



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1792/4
EHS:kjf

2015 ASSEMBLY BILL 489

November 9, 2015 – Introduced by Representatives BRANDTJEN, JACQUE, NEYLON, GANNON, HORLACHER, KLEEFISCH, KRUG, T. LARSON, MURPHY, POPE, SINICKI, THIESFELDT and TITTL, cosponsored by Senator L. TAYLOR. Referred to Committee on Family Law.

1 **AN ACT** *to repeal* 48.981 (2) (a) 15., 16. and 16m., 48.981 (2m), 48.981 (3) (c) 9.,
2 48.981 (3m) (d), 48.981 (7) (a) 2r., 48.981 (7) (a) 10g., 48.981 (7) (a) 10j. and
3 48.981 (7) (a) 10r.; **to renumber** 48.981 (1) (ct), 48.981 (1) (cv), 48.981 (1) (cx),
4 48.981 (1) (i), 48.981 (2) (a) 17. to 29., 48.981 (3) (a) 2. a. to d., 48.981 (3) (b),
5 48.981 (3) (c) 2., 48.981 (3) (c) 2m., 48.981 (3) (c) 5., 48.981 (7) (a) 1., 48.981 (7)
6 (a) 2., 48.981 (7) (a) 3., 48.981 (7) (a) 3m., 48.981 (7) (a) 4p., 48.981 (7) (a) 9.,
7 48.981 (7) (a) 11r., 48.981 (7) (a) 12., 48.981 (7) (a) 14m., 48.981 (7) (a) 15g.,
8 48.981 (7) (cr) 1. a. and b., 48.981 (7) (cr) 2. a. to f., 48.981 (7) (cr) 4. a. to d., 48.981
9 (7) (cr) 4. f. and g., 48.981 (7) (cr) 5. a. to d., 48.981 (7) (cr) 5. f., 48.981 (7) (cr)
10 6. a. to e. and 48.981 (7) (cr) 7. a. and b.; **to renumber and amend** 48.981 (1)
11 (b), 48.981 (2) (a) (intro.) and 1. to 14., 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.),
12 48.981 (3) (a) 2d., 48.981 (3) (a) 2g., 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3)
13 (bm), 48.981 (3) (c) (title), 48.981 (3) (c) 1. a., 48.981 (3) (c) 1. b., 48.981 (3) (c)
14 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5p., 48.981 (3) (c) 5r., 48.981

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1 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (cm),
2 48.981 (3) (d), 48.981 (7) (a) (intro.), 48.981 (7) (a) 1m., 48.981 (7) (a) 2m., 48.981
3 (7) (a) 4., 48.981 (7) (a) 4m., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m.,
4 48.981 (7) (a) 8., 48.981 (7) (a) 8m., 48.981 (7) (a) 8s., 48.981 (7) (a) 10., 48.981
5 (7) (a) 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981 (7) (a) 13., 48.981 (7)
6 (a) 14., 48.981 (7) (a) 15., 48.981 (7) (a) 15m., 48.981 (7) (a) 17., 48.981 (7) (am),
7 48.981 (7) (b), 48.981 (7) (c), 48.981 (7) (cm), 48.981 (7) (cp), 48.981 (7) (cr) 1.
8 (intro.), 48.981 (7) (cr) 2. (intro.), 48.981 (7) (cr) 3., 48.981 (7) (cr) 4. (intro.),
9 48.981 (7) (cr) 4. e., 48.981 (7) (cr) 5. (intro.), 48.981 (7) (cr) 5. e., 48.981 (7) (cr)
10 6. (intro.), 48.981 (7) (cr) 7. (intro.), 48.981 (7) (cr) 8., 48.981 (7) (cr) 9., 48.981
11 (7) (d), 48.981 (7) (dm), 48.981 (7) (e), 48.981 (7) (f) and 48.981 (10); **to**
12 **consolidate, renumber and amend** 48.981 (2) (bm) 1. (intro.), a. and b. and
13 48.981 (2) (bm) 2. (intro.), a. and b.; **to amend** 48.236 (4) (a), 48.24 (5), 48.375
14 (4) (b) 1g., 48.375 (4) (b) 2., 48.685 (2) (am) 4., 48.685 (2) (b) 1. d., 48.685 (4m)
15 (a) 4., 48.685 (4m) (b) 4., 48.981 (1) (ag), 48.981 (2) (b), 48.981 (2) (bm) 3., 48.981
16 (2) (c), 48.981 (2) (d), 48.981 (2r), 48.981 (3) (title), 48.981 (3m) (b) 1., 48.981 (3m)
17 (c) (intro.), 48.981 (3m) (c) 1., 48.981 (3m) (c) 2. b., 48.981 (3m) (c) 3., 48.981 (5),
18 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c), 48.981 (9) (b) 1., 48.981 (9) (b) 2.,
19 48.983 (1) (b) 1. b., 48.983 (6) (b) 4., 50.065 (2) (am) 4., 50.065 (2) (b) 4., 50.065
20 (4m) (a) 4., 50.065 (4m) (b) 4., 51.30 (4) (b) 17., 118.07 (5), 146.82 (2) (a) 11. and
21 18m., 895.442 (1) (a), 895.442 (5), 905.06 (4) and 948.03 (6); and **to create**
22 48.981 (1) (bm), 48.981 (2) (ag), 48.981 (2) (ar) 16r., 30. and 31., 48.981 (2) (bm)
23 (title), 48.981 (2) (bm) 1d., 48.981 (3d) (a) (title), 48.981 (3d) (b) (title), 48.981
24 (3d) (bm) (title), 48.981 (3d) (c) (title), 48.981 (3f) (title) and (a) (intro.), 48.981
25 (3g) (a) (title), 48.981 (3g) (b) (title), 48.981 (3g) (bm) (title), 48.981 (3g) (h)

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1 (title), 48.981 (3m) (a) (title), 48.981 (3m) (b) (title), 48.981 (7d) (intro.), 48.981
2 (7d) (a) (title), 48.981 (7d) (b) (title), 48.981 (7d) (c) (title), 48.981 (7d) (cm) (title),
3 48.981 (7d) (dp) (title), 48.981 (7d) (hm) (title), 48.981 (7d) (i) (title), 48.981 (7d)
4 (Lr) (title), 48.981 (7d) (m) (title), 48.981 (7d) (om) (title), 48.981 (7d) (pg) (title),
5 48.981 (7g) (intro.), 48.981 (7m) (title), 48.981 (7r) (title) and 48.981 (8) (d) (title)
6 of the statutes; **relating to:** recodification of the child abuse and neglect
7 reporting law; making probation agents, parole agents, and certain employees,
8 contractors, and volunteers of schools and institutions of higher education
9 mandated reporters of child abuse and neglect; training in child abuse and
10 neglect identification, laws, and procedures and in human trafficking
11 identification for certain employees, contractors, and volunteers of schools;
12 eliminating an exception to the child abuse reporting requirement for providers
13 of certain health care services when the suspected or threatened abuse consists
14 of sexual intercourse or contact with a child; definitions of physical injury and
15 neglect for purposes of mandated reporting of child abuse and neglect; and
16 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Introduction

This bill recodifies the child abuse and neglect reporting law for clarity and organization. The bill also makes various changes with respect to the categories of mandatory reporters of suspected abuse and neglect of children, eliminates an exception to the child abuse reporting requirement for certain health care providers when the abuse consists of sexual intercourse or contact involving a child, and amends the definitions of “abuse” and “neglect” for purposes of the child abuse and neglect reporting requirement.

Persons Mandated to Report; Training

Current law requires certain professionals to report suspected abuse and neglect of 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

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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 bill makes the following changes to the categories of mandated reporters:

1. Adds probation agents and parole agents to the list of professionals who are mandated to report suspected abuse or neglect.

2. 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.

3. Exempts from the obligation to report: a) children; and b) students who have not yet graduated from high school.

4. 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.

5. 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.

Under current law, each school board must require every employee of the school district governed by the school board to receive training, provided by the Department of Public Instruction, in identifying children who have been abused or neglected and the laws and procedures related to mandated reporters. This bill expands this training requirement to apply to all school employees, contractors, or volunteers, other than children or students who have not yet graduated from high school, who work directly with children at least 40 hours in a school year and who are affiliated with the school district governed by the school board. The bill also requires that this training include training in identifying children who are victims of human trafficking.

Reporting of sexual intercourse or contact; elimination of health care provider exception

Under current law, for the purpose of allowing children to obtain confidential health care services, certain persons are exempted from the mandate to report suspected or threatened abuse consisting of sexual intercourse or sexual contact involving a child. This exemption applies to a health care provider who provides any health care service to a child and a person who obtains information about a child who is receiving or has received health care services from a health care provider.

However, current law requires these persons to report as usual if they have reason to suspect: 1) that the sexual intercourse or sexual contact occurred or is likely to occur with a caregiver; 2) that the child suffered or suffers from a mental illness or mental deficiency that rendered or renders the child temporarily or

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permanently incapable of understanding or evaluating the consequences of his or her actions; 3) that the child, because of his or her age or immaturity, was or is incapable of understanding the nature or consequences of sexual intercourse or sexual contact; 4) that the child was unconscious at the time of the act or for any other reason was physically unable to communicate unwillingness to engage in sexual intercourse or sexual contact; 5) that another participant in the sexual contact or sexual intercourse was or is exploiting the child; or 6) if the person has any reasonable doubt as to the voluntariness of the child's participation in the sexual contact or sexual intercourse.

This bill eliminates this exemption from the mandate to report suspected or threatened abuse.

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 bill removes the words "severe or frequent" from the phrase "severe or frequent bruising" within the definition of "physical injury." For purposes of *investigating* a report of child abuse, however, the bill does not remove those words from that phrase.

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 bill removes the phrase "for reasons other than poverty" from the definition of "neglect." For purposes of *investigating* a report of child neglect, however, the bill does not remove that phrase from that definition.

