

Section 48.981, Stats.

48.981 Abused or neglected children and abused unborn children. (1) DEFINITIONS.

In this section:

(ag) “Agency” means a county department, the department in a county having a population of 500,000 or more or a licensed child welfare agency under contract with a county department or the department in a county having a population of 500,000 or more to perform investigations under this section.

(am) “Caregiver” means, with respect to a child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect, any of the following persons:

1. The child’s parent, grandparent, greatgrandparent, stepparent, brother, sister, stepbrother, stepsister, half brother, or half sister.

2. The child’s guardian.

3. The child’s legal custodian.

4. A person who resides or has resided regularly or intermittently in the same dwelling as the child.

5. An employee of a residential facility or residential care center for children and youth in which the child was or is placed.

6. A person who provides or has provided care for the child in or outside of the child’s home.

7. Any other person who exercises or has exercised temporary or permanent control over the child or who temporarily or permanently supervises or has supervised the child.

8. Any relative of the child other than a relative specified in subd. 1.

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

15 (ct) “Indian unborn child” means an unborn child who, when born, may be eligible for
16 affiliation with an Indian tribe in any of the following ways:

- 17 1. As a member of the Indian tribe.
- 18 2. As a person who is eligible for membership in an Indian tribe and the biological child
19 of a member of an Indian tribe.

20 (cv) “Member of a religious order” means an individual who has taken vows devoting
21 himself or herself to religious or spiritual principles and who is authorized or appointed by his
22 or her religious order or organization to provide spiritual or religious advice or service.

23 (cx) “Member of the clergy” has the meaning given in s. 765.002 (1) or means a member
24 of a religious order, and includes brothers, ministers, monks, nuns, priests, rabbis, and sisters.

1 (f) “Record” means any document relating to the investigation, assessment and
2 disposition of a report under this section.

3 (g) “Reporter” means a person who reports suspected abuse or neglect or a belief that
4 abuse or neglect will occur under this section.

5 (h) “Subject” means a person or unborn child named in a report or record as any of the
6 following:

7 1. A child who is the victim or alleged victim of abuse or neglect or who is threatened
8 with abuse or neglect.

9 1m. An unborn child who is the victim or alleged victim of abuse or who is at substantial
10 risk of abuse.

11 2. A person who is suspected of abuse or neglect or who has been determined to have
12 abused or neglected a child or to have abused an unborn child.

13 (i) “Tribal agent” means the person designated under 25 CFR 23.12 by an Indian tribe
14 to receive notice of involuntary child custody proceedings under the federal Indian Child
15 Welfare Act, 25 USC 1901 to 1963.

16 (2) PERSONS REQUIRED TO REPORT. (a) 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 has been
18 abused or neglected or who has reason to believe that a child seen by the person in the course
19 of professional duties has been threatened with abuse or neglect and that abuse or neglect of
20 the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in
21 sub. (3):

22 1. A physician.

23 2. A coroner.

24 3. A medical examiner.

- 1 4. A nurse.
- 2 5. A dentist.
- 3 6. A chiropractor.
- 4 7. An optometrist.
- 5 8. An acupuncturist.
- 6 9. A medical or mental health professional not otherwise specified in this paragraph.
- 7 10. A social worker.
- 8 11. A marriage and family therapist.
- 9 12. A professional counselor.
- 10 13. A public assistance worker, including a financial and employment planner, as
- 11 defined in s. 49.141 (1) (d).
- 12 14. A school teacher.
- 13 15. A school administrator
- 14 16. A school counselor.
- 15 16m. A school employee not otherwise specified in this paragraph.
- 16 17. A mediator under s. 767.405.
- 17 18. A child care worker in a child care center, group home, or residential care center
- 18 for children and youth.
- 19 19. A child care provider.
- 20 20. An alcohol or other drug abuse counselor.
- 21 21. A member of the treatment staff employed by or working under contract with a
- 22 county department under s. 46.23, 51.42, or 51.437 or a residential care center for children and
- 23 youth.
- 24 22. A physical therapist.

1 22m. A physical therapist assistant.

2 23. An occupational therapist.

3 24. A dietitian.

4 25. A speech–language pathologist.

5 26. An audiologist.

6 27. An emergency medical technician.

7 28. A first responder.

8 29. A police or law enforcement officer.

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

14 (bm) 1. Except as provided in subd. 3. and subs. (2m) and (2r), a member of the clergy
15 shall report as provided in sub. (3) if the member of the clergy has reasonable cause to suspect
16 that a child seen by the member of the clergy in the course of his or her professional duties:

17 a. Has been abused, as defined in s. 48.02 (1) (b) to (f); or

18 b. Has been threatened with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the
19 child will likely occur.

20 2. Except as provided in subd. 3. and subs. (2m) and (2r), a member of the clergy shall
21 report as provided in sub. (3) if the member of the clergy has reasonable cause, based on
22 observations made or information that he or she receives, to suspect that a member of the
23 clergy has done any of the following:

24 a. Abused a child, as defined in s. 48.02 (1) (b) to (f).

1 b. Threatened a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the
2 child will likely occur.

3 3. A member of the clergy is not required to report child abuse information under subd.
4 1. or 2. that he or she receives solely through confidential communications made to him or her
5 privately or in a confessional setting if he or she is authorized to hear or is accustomed to
6 hearing such communications and, under the disciplines, tenets, or traditions of his or her
7 religion, has a duty or is expected to keep those communications secret. Those disciplines,
8 tenets, or traditions need not be in writing.

9 (c) Any person not otherwise specified in par. (a), (b), or (bm), including an attorney,
10 who has reason to suspect that a child has been abused or neglected or who has reason to
11 believe that a child has been threatened with abuse or neglect and that abuse or neglect of the
12 child will occur may report as provided in sub. (3).

13 (d) Any person, including an attorney, who has reason to suspect that an unborn child
14 has been abused or who has reason to believe that an unborn child is at substantial risk of abuse
15 may report as provided in sub. (3).

16 (e) No person making a report under this subsection in good faith may be discharged
17 from employment, disciplined or otherwise discriminated against in regard to employment,
18 or threatened with any such treatment for so doing.

19 **(2m)** EXCEPTION TO REPORTING REQUIREMENT; HEALTH CARE SERVICES. (a) The purpose
20 of this subsection is to allow children to obtain confidential health care services.

