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## WISCONSIN LEGISLATIVE COUNCIL

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### REPORTING OF CHILD ABUSE AND CHILD NEGLECT

Room 411 South  
State Capitol

July 12, 2012  
10:00 a.m. – 3:30 p.m.

[The following is a summary of the July 12, 2012 meeting of the Special Committee on Reporting of Child Abuse and Child Neglect. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Chair Darling called the committee to order. The roll was called and a quorum was present.

**COMMITTEE MEMBERS PRESENT:** Sen. Alberta Darling, Chair; Sen. Jennifer Shilling, Vice-Chair; Reps. Terese Berceau and Jeremy Thiesfeldt; and Public Members Kristen Iniguez, Katharine Kucharski, Bill Orth, Henry Plum, Michael Schmidtknecht, and Lynn Sheets.

**COMMITTEE MEMBERS EXCUSED:** Public Members Susan Dreyfus and Mary Triggiano. [Both of these members participated via telephone.]

**COUNCIL STAFF PRESENT:** Anna Henning and David Moore, Staff Attorneys.

**APPEARANCES:** Sen. Mary Lazich, Co-Chair, Joint Legislative Council; Terry C. Anderson, Director, Legislative Council Staff; MaryAnn Lippert, Executive Assistant, Department of Children and Families (DCF); Robert B. Williams, Director, Bureau of Safety and Well-Being, Division of Safety and Permanence, DCF; Mary Anne Snyder, Executive Director, Wisconsin Children's Trust Fund; Elizabeth Dionne, Director, Office of Operations Review and Internal Audit, University of Wisconsin System; Dawn Buchholz, Supervisor, Child and Family Services, Waushara County Department of Human Services; and Suzanne Mathison, CPS Social Worker, Marathon County Department of Social Services.

#### Opening Remarks

Senator Mary Lazich, Co-Chair, Joint Legislative Council, and Terry Anderson, Director of the Legislative Council Staff, welcomed the members of the Special Committee. Senator Lazich explained

the history leading to the formation of the Special Committee, how the committee members were selected, and the role of the committee. She further emphasized the importance of the committee and the selective nature of its membership. Mr. Anderson introduced the Legislative Council Staff members assigned to assist the committee and explained the general rules and guidelines for serving on study committees. He also discussed the process for reimbursement of public member expenses related to committee business.

### **Introduction of Committee Members**

Chair Darling introduced herself and welcomed the committee members. Upon the Chair's request, members briefly introduced themselves.

### **Presentation by Legislative Council Committee Staff**

Anna Henning and David Moore, Staff Attorneys with the Legislative Council Staff, briefly described Memo No. 1, *Wisconsin Department of Children and Families (DCF) Annual Wisconsin Child Abuse and Neglect Report for Calendar Year 2010*, dated July 2, 2012, and delivered a presentation summarizing the information provided in Staff Brief 2012-02, *Reporting Child Abuse and Neglect*, dated July 3, 2012.

### **Presentation by Wisconsin Department of Children and Families**

*MaryAnn Lippert, Executive Assistant, and Robert B. Williams, Director, Bureau of Safety and Well-Being, Division of Safety and Permanence*

Ms. Lippert thanked Chair Darling and the committee, on behalf of DCF Secretary Eloise Anderson, for studying Wisconsin's child abuse reporting requirements. She directed the committee's attention to the department's 2010 annual report on child abuse and neglect to the Governor and Legislature, a link to which is available on the committee's website: <http://legis.wisconsin.gov/lc/committees/study/2012/ABUSE/index.html>. Ms. Lippert explained that the department's presentation would focus on key components of that report.

Mr. Williams summarized Wisconsin's child abuse reporting law, presented data from the department's report to the Governor and the Legislature, and discussed DCF's role in administering the child abuse reporting statute.

Mr. Williams also talked about the structure of Wisconsin's child protective services (CPS) process. He explained that this process is divided into three parts: (1) CPS access; (2) CPS initial assessment; and (3) CPS ongoing services. He told the committee that CPS access refers to receiving and documenting reports of alleged child maltreatment. This step also involves "screening in" reports that meet the statutory criteria for abuse and "screening out" reports that do not meet these criteria. Mr. Williams explained that during the second step in the process, the initial assessment, the agency designates a response time for making face-to-face contact with the child and family. During this step in the process, the agency interviews the child and family and gathers information to investigate the report. Mr. Williams explained that he would not be addressing the third step in the CPS process during his presentation. The PowerPoint slides for Mr. Williams's presentation are available on the Special Committee's website.

