



2013 SENATE BILL 18

February 13, 2013 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to
Committee on Health and Human Services.

1 **AN ACT** *to repeal* 48.981 (2) (a) 15., 16. and 16m., 48.981 (3) (bm) 1. to 3., 48.981
2 (3) (c) 9., 48.981 (3m) (d), 48.981 (7) (a) 2r., 48.981 (7) (a) 10g., 48.981 (7) (a) 10j.
3 and 48.981 (7) (a) 10r.; *to renumber* 48.981 (1) (ct), 48.981 (1) (cv), 48.981 (1)
4 (cx), 48.981 (1) (i), 48.981 (2) (a) 17. to 29., 48.981 (3) (a) 2. a. to d., 48.981 (3)
5 (b), 48.981 (3) (c) 2., 48.981 (3) (c) 2m., 48.981 (3) (c) 5., 48.981 (7) (a) 1., 48.981
6 (7) (a) 2., 48.981 (7) (a) 3., 48.981 (7) (a) 3m., 48.981 (7) (a) 4p., 48.981 (7) (a) 9.,
7 48.981 (7) (a) 11r., 48.981 (7) (a) 12., 48.981 (7) (a) 14m., 48.981 (7) (a) 15g.,
8 48.981 (7) (cr) 1. a. and b., 48.981 (7) (cr) 2. a. to f., 48.981 (7) (cr) 4. a. to d., 48.981
9 (7) (cr) 4. f. and g., 48.981 (7) (cr) 5. a. to d., 48.981 (7) (cr) 5. f., 48.981 (7) (cr)
10 6. a. to e. and 48.981 (7) (cr) 7. a. and b.; *to renumber and amend* 48.981 (1)
11 (b), 48.981 (2) (a) (intro.) and 1. to 14., 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.),
12 48.981 (3) (a) 2d., 48.981 (3) (a) 2g., 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3)
13 (bm) (intro.), 48.981 (3) (c) (title), 48.981 (3) (c) 1. a., 48.981 (3) (c) 1. b., 48.981
14 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5r., 48.981 (3) (c) 6.,

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1 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (cm), 48.981 (3)
2 (d), 48.981 (7) (a) (intro.), 48.981 (7) (a) 1m., 48.981 (7) (a) 2m., 48.981 (7) (a) 4.,
3 48.981 (7) (a) 4m., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981
4 (7) (a) 8., 48.981 (7) (a) 8m., 48.981 (7) (a) 8s., 48.981 (7) (a) 10., 48.981 (7) (a)
5 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981 (7) (a) 13., 48.981 (7) (a) 14.,
6 48.981 (7) (a) 15., 48.981 (7) (a) 15m., 48.981 (7) (a) 17., 48.981 (7) (am), 48.981
7 (7) (b), 48.981 (7) (c), 48.981 (7) (cm), 48.981 (7) (cr) 1. (intro.), 48.981 (7) (cr) 2.
8 (intro.), 48.981 (7) (cr) 3., 48.981 (7) (cr) 4. (intro.), 48.981 (7) (cr) 4. e., 48.981
9 (7) (cr) 5. (intro.), 48.981 (7) (cr) 5. e., 48.981 (7) (cr) 6. (intro.), 48.981 (7) (cr) 7.
10 (intro.), 48.981 (7) (cr) 8., 48.981 (7) (cr) 9., 48.981 (7) (d), 48.981 (7) (dm), 48.981
11 (7) (e), 48.981 (7) (f) and 48.981 (10); **to consolidate, renumber and amend**
12 48.981 (2) (bm) 1. (intro.), a. and b. and 48.981 (2) (bm) 2. (intro.), a. and b.; **to**
13 **amend** 48.236 (4) (a), 48.24 (5), 48.685 (4m) (a) 4., 48.685 (4m) (b) 4., 48.981 (1)
14 (ag), 48.981 (2) (b), 48.981 (2) (bm) 3., 48.981 (2) (c), 48.981 (2) (d), 48.981 (2r),
15 48.981 (3) (title), 48.981 (3m) (b) 1., 48.981 (3m) (c) (intro.), 48.981 (3m) (c) 1.,
16 48.981 (3m) (c) 2. b., 48.981 (3m) (c) 3., 48.981 (5), 48.981 (8) (a), 48.981 (8) (b),
17 48.981 (8) (c), 48.981 (9) (b) 1., 48.981 (9) (b) 2., 50.065 (4m) (a) 4., 50.065 (4m)
18 (b) 4., 51.30 (4) (b) 17., 118.07 (5), 146.82 (2) (a) 11. and 18m., 165.85 (4) (b) 1.,
19 440.88 (3) (a) (intro.), 441.04, 446.02 (2) (a) 1., 448.05 (2), 457.09 (5) (d), 767.405
20 (4), 895.442 (1) (a), 895.442 (5), 905.06 (4) and 948.03 (6); and **to create** 48.47
21 (9), 48.67 (2m), 48.981 (1) (bm), 48.981 (2) (ag), 48.981 (2) (ar) 16r., 30. and 31.,
22 48.981 (2) (bm) (title), 48.981 (2) (bm) 1d., 48.981 (2m) (a) (title), 48.981 (2m)
23 (b) (title), 48.981 (2m) (c) (title), 48.981 (2m) (d) (title), 48.981 (2m) (e) (title),
24 48.981 (2s), 48.981 (3d) (a) (title), 48.981 (3d) (b) (title), 48.981 (3d) (bm) (title),
25 48.981 (3d) (c) (title), 48.981 (3f) (title) and (a) (intro.), 48.981 (3g) (a) (title),

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1 48.981 (3g) (b) (title), 48.981 (3g) (bm) (title), 48.981 (3g) (h) (title), 48.981 (3m)
2 (a) (title), 48.981 (3m) (b) (title), 48.981 (7d) (intro.), 48.981 (7d) (a) (title),
3 48.981 (7d) (b) (title), 48.981 (7d) (c) (title), 48.981 (7d) (cm) (title), 48.981 (7d)
4 (dp) (title), 48.981 (7d) (hm) (title), 48.981 (7d) (i) (title), 48.981 (7d) (Lr) (title),
5 48.981 (7d) (m) (title), 48.981 (7d) (om) (title), 48.981 (7d) (pg) (title), 48.981 (7g)
6 (intro.), 48.981 (7m) (title), 48.981 (7r) (title), 48.981 (8) (d) (title), 118.19 (15),
7 256.15 (6) (a) 2m., 256.15 (8) (b) 4., 301.068 (5m), 440.88 (3) (bm), 447.04 (1) (a)
8 5s., 448.05 (5) (a) 3., 448.53 (1) (dm), 448.535 (1) (f), 448.78 (4m), 448.963 (2)
9 (bm), 449.05 (3m), 451.04 (2) (dm), 455.04 (1) (dm), 455.04 (4) (dm), 457.08 (1)
10 (bm), 457.10 (3m), 457.12 (3m), 459.24 (2) (g) and 459.24 (3) (g) of the statutes;
11 **relating to:** recodification of the child abuse and neglect reporting law; making
12 probation agents, parole agents, and certain employees, contractors, and
13 volunteers of schools and institutions of higher education mandated reporters
14 of child abuse and neglect; requiring training for certain mandated reporters
15 of child abuse and neglect; definitions of physical injury and neglect for
16 purposes of mandated reporting of child abuse and neglect; requiring child
17 protective service agencies to notify tribal agents of reports of suspected child
18 abuse or neglect; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Reporting of Child Abuse and Child Neglect.

Recodification of s. 48.981, stats.

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The bill makes the following changes to recodify s. 48.981, stats., the child abuse and neglect reporting law:

- Throughout s. 48.981, stats., reorganizes provisions to break large paragraphs into separate paragraphs, adds titles to various provisions, consolidates provisions with duplicative language, and updates language to clarify meaning.

- Amends the definition of “agency” to provide that, for purposes of performing the duties specified in certain provisions of s. 48.981, stats., “agency” includes a licensed child welfare agency under contract with a county department of human services or social services (county department) to perform investigations, in order to facilitate the use of the definition throughout the section.

- Renumbers definitions for “community placement,” “Indian unborn child,” and “member of the clergy” to place them in the single paragraphs in which they appear within the section.

- In s. 48.981 (2) (bm), stats., creates a definition of “abuse” by cross-reference so that the word “abuse” may be used throughout the paragraph without repeated references to its definition.

- In provisions authorizing any person to report suspected abuse or neglect of children and unborn children, removes the clause “including an attorney,” from the phrases “any person not otherwise specified, including an attorney,” and “any person, not including an attorney,” to reduce redundancy.

- Amends the authority for interviewing children in the absence of consent to account for a ruling of the U.S. Court of Appeals for the Seventh Circuit and other federal cases.

- Updates cross-references in s. 146.82 (2), stats., regarding the release of certain medical information, to account for a change in federal law.

Persons Mandated to Report

Current law requires certain professionals to report suspected abuse and neglect of children and unborn children. A person who is mandated to report must do so if he or she has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur. Mandated reporters are subject to criminal penalties if they fail to report.

Under current law, all school employees are required to report suspected child abuse or neglect. In addition to generally requiring all school employees to report suspected abuse or neglect, current law also specifies that school teachers, school administrators, and school counselors are mandated reporters.

The bill makes the following changes to the categories of mandated reporters:

- Adds probation agents and parole agents to the list of professionals who are mandated to report suspected abuse or neglect.

- With respect to school personnel, amends the current requirement that all school employees report suspected abuse or neglect to apply the reporting requirement to school employees, volunteers, and contractors who work directly with children for at least 40 hours in a school year.

- Exempts from the obligation to report: 1) school board members; 2) children; and 3) students who have not yet graduated from high school.

- Deletes the provisions referring specifically to school teachers, administrators, and counselors because these professionals are covered under the provision requiring certain school employees, volunteers, and contractors to report.

- Adds to the list of persons required to report suspected child abuse or neglect employees, volunteers, and contractors of an institution of higher education, other than children, who have regular, ongoing contact with children, other than matriculated students, in a professional or primary setting.

Training of Certain Mandated Reporters

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Under current law, the Department of Public Instruction is required to develop and conduct training programs for specified school employees who are mandated reporters of suspected child abuse and child neglect. Current law does not otherwise require training to be provided to mandated reporters, nor does it impose any training requirements on mandated reporters.

The bill creates a training requirement for certain mandated reporters who are required to report suspected child abuse and neglect because of their membership in a profession for which state licensure or certification is required, or for which employment, registration, appointment, or assignment is subject to statutory qualifications. Specifically, the bill requires the following professionals to complete an approved training course as a condition for their initial licensure, certification, employment, appointment, or assignment:

- Child care center licensees.
- Certain employees of child care centers, group homes, and residential care centers for children and youth.
- Teachers.
- School administrators and school district administrators.
- Law enforcement officers.
- Emergency medical technicians.
- First responders.
- Substance abuse counselors.
- Registered nurses.
- Chiropractors.
- Dentists.
- Physicians.
- Physician assistants.
- Physical therapists.
- Physical therapist assistants.
- Dietitians.
- Occupational therapists.
- Optometrists.
- Acupuncturists.
- Psychologists.
- Private practice school psychologists.
- Social workers.
- Marriage and family therapists.
- Professional counselors.
- Speech-language pathologists.
- Audiologists.
- Family court mediators.
- Probation and parole officers.

The bill requires the Department of Children and Families (DCF) to approve training courses for mandated reporters and directs DCF to promulgate rules setting forth the criteria required for such training courses. The bill authorizes DCF to approve training courses provided by individuals, organizations, or institutions of higher education. In addition, the bill requires the rules promulgated by DCF to specify the required content of an approved training course and the qualifications required for the providers of such training.

With the exception of the rule-making requirements, the training requirements take effect on the first day of 3rd year beginning after publication.

Definitions of "Physical Injury" and "Neglect"

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,

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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 removes the words “severe or frequent” from the phrase “severe or frequent bruising” within the definition of “physical injury.” For purposes of *investigating* a report of child abuse, however, the bill does not remove those words from that phrase.

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 removes the phrase “for reasons other than poverty” from the definition of “neglect.” For purposes of *investigating* a report of child neglect, however, the bill does not remove that phrase from that definition.

Tribal Notification Requirements

Under current law, a county that has a federally recognized Indian reservation or a Bureau of Indian Affairs (BIA) service area for the Ho-Chunk Nation wholly or partially within its boundaries must notify a tribal agent when it receives a report of suspected child abuse or neglect and it knows or has reason to know the child is an Indian child or an Indian unborn child. If the county knows which Indian tribe the child is affiliated with or with which Indian tribe the unborn child may, when born, be eligible for affiliation, it must notify the tribal agent of that tribe. If the county does not know the tribal affiliation of the child or unborn child, it must notify the tribal agent serving the reservation or Ho-Chunk service area where the child or expectant mother resides. If the county does not know the child or unborn child’s tribal affiliation and the child or the unborn child’s expectant mother does not live on a reservation or in a Ho-Chunk service area, the county must notify any tribal agent serving a reservation or Ho-Chunk service area in the county. A county that does not have a federally recognized Indian reservation or a BIA service area for the Ho-Chunk Nation within its boundaries is not required, under current law, to notify a tribe that it received a report of suspected child abuse or neglect pertaining to a child it knows or has reason to know is an Indian child or Indian unborn child.

The bill makes the following changes to the requirement that a county department notify a tribal agent when it receives a report of suspected child abuse or neglect pertaining to a child or unborn child whom the county department knows or has reason to know is an Indian child or is an Indian unborn child:

- Applies the notification requirement to child protective agencies in all counties of the state.
- Eliminates the requirement that an agency notify a tribal agent when the agency does not know the tribe with which the child is affiliated or the tribe with which the unborn child may, when born, be eligible for affiliation.
- Eliminates restrictions on the type of information that an agency may provide to a tribal agent, and specifies that additional information may be provided as allowed by law.
- Specifies that notice to a tribe of a report of suspected child abuse or neglect does not constitute notice for any other purpose.