21 (b) In this subsection:

22 1. “Health care provider” means a physician, as defined under s. 448.01 (5), a physician
23 assistant, as defined under s. 448.01 (6), or a nurse holding a certificate of registration under
24 s. 441.06 (1) or a license under s. 441.10 (3).

1 2. “Health care service” means family planning services, as defined in s. 253.07 (1) (b),
2 1995 stats., pregnancy testing, obstetrical health care or screening, diagnosis and treatment for
3 a sexually transmitted disease.

4 (c) Except as provided under pars. (d) and (e), the following persons are not required
5 to report as suspected or threatened abuse, as defined in s. 48.02 (1) (b), sexual intercourse or
6 sexual contact involving a child:

7 1. A health care provider who provides any health care service to a child.

8 4. A person who obtains information about a child who is receiving or has received
9 health care services from a health care provider.

10 (d) Any person described under par. (c) 1. or 4. shall report as required under sub. (2)
11 if he or she has reason to suspect any of the following:

12 1. That the sexual intercourse or sexual contact occurred or is likely to occur with a
13 caregiver.

14 2. That the child suffered or suffers from a mental illness or mental deficiency that
15 rendered or renders the child temporarily or permanently incapable of understanding or
16 evaluating the consequences of his or her actions.

17 3. That the child, because of his or her age or immaturity, was or is incapable of
18 understanding the nature or consequences of sexual intercourse or sexual contact.

19 4. That the child was unconscious at the time of the act or for any other reason was
20 physically unable to communicate unwillingness to engage in sexual intercourse or sexual
21 contact.

22 5. That another participant in the sexual contact or sexual intercourse was or is
23 exploiting the child.

1 (e) In addition to the reporting requirements under par. (d), a person described under
2 par. (c) 1. or 4. shall report as required under sub. (2) if he or she has any reasonable doubt as
3 to the voluntariness of the child's participation in the sexual contact or sexual intercourse.

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

11 **(3)** REPORTS; INVESTIGATION. (a) *Referral of report.* 1. A person required to report under
12 sub. (2) shall immediately inform, by telephone or personally, the county department or, in a
13 county having a population of 500,000 or more, the department or a licensed child welfare
14 agency under contract with the department or the sheriff or city, village, or town police
15 department of the facts and circumstances contributing to a suspicion of child abuse or neglect
16 or of unborn child abuse or to a belief that abuse or neglect will occur.

17 2. The sheriff or police department shall within 12 hours, exclusive of Saturdays,
18 Sundays, or legal holidays, refer to the county department or, in a county having a population
19 of 500,000 or more, the department or a licensed child welfare agency under contract with the
20 department all of the following types of cases reported to the sheriff or police department:

21 a. Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or
22 neglect of a child.

23 b. Cases in which a caregiver is suspected of facilitating or failing to take action to
24 prevent the suspected or threatened abuse or neglect of a child.

1 c. Cases in which it cannot be determined who abused or neglected or threatened to
2 abuse or neglect a child.

3 d. Cases in which there is reason to suspect that an unborn child has been abused or there
4 is reason to believe that an unborn child is at substantial risk of abuse.

5 2d. The sheriff or police department may refer to the county department or, in a county
6 having a population of 500,000 or more, the department or a licensed child welfare agency
7 under contract with the department a case reported to the sheriff or police department in which
8 a person who is not a caregiver is suspected of abuse or of threatened abuse of a child.

9 2g. The county department, department, or licensed child welfare agency may require
10 that a subsequent report of a case referred under subd. 2. or 2d. be made in writing.

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

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

23 (b) *Duties of local law enforcement agencies.* 1. Any person reporting under this
24 section may request an immediate investigation by the sheriff or police department if the

1 person has reason to suspect that the health or safety of a child or of an unborn child is in
2 immediate danger. Upon receiving such a request, the sheriff or police department shall
3 immediately investigate to determine if there is reason to believe that the health or safety of
4 the child or unborn child is in immediate danger and take any necessary action to protect the
5 child or unborn child.

6 2. If the investigating officer has reason under s. 48.19 (1) (c) or (cm) or (d) 5. or 8. to
7 take a child into custody, the investigating officer shall take the child into custody and deliver
8 the child to the intake worker under s. 48.20.

9 2m. If the investigating officer has reason under s. 48.193 (1) (c) or (d) 2. to take the
10 adult expectant mother of an unborn child into custody, the investigating officer shall take the
11 adult expectant mother into custody and deliver the adult expectant mother to the intake
12 worker under s. 48.203.

13 3. If the sheriff or police department determines that criminal action is necessary, the
14 sheriff or police department shall refer the case to the district attorney for criminal prosecution.
15 Each sheriff and police department shall adopt a written policy specifying the kinds of reports
16 of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), that the sheriff or police
17 department will routinely refer to the district attorney for criminal prosecution.

18 (bm) *Notice of report to Indian tribal agent.* In a county that has wholly or partially
19 within its boundaries a federally recognized Indian reservation or a bureau of Indian affairs
20 service area for the Ho–Chunk tribe, if a county department that receives a report under par.

21 (a) pertaining to a child or unborn child knows or has reason to know that the child is an Indian
22 child who resides in the county or that the unborn child is an Indian unborn child whose
23 expectant mother resides in the county, the county department shall provide notice, which
24 shall consist only of the name and address of the Indian child or expectant mother and the fact

1 that a report has been received about that Indian child or Indian unborn child, within 24 hours
2 to one of the following:

3 1. If the county department knows with which Indian tribe the child is affiliated, or with
4 which Indian tribe the Indian unborn child, when born, may be eligible for affiliation, and the
5 Indian tribe is a Wisconsin Indian tribe, the tribal agent of that tribe.

6 2. If the county department does not know with which Indian tribe the child is affiliated,
7 or with which Indian tribe the Indian unborn child, when born, may be eligible for affiliation,
8 or the child or expectant mother is not affiliated with a Wisconsin Indian tribe, the tribal agent
9 serving the reservation or Ho–Chunk service area where the child or expectant mother resides.

10 3. If neither subd. 1. nor 2. applies, any tribal agent serving a reservation or Ho–Chunk
11 service area in the county.

