

AH:DM:jal;

12/12/2012

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

(7) (cr) 7. (intro.), 48.981 (7) (cr) 8., 48.981 (7) (cr) 9., 48.981 (7) (d), 48.981 (7) (dm), 48.981 (7) (e), 48.981 (7) (f) and 48.981 (10); **to consolidate, renumber and amend** 48.981 (2) (bm) 1. (intro.), a. and b. and 48.981 (2) (bm) 2. (intro.), a. and b.; **to amend** 48.236 (4) (a), 48.24 (5), 48.685 (4m) (a) 4., 48.685 (4m) (b) 4., 48.981 (1) (ag), 48.981 (2) (b), 48.981 (2) (bm) 3., 48.981 (2) (c), 48.981 (2) (d), 48.981 (2r), 48.981 (3) (title), 48.981 (3m) (b) 1., 48.981 (3m) (c) (intro.), 48.981 (3m) (c) 1., 48.981 (3m) (c) 2. b., 48.981 (3m) (c) 3., 48.981 (5), 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c), 48.981 (9) (b) 1., 48.981 (9) (b) 2., 50.065 (4m) (a) 4., 50.065 (4m) (b) 4., 51.30 (4) (b) 17., 118.07 (5), 146.82 (2) (a) 11. and 18m., 165.85 (4) (b) 1., 440.88 (3) (a) (intro.), 441.04, 446.02 (2) (a) 1., 448.05 (2), 457.09 (5) (d), 767.405 (4), 895.442 (1) (a), 895.442 (5), 905.06 (4) and 948.03 (6); and **to create** 48.47 (9), 48.67 (2m), 48.981 (1) (bm), 48.981 (2) (ag) (intro.), 1. and 2., 48.981 (2) (ar) 16r., 30. and 31., 48.981 (2) (bm) (title), 48.981 (2) (bm) 1d., 48.981 (2m) (a) (title), 48.981 (2m) (b) (title), 48.981 (2m) (c) (title), 48.981 (2m) (d) (title), 48.981 (2m) (e) (title), 48.981 (2s), 48.981 (3d) (a) (title), 48.981 (3d) (b) (title), 48.981 (3d) (bm) (title), 48.981 (3d) (c) (title), 48.981 (3f) (title) and (a) (intro.), 48.981 (3g) (a) (title), 48.981 (3g) (b) (title), 48.981 (3g) (bm) (title), 48.981 (3g) (h) (title), 48.981 (3m) (a) (title), 48.981 (3m) (b) (title), 48.981 (7d) (intro.), 48.981 (7d) (a) (title), 48.981 (7d) (b) (title), 48.981 (7d) (c) (title), 48.981 (7d) (cm) (title), 48.981 (7d) (dp) (title), 48.981 (7d) (hm) (title), 48.981 (7d) (i) (title), 48.981 (7d) (Lr) (title), 48.981 (7d) (m) (title), 48.981 (7d) (om) (title), 48.981 (7d) (pg) (title), 48.981 (7g) (intro.), 48.981 (7m) (title), 48.981 (7r) (title), 48.981 (8) (d) (title), 118.19 (15), 256.15 (6) (a) 2m., 256.15 (8) (b) 4., 301.068 (5m), 440.88 (3) (bm), 447.04 (1) (a) 5s., 448.05 (5) (a) 3., 448.53 (1) (dm), 448.535 (1) (f), 448.78 (4m), 448.963 (2) (bm), 449.05

1 (3m), 451.04 (2) (dm), 455.04 (1) (dm), 455.04 (4) (dm), 457.08 (1) (bm), 457.10  
2 (3m), 457.12 (3m), 459.24 (2) (g) and 459.24 (3) (g) of the statutes; **relating to:**  
3 recodification of child abuse and neglect reporting law; making probation agents,  
4 parole agents, and certain employees, contractors, and volunteers of schools and  
5 institutions of higher education mandated reporters of child abuse and neglect;  
6 requiring training for certain mandated reporters of child abuse and neglect;  
7 definitions of physical injury and neglect for purposes of mandated reporting of child  
8 abuse and neglect; requiring child protective service agencies to notify tribal agents  
9 of reports of suspected child abuse or child neglect; and granting rule-making  
10 authority.

*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.

**Recodification of s. 48.981**

The draft makes the following changes to recodify 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.
- Amends the authority for interviewing children in absence of consent to account for a ruling of the U.S. court of appeals for the seventh circuit and other federal cases.
- Updates cross-references in s. 146.82 (2), stats., regarding the release of certain medical information, to account for a change in federal law.

### **Persons Mandated to Report**

Current law requires certain professionals to report suspected abuse and neglect of children and unborn children. A person who is mandated to report must do so if he or she has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur. Mandated reporters are subject to criminal penalties if they fail to report.

Under current law, all school employees are required to report suspected child abuse or neglect. In addition to generally requiring all school employees to report suspected abuse or neglect, current law also specifies that school teachers, school administrators, and school counselors are mandated reporters.

The draft makes the following changes to the categories of mandated reporters:

- Adds probation agents and parole agents to the list of professionals who are mandated to report suspected abuse or neglect.
- With respect to school personnel, amends the current requirement that all school employees report suspected abuse or neglect to apply the reporting requirement to school employees, volunteers, and contractors who work directly with children for at least 40 hours in a school year.
- Exempts from the obligation to report: school board members, children, and students who have not yet graduated from high school.

- Deletes the provisions referring specifically to school teachers, administrators, and counselors because these professionals are covered under the provision requiring certain school employees, volunteers, and contractors to report.
- Adds to the list of persons required to report suspected child abuse or neglect employees, volunteers, and contractors of an institution of higher education, other than children, who have regular, ongoing contact with children, other than matriculated students, in a professional or primary setting.

### **Training of Certain Mandated Reporters**

Under current law, the department of public instruction (DPI) is required to develop and conduct training programs for specified school employees who are mandated reporters of suspected child abuse and child neglect. Current law does not otherwise require training to be provided to mandated reporters, nor does it impose any training requirements on mandated reporters.

The draft creates a training requirement for certain mandated reporters who are required to report suspected child abuse and neglect because of their membership in a profession for which state licensure or certification is required, or for which employment, registration, appointment, or assignment is subject to statutory qualifications. Specifically, the draft requires the following professionals to complete an approved training course as a condition for their initial licensure, certification, employment, appointment, or assignment:

- Child care center licensees.
- Certain employees of child care centers, group homes, and residential care centers for children and youth.
- Teachers.
- School administrators and school district administrators.
- Law enforcement officers.
- Emergency medical technicians.
- First responders.
- Alcohol and other drug abuse counselors.
- Registered nurses.
- Chiropractors.
- Dentists.

- Physicians.
- Physician assistants.
- Physical therapists.
- Physical therapist assistants.
- Dietitians.
- Occupational therapists.
- Optometrists.
- Acupuncturists.
- Psychologists.
- Private practice school psychologists.
- Social workers.
- Marriage and family therapists.
- Professional counselors.
- Speech–language pathologists.
- Audiologists.
- Family court mediators.
- Probation and parole officers.

The draft requires the department of children and families (DCF) to approve training courses for mandated reporters and directs the department to promulgate rules setting forth the criteria required for such training courses. It authorizes the department to approve training courses provided by individuals, organizations, or institutions of higher education. It requires the rules promulgated by the department to specify the required content of an approved training course and the qualifications required for the providers of such training.

With the exception of rule–making requirements, the training requirements take effect 2 years after publication.

**Definitions of “Physical Injury” and “Neglect”**

In the children’s code, “abuse” is defined to mean one of several specified activities, including “physical injury inflicted on a child by other than accidental means”. The term “physical injury” is further defined to mean lacerations, fractured bones, burns, internal injuries,

severe or frequent bruising, or great bodily harm, as defined in the criminal code.

For purposes of mandated reporting of child abuse, the draft removes the words “severe or frequent” from the phrase “severe or frequent bruising” within the definition of “physical injury”.

