



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2015/1  
GMM:emw

## 2015 SENATE BILL 326

October 14, 2015 - Introduced by Senators COWLES, WANGGAARD, CARPENTER, DARLING, LASEE, LASSA, OLSEN and SHILLING, cosponsored by Representatives MACCO, A. OTT, BERCEAU, BILLINGS, EDMING, HEATON, JACQUE, JOHNSON, KLEEFISCH, KULP, MURPHY, NERISON, NOVAK, PETRYK, ROHRKASTE, SARGENT, SINICKI, SPIROS, STEFFEN, SUBECK, TITTL, TRANEL and VANDERMEER. Referred to Committee on Judiciary and Public Safety.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, certain health care providers, school employees, and other professionals who have reason to suspect that a child seen in the course of professional duties has been abused or neglected or that a child has been threatened with abuse or neglect and that abuse or neglect will occur must report that suspected or threatened abuse or neglect to the county department of human services or social services or, in Milwaukee County, the Department of Children and Families (DCF) or a licensed child welfare agency under contract with DCF (collectively "agency") or to the sheriff or city, village, or town police department. In the case of a report of suspected or threatened sexual abuse of a child made to an agency, the agency must, within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer the report to the sheriff or police department, which must coordinate the investigation of the report with the agency. 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. Current law requires each sheriff and police department to adopt a written policy specifying the kinds of reports of suspected or

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threatened sexual abuse of a child that the sheriff or police department will routinely refer to the district attorney for criminal prosecution.

This bill expands those referral and coordination requirements to *all* reports of suspected or threatened abuse or neglect of a child. Specifically, the bill requires: 1) an agency that receives a report of *any* suspected or threatened child abuse or neglect to refer that report 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, and legal holidays; 2) the sheriff or police department and the agency to coordinate the investigation of *any* report of suspected or threatened child abuse or neglect received by the sheriff, a police department, or an agency; and 3) each sheriff and police department to adopt a written policy specifying the kinds of reports of suspected or threatened child abuse or neglect of *any type* that the sheriff or police department will routinely refer to the district attorney for criminal prosecution.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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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., a county department, the  
4 department, or a licensed child welfare agency under contract with the department  
5 shall ~~within 12 hours, exclusive of Saturdays, Sundays, or legal holidays,~~ refer the  
6 report to the sheriff or police department ~~all cases of suspected or threatened abuse,~~  
7 ~~as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened~~  
8 ~~abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each county~~  
9 ~~department, the department, and a licensed child welfare agency under contract~~  
10 ~~with the department shall adopt a written policy specifying the kinds of reports it will~~  
11 ~~routinely report to local law enforcement authorities.~~

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

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

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

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

13          **SECTION 4. Initial applicability.**

14          (1) CHILD ABUSE AND NEGLECT REPORTS. The treatment of section 48.981 (3) (a)  
15          3. and 4. of the statutes first applies to a report of suspected or threatened abuse or  
16          neglect of a child made under section 48.981 (3) (a) 1. of the statutes on the effective  
17          date of this subsection.

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(END)