



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2159/1
EHS:kjf

2021 ASSEMBLY BILL 142

March 5, 2021 - Introduced by Representatives ROZAR, SNYDER, ARMSTRONG, BALDEH, BILLINGS, DITTRICH, EMERSON, GUNDRUM, HEBL, MOSES, ORTIZ-VELEZ, RAMTHUN, S. RODRIGUEZ, SPIROS, SPREITZER, STUBBS, SUBECK, TAUCHEN, VRUWINK and SKOWRONSKI, cosponsored by Senators DARLING, JOHNSON, BALLWEG, CARPENTER, FELZKOWSKI, JACQUE, LARSON, L. TAYLOR and WANGGAARD. Referred to Committee on Children and Families.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 48.981 (4); and *to create* 48.981 (4) (a) 5. of
2 the statutes; **relating to:** immunity from liability resulting from good faith
3 actions under the child abuse and neglect reporting law.

Analysis by the Legislative Reference Bureau

Current law requires persons in certain professions, such as school teachers and health care professionals, who have reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected, or who have reason to believe that the child has been threatened with abuse or neglect and that abuse or neglect will occur, to report the alleged abuse or neglect to the appropriate county or state agency or a law enforcement agency (mandatory reporters). Current law allows persons who are not mandatory reporters to report suspected actual or threatened child abuse or neglect in the same manner.

Under current law, any person or institution participating in good faith in the making of such a report, conducting an investigation, ordering or taking of photographs, or ordering or performing medical examinations of a child or of an expectant mother has immunity from any liability, civil or criminal, that results by reason of the action. This bill adds that this immunity extends to persons who assist in medical examinations of a child or expectant mother and to persons who

ASSEMBLY BILL 142

otherwise, in good faith, provide information, assistance, or consultation in connection with a report, investigation, or legal intervention.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.981 (4) of the statutes is renumbered 48.981 (4) (a) (intro.) and
2 amended to read:

3 48.981 (4) (a) (intro.) Any person or institution ~~participating~~ doing any of the
4 following in good faith in connection with a report under this section has immunity
5 from any liability, civil or criminal, that results by reason of the action:

6 1. Participating in the making of a report, conducting.

7 2. Conducting an investigation, ordering.

8 3. Ordering or taking of photographs or ordering or.

9 4. Ordering, performing, or assisting with medical examinations of a child or
10 of an expectant mother ~~under this section shall have immunity from any liability,~~
11 ~~civil or criminal, that results by reason of the action.~~

12 **(b)** For the purpose of any proceeding, civil or criminal, the good faith of any
13 person reporting under this section shall be presumed. The immunity provided
14 under this subsection does not apply to liability for abusing or neglecting a child or
15 for abusing an unborn child.

16 **SECTION 2.** 48.981 (4) (a) 5. of the statutes is created to read:

17 48.981 (4) (a) 5. Otherwise providing information, assistance, or consultation
18 in connection with a report, investigation, or legal intervention.

19 **(END)**