

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/23/99

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - abuse and neglect

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus #2005 ,

Topic:

Child abuse and neglect report disclosure

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/23/99	chanaman 06/24/99		_____			
/1			hhagen 06/27/99	_____	lrb_docadmin 06/27/99		

FE Sent For:

<END>

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/?	malaigm	<i>OmM 6/24 /1</i>		==			

FE Sent For:

<END>

yes

SDC

Agency: Health and Family Services - Children and Family Services

caucus number 2005

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 1245/3	LRB P-draft:

description: Adopt LRB 1245/3 which would permit reports and records of suspected child abuse or neglect to be disclosed for use in an adoption proceeding, on the authorization of either parent of the child.

other notes

drafting instructions: Include LRB 1245/3 (see above)

more instructions:

caucus number 2803

duplicate flag:
duplicate with:

Other reference numbers: Paper 534 alt 1 and 2	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Delete Alt. 1 to Paper 534 and adopt Alt. 2 to Paper 534. Deleting alt. 1 removes the Gov's recommendation to transfer the National & Community Services Board from DOA to DHFS. Alt. 2 keeps it in DOA but provides 1 FED position.

other notes

drafting instructions: Delete Alt. 1 to Paper 534 and adopt Alt. 2 to Paper 534.

more instructions:

caucus number 3302

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provide \$100,000 GPR in each year for the Kenosha County Healthy Families Program to prevent the abuse and neglect of children born of teen mothers.

other notes

drafting instructions: See above and attached.

more instructions:

caucus number 3311

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provide \$50,000 GPR each year for the Children's Safe House Childcare Program in Kenosha.

other notes

drafting instructions: See above.

more instructions:

Agency: Health and Family Services - Children and Family Services

Number of Amendments: 4

RE: Budget Amendment – Disclosure of Child Abuse Reports and Records
for use in adoption proceedings.

.....
Attached is an LRB draft of the motion I wish to introduce at the request of
Representative Bob Ziegelbauer.

CN 2005

Reports and records of suspected or threatened child or unborn child abuse or neglect are confidential. Current law, however, permits those reports and records to be disclosed for use in child custody proceedings, on the authorization of either parent of the child. This proposal would permit reports and records of suspected child abuse or neglect to be disclosed for use in an adoption proceeding, on the authorization of either parent of the child.

This proposal also extends the time for which a Consent Decree may remain in effect, to one year. This is an increase from the current six months. The Legislative Reference Bureau defines a consent decree in the enclosed analysis.

If any questions arise, please feel free to contact me.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1245/3
GMM:cmh:jf

1999 BILL

1 **AN ACT to amend 48.32 (2) (a) and 48.981 (7) (b) of the statutes; relating to: the**
2 **disclosure of child or unborn child abuse reports and records for use in an**
3 **adoption proceeding and the duration of a consent decree for a child or an**
4 **unborn child in need of protection or services.**

Analysis by the Legislative Reference Bureau

Under current law, a county department of human services or social services or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) or a child welfare agency under contract with DHFS, on receiving a report of suspected or threatened child or unborn child abuse or neglect, must investigate that report and determine whether that abuse or neglect has occurred or is likely to occur. Currently, subject to certain exceptions, reports and records of suspected or threatened child or unborn child abuse or neglect are confidential. Current law, however, permits those reports and records to be disclosed for use in a child custody proceeding, on the authorization of either parent of the child. This bill permits reports and records of suspected or threatened child or unborn child abuse or neglect to be disclosed for use in an adoption proceeding, on the authorization of either parent of the child.

Under current law, at any time after a petition is filed alleging that a child or unborn child is in need of protection or services and before a judgment is entered, the court assigned to exercise jurisdiction under the children's code (juvenile court) may, with the agreement of the parties, suspend the proceedings and place the child or expectant mother under supervision, subject to such terms and conditions as the

BILL

juvenile court may establish. This type of order is known as a consent decree, and it may remain in effect for up to six months. This bill extends the time for which a consent decree may remain in effect to one year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.32 (2) (a) of the statutes is amended to read:

2 48.32 (2) (a) A consent decree shall remain in effect up to ~~6 months~~ one year
3 unless the child, parent, guardian, legal custodian or expectant mother is discharged
4 sooner by the judge or juvenile court commissioner.

5 **SECTION 2.** 48.981 (7) (b) of the statutes is amended to read:

6 48.981 (7) (b) Notwithstanding par. (a), either parent of a child may authorize
7 the disclosure of a record for use in a child custody proceeding under s. 767.24 or
8 ~~767.325 or in an adoption proceeding under s. 48.833, 48.835, 48.837 or 48.839~~ when
9 the child has been the subject of a report. Any information that would identify a
10 reporter shall be deleted before disclosure of a record under this paragraph.

11 **SECTION 3. Initial applicability.**

12 (1) **CONSENT DECREES.** The treatment of section 48.32 (2) (a) of the statutes first
13 applies to consent decrees entered into on the effective date of this subsection.

