



The School's Role in Preventing Child Abuse and Neglect

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Developed by

Julie Incitti
School Social Work Consultant
Student Services/Prevention and Wellness Team



Wisconsin Department of Public Instruction
Jill K. Underly, PhD, State Superintendent
Madison, Wisconsin

This publication is available from:

Student Services/Prevention and Wellness Team
Wisconsin Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841
(608) 267-9238

This document is also available online:

<https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/sswchildabuse.pdf>

This document is intended as a guide for local educational agencies and community partners. This document is intended solely to provide general information, and nothing written here shall be understood to constitute legal advice or a legal service. For specific legal advice, an attorney should be consulted.

September 2022 Wisconsin Department of Public Instruction

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Introduction

Educators see and work with children on a daily basis during the school week throughout the school year. This reality puts these school staff "on the front lines" of identifying possible child maltreatment.¹

It is in the best interests of children and youth for schools, local child welfare agencies, and local law enforcement agencies to work together cooperatively to protect young people. This publication is designed to help educators² better understand their legal responsibilities to report suspected child abuse and neglect and to assist them in understanding the child protective services' initial assessment process.³ In addition, provisions in the law for schools and counties to share confidential information are included to help promote better working relationships between the two respective systems.

We especially want to thank the Wisconsin Department of Children and Families for its review, expertise, and support as a collaborative partner.

Note that links in the electronic version of this publication are current as of September 2022.

Questions about this publication should be directed to Julie Incitti, School Social Work Consultant, at (608) 266-0963 or julie.incitti@dpi.wi.gov.

¹ Throughout this document the terms "child maltreatment" and "child abuse or neglect" have the same meaning and are used interchangeably.

² For the purposes of this publication, an "educator" is a school district employee.

³ Throughout this document the term "initial assessment" refers to a comprehensive assessment of individual and family conditions, functioning, and dynamics in response to a report of alleged child maltreatment and includes the CPS investigation process as described in Wis. Stat. sec. 48.981(3)(c).

Questions and Answers

1. What are the different forms of child maltreatment?

Physical abuse is non-accidental physical injury inflicted on a child. [Wis. Stat. sec. 48.02\(1\)\(a\)](#). The maltreater may or may not intend to harm the child, and the injury must be severe enough to meet the "physical injury" definition in [Appendix A](#).

Emotional abuse means emotional damage (harm to a child's psychological or intellectual functioning) for which the child's parent, guardian, or legal custodian has neglected, refused, or been unable for reasons other than poverty to obtain necessary treatment or take steps to alleviate the symptoms. Emotional damage is evidenced by one or more of the following exhibited to a severe degree: anxiety; depression; withdrawal; outward aggressive behavior; or a substantial or observable change in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development. [Wis. Stat. sec. 48.02\(1\)\(gm\)](#) and [48.02\(5j\)](#).

Sexual abuse includes any sexual intercourse or sexual contact with a child 14 years of age or younger, sexual intercourse or sexual contact with a 15-year-old child unless the contact is consensual and the other individual is 16, 17, or 18 years old, or nonconsensual sexual intercourse or sexual contact with a child 16 or 17 years old; sexual exploitation; intentionally causing a child to view or listen to sexual activity for the purpose of sexually gratifying oneself or humiliating the child; intentionally exposing oneself to a child or causing the child to expose themselves for the purpose of gratifying oneself or sexually humiliating the child; and allowing or encouraging a child to engage in prostitution. It also includes the trafficking of a child.

Methamphetamine manufacture with a child physically present during the manufacture, in a child's home, on the premises of a child's home, in a motor vehicle on the premises of a child's home, or where a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child is considered child abuse in Wisconsin. [Wis. Stat. sec. 48.02\(1\)\(g\)](#).

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. [Wis. Stat. sec. 48.02\(12g\)](#). Note that "seriously endanger" includes potential as well as actual harm to the child. Actual physical harm need not occur for the child to be seriously endangered; it is sufficient that such harm could happen except for the intervention of others. *In the Interest of A.E. v. State*, 163 Wis. 2d 270, 274-75 (Ct. App. 1991) (approving Wisconsin Jury Instruction – Civil 7030).

2. Is a self-inflicted injury (e.g., cutting or threatened suicide by a minor) considered abuse?

No. Self-inflicted injuries and threatened suicide are not "abuse" under Ch. 48. However, these actions are serious threats to a youth's health and life and should be addressed through other means (e.g., notification of the family or referral for mental health assessment and treatment). State law grants immunity from civil liability (for acts or omissions) to educators who, in good faith, attempt to prevent suicide by a student. [Wis. Stat. sec. 118.295](#).

If the family of a child engaged in self-injury or who has threatened suicide refuses to pursue necessary services and treatment, a referral for suspected emotional damage or neglect may be made to the local child protective services (CPS) agency.

3. If parents keep their child home from school or do not support the child's school attendance, is that considered neglect under Chapter 48?

No. The school should follow [Wis. Stat. sec. 118.16](#), [938.13](#), and [938.17\(2\)](#) and local school district policies to deal with truancy when the school believes the family may be contributing to the truancy.

4. If a parent chooses not to give a child prescribed medication, is that considered medical neglect under Ch. 48?

Not necessarily. There are many prescribed medications that, if not given, do not seriously endanger a child's physical health. For instance, stimulant medications, such as Ritalin, are often prescribed for attention deficit hyperactivity disorder (ADHD). Not giving the child this medication may result in higher activity levels, less ability to concentrate on learning, and poor peer relationships, but none of these would be considered serious endangerment of the child's physical health. If a parent, however, chooses not to give a child prescribed medication, such as insulin, and this action results or may result in seriously endangering the child's physical health, a report of suspected neglect should be made.

