

Access and Initial Assessment Standards Inbrief Excerpts

VLC.1. Criteria for Screening Out an Access Report

- The alleged victim is 18 years of age or older, or
- There is insufficient information to identify and locate the child or family, or
- The allegations, even if true, would not meet the statutory definitions of abuse or neglect and do not describe behavior or conditions that constitute a threat of abuse or neglect in the future (See *Appendix 1: Statutory Definitions of Abuse and Neglect*), or
- The report of alleged abuse is by a person who is not a “caregiver” as defined in s. 48.981(1)(am), Stats. and the agency has decided to not investigate such reports, **except in reports alleging Sex Trafficking of a Child (s. 948.051, Stats.) by an individual in a non-caregiving role [48.981(3)(a)2.bm., Stats.]**.

Except when one individual is in a caregiving role, reports of sexual contact, as defined in *Appendix 1: Statutory Definitions of Abuse and Neglect*, between peers can be screened out under the following circumstances:

- There is no allegation of assault, coercion, exploitation, or other condition consistent with s. 940.225, Stats.
- The minor’s sexual activity with a peer is developmentally normal and does not create a suspicion that he or she is exhibiting behaviors as a result of being sexually abused by another person.

Chapter 19: Non-Caregiver Investigation Standard

XIX.A. Applicability of the Non-Caregiver Investigation

CPS agencies have discretion in investigating reports of alleged child maltreatment by a person who is not a caregiver as defined in s. 48.981(1)(am), Stats., **except in cases of alleged child sex trafficking, s.48.02(1)(cm)**. When reports of alleged child maltreatment by a non-caregiver are received, agencies that do investigate these reports must comply with the requirements of this Standard and statutes.

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Appendix 2: Substantiating Different Types of Maltreatment

Sexual abuse is also defined in the statutes as:

1) “A violation of s. 948.05, Stats.” [Ref. s. 48.02(1)(c), Stats.] This section addresses “sexual exploitation of a child.”

In order to substantiate that a violation of s. 948.05, Stats., occurred, the worker will have information that establishes all of the following:

- that the child is under the age of 18, and
- that the child was persuaded, induced, employed, used, enticed, or coerced by another person to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying the conduct in any way, or
- that the child was photographed, filmed, or videotaped engaged in sexually explicit conduct or the sounds of that conduct recorded or the conduct displayed in any other way.

2) “Permitting, allowing or encouraging a child to violate s. 944.30, Stats.,”. [Ref. s. 48.02(1)(d), Stats.] This section addresses prostitution.

In order to substantiate that a child was allowed to violate s. 944.30, Stats., the worker must have information that establishes all of the following:

- the child involved is under the age of 18, and
- the child was permitted, allowed, or encouraged by another person to engage in prostitution.

3) “A violation of s. 948.055, Stats.” [Ref. s. 48.02(1)(e), Stats.] This section addresses intentionally causing a child to view or listen to sexual activity.

In order to substantiate that a violation of s. 948.055, Stats., occurred, the worker will have information that establishes all of the following:

- the child involved is under the age of 18, and
- another person intentionally caused the child to view or listen to sexually explicit conduct, and
- the person did so for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child.

4) “A violation of s. 948.10, Stats.” [Ref. s. 48.02(1)(f), Stats.]. This section addresses exposing the genitals or pubic area to a child or causing a child to expose genitals or pubic area.

In order to substantiate that a violation of s. 948.10, Stats., occurred, the worker must have information that establishes all of the following:

- the child involved is under the age of 18, and

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- another person caused the child to expose genitals or pubic area or exposed genitals or pubic area to the child, and
- the person did so for the purpose of sexual arousal or sexual gratification, and
- the child was not the defendant's spouse.

5) "A violation of s. 948.051, Stats." [Ref. 48.02(1)(cm), Stats.]. This section addresses the sex trafficking of a child.

In order to substantiate that a violation of s. 948.051, Stats., occurred, the worker will have information that establishes all of the following:

- the child involved is under the age of 18, and
- another person recruited, enticed, provided, obtained, harbored, transported, patronized, or solicits or knowingly attempts to do the aforementioned things, and
- the person did so for the purpose of commercial sex acts.

NOTE: There are additional types of sexual crimes against children which are described in Ch. 948, but which are not cross-referenced under s.48.02(1), Stats., as abuse. They are still crimes, however, and may be dealt with by the law enforcement and criminal justice system.

Appendix 9: Guidance for Cases Involving Sex Trafficking of Children

This appendix can be found in the CPS Access and Initial Assessment Standards, effective May 2017 at the following link: <https://dcf.wisconsin.gov/cwportal/policy>