1 **SECTION 1.** 48.236 (4) (a) of the statutes is amended to read:
 2 48.236 (4) (a) Inspect any reports and records relating to the child who is the
 3 subject of the proceeding, the child’s family, and any other person residing in the
 4 same home as the child that are relevant to the subject matter of the proceeding,

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1 including records discoverable under s. 48.293, examination reports under s. 48.295
2 (2), law enforcement reports and records under ss. 48.396 (1) and 938.396 (1) (a),
3 court records under ss. 48.396 (2) (a) and 938.396 (2), social welfare agency records
4 under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under
5 s. 48.981 (7) ~~(a)~~ 11r. (7d) (Lr), and pupil records under s. 118.125 (2) (L). The order
6 shall also require the custodian of any report or record specified in this paragraph
7 to permit the court-appointed special advocate to inspect the report or record on
8 presentation by the court-appointed special advocate of a copy of the order. A
9 court-appointed special advocate that obtains access to a report or record described
10 in this paragraph shall keep the information contained in the report or record
11 confidential and may disclose that information only to the court. If a
12 court-appointed special advocate discloses any information to the court under this
13 paragraph, the court-appointed special advocate shall also disclose that information
14 to all parties to the proceeding. If a court-appointed special advocate discloses
15 information in violation of the confidentiality requirement specified in this
16 paragraph, the court-appointed special advocate is liable to any person damaged as
17 a result of that disclosure for such damages as may be proved and, notwithstanding
18 s. 814.04 (1), for such costs and reasonable actual attorney fees as may be incurred
19 by the person damaged.

20 **SECTION 2.** 48.24 (5) of the statutes is amended to read:

21 48.24 (5) The intake worker shall request that a petition be filed, enter into an
22 informal disposition, or close the case within 60 days after receipt of referral
23 information. If the referral information is a report received by a county department
24 or, in a county having a population of 500,000 or more, the department or a licensed
25 child welfare agency under contract with the department under s. 48.981 (3) (a) ~~1~~,

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1 ~~2., or 2d., (bg), or (bp)~~ that 60-day period shall begin on the day on which the report
2 is received by the county department, department, or licensed child welfare agency.
3 If the case is closed or an informal disposition is entered into, the district attorney,
4 corporation counsel, or other official under s. 48.09 shall receive written notice of that
5 action. If a law enforcement officer has made a recommendation concerning the
6 child, or the unborn child and the expectant mother of the unborn child, the intake
7 worker shall forward this recommendation to the district attorney, corporation
8 counsel, or other official under s. 48.09. If a petition is filed, the petition may include
9 information received more than 60 days before filing the petition to establish a
10 condition or pattern which, together with information received within the 60-day
11 period, provides a basis for conferring jurisdiction on the court. The court shall grant
12 appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not
13 referred or filed within the time periods specified in this subsection. Failure to object
14 to the fact that a petition is not requested within the time period specified in this
15 subsection waives any challenge to the court's competency to act on the petition.

16 **SECTION 3.** 48.47 (9) of the statutes is created to read:

17 48.47 (9) TRAINING FOR REPORTERS OF CHILD ABUSE AND NEGLECT. Approve
18 training courses provided by individuals, organizations, or institutions of higher
19 education for persons for whom the completion of a training course, as described in
20 s. 48.981 (2s), is required as a condition of licensure, certification, employment,
21 appointment, or assignment.

NOTE: Adds the approval of training courses for mandated reporters to DCF's
duties.

22 **SECTION 4.** 48.67 (2m) of the statutes is created to read:

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1 48.67 **(2m)** (a) That all child care center licensees and all employees of a child
2 care center who provide care and supervision for children complete a training course
3 approved under s. 48.47 (9) before the date on which an initial license is issued or the
4 employment commences, whichever is applicable.

5 (b) That all staff members of a group home who provide care for children in the
6 group home complete a training course approved under s. 48.47 (9) prior to
7 employment in the group home.

8 (c) That all staff members of a residential care center for children and youth
9 who provide care and supervision for children complete a training course approved
10 under s. 48.47 (9) prior to employment in the residential care center.

NOTE: Requires DCF rules to require licensees and employees of child care centers who provide care and supervision for children; employees of group homes who provide care for children; and employees of residential care centers for children and youth who provide care and supervision for children to complete an approved mandated reporter training course prior to the date on which the license is issued or the employment begins.

11 **SECTION 5.** 48.685 (4m) (a) 4. of the statutes is amended to read:

12 48.685 **(4m)** (a) 4. That a determination has been made under s. 48.981 ~~(3)(e)~~
13 4. (3g) (d) that the person has abused or neglected a child.

14 **SECTION 6.** 48.685 (4m) (b) 4. of the statutes is amended to read:

15 48.685 **(4m)** (b) 4. That a determination has been made under s. 48.981 ~~(3)(e)~~
16 4. (3g) (d) that the person has abused or neglected a child.

17 **SECTION 7.** 48.981 (1) (ag) of the statutes is amended to read:

18 48.981 **(1)** (ag) "Agency" means a county department, the department in a
19 county having a population of 500,000 or more, or a licensed child welfare agency
20 under contract with ~~a county department or~~ the department in a county having a
21 population of 500,000 or more to perform investigations under this section. For
22 purposes of performing the duties specified in subs. (3g) (a), (b) 2., (bm) 2., (f), (fm),

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1 and (h) 1., 2., and 3. and for purposes of confidentiality of reports and records under
2 sub. (7) to (7m), “agency” also includes a licensed child welfare agency under contract
3 with a county department to perform investigations under this section.

NOTE: Amends the definition of “agency” to include child welfare agencies under contract with county departments only for purposes of specified provisions to enable the use of the definition throughout s. 48.981, stats.

4 **SECTION 8.** 48.981 (1) (b) of the statutes is renumbered 48.981 (7d) (hm) 1. and
5 amended to read:

6 48.981 (7d) (hm) 1. Community In this paragraph, “community placement”
7 means probation; extended supervision; parole; aftercare; conditional transfer into
8 the community under s. 51.35 (1); conditional transfer or discharge under s. 51.37
9 (9); placement in a Type 2 residential care center for children and youth or a Type 2
10 juvenile correctional facility authorized under s. 938.539 (5); conditional release
11 under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the
12 community residential confinement program under s. 301.046, the intensive
13 sanctions program under s. 301.048, the corrective sanctions program under s.
14 938.533, the intensive supervision program under s. 938.534, or the serious juvenile
15 offender program under s. 938.538; or any other placement of an adult or juvenile
16 offender in the community under the custody or supervision of the department of
17 corrections, the department of health services, a county department under s. 46.215,
18 46.22, 46.23, 51.42, or 51.437 or any other person under contract with the
19 department of corrections, the department of health services or a county department
20 under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over
21 the offender.

NOTE: Renumbers the definition for “community placement” to place it in the one paragraph where it appears.

22 **SECTION 9.** 48.981 (1) (bm) of the statutes is created to read:

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1 48.981 (1) (bm) “Contractor” means, with respect to a school or an institution
2 of higher education, a person, or that person’s agent, who provides services to the
3 school or institution of higher education under an express or implied contract or
4 subcontract, including a person who has staff privileges at the school or institution
5 of higher education.

6 **SECTION 10.** 48.981 (1) (ct) of the statutes is renumbered 48.981 (3f) (a) 1.

NOTE: Renumbers the definition for “Indian unborn child” to place it in the one subsection where it appears.

7 **SECTION 11.** 48.981 (1) (cv) of the statutes is renumbered 48.981 (2) (bm) 1d.

8 b.

NOTE: Renumbers the definition of “member of a religious order” to place it in the one paragraph where it appears.

9 **SECTION 12.** 48.981 (1) (cx) of the statutes is renumbered 48.981 (2) (bm) 1d.

10 c.

NOTE: Renumbers the definition for “member of the clergy” to place it in the one paragraph where it appears.

11 **SECTION 13.** 48.981 (1) (i) of the statutes is renumbered 48.981 (3f) (a) 2.

NOTE: Renumbers the definition of “tribal agent” to place it in the one subsection where it appears.

12 **SECTION 14.** 48.981 (2) (a) (intro.) and 1. to 14. of the statutes are renumbered
13 48.981 (2) (ar) (intro.) and 1. to 14., and 48.981 (2) (ar) (intro.) and 14., as
14 renumbered, are amended to read:

15 48.981 (2) (ar) *Mandatory reporters; professionals.* (intro.) Any Except as
16 provided in subs. (2m) and (2r), any of the following persons who has reasonable
17 cause to suspect that a child seen by the person in the course of professional duties
18 has been abused or neglected or who has reason to believe that a child seen by the
19 person in the course of professional duties has been threatened with abuse or neglect

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1 and that abuse or neglect of the child will occur shall, ~~except as provided under subs.~~
2 ~~(2m) and (2r)~~, report as provided in sub. (3):

3 14. A school teacher employee, contractor, or volunteer, other than a school
4 board member, child, or student that has not yet graduated from high school, who
5 works directly with children at least 40 hours in a school year.

NOTE: Amends the reporting requirements applicable to school employees to require school employees, volunteers, and contractors who work directly with children at least 40 hours in a school year to report suspected child abuse or neglect. School board members, children, and students who have not yet graduated from high school are exempted from these reporting requirements.

6 **SECTION 15.** 48.981 (2) (a) 15., 16. and 16m. of the statutes are repealed.

NOTE: Deletes specific references to school teachers, school administrators, and school counselors and school employees not otherwise specified because they are mandated reporters under s. 48.981 (2) (ar) 14., as renumbered and amended.

7 **SECTION 16.** 48.981 (2) (a) 17. to 29. of the statutes is renumbered 48.981 (2)
8 (ar) 17. to 29.

9 **SECTION 17.** 48.981 (2) (ag) of the statutes is created to read:

10 48.981 (2) (ag) *Definitions.* In this subsection:

11 1. "Abuse" has the meaning given in s. 48.02 (1), except that "physical injury,"
12 as used in that definition, includes lacerations, fractured bones, burns, internal
13 injuries, bruising, or great bodily harm, as defined in s. 939.22 (14).

14 2. "Neglect" means failure, refusal, or inability on the part of a caregiver to
15 provide necessary care, food, clothing, medical or dental care, or shelter so as to
16 seriously endanger 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.

17 **SECTION 18.** 48.981 (2) (ar) 16r., 30. and 31. of the statutes are created to read:

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1 48.981 (2) (ar) 16r. An employee, contractor, or volunteer of an institution of
2 higher education, other than a child, who has regular, ongoing contact with children,
3 other than matriculated students of the institution, in a professional or primary
4 setting.

5 30. A probation agent.

6 31. A parole agent.

NOTE: Amends the list of mandated reporters to include probation agents, parole agents, and any employee, contractor, or volunteer of an institution of higher education, other than a child, who has regular, ongoing contact with children, other than matriculated students of the institution, in a professional or primary setting.

7 **SECTION 19.** 48.981 (2) (b) of the statutes is amended to read:

8 48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~
9 Except as provided in subs. (2m) and (2r), a court-appointed special advocate who
10 has reasonable cause to suspect that a child seen in the course of activities under s.
11 48.236 (3) has been abused or neglected or who has reason to believe that a child seen
12 in the course of those activities has been threatened with abuse and neglect and that
13 abuse or neglect of the child will occur shall, ~~except as provided in subs. (2m) and (2r),~~
14 report as provided in sub. (3).

15 **SECTION 20.** 48.981 (2) (bm) (title) of the statutes is created to read:

16 48.981 (2) (bm) *Mandatory reporters; members of the clergy.*

17 **SECTION 21.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes are consolidated,
18 renumbered 48.981 (2) (bm) 1g. and amended to read:

19 48.981 (2) (bm) 1g. Except as provided in subd. 3. and subs. (2m) and (2r), a
20 member of the clergy shall report as provided in sub. (3) if the member of the clergy
21 has reasonable cause to suspect that a child seen by the member of the clergy in the
22 course of his or her professional duties: a. ~~Has~~ has been abused, ~~as defined in s. 48.02~~

SENATE BILL 18**SECTION 21**

1 ~~(1) (b) to (f); or b. Has or has~~ been threatened with abuse, as defined in s. 48.02 (1)
2 ~~(b) to (f), and abuse of the child will likely occur.~~

3 **SECTION 22.** 48.981 (2) (bm) 1d. of the statutes is created to read:

4 48.981 (2) (bm) 1d. In this paragraph:

5 a. "Abuse" has the meaning given in s. 48.02 (1) (b) to (f).

NOTE: Creates a definition for "abuse" in s. 48.981 (2) (bm), stats., so that the definition need not be repeated each time the term appears within the paragraph.

6 **SECTION 23.** 48.981 (2) (bm) 2. (intro.), a. and b. of the statutes are consolidated,
7 renumbered 48.981 (2) (bm) 2. and amended to read:

8 48.981 (2) (bm) 2. Except as provided in subd. 3. and subs. (2m) and (2r), a
9 member of the clergy shall report as provided in sub. (3) if the member of the clergy
10 has reasonable cause, based on observations made or information that he or she
11 receives, to suspect that a member of the clergy has ~~done any of the following: a.~~
12 ~~Abused~~ abused a child, ~~as defined in s. 48.02 (1) (b) to (f).~~ b. Threatened or threatened
13 a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the child will likely
14 occur.

15 **SECTION 24.** 48.981 (2) (bm) 3. of the statutes is amended to read:

16 48.981 (2) (bm) 3. A member of the clergy is not required to report child abuse
17 information under subd. 1. 1g. or 2. that he or she receives solely through confidential
18 communications made to him or her privately or in a confessional setting if he or she
19 is authorized to hear or is accustomed to hearing such communications and, under
20 the disciplines, tenets, or traditions of his or her religion, has a duty or is expected
21 to keep those communications secret. Those disciplines, tenets, or traditions need
22 not be in writing.

