

# State of Wisconsin



2021 Senate Bill 416

Date of enactment: **March 4, 2022**  
Date of publication\*: **March 5, 2022**

## 2021 WISCONSIN ACT 146

AN ACT *to amend* 48.981 (9) (a) of the statutes; **relating to:** reports of sexual abuse of children placed in out-of-home care.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Public Disclosure and Oversight of Child Abuse and Neglect Incidents.

### Background

Current law requires the Department of Children and Families (DCF) to prepare quarterly reports summarizing certain types of sexual abuse of a child who is placed in out-of-home care (OHC), meaning the home of a foster parent or relative other than a parent, a group home, a shelter care facility, or a residential care center for children and youth. In its fourth quarterly report, DCF must provide information about all such reports of abuse received during the previous year, including whether the abuse resulted in any injury, disease, or pregnancy that is known to be directly caused by the abuse. DCF also must transmit the quarterly reports to the governor and the appropriate standing committees of the legislature.

Under current law, DCF includes in the quarterly reports all reports of the specified types of sexual abuse of a child placed in OHC that are received during the time in which the child is placed in OHC, regardless of when the alleged incident occurred. Thus, DCF's quarterly reports may include reported incidents of sexual abuse of a child that occurred while the child was placed in OHC, as well as reported incidents of sexual abuse that occurred when a child was not placed in OHC.

### The Bill

The bill specifies that the quarterly reports prepared and transmitted by DCF must include only reports of certain types of sexual abuse of a child who was placed in OHC at the time that the reported incident of abuse was alleged to have occurred. The bill also requires that DCF specify in the

reports whether, in substantiated cases of certain types of sexual abuse, the abuse was caused by the child's OHC provider.

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

48.981 (9) (a) Within 30 days after the end of each calendar quarter, the department shall prepare and transmit to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3), a summary report of all reports received by the department under sub. (3) (c) 8. during the previous calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who is was placed in the home of a foster parent or relative other than a parent or in a group home, shelter care facility, or residential care center for children and youth at the time the reported incident of abuse was alleged to have occurred. For each report included in the summary report, the department shall provide the number of incidents of abuse reported; the dates of those incidents; the county in which those incidents occurred; the age or age group of the child who is the subject of the report; the type of placement in which the child was placed at the time of the incident; whether it was determined under sub. (3) (c) 4. that abuse occurred; and, if so, the nature of the relationship between the child and the person who abused the

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

child and whether the person who abused the child was a foster parent with whom the child was placed, a relative with whom the child was placed, or any employee, contractor, or volunteer of the group home, shelter care facility, or residence care center for children or youth at which the child was placed, but may not provide any of the information specified in sub. (7) (cr) 6. or any information that would jeopardize an investigation, prosecution,

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or proceeding described in sub. (7) (cr) 7. a. or b.

**SECTION 2. Initial applicability.**

(1) This act first applies to reports received by the department of children and families under s. 48.981 (3) (c) 8. during the calendar quarter commencing on or after the effective date of this subsection.

NOTE: SECTION 2 clarifies that the bill's requirements apply to the reports that DCF prepares and transmits starting in the first full calendar quarter that begins after the bill's effective date.