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

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

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1 under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under
2 s. 48.981 (7) ~~(a)~~ 11r. (7d) (Lr), and pupil records under s. 118.125 (2) (L). The order
3 shall also require the custodian of any report or record specified in this paragraph
4 to permit the court-appointed special advocate to inspect the report or record on
5 presentation by the court-appointed special advocate of a copy of the order. A
6 court-appointed special advocate that obtains access to a report or record described
7 in this paragraph shall keep the information contained in the report or record
8 confidential and may disclose that information only to the court. If a
9 court-appointed special advocate discloses any information to the court under this
10 paragraph, the court-appointed special advocate shall also disclose that information
11 to all parties to the proceeding. If a court-appointed special advocate discloses
12 information in violation of the confidentiality requirement specified in this
13 paragraph, the court-appointed special advocate is liable to any person damaged as
14 a result of that disclosure for such damages as may be proved and, notwithstanding
15 s. 814.04 (1), for such costs and reasonable actual attorney fees as may be incurred
16 by the person damaged.

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

18 48.24 (5) The intake worker shall request that a petition be filed, enter into an
19 informal disposition, or close the case within 60 days after receipt of referral
20 information. If the referral information is a report received by a county department
21 or, in a county having a population of 500,000 or more, the department or a licensed
22 child welfare agency under contract with the department under s. 48.981 (3) (a) ~~1,~~
23 ~~2,~~ or 2d., (bg), or (bp) that 60-day period shall begin on the day on which the report
24 is received by the county department, department, or licensed child welfare agency.
25 If the case is closed or an informal disposition is entered into, the district attorney,

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1 corporation counsel, or other official under s. 48.09 shall receive written notice of that
2 action. If a law enforcement officer has made a recommendation concerning the
3 child, or the unborn child and the expectant mother of the unborn child, the intake
4 worker shall forward this recommendation to the district attorney, corporation
5 counsel, or other official under s. 48.09. If a petition is filed, the petition may include
6 information received more than 60 days before filing the petition to establish a
7 condition or pattern which, together with information received within the 60-day
8 period, provides a basis for conferring jurisdiction on the court. The court shall grant
9 appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not
10 referred or filed within the time periods specified in this subsection. Failure to object
11 to the fact that a petition is not requested within the time period specified in this
12 subsection waives any challenge to the court's competency to act on the petition.

13 **SECTION 3.** 48.375 (4) (b) 1g. of the statutes is amended to read:

14 48.375 (4) (b) 1g. The minor provides the person who intends to perform or
15 induce the abortion with a written statement, signed and dated by the minor, in
16 which the minor swears that the pregnancy is the result of a sexual assault in
17 violation of s. 940.225 (1), (2), or (3) in which the minor did not indicate a freely given
18 agreement to have sexual intercourse. The person who intends to perform or induce
19 the abortion shall place the statement in the minor's medical record and report the
20 sexual intercourse as required under s. 48.981 (2) ~~or (2m) (e)~~. Any minor who makes
21 a false statement under this subdivision, which the minor does not believe is true,
22 is subject to a proceeding under s. 938.12 or 938.13 (12), whichever is applicable,
23 based on a violation of s. 946.32 (2).

24 **SECTION 4.** 48.375 (4) (b) 2. of the statutes is amended to read:

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1 48.375 (4) (b) 2. The minor provides the person who intends to perform or
2 induce the abortion with a written statement, signed and dated by the minor, that
3 the pregnancy is the result of sexual intercourse with a caregiver specified in s.
4 48.981 (1) (am) 1., 2., 3., 4. or 8. The person who intends to perform or induce the
5 abortion shall place the statement in the minor's medical record. The person who
6 intends to perform or induce the abortion shall report the sexual intercourse as
7 required under s. 48.981 ~~(2m)~~ ~~(d)~~ 1 (2).

8 **SECTION 5.** 48.685 (2) (am) 4. of the statutes is amended to read:

9 48.685 (2) (am) 4. Information maintained by the department regarding any
10 final determination under s. 48.981 ~~(3)~~ ~~(e)~~ 5m. (3g) (e) or, if a contested case hearing
11 is held on such a determination, any final decision under s. 48.981 ~~(3)~~ ~~(e)~~ 5p. (3g) (em)
12 that the person has abused or neglected a child.

13 **SECTION 6.** 48.685 (2) (b) 1. d. of the statutes is amended to read:

14 48.685 (2) (b) 1. d. Information maintained by the department regarding any
15 final determination under s. 48.981 ~~(3)~~ ~~(e)~~ 5m. (3g) (e) or, if a contested case hearing
16 is held on such a determination, any final decision under s. 48.981 ~~(3)~~ ~~(e)~~ 5p. (3g) (em)
17 that the person has abused or neglected a child.

18 **SECTION 7.** 48.685 (4m) (a) 4. of the statutes is amended to read:

19 48.685 (4m) (a) 4. That a final determination has been made under s. 48.981
20 ~~(3)~~ ~~(e)~~ 5m. (3g) (e) or, if a contested case hearing is held on such a determination, a
21 final decision has been made under s. 48.981 ~~(3)~~ ~~(e)~~ 5p. (3g) (em) that the person has
22 abused or neglected a child.

23 **SECTION 8.** 48.685 (4m) (b) 4. of the statutes is amended to read:

24 48.685 (4m) (b) 4. That a final determination has been made under s. 48.981
25 ~~(3)~~ ~~(e)~~ 5m. (3g) (e) or, if a contested case hearing is held on such a determination, a

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1 final decision has been made under s. 48.981 (3) ~~(e) 5p.~~ (3g) (em) that the person has
2 abused or neglected a child.

3 **SECTION 9.** 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
5 county having a population of ~~500,000~~ 750,000 or more, or a licensed child welfare
6 agency under contract with ~~a county department~~ or the department in a county
7 having a population of ~~500,000~~ 750,000 or more to perform investigations under this
8 section. For purposes of performing the duties specified in subs. (3g) (a), (b) 2., (bm)
9 2., (f), (fm), and (h) 1., 2., and 3. and for purposes of confidentiality of reports and
10 records under sub. (7) to (7m), "agency" also includes a licensed child welfare agency
11 under contract with a county department to perform investigations under this
12 section.

13 **SECTION 10.** 48.981 (1) (b) of the statutes is renumbered 48.981 (7d) (hm) 1. and
14 amended to read:

15 48.981 (7d) (hm) 1. ~~Community~~ In this paragraph, "community placement"
16 means probation; extended supervision; parole; aftercare; conditional transfer into
17 the community under s. 51.35 (1); conditional transfer or discharge under s. 51.37
18 (9); placement in a Type 2 residential care center for children and youth or a Type 2
19 juvenile correctional facility authorized under s. 938.539 (5); conditional release
20 under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the
21 community residential confinement program under s. 301.046, the intensive
22 sanctions program under s. 301.048, the corrective sanctions program under s.
23 938.533, the intensive supervision program under s. 938.534, or the serious juvenile
24 offender program under s. 938.538; or any other placement of an adult or juvenile
25 offender in the community under the custody or supervision of the department of

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1 corrections, the department of health services, a county department under s. 46.215,
2 46.22, 46.23, 51.42, or 51.437 or any other person under contract with the
3 department of corrections, the department of health services or a county department
4 under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over
5 the offender.

6 **SECTION 11.** 48.981 (1) (bm) of the statutes is created to read:

7 48.981 (1) (bm) "Contractor" means, with respect to a school or an institution
8 of higher education, a person, or that person's agent, who provides services to the
9 school or institution of higher education under an express or implied contract or
10 subcontract, including a person who has staff privileges at the school or institution
11 of higher education.

12 **SECTION 12.** 48.981 (1) (ct) of the statutes is renumbered 48.981 (3f) (a) 1.

13 **SECTION 13.** 48.981 (1) (cv) of the statutes is renumbered 48.981 (2) (bm) 1d.

14 b.

15 **SECTION 14.** 48.981 (1) (cx) of the statutes is renumbered 48.981 (2) (bm) 1d.

16 c.

17 **SECTION 15.** 48.981 (1) (i) of the statutes is renumbered 48.981 (3f) (a) 2.

18 **SECTION 16.** 48.981 (2) (a) (intro.) and 1. to 14. of the statutes are renumbered
19 48.981 (2) (ar) (intro.) and 1. to 14., and 48.981 (2) (ar) (intro.) and 14., as
20 renumbered, are amended to read:

21 48.981 (2) (ar) Mandatory reporters; professionals. (intro.) Any Except as
22 provided in sub. (2r), any of the following persons who has reasonable cause to
23 suspect that a child seen by the person in the course of professional duties has been
24 abused or neglected or who has reason to believe that a child seen by the person in
25 the course of professional duties has been threatened with abuse or neglect and that

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1 abuse or neglect of the child will occur shall, ~~except as provided under subs. (2m) and~~
2 ~~(2r)~~, report as provided in sub. (3):

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

6 **SECTION 17.** 48.981 (2) (a) 15., 16. and 16m. of the statutes are repealed.

7 **SECTION 18.** 48.981 (2) (a) 17. to 29. of the statutes are renumbered 48.981 (2)
8 (ar) 17. to 29.

9 **SECTION 19.** 48.981 (2) (ag) of the statutes is created to read:

10 48.981 (2) (ag) *Definitions.* In this subsection:

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

14 2. "Neglect" means failure, refusal, or inability on the part of a caregiver to
15 provide necessary care, food, clothing, medical or dental care, or shelter so as to
16 seriously endanger the physical health of the child.

17 **SECTION 20.** 48.981 (2) (ar) 16r., 30. and 31. of the statutes are created to read:

18 48.981 (2) (ar) 16r. An employee, contractor, or volunteer of an institution of
19 higher education, other than a child, who has regular, ongoing contact with children,
20 other than matriculated students of the institution, in a professional or primary
21 setting.

22 30. A probation agent.

23 31. A parole agent.

24 **SECTION 21.** 48.981 (2) (b) of the statutes is amended to read:

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1 48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~
2 Except as provided in sub. (2r), a court-appointed special advocate who has
3 reasonable cause to suspect that a child seen in the course of activities under s.
4 48.236 (3) has been abused or neglected or who has reason to believe that a child seen
5 in the course of those activities has been threatened with abuse and neglect and that
6 abuse or neglect of the child will occur shall, ~~except as provided in subs. (2m) and (2r),~~
7 report as provided in sub. (3).

