



Legislative Council Study Committee Reporting of Child Abuse and Neglect



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Structure of Child Protective Services In Wisconsin

- Child Protective Services (CPS) is a key component of Wisconsin's Child Welfare System. Its purpose is to protect the health, safety, and welfare of children by encouraging the reporting of suspected child abuse and neglect.
- CPS agencies are responsible for identifying and addressing conditions affecting child safety in the home. In Wisconsin, this responsibility is met through a state-supervised, county-administered system, with the exception of Milwaukee County.
- The Department directly operates child welfare services in Milwaukee County through the Bureau of Milwaukee Child Welfare (BMCW).
- Alleged child maltreatment is reported to 71 county social or human services departments in the state and to BMCW.
- Alleged child maltreatment involving tribal children is also reported to county CPS agencies.

Child Abuse and Neglect



Wisconsin State Statutes define child abuse and neglect. These definitions provide the basis for persons to report suspected child maltreatment and guide county agencies in their response.

The terms “child maltreatment” and “child abuse and/or neglect” have the same meaning and can be used interchangeably.

Child Abuse and Neglect: Definitions

- **Neglect**: Defined as “failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, 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 the child.” [Ref. s. 48.981(1)(d), Stats.]
- **Physical Abuse**: Defined as “physical injury inflicted on a child by other than accidental means.” [Ref. s. 48.02(1)(a), Stats.] “Physical injury includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm, as defined in s. 939.22(14).”[Ref. s. 48.02(14g), Stats.]
- **Emotional Abuse**: Defined as “emotional damage for which the child’s parent, guardian or legal custodian has neglected, refused or is unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.” [Ref. s. 48.02(1)(gm), Stats.]

Child Abuse and Neglect: Definitions

- **Sexual Abuse**: Defined by cross-referencing several crimes in the Wisconsin Criminal Code. In summary, sexual abuse includes, but is not limited to, the following:
 - Sexual intercourse or sexual contact with a child 15 years of age or less; [Ref. s. 940.225, Stats., Sexual assault., s. 948.02, Stats., Sexual assault of a child.]
 - Sexual intercourse or sexual contact with a 16 or 17 year old child without his or her consent; [Ref. s. 940.225. Stats., Sexual assault., s. 948.02 Stats., Sexual assault of a child.]
 - Inducement of a child to engage in sexually explicit conduct in order to videotape, photograph, etc., that child or videotaping, photographing, etc., a child for such purposes, or producing, distributing, selling or otherwise profiting from such videotape, photograph, etc.; [Ref. s. 948.05, Stats., Sexual exploitation of a child.]

Child Abuse and Neglect: Definitions

- Encouragement by or permission of a person responsible for a child's welfare for a child to engage in sexually explicit conduct for the purpose of videotaping, photographing, etc.; [Ref. s. 948.05, Stats., Sexual exploitation of a child.] [Ref. s. 48.02(1)(a), Stats.]
- Causing a child to view or listen to sexual activity; [Ref, s. 948.05, Stats.], Sexual exploitation of a child; [Ref. s. 948.05, Stats.]
Causing a child to view or listen to sexual activity. [Ref. s. 48.02(1)(a), Stats.]
- Exposing genitals to a child; or permitting or encouraging a child to engage in prostitution. [Ref. s. 944.30, Stats., Prostitution., Ref. s. 948.10., Exposing genitals or pubic area. [Ref. s. 48.02(1)(a), Stats.]

Wisconsin Statute 48.981: Mandated Reporters



“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...”

Mandated Reporters: Examples

- Physician, Coroner, Medical Examiner, Nurse, Dentist, Chiropractor, Optometrist
- Mental Health Professional, Social Worker, Therapist, Counselor, Public Assistance Worker
- School Teacher, Administrator, Counselor, All School Employees (including bus drivers, maintenance staff, clerical staff, coaches, etc), Child Care Professionals
- Physical/Occupational/Speech Therapist, Dietician, Audiologist
- First Responders, Law Enforcement

Mandated Reporting: Legislative History

- 1929: Because Wisconsin state law did not forbid importation or exportation of children, advocates promulgated The Children's Code, 48.42.
- 1960s: Nationally, child abuse/neglect reporting requirements emerged in response to heightened public concern about physical abuse to children.
- 1967: All states adopted child abuse statutes; The federal government passed the Child Abuse Prevention and Treatment Act (CAPTA) which "set the standard for state mandatory reporting laws".
- 1967-1977: 48 states enacted statutes identifying persons required to report child maltreatment and designated professions whose members are mandated by law to report.
- 1977: Wisconsin Children's Code was revised to promote enforcement of laws protecting developmentally disabled children, delinquent children, children in need of protection, and children born out of wedlock, and to act in the best interests of those children in cooperation with child welfare agencies and delinquency services.

