRAINING FOR REPORTERS OF CHILD ABUSE AND NEGLECT. Approve training
2 courses provided by individuals, organizations, or institutions of higher education for persons
3 for whom the completion of a training course, as described in s. 48.981 (2s), is required as a
4 condition of licensure, certification, employment, appointment, or assignment.

 NOTE: Adds the approval of training courses for mandated reporters to
 DCF's duties.

5 SECTION 4. 48.67 (2m) of the statutes is created to read:

6 48.67 (2m) (a) That all child care center licensees and all employees of a child care
7 center who provide care and supervision for children complete a training course approved
8 under s. 48.47 (9) before the date on which an initial license is issued or the employment
9 commences, whichever is applicable.

10 (b) That all staff members of a group home who provide care for children in the group
11 home complete a training course approved under s. 48.47 (9) prior to employment in the group
12 home.

13 (c) That all staff members of a residential care center for children and youth who provide
14 care and supervision for children complete a training course approved under s. 48.47 (9) prior
15 to employment in the residential care center.

 NOTE: Requires DCF rules to require licensees and employees of child
 care centers who provide care and supervision for children; employees of
 group homes who provide care for children; and employees of residential
 care centers for children and youth who interact with children to
 complete an approved mandated reporter training course prior to the date
 on which the license is issued or the employment begins.

16 SECTION 5. 48.685 (4m) (a) 4. of the statutes is amended to read:

17 48.685 (4m) (a) 4. That a determination has been made under s. 48.981 (3)-(e) 4. (3g)
18 (d) that the person has abused or neglected a child.

19 SECTION 6. 48.685 (4m) (b) 4. of the statutes is amended to read:

1 48.685 **(4m)** (b) 4. That a determination has been made under s. 48.981 ~~(3) (e)~~ 4. (3g)
2 (d) that the person has abused or neglected a child.

3 **SECTION 7.** 48.981 (1) (ag) of the statutes is amended to read:

4 48.981 **(1)** (ag) “Agency” means a county department, the department in a county
5 having a population of 500,000 or more or a licensed child welfare agency under contract with
6 ~~a county department~~ or the department in a county having a population of 500,000 or more
7 to perform investigations under this section. For purposes of performing the duties specified
8 in sub. (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. and for purposes of confidentiality
9 of reports and records under sub. (7) to (7m), “agency” also includes a licensed child welfare
10 agency under contract with a county department to perform investigations under this section.

NOTE: Amends the definition of “agency” to include child welfare agencies under contract with county departments only for purposes of specified provisions to enable the use of the definition throughout s. 48.981, stats.

11 **SECTION 8.** 48.981 (1) (b) of the statutes is renumbered 48.981 (7d) (hm) 1.

NOTE: Renumbers the definition for “community placement” to place it in the one subdivision where it appears.

12 **SECTION 9.** 48.981 (1) (bm) of the statutes is created to read:

13 48.981 **(1)** (bm) “Contractor” means, with respect to a school or institution of higher
14 education, a person, or that person’s agent, who provides services to the school or institution
15 of higher education under an express or implied contract or subcontract, including a person
16 who has staff privileges at the school or institution of higher education.

17 **SECTION 10.** 48.981 (1) (ct) of the statutes is renumbered 48.981 (3f) (a) 1.

NOTE: Renumbers the definition for “Indian unborn child” to place it in the one paragraph where it appears.

18 **SECTION 11.** 48.981 (1) (cv) of the statutes is renumbered 48.981 (2) (bm) 1d. b.

19 **SECTION 12.** 48.981 (1) (cx) of the statutes is renumbered 48.981 (2) (bm) 1d. c.

NOTE: Renumbers the definition for “member of the clergy” to place it in the one paragraph where it appears.

1 **SECTION 13.** 48.981 (1) (i) of the statutes is renumbered 48.981 (3f) (a) 2.