8 **SECTION 22.** 48.981 (2) (bm) (title) of the statutes is created to read:

9 48.981 (2) (bm) *Mandatory reporters; members of the clergy.*

10 **SECTION 23.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes are consolidated,
11 renumbered 48.981 (2) (bm) 1g. and amended to read:

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

18 **SECTION 24.** 48.981 (2) (bm) 1d. of the statutes is created to read:

19 48.981 (2) (bm) 1d. In this paragraph:

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

21 **SECTION 25.** 48.981 (2) (bm) 2. (intro.), a. and b. of the statutes are consolidated,
22 renumbered 48.981 (2) (bm) 2. and amended to read:

23 48.981 (2) (bm) 2. Except as provided in subd. 3. and ~~subs. (2m) and sub. (2r),~~
24 a member of the clergy shall report as provided in sub. (3) if the member of the clergy
25 has reasonable cause, based on observations made or information that he or she

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1 receives, to suspect that a member of the clergy has ~~done any of the following: a.~~
2 ~~Abused~~ abused a child, as defined in s. 48.02 (1) (b) to (f). ~~b. Threatened or threatened~~
3 a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse of the child will likely
4 occur.

5 **SECTION 26.** 48.981 (2) (bm) 3. of the statutes is amended to read:

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

13 **SECTION 27.** 48.981 (2) (c) of the statutes is amended to read:

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

19 **SECTION 28.** 48.981 (2) (d) of the statutes is amended to read:

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

24 **SECTION 29.** 48.981 (2m) of the statutes is repealed.

25 **SECTION 30.** 48.981 (2r) of the statutes is amended to read:

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1 48.981 (2r) EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL
2 POWERS. A person delegated care and custody of a child under s. 48.979 is not required
3 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the
4 child as required under sub. (2) ~~(a)~~ (ar), (b), or (bm) or (2m) (d) or (e). Such a person
5 who has reason to suspect that the child has been abused or neglected or who has
6 reason to believe that the child has been threatened with abuse or neglect and that
7 abuse or neglect of the child will occur may report as provided in sub. (3).

8 **SECTION 31.** 48.981 (3) (title) of the statutes is amended to read:

9 48.981 (3) (title) ~~REPORTS; INVESTIGATION~~ REFERRAL OF REPORT.

10 **SECTION 32.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and
11 amended to read:

12 48.981 (3) (a) ~~Referral of report~~ Immediate reporting required. A person
13 required to report under sub. (2) shall immediately inform, by telephone or
14 personally, ~~the county department or, in a county having a population of 500,000 or~~
15 ~~more, the department or a licensed child welfare agency under contract with the~~
16 ~~department~~ the agency or the sheriff or city, village, or town police department of the
17 facts and circumstances contributing to a suspicion of child abuse or neglect or of
18 unborn child abuse or to a belief that abuse or neglect will occur.

19 **SECTION 33.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3)
20 (bg) (intro.) and amended to read:

21 48.981 (3) (bg) (intro.) Mandatory referral to agency. The Within 12 hours,
22 exclusive of Saturdays, Sundays, or legal holidays, after receiving a report under par.
23 (a), the sheriff or police department shall within 12 hours, exclusive of Saturdays,
24 Sundays, or legal holidays, refer to the county department or, in a county having a
25 population of 500,000 or more, the department or a licensed child welfare agency

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1 ~~under contract with the department~~ agency all of the following types of cases
2 reported to the sheriff or police department:

3 **SECTION 34.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3)
4 (bg) 1. to 4.

5 **SECTION 35.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and
6 amended to read:

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

13 **SECTION 36.** 48.981 (3) (a) 2g. of the statutes is renumbered 48.981 (3) (br) and
14 amended to read:

15 48.981 (3) (br) *Subsequent report in writing.* The ~~county department,~~
16 ~~department, or licensed child welfare agency~~ may require that a subsequent report
17 of a case referred under ~~subd. 2. or 2d. par. (bg) or (bp)~~ be made in writing.

18 **SECTION 37.** 48.981 (3) (a) 3. of the statutes is renumbered 48.981 (3) (cg) and
19 amended to read:

20 48.981 (3) (cg) *Referral to law enforcement.* Except as provided in sub. (3m),
21 ~~a county department, the department, or a licensed child welfare agency under~~
22 ~~contract with the department~~ shall within 12 hours, exclusive of Saturdays,
23 Sundays, or legal holidays, after receiving a report under par. (a), the agency shall
24 refer to the sheriff or police department all cases of suspected or threatened abuse,
25 as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened

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1 abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each county
2 department, ~~the department, and a licensed child welfare agency under contract~~
3 ~~with the department~~ agency shall adopt a written policy specifying the kinds of
4 reports it will routinely report to local law enforcement authorities.

5 **SECTION 38.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and
6 amended to read:

7 48.981 (3) (dg) *Coordination of investigation.* If the report is of suspected or
8 threatened abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department
9 and the ~~county department, department, or licensed child welfare agency under~~
10 ~~contract with the department~~ agency shall coordinate the planning and execution of
11 the investigation of the report.

12 **SECTION 39.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d).

13 **SECTION 40.** 48.981 (3) (bm) of the statutes is renumbered 48.981 (3f) (bm) and
14 48.981 (3f) (bm) (intro.), as renumbered, is amended to read:

15 48.981 (3f) (bm) (intro.) *Notice of report to Indian to tribal agent.* In a county
16 that has wholly or partially within its boundaries a federally recognized Indian
17 reservation or a bureau of Indian affairs service area for the Ho-Chunk tribe, if a
18 county department that receives a report under ~~par. (a)~~ sub. (3) pertaining to a child
19 or an unborn child knows or has reason to know that the child is an Indian child who
20 resides in the county or that the unborn child is an Indian unborn child whose
21 expectant mother resides in the county, the county department shall provide notice,
22 which shall consist only of the name and address of the Indian child or expectant
23 mother and the fact that a report has been received about that Indian child or Indian
24 unborn child, within 24 hours to one of the following:

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

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

4 **SECTION 42.** 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1.
5 a. and amended to read:

6 48.981 **(3g)** (a) 1. a. Immediately after receiving a report under ~~par. (a) sub. (3)~~,
7 the agency shall evaluate the report to determine whether there is reason to suspect
8 that a caregiver has abused or neglected the child, has threatened the child with
9 abuse or neglect, or has facilitated or failed to take action to prevent the suspected
10 or threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
11 agency determines that a caregiver is suspected of abuse or neglect ~~or~~, of threatened
12 abuse or neglect of the child, ~~determines that a caregiver is suspected, or~~ of
13 facilitating or failing to take action to prevent the suspected or threatened abuse or
14 neglect of the child, or if the agency cannot identify an individual who is suspected
15 of abuse or neglect or of threatened abuse or neglect of the child, within 24 hours after
16 receiving the report the agency shall, ~~in accordance with the authority granted to the~~
17 ~~department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a),~~
18 initiate a diligent investigation to determine if the child is in need of protection or
19 services. If the agency determines that a person who is not a caregiver is suspected
20 of abuse or of threatened abuse, the agency may, ~~in accordance with that authority,~~
21 initiate a diligent investigation to determine if the child is in need ~~or~~ of protection
22 or services.

23 **b.** Within 24 hours after receiving a report under ~~par. (a) sub. (3)~~ of suspected
24 unborn child abuse, the agency, ~~in accordance with that authority,~~ shall initiate a

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1 diligent investigation to determine if the unborn child is in need of protection or
2 services.

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

9 **SECTION 43.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2.
10 and amended to read:

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

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1 ~~person making the investigation may enter a child's dwelling only with permission~~
2 ~~from the child's parent, guardian, or legal custodian or after obtaining a court order~~
3 ~~permitting the person to do so~~ to the extent permitted under the U.S. Constitution
4 and the Wisconsin Constitution.

5 **SECTION 44.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

6 **SECTION 45.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

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

9 48.981 (3g) (c) *Offer of services; filing of petitions.* ~~If the county department or,~~
10 ~~in a county having a population of 500,000 or more, the department or a licensed child~~
11 ~~welfare agency under contract with the department~~ agency determines that a child,
12 any member of the child's family, or the child's guardian or legal custodian is in need
13 of services or that the expectant mother of an unborn child is in need of services, the
14 ~~county department, department or licensed child welfare~~ agency shall offer to
15 provide appropriate services or to make arrangements for the provision of services.
16 If the child's parent, guardian, or legal custodian or the expectant mother refuses to
17 accept the services, the ~~county department, department or licensed child welfare~~
18 agency may request that a petition be filed under s. 48.13 alleging that the child who
19 is the subject of the report or any other child in the home is in need of protection or
20 services or that a petition be filed under s. 48.133 alleging that the unborn child who
21 is the subject of the report is in need of protection or services. The agency may also
22 petition for child abuse restraining orders and injunctions under s. 48.25 (6).

23 **SECTION 47.** 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and
24 amended to read:

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

17 **SECTION 48.** 48.981 (3) (c) 5. of the statutes is renumbered 48.981 (3g) (h) 1.

18 **SECTION 49.** 48.981 (3) (c) 5m. of the statutes is renumbered 48.981 (3g) (e) and
19 amended to read:

20 48.981 (3g) (e) Right to appeal determination. ~~The county department or, in~~
21 ~~a county having a population of 500,000 or more, the department or a licensed child~~
22 ~~welfare agency under contract with the department An agency may include in a~~
23 ~~determination under subd. 4. par. (d) a determination that a specific person has~~
24 ~~abused or neglected a child. If the county department, department, or licensed child~~
25 ~~welfare agency makes an initial determination that a specific person has abused or~~

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1 neglected a child, the ~~county department, department, or licensed child welfare~~
2 agency shall provide that person with an opportunity for a review of that initial
3 determination in accordance with rules promulgated by the department before the
4 ~~county department, department, or licensed child welfare~~ agency may make a final
5 determination that the person has abused or neglected a child. Within 5 days after
6 the date of a final determination that a specific person has abused or neglected a
7 child, the ~~county department, department, or licensed child welfare~~ agency shall
8 notify the person in writing of the determination, the person's right to a contested
9 case hearing on the determination under ch. 227, and the procedures under ~~sub. 5p.~~
10 par. (em) by which the person may receive that hearing.

