



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1193/R3  
GMM:jld:ph

IN 218

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DUE Monday 2/11

(convert to 1 - no changes)

2013 BILL

X

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) (ct), 48.981 (1) (cv), 48.981 (1)  
4 (cx), 48.981 (1) (i), 48.981 (2) (a) 17. to 29., 48.981 (3) (a) 2. a. to d., 48.981 (3)  
5 (b), 48.981 (3) (c) 2., 48.981 (3) (c) 2m., 48.981 (3) (c) 5., 48.981 (7) (a) 1., 48.981  
6 (7) (a) 2., 48.981 (7) (a) 3., 48.981 (7) (a) 3m., 48.981 (7) (a) 4p., 48.981 (7) (a) 9.,  
7 48.981 (7) (a) 11r., 48.981 (7) (a) 12., 48.981 (7) (a) 14m., 48.981 (7) (a) 15g.,  
8 48.981 (7) (cr) 1. a. and b., 48.981 (7) (cr) 2. a. to f., 48.981 (7) (cr) 4. a. to d., 48.981  
9 (7) (cr) 4. f. and g., 48.981 (7) (cr) 5. a. to d., 48.981 (7) (cr) 5. f., 48.981 (7) (cr)  
10 6. a. to e. and 48.981 (7) (cr) 7. a. and b.; *to renumber and amend* 48.981 (1)  
11 (b), 48.981 (2) (a) (intro.) and 1. to 14., 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.),  
12 48.981 (3) (a) 2d., 48.981 (3) (a) 2g., 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3)  
13 (bm) (intro.), 48.981 (3) (c) (title), 48.981 (3) (c) 1. a., 48.981 (3) (c) 1. b., 48.981  
14 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5r., 48.981 (3) (c) 6.,  
15 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (cm), 48.981 (3)

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

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

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

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

*Recodification of s. 48.981, stats.*

The bill 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, stats., “agency” includes a licensed child welfare agency under contract with a county department of human services or social services (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), 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.

The bill 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: 1) school board members; 2) children; and 3) 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 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.
- 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 DCF to promulgate rules setting forth the criteria required for such training courses. The bill authorizes DCF to approve training courses provided by individuals, organizations, or institutions of higher education. In addition, the bill requires the rules promulgated by DCF to specify the required content of an approved training course and the qualifications required for the providers of such training.

With the exception of the rule–making requirements, the training requirements take effect on the first day of 3rd year beginning 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.” For purposes of *investigating* a report of child abuse, however, the bill does not remove those words from that phrase.

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.” For purposes of *investigating* a report of child neglect, however, the bill does not remove that phrase from that definition.

*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 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 neglect pertaining to a child it knows or has reason to know is an Indian child or Indian unborn child.

The bill makes the following changes to the requirement that a county department notify a tribal agent when it receives a report of suspected child abuse or neglect pertaining to a child or unborn child whom the county department 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 that an agency notify a tribal agent when the 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 restrictions on the type of information that an agency may provide to a tribal agent, and specifies that additional information may be provided as allowed by law.
- Specifies that notice to a tribe of a report of suspected child abuse or 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  
 3           subject of the proceeding, the child’s family, and any other person residing in the  
 4           same home as the child that are relevant to the subject matter of the proceeding,  
 5           including records discoverable under s. 48.293, examination reports under s. 48.295

1 (2), law enforcement reports and records under ss. 48.396 (1) and 938.396 (1) (a),  
2 court records under ss. 48.396 (2) (a) and 938.396 (2), social welfare agency records  
3 under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under  
4 s. 48.981 (7) ~~(a) 11r. (7d) (Lr)~~, and pupil records under s. 118.125 (2) (L). The order  
5 shall also require the custodian of any report or record specified in this paragraph  
6 to permit the court-appointed special advocate to inspect the report or record on  
7 presentation by the court-appointed special advocate of a copy of the order. A  
8 court-appointed special advocate that obtains access to a report or record described  
9 in this paragraph shall keep the information contained in the report or record  
10 confidential and may disclose that information only to the court. If a  
11 court-appointed special advocate discloses any information to the court under this  
12 paragraph, the court-appointed special advocate shall also disclose that information  
13 to all parties to the proceeding. If a court-appointed special advocate discloses  
14 information in violation of the confidentiality requirement specified in this  
15 paragraph, the court-appointed special advocate is liable to any person damaged as  
16 a result of that disclosure for such damages as may be proved and, notwithstanding  
17 s. 814.04 (1), for such costs and reasonable actual attorney fees as may be incurred  
18 by the person damaged.

