

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1193/PV
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PWF

By FRIDAY 2/1
please
(per request)

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Regen

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)
4 (cv), 48.981 (1) (cx), 48.981 (1) (i), 48.981 (3) (a) 2. a. to d., 48.981 (3) (b), 48.981
5 (3) (c) 2., 48.981 (3) (c) 2m., 48.981 (3) (c) 5., 48.981 (7) (a) 1., 48.981 (7) (a) 2.,
6 48.981 (7) (a) 3., 48.981 (7) (a) 3m., 48.981 (7) (a) 4p., 48.981 (7) (a) 9., 48.981
7 (7) (a) 11r., 48.981 (7) (a) 12., 48.981 (7) (a) 14m., 48.981 (7) (a) 15g., 48.981 (7)
8 (cr) 1. a. and b., 48.981 (7) (cr) 2. a. to f., 48.981 (7) (cr) 4. a. to d., 48.981 (7) (cr)
9 4. f. and g., 48.981 (7) (cr) 5. a. to d., 48.981 (7) (cr) 5. f., 48.981 (7) (cr) 6. a. to
10 e. and 48.981 (7) (cr) 7. a. and b.; *to renumber and amend* 48.981 (2) (a),
11 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d., 48.981 (3) (a) 2g.,
12 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3) (bm) (intro.), 48.981 (3) (c) (title),
13 48.981 (3) (c) 1. a., 48.981 (3) (c) 1. b., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981
14 (3) (c) 5m., 48.981 (3) (c) 5r., 48.981 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7.,
15 48.981 (3) (c) 8., 48.981 (3) (cm), 48.981 (3) (d), 48.981 (7) (a) (intro.), 48.981 (7)

1 (a) 1m., 48.981 (7) (a) 2m., 48.981 (7) (a) 4., 48.981 (7) (a) 4m., 48.981 (7) (a) 5.,
2 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981 (7) (a) 8., 48.981 (7) (a) 8m., 48.981
3 (7) (a) 8s., 48.981 (7) (a) 10., 48.981 (7) (a) 10m., 48.981 (7) (a) 11., 48.981 (7) (a)
4 11m., 48.981 (7) (a) 13., 48.981 (7) (a) 14., 48.981 (7) (a) 15., 48.981 (7) (a) 15m.,
5 48.981 (7) (a) 17., 48.981 (7) (am), 48.981 (7) (b), 48.981 (7) (c), 48.981 (7) (cm),
6 48.981 (7) (cr) 1. (intro.), 48.981 (7) (cr) 2. (intro.), 48.981 (7) (cr) 3., 48.981 (7)
7 (cr) 4. (intro.), 48.981 (7) (cr) 4. e., 48.981 (7) (cr) 5. (intro.), 48.981 (7) (cr) 5. e.,
8 48.981 (7) (cr) 6. (intro.), 48.981 (7) (cr) 7. (intro.), 48.981 (7) (cr) 8., 48.981 (7)
9 (cr) 9., 48.981 (7) (d), 48.981 (7) (dm), 48.981 (7) (e), 48.981 (7) (f) and 48.981 (10);
10 **to consolidate, renumber and amend** 48.981 (2) (bm) 1. (intro.), a. and b. and
11 48.981 (2) (bm) 2. (intro.), a. and b.; **to amend** 48.236 (4) (a), 48.24 (5), 48.685
12 (4m) (a) 4., 48.685 (4m) (b) 4., 48.981 (1) (ag), 48.981 (2) (b), 48.981 (2) (bm) 3.,
13 48.981 (2) (c), 48.981 (2) (d), 48.981 (2r), 48.981 (3) (title), 48.981 (3m) (b) 1.,
14 48.981 (3m) (c) (intro.), 48.981 (3m) (c) 1., 48.981 (3m) (c) 2. b., 48.981 (3m) (c)
15 3., 48.981 (5), 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c), 48.981 (9) (b) 1., 48.981
16 (9) (b) 2., 50.065 (4m) (a) 4., 50.065 (4m) (b) 4., 51.30 (4) (b) 17., 118.07 (5), 146.82
17 (2) (a) 11. and 18m., 165.85 (4) (b) 1., 440.88 (3) (a) (intro.), 441.04, 446.02 (2)
18 (a) 1., 448.05 (2), 457.09 (5) (d), 767.405 (4), 895.442 (1) (a), 895.442 (5), 905.06
19 (4) and 948.03 (6); and **to create** 48.47 (9), 48.67 (2m), 48.981 (1) (bm), 48.981
20 (2) (ag) (intro.), 1. and 2., 48.981 (2) (ar) 16r., 30. and 31., 48.981 (2) (bm) (title),
21 48.981 (2) (bm) 1d., 48.981 (2m) (a) (title), 48.981 (2m) (b) (title), 48.981 (2m)
22 (c) (title), 48.981 (2m) (d) (title), 48.981 (2m) (e) (title), 48.981 (2s), 48.981 (3d)
23 (a) (title), 48.981 (3d) (b) (title), 48.981 (3d) (bm) (title), 48.981 (3d) (c) (title),
24 48.981 (3f) (title) and (a) (intro.), 48.981 (3g) (a) (title), 48.981 (3g) (b) (title),
25 48.981 (3g) (bm) (title), 48.981 (3g) (h) (title), 48.981 (3m) (a) (title), 48.981 (3m)

