



STATE OF WISCONSIN
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Senator Alberta Darling, Chair
Legislative Council Special Committee on Reporting of Child Abuse & Neglect
Room 19 South
State Capitol

Senator Jennifer Shilling, Vice-Chair
Legislative Council Special Committee on Reporting of Child Abuse & Neglect
Room 106 South
State Capitol

Dear Chair Darling & Vice-Chair Shilling:

The Special Committee on the Reporting of Child Abuse and Child Neglect has, as one of its charges, "to recommend changes to the current law regarding who is required to report suspected abuse or neglect of children and the circumstances under which such a report is mandated." I write today requesting that the committee consider a change to current law which expands the circumstances under which a report of child abuse or neglect must be referred to a law enforcement agency.

Under current law, a social services agency is mandated to refer all cases of suspected or threatened child sexual assault to law enforcement within 12 hours of learning of the abuse. Sec. 48.981 (3) (a) 3., Wis. Stats. However, for cases of suspected or threatened abuse and neglect, a social services agency need only to have adopted a written policy specifying the kinds of reports it will routinely report to law enforcement. There is no requirement in the law that law enforcement actually ever be notified or consulted.

I recommend you consider changing current law to require, in addition to suspected or threatened sexual assault, social services agencies refer all cases of suspected or threatened child abuse and neglect to law enforcement. I further recommend you consider revising the current reporting timeframe from 12 hours exclusive of Saturdays, Sundays and legal holidays to a more immediate report for all required reports to law enforcement. This expedience will ensure better evidence gathering which is particularly important in cases involving child victims, situations the legislature has already recognized in law. Immediate reporting and information sharing in these cases is crucial to establish sound facts and properly preserve evidence which stands to improve social service field findings and form the basis of successful criminal proceedings.

This change will increase the likelihood that individuals engaged in the criminal abuse and neglect of children will be investigated by law enforcement and successfully prosecuted. It will promote communication between human services workers and law enforcement to strengthen enforcement of both child protection and criminal laws.

Senator Alberta Darling
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In recent years, we have seen the success of multidisciplinary teams in investigating and prosecuting cases involving child sexual assault. Child victims of abuse and neglect deserve the same protections. This option, proposed for your consideration, is a logical next step to better ensure both the safety and success of our children while committing to a course of action that holds those who perpetrate these crimes against our children accountable.

Currently, situations can exist in which social workers and law enforcement may confront the same issues surrounding a single family or household over the same time period with no awareness of the others actions or any benefit of the others information. These unfortunate situations result in missed opportunities to intervene timely and appropriately.

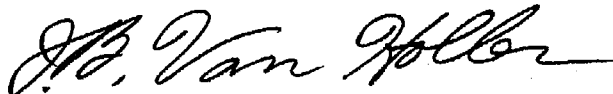
One result of current law's failure to require social service agencies to contact law enforcement in cases of abuse and neglect is that less information is readily available to case workers with which to make decisions about child safety. Law enforcement's access to information such as prior criminal activity in the residence and criminal histories, to include out-of-state acts, would be invaluable to making sound child safety determinations. Law enforcement's ability to obtain and secure evidence when a crime is suspected is one social services does not have. They also are not privy to real-time information available from resources such as the Transaction Information for the Management of Enforcement (TIME) system.

As a result of these systemic deficiencies and despite the best efforts of professionals in the field, criminal actors are allowed to continue to victimize children. These failures disappoint our promise to children to, at least, be safe at home and with caregivers. Left unchecked, chronic neglect and abuse can result in severe mental and emotional injuries, and even death.

Our children would be better protected and their abusers more quickly stopped if law enforcement received more information regarding suspected child abuse quickly. I respectfully request that the committee include as part of its final recommendation a provision requiring a social services agency to report to a law enforcement agency in any case of suspected or threatened abuse or neglect, as defined in secs. 48.02 (1), (5g), (12j), and (14g). And, that timeframes for all required reports be more immediate.

Thank you for your consideration.

Sincerely,



J.B. Van Hollen
Attorney General

cc. Members of the Legislative Council Special Committee on Reporting of Child Abuse & Neglect