
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 146
[2021 Senate Bill 416]

**Reports of Sexual Abuse of
Children in Out-of-Home Care**

BACKGROUND

The Department of Children and Families (DCF) is required by statute to prepare quarterly reports that summarize certain types of sexual abuse of a child who is placed in out-of-home care (OHC), meaning the home of a foster parent or relative other than a parent, a group home, a shelter care facility, or a residential care center for children and youth. In its fourth quarterly report, DCF must provide information about all such reports of abuse received during the previous year, including whether the abuse resulted in any injury, disease, or pregnancy that is known to be directly caused by the abuse. DCF also must transmit the quarterly reports to the Governor and the appropriate standing committees of the Legislature.

Prior law did not specify whether the quarterly reports must summarize only alleged incidents of sexual abuse of a child that occurred while the child was placed in OHC, or whether the quarterly reports must include all reports of sexual abuse of a child received by DCF during the time in which the child was placed in OHC, **regardless of when the alleged incident occurred**. Thus, under prior law, DCF's quarterly reports could include reported incidents of sexual abuse of a child that occurred while the child was placed in OHC, as well as reported incidents of sexual abuse that occurred when a child was not placed in OHC.

2021 WISCONSIN ACT 146

2021 Wisconsin Act 146 specifies that the quarterly reports prepared and transmitted by DCF must include reports of sexual abuse of a child who was placed in OHC, **only if the alleged incident occurred while the child was placed in OHC**. The act also requires DCF to specify in the reports whether, in substantiated cases of certain types of sexual abuse, the abuse was caused by the child's OHC provider. The act first applies to reports received by DCF during the calendar quarter beginning on April 1, 2022.

Effective date: March 6, 2022

MS:AO:ksm