Mandated Reporting: Legislative History Continued

- 1983: Wisconsin Act 172 was an expansion of allied health providers as mandatory reporters.
- 2005: Wisconsin Act 232 eliminated the requirement that CPS agencies complete a CPS initial assessment in situations where the alleged maltreater is not a “caregiver” as defined in s. 48.981 (1)(am), Stats.
- 2011: Wisconsin Act 81 extends the requirement to report suspected child abuse or neglect to any school employee.
- 2011: Governor Walker signed Executive Order #54 to expand mandatory reporting requirements of child abuse and neglect to include all University of Wisconsin System (UWS) professors, administrators, coaches, and employees.

Mandated Reporting: Wisconsin Statutes

- Wisconsin State Statutes (s.48.981(8)), requires the Department of Children and Families, Bureau of Milwaukee Child Welfare and county departments, to the extent feasible, to provide continuing education and training for a range of professionals in the child welfare field, including persons and officials required to report, the general public, and others as appropriate.
- State law directs the training to cover the encouragement of reporting child abuse and neglect and of unborn child abuse; encouragement of self-reporting; voluntary acceptance of services; and to improve communication, cooperation and coordination in the identification, prevention and treatment of child abuse and neglect of unborn child abuse.

Training for Mandated Reporters

Two methods are utilized to deliver training to mandated reporters:

- **Group Training:** facilitated by a trainer with group participation and hand delivered materials.
- **On-line training:** participants are able to access the material and complete the training at their own pace through self-directed, independent learning.

Training for Mandated Reporters

Suspected Child Abuse and Neglect – Mandated Reporter Training (SCAN-MT) consists of an online curriculum and materials for use in training mandated reporters on child abuse and neglect. Topics covered in the training are:

- Scope of the problem of child abuse and neglect (nationally and statewide);
- Long-term consequences of abuse and neglect;
- Different types of abuse and neglect including definitions, examples and signs;
- Wisconsin reporting law and what the law requires;
- How to respond when a child discloses abuse and/or neglect;
- When, how, and what to report;
- The role of child protective services;
- Risk factors related to child maltreatment;
- The process of child protective services assessment; and
- Prevention of child maltreatment.

Referrals by Reporter Type:

Referrals (Screened-in and Screened out) by Reporter's Relationship to the Alleged Child Victim, 2010

| Reporter | Count of Referrals | Percent of Total Referrals |
|---------------------------------|--------------------|----------------------------|
| Educational Personnel | 10,183 | 16% |
| Legal/Law Enforcement | 9,809 | 16% |
| Social Service Worker | 9,305 | 15% |
| Parent of Child Victim | 6,905 | 11% |
| Anonymous/Not Documented | 5,729 | 9% |
| Mental Health Professional | 4,385 | 7% |
| Relative | 4,308 | 7% |
| Other | 4,017 | 7% |
| Medical Personnel | 3,175 | 5% |
| Neighbor/Friend | 2,444 | 4% |
| Child Care Provider | 809 | 1% |
| Other Caregiver of Child Victim | 404 | 1% |
| Child Victim | 265 | < 1% |
| Maltreater | 25 | < 1% |
| State Total | 61,763 | 100% |

Overview of Child Protective Services Process

Child Protective Services (CPS) Access:

- Agency receives a referral from reporter.
- Agency determines if allegation constitutes an allegation of threatened harm as defined by Wisconsin statutes.
- When allegations constitute threatened harm, the report moves to next stage in process.
- Reports containing information not meeting the criteria as defined in statute are screened out.

