



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1792/3
EHS:kjf&amn

2015 BILL

1 **AN ACT to repeal** 48.02 (14g), 48.981 (2) (a) 15., 16. and 16m., 48.981 (2m), 48.981
2 (3) (c) 9., 48.981 (3m) (d), 48.981 (7) (a) 2r., 48.981 (7) (a) 10g., 48.981 (7) (a) 10j.
3 and 48.981 (7) (a) 10r.; **to renumber** 48.981 (1) (ct), 48.981 (1) (cv), 48.981 (1)
4 (cx), 48.981 (1) (i), 48.981 (2) (a) 17. to 29., 48.981 (3) (a) 2. a. to d., 48.981 (3)
5 (c) 2., 48.981 (3) (c) 2m., 48.981 (3) (c) 5., 48.981 (7) (a) 1., 48.981 (7) (a) 2., 48.981
6 (7) (a) 3., 48.981 (7) (a) 3m., 48.981 (7) (a) 4p., 48.981 (7) (a) 9., 48.981 (7) (a) 11r.,
7 48.981 (7) (a) 12., 48.981 (7) (a) 14m., 48.981 (7) (a) 15g., 48.981 (7) (cr) 1. a. and
8 b., 48.981 (7) (cr) 2. a. to f., 48.981 (7) (cr) 4. a. to d., 48.981 (7) (cr) 4. f. and g.,
9 48.981 (7) (cr) 5. a. to d., 48.981 (7) (cr) 5. f., 48.981 (7) (cr) 6. a. to e. and 48.981
10 (7) (cr) 7. a. and b.; **to renumber and amend** 48.981 (1) (b), 48.981 (2) (a)
11 (intro.) and 1. to 14., 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d.,
12 48.981 (3) (a) 2g., 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3) (b), 48.981 (3) (bm),
13 48.981 (3) (c) (title), 48.981 (3) (c) 1. a., 48.981 (3) (c) 1. b., 48.981 (3) (c) 3., 48.981
14 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5p., 48.981 (3) (c) 5r., 48.981 (3) (c) 6.,

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1 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (cm), 48.981 (3)
2 (d), 48.981 (7) (a) (intro.), 48.981 (7) (a) 1m., 48.981 (7) (a) 2m., 48.981 (7) (a) 4.,
3 48.981 (7) (a) 4m., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981
4 (7) (a) 8., 48.981 (7) (a) 8m., 48.981 (7) (a) 8s., 48.981 (7) (a) 10., 48.981 (7) (a)
5 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981 (7) (a) 13., 48.981 (7) (a) 14.,
6 48.981 (7) (a) 15., 48.981 (7) (a) 15m., 48.981 (7) (a) 17., 48.981 (7) (am), 48.981
7 (7) (b), 48.981 (7) (c), 48.981 (7) (cm), 48.981 (7) (cp), 48.981 (7) (cr) 1. (intro.),
8 48.981 (7) (cr) 2. (intro.), 48.981 (7) (cr) 3., 48.981 (7) (cr) 4. (intro.), 48.981 (7)
9 (cr) 4. e., 48.981 (7) (cr) 5. (intro.), 48.981 (7) (cr) 5. e., 48.981 (7) (cr) 6. (intro.),
10 48.981 (7) (cr) 7. (intro.), 48.981 (7) (cr) 8., 48.981 (7) (cr) 9., 48.981 (7) (d), 48.981
11 (7) (dm), 48.981 (7) (e), 48.981 (7) (f) and 48.981 (10); **to consolidate,**
12 **renumber and amend** 48.981 (2) (bm) 1. (intro.), a. and b. and 48.981 (2) (bm)
13 2. (intro.), a. and b.; **to amend** 48.02 (1) (a), 48.02 (1) (g), 48.02 (1) (gm), 48.02
14 (12g), 48.13 (10), 48.13 (10m), 48.13 (11), 48.236 (4) (a), 48.24 (5), 48.375 (4) (b)
15 1g., 48.375 (4) (b) 2., 48.685 (2) (am) 4., 48.685 (2) (b) 1. d., 48.685 (4m) (a) 4.,
16 48.685 (4m) (b) 4., 48.981 (1) (ag), 48.981 (2) (b), 48.981 (2) (bm) 3., 48.981 (2)
17 (c), 48.981 (2) (d), 48.981 (2r), 48.981 (3) (title), 48.981 (3m) (b) 1., 48.981 (3m)
18 (c) (intro.), 48.981 (3m) (c) 1., 48.981 (3m) (c) 2. b., 48.981 (3m) (c) 3., 48.981 (5),
19 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c), 48.981 (9) (b) 1., 48.981 (9) (b) 2.,
20 48.983 (1) (b) 1. b., 48.983 (6) (b) 4., 50.065 (2) (am) 4., 50.065 (2) (b) 4., 50.065
21 (4m) (a) 4., 50.065 (4m) (b) 4., 51.30 (4) (b) 17., 118.07 (5), 146.82 (2) (a) 11. and
22 18m., 895.442 (1) (a), 895.442 (5), 905.06 (4) and 948.03 (6); and **to create**
23 48.981 (1) (bm), 48.981 (2) (ar) 16r., 30. and 31., 48.981 (2) (bm) (title), 48.981
24 (2) (bm) 1d., 48.981 (3d) (a) (title), 48.981 (3d) (b) (title), 48.981 (3d) (bm) (title),
25 48.981 (3d) (c) (title), 48.981 (3f) (title) and (a) (intro.), 48.981 (3g) (a) (title),

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

Reporting of abuse and neglect to law enforcement and the district attorney

Under current law, a county department of social or human services, the Department of Children and Families (DCF), or a licensed child welfare agency (collectively, "agency") is required to report all cases of suspected or threatened sexual abuse to the sheriff or police department within 12 hours after the abuse is reported to the agency. For other cases of suspected or threatened abuse or neglect reported to an agency, the agency is required to adopt a written policy specifying the kinds of reports of suspected or threatened abuse or neglect it will routinely report to local law enforcement authorities. Under this bill, an agency is required to report all cases of suspected or threatened abuse or neglect to the sheriff or police department within 12 hours after the abuse or neglect is reported to the agency.

Under current law, upon receiving a report of abuse or neglect, if the sheriff or police department determines that criminal action is necessary, the sheriff or police department must refer the case to the district attorney for criminal prosecution. Also under current law, each sheriff and police department is required to adopt a written policy specifying the kinds of reports of suspected or threatened sexual abuse it will routinely refer to the district attorney for criminal prosecution. Under this bill, each sheriff and police department is required to adopt a written policy specifying the kinds of reports of any suspected or threatened abuse or neglect the sheriff or police department will routinely refer to the district attorney for criminal prosecution.

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. The bill combines the definition of "physical injury" with the definition of "abuse" and removes the words "severe or frequent" from the phrase "severe or frequent bruising."

Under current law, "abuse" is defined to include the manufacture of methamphetamine under certain circumstances, including in the child's home, on the premises of the child's home, in a motor vehicle located on the premises of a child's home, or when a child is physically present during the manufacture, or under any other circumstances in which a reasonable person should have known that the manufacture of methamphetamine would be seen, smelled, or heard by a child.

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This bill expands the definition of “abuse” to include using, manufacturing, keeping, or distributing any controlled substance or knowingly keeping or maintaining any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is resorted to by persons using controlled substances for the purpose of using these substances under certain circumstances. These circumstances include with a child physically present, in a child’s home, or under any other circumstances in which a reasonable person should have known that the use, manufacture, keeping, or distribution of controlled substances, or that persons under the influence of controlled substances, would be seen, smelled, or heard by a child.

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. The bill removes the phrase “for reasons other than poverty” from the definition of “neglect.”

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

1 **SECTION 1.** 48.02 (1) (a) of the statutes is amended to read:

2 48.02 (1) (a) Physical injury inflicted on a child by other than accidental means,
3 including lacerations, fractured bones, burns, internal injuries, bruising, or great
4 bodily harm, as defined in s. 939.22 (14).