In the children’s code, “neglect” is defined to mean the failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

For purposes of mandated reporting of child neglect, the draft removes the phrase “for reasons other than poverty” from the definition of “neglect”.

#### **Tribal Notification Requirements**

Under current law, a county that has a federally recognized Indian reservation or a Bureau of Indian Affairs (BIA) service area for the Ho-Chunk Nation wholly or partially within its boundaries must notify a tribal agent when it receives a report of suspected child abuse or child neglect and it knows or has reason to know the child is an Indian child or an Indian unborn child. If the county knows which Indian tribe the child is affiliated with or with which Indian tribe the unborn child may, when born, be eligible for affiliation, it must notify the tribal agent of that tribe. If the county does not know the tribal affiliation of the child or unborn child, it must notify the tribal agent serving the reservation or Ho-Chunk service area where the child or expectant mother resides. If the county does not know the child or unborn child’s tribal affiliation and the child or the unborn child’s expectant mother does not live on a reservation or in a Ho-Chunk service area, the county must notify any tribal agent serving a reservation or Ho-Chunk service area in the county. A county that does not have a federally recognized Indian reservation or a BIA service area for the Ho-Chunk Nation within its boundaries is not required, under current law, to notify a tribe that it received a report of suspected child abuse or child neglect pertaining to a child it knows or has reason to know is an Indian child or Indian unborn child.

The draft makes the following changes to the requirement that a county agency notify a tribal agent when it receives a report of suspected child abuse or child neglect pertaining to a child or unborn child the agency knows or has reason to know is an Indian child or is an Indian unborn child:

- Applies the notification requirement to child protective agencies in all counties of the state.
- Eliminates the requirement to notify a tribal agent when the county agency does not know the tribe with which the child is affiliated or the tribe with which the unborn child may, when born, be eligible for affiliation.
- Eliminates a restriction on information that a county agency may provide to a tribal agent, and specifies that additional information may be provided as allowed by law.
- Specifies that notice of a report of suspected child abuse or child neglect does not constitute notice for any other purpose.

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  
8 reports and records under s. 48.981 ~~(7) (a)~~ 11r. (7d) (Lr), and pupil records under s. 118.125  
9 (2) (L). The order shall also require the custodian of any report or record specified in this  
10 paragraph to permit the court-appointed special advocate to inspect the report or record on  
11 presentation by the court-appointed special advocate of a copy of the order. A  
12 court-appointed special advocate that obtains access to a report or record described in this  
13 paragraph shall keep the information contained in the report or record confidential and may  
14 disclose that information only to the court. If a court-appointed special advocate discloses  
15 any information to the court under this paragraph, the court-appointed special advocate shall  
16 also disclose that information to all parties to the proceeding. If a court-appointed special  
17 advocate discloses information in violation of the confidentiality requirement specified in this



1 paragraph, the court-appointed special advocate is liable to any person damaged as a result  
2 of that disclosure for such damages as may be proved and, notwithstanding s. 814.04 (1), for  
3 such costs and reasonable actual attorney fees as may be incurred by the person damaged.

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

5 48.24 (5) The intake worker shall request that a petition be filed, enter into an informal  
6 disposition, or close the case within 60 days after receipt of referral information. If the referral  
7 information is a report received by a county department or, in a county having a population  
8 of 500,000 or more, the department or a licensed child welfare agency under contract with the  
9 department under s. 48.981 (3) (a) ~~1., 2., or 2d.,~~ (bg), or (bp) that 60-day period shall begin  
10 on the day on which the report is received by the county department, department, or licensed  
11 child welfare agency. If the case is closed or an informal disposition is entered into, the district  
12 attorney, corporation counsel, or other official under s. 48.09 shall receive written notice of  
13 that action. If a law enforcement officer has made a recommendation concerning the child,  
14 or the unborn child and the expectant mother of the unborn child, the intake worker shall  
15 forward this recommendation to the district attorney, corporation counsel, or other official  
16 under s. 48.09. If a petition is filed, the petition may include information received more than  
17 60 days before filing the petition to establish a condition or pattern which, together with  
18 information received within the 60-day period, provides a basis for conferring jurisdiction on  
19 the court. The court shall grant appropriate relief as provided in s. 48.315 (3) with respect to  
20 any petition that is not referred or filed within the time periods specified in this subsection.  
21 Failure to object to the fact that a petition is not requested within the time period specified in  
22 this subsection waives any challenge to the court's competency to act on the petition.

23 **SECTION 3.** 48.47 (9) of the statutes is created to read:

1           48.47 (9) TRAINING FOR REPORTERS OF CHILD ABUSE AND NEGLECT. Approve training  
2       courses provided by individuals, organizations, or institutions of higher education for persons  
3       for whom the completion of a training course, as described in s. 48.981 (2s), is required as a  
4       condition of licensure, certification, employment, appointment, or assignment.

**NOTE:** Adds the approval of training courses for mandated reporters to  
          DCF's duties.

5           **SECTION 4.** 48.67 (2m) of the statutes is created to read:

6           48.67 (2m) (a) That all child care center licensees and all employees of a child care  
7       center who provide care and supervision for children complete a training course approved  
8       under s. 48.47 (9) before the date on which an initial license is issued or the employment  
9       commences, whichever is applicable.

10          (b) That all staff members of a group home who provide care for children in the group  
11       home complete a training course approved under s. 48.47 (9) prior to employment in the group  
12       home.

13          (c) That all staff members of a residential care center for children and youth who provide  
14       care and supervision for children complete a training course approved under s. 48.47 (9) prior  
15       to employment in the residential care center.

**NOTE:** Requires DCF rules to require licensees and employees of child  
          care centers who provide care and supervision for children; employees of  
          group homes who provide care for children; and employees of residential  
          care centers for children and youth who interact with children to  
          complete an approved mandated reporter training course prior to the date  
          on which the license is issued or the employment begins.

16          **SECTION 5.** 48.685 (4m) (a) 4. of the statutes is amended to read:

17          48.685 (4m) (a) 4. That a determination has been made under s. 48.981 (3)(e) 4. (3g)  
18       (d) that the person has abused or neglected a child.

19          **SECTION 6.** 48.685 (4m) (b) 4. of the statutes is amended to read:

1           48.685 (4m) (b) 4. That a determination has been made under s. 48.981 (3)-(c) 4. (3g)  
2           (d) that the person has abused or neglected a child.

3           **SECTION 7.** 48.981 (1) (ag) of the statutes is amended to read:

4           48.981 (1) (ag) “Agency” means a county department, the department in a county  
5           having a population of 500,000 or more or a licensed child welfare agency under contract with  
6           ~~a county department or the department in a county having a population of 500,000 or more~~  
7           to perform investigations under this section. For purposes of performing the duties specified  
8           in sub. (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. and for purposes of confidentiality  
9           of reports and records under sub. (7) to (7m), “agency” also includes a licensed child welfare  
10          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.

11          **SECTION 8.** 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.

12          **SECTION 9.** 48.981 (1) (bm) of the statutes is created to read:

13          48.981 (1) (bm) “Contractor” means, with respect to a school or institution of higher  
14          education, a person, or that person’s agent, who provides services to the school or institution  
15          of higher education under an express or implied contract or subcontract, including a person  
16          who has staff privileges at the school or institution of higher education.

17          **SECTION 10.** 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.

18          **SECTION 11.** 48.981 (1) (cv) of the statutes is renumbered 48.981 (2) (bm) 1d. b.

19          **SECTION 12.** 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.

**SECTION 13.** 48.981 (1) (i) of the statutes is renumbered 48.981 (3f) (a) 2.

**SECTION 14.** 48.981 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 87, is renumbered 48.981 (2) (ar), and 48.981 (2) (ar) (intro.) and 14., as renumbered, are amended to read:

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

14. A school teacher employee, contractor, or volunteer, other than a school board member, child, or student that has not yet graduated from high school, who works directly with children at least 40 hours in a school year.

