



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4852/1
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2019 ASSEMBLY BILL 671

December 13, 2019 - Introduced by Representatives SNYDER, KRUG, JAMES, KULP, RAMTHUN and TUSLER, cosponsored by Senators TESTIN and WANGGAARD. Referred to Committee on Judiciary.

- 1 **AN ACT** *to amend* 48.981 (7) (a) 4p.; and *to create* 103.155 of the statutes;
2 **relating to:** disclosure of child abuse and neglect reports and records.

Analysis by the Legislative Reference Bureau

This bill prohibits the disclosure of, or request or requirement to disclose, reports of suspected child abuse or neglect and related records to certain persons if an investigation led to a determination that there is no reason to suspect that abuse or neglect occurred or is likely to occur.

Current law requires certain professionals to report suspected abuse and neglect of children if the professional, in the course of his or her professional duties, has reasonable cause to suspect that a child has been abused or neglected, or has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect will occur. Current law also allows any person who is not a mandated reporter to report suspected abuse or neglect of children if he or she has reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur. Under current law, such reports are made, by telephone or personally, to the county department of human services or social services or, in Milwaukee County, the Department of Children and Families or a licensed child welfare agency under contract with DCF or the sheriff or city, village, or town police department. Current law provides a procedure for evaluating and investigating such reports.

Under current law, all reports of suspected abuse or neglect of a child and related records are confidential and may be disclosed only to certain persons under

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certain circumstances. Current law allows such reports and records to be disclosed to a public or private agency that is investigating a person for purpose of licensing the person to operated a foster home or placing a child for adoption in the home of the person. Under this bill, such a report or record may not be disclosed under these circumstances if, pursuant to an investigation of a report, there was a determination that there is no reason to suspect that abuse or neglect has occurred or is likely to occur.

The bill also prohibits an employer, agent of an employer, or licensing agency from requesting or requiring an employee, prospective employee, or applicant for a license to disclose a report of suspected child abuse or neglect if an investigation led to a determination that there is no reason to suspect that abuse or neglect occurred or is likely to occur.

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

1 **SECTION 1.** 48.981 (7) (a) 4p. of the statutes, as affected by 2019 Wisconsin Act
2 9, is amended to read:

3 48.981 (7) (a) 4p. A public or private agency in this state or any other state that
4 is investigating a person for purposes of licensing the person to operate a foster home
5 or placing a child for adoption in the home of the person or for the purposes of
6 conducting a background investigation of an adult congregate care worker, as
7 defined in s. 48.685 (1) (ap), except that a report or record may not be disclosed under
8 this subdivision if there was a determination under sub. (3m) (c) 3. that there is no
9 reason to suspect that abuse or neglect has occurred or is likely to occur.

10 **SECTION 2.** 103.155 of the statutes is created to read:

11 **103.155 Required reporting of allegation of abuse or neglect of a child**
12 **that was unsubstantiated. (1) DEFINITION.** In this section, “licensing agency” has
13 the meaning given in s. 111.32 (11).

14 **(2) PROHIBITED ACTS.** (a) No employer or agent of an employer may request or
15 require an employee or prospective employee, as a condition of employment, to

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1 disclose a report or investigation of suspected abuse or neglect of a child if there was
2 a determination under s. 48.981 (3m) (c) 3. that there is no reason to suspect that
3 abuse or neglect has occurred or is likely to occur.

4 (b) No licensing agency may request or require an individual, as a condition of
5 licensing, to disclose a report or investigation of suspected abuse or neglect of a child
6 if there was a determination under s. 48.981 (3m) (c) 3. that there is no reason to
7 suspect that abuse or neglect has occurred or is likely to occur.

8 (END)