

WISCONSIN CHILD ABUSE REPORTING REQUIREMENTS FOR ENTITIES

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Question	Answer
What are the child abuse reporting requirements within entities?	<ul style="list-style-type: none">Wisconsin law relating to reporting of child abuse requires that an entity shall report any suspicions or concerns that child abuse, neglect, or the threat of abuse or neglect has occurred or will occur. Required reporters are listed in Wis. Stat. § 48.981(2). How those reporters are required to report within an entity are discussed below.
How is an entity defined?	<ul style="list-style-type: none">“Entity” means a facility, organization or service that is licensed or certified by or registered with the Department of Health Services to provide direct care or treatment services to clients; or an agency that employs or contracts with an individual to provide personal care services. [Wis. Stat. § 50.065(1)(c)]“Entity” includes a hospital, a personal care worker agency, a supportive home care service agency, a temporary employment agency that provides caregivers to another entity, and the board on aging and long-term care. (See section B below for a complete list of entities covered by the law.) [Wis. Stat. § 50.065(1)(c)]“Entity” does NOT include any of the following [Wis. Stat. § 50.065(1)(c)1-6.]:<ul style="list-style-type: none">a. Licensed or certified childcare under ch. 48, Wis. Stats.b. Kinship care under Wis. Stat. § 48.57(3m), or long-term kinship care under Wis. Stat. § 48.57(3n).c. A person certified as a medical assistance provider, as defined in Wis. Stat. § 49.43(10), who is not otherwise approved under Wis. Stat. § 50.065(1)(cm), licensed or certified by or registered with the Department of Health Services.d. An entity, as defined in Wis. Stat. § 48.685(1)(b), that provide services for <i>children</i>.e. A public health dispensary established under Wis. Stat. § 252.10.

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What is an entity required to do if it receives a report of child abuse?	<ul style="list-style-type: none"> • An entity shall report immediately by telephone or personally to the county department of social services or human services or the sheriff or city, village or town police department the facts and circumstances contributing to a suspicion the child abuse or neglect has occurred or to a belief that child abuse or neglect will occur. • The entity shall notify the Department of Health Services in writing or by phone within seven calendar days that the report had been made; notice that the report has been made can be give to: Caregiver Registry and Investigation Unit Bureau of Quality Assurance 2917 International Lane, Suite 300, Madison, WI 53704 Phone: 608-243-2019 <p>Wis. Code. § DHS 13.05(3)(c). Administrative Rule, Effective 7/1/99]; Wis. Stat. § 48.981.</p>
What are the penalties for failure by a person employed by or under contract with the entity to report child abuse?	<ul style="list-style-type: none"> • Intentional failure by any person employed by or under contract with the entity to report any misconduct places the entity subject to no more than a \$1,000 fine and the entity is subject to any of the following: <ol style="list-style-type: none"> a. Submission and implementation of a plan of correction for approval by the Wisconsin Department of Health Services. b. Implementation by the entity of a department imposed plan of correction. c. Any regulatory limitations or conditions imposed by the Wisconsin Department of Health Services. d. Suspension or revocation of licensure, certification, or other approval for not more than 5 years. e. Notification in a local newspaper of the act and, if applicable, any forfeiture imposed. <p>Wis. Code. § DHS 13.05(3)(e).</p>

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In what other situations must child abuse be reported?	<ul style="list-style-type: none"> • Wis. Stat. § 940.34(2)(a) states that any person who knows a crime is being committed and that a victim is exposed to bodily harm shall summon law enforcement officers or other assistance or shall provide assistance to the victim. The duty does not apply if compliance would place the reporting person in danger or interfere with duties the person owes to others. [Wis. Stat. § 940.34(2)(d)1-2. • Wis. Stat. § 940.34(2)(b) states that any person licensed as a private detective or granted a private security permit under Wis. Stat. § 440.26, who has reasonable grounds to believe that a crime is being committed or has been committed shall notify promptly an appropriate law enforcement agency of the facts which form the basis for this belief. • Wis. Stat. § 940.34(2)(c)2. states that any unlicensed private security person, as defined in Wis. Stat. § 440.26(1m)(h), who has reasonable grounds to believe a crime is being committed or has been committed shall notify an appropriate law enforcement agency of the facts which form the basis for this belief. • Wis. Stat. §§ 940.34(1)(a), (b), and (c) state that intentional failure to report is a Class C misdemeanor. Those who are licensed face having their license revoked, suspended, or limited. [Wis. Stat. § 440.26(6)(a)]