5 **SECTION 2.** 48.02 (1) (g) of the statutes is amended to read:

6 48.02 (1) (g) ~~Manufacturing methamphetamine~~ Using, manufacturing,
7 keeping, or distributing a controlled substance in violation of s. 961.41 (1) (e) ch. 961
8 or keeping or maintaining any structure or place that is resorted to by persons using
9 controlled substances for the purpose of using those substances in violation of s.
10 961.42 (1) under any of the following circumstances:

- 11 1. With a child physically present ~~during the manufacture.~~
- 12 2. In a child’s home, ~~on the premises of a child’s home, or in a motor vehicle~~
13 ~~located on the premises of a child’s home.~~

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1 3. Under any other circumstances in which a reasonable person should have
2 known that the use, manufacture, keeping, or distribution of a controlled substance,
3 or that persons under the influence of controlled substances, would be seen, smelled,
4 or heard by a child.

 ***NOTE: Section 961.42 (1), referred to in par. (g) (intro.), prohibits a person from knowingly keeping or maintaining any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is resorted to by persons using controlled substances in violation of ch. 961 for the purpose of using these substances.

 ***NOTE: I did not add “dwelling” to par. (g) 2. because it means “place of residence,” which is the same as “home.”

 ***NOTE: In par. (g) 3., I phrased it so that a child would see, smell, or hear persons under the influence of controlled substances instead of seeing, smelling, or hearing the keeping of a place resorted to by persons using controlled substances. Let me know if you disagree with this phrasing.

 ***NOTE: The request also added “felt” in addition to “see, hear, or smell,” but I was not sure how a child would feel the use, manufacture, distribution, etc. of controlled substances so I did not use that term.

5 **SECTION 3.** 48.02 (1) (gm) of the statutes is amended to read:

6 48.02 (1) (gm) Emotional damage for which the child’s parent, guardian or legal
7 custodian has neglected, refused or been unable ~~for reasons other than poverty~~ to
8 obtain the necessary treatment or to take steps to ameliorate the symptoms.

 ***NOTE: To be consistent with the definition of “neglect,” this provision is changed to remove “for reasons other than poverty.”

9 **SECTION 4.** 48.02 (12g) of the statutes is amended to read:

10 48.02 (12g) “Neglect” means failure, refusal, or inability on the part of a
11 caregiver, ~~for reasons other than poverty,~~ to provide necessary care, food, clothing,
12 medical or dental care, or shelter so as to seriously endanger the physical health of
13 the child.

14 **SECTION 5.** 48.02 (14g) of the statutes is repealed.

15 **SECTION 6.** 48.13 (10) of the statutes is amended to read:

16 48.13 (10) Whose parent, guardian, or legal custodian neglects, refuses, or is
17 unable ~~for reasons other than poverty~~ to provide necessary care, food, clothing,

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1 medical, or dental care or shelter so as to seriously endanger the physical health of
2 the child;

3 **SECTION 7.** 48.13 (10m) of the statutes is amended to read:

4 48.13 (10m) Whose parent, guardian, or legal custodian is at substantial risk
5 of neglecting, refusing, or being unable for reasons other than poverty to provide
6 necessary care, food, clothing, medical, or dental care or shelter so as to endanger
7 seriously the physical health of the child, based on reliable and credible information
8 that the child's parent, guardian, or legal custodian has neglected, refused, or been
9 unable for reasons other than poverty to provide necessary care, food, clothing,
10 medical, or dental care or shelter so as to endanger seriously the physical health of
11 another child in the home;

12 **SECTION 8.** 48.13 (11) of the statutes is amended to read:

13 48.13 (11) Who is suffering emotional damage for which the parent, guardian,
14 or legal custodian has neglected, refused, or been unable and is neglecting, refusing
15 or unable, for reasons other than poverty, to obtain necessary treatment or to take
16 necessary steps to ameliorate the symptoms;

****NOTE: To be consistent with the definition of "neglect," s. 48.13 (10), (10m), and
(11) are changed to remove "for reasons other than poverty."

17 **SECTION 9.** 48.236 (4) (a) of the statutes is amended to read:

18 48.236 (4) (a) Inspect any reports and records relating to the child who is the
19 subject of the proceeding, the child's family, and any other person residing in the
20 same home as the child that are relevant to the subject matter of the proceeding,
21 including records discoverable under s. 48.293, examination reports under s. 48.295
22 (2), law enforcement reports and records under ss. 48.396 (1) and 938.396 (1) (a),
23 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 10.** 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 11.** 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 12.** 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 13.** 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 14.** 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 15.** 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 16.** 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 17.** 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 18.** 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 19.** 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 20.** 48.981 (1) (ct) of the statutes is renumbered 48.981 (3f) (a) 1.

13 **SECTION 21.** 48.981 (1) (cv) of the statutes is renumbered 48.981 (2) (bm) 1d.

14 b.

15 **SECTION 22.** 48.981 (1) (cx) of the statutes is renumbered 48.981 (2) (bm) 1d.

16 c.

17 **SECTION 23.** 48.981 (1) (i) of the statutes is renumbered 48.981 (3f) (a) 2.

18 **SECTION 24.** 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 25.** 48.981 (2) (a) 15., 16. and 16m. of the statutes are repealed.

7 **SECTION 26.** 48.981 (2) (a) 17. to 29. of the statutes are renumbered 48.981 (2)
8 (ar) 17. to 29.

9 **SECTION 27.** 48.981 (2) (ar) 16r., 30. and 31. of the statutes are created to read:

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

14 30. A probation agent.

15 31. A parole agent.

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

17 48.981 (2) (b) Mandatory reporters; court-appointed special advocates. ~~A~~
18 Except as provided in sub. (2r), a court-appointed special advocate who has
19 reasonable cause to suspect that a child seen in the course of activities under s.
20 48.236 (3) has been abused or neglected or who has reason to believe that a child seen
21 in the course of those activities has been threatened with abuse and neglect and that
22 abuse or neglect of the child will occur shall, ~~except as provided in subs. (2m) and (2r),~~
23 report as provided in sub. (3).

24 **SECTION 29.** 48.981 (2) (bm) (title) of the statutes is created to read:

25 48.981 (2) (bm) (title) *Mandatory reporters; members of the clergy.*

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1 **SECTION 30.** 48.981 (2) (bm) 1. (intro.), a. and b. of the statutes are consolidated,
2 renumbered 48.981 (2) (bm) 1g. and amended to read:

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

9 **SECTION 31.** 48.981 (2) (bm) 1d. of the statutes is created to read:

10 48.981 (2) (bm) 1d. In this paragraph:

11 a. “Abuse” has the meaning given in s. 48.02 (1) (b) to (f).

12 **SECTION 32.** 48.981 (2) (bm) 2. (intro.), a. and b. of the statutes are consolidated,
13 renumbered 48.981 (2) (bm) 2. and amended to read:

14 48.981 (2) (bm) 2. Except as provided in subd. 3. and ~~subs. (2m) and sub. (2r)~~,
15 a member of the clergy shall report as provided in sub. (3) if the member of the clergy
16 has reasonable cause, based on observations made or information that he or she
17 receives, to suspect that a member of the clergy has ~~done any of the following:~~ a.
18 ~~Abused abused a child, as defined in s. 48.02 (1) (b) to (f). b. Threatened or threatened~~
19 ~~a child with abuse, as defined in s. 48.02 (1) (b) to (f)~~, and abuse of the child will likely
20 occur.

21 **SECTION 33.** 48.981 (2) (bm) 3. of the statutes is amended to read:

22 48.981 (2) (bm) 3. A member of the clergy is not required to report child abuse
23 information under subd. ~~1.~~ 1g. or 2. that he or she receives solely through confidential
24 communications made to him or her privately or in a confessional setting if he or she
25 is authorized to hear or is accustomed to hearing such communications and, under

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1 the disciplines, tenets, or traditions of his or her religion, has a duty or is expected
2 to keep those communications secret. Those disciplines, tenets, or traditions need
3 not be in writing.

4 **SECTION 34.** 48.981 (2) (c) of the statutes is amended to read:

5 48.981 (2) (c) Discretionary reporters; child abuse and neglect. Any person not
6 otherwise specified in par. (a) (ar), (b), or (bm), ~~including an attorney~~, who has reason
7 to suspect that a child has been abused or neglected or who has reason to believe that
8 a child has been threatened with abuse or neglect and that abuse or neglect of the
9 child will occur may report as provided in sub. (3).