11 **SECTION 50.** 48.981 (3) (c) 5p. of the statutes is renumbered 48.981 (3g) (em)
12 and amended to read:

13 48.981 (3g) (em) *Right to contested case hearing.* A person who is the subject
14 of a final determination under ~~subd. 5m. par. (e)~~ that the person has abused or
15 neglected a child has the right to a contested case hearing on that determination
16 under ch. 227. To receive that hearing, the person must send to the department a
17 written request for a hearing under s. 227.44 within 10 days after the date of the
18 notice under ~~subd. 5m. par. (e)~~ of the determination. The department shall
19 commence the hearing within 90 days after receipt of the request for the hearing,
20 unless the hearing is rescheduled on the request of the person requesting the hearing
21 or the contested case proceeding is held in abeyance as provided in this subdivision
22 paragraph, and shall issue a final decision within 60 days after the close of the
23 hearing. Judicial review of the final administrative decision following the hearing
24 may be had by any party to the contested case proceeding as provided in ch. 227. The
25 person presiding over a contested case proceeding under this ~~subdivision~~ paragraph

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1 may hold the hearing in abeyance pending the outcome of any criminal investigation
2 or proceedings or any investigation or proceedings under s. 48.13 based on the
3 alleged abuse or neglect ~~or the outcome of any investigation that may lead to the~~
4 ~~filing of a criminal complaint or a petition under s. 48.13 based on the alleged abuse~~
5 ~~or neglect.~~

6 **SECTION 51.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2.
7 and amended to read:

8 48.981 (3g) (h) 2. Within 15 days after a final determination is made under
9 ~~subd. 5m. par. (e)~~ that a specific person has abused or neglected a child or, if a
10 contested case hearing is held on such a determination, within 15 days after a final
11 decision is made under ~~subd. 5p. par. (em)~~ determining that a specific person has
12 abused or neglected a child, the ~~county department or, in a county having a~~
13 ~~population of 500,000 or more, the department or a licensed child welfare agency~~
14 ~~under contract with the department~~ agency shall provide the subunit of the
15 department that administers s. 48.685 with information about the person who has
16 been determined to have abused or neglected the child.

17 **SECTION 52.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and
18 amended to read:

19 48.981 (3g) (f) Action taken; information to mandatory reporter. ~~The agency~~
20 ~~shall, within~~ Within 60 days after it receives receiving a report from a person
21 required under sub. (2) to report, the agency shall inform the reporter what action,
22 if any, was taken to protect the health and welfare of the child or unborn child who
23 is the subject of the report.

24 **SECTION 53.** 48.981 (3) (c) 6m. of the statutes is renumbered 48.981 (3g) (fm)
25 and amended to read:

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1 48.981 (3g) (fm) Action taken; information to relative. ~~If a person who is not~~
2 ~~required under sub. (2) to report makes a report and is a relative of the child, other~~
3 ~~than the child's parent, or is a relative of the expectant mother of the unborn child~~
4 ~~makes a report under sub. (2) (c) or (d), that person may make a written request to~~
5 ~~the agency for information regarding what action, if any, was taken to protect the~~
6 ~~health and welfare of the child or unborn child who is the subject of the report. An~~
7 ~~agency that receives a written request under this subdivision shall, within Within~~
8 ~~60 days after it receives receiving the report or 20 days after it receives receiving the~~
9 ~~written request, whichever is later, inform the reporter in writing of what action, if~~
10 ~~any, was taken to protect the health and welfare of the child or unborn child the~~
11 ~~agency shall disclose that information to the requester, unless a court order~~
12 ~~prohibits that disclosure, and shall inform the requester of the duty to keep the~~
13 ~~information confidential under sub. (7) (e) (7r) (a) and of the penalties for failing to~~
14 ~~do so under sub. (7) (f) (7r) (b). The agency may petition the court ex parte for an order~~
15 ~~prohibiting that disclosure and, if the agency does so, the time period within which~~
16 ~~the information must be disclosed is tolled ~~on~~ from the date the petition is filed ~~and~~~~
17 ~~remains tolled until the court issues a decision. The court may hold an ex parte~~
18 ~~hearing in camera and shall issue an order granting the petition if the court~~
19 ~~determines that disclosure of the information would not be in the best interests of the~~
20 ~~child or unborn child.~~

21 **SECTION 54.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g)
22 (intro.) and amended to read:

23 48.981 (3g) (g) Cooperation and coordination. (intro.) ~~The county department~~
24 ~~or, in a county having a population of 500,000 or more, the department or a licensed~~

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1 ~~child welfare agency under contract with the department~~ Each agency shall
2 cooperate do all of the following:

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

8 2. Coordinate the development and provision of services to abused and
9 neglected children and their families, to abused unborn children ~~to families in which~~
10 ~~child abuse or neglect has occurred, to~~ and their expectant mothers ~~who have abused~~
11 ~~their unborn children,~~ and to children and families or expectant mothers when
12 circumstances justify a belief that abuse or neglect or unborn child abuse will occur
13 ~~and to the expectant mothers of unborn children when circumstances justify a belief~~
14 ~~that unborn child abuse will occur.~~

15 **SECTION 55.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and
16 amended to read:

17 48.981 **(3g)** (h) 3. Using the format prescribed by the department, each county
18 department shall provide the department with information about each report that
19 the county department ~~receives or that is received by~~ or a licensed child welfare
20 agency ~~that is~~ under contract with the county department receives and about each
21 investigation that the county department or ~~a~~ licensed child welfare agency ~~under~~
22 ~~contract with the county department~~ conducts. Using the format prescribed by the
23 department, a licensed child welfare agency under contract with the department
24 shall provide the department with information about each report that the child
25 welfare agency receives and about each investigation that the child welfare agency

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1 conducts. The department shall use the information to monitor services provided by
2 those county departments or licensed child welfare agencies ~~under contract with~~
3 ~~county departments or the department~~. The department shall use nonidentifying
4 information to maintain statewide statistics on child abuse and neglect and on
5 unborn child abuse, and for planning and policy development purposes.

6 **SECTION 56.** 48.981 (3) (c) 9. of the statutes is repealed.

7 **SECTION 57.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and
8 amended to read:

9 48.981 **(3h)** CONTRACT WITH LICENSED CHILD WELFARE AGENCIES. A county
10 department may contract with a licensed child welfare agency to fulfill the county
11 department's duties specified under ~~par. (c) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. sub.~~
12 (3g) (a), (b) 2., (bm) 2., (f), (fm), and (h) 1., 2., and 3. The department may contract
13 with a licensed child welfare agency to fulfill any of the department's duties specified
14 under ~~par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m., 7., 8., and 9. sub. (3g)~~ in a
15 county having a population of 500,000 750,000 or more. The confidentiality
16 provisions specified in ~~sub. subs. (7) to (7r)~~ shall apply to any licensed child welfare
17 agency with which a county department or the department contracts.

18 **SECTION 58.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j), and 48.981
19 (3j) (a) and (b), as renumbered, are amended to read:

20 48.981 **(3j)** (a) *Definition.* In this ~~paragraph~~ subsection, "agent" includes a
21 foster parent or other person given custody of a child or a human services
22 professional employed by a county department under s. 51.42 or 51.437 or by a child
23 welfare agency who is working with a child or an expectant mother of an unborn child
24 under contract with or under the supervision of the department in a county having
25 a population of 500,000 or more or a county department under s. 46.22.

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1 (b) *Investigation; powers and duties.* If an agent or employee of an agency
2 required to investigate under ~~this subsection~~ sub. (3g) is the subject of a report, or
3 if the agency determines that, because of the relationship between the agency and
4 the subject of a report, there is a substantial probability that the agency would not
5 conduct an unbiased investigation, the agency shall, after taking any action
6 necessary to protect the child or unborn child, notify the department. Upon receipt
7 of the notice, the department, in a county having a population of less than 500,000
8 750,000, or a county department or child welfare agency designated by the
9 department in any county shall conduct an independent investigation. If the
10 department designates a county department under s. 46.22, 46.23, 51.42, or 51.437,
11 that county department shall conduct the independent investigation. If a licensed
12 child welfare agency agrees to conduct the independent investigation, the
13 department may designate the child welfare agency to do so. The powers and duties
14 of the department or designated county department or child welfare agency making
15 an independent investigation are those given to ~~county departments~~ agencies under
16 ~~par. (e)~~ sub. (3g).

17 **SECTION 59.** 48.981 (3d) (a) (title) of the statutes is created to read:

18 48.981 (3d) (a) (title) *Immediate investigation on request.*

19 **SECTION 60.** 48.981 (3d) (b) (title) of the statutes is created to read:

20 48.981 (3d) (b) (title) *Taking child into custody.*

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

22 48.981 (3d) (bm) (title) *Taking expectant mother into custody.*

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

24 48.981 (3d) (c) (title) *Referral for criminal prosecution.*

25 **SECTION 63.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:

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1 48.981 **(3f)** (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.)

2 In this subsection:

3 **SECTION 64.** 48.981 (3g) (a) (title) of the statutes is created to read:

4 48.981 **(3g)** (a) (title) *Evaluation and investigation of report.*

5 **SECTION 65.** 48.981 (3g) (b) (title) of the statutes is created to read:

6 48.981 **(3g)** (b) (title) *Taking child into custody.*

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

8 48.981 **(3g)** (bm) (title) *Taking expectant mother into custody.*

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

10 48.981 **(3g)** (h) (title) *Records; information to department.*

11 **SECTION 68.** 48.981 (3m) (a) (title) of the statutes is created to read:

12 48.981 **(3m)** (a) (title) *Definition.*

13 **SECTION 69.** 48.981 (3m) (b) (title) of the statutes is created to read:

14 48.981 **(3m)** (b) (title) *Establishment of program.*

15 **SECTION 70.** 48.981 (3m) (b) 1. of the statutes is amended to read:

16 48.981 **(3m)** (b) 1. Guidelines for determining the appropriate alternative
17 response to a report of abuse or neglect or of threatened abuse or neglect, including
18 guidelines for determining what types of abuse or neglect or threatened abuse or
19 neglect constitute substantial abuse or neglect. The Notwithstanding s. 227.10 (1),
20 the department need not promulgate those guidelines as rules under ch. 227.