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

1 investigation to determine if the child is in need of protection or services. Within 24 hours after
2 receiving a report under par. (a) of suspected unborn child abuse, the agency, in accordance
3 with that authority, shall initiate a diligent investigation to determine if the unborn child is in
4 need of protection or services. An investigation under this subd. 1. a. shall be conducted in
5 accordance with standards established by the department for conducting child abuse and
6 neglect investigations or unborn child abuse investigations.

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

23 2. a. If the person making the investigation is an employee of the county department
24 or, in a county having a population of 500,000 or more, the department or a licensed child

1 welfare agency under contract with the department and he or she determines that it is
2 consistent with the child's best interest in terms of physical safety and physical health to
3 remove the child from his or her home for immediate protection, he or she shall take the child
4 into custody under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under
5 s. 48.20.

6 b. If the person making the investigation is an employee of a licensed child welfare
7 agency which is under contract with the county department and he or she determines that any
8 child in the home requires immediate protection, he or she shall notify the county department
9 of the circumstances and together with an employee of the county department shall take the
10 child into custody under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker
11 under s. 48.20.

12 2m. a. If the person making the investigation is an employee of the county department
13 or, in a county having a population of 500,000 or more, the department or a licensed child
14 welfare agency under contract with the department and he or she determines that it is
15 consistent with the best interest of the unborn child in terms of physical safety and physical
16 health to take the expectant mother into custody for the immediate protection of the unborn
17 child, he or she shall take the expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm)
18 or 48.193 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or
19 48.203.

20 b. If the person making the investigation is an employee of a licensed child welfare
21 agency which is under contract with the county department and he or she determines that any
22 unborn child requires immediate protection, he or she shall notify the county department of
23 the circumstances and together with an employee of the county department shall take the

1 expectant mother of the unborn child into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193
2 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

3 3. If the county department or, in a county having a population of 500,000 or more, the
4 department or a licensed child welfare agency under contract with the department determines
5 that a child, any member of the child's family or the child's guardian or legal custodian is in
6 need of services or that the expectant mother of an unborn child is in need of services, the
7 county department, department or licensed child welfare agency shall offer to provide
8 appropriate services or to make arrangements for the provision of services. If the child's
9 parent, guardian or legal custodian or the expectant mother refuses to accept the services, the
10 county department, department or licensed child welfare agency may request that a petition
11 be filed under s. 48.13 alleging that the child who is the subject of the report or any other child
12 in the home is in need of protection or services or that a petition be filed under s. 48.133
13 alleging that the unborn child who is the subject of the report is in need of protection or
14 services.

15 4. The county department or, in a county having a population of 500,000 or more, the
16 department or a licensed child welfare agency under contract with the department shall
17 determine, within 60 days after receipt of a report that the county department, department, or
18 licensed child welfare agency investigates under subd. 1., whether abuse or neglect has
19 occurred or is likely to occur. The determination shall be based on a preponderance of the
20 evidence produced by the investigation. A determination that abuse or neglect has occurred
21 may not be based solely on the fact that the child's parent, guardian, or legal custodian in good
22 faith selects and relies on prayer or other religious means for treatment of disease or for
23 remedial care of the child. In making a determination that emotional damage has occurred,
24 the county department or, in a county having a population of 500,000 or more, the department

1 or a licensed child welfare agency under contract with the department shall give due regard
2 to the culture of the subjects. This subdivision does not prohibit a court from ordering medical
3 services for the child if the child's health requires it.

4 5. The agency shall maintain a record of its actions in connection with each report it
5 receives. The record shall include a description of the services provided to any child and to
6 the parents, guardian or legal custodian of the child or to any expectant mother of an unborn
7 child. The agency shall update the record every 6 months until the case is closed.

8 5m. If the county department or, in a county having a population of 500,000 or more,
9 the department or a licensed child welfare agency under contract with the department
10 determines under subd. 4. that a specific person has abused or neglected a child, the county
11 department, department or licensed child welfare agency, within 15 days after the date of the
12 determination, shall notify the person in writing of the determination, the person's right to
13 appeal the determination and the procedure by which the person may appeal the
14 determination, and the person may appeal the determination in accordance with the
15 procedures established by the department under this subdivision. The department shall
16 promulgate rules establishing procedures for conducting an appeal under this subdivision.
17 Those procedures shall include a procedure permitting an appeal under this subdivision to be
18 held in abeyance pending the outcome of any criminal proceedings or any proceedings under
19 s. 48.13 based on the alleged abuse or neglect or the outcome of any investigation that may
20 lead to the filing of a criminal complaint or a petition under s. 48.13 based on the alleged abuse
21 or neglect.

22 5r. If the county department or, in a county having a population of 500,000 or more, the
23 department or a licensed child welfare agency under contract with the department determines
24 under subd. 4. that a specific person has abused or neglected a child, the county department,

1 department, or licensed child welfare agency, within 15 days after the date of the
2 determination, shall provide the subunit of the department that administers s. 48.685 with
3 information about the person who has been determined to have abused or neglected the child.

4 6. The agency shall, within 60 days after it receives a report from a person required
5 under sub. (2) to report, inform the reporter what action, if any, was taken to protect the health
6 and welfare of the child or unborn child who is the subject of the report.

7 6m. If a person who is not required under sub. (2) to report makes a report and is a
8 relative of the child, other than the child's parent, or is a relative of the expectant mother of
9 the unborn child, that person may make a written request to the agency for information
10 regarding what action, if any, was taken to protect the health and welfare of the child or unborn
11 child who is the subject of the report. An agency that receives a written request under this
12 subdivision shall, within 60 days after it receives the report or 20 days after it receives the
13 written request, whichever is later, inform the reporter in writing of what action, if any, was
14 taken to protect the health and welfare of the child or unborn child, unless a court order
15 prohibits that disclosure, and of the duty to keep the information confidential under sub. (7)
16 (e) and the penalties for failing to do so under sub. (7) (f). The agency may petition the court
17 ex parte for an order prohibiting that disclosure and, if the agency does so, the time period
18 within which the information must be disclosed is tolled on the date the petition is filed and
19 remains tolled until the court issues a decision. The court may hold an ex parte hearing in
20 camera and shall issue an order granting the petition if the court determines that disclosure of
21 the information would not be in the best interests of the child or unborn child.