23 **SECTION 25.** 48.981 (2) (c) of the statutes is amended to read:

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1 48.981 (2) (c) Discretionary reporters; child abuse and neglect. Any person not
2 otherwise specified in par. (a) (~~ar~~), (b), or (bm), ~~including an attorney~~, who has reason
3 to suspect that a child has been abused or neglected or who has reason to believe that
4 a child has been threatened with abuse or neglect and that abuse or neglect of the
5 child will occur may report as provided in sub. (3).

NOTE: Removes the clause “including an attorney” from the phrase “Any person not otherwise specified”, including an attorney” to reduce redundancy.

6 **SECTION 26.** 48.981 (2) (d) of the statutes is amended to read:

7 48.981 (2) (d) Discretionary reporters; unborn child abuse. Any person,
8 ~~including an attorney~~, who has reason to suspect that an unborn child has been
9 abused or who has reason to believe that an unborn child is at substantial risk of
10 abuse may report as provided in sub. (3).

NOTE: Removes the clause “including an attorney” from the phrase “Any person, including an attorney” to reduce redundancy.

11 **SECTION 27.** 48.981 (2m) (a) (title) of the statutes is created to read:

12 48.981 (2m) (a) (title) *Purpose.*

13 **SECTION 28.** 48.981 (2m) (b) (title) of the statutes is created to read:

14 48.981 (2m) (b) (title) *Definitions.*

15 **SECTION 29.** 48.981 (2m) (c) (title) of the statutes is created to read:

16 48.981 (2m) (c) (title) *Reporting not required.*

17 **SECTION 30.** 48.981 (2m) (d) (title) of the statutes is created to read:

18 48.981 (2m) (d) (title) *Reporting required.*

19 **SECTION 31.** 48.981 (2m) (e) (title) of the statutes is created to read:

20 48.981 (2m) (e) (title) *Additional reporting requirement.*

21 **SECTION 32.** 48.981 (2r) of the statutes is amended to read:

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1 48.981 **(2r)** EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL
2 POWERS. A person delegated care and custody of a child under s. 48.979 is not required
3 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the
4 child as required under sub. (2) ~~(a)~~ (ar), (b), or (bm) or (2m) (d) or (e). Such a person
5 who has reason to suspect that the child has been abused or neglected or who has
6 reason to believe that the child has been threatened with abuse or neglect and that
7 abuse or neglect of the child will occur may report as provided in sub. (3).

8 **SECTION 33.** 48.981 (2s) of the statutes is created to read:

9 48.981 **(2s)** TRAINING OF MANDATED REPORTERS. The department shall
10 promulgate rules specifying criteria for training courses required to be completed by
11 persons required to report suspected child abuse and neglect under sub. (2) as a
12 condition of licensure, certification, employment, appointment, or assignment. The
13 rules shall specify the required content of an approved training course and the
14 qualifications required for the providers of such training courses.

NOTE: Directs DCF to promulgate rules specifying criteria for training courses for
mandated reporters.

15 **SECTION 34.** 48.981 (3) (title) of the statutes is amended to read:

16 48.981 **(3)** (title) ~~REPORTS; INVESTIGATION~~ REFERRAL OF REPORT.

17 **SECTION 35.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and
18 amended to read:

19 48.981 **(3)** (a) ~~Referral of report~~ Immediate reporting required. A person
20 required to report under sub. (2) shall immediately inform, by telephone or
21 personally, ~~the county department or, in a county having a population of 500,000 or~~
22 ~~more, the department or a licensed child welfare agency under contract with the~~
23 ~~department~~ the agency or the sheriff or city, village, or town police department of the

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1 facts and circumstances contributing to a suspicion of child abuse or neglect or of
2 unborn child abuse or to a belief that abuse or neglect will occur.

3 **SECTION 36.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3)
4 (bg) (intro.) and amended to read:

5 48.981 (3) (bg) (intro.) Mandatory referral to agency. The Within 12 hours,
6 exclusive of Saturdays, Sundays, or legal holidays, after receiving a report under par.
7 (a), the sheriff or police department shall within 12 hours, exclusive of Saturdays,
8 Sundays, or legal holidays, refer to the county department or, in a county having a
9 population of 500,000 or more, the department or a licensed child welfare agency
10 under contract with the department agency all of the following types of cases
11 reported to the sheriff or police department:

12 **SECTION 37.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3)
13 (bg) 1. to 4.

14 **SECTION 38.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and
15 amended to read:

16 48.981 (3) (bp) Discretionary referral to agency. The sheriff or police
17 department may refer to the county department or, in a county having a population
18 of 500,000 or more, the department or a licensed child welfare agency under contract
19 with the department agency a case reported to the sheriff or police department in
20 which a person who is not a caregiver is suspected of abuse or of threatened abuse
21 of a child.

22 **SECTION 39.** 48.981 (3) (a) 2g. of the statutes is renumbered 48.981 (3) (br) and
23 amended to read:

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1 48.981 (3) (br) Subsequent report in writing. The ~~county department,~~
2 ~~department, or licensed child welfare agency~~ may require that a subsequent report
3 of a case referred under ~~subd. 2. or 2d. par. (bg) or (bp)~~ be made in writing.

4 **SECTION 40.** 48.981 (3) (a) 3. of the statutes is renumbered 48.981 (3) (cg) and
5 amended to read:

6 48.981 (3) (cg) Referral to law enforcement. Except as provided in sub. (3m),
7 ~~a county department, the department, or a licensed child welfare agency under~~
8 ~~contract with the department~~ shall within 12 hours, exclusive of Saturdays,
9 Sundays, or legal holidays, after receiving a report under par. (a), the agency shall
10 refer to the sheriff or police department all cases of suspected or threatened abuse,
11 as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened
12 abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each ~~county~~
13 ~~department, the department, and a licensed child welfare agency under contract~~
14 ~~with the department~~ agency shall adopt a written policy specifying the kinds of
15 reports it will routinely report to local law enforcement authorities.

16 **SECTION 41.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and
17 amended to read:

18 48.981 (3) (dg) Coordination of investigation. If the report is of suspected or
19 threatened abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department
20 and the ~~county department, department, or licensed child welfare agency under~~
21 ~~contract with the department~~ agency shall coordinate the planning and execution of
22 the investigation of the report.

23 **SECTION 42.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d).

24 **SECTION 43.** 48.981 (3) (bm) (intro.) of the statutes is renumbered 48.981 (3f)
25 (bm) and amended to read:

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1 48.981 (3f) (bm) *Notice of report to Indian to tribal agent.* In a county that has
2 wholly or partially within its boundaries a federally recognized Indian reservation
3 or a bureau of Indian affairs service area for the Ho-Chunk tribe, if a county
4 department An agency that receives a report under par. (a) sub. (3) pertaining to a
5 child or an unborn child whom the agency knows or has reason to know that the child
6 is an Indian child who resides in the county or that the unborn child is or an Indian
7 unborn child whose expectant mother resides in the county, the county department
8 shall, if the agency knows or has reason to know with which Indian tribe the Indian
9 child is affiliated or with which Indian tribe the Indian unborn child may, when born,
10 be eligible for affiliation, provide notice, which of the report to the tribal agent of that
11 tribe. Notice shall consist only, at a minimum, of the name and address of the Indian
12 child or expectant mother, the address of the Indian child or expectant mother or
13 another address where the Indian child or expectant mother may be located, and the
14 fact that a report has been received about that Indian child or Indian unborn child,
15 and shall be made within 24 hours to one of the following: after receipt of the report
16 or identification of the Indian child's tribe. Notice may also contain any additional
17 information allowed by law. This paragraph does not constitute notice under s.
18 48.028 (4) (a) or 25 USC 1912 (a) or any other law.

NOTE: Applies tribal notification requirement to child protective service agencies in all counties. Eliminates the requirement that an agency provide notice if it does not know with the tribe with which the child is affiliated. Eliminates restrictions on the types of information the notice may include. Specifies that notice to a tribe of a report of suspected child abuse or neglect does not satisfy the notice obligations of any other law, including the Wisconsin Indian Child Welfare Act or the federal Indian Child Welfare Act.

19 **SECTION 44.** 48.981 (3) (bm) 1. to 3. of the statutes are repealed.

20 **SECTION 45.** 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title)
21 and amended to read:

22 48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.

SENATE BILL 18**SECTION 46**

1 **SECTION 46.** 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1.
2 a. and amended to read:

3 48.981 **(3g)** (a) 1. a. Immediately after receiving a report under ~~par. (a) sub. (3)~~,
4 the agency shall evaluate the report to determine whether there is reason to suspect
5 that a caregiver has abused or neglected the child, has threatened the child with
6 abuse or neglect, or has facilitated or failed to take action to prevent the suspected
7 or threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
8 agency determines that a caregiver is suspected of abuse or neglect ~~or~~, of threatened
9 abuse or neglect ~~of the child, determines that a caregiver is suspected, or~~ of
10 facilitating or failing to take action to prevent the suspected or threatened abuse or
11 neglect ~~of the child, or if the agency cannot determine who abused or neglected the~~
12 child, within 24 hours after receiving the report the agency shall, ~~in accordance with~~
13 ~~the authority granted to the department under s. 48.48 (17) (a) 1. or the county~~
14 ~~department under s. 48.57 (1) (a)~~, initiate a diligent investigation to determine if the
15 child is in need of protection or services. If the agency determines that a person who
16 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, ~~in~~
17 ~~accordance with that authority~~, initiate a diligent investigation to determine if the
18 child is in need ~~or~~ of protection or services.

19 b. Within 24 hours after receiving a report under ~~par. (a) sub. (3)~~ of suspected
20 unborn child abuse, the agency, ~~in accordance with that authority~~, shall initiate a
21 diligent investigation to determine if the unborn child is in need of protection or
22 services.

23 c. An investigation under ~~this subd. 1. a. or b.~~ shall be conducted in accordance
24 with the authority granted to the department under s. 48.48 (17) (a) 1. or the county
25 department under s. 48.57 (1) (a) and in accordance with standards established by

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1 the department for conducting child abuse and neglect investigations or unborn child
2 abuse investigations. Notwithstanding s. 227.10 (1), the department need not
3 promulgate those standards as rules under ch. 227.

NOTE: Reorganizes language to make the subdivision easier to read.

4 **SECTION 47.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2.
5 and amended to read:

6 48.981 (3g) (a) 2. If the investigation is of a report of child abuse or neglect or
7 of threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8.
8 who continues to have access to the child or a caregiver specified in sub. (1) (am) 1.
9 to 4., or of a report that does not disclose who is suspected of the child abuse or neglect
10 and in which the investigation does not disclose who abused or neglected the child,
11 the investigation shall also include observation of or an interview with the child, or
12 both, and, if possible, an interview with the child's parents, guardian, or legal
13 custodian. If the investigation is of a report of child abuse or neglect or threatened
14 child abuse or neglect by a caregiver who continues to reside in the same dwelling
15 as the child, the investigation shall also include, if possible, a visit to that dwelling.
16 At the initial visit to the child's dwelling, the person making the investigation shall
17 identify himself or herself and the agency involved to the child's parents, guardian,
18 or legal custodian. The agency may contact, observe, or interview the child at any
19 location without permission from the child's parent, guardian, or legal custodian if
20 necessary to determine if the child is in need of protection or services, ~~except that the~~
21 ~~person making the investigation may enter a child's dwelling only with permission~~
22 ~~from the child's parent, guardian, or legal custodian or after obtaining a court order~~
23 ~~permitting the person to do so~~ to the extent permitted under the U.S. Constitution
24 and the Wisconsin Constitution.

SENATE BILL 18**SECTION 47**

NOTE: Amends the authority for interviewing children absent consent by limiting such authority to that permitted under the U.S. and Wisconsin constitutions. This change responds to federal case law, such as the holding by the U.S. Court of Appeals for the Seventh Circuit in *Doe v. Heck*, 327 F.3d 492 (2003), that raises constitutional concerns regarding interviews conducted absent consent.

1 **SECTION 48.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

2 **SECTION 49.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

3 **SECTION 50.** 48.981 (3) (c) 3. of the statutes is renumbered 48.981 (3g) (c) and
4 amended to read:

5 48.981 (3g) (c) Offer of services; filing of petitions. If the ~~county department or,~~
6 ~~in a county having a population of 500,000 or more, the department or a licensed child~~
7 ~~welfare agency under contract with the department~~ agency determines that a child,
8 any member of the child's family, or the child's guardian or legal custodian is in need
9 of services or that the expectant mother of an unborn child is in need of services, the
10 ~~county department, department or licensed child welfare~~ agency shall offer to
11 provide appropriate services or to make arrangements for the provision of services.
12 If the child's parent, guardian, or legal custodian or the expectant mother refuses to
13 accept the services, the ~~county department, department or licensed child welfare~~
14 agency may request that a petition be filed under s. 48.13 alleging that the child who
15 is the subject of the report or any other child in the home is in need of protection or
16 services or that a petition be filed under s. 48.133 alleging that the unborn child who
17 is the subject of the report is in need of protection or services. The agency may also
18 petition for child abuse restraining orders and injunctions under s. 48.25 (6).

NOTE: Consolidates 2 provisions by adding the authority to file petitions for restraining orders and injunctions with the authority to file petitions alleging that a child is in need of protective services.