2 **SECTION 14.** 48.981 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 87, is
3 renumbered 48.981 (2) (ar), and 48.981 (2) (ar) (intro.) and 14., as renumbered, are amended
4 to read:

5 48.981 (2) (ar) Mandatory reporters; professionals. (intro.) Any Except as provided
6 in subs. (2m) and (2r), any of the following persons who has reasonable cause to suspect that
7 a child seen by the person in the course of professional duties has been abused or neglected
8 or who has reason to believe that a child seen by the person in the course of professional duties
9 has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall,
10 except as provided under subs. (2m) and (2r), report as provided in sub. (3):

11 14. A school ~~teacher~~ employee, contractor, or volunteer, other than a school board
12 member, child, or student that has not yet graduated from high school, who works directly with
13 children at least 40 hours in a school year.

NOTE: Amends the reporting requirements applicable to school employees to require school employees, volunteers, and contractors who work directly with children at least 40 hours in a school year to report suspected child abuse or neglect. School board members, children, and students who have not yet graduated from high school are exempted from these reporting requirements.

14 **SECTION 15.** 48.981 (2) (a) 15., 16., and 16m. of the statutes are repealed.

NOTE: Deletes specific references to school teachers, school administrators, and school counselors and school employees not otherwise specified because they are mandated reporters under s. 48.981 (2) (ar) 14., as renumbered and amended.

15 **SECTION 16.** 48.981 (2) (ag) (intro.), 1. and 2. of the statutes are created to read:

16 48.981 (2) (ag) As used in this subsection:

1 1. “Abuse” has the meaning given in s. 48.02 (1), except that “physical injury”, as used
2 in that definition, includes lacerations, fractured bones, burns, internal injuries, bruising, or
3 great bodily harm, as defined in s. 939.22 (14).

4 2. “Neglect” means failure, refusal, or inability on the part of a caregiver to provide
5 necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger
6 the physical health of the child.

NOTE: For purposes of mandated reporting of child abuse and neglect, amends the definition of “physical injury” to remove the words “severe and frequent” from the phrase “severe and frequent bruising”, and creates a definition of “neglect” that does not require that a caregiver’s failure, refusal, or inability to provide necessary care, food, clothing, medical or dental care, or shelter be caused by reasons other than poverty.

7 **SECTION 17.** 48.981 (2) (ar) 16r., 30. and 31. of the statutes are created to read:

8 48.981 (2) (ar) 16r. An employee, contractor or volunteer of an institution of higher
9 education, other than a child, who has regular, ongoing contact with children, other than
10 matriculated students of the institution, in a professional or primary setting.

11 30. A probation agent.

12 31. A parole agent.

NOTE: Amends the list of mandated reporters to include probation agents, parole agents, and any employee, contractor, or volunteer of an institution of higher education, other than a child, who has regular, ongoing contact with children, other than matriculated students of the institution, in a professional or primary setting.

13 **SECTION 18.** 48.981 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 87, is
14 amended to read:

15 48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~ Except as
16 provided in subs. (2m) and (2r), a court-appointed special advocate who has reasonable cause
17 to suspect that a child seen in the course of activities under s. 48.236 (3) has been abused or

1 neglected or who has reason to believe that a child seen in the course of those activities has
2 been threatened with abuse and neglect and that abuse or neglect of the child will occur shall,
3 ~~except as provided in subs. (2m) and (2r),~~ report as provided in sub. (3).

4 **SECTION 19.** 48.981 (2) (bm) (title) of the statutes is created to read:

5 48.981 (2) (bm) *Mandatory reporters; members of the clergy.*

6 **SECTION 20.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes, as affected by 2011
7 Wisconsin Act 87, are consolidated, renumbered 48.981 (2) (bm) 1g. and amended to read:

8 48.981 (2) (bm) 1g. Except as provided in subd. 3. and subs. (2m) and (2r), a member
9 of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable
10 cause to suspect that a child seen by the member of the clergy in the course of his or her
11 professional duties: a. Has has been abused, as defined in s. 48.02 (1) (b) to (f); or b. Has or
12 has been threatened with abuse, as defined in s. 48.02 (1) (b) to (f); and abuse of the child will
13 likely occur.

14 **SECTION 21.** 48.981 (2) (bm) 1d. of the statutes is created to read:

15 48.981 (2) (bm) 1d. In this paragraph:

16 a. "Abuse" has the meaning given in s. 48.02 (1) (b) to (f).

