

 <b>WRAPAROUND MILWAUKEE Policy &amp; Procedure</b>	Date Issued: <b>6/12/01</b>	Reviewed: <b>5/20/10</b> By: <b>DT</b> Last Revision: <b>9/30/09</b>	Section: <b>ADMINISTRATION</b>	Policy No: <b>034</b>	Pages: <b>1 of 1</b> (1 Attachment)
	<input checked="" type="checkbox"/> Wraparound <input checked="" type="checkbox"/> Wraparound-REACH <input checked="" type="checkbox"/> FISS <input checked="" type="checkbox"/> Project O-Yeah	Effective Date: <b>1/1/10</b>	Subject: <b>MANDATORY REPORTING</b>		

**I. POLICY**

According to Wisconsin Statute 48.981 (2), Wraparound Milwaukee / REACH Care Coordinators are considered to be Mandatory Reporters of any **suspected, reported or observed neglect or abuse** across all settings (*see Attachment for specifics*).

**II. PROCEDURE**

- A. The Wraparound Milwaukee / REACH Care Coordinator should discuss his/her role as a Mandatory Reporter with all families upon enrollment.
- B. The Care Coordinator **must report suspected, reported or observed neglect and/or physical, sexual and emotional abuse** by calling 220-SAFE (7233) and the police immediately.
- C. The Care Coordinator must report suspected, reported or observed abuse that occurs in any setting (i.e., home, treatment foster care, group care, residential, school or community) even if that facility/agency indicates they have reported the incident or are investigating it.
- D. The Care Coordinator should inform the family of his/her intention to make a referral as soon as possible. The Care Coordinator should explain the process and potential investigation.
- E. The Care Coordinator must complete and submit a Critical Incident Report form (*see Policy #014 – Critical Incident Reporting*) **within 24 hours of the incident** (when abuse has been reported or observed), as well as a Progress Note.

Reviewed & Approved by: Bruce Kamradt  
**Bruce Kamradt, Director**



## Mandatory Reporting of Child Abuse & Neglect

The State of Wisconsin requires individuals who work in certain professions to report child abuse and neglect. With some exceptions, any of the following individuals who “has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur” must report as described below [See Wis. Stat. sec. 48.981(2)(a)]. Every new instance of child abuse or neglect must be reported. Reporters are protected from discharge for reporting child abuse. Reports must be made to law enforcement, the child welfare agency (CWA), or child protective services (CPS) agency. Law enforcement must refer all reports to CWA or CPS agencies within 12 hours. CWA or CPS agencies must refer reports of sexual abuse to law enforcement within 12 hours and must also develop a policy regarding referrals for other types of abuse. These agencies are required to collaborate with each other when investigating sexual abuse.

**Who Must Report?** Wis. Stat. 48.981(2)(a)1 lists the following individuals as mandated reporters:

- Physician
- Coroner
- Medical examiner
- Nurse
- Dentist
- Chiropractor
- Optometrist
- Occupational therapist
- Dietician
- Audiologist
- Acupuncturist
- Physical therapist & PT assistant
- Alcohol or other drug abuse counselor
- Medical or mental health professional
- Social worker
- Mediator under s. 767.11
- First responder
- Public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d)
- Member of the treatment staff employed by or working under contract with a county department under s. 46.26, 51.42, or 51.437
- Marriage and family therapist
- Professional counselor
- Day care provider
- Speech-language pathologist
- Emergency medical technician
- Court appointed special advocate
- Police or law enforcement officer
- Child care worker in a day care center, group home as described in s. 48.625(1m), or residential care center for children and youth
- School teacher, school administrator, school counselor
- Clergy (See section below.)

**What is Reportable Child Abuse?** Wis. Stat. sec. 48.02(1)

- *Physical abuse* inflicted on a child by non-accidental means, serious physical harm inflicted on an unborn child, and the risk of serious physical harm to a child when born, caused by the habitual lack of self-control of the expectant mother in the use of alcoholic beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree.
- *Sexual abuse*, defined as:
  - Sexual intercourse or sexual contact under s. 940.225, 948.02, or 948.025 (sexual assault, sexual assault of a child, and repeated acts of sexual assault of the same child)
  - Sexual exploitation of a child
  - Causing a child to view or listen to sexual activity
  - Permitting, allowing, or encouraging a child to engage in prostitution
  - Exposing genitals or pubic area

- *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 relieve the symptoms.
- *Neglect* is the “failure, refusal or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, 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” [Wis. Stat. sec. 48.981(1)(d)].

Notably, acts that would constitute the crime of sexual intercourse with a child age 16 or over are not reportable abuse, but acts that would constitute sexual assault under Wis. Stat. sec. 940.225 are reportable child abuse. Wis. Stat. sec. 940.225 describes the acts of sexual contact or intercourse with another person without consent, with a person incapable of giving consent, or between people in certain relationships, such as inmate-guard.

### **Exceptions to Reporting Requirements:** Wis. Stat. sec. 48.981(2m)

The State of Wisconsin carved out an exception to reporting requirements to allow children to obtain confidential health care services. Health care services means family planning services as defined by law, pregnancy testing, obstetrical health care or screening, and diagnosis or treatment for a sexually transmitted infection. For purposes of this exception, health care providers include physicians, physician assistants, and registered or licensed nurses.

The exception applies when one of these persons provides a health care service to a child or when a mandatory reporter obtains information about a child who is receiving or has received health care services from one of these persons. However, this exception is not absolute. A report is required in spite of the exception whenever the health care provider suspects any of the following:

- The sexual intercourse or sexual contact occurred or is likely to occur with a caregiver.
- 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.
- The child, because of age/immaturity, was or is incapable of understanding the nature or consequences of sexual intercourse or sexual contact.
- 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.
- Another participant in the sexual contact or sexual intercourse was or is exploiting the child.
- There is any reasonable doubt that the child’s participation in the sexual contact or intercourse was voluntary.

### **Clergy Mandatory Reporting Provisions**

As of May 1, 2004, clergy are mandatory reporters of child sexual abuse. Under these provisions, a report is required if a clergyperson has reasonable cause to suspect that a child seen in the course of the clergyperson’s professional duties was sexually abused or was threatened with sexual abuse and sexual abuse is likely to occur. Further, a report is also required if a clergyperson has reasonable cause to believe, “based on observations made or information that he or she receives,” that a child has been sexually abused or has been threatened with sexual abuse and sexual abuse is likely to occur. However, “[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.” Wis. Stat. sec. 49.981(2)(bm)(3).

## **Are Staff at Sexual Assault Service Provider Agencies Mandated Reporters?**

Under Wisconsin law, staff of sexual assault service provider (SASP) agencies are not mandated reporters. However, individuals who work at these agencies may be mandated reporters due to their profession, such as licensed social workers, etc. Many agencies, through agency policy or due to grant requirements, have adopted these reporting guidelines for all staff. A minor concerned about mandatory reporting and seeking services at a SASP should ask for a copy of the agency's reporting policy.

For further information, see WCASA's information sheets on sexual assault laws, child sexual assault laws, child pornography laws, and the WCASA information sheet on teens.

*This information sheet was compiled in 2004 by the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a membership organization of sexual assault service providers, other organizations, and individuals throughout Wisconsin working to end sexual violence. For information sheets on other topics or to become a member contact WCASA, 600 Williamson St., Suite N-2, Madison, WI 53703, (608)257-1516, [www.wcasa.org](http://www.wcasa.org). For more information about sexual assault or to receive support with a sexual assault experience, contact your local sexual assault program. This sheet may be reproduced in its original format only. This information does not constitute legal advice.*