## **Presentation by Wisconsin Children's Trust Fund**

*Mary Anne Snyder, Executive Director*

Ms. Snyder described the role of the Children's Trust Fund. She explained that the mission of the Trust Fund is to promote the development of a sustainable comprehensive prevention infrastructure that reflects research and promising practices in child abuse and neglect prevention. Ms. Snyder told the committee that the Trust Fund serves in a convening role, uniting partners, such as DCF and the Child Abuse Prevention Fund, to work across systems to prevent child abuse and neglect.

Ms. Snyder explained that the Trust Fund is currently funding nine family resource center networks at \$150,000 each. She told the committee that the Trust Fund requires each funded agency to provide five core services. The first is community response, which consists of offering voluntary services for families reported to CPS but screened out or closed after an investigation. The second service involves coordinating public benefits and economic supports to families. The third service the Trust Fund requires is participation in evidence-based home visitation or coordination with existing evidence-based home visitation services. Fourth, the Trust Fund requires agencies to participate in family team meetings, which are structured group discussions that assist families in developing their action plans. Finally, the Trust Fund requires funded agencies to work across systems to deliver resources more effectively.

Ms. Snyder presented some of the Trust Fund's recent research findings. Among other things, the Trust Fund's recent research indicates that families receive widely varying services depending on where they live. Ms. Snyder also described some of the research the Trust Fund is currently investing in. As examples, she mentioned Project Gain/Milwaukee, a program aimed at addressing family economic needs and Awareness to Action, a child sexual abuse prevention initiative, among other programs. The PowerPoint slides for Ms. Snyder's presentation are available on the Special Committee's website.

## **Presentation by University of Wisconsin (UW) System**

*Elizabeth Dionne, Director, Office of Operations Review and Internal Audit*

Ms. Dionne provided background on the UW System's policies relating to child protection. She explained that generally the UW System's procedures have been targeted toward adult learners. However, she said that the UW System recently reviewed its policies and procedures related to protecting children. Specifically, she said that the review looked at four areas: (1) relevant existing state law and UW System policies and procedure; (2) the availability and effectiveness of crime reporting mechanisms; (3) protocols used to investigate allegations of crime internally; and (4) the assessment of whether risks exist due to inadequate policies or procedures.

Ms. Dionne explained that the review found that there is significant diversity in the institution practice related to different program-specific policies. She pointed out that consistent policy would further mitigate risk and help the institution protect the safety of children. Ms. Dionne then described eight recommendations the report made with respect to strengthening the UW System's policies for protecting children.

She told the committee that the first recommendation concerns revising the institution's criminal background check policy for individuals in a position of trust with respect to children. Among other

changes, this recommendation entails requiring the institution to define “position of trust” and require self-disclosure of certain criminal activities. Second, the report recommends expanding criminal background checks for select contractors and third parties. The report’s third recommendation is to enhance screening processes for UW volunteers in a position of trust with respect to children. Fourth, the report recommends exploring cost-saving opportunities related to the criminal background check process. Ms. Dionne explained that the fifth recommendation is to expand ongoing education and awareness efforts related to Executive Order 54. Sixth, the report recommends that the UW communicate a reporting mechanism to report child abuse and neglect to UW volunteers in a position of trust with respect to children and youth participants in UW programs. The seventh recommendation is to establish a child safety and welfare policy. The eighth recommendation is for the UW to establish a children in the workplace policy. The PowerPoint slides for Ms. Dionne’s presentation are available on the Special Committee’s website.

### **Panel of County Staff**

*Dawn Buchholz, Supervisor, Child and Family Services, Waushara County Department of Human Services*

*Suzanne Mathison, CPS Social Worker, Marathon County Department of Social Services*

Ms. Buchholz explained the process counties employ when receiving reports of suspected child abuse or neglect. She told the committee that when the agency receives a report, the reporter is referred to an access worker who gathers information and enters it into a child protection service report in the “e-WISACWIS” system. e-WISACWIS is a statewide data system, in use since 2002, that enables counties to access information on families from other counties. Ms. Buchholz then described the questions on the standard questionnaire that the access worker completes.

In response to Dr. Sheets’s observation that all of the information included on the standard questionnaire is not always gathered by the access worker when a report is made, Ms. Buchholz responded that that may occur because the reporter does not know the answers or the access worker skips questions because he or she thinks the reporter would not have the information. Ms. Mathison also explained that different counties have different access approaches, which may influence the differences in completing the reports.

