2017 ASSEMBLY BILL 290

May 1, 2017 – Introduced by Representatives BERNIER, SUMMERFIELD, E. BROOKS, R. BROOKS, BRANDTJEN, DUCHOW, EDMING, KLEEFISCH, KULP, RIPP, SPIROS, PETRYK, THIESFELDT and TUSLER, cosponsored by Senators MOULTON, STROEBEL, VINEHOUT and WANGGAARD. Referred to Committee on Children and Families.

1   AN ACT *to amend* 48.981 (3) (cm) and 48.981 (3) (d) 2.; and *to create* 48.981 (3)

2   (cr), 48.981 (3) (d) 3. c. and 48.981 (3) (d) 4. of the statutes; **relating to:** the

3   authority for counties to enter into contracts to perform child protective

4   services functions.

Analysis by the Legislative Reference Bureau

This bill allows county departments of human services or social services (county departments) or, in Milwaukee County, the Department of Children and Families to enter into contracts with each other to perform certain child protective services. This bill also allows a county department to designate a child welfare agency to perform independent investigations.

Under current law, a county department or, in Milwaukee County, DCF is charged with certain duties regarding child protective services, including receiving reports, conducting investigations, providing services, petitioning for services, taking a child or an expectant mother into custody, determining and providing alternative responses, determining whether abuse or neglect has occurred, determining that a specific person has abused or neglected a child, providing notice of reports of suspected abuse or neglect to a tribe, providing training to agency staff, conducting independent investigations, and record keeping.

Current law allows a county department to contract with a licensed child welfare agency to perform some of those functions and allows DCF in Milwaukee County to contract with a licensed child welfare agency to perform all of those functions. This bill allows a county department to contract with one or more other

county departments or with DCF to perform those functions on behalf of the county department. The bill also allows DCF in Milwaukee County to contract with one or more county departments to perform those functions on behalf of DCF in Milwaukee County.

Current law requires an independent investigation to be conducted if an agent or employee of an agency is the subject of a report of suspected child abuse or neglect, or if the agency determines that, because of the relationship between the agency and the subject of a report, there is a substantial probability that the agency would not conduct an unbiased investigation. An agency is required to notify DCF of the potential conflict or bias, and DCF, outside of Milwaukee County, must conduct an investigation or may designate a county department or licensed child welfare agency to conduct the independent investigation. In Milwaukee County, a county department or child welfare agency designated by DCF must conduct the independent investigation. This bill also allows a county department to designate, with the approval of DCF, a licensed child welfare agency to conduct the independent investigation on its behalf.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   SECTION 1. 48.981 (3) (cm) of the statutes is amended to read:

2   48.981 **(3)** (cm) *Contract with licensed child welfare agencies.* A county

3 department may contract with a licensed child welfare agency to fulfill the county

4 department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. and

5 with the approval of the department under par. (d). The department may contract

6 with a licensed child welfare agency to fulfill the department's duties specified under

7 par. pars. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m., 7., 8., and 9. and (d) in a county

8 having a population of 750,000 or more. The confidentiality provisions specified in

9 sub. (7) shall apply to any licensed child welfare agency with which a county

10 department or the department contracts.

11   SECTION 2. 48.981 (3) (cr) of the statutes is created to read:

1   48.981 **(3)** (cr) *Contracts to perform child protective services.* 1. With the

2   approval of the department, a county department may contract with one or more

3   county departments or the department in a county having a population of 750,000

4   or more to fulfill the county department's duties under this subsection and sub. (3m).

5   2. The department in a county having a population of 750,000 or more may

6   contract with one or more county departments to fulfill the department's duties

7   under this subsection and sub. (3m).

8   **SECTION 3.** 48.981 (3) (d) 2. of the statutes is amended to read:

9   48.981 **(3)** (d) 2. If an agent or employee of an agency required to investigate

10   under this subsection is the subject of a report, or if the agency determines that,

11   because of the relationship between the agency and the subject of a report, there is

12   a substantial probability that the agency would not conduct an unbiased

13   investigation, the agency shall, after taking any action necessary to protect the child

14   or unborn child, notify the department.

15   3. Upon receipt of the notice under subd. 2., the department, in shall do one of

16   the following:

17   a. In a county having a population of less than 750,000 or a, conduct an

18   independent investigation.

19   b. In any county, designate a county department or child welfare agency

20   designated by the department in any county shall under s. 46.22, 46.23, 51.42, or

21   51.437 to conduct an independent investigation. If the department designates a

22   county department under s. 46.22, 46.23, 51.42, or 51.437, that county department

23   shall conduct the independent investigation. If a licensed child welfare agency

24   agrees to conduct the independent investigation, the department may designate the

25   child welfare agency to do so.

1   5. The powers and duties of the department or designated county department

2   or child welfare agency making an independent investigation under subd. 3. or 4. are

3   those given to county departments under par. (c).

4   **SECTION 4.** 48.981 (3) (d) 3. c. of the statutes is created to read:

5   48.981 **(3)** (d) 3. c. In any county, designate a willing licensed child welfare

6   agency to conduct an investigation.

7   **SECTION 5.** 48.981 (3) (d) 4. of the statutes is created to read:

8   48.981 **(3)** (d) 4. If the department designates a county department to conduct

9   the independent investigation under subd. 3. b., the county department may

10   designate a willing licensed child welfare agency to conduct the investigation,

11   subject to the approval of the department.

12   **(END)**