1 (b) (title), 48.981 (7d) (intro.), 48.981 (7d) (a) (title), 48.981 (7d) (b) (title), 48.981
 2 (7d) (c) (title), 48.981 (7d) (cm) (title), 48.981 (7d) (dp) (title), 48.981 (7d) (hm)
 3 (title), 48.981 (7d) (i) (title), 48.981 (7d) (Lr) (title), 48.981 (7d) (m) (title), 48.981
 4 (7d) (om) (title), 48.981 (7d) (pg) (title), 48.981 (7g) (intro.), 48.981 (7m) (title),
 5 48.981 (7r) (title), 48.981 (8) (d) (title), 118.19 (15), 256.15 (6) (a) 2m., 256.15 (8)
 6 (b) 4., 301.068 (5m), 440.88 (3) (bm), 447.04 (1) (a) 5s., 448.05 (5) (a) 3., 448.53
 7 (1) (dm), 448.535 (1) (f), 448.78 (4m), 448.963 (2) (bm), 449.05 (3m), 451.04 (2)
 8 (dm), 455.04 (1) (dm), 455.04 (4) (dm), 457.08 (1) (bm), 457.10 (3m), 457.12 (3m),
 9 459.24 (2) (g) and 459.24 (3) (g) of the statutes; **relating to:** recodification of
 10 ^{the} child abuse and neglect reporting law; making probation agents, parole agents,
 11 and certain employees, contractors, and volunteers of schools and institutions
 12 of higher education mandated reporters of child abuse and neglect; requiring
 13 training for certain mandated reporters of child abuse and neglect; definitions
 14 of physical injury and neglect for purposes of mandated reporting of child abuse
 15 and neglect; requiring child protective service agencies to notify tribal agents
 16 of reports of suspected child abuse or ~~child~~ neglect; and granting rule-making
 17 authority.

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.~~

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

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

Recodification of s. 48.981

anal: jlcnote → *This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.*

FF E-SL

^{bill} The ~~draft~~ makes the following changes to recodify s. 48.981, ^{stats.,} the child abuse and neglect reporting law:

• Throughout s. 48.981, ^{stats.,} 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 ^{stats.,} to perform investigations, in order to facilitate the use of the definition throughout the section.

of human services or social services (county department) ✓

• 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), ^{stats.,} 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 ^{the} 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.

^{bill} 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, ¹⁾ children, ²⁾ and students who have not yet graduated from high school. ³⁾

• 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 ~~bill~~ 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 ~~bill~~ 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~~ ^{Substance} 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 ~~bill~~ 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 ~~90 days~~ 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 ~~bill~~ 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 ~~bill~~ removes the phrase "for reasons other than poverty" from the definition of "neglect."

Tribal Notification Requirements

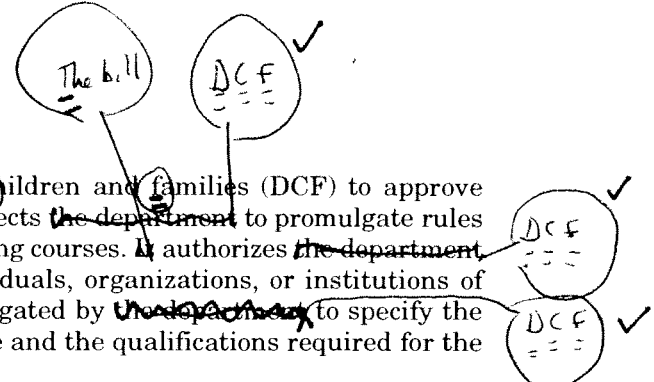
Under current law, a county that has a federally recognized Indian reservation or a Bureau of Indian Affairs (BIA) service area for the Ho-Chunk Nation wholly or partially within its boundaries must notify a tribal agent when it receives a report of suspected child abuse or ~~child~~ neglect and it knows 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.

In addition, the bill

on the first day of the 3rd year beginning

NOT for purposes of investigating report of child abuse, however, the bill does not remove those words from that phrase

NOT for purposes of investigating a report of child neglect, however, the bill does not remove that phrase from that definition.



NOT for

bill ✓

When the county department ✓

department ✓

The ~~bill~~ 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~~ ^{that an agency} 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~~ ^(s) restriction ^{the type of} on information that ~~a county~~ ^(a) 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.

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

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

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

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

7 48.24 (5) The intake worker shall request that a petition be filed, enter into an
 8 informal disposition, or close the case within 60 days after receipt of referral
 9 information. If the referral information is a report received by a county department
 10 or, in a county having a population of 500,000 or more, the department or a licensed
 11 child welfare agency under contract with the department under s. 48.981 (3) (a) 1,
 12 ~~2., or 2d~~ (bg), or (bp) that 60-day period shall begin on the day on which the report
 13 is received by the county department, department, or licensed child welfare agency.

14 If the case is closed or an informal disposition is entered into, the district attorney,
 15 corporation counsel, or other official under s. 48.09 shall receive written notice of that
 16 action. If a law enforcement officer has made a recommendation concerning the
 17 child, or the unborn child and the expectant mother of the unborn child, the intake
 18 worker shall forward this recommendation to the district attorney, corporation
 19 counsel, or other official under s. 48.09. If a petition is filed, the petition may include
 20 information received more than 60 days before filing the petition to establish a
 21 condition or pattern which, together with information received within the 60-day
 22 period, provides a basis for conferring jurisdiction on the court. The court shall grant
 23 appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not
 24 referred or filed within the time periods specified in this subsection. Failure to object

1 to the fact that a petition is not requested within the time period specified in this
2 subsection waives any challenge to the court's competency to act on the petition.