5. Who is required to report suspected child abuse or neglect?

All employees of public school districts are required to report suspected child abuse or neglect. Specifically, state law requires individuals in the following occupations to report suspected child abuse or neglect of a child seen in the course of professional duties:

- School teacher
- School administrator
- School counselor

- School employee (not otherwise specified in statute)
- Speech-language pathologist
- Nurse
- Physical therapist
- Physical therapy assistant
- Occupational therapist
- Medical or mental health professional (not otherwise specified in statute)
- Social worker
- Professional counselor
- Physician
- Coroner
- Medical examiner
- Dentist
- Chiropractor
- Optometrist
- Acupuncturist
- Marriage and family therapist
- Public assistance worker, including a financial and employment planner, as defined in [Wis. Stat. sec. 49.141\(1\)\(d\)](#)
- Mediator under [Wis. Stat. sec. 767.405](#)
- Child-care worker in a child care center, group home, or residential care center for children and youth
- Child care provider
- Alcohol or other drug abuse counselor
- Member of the treatment staff employed by or working under contract with a county department under [Wis. Stat. sec. 46.23](#), [51.42](#), or [51.437](#) or a residential care center for children and youth
- Dietitian

- Audiologist
- Emergency medical services practitioner
- Emergency medical responder, as defined in Wis. Stat. sec. 256.01(4p)
- A police or law enforcement officer
- A juvenile correctional officer
- A court-appointed special advocate
- In some circumstances, a member of the clergy. [Wis. Stat. sec. 48.981\(2\)\(bm\)](#)
- School districts, through their local policies, may choose to extend the expectation to report suspected abuse to contracted school staff (e.g., bus drivers)

6. What does it mean to be a Mandated Supporter?

DPI encourages school employees to think of their duty in a way that would more appropriately be called "mandated supporter". As described by the U.S. Department of Health and Human Services, "To promote racial equity and increase awareness of alternative ways to provide support to children and families, mandated reporters are encouraged to become 'mandated supporters,' which entails working to connect families to resources that provide support for their needs so that they can support their children." A mandated supporter's responsibility toward students and families does not end with a report to local child welfare; but instead, a report helps initiate a possible collaboration to broaden the students' support system.

7. When is a person required to report?

Wisconsin law requires any person (listed in Question [#5](#)).

- 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,
- To immediately notify the local child protective services (CPS) agency or local law enforcement agency in person or by telephone. [Wis. Stat. sec. 48.981\(3\)\(a\)](#).

Immediately

By qualifying that reports must be made "immediately," the implication is there should be no delay.

Reasonable Cause to Suspect

Although the statute does not contain a definition of "reasonable cause to suspect," there is some case law that discusses how that term is interpreted. The test is whether a prudent person would have had reasonable cause to suspect child abuse if presented with the same **totality of circumstances** (See *State v. Hurd*, 135 Wis. 2d 266, 273 (Ct. App. 1986)). "In other words, the individual should have a "belief, based on evidence but short of proof, that an ordinary person would reach as to the existence of child abuse." (Id. at 274.)

School staff should not assume that suspected child maltreatment has been reported by another individual with knowledge of the suspected abuse. For example, in a situation where a student has said that their caregiver is already aware of maltreatment occurring, school staff must still make a report to the proper authorities.

Seen in the Course of Professional Duties

Note that reports are required only when the child is *seen in the course of professional duties*. A child seen in the course of professional duties is not limited to the classroom. For instance, if an educator is required to attend school sporting events as a monitor, a child seen in that venue would constitute a child seen in the course of professional duties.

If a mandated reporter becomes aware of suspected abuse outside of their professional work, e.g., within a neighbor's family, a report would not be required. However, the individual could choose to make a report. [Wis. Stat. sec. 48.981\(2\)\(c\)](#).

8. What constitutes being "threatened with abuse or neglect?"

Threatened child abuse or neglect is generally related to conditions or behaviors that a child is subjected to that are dangerous to the child. For example, violent behavior in the home or neglect in the home can threaten a child's safety, even if the child has not yet been injured. Sometimes it is an accumulation of behaviors or conditions that are not individually dangerous but, taken together, pose a threat to the child. The intent is for Child Protective Services (CPS) to intervene before a child is seriously harmed if that harm can be reasonably predicted or foreseen, based on reported information and, when applicable, previous CPS reports.

9. How can a person determine if a report for abuse or neglect needs to be made?

Children typically experience injuries through the normal course of growing up to adulthood. It is not unusual for children to scrape knees, bruise arms, bump heads, burn fingers, or break bones. Generally, children have reasonable explanations for these injuries. However, sometimes children may not have an explanation that seems to fit the injury, or they may be very evasive about how the injury occurred. A child may volunteer that they have been abused. Other times a child's actions may indicate they may have been abused (e.g., acting in a sexually provocative manner with adults or older youth).

Obviously, mandated reporters should not make a report simply because a child has an injury. Injuries are almost always accidental. Generally, a mandated reporter must speak with the child to determine if there is a reason to suspect that the child may have been abused or neglected. Once the mandated reporter has determined that a report needs to be made (or not), any questioning of the child regarding any possible abuse should cease. To continue with questions could potentially contaminate any subsequent investigation by Child Protective Services or law enforcement.

Indicators of possible child abuse and neglect are listed in [Appendix B](#).

10. Are there any guidelines for how to talk to a child when abuse or neglect may be suspected?

Yes. Below are some general guidelines for talking with children about possible abuse or neglect from *The Role of Educators in Preventing and Responding to Child Abuse and Neglect* by Cynthia Crosson-Tower:

- Make the child as comfortable as possible.
- Proximity to the child should be designed to make the child feel at ease. Younger children may feel more comfortable with the adult seated next to them.
- Avoid sitting behind a table or desk.
- Allow the child to tell you what they want.
- Ask open-ended, simple questions with only one idea (e.g., "How did this happen?").
- Do not ask leading questions. (e.g., "Did your father do this to you?").
- Do not interrupt or correct the student.
- Use age-appropriate language.
- Do not display any shock, anger, disbelief, disgust, dread, confusion, or other extreme reaction to what the child reveals.

- Validate the child's self-disclosure.
- Reassure the child the abuse is not the child's fault.
- Tell the child a report must be made (if applicable).
- Prepare the child for what will likely happen in the subsequent initial assessment.
- Do not promise the child that everything will be OK. The child may have an idea of what that might mean, and the subsequent actions taken by the child welfare agency to protect the child, if any, may not match the child's expectations.