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

20 48.24 (5) The intake worker shall request that a petition be filed, enter into an  
21 informal disposition, or close the case within 60 days after receipt of referral  
22 information. If the referral information is a report received by a county department  
23 or, in a county having a population of 500,000 or more, the department or a licensed  
24 child welfare agency under contract with the department under s. 48.981 (3) (a) ~~1r,~~  
25 ~~2r, or 2d,~~ (bg), or (bp) that 60-day period shall begin on the day on which the report

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

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

16 48.47 (9) TRAINING FOR REPORTERS OF CHILD ABUSE AND NEGLECT. Approve  
17 training courses provided by individuals, organizations, or institutions of higher  
18 education for persons for whom the completion of a training course, as described in  
19 s. 48.981 (2s), is required as a condition of licensure, certification, employment,  
20 appointment, or assignment.

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

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

22 48.67 (2m) (a) That all child care center licensees and all employees of a child  
23 care center who provide care and supervision for children complete a training course



1 approved under s. 48.47 (9) before the date on which an initial license is issued or the  
2 employment commences, whichever is applicable.

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

6 (c) That all staff members of a residential care center for children and youth  
7 who provide care and supervision for children complete a training course approved  
8 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 provide care and supervision for children to complete an approved mandated reporter training course prior to the date on which the license is issued or the employment begins.

9 **SECTION 5.** 48.685 (4m) (a) 4. of the statutes is amended to read:  
10 48.685 (4m) (a) 4. That a determination has been made under s. 48.981 (3)(e)  
11 4. (3g) (d) that the person has abused or neglected a child.

12 **SECTION 6.** 48.685 (4m) (b) 4. of the statutes is amended to read:  
13 48.685 (4m) (b) 4. That a determination has been made under s. 48.981 (3)(e)  
14 4. (3g) (d) that the person has abused or neglected a child.

15 **SECTION 7.** 48.981 (1) (ag) of the statutes is amended to read:  
16 48.981 (1) (ag) “Agency” means a county department, the department in a  
17 county having a population of 500,000 or more, or a licensed child welfare agency  
18 under contract with ~~a county department~~ or the department in a county having a  
19 population of 500,000 or more to perform investigations under this section. For  
20 purposes of performing the duties specified in subs. (3g) (a), (b) 2., (bm) 2., (f), (fm),  
21 and (h) 1., 2., and 3. and for purposes of confidentiality of reports and records under

1 sub. (7) to (7m), “agency” also includes a licensed child welfare agency under contract  
2 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.

3 **SECTION 8.** 48.981 (1) (b) of the statutes is renumbered 48.981 (7d) (hm) 1. and  
4 amended to read:

5 48.981 (7d) (hm) 1. Community In this paragraph, “community placement”  
6 means probation; extended supervision; parole; aftercare; conditional transfer into  
7 the community under s. 51.35 (1); conditional transfer or discharge under s. 51.37  
8 (9); placement in a Type 2 residential care center for children and youth or a Type 2  
9 juvenile correctional facility authorized under s. 938.539 (5); conditional release  
10 under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the  
11 community residential confinement program under s. 301.046, the intensive  
12 sanctions program under s. 301.048, the corrective sanctions program under s.  
13 938.533, the intensive supervision program under s. 938.534, or the serious juvenile  
14 offender program under s. 938.538; or any other placement of an adult or juvenile  
15 offender in the community under the custody or supervision of the department of  
16 corrections, the department of health services, a county department under s. 46.215,  
17 46.22, 46.23, 51.42, or 51.437 or any other person under contract with the  
18 department of corrections, the department of health services or a county department  
19 under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over  
20 the offender.