10 **SECTION 35.** 48.981 (2) (d) of the statutes is amended to read:

11 48.981 (2) (d) Discretionary reporters; unborn child abuse. Any person,
12 ~~including an attorney~~, who has reason to suspect that an unborn child has been
13 abused or who has reason to believe that an unborn child is at substantial risk of
14 abuse may report as provided in sub. (3).

15 **SECTION 36.** 48.981 (2m) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is repealed.

17 **SECTION 37.** 48.981 (2r) of the statutes is amended to read:

18 48.981 (2r) EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL
19 POWERS. A person delegated care and custody of a child under s. 48.979 is not required
20 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the
21 child as required under sub. (2) (~~a~~) (ar), (b), or (bm) or (2m) (d) or (e). Such a person
22 who has reason to suspect that the child has been abused or neglected or who has
23 reason to believe that the child has been threatened with abuse or neglect and that
24 abuse or neglect of the child will occur may report as provided in sub. (3).

25 **SECTION 38.** 48.981 (3) (title) of the statutes is amended to read:

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1 48.981 (3) (title) ~~REPORTS; INVESTIGATION~~ REFERRAL OF REPORT.

2 **SECTION 39.** 48.981 (3) (a) 1. of the statutes is renumbered 48.981 (3) (a) and
3 amended to read:

4 48.981 (3) (a) *Referral of report Immediate reporting required.* A person
5 required to report under sub. (2) shall immediately inform, by telephone or
6 personally, ~~the county department or, in a county having a population of 500,000 or~~
7 ~~more, the department or a licensed child welfare agency under contract with the~~
8 ~~department~~ the agency or the sheriff or city, village, or town police department of the
9 facts and circumstances contributing to a suspicion of child abuse or neglect or of
10 unborn child abuse or to a belief that abuse or neglect will occur.

11 **SECTION 40.** 48.981 (3) (a) 2. (intro.) of the statutes is renumbered 48.981 (3)
12 (bg) (intro.) and amended to read:

13 48.981 (3) (bg) (intro.) *Mandatory referral to agency.* The Within 12 hours,
14 exclusive of Saturdays, Sundays, or legal holidays, after receiving a report under par.
15 (a), the sheriff or police department shall within 12 hours, exclusive of Saturdays,
16 Sundays, or legal holidays, refer to the county department or, in a county having a
17 population of 500,000 or more, the department or a licensed child welfare agency
18 under contract with the department agency all of the following types of cases
19 reported to the sheriff or police department:

20 **SECTION 41.** 48.981 (3) (a) 2. a. to d. of the statutes are renumbered 48.981 (3)
21 (bg) 1. to 4.

22 **SECTION 42.** 48.981 (3) (a) 2d. of the statutes is renumbered 48.981 (3) (bp) and
23 amended to read:

24 48.981 (3) (bp) *Discretionary referral to agency.* The sheriff or police
25 department may refer to the ~~county department or, in a county having a population~~

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1 of 500,000 or more, the department or a licensed child welfare agency under contract
2 with the department agency a case reported to the sheriff or police department in
3 which a person who is not a caregiver is suspected of abuse or of threatened abuse
4 of a child.

5 **SECTION 43.** 48.981 (3) (a) 2g. of the statutes is renumbered 48.981 (3) (br) and
6 amended to read:

7 48.981 (3) (br) Subsequent report in writing. The ~~county department,~~
8 ~~department, or licensed child welfare agency~~ may require that a subsequent report
9 of a case referred under ~~subd. 2. or 2d. par. (bg) or (bp)~~ be made in writing.

10 **SECTION 44.** 48.981 (3) (a) 3. of the statutes is renumbered 48.981 (3) (cg) and
11 amended to read:

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

22 **SECTION 45.** 48.981 (3) (a) 4. of the statutes is renumbered 48.981 (3) (dg) and
23 amended to read:

24 48.981 (3) (dg) Coordination of investigation. If the report is of suspected or
25 threatened abuse, as defined in s. 48.02 (1) (b) to (f), the sheriff or police department

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1 and the county department, department, or licensed child welfare agency under
2 contract with the department agency shall coordinate the planning and execution of
3 the investigation of the report.

4 **SECTION 46.** 48.981 (3) (b) of the statutes is renumbered 48.981 (3d), and 48.981
5 (3d) (c), as renumbered, is amended to read:

6 48.981 (3d) (c) If the sheriff or police department determines that criminal
7 action is necessary, the sheriff or police department shall refer the case to the district
8 attorney for criminal prosecution. Each sheriff and police department shall adopt
9 a written policy specifying the kinds of reports of suspected or threatened abuse, as
10 defined in s. 48.02 (1) (b) to (f), or neglect that the sheriff or police department will
11 routinely refer to the district attorney for criminal prosecution.

12 **SECTION 47.** 48.981 (3) (bm) of the statutes is renumbered 48.981 (3f) (bm), and
13 48.981 (3f) (bm) (intro.), as renumbered, is amended to read:

14 48.981 (3f) (bm) (intro.) *Notice of report to Indian to tribal agent.* In a county
15 that has wholly or partially within its boundaries a federally recognized Indian
16 reservation or a bureau of Indian affairs service area for the Ho-Chunk tribe, if a
17 county department that receives a report under ~~par. (a)~~ sub. (3) pertaining to a child
18 or an unborn child knows or has reason to know that the child is an Indian child who
19 resides in the county or that the unborn child is an Indian unborn child whose
20 expectant mother resides in the county, the county department shall provide notice,
21 which shall consist only of the name and address of the Indian child or expectant
22 mother and the fact that a report has been received about that Indian child or Indian
23 unborn child, within 24 hours to one of the following:

24 **SECTION 48.** 48.981 (3) (c) (title) of the statutes is renumbered 48.981 (3g) (title)
25 and amended to read:

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1 48.981 (3g) (title) DUTIES OF COUNTY DEPARTMENTS AGENCIES.

2 **SECTION 49.** 48.981 (3) (c) 1. a. of the statutes is renumbered 48.981 (3g) (a) 1.
3 a. and amended to read:

4 48.981 (3g) (a) 1. a. Immediately after receiving a report under ~~par. (a) sub. (3)~~,
5 the agency shall evaluate the report to determine whether there is reason to suspect
6 that a caregiver has abused or neglected the child, has threatened the child with
7 abuse or neglect, or has facilitated or failed to take action to prevent the suspected
8 or threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
9 agency determines that a caregiver is suspected of abuse or neglect ~~or~~, of threatened
10 abuse or neglect ~~of the child, determines that a caregiver is suspected, or~~ of
11 facilitating or failing to take action to prevent the suspected or threatened abuse or
12 neglect ~~of the child, or if the agency~~ cannot identify an individual who is suspected
13 of abuse or neglect or of threatened abuse or neglect of the child, within 24 hours after
14 receiving the report the agency shall, ~~in accordance with the authority granted to the~~
15 ~~department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a),~~
16 initiate a diligent investigation to determine if the child is in need of protection or
17 services. If the agency determines that a person who is not a caregiver is suspected
18 of abuse or of threatened abuse, the agency may, ~~in accordance with that authority,~~
19 initiate a diligent investigation to determine if the child is in need ~~or~~ of protection
20 or services.

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

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

7 **SECTION 50.** 48.981 (3) (c) 1. b. of the statutes is renumbered 48.981 (3g) (a) 2.
8 and amended to read:

9 48.981 (**3g**) (a) 2. If the investigation is of a report of child abuse or neglect or
10 of threatened child abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8.
11 who continues to have access to the child or a caregiver specified in sub. (1) (am) 1.
12 to 4., or of a report that does not disclose who is suspected of the child abuse or neglect
13 and in which the investigation does not disclose who abused or neglected the child,
14 the investigation shall also include observation of or an interview with the child, or
15 both, and, if possible, an interview with the child's parents, guardian, or legal
16 custodian. If the investigation is of a report of child abuse or neglect or threatened
17 child abuse or neglect by a caregiver who continues to reside in the same dwelling
18 as the child, the investigation shall also include, if possible, a visit to that dwelling.
19 At the initial visit to the child's dwelling, the person making the investigation shall
20 identify himself or herself and the agency involved to the child's parents, guardian,
21 or legal custodian. The agency may contact, observe, or interview the child at any
22 location without permission from the child's parent, guardian, or legal custodian if
23 necessary to determine if the child is in need of protection or services, ~~except that the~~
24 ~~person making the investigation may enter a child's dwelling only with permission~~
25 ~~from the child's parent, guardian, or legal custodian or after obtaining a court order~~

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1 ~~permitting the person to do so~~ to the extent permitted under the U.S. Constitution
2 and the Wisconsin Constitution.