NOTE: Creates a definition for "abuse" in s. 48.981 (2) (bm), stats., such
that the definition need not be repeated each time the term appears
within the paragraph.

17 **SECTION 22.** 48.981 (2) (bm) 2. (intro.), a. and b. of the statutes, as affected by 2011
18 Wisconsin Act 87, are consolidated, renumbered 48.981 (2) (bm) 2. and amended to read:

19 48.981 (2) (bm) 2. Except as provided in subd. 3. and subs. (2m) and (2r), a member
20 of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable
21 cause, based on observations made or information that he or she receives, to suspect that a
22 member of the clergy has ~~done any of the following:~~ a. ~~Abused~~ abused a child, as defined in

1 ~~s. 48.02 (1) (b) to (f). b. Threatened or threatened~~ a child with abuse, ~~as defined in s. 48.02~~
2 ~~(1) (b) to (f)~~, and abuse of the child will likely occur.

3 **SECTION 23.** 48.981 (2) (bm) 3. of the statutes is amended to read:

4 48.981 (2) (bm) 3. A member of the clergy is not required to report child abuse
5 information under subd. 1. 1g. or 2. that he or she receives solely through confidential
6 communications made to him or her privately or in a confessional setting if he or she is
7 authorized to hear or is accustomed to hearing such communications and, under the
8 disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those
9 communications secret. Those disciplines, tenets, or traditions need not be in writing.

10 **SECTION 24.** 48.981 (2) (c) of the statutes is amended to read:

11 48.981 (2) (c) Discretionary reporters; child abuse and neglect. Any person not
12 otherwise specified in par. (a) (ar), (b), or (bm), ~~including an attorney~~, who has reason to
13 suspect that a child has been abused or neglected or who has reason to believe that a child has
14 been threatened with abuse or neglect and that abuse or neglect of the child will occur may
15 report as provided in sub. (3).

NOTE: Removes the clause “including an attorney” from the phrase “any person not otherwise specified, including an attorney” to reduce redundancy.

16 **SECTION 25.** 48.981 (2) (d) of the statutes is amended to read:

17 48.981 (2) (d) Discretionary reporters; unborn child abuse. Any person, ~~including an~~
18 ~~attorney~~, who has reason to suspect that an unborn child has been abused or who has reason
19 to believe that an unborn child is at substantial risk of abuse may report as provided in sub.
20 (3).

NOTE: Removes the clause “including an attorney” from the phrase “Any person, including an attorney” to reduce redundancy.

21 **SECTION 26.** 48.981 (2m) (a) (title) of the statutes is created to read:

1 48.981 **(2m)** (a) (title) *Purpose*.

2 **SECTION 27.** 48.981 (2m) (b) (title) of the statutes is created to read:

3 48.981 **(2m)** (b) (title) *Definitions*.

4 **SECTION 28.** 48.981 (2m) (c) (title) of the statutes is created to read:

5 48.981 **(2m)** (c) (title) *Reporting not required*.

6 **SECTION 29.** 48.981 (2m) (d) (title) of the statutes is created to read:

7 48.981 **(2m)** (d) (title) *Reporting required*.

8 **SECTION 30.** 48.981 (2m) (e) (title) of the statutes is created to read:

9 48.981 **(2m)** (e) (title) *Additional reporting requirement*.

10 **SECTION 31.** 48.981 (2r) of the statutes is amended to read:

11 48.981 **(2r)** EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL
12 POWERS. A person delegated care and custody of a child under s. 48.979 is not required to report
13 as provided in sub. (3) any suspected or threatened abuse or neglect of the child as required
14 under sub. (2) ~~(a)~~ (ar), (b), or (bm) or (2m) (d) or (e). Such a person who has reason to suspect
15 that the child has been abused or neglected or who has reason to believe that the child has been
16 threatened with abuse or neglect and that abuse or neglect of the child will occur may report
17 as provided in sub. (3).