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

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

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

6           **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 subsection where it appears.

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

8           b.

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

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

10          c.

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

11          **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 subsection where it appears.

12          **SECTION 14.** 48.981 (2) (a) (intro.) and 1. to 14. of the statutes are renumbered  
13 48.981 (2) (ar) (intro.) and 1. to 14., and 48.981 (2) (ar) (intro.) and 14., as  
14 renumbered, are amended to read:

15           48.981 (2) (ar) *Mandatory reporters; professionals.* (intro.) Any Except as  
16 provided in subs. (2m) and (2r), any of the following persons who has reasonable  
17 cause to suspect that a child seen by the person in the course of professional duties  
18 has been abused or neglected or who has reason to believe that a child seen by the  
19 person in the course of professional duties has been threatened with abuse or neglect

1 and that abuse or neglect of the child will occur shall, ~~except as provided under subs.~~  
2 ~~(2m) and (2r)~~, report as provided in sub. (3):

3 14. A school teacher employee, contractor, or volunteer, other than a school  
4 board member, child, or student that has not yet graduated from high school, who  
5 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.

6 **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.

7 **SECTION 16.** 48.981 (2) (a) 17. to 29. of the statutes is renumbered 48.981 (2)  
8 (ar) 17. to 29.

9 **SECTION 17.** 48.981 (2) (ag) of the statutes is created to read:

10 48.981 (2) (ag) *Definitions.* In this subsection:

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

14 2. "Neglect" means failure, refusal, or inability on the part of a caregiver to  
15 provide necessary care, food, clothing, medical or dental care, or shelter so as to  
16 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.

17 **SECTION 18.** 48.981 (2) (ar) 16r., 30. and 31. of the statutes are created to read:

1           48.981 (2) (ar) 16r. An employee, contractor, or volunteer of an institution of  
2 higher education, other than a child, who has regular, ongoing contact with children,  
3 other than matriculated students of the institution, in a professional or primary  
4 setting.

5           30. A probation agent.

6           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.

7           **SECTION 19.** 48.981 (2) (b) of the statutes is amended to read:

8           48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~  
9 Except as provided in subs. (2m) and (2r), a court-appointed special advocate who  
10 has reasonable cause to suspect that a child seen in the course of activities under s.  
11 48.236 (3) has been abused or neglected or who has reason to believe that a child seen  
12 in the course of those activities has been threatened with abuse and neglect and that  
13 abuse or neglect of the child will occur shall, except as provided in subs. (2m) and (2r),  
14 report as provided in sub. (3).

15           **SECTION 20.** 48.981 (2) (bm) (title) of the statutes is created to read:

16           48.981 (2) (bm) *Mandatory reporters; members of the clergy.*

17           **SECTION 21.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes are consolidated,  
18 renumbered 48.981 (2) (bm) 1g. and amended to read:

19           48.981 (2) (bm) 1g. Except as provided in subd. 3. and subs. (2m) and (2r), a  
20 member of the clergy shall report as provided in sub. (3) if the member of the clergy  
21 has reasonable cause to suspect that a child seen by the member of the clergy in the  
22 course of his or her professional duties: a. Has has been abused, as defined in s. 48.02

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

3 **SECTION 22.** 48.981 (2) (bm) 1d. of the statutes is created to read:

4 48.981 (2) (bm) 1d. In this paragraph:

5 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., so that the definition need not be repeated each time the term appears within the paragraph.

6 **SECTION 23.** 48.981 (2) (bm) 2. (intro.), a. and b. of the statutes are consolidated,  
7 renumbered 48.981 (2) (bm) 2. and amended to read:

8 48.981 (2) (bm) 2. Except as provided in subd. 3. and subs. (2m) and (2r), a  
9 member of the clergy shall report as provided in sub. (3) if the member of the clergy  
10 has reasonable cause, based on observations made or information that he or she  
11 receives, to suspect that a member of the clergy has ~~done any of the following:~~ a.  
12 ~~Abused~~ abused a child, as defined in s. 48.02 (1) (b) to (f). b. ~~Threatened or threatened~~  
13 a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the child will likely  
14 occur.