21 **SECTION 71.** 48.981 (3m) (c) (intro.) of the statutes is amended to read:

22 48.981 **(3m)** (c) Alternative responses. (intro.) Immediately after receiving a
23 report under sub. (3) (a), an agency or county department that is participating in the
24 pilot program shall evaluate the report to determine the most appropriate

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1 alternative response under subds. 1. to 3. to the report. Based on that evaluation,
2 the agency or county department shall respond to the report as follows:

3 **SECTION 72.** 48.981 (3m) (c) 1. of the statutes is amended to read:

4 48.981 **(3m)** (c) 1. If the agency or county department determines that there
5 is reason to suspect that substantial abuse or neglect has occurred or is likely to occur
6 or that an investigation under sub. ~~(3)~~ (3g) is otherwise necessary to ensure the safety
7 of the child and his or her family, the agency or county department shall investigate
8 the report as provided in sub. ~~(3)~~ (3g). If in conducting that investigation the agency
9 or county department determines that it is not necessary for the safety of the child
10 and his or her family to complete the investigation, the agency or county department
11 may terminate the investigation and conduct an assessment under subd. 2. If the
12 agency or county department terminates an investigation, the agency or county
13 department shall document the reasons for terminating the investigation and notify
14 any law enforcement agency that is cooperating in the investigation.

15 **SECTION 73.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

16 48.981 **(3m)** (c) 2. b. If the agency or county department employs the
17 assessment response under subd. 2. a., the agency or county department is not
18 required to refer the report to the sheriff or police department under sub. ~~(3) (a)~~ ~~3.~~
19 (cg) or determine by a preponderance of the evidence under sub. ~~(3) (e)~~ ~~4.~~ (3g) (d) that
20 abuse or neglect has occurred or is likely to occur or that a specific person has abused
21 or neglected the child. If in conducting the assessment the agency or county
22 department determines that there is reason to suspect that substantial abuse or
23 neglect has occurred or is likely to occur or that an investigation under sub. ~~(3)~~ (3g)
24 is otherwise necessary to ensure the safety of the child and his or her family, the

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1 agency or county department shall immediately commence an investigation under
2 sub. (3) (3g).

3 **SECTION 74.** 48.981 (3m) (c) 3. of the statutes is amended to read:

4 48.981 (3m) (c) 3. If the agency or county department determines that there
5 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the
6 agency or county department shall refer the child's family to a service provider in the
7 community for the provision of appropriate services on a voluntary basis. If the
8 agency or county department employs the community services response under this
9 subdivision, the agency or county department is not required to conduct an
10 assessment under subd. 2., refer the report to the sheriff or police department under
11 sub. (3) (a) 3. (cg), or determine by a preponderance of the evidence under sub. (3) (e)
12 4. (3g) (d) that abuse or neglect has occurred or is likely to occur or that a specific
13 person has abused or neglected the child.

14 **SECTION 75.** 48.981 (3m) (d) of the statutes is repealed.

15 **SECTION 76.** 48.981 (5) of the statutes is amended to read:

16 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of
17 suspected child abuse or neglect who has reasonable cause to suspect that a child
18 died as a result of child abuse or neglect shall report the fact to the appropriate
19 medical examiner or coroner. The medical examiner or coroner shall accept the
20 report for investigation and shall report the findings to the appropriate district
21 attorney; ~~to the department or, in a county having a population of 500,000 or more,~~
22 ~~to a licensed child welfare agency under contract with the department in a county~~
23 ~~having a population of 750,000 or more; to the county department; to the department;~~
24 and, if the institution making the report initially is a hospital, to the hospital.

ASSEMBLY BILL 489**SECTION 77**

1 **SECTION 77.** 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and
2 amended to read:

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

8 **SECTION 78.** 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

9 **SECTION 79.** 48.981 (7) (a) 1m. of the statutes is renumbered 48.981 (7g) (am)
10 and amended to read:

11 48.981 **(7g)** (am) Request of reporter. A reporter described in sub. ~~(3) (e) 6m.~~ (3g)
12 (fm) who makes a written request to an agency for information regarding what
13 action, if any, was taken to protect the health and welfare of the child or unborn child
14 who is the subject of the report, unless a court order under sub. ~~(3) (e) 6m.~~ (3g) (fm)
15 prohibits disclosure of that information to that reporter, except that the only
16 information that may be disclosed is information in the record regarding what action,
17 if any, was taken to protect the health and welfare of the child or unborn child who
18 is the subject of the report.

19 **SECTION 80.** 48.981 (7) (a) 2. of the statutes is renumbered 48.981 (7d) (b).

20 **SECTION 81.** 48.981 (7) (a) 2m. of the statutes is renumbered 48.981 (7g) (bm)
21 and amended to read:

22 48.981 **(7g)** (bm) Intake or dispositional staff. A person authorized to provide
23 or providing intake or dispositional services for the court under s. 48.067, 48.069 or,
24 48.10, 938.067, 938.069, or 938.10.

25 **SECTION 82.** 48.981 (7) (a) 2r. of the statutes is repealed.

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1 **SECTION 83.** 48.981 (7) (a) 3. of the statutes is renumbered 48.981 (7d) (c).

2 **SECTION 84.** 48.981 (7) (a) 3m. of the statutes is renumbered 48.981 (7d) (cm).

3 **SECTION 85.** 48.981 (7) (a) 4. of the statutes is renumbered 48.981 (7d) (d) and
4 amended to read:

5 48.981 (7d) (d) Foster parent or other physical custodian. A child's foster parent
6 or other person having physical custody of the child or a person having physical
7 custody of the expectant mother of an unborn child, except that the person or agency
8 maintaining the record or report may not disclose any information that would
9 identify the reporter.

10 **SECTION 86.** 48.981 (7) (a) 4m. of the statutes is renumbered 48.981 (7d) (dm)
11 and amended to read:

12 48.981 (7d) (dm) Relative. A relative of a child placed outside of his or her home
13 only to the extent necessary to facilitate the establishment of a relationship between
14 the child and the relative or a placement of the child with the relative or to a person
15 provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In
16 this ~~subdivision~~ paragraph, "relative" includes a relative whose relationship is
17 derived through a parent of the child whose parental rights are terminated.

18 **SECTION 87.** 48.981 (7) (a) 4p. of the statutes is renumbered 48.981 (7d) (dp).

19 **SECTION 88.** 48.981 (7) (a) 5. of the statutes is renumbered 48.981 (7d) (e) and
20 amended to read:

21 48.981 (7d) (e) Community programs and developmental disability services
22 professionals. A professional employee of a county department under s. 51.42 or
23 51.437 who is working with the child or the expectant mother of the unborn child
24 under a contract with or under the supervision of ~~the county department under s.~~

ASSEMBLY BILL 489**SECTION 88**

1 ~~46.22 or, in a county having a population of 500,000 or more, the department or a~~
2 ~~licensed child welfare agency under contract with the department~~ an agency.

3 **SECTION 89.** 48.981 (7) (a) 6. of the statutes is renumbered 48.981 (7d) (f) and
4 amended to read:

5 48.981 **(7d)** (f) Multidisciplinary team. A multidisciplinary child abuse and
6 neglect or unborn child abuse team recognized by the ~~county department or, in a~~
7 ~~county having a population of 500,000 or more, the department or a licensed child~~
8 ~~welfare agency under contract with the department~~ agency.

9 **SECTION 90.** 48.981 (7) (a) 6m. of the statutes is renumbered 48.981 (7d) (fm)
10 and amended to read:

11 48.981 **(7d)** (fm) Child advocacy center. A person employed by a child advocacy
12 center recognized by the county board, ~~the county department or, in a county having~~
13 ~~a population of 500,000 or more, the department or a licensed child welfare agency~~
14 ~~under contract with the department~~ or the agency, to the extent necessary to perform
15 the services for which the center is recognized by ~~the county board, the county~~
16 ~~department, the department or the licensed child welfare agency.~~

17 **SECTION 91.** 48.981 (7) (a) 8. of the statutes is renumbered 48.981 (7d) (h) and
18 amended to read:

19 48.981 **(7d)** (h) Law enforcement authorities. A law enforcement officer ~~or,~~ law
20 enforcement agency, ~~or~~ ~~a~~ district attorney for purposes of investigation or
21 prosecution.

22 **SECTION 92.** 48.981 (7) (a) 8m. of the statutes is renumbered 48.981 (7d) (hm)
23 2. and amended to read:

24 48.981 **(7d)** (hm) 2. The department of corrections, the department of health
25 services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, or any

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1 other person under contract with the department of corrections, the department of
2 health services, or a county department under s. 46.215, 46.22, 46.23, 51.42, or
3 51.437 to exercise custody or supervision over a person who is subject to community
4 placement for purposes of investigating or providing services to a person who is
5 subject to community placement and who is the subject of a report. In making its
6 investigation, the department of corrections, department of health services, county
7 department, or other person shall cooperate with the agency making the
8 investigation under sub. ~~(3) (c) or (d)~~ (3g) to (3m).

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

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

22 **SECTION 94.** 48.981 (7) (a) 9. of the statutes is renumbered 48.981 (7d) (i).

23 **SECTION 95.** 48.981 (7) (a) 10. of the statutes is renumbered 48.981 (7d) (j) and
24 amended to read:

ASSEMBLY BILL 489**SECTION 95**

1 48.981 (7d) (j) *Juvenile court proceedings.* A court conducting proceedings
2 under s. 48.21 or, 48.213, ~~a court conducting or 938.21,~~ proceedings related to a
3 petition under s. 48.13, 48.133, or 48.42 or ~~a court conducting under ch. 938, or~~
4 dispositional proceedings under subch. VI or VIII or under subch. VI of ch. 938 in
5 which an issue is the abuse or neglect of the child or the abuse of the unborn child
6 who is the subject of the report or record ~~or abuse of the unborn child who is the~~
7 ~~subject of the report or record is an issue~~ or the substantial risk of abuse or neglect
8 of a child who, during the period covered by the report or record, was in the home of
9 the child who is the subject of the report or record.

10 **SECTION 96.** 48.981 (7) (a) 10g. of the statutes is repealed.

11 **SECTION 97.** 48.981 (7) (a) 10j. of the statutes is repealed.

12 **SECTION 98.** 48.981 (7) (a) 10m. of the statutes is renumbered 48.981 (7d) (k)
13 and amended to read:

14 48.981 (7d) (k) *Tribal court proceedings.* A tribal court, or other adjudicative
15 body authorized by an Indian tribe to perform child welfare functions, that exercises
16 jurisdiction over children and unborn children alleged to be in need of protection or
17 services for use in proceedings in which an issue is abuse or neglect of the child or
18 abuse of the unborn child who is the subject of the report or record ~~or abuse of the~~
19 ~~unborn child who is the subject of the report or record is an issue~~ or the substantial
20 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.

22 **SECTION 99.** 48.981 (7) (a) 10r. of the statutes is repealed.