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

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

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

9 **SECTION 4.** 48.67 (2m)[✓] of the statutes is created to read:

10 48.67 (2m) (a) That all child care center licensees and all employees of a child
11 care center who provide care and supervision for children complete a training course
12 approved under s. 48.47 (9)[✓] before the date on which an initial license is issued or the
13 employment commences, whichever is applicable.

14 (b) That all staff members of a group home who provide care for children in the
15 group home complete a training course approved under s.[✓] 48.47 (9) prior to
16 employment in the group home.

17 (c) That all staff members of a residential care center for children and youth
18 who provide care and supervision for children complete a training course approved
19 under s. 48.47 (9)[✓] prior 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.

provide care and supervision for

20 **SECTION 5.** 48.685 (4m) (a) 4.[✓] of the statutes is amended to read:

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

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

4 48.685 (4m) (b) 4. That a determination has been made under s. 48.981 (3) (e)
5 4. (3g) (d) that the person has abused or neglected a child.

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

7 48.981 (1) (ag) "Agency" means a county department, the department in a

8 county having a population of 500,000 or more or a licensed child welfare agency

9 under contract with ~~a county department~~ or the department in a county having a

10 population of 500,000 or more to perform investigations under this section. For

11 purposes of performing the duties specified in sub. (3g) (a), (b) 2., (bm) 2., (f), (fm),

12 and (h) 1., 2., and 3. and for purposes of confidentiality of reports and records under

13 sub. (7) to (7m), "agency" also includes a licensed child welfare agency under contract

14 with a county department to perform investigations under this section.

INSERT
10-15

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.

MOVE
Fix component

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

NOTE: Renumbers the definition for "community placement" to place it in the one paragraph where it appears.

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

17 48.981 (1) (bm) "Contractor" means, with respect to a school or institution of

18 higher education, a person, or that person's agent, who provides services to the school

19 or institution of higher education under an express or implied contract or

20 subcontract, including a person who has staff privileges at the school or institution

21 of higher education.

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

amended to read:

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

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

2 b.

NOTE: Renumbers the definition of "member of a religious order" to place it in the one paragraph where it appears.

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

4 c.

NOTE: Renumbers the definition for "member of the clergy" to place it in the one paragraph where it appears. (intro.) and l. to 14.

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

NOTE: Renumbers the definition of "tribal agent" to place it in the one paragraph subsection

SECTION 14. 48.981 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 87, where it appears.

is renumbered 48.981 (2) (ar), and 48.981 (2) (ar) (intro.) and 14., as renumbered, are

amended to read:

48.981 (2) (ar) Mandatory reporters; professionals. (intro.) Any Except as provided in subs. (2m) and (2r), any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who 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 shall, ~~except as provided under subs. (2m) and (2r),~~ report as provided in sub. (3):

14. A school ~~teacher~~ employee, contractor, or volunteer, other than a school board member, child, or student that has not yet graduated from high school, who works directly with 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.

19

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

SEC ~~RM~~ RM; 48.981 (2)(a) 17. to 29.;
48.981 (2)(ar) 17. to 29.

move

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.

1 SECTION 16. 48.981 (2) (ag) ~~intro~~ ^{hand} of the statutes ¹⁵ are created to read:

2 48.981 (2) (ag) ~~amended~~ ^{Definitions in} this subsection:

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

6 2. "Neglect" means failure, refusal, or inability on the part of a caregiver to
7 provide necessary care, food, clothing, medical or dental care, or shelter so as to
8 seriously endanger 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.

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

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

14 30. A probation agent.

15 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.

16 SECTION 18. 48.981 (2) (b) of the statutes ^g as affected by 2011 Wisconsin Act 87 ^g

17 is amended to read:

1 48.981 (2) (b) [✓] Mandatory reporters; court-appointed special advocates. ~~AK~~
 2 Except as provided in subs. (2m)[✓] and (2r)[✓], a court-appointed special advocate who
 3 has reasonable cause to suspect that a child seen in the course of activities under s.
 4 48.236 (3) has been abused or neglected or who has reason to believe that a child seen
 5 in the course of those activities has been threatened with abuse and neglect and that
 6 abuse or neglect of the child will occur shall, [✓] ~~except as provided in subs. (2m) and (2r),~~
 7 report as provided in sub. (3).

8 **SECTION 19.** 48.981 (2) (bm) (title) [✓] of the statutes is created to read:

9 48.981 (2) (bm) *Mandatory reporters; members of the clergy.* [✓]

10 **SECTION 20.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes ~~as amended by~~ ^g
 11 ~~2011 Wisconsin Act 87,~~ ^g are consolidated, renumbered [✓] 48.981 (2) (bm) 1g. and
 12 amended to read:

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

19 **SECTION 21.** 48.981 (2) (bm) 1d. [✓] of the statutes is created to read:

20 48.981 (2) (bm) 1d. In this paragraph: [✓]

21 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., ~~that~~ ⁵⁰ that the
 definition need not be repeated each time the term appears within the paragraph. *

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

48.981 (2) (bm) 2. Except as provided in subd. 3. and subs. (2m) and (2r), a member of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable cause, based on observations made or information that he or she receives, to suspect that a member of the clergy has done any of the following: a. Abused ~~abused~~ a child, as defined in s. 48.02 (1) (b) to (f). b. Threatened or threatened a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the child will likely occur.