18 **SECTION 32.** 48.981 (2s) of the statutes is created to read:

19 48.981 **(2s)** TRAINING OF MANDATED REPORTERS. The department shall promulgate rules
20 specifying criteria for training courses required to be completed by persons required to report
21 suspected child abuse and neglect under sub. (2) as a condition of licensure, certification,
22 employment, appointment, or assignment. The rules shall specify the required content of an
23 approved training course and the qualifications required for the providers of such training
24 courses.

NOTE: Directs DCF to promulgate rules specifying criteria for training courses for mandated reporters.

1 **SECTION 33.** 48.981 (3) (title) of the statutes is amended to read:

2 48.981 (3) (title) ~~REPORTS; INVESTIGATION~~ REFERRAL OF REPORT.

3 **SECTION 34.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and amended
4 to read:

5 48.981 (3) (a) ~~Referral of report~~ Immediate reporting required. A person required to
6 report under sub. (2) shall immediately inform, by telephone or personally, ~~the county~~
7 ~~department or, in a county having a population of 500,000 or more, the department or a~~
8 ~~licensed child welfare agency under contract with the department~~ the agency or the sheriff or
9 city, village, or town police department of the facts and circumstances contributing to a
10 suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect
11 will occur.

12 **SECTION 35.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3) (bg)
13 (intro.) and amended to read:

14 48.981 (3) (bg) (intro.) Mandatory referral to agency. ~~The~~ Within 12 hours, exclusive
15 of Saturdays, Sundays, or legal holidays, after receiving a report under par. (a), the sheriff or
16 police department shall ~~within 12 hours, exclusive of Saturdays, Sundays, or legal holidays,~~
17 ~~refer to the county department or, in a county having a population of 500,000 or more, the~~
18 ~~department or a licensed child welfare agency under contract with the department~~ agency all
19 of the following types of cases reported to the sheriff or police department:

20 **SECTION 36.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3) (bg) 1.
21 to 4.

1 **SECTION 37.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and
2 amended to read:

3 48.981 (3) (bp) Discretionary referral to agency. The sheriff or police department may
4 refer to the county department or, in a county having a population of 500,000 or more, the
5 department or a licensed child welfare agency under contract with the department agency a
6 case reported to the sheriff or police department in which a person who is not a caregiver is
7 suspected of abuse or of threatened abuse of a child.

8 **SECTION 38.** 48.981 (3) (a) 2g. of the statutes is renumbered 48.981 (3) (br) and
9 amended to read:

10 48.981 (3) (br) Subsequent report in writing. The county department, department, or
11 licensed child welfare agency may require that a subsequent report of a case referred under
12 subd. 2. or 2d. par. (bg) or (bp) be made in writing.

13 **SECTION 39.** 48.981 (3) (a) 3. of the statutes is renumbered 48.981 (3) (cg) and amended
14 to read:

15 48.981 (3) (cg) Referral to law enforcement. Except as provided in sub. (3m), ~~a county~~
16 ~~department, the department, or a licensed child welfare agency under contract with the~~
17 ~~department~~ shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, after
18 receiving a report under par. (a), the agency shall refer to the sheriff or police department all
19 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For
20 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or
21 neglect, each ~~county department, the department, and a licensed child welfare agency under~~
22 ~~contract with the department~~ agency shall adopt a written policy specifying the kinds of
23 reports it will routinely report to local law enforcement authorities.

1 **SECTION 40.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and amended
2 to read:

3 48.981 (3) (dg) Coordination of investigation. If the report is of suspected or threatened
4 abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department and the county
5 department, department, or licensed child welfare agency under contract with the department
6 agency shall coordinate the planning and execution of the investigation of the report.

7 **SECTION 41.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d).

