



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 261**  
[2013 Assembly Bill 676]

### **Disclosure of Child Abuse or Neglect Records for Background Check**

2013 Wisconsin Act 261 relates to prohibiting the disclosure of a determination that a person has abused or neglected a child for purposes of a caregiver background check when that abuse or neglect has not been substantiated.

Under **current law**, reports of and records relating to a report of alleged abuse or neglect of a child are confidential and may be disclosed only as provided in statute. Current law requires findings that a person has abused or neglected a child to be considered in a background check for licensure to be a residential caregiver under ch. 50, Stats., or to be a caregiver under ch. 48, Stats. (e.g., a foster parent or child care provider). However, the federal Child Abuse Prevention and Treatment Act provides that agencies may not disclose unsubstantiated or false reports for the purpose of an employment or other background check.

**Act 261** provides that an agency may disclose a determination made before January 1, 2015, that a person abused or neglected a child for purposes of a caregiver background check **only if** that determination has not been reversed or modified on appeal. In addition, an agency may disclose such a determination made on or after January 1, 2015, **only if**, on appeal, the determination that the person abused or neglected a child has been affirmed. This provision does not affect disclosure of these reports or records as otherwise permitted under current law.

*Effective date:* Act 261 takes effect on April 10, 2014.

*Prepared by:* Anne Sappenfield, Principal Attorney

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.