**NOTE:** Amends the reporting requirements applicable to school employees to require school employees, volunteers, and contractors who work directly with children at least 40 hours in a school year to report suspected child abuse or neglect. School board members, children, and students who have not yet graduated from high school are exempted from these reporting requirements.

**SECTION 15.** 48.981 (2) (a) 15., 16., and 16m. of the statutes are repealed.

**NOTE:** Deletes specific references to school teachers, school administrators, and school counselors and school employees not otherwise specified because they are mandated reporters under s. 48.981 (2) (ar) 14., as renumbered and amended.

**SECTION 16.** 48.981 (2) (ag) (intro.), 1. and 2. of the statutes are created to read:

48.981 (2) (ag) As used in this subsection:

1           1. “Abuse” has the meaning given in s. 48.02 (1), except that “physical injury”, as used  
2 in that definition, includes lacerations, fractured bones, burns, internal injuries, bruising, or  
3 great bodily harm, as defined in s. 939.22 (14).

4           2. “Neglect” means failure, refusal, or inability on the part of a caregiver to provide  
5 necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger  
6 the physical health of the child.

**NOTE:** For purposes of mandated reporting of child abuse and neglect,  
          amends the definition of “physical injury” to remove the words “severe  
          and frequent” from the phrase “severe and frequent bruising”, and  
          creates a definition of “neglect” that does not require that a caregiver’s  
          failure, refusal, or inability to provide necessary care, food, clothing,  
          medical or dental care, or shelter be caused by reasons other than  
          poverty.

7           **SECTION 17.** 48.981 (2) (ar) 16r., 30. and 31. of the statutes are created to read:

8           48.981 (2) (ar) 16r. An employee, contractor or volunteer of an institution of higher  
9 education, other than a child, who has regular, ongoing contact with children, other than  
10 matriculated students of the institution, in a professional or primary setting.

11          30. A probation agent.

12          31. A parole agent.

**NOTE:** Amends the list of mandated reporters to include probation  
          agents, parole agents, and any employee, contractor, or volunteer of an  
          institution of higher education, other than a child, who has regular,  
          ongoing contact with children, other than matriculated students of the  
          institution, in a professional or primary setting.

13          **SECTION 18.** 48.981 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 87, is  
14 amended to read:

15          48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~ Except as  
16 provided in subs. (2m) and (2r), a court-appointed special advocate who has reasonable cause  
17 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 19.** 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 20.** 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 21.** 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 22.** 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 23.** 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 24.** 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) (ar), (b), or (bm), ~~including an attorney~~, who has reason to  
13 suspect that a child has been abused or neglected or who has reason to believe that a child has  
14 been threatened with abuse or neglect and that abuse or neglect of the child will occur may  
15 report 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 25.** 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 26.** 48.981 (2m) (a) (title) of the statutes is created to read:

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

2 **SECTION 27.** 48.981 (2m) (b) (title) of the statutes is created to read:

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

4 **SECTION 28.** 48.981 (2m) (c) (title) of the statutes is created to read:

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

6 **SECTION 29.** 48.981 (2m) (d) (title) of the statutes is created to read:

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

8 **SECTION 30.** 48.981 (2m) (e) (title) of the statutes is created to read:

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

10 **SECTION 31.** 48.981 (2r) of the statutes is amended to read:

11 48.981 **(2r)** EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL  
12 POWERS. A person delegated care and custody of a child under s. 48.979 is not required to report  
13 as provided in sub. (3) any suspected or threatened abuse or neglect of the child as required  
14 under sub. (2) ~~(a)~~ (ar), (b), or (bm) or (2m) (d) or (e). Such a person who has reason to suspect  
15 that the child has been abused or neglected or who has reason to believe that the child has been  
16 threatened with abuse or neglect and that abuse or neglect of the child will occur may report  
17 as provided in sub. (3).

18 **SECTION 32.** 48.981 (2s) of the statutes is created to read:

19 48.981 **(2s)** TRAINING OF MANDATED REPORTERS. The department shall promulgate rules  
20 specifying criteria for training courses required to be completed by persons required to report  
21 suspected child abuse and neglect under sub. (2) as a condition of licensure, certification,  
22 employment, appointment, or assignment. The rules shall specify the required content of an  
23 approved training course and the qualifications required for the providers of such training  
24 courses.



**NOTE:** Directs DCF to promulgate rules specifying criteria for training courses for mandated reporters.

**SECTION 33.** 48.981 (3) (title) of the statutes is amended to read:

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

**SECTION 34.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and amended to read:

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

**SECTION 35.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3) (bg) (intro.) and amended to read:

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

**SECTION 36.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3) (bg) 1. to 4.

1           **SECTION 37.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and  
2 amended to read:

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

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

10          48.981 (3) (br) Subsequent report in writing. The county department, department, or  
11 licensed child welfare agency may require that a subsequent report of a case referred under  
12 subd. 2. or 2d. par. (bg) or (bp) be made in writing.

13          **SECTION 39.** 48.981 (3) (a) 3. of the statutes is renumbered 48.981 (3) (cg) and amended  
14 to read:

15          48.981 (3) (cg) Referral to law enforcement. Except as provided in sub. (3m), a county  
16 department, the department, or a licensed child welfare agency under contract with the  
17 department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, after  
18 receiving a report under par. (a), the agency shall refer to the sheriff or police department all  
19 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For  
20 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or  
21 neglect, each county department, the department, and a licensed child welfare agency under  
22 contract with the department agency shall adopt a written policy specifying the kinds of  
23 reports it will routinely report to local law enforcement authorities.

1           **SECTION 40.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and amended  
2 to read:

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

7           **SECTION 41.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d).

8           **SECTION 42.** 48.981 (3) (bm) (intro.) of the statutes is renumbered 48.981 (3f) (bm) and  
9 amended to read:

10           48.981 (3f) (bm) ~~Notice of report to Indian to tribal agent. In a county that has wholly~~  
11 ~~or partially within its boundaries a federally recognized Indian reservation or a bureau of~~  
12 ~~Indian affairs service area for the Ho-Chunk tribe, if a county department~~ An agency that  
13 ~~receives a report under par. (a) sub. (3) pertaining to a child or unborn child~~ the agency knows  
14 ~~or has reason to know that the child is an Indian child who resides in the county or that the~~  
15 ~~unborn child or~~ is an Indian unborn child whose expectant mother resides in the county, the  
16 ~~county department shall, if it knows or has reason to know with which Indian tribe the Indian~~  
17 ~~child is affiliated or with which Indian tribe the Indian unborn child may, when born, be~~  
18 ~~eligible for affiliation, provide notice, which of the report to the tribal agent of that tribe.~~  
19 Notice shall consist, at a minimum, only of the name and address of the Indian child or  
20 expectant mother, the address of the Indian child or expectant mother or another address where  
21 the Indian child or expectant mother may be located, and the fact that a report has been  
22 received about that Indian child or Indian unborn child, and shall be made within 24 hours to  
23 one of the following: of the report or of the identification of the Indian child's tribe. Notice

1 may also contain any additional information allowed by law. This paragraph does not  
2 constitute notice under section 48.028 (4) (a), 25 USC 1912 (a), or any other law.

NOTE: Applies tribal notification requirement to child protective service agencies in all counties. Eliminates the requirement that a county agency provide notice if it does not know which tribe the child is affiliated with. Eliminates restrictions on the type of information notice may include. Specifies that notice to a tribe of a report of suspected child abuse or child neglect does not satisfy the notice obligations of any other law, including the Wisconsin Indian Child Welfare Act.

3 **SECTION 43.** 48.981 (3) (bm) 1. to 3. of the statutes are repealed.

4 **SECTION 44.** 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title) and  
5 amended to read:

6 48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.