3 **SECTION 51.** 48.981 (3) (c) 2. of the statutes is renumbered 48.981 (3g) (b).

4 **SECTION 52.** 48.981 (3) (c) 2m. of the statutes is renumbered 48.981 (3g) (bm).

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

7 48.981 (3g) (c) Offer of services; filing of petitions. ~~If the county department or,~~
8 ~~in a county having a population of 500,000 or more, the department or a licensed child~~
9 ~~welfare agency under contract with the department~~ agency determines that a child,
10 any member of the child's family, or the child's guardian or legal custodian is in need
11 of services or that the expectant mother of an unborn child is in need of services, the
12 ~~county department, department or licensed child welfare~~ agency shall offer to
13 provide appropriate services or to make arrangements for the provision of services.
14 If the child's parent, guardian, or legal custodian or the expectant mother refuses to
15 accept the services, the ~~county department, department or licensed child welfare~~
16 agency may request that a petition be filed under s. 48.13 alleging that the child who
17 is the subject of the report or any other child in the home is in need of protection or
18 services or that a petition be filed under s. 48.133 alleging that the unborn child who
19 is the subject of the report is in need of protection or services. The agency may also
20 petition for child abuse restraining orders and injunctions under s. 48.25 (6).

21 **SECTION 54.** 48.981 (3) (c) 4. of the statutes is renumbered 48.981 (3g) (d) and
22 amended to read:

23 48.981 (3g) (d) Abuse or neglect determination. ~~The county department or, in~~
24 ~~a county having a population of 500,000 or more, the department or a licensed child~~
25 ~~welfare agency under contract with the department shall determine, If a report is~~

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

14 **SECTION 55.** 48.981 (3) (c) 5. of the statutes is renumbered 48.981 (3g) (h) 1.

15 **SECTION 56.** 48.981 (3) (c) 5m. of the statutes is renumbered 48.981 (3g) (e) and
16 amended to read:

17 48.981 (3g) (e) Right to appeal determination. ~~The county department or, in~~
18 ~~a county having a population of 500,000 or more, the department or a licensed child~~
19 ~~welfare agency under contract with the department An agency may include in a~~
20 ~~determination under subd. 4. par. (d) a determination that a specific person has~~
21 ~~abused or neglected a child. If the county department, department, or licensed child~~
22 ~~welfare agency makes an initial determination that a specific person has abused or~~
23 ~~neglected a child, the county department, department, or licensed child welfare~~
24 ~~agency shall provide that person with an opportunity for a review of that initial~~
25 ~~determination in accordance with rules promulgated by the department before the~~

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1 county department, department, or licensed child welfare agency may make a final
2 determination that the person has abused or neglected a child. Within 5 days after
3 the date of a final determination that a specific person has abused or neglected a
4 child, the county department, department, or licensed child welfare agency shall
5 notify the person in writing of the determination, the person's right to a contested
6 case hearing on the determination under ch. 227, and the procedures under sub. 5p.
7 par. (em) by which the person may receive that hearing.

8 **SECTION 57.** 48.981 (3) (c) 5p. of the statutes is renumbered 48.981 (3g) (em)
9 and amended to read:

10 48.981 (3g) (em) Right to contested case hearing. A person who is the subject
11 of a final determination under subd. 5m. par. (e) that the person has abused or
12 neglected a child has the right to a contested case hearing on that determination
13 under ch. 227. To receive that hearing, the person must send to the department a
14 written request for a hearing under s. 227.44 within 10 days after the date of the
15 notice under subd. 5m. par. (e) of the determination. The department shall
16 commence the hearing within 90 days after receipt of the request for the hearing,
17 unless the hearing is rescheduled on the request of the person requesting the hearing
18 or the contested case proceeding is held in abeyance as provided in this subdivision
19 paragraph, and shall issue a final decision within 60 days after the close of the
20 hearing. Judicial review of the final administrative decision following the hearing
21 may be had by any party to the contested case proceeding as provided in ch. 227. The
22 person presiding over a contested case proceeding under this subdivision paragraph
23 may hold the hearing in abeyance pending the outcome of any criminal investigation
24 or proceedings or any investigation or proceedings under s. 48.13 based on the
25 alleged abuse or neglect ~~or the outcome of any investigation that may lead to the~~

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1 ~~filing of a criminal complaint or a petition under s. 48.13 based on the alleged abuse~~
2 ~~or neglect.~~

3 **SECTION 58.** 48.981 (3) (c) 5r. of the statutes is renumbered 48.981 (3g) (h) 2.
4 and amended to read:

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

14 **SECTION 59.** 48.981 (3) (c) 6. of the statutes is renumbered 48.981 (3g) (f) and
15 amended to read:

16 48.981 (3g) (f) Action taken; information to mandatory reporter. ~~The agency~~
17 ~~shall, within~~ Within 60 days after it receives receiving a report from a person
18 required under sub. (2) to report, the agency shall inform the reporter what action,
19 if any, was taken to protect the health and welfare of the child or unborn child who
20 is the subject of the report.

21 **SECTION 60.** 48.981 (3) (c) 6m. of the statutes is renumbered 48.981 (3g) (fm)
22 and amended to read:

23 48.981 (3g) (fm) Action taken; information to relative. ~~If a person who is not~~
24 ~~required under sub. (2) to report makes a report and is a relative of the child, other~~
25 ~~than the child's parent, or is a relative of the expectant mother of the unborn child~~

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

18 **SECTION 61.** 48.981 (3) (c) 7. of the statutes is renumbered 48.981 (3g) (g)
19 (intro.) and amended to read:

20 48.981 (3g) (g) Cooperation and coordination. (intro.) ~~The 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~~ Each agency shall
23 cooperate do all of the following:

24 1. Cooperate with law enforcement officials, courts of competent jurisdiction,
25 tribal governments, and other human services agencies to prevent, identify, and

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1 treat child abuse and neglect and unborn child abuse. ~~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 coordinate~~

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

11 **SECTION 62.** 48.981 (3) (c) 8. of the statutes is renumbered 48.981 (3g) (h) 3. and
12 amended to read:

13 48.981 (3g) (h) 3. Using the format prescribed by the department, each county
14 department shall provide the department with information about each report that
15 the county department ~~receives or that is received by~~ or a licensed child welfare
16 agency ~~that is under contract with the county department~~ receives and about each
17 investigation that the county department or ~~a~~ licensed child welfare agency under
18 ~~contract with the county department~~ conducts. Using the format prescribed by the
19 department, a licensed child welfare agency under contract with the department
20 shall provide the department with information about each report that the child
21 welfare agency receives and about each investigation that the child welfare agency
22 conducts. The department shall use the information to monitor services provided by
23 those county departments or licensed child welfare agencies ~~under contract with~~
24 ~~county departments or the department.~~ The department shall use nonidentifying

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1 information to maintain statewide statistics on child abuse and neglect and on
2 unborn child abuse, and for planning and policy development purposes.

3 **SECTION 63.** 48.981 (3) (c) 9. of the statutes is repealed.

4 **SECTION 64.** 48.981 (3) (cm) of the statutes is renumbered 48.981 (3h) and
5 amended to read:

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

15 **SECTION 65.** 48.981 (3) (d) of the statutes is renumbered 48.981 (3j), and 48.981
16 (3j) (a) and (b), as renumbered, are amended to read:

17 48.981 **(3j)** (a) Definition. In this ~~paragraph~~ subsection, "agent" includes a
18 foster parent or other person given custody of a child or a human services
19 professional employed by a county department under s. 51.42 or 51.437 or by a child
20 welfare agency who is working with a child or an expectant mother of an unborn child
21 under contract with or under the supervision of the department in a county having
22 a population of 500,000 or more or a county department under s. 46.22.