23 **SECTION 100.** 48.981 (7) (a) 11. of the statutes is renumbered 48.981 (7d) (L)
24 and amended to read:

ASSEMBLY BILL 489**SECTION 100**

1 48.981 (7d) (L) Attorneys and guardians ad litem; juvenile court proceedings.

2 The county corporation counsel or district attorney representing the interests of the
3 public, the agency legal counsel, and the counsel or guardian ad litem representing
4 the interests of a child in proceedings under subd. 10., 10g. or 10j. and the guardian
5 ad litem representing the interests of or an unborn child in proceedings under subd.
6 10. par. (j).

7 **SECTION 101.** 48.981 (7) (a) 11m. of the statutes is renumbered 48.981 (7d) (Lm)
8 and amended to read:

9 48.981 (7d) (Lm) Attorneys and guardians ad litem; tribal court proceedings.

10 An attorney representing the interests of an Indian tribe ~~in proceedings under subd.~~
11 ~~10m. or 10r.,~~ or of an Indian child ~~in proceedings under subd. 10m. or 10r. or of~~ or an
12 Indian unborn child, as defined in sub. (3f) (a) 1., in proceedings under subd. ~~10m.~~
13 par. (k).

14 **SECTION 102.** 48.981 (7) (a) 11r. of the statutes is renumbered 48.981 (7d) (Lr).

15 **SECTION 103.** 48.981 (7) (a) 12. of the statutes is renumbered 48.981 (7d) (m).

16 **SECTION 104.** 48.981 (7) (a) 13. of the statutes is renumbered 48.981 (7d) (n)

17 and amended to read:

18 48.981 (7d) (n) Stepparent adoption screening. The department, a county
19 department under s. 48.57 (1) (e) or (hm), or a licensed child welfare agency ordered
20 to conduct a screening or an investigation of a stepparent under s. 48.88 (2) (c).

21 **SECTION 105.** 48.981 (7) (a) 14. of the statutes is renumbered 48.981 (7d) (o) and
22 amended to read:

23 48.981 (7d) (o) Grand jury. A grand jury if ~~it~~ the grand jury determines that
24 access to specified records is necessary for the conduct of its official business.

25 **SECTION 106.** 48.981 (7) (a) 14m. of the statutes is renumbered 48.981 (7d) (om).

ASSEMBLY BILL 489**SECTION 107**

1 **SECTION 107.** 48.981 (7) (a) 15. of the statutes is renumbered 48.981 (7d) (p) and
2 amended to read:

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

7 **SECTION 108.** 48.981 (7) (a) 15g. of the statutes is renumbered 48.981 (7d) (pg).

8 **SECTION 109.** 48.981 (7) (a) 15m. of the statutes is renumbered 48.981 (7d) (pm)
9 and amended to read:

10 48.981 **(7d)** (pm) Death investigation. A coroner, medical examiner or,
11 pathologist, or other physician investigating the cause of death of a child whose
12 death is unexplained or unusual or is associated with unexplained or suspicious
13 circumstances.

14 **SECTION 110.** 48.981 (7) (a) 17. of the statutes is renumbered 48.981 (7d) (r) and
15 amended to read:

16 48.981 **(7d)** (r) Federal, state, or local agencies. A federal agency, state agency
17 of this state or any other state, or local governmental unit located in this state or any
18 other state that has a need for a report or record in order to carry out its responsibility
19 to protect children from abuse or neglect or to protect unborn children from abuse.

20 **SECTION 111.** 48.981 (7) (am) of the statutes is renumbered 48.981 (3f) (c) and
21 amended to read:

22 48.981 **(3f)** (c) Disclosure to tribal social services department. Notwithstanding
23 ~~par. (a) (intro.) sub. (7),~~ a tribal agent who receives notice under ~~sub. (3) par. (bm)~~ may
24 disclose the notice to a tribal social services department.

ASSEMBLY BILL 489**SECTION 112**

1 **SECTION 112.** 48.981 (7) (b) of the statutes is renumbered 48.981 (7g) (b) and
2 amended to read:

3 48.981 **(7g)** (b) Authorization of parent. ~~Notwithstanding par. (a), either~~ Either
4 parent of a child who is the subject of a report may authorize the disclosure of a record
5 relating to that report for use in a child custody proceeding under s. 767.41 or 767.451
6 or in an adoption proceeding under s. 48.833, 48.835, 48.837, or 48.839 ~~when the~~
7 ~~child has been the subject of a report.~~ Any information that would identify a reporter
8 shall be deleted before disclosure of a record under this paragraph.

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

11 48.981 **(7g)** (c) Authorization of subject. ~~Notwithstanding par. (a), the~~ The
12 subject of a report may authorize the disclosure of a record to the subject's attorney.
13 The authorization shall be in writing. Any information that would identify a reporter
14 shall be deleted before disclosure of a record under this paragraph.

15 **SECTION 114.** 48.981 (7) (cm) of the statutes is renumbered 48.981 (7g) (cm) and
16 amended to read:

17 48.981 **(7g)** (cm) Abuse or harassment restraining order proceedings.
18 ~~Notwithstanding par. (a), an~~ An agency may disclose information from its records for
19 use in proceedings under s. 48.25 (6), 813.122, or 813.125.

20 **SECTION 115.** 48.981 (7) (cp) of the statutes is renumbered 48.981 (7g) (cp) and
21 amended to read:

22 48.981 **(7g)** (cp) Background check. ~~Notwithstanding par. (a), an~~ An agency
23 may disclose a determination made before January 1, 2015, that a person has abused
24 or neglected a child for purposes of a background check under s. 48.685 or 50.065 only
25 if that determination has not been reversed or modified on appeal and may disclose

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1 such a determination made on or after January 1, 2015, for those purposes only as
2 provided in sub. (3) ~~(e) 5r (3g) (h) 2~~. Nothing in this paragraph prevents the
3 disclosure of a report or record as otherwise permitted under this subsection.

4 **SECTION 116.** 48.981 (7) (cr) 1. (intro.) of the statutes is renumbered 48.981 (7m)
5 (a) (intro.) and amended to read:

6 48.981 (7m) (a) *Definitions.* (intro.) In this ~~paragraph~~ subsection:

7 **SECTION 117.** 48.981 (7) (cr) 1. a. and b. of the statutes are renumbered 48.981
8 (7m) (a) 1. and 2.

9 **SECTION 118.** 48.981 (7) (cr) 2. (intro.) of the statutes is renumbered 48.981 (7m)
10 (b) (intro.) and amended to read:

11 48.981 (7m) (b) *Information to department.* (intro.) Notwithstanding ~~par. (a)~~
12 sub. (7), if an agency that receives a report under sub. (3) has reason to suspect that
13 an incident of death or serious injury or an incident of egregious abuse or neglect has
14 occurred, within 2 working days after determining that such an incident is suspected
15 to have occurred the agency shall provide all of the following information to the
16 subunit of the department responsible for statewide oversight of child abuse and
17 neglect programs:

18 **SECTION 119.** 48.981 (7) (cr) 2. a. to f. of the statutes are renumbered 48.981
19 (7m) (b) 1. to 6.

20 **SECTION 120.** 48.981 (7) (cr) 3. of the statutes is renumbered 48.981 (7m) (c) and
21 amended to read:

22 48.981 (7m) (c) *Disclosure of information to public; summary report.* 1. Within
23 2 working days after receiving the information provided under ~~subd. 2. par. (b)~~, the
24 subunit of the department that received the information shall disclose to the public
25 the fact that the subunit has received the information; whether the department is

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1 conducting a review of the incident and, if so, the scope of the review and the
2 identities of any other agencies with which the department is cooperating at that
3 point in conducting the review; whether the child was residing in the home or was
4 placed in an out-of-home placement at the time of the incident; and information
5 about the child, including the age of the child. If the information received is about
6 an incident of egregious abuse or neglect, the subunit of the department shall make
7 the same disclosure to a citizen review panel, as described in ~~par. (a) 15g.~~ sub. (7d)
8 (pg), and, in a county having a population of ~~500,000~~ 750,000 or more, to the
9 Milwaukee child welfare partnership council.

10 2. Within 90 days after receiving the information provided under ~~subd. 2.~~ par.
11 (b), the subunit of the department that received the information shall prepare,
12 transmit to the governor and to the appropriate standing committees of the
13 legislature under s. 13.172 (3), and make available to the public a summary report
14 that contains the information specified in ~~subd. 4. or 5.~~ par. (d) or (e), whichever is
15 applicable. That subunit may also include in the summary report a summary of any
16 actions taken by the agency in response to the incident and of any changes in policies
17 or practices that have been made to address any issues raised in the review and
18 recommendations for any further changes in policies, practices, rules, or statutes
19 that may be needed to address those issues. If the subunit does not include those
20 actions or changes and recommended changes in the summary report, the subunit
21 shall prepare, transmit to the governor and to the appropriate standing committees
22 of the legislature under s. 13.172 (3), and make available to the public a report of
23 those actions or changes and recommended changes within 6 months after receiving
24 the information provided under ~~subd. 2.~~ par. (b). Those committees shall review all
25 summary reports and reports of changes and recommended changes transmitted

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1 under this ~~subd. 3. b.~~ subdivision, conduct public hearings on those reports no less
2 often than annually, and submit recommendations to the department regarding
3 those reports.

4 3. ~~Subdivision 3. a. and b. does~~ Subdivisions 1. and 2. do not preclude the
5 subunit of the department that prepares the summary report from releasing to the
6 governor, to the appropriate standing committees of the legislature under s. 13.172
7 (3), or to the public any of the information specified in ~~subd. 4. or 5. par. (d) or (e)~~
8 before the summary report is transmitted to the governor and to those committees
9 and made available to the public; adding to or amending a summary report if new
10 information specified in ~~subd. 4. or 5. par. (d) or (e)~~ is received after the summary
11 report is transmitted to the governor and to those committees and made available
12 to the public; or releasing to the governor, to those committees, and to the public any
13 information at any time to correct any inaccurate information reported in the news
14 media.

