

*Assembly*  
**Committee Report**

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The committee on **Children and Families**, reports and recommends:

**Assembly Bill 144**

Relating to: disclosure of child abuse and neglect reports for the purpose of investigating an alleged violation of a correctional community placement.

By Representatives Huber, Ladwig, Ziegelbauer, Walker, Goetsch, Staskunas, Musser, Turner, Spillner, Kelso, La Fave, Albers, Plouff, M. Lehman, Sykora, Lassa, Hasenohrl, Seratti, Bock, J. Lehman, F. Lasee, Boyle, Travis and Riley; cosponsored by Senators Robson, Huelsman, Plache, Roessler, Breske, Darling, Decker, Schultz and Erpenbach.

ADOPTION OF ASSEMBLY AMENDMENT 2, Ayes 9, Noes 0,  
Absent 1

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Noes: (0) None.

Absent: (1) Representative Coggs.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 0,  
Absent 1

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Noes: (0) None.

Absent: (1) Representative Coggs.

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Representative Bonnie Ladwig  
Chair

## Assembly

### Record of Committee Proceedings

#### **Committee on Children and Families**

##### **Assembly Bill 144**

Relating to: disclosure of child abuse and neglect reports for the purpose of investigating an alleged violation of a correctional community placement.

By Representatives Huber, Ladwig, Ziegelbauer, Walker, Goetsch, Staskunas, Musser, Turner, Spillner, Kelso, La Fave, Albers, Plouff, M. Lehman, Sykora, Lassa, Hasenohrl, Seratti, Bock, J. Lehman, F. Lasee, Boyle, Travis and Riley; cosponsored by Senators Robson, Huelsman, Plache, Roessler, Breske, Darling, Decker, Schultz and Erpenbach.

February 25, 1999      Referred to committee on Children and Families.

March 24, 1999      **PUBLIC HEARING HELD**

Present:      (9)      Representatives Ladwig, Jeskewitz, Kreibich,  
Freese, Kestell, Miller, Coggs, Colon and  
Sinicki.

Absent:      (0)      None.

##### Appearances for

- State Representative Greg Huber
- Carolie Fox, Marathon County
- Kevin Lewis, Department of Health and Family Services
- William Grosshans, Department of Corrections

##### Appearances against

- None.

##### Appearances for Information Only

- None.

##### Registrations for

- None.

##### Registrations against

- None.

April 29, 1999

**EXECUTIVE SESSION**

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Absent: (1) Representative Coggs.

Moved by Representative Miller, seconded by Representative Freese, that **Assembly Amendment 2** be recommended for adoption.

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Noes: (0) None.

Absent: (1) Representative Coggs.

**ADOPTION RECOMMENDED, Ayes 9, Noes 0, Absent 1**


Moved by Representative Freese, seconded by Representative Jeskewitz, that **Assembly Bill 144** be recommended for passage as amended.

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Noes: (0) None.

Absent: (1) Representative Coggs.

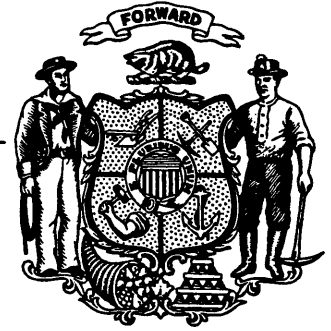
**PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 0, Absent 1**

  
Janine Stippich  
Committee Clerk

# Greg Huber

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State Representative



TO: Assembly Children and Families Committee members

FR: Rep. Greg Huber

RE: AB 144, relating to disclosure of child abuse reports

DT: 4/26/99

Attached is a simple, friendly amendment to AB 144 for this Thursday's executive session. Letters from the Department of Corrections and the Department of Health and Family Services in support of the amendment and the bill are also attached.

If you have any questions, please feel free to call my office.

Thank you.



**ASSEMBLY AMENDMENT ,  
TO 1999 ASSEMBLY BILL 144**

1           At the locations indicated, amend the bill as follows:

- 2           **1.** Page 1, line 3: delete "an alleged violation of a correctional community  
3 placement" and substitute "or providing services to a person who is subject to a  
4 correctional community placement and who is the subject of such a report".
- 5           **2.** Page 2, line 13: delete "agency" and substitute "person".
- 6           **3.** Page 3, line 3: delete "agency" and substitute "person".
- 7           **4.** Page 3, line 5: delete "has".
- 8           **5.** Page 3, line 6: delete lines 6 to 9 and substitute "is subject to community  
9 placement for purposes of investigating or providing services to a person who is  
10 subject to community placement and who is the subject of a report. In making its".
- 11           **6.** Page 3, line 11: delete "other agency" and substitute "other person".

12

(END)

**Tommy G. Thompson**  
Governor

**Jon E. Litscher**  
Secretary



**State of Wisconsin**  
**Department of Corrections**

**Mailing Address**

149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471  
Fax (608) 267-3661

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April 16th, 1999

Representative Greg Huber  
State Capitol, Room 218 North  
Madison, WI

Dear Representative Huber:

As you know, the Department of Corrections (DOC) testified in favor of AB 144 relating to the disclosure of child abuse and neglect reports for the purpose of investigating an alleged violation of a community correctional placement. The intent of your bill, which we strongly support, is that probation/parole agents should have access to information of a possible criminal offense by a person in our custody in order to enhance public safety, including that of the child victim.

The Department of Health and Family Services asked for a clarifying amendment that specifies that access to the child abuse/neglect reports should only be in those cases where the subject of the report is the offender DOC is supervising. An amendment (LRB 0270/2) was drafted to make that change and we are in support of this amendment.

If you need any additional information, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher".