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

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

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

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

③

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

1 **SECTION 25.** 48.981 (2) (d) [✓] of the statutes is amended to read:

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

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

6 **SECTION 26.** 48.981 (2m) (a) (title) [✓] of the statutes is created to read:

7 48.981 (2m) (a) (title) *Purpose.* [✓]

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

9 48.981 (2m) (b) (title) *Definitions.* [✓]

10 **SECTION 28.** 48.981 (2m) (c) (title) [✓] of the statutes is created to read:

11 48.981 (2m) (c) (title) *Reporting not required.* [✓]

12 **SECTION 29.** 48.981 (2m) (d) (title) [✓] of the statutes is created to read:

13 48.981 (2m) (d) (title) *Reporting required.* [✓]

14 **SECTION 30.** 48.981 (2m) (e) (title) [✓] of the statutes is created to read:

15 48.981 (2m) (e) (title) *Additional reporting requirement.* [✓]

16 **SECTION 31.** 48.981 (2r) [✓] of the statutes is amended to read:

17 48.981 (2r) EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL
18 POWERS. A person delegated care and custody of a child under s. 48.979 is not required
19 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the
20 child as required under sub. (2) (a) (ar), [✓] (b), or (bm) or (2m) (d) or (e). Such a person
21 who has reason to suspect that the child has been abused or neglected or who has

1 reason to believe that the child has been threatened with abuse or neglect and that
2 abuse or neglect of the child will occur may report as provided in sub. (3).

3 **SECTION 32.** 48.981 (2s)^{✓x} of the statutes is created to read:

4 48.981 (2s) TRAINING OF MANDATED REPORTERS.[✓] The department shall
5 promulgate rules[✓] specifying criteria for training courses required to be completed by
6 persons required to report suspected child abuse and neglect under sub. (2)[✓] as a
7 condition of licensure, certification, employment, appointment, or assignment. The
8 rules shall specify the required content of an approved training course and the
9 qualifications required for the providers of such training courses.[✓]

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

10 **SECTION 33.** 48.981 (3) (title)^{✓x} of the statutes is amended to read:

11 48.981 (3) (title) REPORTS; INVESTIGATION[✓] REFERRAL OF REPORT.

12 **SECTION 34.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and^{✓x}
13 amended to read:

14 48.981 (3) (a) ~~Referral of report~~[✓] Immediate reporting required. A person
15 required to report under sub. (2) shall immediately inform, by telephone or
16 personally, ~~the county department or, in a county having a population of 500,000 or~~
17 ~~more, the department or a licensed child welfare agency under contract with the~~
18 ~~department~~ the agency[✓] or the sheriff or city, village, or town police department of the
19 facts and circumstances contributing to a suspicion of child abuse or neglect or of
20 unborn child abuse or to a belief that abuse or neglect will occur.

21 **SECTION 35.** 48.981 (3) (a) 2. (intro.)^{✓x} of the statutes is renumbered 48.981 (3)

22 (bg) (intro.) and amended to read:

1 48.981 (3) (bg) (intro.) Mandatory referral to agency. ✓ The Within 12 hours,
2 exclusive of Saturdays, Sundays, or legal holidays, after receiving a report under par.
3 (a), ✓ the sheriff or police department shall ~~within 12 hours, exclusive of Saturdays,~~
4 ~~Sundays, or legal holidays, refer to the county department or, in a county having a~~
5 ~~population of 500,000 or more, the department or a licensed child welfare agency~~
6 ~~under contract with the department~~ agency all of the following types of cases
7 reported to the sheriff or police department:

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

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

12 48.981 (3) (bp) Discretionary referral to agency. ✓ The sheriff or police
13 department may refer to the ~~county department or, in a county having a population~~
14 ~~of 500,000 or more, the department or a licensed child welfare agency under contract~~
15 ~~with the department~~ agency ✓ a case reported to the sheriff or police department in
16 which a person who is not a caregiver is suspected of abuse or of threatened abuse
17 of a child.

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

20 48.981 (3) (br) Subsequent report in writing. ✓ The ~~county department,~~
21 ~~department, or licensed child welfare agency~~ may require that a subsequent report
22 of a case referred under ~~subd. 2. or 2d. par. (bg) or (bp)~~ ✓ (bg) ✓ or (bp) ✓ be made in writing.

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

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

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

13 48.981 (3) (dg) Coordination of investigation. ✓ If the report is of suspected or
 14 threatened abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department
 15 and the ~~county department, department, or licensed child welfare agency under~~
 16 ~~contract with the department~~ agency shall coordinate the planning and execution of
 17 the investigation of the report.

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

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

21 48.981 (3f) (bm) Notice of report to Indian ✓ tribal agent. ~~In a county that has~~
 22 ~~wholly or partially within its boundaries a federally recognized Indian reservation~~
 23 ~~or a bureau of Indian affairs service area for the Ho-Chunk tribe, if a county~~
 24 ~~department~~ An agency that receives a report under ~~par. (a)~~ sub. (3) ✓ pertaining to a
 25 (25) child or ^{an} unborn child, ^{SCORE} the agency knows or has reason to know that the child is an
 whom