11. May a mandated reporter consult with someone else prior to making a report for suspected abuse or neglect?

In short, consultation is acceptable, but it cannot result in delaying a report. Sometimes an educator may be unsure whether or not a report should be made. In addition, sometimes, a person with advanced skills (e.g., pupil services professional) could interact with the child to determine whether or not there is a suspicion of child abuse or neglect. For instance, a classroom teacher may want to consult with a pupil services professional to help decide if a report is necessary. It is acceptable to consult with the pupil services professional if they are immediately available. However, if the pupil services professional is unavailable until the next day or even later in the same day, the teacher should use their own professional judgement to determine if they have reasonable cause to suspect abuse or neglect and, if so, to make a report.

12. If more than one educator is involved, who should make the report?

When more than one educator has reasonable cause to suspect child maltreatment, all of them should report it. An educator should not ask someone else with less knowledge to make a report, and asking someone else does not absolve the educator from the legal responsibility to report. However, another educator with less knowledge could help to facilitate the report, as long as this results in the educator with the most information on the reasonable cause to suspect abuse speaking directly to the CPS professional.

13. May a school establish a procedure requiring educators to notify the building principal or other school district official when a report for suspected abuse or neglect is being made?

Yes. Some school districts have the reporter complete a form that documents the report for suspected abuse or neglect. If a form is completed for the school district to document the report, it should be stored in a manner that maintains the

confidentiality of the reporter's identity, consistent with state law. [Wis. Stat. sec. 48.981\(7\)](#).

However, any school district procedure may not delay, hinder, or prohibit the educator from complying with the law and reporting suspected abuse or neglect. In addition, a school administrator or other school district representative may not "screen" a report to determine if it should be made or make the report instead of the educator. See [Wis. Stat. sec. 48.981\(3\)\(a\)](#).

14. What if two (or more) educators disagree regarding whether a report for suspected abuse or neglect should be made?

If any mandated reporter has reasonable cause to suspect that a child may have been abused or neglected, that person is legally required to report, even if others do not agree.

15. May an educator check under a student's clothing for signs of abuse?

Yes, however, educators should exercise caution in this area and generally limit the visual observation of a student to portions of the body that are commonly exposed (e.g., head, arms, lower legs). State law prohibits a school employee or official from conducting a strip search, defined under Wis. Stat. § 948.50(2)(b) as a search in which a person's genitals, pubic area, buttock or anus, or a female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search. [Wis. Stat. sec. 118.32](#).

A notable exception, however, is a school nurse who, in the course of treating a student for an injury or illness, may ask a student to open or take off articles of clothing and, as a result, may observe signs of physical abuse.

16. How can a mandated reporter determine if a minor who is sexually active must be reported for suspected abuse?

There are three critical factors that determine whether or not a sexually active minor must be reported for suspected abuse:

- consensual vs. nonconsensual "sexual contact" or "sexual intercourse," as defined in [Wis. Stat. sec. 948.01\(5\)](#) and [\(6\)](#),
- the age of the minor, and
- whether the information has come to be known through an attempt by the minor to access health care services, as defined in [Wis. Stat. sec. 48.981\(2m\)\(b\)2](#).

See our publication, "[Reporting Requirements for Situations Involving Sexual Contact or Intercourse and Students: Suggested Procedures for School Employees](#)," for further information.

17. Are there any exceptions to the requirement to report?

Yes. Wisconsin law includes one exception to the requirement to report suspected sexual abuse under certain circumstances: in order to allow children to access confidential health care services, defined as family planning services, pregnancy testing, obstetrical health care or screening, diagnosis, and treatment for a sexually transmitted disease. [Wis. Stat. sec. 48.981\(2m\)\(b\)2](#).

Specifically, a health care provider, defined in [Wis. Stat. sec. 48.981\(2m\)\(b\)1](#), as a physician, physician's assistant, or nurse, providing health care services (as defined above) to a minor need not make a report of sexual contact or sexual intercourse, as long as the health care provider does not believe any of the following may be true:

- the sexual intercourse or 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 their actions,
- the child, because of age or 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, or
- there is a reasonable doubt as to the voluntary nature of the child's participation in the sexual contact or sexual intercourse. [Wis. Stat. sec. 48.981\(2m\)\(e\)](#).

In addition to a reporting exception for the health care provider providing the health care services as defined in [Wis. Stat. sec. 48.981\(2m\)\(b\)2](#), the law also states that "a person who obtains information about a child who is receiving or has received health care services from a health care provider" also need not report, as long as none of the circumstances described above apply. The statute does not limit who that "person" may be. It is not uncommon for minors to disclose to others, including adults who may be mandated reporters, that they have accessed health

care services. Consequently, in order to maintain minors' rights to confidential health care services, mandated reporters, other than health care providers, are not required to report under these circumstances. [Wis. Stat. sec. 48.981\(2m\)](#). See our publication, "[Reporting Requirements for Situations Involving Sexual Contact or Intercourse and Students: Suggested Procedures for School Employees](#)," for further information.

18. How is a report for suspected abuse or neglect made?

There are two ways to meet the legal requirement to report suspected abuse or neglect: a) call the local Child Protective Services (CPS) agency, or b) call local law enforcement (sheriff or city, village, or town police department) [Wis. Stat. sec. 48.981\(3\)\(a\)1](#). The reporter should be prepared to share detailed information, including:

- Reporter's name, position, school, school phone number
- Child's name, address, and age
- Reporter's relationship to the child
- Parent's name, address, workplace (if applicable)
- Names and ages of siblings
- Description of the suspected child abuse or neglect (or the threat of child abuse or neglect), statements made by the child, statements the child allegedly made to others, observations of the child that may indicate child abuse or neglect, past interactions with the parents or other caretakers that might be indicative of child abuse or neglect

In addition, if the reporter is a mandated reporter, they may indicate that they want to be notified of what action, if any, was taken to protect the health and welfare of the child who is the subject of the report. The agency receiving the report is required to provide the reporter with this information under [Wis. Stat. sec. 48.981\(3\)\(c\)6](#). See Question #[34](#) for more information.