7 **SECTION 45.** 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1. a. and  
8 amended to read:

9 48.981 (3g) (a) 1. a. Immediately after receiving a report under ~~par. (a)~~ sub. (3), the  
10 agency shall evaluate the report to determine whether there is reason to suspect that a caregiver  
11 has abused or neglected the child, has threatened the child with abuse or neglect, or has  
12 facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of  
13 the child. Except as provided in sub. (3m), if the agency determines that a caregiver is  
14 suspected of abuse or neglect ~~or, of threatened abuse or neglect of the child, determines that~~  
15 ~~a caregiver is suspected,~~ or of facilitating or failing to take action to prevent the suspected or  
16 threatened abuse or neglect of the child, or if the agency cannot determine who abused or  
17 neglected the child, within 24 hours after receiving the report the agency shall, in accordance  
18 ~~with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department~~  
19 ~~under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of~~  
20 protection or services. If the agency determines that a person who is not a caregiver is

1 suspected of abuse or of threatened abuse, the agency may, ~~in accordance with that authority,~~  
2 initiate a diligent investigation to determine if the child is in need ~~or~~ of protection or services.

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

6 c. An investigation under this subd. 1. a. or b. shall be conducted in accordance with  
7 the authority granted to the department under s. 48.48 (17) (a) 1. or the county department  
8 under s. 48.57 (1) (a) and in accordance with standards established by the department for  
9 conducting child abuse and neglect investigations or unborn child abuse investigations.  
10 Notwithstanding s. 227.10 (1), the department need not promulgate those standards as rules  
11 under ch. 227.

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

12 **SECTION 46.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2. and  
13 amended to read:

14 48.981 (**3g**) (a) 2. If the investigation is of a report of child abuse or neglect or of  
15 threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who  
16 continues to have access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a  
17 report that does not disclose who is suspected of the child abuse or neglect and in which the  
18 investigation does not disclose who abused or neglected the child, the investigation shall also  
19 include observation of or an interview with the child, or both, and, if possible, an interview  
20 with the child's parents, guardian, or legal custodian. If the investigation is of a report of child  
21 abuse or neglect or threatened child abuse or neglect by a caregiver who continues to reside  
22 in the same dwelling as the child, the investigation shall also include, if possible, a visit to that  
23 dwelling. At the initial visit to the child's dwelling, the person making the investigation shall

1 identify himself or herself and the agency involved to the child's parents, guardian, or legal  
2 custodian. The agency may contact, observe, or interview the child at any location without  
3 permission from the child's parent, guardian, or legal custodian if necessary to determine if  
4 the child is in need of protection or services, ~~except that the person making the investigation~~  
5 ~~may enter a child's dwelling only with permission from the child's parent, guardian, or legal~~  
6 ~~custodian or after obtaining a court order permitting the person to do so~~ to the extent permitted  
7 under the U.S. Constitution and the Wisconsin Constitution.

NOTE: Amends the authority for interviewing children absent consent by limiting such authority to that permitted under the U.S. and Wisconsin Constitutions. This change responds to federal case law, such as the holding by the U.S. court of appeals for the seventh circuit in *Doe v. Heck*, 327 F.3d 492 (2003), that raises constitutional concerns regarding interviews conducted absent consent.

8 **SECTION 47.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

9 **SECTION 48.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

10 **SECTION 49.** 48.981 (3) (c) 3. of the statutes is renumbered 48.981 (3g) (c) and amended  
11 to read:

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

1 the child who is the subject of the report or any other child in the home is in need of protection  
2 or services or that a petition be filed under s. 48.133 alleging that the unborn child who is the  
3 subject of the report is in need of protection or services. The agency may also petition for child  
4 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.

5 **SECTION 50.** 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and amended  
6 to read:

7 48.981 (3g) (d) Abuse or neglect determination. ~~The county department or, in a county~~  
8 ~~having a population of 500,000 or more, the department or a licensed child welfare agency~~  
9 ~~under contract with the department shall determine, If a report is investigated under par. (a),~~  
10 ~~within 60 days after receipt of a report that the county department, department, or licensed~~  
11 ~~child welfare agency investigates under subd. 1., the report the agency shall determine~~  
12 ~~whether abuse or neglect has occurred or is likely to occur. The determination shall be based~~  
13 ~~on a preponderance of the evidence produced by the investigation. A determination that abuse~~  
14 ~~or neglect has occurred may not be based solely on the fact that the child's parent, guardian,~~  
15 ~~or legal custodian in good faith selects and relies on prayer or other religious means for~~  
16 ~~treatment of disease or for remedial care of the child. In making a determination that~~  
17 ~~emotional damage has occurred, the 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~~ agency ~~shall give due regard to the culture of the subjects. This subdivision~~  
20 paragraph ~~does not prohibit a court from ordering medical services for the child if the child's~~  
21 ~~health requires it~~ those services.

22 **SECTION 51.** 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.

**SECTION 52.** 48.981 (3) (c) 5m. of the statutes is renumbered 48.981 (3g) (e) and amended to read:

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

**SECTION 53.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2. and amended to read:

48.981 (3g) (h) 2. ~~If the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the~~ department determines under subd. 4. Within 15 days after a determination is made under par.



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

5 **SECTION 54.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and amended  
6 to read:

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

11 **SECTION 55.** 48.981 (3) (c) 6m. of the statutes is renumbered 48.981 (3g) (fm) and  
12 amended to read:

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

1 petition the court ex parte for an order prohibiting that disclosure and, if the agency does so,  
2 the time period within which the information must be disclosed is tolled ~~on~~ from the date the  
3 petition is filed ~~and remains tolled~~ until the court issues a decision. The court may hold an ex  
4 parte hearing in camera and shall issue an order granting the petition if the court determines  
5 that disclosure of the information would not be in the best interests of the child or unborn child.

6 **SECTION 56.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g) (intro.) and  
7 amended to read:

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

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

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

23 **SECTION 57.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and  
24 amended to read:

1           48.981 (3g) (h) 3. Using the format prescribed by the department, each county  
2           department shall provide the department with information about each report that the county  
3           department ~~receives or that is received by~~ or a licensed child welfare agency ~~that is under~~  
4           contract with the county department receives and about each investigation that the county  
5           department or ~~a licensed child welfare agency under contract with the county department~~  
6           conducts. Using the format prescribed by the department, a licensed child welfare agency  
7           under contract with the department shall provide the department with information about each  
8           report that the child welfare agency receives and about each investigation that the child  
9           welfare agency conducts. The department shall use the information to monitor services  
10          provided by those county departments or licensed child welfare agencies ~~under contract with~~  
11          ~~county departments or the department~~. The department shall use nonidentifying information  
12          to maintain statewide statistics on child abuse and neglect and on unborn child abuse, and for  
13          planning and policy development purposes.

14          **SECTION 58.** 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.).

15          **SECTION 59.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and amended  
16          to read:

17          48.981 (3h) ~~Contract with licensed child welfare agencies.~~ CONTRACT WITH LICENSED  
18          CHILD WELFARE AGENCIES. A county department may contract with a licensed child welfare  
19          agency to fulfill the county department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 5r.,  
20          6., 6m., and 8. sub. (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. The department may  
21          contract with a licensed child welfare agency to fulfill any of the department's duties specified  
22          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

1 a population of 500,000 or more. The confidentiality provisions specified in ~~sub. (7)~~ subs. (7) to  
2 (7r) shall apply to any licensed child welfare agency with which a county department or the  
3 department contracts.