① Indian child who resides in the county or that the unborn child ~~is~~ an Indian unborn
 2 child whose expectant mother resides in the county, the county department shall, if
 3 ~~it~~ knows or has reason to know with which Indian tribe the Indian child is affiliated
 4 or with which Indian tribe the Indian unborn child may, when born, be eligible for
 5 affiliation, provide notice, which of the report to the tribal agent of that tribe. Notice
 6 shall consist, at a minimum, only of the name and address of the Indian child or
 7 expectant mother, the address of the Indian child or expectant mother or another
 8 address where the Indian child or expectant mother may be located, and the fact that
 9 a report has been received about that Indian child or Indian unborn child, and shall
 10 be made within 24 hours to one of the following: ~~the~~ report or ~~the~~ identification
 11 of the Indian child's tribe. Notice may also contain any additional information
 12 allowed by law. This paragraph does not constitute notice under section 48.028 (4)
 13 (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 ~~agency~~ agency provide notice if it does
 not know ~~with which~~ tribe the child is affiliated ~~with~~. Eliminates restrictions on the ~~type~~ types
 of information notice may include. Specifies that notice to a tribe of a report of suspected
 child abuse or ~~type~~ neglect does not satisfy the notice obligations of any other law,
 including the Wisconsin Indian Child Welfare Act ~~or the federal Indian Child Welfare Act~~

14 SECTION 43. 48.981 (3) (bm) 1. to 3. of the statutes are repealed.
 15 SECTION 44. 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title)
 16 and amended to read:
 17 48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.
 18 SECTION 45. 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1.
 19 a. and amended to read:
 20 48.981 (3g) (a) 1. a. Immediately after receiving a report under par. (a) sub. (3),
 21 the agency shall evaluate the report to determine whether there is reason to suspect
 22 that a caregiver has abused or neglected the child, has threatened the child with

1 abuse or neglect, or has facilitated or failed to take action to prevent the suspected
2 or threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
3 agency determines that a caregiver is suspected of abuse or neglect ~~or~~, of threatened
4 abuse or neglect ~~of the child~~, ~~determines that a caregiver is suspected, or~~ of
5 facilitating or failing to take action to prevent the suspected or threatened abuse or
6 neglect ~~of the child~~, or if the agency cannot determine who abused or neglected the
7 child, within 24 hours after receiving the report the agency shall, ~~in accordance with~~
8 ~~the authority granted to the department under s. 48.48 (17) (a) 1. or the county~~
9 ~~department under s. 48.57 (1) (a)~~, initiate a diligent investigation to determine if the
10 child is in need of protection or services. If the agency determines that a person who
11 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, ~~in~~
12 ~~accordance with that authority~~, initiate a diligent investigation to determine if the
13 child is in need ~~or~~ of protection or services.

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

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

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

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

3 48.981 (3g) (a) 2. If the investigation is of a report of child abuse or neglect or
4 of threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8.
5 who continues to have access to the child or a caregiver specified in sub. (1) (am) 1.
6 to 4., or of a report that does not disclose who is suspected of the child abuse or neglect
7 and in which the investigation does not disclose who abused or neglected the child,
8 the investigation shall also include observation of or an interview with the child, or
9 both, and, if possible, an interview with the child's parents, guardian, or legal
10 custodian. If the investigation is of a report of child abuse or neglect or threatened
11 child abuse or neglect by a caregiver who continues to reside in the same dwelling
12 as the child, the investigation shall also include, if possible, a visit to that dwelling.
13 At the initial visit to the child's dwelling, the person making the investigation shall
14 identify himself or herself and the agency involved to the child's parents, guardian,
15 or legal custodian. The agency may contact, observe, or interview the child at any
16 location without permission from the child's parent, guardian, or legal custodian if
17 necessary to determine if the child is in need of protection or services, ~~except that the~~
18 ~~person making the investigation may enter a child's dwelling only with permission~~
19 ~~from the child's parent, guardian, or legal custodian or after obtaining a court order~~
20 ~~permitting the person to do so~~ to the extent permitted under the U.S. Constitution
21 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. *

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

1 **SECTION 48.** 48.981 (3) (c) 2^{m.} of the statutes is renumbered 48.981 (3g) (bm).

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

4 48.981 (3g) (c) Offer of services; filing of petitions. If the ~~county department or,~~
5 ~~in a county having a population of 500,000 or more, the department or a licensed child~~
6 ~~welfare agency under contract with the department~~ agency determines that a child,
7 any member of the child's family, or the child's guardian or legal custodian is in need
8 of services or that the expectant mother of an unborn child is in need of services, the
9 ~~county department, department or licensed child welfare agency~~ shall offer to
10 provide appropriate services or to make arrangements for the provision of services.
11 If the child's parent, guardian, or legal custodian or the expectant mother refuses to
12 accept the services, the ~~county department, department or licensed child welfare~~
13 ~~agency~~ may request that a petition be filed under s. 48.13 alleging that the child who
14 is the subject of the report or any other child in the home is in need of protection or
15 services or that a petition be filed under s. 48.133 alleging that the unborn child who
16 is the subject of the report is in need of protection or services. The agency may also
17 petition for child 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.

18 **SECTION 50.** 48.981 (3) (c) 4[.] of the statutes is renumbered 48.981 (3g) (d) and
19 amended to read:

20 48.981 (3g) (d) Abuse or neglect determination. ~~The county department or, in~~
21 ~~a county having a population of 500,000 or more, the department or a licensed child~~
22 ~~welfare agency under contract with the department shall determine, If a report is~~
23 investigated under par. (a), within 60 days after receipt of a report that the county

1 department, department, or licensed child welfare agency investigates under subd.
 2 1., the report the agency shall determine whether abuse or neglect has occurred or
 3 is likely to occur. The determination shall be based on a preponderance of the
 4 evidence produced by the investigation. A determination that abuse or neglect has
 5 occurred may not be based solely on the fact that the child's parent, guardian, or legal
 6 custodian in good faith selects and relies on prayer or other religious means for
 7 treatment of disease or for remedial care of the child. In making a determination that
 8 emotional damage has occurred, the ~~county department or, in a county having a~~
 9 ~~population of 500,000 or more, the department or a licensed child welfare agency~~
 10 ~~under contract with the department~~ agency shall give due regard to the culture of
 11 the subjects. This subdivision paragraph does not prohibit a court from ordering
 12 medical services for the child if the child's health requires it those services.

