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**E-88-11 Client confidences: Attorney reporting  
abuse of client's children**

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**Question**

Under what circumstances must a lawyer report information relating to the abuse of a client's child to appropriate authorities?

**Opinion**

If the abuser is the client and if the lawyer reasonably believes that the abuse will continue in spite of the lawyer's efforts to encourage the client to desist and to seek appropriate counseling, the lawyer must report the necessary information to appropriate authorities, whether the client consents, to prevent the commission of a continuing crime involving likely substantial bodily or emotional harm. *See* SCR 20:1.6(b). *See also* Wis. Stat. sections 940.201 and 940.203 (1985-86).

Prior to the holding of *State v. Williquette*, 129 Wis. 2d 239, 385 N.W.2d 145 (1986), a lawyer could *not* have disclosed information gained from a client relating to child abuse perpetrated by someone other than the client without client consent. Under SCR 20:1.6(b), respectively, a lawyer can only make disclosures relating to a *client's* intent to commit a crime. Prior to *Williquette, supra*, a parent's failure to take action to protect his or her children was not held to be a crime.

Under *Williquette, supra*, at 242, 385 N.W.2d at 147, such conduct may constitute a crime under either section 940.201 or section 940.34, Stats. (1985-86). Therefore, a lawyer's post-*Williquette* duty to report child abuse information, where the abuse is reasonably believed likely to continue, derives from the probability of a passive *client's* exposure to criminal prosecution rather than the actual abuser's. *See* SCR 20:1.6(b). *See also* Sommer, "State v. Williquette: Child Abuse Statute Extends to Passive Parents," 60 Wis. Bar Bull. 7 (Nov. 1987).

*Note:* For an informative discussion of issues involved in lawyer reporting of child abuse, *see* Stuart, "Child Abuse Reporting: A Challenge to Attorney-Client Confidentiality," \_\_\_ Georgetown J. of Leg. Ethics 243 (Summer 1987).