22 7. The county department or, in a county having a population of 500,000 or more, the
23 department or a licensed child welfare agency under contract with the department shall
24 cooperate with law enforcement officials, courts of competent jurisdiction, tribal

1 governments and other human services agencies to prevent, identify and treat child abuse and
2 neglect and unborn child abuse. The county department or, in a county having a population
3 of 500,000 or more, the department or a licensed child welfare agency under contract with the
4 department shall coordinate the development and provision of services to abused and
5 neglected children, to abused unborn children to families in which child abuse or neglect has
6 occurred, to expectant mothers who have abused their unborn children, to children and
7 families when circumstances justify a belief that abuse or neglect will occur and to the
8 expectant mothers of unborn children when circumstances justify a belief that unborn child
9 abuse will occur.

10 8. Using the format prescribed by the department, each county department shall provide
11 the department with information about each report that the county department receives or that
12 is received by a licensed child welfare agency that is under contract with the county
13 department and about each investigation that the county department or a licensed child welfare
14 agency under contract with the county department conducts. Using the format prescribed by
15 the department, a licensed child welfare agency under contract with the department shall
16 provide the department with information about each report that the child welfare agency
17 receives and about each investigation that the child welfare agency conducts. The department
18 shall use the information to monitor services provided by county departments or licensed child
19 welfare agencies under contract with county departments or the department. The department
20 shall use nonidentifying information to maintain statewide statistics on child abuse and
21 neglect and on unborn child abuse, and for planning and policy development purposes.

22 9. The agency may petition for child abuse restraining orders and injunctions under s.
23 48.25 (6).

1 (cm) Contract with licensed child welfare agencies. A county department may contract
2 with a licensed child welfare agency to fulfill the county department's duties specified under
3 par. (c) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. The department may contract with a licensed
4 child welfare agency to fulfill the department's duties specified under par. (c) 1., 2. a., 2m. b.,
5 3., 4., 5., 5m., 5r., 6., 6m., 7., 8., and 9. in a county having a population of 500,000 or more.
6 The confidentiality provisions specified in sub. (7) shall apply to any licensed child welfare
7 agency with which a county department or the department contracts.

8 (d) *Independent investigation.* 1. In this paragraph, "agent" includes a foster parent
9 or other person given custody of a child or a human services professional employed by a
10 county department under s. 51.42 or 51.437 or by a child welfare agency who is working with
11 a child or an expectant mother of an unborn child under contract with or under the supervision
12 of the department in a county having a population of 500,000 or more or a county department
13 under s. 46.22.

14 2. If an agent or employee of an agency required to investigate under this subsection
15 is the subject of a report, or if the agency determines that, because of the relationship between
16 the agency and the subject of a report, there is a substantial probability that the agency would
17 not conduct an unbiased investigation, the agency shall, after taking any action necessary to
18 protect the child or unborn child, notify the department. Upon receipt of the notice, the
19 department, in a county having a population of less than 500,000 or a county department or
20 child welfare agency designated by the department in any county shall conduct an independent
21 investigation. If the department designates a county department under s. 46.22, 46.23, 51.42
22 or 51.437, that county department shall conduct the independent investigation. If a licensed
23 child welfare agency agrees to conduct the independent investigation, the department may
24 designate the child welfare agency to do so. The powers and duties of the department or

1 designated county department or child welfare agency making an independent investigation
2 are those given to county departments under par. (c).

3 **(3m)** ALTERNATIVE RESPONSE PILOT PROGRAM. (a) In this subsection, “substantial abuse
4 or neglect” means abuse or neglect or threatened abuse or neglect that under the guidelines
5 developed by the department under par. (b) constitutes severe abuse or neglect or a threat of
6 severe abuse or neglect and a significant threat to the safety of a child and his or her family.

7 (b) The department shall establish a pilot program under which an agency in a county
8 having a population of 500,000 or more or a county department that is selected to participate
9 in the pilot program may employ alternative responses to a report of abuse or neglect or of
10 threatened abuse or neglect. The department shall select agencies and county departments to
11 participate in the pilot program in accordance with the department’s request-for-proposal
12 procedures and according to criteria developed by the department. Those criteria shall include
13 an assessment of the plan of an agency or county department for involving the community in
14 providing services for a family that is participating in the pilot program and a determination
15 of whether an agency or a county department has an agreement with local law enforcement
16 agencies and the representative of the public under s. 48.09 to ensure interagency cooperation
17 in implementing the pilot program. To implement the pilot program, the department shall
18 provide all of the following:

19 1. Guidelines for determining the appropriate alternative response to a report of abuse
20 or neglect or of threatened abuse or neglect, including guidelines for determining what types
21 of abuse or neglect or threatened abuse or neglect constitute substantial abuse or neglect. The
22 department need not promulgate those guidelines as rules under ch. 227.

23 2. Training and technical assistance for an agency or county department that is selected
24 to participate in the pilot program.

1 (c) Immediately after receiving a report under sub. (3) (a), an agency or county
2 department that is participating in the pilot program shall evaluate the report to determine the
3 most appropriate alternative response under subds. 1. to 3. to the report. Based on that
4 evaluation, the agency or county department shall respond to the report as follows:

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

15 2. a. If the agency or county department determines that there is reason to suspect that
16 abuse or neglect, other than substantial abuse or neglect, has occurred or is likely to occur, but
17 that under the guidelines developed by the department under par. (b) there is no immediate
18 threat to the safety of the child and his or her family and court intervention is not necessary,
19 the agency or county department shall conduct a comprehensive assessment of the safety of
20 the child and his or her family, the risk of subsequent abuse or neglect, and the strengths and
21 needs of the child's family to determine whether services are needed to address those issues
22 assessed and, based on the assessment, shall offer to provide appropriate services to the child's
23 family on a voluntary basis or refer the child's family to a service provider in the community
24 for the provision of those services.

1 b. If the agency or county department employs the assessment response under subd. 2.
2 a., the agency or county department is not required to refer the report to the sheriff or police
3 department under sub. (3) (a) 3. or determine by a preponderance of the evidence under sub.
4 (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific person has
5 abused or neglected the child. If in conducting the assessment the agency or county
6 department determines that there is reason to suspect that substantial abuse or neglect has
7 occurred or is likely to occur or that an investigation under sub. (3) is otherwise necessary to
8 ensure the safety of the child and his or her family, the agency or county department shall
9 immediately commence an investigation under sub. (3).