19 **SECTION 51.** 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and
20 amended to read:

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1 48.981 (3g) (d) Abuse or neglect determination. ~~The county department or, in~~
2 a county having a population of 500,000 or more, the department or a licensed child
3 welfare agency under contract with the department shall determine, If a report is
4 investigated under par. (a), within 60 days after receipt of ~~a report that the county~~
5 department, department, or licensed child welfare agency investigates under subd.
6 ~~1.,~~ the report the agency shall determine whether abuse or neglect has occurred or
7 is likely to occur. The determination shall be based on a preponderance of the
8 evidence produced by the investigation. A determination that abuse or neglect has
9 occurred may not be based solely on the fact that the child's parent, guardian, or legal
10 custodian in good faith selects and relies on prayer or other religious means for
11 treatment of disease or for remedial care of the child. In making a determination that
12 emotional damage has occurred, ~~the county department or, in a county having a~~
13 population of 500,000 or more, ~~the department or a licensed child welfare agency~~
14 ~~under contract with the department~~ agency shall give due regard to the culture of
15 the subjects. This ~~subdivision~~ paragraph does not prohibit a court from ordering
16 medical services for the child if the child's health requires it those services.

17 **SECTION 52.** 48.981 (3) (c) 5. of the statutes is renumbered 48.981 (3g) (h) 1.

NOTE: Renumbers a provision regarding agency recordkeeping requirements to
place it near other recordkeeping requirements.

18 **SECTION 53.** 48.981 (3) (c) 5m. of the statutes is renumbered 48.981 (3g) (e) and
19 amended to read:

20 48.981 (3g) (e) Right to appeal determination. ~~If the county department or, in~~
21 a county having a population of 500,000 or more, the department or a licensed child
22 welfare agency under contract with the department determines Within 15 days after
23 a determination is made under subd. 4. par. (d) that a specific person has abused or

SENATE BILL 18**SECTION 53**

1 neglected a child, the ~~county department, department or licensed child welfare~~
2 ~~agency, within 15 days after the date of the determination,~~ agency shall notify the
3 person in writing of the determination, the person's right to appeal the
4 determination, and the procedure by which the person may appeal the
5 determination, and the person may appeal the determination in accordance with the
6 procedures established by the department under this ~~subdivision~~ paragraph. The
7 department shall promulgate rules establishing procedures for conducting an appeal
8 under this ~~subdivision~~ paragraph. Those procedures shall include a procedure
9 permitting such an appeal ~~under this subdivision~~ to be held in abeyance pending the
10 outcome of any criminal investigation or proceedings or any investigation or
11 proceedings under s. 48.13 based on the alleged abuse or neglect ~~or the outcome of~~
12 ~~any investigation that may lead to the filing of a criminal complaint or a petition~~
13 ~~under s. 48.13 based on the alleged abuse or neglect.~~

14 **SECTION 54.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2.
15 and amended to read:

16 48.981 (3g) (h) 2. ~~If the county department or, in a county having a population~~
17 ~~of 500,000 or more, the department or a licensed child welfare agency under contract~~
18 ~~with the department determines under subd. 4. Within 15 days after a~~
19 determination is made under par. (d) that a specific person has abused or neglected
20 a child, the ~~county department, department, or licensed child welfare agency, within~~
21 ~~15 days after the date of the determination,~~ agency shall provide the subunit of the
22 department that administers s. 48.685 with information about the person who has
23 been determined to have abused or neglected the child.

24 **SECTION 55.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and
25 amended to read:

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1 48.981 (3g) (f) Action taken; information to mandatory reporter. ~~The agency~~
2 ~~shall, within~~ Within 60 days after it ~~receives~~ receiving a report from a person
3 required under sub. (2) to report, the agency shall inform the reporter what action,
4 if any, was taken to protect the health and welfare of the child or unborn child who
5 is the subject of the report.

6 **SECTION 56.** 48.981 (3) (c) 6m. of the statutes is renumbered 48.981 (3g) (fm)
7 and amended to read:

8 48.981 (3g) (fm) Action taken; information to relative. ~~If a person who is not~~
9 ~~required under sub. (2) to report makes a report and is a relative of the child, other~~
10 ~~than the child's parent, or is a relative of the expectant mother of the unborn child~~
11 makes a report under sub. (2) (c) or (d), that person may make a written request to
12 the agency for information regarding what action, if any, was taken to protect the
13 health and welfare of the child or unborn child who is the subject of the report. ~~An~~
14 ~~agency that receives a written request under this subdivision shall, within~~ Within
15 60 days after it ~~receives~~ receiving the report or 20 days after it ~~receives~~ receiving the
16 written request, whichever is later, ~~inform the reporter in writing of what action, if~~
17 ~~any, was taken to protect the health and welfare of the child or unborn child~~ the
18 agency shall disclose that information to the requester, unless a court order
19 prohibits that disclosure, and shall inform the requester of the duty to keep the
20 information confidential under sub. (7) (e) (7r) (a) and of the penalties for failing to
21 do so under sub. (7) (f) (7r) (b). The agency may petition the court ex parte for an order
22 prohibiting that disclosure and, if the agency does so, the time period within which
23 the information must be disclosed is tolled ~~on~~ from the date the petition is filed and
24 remains tolled until the court issues a decision. The court may hold an ex parte
25 hearing in camera and shall issue an order granting the petition if the court

SENATE BILL 18**SECTION 56**

1 determines that disclosure of the information would not be in the best interests of the
2 child or unborn child.

3 **SECTION 57.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g)
4 (intro.) and amended to read:

5 48.981 (3g) (g) Cooperation and coordination. (intro.) ~~The county department~~
6 ~~or, in a county having a population of 500,000 or more, the department or a licensed~~
7 ~~child welfare agency under contract with the department~~ Each agency shall
8 cooperate do all of the following:

9 1. Cooperate with law enforcement officials, courts of competent jurisdiction,
10 tribal governments, and other human services agencies to prevent, identify, and
11 treat child abuse and neglect and unborn child abuse. ~~The county department or, in~~
12 ~~a county having a population of 500,000 or more, the department or a licensed child~~
13 ~~welfare agency under contract with the department shall coordinate~~

14 2. Coordinate the development and provision of services to abused and
15 neglected children and their families, to abused unborn children ~~to families in which~~
16 ~~child abuse or neglect has occurred, to~~ and their expectant mothers ~~who have abused~~
17 ~~their unborn children,~~ and to children and families or expectant mothers when
18 circumstances justify a belief that abuse or neglect or unborn child abuse will occur
19 ~~and to the expectant mothers of unborn children when circumstances justify a belief~~
20 ~~that unborn child abuse will occur.~~

21 **SECTION 58.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and
22 amended to read:

23 48.981 (3g) (h) 3. Using the format prescribed by the department, each county
24 department shall provide the department with information about each report that
25 the county department receives ~~or that is received by~~ or a licensed child welfare

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1 agency ~~that is~~ under contract with the county department receives and about each
2 investigation that the county department or ~~a~~ licensed child welfare agency under
3 ~~contract with the county department~~ conducts. Using the format prescribed by the
4 department, a licensed child welfare agency under contract with the department
5 shall provide the department with information about each report that the child
6 welfare agency receives and about each investigation that the child welfare agency
7 conducts. The department shall use the information to monitor services provided by
8 those county departments or licensed child welfare agencies ~~under contract with~~
9 ~~county departments or the department~~. The department shall use nonidentifying
10 information to maintain statewide statistics on child abuse and neglect and on
11 unborn child abuse, and for planning and policy development purposes.

12 **SECTION 59.** 48.981 (3) (c) 9. of the statutes is repealed.

NOTE: Repeals a provision that is added to another provision (former s. 48.981 (3)
(c) 3., stats.).

13 **SECTION 60.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and
14 amended to read:

15 48.981 **(3h)** CONTRACT WITH LICENSED CHILD WELFARE AGENCIES. A county
16 department may contract with a licensed child welfare agency to fulfill the county
17 department's duties specified under ~~par. (e) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. sub.~~
18 (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. The department may contract
19 with a licensed child welfare agency to fulfill any of the department's duties specified
20 under ~~par. (e) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m., 7., 8., and 9. sub. (3g)~~ in a
21 county having a population of 500,000 or more. The confidentiality provisions
22 specified in ~~sub. subs. (7) to (7r)~~ shall apply to any licensed child welfare agency with
23 which a county department or the department contracts.

SENATE BILL 18**SECTION 61**

1 **SECTION 61.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j), and 48.981
2 (3j) (a) and (b), as renumbered, are amended to read:

3 48.981 **(3j)** (a) *Definition.* In this ~~paragraph~~ subsection, “agent” includes a
4 foster parent or other person given custody of a child or a human services
5 professional employed by a county department under s. 51.42 or 51.437 or by a child
6 welfare agency who is working with a child or an expectant mother of an unborn child
7 under contract with or under the supervision of the department in a county having
8 a population of 500,000 or more or a county department under s. 46.22.

9 (b) *Investigation; powers and duties.* If an agent or employee of an agency
10 required to investigate under ~~this subsection~~ sub. (3g) is the subject of a report, or
11 if the agency determines that, because of the relationship between the agency and
12 the subject of a report, there is a substantial probability that the agency would not
13 conduct an unbiased investigation, the agency shall, after taking any action
14 necessary to protect the child or unborn child, notify the department. Upon receipt
15 of the notice, the department, in a county having a population of less than 500,000,
16 or a county department or child welfare agency designated by the department in any
17 county shall conduct an independent investigation. If the department designates a
18 county department under s. 46.22, 46.23, 51.42, or 51.437, that county department
19 shall conduct the independent investigation. If a licensed child welfare agency
20 agrees to conduct the independent investigation, the department may designate the
21 child welfare agency to do so. The powers and duties of the department or designated
22 county department or child welfare agency making an independent investigation are
23 those given to ~~county departments~~ agencies under ~~par. (e)~~ sub. (3g).

24 **SECTION 62.** 48.981 (3d) (a) (title) of the statutes is created to read:

25 48.981 **(3d)** (a) (title) *Immediate investigation on request.*

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1 **SECTION 63.** 48.981 (3d) (b) (title) of the statutes is created to read:

2 48.981 (3d) (b) (title) *Taking child into custody.*

3 **SECTION 64.** 48.981 (3d) (bm) (title) of the statutes is created to read:

4 48.981 (3d) (bm) (title) *Taking expectant mother into custody.*

5 **SECTION 65.** 48.981 (3d) (c) (title) of the statutes is created to read:

6 48.981 (3d) (c) (title) *Referral for criminal prosecution.*

7 **SECTION 66.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:

8 48.981 (3f) (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.)

9 In this subsection:

10 **SECTION 67.** 48.981 (3g) (a) (title) of the statutes is created to read:

11 48.981 (3g) (a) (title) *Evaluation and investigation of report.*

12 **SECTION 68.** 48.981 (3g) (b) (title) of the statutes is created to read:

13 48.981 (3g) (b) (title) *Taking child into custody.*

14 **SECTION 69.** 48.981 (3g) (bm) (title) of the statutes is created to read:

15 48.981 (3g) (bm) (title) *Taking expectant mother into custody.*

16 **SECTION 70.** 48.981 (3g) (h) (title) of the statutes is created to read:

17 48.981 (3g) (h) (title) *Records; information to department.*

18 **SECTION 71.** 48.981 (3m) (a) (title) of the statutes is created to read:

19 48.981 (3m) (a) (title) *Definition.*

20 **SECTION 72.** 48.981 (3m) (b) (title) of the statutes is created to read:

21 48.981 (3m) (b) (title) *Establishment of program.*

22 **SECTION 73.** 48.981 (3m) (b) 1. of the statutes is amended to read:

23 48.981 (3m) (b) 1. Guidelines for determining the appropriate alternative
24 response to a report of abuse or neglect or of threatened abuse or neglect, including
25 guidelines for determining what types of abuse or neglect or threatened abuse or

SENATE BILL 18**SECTION 73**

1 neglect constitute substantial abuse or neglect. ~~The~~ Notwithstanding s. 227.10 (1),
2 the department need not promulgate those guidelines as rules under ch. 227.

NOTE: Clarifies that guidelines for alternative responses need not be promulgated as rules, notwithstanding the specific requirement in ch. 227, stats., that all statements of general policy be promulgated as rules.

3 **SECTION 74.** 48.981 (3m) (c) (intro.) of the statutes is amended to read:

4 48.981 (3m) (c) Alternative responses. (intro.) Immediately after receiving a
5 report under sub. (3) ~~(a)~~, an agency or county department that is participating in the
6 pilot program shall evaluate the report to determine the most appropriate
7 alternative response under subds. 1. to 3. to the report. Based on that evaluation,
8 the agency or county department shall respond to the report as follows:

9 **SECTION 75.** 48.981 (3m) (c) 1. of the statutes is amended to read:

10 48.981 (3m) (c) 1. If the agency or county department determines that there
11 is reason to suspect that substantial abuse or neglect has occurred or is likely to occur
12 or that an investigation under sub. ~~(3)~~ (3g) is otherwise necessary to ensure the safety
13 of the child and his or her family, the agency or county department shall investigate
14 the report as provided in sub. ~~(3)~~ (3g). If in conducting that investigation the agency
15 or county department determines that it is not necessary for the safety of the child
16 and his or her family to complete the investigation, the agency or county department
17 may terminate the investigation and conduct an assessment under subd. 2. If the
18 agency or county department terminates an investigation, the agency or county
19 department shall document the reasons for terminating the investigation and notify
20 any law enforcement agency that is cooperating in the investigation.

21 **SECTION 76.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

22 48.981 (3m) (c) 2. b. If the agency or county department employs the
23 assessment response under subd. 2. a., the agency or county department is not

SENATE BILL 18

1 required to refer the report to the sheriff or police department under sub. (3) ~~(a)~~ ~~3.~~
2 ~~(cg)~~ or determine by a preponderance of the evidence under sub. ~~(3)~~ ~~(e)~~ 4. ~~(3g)~~ ~~(d)~~ that
3 abuse or neglect has occurred or is likely to occur or that a specific person has abused
4 or neglected the child. If in conducting the assessment the agency or county
5 department determines that there is reason to suspect that substantial abuse or
6 neglect has occurred or is likely to occur or that an investigation under sub. ~~(3)~~ ~~(3g)~~
7 is otherwise necessary to ensure the safety of the child and his or her family, the
8 agency or county department shall immediately commence an investigation under
9 sub. ~~(3)~~ ~~(3g)~~.

