

DRAFT

1 **AN ACT** *to repeal* 48.981 (3) (c) 9., 48.981 (3m) (d), 48.981 (7) (a) 2r., 48.981 (7) (a)
2 10g., 48.981 (7) (a) 10j. and 48.981 (7) (a) 10r.; *to renumber* 48.981 (1) (b), 48.981
3 (1) (ct), 48.981 (1) (cv), 48.981 (1) (cx), 48.981 (1) (i), 48.981 (3) (a) 2. a. to d.,
4 48.981 (3) (b), 48.981 (3) (bm) 1. to 3., 48.981 (3) (c) 2., 48.981 (3) (c) 2m., 48.981
5 (3) (c) 5., 48.981 (7) (a) 1., 48.981 (7) (a) 2., 48.981 (7) (a) 3., 48.981 (7) (a) 3m.,
6 48.981 (7) (a) 4p., 48.981 (7) (a) 9., 48.981 (7) (a) 11r., 48.981 (7) (a) 12., 48.981 (7)
7 (a) 14m., 48.981 (7) (a) 15g., 48.981 (7) (cr) 1. a. and b., 48.981 (7) (cr) 2. a. to f.,
8 48.981 (7) (cr) 4. a. to d., 48.981 (7) (cr) 4. f. and g., 48.981 (7) (cr) 5. a. to d.,
9 48.981 (7) (cr) 5. f., 48.981 (7) (cr) 6. a. to e. and 48.981 (7) (cr) 7. a. and b.; *to*
10 *renumber and amend* 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d.,
11 48.981 (3) (a) 2g., 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3) (bm) (intro.),
12 48.981 (3) (c) (title), 48.981 (3) (c) 1. a., 48.981 (3) (c) 1. b., 48.981 (3) (c) 3.,
13 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5r., 48.981 (3) (c) 6., 48.981 (3)
14 (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (cm), 48.981 (3) (d), 48.981
15 (7) (a) (intro.), 48.981 (7) (a) 1m., 48.981 (7) (a) 2m., 48.981 (7) (a) 4., 48.981 (7)
16 (a) 4m., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981 (7) (a) 8.,
17 48.981 (7) (a) 8m., 48.981 (7) (a) 8s., 48.981 (7) (a) 10., 48.981 (7) (a) 10m., 48.981
18 (7) (a) 11., 48.981 (7) (a) 11m., 48.981 (7) (a) 13., 48.981 (7) (a) 14., 48.981 (7) (a)
19 15., 48.981 (7) (a) 15m., 48.981 (7) (a) 17., 48.981 (7) (am), 48.981 (7) (b), 48.981
20 (7) (c), 48.981 (7) (cm), 48.981 (7) (cr) 1. (intro.), 48.981 (7) (cr) 2. (intro.), 48.981
21 (7) (cr) 3., 48.981 (7) (cr) 4. (intro.), 48.981 (7) (cr) 4. e., 48.981 (7) (cr) 5. (intro.),
22 48.981 (7) (cr) 5. e., 48.981 (7) (cr) 6. (intro.), 48.981 (7) (cr) 7. (intro.), 48.981 (7)

1 (cr) 8., 48.981 (7) (cr) 9., 48.981 (7) (d), 48.981 (7) (dm), 48.981 (7) (e), 48.981 (7)
2 (f) and 48.981 (10); **to consolidate, renumber and amend** 48.981 (2) (bm) 1.
3 (intro.), a. and b. and 48.981 (2) (bm) 2. (intro.), a. and b.; **to amend** 48.236 (4) (a),
4 48.24 (5), 48.685 (4m) (a) 4., 48.685 (4m) (b) 4., 48.981 (1) (ag), 48.981 (2) (a)
5 (intro.), 48.981 (2) (b), 48.981 (2) (bm) 3., 48.981 (2) (c), 48.981 (2) (d), 48.981 (3)
6 (title), 48.981 (3m) (b) 1., 48.981 (3m) (c) (intro.), 48.981 (3m) (c) 1., 48.981 (3m)
7 (c) 2. b., 48.981 (3m) (c) 3., 48.981 (5), 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c),
8 48.981 (9) (b) 1., 48.981 (9) (b) 2., 50.065 (4m) (a) 4., 50.065 (4m) (b) 4., 51.30 (4)
9 (b) 17., 146.82 (2) (a) 11., 895.442 (1) (a), 905.06 (4) and 948.03 (6); and **to create**
10 48.981 (2) (bm) (title), 48.981 (2) (bm) 1d., 48.981 (2m) (a) (title), 48.981 (2m) (b)
11 (title), 48.981 (2m) (c) (title), 48.981 (2m) (d) (title), 48.981 (2m) (e) (title), 48.981
12 (3d) (a) (title), 48.981 (3d) (b) (title), 48.981 (3d) (bm) (title), 48.981 (3d) (c) (title),
13 48.981 (3f) (title) and (a) (intro.), 48.981 (3g) (a) (title), 48.981 (3g) (b) (title),
14 48.981 (3g) (bm) (title), 48.981 (3g) (h) (title), 48.981 (3m) (a) (title), 48.981 (3m)
15 (b) (title), 48.981 (7d) (intro.), 48.981 (7d) (a) (title), 48.981 (7d) (b) (title), 48.981
16 (7d) (c) (title), 48.981 (7d) (cm) (title), 48.981 (7d) (dp) (title), 48.981 (7d) (hm)
17 (title), 48.981 (7d) (i) (title), 48.981 (7d) (Lr) (title), 48.981 (7d) (m) (title), 48.981
18 (7d) (om) (title), 48.981 (7d) (pg) (title), 48.981 (7g) (intro.), 48.981 (7m) (title),
19 48.981 (7r) (title) and 48.981 (8) (d) (title) of the statutes; **relating to:** recodification
20 of child abuse and neglect reporting law.