Child Protective Services Process Continued

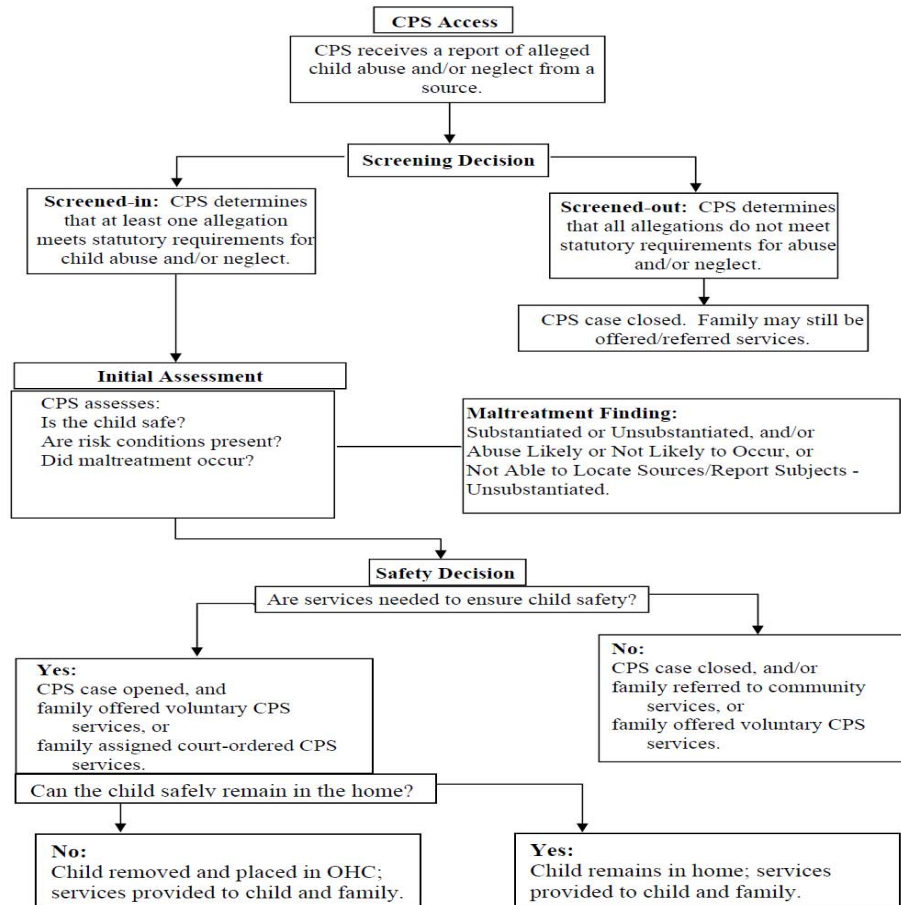
CPS Initial Assessment:

- Agency designates response time (from immediate response to five days) by which face-to-face contact with the child/family must occur.
- Interviews with child, family, other individuals close to family are completed.
- Information gathered is used to determine whether abuse occurred and to make safety determinations.

CPS Process for Traditional Response

APPENDIX C

An Overview of the CPS Process for Traditional Response Case:



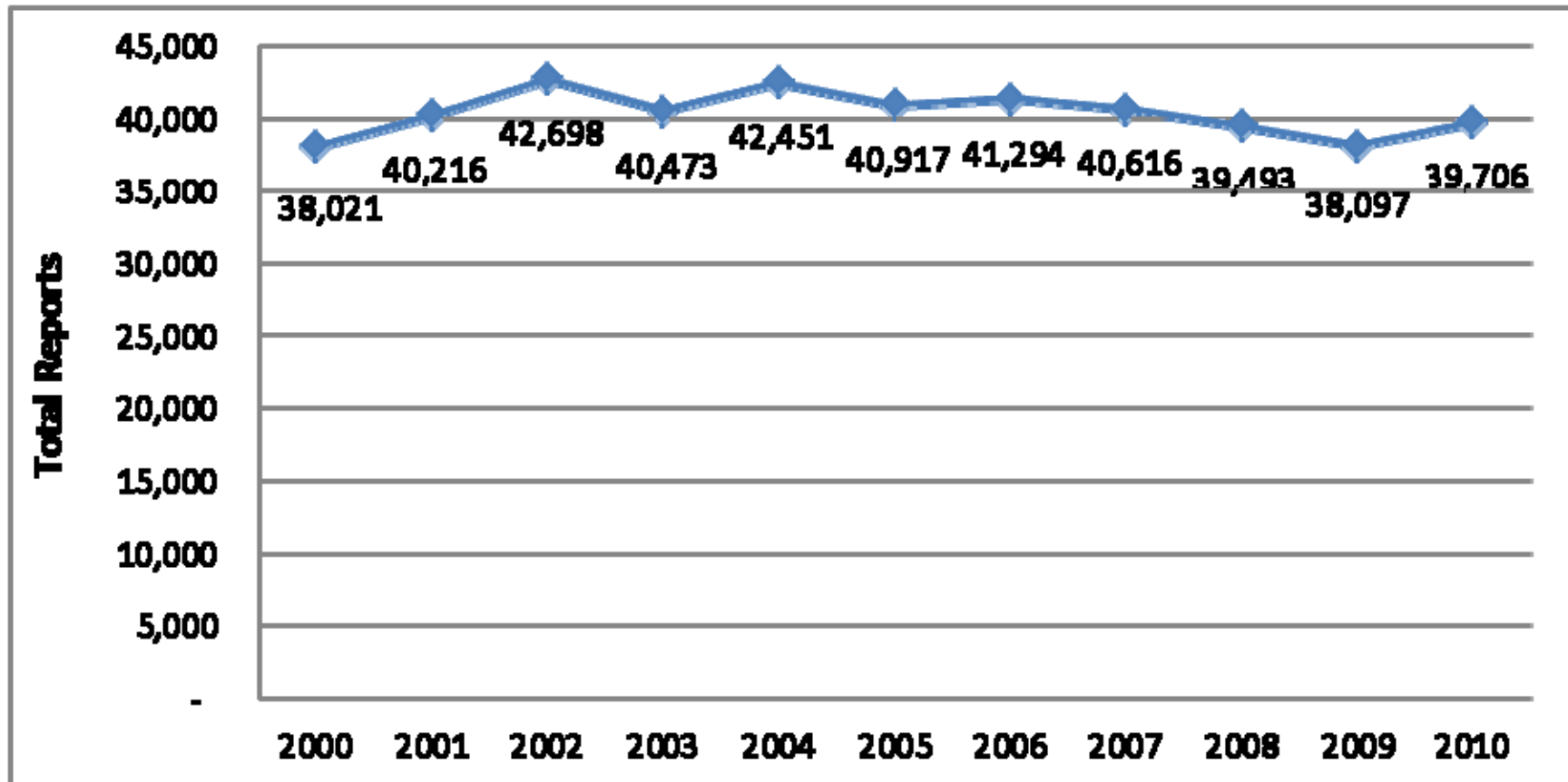
Screen-In Rate Data

Statewide Referrals and Screening Decisions, 2010

| | Number of Referrals | Screened- out Referrals | Percent Screened- out | Screened- in Referrals | Percent Screened- in |
|-------------------------------|---------------------------|-------------------------------|-----------------------------|------------------------------|----------------------------|
| <i>State Total</i> | 61,763 | 35,469 | 57% | 26,294 | 43% |
| | | | | | |

