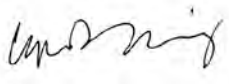


STATE OF WISCONSIN
Department of Children and Families
Division of Safety and Permanence

DSP Memo Series 2010 -07
May 25, 2010
Re: Child Welfare Public Disclosure
Children Placed In Serious or
Critical Condition Due To
Alleged Child Maltreatment

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Indian Child Welfare Directors
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Cyrus A. Behroozi
Administrator



2009 Wisconsin Act 78 (Act) became effective on February 1, 2010, changing the law that outlines how and what information is shared with the public following a case of child death, serious injury or egregious incident due to maltreatment or suspected maltreatment and any case in which a child in out-of-home care placement is suspected to have committed suicide.

As a part of this change, "serious injury" is now defined in state statute as "...an incident in which a child has been placed in serious or critical condition, as determined by a physician, as a result of any suspected abuse or neglect that has been reported under this section....." Additionally, the federal Child Abuse Prevention and Treatment Act (CAPTA) defines a "near fatality" as "...an act that, as certified by a physician, places the child in serious or critical condition." For example, if hospital records reflect that the child's condition is "serious" or "critical" this would be considered a "near fatality" under CAPTA. While there may be obvious indicators for some serious injuries such as abusive head trauma, based on the interpretations of both federal and state child welfare disclosure laws, these determinations must be made by a physician.

In gathering information about serious injury related to possible child maltreatment, child protective services workers must ascertain if a physician has determined that the child is in serious or critical condition. Since agencies are required to notify the DSP within 2 business days of being notified about a qualifying incident, the agency must gather this information either from the reporter within the 24-hour screening period at Access or within the first contacts of an initial assessment. Upon determining that this is a qualifying incident requiring notification, the information must then be documented in the "Description of incident including suspected cause of child's death, serious injury, or egregious incident" section of DCF-F-CFS2091-E Child's Death, Serious Injury or Egregious Incident Notification. Please include a statement that the agency has confirmed the status of the child's medical condition with a physician.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Policy Section Manager
Division of Safety and Permanence
Bureau of Safety and Well-being
608.422.6961

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>