23 (b) Investigation; powers and duties. If an agent or employee of an agency
24 required to investigate under ~~this subsection~~ sub. (3g) is the subject of a report, or
25 if the agency determines that, because of the relationship between the agency and

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

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

15 48.981 (3d) (a) (title) *Immediate investigation on request.*

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

17 48.981 (3d) (b) (title) *Taking child into custody.*

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

19 48.981 (3d) (bm) (title) *Taking expectant mother into custody.*

20 **SECTION 69.** 48.981 (3d) (c) (title) of the statutes is created to read:

21 48.981 (3d) (c) (title) *Referral for criminal prosecution.*

22 **SECTION 70.** 48.981 (3f) (title) and (a) (intro.) of the statutes are created to read:

23 48.981 (3f) (title) NOTICE OF REPORT TO TRIBAL AGENT. (a) *Definitions.* (intro.)

24 In this subsection:

25 **SECTION 71.** 48.981 (3g) (a) (title) of the statutes is created to read:

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1 48.981 (3g) (a) (title) *Evaluation and investigation of report.*

2 **SECTION 72.** 48.981 (3g) (b) (title) of the statutes is created to read:

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

4 **SECTION 73.** 48.981 (3g) (bm) (title) of the statutes is created to read:

5 48.981 (3g) (bm) (title) *Taking expectant mother into custody.*

6 **SECTION 74.** 48.981 (3g) (h) (title) of the statutes is created to read:

7 48.981 (3g) (h) (title) *Records; information to department.*

8 **SECTION 75.** 48.981 (3m) (a) (title) of the statutes is created to read:

9 48.981 (3m) (a) (title) *Definition.*

10 **SECTION 76.** 48.981 (3m) (b) (title) of the statutes is created to read:

11 48.981 (3m) (b) (title) *Establishment of program.*

12 **SECTION 77.** 48.981 (3m) (b) 1. of the statutes is amended to read:

13 48.981 (3m) (b) 1. Guidelines for determining the appropriate alternative
14 response to a report of abuse or neglect or of threatened abuse or neglect, including
15 guidelines for determining what types of abuse or neglect or threatened abuse or
16 neglect constitute substantial abuse or neglect. The Notwithstanding s. 227.10 (1),
17 the department need not promulgate those guidelines as rules under ch. 227.

18 **SECTION 78.** 48.981 (3m) (c) (intro.) of the statutes is amended to read:

19 48.981 (3m) (c) Alternative responses. (intro.) Immediately after receiving a
20 report under sub. (3) ~~(a)~~, an agency or county department that is participating in the
21 pilot program shall evaluate the report to determine the most appropriate
22 alternative response under subds. 1. to 3. to the report. Based on that evaluation,
23 the agency or county department shall respond to the report as follows:

24 **SECTION 79.** 48.981 (3m) (c) 1. of the statutes is amended to read:

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

12 **SECTION 80.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

13 48.981 **(3m)** (c) 2. b. If the agency or county department employs the
14 assessment response under subd. 2. a., the agency or county department is not
15 required to refer the report to the sheriff or police department under sub. (3) ~~(a)~~
16 (cg) or determine by a preponderance of the evidence under sub. ~~(3)(e)~~ 4. (3g) ~~(d)~~ that
17 abuse or neglect has occurred or is likely to occur or that a specific person has abused
18 or neglected the child. If in conducting the assessment the agency or county
19 department determines that there is reason to suspect that substantial abuse or
20 neglect has occurred or is likely to occur or that an investigation under sub. ~~(3)~~ (3g)
21 is otherwise necessary to ensure the safety of the child and his or her family, the
22 agency or county department shall immediately commence an investigation under
23 sub. ~~(3)~~ (3g).

24 **SECTION 81.** 48.981 (3m) (c) 3. of the statutes is amended to read:

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1 48.981 (3m) (c) 3. If the agency or county department determines that there
2 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the
3 agency or county department shall refer the child’s family to a service provider in the
4 community for the provision of appropriate services on a voluntary basis. If the
5 agency or county department employs the community services response under this
6 subdivision, the agency or county department is not required to conduct an
7 assessment under subd. 2., refer the report to the sheriff or police department under
8 sub. (3) (a) ~~3.~~ (cg), or determine by a preponderance of the evidence under sub. (3) (e)
9 ~~4.~~ (3g) (d) that abuse or neglect has occurred or is likely to occur or that a specific
10 person has abused or neglected the child.

11 **SECTION 82.** 48.981 (3m) (d) of the statutes is repealed.

12 **SECTION 83.** 48.981 (5) of the statutes is amended to read:

13 48.981 (5) CORONER’S REPORT. Any person or official required to report cases of
14 suspected child abuse or neglect who has reasonable cause to suspect that a child
15 died as a result of child abuse or neglect shall report the fact to the appropriate
16 medical examiner or coroner. The medical examiner or coroner shall accept the
17 report for investigation and shall report the findings to the appropriate district
18 attorney; ~~to the department or, in a county having a population of 500,000 or more,~~
19 ~~to a licensed child welfare agency under contract with the department~~ in a county
20 having a population of 750,000 or more; to the county department; to the department;
21 and, if the institution making the report initially is a hospital, to the hospital.

22 **SECTION 84.** 48.981 (7) (a) (intro.) of the statutes is renumbered 48.981 (7) and
23 amended to read:

24 48.981 (7) CONFIDENTIALITY. All reports made under this section, notices
25 provided under sub. (3) (3f) (bm), and records maintained by an agency and other

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1 persons, officials, and institutions shall be confidential. ~~Reports and records may be~~
2 ~~disclosed only to the following persons: No report may be disclosed, except as~~
3 ~~provided in subs. (3f) (c), (7d), (7g), and (7m).~~

4 **SECTION 85.** 48.981 (7) (a) 1. of the statutes is renumbered 48.981 (7d) (a).

5 **SECTION 86.** 48.981 (7) (a) 1m. of the statutes is renumbered 48.981 (7d) (am)
6 and amended to read:

7 48.981 (7d) (am) *Request of reporter.* A reporter described in sub. ~~(3) (e) 6m.~~
8 ~~(3g) (fm)~~ who makes a written request to an agency for information regarding what
9 action, if any, was taken to protect the health and welfare of the child or unborn child
10 who is the subject of the report, unless a court order under sub. ~~(3) (e) 6m.~~ ~~(3g) (fm)~~
11 prohibits disclosure of that information to that reporter, except that the only
12 information that may be disclosed is information in the record regarding what action,
13 if any, was taken to protect the health and welfare of the child or unborn child who
14 is the subject of the report.

15 **SECTION 87.** 48.981 (7) (a) 2. of the statutes is renumbered 48.981 (7d) (b).

16 **SECTION 88.** 48.981 (7) (a) 2m. of the statutes is renumbered 48.981 (7d) (bm)
17 and amended to read:

18 48.981 (7d) (bm) *Intake or dispositional staff.* A person authorized to provide
19 or providing intake or dispositional services for the court under s. 48.067, 48.069 ~~or,~~
20 ~~48.10, 938.067, 938.069, or 938.10.~~

21 **SECTION 89.** 48.981 (7) (a) 2r. of the statutes is repealed.

22 **SECTION 90.** 48.981 (7) (a) 3. of the statutes is renumbered 48.981 (7d) (c).

23 **SECTION 91.** 48.981 (7) (a) 3m. of the statutes is renumbered 48.981 (7d) (cm).

24 **SECTION 92.** 48.981 (7) (a) 4. of the statutes is renumbered 48.981 (7d) (d) and
25 amended to read:

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1 48.981 (7d) (d) Foster parent or other physical custodian. A child's foster parent
2 or other person having physical custody of the child or a person having physical
3 custody of the expectant mother of an unborn child, except that the person or agency
4 maintaining the record or report may not disclose any information that would
5 identify the reporter.

6 **SECTION 93.** 48.981 (7) (a) 4m. of the statutes is renumbered 48.981 (7d) (dm)
7 and amended to read:

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

14 **SECTION 94.** 48.981 (7) (a) 4p. of the statutes is renumbered 48.981 (7d) (dp).

