AN ACT to repeal 48.981 (11) (d); and to create 48.981 (11) of the statutes;
relating to: model procedures for investigating reports of abuse or neglect involving children with disabilities.

Analysis by the Legislative Reference Bureau
This bill requires the Department of Children and Families, by January 1, 2017, to develop and implement a model procedure to be used in the investigation of reports of suspected or threatened abuse or neglect of a child with a disability. The bill requires the model procedure, at a minimum, to include all of the following:

1. A requirement that each county department of human services or social services, each licensed child welfare agency under contract with DCF or such a county department, or, in a county having a population of 500,000 or more, the subunit of DCF that conducts child abuse and neglect investigations (collectively, “agency”), on receipt of a report of suspected or threatened abuse or neglect, ask the reporter whether the child who is the subject of the report is a child with a disability.

2. Procedures for agencies to use to identify and address any specific categories of disabilities that a child with a disability reported to the agency may have.

3. Procedures to ensure that each agency is in compliance with the Americans with Disabilities Act. Those procedures must include reasonable modifications to the rules, policies, and practices of the agency, the removal of architectural, communication, and transportation barriers, and the provision of auxiliary aids and services as necessary to enable a person with a disability to receive the services or participate in the programs or activities provided by the agency.
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4. Interviewing strategies tailored to the investigation of abuse or neglect reports involving children with disabilities that include forensic interviewing strategies for interviewing those children, including children with communication issues.

5. Information on how to access collateral information regarding a child with a disability.

6. Information on how to access specialized follow-up services for children with disabilities.

7. A requirement that agencies collaborate with local law enforcement agencies in the investigation of reports of suspected or threatened abuse or neglect of children with disabilities.

8. Plans for the training of agency staff in the implementation of the model procedure.

The bill also requires each agency, by July 1, 2017, to adopt a procedure for the investigation of reports of suspected or threatened abuse or neglect of children with disabilities, which procedure may consist of the model procedure developed by DCF.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 48.981 (11) of the statutes is created to read:

48.981 (11) INVESTIGATIONS INVOLVING CHILDREN WITH DISABILITIES. (a) In this subsection, “child with a disability” means a child with a disability, as defined in s. 106.50 (1m) (g), including a child with a disability, as defined in s. 115.76 (5) (a).

(b) The department shall develop and implement a model procedure to be used in the investigation of reports of suspected or threatened abuse or neglect of a child with a disability. In developing that model procedure the department shall use an open public participation process that includes the input of representatives of law enforcement agencies and other stakeholders that the department considers appropriate. On completion of the model procedure, the department shall post the model procedure on its Internet site and distribute copies of the model procedure to
all agencies that conduct abuse and neglect investigations in this state. At a
minimum, the model procedure shall include all of the following:

1. A requirement that each agency, on receipt of a report of suspected or
threatened abuse or neglect, ask the reporter whether the child who is the subject
of the report is a child with a disability.

2. Procedures for agencies to use to identify and address any specific categories
of disabilities that a child with a disability reported to the agency may have.

3. Procedures to ensure that each agency is in compliance with Part A of Title
II of the Americans with Disabilities Act, 42 USC 12131 to 12134. Those procedures
shall include reasonable modifications to the rules, policies, and practices of the
agency, the removal of architectural, communication, and transportation barriers,
and the provision of auxiliary aids and services as necessary to enable a person with
a disability to receive the services or participate in the programs or activities
provided by the agency.

4. Interviewing strategies tailored to the investigation of abuse or neglect
reports involving children with disabilities that include forensic interviewing
strategies for interviewing those children, including children with communication
issues.

5. Information on how to access collateral information regarding a child with
a disability.

6. Information on how to access specialized follow-up services for children with
disabilities.

7. A requirement that agencies collaborate with local law enforcement agencies
in the investigation of reports of suspected or threatened abuse or neglect of children
with disabilities.
8. Plans for the training of agency staff in the implementation of the model procedure.

(c) Each agency that conducts abuse and neglect investigations in this state shall adopt a procedure for the investigation of reports of suspected or threatened abuse or neglect of children with disabilities. That procedure may consist of the model procedure developed under par. (b). An agency shall provide a copy of its procedure to all law enforcement agencies within the jurisdiction of the agency, as well as to any other person on request.

(d) The department shall develop and implement the model procedure under par. (b) by January 1, 2017. Each agency that conducts abuse and neglect investigations in this state shall adopt a procedure under par. (c) by July 1, 2017.

SECTION 2. 48.981 (11) (d) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 3. Effective dates. This act takes effect on the day after publication, except as follows:

(1) ABUSE OR NEGLECT INVESTIGATIONS INVOLVING CHILDREN WITH DISABILITIES. The repeal of section 48.981 (11) (d) of the statutes takes effect on July 1, 2017.