

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB767)

Received: **02/19/2008**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Robert Turner (608) 266-0731**

By/Representing: **Nancy**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - garn/injunct**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Turner@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Confidential information about petitioner

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>
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FE Sent For:

<END>

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*Anne Sappenfeld,
LC*

Submit via email: **YES**

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/1	rnelson2	1/bjk 2/19	2/20 P8	2/20 P8			

FE Sent For:

<END>

Nelson, Robert P.

From: McAdams, Nancy
Sent: Tuesday, February 19, 2008 9:39 AM
To: Nelson, Robert P.
Cc: Sappenfield, Anne; Matthews, Pam
Subject: FW: AB 767, Public Hearing for the Committee on Children and Family Law

Hi Bob,

Upon your and Anne Sappenfield's advice, could you please draft two amendments that would specify confidentiality and authorize the creation of an electronic notification system? Thank you Bob. I know this has kind of turned into more of a project than I thought it would.

Nancy McAdams

From: Sappenfield, Anne
Sent: Tuesday, February 19, 2008 9:31 AM
To: McAdams, Nancy
Subject: RE: AB 767, Public Hearing for the Committee on Children and Family Law

Hi Nancy--

I do. Mr. Reandeu's assessment reads a lot into the language that isn't there. I think that the statute needs to make clear that the information is confidential if that is your intent.

You could go ahead and get the amendments drafted. If you want, once the amendments are drafted, I can write a memo describing them, so that the committee knows what they do.

Anne

From: McAdams, Nancy
Sent: Tuesday, February 19, 2008 9:28 AM
To: Sappenfield, Anne
Cc: 'RTurner61@yahoo.com'
Subject: FW: AB 767, Public Hearing for the Committee on Children and Family Law

Anne,

Do you agree with Bob Nelson's assessment? Do you think we should have the two amendments he suggests ready at the public hearing or wait until an exec is scheduled? I know time is of the essence.

Nancy McAdams
Office of State Rep. Robert Turner
212 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661

From: Nelson, Robert P.
Sent: Tuesday, February 19, 2008 7:46 AM

02/19/2008

Nelson, Robert P.

To: McAdams, Nancy

Subject: RE: AB 767, Public Hearing for the Committee on Children and Family Law

Nancy,

I am not exactly sure what he is proposing, but I think it is some kind of electronic system of notifying the petitioner. Even an electronic system can be broken into so I am not sure if that is the answer. I also wonder where the counties will get the money for such a system.

I still think language is needed to require confidentiality of the information the petitioner provides the clerk. That would help. Authorizing the creation of an electronic notification system, without requiring one, would probably be a good idea too.

Bob N

From: McAdams, Nancy

Sent: Monday, February 18, 2008 4:02 PM

To: Nelson, Robert P.; Sappenfield, Anne

Cc: Matthews, Pam

Subject: AB 767, Public Hearing for the Committee on Children and Family Law

Dear Anne and Bob,

Do you think this response is applicable to what is being proposed in AB 767 vis a vis the concerns expressed by Commissioner David Keck of Winnebago County? Please let me know what you think. Thank you.

Nancy McAdams
Office of State Rep. Robert Turner
212 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661

From: Noah Reandeau [mailto:noahr@gth-gov.com]

Sent: Monday, February 18, 2008 3:49 PM

To: McAdams, Nancy

Subject: RE: Public Hearing for the Committee on Children and Family Law

Nancy,

Below is a response that I received to your questions. Please let me know if this helps.

“One thing that is missing from the Bill 767 is that the clerk of courts may attempt to notify and execute these important activities via an electronic notification system. In reading the bill itself I can see how Commissioner Keck may have questions as to the confidentiality and disclosure of the petitioner’s information.

His main concern, regarding the name and address of the petitioner: The intention is that a petitioner may voluntarily provide their contact information (safe phone numbers and email address) and those addresses be electronically entered or transferred into a notification system, eliminating the necessity for individual attempts to contact or re-enter information. The safe contact information would be associated with the order number and the registration not retain any identifying information regarding the petitioner. Respondents would not be able to access this information nor would it need to be maintained in physical records.

02/19/2008

The commissioner's last concern is regarding the inadvertent interception of the notification by the respondent. With a system like this in place, notifications would be made once the order has been served and the only interception would be from a respondent that has indeed been served (or the notification would not be attempted). A PIN, established by the victim during the registration process, would need to be entered to confirm the victim is indeed the person registered to receive the information, with only generic information played until the PIN is entered.