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

19 (d) The department shall conduct an evaluation of the pilot program and, by July 1,
20 2012, shall submit a report of that evaluation to the governor and to the appropriate standing
21 committees of the legislature under s. 13.172 (3). The evaluation shall assess the issues
22 encountered in implementing the pilot program and the overall operations of the pilot
23 program, include specific measurements of the effectiveness of the pilot program, and make

1 recommendations to improve that effectiveness. Those specific measurements shall include
2 all of the following:

3 1. The turnover rate of the agency or county department caseworkers providing services
4 under the pilot program.

5 2. The number of families referred for each type of response specified in par. (c) 1. to
6 3.

7 3. The number of families that accepted, and the number of families that declined to
8 accept, services offered under par. (c) 2. and 3.

9 4. The effectiveness of the evaluation under par. (c) (intro.) in determining the
10 appropriate response under par. (c) 1. to 3.

11 5. The impact of the pilot program on the number of out-of-home placements of
12 children by the agencies or county departments participating in the pilot program.

13 6. The availability of services to address the issues of child and family safety, risk of
14 subsequent abuse or neglect, and family strengths and needs in the communities served under
15 the pilot project.

16 7g. The rate at which children referred for each type of response specified in par. (c)
17 1. to 3. are subsequently the subjects of reports of suspected or threatened abuse or neglect.

18 7m. The satisfaction of families referred for each type of response specified in par. (c)
19 1. to 3. with the process used to respond to those referrals.

20 7r. The cost effectiveness of responding to reports of suspected or threatened abuse or
21 neglect in the manner provided under the pilot program.

22 **(4) IMMUNITY FROM LIABILITY.** Any person or institution participating in good faith in
23 the making of a report, conducting an investigation, ordering or taking of photographs or
24 ordering or performing medical examinations of a child or of an expectant mother under this

1 section shall have immunity from any liability, civil or criminal, that results by reason of the
2 action. For the purpose of any proceeding, civil or criminal, the good faith of any person
3 reporting under this section shall be presumed. The immunity provided under this subsection
4 does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

5 (5) CORONER'S REPORT. Any person or official required to report cases of suspected child
6 abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse
7 or neglect shall report the fact to the appropriate medical examiner or coroner. The medical
8 examiner or coroner shall accept the report for investigation and shall report the findings to
9 the appropriate district attorney; to the department or, in a county having a population of
10 500,000 or more, to a licensed child welfare agency under contract with the department; to the
11 county department and, if the institution making the report initially is a hospital, to the
12 hospital.

13 (6) PENALTY. Whoever intentionally violates this section by failure to report as required
14 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

15 (7) CONFIDENTIALITY. (a) All reports made under this section, notices provided under
16 sub. (3) (bm) and records maintained by an agency and other persons, officials and institutions
17 shall be confidential. Reports and records may be disclosed only to the following persons:

18 1. The subject of a report, except that the person or agency maintaining the record or
19 report may not disclose any information that would identify the reporter.

20 1m. A reporter described in sub. (3) (c) 6m. who makes a written request to an agency
21 for information regarding what action, if any, was taken to protect the health and welfare of
22 the child or unborn child who is the subject of the report, unless a court order under sub. (3)
23 (c) 6m. prohibits disclosure of that information to that reporter, except that the only
24 information that may be disclosed is information in the record regarding what action, if any,

1 was taken to protect the health and welfare of the child or unborn child who is the subject of
2 the report.

3 2. Appropriate staff of an agency or a tribal social services department.

4 2m. A person authorized to provide or providing intake or dispositional services for the
5 court under s. 48.067, 48.069 or 48.10.

6 2r. A person authorized to provide or providing intake or dispositional services under
7 s. 938.067, 938.069 or 938.10.

8 3. An attending physician for purposes of diagnosis and treatment.

9 3m. A child's parent, guardian or legal custodian or the expectant mother of an unborn
10 child, except that the person or agency maintaining the record or report may not disclose any
11 information that would identify the reporter.

12 4. A child's foster parent or other person having physical custody of the child or a person
13 having physical custody of the expectant mother of an unborn child, except that the person or
14 agency maintaining the record or report may not disclose any information that would identify
15 the reporter.

16 4m. A relative of a child placed outside of his or her home only to the extent necessary
17 to facilitate the establishment of a relationship between the child and the relative or a
18 placement of the child with the relative or to a person provided with the notice under s. 48.21
19 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this subdivision, "relative" includes a relative
20 whose relationship is derived through a parent of the child whose parental rights are
21 terminated.

22 4p. A public or private agency in this state or any other state that is investigating a person
23 for purposes of licensing the person to operate a foster home or placing a child for adoption
24 in the home of the person.

1 5. A professional employee of a county department under s. 51.42 or 51.437 who is
2 working with the child or the expectant mother of the unborn child under contract with or
3 under the supervision of the county department under s. 46.22 or, in a county having a
4 population of 500,000 or more, the department or a licensed child welfare agency under
5 contract with the department.

6 6. A multidisciplinary child abuse and neglect or unborn child abuse team recognized
7 by the county department or, in a county having a population of 500,000 or more, the
8 department or a licensed child welfare agency under contract with the department.

9 6m. A person employed by a child advocacy center recognized by the county board, the
10 county department or, in a county having a population of 500,000 or more, the department or
11 a licensed child welfare agency under contract with the department, to the extent necessary
12 to perform the services for which the center is recognized by the county board, the county
13 department, the department or the licensed child welfare agency.

14 8. A law enforcement officer or law enforcement agency or a district attorney for
15 purposes of investigation or prosecution.

16 8m. The department of corrections, the department of health services, a county
17 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or any other person under contract
18 with the department of corrections, the department of health services or a county department
19 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over a person
20 who is subject to community placement for purposes of investigating or providing services
21 to a person who is subject to community placement and who is the subject of a report. In
22 making its investigation, the department of corrections, department of health services, county
23 department or other person shall cooperate with the agency making the investigation under
24 sub. (3) (c) or (d).