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

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

following changes to s. 48.981, the child abuse and neglect reporting law:

- Throughout s. 48.981, reorganizes provisions to break large paragraphs into separate paragraphs; adds titles to various provisions; consolidates provisions with duplicative language; and updates language to clarify meaning.
- Amends the definition of “agency” to provide that, for purposes of performing the duties specified in certain provisions of s. 48.981, “agency” includes a licensed child welfare agency under contract with a county department to perform investigations, in order to facilitate the use of the definition throughout the section.
- Renumbers definitions for “community placement”, “Indian unborn child”, and “member of the clergy”, to place them in the single paragraphs in which they appear within the section.
- In s. 48.981 (2) (bm), creates a definition of “abuse” by cross-reference so that the word “abuse” may be used throughout the paragraph without repeated references to its definition.
- In provisions authorizing any person to report suspected abuse or neglect of children and unborn children, removes the clause “, including an attorney”, from the phrases “any person not otherwise specified, including an attorney”, and “any person, not including an attorney”, to reduce redundancy.
- Removes a requirement that reporting must be accomplished in person or by telephone.
- Amends the authority for interviewing children in private locations to account for a ruling of the U.S. court of appeals for the seventh circuit in *Doe v. Heck*.

1 **SECTION 1.** 48.236 (4) (a) of the statutes is amended to read:

2 48.236 (4) (a) Inspect any reports and records relating to the child who is the subject
3 of the proceeding, the child’s family, and any other person residing in the same home as the
4 child that are relevant to the subject matter of the proceeding, including records discoverable
5 under s. 48.293, examination reports under s. 48.295 (2), law enforcement reports and records
6 under ss. 48.396 (1) and 938.396 (1) (a), court records under ss. 48.396 (2) (a) and 938.396
7 (2), social welfare agency records under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect

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

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

15 48.24 (5) The intake worker shall request that a petition be filed, enter into an informal
16 disposition, or close the case within 60 days after receipt of referral information. If the referral
17 information is a report received by a county department or, in a county having a population
18 of 500,000 or more, the department or a licensed child welfare agency under contract with the
19 department under s. 48.981 (3) (a) ~~1., 2., or 2d.,~~ (bg), or (bp) that 60-day period shall begin
20 on the day on which the report is received by the county department, department, or licensed
21 child welfare agency. If the case is closed or an informal disposition is entered into, the district
22 attorney, corporation counsel, or other official under s. 48.09 shall receive written notice of
23 that action. If a law enforcement officer has made a recommendation concerning the child,
24 or the unborn child and the expectant mother of the unborn child, the intake worker shall

1 forward this recommendation to the district attorney, corporation counsel, or other official
2 under s. 48.09. If a petition is filed, the petition may include information received more than
3 60 days before filing the petition to establish a condition or pattern which, together with
4 information received within the 60-day period, provides a basis for conferring jurisdiction on
5 the court. The court shall grant appropriate relief as provided in s. 48.315 (3) with respect to
6 any petition that is not referred or filed within the time periods specified in this subsection.
7 Failure to object to the fact that a petition is not requested within the time period specified in
8 this subsection waives any challenge to the court's competency to act on the petition.

9 **SECTION 3.** 48.685 (4m) (a) 4. of the statutes is amended to read:

10 48.685 (**4m**) (a) 4. That a determination has been made under s. 48.981 ~~(3)(e) 4.~~ (3g)
11 (d) that the person has abused or neglected a child.

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

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

15 **SECTION 5.** 48.981 (1) (ag) of the statutes is amended to read:

16 48.981 (**1**) (ag) "Agency" means a county department, the department in a county
17 having a population of 500,000 or more or a licensed child welfare agency under contract with
18 ~~a county department or the department in a county having a population of 500,000 or more~~
19 to perform investigations under this section. For purposes of performing the duties specified
20 in sub. (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. and for purposes of confidentiality
21 of reports and records under sub. (7) to (7m), "agency" also includes a licensed child welfare
22 agency under contract with a county department to perform investigations under this section.

NOTE: Amends the definition of "agency" to include child welfare agencies under contract with county departments only for purposes of

specified provisions to enable the use of the definition throughout s. 48.981, stats.

1 **SECTION 6.** 48.981 (1) (b) of the statutes is renumbered 48.981 (7d) (hm) 1.

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

2 **SECTION 7.** 48.981 (1) (ct) of the statutes is renumbered 48.981 (3f) (a) 1.

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

3 **SECTION 8.** 48.981 (1) (cv) of the statutes is renumbered 48.981 (2) (bm) 1d. b.

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

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

5 **SECTION 10.** 48.981 (1) (i) of the statutes is renumbered 48.981 (3f) (a) 2.

6 **SECTION 11.** 48.981 (2) (a) (intro.) of the statutes, as affected by 2011 Wisconsin Act
7 87, is amended to read:

8 48.981 (2) (a) Mandatory reporters; professionals. (intro.) Any Except as provided
9 in subs. (2m) and (2r), any of the following persons who has reasonable cause to suspect that
10 a child seen by the person in the course of professional duties has been abused or neglected
11 or who has reason to believe that a child seen by the person in the course of professional duties
12 has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall,
13 ~~except as provided under subs. (2m) and (2r),~~ report as provided in sub. (3):

14 **SECTION 12.** 48.981 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 87, is
15 amended to read:

16 48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~ Except as
17 provided in subs. (2m) and (2r), a court-appointed special advocate who has reasonable cause
18 to suspect that a child seen in the course of activities under s. 48.236 (3) has been abused or

1 neglected or who has reason to believe that a child seen in the course of those activities has
2 been threatened with abuse and neglect and that abuse or neglect of the child will occur shall,
3 ~~except as provided in subs. (2m) and (2r),~~ report as provided in sub. (3).

4 **SECTION 13.** 48.981 (2) (bm) (title) of the statutes is created to read:

5 48.981 (2) (bm) *Mandatory reporters; members of the clergy.*

6 **SECTION 14.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes, as affected by 2011
7 Wisconsin Act 87, are consolidated, renumbered 48.981 (2) (bm) 1g. and amended to read:

8 48.981 (2) (bm) 1g. Except as provided in subd. 3. and subs. (2m) and (2r), a member
9 of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable
10 cause to suspect that a child seen by the member of the clergy in the course of his or her
11 professional duties: ~~a. Has has been abused, as defined in s. 48.02 (1) (b) to (f); or b. Has or~~
12 ~~has been threatened with abuse, as defined in s. 48.02 (1) (b) to (f),~~ and abuse of the child will
13 likely occur.