10 **SECTION 77.** 48.981 (3m) (c) 3. of the statutes is amended to read:

11 48.981 **(3m)** (c) 3. If the agency or county department determines that there
12 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the
13 agency or county department shall refer the child's family to a service provider in the
14 community for the provision of appropriate services on a voluntary basis. If the
15 agency or county department employs the community services response under this
16 subdivision, the agency or county department is not required to conduct an
17 assessment under subd. 2., refer the report to the sheriff or police department under
18 sub. (3) ~~(a)~~ ~~3.~~ ~~(cg)~~, or determine by a preponderance of the evidence under sub. (3) ~~(e)~~
19 4. ~~(3g)~~ ~~(d)~~ that abuse or neglect has occurred or is likely to occur or that a specific
20 person has abused or neglected the child.

21 **SECTION 78.** 48.981 (3m) (d) of the statutes is repealed.

NOTE: Repeals a reporting requirement that was required to be fulfilled by July 1,
2012.

22 **SECTION 79.** 48.981 (5) of the statutes is amended to read:

SENATE BILL 18**SECTION 79**

1 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of
2 suspected child abuse or neglect who has reasonable cause to suspect that a child
3 died as a result of child abuse or neglect shall report the fact to the appropriate
4 medical examiner or coroner. The medical examiner or coroner shall accept the
5 report for investigation and shall report the findings to the appropriate district
6 attorney; ~~to the department or, in a county having a population of 500,000 or more,~~
7 ~~to a licensed child welfare agency under contract with the department in a county~~
8 ~~having a population of 500,000 or more; to the county department; to the department;~~
9 and, if the institution making the report initially is a hospital, to the hospital.

NOTE: In cases resulting in death, clarifies that, in Milwaukee County, a medical
examiner or coroner must report findings to both DCF and the Milwaukee County
contracting agencies.

10 **SECTION 80.** 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and
11 amended to read:

12 48.981 (7) CONFIDENTIALITY. All reports made under this section, notices
13 provided under sub. ~~(3)~~ (3f) (bm), and records maintained by an agency and other
14 persons, officials, and institutions shall be confidential. ~~Reports and records may be~~
15 ~~disclosed only to the following persons: No report may be disclosed, except as~~
16 ~~provided in subs. (3f) (c), (7d), (7g), and (7m).~~

17 **SECTION 81.** 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

18 **SECTION 82.** 48.981 (7) (a) 1m. of the statutes is renumbered 48.981 (7g) (am)
19 and amended to read:

20 48.981 (7g) (am) Request of reporter. A reporter described in sub. ~~(3) (e) 6m.~~ (3g)
21 (fm) who makes a written request to an agency for information regarding what
22 action, if any, was taken to protect the health and welfare of the child or unborn child
23 who is the subject of the report, unless a court order under sub. ~~(3) (e) 6m.~~ (3g) (fm)

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1 prohibits disclosure of that information to that reporter, except that the only
2 information that may be disclosed is information in the record regarding what action,
3 if any, was taken to protect the health and welfare of the child or unborn child who
4 is the subject of the report.

5 **SECTION 83.** 48.981 (7) (a) 2. of the statutes is renumbered 48.981 (7d) (b).

6 **SECTION 84.** 48.981 (7) (a) 2m. of the statutes is renumbered 48.981 (7g) (bm)
7 and amended to read:

8 48.981 (7g) (bm) *Intake or dispositional staff.* A person authorized to provide
9 or providing intake or dispositional services for the court under s. 48.067, 48.069 ~~or~~,
10 48.10, 938.067, 938.069, or 938.10.

NOTE: Consolidates 2 provisions relating to intake and dispositional staff.

11 **SECTION 85.** 48.981 (7) (a) 2r. of the statutes is repealed.

NOTE: Repeals a provision that is consolidated in another provision (former s.
48.981 (7) (a) 2m., stats.).

12 **SECTION 86.** 48.981 (7) (a) 3. of the statutes is renumbered 48.981 (7d) (c).

13 **SECTION 87.** 48.981 (7) (a) 3m. of the statutes is renumbered 48.981 (7d) (cm).

14 **SECTION 88.** 48.981 (7) (a) 4. of the statutes is renumbered 48.981 (7d) (d) and
15 amended to read:

16 48.981 (7d) (d) *Foster parent or other physical custodian.* A ~~child's~~ foster parent
17 or other person having physical custody of the child or a person having physical
18 custody of the expectant mother of an unborn child, except that the person or agency
19 maintaining the record or report may not disclose any information that would
20 identify the reporter.

NOTE: Removes the word "child's" from the phrase "child's foster parent".

21 **SECTION 89.** 48.981 (7) (a) 4m. of the statutes is renumbered 48.981 (7d) (dm)
22 and amended to read:

SENATE BILL 18**SECTION 89**

1 48.981 (7d) (dm) Relative. A relative of a child placed outside of his or her home
2 only to the extent necessary to facilitate the establishment of a relationship between
3 the child and the relative or a placement of the child with the relative or to a person
4 provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In
5 this subdivision paragraph, “relative” includes a relative whose relationship is
6 derived through a parent of the child whose parental rights are terminated.

7 **SECTION 90.** 48.981 (7) (a) 4p. of the statutes is renumbered 48.981 (7d) (dp).

8 **SECTION 91.** 48.981 (7) (a) 5. of the statutes is renumbered 48.981 (7d) (e) and
9 amended to read:

10 48.981 (7d) (e) Community programs and developmental disability services
11 professionals. A professional employee of a county department under s. 51.42 or
12 51.437 who is working with the child or the expectant mother of the unborn child
13 under a contract with or under the supervision of ~~the county department under s.~~
14 ~~46.22 or, in a county having a population of 500,000 or more, the department or a~~
15 ~~licensed child welfare agency under contract with the department~~ an agency.

16 **SECTION 92.** 48.981 (7) (a) 6. of the statutes is renumbered 48.981 (7d) (f) and
17 amended to read:

18 48.981 (7d) (f) Multidisciplinary team. A multidisciplinary child abuse and
19 neglect or unborn child abuse team recognized by the ~~county department or, in a~~
20 ~~county having a population of 500,000 or more, the department or a licensed child~~
21 ~~welfare agency under contract with the department~~ agency.

22 **SECTION 93.** 48.981 (7) (a) 6m. of the statutes is renumbered 48.981 (7d) (fm)
23 and amended to read:

24 48.981 (7d) (fm) Child advocacy center. A person employed by a child advocacy
25 center recognized by the county board, ~~the county department or, in a county having~~

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1 a population of 500,000 or more, the department or a licensed child welfare agency
2 under contract with the department or the agency, to the extent necessary to perform
3 the services for which the center is recognized by the county board, the county
4 department, the department or the licensed child welfare agency.

5 **SECTION 94.** 48.981 (7) (a) 8. of the statutes is renumbered 48.981 (7d) (h) and
6 amended to read:

7 48.981 (7d) (h) Law enforcement authorities. A law enforcement officer or, law
8 enforcement agency, or —a— district attorney for purposes of investigation or
9 prosecution.

10 **SECTION 95.** 48.981 (7) (a) 8m. of the statutes is renumbered 48.981 (7d) (hm)
11 2. and amended to read:

12 48.981 (7d) (hm) 2. The department of corrections, the department of health
13 services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, or any
14 other person under contract with the department of corrections, the department of
15 health services, or a county department under s. 46.215, 46.22, 46.23, 51.42, or
16 51.437 to exercise custody or supervision over a person who is subject to community
17 placement for purposes of investigating or providing services to a person who is
18 subject to community placement and who is the subject of a report. In making its
19 investigation, the department of corrections, department of health services, county
20 department, or other person shall cooperate with the agency making the
21 investigation under sub. (3) (e) or (d) (3g) to (3m).

22 **SECTION 96.** 48.981 (7) (a) 8s. of the statutes is renumbered 48.981 (7d) (hs) and
23 amended to read:

24 48.981 (7d) (hs) Sexually violent person commitments. Authorized
25 representatives of the department of corrections, the department of health services,

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1 the department of justice, or a district attorney for use in the prosecution of any
2 proceeding or any evaluation conducted under ch. 980, if the reports or records
3 involve or relate to an individual who is the subject of the proceeding or evaluation.
4 The court in which the proceeding under ch. 980 is pending may issue any protective
5 orders that it determines are appropriate concerning information made available or
6 disclosed under this ~~subdivision~~ paragraph. Any representative of the department
7 of corrections, the department of health services, the department of justice, or a
8 district attorney may disclose information obtained under this ~~subdivision~~
9 paragraph for any purpose consistent with any proceeding under ch. 980.

10 **SECTION 97.** 48.981 (7) (a) 9. of the statutes is renumbered 48.981 (7d) (i).

11 **SECTION 98.** 48.981 (7) (a) 10. of the statutes is renumbered 48.981 (7d) (j) and
12 amended to read:

13 48.981 (7d) (j) Juvenile court proceedings. A court conducting proceedings
14 under s. 48.21 ~~or~~, 48.213, ~~–a court conducting or 938.21,~~ proceedings related to a
15 petition under s. 48.13, 48.133, or 48.42 or ~~–a court conducting~~ under ch. 938, or
16 dispositional proceedings under subch. VI or VIII or under subch. VI of ch. 938 in
17 which an issue is the abuse or neglect of the child or the abuse of the unborn child
18 who is the subject of the report or record or abuse of the unborn child who is the
19 subject of the report or record is an issue or the substantial risk of abuse or neglect
20 of a child who, during the period covered by the report or record, was in the home of
21 the child who is the subject of the report or record.

NOTE: Consolidates 3 provisions relating to the disclosure of records for certain
juvenile court proceedings.

22 **SECTION 99.** 48.981 (7) (a) 10g. of the statutes is repealed.

NOTE: Repeals a provision that is consolidated in another provision (former s.
48.981 (7) (a) 10., stats.).

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1 **SECTION 100.** 48.981 (7) (a) 10j. of the statutes is repealed.

NOTE: Repeals a provision that is consolidated in another provision (former s. 48.981 (7) (a) 10., stats.).

2 **SECTION 101.** 48.981 (7) (a) 10m. of the statutes is renumbered 48.981 (7d) (k)
3 and amended to read:

4 48.981 **(7d)** (k) *Tribal court proceedings.* A tribal court, or other adjudicative
5 body authorized by an Indian tribe to perform child welfare functions, that exercises
6 jurisdiction over children and unborn children alleged to be in need of protection or
7 services for use in proceedings in which an issue is abuse or neglect of the child or
8 abuse of the unborn child who is the subject of the report or record ~~or abuse of the~~
9 ~~unborn child who is the subject of the report or record is an issue~~ or the substantial
10 risk of abuse or neglect of a child who, during the period covered by the report or
11 record, was in the home of the child who is the subject of the report or record.

NOTE: Consolidates 2 provisions relating to the disclosure of records for certain tribal court proceedings.

12 **SECTION 102.** 48.981 (7) (a) 10r. of the statutes is repealed.

NOTE: Repeals a provision that is consolidated in another provision (former s. 48.981 (7) (a) 10m., stats.).

13 **SECTION 103.** 48.981 (7) (a) 11. of the statutes is renumbered 48.981 (7d) (L)
14 and amended to read:

15 48.981 **(7d)** (L) *Attorneys and guardians ad litem; juvenile court proceedings.*
16 The county corporation counsel or district attorney representing the interests of the
17 public, the agency legal counsel, and the counsel or guardian ad litem representing
18 the interests of a child in proceedings under subd. 10., 10g. or 10j. and the guardian
19 ad litem representing the interests of or an unborn child in proceedings under subd.
20 10. par. (j).

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1 **SECTION 104.** 48.981 (7) (a) 11m. of the statutes is renumbered 48.981 (7d) (Lm)
2 and amended to read:

3 48.981 (7d) (Lm) Attorneys and guardians ad litem; tribal court proceedings.
4 An attorney representing the interests of an Indian tribe in proceedings under subd.
5 10m. or 10r., or of an Indian child in proceedings under subd. 10m. or 10r. or of or an
6 Indian unborn child, as defined in sub. (3f) (a) 1., in proceedings under subd. 10m.
7 par. (k).

8 **SECTION 105.** 48.981 (7) (a) 11r. of the statutes is renumbered 48.981 (7d) (Lr).

9 **SECTION 106.** 48.981 (7) (a) 12. of the statutes is renumbered 48.981 (7d) (m).

10 **SECTION 107.** 48.981 (7) (a) 13. of the statutes is renumbered 48.981 (7d) (n)
11 and amended to read:

12 48.981 (7d) (n) Stepparent adoption screening. The department, a county
13 department under s. 48.57 (1) (e) or (hm), or a licensed child welfare agency ordered
14 to conduct a screening or an investigation of a stepparent under s. 48.88 (2) (c).

15 **SECTION 108.** 48.981 (7) (a) 14. of the statutes is renumbered 48.981 (7d) (o) and
16 amended to read:

17 48.981 (7d) (o) Grand jury. A grand jury if it the grand jury determines that
18 access to specified records is necessary for the conduct of its official business.

19 **SECTION 109.** 48.981 (7) (a) 14m. of the statutes is renumbered 48.981 (7d) (om).

20 **SECTION 110.** 48.981 (7) (a) 15. of the statutes is renumbered 48.981 (7d) (p) and
21 amended to read:

22 48.981 (7d) (p) Child fatality review team. A child fatality review team
23 recognized by the county department or, in a county having a population of 500,000
24 or more, the department or a licensed child welfare agency under contract with the
25 department agency.

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1 **SECTION 111.** 48.981 (7) (a) 15g. of the statutes is renumbered 48.981 (7d) (pg).

