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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2005 Wisconsin Act 232**  
[2005 Senate Bill 284]

**Investigation of Child Abuse by  
Non-Caregivers**

2005 Wisconsin Act 232 contains the following provisions:

- Permits, rather than requires, a law enforcement agency to refer for investigation a case in which a person who is not a caregiver of a child is suspected of the abuse or neglect of the child. Also, the Act permits, rather than requires, the investigating agency to initiate a diligent investigation to determine if the child is in need of protection or services. If a caregiver is suspected of the abuse or neglect or of failing to prevent the abuse or neglect, or if it cannot be determined who is the perpetrator of the abuse or neglect, law enforcement referral of the case for investigation continues to be required.
- Expands the definitions of “relative” of a child or juvenile for purposes of the Children’s Code and the Juvenile Justice Code to include a stepbrother, stepsister, half brother, half sister, brother or sister-in-law, second cousin, step-uncle or aunt, any person of a preceding generation as denoted by the prefix grand, great, or great-great, and the spouse of any relative, even if the marriage is terminated by death or divorce. This expanded definition does not apply in the daycare licensure statutes.
- Permits a child to be held in custody for an additional 72 hours beyond the time allowed in current law, if the juvenile court judge or circuit court commissioner determines that probable cause exists to believe that additional time is required to determine whether the filing of a petition initiating proceedings under the Children’s Code is necessary.
- Permits the juvenile court, following a termination of parental rights of a child, to transfer guardianship and custody of a child to a county department of a county other than Milwaukee County for placement of the child for adoption by the child’s foster parent or treatment foster parent, only if the county department has agreed to accept guardianship and custody of the child and the foster parent or treatment foster parent has agreed to adopt the child.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

- If a child is placed outside of the home, into the home of a relative caregiver, the Act requires information that is currently provided to foster parents, treatment foster parents, or a group home or residential care center operator, to be provided in the same manner to the relative caregiver. In addition, the information may be provided before the child is placed.
- Provides that a termination of parental rights order permanently severs all legal rights and duties not only between the parent whose parental rights are terminated, but also between all persons whose relationship to the child is derived through that parent, except as follows:
  - The relationship between the child and his or her siblings is not severed until that relationship is extinguished by an order of adoption.
  - A relative whose relationship to the child is derived through the parent whose parental rights are terminated is considered to be a relative of the child for purposes of placement of, and permanency planning for, the child until that relationship is extinguished by an order of adoption.
- Amends the definition of “neglect” to specify that only caregivers can commit neglect.

***Effective Date:*** The provision making child abuse investigations of non-caregivers permissive, takes effect on October 1, 2006. The remainder of the Act takes effect on April 13, 2006.

***Prepared by:*** Laura Rose, Deputy Director

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LR:ksm