

State of Wisconsin



2025 Assembly Bill 192

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to amend 48.396 (1), 48.396 (2) (a), 48.78 (2) (a), 48.981 (7) (a) 15., 938.396 (1) (a), 938.396 (2) (a) and 938.78 (2) (a); to create 51.30 (4) (b) 29., 146.82 (2) (d), 250.22 and 961.385 (2) (cm) 5. of the statutes; relating to: fatality review teams.

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

SECTION 1. 48.396 (1) of the statutes is amended to read:

48.396 (1) Law enforcement officers' records of children shall be kept separate from records of adults. Law enforcement officers' records of the adult expectant mothers of unborn children shall be kept separate from records of other adults. Law enforcement officers' records of children and the adult expectant mothers of unborn children shall not be open to inspection or their contents disclosed except under sub. (1b), (1d), (5), or (6) or s. 48.293 ~~or~~ 250.22, or 938.396 (2m) (c) 1p. or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child or adult expectant mother involved, to the confidential exchange of information between the police and officials of the public or private school attended by the child or other law enforcement or social welfare agencies, or to children 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official who obtains information under this subsection shall keep the information confidential as required under s. 118.125, and a private school offi-

cial who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under s. 118.125. This subsection does not apply to the confidential exchange of information between the police and officials of the tribal school attended by the child if the police determine that enforceable protections are provided by a tribal school policy or tribal law that requires tribal school officials to keep the information confidential in a manner at least as stringent as is required of a public school official under s. 118.125. A law enforcement agency that obtains information under this subsection shall keep the information confidential as required under this subsection and s. 938.396 (1) (a). A social welfare agency that obtains information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78.

SECTION 2. 48.396 (2) (a) of the statutes is amended to read:

48.396 (2) (a) Records of the court assigned to exercise jurisdiction under this chapter and ch. 938 and of courts exercising jurisdiction under s. 48.16 shall be entered in books or deposited in files kept for that purpose only. Those records shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter and ch.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

938 or as required or permitted under this subsection, sub. (3) (b) or (c) 1g., 1m., or 1r. or (6), or s. 48.375 (7) (e) or 250.22.

SECTION 3. 48.78 (2) (a) of the statutes is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5) (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.66 (6), 48.93, 48.981 (7), 250.22, 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order of the court.

SECTION 4. 48.981 (7) (a) 15. of the statutes is amended to read:

48.981 (7) (a) 15. A fatality review team established under s. 250.22, a child fatality review team recognized by 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.

SECTION 5. 51.30 (4) (b) 29. of the statutes is created to read:

51.30 (4) (b) 29. To an authorized member of a fatality review team established under s. 250.22. The recipient of any treatment records under this subdivision shall keep the records confidential in accordance with s. 250.22.

SECTION 6. 146.82 (2) (d) of the statutes is created to read:

146.82 (2) (d) Notwithstanding sub. (1), patient health care records may be released, upon request, to a fatality review team, as defined in s. 250.22 (1) (a), acting as a public health authority for the purpose of reviewing a death as described under s. 250.22. Records that may be released under this paragraph for the public health purposes under s. 250.22 may be disclosed to a fatality review team only in accordance with that section, and the recipient of any records released shall keep the records confidential.

SECTION 7. 250.22 of the statutes is created to read:

250.22 Fatality review teams. (1) DEFINITIONS. In this section:

(a) “Fatality review team” means a multidisciplinary and multiagency team examining one or more types of reviewable death among children or adults and developing recommendations to prevent future deaths of similar circumstances.

(b) “Local fatality review team” means a fatality review team that examines reviewable deaths from specific municipalities or counties. A “local fatality review team” may include a team formed by a collaboration of

2 or more municipalities, counties, local health departments, or tribal health departments.

(c) “Municipality” means a city, village, or town.

(d) 1. “Reviewable death” includes any of the following types of deaths:

a. Suicide.

b. Homicide or death involving domestic violence, intimate partner violence, or homicide related to community violence.

c. Motor vehicle incident.

d. Overdose death.

e. Child abuse or neglect.

f. Stillbirth.

g. Fetal death or infant death.

h. A maternal death occurring during or within a year of a pregnancy.

i. Any unexpected or unintentional death of a child.