2 **SECTION 112.** 48.981 (7) (a) 15m. of the statutes is renumbered 48.981 (7d) (pm)

3 and amended to read:

4 48.981 (7d) (pm) Death investigation. A coroner, medical examiner or,

5 pathologist, or other physician investigating the cause of death of a child whose

6 death is unexplained or unusual or is associated with unexplained or suspicious

7 circumstances.

8 **SECTION 113.** 48.981 (7) (a) 17. of the statutes is renumbered 48.981 (7d) (r) and

9 amended to read:

10 48.981 (7d) (r) Federal, state, or local agencies. A federal agency, state agency

11 of this state or any other state, or local governmental unit located in this state or any

12 other state that has a need for a report or record in order to carry out its responsibility

13 to protect children from abuse or neglect or to protect unborn children from abuse.

14 **SECTION 114.** 48.981 (7) (am) of the statutes is renumbered 48.981 (3f) (c) and

15 amended to read:

16 48.981 (3f) (c) Disclosure to tribal social services department. Notwithstanding

17 ~~par. (a) (intro.) sub. (7),~~ a tribal agent who receives notice under ~~sub. (3) par. (bm)~~ may

18 disclose the notice to a tribal social services department.

19 **SECTION 115.** 48.981 (7) (b) of the statutes is renumbered 48.981 (7g) (b) and

20 amended to read:

21 48.981 (7g) (b) Authorization of parent. ~~Notwithstanding par. (a), either~~ Either

22 parent of a child who is the subject of a report may authorize the disclosure of a record

23 relating to that report for use in a child custody proceeding under s. 767.41 or 767.451

24 or in an adoption proceeding under s. 48.833, 48.835, 48.837, or 48.839 ~~when the~~

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1 child has been the subject of a report. Any information that would identify a reporter
2 shall be deleted before disclosure of a record under this paragraph.

NOTE: Updates language regarding disclosures by parents.

3 **SECTION 116.** 48.981 (7) (c) of the statutes is renumbered 48.981 (7g) (c) and
4 amended to read:

5 48.981 (7g) (c) Authorization of subject. Notwithstanding par. (a), the The
6 subject of a report may authorize the disclosure of a record to the subject's attorney.
7 The authorization shall be in writing. Any information that would identify a reporter
8 shall be deleted before disclosure of a record under this paragraph.

9 **SECTION 117.** 48.981 (7) (cm) of the statutes is renumbered 48.981 (7g) (cm) and
10 amended to read:

11 48.981 (7g) (cm) Abuse or harassment restraining order proceedings.
12 Notwithstanding par. (a), an An agency may disclose information from its records for
13 use in proceedings under s. 48.25 (6), 813.122, or 813.125.

14 **SECTION 118.** 48.981 (7) (cr) 1. (intro.) of the statutes is renumbered 48.981 (7m)
15 (a) (intro.) and amended to read:

16 48.981 (7m) (a) Definitions. (intro.) In this paragraph subsection:

17 **SECTION 119.** 48.981 (7) (cr) 1. a. and b. of the statutes are renumbered 48.981
18 (7m) (a) 1. and 2.

19 **SECTION 120.** 48.981 (7) (cr) 2. (intro.) of the statutes is renumbered 48.981
20 (7m) (b) (intro.) and amended to read:

21 48.981 (7m) (b) Information to department. (intro.) Notwithstanding par. (a)
22 sub. (7), if an agency that receives a report under sub. (3) has reason to suspect that
23 an incident of death or serious injury or an incident of egregious abuse or neglect has
24 occurred, within 2 working days after determining that such an incident is suspected

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1 to have occurred the agency shall provide all of the following information to the
2 subunit of the department responsible for statewide oversight of child abuse and
3 neglect programs:

4 **SECTION 121.** 48.981 (7) (cr) 2. a. to f. of the statutes are renumbered 48.981
5 (7m) (b) 1. to 6.

6 **SECTION 122.** 48.981 (7) (cr) 3. of the statutes is renumbered 48.981 (7m) (c) and
7 amended to read:

8 48.981 **(7m)** (c) *Disclosure of information to public; summary report.* 1. Within
9 2 working days after receiving the information provided under ~~subd. 2. par. (b)~~, the
10 subunit of the department that received the information shall disclose to the public
11 the fact that the subunit has received the information; whether the department is
12 conducting a review of the incident and, if so, the scope of the review and the
13 identities of any other agencies with which the department is cooperating at that
14 point in conducting the review; whether the child was residing in the home or was
15 placed in an out-of-home placement at the time of the incident; and information
16 about the child, including the age of the child. If the information received is about
17 an incident of egregious abuse or neglect, the subunit of the department shall make
18 the same disclosure to a citizen review panel, as described in ~~par. (a) 15g. sub. (7d)~~
19 ~~(pg)~~, and, in a county having a population of 500,000 or more, to the Milwaukee child
20 welfare partnership council.

21 2. Within 90 days after receiving the information provided under ~~subd. 2. par.~~
22 ~~(b)~~, the subunit of the department that received the information shall prepare,
23 transmit to the governor and to the appropriate standing committees of the
24 legislature under s. 13.172 (3), and make available to the public a summary report
25 that contains the information specified in ~~subd. 4. or 5. par. (d) or (e)~~, whichever is

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1 applicable. That subunit may also include in the summary report a summary of any
2 actions taken by the agency in response to the incident and of any changes in policies
3 or practices that have been made to address any issues raised in the review and
4 recommendations for any further changes in policies, practices, rules, or statutes
5 that may be needed to address those issues. If the subunit does not include those
6 actions or changes and recommended changes in the summary report, the subunit
7 shall prepare, transmit to the governor and to the appropriate standing committees
8 of the legislature under s. 13.172 (3), and make available to the public a report of
9 those actions or changes and recommended changes within 6 months after receiving
10 the information provided under ~~subd. 2. par. (b).~~ Those committees shall review all
11 summary reports and reports of changes and recommended changes transmitted
12 under this ~~subd. 3. b. subdivision,~~ conduct public hearings on those reports no less
13 often than annually, and submit recommendations to the department regarding
14 those reports.

15 3. ~~Subdivision 3. a. and b. does~~ Subdivisions 1. and 2. do not preclude the
16 subunit of the department that prepares the summary report from releasing to the
17 governor, to the appropriate standing committees of the legislature under s. 13.172
18 (3), or to the public any of the information specified in ~~subd. 4. or 5. par. (d) or (e)~~
19 before the summary report is transmitted to the governor and to those committees
20 and made available to the public; adding to or amending a summary report if new
21 information specified in ~~subd. 4. or 5. par. (d) or (e)~~ is received after the summary
22 report is transmitted to the governor and to those committees and made available
23 to the public; or releasing to the governor, to those committees, and to the public any
24 information at any time to correct any inaccurate information reported in the news
25 media.

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1 **SECTION 123.** 48.981 (7) (cr) 4. (intro.) of the statutes is renumbered 48.981
2 (7m) (d) (intro.) and amended to read:

3 48.981 **(7m)** (d) *Summary report; child residing in home.* (intro.) If the child
4 was residing in his or her home when the incident of death or serious injury or the
5 incident of egregious abuse or neglect occurred, the summary report under ~~subd. 3.~~
6 par. (c) 2. shall contain all of the following:

7 **SECTION 124.** 48.981 (7) (cr) 4. a. to d. of the statutes are renumbered 48.981
8 (7m) (d) 1. to 4.

9 **SECTION 125.** 48.981 (7) (cr) 4. e. of the statutes is renumbered 48.981 (7m) (d)
10 5. and amended to read:

11 48.981 **(7m)** (d) 5. The date of the incident and the suspected cause of the death,
12 serious injury, or egregious abuse or neglect of the child, as reported by the agency
13 under ~~subd. 2. c.~~ par. (b) 3.

14 **SECTION 126.** 48.981 (7) (cr) 4. f. and g. of the statutes are renumbered 48.981
15 (7m) (d) 6. and 7.

16 **SECTION 127.** 48.981 (7) (cr) 5. (intro.) of the statutes is renumbered 48.981
17 (7m) (e) (intro.) and amended to read:

18 48.981 **(7m)** (e) *Summary report; child in out-of-home care.* (intro.) If the child
19 was placed in an out-of-home placement under this chapter or ch. 938 at the time
20 of the incident of death or serious injury or incident of egregious abuse or neglect, the
21 summary report under ~~subd. 3.~~ par. (c) 2. shall contain all of the following:

22 **SECTION 128.** 48.981 (7) (cr) 5. a. to d. of the statutes are renumbered 48.981
23 (7m) (e) 1. to 4.

24 **SECTION 129.** 48.981 (7) (cr) 5. e. of the statutes is renumbered 48.981 (7m) (e)
25 5. and amended to read:

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1 48.981 (7m) (e) 5. The date of the incident and the suspected cause of the death,
2 serious injury, or egregious abuse or neglect of the child, as reported by the agency
3 under ~~subd. 2. c. par. (b) 3.~~

4 **SECTION 130.** 48.981 (7) (cr) 5. f. of the statutes is renumbered 48.981 (7m) (e)
5 6.

6 **SECTION 131.** 48.981 (7) (cr) 6. (intro.) of the statutes is renumbered 48.981
7 (7m) (f) (intro.) and amended to read:

8 48.981 (7m) (f) *Information prohibited from disclosure.* (intro.) A summary
9 report or other release or disclosure of information under ~~subd. 3. par. (c)~~ may not
10 include any of the following:

11 **SECTION 132.** 48.981 (7) (cr) 6. a. to e. of the statutes are renumbered 48.981
12 (7m) (f) 1. to 5.

13 **SECTION 133.** 48.981 (7) (cr) 7. (intro.) of the statutes is renumbered 48.981
14 (7m) (g) (intro.) and amended to read:

15 48.981 (7m) (g) *Disclosure of information; when prohibited.* (intro.) The
16 subunit of the department that prepares a summary report or otherwise transmits,
17 releases, or discloses information under ~~subd. 3. par. (c)~~ may not transmit the
18 summary report to the governor and to the appropriate standing committees of the
19 legislature under s. 13.172 (3), make the summary report available to the public, or
20 transmit, release, or disclose the information to the governor, to those standing
21 committees, or to the public if the subunit determines that transmitting or making
22 the summary report available or transmitting, releasing, or disclosing the
23 information would jeopardize any of the following:

24 **SECTION 134.** 48.981 (7) (cr) 7. a. and b. of the statutes are renumbered 48.981
25 (7m) (g) 1. and 2.

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1 **SECTION 135.** 48.981 (7) (cr) 8. of the statutes is renumbered 48.981 (7m) (h)
2 and amended to read:

3 48.981 **(7m)** (h) Request or petition for information. If the department fails to
4 disclose to the governor, to the appropriate standing committees of the legislature
5 under s. 13.172 (3), or to the public any information that the department is required
6 to disclose under this ~~paragraph~~ subsection, any person may request the department
7 to disclose that information. If the person's request is denied, the person may
8 petition the court to order the disclosure of that information. On receiving a petition
9 under this ~~subdivision~~ paragraph, the court shall notify the department, the agency,
10 the district attorney, the child, and the child's parent, guardian, or legal custodian
11 of the petition. If any person notified objects to the disclosure, the court may hold
12 a hearing to take evidence and hear argument relating to the disclosure of the
13 information. The court shall make an in camera inspection of the information sought
14 to be disclosed and shall order disclosure of the information, unless the court finds
15 that any of the circumstances specified in ~~subd. 6. or 7.~~ par. (f) or (g) apply.

16 **SECTION 136.** 48.981 (7) (cr) 9. of the statutes is renumbered 48.981 (7m) (i) and
17 amended to read:

18 48.981 **(7m)** (i) Immunity from liability. Any person acting in good faith in
19 providing information under ~~subd. 2.~~ par. (b), in preparing, transmitting, or making
20 available a summary report under ~~subd. 3.~~ par. (c), or in otherwise transmitting,
21 releasing, or disclosing information under ~~subd. 3.~~ par. (c), is immune from any
22 liability, civil or criminal, that may result by reason of those actions. For purposes
23 of any proceeding, civil or criminal, the good faith of a person in providing
24 information under ~~subd. 2.~~ par. (b), in preparing, transmitting, or making available

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1 a summary report under ~~subd. 3. par. (c)~~, or in otherwise transmitting, releasing, or
2 disclosing information under ~~subd. 3. par. (c)~~ shall be presumed.

3 **SECTION 137.** 48.981 (7) (d) of the statutes is renumbered 48.981 (7g) (d) and
4 amended to read:

5 48.981 (7g) (d) Access by department. ~~Notwithstanding par. (a), An agency~~
6 shall permit the department ~~may to~~ have access to any report or record maintained
7 by ~~an~~ the agency under this section.

8 **SECTION 138.** 48.981 (7) (dm) of the statutes is renumbered 48.981 (7g) (dm)
9 and amended to read:

10 48.981 (7g) (dm) Statewide automated child welfare information system.
11 ~~Notwithstanding par. (a), an~~ An agency may enter the content of any report or record
12 maintained by the agency into the statewide automated child welfare information
13 system established under s. 48.47 (7g).

14 **SECTION 139.** 48.981 (7) (e) of the statutes is renumbered 48.981 (7r) (a) and
15 amended to read:

16 48.981 (7r) (a) Further disclosure prohibited. A person to whom a report or
17 record is disclosed under ~~this subsection~~ sub. (3f) (c), (7d), (7g), or (7m) may not
18 further disclose ~~it~~ the report or record, except to the persons and for the purposes
19 specified in ~~this section~~ those provisions.

20 **SECTION 140.** 48.981 (7) (f) of the statutes is renumbered 48.981 (7r) (b) and
21 amended to read:

22 48.981 (7r) (b) Penalty. Any person who violates ~~this subsection~~ sub. (7), (7d),
23 (7g), or (7m), or who permits or encourages the unauthorized dissemination or use
24 of information contained in reports and records made under this section, may be
25 fined not more than \$1,000 or imprisoned not more than 6 months or both.