19. Are any protections provided to reporters?

Yes. State law provides a variety of protections to people who make reports of suspected abuse or neglect in good faith.

- All reports of suspected abuse or neglect are confidential. With few exceptions as delineated in statute, no information that could be used to identify the reporter (e.g., place of employment, job title) can be shared. [Wis. Stat. sec. 48.981\(7\)\(a\)1](#), [3m](#)., and [4](#).

- Anyone who, in good faith, reports suspected abuse or neglect is immune from both criminal and civil liability. [Wis. Stat. sec. 48.981\(4\)](#).
- No person may be discharged, disciplined, or otherwise discriminated against in regard to employment, or threatened with any such treatment, for making a report of suspected abuse or neglect in good faith. [Wis. Stat. sec. 48.981\(2\)\(e\)](#).

20. Are there any sanctions for intentional failure to report suspected abuse or neglect?

Yes. Someone who is legally required to report suspected abuse or neglect and intentionally does not do so may be fined not more than \$1,000 or imprisoned not more than 6 months, or both. [Wis. Stat. sec. 48.981\(6\)](#).

21. Are reports regarding vulnerable adults (e.g., cognitively disabled) required under the law?

Yes, but the people required to report are different than those listed in Question [#5](#) and the Wisconsin Children's Code (i.e., Chapter 48). Child Protective Services only has jurisdiction for individuals through age 17 years old. Concerns regarding alleged maltreatment of vulnerable adults should be reported to Adult Protective Services or law enforcement. An "adult at risk" is defined as any adult with a physical or mental condition that substantially impairs the adult's ability to care for their needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse or neglect, self-neglect, or financial exploitation. [Wis. Stat. sec. 55.01\(1e\)](#). The following people are required to report suspected abuse of an adult at risk: 1) any employee of any organization that is licensed, certified, or approved by or registered with the Department of Health Services (DHS); 2) a health care provider, as defined in [Wis. Stat. sec. 155.01\(7\)](#), some of whom include a nurse, physical therapist, physical therapy assistant, occupational therapist, and occupational therapy assistant; and 3) a social worker, professional counselor, or marriage and family therapist. [Wis. Stat. sec. 55.043\(1m\)](#).

Schools continue to educate some students with disabilities through the age of 21 years. Consequently, some professionals working in schools would be required to report an adult student who fits the description above.

22. What should be done if a fellow educator is suspected of abusing a student?

As difficult or awkward as it may be, a report of suspected abuse of a child must be reported as outlined in Question [#18](#), even if the suspected maltreater is a colleague. It is also critical to notify the school administration, as well. The school district will begin its own investigation to determine if the employee (i.e., the suspected maltreater) did anything that warrants the school district taking any

disciplinary action. In addition, local law enforcement officials may become involved to determine if criminal charges are warranted. Because all three investigations may be conducted simultaneously, it is important that they be coordinated, to the extent allowed by law, to ensure that none of the investigations interfere with the others. See Question #[34](#) for more information about what information can be shared between systems.

The Department of Public Instruction (DPI) may revoke an educator's license or permit for "immoral conduct," defined as "conduct or behavior that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare, or education of any pupil." [Wis. Stat. sec. 115.31\(1\)\(c\)](#) and [\(2\)](#).

- A school district administrator must report to the State Superintendent of Public Instruction the name of any DPI-licensed person employed at the education agency if:
 - The person is charged with a crime under Ch. 948 (Crimes Against Children), a felony with a maximum term of imprisonment of at least five years, or a crime in which the victim was a child.
 - The person is convicted of a crime (described above) or of 4th-degree sexual assault.
 - The person is dismissed, or their contract is not renewed, by the employer based in whole or in part on evidence that the person engaged in immoral conduct.
 - The person resigns, and the administrator has a reasonable suspicion that the resignation relates to the person having engaged in immoral conduct. [Wis. Stat. sec. 115.31\(3\)\(a\)](#).
- A school district administrator must report to the State Superintendent of Public Instruction the name of any person employed at the education agency who is not DPI-licensed if:
 - the person is convicted of a crime described under Ch. 948 (Crimes Against Children), a felony with a maximum term of imprisonment of at least five years; a crime in which the victim was a child; or 4th-degree sexual assault. [Wis. Stat. sec. 115.31\(3\)\(b\)](#).

23. What should be done if sexual harassment occurs at school?

A school district may need to consider implications for requirements under Wisconsin's Pupil Non-Discrimination Law and Title IX of the Education Amendments of 1972. School staff must respond to allegations of sexual

harassment consistent with Title IX's prohibition against sex discrimination in addition to any criminal investigation. Further, Wisconsin Administrative Code Chapter PI 9 also provides a complaint procedure if a student is subject to discrimination. It is important for schools to understand the various requirements of mandated reporting, Title IX, and pupil nondiscrimination and how they work together through local policies and procedures.

24. Do children involved in cases of sexual assault, human trafficking, or child sexual abuse have the right to an advocate?

Yes. School staff should keep in mind that students have the option and the right under WI law to connect with an advocate in cases of sexual assault, human trafficking, or child sexual abuse. An "advocate" is an individual who is an employee of or a volunteer for an organization, the purpose of which is to provide counseling, assistance, or support services free of charge to a victim. A listing of local Sexual Assault Service Providers can be found on the [Wisconsin Coalition Against Sexual Assault \(WCASA\) website](#).

25. If a child lives in County A and maltreatment of that child is suspected to have occurred in County B, which county should receive the report?

If the child lives in one county and the suspected maltreatment occurred in another county, the report should be made to the authorities in the county in which the child lives. If contacts need to be made with child protective services (CPS) or law enforcement in the other county, the authorities from the county of the child's residence will do that.

26. What happens after a report for suspected abuse or neglect is made?

The child protective services (CPS) professional interviews the reporter over the telephone to collect as much information as possible to make appropriate decisions. Reports are immediately analyzed to determine if the child might possibly be in danger. The primary decisions are 1) screening (i.e., whether to accept a report for assessment, based upon the information in the report and past records, if any), and 2) determining the response time on screened-in reports. Response times (i.e., face-to-face contact with a family member to assess the child's safety) vary from immediately to within five working days. The screening and response time decisions must be made within 24 hours.