13 **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.

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

16 48.981 (3g) (e) Right to appeal determination. If the ~~county department or, in~~
 17 ~~a county having a population of 500,000 or more, the department or a licensed child~~
 18 ~~welfare agency under contract with the department~~ determines Within 15 days after
 19 a determination is made under subd. 4. par. (d) that a specific person has abused or
 20 neglected a child, the ~~county department, department or licensed child welfare~~
 21 ~~agency~~ within 15 days after the date of the determination, shall notify the person in
 22 writing of the determination, the person's right to appeal the determination, and the
 23 procedure by which the person may appeal the determination, and the person may

NO SCORING 21
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 agency

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1 appeal the determination in accordance with the procedures established by the
 2 department under this ~~subdivision~~ paragraph. The department shall promulgate
 3 rules establishing procedures for conducting an appeal under this ~~subdivision~~
 4 paragraph. Those procedures shall include a procedure permitting such an appeal
 5 ~~under this subdivision~~ to be held in abeyance pending the outcome of any criminal
 6 ~~proceedings or any~~ investigation or ~~proceedings~~ investigation or ~~under s. 48.13~~ score
 7 ~~or the outcome of any investigation that may lead to the filing of a criminal complaint~~
 8 ~~or a petition under s. 48.13 based on the alleged abuse or neglect.~~

9 SECTION 53. 48.981 (3) (c) 5r. ^X of the statutes is renumbered 48.981 (3g) (h) 2.
 10 and amended to read:

11 48.981 (3g) (h) 2. ~~If the county department or, in a county having a population~~
 12 ~~of 500,000 or more, the department or a licensed child welfare agency under contract~~
 13 ~~with the department determines under subd. 4.~~ [✓] Within 15 days [✓] after a
 14 determination is made under [✓] par. (d) that a specific person has abused or neglected
 15 a child, the ~~county department, department, or licensed child welfare agency,~~ within
 16 ~~15 days after the date of the determination,~~ [✓] agency shall provide the subunit of the
 17 department that administers s. 48.685 with information about the person who has
 18 been determined to have abused or neglected the child.

19 SECTION 54. 48.981 (3) (c) 6. ^X of the statutes is renumbered 48.981 (3g) (f) and
 20 amended to read:

21 48.981 (3g) (f) Action taken; information to mandatory reporter. [✓] ~~The agency~~
 22 ~~shall, within~~ [✓] Within 60 days after ~~it receives~~ [✓] receiving a report from a person
 23 required under sub. (2) to report, ~~the agency shall~~ [✓] inform the reporter what action,
 24 if any, was taken to protect the health and welfare of the child or unborn child who
 25 is the subject of the report.

1 **SECTION 55.** 48.981 (3) (c) 6m.[✓] of the statutes is renumbered 48.981 (3g) (fm)
2 and amended to read:

3 48.981 (3g) (fm) Action taken; information to relative.[✓] ~~If a person who is not~~
4 ~~required under sub. (2) to report makes a report and is~~ a relative of the child, other
5 than the child's parent, or ~~is~~ a relative of the expectant mother of the unborn child
6 makes a report under sub. (2) (c) or (d).[✓] that person may make a written request to
7 the agency for information regarding what action, if any, was taken to protect the
8 health and welfare of the child or unborn child who is the subject of the report. ~~An~~
9 ~~agency that receives a written request under this subdivision shall, within~~ Within
10 60 days after it ~~receives~~ receiving the report or 20 days after ~~it receives~~ receiving the
11 written request, whichever is later, ~~inform the reporter in writing of what action, if~~
12 ~~any, was taken to protect the health and welfare of the child or unborn child~~ the
13 agency shall disclose that information to the requester.[✓] unless a court order
14 prohibits that disclosure, and shall inform the requester[✓] of the duty to keep the
15 information confidential under sub. (7) (e) (7r) (a)[✓] and of the penalties for failing to
16 do so under sub. (7) (f) (7r) (b).[✓] The agency may petition the court ex parte for an order
17 prohibiting that disclosure and, if the agency does so, the time period within which
18 the information must be disclosed is tolled ~~on~~ from the date the petition is filed and
19 ~~remains tolled~~ until the court issues a decision. The court may hold an ex parte
20 hearing in camera and shall issue an order granting the petition if the court
21 determines that disclosure of the information would not be in the best interests of the
22 child or unborn child.