8 **SECTION 42.** 48.981 (3) (bm) (intro.) of the statutes is renumbered 48.981 (3f) (bm) and
9 amended to read:

10 48.981 (3f) (bm) Notice of report to Indian to tribal agent. In a county that has wholly
11 or partially within its boundaries a federally recognized Indian reservation or a bureau of
12 Indian affairs service area for the Ho-Chunk tribe, if a county department An agency that
13 receives a report under ~~par. (a) sub. (3)~~ sub. (3) pertaining to a child or unborn child the agency knows
14 or has reason to know that the child is an Indian child who resides in the county or that the
15 unborn child or is an Indian unborn child whose expectant mother resides in the county, the
16 county department shall, if it knows or has reason to know with which Indian tribe the Indian
17 child is affiliated or with which Indian tribe the Indian unborn child may, when born, be
18 eligible for affiliation, provide notice, which of the report to the tribal agent of that tribe.
19 Notice shall consist, at a minimum, only of the name and address of the Indian child or
20 expectant mother, the address of the Indian child or expectant mother or another address where
21 the Indian child or expectant mother may be located, and the fact that a report has been
22 received about that Indian child or Indian unborn child, and shall be made within 24 hours to
23 one of the following: of the report or of the identification of the Indian child's tribe. Notice

1 may also contain any additional information allowed by law. This paragraph does not
2 constitute notice under section 48.028 (4) (a), 25 USC 1912 (a), or any other law.

NOTE: Applies tribal notification requirement to child protective service agencies in all counties. Eliminates the requirement that a county agency provide notice if it does not know which tribe the child is affiliated with. Eliminates restrictions on the type of information notice may include. Specifies that notice to a tribe of a report of suspected child abuse or child neglect does not satisfy the notice obligations of any other law, including the Wisconsin Indian Child Welfare Act.

3 SECTION 43. 48.981 (3) (bm) 1. to 3. of the statutes are repealed.

4 SECTION 44. 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title) and
5 amended to read:

6 48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.

7 SECTION 45. 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1. a. and
8 amended to read:

9 48.981 (3g) (a) 1. a. Immediately after receiving a report under ~~par. (a) sub. (3)~~, the
10 agency shall evaluate the report to determine whether there is reason to suspect that a caregiver
11 has abused or neglected the child, has threatened the child with abuse or neglect, or has
12 facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of
13 the child. Except as provided in sub. (3m), if the agency determines that a caregiver is
14 suspected of abuse or neglect ~~or~~, of threatened abuse or neglect ~~of the child~~, determines that
15 ~~a caregiver is suspected~~, or of facilitating or failing to take action to prevent the suspected or
16 threatened abuse or neglect of the child, or if the agency cannot determine who abused or
17 neglected the child, within 24 hours after receiving the report the agency shall, ~~in accordance~~
18 ~~with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department~~
19 ~~under s. 48.57 (1) (a)~~, initiate a diligent investigation to determine if the child is in need of
20 protection or services. If the agency determines that a person who is not a caregiver is

1 suspected of abuse or of threatened abuse, the agency may, ~~in accordance with that authority,~~
2 initiate a diligent investigation to determine if the child is in need ~~of~~ of protection or services.

3 b. Within 24 hours after receiving a report under ~~par. (a)~~ sub. (3) of suspected unborn
4 child abuse, the agency, ~~in accordance with that authority,~~ shall initiate a diligent investigation
5 to determine if the unborn child is in need of protection or services.

6 c. An investigation under ~~this~~ subd. 1. a. or b. shall be conducted in accordance with
7 the authority granted to the department under s. 48.48 (17) (a) 1. or the county department
8 under s. 48.57 (1) (a) and in accordance with standards established by the department for
9 conducting child abuse and neglect investigations or unborn child abuse investigations.
10 Notwithstanding s. 227.10 (1), the department need not promulgate those standards as rules
11 under ch. 227.

NOTE: Reorganizes language to make the subdivision easier to read.

12 **SECTION 46.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2. and
13 amended to read:

14 48.981 (3g) (a) 2. If the investigation is of a report of child abuse or neglect or of
15 threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who
16 continues to have access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a
17 report that does not disclose who is suspected of the child abuse or neglect and in which the
18 investigation does not disclose who abused or neglected the child, the investigation shall also
19 include observation of or an interview with the child, or both, and, if possible, an interview
20 with the child's parents, guardian, or legal custodian. If the investigation is of a report of child
21 abuse or neglect or threatened child abuse or neglect by a caregiver who continues to reside
22 in the same dwelling as the child, the investigation shall also include, if possible, a visit to that
23 dwelling. At the initial visit to the child's dwelling, the person making the investigation shall