State initial assessment standards developed by the Department of Children and Families Services (DCF) must be followed by the child welfare agency. [Wis. Stat. sec. 48.981\(3\)\(c\)](#). These standards may be accessed on the DCF website. Who is interviewed by the CPS professional depends upon the specific allegations, who the suspected maltreater is, and whether there is a legal basis or consent for the

interview. The initial assessment may be conducted jointly with local law enforcement.

27. What are the best practices after a report has been made?

Whether or not an educator determines a report must be made, there are other supports in the school and community that can be offered to families. In addition to individualized student supports at school, school staff can partner with child welfare professionals to collaboratively support family needs. Parenting can be challenging, and all caregivers can use a little help to get through the tough parts. It takes parents, caregivers, and resources to help children thrive. A local Family Resource Center (FRC) or community agency can help connect parents to economic resources, parenting classes, and strategies to support healthy child development, as well as provide connection to and valuable information about community resources. The following link provides contact information for FRCs around Wisconsin: [Prevention Board - Find a Family Resource Center website.](#)

Examples of services FRCs provide include:

- Universal parenting supports
- Concrete supports and basic needs
- Evidence-based/evidence-informed programming
- Parent leadership activities
- Navigation to community supports
- Developmental screening & referral

28. Why doesn't the child welfare agency take action on behalf of children each and every time a report for suspected maltreatment is made?

State law and initial assessment standards have established criteria for what constitutes child maltreatment. For instance, physical abuse must be severe enough to meet the definition of a physical injury under [Wis. Stat. sec. 48.02\(14g\)](#). Neglect must seriously endanger the physical health of the child to meet the definition under [Wis. Stat. sec. 48.02\(12g\)](#).

Families have a constitutional right to raise their children free of government interference unless there is reason to suspect that the children might be abused, neglected, or threatened with abuse or neglect, as defined by statutes. Child protective services (CPS) agencies screen out reports that, even if true, would not constitute maltreatment or threat of maltreatment.

Screened-out reports are maintained by the child welfare system and reviewed if a new report is made in the future.

29. What arrangements should the school make to cooperate with the Child Protective Services (CPS) investigation?

A public school must allow the Child Protective Services (CPS) professional to have access to the child, including observations and interviews. Parental consent is not required to interview a child in a school, if necessary, to determine if the child is in need of protection or services. [Wis. Stat. sec. 48.981\(3\)\(c\)1.b](#). Because some instances of maltreatment warrant immediate action, it is critical for the school to make the child immediately available to the CPS professional. The CPS professional can facilitate this by giving the school notice of when they will be arriving at the school, when possible, even if it is simply a telephone call earlier in the same day.

The school should arrange a private area for the CPS professional to interview the child. When the student is interviewed, the decision to have someone (other than the CPS worker) present is up to the child and the CPS worker. If the student wishes and the CPS professional concurs, a school staff member may be present to provide support. It is critical that the educator not answer questions for the child or prompt the child in any way during the interview (e.g., "Remember, you told me that..."). Additionally, the educator should be alert for signs the child may want them to leave at some point in the interview. It is not unusual for a child to want someone from the school present until they are comfortable with the CPS worker. An educator should be aware that the court may subpoena them if they witness an interview.

30. Are reports handled differently when the suspected maltreater is not a caregiver?

In some instances, the answer is yes. Child welfare agencies have the autonomy to:

- continue to investigate all reports of suspected maltreatment, both caregiver and non-caregiver,
- investigate caregiver abuse reports only (with the exception of alleged child sex trafficking, as discussed in the note below) and refer non-caregiver reports to local law enforcement, or
- make this decision on a case-by-case basis. [Wis. Stat. sec. 48.981\(3\)\(c\)](#).

Note: County social services agencies must investigate all reports of alleged child sex trafficking.

A definition of a "caregiver" is provided in [Appendix A](#).

School districts should contact their respective county social or human services agency to determine what their county has decided to do in this regard. If non-caregiver reports, other than allegations of child sex trafficking, are being referred to law enforcement, mandated reporters may fulfill their statutory requirement to report by contacting local law enforcement officials directly.

There may be situations where the presenting concern is abuse by a non-caregiver, but neglect by a parent is also a concern. Typically, these are situations where a parent is suspected of contributing to the abuse through failure to provide necessary care or failure to protect (e.g., a parent indiscriminately leaves a child with casual acquaintances, and the child is abused). Child Protective Services (CPS) will continue to conduct an initial assessment of the child's family in these cases, as required by law. [Wis. Stat. sec. 48.981\(3\)\(c\)1.a.](#)

31. What are the possible outcomes of an investigation of suspected child abuse or neglect?

The purpose of a Child Protective Services (CPS) initial assessment is to determine if a child is in need of protection or services. [Wis. Stat. sec. 48.981\(3\)\(c\)1.](#) A CPS initial assessment consists of 1) an examination of the reported maltreatment or threatened maltreatment and 2) an assessment of the ability and commitment of the caregivers in the family to protect the child from foreseeable harm. This initial assessment process includes an evaluation of safety—the analysis of behaviors or conditions that put the child in immediate or imminent danger of serious physical harm—and a safety assessment, which identifies behaviors or conditions that could contribute to maltreatment of the child at some time in the future.

Upon completion of the initial assessment and within 60 days after the receipt of the report, CPS makes determinations about whether child abuse or neglect has occurred or is likely to occur. [Wis. Stat. sec. 48.981\(3\)\(c\)4.](#)

While not required by state statute, CPS may also make a determination naming a specific individual a maltreater.

At any time during the initial assessment that CPS determines a child is unsafe (i.e., the presence of present or impending danger, threats to a child's safety), a plan is immediately put in place to keep the child safe. These plans differ from treatment plans in that they are designed to control the effects of dangerous conditions, not to create behavioral change. If the child cannot be maintained safely in the home with control-focused services, CPS seeks to remove the child for temporary placement with a relative or in an out-of-home care setting.