2. “Reviewable death” does not include a death subject to review under s. 175.47.

(2) FATALITY REVIEW TEAMS; PURPOSE, DUTIES, MEMBERSHIP, AND RECORD ACCESS. (a) Fatality review teams shall have the purpose of gathering information concerning reviewable deaths to examine the risk factors and circumstances leading to reviewable deaths and understand how the deaths could have been prevented through all of the following:

1. Identification of recommendations for cross-sector, system-level policy and practice changes to address the identified risk factors and prevent future reviewable deaths.

2. Promotion of cooperation and coordination among agencies involved in understanding the causes of reviewable deaths or in providing services to surviving family members.

(b) 1. If established, each fatality review team shall do all of the following:

a. Establish and implement a protocol for the fatality review team.

b. Collect and maintain data appropriate to the type of review undertaken.

c. Create strategies and make and track the implementation of recommendations for the prevention and reduction of reviewable deaths in the area served by the fatality review team.

d. Evaluate the fatality review team’s review process, interagency collaboration, and development and implementation of recommendations to ensure adherence to the purpose described in par. (a).

2. A fatality review team may address a reviewable death that occurred in the area served by the fatality review team or that relates to a resident of the area served by the fatality review team if the incident or death occurred elsewhere in the state.

(c) When conducting a fatality review under this

section, a fatality review team may be provided with information from the records held by any of the following, if the records pertain to a person or incident within the scope of the review:

1. The department of health services or a local health department.
 2. The department of children and families.
 3. A law enforcement agency.
 4. A medical examiner or coroner.
 5. A treatment provider for substance use or mental health.
 6. A hospital or health care provider.
 7. Emergency medical services, including a fire department.
 8. A Women, Infants, and Children program under s. 253.06.
 9. The department of corrections.
 10. A district attorney's office.
 11. A circuit or municipal court.
 12. A social or human services agency.
 13. Service providers or advocates that provide support in response to violence, including domestic abuse.
 14. Child protective services or a child welfare agency.
 15. A school or university.
 16. If the fatality review team is an overdose fatality review team, a suicide review team, or a maternal mortality review team, prescription drug monitoring program records.
 17. Any other agency or organization identified as necessary for the review by a specific fatality review team.
- (d) If established, the members of a fatality review team may include any of the following types of individuals, organizations, agencies, and areas of expertise:
1. Public health.
 2. Tribal health centers.
 3. Medical examiners and coroners.
 4. Funeral directors.
 5. Law enforcement.
 6. The district attorney with jurisdiction, or his or her designee.
 7. Medical professionals, including physicians, physician assistants, and nurses.
 8. Emergency medical responders, as defined in s. 256.01 (4p), or emergency medical services practitioners, as defined in s. 256.01 (5).
 9. Behavioral health professionals.
 10. Service providers or advocates that provide support in response to violence, including domestic abuse.
 11. Individuals with relevant personal experience.
 12. Education professionals, including school counselors and school representatives.

13. Child protective services or child welfare agency.

14. Any other person requested by members of the team.

(e) A fatality review team shall enter data regarding each reviewable death into a secure database.

(3) DISCLOSURE OF INFORMATION; IMMUNITY. (a) Information and records provided to or created by a fatality review team are confidential, except as otherwise provided in this section, and are not subject to inspection or copying under s. 19.35. Before a member of a fatality review team may participate in the review of a reviewable death, the member shall sign a copy of a confidentiality agreement and review the purpose and goals of the fatality review team. Any person who is invited to a fatality review team meeting must sign a copy of a confidentiality agreement before attending or participating in the meeting.

(b) Except as otherwise provided in this section, a member of a fatality review team may share information disclosed to the fatality review team regarding a reviewable death with other members of that fatality review team or with another fatality review team conducting a review of the same individual's death, except that the member may not distribute additional, printed copies of any information or record that is disclosed to him or her to other members of the member's fatality review team.