Ms. Buchholz explained that after the access worker gathers information from the reporter, the worker makes an initial decision about whether the report should be “screened in” or “screened out.” The access worker then sends the report to the supervisor, who may override this initial decision. Within 24 hours of the report, the supervisor must make a final decision. The supervisor’s options include: (1) screen the report out; (2) screen the report out, but make the family an offer of services from a community agency; (3) screen in the report and specify a timeframe for making contact with the family. Ms. Buchholz told the committee that the supervisor makes the screening decision by assuming the facts alleged in the report are true and determining whether those facts meet the statutory definition for abuse.

Ms. Mathison expressed the concern that although there is a method for determining how to screen reports, there is no state standard to help the worker make screening decisions. She explained that her county developed a standardized form that addresses each type of abuse or neglect and what

would be a screen in or screen out for each type. This tool provides consistency within the county, but it is only specific to her county.

Ms. Mathison and Ms. Buchholz both told the committee that one of the best tools available to counties is the alternative response program, which enables particular counties to offer services to families who have been screened out but are still experiencing difficulties. Ms. Buchholz told the committee that she believes the statutes should explicitly address child safety because she has observed instances where the abuse definitions have not been met, but she believes there is a high probability the child is in danger of future abuse.

### **Discussion of Committee Assignment**

Chair Darling asked that the committee adhere to the scope statement approved by the Joint Legislative Council and focus on refining the scope so that it can develop recommendations within the timeframe allocated for the study committee process. She then asked each member to provide summary comments and indicate issues he or she would like the committee to focus on.

Mr. Plum suggested the committee address the improper use of the child abuse reporting law. He also suggested the committee explore the possibility of establishing one definition of abuse for reporting and another definition for the purpose of taking jurisdiction.

Mr. Schmidknecht emphasized that education is important in enhancing the effectiveness of the child abuse reporting law.

Representative Thiesfeldt asked the committee to consider hearing from presenters who may have perspectives on child abuse reporting that differ from the perspectives offered at the July 12, 2012 meeting.

Dr. Sheets expressed her hope that the committee will be mindful of the state's resource issues and not engage in reactive legislation at the expense of other necessary programs, such as prevention initiatives and community response programs.

Vice-Chair Shilling said that she believes that one area the committee could be effective in is bringing Wisconsin's law into compliance with the Federal Child Abuse Prevention and Treatment Act (CAPTA). She also said she would like the committee to re-examine the definition of emotional abuse to ensure the statute provides a workable definition. Finally, she emphasized that studying child protection issues at institutions of higher education is an important part of the committee charge.

Mr. Moore told the Special Committee that DCF made Legislative Council Staff aware that some Native American tribes in Wisconsin would like the committee to examine the tribal notification requirements in the child abuse reporting law.

Chair Darling expressed an interest in learning about which states are leading the country in this area. She also said that she would like to learn more about the two states that require universal reporting rather than designating members of certain professions as mandatory reporters.

Mr. Orth reiterated his support for a narrow scope and expressed his hope that the committee would not take up issues relating to screening.

Dr. Iniguez told the committee that she was interested in exploring the possibility of mandating that everyone report child abuse or neglect rather than designating certain professionals. She also said that it would be useful for the committee to examine the lack of education that physicians receive on child abuse.

Representative Berceau asked Legislative Council Staff to prepare a memorandum for the committee summarizing what the various speakers said were deficiencies in the child abuse reporting law. She also said that she would like the committee to address the issue of whether medical professionals are not adequately reporting child abuse or neglect. In addition, Representative Berceau stated that although it might be outside the scope of the committee, it is essential to cultivate a culture of awareness with respect to child abuse and the reporting of child abuse. She told the committee that she hoped the committee's work would lead to further legislation.

Ms. Kucharski explained that in her experience there is a great deal of confusion among mandatory reporters about their obligations. Therefore, she said that if the committee gives people additional obligations, she would like the committee to make clear these people know what those obligations are and can follow through on them. Ms. Kucharski also told the committee that it might be worthwhile for the committee to look at the reporting requirements relating to unborn child abuse.

Judge Triggiano (participating via telephone) told the committee that she hopes the committee does not get sidetracked by the Penn State scandal and will instead focus on Wisconsin-specific issues and the reporting of inter-family abuse.

### **Other Business**

Chair Darling announced that she was forming a subcommittee to work on the recodification aspect of the Special Committee's charge. She also announced that the committee would meet again on September 6, October 11, and December 4.

### **Adjournment**

The meeting was adjourned at 3:30 p.m.

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