The initial assessment generally concludes with one of the following actions:

- the case is closed with no referral for services,

- the case is closed, and the family is referred to community services, or
- the case is opened for ongoing CPS services that are either voluntary or court-ordered.

Ongoing CPS services are designed to control and manage threats to the child's safety, change the conditions endangering the child, and strengthen the parents' or other caregivers' protective capacities. They generally include a combination of direct agency services and coordination of community services.

Whether or not a case is opened for services often depends upon:

- any safety threats present in the home,
- a family's willingness to receive services from the child welfare or other service agency, or
- the ability of the agency to obtain a court order mandating services when it is believed that the child is unsafe and the family refuses services.

The county must notify the mandated reporter what actions, if any, were taken to protect the health and welfare of the child within 60 days after the report of suspected abuse or neglect. [Wis. Stat. sec. 48.981\(3\)\(c\)6](#). The mandated reporter may not redisclose this information to another person unless authorized under [Wis. Stat. sec. 48.981\(7\)](#).

32. Why doesn't the Child Protective Services agency remove all abused or neglected children from their homes?

Child Protective Services seeks to remove children if they are unsafe and cannot be kept safely in their own homes. This is a separate evaluation from whether the child has been abused or neglected. Most reports of suspected child abuse or neglect do not result in a finding that the child is unsafe (i.e., in immediate or imminent danger of serious harm). Many children who are determined to be unsafe can be maintained safely in their homes with appropriate support services that control the effects of the dangerous conditions. Federal and state laws and child protection practices are sensitive to the trauma that children and families experience from involuntary separation. Removal of a child from the home is done only when absolutely necessary to protect the child. In addition, the child welfare agency has only limited power to remove and hold the child without a court order. That power is restricted to brief periods of time on an emergency basis. The court must then decide if a continued out-of-home placement is necessary to protect the child.

33. May schools share pupil records as part of a Child Protective Services (CPS) investigation?

Yes. The Federal Child Abuse Prevention, Adoption and Family Services Act of 1988, which amended the Child Abuse Prevention and Treatment Act (CAPTA), provides that a state must enact laws that require reporting of known and suspected instances of child abuse and neglect in order to receive grants for abuse prevention and treatment programs. This mandatory reporting may require the release of personally identifiable information from education records protected under the Family Educational Rights and Privacy Act (FERPA). The U.S. Department of Education's Family Policy Compliance Office (FPCO), the office tasked with enforcing FERPA, has issued guidance to reconcile the conflicts between these two federal laws. The FPCO has concluded that Congress, by amending CAPTA, intended to supersede FERPA in this instance and to allow reports of child abuse and neglect, including the disclosure of personally identifiable information from education records, without parental consent. Schools should disclose only those pupil records that are necessary. Wis. Stat. sec. 48.981(2), (3)(a)1., (4), and 118.125(2)(p); 34 C.F.R. sec. 99.31(a)(10) and 99.36.

Additional information is provided in Question #[34](#). More specific information on disclosures of pupil records is available in the publication [Sharing Information Across Systems](#).

34. What kind of information can schools and child welfare agencies share about children and youth whom both systems are serving?

Pupil records and child welfare records are both confidential. However, the law provides opportunities for these systems to disclose information to each other under some circumstances.

- State and federal laws allow a school district to disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of any individual. [Wis. Stat. sec. 118.125\(2\)\(p\)](#); 34 CFR 99.31 and 99.36. Federal law requires that this provision be construed narrowly (i.e., school districts should be conservative in determining what information can be shared with whom and under what conditions).
- A school district may disclose pupil records to a city attorney, corporation counsel, county social services agency, child welfare or juvenile justice intake worker, court of record, municipal court, private school, or another school district if all of the following conditions are met: a) the school district has entered into an interagency agreement, b) the organization or individual requesting the pupil records is party to that interagency agreement, c) the

purpose of the request concerns the juvenile justice system and its ability to effectively provide services to the youth before adjudication, and d) the requesting party certifies in writing that the records will not be redisclosed to anyone except as permitted by law. [Wis. Stat. sec. 118.125\(2\)\(n\)1](#). A school district shall disclose pertinent pupil records to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records concern the juvenile justice system and the system's ability to serve the pupil effectively, relate to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise authorized by law. [Wis. Stat. sec. 118.125\(2\)\(n\)2](#).

- Wisconsin law allows the confidential transfer of information regarding a child in the care or legal custody of the county or a licensed child welfare agency with another child welfare agency, school, a law enforcement agency, and other organizations. [Wis. Stat. sec. 48.78\(2\)\(b\)](#) and [938.78\(2\)\(b\)1](#). However, this disclosure may not include information related to a report for suspected abuse or neglect of a child, which is prohibited under [Wis. Stat. sec. 48.981\(7\)\(a\)](#).
- Wisconsin law requires the county social services agency to inform a mandated reporter what actions, if any, were taken to protect the health and welfare of a child who was reported for suspected abuse or neglect. This notification to the reporter must be made within 60 days after the county receives the report from the mandated reporter. [Wis. Stat. sec. 48.981\(3\)\(c\)6](#).
- Wisconsin law allows a county to recognize a multidisciplinary child abuse and neglect team. Team members may include educators, social service and mental health professionals, law enforcement, and medical personnel. A team may be established for the prevention or treatment of child abuse and neglect or to address a particular case or investigation. Reports and records governed by Ch. 48 and maintained by the county department of social or human services may be shared with the members of this team. [Wis. Stat. sec. 48.981\(7\)\(a\)6](#).
- In a case where the Department of Children and Families (DCF), a county social or human services department, or a tribal organization is legally responsible for the care and protection of a pupil, a school board may, on request, disclose those pupil records that are pertinent to addressing a pupil's educational needs. This disclosure may be made without authorization from a parent or guardian to a professional or other

representative from that agency if the professional or other representative is authorized to access the pupil's case plan. [Wis. Stat. sec. 118.125\(2\)\(q\)](#).

More specific information on the disclosure of confidential records is available in the publication [Sharing Information Across Systems](#).