1 identify himself or herself and the agency involved to the child's parents, guardian, or legal
2 custodian. The agency may contact, observe, or interview the child at any location without
3 permission from the child's parent, guardian, or legal custodian if necessary to determine if
4 the child is in need of protection or services, ~~except that the person making the investigation~~
5 ~~may enter a child's dwelling only with permission from the child's parent, guardian, or legal~~
6 ~~custodian or after obtaining a court order permitting the person to do so~~ to the extent permitted
7 under the U.S. Constitution and the Wisconsin Constitution.

NOTE: Amends the authority for interviewing children absent consent by limiting such authority to that permitted under the U.S. and Wisconsin Constitutions. This change responds to federal case law, such as the holding by the U.S. court of appeals for the seventh circuit in *Doe v. Heck*, 327 F.3d 492 (2003), that raises constitutional concerns regarding interviews conducted absent consent.

8 **SECTION 47.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

9 **SECTION 48.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

10 **SECTION 49.** 48.981 (3) (c) 3. of the statutes is renumbered 48.981 (3g) (c) and amended
11 to read:

12 48.981 (3g) (c) Offer of services; filing of petitions. If the ~~county department or, in a~~
13 ~~county having a population of 500,000 or more, the department or a licensed child welfare~~
14 ~~agency under contract with the department~~ agency determines that a child, any member of the
15 child's family, or the child's guardian or legal custodian is in need of services or that the
16 expectant mother of an unborn child is in need of services, the ~~county department, department~~
17 ~~or licensed child welfare agency~~ shall offer to provide appropriate services or to make
18 arrangements for the provision of services. If the child's parent, guardian, or legal custodian
19 or the expectant mother refuses to accept the services, the ~~county department, department or~~
20 ~~licensed child welfare agency~~ may request that a petition be filed under s. 48.13 alleging that

1 the child who is the subject of the report or any other child in the home is in need of protection
2 or services or that a petition be filed under s. 48.133 alleging that the unborn child who is the
3 subject of the report is in need of protection or services. The agency may also petition for child
4 abuse restraining orders and injunctions under s. 48.25 (6).

NOTE: Consolidates 2 provisions by adding the authority to file petitions
for restraining orders and injunctions with the authority to file petitions
alleging that a child is in need of protective services.

5 SECTION 50. 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and amended
6 to read:

7 48.981 (3g) (d) Abuse or neglect determination. ~~The county department or, in a county~~
8 ~~having a population of 500,000 or more, the department or a licensed child welfare agency~~
9 ~~under contract with the department shall determine, If a report is investigated under par. (a),~~
10 ~~within 60 days after receipt of a report that the county department, department, or licensed~~
11 ~~child welfare agency investigates under subd. 1., the report the agency shall determine~~
12 whether abuse or neglect has occurred or is likely to occur. The determination shall be based
13 on a preponderance of the evidence produced by the investigation. A determination that abuse
14 or neglect has occurred may not be based solely on the fact that the child's parent, guardian,
15 or legal custodian in good faith selects and relies on prayer or other religious means for
16 treatment of disease or for remedial care of the child. In making a determination that
17 emotional damage has occurred, ~~the county department or, in a county having a population~~
18 ~~of 500,000 or more, the department or a licensed child welfare agency under contract with the~~
19 ~~department agency~~ shall give due regard to the culture of the subjects. This subdivision
20 paragraph does not prohibit a court from ordering medical services for the child if the child's
21 health requires it those services.

22 SECTION 51. 48.981 (3) (c) 5. of the statutes is renumbered 48.981 (3g) (h) 1.

NOTE: Renumbers a provision regarding agency recordkeeping requirements to place it near other recordkeeping requirements.