4 **SECTION 60.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j) and amended to  
5 read:

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

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

1       **SECTION 61.** 48.981 (3d) (a) (title) of the statutes is created to read:

2       48.981 **(3d)** (a) (title) *Immediate investigation on request.*

3       **SECTION 62.** 48.981 (3d) (b) (title) of the statutes is created to read:

4       48.981 **(3d)** (b) (title) *Taking child into custody.*

5       **SECTION 63.** 48.981 (3d) (bm) (title) of the statutes is created to read:

6       48.981 **(3d)** (bm) (title) *Taking expectant mother into custody.*

7       **SECTION 64.** 48.981 (3d) (c) (title) of the statutes is created to read:

8       48.981 **(3d)** (c) (title) *Referral for criminal prosecution.*

9       **SECTION 65.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:

10       48.981 **(3f)** (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.) In this  
11 subsection:

12       **SECTION 66.** 48.981 (3g) (a) (title) of the statutes is created to read:

13       48.981 **(3g)** (a) (title) *Evaluation and investigation of report.*

14       **SECTION 67.** 48.981 (3g) (b) (title) of the statutes is created to read:

15       48.981 **(3g)** (b) (title) *Taking child into custody.*

16       **SECTION 68.** 48.981 (3g) (bm) (title) of the statutes is created to read:

17       48.981 **(3g)** (bm) (title) *Taking expectant mother into custody.*

18       **SECTION 69.** 48.981 (3g) (h) (title) of the statutes is created to read:

19       48.981 **(3g)** (h) (title) *Records; information to department.*

20       **SECTION 70.** 48.981 (3m) (a) (title) of the statutes is created to read:

21       48.981 **(3m)** (a) (title) *Definition.*

22       **SECTION 71.** 48.981 (3m) (b) (title) of the statutes is created to read:

23       48.981 **(3m)** (b) (title) *Establishment of program.*

24       **SECTION 72.** 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 73.** 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 subds.  
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 74.** 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 75.** 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 76.** 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 77.** 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 78.** 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;~~ to the department; and, if the institution making the  
9 report initially is a hospital, to the hospital.

**NOTE:** In cases resulting in death, clarifies that, in Milwaukee County, a  
          medical examiner or coroner must report findings to both the department  
          and Milwaukee County contracting agencies.

10          **SECTION 79.** 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and  
11 amended to read:

12          48.981 **(7)** CONFIDENTIALITY. All reports made under this section, notices provided  
13 under sub. ~~(3)~~ (3f) (bm), and records maintained by an agency and other persons, officials and  
14 institutions shall be confidential. ~~Reports and records may be disclosed only to the following~~  
15 ~~persons:~~ No report may be disclosed, except as provided in subs. (3f) (c), (7d), (7g), and (7m).

16          **SECTION 80.** 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

17          **SECTION 81.** 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  
21 taken to protect the health and welfare of the child or unborn child who is the subject of the  
22 report, unless a court order under sub. ~~(3) (e) 6m.~~ (3g) (fm) prohibits disclosure of that



1 information to that reporter, except that the only information that may be disclosed is  
2 information in the record regarding what action, if any, was taken to protect the health and  
3 welfare of the child or unborn child who is the subject of the report.

4 **SECTION 82.** 48.981 (7) (a) 2. of the statutes is renumbered 48.981 (7d) (b).

5 **SECTION 83.** 48.981 (7) (a) 2m. of the statutes is renumbered 48.981 (7g) (bm) and  
6 amended to read:

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

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

10 **SECTION 84.** 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.).

11 **SECTION 85.** 48.981 (7) (a) 3. of the statutes is renumbered 48.981 (7d) (c).

12 **SECTION 86.** 48.981 (7) (a) 3m. of the statutes is renumbered 48.981 (7d) (cm).

13 **SECTION 87.** 48.981 (7) (a) 4. of the statutes is renumbered 48.981 (7d) (d) and amended  
14 to read:

15 48.981 (7d) (d) Foster parent or other physical custodian. A child's foster parent or  
16 other person having physical custody of the child or a person having physical custody of the  
17 expectant mother of an unborn child, except that the person or agency maintaining the record  
18 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".

19 **SECTION 88.** 48.981 (7) (a) 4m. of the statutes is renumbered 48.981 (7d) (dm) and  
20 amended to read:

1           48.981 (7d) (dm) Relative. A relative of a child placed outside of his or her home only  
2 to the extent necessary to facilitate the establishment of a relationship between the child and  
3 the relative or a placement of the child with the relative or to a person provided with the notice  
4 under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this subdivision paragraph,  
5 “relative” includes a relative whose relationship is derived through a parent of the child whose  
6 parental rights are terminated.

7           **SECTION 89.** 48.981 (7) (a) 4p. of the statutes is renumbered 48.981 (7d) (dp).

8           **SECTION 90.** 48.981 (7) (a) 5. of the statutes is renumbered 48.981 (7d) (e) and amended  
9 to read:

10           48.981 (7d) (e) Community programs and developmental disability services  
11 professionals. A professional employee of a county department under s. 51.42 or 51.437 who  
12 is working with the child or the expectant mother of the unborn child under a contract with  
13 or under the supervision of the county department under s. 46.22 or, in a county having a  
14 population of 500,000 or more, the department or a licensed child welfare agency under  
15 contract with the department an agency.

16           **SECTION 91.** 48.981 (7) (a) 6. of the statutes is renumbered 48.981 (7d) (f) and amended  
17 to read:

18           48.981 (7d) (f) Multidisciplinary team. A multidisciplinary child abuse and neglect or  
19 unborn child abuse team recognized by the county department or, in a county having a  
20 population of 500,000 or more, the department or a licensed child welfare agency under  
21 contract with the department agency.

22           **SECTION 92.** 48.981 (7) (a) 6m. of the statutes is renumbered 48.981 (7d) (fm) and  
23 amended to read:

1           48.981 (7d) (fm) Child advocacy center. A person employed by a child advocacy center  
2 recognized by the county board, ~~the county department or, in a county having a population of~~  
3 ~~500,000 or more, the department or a licensed child welfare agency under contract with the~~  
4 ~~department or the agency,~~ to the extent necessary to perform the services for which the center  
5 is recognized ~~by the county board, the county department, the department or the licensed child~~  
6 ~~welfare agency.~~

7           **SECTION 93.** 48.981 (7) (a) 8. of the statutes is renumbered 48.981 (7d) (h) and amended  
8 to read:

9           48.981 (7d) (h) Law enforcement authorities. A law enforcement officer ~~or,~~ law  
10 enforcement agency, ~~or a~~ district attorney for purposes of investigation or prosecution.

11           **SECTION 94.** 48.981 (7) (a) 8m. of the statutes is renumbered 48.981 (7d) (hm) 2. and  
12 amended to read:

13           48.981 (7d) (hm) 2. The department of corrections, the department of health services,  
14 a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, or any other person under  
15 contract with the department of corrections, the department of health services, or a county  
16 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision  
17 over a person who is subject to community placement for purposes of investigating or  
18 providing services to a person who is subject to community placement and who is the subject  
19 of a report. In making its investigation, the department of corrections, department of health  
20 services, county department, or other person shall cooperate with the agency making the  
21 investigation under sub. (3) ~~(c) or (d)~~ (3g) to (3m).

22           **SECTION 95.** 48.981 (7) (a) 8s. of the statutes is renumbered 48.981 (7d) (hs) and  
23 amended to read:

1           48.981 (7d) (hs) Sexually violent person commitments. Authorized representatives of  
2 the department of corrections, the department of health services, the department of justice, or  
3 a district attorney for use in the prosecution of any proceeding or any evaluation conducted  
4 under ch. 980, if the reports or records involve or relate to an individual who is the subject of  
5 the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may  
6 issue any protective orders that it determines are appropriate concerning information made  
7 available or disclosed under this subdivision paragraph. Any representative of the department  
8 of corrections, the department of health services, the department of justice, or a district  
9 attorney may disclose information obtained under this subdivision paragraph for any purpose  
10 consistent with any proceeding under ch. 980.

11           **SECTION 96.** 48.981 (7) (a) 9. of the statutes is renumbered 48.981 (7d) (i).