35. What should an educator do if a parent confronts them about a report of suspected abuse or neglect?

It is not unusual for parents to assume that a report of suspected child maltreatment came from someone at the school. A parent may even tell the educator that the Child Protective Services (CPS) professional told them the educator made the report in hopes of eliciting an admission from the educator. Whether or not the educator was involved in the report or even has any knowledge of the report, it is very important for the educator to simply and calmly state that 1) reports for possible child abuse are required by law, and 2) the law also requires that the identity of any reporter be kept confidential.

36. Do school districts have responsibilities related to the prevention of child abuse and neglect?

Yes. School staff are trusted as caretakers of children and youth during the school day and school activities. To reduce victimization during the times when students are entrusted to the care of schools, it is important for school staff to understand their responsibility for keeping kids safe through policies, procedures, and actions. Adults in schools should be taught the following key prevention points:

- Minimize the opportunity—reduce times when staff or older students are alone with a child.
- Learn to recognize and speak up about grooming behaviors—say something when you feel an adult or older student is acting inappropriately with students.
- Monitor the internet usage of students.
- Follow a code of conduct that includes a prohibition against staff contacting students through staff personal phones, emails, or social media.
- Teach protective factors curriculum in elementary school; talk about and practice personal safety skills.
- Know the unsupervised locations in the building or program area and make a plan for monitoring them.
- React responsibly when a student discloses abuse by showing care and concern and reporting appropriately.

37. Do school districts have responsibilities related to instruction to pupils to the prevention of child abuse and neglect?

Yes. State law requires school districts to provide classroom instruction at the elementary level to help prevent child abuse and neglect. [Wis. Stat. sec. 118.01\(2\)\(d\)8](#). The instruction must:

- Provide knowledge of effective means by which pupils may recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations which may be harmful to pupils, including child abuse, sexual abuse, and child enticement.
- Be designed to help pupils develop positive psychological, emotional, and problem-solving responses to such situations and avoid relying on negative, fearful, or solely reactive methods of dealing with such situations.
- Include information on available school and community prevention and intervention assistance or services and be provided to pupils in elementary schools.

When providing instruction to children, there will likely be children in the classroom who have experienced or are experiencing abuse. For this reason, it is recommended that a pupil services professional partner with the classroom teacher for this activity. In addition to helping provide the instruction, the pupil services professional can observe children and watch for unusual reactions (e.g., acting out or withdrawal) that may indicate the child may require individual assistance outside the classroom.

State law also requires school districts to provide classroom instruction on shaken baby syndrome at least once in grades 5-8 and at least once in grades 10-12. [Wis. Stat. sec. 253.15\(5\)](#).

Schools are encouraged to provide all students developmentally appropriate instruction related to child abuse, teen dating violence, consent, sex trafficking, and their rights under Wisconsin's Pupil Non-Discrimination Law and Title IX.

38. Must school districts use the training materials created by the Department of Public Instruction to train school employees in their responsibilities as mandated reporters?

Yes. School districts must ensure that all school employees receive training from the Department of Public Instruction on mandatory reporting of child abuse and neglect within six months of initial hiring and at least every five years thereafter. [Wis. Stat. sec. 118.07\(5\)](#). Additionally, we recommend that districts provide

training to school employees each school year, including adding training information on reporting sex trafficking and supporting families beyond making a report. More information is available on the [Child Abuse and Neglect Training website](#).

Concluding Comments

This publication was written to help educators in schools understand
1) their legal responsibilities to report suspected child maltreatment, and
2) how county child protective services (CPS) responds to these reports.

This publication can be used as a vehicle to increase communication between schools and counties. Both systems have a sincere interest in the health and well-being of children. To the extent that each of these two systems recognizes the value and importance of the other, cooperation will be increased, resulting in better outcomes for children and families.

Statutory references have been included, when applicable, to allow the reader to review the original sources. State statutes can be accessed electronically at <http://www.legis.state.wi.us/rsb/stats.html>. Click on "Statutes and Annotations" and scroll down to the chapter you are looking for.

More information about Child Protective Services (CPS) can be obtained at the Department of Children and Families (DCF) website at <https://dcf.wisconsin.gov/>.

Appendix A—Definitions

"Abuse," other than when used in referring to the abuse of alcohol beverages or other drugs, is defined in Wis. Stat. sec. [48.02\(1\)](#) to mean any of the following:

- (a) 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. Wis. Stat. sec. 48.02(14g).
 - (am) 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.
- (b) Sexual intercourse or sexual contact under [Wis. Stat. sec. 940.225](#), [948.02](#), [948.025](#), or [948.085](#).
- (c) A violation of [Wis. Stat. sec. 948.05](#).
 - (cm) A violation of sec. 948.051.
- (d) Permitting, allowing, or encouraging a child to violate [Wis. Stat. sec. 944.30](#).
- (e) A violation of [Wis. Stat. sec. 948.055](#).
- (f) A violation of [Wis. Stat. sec. 948.10](#).
- (g) Manufacturing methamphetamine in violation of [Wis. Stat. sec. 961.41\(1\)\(e\)](#) under any of the following circumstances:
 - With a 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.
 - Under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.
- (gm) 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 alleviate the symptoms.

*Child sex trafficking must also be reported as abuse. It is defined as a crime committed by anyone (i.e., the person does not have to be the child's parent or caregiver) who knowingly recruits, entices, provides, obtains, harbors, transports, patronizes, solicits, or knowingly attempts to recruit, entice, provide, obtain, harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts. [Wis. Stat. sec. 948.051](#).

"Caregiver", with respect to a child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect, is defined under Wis. Stat. sec. 48.981(1)(am) to mean any of the following persons:

- The child's parent, grandparent, great-grandparent, stepparent, brother, sister, stepbrother, stepsister, half-brother, or half-sister.
- The child's guardian.
- The child's legal custodian.
- A person who resides or has resided regularly or intermittently in the same dwelling as the child.
- An employee of a residential facility or residential care center for children and youth where the child was or is placed.
- A person who provides or has provided care for the child in or outside of the child's home.
- Any other person who exercises or has exercised temporary or permanent control over the child or who temporarily or permanently supervises or has supervised the child.
- Any relative of the child other than a relative specified above.