15 **SECTION 121.** 48.981 (7) (cr) 4. (intro.) of the statutes is renumbered 48.981
16 (7m) (d) (intro.) and amended to read:

17 48.981 **(7m)** (d) Summary report; child residing in home. (intro.) If the child
18 was residing in his or her home when the incident of death or serious injury or the
19 incident of egregious abuse or neglect occurred, the summary report under ~~subd. 3.~~
20 par. (c) 2. shall contain all of the following:

21 **SECTION 122.** 48.981 (7) (cr) 4. a. to d. of the statutes are renumbered 48.981
22 (7m) (d) 1. to 4.

23 **SECTION 123.** 48.981 (7) (cr) 4. e. of the statutes is renumbered 48.981 (7m) (d)
24 5. and amended to read:

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1 48.981 (7m) (d) 5. The date of the incident and the suspected cause of the death,
2 serious injury, or egregious abuse or neglect of the child, as reported by the agency
3 under ~~subd. 2. e. par. (b) 3.~~

4 **SECTION 124.** 48.981 (7) (cr) 4. f. and g. of the statutes are renumbered 48.981
5 (7m) (d) 6. and 7.

6 **SECTION 125.** 48.981 (7) (cr) 5. (intro.) of the statutes is renumbered 48.981
7 (7m) (e) (intro.) and amended to read:

8 48.981 (7m) (e) *Summary report; child in out-of-home care.* (intro.) If the child
9 was placed in an out-of-home placement under this chapter or ch. 938 at the time
10 of the incident of death or serious injury or incident of egregious abuse or neglect, the
11 summary report under ~~subd. 3. par. (c) 2.~~ shall contain all of the following:

12 **SECTION 126.** 48.981 (7) (cr) 5. a. to d. of the statutes are renumbered 48.981
13 (7m) (e) 1. to 4.

14 **SECTION 127.** 48.981 (7) (cr) 5. e. of the statutes is renumbered 48.981 (7m) (e)
15 5. and amended to read:

16 48.981 (7m) (e) 5. The date of the incident and the suspected cause of the death,
17 serious injury, or egregious abuse or neglect of the child, as reported by the agency
18 under ~~subd. 2. e. par. (b) 3.~~

19 **SECTION 128.** 48.981 (7) (cr) 5. f. of the statutes is renumbered 48.981 (7m) (e)
20 6.

21 **SECTION 129.** 48.981 (7) (cr) 6. (intro.) of the statutes is renumbered 48.981
22 (7m) (f) (intro.) and amended to read:

23 48.981 (7m) (f) *Information prohibited from disclosure.* (intro.) A summary
24 report or other release or disclosure of information under ~~subd. 3. par. (c)~~ may not
25 include any of the following:

ASSEMBLY BILL 489**SECTION 130**

1 **SECTION 130.** 48.981 (7) (cr) 6. a. to e. of the statutes are renumbered 48.981
2 (7m) (f) 1. to 5.

3 **SECTION 131.** 48.981 (7) (cr) 7. (intro.) of the statutes is renumbered 48.981
4 (7m) (g) (intro.) and amended to read:

5 48.981 **(7m)** (g) *Disclosure of information; when prohibited.* (intro.) The
6 subunit of the department that prepares a summary report or otherwise transmits,
7 releases, or discloses information under ~~subd. 3.~~ par. (c) may not transmit the
8 summary report to the governor and to the appropriate standing committees of the
9 legislature under s. 13.172 (3), make the summary report available to the public, or
10 transmit, release, or disclose the information to the governor, to those standing
11 committees, or to the public if the subunit determines that transmitting or making
12 the summary report available or transmitting, releasing, or disclosing the
13 information would jeopardize any of the following:

14 **SECTION 132.** 48.981 (7) (cr) 7. a. and b. of the statutes are renumbered 48.981
15 (7m) (g) 1. and 2.

16 **SECTION 133.** 48.981 (7) (cr) 8. of the statutes is renumbered 48.981 (7m) (h)
17 and amended to read:

18 48.981 **(7m)** (h) *Request or petition for information.* If the department fails to
19 disclose to the governor, to the appropriate standing committees of the legislature
20 under s. 13.172 (3), or to the public any information that the department is required
21 to disclose under this ~~paragraph~~ subsection, any person may request the department
22 to disclose that information. If the person's request is denied, the person may
23 petition the court to order the disclosure of that information. On receiving a petition
24 under this ~~subdivision~~ paragraph, the court shall notify the department, the agency,
25 the district attorney, the child, and the child's parent, guardian, or legal custodian

ASSEMBLY BILL 489**SECTION 133**

1 of the petition. If any person notified objects to the disclosure, the court may hold
2 a hearing to take evidence and hear argument relating to the disclosure of the
3 information. The court shall make an in camera inspection of the information sought
4 to be disclosed and shall order disclosure of the information, unless the court finds
5 that any of the circumstances specified in ~~subd. 6. or 7.~~ par. (f) or (g) apply.

6 **SECTION 134.** 48.981 (7) (cr) 9. of the statutes is renumbered 48.981 (7m) (i) and
7 amended to read:

8 48.981 **(7m)** (i) *Immunity from liability.* Any person acting in good faith in
9 providing information under ~~subd. 2.~~ par. (b), in preparing, transmitting, or making
10 available a summary report under ~~subd. 3.~~ par. (c), or in otherwise transmitting,
11 releasing, or disclosing information under ~~subd. 3.~~ par. (c), is immune from any
12 liability, civil or criminal, that may result by reason of those actions. For purposes
13 of any proceeding, civil or criminal, the good faith of a person in providing
14 information under ~~subd. 2.~~ par. (b), in preparing, transmitting, or making available
15 a summary report under ~~subd. 3.~~ par. (c), or in otherwise transmitting, releasing, or
16 disclosing information under ~~subd. 3.~~ par. (c) shall be presumed.

17 **SECTION 135.** 48.981 (7) (d) of the statutes is renumbered 48.981 (7g) (d) and
18 amended to read:

19 48.981 **(7g)** (d) *Access by department.* ~~Notwithstanding par. (a),~~ An agency
20 shall permit the department may to have access to any report or record maintained
21 by ~~an~~ the agency under this section.

22 **SECTION 136.** 48.981 (7) (dm) of the statutes is renumbered 48.981 (7g) (dm)
23 and amended to read:

24 48.981 **(7g)** (dm) *Statewide automated child welfare information system.*
25 ~~Notwithstanding par. (a), an~~ An agency may enter the content of any report or record

ASSEMBLY BILL 489**SECTION 136**

1 maintained by the agency into the statewide automated child welfare information
2 system established under s. 48.47 (7g).

3 **SECTION 137.** 48.981 (7) (e) of the statutes is renumbered 48.981 (7r) (a) and
4 amended to read:

5 48.981 (7r) (a) *Further disclosure prohibited.* A person to whom a report or
6 record is disclosed under ~~this subsection~~ sub. (3f) (c), (7d), (7g), or (7m) may not
7 further disclose ~~it~~ the report or record, except to the persons and for the purposes
8 specified in ~~this section~~ those provisions.

9 **SECTION 138.** 48.981 (7) (f) of the statutes is renumbered 48.981 (7r) (b) and
10 amended to read:

11 48.981 (7r) (b) *Penalty.* Any person who violates ~~this subsection~~ sub. (7), (7d),
12 (7g), or (7m), or who permits or encourages the unauthorized dissemination or use
13 of information contained in reports and records made under this section, may be
14 fined not more than \$1,000 or imprisoned not more than 6 months or both.

15 **SECTION 139.** 48.981 (7d) (intro.) of the statutes is created to read:

16 48.981 (7d) CONFIDENTIALITY; EXCEPTIONS. (intro.) Notwithstanding sub. (7),
17 reports made under this section and records maintained by an agency or by any other
18 person may be disclosed to any of the following persons:

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

20 48.981 (7d) (a) (title) *Subject of report.*

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

22 48.981 (7d) (b) (title) *Agency staff.*

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

24 48.981 (7d) (c) (title) *Attending physician.*

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

ASSEMBLY BILL 489**SECTION 143**

1 48.981 (7d) (cm) (title) *Parent, guardian, legal custodian, or expectant mother.*

2 **SECTION 144.** 48.981 (7d) (dp) (title) of the statutes is created to read:

3 48.981 (7d) (dp) (title) *Adoption or foster home licensing agency.*

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

5 48.981 (7d) (hm) (title) *Correctional community placements.*

6 **SECTION 146.** 48.981 (7d) (i) (title) of the statutes is created to read:

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

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

9 48.981 (7d) (Lr) (title) *Court-appointed special advocate.*

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

11 48.981 (7d) (m) (title) *Researcher.*

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

13 48.981 (7d) (om) (title) *John Doe proceeding.*

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

15 48.981 (7d) (pg) (title) *Citizen review panel.*

16 **SECTION 151.** 48.981 (7g) (intro.) of the statutes is created to read:

17 48.981 (7g) CONFIDENTIALITY; FURTHER EXCEPTIONS. (intro.) Notwithstanding

18 sub. (7), reports made under this section and records maintained by an agency or by

19 any other person may also be disclosed as follows:

20 **SECTION 152.** 48.981 (7m) (title) of the statutes is created to read:

21 48.981 (7m) (title) DEATH, SERIOUS INJURY, OR OTHER EGREGIOUS INCIDENTS; PUBLIC

22 DISCLOSURE.

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

24 48.981 (7r) (title) FURTHER DISCLOSURE PROHIBITED; PENALTIES.

25 **SECTION 154.** 48.981 (8) (a) of the statutes is amended to read:

ASSEMBLY BILL 489**SECTION 154**

1 48.981 (8) (a) Education and training programs. ~~The department, the county~~
2 ~~departments, and a licensed child welfare agency under contract with the~~
3 ~~department in a county having a population of 500,000 or more to~~ To the extent
4 feasible, agencies shall conduct continuing education and training programs for staff
5 of the department, the county departments, licensed child welfare agencies under
6 contract with the department or a county department, agency staff, staff of law
7 enforcement agencies, and the tribal social services departments, persons and
8 officials required to report, the general public, and others as appropriate and shall
9 develop public information programs about child abuse and neglect and unborn child
10 abuse. The programs shall be designed to encourage reporting of child abuse and
11 neglect and of unborn child abuse, to encourage self-reporting and voluntary
12 acceptance of services, and to improve communication, cooperation, and
13 coordination in the identification, prevention, and treatment of child abuse and
14 neglect and of unborn child abuse. Programs provided for agency staff of the
15 department, county departments, and licensed child welfare agencies under contract
16 with county departments or the department whose responsibilities include the
17 investigation or treatment of child abuse or neglect shall also be designed to provide
18 information on means of recognizing and appropriately responding to domestic
19 abuse, as defined in s. 49.165 (1) (a). ~~The department, the county departments, and~~
20 ~~a licensed child welfare agency under contract with the department in a county~~
21 ~~having a population of 500,000 or more shall develop public information programs~~
22 ~~about child abuse and neglect and about unborn child abuse.~~

23 **SECTION 155.** 48.981 (8) (b) of the statutes is amended to read:

24 48.981 (8) (b) Program development and coordination. The department shall
25 ~~to~~ To the extent feasible, the department shall ensure that there are available in the

ASSEMBLY BILL 489**SECTION 155**

1 state administrative procedures, personnel trained in child abuse and neglect and
2 in unborn child abuse, multidisciplinary programs, and operational procedures and
3 capabilities to deal effectively with child abuse and neglect cases and with unborn
4 child abuse cases. These procedures and capabilities may include, ~~but are not limited~~
5 ~~to,~~ receipt, investigation and verification of reports; determination of treatment or
6 ameliorative social services; or referral to the appropriate court.