14 **SECTION 15.** 48.981 (2) (bm) 1d. of the statutes is created to read:

15 48.981 (2) (bm) 1d. In this paragraph:

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

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

17 **SECTION 16.** 48.981 (2) (bm) 2. (intro.), a. and b. of the statutes, as affected by 2011
18 Wisconsin Act 87, are consolidated, renumbered 48.981 (2) (bm) 2. and amended to read:

19 48.981 (2) (bm) 2. Except as provided in subd. 3. and subs. (2m) and (2r), a member
20 of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable
21 cause, based on observations made or information that he or she receives, to suspect that a
22 member of the clergy has ~~done any of the following:~~ a. ~~Abused abused~~ a child, as defined in

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

3 **SECTION 17.** 48.981 (2) (bm) 3. of the statutes is amended to read:

4 48.981 (2) (bm) 3. A member of the clergy is not required to report child abuse
5 information under subd. 1, 1g. or 2. that he or she receives solely through confidential
6 communications made to him or her privately or in a confessional setting if he or she is
7 authorized to hear or is accustomed to hearing such communications and, under the
8 disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those
9 communications secret. Those disciplines, tenets, or traditions need not be in writing.

10 **SECTION 18.** 48.981 (2) (c) of the statutes is amended to read:

11 48.981 (2) (c) Discretionary reporters; child abuse and neglect. Any person not
12 otherwise specified in par. (a), (b), or (bm), ~~including an attorney,~~ who has reason to suspect
13 that a child has been abused or neglected or who has reason to believe that a child has been
14 threatened with abuse or neglect and that abuse or neglect of the child will occur may report
15 as provided in sub. (3).

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

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

17 48.981 (2) (d) Discretionary reporters; unborn child abuse. Any person, ~~including an~~
18 ~~attorney,~~ who has reason to suspect that an unborn child has been abused or who has reason
19 to believe that an unborn child is at substantial risk of abuse may report as provided in sub.
20 (3).

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

21 **SECTION 20.** 48.981 (2m) (a) (title) of the statutes is created to read:

1 48.981 (2m) (a) (title) *Purpose*.

2 **SECTION 21.** 48.981 (2m) (b) (title) of the statutes is created to read:

3 48.981 (2m) (b) (title) *Definitions*.

4 **SECTION 22.** 48.981 (2m) (c) (title) of the statutes is created to read:

5 48.981 (2m) (c) (title) *Reporting not required*.

6 **SECTION 23.** 48.981 (2m) (d) (title) of the statutes is created to read:

7 48.981 (2m) (d) (title) *Reporting required*.

8 **SECTION 24.** 48.981 (2m) (e) (title) of the statutes is created to read:

9 48.981 (2m) (e) (title) *Additional reporting requirement*.

10 **SECTION 25.** 48.981 (3) (title) of the statutes is amended to read:

11 48.981 (3) (title) ~~REPORTS; INVESTIGATION~~ REFERRAL OF REPORT.

12 **SECTION 26.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and amended
13 to read:

14 48.981 (3) (a) ~~Referral of report~~ Immediate reporting required. A person required to
15 report under sub. (2) shall immediately inform, ~~by telephone or personally, the county~~
16 ~~department or, in a county having a population of 500,000 or more, the department or a~~
17 ~~licensed child welfare agency under contract with the department~~ the agency or the sheriff or
18 city, village, or town police department of the facts and circumstances contributing to a
19 suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect
20 will occur.

NOTE: Removes the requirement that reporting must be done in person
or by telephone.

COMMENT: Is this change noncontroversial such that it is appropriate in
a recodification?

1 **SECTION 27.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3) (bg)
2 (intro.) and amended to read:

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

9 **SECTION 28.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3) (bg) 1.
10 to 4.

11 **SECTION 29.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and
12 amended to read:

13 48.981 (3) (bp) Discretionary referral to agency. The sheriff or police department may
14 refer to the county department or, in a county having a population of 500,000 or more, the
15 department or a licensed child welfare agency under contract with the department agency a
16 case reported to the sheriff or police department in which a person who is not a caregiver is
17 suspected of abuse or of threatened abuse of a child.

18 **SECTION 30.** 48.981 (3) (a) 2g. of the statutes is renumbered 48.981 (3) (br) and
19 amended to read:

20 48.981 (3) (br) Subsequent report in writing. The county department, department, or
21 licensed child welfare agency may require that a subsequent report of a case referred under
22 ~~subd. 2. or 2d.~~ par. (bg) or (bp) be made in writing.

23 **SECTION 31.** 48.981 (3) (a) 3. of the statutes is renumbered 48.981 (3) (cg) and amended
24 to read:

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

10 **SECTION 32.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and amended
11 to read:

12 48.981 (3) (dg) Coordination of investigation. If the report is of suspected or threatened
13 abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department and the ~~county~~
14 ~~department, department, or licensed child welfare agency under contract with the department~~
15 agency shall coordinate the planning and execution of the investigation of the report.

16 **SECTION 33.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d).

17 **SECTION 34.** 48.981 (3) (bm) (intro.) of the statutes is renumbered 48.981 (3f) (bm)
18 (intro.) and amended to read:

19 48.981 (3f) (bm) Notice of report to Indian to tribal agent. (intro.) In a county that has
20 wholly or partially within its boundaries a federally recognized Indian reservation or a bureau
21 of Indian affairs service area for the Ho-Chunk tribe, if a county department that receives a
22 report under ~~par. (a)~~ sub. (3) pertaining to a child or unborn child knows or has reason to know
23 that the child is an Indian child who resides in the county or that the unborn child is an Indian
24 unborn child whose expectant mother resides in the county, the county department shall

1 provide notice, which shall consist only of the name and address of the Indian child or
2 expectant mother and the fact that a report has been received about that Indian child or Indian
3 unborn child, within 24 hours to one of the following:

4 **SECTION 35.** 48.981 (3) (bm) 1. to 3. of the statutes are renumbered 48.981 (3f) (bm)
5 1. to 3.

6 **SECTION 36.** 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title) and
7 amended to read:

8 48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.

9 **SECTION 37.** 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1. a. and
10 amended to read:

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

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

4 **c.** An investigation under this subd. 1. a. or b. shall be conducted in accordance with
5 the authority granted to the department under s. 48.48 (17) (a) 1. or the county department
6 under s. 48.57 (1) (a) and in accordance with standards established by the department for
7 conducting child abuse and neglect investigations or unborn child abuse investigations.