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1 **SECTION 141.** 48.981 (7d) (intro.) of the statutes is created to read:
2 48.981 **(7d)** CONFIDENTIALITY; EXCEPTIONS. (intro.) Notwithstanding sub. (7),
3 reports made under this section and records maintained by an agency or by any other
4 person may be disclosed to any of the following persons:

NOTE: Creates new introductory text for the subsection authorizing exceptions to the general requirement that reports be kept confidential.

5 **SECTION 142.** 48.981 (7d) (a) (title) of the statutes is created to read:
6 48.981 **(7d)** (a) (title) *Subject of report.*

7 **SECTION 143.** 48.981 (7d) (b) (title) of the statutes is created to read:
8 48.981 **(7d)** (b) (title) *Agency staff.*

9 **SECTION 144.** 48.981 (7d) (c) (title) of the statutes is created to read:
10 48.981 **(7d)** (c) (title) *Attending physician.*

11 **SECTION 145.** 48.981 (7d) (cm) (title) of the statutes is created to read:
12 48.981 **(7d)** (cm) (title) *Parent, guardian, legal custodian, or expectant mother.*

13 **SECTION 146.** 48.981 (7d) (dp) (title) of the statutes is created to read:
14 48.981 **(7d)** (dp) (title) *Adoption or foster home licensing agency.*

15 **SECTION 147.** 48.981 (7d) (hm) (title) of the statutes is created to read:
16 48.981 **(7d)** (hm) (title) *Correctional community placements.*

17 **SECTION 148.** 48.981 (7d) (i) (title) of the statutes is created to read:
18 48.981 **(7d)** (i) (title) *Facility licensing proceedings.*

19 **SECTION 149.** 48.981 (7d) (Lr) (title) of the statutes is created to read:
20 48.981 **(7d)** (Lr) (title) *Court-appointed special advocate.*

21 **SECTION 150.** 48.981 (7d) (m) (title) of the statutes is created to read:
22 48.981 **(7d)** (m) (title) *Researcher.*

23 **SECTION 151.** 48.981 (7d) (om) (title) of the statutes is created to read:

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1 48.981 (7d) (om) (title) *John Doe proceeding*.

2 **SECTION 152.** 48.981 (7d) (pg) (title) of the statutes is created to read:

3 48.981 (7d) (pg) (title) *Citizen review panel*.

4 **SECTION 153.** 48.981 (7g) (intro.) of the statutes is created to read:

5 48.981 (7g) CONFIDENTIALITY; FURTHER EXCEPTIONS. (intro.) Notwithstanding
6 sub. (7), reports made under this section and records maintained by an agency or by
7 any other person may also be disclosed as follows:

NOTE: Creates new introductory text for the subsection providing further exceptions to the general confidentiality requirement.

8 **SECTION 154.** 48.981 (7m) (title) of the statutes is created to read:

9 48.981 (7m) (title) DEATH, SERIOUS INJURY, OR OTHER EGREGIOUS INCIDENTS; PUBLIC
10 DISCLOSURE.

11 **SECTION 155.** 48.981 (7r) (title) of the statutes is created to read:

12 48.981 (7r) (title) FURTHER DISCLOSURE PROHIBITED; PENALTIES.

13 **SECTION 156.** 48.981 (8) (a) of the statutes is amended to read:

14 48.981 (8) (a) Education and training programs. ~~The department, the county~~
15 ~~departments, and a licensed child welfare agency under contract with the~~
16 ~~department in a county having a population of 500,000 or more to~~ To the extent
17 feasible, agencies shall conduct continuing education and training programs for staff
18 ~~of the department, the county departments, licensed child welfare agencies under~~
19 ~~contract with the department or a county department, agency staff, staff of law~~
20 ~~enforcement agencies, and the tribal social services departments, persons and~~
21 ~~officials required to report, the general public, and others as appropriate~~ and shall
22 develop public information programs about child abuse and neglect and unborn child
23 abuse. The programs shall be designed to encourage reporting of child abuse and

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1 neglect and of unborn child abuse, to encourage self-reporting and voluntary
2 acceptance of services, and to improve communication, cooperation, and
3 coordination in the identification, prevention, and treatment of child abuse and
4 neglect and of unborn child abuse. Programs provided for agency staff of the
5 department, ~~county departments, and licensed child welfare agencies under contract~~
6 ~~with county departments or the department~~ whose responsibilities include the
7 investigation or treatment of child abuse or neglect shall also be designed to provide
8 information on means of recognizing and appropriately responding to domestic
9 abuse, as defined in s. 49.165 (1) (a). ~~The department, the county departments, and~~
10 ~~a licensed child welfare agency under contract with the department in a county~~
11 ~~having a population of 500,000 or more shall develop public information programs~~
12 ~~about child abuse and neglect and about unborn child abuse.~~

NOTE: Updates language in a provision relating to education and training.

13 **SECTION 157.** 48.981 (8) (b) of the statutes is amended to read:

14 48.981 (8) (b) *Program development and coordination.* ~~The department shall~~
15 ~~to~~ To the extent feasible, the department shall ensure that there are available in the
16 state administrative procedures, personnel trained in child abuse and neglect and
17 in unborn child abuse, multidisciplinary programs, and operational procedures and
18 capabilities to deal effectively with child abuse and neglect cases and with unborn
19 child abuse cases. These procedures and capabilities may include, ~~but are not limited~~
20 ~~to~~, receipt, investigation and verification of reports; determination of treatment or
21 ameliorative social services; or referral to the appropriate court.

NOTE: Updates language in a provision regarding DCF's responsibilities for
procedures and personnel.

22 **SECTION 158.** 48.981 (8) (c) of the statutes is amended to read:

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1 48.981 (8) (c) *Contracting for programming.* In meeting its responsibilities
2 under par. (a) or (b), ~~the department, a county department or a licensed child welfare~~
3 ~~agency under contract with the department in a county having a population of~~
4 ~~500,000 or more~~ an agency may contract with any public or private organization
5 ~~which~~ that meets the standards set by the department. In entering into the contracts
6 ~~the department, county department or licensed child welfare~~ an agency shall give
7 priority to parental organizations combating child abuse and neglect or unborn child
8 abuse.

9 **SECTION 159.** 48.981 (8) (d) (title) of the statutes is created to read:

10 48.981 (8) (d) (title) *Staff training required.*

11 **SECTION 160.** 48.981 (9) (b) 1. of the statutes is amended to read:

12 48.981 (9) (b) 1. Within 30 days after the end of each calendar quarter, the
13 department shall prepare and transmit to the governor, and to the appropriate
14 standing committees of the legislature under s. 13.172 (3), a summary report of all
15 reports received by the department under sub. (3) (e) 8. ~~(3g) (h) 3.~~ during the previous
16 calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who is placed
17 in the home of a foster parent or relative other than a parent or in a group home,
18 shelter care facility, or residential care center for children and youth. For each report
19 included in the summary report the department shall provide the number of
20 incidents of abuse reported; the dates of those incidents; the county in which those
21 incidents occurred; the age or age group of the child who is the subject of the report;
22 the type of placement in which the child was placed at the time of the incident;
23 whether it was determined under sub. (3) (e) 4. ~~(3g) (d)~~ that abuse occurred; and, if
24 so, the nature of the relationship between the child and the person who abused the
25 child, but may not provide any of the information specified in sub. ~~(7) (er) 6.~~ (7m) (f)

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1 or any information that would jeopardize an investigation, prosecution, or
2 proceeding described in sub. ~~(7) (er) 7. a. or b. (7m) (g) 1. or 2.~~

3 **SECTION 161.** 48.981 (9) (b) 2. of the statutes is amended to read:

4 48.981 **(9)** (b) 2. In every 4th summary report prepared and transmitted under
5 subd. 1., the department shall provide for all reports of abuse, as defined in s. 48.02
6 (1) (b) to (f), of a child who is placed as described in subd. 1. received by the
7 department under sub. ~~(3) (e) 8. (3g) (h) 3.~~ during the previous year information
8 indicating whether the abuse resulted in any injury, disease, or pregnancy that is
9 known to be directly caused by the abuse, but may not provide any of the information
10 specified in sub. ~~(7) (er) 6. (7m) (f)~~ or any information that would jeopardize an
11 investigation, prosecution, or proceeding described in sub. ~~(7) (er) 7. a. or b. (7m) (g)~~
12 1. or 2. A county department reporting under sub. ~~(3) (e) 8. (3g) (h) 3.~~ shall make an
13 active effort to obtain that information and report the information to the department
14 under sub. ~~(3) (e) 8. (3g) (h) 3.~~

15 **SECTION 162.** 48.981 (10) of the statutes is renumbered 48.981 (3f) (d) and
16 amended to read:

17 48.981 **(3f)** (d) *Current list of tribal agents.* The department shall annually
18 provide to each agency described in sub. ~~(3) (bm) (intro.)~~ a current list of all tribal
19 agents in the state.

20 **SECTION 163.** 50.065 (4m) (a) 4. of the statutes is amended to read:

21 50.065 **(4m)** (a) 4. That a determination has been made under s. 48.981 ~~(3) (e)~~
22 ~~4. (3g) (d)~~ that the person has abused or neglected a child.

23 **SECTION 164.** 50.065 (4m) (b) 4. of the statutes is amended to read:

24 50.065 **(4m)** (b) 4. That a determination has been made under s. 48.981 ~~(3) (e)~~
25 ~~4. (3g) (d)~~ that the person has abused or neglected a child.

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1 **SECTION 165.** 51.30 (4) (b) 17. of the statutes is amended to read:

2 51.30 (4) (b) 17. To the elder-adult-at-risk agency designated under s. 46.90
3 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90 (4) and
4 (5), to ~~the county department as defined in s. 48.02 (2g)~~ an agency, as defined in s.
5 48.981 (1) (ag), or the sheriff or police department for the purposes of s. 48.981 (2) and
6 (3) to (3m), or to the adult-at-risk agency designated under s. 55.043 (1d) for
7 purposes of s. 55.043. The treatment record holder may release treatment record
8 information by initiating contact with the elder-adult-at-risk agency, adult-at-risk
9 agency, or county department, as defined in s. 48.02 (2g), without first receiving a
10 request for release of the treatment record from the elder-adult-at-risk agency,
11 adult-at-risk agency, or county department.

12 **SECTION 166.** 118.07 (5) of the statutes is amended to read:

13 118.07 (5) Each school board shall require every employee of the school district
14 governed by the school board who is required to report suspected or threatened child
15 abuse or neglect under s. 48.981 (2) (ar) 14. to receive training provided by the
16 department or approved under s. 48.47 (9) in identifying children who have been
17 abused or neglected and in the laws and procedures under s. 48.981 governing the
18 reporting of suspected or threatened child abuse and neglect. ~~–A–~~ Unless the
19 employee has received training provided by the department or approved under s.
20 48.47 (9) within the 5 years immediately preceding employment, a school district
21 employee shall receive that training within the first 6 months after commencing
22 employment with the school district and at least once every 5 years after that initial
23 training.

NOTE: Amends the requirement that DPI provide training to all school district employees to make the requirement applicable only to employees who are mandated reporters of child abuse and neglect under s. 48.981, stats., and to allow such training to

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be provided by either DPI or another provider whose training course is approved by DCF. Specifies that employees who received training during the 5 years preceding employment are not subject to the initial training requirement.

1 **SECTION 167.** 118.19 (15) of the statutes is created to read:

2 118.19 (15) The state superintendent may not issue an initial teaching license,
3 school district administrator's license, or school administrator's license unless the
4 applicant has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition of an initial teaching license, a school district administrator's license, or a school administrator's license.

5 **SECTION 168.** 146.82 (2) (a) 11. and 18m. of the statutes are amended to read:

6 146.82 (2) (a) 11. To ~~a county department~~ an agency, as defined under s. 48.02
7 ~~(2g)~~ in s. 48.981 (1) (ag), a sheriff or police department, or a district attorney for
8 purposes of investigation of threatened or suspected child abuse or neglect or
9 suspected unborn child abuse or for purposes of prosecution of alleged child abuse
10 or neglect, if the person conducting the investigation or prosecution identifies the
11 subject of the record by name. The health care provider may release information by
12 initiating contact with a county department, sheriff or police department, or district
13 attorney without receiving a request for release of the information. A person to
14 whom a report or record is disclosed under this subdivision may not further disclose
15 ~~it~~ the report or record, except to the persons, for the purposes, and under the
16 conditions specified in s. 48.981 ~~(7) (7d), (7g), or (7m)~~.

17 18m. If the subject of the patient health care records is a child or juvenile who
18 has been placed in a foster home, group home, residential care center for children and
19 youth, or juvenile correctional facility, including ~~a~~ any other placement under s.
20 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group
21 home, residential care center for children and youth, or juvenile correctional facility

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1 is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4),
2 to an agency with placement and care responsibility of the child or juvenile under s.
3 48.21 (5) (b) 1. d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.357 (2v) (a) 1m., 48.43 (1)
4 (am), 48.63 (1), 938.21 (5) (b) 1. d., 938.32 (1) (c) 1. d., 938.355 (2) (b) 6g., (6) (d) 1.,
5 or (6m) (a) 1g., or 938.357 (2v) (a) 1m., to an agency directed by a court to prepare a
6 court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or
7 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g),
8 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for
9 preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63
10 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or
11 to an agency that placed the child or juvenile or arranged for the placement of the
12 child or juvenile in any of those placements and, by any of those agencies, to any other
13 of those agencies and, by the agency that placed the child or juvenile or arranged for
14 the placement of the child or juvenile in any of those placements, to the foster parent
15 of the child or juvenile or the operator of the group home, residential care center for
16 children and youth, or juvenile correctional facility in which the child or juvenile is
17 placed, as provided in s. 48.371 or 938.371.

