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State of Misconsin 1995 - 1996 LEGISLATURE

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ASSEMBLY AMENDMENT 5, TO 1995 SENATE BILL 501

March 21, 1996 - Offered by Representatives Albers and Morris-Tatum.

1 At the locations indicated, amend the bill as follows:

1. Page 97, line 12: after that line insert:

"Section 118m. 48.981 (4) of the statutes is amended to read:

48.981 (4) Immunity from liability. Any Subject to s. 895.033, any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, other than a proceeding under s. 895.033, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child."

- **2.** Page 98, line 10: before that line insert:
- **"Section 119m.** 48.981 (7) (a) 9m. of the statutes is created to read:
- 15 48.981 (7) (a) 9m. A court for purposes of a civil action under s. 895.033.".
 - **3.** Page 107, line 12: before that line insert:

"Section 146m. 895.033 of the statutes is created to read:

895.033 Injury caused by false child abuse or neglect report. (1) The parent, guardian or legal custodian of a child who is the subject of a report under s. 48.981 in which the allegations made in the report are false may bring an action in circuit court against the county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency under contract with the county department investigating the report for any expenses incurred by the parent, guardian or legal custodian as a result of the report. Those expenses may include, but are not limited to, any amounts expended by the parent, guardian or legal custodian for services provided under s. 48.981 (3) (c) 3. and for legal fees and any other expenses incurred as a result of the report.

(2) The identity of a child who is the subject of an action under this section and the identity of the child's parents, guardian and legal custodian shall be kept confidential and may not be disclosed, except to the court, the parties, their counsel, witnesses and other persons approved by the court. All papers filed in and all records of a court relating to an action under this section shall identify the child and his or her parents, guardian and legal custodian by initials only. All hearings relating to an action under this section shall be closed to the general public unless the child, parent, guardian or legal custodian demands a hearing in open court. If a public hearing is not held, only the parties, their counsel, witnesses and other persons requested by the court, or requested by a party and approved by the court, may be present.".

23 (END)