12           **SECTION 97.** 48.981 (7) (a) 10. of the statutes is renumbered 48.981 (7d) (j) and  
13 amended to read:

14           48.981 (7d) (j) Juvenile court proceedings. A court conducting proceedings under s.  
15 48.21 or, 48.213, ~~a court conducting or 938.21,~~ proceedings related to a petition under s.  
16 48.13, 48.133, or 48.42 or ~~a court conducting under ch. 938, or~~ dispositional proceedings  
17 under subch. VI or VIII of this chapter or subch. VI of ch. 938 in which an issue is the abuse  
18 or neglect of the child or the abuse of the unborn child who is the subject of the report or record  
19 ~~or abuse of the unborn child who is the subject of the report or record is an issue~~ or the  
20 substantial risk of abuse or neglect of a child who, during the period covered by the report or  
21 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.

22           **SECTION 98.** 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.).

1       **SECTION 99.** 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.).

2       **SECTION 100.** 48.981 (7) (a) 10m. of the statutes is renumbered 48.981 (7d) (k) and  
3 amended to read:

4       48.981 (7d) (k) Tribal court proceedings. A tribal court, or other adjudicative body  
5 authorized by an Indian tribe to perform child welfare functions; that exercises jurisdiction  
6 over children and unborn children alleged to be in need of protection or services for use in  
7 proceedings in which an issue is abuse or neglect of the child or abuse of the unborn child who  
8 is the subject of the report or record or abuse of the unborn child who is the subject of the report  
9 or record is an issue or the substantial risk of abuse or neglect of a child who, during the period  
10 covered by the report or record, was in the home of the child who is the subject of the report  
11 or record.

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

12       **SECTION 101.** 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.).

13       **SECTION 102.** 48.981 (7) (a) 11. of the statutes is renumbered 48.981 (7d) (L) and  
14 amended to read:

15       48.981 (7d) (L) Attorneys and guardians ad litem; juvenile court proceedings. The  
16 county corporation counsel or district attorney representing the interests of the public, the  
17 agency legal counsel, and the counsel or guardian ad litem representing the interests of a child

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

3 **SECTION 103.** 48.981 (7) (a) 11m. of the statutes is renumbered 48.981 (7d) (Lm) and  
4 amended to read:

5 48.981 (7d) (Lm) Attorneys and guardians ad litem; tribal court proceedings. An  
6 attorney representing the interests of an Indian tribe in proceedings under subd. 10m. or 10r.,  
7 or of an Indian child in proceedings under subd. 10m. or 10r. or of or an Indian unborn child,  
8 as defined in sub. (3f) (a) 1., in proceedings under subd. 10m. sub. (3f) (k).

9 **SECTION 104.** 48.981 (7) (a) 11r. of the statutes is renumbered 48.981 (7d) (Lr).

10 **SECTION 105.** 48.981 (7) (a) 12. of the statutes is renumbered 48.981 (7d) (m).

11 **SECTION 106.** 48.981 (7) (a) 13. of the statutes is renumbered 48.981 (7d) (n) and  
12 amended to read:

13 48.981 (7d) (n) Stepparent adoption screening. The department, a county department  
14 under s. 48.57 (1) (e) or (hm), or a licensed child welfare agency ordered to conduct a screening  
15 or an investigation of a stepparent under s. 48.88 (2) (c).

16 **SECTION 107.** 48.981 (7) (a) 14. of the statutes is renumbered 48.981 (7d) (o) and  
17 amended to read:

18 48.981 (7d) (o) Grand jury. A grand jury if ~~it~~ the grand jury determines that access to  
19 specified records is necessary for the conduct of its official business.

20 **SECTION 108.** 48.981 (7) (a) 14m. of the statutes is renumbered 48.981 (7d) (om).

21 **SECTION 109.** 48.981 (7) (a) 15. of the statutes is renumbered 48.981 (7d) (p) and  
22 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 110.** 48.981 (7) (a) 15g. of the statutes is renumbered 48.981 (7d) (pg).

5           **SECTION 111.** 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 112.** 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 113.** 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 114.** 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 115.** 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 116.** 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 117.** 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 118.** 48.981 (7) (cr) 1. a. and b. of the statutes are renumbered 48.981 (7m)  
20 (a) 1. and 2.

21 **SECTION 119.** 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 120.** 48.981 (7) (cr) 2. a. to f. of the statutes are renumbered 48.981 (7m) (b)  
8 1. to 6.

9           **SECTION 121.** 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 122.** 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 123.** 48.981 (7) (cr) 4. a. to d. of the statutes are renumbered 48.981 (7m) (d)  
10 1. to 4.

11 **SECTION 124.** 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 125.** 48.981 (7) (cr) 4. f. and g. of the statutes are renumbered 48.981 (7m) (d)  
17 6. and 7.

18 **SECTION 126.** 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 127.** 48.981 (7) (cr) 5. a. to d. of the statutes are renumbered 48.981 (7m) (e)  
2     1. to 4.

3           **SECTION 128.** 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 129.** 48.981 (7) (cr) 5. f. of the statutes is renumbered 48.981 (7m) (e) 6.

9           **SECTION 130.** 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 131.** 48.981 (7) (cr) 6. a. to e. of the statutes are renumbered 48.981 (7m) (f)  
15   1. to 5.

16          **SECTION 132.** 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 133.** 48.981 (7) (cr) 7. a. and b. of the statutes are renumbered 48.981 (7m)  
4 (g) 1. and 2.

5 **SECTION 134.** 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 135.** 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 136.** 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 137.** 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 138.** 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 139.** 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 140.** 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 141.** 48.981 (7d) (a) (title) of the statutes is created to read:

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

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

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

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

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

13 **SECTION 144.** 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 145.** 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 146.** 48.981 (7d) (hm) (title) of the statutes is created to read:

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

19 **SECTION 147.** 48.981 (7d) (i) (title) of the statutes is created to read:

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

21 **SECTION 148.** 48.981 (7d) (Lr) (title) of the statutes is created to read:

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

1       **SECTION 149.** 48.981 (7d) (m) (title) of the statutes is created to read:

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

3       **SECTION 150.** 48.981 (7d) (om) (title) of the statutes is created to read:

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

5       **SECTION 151.** 48.981 (7d) (pg) (title) of the statutes is created to read:

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

7       **SECTION 152.** 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 153.** 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 154.** 48.981 (7r) (title) of the statutes is created to read:

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

16      **SECTION 155.** 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 156.** 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 157.** 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 158.** 48.981 (8) (d) (title) of the statutes is created to read:

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

13 **SECTION 159.** 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 160.** 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 161.** 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 described in sub. ~~(3)-(bm)~~ ~~(intro.)~~ a current list of all tribal agents in the state.

22 **SECTION 162.** 50.065 (4m) (a) 4. of the statutes is amended to read:

23 50.065 **(4m)** (a) 4. That a determination has been made under s. 48.981 ~~(3)-(e)~~ 4. (3g)  
24 (d) that the person has abused or neglected a child.

1           **SECTION 163.** 50.065 (4m) (b) 4. of the statutes is amended to read:

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

4           **SECTION 164.** 51.30 (4) (b) 17. of the statutes is amended to read:

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

14          **SECTION 165.** 118.07 (5) of the statutes is amended to read:

15          118.07 (**5**) Each school board shall require every employee of the school district  
16          governed by the school board and required to report under s. 48.981 (2) (a) 14. to receive  
17          training provided by the department or approved under s. 48.47 (9) in identifying children  
18          who have been abused or neglected and in the laws and procedures under s. 48.981 governing  
19          the reporting of suspected or threatened child abuse and neglect. A Unless the employee has  
20          received training provided by the department or approved under s. 48.47 (9) within the 5–year  
21          period immediately preceding employment, a school district employee shall receive that  
22          training within the first 6 months after commencing employment with the school district and  
23          at least once every 5 years after that initial training.

**NOTE:** Amends the requirement that DPI provide training to all school district employees to make the requirement applicable only to employees who are mandated reporters of child abuse and neglect under s. 48.981, and to allow such training to be provided by either DPI or another provider whose training course is approved by DCF. Specifies that employees who received training during the 5-year period preceding employment are not subject to the initial training requirement.