23 **SECTION 56.** 48.981 (3) (c) 7.[✓] of the statutes is renumbered 48.981 (3g) (g)[✓]
24 (intro.) and amended to read:

1 48.981 (3g) (g) Cooperation and coordination. (intro.) ~~The county department~~
2 ~~or, in a county having a population of 500,000 or more, the department or a licensed~~
3 ~~child welfare agency under contract with the department~~ Each agency shall
4 ~~cooperate~~ do all of the following:

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

10 2. Coordinate the development and provision of services to abused and
11 neglected children and their families, to abused unborn children ~~to families in which~~
12 ~~child abuse or neglect has occurred, to~~ and their expectant mothers who have abused
13 ~~their unborn children,~~ and to children and families or expectant mothers when
14 circumstances justify a belief that abuse or neglect or unborn child abuse will occur
15 ~~and to the expectant mothers of unborn children when circumstances justify a belief~~
16 ~~that unborn child abuse will occur.~~

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

19 48.981 (3g) (h) 3. Using the format prescribed by the department, each county
20 department shall provide the department with information about each report that
21 the county department ~~receives or that is received by~~ or a licensed child welfare
22 agency ~~that is~~ under contract with the county department receives and about each
23 investigation that the county department or ~~a~~ licensed child welfare agency ~~under~~
24 ~~contract with the county department~~ conducts. Using the format prescribed by the
25 department, a licensed child welfare agency under contract with the department

1 shall provide the department with information about each report that the child
2 welfare agency receives and about each investigation that the child welfare agency
3 conducts. The department shall use the information to monitor services provided by
4 those county departments or licensed child welfare agencies [✓] ~~under contract with~~
5 ~~county departments or the department~~. The department shall use nonidentifying
6 information to maintain statewide statistics on child abuse and neglect and on
7 unborn child abuse, and for planning and policy development purposes.

8 **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.).

9 **SECTION 59.** 48.981 (3) (cm) [✓] of the statutes is renumbered 48.981 (3h) and
10 amended to read:

11 ^{no scoring} 48.981 (3h) ~~Contract with licensed child welfare agencies.~~ ^g ~~CONTRACT WITH~~ ^{NO SCORING}
12 ~~LICENSED CHILD WELFARE AGENCIES.~~ [✓] A county department may contract with a licensed
13 child welfare agency to fulfill the county department's duties specified under par. (e)
14 1., 2. [✓] b., 2m. [✓] b., 5., 5r., 6., 6m., and 8. sub. (3g) (a), [✓] (b) 2., (bm) 2., (f), [✓] (fm), and [✓] (h) 1.,
15 2., [✓] and 3. [✓] The department may contract with a licensed child welfare agency to fulfill
16 any of the department's duties specified under par. (e) 1., 2. a., 2m. [✓] b., 3., 4., 5., 5m.,
17 5r., 6., 6m., 7., 8., and 9. sub. (3g) [✓] in a county having a population of 500,000 or more.
18 The confidentiality provisions specified in sub. ~~subs.~~ (7) to (7r) [✓] shall apply to any
19 licensed child welfare agency with which a county department or the department
20 contracts.

21 **SECTION 60.** 48.981 (3) (d) [✓] of the statutes is renumbered 48.981 (3j) [✓] and [✓]
22 amended to read:

48.981 (3j) (a) and (b), as renumbered, are

③ Definition.

1 48.981 (3j) INDEPENDENT INVESTIGATION. (a) In this paragraph subsection,
 2 "agent" includes a foster parent or other person given custody of a child or a human
 3 services professional employed by a county department under s. 51.42 or 51.437 or
 4 by a child welfare agency who is working with a child or an expectant mother of an
 5 unborn child under contract with or under the supervision of the department in a
 6 county having a population of 500,000 or more or a county department under s. 46.22.

④ Investigation; power and duties. ← SCORE

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

21 ~~county departments~~ (agencies) ← SCORE under par. (e) sub. (3g).

22 SECTION 61. 48.981 (3d) (a) (title) of the statutes is created to read:

23 48.981 (3d) (a) (title) Immediate investigation on request. ✓

24 SECTION 62. 48.981 (3d) (b) (title) of the statutes is created to read:

25 48.981 (3d) (b) (title) Taking child into custody. ✓

1 **SECTION 63.** 48.981 (3d) (bm) (title) of the statutes is created to read:

2 48.981 (3d) (bm) (title) *Taking expectant mother into custody.*

3 **SECTION 64.** 48.981 (3d) (c) (title) of the statutes is created to read:

4 48.981 (3d) (c) (title) *Referral for criminal prosecution.*

5 **SECTION 65.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:

6 48.981 (3f) (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.)

7 In this subsection:

8 **SECTION 66.** 48.981 (3g) (a) (title) of the statutes is created to read:

9 48.981 (3g) (a) (title) *Evaluation and investigation of report.*

10 **SECTION 67.** 48.981 (3g) (b) (title) of the statutes is created to read:

11 48.981 (3g) (b) (title) *Taking child into custody.*

12 **SECTION 68.** 48.981 (3g) (bm) (title) of the statutes is created to read:

13 48.981 (3g) (bm) (title) *Taking expectant mother into custody.*

14 **SECTION 69.** 48.981 (3g) (h) (title) of the statutes is created to read:

15 48.981 (3g) (h) (title) *Records; information to department.*

16 **SECTION 70.** 48.981 (3m) (a) (title) of the statutes is created to read:

17 48.981 (3m) (a) (title) *Definition.*

18 **SECTION 71.** 48.981 (3m) (b) (title) of the statutes is created to read:

19 48.981 (3m) (b) (title) *Establishment of program.*

20 **SECTION 72.** 48.981 (3m) (b) 1. of the statutes is amended to read:

21 48.981 (3m) (b) 1. Guidelines for determining the appropriate alternative
22 response to a report of abuse or neglect or of threatened abuse or neglect, including
23 guidelines for determining what types of abuse or neglect or threatened abuse or
24 neglect constitute substantial abuse or neglect. The Notwithstanding s. 227.10 (1),
25 the department need not promulgate those guidelines as rules under ch. 227.