15 **SECTION 95.** 48.981 (7) (a) 5. of the statutes is renumbered 48.981 (7d) (e) and
16 amended to read:

17 48.981 (7d) (e) Community programs and developmental disability services
18 professionals. A professional employee of a county department under s. 51.42 or
19 51.437 who is working with the child or the expectant mother of the unborn child
20 under a contract with or under the supervision of ~~the county department under s.~~
21 ~~46.22 or, in a county having a population of 500,000 or more, the department or a~~
22 ~~licensed child welfare agency under contract with the department~~ an agency.

23 **SECTION 96.** 48.981 (7) (a) 6. of the statutes is renumbered 48.981 (7d) (f) and
24 amended to read:

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1 48.981 (7d) (f) Multidisciplinary team. A multidisciplinary child abuse and
2 neglect or unborn child abuse team recognized by the county department or, in a
3 county having a population of 500,000 or more, the department or a licensed child
4 welfare agency under contract with the department agency.

5 **SECTION 97.** 48.981 (7) (a) 6m. of the statutes is renumbered 48.981 (7d) (fm)
6 and amended to read:

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

13 **SECTION 98.** 48.981 (7) (a) 8. of the statutes is renumbered 48.981 (7d) (h) and
14 amended to read:

15 48.981 (7d) (h) Law enforcement authorities. A law enforcement officer or, law
16 enforcement agency, or ~~a~~ district attorney for purposes of investigation or
17 prosecution.

18 **SECTION 99.** 48.981 (7) (a) 8m. of the statutes is renumbered 48.981 (7d) (hm)
19 2. and amended to read:

20 48.981 (7d) (hm) 2. The department of corrections, the department of health
21 services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, or any
22 other person under contract with the department of corrections, the department of
23 health services, or a county department under s. 46.215, 46.22, 46.23, 51.42, or
24 51.437 to exercise custody or supervision over a person who is subject to community
25 placement for purposes of investigating or providing services to a person who is

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1 subject to community placement and who is the subject of a report. In making its
2 investigation, the department of corrections, department of health services, county
3 department, or other person shall cooperate with the agency making the
4 investigation under sub. ~~(3)(e) or (d)~~ (3g) to (3m).

5 **SECTION 100.** 48.981 (7) (a) 8s. of the statutes is renumbered 48.981 (7d) (hs)
6 and amended to read:

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

18 **SECTION 101.** 48.981 (7) (a) 9. of the statutes is renumbered 48.981 (7d) (i).

19 **SECTION 102.** 48.981 (7) (a) 10. of the statutes is renumbered 48.981 (7d) (j) and
20 amended to read:

21 48.981 **(7d)** (j) Juvenile court proceedings. A court conducting proceedings
22 under s. 48.21 or, 48.213, ~~a court conducting or 938.21,~~ proceedings related to a
23 petition under s. 48.13, 48.133, or 48.42 or ~~a court conducting under ch. 938, or~~
24 dispositional proceedings under subch. VI or VIII or under subch. VI of ch. 938 in
25 which an issue is the abuse or neglect of the child or the abuse of the unborn child

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1 who is the subject of the report or record ~~or abuse of the unborn child who is the~~
2 ~~subject of the report or record is an issue~~ or the substantial risk of abuse or neglect
3 of a child who, during the period covered by the report or record, was in the home of
4 the child who is the subject of the report or record.

5 **SECTION 103.** 48.981 (7) (a) 10g. of the statutes is repealed.

6 **SECTION 104.** 48.981 (7) (a) 10j. of the statutes is repealed.

7 **SECTION 105.** 48.981 (7) (a) 10m. of the statutes is renumbered 48.981 (7d) (k)
8 and amended to read:

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

17 **SECTION 106.** 48.981 (7) (a) 10r. of the statutes is repealed.

18 **SECTION 107.** 48.981 (7) (a) 11. of the statutes is renumbered 48.981 (7d) (L)
19 and amended to read:

20 48.981 (7d) (L) *Attorneys and guardians ad litem; juvenile court proceedings.*
21 The county corporation counsel or district attorney representing the interests of the
22 public, the agency legal counsel, and the counsel or guardian ad litem representing
23 the interests of a child ~~in proceedings under subd. 10., 10g. or 10j. and the guardian~~
24 ~~ad litem representing the interests of~~ or an unborn child in proceedings under subd.
25 10. par. (j).

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1 **SECTION 108.** 48.981 (7) (a) 11m. of the statutes is renumbered 48.981 (7d) (Lm)
2 and amended to read:

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

8 **SECTION 109.** 48.981 (7) (a) 11r. of the statutes is renumbered 48.981 (7d) (Lr).

9 **SECTION 110.** 48.981 (7) (a) 12. of the statutes is renumbered 48.981 (7d) (m).

10 **SECTION 111.** 48.981 (7) (a) 13. of the statutes is renumbered 48.981 (7d) (n) and
11 amended to read:

12 48.981 (7d) (n) Stepparent adoption screening. The department, a county
13 department under s. 48.57 (1) (e) or (hm), or a licensed child welfare agency ordered
14 to conduct a screening or an investigation of a stepparent under s. 48.88 (2) (c).

15 **SECTION 112.** 48.981 (7) (a) 14. of the statutes is renumbered 48.981 (7d) (o) and
16 amended to read:

17 48.981 (7d) (o) Grand jury. A grand jury if it the grand jury determines that
18 access to specified records is necessary for the conduct of its official business.

19 **SECTION 113.** 48.981 (7) (a) 14m. of the statutes is renumbered 48.981 (7d) (om).

20 **SECTION 114.** 48.981 (7) (a) 15. of the statutes is renumbered 48.981 (7d) (p) and
21 amended to read:

22 48.981 (7d) (p) Child fatality review team. A child fatality review team
23 recognized by the county department or, in a county having a population of 500,000
24 or more, the department or a licensed child welfare agency under contract with the
25 department agency.

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1 **SECTION 115.** 48.981 (7) (a) 15g. of the statutes is renumbered 48.981 (7d) (pg).

2 **SECTION 116.** 48.981 (7) (a) 15m. of the statutes is renumbered 48.981 (7d) (pm)

3 and amended to read:

4 48.981 (7d) (pm) Death investigation. A coroner, medical examiner or,
5 pathologist, or other physician investigating the cause of death of a child whose
6 death is unexplained or unusual or is associated with unexplained or suspicious
7 circumstances.

8 **SECTION 117.** 48.981 (7) (a) 17. of the statutes is renumbered 48.981 (7d) (r) and
9 amended to read:

10 48.981 (7d) (r) Federal, state, or local agencies. A federal agency, state agency
11 of this state or any other state, or local governmental unit located in this state or any
12 other state that has a need for a report or record in order to carry out its responsibility
13 to protect children from abuse or neglect or to protect unborn children from abuse.

14 **SECTION 118.** 48.981 (7) (am) of the statutes is renumbered 48.981 (3f) (c) and
15 amended to read:

16 48.981 (3f) (c) Disclosure to tribal social services department. Notwithstanding
17 ~~par. (a) (intro.) sub. (7),~~ a tribal agent who receives notice under ~~sub. (3) par. (bm)~~ may
18 disclose the notice to a tribal social services department.

19 **SECTION 119.** 48.981 (7) (b) of the statutes is renumbered 48.981 (7g) (b) and
20 amended to read:

21 48.981 (7g) (b) Authorization of parent. ~~Notwithstanding par. (a), either~~ Either
22 parent of a child who is the subject of a report may authorize the disclosure of a record
23 relating to that report for use in a child custody proceeding under s. 767.41 or 767.451
24 or in an adoption proceeding under s. 48.833, 48.835, 48.837, or 48.839 ~~when the~~

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1 child has been the subject of a report. Any information that would identify a reporter
2 shall be deleted before disclosure of a record under this paragraph.

3 **SECTION 120.** 48.981 (7) (c) of the statutes is renumbered 48.981 (7g) (c) and
4 amended to read:

5 48.981 (7g) (c) Authorization of subject. Notwithstanding par. (a), the The
6 subject of a report may authorize the disclosure of a record to the subject's attorney.
7 The authorization shall be in writing. Any information that would identify a reporter
8 shall be deleted before disclosure of a record under this paragraph.

