



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0197/1  
GMM:emw

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 326**

December 14, 2015 - Offered by Senator COWLES.

1     **AN ACT to amend** 48.981 (3) (a) 3., 48.981 (3) (a) 4., 48.981 (3) (b) 3., 48.981 (3m)  
2           (c) 1., 48.981 (3m) (c) 2. b. and 48.981 (3m) (c) 3. of the statutes; **relating to:**  
3           referral of reports of suspected or threatened child abuse or neglect to the  
4           sheriff or police department, coordination of the response to those reports, and  
5           referral of those reports to the district attorney for criminal prosecution.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment makes certain changes with respect to the referral of reports of child abuse or neglect to the sheriff or police department by the county department of human services or social services, Department of Children and Families, or licensed child welfare agency (collectively “agency”) receiving such a report. Specifically, the substitute amendment does all of the following:

1. Requires an agency to refer a report of suspected or threatened sexual abuse of a child to the sheriff or police department as soon as practicable, but no later than 12 hours after receiving the report, with no exclusion for Saturdays, Sundays, or legal holidays. Current law requires referral of such a report to the sheriff or police department within 12 hours after receipt of the report, but excludes Saturdays, Sundays, and legal holidays.

2. For cases of suspected or threatened abuse, other than sexual abuse, and for cases of suspected or threatened neglect reported to an agency, requires the agency

to refer the report to the sheriff or police department as soon as practicable, but no later than 24 hours after receiving the report, if the agency determines that there is reason to suspect that such abuse or neglect has occurred or is likely to occur. If the agency determines that there is no reason to suspect that such abuse or neglect has occurred or is likely to occur, the agency must refer the report to the sheriff or police department as soon as practicable, but no later than 48 hours after receiving the report. Current law does not require an agency to refer a report of abuse, other than sexual abuse, or neglect to the sheriff or police department.

The substitute amendment also requires 1) the sheriff or police department and the agency receiving a report of any type of suspected or threatened abuse or neglect to coordinate their response to the report and 2) each sheriff and police department to adopt a written policy specifying the kinds of reports of abuse or neglect of any type that the sheriff or police department will routinely refer to the district attorney for prosecution. Current law requires such coordination and the adoption of such a written policy only with respect to reports of suspected or threatened child sexual abuse.

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

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

2           48.981 (3) (a) 3. ~~Except as provided in sub. (3m)~~ As soon as practicable, but no  
3 later than 12 hours after receiving a report under subd. 1. alleging suspected or  
4 threatened abuse, as defined in s. 48.02 (1) (b) to (f), a county department, the  
5 department, or a licensed child welfare agency under contract with the department  
6 shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer the  
7 report to the sheriff or police department ~~all cases of suspected or threatened abuse,~~  
8 ~~as defined in s. 48.02 (1) (b) to (f), reported to it.~~ For cases of suspected or threatened  
9 abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each reported under  
10 subd. 1., if a county department, the department, and or a licensed child welfare  
11 agency under contract with the department shall adopt a written policy specifying  
12 the kinds of reports it will routinely report to local law enforcement authorities  
13 determines that there is reason to suspect that such abuse or neglect has occurred

1 or is likely to occur, the county department, department, or licensed child welfare  
2 agency shall refer the report to the sheriff or police department as soon as  
3 practicable, but no later than 24 hours after receiving the report. If the county  
4 department, department, or licensed child welfare agency determines that there is  
5 no reason to suspect that such abuse or neglect has occurred or is likely to occur, the  
6 county department, department, or licensed child welfare agency shall refer the  
7 report to the sheriff or police department as soon as practicable, but no later than 48  
8 hours after receiving the report.

9 **SECTION 2.** 48.981 (3) (a) 4. of the statutes is amended to read:

10 48.981 (3) (a) 4. ~~If the report is of suspected or threatened abuse, as defined in~~  
11 ~~s. 48.02 (1) (b) to (f), the~~ The sheriff or police department and the county department,  
12 department, or licensed child welfare agency under contract with the department  
13 shall coordinate the planning and execution of ~~the investigation of the report~~ their  
14 response to a report received under subd. 1.

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

16 48.981 (3) (b) 3. If the sheriff or police department determines that criminal  
17 action is necessary, the sheriff or police department shall refer the case to the district  
18 attorney for criminal prosecution. Each sheriff and police department shall adopt  
19 a written policy specifying the kinds of reports of suspected or threatened abuse, ~~as~~  
20 ~~defined in s. 48.02 (1) (b) to (f), or neglect~~ that the sheriff or police department will  
21 routinely refer to the district attorney for criminal prosecution.

22 **SECTION 4.** 48.981 (3m) (c) 1. of the statutes is amended to read:

23 48.981 (3m) (c) 1. If the agency or county department determines that there  
24 is reason to suspect that substantial abuse or neglect has occurred or is likely to occur  
25 or that an investigation under sub. (3) is otherwise necessary to ensure the safety of

1 the child and his or her family, the agency or county department shall refer the report  
2 to the sheriff or police department under sub. (3) (a) 3. and investigate the report as  
3 provided in sub. (3) (c). If in conducting that investigation the agency or county  
4 department determines that it is not necessary for the safety of the child and his or  
5 her family to complete the investigation, the agency or county department may  
6 terminate the investigation and conduct an assessment under subd. 2. If the agency  
7 or county department terminates an investigation, the agency or county department  
8 shall document the reasons for terminating the investigation and notify any law  
9 enforcement agency that is cooperating in the investigation.

10 **SECTION 5.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

11 48.981 **(3m)** (c) 2. b. If the agency or county department employs the  
12 assessment response under subd. 2. a., the agency or county department is ~~not~~  
13 ~~required to~~ shall refer the report to the sheriff or police department under sub. (3)  
14 (a) 3. ~~or~~ but is not required to determine by a preponderance of the evidence under  
15 sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific  
16 person has abused or neglected the child. If in conducting the assessment the agency  
17 or county department determines that there is reason to suspect that substantial  
18 abuse or neglect has occurred or is likely to occur or that an investigation under sub.  
19 (3) (c) is otherwise necessary to ensure the safety of the child and his or her family,  
20 the agency or county department shall immediately commence an investigation  
21 under sub. (3) (c).

22 **SECTION 6.** 48.981 (3m) (c) 3. of the statutes is amended to read:

23 48.981 **(3m)** (c) 3. If the agency or county department determines that there  
24 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the  
25 agency or county department shall refer the child's family to a service provider in the

1 community for the provision of appropriate services on a voluntary basis. If the  
2 agency or county department employs the community services response under this  
3 subdivision, the agency or county department ~~is not required to conduct an~~  
4 ~~assessment under subd. 2., shall~~ refer the report to the sheriff or police department  
5 under sub. (3) (a) 3., ~~or~~ but is not required to conduct an assessment under subd. 2.  
6 or determine by a preponderance of the evidence under sub. (3) (c) 4. that abuse or  
7 neglect has occurred or is likely to occur or that a specific person has abused or  
8 neglected the child.

9 **SECTION 4. Initial applicability.**

10 (1) CHILD ABUSE AND NEGLECT REPORTS. The treatment of section 48.981 (3) (a)  
11 3. and 4. and (3m) (c) 1., 2. b., and 3. of the statutes first applies to a report of  
12 suspected or threatened abuse or neglect of a child made under section 48.981 (3) (a)  
13 1. of the statutes on the effective date of this subsection.

14 (END)