



2015 SENATE BILL 574

January 15, 2016 - Introduced by Senators COWLES, L. TAYLOR, HARRIS DODD, CARPENTER, GUDEX, OLSEN and C. LARSON, cosponsored by Representatives KLEEFISCH, JOHNSON, MACCO, BALLWEG, BERCEAU, BILLINGS, E. BROOKS, R. BROOKS, BROSTOFF, GOYKE, HORLACHER, JORGENSEN, KAHL, KESSLER, KNODL, T. LARSON, MURPHY, MURSAU, OHNSTAD, QUINN, RIPP, SANFELIPPO, SINICKI, STUCK, SUBECK, C. TAYLOR, THIESFELDT, TITTL, YOUNG, ZEPNICK, ZAMARRIPA, SPREITZER and LOUDENBECK. Referred to Committee on Health and Human Services.

- 1 **AN ACT** *to repeal* 48.981 (11) (d); and *to create* 48.981 (11) of the statutes;
2 **relating to:** model procedures for investigating reports of abuse or neglect
3 involving children with disabilities.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Children and Families, by January 1, 2017, to develop and implement a model procedure to be used in the investigation of reports of suspected or threatened abuse or neglect of a child with a disability. The bill requires the model procedure, at a minimum, to include all of the following:

1. A requirement that each county department of human services or social services, each licensed child welfare agency under contract with DCF or such a county department, or, in a county having a population of 500,000 or more, the subunit of DCF that conducts child abuse and neglect investigations (collectively, "agency"), on receipt of a report of suspected or threatened abuse or neglect, ask the reporter whether the child who is the subject of the report is a child with a disability.

2. Procedures for agencies to use to identify and address any specific categories of disabilities that a child with a disability reported to the agency may have.

3. Procedures to ensure that each agency is in compliance with the Americans with Disabilities Act. Those procedures must include reasonable modifications to the rules, policies, and practices of the agency, the removal of architectural, communication, and transportation barriers, and the provision of auxiliary aids and services as necessary to enable a person with a disability to receive the services or participate in the programs or activities provided by the agency.

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4. Interviewing strategies tailored to the investigation of abuse or neglect reports involving children with disabilities that include forensic interviewing strategies for interviewing those children, including children with communication issues.

5. Information on how to access collateral information regarding a child with a disability.

6. Information on how to access specialized follow-up services for children with disabilities.

7. A requirement that agencies collaborate with local law enforcement agencies in the investigation of reports of suspected or threatened abuse or neglect of children with disabilities.

8. Plans for the training of agency staff in the implementation of the model procedure.

The bill also requires each agency, by July 1, 2017, to adopt a procedure for the investigation of reports of suspected or threatened abuse or neglect of children with disabilities, which procedure may consist of the model procedure developed by DCF.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.981 (11) of the statutes is created to read:

2 48.981 (11) INVESTIGATIONS INVOLVING CHILDREN WITH DISABILITIES. (a) In this
3 subsection, “child with a disability” means a child with a disability, as defined in s.
4 106.50 (1m) (g), including a child with a disability, as defined in s. 115.76 (5) (a).

5 (b) The department shall develop and implement a model procedure to be used
6 in the investigation of reports of suspected or threatened abuse or neglect of a child
7 with a disability. In developing that model procedure the department shall use an
8 open public participation process that includes the input of representatives of law
9 enforcement agencies and other stakeholders that the department considers
10 appropriate. On completion of the model procedure, the department shall post the
11 model procedure on its Internet site and distribute copies of the model procedure to

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1 all agencies that conduct abuse and neglect investigations in this state. At a
2 minimum, the model procedure shall include all of the following:

3 1. A requirement that each agency, on receipt of a report of suspected or
4 threatened abuse or neglect, ask the reporter whether the child who is the subject
5 of the report is a child with a disability.

6 2. Procedures for agencies to use to identify and address any specific categories
7 of disabilities that a child with a disability reported to the agency may have.

8 3. Procedures to ensure that each agency is in compliance with Part A of Title
9 II of the Americans with Disabilities Act, 42 USC 12131 to 12134. Those procedures
10 shall include reasonable modifications to the rules, policies, and practices of the
11 agency, the removal of architectural, communication, and transportation barriers,
12 and the provision of auxiliary aids and services as necessary to enable a person with
13 a disability to receive the services or participate in the programs or activities
14 provided by the agency.

15 4. Interviewing strategies tailored to the investigation of abuse or neglect
16 reports involving children with disabilities that include forensic interviewing
17 strategies for interviewing those children, including children with communication
18 issues.

19 5. Information on how to access collateral information regarding a child with
20 a disability.

21 6. Information on how to access specialized follow-up services for children with
22 disabilities.

23 7. A requirement that agencies collaborate with local law enforcement agencies
24 in the investigation of reports of suspected or threatened abuse or neglect of children
25 with disabilities.