9 **SECTION 121.** 48.981 (7) (cm) of the statutes is renumbered 48.981 (7g) (cm) and
10 amended to read:

11 48.981 (7g) (cm) Abuse or harassment restraining order proceedings.
12 Notwithstanding par. (a), an An agency may disclose information from its records for
13 use in proceedings under s. 48.25 (6), 813.122, or 813.125.

14 **SECTION 122.** 48.981 (7) (cp) of the statutes is renumbered 48.981 (7g) (cp) and
15 amended to read:

16 48.981 (7g) (cp) Background check. Notwithstanding par. (a), an An agency
17 may disclose a determination made before January 1, 2015, that a person has abused
18 or neglected a child for purposes of a background check under s. 48.685 or 50.065 only
19 if that determination has not been reversed or modified on appeal and may disclose
20 such a determination made on or after January 1, 2015, for those purposes only as
21 provided in sub. (3) (e) ~~5r~~ (3g) (h) 2. Nothing in this paragraph prevents the
22 disclosure of a report or record as otherwise permitted under this subsection.

23 **SECTION 123.** 48.981 (7) (cr) 1. (intro.) of the statutes is renumbered 48.981
24 (7m) (a) (intro.) and amended to read:

25 48.981 (7m) (a) Definitions. (intro.) In this ~~paragraph~~ subsection:

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1 **SECTION 124.** 48.981 (7) (cr) 1. a. and b. of the statutes are renumbered 48.981
2 (7m) (a) 1. and 2.

3 **SECTION 125.** 48.981 (7) (cr) 2. (intro.) of the statutes is renumbered 48.981
4 (7m) (b) (intro.) and amended to read:

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

12 **SECTION 126.** 48.981 (7) (cr) 2. a. to f. of the statutes are renumbered 48.981
13 (7m) (b) 1. to 6.

14 **SECTION 127.** 48.981 (7) (cr) 3. of the statutes is renumbered 48.981 (7m) (c) and
15 amended to read:

16 48.981 **(7m)** (c) *Disclosure of information to public; summary report.* 1. Within
17 2 working days after receiving the information provided under ~~subd. 2. par. (b)~~, the
18 subunit of the department that received the information shall disclose to the public
19 the fact that the subunit has received the information; whether the department is
20 conducting a review of the incident and, if so, the scope of the review and the
21 identities of any other agencies with which the department is cooperating at that
22 point in conducting the review; whether the child was residing in the home or was
23 placed in an out-of-home placement at the time of the incident; and information
24 about the child, including the age of the child. If the information received is about
25 an incident of egregious abuse or neglect, the subunit of the department shall make

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1 the same disclosure to a citizen review panel, as described in ~~par. (a) 15g.~~ sub. (7d)
2 (pg), and, in a county having a population of 500,000 750,000 or more, to the
3 Milwaukee child welfare partnership council.

4 2. Within 90 days after receiving the information provided under ~~subd. 2.~~ par.
5 (b), the subunit of the department that received the information shall prepare,
6 transmit to the governor and to the appropriate standing committees of the
7 legislature under s. 13.172 (3), and make available to the public a summary report
8 that contains the information specified in ~~subd. 4. or 5.~~ par. (d) or (e), whichever is
9 applicable. That subunit may also include in the summary report a summary of any
10 actions taken by the agency in response to the incident and of any changes in policies
11 or practices that have been made to address any issues raised in the review and
12 recommendations for any further changes in policies, practices, rules, or statutes
13 that may be needed to address those issues. If the subunit does not include those
14 actions or changes and recommended changes in the summary report, the subunit
15 shall prepare, transmit to the governor and to the appropriate standing committees
16 of the legislature under s. 13.172 (3), and make available to the public a report of
17 those actions or changes and recommended changes within 6 months after receiving
18 the information provided under ~~subd. 2.~~ par. (b). Those committees shall review all
19 summary reports and reports of changes and recommended changes transmitted
20 under this ~~subd. 3. b.~~ subdivision, conduct public hearings on those reports no less
21 often than annually, and submit recommendations to the department regarding
22 those reports.

23 3. ~~Subdivision 3. a. and b. does~~ Subdivisions 1. and 2. do not preclude the
24 subunit of the department that prepares the summary report from releasing to the
25 governor, to the appropriate standing committees of the legislature under s. 13.172

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1 (3), or to the public any of the information specified in ~~subd. 4. or 5. par. (d) or (e)~~
2 before the summary report is transmitted to the governor and to those committees
3 and made available to the public; adding to or amending a summary report if new
4 information specified in ~~subd. 4. or 5. par. (d) or (e)~~ is received after the summary
5 report is transmitted to the governor and to those committees and made available
6 to the public; or releasing to the governor, to those committees, and to the public any
7 information at any time to correct any inaccurate information reported in the news
8 media.

9 **SECTION 128.** 48.981 (7) (cr) 4. (intro.) of the statutes is renumbered 48.981
10 (7m) (d) (intro.) and amended to read:

11 48.981 (7m) (d) *Summary report; child residing in home.* (intro.) If the child
12 was residing in his or her home when the incident of death or serious injury or the
13 incident of egregious abuse or neglect occurred, the summary report under ~~subd. 3.~~
14 par. (c) 2. shall contain all of the following:

15 **SECTION 129.** 48.981 (7) (cr) 4. a. to d. of the statutes are renumbered 48.981
16 (7m) (d) 1. to 4.

17 **SECTION 130.** 48.981 (7) (cr) 4. e. of the statutes is renumbered 48.981 (7m) (d)
18 5. and amended to read:

19 48.981 (7m) (d) 5. The date of the incident and the suspected cause of the death,
20 serious injury, or egregious abuse or neglect of the child, as reported by the agency
21 under ~~subd. 2. c. par. (b) 3.~~

22 **SECTION 131.** 48.981 (7) (cr) 4. f. and g. of the statutes are renumbered 48.981
23 (7m) (d) 6. and 7.

24 **SECTION 132.** 48.981 (7) (cr) 5. (intro.) of the statutes is renumbered 48.981
25 (7m) (e) (intro.) and amended to read:

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1 48.981 (7m) (e) Summary report; child in out-of-home care. (intro.) If the child
2 was placed in an out-of-home placement under this chapter or ch. 938 at the time
3 of the incident of death or serious injury or incident of egregious abuse or neglect, the
4 summary report under ~~subd. 3. par. (c) 2.~~ shall contain all of the following:

5 **SECTION 133.** 48.981 (7) (cr) 5. a. to d. of the statutes are renumbered 48.981
6 (7m) (e) 1. to 4.

7 **SECTION 134.** 48.981 (7) (cr) 5. e. of the statutes is renumbered 48.981 (7m) (e)
8 5. and amended to read:

9 48.981 (7m) (e) 5. The date of the incident and the suspected cause of the death,
10 serious injury, or egregious abuse or neglect of the child, as reported by the agency
11 under ~~subd. 2. e. par. (b) 3.~~

12 **SECTION 135.** 48.981 (7) (cr) 5. f. of the statutes is renumbered 48.981 (7m) (e)
13 6.

14 **SECTION 136.** 48.981 (7) (cr) 6. (intro.) of the statutes is renumbered 48.981
15 (7m) (f) (intro.) and amended to read:

16 48.981 (7m) (f) Information prohibited from disclosure. (intro.) A summary
17 report or other release or disclosure of information under ~~subd. 3. par. (c)~~ may not
18 include any of the following:

19 **SECTION 137.** 48.981 (7) (cr) 6. a. to e. of the statutes are renumbered 48.981
20 (7m) (f) 1. to 5.

21 **SECTION 138.** 48.981 (7) (cr) 7. (intro.) of the statutes is renumbered 48.981
22 (7m) (g) (intro.) and amended to read:

23 48.981 (7m) (g) Disclosure of information; when prohibited. (intro.) The
24 subunit of the department that prepares a summary report or otherwise transmits,
25 releases, or discloses information under ~~subd. 3. par. (c)~~ may not transmit the

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1 summary report to the governor and to the appropriate standing committees of the
2 legislature under s. 13.172 (3), make the summary report available to the public, or
3 transmit, release, or disclose the information to the governor, to those standing
4 committees, or to the public if the subunit determines that transmitting or making
5 the summary report available or transmitting, releasing, or disclosing the
6 information would jeopardize any of the following:

7 **SECTION 139.** 48.981 (7) (cr) 7. a. and b. of the statutes are renumbered 48.981
8 (7m) (g) 1. and 2.