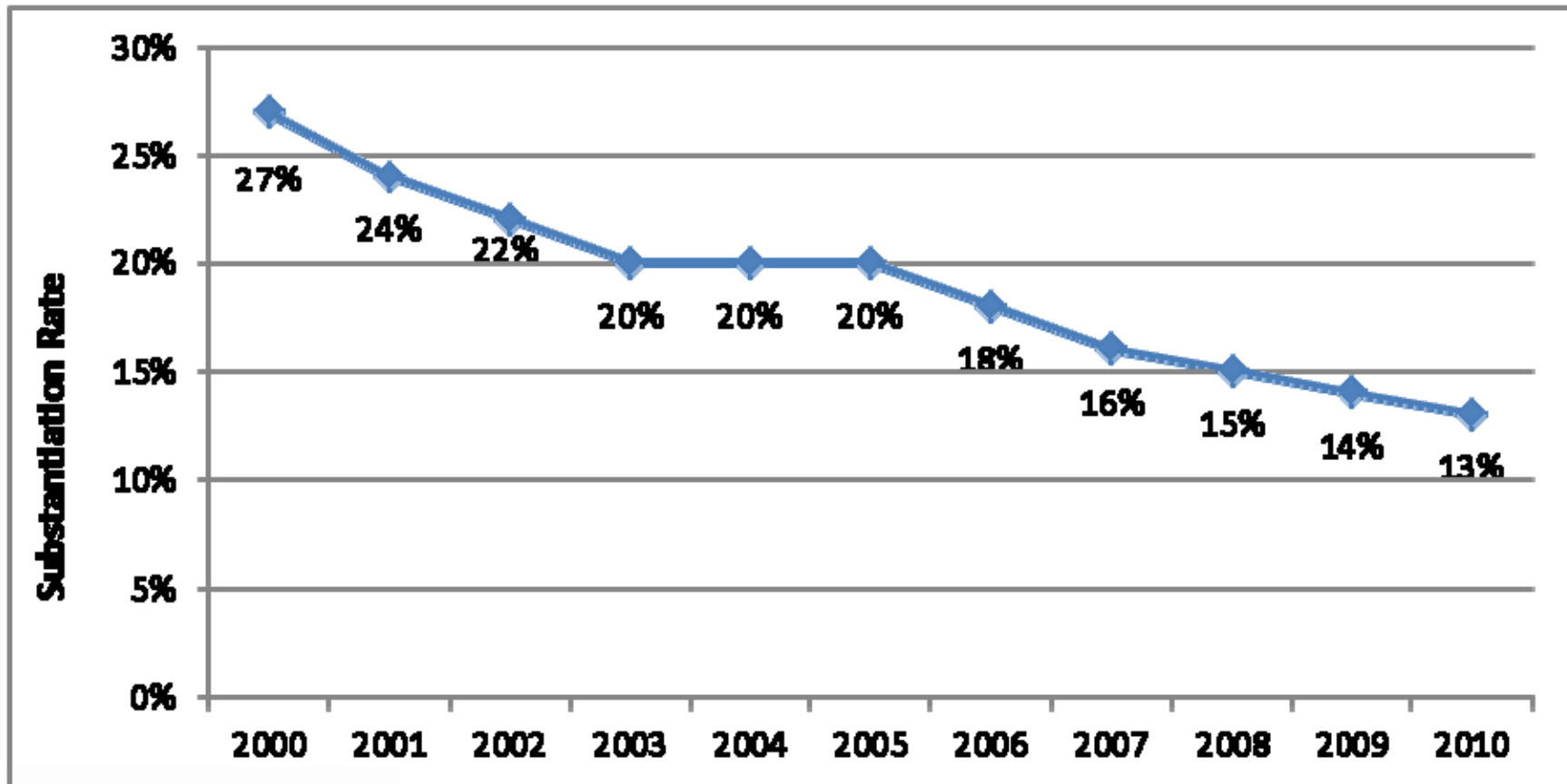
Volume of Referrals

Total Number of CPS Reports Statewide



Wisconsin Substantiation Rates

Statewide Substantiation Rates by Year



Child Protective Services & Law Enforcement

Wisconsin Statute 48.981(3) establishes reciprocal communication requirements for counties and law enforcement:

“Except as provided in sub. (3m), a county department, the department, or a licensed child welfare agency under contract with the department shall, within 12 hours...refer to the sheriff or police department all cases of suspected or threatened abuse...”

“If the report is of suspected or threatened abuse, the sheriff or police department and the department shall coordinate the planning and execution of the investigation of the report...”

Child Protective Services & Law Enforcement

The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department all of the following types of cases reported to the sheriff or police department:

- Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child;
- Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child;
- Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child; and
- Cases in which there is reason to suspect that an unborn child has been abused, or there is reason to believe that an unborn child is at substantial risk of abuse.

Current Division Initiative

Revisions to Child Protective Services Access and Initial Assessment Standards will include information and changes intended to improve reporting quality and consistency. The policy, scheduled for issuance in January 2013, promotes:

- Consistent interpretation and application of reporting policy/procedure, leading to improved safety outcomes for Wisconsin children.
- Clarity of reporting requirements, strengthening public's knowledge of where, when, and how to report child abuse or neglect.

Statutory Change: Fetal Alcohol Syndrome (FAS)

- Reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) requires health care providers to notify Child Protective Services (CPS) systems of infants born and identified with Fetal Alcohol Spectrum Disorder.
- Currently, Wisconsin section 146.0255(2), Stats., requires health care providers to report to Child Protective Services [Ref. s. 46.238, Stats.] an infant affected by controlled substances or controlled substances analogs.
- To address the federal requirement, Wisconsin Statutes must be amended to include infants born and identified with Fetal Alcohol Spectrum Disorder.

Wisconsin's Child Protective Services



The Department of Children & Families is committed to promoting the well being of children in their home settings wherever possible, or in another safe and stable environment.

Comments and questions are welcomed.

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