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

8 **SECTION 38.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2. and
9 amended to read:

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

1 ~~investigation may enter a child's dwelling. Unless otherwise permitted under the 4th~~
2 ~~Amendment to the U.S. Constitution and article I, section 11, of the Wisconsin Constitution,~~
3 ~~the agency may contact, observe, or interview the child on any private property only with~~
4 ~~permission from the child's parent, guardian, or legal custodian and the person in charge of~~
5 ~~the private property or after obtaining a court order permitting the person agency to do so.~~

NOTE: Amends the authority for interviewing children without consent by limiting such authority to public locations. This change accounts for the holding by the U.S. court of appeals for the seventh circuit in *Doe v. Heck*, 327 F.3d 492 (2003), that such interviews in private locations raise concerns under the fourth amendment to the U.S. Constitution.

6 **SECTION 39.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

7 **SECTION 40.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

8 **SECTION 41.** 48.981 (3) (c) 3. of the statutes is renumbered 48.981 (3g) (c) and amended
9 to read:

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

1 subject of the report is in need of protection or services. The agency may also petition for child
2 abuse restraining orders and injunctions under s. 48.25 (6).

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

3 **SECTION 42.** 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and amended
4 to read:

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

20 **SECTION 43.** 48.981 (3) (c) 5. of the statutes is renumbered 48.981 (3g) (h) 1.

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

1 **SECTION 44.** 48.981 (3) (c) 5m. of the statutes is renumbered 48.981 (3g) (e) and
2 amended to read:

3 48.981 (3g) (e) Right to appeal determination. ~~If the county department or, in a county~~
4 ~~having a population of 500,000 or more, the department or a licensed child welfare agency~~
5 ~~under contract with the department determines~~ Within 15 days after a determination is made
6 ~~under subd. 4. par. (d) that a specific person has abused or neglected a child, the county~~
7 ~~department, department or licensed child welfare agency, within 15 days after the date of the~~
8 ~~determination,~~ shall notify the person in writing of the determination, the person's right to
9 appeal the determination, and the procedure by which the person may appeal the
10 determination, and the person may appeal the determination in accordance with the
11 procedures established by the department under this subdivision paragraph. The department
12 shall promulgate rules establishing procedures for conducting an appeal under this
13 subdivision paragraph. Those procedures shall include a procedure permitting such an appeal
14 ~~under this subdivision~~ to be held in abeyance pending the outcome of any criminal
15 investigation or proceedings or any investigation or proceedings under s. 48.13 based on the
16 alleged abuse or neglect ~~or the outcome of any investigation that may lead to the filing of a~~
17 ~~criminal complaint or a petition under s. 48.13 based on the alleged abuse or neglect.~~

18 **SECTION 45.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2. and
19 amended to read:

20 48.981 (3g) (h) 2. ~~If the county department or, in a county having a population of~~
21 ~~500,000 or more, the department or a licensed child welfare agency under contract with the~~
22 ~~department determines under subd. 4.~~ Within 15 days after a determination is made under par.
23 (d) that a specific person has abused or neglected a child, the ~~county department, department,~~
24 ~~or licensed child welfare agency, within 15 days after the date of the determination,~~ agency

1 shall provide the subunit of the department that administers s. 48.685 with information about
2 the person who has been determined to have abused or neglected the child.

3 **SECTION 46.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and amended
4 to read:

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

9 **SECTION 47.** 48.981 (3) (c) 6m. of the statutes is renumbered 48.981 (3g) (fm) and
10 amended to read:

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

1 petition is filed ~~and remains tolled~~ until the court issues a decision. The court may hold an ex
2 parte hearing in camera and shall issue an order granting the petition if the court determines
3 that disclosure of the information would not be in the best interests of the child or unborn child.

4 **SECTION 48.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g) (intro.) and
5 amended to read:

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

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

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

21 **SECTION 49.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and
22 amended to read:

23 48.981 (3g) (h) 3. Using the format prescribed by the department, each county
24 department shall provide the department with information about each report that the county

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

12 **SECTION 50.** 48.981 (3) (c) 9. of the statutes is repealed.

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

13 **SECTION 51.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and amended
14 to read:

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

1 ~~(7f)~~ shall apply to any licensed child welfare agency with which a county department or the
2 department contracts.

3 **SECTION 52.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j) and amended to
4 read:

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

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

24 **SECTION 53.** 48.981 (3d) (a) (title) of the statutes is created to read:

- 1 48.981 **(3d)** (a) (title) *Immediate investigation on request.*
- 2 **SECTION 54.** 48.981 (3d) (b) (title) of the statutes is created to read:
- 3 48.981 **(3d)** (b) (title) *Taking child into custody.*
- 4 **SECTION 55.** 48.981 (3d) (bm) (title) of the statutes is created to read:
- 5 48.981 **(3d)** (bm) (title) *Taking expectant mother into custody.*
- 6 **SECTION 56.** 48.981 (3d) (c) (title) of the statutes is created to read:
- 7 48.981 **(3d)** (c) (title) *Referral for criminal prosecution.*
- 8 **SECTION 57.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:
- 9 48.981 **(3f)** (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.) In this
- 10 subsection:
- 11 **SECTION 58.** 48.981 (3g) (a) (title) of the statutes is created to read:
- 12 48.981 **(3g)** (a) (title) *Evaluation and investigation of report.*
- 13 **SECTION 59.** 48.981 (3g) (b) (title) of the statutes is created to read:
- 14 48.981 **(3g)** (b) (title) *Taking child into custody.*
- 15 **SECTION 60.** 48.981 (3g) (bm) (title) of the statutes is created to read:
- 16 48.981 **(3g)** (bm) (title) *Taking expectant mother into custody.*
- 17 **SECTION 61.** 48.981 (3g) (h) (title) of the statutes is created to read:
- 18 48.981 **(3g)** (h) (title) *Records; information to department.*
- 19 **SECTION 62.** 48.981 (3m) (a) (title) of the statutes is created to read:
- 20 48.981 **(3m)** (a) (title) *Definition.*
- 21 **SECTION 63.** 48.981 (3m) (b) (title) of the statutes is created to read:
- 22 48.981 **(3m)** (b) (title) *Establishment of program.*
- 23 **SECTION 64.** 48.981 (3m) (b) 1. of the statutes is amended to read:

1 48.981 (3m) (b) 1. Guidelines for determining the appropriate alternative response to
2 a report of abuse or neglect or of threatened abuse or neglect, including guidelines for
3 determining what types of abuse or neglect or threatened abuse or neglect constitute
4 substantial abuse or neglect. The Notwithstanding s. 227.10 (1), the department need not
5 promulgate those guidelines as rules under ch. 227.

