



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Senate Bill 326**

**Senate Substitute Amendment 1**

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### CURRENT LAW

Current law requires certain professionals who have reason to suspect that a child seen in the course of their professional duties has been or will be abused or neglected to report the suspected abuse or neglect either to law enforcement or to the county Department of Human Services or Social Services or, in Milwaukee County, the Department of Children and Families, or a licensed child welfare agency under contract with DCF (child welfare agency). Any other person who suspects a child has been or will be abused or neglected may report the suspected child abuse or neglect. When a child welfare agency receives a report of suspected sexual abuse of a child, the agency must refer the report to the sheriff or police department within 12 hours, exclusive of Saturdays, Sundays, or legal holidays. The sheriff or police department must coordinate the investigation of the report with the child welfare agency.

If the sheriff or police department determines criminal action is necessary, the sheriff or police department must refer the case to the district for prosecution. Current law requires each sheriff and police department to adopt a written policy specifying the kinds of reports of suspected or threatened child sexual abuse that the sheriff or police department will routinely refer to the district attorney for criminal prosecution.

### 2015 SENATE BILL 326

2015 Senate Bill 326 requires a child welfare agency to refer any report of suspected child abuse or neglect it receives to the sheriff or police department. The agency must refer the report within 12 hours, with no exclusion for Saturdays, Sundays, or legal holidays. The bill requires the sheriff or police department to coordinate the investigation of any report of suspected child abuse or neglect, and to adopt a policy specifying the kinds of reports of suspected or threatened

child abuse of any type the department will routinely refer to the district attorney for criminal prosecution.

### **SENATE SUBSTITUTE AMENDMENT 1**

Senate Substitute Amendment 1 to Senate Bill 326 requires a child welfare agency to refer all reports of suspected abuse or neglect to the sheriff or police department as follows:

- Reports of suspected sexual abuse of a child must be referred within 12 hours after receiving the report, with no exclusion for Saturdays, Sundays, or legal holidays.
- Reports of all other types of suspected child abuse or neglect must be referred within 24 hours (with no exclusions) if the agency determines there is reason to suspect abuse or neglect has or will occur.
- Reports of all other types of suspected child abuse or neglect must be referred within 48 hours (with no exclusions) if the agency determines there is no reason to suspect abuse or neglect has or will occur.

Under the substitute amendment, the sheriff or police department must coordinate their response to each report with the child welfare agency. The substitute amendment also requires each sheriff and police department to adopt a written policy specifying the kinds of reports of suspected or threatened child sexual abuse that the sheriff or police department will routinely refer to the district attorney for criminal prosecution.

### **BILL HISTORY**

Senate Substitute Amendment 1 to Senate Bill 326 was offered by Senator Cowles on December 14, 2015. On December 18, 2015, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Substitute Amendment 1 and passage of Senate Bill 326, both on votes of Ayes, 3; Noes, 1.

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