15 **SECTION 24.** 48.981 (2) (bm) 3. of the statutes is amended to read:

16 48.981 (2) (bm) 3. A member of the clergy is not required to report child abuse  
17 information under subd. ~~1.~~ 1g. or 2. that he or she receives solely through confidential  
18 communications made to him or her privately or in a confessional setting if he or she  
19 is authorized to hear or is accustomed to hearing such communications and, under  
20 the disciplines, tenets, or traditions of his or her religion, has a duty or is expected  
21 to keep those communications secret. Those disciplines, tenets, or traditions need  
22 not be in writing.

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

1           48.981 (2) (c) Discretionary reporters; child abuse and neglect. Any person not  
2 otherwise specified in par. (a) (~~ar~~), (b), or (bm), ~~including an attorney~~, who has reason  
3 to suspect that a child has been abused or neglected or who has reason to believe that  
4 a child has been threatened with abuse or neglect and that abuse or neglect of the  
5 child will occur may 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.

6           **SECTION 26.** 48.981 (2) (d) of the statutes is amended to read:

7           48.981 (2) (d) Discretionary reporters; unborn child abuse. Any person,  
8 ~~including an attorney~~, who has reason to suspect that an unborn child has been  
9 abused or who has reason to believe that an unborn child is at substantial risk of  
10 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.

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

12           48.981 (2m) (a) (title) *Purpose.*

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

14           48.981 (2m) (b) (title) *Definitions.*

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

16           48.981 (2m) (c) (title) *Reporting not required.*

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

18           48.981 (2m) (d) (title) *Reporting required.*

19           **SECTION 31.** 48.981 (2m) (e) (title) of the statutes is created to read:

20           48.981 (2m) (e) (title) *Additional reporting requirement.*

21           **SECTION 32.** 48.981 (2r) of the statutes is amended to read:

1           48.981 (2r) EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL  
2 POWERS. A person delegated care and custody of a child under s. 48.979 is not required  
3 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the  
4 child as required under sub. (2) ~~(a) (ar)~~, (b), or (bm) or (2m) (d) or (e). Such a person  
5 who has reason to suspect that the child has been abused or neglected or who has  
6 reason to believe that the child has been threatened with abuse or neglect and that  
7 abuse or neglect of the child will occur may report as provided in sub. (3).

8           **SECTION 33.** 48.981 (2s) of the statutes is created to read:

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

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

15           **SECTION 34.** 48.981 (3) (title) of the statutes is amended to read:

16           48.981 (3) (title) REPORTS; ~~INVESTIGATION~~ REFERRAL OF REPORT.

17           **SECTION 35.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and  
18 amended to read:

19           48.981 (3) (a) ~~Referral of report~~ Immediate reporting required. A person  
20 required to report under sub. (2) shall immediately inform, by telephone or  
21 personally, ~~the county department or, in a county having a population of 500,000 or~~  
22 ~~more, the department or a licensed child welfare agency under contract with the~~  
23 ~~department~~ the agency or the sheriff or city, village, or town police department of the



1 facts and circumstances contributing to a suspicion of child abuse or neglect or of  
2 unborn child abuse or to a belief that abuse or neglect will occur.

3 **SECTION 36.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3)  
4 (bg) (intro.) and amended to read:

5 48.981 (3) (bg) (intro.) Mandatory referral to agency. The Within 12 hours,  
6 exclusive of Saturdays, Sundays, or legal holidays, after receiving a report under par.  
7 (a), the sheriff or police department shall within 12 hours, exclusive of Saturdays,  
8 Sundays, or legal holidays, refer to 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 all of the following types of cases  
11 reported to the sheriff or police department:

12 **SECTION 37.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3)  
13 (bg) 1. to 4.

14 **SECTION 38.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and  
15 amended to read:

16 48.981 (3) (bp) Discretionary referral to agency. The sheriff or police  
17 department may refer to 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  
19 with the department agency a case reported to the sheriff or police department in  
20 which a person who is not a caregiver is suspected of abuse or of threatened abuse  
21 of a child.