7 **SECTION 156.** 48.981 (8) (c) of the statutes is amended to read:

8 48.981 (8) (c) *Contracting for programming.* In meeting its responsibilities
9 under par. (a) or (b), ~~the department, a county department or a licensed child welfare~~
10 ~~agency under contract with the department in a county having a population of~~
11 ~~500,000 or more~~ an agency may contract with any public or private organization
12 which that meets the standards set by the department. In entering into the contracts
13 ~~the department, county department or licensed child welfare~~ an agency shall give
14 priority to parental organizations combating child abuse and neglect or unborn child
15 abuse.

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

17 48.981 (8) (d) (title) *Staff training required.*

18 **SECTION 158.** 48.981 (9) (b) 1. of the statutes is amended to read:

19 48.981 (9) (b) 1. Within 30 days after the end of each calendar quarter, the
20 department shall prepare and transmit to the governor, and to the appropriate
21 standing committees of the legislature under s. 13.172 (3), a summary report of all
22 reports received by the department under sub. (3) (e) ~~8.~~ (3g) (h) 3. during the previous
23 calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who is placed
24 in the home of a foster parent or relative other than a parent or in a group home,
25 shelter care facility, or residential care center for children and youth. For each report

ASSEMBLY BILL 489**SECTION 158**

1 included in the summary report the department shall provide the number of
2 incidents of abuse reported; the dates of those incidents; the county in which those
3 incidents occurred; the age or age group of the child who is the subject of the report;
4 the type of placement in which the child was placed at the time of the incident;
5 whether it was determined under sub. ~~(3)(e)~~ 4. (3g)(d) that abuse occurred; and, if
6 so, the nature of the relationship between the child and the person who abused the
7 child, but may not provide any of the information specified in sub. ~~(7)(er) 6.~~ (7m)(f)
8 or any information that would jeopardize an investigation, prosecution, or
9 proceeding described in sub. ~~(7)(er) 7. a. or b.~~ (7m)(g) 1. or 2.

10 **SECTION 159.** 48.981 (9) (b) 2. of the statutes is amended to read:

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

22 **SECTION 160.** 48.981 (10) of the statutes is renumbered 48.981 (3f) (d) and
23 amended to read:

ASSEMBLY BILL 489**SECTION 160**

1 48.981 **(3f)** (d) *Current list of tribal agents.* The department shall annually
2 provide to each agency described in sub. ~~(3) (bm)~~ ~~(intro.)~~ a current list of all tribal
3 agents in the state.

4 **SECTION 161.** 48.983 (1) (b) 1. b. of the statutes is amended to read:

5 48.983 **(1)** (b) 1. b. An Indian child who has been the subject of a report under
6 s. 48.981 about which an Indian tribe that has received a grant under this section has
7 received notice, including but not limited to notice provided to a tribal agent under
8 s. 48.981 ~~(3) (3f)~~ (3f) (bm), and with respect to whom an individual designated by the
9 Indian tribe has determined that all of the conditions in subd. 2. exist.

10 **SECTION 162.** 48.983 (6) (b) 4. of the statutes is amended to read:

11 48.983 **(6)** (b) 4. 'Nonentitlement.' No individual is entitled to any payment
12 from a fund established under subd. 1. or 2. Nothing in this section shall be construed
13 as requiring a county, private agency, or Indian tribe to make a determination
14 described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be
15 construed to be a determination described in s. 48.981 ~~(3) (e) 4.~~ (3g) (d).

16 **SECTION 163.** 50.065 (2) (am) 4. of the statutes is amended to read:

17 50.065 **(2)** (am) 4. Information maintained by the department regarding any
18 final determination under s. 48.981 ~~(3) (e) 5m.~~ (3g) (e) or, if a contested case hearing
19 is held on such a determination, any final decision under s. 48.981 ~~(3) (e) 5p.~~ (3g) (em)
20 that the person has abused or neglected a child.

21 **SECTION 164.** 50.065 (2) (b) 4. of the statutes is amended to read:

22 50.065 **(2)** (b) 4. Information maintained by the department regarding any final
23 determination under s. 48.981 ~~(3) (e) 5m.~~ (3g) (e) or, if a contested case hearing is held
24 on such a determination, any final decision under s. 48.981 ~~(3) (e) 5p.~~ (3g) (em) that
25 the person has abused or neglected a child.

ASSEMBLY BILL 489**SECTION 165**

1 **SECTION 165.** 50.065 (4m) (a) 4. of the statutes is amended to read:

2 50.065 **(4m)** (a) 4. That a final determination has been made under s. 48.981
3 ~~(3) (e) 5m. (3g) (e)~~ or, if a contested case hearing is held on such a determination, a
4 final decision has been made under s. 48.981 ~~(3) (e) 5p. (3g) (em)~~ that the person has
5 abused or neglected a child.

6 **SECTION 166.** 50.065 (4m) (b) 4. of the statutes is amended to read:

7 50.065 **(4m)** (b) 4. That a final determination has been made under s. 48.981
8 ~~(3) (e) 5m. (3g) (e)~~ or, if a contested case hearing is held on such a determination, a
9 final decision has been made under s. 48.981 ~~(3) (e) 5p. (3g) (em)~~ that the person has
10 abused or neglected a child.

11 **SECTION 167.** 51.30 (4) (b) 17. of the statutes is amended to read:

12 51.30 **(4)** (b) 17. To the elder-adult-at-risk agency designated under s. 46.90
13 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90 (4) and
14 (5), to an agency, as defined in s. 48.981 (1) (ag), or a sheriff or police department for
15 the purposes of s. 48.981 (2) and (3) to (3m), or to the adult-at-risk agency designated
16 under s. 55.043 (1d) for purposes of s. 55.043. The treatment record holder may
17 release treatment record information by initiating contact with the
18 elder-adult-at-risk agency, agency, as defined in s. 48.981 (1) (ag), sheriff or police
19 department, or adult-at-risk agency, without first receiving a request for release of
20 the treatment record.

21 **SECTION 168.** 118.07 (5) of the statutes is amended to read:

22 118.07 **(5)** Each school board shall require every ~~employee of~~ person described
23 in s. 48.981 (2) (ar) 14. who is affiliated with the school district governed by the school
24 board to receive training provided by the department in identifying children who
25 have been abused or neglected or who are victims of human trafficking and in the

ASSEMBLY BILL 489**SECTION 168**

1 laws and procedures under s. 48.981 governing the reporting of suspected or
2 threatened child abuse and neglect. A school district employee shall receive that
3 training within the first 6 months after commencing employment with the school
4 district and at least once every 5 years after that initial training.

5 **SECTION 169.** 146.82 (2) (a) 11. and 18m. of the statutes are amended to read:

6 146.82 (2) (a) 11. To an agency, as defined in s. 48.981 (1) (ag), a sheriff or police
7 department, or a district attorney for purposes of investigation of threatened or
8 suspected child abuse or neglect or suspected unborn child abuse or for purposes of
9 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
11 care provider may release information by initiating contact with an agency, sheriff
12 or police department, or district attorney without receiving a request for release of
13 the information. A person to whom a report or record is disclosed under this
14 subdivision may not further disclose the report or record, except to the persons, for
15 the purposes, and under the conditions specified 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
17 has been placed in a foster home, group home, residential care center for children and
18 youth, or juvenile correctional facility or in a supervised independent living
19 arrangement, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or
20 for whom placement in a foster home, group home, residential care center for
21 children and youth, or juvenile correctional facility or in a supervised independent
22 living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c),
23 or 938.33 (3) or (4), to an agency with placement and care responsibility of the child
24 or juvenile under s. 48.21 (5) (b) 1. d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.357 (2v)
25 (a) 1m., 48.43 (1) (am), 48.63 (1), 938.21 (5) (b) 1. d., 938.32 (1) (c) 1. d., 938.355 (2)

ASSEMBLY BILL 489**SECTION 169**

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

17 **SECTION 170.** 895.442 (1) (a) of the statutes is amended to read:

18 895.442 (1) (a) "Member of the clergy" has the meaning given in s. 48.981 (1)
19 ~~(ex)~~ (2) (bm) 1d. c.

20 **SECTION 171.** 895.442 (5) of the statutes is amended to read:

21 895.442 (5) SILENCE AGREEMENTS. Any contract or agreement concerning the
22 settlement of any claim under this section that limits or eliminates the right of the
23 injured person to disclose the sexual contact described under sub. (2) to another
24 member of the religious organization to which the member of the clergy under sub.

ASSEMBLY BILL 489**SECTION 171**

1 (2) belongs, to a therapist, as defined in s. 895.441 (1) (e), to a person listed under s.
2 48.981 (2) ~~(a)~~ (ar), or to a district attorney, is void.

3 **SECTION 172.** 905.06 (4) of the statutes is amended to read:

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

8 **SECTION 173.** 948.03 (6) of the statutes is amended to read:

9 948.03 (6) TREATMENT THROUGH PRAYER. A person is not guilty of an offense
10 under this section solely because he or she provides a child with treatment by
11 spiritual means through prayer alone for healing in accordance with the religious
12 method of healing permitted under s. 48.981 (3) ~~(e)~~ 4. (3g) (d) or 448.03 (6) in lieu of
13 medical or surgical treatment.

14 (END)