1 **SECTION 52.** 48.981 (3) (c) 5m. of the statutes is renumbered 48.981 (3g) (e) and
2 amended to read:

3 48.981 (3g) (e) Right to appeal determination. ~~If the county department or, in a county~~
4 ~~having a population of 500,000 or more, the department or a licensed child welfare agency~~
5 ~~under contract with the department determines~~ Within 15 days after a determination is made
6 ~~under subd. 4, par. (d) that a specific person has abused or neglected a child, the county~~
7 ~~department, department or licensed child welfare agency, within 15 days after the date of the~~
8 ~~determination, shall notify the person in writing of the determination, the person's right to~~
9 ~~appeal the determination, and the procedure by which the person may appeal the~~
10 ~~determination, and the person may appeal the determination in accordance with the~~
11 ~~procedures established by the department under this subdivision paragraph.~~ The department
12 shall promulgate rules establishing procedures for conducting an appeal under this
13 subdivision paragraph. Those procedures shall include a procedure permitting such an appeal
14 ~~under this subdivision~~ to be held in abeyance pending the outcome of any criminal
15 proceedings or any proceedings under s. 48.13 based on the alleged abuse or neglect ~~or the~~
16 ~~outcome of any investigation that may lead to the filing of a criminal complaint or a petition~~
17 ~~under s. 48.13 based on the alleged abuse or neglect.~~

18 **SECTION 53.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2. and
19 amended to read:

20 48.981 (3g) (h) 2. ~~If the county department or, in a county having a population of~~
21 ~~500,000 or more, the department or a licensed child welfare agency under contract with the~~
22 ~~department determines under subd. 4.~~ Within 15 days after a determination is made under par.

1 ~~(d)~~ that a specific person has abused or neglected a child, the ~~county department, department,~~
2 ~~or licensed child welfare agency, within 15 days after the date of the determination,~~ agency
3 shall provide the subunit of the department that administers s. 48.685 with information about
4 the person who has been determined to have abused or neglected the child.

5 **SECTION 54.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and amended
6 to read:

7 48.981 **(3g)** (f) Action taken; information to mandatory reporter. The agency shall,
8 ~~within~~ Within 60 days after it receives receiving a report from a person required under sub.
9 (2) to report, the agency shall inform the reporter what action, if any, was taken to protect the
10 health and welfare of the child or unborn child who is the subject of the report.

11 **SECTION 55.** 48.981 (3) (c) 6m. of the statutes is renumbered 48.981 (3g) (fm) and
12 amended to read:

13 48.981 **(3g)** (fm) Action taken; information to relative. ~~If a person who is not required~~
14 ~~under sub. (2) to report makes a report and is a relative of the child, other than the child's~~
15 ~~parent, or is a relative of the expectant mother of the unborn child~~ makes a report under sub.
16 (2) (c) or (d), that person may make a written request to the agency for information regarding
17 what action, if any, was taken to protect the health and welfare of the child or unborn child who
18 is the subject of the report. ~~An agency that receives a written request under this subdivision~~
19 ~~shall, within~~ Within 60 days after it receives receiving the report or 20 days after it receives
20 receiving the written request, whichever is later, ~~inform the reporter in writing of what action,~~
21 ~~if any, was taken to protect the health and welfare of the child or unborn child~~ the agency shall
22 disclose that information to the requester, unless a court order prohibits that disclosure, and
23 shall inform the requester of the duty to keep the information confidential under sub. ~~(7) (e)~~
24 (7r) (a) and of the penalties for failing to do so under sub. ~~(7) (f)~~ (7r) (b). The agency may

1 petition the court ex parte for an order prohibiting that disclosure and, if the agency does so,
2 the time period within which the information must be disclosed is tolled ~~on~~ from the date the
3 petition is filed ~~and remains tolled~~ until the court issues a decision. The court may hold an ex
4 parte hearing in camera and shall issue an order granting the petition if the court determines
5 that disclosure of the information would not be in the best interests of the child or unborn child.