22 **SECTION 39.** 48.981 (3) (a) 2g. of the statutes is renumbered 48.981 (3) (br) and  
23 amended to read:

1           48.981 (3) (br) Subsequent report in writing. The ~~county department,~~  
2 ~~department, or licensed child welfare agency~~ may require that a subsequent report  
3 of a case referred under ~~subd. 2. or 2d. par. (bg) or (bp)~~ be made in writing.

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

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

16           **SECTION 41.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and  
17 amended to read:

18           48.981 (3) (dg) Coordination of investigation. If the report is of suspected or  
19 threatened abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department  
20 and the ~~county department, department, or licensed child welfare agency under~~  
21 ~~contract with the department~~ agency shall coordinate the planning and execution of  
22 the investigation of the report.

23           **SECTION 42.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d).

24           **SECTION 43.** 48.981 (3) (bm) (intro.) of the statutes is renumbered 48.981 (3f)  
25 (bm) and amended to read:

1           48.981 (3f) (bm) *Notice of report to Indian to tribal agent.* ~~In a county that has~~  
2           ~~wholly or partially within its boundaries a federally recognized Indian reservation~~  
3           ~~or a bureau of Indian affairs service area for the Ho-Chunk tribe, if a county~~  
4           ~~department~~ An agency that receives a report under par. (a) sub. (3) pertaining to a  
5           ~~child or an unborn child whom the agency knows or has reason to know that the child~~  
6           ~~is an Indian child who resides in the county or that the unborn child is or~~ an Indian  
7           ~~unborn child whose expectant mother resides in the county, the county department~~  
8           ~~shall, if the agency knows or has reason to know with which Indian tribe the Indian~~  
9           ~~child is affiliated or with which Indian tribe the Indian unborn child may, when born,~~  
10           ~~be eligible for affiliation, provide notice, which of the report to the tribal agent of that~~  
11           ~~tribe. Notice shall consist only, at a minimum, of the name and address of the Indian~~  
12           ~~child or expectant mother, the address of the Indian child or expectant mother or~~  
13           ~~another address where the Indian child or expectant mother may be located, and the~~  
14           ~~fact that a report has been received about that Indian child or Indian unborn child,~~  
15           ~~and shall be made within 24 hours to one of the following: after receipt of the report~~  
16           ~~or identification of the Indian child's tribe. Notice may also contain any additional~~  
17           ~~information allowed by law. This paragraph does not constitute notice under s.~~  
18           ~~48.028 (4) (a) or 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 an agency provide notice if it does not know with the tribe with which the child is affiliated. Eliminates restrictions on the types of information the notice may include. Specifies that notice to a tribe of a report of suspected child abuse or 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.

19           **SECTION 44.** 48.981 (3) (bm) 1. to 3. of the statutes are repealed.

20           **SECTION 45.** 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title)  
21           and amended to read:

22           48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.

1           **SECTION 46.** 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1.

2           a. and amended to read:

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

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

23          **c.** An investigation under this subd. 1. a. or b. shall be conducted in accordance  
24          with the authority granted to the department under s. 48.48 (17) (a) 1. or the county  
25          department under s. 48.57 (1) (a) and in accordance with standards established by

1 the department for conducting child abuse and neglect investigations or unborn child  
2 abuse investigations. Notwithstanding s. 227.10 (1), the department need not  
3 promulgate those standards as rules under ch. 227.

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

4 **SECTION 47.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2.  
5 and amended to read:

6 48.981 (3g) (a) 2. If the investigation is of a report of child abuse or neglect or  
7 of threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8.  
8 who continues to have access to the child or a caregiver specified in sub. (1) (am) 1.  
9 to 4., or of a report that does not disclose who is suspected of the child abuse or neglect  
10 and in which the investigation does not disclose who abused or neglected the child,  
11 the investigation shall also include observation of or an interview with the child, or  
12 both, and, if possible, an interview with the child's parents, guardian, or legal  
13 custodian. If the investigation is of a report of child abuse or neglect or threatened  
14 child abuse or neglect by a caregiver who continues to reside in the same dwelling  
15 as the child, the investigation shall also include, if possible, a visit to that dwelling.  
16 At the initial visit to the child's dwelling, the person making the investigation shall  
17 identify himself or herself and the agency involved to the child's parents, guardian,  
18 or legal custodian. The agency may contact, observe, or interview the child at any  
19 location without permission from the child's parent, guardian, or legal custodian if  
20 necessary to determine if the child is in need of protection or services, ~~except that the~~  
21 ~~person making the investigation may enter a child's dwelling only with permission~~  
22 ~~from the child's parent, guardian, or legal custodian or after obtaining a court order~~  
23 ~~permitting the person to do so~~ to the extent permitted under the U.S. Constitution  
24 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.

1           **SECTION 48.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

2           **SECTION 49.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

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

5           48.981 (3g) (c) Offer of services; filing of petitions. ~~If the county department or,~~  
6 ~~in a county having a population of 500,000 or more, the department or a licensed child~~  
7 ~~welfare agency under contract with the department~~ agency determines that a child,  
8 any member of the child's family, or the child's guardian or legal custodian is in need  
9 of services or that the expectant mother of an unborn child is in need of services, the  
10 ~~county department, department or licensed child welfare~~ agency shall offer to  
11 provide appropriate services or to make arrangements for the provision of services.  
12 If the child's parent, guardian, or legal custodian or the expectant mother refuses to  
13 accept the services, the ~~county department, department or licensed child welfare~~  
14 agency may request that a petition be filed under s. 48.13 alleging that the child who  
15 is the subject of the report or any other child in the home is in need of protection or  
16 services or that a petition be filed under s. 48.133 alleging that the unborn child who  
17 is the subject of the report is in need of protection or services. The agency may also  
18 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.

19           **SECTION 51.** 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and  
20 amended to read:

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

17           **SECTION 52.** 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.

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

20           48.981 (3g) (e) Right to appeal determination. ~~If 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 determines~~ Within 15 days after  
23          a determination is made under subd. 4. par. (d) that a specific person has abused or

1 neglected a child, the ~~county department, department or licensed child welfare~~  
2 ~~agency, within 15 days after the date of the determination,~~ agency shall notify the  
3 person in writing of the determination, the person's right to appeal the  
4 determination, and the procedure by which the person may appeal the  
5 determination, and the person may appeal the determination in accordance with the  
6 procedures established by the department under this ~~subdivision~~ paragraph. The  
7 department shall promulgate rules establishing procedures for conducting an appeal  
8 under this ~~subdivision~~ paragraph. Those procedures shall include a procedure  
9 permitting such an appeal ~~under this subdivision~~ to be held in abeyance pending the  
10 outcome of any criminal investigation or proceedings or any investigation or  
11 proceedings under s. 48.13 based on the alleged abuse or neglect ~~or the outcome of~~  
12 ~~any investigation that may lead to the filing of a criminal complaint or a petition~~  
13 ~~under s. 48.13 based on the alleged abuse or neglect.~~

14 **SECTION 54.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2.  
15 and amended to read:

16 48.981 (3g) (h) 2. ~~If the county department or, in a county having a population~~  
17 ~~of 500,000 or more, the department or a licensed child welfare agency under contract~~  
18 ~~with the department determines under subd. 4. Within 15 days after a~~  
19 ~~determination is made under par. (d) that a specific person has abused or neglected~~  
20 ~~a child, the county department, department, or licensed child welfare agency, within~~  
21 ~~15 days after the date of the determination,~~ agency shall provide the subunit of the  
22 department that administers s. 48.685 with information about the person who has  
23 been determined to have abused or neglected the child.

24 **SECTION 55.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and  
25 amended to read:



1           48.981 (3g) (f) Action taken; information to mandatory reporter. ~~The agency~~  
2 ~~shall, within~~ Within 60 days after it ~~receives~~ receiving a report from a person  
3 required under sub. (2) to report, the agency shall inform the reporter what action,  
4 if any, was taken to protect the health and welfare of the child or unborn child who  
5 is the subject of the report.

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

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

1 determines that disclosure of the information would not be in the best interests of the  
2 child or unborn child.