1       **SECTION 166.** 118.19 (15) of the statutes is created to read:

2       118.19 **(15)** The state superintendent may not issue an initial teaching license, school  
3       district administrator's license, or school administrator's license unless the applicant has  
4       completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course as a condition of an initial teaching license, a school district administrator's license, or a school administrator's license.

5       **SECTION 167.** 146.82 (2) (a) 11. and 18m. of the statutes are amended to read:

6       146.82 **(2)** (a) 11. To ~~a county department~~ an agency, as defined under s. 48.02 ~~(2g)~~  
7       48.981 (1) (ag), a sheriff or police department or a district attorney for purposes of  
8       investigation of threatened or suspected child abuse or neglect or suspected unborn child abuse  
9       or for purposes of prosecution of alleged child abuse or neglect, if the person conducting the  
10      investigation or prosecution identifies the subject of the record by name. The health care  
11      provider may release information by initiating contact with a county department, sheriff or  
12      police department or district attorney without receiving a request for release of the  
13      information. A person to whom a report or record is disclosed under this subdivision may not  
14      further disclose it, except to the persons, for the purposes and under the conditions specified  
15      in s. 48.981 ~~(7)~~ (7d), (7g), or (7m).

16      18m. If the subject of the patient health care records is a child or juvenile who has been  
17      placed in a foster home, group home, residential care center for children and youth, or juvenile  
18      correctional facility, including a any other placement under s. 48.205, 48.21, 938.205, or

1 938.21, or for whom placement in a foster home, group home, residential care center for  
2 children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425  
3 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency with placement and care responsibility  
4 of the child or juvenile under s. 48.21 (5) (b) 1. d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 1. d., 48.357  
5 (2v) (a) 1m., 48.43 (1) (am), 48.63 (1), 938.21 (5) (b) 1.d., 938.32 (1) (c) 1. d., 938.355 (6)  
6 (d) 1., 938.355 (6m) (a) 1g., 938.357 (2v) (a) 1m., to an agency directed by a court to prepare  
7 a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or  
8 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425  
9 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a  
10 permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c),  
11 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that  
12 placed the child or juvenile or arranged for the placement of the child or juvenile in any of those  
13 placements and, by any of those agencies, to any other of those agencies and, by the agency  
14 that placed the child or juvenile or arranged for the placement of the child or juvenile in any  
15 of those placements, to the foster parent of the child or juvenile or the operator of the group  
16 home, residential care center for children and youth, or juvenile correctional facility in which  
17 the child or juvenile is placed, as provided in s. 48.371 or 938.371.

18 **SECTION 168.** 165.85 (4) (b) 1. of the statutes is amended to read:

19 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
20 enforcement officer, except on a temporary or probationary basis, unless the person has  
21 satisfactorily completed a preparatory program of law enforcement training approved by the  
22 board and has been certified by the board as being qualified to be a law enforcement or tribal  
23 law enforcement officer, and the board determines that the person has completed a training  
24 course approved under s. 48.47 (9). The program shall include 400 hours of training, except

1 the program for law enforcement officers who serve as rangers for the department of natural  
2 resources includes 240 hours of training. The board shall promulgate a rule under ch. 227  
3 providing a specific curriculum for a 400-hour conventional program and a 240-hour ranger  
4 program. The period of temporary or probationary employment established at the time of  
5 initial employment shall not be extended by more than one year for an officer lacking the  
6 training qualifications required by the board. The total period during which a person may  
7 serve as a law enforcement and tribal law enforcement officer on a temporary or probationary  
8 basis without completing a preparatory program of law enforcement training approved by the  
9 board shall not exceed 2 years, except that the board shall permit part-time law enforcement  
10 and tribal law enforcement officers to serve on a temporary or probationary basis without  
11 completing a program of law enforcement training approved by the board to a period not  
12 exceeding 3 years. For purposes of this section, a part-time law enforcement or tribal law  
13 enforcement officer is a law enforcement or tribal law enforcement officer who routinely  
14 works not more than one-half the normal annual work hours of a full-time employee of the  
15 employing agency or unit of government. Law enforcement training programs including  
16 municipal, county and state programs meeting standards of the board are acceptable as  
17 meeting these training requirements.

**NOTE:** Requires the completion of a mandatory reporter training course  
as a condition for appointment as a law enforcement or tribal law  
enforcement officer.

18 **SECTION 169.** 256.15 (6) (a) 2m. of the statutes is created to read:

19 256.15 (6) (a) 2m. Have satisfactorily completed a training course approved under s.  
20 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
as a qualification for initial licensure as an emergency medical  
technician.

1       **SECTION 170.** 256.15 (8) (b) 4. of the statutes is created to read:

2       256.15 (8) (b) 4. The individual has completed a training course approved under s. 48.47  
3       (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a condition of initial certification as a first responder.

4       **SECTION 171.** 301.068 (5m) of the statutes is created to read:

5       301.068 (5m) Rules promulgated under sub. (5) shall require probation agents and  
6       parole agents to obtain training approved under s. 48.47 (9) prior to initial service as a  
7       probation agent or parole agent in the state.

**NOTE:** Requires rules setting forth training requirements for parole and  
          probation agents to require the completion of a mandated reporter  
          training course prior to initial service.

8       **SECTION 172.** 440.88 (3) (a) (intro.) of the statutes is amended to read:

9       440.88 (3) (a) (intro.) Subject to pars. (b), (bm), and (c) and except as provided in sub.  
10      (3m), the department shall promulgate rules that establish minimum standards and  
11      qualifications for the certification of all of the following, including substance abuse  
12      counselors and clinical supervisors described under s. HFS 75.02 (11) and (84), Wis. Adm.  
13      Code, in effect on December 15, 2006:

14      **SECTION 173.** 440.88 (3) (bm) of the statutes is created to read:

15      440.88 (3) (bm) Rules promulgated under par. (a) shall require alcohol or other drug  
16      abuse counselors to obtain training approved under s. 48.47 (9) as a condition of initial  
17      certification.

**NOTE:** Requires rules establishing minimum standards for certification  
          of alcohol and other drug abuse counselors to require the completion of  
          a mandated reporter training course as a condition of initial certification  
          as an alcohol or other drug abuse counselor.

18      **SECTION 174.** 441.04 of the statutes is amended to read:



1       **441.04 Requisites for examination as a registered nurse.** Any person who has  
2 graduated from a high school or its equivalent as determined by the board, does not have an  
3 arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, has completed a  
4 training course approved under s. 48.47 (9), holds a diploma of graduation from an accredited  
5 school of nursing and, if the school is located outside this state, submits evidence of general  
6 and professional educational qualifications comparable to those required in this state at the  
7 time of graduation may apply to the department for licensure by the board as a registered nurse,  
8 and upon payment of the fee specified under s. 440.05 (1) shall be entitled to examination.

NOTE: Requires the completion of a mandated reporter training course  
as a prerequisite for taking the examination to become a registered nurse.

9       **SECTION 175.** 446.02 (2) (a) 1. of the statutes is amended to read:

10       446.02 (2) (a) 1. The examining board shall grant a license to engage in the practice of  
11 chiropractic to a qualified person who submits an application for the license to the department  
12 on a form provided by the department, accompanied by satisfactory evidence of completion  
13 of the educational requirements established in the rules promulgated under par. (b) and  
14 satisfactory evidence of completion of a training course approved under s. 48.47 (9), passes  
15 the examinations described under sub. (3) and pays the license fee specified in s. 440.05 (1).

NOTE: Requires the completion of a mandated reporter training course  
as a qualification for a license to practice as a chiropractor.

16       **SECTION 176.** 447.04 (1) (a) 5s. of the statutes is created to read:

17       447.04 (1) (a) 5s. Submits evidence satisfactory to the examining board that he or she  
18 has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course  
as a qualification for a license to practice dentistry.