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

10 9. A court or administrative agency for use in a proceeding relating to the licensing or
11 regulation of a facility regulated under this chapter.

12 10. A court conducting proceedings under s. 48.21 or 48.213, a court conducting
13 proceedings related to a petition under s. 48.13, 48.133 or 48.42 or a court conducting
14 dispositional proceedings under subch. VI or VIII in which abuse or neglect of the child who
15 is the subject of the report or record or abuse of the unborn child who is the subject of the report
16 or record is an issue.

17 10g. A court conducting proceedings under s. 48.21, a court conducting proceedings
18 related to a petition under s. 48.13 (3m) or (10m) or a court conducting dispositional
19 proceedings under subch. VI in which an issue is the substantial risk of abuse or neglect of a
20 child who, during the time period covered by the report or record, was in the home of the child
21 who is the subject of the report or record.

22 10j. A court conducting proceedings under s. 938.21, a court conducting proceedings
23 relating to a petition under ch. 938 or a court conducting dispositional proceedings under

1 subch. VI of ch. 938 in which abuse or neglect of the child who is the subject of the report or
2 record is an issue.

3 10m. A tribal court, or other adjudicative body authorized by an Indian tribe to perform
4 child welfare functions, that exercises jurisdiction over children and unborn children alleged
5 to be in need of protection or services for use in proceedings in which abuse or neglect of the
6 child who is the subject of the report or record or abuse of the unborn child who is the subject
7 of the report or record is an issue.

8 10r. A tribal court, or other adjudicative body authorized by an Indian tribe to perform
9 child welfare functions, that exercises jurisdiction over children alleged to be in need of
10 protection or services for use in proceedings in which an issue is the substantial risk of abuse
11 or neglect of a child who, during the time period covered by the report or record, was in the
12 home of the child who is the subject of the report or record.

13 11. The county corporation counsel or district attorney representing the interests of the
14 public, the agency legal counsel and the counsel or guardian ad litem representing the interests
15 of a child in proceedings under subd. 10., 10g. or 10j. and the guardian ad litem representing
16 the interests of an unborn child in proceedings under subd. 10.

17 11m. An attorney representing the interests of an Indian tribe in proceedings under
18 subd. 10m. or 10r., of an Indian child in proceedings under subd. 10m. or 10r. or of an Indian
19 unborn child in proceedings under subd. 10m.

20 11r. A volunteer court–appointed special advocate designated under s. 48.236 (1) or
21 person employed by a court–appointed special advocate program recognized by the chief
22 judge of a judicial administrative district under s. 48.07 (5), to the extent necessary for the
23 court–appointed special advocate to perform the advocacy services specified in s. 48.236 (3)

1 that the court–appointed special advocate was designated to perform in proceedings related
2 to a petition under s. 48.13.

3 12. A person engaged in bona fide research, with the permission of the department.
4 Information identifying subjects and reporters may not be disclosed to the researcher.

5 13. The department, a county department under s. 48.57 (1) (e) or (hm) or a licensed
6 child welfare agency ordered to conduct a screening or an investigation of a stepparent under
7 s. 48.88 (2) (c).

8 14. A grand jury if it determines that access to specified records is necessary for the
9 conduct of its official business.

10 14m. A judge conducting proceedings under s. 968.26.

11 15. A child fatality review team recognized by the county department or, in a county
12 having a population of 500,000 or more, the department or a licensed child welfare agency
13 under contract with the department.

14 15g. A citizen review panel established or designated by the department or a county
15 department.

16 15m. A coroner, medical examiner or pathologist or other physician investigating the
17 cause of death of a child whose death is unexplained or unusual or is associated with
18 unexplained or suspicious circumstances.

19 17. A federal agency, state agency of this state or any other state or local governmental
20 unit located in this state or any other state that has a need for a report or record in order to carry
21 out its responsibility to protect children from abuse or neglect or to protect unborn children
22 from abuse.

23 (am) Notwithstanding par. (a) (intro.), a tribal agent who receives notice under sub. (3)

24 (bm) may disclose the notice to a tribal social services department.

1 (b) Notwithstanding par. (a), either parent of a child may authorize the disclosure of a
2 record for use in a child custody proceeding under s. 767.41 or 767.451 or in an adoption
3 proceeding under s. 48.833, 48.835, 48.837 or 48.839 when the child has been the subject of
4 a report. Any information that would identify a reporter shall be deleted before disclosure of
5 a record under this paragraph.

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

9 (cm) Notwithstanding par. (a), an agency may disclose information from its records for
10 use in proceedings under s. 48.25 (6), 813.122 or 813.125.

11 (cr) 1. In this paragraph:

12 a. "Incident of death or serious injury" means an incident in which a child has died or
13 been placed in serious or critical condition, as determined by a physician, as a result of any
14 suspected abuse or neglect that has been reported under this section or in which a child who
15 has been placed outside the home by a court order under this chapter or ch. 938 is suspected
16 to have committed suicide.

17 b. "Incident of egregious abuse or neglect" means an incident of suspected abuse or
18 neglect that has been reported under this section, other than an incident of death or serious
19 injury, involving significant violence, torture, multiple victims, the use of inappropriate or
20 cruel restraints, exposure of a child to a dangerous situation, or other similar, aggravated
21 circumstances.

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

1 suspected 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 neglect
3 programs:

4 a. The name of the agency and the name of a contact person at the agency.

5 b. Information about the child, including the age of the child.

6 c. The date of the incident and the suspected cause of the death, serious injury, or
7 egregious abuse or neglect of the child.

8 d. A brief history of any reports under sub. (3) received in which the child, a member
9 of the child's family, or the person suspected of the abuse or neglect was the subject and of
10 any services under this chapter offered or provided to any of those persons.

11 e. A statement of whether the child was residing in his or her home or was placed outside
12 the home when the incident occurred.

13 f. The identity of any law enforcement agency that referred the report of the incident
14 and of any law enforcement agency, district attorney, or other officer or agency to which the
15 report of the incident was referred.