(c) Any person participating in the review of a reviewable death by a fatality review team, including any member of a fatality review team, a person attending a fatality review meeting, or a person who presents information to the fatality review team, and any person providing information or records to the fatality review team for the purpose of reviewing a reviewable death, may not testify in any civil or criminal action as to the information specifically obtained through the person's participation in the fatality review team's meeting or to any conclusion of the fatality review team regarding a reviewable death. This paragraph does not prohibit a person from testifying to information that is obtained independently of a fatality review team or that is public information.

(d) A person who attends a fatality review team meeting or presents information to a fatality review team is not prohibited under par. (a) or (b) from disclosing information or records obtained independently of the review if that disclosure is otherwise permitted under state or federal law.

(e) 1. A fatality review team may disclose information if the disclosure is made for the purpose of fulfilling a purpose of the fatality review team and if the information meets all of the following criteria:

a. The information does not contain any information that identifies the names or identifying numbers of indi-

viduals and does not contain other information for which there is reasonable basis to believe that the information could be used to identify an individual or entity.

b. The information does not contain addresses other than zip codes.

c. The information does not contain dates of birth, death, or incident other than the year.

d. The information does not contain conclusory information attributing fault, not including findings or judgments by law enforcement agencies, courts, or child welfare agencies.

2. Any of the following items, if the item does not contain any information that would allow the identity of an individual to be ascertained, may be disclosed or treated as public information:

a. Statistical or aggregate compilations of data.

b. Reports from fatality review teams.

(f) Information and records provided or obtained in the course of a fatality review under this section are not subject to discovery or subpoena in a civil or criminal action or an administrative proceeding and are not admissible as evidence during the course of a civil or criminal action or an administrative proceeding, except that information and records obtained independently of a review under this section are not immune from discovery merely because the information or records were presented to a fatality review team.

(g) Any person participating in a fatality review team's meeting under this section is immune from any civil or criminal liability for any good faith act or omission in connection with providing information or recommendations relevant to review of a reviewable death to the fatality review team in accordance with this section or any conclusions or recommendations reached by the fatality review team made in good faith. The immunity granted under this paragraph applies to persons conducting the review as well as persons providing information or records to the fatality review team for the meeting. For the purpose of any civil or criminal action, any person participating in a review under this section is presumed to be acting in good faith.

(4) MEETINGS. (a) Meetings of a fatality review team shall be closed to the public and are not subject to subch. V of ch. 19. A fatality review team may hold a public meeting to share summary findings and recommendations of reviews by fatality review teams.

(b) During a public meeting under par. (a), no person may disclose information on or agency involvement with any of the following:

1. A deceased individual.

2. A family member, guardian, or caretaker of a deceased individual.

3. An individual convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality.

(c) This subsection does not prohibit a fatality review team from requesting the attendance at a team meeting of a person who has information relevant to the team's exercise of its purpose and duties, provided that any person attending the meetings signs a confidentiality agreement.

SECTION 8. 938.396 (1) (a) of the statutes is amended to read:

938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles shall be kept separate from records of adults. Law enforcement agency records of juveniles may not be open to inspection or their contents disclosed except under par. (b) or (c), sub. (1j), (2m) (c) 1p., or (10), or s. 250.22 or 938.293 or by order of the court.

SECTION 9. 938.396 (2) (a) of the statutes is amended to read:

938.396 (2) (a) Records of the court assigned to exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for that purpose only. Those records shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter and ch. 48 or as required or permitted under sub. (2g), (2m) (b) or (c), or (10) or s. 250.22.

SECTION 10. 938.78 (2) (a) of the statutes is amended to read:

938.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (2m) or (3) or s. 48.396 (3) (bm) or (c) 1r., 250.22, 938.371, 938.38 (5) (b) or (d) or (5m) (d), 938.396 (2m) (c) 1r., 938.51, or 938.57 (2m) or by order of the court.

SECTION 11. 961.385 (2) (cm) 5. of the statutes is created to read:

961.385 (2) (cm) 5. An overdose fatality review team, a suicide review team, or a maternal mortality review team under s. 250.22 (3) (c) 15.

SECTION 12. Effective date.

(1) This act takes effect on the first day of the 13th month beginning after publication.