9 **SECTION 140.** 48.981 (7) (cr) 8. of the statutes is renumbered 48.981 (7m) (h)
10 and amended to read:

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

24 **SECTION 141.** 48.981 (7) (cr) 9. of the statutes is renumbered 48.981 (7m) (i) and
25 amended to read:

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1 48.981 (7m) (i) Immunity from liability. Any person acting in good faith in
2 providing information under ~~subd. 2. par. (b)~~, in preparing, transmitting, or making
3 available a summary report under ~~subd. 3. par. (c)~~, or in otherwise transmitting,
4 releasing, or disclosing information under ~~subd. 3. par. (c)~~, is immune from any
5 liability, civil or criminal, that may result by reason of those actions. For purposes
6 of any proceeding, civil or criminal, the good faith of a person in providing
7 information under ~~subd. 2. par. (b)~~, in preparing, transmitting, or making available
8 a summary report under ~~subd. 3. par. (c)~~, or in otherwise transmitting, releasing, or
9 disclosing information under ~~subd. 3. par. (c)~~ shall be presumed.

10 **SECTION 142.** 48.981 (7) (d) of the statutes is renumbered 48.981 (7g) (d) and
11 amended to read:

12 48.981 (7g) (d) Access by department. Notwithstanding ~~par. (a)~~, An agency
13 shall permit the department may to have access to any report or record maintained
14 by an the agency under this section.

15 **SECTION 143.** 48.981 (7) (dm) of the statutes is renumbered 48.981 (7g) (dm)
16 and amended to read:

17 48.981 (7g) (dm) Statewide automated child welfare information system.
18 Notwithstanding par. (a), an An agency may enter the content of any report or record
19 maintained by the agency into the statewide automated child welfare information
20 system established under s. 48.47 (7g).

21 **SECTION 144.** 48.981 (7) (e) of the statutes is renumbered 48.981 (7r) (a) and
22 amended to read:

23 48.981 (7r) (a) Further disclosure prohibited. A person to whom a report or
24 record is disclosed under ~~this subsection sub. (3f) (c), (7d), (7g), or (7m)~~ may not

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1 further disclose ~~it~~ the report or record, except to the persons and for the purposes
2 specified in ~~this section~~ those provisions.

3 **SECTION 145.** 48.981 (7) (f) of the statutes is renumbered 48.981 (7r) (b) and
4 amended to read:

5 48.981 (7r) (b) *Penalty.* Any person who violates ~~this subsection~~ sub. (7), (7d),
6 (7g), or (7m), or who permits or encourages the unauthorized dissemination or use
7 of information contained in reports and records made under this section, may be
8 fined not more than \$1,000 or imprisoned not more than 6 months or both.

9 **SECTION 146.** 48.981 (7d) (intro.) of the statutes is created to read:

10 48.981 (7d) CONFIDENTIALITY; EXCEPTIONS. (intro.) Notwithstanding sub. (7),
11 reports made under this section and records maintained by an agency or by any other
12 person may be disclosed to any of the following persons:

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

14 48.981 (7d) (a) (title) *Subject of report.*

15 **SECTION 148.** 48.981 (7d) (ar) of the statutes is created to read:

16 48.981 (7d) (ar) *Potential witness or person with evidence.* A person who may
17 have witnessed an incident relevant to a report made under this section or who may
18 possess physical evidence relevant to the report, except that the agency may disclose
19 only that information necessary to identify the child or unborn child who is the
20 subject of the report and to obtain or review the person's relevant information or
21 evidence.

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

23 48.981 (7d) (b) (title) *Agency staff.*

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

25 48.981 (7d) (c) (title) *Attending physician.*

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1 **SECTION 151.** 48.981 (7d) (cm) (title) of the statutes is created to read:
2 48.981 (**7d**) (cm) (title) *Parent, guardian, legal custodian, or expectant mother.*

3 **SECTION 152.** 48.981 (7d) (dp) (title) of the statutes is created to read:
4 48.981 (**7d**) (dp) (title) *Adoption or foster home licensing agency.*

5 **SECTION 153.** 48.981 (7d) (hm) (title) of the statutes is created to read:
6 48.981 (**7d**) (hm) (title) *Correctional community placements.*

7 **SECTION 154.** 48.981 (7d) (i) (title) of the statutes is created to read:
8 48.981 (**7d**) (i) (title) *Facility licensing proceedings.*

9 **SECTION 155.** 48.981 (7d) (Lr) (title) of the statutes is created to read:
10 48.981 (**7d**) (Lr) (title) *Court-appointed special advocate.*

11 **SECTION 156.** 48.981 (7d) (m) (title) of the statutes is created to read:
12 48.981 (**7d**) (m) (title) *Researcher.*

13 **SECTION 157.** 48.981 (7d) (om) (title) of the statutes is created to read:
14 48.981 (**7d**) (om) (title) *John Doe proceeding.*

15 **SECTION 158.** 48.981 (7d) (pg) (title) of the statutes is created to read:
16 48.981 (**7d**) (pg) (title) *Citizen review panel.*

17 **SECTION 159.** 48.981 (7g) (intro.) of the statutes is created to read:
18 48.981 (**7g**) CONFIDENTIALITY; FURTHER EXCEPTIONS. (intro.) Notwithstanding
19 sub. (7), reports made under this section and records maintained by an agency or by
20 any other person may also be disclosed as follows:

21 **SECTION 160.** 48.981 (7m) (title) of the statutes is created to read:
22 48.981 (**7m**) (title) DEATH, SERIOUS INJURY, OR OTHER EGREGIOUS INCIDENTS; PUBLIC
23 DISCLOSURE.

24 **SECTION 161.** 48.981 (7r) (title) of the statutes is created to read:
25 48.981 (**7r**) (title) FURTHER DISCLOSURE PROHIBITED; PENALTIES.

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1 **SECTION 162.** 48.981 (8) (a) of the statutes is amended to read:

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

24 **SECTION 163.** 48.981 (8) (b) of the statutes is amended to read:

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1 48.981 (8) (b) Program development and coordination. ~~The department shall~~
2 ~~to~~ To the extent feasible, the department shall ensure that there are available in the
3 state administrative procedures, personnel trained in child abuse and neglect and
4 in unborn child abuse, multidisciplinary programs, and operational procedures and
5 capabilities to deal effectively with child abuse and neglect cases and with unborn
6 child abuse cases. These procedures and capabilities may include, ~~but are not limited~~
7 ~~to,~~ receipt, investigation and verification of reports; determination of treatment or
8 ameliorative social services; or referral to the appropriate court.

9 **SECTION 164.** 48.981 (8) (c) of the statutes is amended to read:

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

18 **SECTION 165.** 48.981 (8) (d) (title) of the statutes is created to read:

19 48.981 (8) (d) (title) *Staff training required.*

20 **SECTION 166.** 48.981 (9) (b) 1. of the statutes is amended to read:

21 48.981 (9) (b) 1. Within 30 days after the end of each calendar quarter, the
22 department shall prepare and transmit to the governor, and to the appropriate
23 standing committees of the legislature under s. 13.172 (3), a summary report of all
24 reports received by the department under sub. (3) (e) ~~8. (3g) (h) 3.~~ during the previous
25 calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who is placed

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

12 **SECTION 167.** 48.981 (9) (b) 2. of the statutes is amended to read:

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

24 **SECTION 168.** 48.981 (10) of the statutes is renumbered 48.981 (3f) (d) and
25 amended to read:

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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 169.** 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)~~ (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 170.** 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 171.** 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 172.** 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.

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1 **SECTION 173.** 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 174.** 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 175.** 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 176.** 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

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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 177.** 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)

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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 178.** 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 179.** 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.

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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 180.** 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 181.** 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) ~~(c)~~ 4. (3g) (d) or 448.03 (6) in lieu of
13 medical or surgical treatment.

14 (END)