NOTE: Clarifies that guidelines for alternative responses need not be promulgated as rules, notwithstanding the specific requirement in ch. 227, stats., that all statements of general policy be promulgated as rules.

1 **SECTION 73.** 48.981 (3m) (c) (intro.)[✓] of the statutes is amended to read:

2 48.981 (3m) (c) [✓]Alternative responses. (intro.) Immediately after receiving a
3 report under sub. (3)[✓](a), an agency or county department that is participating in the
4 pilot program shall evaluate the report to determine the most appropriate
5 alternative response under subds. 1. to 3. to the report. Based on that evaluation,
6 the agency or county department shall respond to the report as follows:

7 **SECTION 74.** 48.981 (3m) (c) 1.[✓] of the statutes is amended to read:

8 48.981 (3m) (c) 1. If the agency or county department determines that there
9 is reason to suspect that substantial abuse or neglect has occurred or is likely to occur
10 or that an investigation under sub. (3)[✓](3g) is otherwise necessary to ensure the safety
11 of the child and his or her family, the agency or county department shall investigate
12 the report as provided in sub. (3)[✓](3g). If in conducting that investigation the agency
13 or county department determines that it is not necessary for the safety of the child
14 and his or her family to complete the investigation, the agency or county department
15 may terminate the investigation and conduct an assessment under subd. 2. If the
16 agency or county department terminates an investigation, the agency or county
17 department shall document the reasons for terminating the investigation and notify
18 any law enforcement agency that is cooperating in the investigation.

19 **SECTION 75.** 48.981 (3m) (c) 2. b.[✓] of the statutes is amended to read:

20 48.981 (3m) (c) 2. b. If the agency or county department employs the
21 assessment response under subd. 2. a., the agency or county department is not
22 required to refer the report to the sheriff or police department under sub. (3)[✓](a) 3.
23 [✓](cg) or determine by a preponderance of the evidence under sub. (3)[✓](e) 4. [✓](3g) (d) that

1 abuse or neglect has occurred or is likely to occur or that a specific person has abused
2 or neglected the child. If in conducting the assessment the agency or county
3 department determines that there is reason to suspect that substantial abuse or
4 neglect has occurred or is likely to occur or that an investigation under sub. ~~(3)~~ [✓] (3g)
5 is otherwise necessary to ensure the safety of the child and his or her family, the
6 agency or county department shall immediately commence an investigation under
7 sub. ~~(3)~~ [✓] (3g).

8 **SECTION 76.** 48.981 (3m) (c) ~~3.~~ [✓] of the statutes is amended to read:

9 48.981 **(3m)** (c) 3. If the agency or county department determines that there
10 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the
11 agency or county department shall refer the child's family to a service provider in the
12 community for the provision of appropriate services on a voluntary basis. If the
13 agency or county department employs the community services response under this
14 subdivision, the agency or county department is not required to conduct an
15 assessment under subd. 2., refer the report to the sheriff or police department under
16 sub. (3) (a) ~~3.~~ [✓] (cg), or determine by a preponderance of the evidence under sub. (3) (e)
17 4. ~~(3g)~~ [✓] (d) that abuse or neglect has occurred or is likely to occur or that a specific
18 person has abused or neglected the child.

19 **SECTION 77.** 48.981 (3m) (d) ~~of~~ [✓] the statutes is repealed.

NOTE: Repeals a reporting requirement that was required to be fulfilled by July [✓] 1, 2012. *

20 **SECTION 78.** 48.981 (5) ~~of~~ [✓] the statutes is amended to read:

21 48.981 **(5)** CORONER'S REPORT. Any person or official required to report cases of
22 suspected child abuse or neglect who has reasonable cause to suspect that a child
23 died as a result of child abuse or neglect shall report the fact to the appropriate

~~in a county having a population of 500,000 or more~~

SCORE

SECTION 78

1 medical examiner or coroner. The medical examiner or coroner shall accept the
 2 report for investigation and shall report the findings to the appropriate district
 3 attorney; to the department or, ~~in a county having a population of 500,000 or more,~~
 4 to a licensed child welfare agency under contract with the department; to the county
 5 department; ~~to the department;~~ and, if the institution making the report initially is
 6 a hospital, to the hospital.

NOTE: In cases resulting in death, clarifies that, in Milwaukee County, a medical
 examiner or coroner must report findings to both ~~the department,~~ and Milwaukee County
 contracting agencies.

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7 SECTION 79. 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and
 8 amended to read:

9 48.981 (7) CONFIDENTIALITY. All reports made under this section, notices
 10 provided under sub. (3) (3f) (bm), and records maintained by an agency and other
 11 persons, officials and institutions shall be confidential. ~~Reports and records may be~~
 12 ~~disclosed only to the following persons: No report may be disclosed, except as~~
 13 ~~provided in subs. (3f) (c), (7d), (7g), and (7m).~~

14 SECTION 80. 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

15 SECTION 81. 48.981 (7) (a) 1m. of the statutes is renumbered 48.981 (7g) (am)
 16 and amended to read:

17 48.981 (7g) (am) Request of reporter. A reporter described in sub. (3) (e) 6m. (3g)
 18 (fm) who makes a written request to an agency for information regarding what
 19 action, if any, was taken to protect the health and welfare of the child or unborn child
 20 who is the subject of the report, unless a court order under sub. (3) (e) 6m. (3g) (fm)
 21 prohibits disclosure of that information to that reporter, except that the only
 22 information that may be disclosed is information in the record regarding what action,