16 3. a. Within 2 working days after receiving the information provided under subd. 2.,
17 the subunit of the department that received the information shall disclose to the public the fact
18 that the subunit has received the information; whether the department is conducting a review
19 of the incident and, if so, the scope of the review and the identities of any other agencies with
20 which the department is cooperating at that point in conducting the review; whether the child
21 was residing in the home or was placed in an out-of-home placement at the time of the
22 incident; and information about the child, including the age of the child. If the information
23 received is about an incident of egregious abuse or neglect, the subunit of the department shall
24 make the same disclosure to a citizen review panel, as described in par. (a) 15g., and, in a

1 county having a population of 500,000 or more, to the Milwaukee child welfare partnership
2 council.

3 b. Within 90 days after receiving the information provided under subd. 2., the subunit
4 of the department that received the information shall prepare, transmit to the governor and to
5 the appropriate standing committees of the legislature under s. 13.172 (3), and make available
6 to the public a summary report that contains the information specified in subd. 4. or 5.,
7 whichever is applicable. That subunit may also include in the summary report a summary of
8 any actions taken by the agency in response to the incident and of any changes in policies or
9 practices that have been made to address any issues raised in the review and recommendations
10 for any further changes in policies, practices, rules, or statutes that may be needed to address
11 those issues. If the subunit does not include those actions or changes and recommended
12 changes in the summary report, the subunit shall prepare, transmit to the governor and to the
13 appropriate standing committees of the legislature under s. 13.172 (3), and make available to
14 the public a report of those actions or changes and recommended changes within 6 months
15 after receiving the information provided under subd. 2. Those committees shall review all
16 summary reports and reports of changes and recommended changes transmitted under this
17 subd. 3. b., conduct public hearings on those reports no less often than annually, and submit
18 recommendations to the department regarding those reports.

19 c. Subdivision 3. a. and b. does not preclude the subunit of the department that prepares
20 the summary report from releasing to the governor, to the appropriate standing committees of
21 the legislature under s. 13.172 (3), or to the public any of the information specified in subd.
22 4. or 5. before the summary report is transmitted to the governor and to those committees and
23 made available to the public; adding to or amending a summary report if new information
24 specified in subd. 4. or 5. is received after the summary report is transmitted to the governor

1 and to those committees and made available to the public; or releasing to the governor, to those
2 committees, and to the public any information at any time to correct any inaccurate
3 information reported in the news media.

4 4. If the child was residing in his or her home when the incident of death or serious injury
5 or the incident of egregious abuse or neglect occurred, the summary report under subd. 3. shall
6 contain all of the following:

7 a. Information about the child, including the age, gender, and race or ethnicity of the
8 child, a description of the child's family, and, if relevant to the incident, a description of any
9 special needs of the child.

10 b. A statement of whether any services under this chapter or ch. 938 were being
11 provided to the child, any member of the child's family, or the person suspected of the abuse
12 or neglect, or whether any of those persons was the subject of a report being investigated under
13 sub. (3) or of a referral to the agency for services, at the time of the incident and, if so, the date
14 of the last contact between the agency providing those services and the person receiving those
15 services.

16 c. A summary of all involvement of the child's parents and of the person suspected of
17 the abuse or neglect in any incident reported under sub. (3) or in receiving services under this
18 chapter or ch. 938 in the 5 years preceding the date of the incident.

19 d. A summary of any actions taken by the agency with respect to the child, any member
20 of the child's family, and the person suspected of the abuse or neglect, including any
21 investigation by the agency under sub. (3) of a report in which any of those persons was the
22 subject and any referrals by the agency of any of those persons for services.

23 e. The date of the incident and the suspected cause of the death, serious injury, or
24 egregious abuse or neglect of the child, as reported by the agency under subd. 2. c.

1 f. The findings on which the agency bases its reasonable suspicion that an incident of
2 death or serious injury or an incident of egregious abuse or neglect has occurred, including
3 any material circumstances leading to the death, serious injury, or egregious abuse or neglect
4 of the child.

5 g. A summary of any investigation that has been conducted under sub. (3) of a report
6 in which the child, any member of the child's family, or the person suspected of the abuse or
7 neglect was the subject and of any services that have been provided to the child and the child's
8 family since the date of the incident.

9 5. If the child was placed in an out-of-home placement under this chapter or ch. 938
10 at the time of the incident of death or serious injury or incident of egregious abuse or neglect,
11 the summary report under subd. 3. shall contain all of the following:

12 a. Information about the child, including the age, gender, and race or ethnicity of the
13 child and, if relevant to the incident, a description of any special needs of the child.

14 b. A description of the out-of-home placement, including the basis for the decision to
15 place the child in that placement.

16 c. A description of all other persons residing in the out-of-home placement.

17 d. The licensing history of the out-of-home placement, including the type of license
18 held by the operator of the placement, the period for which the placement has been licensed,
19 and a summary of all violations by the licensee of any provisions of licensure under s. 48.70
20 (1) or rules promulgated by the department under s. 48.67 and of any other actions by the
21 licensee or an employee of the licensee that constitute a substantial failure to protect and
22 promote the health, safety, and welfare of a child.

23 e. The date of the incident and the suspected cause of the death, serious injury, or
24 egregious abuse or neglect of the child, as reported by the agency under subd. 2. c.

1 f. The findings on which the agency bases its reasonable suspicion that an incident of
2 death or serious injury or an incident of egregious abuse or neglect has occurred, including
3 any material circumstances leading to the death, serious injury, or egregious abuse or neglect
4 of the child.

5 6. A summary report or other release or disclosure of information under subd. 3. may
6 not include any of the following:

7 a. Any information that would reveal the identity of the child who is the subject of the
8 summary report, any member of the child's family, any member of the child's household who
9 is a child, or any caregiver of the child.

10 b. Any information that would reveal the identity of the person suspected of the abuse
11 or neglect or any employee of any agency that provided services under this chapter to the child
12 or that participated in the investigation of the incident of death or serious injury or the incident
13 of egregious abuse or neglect.

14 c. Any information that would reveal the identity of a reporter or of any other person
15 who provides information relating to the incident of death or serious injury or the incident of
16 egregious abuse or neglect.

17 d. Any information the disclosure of which would not be in the best interests of the child
18 who is the subject of the summary report, any member of the child's family, any member of
19 the child's household who is a child, or any caregiver of the child, as determined by the subunit
20 of the department that received the information, after consultation with the agency that
21 reported the incident of death or serious injury or the incident of egregious abuse or neglect,
22 the district attorney of the county in which the incident occurred, or the court of that county,
23 and after balancing the interest of the child, family or household member, or caregiver in

1 avoiding the stigma that might result from disclosure against the interest of the public in
2 obtaining that information.