3 **SECTION 57.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g)  
4 (intro.) and amended to read:

5 48.981 (3g) (g) Cooperation and coordination. (intro.) ~~The county department~~  
6 ~~or, in a county having a population of 500,000 or more, the department or a licensed~~  
7 ~~child welfare agency under contract with the department~~ Each agency shall  
8 cooperate do all of the following:

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

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

21 **SECTION 58.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and  
22 amended to read:

23 48.981 (3g) (h) 3. Using the format prescribed by the department, each county  
24 department shall provide the department with information about each report that  
25 the county department ~~receives or that is received by~~ or a licensed child welfare

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

12 **SECTION 59.** 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.).

13 **SECTION 60.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and  
14 amended to read:

15 48.981 (3h) CONTRACT WITH LICENSED CHILD WELFARE AGENCIES. A county  
16 department may contract with a licensed child welfare agency to fulfill the county  
17 department's duties specified under ~~par. (e) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. sub.~~  
18 (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. The department may contract  
19 with a licensed child welfare agency to fulfill any of the department's duties specified  
20 under ~~par. (e) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m., 7., 8., and 9. sub. (3g)~~ in a  
21 county having a population of 500,000 or more. The confidentiality provisions  
22 specified in ~~sub. subs. (7) to (7r)~~ shall apply to any licensed child welfare agency with  
23 which a county department or the department contracts.

1           **SECTION 61.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j), and 48.981  
2 (3j) (a) and (b), as renumbered, are amended to read:

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

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

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

25           48.981 (3d) (a) (title) *Immediate investigation on request.*

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

2           48.981 (3d) (b) (title) *Taking child into custody.*

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

4           48.981 (3d) (bm) (title) *Taking expectant mother into custody.*

5           **SECTION 65.** 48.981 (3d) (c) (title) of the statutes is created to read:

6           48.981 (3d) (c) (title) *Referral for criminal prosecution.*

7           **SECTION 66.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:

8           48.981 (3f) (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.)

9           In this subsection:

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

11          48.981 (3g) (a) (title) *Evaluation and investigation of report.*

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

13          48.981 (3g) (b) (title) *Taking child into custody.*

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

15          48.981 (3g) (bm) (title) *Taking expectant mother into custody.*

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

17          48.981 (3g) (h) (title) *Records; information to department.*

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

19          48.981 (3m) (a) (title) *Definition.*

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

21          48.981 (3m) (b) (title) *Establishment of program.*

22          **SECTION 73.** 48.981 (3m) (b) 1. of the statutes is amended to read:

23          48.981 (3m) (b) 1. Guidelines for determining the appropriate alternative

24          response to a report of abuse or neglect or of threatened abuse or neglect, including

25          guidelines for determining what types of abuse or neglect or threatened abuse or

1 neglect constitute substantial abuse or neglect. The Notwithstanding s. 227.10 (1),  
2 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.

3 **SECTION 74.** 48.981 (3m) (c) (intro.) of the statutes is amended to read:

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

9 **SECTION 75.** 48.981 (3m) (c) 1. of the statutes is amended to read:

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

21 **SECTION 76.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

22 48.981 (3m) (c) 2. b. If the agency or county department employs the  
23 assessment response under subd. 2. a., the agency or county department is not

1 required to refer the report to the sheriff or police department under sub. (3) ~~(a) 3.~~  
2 ~~(cg)~~ or determine by a preponderance of the evidence under sub. (3) ~~(e) 4.~~ (3g) (d) that  
3 abuse or neglect has occurred or is likely to occur or that a specific person has abused  
4 or neglected the child. If in conducting the assessment the agency or county  
5 department determines that there is reason to suspect that substantial abuse or  
6 neglect has occurred or is likely to occur or that an investigation under sub. ~~(3)~~ (3g)  
7 is otherwise necessary to ensure the safety of the child and his or her family, the  
8 agency or county department shall immediately commence an investigation under  
9 sub. ~~(3)~~ (3g).