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

6 **SECTION 65.** 48.981 (3m) (c) (intro.) of the statutes is amended to read:

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

12 **SECTION 66.** 48.981 (3m) (c) 1. of the statutes is amended to read:

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

1 **SECTION 67.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

2 48.981 **(3m)** (c) 2. b. If the agency or county department employs the assessment
3 response under subd. 2. a., the agency or county department is not required to refer the report
4 to the sheriff or police department under sub. (3) ~~(a)~~-3. (cg) or determine by a preponderance
5 of the evidence under sub. ~~(3)~~-~~(e)~~-4. (3g) (d) that abuse or neglect has occurred or is likely to
6 occur or that a specific person has abused or neglected the child. If in conducting the
7 assessment the agency or county department determines that there is reason to suspect that
8 substantial abuse or neglect has occurred or is likely to occur or that an investigation under
9 sub. ~~(3)~~ (3g) is otherwise necessary to ensure the safety of the child and his or her family, the
10 agency or county department shall immediately commence an investigation under sub. ~~(3)~~
11 (3g).

12 **SECTION 68.** 48.981 (3m) (c) 3. of the statutes is amended to read:

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

22 **SECTION 69.** 48.981 (3m) (d) of the statutes is repealed.

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

1 **SECTION 70.** 48.981 (5) of the statutes is amended to read:

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

NOTE: In cases resulting in death, removes Milwaukee County contracting agencies from the list of entities to which a medical examiner or coroner may report findings.

COMMENT: This change was suggested by Legislative Reference Bureau staff. The suggestion is that the Bureau of Milwaukee Child Welfare should be the recipient of such reports in Milwaukee County.

10 **SECTION 71.** 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and
11 amended to read:

12 48.981 (7) CONFIDENTIALITY. All Except as provided in subs. (3f) (c), (7d), (7g), and
13 (7m), all reports made under this section, notices provided under sub. ~~(3)~~ (3f) (bm), and
14 records maintained by an agency and or by any other persons, officials and institutions person
15 shall be confidential. ~~Reports and records may be disclosed only to the following persons:~~

16 **SECTION 72.** 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

17 **SECTION 73.** 48.981 (7) (a) 1m. of the statutes is renumbered 48.981 (7g) (am) and
18 amended to read:

19 48.981 (7g) (am) Request of reporter. A reporter described in sub. ~~(3) (e) 6m.~~ (3g) (fm)
20 who makes a written request to an agency for information regarding what action, if any, was

1 taken to protect the health and welfare of the child or unborn child who is the subject of the
2 report, unless a court order under sub. ~~(3) (e) 6m.~~ (3g) (fm) prohibits disclosure of that
3 information to that reporter, except that the only information that may be disclosed is
4 information in the record regarding what action, if any, was taken to protect the health and
5 welfare of the child or unborn child who is the subject of the report.

6 **SECTION 74.** 48.981 (7) (a) 2. of the statutes is renumbered 48.981 (7d) (b).

7 **SECTION 75.** 48.981 (7) (a) 2m. of the statutes is renumbered 48.981 (7g) (bm) and
8 amended to read:

9 48.981 (7g) (bm) *Intake or dispositional staff.* A person authorized to provide or
10 providing intake or dispositional services for the court under s. 48.067, 48.069 ~~or~~ 48.10,
11 938.067, 938.069, or 938.10.

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

12 **SECTION 76.** 48.981 (7) (a) 2r. of the statutes is repealed.

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

13 **SECTION 77.** 48.981 (7) (a) 3. of the statutes is renumbered 48.981 (7d) (c).

14 **SECTION 78.** 48.981 (7) (a) 3m. of the statutes is renumbered 48.981 (7d) (cm).

15 **SECTION 79.** 48.981 (7) (a) 4. of the statutes is renumbered 48.981 (7d) (d) and amended
16 to read:

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

NOTE: Removes the word “child’s” from the phrase “child’s foster parent”.

1 **SECTION 80.** 48.981 (7) (a) 4m. of the statutes is renumbered 48.981 (7d) (dm) and
2 amended to read:

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

9 **SECTION 81.** 48.981 (7) (a) 4p. of the statutes is renumbered 48.981 (7d) (dp).

10 **SECTION 82.** 48.981 (7) (a) 5. of the statutes is renumbered 48.981 (7d) (e) and amended
11 to read:

12 48.981 (7d) (e) Mental health professional. A professional employee of a county
13 department under s. 51.42 or 51.437 who is working with the child or the expectant mother
14 of the unborn child under a contract with or ~~under~~ the supervision of the county department
15 ~~under s. 46.22 or, in a county having a population of 500,000 or more, the department or a~~
16 ~~licensed child welfare agency under contract with the department~~ an agency.

17 **SECTION 83.** 48.981 (7) (a) 6. of the statutes is renumbered 48.981 (7d) (f) and amended
18 to read:

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

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

3 48.981 (7d) (fm) Child advocacy center. A person employed by a child advocacy center
4 recognized by the county board, ~~the county department or, in a county having a population of~~
5 ~~500,000 or more, the department or a licensed child welfare agency under contract with the~~
6 ~~department or the agency,~~ to the extent necessary to perform the services for which the center
7 is recognized by ~~the county board, the county department, the department or the licensed child~~
8 ~~welfare agency.~~

9 **SECTION 85.** 48.981 (7) (a) 8. of the statutes is renumbered 48.981 (7d) (h) and amended
10 to read:

11 48.981 (7d) (h) Law enforcement authorities. A law enforcement officer ~~or,~~ law
12 enforcement agency, ~~or a~~ district attorney for purposes of investigation or prosecution.

13 **SECTION 86.** 48.981 (7) (a) 8m. of the statutes is renumbered 48.981 (7d) (hm) 2. and
14 amended to read:

15 48.981 (7d) (hm) 2. The department of corrections, the department of health services,
16 a county department under s. 46.215, 46.22, 46.23, 51.42₁ or 51.437₁, or any other person under
17 contract with the department of corrections, the department of health services₂, or a county
18 department under s. 46.215, 46.22, 46.23, 51.42₂ or 51.437 to exercise custody or supervision
19 over a person who is subject to community placement for purposes of investigating or
20 providing services to a person who is subject to community placement and who is the subject
21 of a report. In making its investigation, the department of corrections, department of health
22 services, county department₂, or other person shall cooperate with the agency making the
23 investigation under sub. (3) (e) ~~or (d)~~ (3g) or (3j).