Jon E. Litscher  
Secretary



State of Wisconsin  
Department of Health and Family Services

Tommy G. Thompson, Governor  
Joe Leean, Secretary

April 23, 1999

The Honorable Bonnie Ladwig, Chair  
Assembly Committee on Children and Families  
State Capitol  
Madison, WI 53708-8952

Dear Representative Ladwig:

Three weeks ago the Department of Health and Family Services provided conditional support for 1999 Assembly Bill 144 on the grounds that a technical amendment was needed to clarify the scope of the proposed disclosure of child abuse and neglect reports. This clarification is necessary due to federal regulations governing these reports.

The bill's author, Representative Huber, has introduced the amendment necessary to align this proposal within federal requirements. DHFS fully endorses 1999 Assembly Bill 144 as amended by Amendment 2 (LRB 270/2).

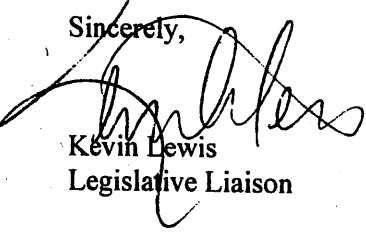
The Department of Health and Family Services has the responsibility for supervising community placements of forensic patients and Sexually Violent Persons. AB 144 will expand the release and availability of child abuse or neglect records so that DHFS can use them for the purposes of investigating any violations of the community placement or conditions of release and thereby make determinations regarding any petition or recommendation for revocation of a community placement. This legislative change will have a positive administrative effect and improve the management of our conditional release and supervised release programs.

Assembly Amendment 2 to Assembly Bill 144:

- Clarifies that the person being investigated by the agency is also the person named in the report. Federal regulations limit disclosure to an agency or organization legally mandated by federal or state law to receive and investigate reports of known and suspected child abuse and neglect and in order to make such an investigation.
- Substitutes "person" for "agency" because "agency" is already defined in this part of state law as being either a child welfare agency, a county department or DHFS in the case of Milwaukee for the purposes of s. 48.981. By specifying "person," the bill will allow for the sharing of this information with the agency responsible for supervision of the community placement.

Thank you for your consideration of our position.

Sincerely,

  
Kevin Lewis  
Legislative Liaison

cc: Members, Assembly Committee on Children and Families  
Representative Greg Huber



State of Wisconsin  
**Department of Health and Family Services**

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Tommy G. Thompson, Governor  
Joe Lecaen, Secretary

March 31, 1999

The Honorable Bonnie Ladwig, Chair  
Assembly Committee on Children and Families  
State Capitol  
P.O. Box 8952  
Madison, WI 53708-8952

Dear Representative Ladwig:

Thank you for the opportunity to present testimony in support of 1999 Assembly Bill 144, provided adoption of a technical amendment that relates to federal regulations governing the confidentiality of child abuse and neglect reports. This amendment (LRBa0255/1) has been drafted at the direction of the bill's lead author, Representative Huber, and is acceptable to the Department of Health and Family Services. With the adoption of this amendment, DHFS wholeheartedly supports passage of AB 144.

The Department of Health and Family Services has the responsibility for supervising community placements of forensic patients and Sexually Violent Persons. AB 144 will expand the release and availability of child abuse or neglect records so that DHFS can use them for the purposes of investigating any violations of the community placement or conditions of release and thereby make determinations regarding any petition or recommendation for revocation of a community placement. This legislative change will have a positive administrative effect and improve the management of our conditional release and supervised release programs.

The need for the proposed amendment is based on a countervailing, but nonetheless important interest within the Department: maintaining appropriate confidentiality protocols for the treatment of child abuse and neglect reports. Federal regulations limit disclosure to an agency or organization legally mandated by federal or state law to receive and investigate reports of known and suspected child abuse and neglect and in order to make such an investigation. In order to tighten the legislation, the amendment clarifies that the person being investigated by the agency is also the person named in the report. This clarifies the scope of access in keeping with federal regulations.

Thank you for your consideration of our position. Please let me know if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Lewis". The signature is fluid and cursive, written over a horizontal line.

Kevin Lewis  
Legislative Liaison

cc: Members, Assembly Committee on Children and Families





State of Wisconsin  
**Department of Health and Family Services**

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Tommy G. Thompson, Governor  
Joe Lecaan, Secretary

April 23, 1999

The Honorable Bonnie Ladwig, Chair  
Assembly Committee on Children and Families  
State Capitol  
Madison, WI 53708-8952

Dear Representative Ladwig:

Three weeks ago the Department of Health and Family Services provided conditional support for 1999 Assembly Bill 144 on the grounds that a technical amendment was needed to clarify the scope of the proposed disclosure of child abuse and neglect reports. This clarification is necessary due to federal regulations governing these reports.

The bill's author, Representative Huber, has introduced the amendment necessary to align this proposal within federal requirements. DHFS fully endorses 1999 Assembly Bill 144 as amended by Amendment 2 (LRB 270/2).

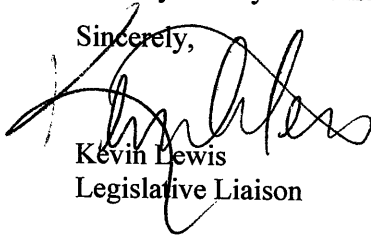
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- Substitutes "person" for "agency" because "agency" is already defined in this part of state law as being either a child welfare agency, a county department or DHFS in the case of Milwaukee for the purposes of s. 48.981. By specifying "person," the bill will allow for the sharing of this information with the agency responsible for supervision of the community placement.

Thank you for your consideration of our position.

Sincerely,



Kevin Lewis  
Legislative Liaison

cc: Members, Assembly Committee on Children and Families  
Representative Greg Huber