19       **SECTION 177.** 448.05 (2) of the statutes is amended to read:

1           448.05 (2) LICENSE TO PRACTICE MEDICINE AND SURGERY. An applicant for any class of  
2       license to practice medicine and surgery must supply evidence satisfactory to the board that  
3       the applicant is a graduate of and possesses a diploma from a medical or osteopathic college  
4       approved by the board ~~and~~, has completed postgraduate training of 12 months in a facility  
5       approved by the board, and has completed a training course approved under s. 48.47 (9). If  
6       an applicant is a graduate of a foreign medical school which has not been approved by the  
7       board, and if such applicant has had postgraduate training in this country in a 12-month  
8       program approved by the board or has had other professional experience which the board  
9       deems has given the applicant the education and training substantially equivalent, and if such  
10      applicant has passed the examinations given by the educational council for foreign medical  
11      graduates or its successors, the board may make such additional inquiry including a personal  
12      interview as satisfies it that the applicant has had such education and training. If a majority  
13      of the board is so satisfied, the applicant may then be admitted to examination for a license  
14      to practice medicine and surgery. If an applicant is a graduate of a foreign medical school not  
15      approved by the board, and such foreign medical school requires either social service or  
16      internship or both of its graduates, and if such applicant has not completed such requirements  
17      but has completed a 12-month supervised clinical training program under the direction of a  
18      medical school approved by the board and has complied with all other requirements of this  
19      subsection for graduates of foreign medical schools not approved by the board, the applicant  
20      may then be admitted to examination for a license to practice medicine and surgery.

**NOTE:** Requires the completion of a mandated reporter training course  
          as a qualification for a license to practice medicine and surgery.

21       **SECTION 178.** 448.05 (5) (a) 3. of the statutes is created to read:

1           448.05 (5) (a) 3. That the applicant has completed a training course approved under s.  
2           48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a qualification for a physician assistant license.

3           **SECTION 179.** 448.53 (1) (dm) of the statutes is created to read:  
4           448.53 (1) (dm) Submits evidence satisfactory to the examining board that the applicant  
5           has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a qualification for licensure as a physical therapist.

6           **SECTION 180.** 448.535 (1) (f) of the statutes is created to read:  
7           448.535 (1) (f) Submits evidence satisfactory to the examining board that the applicant  
8           has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a qualification for licensure as a physical therapist assistant.

9           **SECTION 181.** 448.78 (4m) of the statutes is created to read:  
10          448.78 (4m) Submits evidence satisfactory to the affiliated credentialing board that he  
11          or she has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a condition for certification as a dietitian.

12          **SECTION 182.** 448.963 (2) (bm) of the statutes is created to read:  
13          448.963 (2) (bm) Submits evidence satisfactory to the affiliated credentialing board that  
14          he or she has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a condition for licensure as an occupational therapist.

15          **SECTION 183.** 449.05 (3m) of the statutes is created to read:  
16          449.05 (3m) The person has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course as a qualification for taking an examination to be licensed as an optometrist.

1       **SECTION 184.** 451.04 (2) (dm) of the statutes is created to read:

2       451.04 (2) (dm) Submits evidence satisfactory to the department that he or she has  
3       completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course as a condition for obtaining an acupuncturist certificate.

4       **SECTION 185.** 455.04 (1) (dm) of the statutes is created to read:

5       455.04 (1) (dm) Have completed a training course approved under s. 48.47 (9) prior to  
6       initial licensure.

**NOTE:** Requires the completion of a mandated reporter training course as a requirement for licensure as a psychologist.

7       **SECTION 186.** 455.04 (4) (dm) of the statutes is created to read:

8       455.04 (4) (dm) Have completed a training course approved under s. 48.47 (9) prior to  
9       initial licensure.

**NOTE:** Requires the completion of a mandated reporter training course as a condition for licensure as a private practice school psychologist.

10       **SECTION 187.** 457.08 (1) (bm) of the statutes is created to read:

11       457.08 (1) (bm) Submits evidence satisfactory to the social worker section that he or  
12       she has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course as a condition for obtaining a social worker certificate.

13       **SECTION 188.** 457.09 (5) (d) of the statutes is amended to read:

14       457.09 (5) (d) The social worker section shall grant a social worker certificate to an  
15       individual who has held a social worker training certificate, has completed a training course

1 approved under s. 48.47 (9). and who passes the examinations specified under pars. (a) and  
2 (b).

**NOTE:** Requires the completion of a mandated reporter training course  
as a condition for obtaining a social worker certificate based on holding  
a social worker training certificate and passing specified examinations.

3 **SECTION 189.** 457.10 (3m) of the statutes is created to read:

4 457.10 **(3m)** Submits evidence satisfactory to the marriage and family therapist section  
5 that he or she has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
as a condition for licensure as a marriage and family therapist.

6 **SECTION 190.** 457.12 (3m) of the statutes is created to read:

7 457.12 **(3m)** Submits evidence satisfactory to the professional counselor section that  
8 he or she has completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
as a condition for licensure as a professional counselor.

9 **SECTION 191.** 459.24 (2) (g) of the statutes is created to read:

10 459.24 **(2) (g)** Submits evidence satisfactory to the examining board that he or she has  
11 completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
as a condition for licensure as a speech–language pathologist.

12 **SECTION 192.** 459.24 (3) (g) of the statutes is created to read:

13 459.24 **(3) (g)** Submits evidence satisfactory to the examining board that he or she has  
14 completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
as a condition for licensure as an audiologist.

15 **SECTION 193.** 767.405 (4) of the statutes is amended to read:

1           767.405 **(4)** MEDIATOR QUALIFICATIONS. Every mediator assigned under sub. (6) (a) shall  
2           have not less than 25 hours of mediation training or not less than 3 years of professional  
3           experience in dispute resolution. Every mediator assigned under sub. (6) (a) shall have  
4           training on the dynamics of domestic violence and the effects of domestic violence on victims  
5           of domestic violence and on children. Every mediator assigned under sub. (6) (a) shall have  
6           completed a training course approved under s. 48.47 (9).

**NOTE:** Requires the completion of a mandated reporter training course  
          as a condition for assignment as a family court mediator.

7           **SECTION 194.** 895.442 (1) (a) of the statutes is amended to read:

8           895.442 **(1)** (a) “Member of the clergy” has the meaning given in s. 48.981 ~~(1)-(ex)~~ (2)  
9           (bm) 1d. c.

10          **SECTION 195.** 895.442 (5) of the statutes is amended to read:

11          895.442 **(5)** SILENCE AGREEMENTS. Any contract or agreement concerning the  
12          settlement of any claim under this section that limits or eliminates the right of the injured  
13          person to disclose the sexual contact described under sub. (2) to another member of the  
14          religious organization to which the member of the clergy under sub. (2) belongs, to a therapist,  
15          as defined in s. 895.441 (1) (e), to a person listed under s. 48.981 (2) ~~(a)~~ (ar), or to a district  
16          attorney, is void.

17          **SECTION 196.** 905.06 (4) of the statutes is amended to read:

18          905.06 **(4)** EXCEPTIONS. There is no privilege under this section concerning  
19          observations or information that a member of the clergy, as defined in s. 48.981 ~~(1)-(ex)~~ (2)  
20          (bm) 1d. c., is required to report as suspected or threatened child abuse under s. 48.981 (2)  
21          (bm).

22          **SECTION 197.** 948.03 (6) of the statutes is amended to read:

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

**SECTION 198. Nonstatutory provisions.**

(1) RULES; TRAINING FOR MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. The department of children and families shall present the statement of scope of the rules required under section 48.981 (2s), as created by this act, to the governor for approval under section 227.135 (2) of the statutes no later than the 60th day after the effective date of this subsection. The department of children and families shall submit in proposed form the rules required under section 48.981 (2s), as created by this act, to the legislative council staff as required under section 227.15 (1) of the statutes no later than the 13th month beginning after the governor approved the statement of scope for the rules.

**SECTION 199. Effective dates.** This act takes effect on the first day after publication, except as follows:

(1) TRAINING AND MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. Sections 4, 166, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 and 193 of this act take effect on the first day of the 3rd year beginning after publication.

**(END)**