

# Mandatory Reporting Requirements: Children Wisconsin

*Last Updated: April 2023*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• Any of the following persons <i>in the course of professional duties</i> ):               <ul style="list-style-type: none"> <li>• Physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, physical therapist, physical therapist assistant, occupational therapist, dietician, speech-language pathologist, audiologist, emergency medical services practitioner, emergency medical responder or other medical or mental health professional,</li> <li>• Social worker, marriage and family therapist, professional counselor, alcohol or other drug abuse counselor;</li> <li>• Genetic counselor</li> <li>• Public assistance worker, including a financial and employment planner;</li> <li>• School teacher, school administrator, school counselor, any other school employee;</li> <li>• Mediator under s. 767.405;</li> <li>• Child-care worker in a child care center, group home, or residential care center for children and youth or child care provider;</li> <li>• Member of the treatment staff employed by or working under contract with a county department or a residential treatment care center for children/youth;</li> <li>• Physical therapist, physical therapist assistant,</li> <li>• Occupational therapist</li> <li>• Dietitian</li> <li>• A speech-language pathologist.</li> <li>• An audiologist.</li> <li>• An emergency medical services practitioner.</li> <li>• An emergency medical responder, as defined in s. 256.01(4p).</li> <li>• A police or law enforcement officer.</li> <li>• A juvenile correctional officer.</li> <li>• Court appointed special advocate;</li> <li>• Police or law enforcement officer; and juvenile correction officer.</li> </ul> </li> <li>• Members of Clergy: a member of the clergy shall report if the member of the clergy has reasonable cause to suspect that a child seen by the member of the clergy in the course of his or her professional duties has been abused, has been threatened with abuse and the abuse of the child will likely occur. Additionally, a member of the clergy shall report if the member has reasonable cause, based on observations made or information that he or she receives, to suspect that a member of the clergy has abused a child or threatened a child with abuse and abuse of the child will likely occur.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Exception for Members of Clergy:</b> A member of the clergy is not required to report child abuse information that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.</li> <li>• <u>All University of Wisconsin System (UWS) professors, administrators, coaches, and other UWS employees in the course of employment</u></li> <li>• <u>Exception to reporting requirement: health care services:</u> The following persons are not required to report suspected or threatened abuse, sexual intercourse or sexual contact involving a child: (1) A health care provider who provides any health care service to a child, and (2) person who obtains information about a child who is receiving or has received health care services from a health care provider, unless such person in (1) or (2) either (a) has any reasonable doubt as to the voluntariness of the child’s participation in the sexual contact or sexual intercourse, or (b) has reason to suspect: <ul style="list-style-type: none"> <li>• That the sexual intercourse or sexual contact occurred or is likely to occur with a caregiver;</li> <li>• That the child suffered or suffers from a mental illness or mental deficiency that rendered or renders the child temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions;</li> <li>• 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;</li> <li>• 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; or</li> <li>• That another participant in the sexual contact or sexual intercourse was or is exploiting the child. “Health care provider” means a physician, a naturopathic doctor, a physician assistant, or a nurse holding a license</li> </ul> </li> <li>• <u>Exception to reporting requirement: person delegated parental powers:</u> A person delegated care and custody of a child is not required to report any suspected or threatened abuse or neglect of the child. Such a person who has reason to suspect that the child has been abused or neglected or who has reason to believe that the child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may report.</li> </ul>
<p>When is a report required and where does it go?</p>	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• 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 of the child will occur.</li> </ul> <p><b>Where does it go?</b></p>

- The county department in the county where child resides, or, in a county having a population of 750,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur. The contact information for the Child Protective Services office in each county is available at: <https://dcf.wisconsin.gov/reportabuse>
- Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner.

What definitions are important to know?

- **“Abuse”** (other than when used in referring to abuse of alcohol beverages or other drugs) means any of the following:
  - Physical injury inflicted on a child by other than accidental means;
  - When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree;
  - Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085 [sexual assault; sexual assault of a child];
  - A violation of s. 948.05 [sexual exploitation of a child];
  - A violation of s. 948.051 [trafficking of a child]
  - Permitting, allowing or encouraging a child to violate s. 944.30(1m) [prostitution];
  - A violation of s. 948.055 [causing a child to view or listen to sexual activity];
  - A violation of s. 948.10 [exposing genitals, pubic area, or intimate parts];
  - Manufacturing methamphetamine in violation of s. 961.41(1)(e) under any of the following circumstances: 1. With a child physically present during the manufacture; 2. In a child’s home, on the premises of a child’s home, or in a motor vehicle located on the premises of a child’s home; or 3. Under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child; or
  - Emotional damage for which the child’s parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.
- **“Child”** means a person under the age of 18, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, “child” does not include a person who has attained the age of 17 years.
- **“Neglect”** means 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 the child.
- **“Unborn child”** means a human being from the time of fertilization to the time of birth.

<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• Reports must be made immediately by telephone or in person.</li> <li>• Note: Expending reasonable amount of time to verify child's allegation of sexual misconduct is consistent with the requirement that allegations of abuse or neglect be reported immediately to proper authorities by teacher, administrator or counselor to whom such allegations are made. <a href="#"><u>Phillips v. Behnke (App. 1995) 531 N.W.2d 619.</u></a></li> </ul>
<p>What information must a report include?</p>	<ul style="list-style-type: none"> <li>• Facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.</li> </ul>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• An intentional violation by failing to report as required can result in a fine of up to \$1,000 or imprisonment for not more than 6 months, or both.</li> <li>• Section 48.981's use of the phrase "reasonable cause to suspect" fairly notifies a person of ordinary intelligence that if there is a reasonable basis to suspect that child abuse has occurred, that person must make a report to the appropriate agency. Thus, the test becomes whether a prudent person would have had reasonable cause to suspect child abuse if presented with the same totality of circumstances as that acquired and viewed by the defendant. <i>State v. Hurd</i>, 400 N.W.2d 42, 45 (Wis. App. 1986).</li> <li>• Any person not otherwise specified above, including an attorney, who has reason to suspect that a child has been abused or neglected, who has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur, who has reason to suspect that an unborn child has been abused, or who has reason to believe that an unborn child is at substantial risk of abuse "may" report.</li> <li>• There is no privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a member of the clergy in the member's professional character as a spiritual advisor concerning observations or information that a member of the clergy is required to report as suspected or threatened child abuse</li> <li>• No person making a report under this subsection in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for so doing</li> <li>• Immunity: Any person or institution doing any of the following in good faith in connection with a report under this section has immunity from any liability, civil or criminal, that results by reason of the action: <ol style="list-style-type: none"> <li>1. Participating in the making of a report.</li> <li>2. Conducting an investigation.</li> <li>3. Ordering or taking photographs.</li> <li>4. Ordering, performing, or assisting with medical examinations of a child or of an expectant mother.</li> <li>5. Otherwise providing information, assistance, or consultation in connection with a report, investigation, or legal intervention.</li> </ol> <p>For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity does not apply to liability for abusing or neglecting a child or for abusing an unborn child.</p> </li> <li>• All reports made under this section shall be confidential. Reports and records may be disclosed only to</li> </ul>

	limited persons as listed in 48.981(7)
Statutory citation(s):	<ul style="list-style-type: none"><li>• Wis. Stat. Ann. §§ 48.981, 48.02(2), 905.06; Governor's Executive Order #54 (2011), <a href="#">Phillips v. Behnke (App. 1995) 531 N.W.2d 619.</a></li></ul>