1 **SECTION 87.** 48.981 (7) (a) 8s. of the statutes is renumbered 48.981 (7d) (hs) and
2 amended to read:

3 48.981 (7d) (hs) Sexually violent person commitments. Authorized representatives of
4 the department of corrections, the department of health services, the department of justice, or
5 a district attorney for use in the prosecution of any proceeding or any evaluation conducted
6 under ch. 980, if the reports or records involve or relate to an individual who is the subject of
7 the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may
8 issue any protective orders that it determines are appropriate concerning information made
9 available or disclosed under this ~~subdivision~~ paragraph. Any representative of the department
10 of corrections, the department of health services, the department of justice, or a district
11 attorney may disclose information obtained under this ~~subdivision~~ paragraph for any purpose
12 consistent with any proceeding under ch. 980.

13 **SECTION 88.** 48.981 (7) (a) 9. of the statutes is renumbered 48.981 (7d) (i).

14 **SECTION 89.** 48.981 (7) (a) 10. of the statutes is renumbered 48.981 (7d) (j) and
15 amended to read:

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

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

1 **SECTION 90.** 48.981 (7) (a) 10g. of the statutes is repealed.

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

2 **SECTION 91.** 48.981 (7) (a) 10j. of the statutes is repealed.

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

3 **SECTION 92.** 48.981 (7) (a) 10m. of the statutes is renumbered 48.981 (7d) (k) and
4 amended to read:

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

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

13 **SECTION 93.** 48.981 (7) (a) 10r. of the statutes is repealed.

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

14 **SECTION 94.** 48.981 (7) (a) 11. of the statutes is renumbered 48.981 (7d) (L) and
15 amended to read:

16 48.981 **(7d)** (L) Attorneys and guardians ad litem; juvenile court proceedings. The
17 county corporation counsel or district attorney representing the interests of the public, the

1 agency legal counsel, and the counsel or guardian ad litem representing the interests of a child
2 in proceedings under subd. 10., 10g. or 10j. and the guardian ad litem representing the interests
3 of or an unborn child in proceedings under subd. 10. par. (j).

4 **SECTION 95.** 48.981 (7) (a) 11m. of the statutes is renumbered 48.981 (7d) (Lm) and
5 amended to read:

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

10 **SECTION 96.** 48.981 (7) (a) 11r. of the statutes is renumbered 48.981 (7d) (Lr).

11 **SECTION 97.** 48.981 (7) (a) 12. of the statutes is renumbered 48.981 (7d) (m).

12 **SECTION 98.** 48.981 (7) (a) 13. of the statutes is renumbered 48.981 (7d) (n) and
13 amended to read:

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

17 **SECTION 99.** 48.981 (7) (a) 14. of the statutes is renumbered 48.981 (7d) (o) and
18 amended to read:

19 48.981 (7d) (o) Grand jury. A grand jury if ~~it~~ the grand jury determines that access to
20 specified records is necessary for the conduct of its official business.

21 **SECTION 100.** 48.981 (7) (a) 14m. of the statutes is renumbered 48.981 (7d) (om).

22 **SECTION 101.** 48.981 (7) (a) 15. of the statutes is renumbered 48.981 (7d) (p) and
23 amended to read:

1 48.981 (7d) (p) Child fatality review team. A child fatality review team recognized by
2 the county department or, in a county having a population of 500,000 or more, the department
3 or a licensed child welfare agency under contract with the department agency.

4 **SECTION 102.** 48.981 (7) (a) 15g. of the statutes is renumbered 48.981 (7d) (pg).

5 **SECTION 103.** 48.981 (7) (a) 15m. of the statutes is renumbered 48.981 (7d) (pm) and
6 amended to read:

7 48.981 (7d) (pm) Death investigation. A coroner, medical examiner or, pathologist,
8 or other physician investigating the cause of death of a child whose death is unexplained or
9 unusual or is associated with unexplained or suspicious circumstances.

10 **SECTION 104.** 48.981 (7) (a) 17. of the statutes is renumbered 48.981 (7d) (r) and
11 amended to read:

12 48.981 (7d) (r) Federal, state, or local agencies. A federal agency, state agency of this
13 state or any other state, or local governmental unit located in this state or any other state that
14 has a need for a report or record in order to carry out its responsibility to protect children from
15 abuse or neglect or to protect unborn children from abuse.

16 **SECTION 105.** 48.981 (7) (am) of the statutes is renumbered 48.981 (3f) (c) and amended
17 to read:

18 48.981 (3f) (c) Disclosure to tribal social services department. Notwithstanding ~~par.~~
19 ~~(a) (intro.) sub. (7),~~ a tribal agent who receives notice under ~~sub. (3) par. (bm)~~ may disclose
20 the notice to a tribal social services department.

21 **SECTION 106.** 48.981 (7) (b) of the statutes is renumbered 48.981 (7g) (b) and amended
22 to read:

23 48.981 (7g) (b) Authorization of parent. Notwithstanding ~~par. (a),~~ either Either parent
24 of a child who is the subject of a report may authorize the disclosure of a record relating to that

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

NOTE: Updates language regarding disclosures by parents.

5 **SECTION 107.** 48.981 (7) (c) of the statutes is renumbered 48.981 (7g) (c) and amended
6 to read:

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

11 **SECTION 108.** 48.981 (7) (cm) of the statutes is renumbered 48.981 (7g) (cm) and
12 amended to read:

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

16 **SECTION 109.** 48.981 (7) (cr) 1. (intro.) of the statutes is renumbered 48.981 (7m) (a)
17 (intro.) and amended to read:

18 48.981 (7m) (a) Definitions. (intro.) In this paragraph subsection:

19 **SECTION 110.** 48.981 (7) (cr) 1. a. and b. of the statutes are renumbered 48.981 (7m)
20 (a) 1. and 2.

