

WISCONSIN CHILD ABUSE REPORTING REQUIREMENTS FOR INDIVIDUALS

This document, created by End Domestic Abuse Wisconsin — Wisconsin Coalition Against Domestic Violence — Legal Department, does not constitute legal advice.

Question	Answer
Who are the individuals mandated to report child abuse?	Any of the following persons 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 shall report. Under Wis. Stat. § 48.981(2)(a) individual reporters include: Child Care Staff: • Child Care Worker in a child care center, group home, or residential care center for children and youth • Child Care Provider Counselor Staff: • Alcohol or Drug Abuse Counselor • Professional Counselor • Social Worker • Treatment Staff Member employed by/working under contract with county department s. 46.23, s. 51.42, or s. 51.437, or a residential care center for children and youth Court Staff: • Court-Appointed Special Advocate Wis • Mediator under s. 767.405 Law Enforcement Staff: • Police or Law Enforcement Officer • Juvenile Correctional Officer Medical Staff: • Acupuncturist • Audiologist • Chiropractor • Coroner • Dentist • Dietician • Emergency Medical Services Practitioner • Emergency Medical Responder, as defined in s. 246.01(4p) • Medical Examiner • Medical or Mental Health Professional not otherwise specified in this paragraph • Nurse (see exceptions) • Occupational Therapist • Optometrist • Physical Therapist • Physical Therapist Assistant • Physician (see exceptions) • Speech-Language Pathologist Other: • Clergy (see exceptions) • Public Assistance Worker (including a financial and employment planner) as defined in s. 49.141(1)(d) School Staff: • Administrator • Counselor • Employee • Teacher Therapy Staff: • Marriage and Family Therapist Under Wis. Stat. § 48.981(2)(b): A court-appointed special advocate who has reasonable cause to suspect that a child seen in the course of activities under s. 48.236(3) has been abused or neglected or who has reason to believe that a child seen in the course of those activities has been threatened with abuse and neglect and that abuse or neglect of the child will occur.

Question	Answer
Can people who aren't mandatory reporters report child abuse?	- Any person not listed above, including an attorney, who has reason to suspect that a child has been abused or neglected or 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 may report. Wis. Stat. § 48.981(2)(c). - Any person, including an attorney, who has reason to suspect that an unborn child has been abused or who has any reason to believe that an unborn child is at substantial risk of abuse may report. Wis. Stat. § 48.981(2)(d).
When are mandated individual child abuse reporters required to report?	If there is: - Reasonable cause to suspect child seen in course of person's professional duties has been abused or neglected; or - Reason to believe child seen in the course of person's professional duties has been threatened with abuse or neglect and that abuse or neglect of child will occur. Wis. Stat. § 48.981(2)(a).

Question	Answer
What are the exceptions to the child abuse reporting law?	Note: The purpose of this subsection is to allow children to obtain confidential health care services. Wis. Stat. § 48.981(2m)(a). 1. The following persons are not required to report as suspected or threatened abuse as defined in § 48.02(1)(b), sexual intercourse or sexual contact involving a child: A. A health care provider who provides any health care service to a child. Wis. Stat. § 48.981(2m)(c)1. B. A person who obtains information about a child who is receiving or has received health care services from a health care provider. Wis. Stat. § 48.981(2m)(c)4. However, any person listed in the paragraph above (1. A. and B.) shall report if he or she has reason to suspect any of the following. Wis. Stat. § 48.981(2m)(d)1-5: 1. The sexual intercourse or sexual contact occurred or is likely to occur with a caregiver; 2. 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; 3. 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; 4. 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; 5. Another participant in the sexual contact or sexual intercourse was or is exploiting the child; Note: Any of the above persons shall also report if the person has any reasonable doubt as to the voluntariness of the child's participation in the sexual contact or sexual intercourse. Wis. Stat. § 48.981(2m)(e). 2. A person delegated parental powers exception: A person delegated care and custody of a child under s. 48.979 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. Wis. Stat. § 48.981(2r) 3. Even though mandated reporters, Wis. Stat. § 48.981(2)(bm)(3) does not require clergy to report abuse information received during these confidential communications: 1. Confession. 2. Private communications which clergy has a duty/is expected to keep secret.

Question	Answer
To whom are the mandated individual child abuse reporters required to report?	Immediately inform, by telephone or personally, the county department 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. Wis. Stat. § 48.981(3)(a)(1) .
What are the penalties for failure by an individual to report child abuse?	An intentional violation by failure to report as required may result in a fine up to \$1,000.00 or imprisonment up to six months or both. Wis. Stat. § 48.981(6) .

Question	Answer
How are child abuse and neglect defined?	Abuse is defined as: See Wis. Stat. § 48.02(1). 1. Physical injury inflicted on a child by other than accidental means. Physical injury includes, but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm. Great bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. Wis. Stats. §§ 48.02(1)(a), 48.02(14g), and 939.22(14). 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. Wis. Stat. § 48.02(1)(am). 2. Sexual intercourse or sexual contact under Wis. Stats. §§ 940.225, 948.02, 948.025, and 948.085 Wis. Stat. § 48.02(1)(b). 3. A violation of Wis. Stat. § 948.05, sexual exploitation of a child. Wis. Stat. § 48.02(1)(c). 4. A violation of Wis. Stat. § 948.051, trafficking of a child. Wis. Stat. § 48.02(1)(cm). 5. Permitting, allowing or encouraging a child to violate Wis. Stat. § 944.30, prostitution laws. Wis. Stat. § 48.02(1)(d). 6. A violation of Wis. Stat. § 948.055, causing a child to view or listen to sexual activity. Wis. Stat. § 48.02(1)(e). 8. Grooming of a child for sexual activity under § 948.072. 9. A violation of Wis. Stat. § 948.10, exposing genitals, or pubic area, or intimate parts. Wis. Stat. § 48.02(1)(f). 10. Manufacturing methamphetamine in violation of s. 961.41 (1) (e), when child physically present during the manufacture, 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 under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child. Wis. Stat. § 48.02(1)(g). 11. 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. Wis. Stat. § 48.02(1)(gm). Neglect is defined as: 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. Wis. Stat. § 48.02(12g).