6 **SECTION 56.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g) (intro.) and
7 amended to read:

8 48.981 (3g) (g) Cooperation and coordination. (intro.) ~~The county department or, in~~
9 ~~a county having a population of 500,000 or more, the department or a licensed child welfare~~
10 ~~agency under contract with the department~~ Each agency shall cooperate do all of the
11 following:

12 1. Cooperate with law enforcement officials, courts of competent jurisdiction, tribal
13 governments, and other human services agencies to prevent, identify, and treat child abuse and
14 neglect and unborn child abuse. ~~The county department or, in a county having a population~~
15 ~~of 500,000 or more, the department or a licensed child welfare agency under contract with the~~
16 ~~department shall coordinate~~

17 2. Coordinate the development and provision of services to abused and neglected
18 children and their families, to abused unborn children ~~to families in which child abuse or~~
19 ~~neglect has occurred, to~~ and their expectant mothers ~~who have abused their unborn children,~~
20 and to children and families or expectant mothers when circumstances justify a belief that
21 abuse or neglect or unborn child abuse will occur ~~and to the expectant mothers of unborn~~
22 ~~children when circumstances justify a belief that unborn child abuse will occur.~~

23 **SECTION 57.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and
24 amended to read:

1 48.981 (3g) (h) 3. Using the format prescribed by the department, each county
2 department shall provide the department with information about each report that the county
3 department ~~receives or that is received by~~ or a licensed child welfare agency ~~that is under~~
4 contract with the county department receives and about each investigation that the county
5 department or ~~a~~ licensed child welfare agency ~~under contract with the county department~~
6 conducts. Using the format prescribed by the department, a licensed child welfare agency
7 under contract with the department shall provide the department with information about each
8 report that the child welfare agency receives and about each investigation that the child
9 welfare agency conducts. The department shall use the information to monitor services
10 provided by those county departments or licensed child welfare agencies ~~under contract with~~
11 ~~county departments or the department~~. The department shall use nonidentifying information
12 to maintain statewide statistics on child abuse and neglect and on unborn child abuse, and for
13 planning and policy development purposes.

14 **SECTION 58.** 48.981 (3) (c) 9. of the statutes is repealed.

NOTE: Repeals a provision that is added to another provision (former s.
 48.981 (3) (c) 3., stats.).

15 **SECTION 59.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and amended
16 to read:

17 48.981 (3h) ~~Contract with licensed child welfare agencies.~~ CONTRACT WITH LICENSED
18 CHILD WELFARE AGENCIES. A county department may contract with a licensed child welfare
19 agency to fulfill the county department's duties specified under ~~par. (c) 1., 2. b., 2m. b., 5., 5r.,~~
20 ~~6., 6m., and 8.~~ sub. (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. The department may
21 contract with a licensed child welfare agency to fulfill any of the department's duties specified
22 under ~~par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m., 7., 8., and 9.~~ sub. (3g) in a county having

1 a population of 500,000 or more. The confidentiality provisions specified in ~~sub.~~ subs. (7) to
2 (7r) shall apply to any licensed child welfare agency with which a county department or the
3 department contracts.

4 **SECTION 60.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j) and amended to
5 read:

6 48.981 **(3j)** INDEPENDENT INVESTIGATION. (a) In this ~~paragraph~~ subsection, “agent”
7 includes a foster parent or other person given custody of a child or a human services
8 professional employed by a county department under s. 51.42 or 51.437 or by a child welfare
9 agency who is working with a child or an expectant mother of an unborn child under contract
10 with or under the supervision of the department in a county having a population of 500,000
11 or more or a county department under s. 46.22.

12 (b) If an agent or employee of an agency required to investigate under ~~this subsection~~
13 sub. (3g) is the subject of a report, or if the agency determines that, because of the relationship
14 between the agency and the subject of a report, there is a substantial probability that the agency
15 would not conduct an unbiased investigation, the agency shall, after taking any action
16 necessary to protect the child or unborn child, notify the department. Upon receipt of the
17 notice, the department, in a county having a population of less than 500,000, or a county
18 department or child welfare agency designated by the department in any county shall conduct
19 an independent investigation. If the department designates a county department under s.
20 46.22, 46.23, 51.42, or 51.437, that county department shall conduct the independent
21 investigation. If a licensed child welfare agency agrees to conduct the independent
22 investigation, the department may designate the child welfare agency to do so. The powers
23 and duties of the department or designated county department or child welfare agency making
24 an independent investigation are those given to county departments under ~~par. (e)~~ sub. (3g).