Certainly the concern is for victim safety and we have found that by providing petitioners with access to information and notification services via an automated system provides them with the confidentiality and anonymity that they need. This service provides them with the information that allows them to take the precautionary measures needed to stay safe and know when their order is now active. Unilateral communication is certainly a great resource to petitioners but that doesn't inform them of the enforceability of their order when it occurs or let them know when they may be in harms way. Receiving a phone call or email with the same information would give them the information on their terms, when they need it the most.

I hope this is understandable and makes sense. If you would like any assistance in adjusting some of the language in bill 767, I am more than happy to suggest a few items on a word version of the bill for your review. "

Noah Reandeau

Governmental Affairs Consultant

Gordon Thomas Honeywell Governmental Affairs

(253) 620-6500 office

(253) 973-1892 cell

noahr@gth-gov.com

From: McAdams, Nancy [mailto:Nancy.McAdams@legis.wisconsin.gov]

Sent: Monday, February 18, 2008 9:08 AM

To: Noah Reandeau

Subject: RE: Public Hearing for the Committee on Children and Family Law

Noah,

Another glitch. Could you please review this letter, along with a copy of the bill, and respond to these comments. I am starting to wish I had never begun this project. Thanking you in advance,

Nancy McAdams

Nancy McAdams

Office of State Rep. Robert Turner

212 North Capitol

P.O. Box 8953

Madison, WI 53708-8953

Phone: 608-266-0731

Fax: 608-282-3661

From: Noah Reandeau [mailto:noahr@gth-gov.com]

Sent: Friday, February 08, 2008 7:26 PM

To: McAdams, Nancy

Subject: RE: Public Hearing for the Committee on Children and Family Law

Nancy,

You could simply add "automated" to the bill and apply it to protective orders (without establishing a SAVIN system). That way you could make it contingent on federal funding and apply for the SAVIN funds for automated protective orders. Let me know if you have any questions.

02/19/2008

PHONE: Oshkosh (920) 236-4791
(920) 236-4792
Neenah (920) 727-2880
Fax (920) 424-7779



COURTHOUSE:
415 Jackson Street, Room 220
P.O. Box 2808
Oshkosh, Wisconsin 54903-2808

DAVID W. KECK
COURT COMMISSIONER
WINNEBAGO COUNTY, WISCONSIN

Representative Susan Jeskewitz
Children and Family Law Committee
314 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Re: 2007 Assembly Bill 767

Dear Ms. Jeskewitz,

It has come to my attention, that the above-cited assembly bill is scheduled for a public hearing on February 21st of this year.

I have some concerns about the proposed bill, and would ask that you consider these when the issue comes before the committee.

First, attached to the proposed bill is an *Analysis by the Legislative Bureau*, which I believe is based upon an inaccurate view of the current state of the law in regards to petitioning for a Temporary Restraining Order: specifically, the analysis states that "...a petition setting forth the name and address of the petitioner and respondent..." (emphasis added) is submitted to the circuit court.

Petitions for temporary restraining order do not contain this information about the petitioner, only about the respondent. Petitioners in domestic violence, or in harassment stalking cases, could be placed in danger if the respondent learns of their address, phone number, or email address. These are civil cases, and are open files.

Proposed Bill 767 seems to contemplate that personal information be gathered and kept on a petitioner, in order to inform the petitioner that the respondent has been served. I am concerned, that petitioners may be subjected to inadvertent disclosure of personal information at a time when they are most vulnerable; when they have asked the court to intervene for their safety.

I believe that there are currently sufficient safeguards in place to permit the petitioner to discover whether or not the respondent has been served with the Temporary Restraining Order. In Winnebago County, the sheriff delivers the certificate of service to

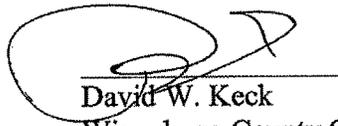
the petitioner. Petitioners are allowed to contact the sheriff directly, to inquire into the status of service attempts.

Another concern is that any means of contact by the court to the petitioner has the potential for interception by the respondent, with the potential for disclosure of contact information to the respondent.

In my view, the petitioner should be free to contact the court or sheriff's department, but the contact should be unilateral, and initiated by the petitioner, unless the contact is face-to-face by law enforcement.

Please consider the alternatives to enacting this proposed bill. If you have any questions or comments, please feel free to contact me at (920) 236-4635.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Keck', written over a horizontal line.

David W. Keck

Winnebago County Court Commissioner



3004
State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1303/1

RPN:.....

Lbjk

ASSEMBLY AMENDMENT , ✓
TO 2007 ASSEMBLY BILL 767

bh ✓

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

2 1. Page 3, line 2: after "respondent." insert "All information contained in the ✓
3 forms submitted to the clerk of circuit court under this section is confidential and ✓
4 may not be released to the respondent or to members of the public." ✓

5 (END) ✓