18 **SECTION 169.** 165.85 (4) (b) 1. of the statutes is amended to read:

19 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
20 enforcement officer, except on a temporary or probationary basis, unless the person
21 has satisfactorily completed a preparatory program of law enforcement training
22 approved by the board ~~and has been certified by~~ the board has certified the person
23 as being qualified to be a law enforcement or tribal law enforcement officer, and the
24 person has completed a training course approved under s. 48.47 (9). The program
25 shall include 400 hours of training, except the program for law enforcement officers

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1 who serve as rangers for the department of natural resources includes 240 hours of
2 training. The board shall promulgate a rule under ch. 227 providing a specific
3 curriculum for a 400-hour conventional program and a 240-hour ranger program.
4 The period of temporary or probationary employment established at the time of
5 initial employment shall not be extended by more than one year for an officer lacking
6 the training qualifications required by the board. The total period during which a
7 person may serve as a law enforcement and tribal law enforcement officer on a
8 temporary or probationary basis without completing a preparatory program of law
9 enforcement training approved by the board shall not exceed 2 years, except that the
10 board shall permit part-time law enforcement and tribal law enforcement officers
11 to serve on a temporary or probationary basis without completing a program of law
12 enforcement training approved by the board to a period not exceeding 3 years. For
13 purposes of this section, a part-time law enforcement or tribal law enforcement
14 officer is a law enforcement or tribal law enforcement officer who routinely works not
15 more than one-half the normal annual work hours of a full-time employee of the
16 employing agency or unit of government. Law enforcement training programs
17 including municipal, county and state programs meeting standards of the board are
18 acceptable as meeting these training requirements.

NOTE: Requires the completion of a mandatory reporter training course as a condition for appointment as a law enforcement or tribal law enforcement officer.

19 **SECTION 170.** 256.15 (6) (a) 2m. of the statutes is created to read:
20 256.15 (6) (a) 2m. Have satisfactorily completed a training course approved
21 under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for initial licensure as an emergency medical technician.

22 **SECTION 171.** 256.15 (8) (b) 4. of the statutes is created to read:

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1 256.15 (8) (b) 4. The individual has completed a training course approved
2 under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition of initial certification as a first responder.

3 **SECTION 172.** 301.068 (5m) of the statutes is created to read:

4 301.068 (5m) Rules promulgated under sub. (5) shall require probation agents
5 and parole agents to obtain training approved under s. 48.47 (9) prior to initial
6 service as a probation agent or parole agent in the state.

NOTE: Requires rules setting forth training requirements for parole and probation agents to require the completion of a mandated reporter training course prior to initial service.

7 **SECTION 173.** 440.88 (3) (a) (intro.) of the statutes is amended to read:

8 440.88 (3) (a) (intro.) Subject to pars. (b), (bm), and (c) and except as provided
9 in sub. (3m), the department shall promulgate rules that establish minimum
10 standards and qualifications for the certification of all of the following, including
11 substance abuse counselors and clinical supervisors described under s. HFS 75.02
12 (11) and (84), Wis. Adm. Code, in effect on December 15, 2006:

13 **SECTION 174.** 440.88 (3) (bm) of the statutes is created to read:

14 440.88 (3) (bm) Rules promulgated under par. (a) shall require substance abuse
15 counselors to obtain training approved under s. 48.47 (9) as a condition of initial
16 certification.

NOTE: Requires rules establishing minimum standards for certification of substance abuse counselors to require the completion of a mandated reporter training course as a condition of initial certification as substance abuse counselor.

17 **SECTION 175.** 441.04 of the statutes is amended to read:

18 **441.04 Requisites for examination as a registered nurse.** Any person
19 who has graduated from a high school or its equivalent as determined by the board,
20 does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and

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1 111.335, has completed a training course approved under s. 48.47 (9), holds a diploma
2 of graduation from an accredited school of nursing, and, if the school is located
3 outside this state, submits evidence of general and professional educational
4 qualifications comparable to those required in this state at the time of graduation
5 may apply to the department for licensure by the board as a registered nurse, and
6 upon payment of the fee specified under s. 440.05 (1) shall be entitled to examination.

NOTE: Requires the completion of a mandated reporter training course as a
prerequisite for taking the examination to become a registered nurse.

7 **SECTION 176.** 446.02 (2) (a) 1. of the statutes is amended to read:

8 446.02 (2) (a) 1. The examining board shall grant a license to engage in the
9 practice of chiropractic to a qualified person who submits an application for the
10 license to the department on a form provided by the department, accompanied by
11 satisfactory evidence of completion of the educational requirements established in
12 the rules promulgated under par. (b) and satisfactory evidence of completion of a
13 training course approved under s. 48.47 (9), passes the examinations described
14 under sub. (3), and pays the license fee specified in s. 440.05 (1).

NOTE: Requires the completion of a mandated reporter training course as a
qualification for a license to practice as a chiropractor.

15 **SECTION 177.** 447.04 (1) (a) 5s. of the statutes is created to read:

16 447.04 (1) (a) 5s. Submits evidence satisfactory to the examining board that he
17 or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a
qualification for a license to practice dentistry.

18 **SECTION 178.** 448.05 (2) of the statutes is amended to read:

19 448.05 (2) LICENSE TO PRACTICE MEDICINE AND SURGERY. An applicant for any
20 class of license to practice medicine and surgery must supply evidence satisfactory
21 to the board that the applicant is a graduate of and possesses a diploma from a

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1 medical or osteopathic college approved by the board ~~and~~, has completed
2 postgraduate training of 12 months in a facility approved by the board, and has
3 completed a training course approved under s. 48.47 (9). If an applicant is a graduate
4 of a foreign medical school which has not been approved by the board, and if such
5 applicant has had postgraduate training in this country in a 12-month program
6 approved by the board or has had other professional experience which the board
7 deems has given the applicant the education and training substantially equivalent,
8 and if such applicant has passed the examinations given by the educational council
9 for foreign medical graduates or its successors, the board may make such additional
10 inquiry including a personal interview as satisfies it that the applicant has had such
11 education and training. If a majority of the board is so satisfied, the applicant may
12 then be admitted to examination for a license to practice medicine and surgery. If
13 an applicant is a graduate of a foreign medical school not approved by the board, and
14 such foreign medical school requires either social service or internship or both of its
15 graduates, and if such applicant has not completed such requirements but has
16 completed a 12-month supervised clinical training program under the direction of
17 a medical school approved by the board and has complied with all other requirements
18 of this subsection for graduates of foreign medical schools not approved by the board,
19 the applicant may then be admitted to examination for a license to practice medicine
20 and surgery.

NOTE: Requires the completion of a mandated reporter training course as a
qualification for a license to practice medicine and surgery.

21 **SECTION 179.** 448.05 (5) (a) 3. of the statutes is created to read:

22 448.05 (5) (a) 3. That the applicant has completed a training course approved
23 under s. 48.47 (9).

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NOTE: Requires the completion of a mandated reporter training course as a qualification for a physician assistant license.

1 **SECTION 180.** 448.53 (1) (dm) of the statutes is created to read:
2 448.53 (1) (dm) Submits evidence satisfactory to the examining board that the
3 applicant has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for licensure as a physical therapist.

4 **SECTION 181.** 448.535 (1) (f) of the statutes is created to read:
5 448.535 (1) (f) Submits evidence satisfactory to the examining board that the
6 applicant has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for licensure as a physical therapist assistant.

7 **SECTION 182.** 448.78 (4m) of the statutes is created to read:
8 448.78 (4m) Submits evidence satisfactory to the affiliated credentialing board
9 that he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for certification as a dietitian.

10 **SECTION 183.** 448.963 (2) (bm) of the statutes is created to read:
11 448.963 (2) (bm) Submits evidence satisfactory to the affiliated credentialing
12 board that he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as an occupational therapist.

13 **SECTION 184.** 449.05 (3m) of the statutes is created to read:
14 449.05 (3m) The person has completed a training course approved under s.
15 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for taking an examination to be licensed as an optometrist.

16 **SECTION 185.** 451.04 (2) (dm) of the statutes is created to read:
17 451.04 (2) (dm) Submits evidence satisfactory to the department that he or she
18 has completed a training course approved under s. 48.47 (9).

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NOTE: Requires the completion of a mandated reporter training course as a condition for obtaining an acupuncturist certificate.

1 **SECTION 186.** 455.04 (1) (dm) of the statutes is created to read:

2 455.04 (1) (dm) Have completed a training course approved under s. 48.47 (9)
3 prior to initial licensure.

NOTE: Requires the completion of a mandated reporter training course as a requirement for licensure as a psychologist.

4 **SECTION 187.** 455.04 (4) (dm) of the statutes is created to read:

5 455.04 (4) (dm) Have completed a training course approved under s. 48.47 (9)
6 prior to initial licensure.

NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as a private practice school psychologist.

7 **SECTION 188.** 457.08 (1) (bm) of the statutes is created to read:

8 457.08 (1) (bm) Submits evidence satisfactory to the social worker section that
9 he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for obtaining a social worker certificate.

10 **SECTION 189.** 457.09 (5) (d) of the statutes is amended to read:

11 457.09 (5) (d) The social worker section shall grant a social worker certificate
12 to an individual who has held a social worker training certificate, who has completed
13 a training course approved under s. 48.47 (9), and who passes the examinations
14 specified under pars. (a) and (b).

NOTE: Requires the completion of a mandated reporter training course as a condition for obtaining a social worker certificate based on holding a social worker training certificate and passing specified examinations.

15 **SECTION 190.** 457.10 (3m) of the statutes is created to read:

16 457.10 (3m) Submits evidence satisfactory to the marriage and family
17 therapist section that he or she has completed a training course approved under s.
18 48.47 (9).

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NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as a marriage and family therapist.

1 **SECTION 191.** 457.12 (3m) of the statutes is created to read:

2 457.12 **(3m)** Submits evidence satisfactory to the professional counselor
3 section that he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as a professional counselor.

4 **SECTION 192.** 459.24 (2) (g) of the statutes is created to read:

5 459.24 **(2)** (g) Submits evidence satisfactory to the examining board that he or
6 she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as a speech-language pathologist.

7 **SECTION 193.** 459.24 (3) (g) of the statutes is created to read:

8 459.24 **(3)** (g) Submits evidence satisfactory to the examining board that he or
9 she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as an audiologist.

10 **SECTION 194.** 767.405 (4) of the statutes is amended to read:

11 767.405 **(4)** MEDIATOR QUALIFICATIONS. Every mediator assigned under sub. (6)
12 (a) shall have not less than 25 hours of mediation training or not less than 3 years
13 of professional experience in dispute resolution. Every mediator assigned under sub.
14 (6) (a) shall have training on the dynamics of domestic violence and the effects of
15 domestic violence on victims of domestic violence and on children. Every mediator
16 assigned under sub. (6) (a) shall have completed a training course approved under
17 s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for assignment as a family court mediator.

18 **SECTION 195.** 895.442 (1) (a) of the statutes is amended to read:

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1 895.442 (1) (a) “Member of the clergy” has the meaning given in s. 48.981 (1)
2 ~~(ex) (2) (bm) 1d. c.~~

3 **SECTION 196.** 895.442 (5) of the statutes is amended to read:

4 895.442 (5) SILENCE AGREEMENTS. Any contract or agreement concerning the
5 settlement of any claim under this section that limits or eliminates the right of the
6 injured person to disclose the sexual contact described under sub. (2) to another
7 member of the religious organization to which the member of the clergy under sub.
8 (2) belongs, to a therapist, as defined in s. 895.441 (1) (e), to a person listed under s.
9 48.981 (2) ~~(a) (ar)~~, or to a district attorney, is void.

10 **SECTION 197.** 905.06 (4) of the statutes is amended to read:

11 905.06 (4) EXCEPTIONS. There is no privilege under this section concerning
12 observations or information that a member of the clergy, as defined in s. 48.981 (1)
13 ~~(ex) (2) (bm) 1d. c.~~, is required to report as suspected or threatened child abuse under
14 s. 48.981 (2) (bm).

15 **SECTION 198.** 948.03 (6) of the statutes is amended to read:

16 948.03 (6) TREATMENT THROUGH PRAYER. A person is not guilty of an offense
17 under this section solely because he or she provides a child with treatment by
18 spiritual means through prayer alone for healing in accordance with the religious
19 method of healing permitted under s. 48.981 (3) ~~(e) 4. (3g) (d)~~ or 448.03 (6) in lieu of
20 medical or surgical treatment.

21 **SECTION 199. Nonstatutory provisions.**

22 (1) RULES; TRAINING FOR MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. The
23 department of children and families shall present the statement of scope of the rules
24 required under section 48.981 (2s) of the statutes, as created by this act, to the
25 governor for approval under section 227.135 (2) of the statutes no later than the 60th

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1 day after the effective date of this subsection. The department of children and
2 families shall submit in proposed form the rules required under section 48.981 (2s)
3 of the statutes, as created by this act, to the legislative council staff as required under
4 section 227.15 (1) of the statutes no later than the 13th month beginning after the
5 governor approves the statement of scope for the rules.

6 **SECTION 200. Effective dates.** This act takes effect on the day after
7 publication, except as follows:

8 (1) TRAINING OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. The
9 treatment of sections 148.67 (2m), 118.19 (15), 165.85 (4) (b) 1., 256.15 (6) (a) 2m. and
10 (8) (b) 4., 301.068 (5m), 440.88 (3) (a) (intro.) and (bm), 441.04, 446.02 (2) (a) 1., 447.04
11 (1) (a) 5s., 448.05 (2) and (5) (a) 3., 448.53 (1) (dm), 448.535 (1) (f), 448.78 (4m),
12 448.963 (2) (bm), 449.05 (3m), 451.04 (2) (dm), 455.04 (1) (dm) and (4) (dm), 457.08
13 (1) (bm), 457.09 (5) (d), 457.10 (3m), 457.12 (3m), 459.24 (2) (g) and (3) (g), and
14 767.405 (4) of the statutes takes effect on the first day of the 36th month beginning
15 after publication.

16 (END)