



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 667

Assembly Amendment 1

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Contact: Melissa Schmidt, Senior Staff Attorney (266-2298)

2015 ASSEMBLY BILL 667

Assembly Bill 667 (hereinafter, “the bill”) requires the Department of Children and Families (DCF) to develop and implement a model procedure to be used in the investigation of reports of suspect or threatened abuse or neglect of a child with a disability. DCF must use an open public participation process to develop the model procedure, which includes input from law enforcement agencies and other stakeholders that DCF considers appropriate. The bill requires DCF to post the model procedure on its Internet site and distribute copies to all child protective services agencies¹ that conduct abuse and neglect investigations in Wisconsin.

At a minimum, the model procedure must include all of the following:

- A requirement that each agency, on receipt of a report of suspected or threatened abuse or neglect, ask the reporter whether the child who is the subject of the report is a child with a disability.
- Procedures for agencies to use to identify and address any specific categories of disabilities that a child with a disability reported to the agency may have.
- Procedures to ensure that each agency is in compliance with Part A of Title II of the Americans with Disabilities Act, 42 USC 12131 to 12134. Those procedures must include reasonable modifications to the rules, policies, and practices of the agency, the removal of architectural, communication, and transportation barriers, and the

¹ A “child protective services agency” is a county department of human or social services, DCF in a county having a population of 500,000 or more (only Milwaukee County), or a licensed child welfare agency under contract with a county department or DCF to perform child abuse and neglect investigations. [See s. 48.981 (1) (ag), Stats.]

provision of auxiliary aids and services as necessary to enable a person with a disability to receive the services or participate in the programs or activities provided by the agency.

- Interviewing strategies tailored to the investigation of abuse or neglect reports involving children with disabilities that include forensic interviewing strategies for interviewing those children, including children with communication issues.
- Information on how to access collateral information regarding a child with a disability.
- Information on how to access specialized follow-up services for children with disabilities.
- A requirement that agencies collaborate with local law enforcement agencies in the investigation of reports of suspected or threatened abuse or neglect of children with disabilities.
- Plans for the training of agency staff in the implementation of the model procedure.

The bill also requires that each child protective services agency (hereinafter, "agency") to adopt a procedure for the investigation of reports of suspected or threatened abuse or neglect of children with disabilities. That procedure may consist of the model procedure described above. An agency must provide a copy of its procedure to all law enforcement agencies within the jurisdiction of the agency, as well as to any other person upon request.

The bill requires DCF to develop and implement the model procedure by January 1, 2017. It also requires each agency that conducts abuse and neglect investigations in Wisconsin to adopt a procedure by July 1, 2017. The bill includes a sunset provision on both of these two deadline requirements on July 1, 2017.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes the following changes to the bill:

- Renames the term "**model procedure to be used in the investigation** of reports of suspected or threatened abuse or neglect of a child with a disability" as the "**plan for identifying and addressing areas in which there is need for improvement in the practices used to investigate** reports of suspected or threatened abuse or neglect of a child with a disability."
- Requires DCF to **consider including** all of the items listed above in the plan, instead of **requiring** that all of the items listed above be included.
- Eliminates the requirement that the plan include "a requirement that agencies collaborate with local law enforcement agencies in the investigation of reports of suspected or threatened abuse or neglect of children with disabilities."

- Eliminates the ability for an agency to develop a plan that is different from DCF's plan.
- Replaces the requirement that DCF must "**develop and implement**" the model procedure by January 1, 2017, with the requirement that DCF must "**take action**" on the plan by January 1, 2017.
- Eliminates the sunset provision described above regarding when DCF must develop and implement the model procedure and when agencies must adopt a procedure. Instead, under Assembly Amendment 1, the statutes would expressly state the timeframe within which DCF must take action on the plan and that each agency must adopt DCF's plan (i.e., January 1, 2017, and July 1, 2017, respectively).

BILL HISTORY

Assembly Amendment 1 was introduced by Representative Kleefisch on January 11, 2016. On January 13, 2016, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 13; Noes, 0. The committee subsequently voted to recommend passage of the bill, as amended, by a vote of Ayes, 13; Noes, 0.

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