"Child" means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "child" does not include a person who has attained 17 years of age. [Wis. Stat. sec. 48.02\(2\)](#).

"Community placement" is defined in [Wis. Stat. sec. 48.981\(1\)\(b\)](#) to mean probation; extended supervision; parole; aftercare; conditional transfer into the community under [Wis. Stat. sec. 51.35\(1\)](#); conditional transfer or discharge under [Wis. Stat. sec. 51.37\(9\)](#); placement in a Type 2 residential care center for children and youth or a Type 2 juvenile correctional facility authorized under [Wis. Stat. sec. 938.539\(5\)](#); conditional release under [Wis. Stat. sec. 971.17](#); supervised release under [Wis. Stat. sec. 980.06](#) or [980.08](#); participation in the community residential confinement program under [Wis. Stat. sec. 301.046](#), the intensive sanctions

program under [Wis. Stat. sec. 301.048](#), community supervision under [Wis. Stat. sec. 938.533](#), the intensive supervision program under [Wis. Stat. sec. 938.534](#), or the serious juvenile offender program under [Wis. Stat. sec. 938.538](#); or any other placement of an adult or juvenile offender in the community under the custody or supervision of the department of corrections, the department of health services, a county department under [Wis. Stat. sec. 46.215](#), [46.22](#), [46.23](#), [51.42](#), or [51.437](#) or any other person under contract with the department of corrections, the department of health services or a county department under [Wis. Stat. sec. 46.215](#), [46.22](#), [46.23](#), [51.42](#), or [51.437](#) to exercise custody or supervision over the offender.

"County department" means a county department under [Wis. Stat. sec. 46.22](#) or [46.23](#), unless the context requires otherwise, [Wis. Stat. sec. 48.02\(2g\)](#).

"Court," when used without further qualification, means the court assigned to exercise jurisdiction under Ch. 48 and Ch. 938. [Wis. Stat. sec. 48.02\(2m\)](#) and [938.02\(2m\)](#).

"Emotional damage" means harm to a child's psychological or intellectual functioning. "Emotional damage" shall be evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety; depression; withdrawal; outward aggressive behavior; or a substantial and observable change in behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development. [Wis. Stat. 48.02\(5j\)](#).

"Group home" means any facility operated by a person required to be licensed by the department under [Wis. Stat. sec. 48.625](#) for the care and maintenance of 5 to 8 children, as provided in [Wis. Stat. sec. 48.625\(1\)](#). [Wis. Stat. sec. 48.02\(7\)](#).

"Guardian" means the person named by the court having the duty and authority of guardianship. [Wis. Stat. sec. 48.02\(8\)](#).

"Legal custodian" means a person other than a parent or guardian or an agency to whom legal custody of the child has been transferred by a court but does not include a person who has only physical custody of the child. [Wis. Stat. sec. 48.02\(11\)](#).

"Legal custody" means a legal status created by order of a court, which confers the right and duty to protect, train and discipline the child, and to provide food, shelter, legal services, education, and ordinary medical and dental care, subject to the rights, duties, and responsibilities of the guardian of the child and subject to any residual parental rights and responsibilities and the provisions of any court order. [Wis. Stat. sec. 48.02\(12\)](#).

"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. [Wis. Stat. sec. 48.02\(12g\)](#).

"Parent" in Chapter 48 means a biological parent, a husband who has consented to the artificial insemination of his wife under [Wis. Stat. sec. 891.40](#), or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under Wis. Stat. sec. 767.803, "parent" includes a person acknowledged under Wis. Stat. sec. 767.805, a person conclusively determined from genetic test results to be the father under s. 767.804, or a substantially similar law of another state or adjudicated to be the biological father. "Parent" does not include any person whose parental rights have been terminated. [Wis. Stat. sec. 48.02\(13\)](#).

"Physical custody" means actual custody of the person in the absence of a court order granting legal custody to the physical custodian. [Wis. Stat. sec. 48.02\(14\)](#).

"Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm, as defined in [Wis. Stat. sec. 939.22\(14\)](#). [Wis. Stat. sec. 48.02\(14g\)](#).

"Record" means any document relating to the investigation, assessment, and disposition of a report under Wis. Stat. sec. 48.981. [Wis. Stat. sec. 48.981\(1\)\(f\)](#). [Note: This definition relates only to CPS records and not the more general child welfare records. For information regarding the confidentiality of these records, please see [Wis. Stat. sec. 48.78](#) and other sections of Ch. 48 and Ch. 938.]

"Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, step-uncle, step-aunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. [Wis. Stat. sec. 48.02\(15\)](#).

"Reporter" means a person who reports suspected abuse or neglect or a belief that abuse or neglect will occur under Wis. Stat. sec. 48.981. [Wis. Stat. sec. 48.981\(1\)\(g\)](#).

"Residential care center for children and youth" means a facility operated by a child welfare agency licensed under [Wis. Stat. sec. 48.60](#) for the care and maintenance of children residing in that facility. [Wis. Stat. sec. 48.02\(15d\)](#). [Note: In previous statutes, residential care centers were named child caring institutions.]

"Sexual contact" is defined in [Wis. Stat. sec. 948.01\(5\)](#) to mean any of the following:

Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant:

- Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object of the complainant's intimate parts.
- Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.
 - Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.
 - For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

"Sexual intercourse" means vulvar penetration as well as cunnilingus, fellatio, or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required. [Wis. Stat. sec. 948.01\(6\)](#).

"Shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the department under [Wis. Stat. sec. 48.66\(1\)\(a\)](#). [Wis. Stat. sec. 48.02\(17\)](#).

"Special treatment or care" means professional services which need to be provided to a child or their family to protect the well-being of the child, prevent the placement of the child outside the home or meet the special needs of the child. "Special treatment or care" also means professional services which need to be provided to the expectant mother of an unborn child to protect the physical health of the unborn child and the child when born from the harmful effects resulting from the habitual lack of self-control of the expectant mother in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree. This term includes, but is not limited to, medical, psychological, or

psychiatric treatment, alcohol or other drug abuse treatment, or other services that the court finds necessary and appropriate. [Wis. Stat. sec. 48.02\(17m\)](#).

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