21 **SECTION 111.** 48.981 (7) (cr) 2. (intro.) of the statutes is renumbered 48.981 (7m) (b)
22 (intro.) and amended to read:

1 48.981 (7m) (b) Information to department. (intro.) Notwithstanding ~~par. (a) sub. (7)~~,
2 if an agency that receives a report under sub. (3) has reason to suspect that an incident of death
3 or serious injury or an incident of egregious abuse or neglect has occurred, within 2 working
4 days after determining that such an incident is suspected to have occurred the agency shall
5 provide all of the following information to the subunit of the department responsible for
6 statewide oversight of child abuse and neglect programs:

7 **SECTION 112.** 48.981 (7) (cr) 2. a. to f. of the statutes are renumbered 48.981 (7m) (b)
8 1. to 6.

9 **SECTION 113.** 48.981 (7) (cr) 3. of the statutes is renumbered 48.981 (7m) (c) and
10 amended to read:

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

23 2. Within 90 days after receiving the information provided under ~~subd. 2. par. (b)~~, the
24 subunit of the department that received the information shall prepare, transmit to the governor

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

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

1 public any information at any time to correct any inaccurate information reported in the news
2 media.

3 **SECTION 114.** 48.981 (7) (cr) 4. (intro.) of the statutes is renumbered 48.981 (7m) (d)
4 (intro.) and amended to read:

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

9 **SECTION 115.** 48.981 (7) (cr) 4. a. to d. of the statutes are renumbered 48.981 (7m) (d)
10 1. to 4.

11 **SECTION 116.** 48.981 (7) (cr) 4. e. of the statutes is renumbered 48.981 (7m) (d) 5. and
12 amended to read:

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

16 **SECTION 117.** 48.981 (7) (cr) 4. f. and g. of the statutes are renumbered 48.981 (7m) (d)
17 6. and 7.

18 **SECTION 118.** 48.981 (7) (cr) 5. (intro.) of the statutes is renumbered 48.981 (7m) (e)
19 (intro.) and amended to read:

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

1 **SECTION 119.** 48.981 (7) (cr) 5. a. to d. of the statutes are renumbered 48.981 (7m) (e)
2 1. to 4.

3 **SECTION 120.** 48.981 (7) (cr) 5. e. of the statutes is renumbered 48.981 (7m) (e) 5. and
4 amended to read:

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

8 **SECTION 121.** 48.981 (7) (cr) 5. f. of the statutes is renumbered 48.981 (7m) (e) 6.

9 **SECTION 122.** 48.981 (7) (cr) 6. (intro.) of the statutes is renumbered 48.981 (7m) (f)
10 (intro.) and amended to read:

11 48.981 (7m) (f) Information prohibited from disclosure. (intro.) A summary report or
12 other release or disclosure of information under ~~subd. 3. par. (c)~~ may not include any of the
13 following:

14 **SECTION 123.** 48.981 (7) (cr) 6. a. to e. of the statutes are renumbered 48.981 (7m) (f)
15 1. to 5.

16 **SECTION 124.** 48.981 (7) (cr) 7. (intro.) of the statutes is renumbered 48.981 (7m) (g)
17 (intro.) and amended to read:

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

1 transmitting or making the summary report available or transmitting, releasing, or disclosing
2 the information would jeopardize any of the following:

3 **SECTION 125.** 48.981 (7) (cr) 7. a. and b. of the statutes are renumbered 48.981 (7m)
4 (g) 1. and 2.

5 **SECTION 126.** 48.981 (7) (cr) 8. of the statutes is renumbered 48.981 (7m) (h) and
6 amended to read:

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

19 **SECTION 127.** 48.981 (7) (cr) 9. of the statutes is renumbered 48.981 (7m) (i) and
20 amended to read:

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

1 of those actions. For purposes of any proceeding, civil or criminal, the good faith of a person
2 in providing information under ~~subd. 2. par. (b)~~, in preparing, transmitting, or making
3 available a summary report under ~~subd. 3. par. (c)~~, or in otherwise transmitting, releasing, or
4 disclosing information under ~~subd. 3. par. (c)~~ shall be presumed.

5 **SECTION 128.** 48.981 (7) (d) of the statutes is renumbered 48.981 (7g) (d) and amended
6 to read:

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

10 **SECTION 129.** 48.981 (7) (dm) of the statutes is renumbered 48.981 (7g) (dm) and
11 amended to read:

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

16 **SECTION 130.** 48.981 (7) (e) of the statutes is renumbered 48.981 (7r) (a) and amended
17 to read:

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

21 **SECTION 131.** 48.981 (7) (f) of the statutes is renumbered 48.981 (7r) (b) and amended
22 to read:

23 48.981 (7r) (b) Penalty. Any person who violates ~~this subsection~~ sub. (7), (7d), (7g),
24 or (7m), or who permits or encourages the unauthorized dissemination or use of information

1 contained in reports and records made under this section, may be fined not more than \$1,000
2 or imprisoned not more than 6 months or both.

3 **SECTION 132.** 48.981 (7d) (intro.) of the statutes is created to read:

4 48.981 **(7d)** CONFIDENTIALITY; EXCEPTIONS. (intro.) Notwithstanding sub. (7), reports
5 made under this section and records maintained by an agency or by any other person may be
6 disclosed to any of the following persons:

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

7 **SECTION 133.** 48.981 (7d) (a) (title) of the statutes is created to read:

8 48.981 **(7d)** (a) (title) *Subject of report.*

9 **SECTION 134.** 48.981 (7d) (b) (title) of the statutes is created to read:

10 48.981 **(7d)** (b) (title) *Agency staff.*

11 **SECTION 135.** 48.981 (7d) (c) (title) of the statutes is created to read:

12 48.981 **(7d)** (c) (title) *Attending physician.*

13 **SECTION 136.** 48.981 (7d) (cm) (title) of the statutes is created to read:

14 48.981 **(7d)** (cm) (title) *Parent, guardian, legal custodian, or expectant mother.*

15 **SECTION 137.** 48.981 (7d) (dp) (title) of the statutes is created to read:

16 48.981 **(7d)** (dp) (title) *Adoption or foster home licensing agency.*

17 **SECTION 138.** 48.981 (7d) (hm) (title) of the statutes is created to read:

18 48.981 **(7d)** (hm) (title) *Correctional community placements.*

19 **SECTION 139.** 48.981 (7d) (i) (title) of the statutes is created to read:

20 48.981 **(7d)** (i) (title) *Facility licensing proceedings.*

21 **SECTION 140.** 48.981 (7d) (Lr) (title) of the statutes is created to read:

22 48.981 **(7d)** (Lr) (title) *Court–appointed special advocate.*

1 **SECTION 141.** 48.981 (7d) (m) (title) of the statutes is created to read:

2 48.981 **(7d)** (m) (title) *Researcher*.