14 (2) **CONFIDENTIALITY OF ABUSE AND NEGLECT REPORTS AND RECORDS.** The
15 treatment of section 48.981 (7) (b) of the statutes first applies to abuse and neglect
16 reports and records, as defined in section 48.981 (1) (f) of the statutes, that are
17 disclosed on the effective date of this subsection.

18

(END)

1999

Date (time) needed soon

LRB b 1023 / 1

**CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

GMM : cmf :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

610231

1999 BILL

1 AN ACT *to amend* 48.32 (2) (a) and 48.981 (7) (b) of the statutes; relating to: the
2 disclosure of child or unborn child abuse reports and records for use in an
3 adoption proceeding and the duration of a consent decree for a child or an
4 unborn child in need of protection or services.

Analysis by the Legislative Reference Bureau

Under current law, a county department of human services or social services or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) or a child welfare agency under contract with DHFS, on receiving a report of suspected or threatened child or unborn child abuse or neglect, must investigate that report and determine whether that abuse or neglect has occurred or is likely to occur. Currently, subject to certain exceptions, reports and records of suspected or threatened child or unborn child abuse or neglect are confidential. Current law, however, permits those reports and records to be disclosed for use in a child custody proceeding, on the authorization of either parent of the child. This bill permits reports and records of suspected or threatened child or unborn child abuse or neglect to be disclosed for use in an adoption proceeding, on the authorization of either parent of the child.

Under current law, at any time after a petition is filed alleging that a child or unborn child is in need of protection or services and before a judgment is entered, the court assigned to exercise jurisdiction under the children's code (juvenile court) may, with the agreement of the parties, suspend the proceedings and place the child or expectant mother under supervision, subject to such terms and conditions as the

BILL 17P age 646, line 3: after that line insert:

juvenile court may establish. This type of order is known as a consent decree, and it may remain in effect for up to six months. This bill extends the time for which a consent decree may remain in effect to one year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

17P Page 654, line 25: after that line insert:

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" SECTION ^{1131h} 48.32 (2) (a) of the statutes is amended to read:

48.32 (2) (a) A consent decree shall remain in effect up to ~~6 months~~ one year unless the child, parent, guardian, legal custodian or expectant mother is discharged sooner by the judge or juvenile court commissioner. "

" SECTION ^{1195m} 48.981 (7) (b) of the statutes is amended to read:

48.981 (7) (b) Notwithstanding par. (a), either parent of a child may authorize the disclosure of a record for use in a child custody proceeding under s. 767.24 or 767.325 or in an adoption proceeding under s. 48.833, 48.835, 48.837 or 48.839 when the child has been the subject of a report. Any information that would identify a reporter shall be deleted before disclosure of a record under this paragraph. "

17P Page 1586, line 16: after that line insert:
~~Section 3. Initial applicability.~~

(6g) (A) CONSENT DECREES. The treatment of section 48.32 (2) (a) of the statutes first applies to consent decrees entered into on the effective date of this subsection. "

(14g) letter "g" (B) CONFIDENTIALITY OF ABUSE AND NEGLECT REPORTS AND RECORDS. The treatment of section 48.981 (7) (b) of the statutes first applies to abuse and neglect reports and records, as defined in section 48.981 (1) (f) of the statutes, that are disclosed on the effective date of this subsection. "

(END)

Page 1592, line 16: after that line insert:

Initial app.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1023/1
GMM:cmh:ksh

SDC:.....Walter – Caucus #2005 , Child abuse and neglect report disclosure

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 646, line 3: after that line insert:

3 “**SECTION 1131h.** 48.32 (2) (a) of the statutes is amended to read:

4 48.32 (2) (a) A consent decree shall remain in effect up to ~~6 months~~ one year
5 unless the child, parent, guardian, legal custodian or expectant mother is discharged
6 sooner by the judge or juvenile court commissioner.”.

7 **2.** Page 654, line 25: after that line insert:

8 “**SECTION 1195m.** 48.981 (7) (b) of the statutes is amended to read:

9 48.981 (7) (b) Notwithstanding par. (a), either parent of a child may authorize
10 the disclosure of a record for use in a child custody proceeding under s. 767.24 or

1 767.325 or in an adoption proceeding under s. 48.833 (1), 48.835, 48.837 or 48.839
2 when the child has been the subject of a report. Any information that would identify
3 a reporter shall be deleted before disclosure of a record under this paragraph.”.

4 **3.** Page 1586, line 16: after that line insert:

5 “(6g) CONSENT DECREES. The treatment of section 48.32 (2) (a) of the statutes
6 first applies to consent decrees entered into on the effective date of this subsection.”.

7 **4.** Page 1592, line 16: after that line insert:

8 “(14g) CONFIDENTIALITY OF ABUSE AND NEGLECT REPORTS AND RECORDS. The
9 treatment of section 48.981 (7) (b) of the statutes first applies to abuse and neglect
10 reports and records, as defined in section 48.981 (1) (f) of the statutes, that are
11 disclosed on the effective date of this subsection.”.

12

(END)