

AH:jal;

11/27/2012

1 **AN ACT** *to renumber* 48.981 (2) (a); and *to create* 48.981 (2) (ag) (intro.), 1. and 2. of
2 the statutes; **relating to:** definitions of physical injury and neglect for purposes of
3 mandated reporting of child abuse and neglect.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Reporting of Child Abuse and Child Neglect. It amends certain definitions for purposes of the mandated reporting of child abuse and child neglect.

Definition of "Physical Injury"

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 draft removes the words "severe or frequent" from the phrase "severe or frequent bruising" within the definition of "physical injury".

Definition of "Neglect"

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 draft removes the phrase "for reasons other than poverty" from the definition of "neglect".

4 **SECTION 1.** 48.981 (2) (a) of the statutes is renumbered 48.981 (2) (ar).

5 **SECTION 2.** 48.981 (2) (ag) (intro.), 1. and 2. of the statutes are created to read:

6 48.981 (2) (ag) As used in this subsection:

1 1. “Abuse” has the meaning given in s. 48.02 (1), except that “physical injury”, as used
2 in that definition, includes but is not limited to lacerations, fractured bones, burns, internal
3 injuries, bruising, or great bodily harm, as defined in s. 939.22 (14).

4 2. “Neglect” means failure, refusal, or inability on the part of a caregiver to provide
5 necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger
6 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.

COMMENT: This SECTION creates unique definitions of “abuse” and “neglect” for purposes of the mandated reporting of child abuse and neglect. Reporting would be mandated in more circumstances as a result of the changes. However, the definitions created under the bill draft do not apply to county agencies’ evaluations and procedures after a report is made. Do the changes reflect the committee’s intent?

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(END)