3 e. Any information the disclosure of which is not authorized by state law or rule or
4 federal law or regulation.

5 7. The subunit of the department that prepares a summary report or otherwise transmits,
6 releases, or discloses information under subd. 3. may not transmit the summary report to the
7 governor and to the appropriate standing committees of the legislature under s. 13.172 (3),
8 make the summary report available to the public, or transmit, release, or disclose the
9 information to the governor, to those standing committees, or to the public if the subunit
10 determines that transmitting or making the summary report available or transmitting,
11 releasing, or disclosing the information would jeopardize any of the following:

12 a. Any ongoing or future criminal investigation or prosecution or a defendant's right
13 to a fair trial.

14 b. Any ongoing or future civil investigation or proceeding or the fairness of such a
15 proceeding.

16 8. If the department fails to disclose to the governor, to the appropriate standing
17 committees of the legislature under s. 13.172 (3), or to the public any information that the
18 department is required to disclose under this paragraph, any person may request the
19 department to disclose that information. If the person's request is denied, the person may
20 petition the court to order the disclosure of that information. On receiving a petition under this
21 subdivision, the court shall notify the department, the agency, the district attorney, the child,
22 and the child's parent, guardian, or legal custodian of the petition. If any person notified
23 objects to the disclosure, the court may hold a hearing to take evidence and hear argument
24 relating to the disclosure of the information. The court shall make an in camera inspection of

1 the information sought to be disclosed and shall order disclosure of the information, unless
2 the court finds that any of the circumstances specified in subd. 6. or 7. apply.

3 9. Any person acting in good faith in providing information under subd. 2., in preparing,
4 transmitting, or making available a summary report under subd. 3., or in otherwise
5 transmitting, releasing, or disclosing information under subd. 3. is immune from any liability,
6 civil or criminal, that may result by reason of those actions. For purposes of any proceeding,
7 civil or criminal, the good faith of a person in providing information under subd. 2., in
8 preparing, transmitting, or making available a summary report under subd. 3., or in otherwise
9 transmitting, releasing, or disclosing information under subd. 3. shall be presumed.

10 (d) Notwithstanding par. (a), the department may have access to any report or record
11 maintained by an agency under this section.

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

15 (e) A person to whom a report or record is disclosed under this subsection may not
16 further disclose it, except to the persons and for the purposes specified in this section.

17 (f) Any person who violates this subsection, or who permits or encourages the
18 unauthorized dissemination or use of information contained in reports and records made under
19 this section, may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

20 **(8) EDUCATION, TRAINING AND PROGRAM DEVELOPMENT AND COORDINATION.** (a) The
21 department, the county departments, and a licensed child welfare agency under contract with
22 the department in a county having a population of 500,000 or more to the extent feasible shall
23 conduct continuing education and training programs for staff of the department, the county
24 departments, licensed child welfare agencies under contract with the department or a county

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

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

21 (c) In meeting its responsibilities under par. (a) or (b), the department, a county
22 department or a licensed child welfare agency under contract with the department in a county
23 having a population of 500,000 or more may contract with any public or private organization
24 which meets the standards set by the department. In entering into the contracts the department,

1 county department or licensed child welfare agency shall give priority to parental
2 organizations combating child abuse and neglect or unborn child abuse.

3 (d) 1. Each agency staff member and supervisor whose responsibilities include
4 investigation or treatment of child abuse and neglect or of unborn child abuse shall
5 successfully complete training in child abuse and neglect protective services and in unborn
6 child abuse protective services approved by the department. The training shall include
7 information on means of recognizing and appropriately responding to domestic abuse, as
8 defined in s. 49.165 (1) (a). The department shall monitor compliance with this subdivision
9 according to rules promulgated by the department.

10 2. Each year the department shall make available training programs that permit intake
11 workers and agency staff members and supervisors to satisfy the requirements under subd. 1.
12 and s. 48.06 (1) (am) 3. and (2) (c).

13 (9) ANNUAL AND QUARTERLY REPORTS. (a) *Annual reports.* Annually, the department
14 shall prepare and transmit to the governor, and to the legislature under s. 13.172 (2), a report
15 on the status of child abuse and neglect programs and on the status of unborn child abuse
16 programs. The report shall include a full statistical analysis of the child abuse and neglect
17 reports, and the unborn child abuse reports, made through the last calendar year, an evaluation
18 of services offered under this section and their effectiveness, and recommendations for
19 additional legislative and other action to fulfill the purpose of this section. The department
20 shall provide statistical breakdowns by county, if requested by a county.

21 (b) *Quarterly reports.* 1. Within 30 days after the end of each calendar quarter, the
22 department shall prepare and transmit to the governor, and to the appropriate standing
23 committees of the legislature under s. 13.172 (3), a summary report of all reports received by
24 the department under sub. (3) (c) 8. during the previous calendar quarter of abuse, as defined

1 in s. 48.02 (1) (b) to (f), of a child who is placed in the home of a foster parent or relative other
2 than a parent or in a group home, shelter care facility, or residential care center for children
3 and youth. For each report included in the summary report the department shall provide the
4 number of incidents of abuse reported; the dates of those incidents; the county in which those
5 incidents occurred; the age or age group of the child who is the subject of the report; the type
6 of placement in which the child was placed at the time of the incident; whether it was
7 determined under sub. (3) (c) 4. that abuse occurred; and, if so, the nature of the relationship
8 between the child and the person who abused the child, but may not provide any of the
9 information specified in sub. (7) (cr) 6. or any information that would jeopardize an
10 investigation, prosecution, or proceeding described in sub. (7) (cr) 7. a. or b.

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

20 3. The appropriate standing committees of the legislature shall review all summary
21 reports transmitted under subd. 1., conduct public hearings on those summary reports no less
22 often than annually, and submit recommendations to the department regarding those summary
23 reports. The department shall also make those summary reports available to the public.

- 1 **(10)** CURRENT LIST OF TRIBAL AGENTS. The department shall annually provide to each
- 2 agency described in sub. (3) (bm) (intro.) a current list of all tribal agents in the state.