



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2009 Senate Bill 299**

**Senate Amendments 1, 2, and 3**

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### **Current Law**

Under current Wisconsin law, all reports of suspected child abuse or neglect that are made and records maintained relating to reports of suspected child abuse or neglect are confidential. [s. 48.981 (7) (a) (intro.), Stats.] There are several exceptions.

Under current law, an agency\* may disclose to the general public a written summary of specified information relating to any child who has died or been placed in serious or critical condition, as determined by a physician, as a result of any suspected abuse or neglect that has been reported if any of the following circumstances apply: (a) a person has been charged with a crime for causing the death or serious or critical condition of the child as a result of the suspected abuse or neglect, or the district attorney (DA) indicates that a person who is deceased would have been charged with such a crime; (b) a judge, DA, law enforcement officer, law enforcement agency, or any other officer or agency whose official duties include the investigation or prosecution of a crime has previously disclosed to the public, in the performance of the official duties, that the suspected abuse or neglect of the child has been investigated or that child welfare services have been provided to the child or to the child's family under the Children's Code [ch. 48. Stats.]; or (c) a parent, guardian, or legal custodian of the child or the child, if 14 years of age or over, has previously disclosed or authorized the disclosure of information relating to the death or serious or critical condition of the child. [s. 48.981 (7) (cr), Stats.]

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\* "Agency" means a county department of human or social services or, in Milwaukee County, the Department of Children and Families (DCF) or a licensed child welfare agency under contract with a county department of DHFS to perform child abuse and neglect investigations.

**Senate Bill 299**

Senate Bill 299 requires an agency to provide information to DCF within two days of determining that a child has died or has been placed in serious or critical condition as a result of abuse or neglect, that a child in an out-of-home placement has committed suicide, or that a child has been the victim of an incident of egregious abuse or neglect. Within 90 days of the incident, DCF must prepare a summary report that must be made available to the public containing information as set forth in the bill.

The bill also requires DCF to prepare a quarterly report relating to sexual abuse of children placed in out-of-home care.

**Senate Amendment 1**

Senate Amendment 1 provides that the summary report prepared by DCF and any other information related to a summary report that must be available to the public must also be transmitted to the Governor and to the appropriate standing committees of the Legislature.

The amendment requires the legislative committees to review all summary reports and reports of changes and recommended changes, conduct public hearings on those reports no less often than annually, and submit recommendations to DCF about the reports.

**Senate Amendment 2**

In the summary report required under the bill, DCF must include a summary of any changes in policies or practices that have been made to address any issues raised in the review of the incident and recommendations for any further changes in policies, practices, rules, or statutes that may be needed to address those issues. Senate Amendment 2 also requires the summary report to include a summary of any actions taken by the agency in response to the incident.

The amendment also provides that a summary report prepared for a child who was residing in his or her home at the time of the incident must include a statement of whether any services under the Juvenile Justice Code, as well as under the Children's Code, as provided in the bill, were being provided to the child, any member of the child's family, or the person suspected of the abuse or neglect and a summary of all involvement of the child's parent, and of the person suspected of the abuse or neglect in receiving services under the Juvenile Justice Code, as well as under the Children's Code.

**Senate Amendment 3**

The bill requires DCF to prepare quarterly summary reports of all reports received by DCF during the previous calendar quarter of sexual abuse of a child who is placed in the home of a foster parent or relative other than a parent or in a group home, shelter care facility, or residential care center for children and youth if the abuse was committed by that foster parent or relative, by any other person who resides in the home of the foster parent or relative, or by any employee, contractor, or volunteer of the group home, shelter care facility, or residential care center for children and youth.

For each report included in the summary report, DCF must provide the number of incidents of abuse reported, the dates of those incidents, the county in which those incidents occurred, the age or age

group of the child who is the subject of the report, the type of placement in which the child was placed at the time of the incident, whether it was determined that abuse occurred, and whether the abuse resulted in injury, disease, or pregnancy.

Senate Amendment 3 makes the following changes to the requirement for quarterly reports on sexual abuse:

- DCF must include in the summary report all reports of sexual abuse of a child who is placed in the home of a foster parent or relative other than a parent or in a group home, shelter care facility, or residential care center for children and youth.
- The report must include the nature of the relationship between the child and the person who abused the child.
- Information indicating whether the abuse resulted in any injury, disease, or pregnancy that is known to be directly caused by the abuse must be included in every fourth summary report relating to incidents of sexual abuse for all reports of abuse received by DCF during the previous year. A county department reporting an incident of sexual abuse must make an active effort to obtain information relating to injury, disease, or pregnancy and report that to DCF.

### **Legislative History**

The Senate Committee on Children and Families and Workforce Development offered Senate Amendments 1, 2, and 3 on October 7, 2009. On that date, the committee voted unanimously to recommend adoption of Senate Amendments 1, 2, and 3 and passage of the bill, as amended.

AS:ksm