3 **SECTION 142.** 48.981 (7d) (om) (title) of the statutes is created to read:

4 48.981 **(7d)** (om) (title) *John Doe proceeding*.

5 **SECTION 143.** 48.981 (7d) (pg) (title) of the statutes is created to read:

6 48.981 **(7d)** (pg) (title) *Citizen review panel*.

7 **SECTION 144.** 48.981 (7g) (intro.) of the statutes is created to read:

8 48.981 **(7g)** CONFIDENTIALITY; FURTHER EXCEPTIONS. (intro.) Notwithstanding sub. (7),
9 reports made under this section and records maintained by an agency or by any other person
10 may also be disclosed as follows:

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

11 **SECTION 145.** 48.981 (7m) (title) of the statutes is created to read:

12 48.981 **(7m)** (title) DEATH, SERIOUS INJURY, OR OTHER EGREGIOUS INCIDENTS; PUBLIC
13 DISCLOSURE.

14 **SECTION 146.** 48.981 (7r) (title) of the statutes is created to read:

15 48.981 **(7r)** (title) FURTHER DISCLOSURE PROHIBITED; PENALTIES.

16 **SECTION 147.** 48.981 (8) (a) of the statutes is amended to read:

17 48.981 **(8)** (a) Education and training programs. ~~The department, the county~~
18 ~~departments, and a licensed child welfare agency under contract with the department in a~~
19 ~~county having a population of 500,000 or more to~~ To the extent feasible, agencies shall
20 conduct continuing education and training programs for staff of the department, the county
21 departments, licensed child welfare agencies under contract with the department or a county
22 department, agency staff, staff of law enforcement agencies, and the tribal social services

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

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

15 **SECTION 148.** 48.981 (8) (b) of the statutes is amended to read:

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

1 reports; determination of treatment or ameliorative social services; or referral to the
2 appropriate court.

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

3 **SECTION 149.** 48.981 (8) (c) of the statutes is amended to read:

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

11 **SECTION 150.** 48.981 (8) (d) (title) of the statutes is created to read:

12 48.981 (8) (d) (title) *Staff training required.*

13 **SECTION 151.** 48.981 (9) (b) 1. of the statutes is amended to read:

14 48.981 (9) (b) 1. Within 30 days after the end of each calendar quarter, the department
15 shall prepare and transmit to the governor, and to the appropriate standing committees of the
16 legislature under s. 13.172 (3), a summary report of all reports received by the department
17 under sub. ~~(3)(e)~~ ~~8.~~ (3g)(h) 3. during the previous calendar quarter of abuse, as defined in s.
18 48.02 (1) (b) to (f), of a child who is placed in the home of a foster parent or relative other than
19 a parent or in a group home, shelter care facility, or residential care center for children and
20 youth. For each report included in the summary report the department shall provide the
21 number of incidents of abuse reported; the dates of those incidents; the county in which those
22 incidents occurred; the age or age group of the child who is the subject of the report; the type

1 of placement in which the child was placed at the time of the incident; whether it was
2 determined under sub. ~~(3)(e)~~ 4. (3g)(d) that abuse occurred; and, if so, the nature of the
3 relationship between the child and the person who abused the child, but may not provide any
4 of the information specified in sub. ~~(7)(e)~~ 6. (7m)(f) or any information that would
5 jeopardize an investigation, prosecution, or proceeding described in sub. ~~(7)(e)~~ 7. a. ~~or b.~~
6 (7m)(g) 1. or 2.

7 **SECTION 152.** 48.981 (9) (b) 2. of the statutes is amended to read:

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

18 **SECTION 153.** 48.981 (10) of the statutes is renumbered 48.981 (3f) (d) and amended
19 to read:

20 48.981 **(3f)** (d) *Current list of tribal agents.* The department shall annually provide to
21 each agency county department described in sub. ~~(3) par.~~ (bm) (intro.) a current list of all tribal
22 agents in the state.

23 **SECTION 154.** 50.065 (4m) (a) 4. of the statutes is amended to read:

1 50.065 **(4m)** (a) 4. That a determination has been made under s. 48.981 ~~(3)(e)~~ 4. (3g)
2 (d) that the person has abused or neglected a child.

3 **SECTION 155.** 50.065 (4m) (b) 4. of the statutes is amended to read:

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

6 **SECTION 156.** 51.30 (4) (b) 17. of the statutes is amended to read:

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

16 **SECTION 157.** 146.82 (2) (a) 11. of the statutes is amended to read:

17 146.82 **(2)** (a) 11. To a county department, as defined under s. 48.02 (2g), a sheriff or
18 police department or a district attorney for purposes of investigation of threatened or
19 suspected child abuse or neglect or suspected unborn child abuse or for purposes of
20 prosecution of alleged child abuse or neglect, if the person conducting the investigation or
21 prosecution identifies the subject of the record by name. The health care provider may release
22 information by initiating contact with a county department, sheriff or police department or
23 district attorney without receiving a request for release of the information. A person to whom

1 a report or record is disclosed under this subdivision may not further disclose it, except to the
2 persons, for the purposes and under the conditions specified in s. 48.981 ~~(7)~~ (7d), (7g), or (7m).

3 **SECTION 158.** 895.442 (1) (a) of the statutes is amended to read:

4 895.442 **(1)** (a) “Member of the clergy” has the meaning given in s. 48.981 ~~(1)-(ex)~~ (2)
5 (bm) 1d. c.

6 **SECTION 159.** 905.06 (4) of the statutes is amended to read:

7 905.06 **(4)** EXCEPTIONS. There is no privilege under this section concerning
8 observations or information that a member of the clergy, as defined in s. 48.981 ~~(1)-(ex)~~ (2)
9 (bm) 1d. c., is required to report as suspected or threatened child abuse under s. 48.981 (2)
10 (bm).

11 **SECTION 160.** 948.03 (6) of the statutes is amended to read:

12 948.03 **(6)** TREATMENT THROUGH PRAYER. A person is not guilty of an offense under this
13 section solely because he or she provides a child with treatment by spiritual means through
14 prayer alone for healing in accordance with the religious method of healing permitted under
15 s. 48.981 ~~(3)-(e)~~ 4. (3g) (d) or 448.03 (6) in lieu of medical or surgical treatment.

16 **(END)**