10 **SECTION 77.** 48.981 (3m) (c) 3. of the statutes is amended to read:

11 48.981 **(3m)** (c) 3. If the agency or county department determines that there  
12 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the  
13 agency or county department shall refer the child's family to a service provider in the  
14 community for the provision of appropriate services on a voluntary basis. If the  
15 agency or county department employs the community services response under this  
16 subdivision, the agency or county department is not required to conduct an  
17 assessment under subd. 2., refer the report to the sheriff or police department under  
18 sub. (3) ~~(a) 3.~~ (cg), or determine by a preponderance of the evidence under sub. (3) ~~(e)~~  
19 ~~4.~~ (3g) (d) that abuse or neglect has occurred or is likely to occur or that a specific  
20 person has abused or neglected the child.

21 **SECTION 78.** 48.981 (3m) (d) of the statutes is repealed.

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

22 **SECTION 79.** 48.981 (5) of the statutes is amended to read:

1           48.981 (5) CORONER'S REPORT. Any person or official required to report cases of  
2 suspected child abuse or neglect who has reasonable cause to suspect that a child  
3 died as a result of child abuse or neglect shall report the fact to the appropriate  
4 medical examiner or coroner. The medical examiner or coroner shall accept the  
5 report for investigation and shall report the findings to the appropriate district  
6 attorney; ~~to the department or, in a county having a population of 500,000 or more,~~  
7 ~~to a licensed child welfare agency under contract with the department~~ in a county  
8 having a population of 500,000 or more; to the county department; to the department;  
9 and, if the institution making the report initially is 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 DCF and the Milwaukee County  
contracting agencies.

10           **SECTION 80.** 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and  
11 amended to read:

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

17           **SECTION 81.** 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

18           **SECTION 82.** 48.981 (7) (a) 1m. of the statutes is renumbered 48.981 (7g) (am)  
19 and amended to read:

20           48.981 (7g) (am) Request of reporter. A reporter described in sub. (3) ~~(e) 6m.~~ (3g)  
21 (fm) who makes a written request to an agency for information regarding what  
22 action, if any, was taken to protect the health and welfare of the child or unborn child  
23 who is the subject of the report, unless a court order under sub. (3) ~~(e) 6m.~~ (3g) (fm)



1 prohibits disclosure of that information to that reporter, except that the only  
2 information that may be disclosed is information in the record regarding what action,  
3 if any, was taken to protect the health and welfare of the child or unborn child who  
4 is the subject of the report.

5 **SECTION 83.** 48.981 (7) (a) 2. of the statutes is renumbered 48.981 (7d) (b).

6 **SECTION 84.** 48.981 (7) (a) 2m. of the statutes is renumbered 48.981 (7g) (bm)  
7 and amended to read:

8 48.981 (7g) (bm) *Intake or dispositional staff.* A person authorized to provide  
9 or providing intake or dispositional services for the court under s. 48.067, 48.069 ~~or~~,  
10 48.10, 938.067, 938.069, or 938.10.

NOTE: Consolidates 2 provisions relating to intake and dispositional staff.

11 **SECTION 85.** 48.981 (7) (a) 2r. of the statutes is repealed.

NOTE: Repeals a provision that is consolidated in another provision (former s.  
48.981 (7) (a) 2m., stats.).

12 **SECTION 86.** 48.981 (7) (a) 3. of the statutes is renumbered 48.981 (7d) (c).

13 **SECTION 87.** 48.981 (7) (a) 3m. of the statutes is renumbered 48.981 (7d) (cm).

14 **SECTION 88.** 48.981 (7) (a) 4. of the statutes is renumbered 48.981 (7d) (d) and  
15 amended to read:

16 48.981 (7d) (d) *Foster parent or other physical custodian.* A ~~child's~~ foster parent  
17 or other person having physical custody of the child or a person having physical  
18 custody of the expectant mother of an unborn child, except that the person or agency  
19 maintaining the record or report may not disclose any information that would  
20 identify the reporter.

NOTE: Removes the word “child’s” from the phrase “child’s foster parent”.

21 **SECTION 89.** 48.981 (7) (a) 4m. of the statutes is renumbered 48.981 (7d) (dm)  
22 and amended to read: