



1997 ASSEMBLY BILL 275

April 11, 1997 - Introduced by Representatives SERATTI, AINSWORTH, M. LEHMAN, RYBA, LORGE, LADWIG, WASSERMAN, FREESE, MUSSER, LAZICH, OWENS, GROTHMAN, GOETSCH, GUNDERSON and BRANDEMUEHL, cosponsored by Senators BUETTNER, WEEDEN and ZIEN. Referred to Committee on Children and Families.

1 **AN ACT to renumber and amend** 48.371 (3) and 938.371 (3); **to amend** 48.371
2 (1) (b) and 938.371 (1) (b); and **to create** 48.371 (3) (b), 48.371 (3) (c), 48.371 (3)
3 (d), 48.371 (3) (e), 146.82 (2) (a) 18., 938.371 (3) (b), 938.371 (3) (c), 938.371 (3)
4 (d) and 938.371 (3) (e) of the statutes; **relating to:** access by a child's substitute
5 care provider to medical information concerning the child, the child's religious
6 affiliation or belief and information relating to any involvement of the child in
7 any sexual abuse, in any cult or group that promotes criminal activity or in any
8 activities that are harmful to the child.

Analysis by the Legislative Reference Bureau

Under current law, if a child is placed in a foster home, treatment foster home, group home, child caring institution or secured correctional facility, the agency that placed the child or arranged for the placement of the child must provide to the foster parent, treatment foster parent or operator of the group home, child caring institution or secured correctional facility information concerning human immunodeficiency virus (HIV) test results of the child and viral hepatitis, type B, test results of the child.

Under current law, if a child is placed in a foster home, treatment foster home, group home, child caring institution or secured correctional facility, the agency

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responsible for preparing the child's permanency plan must provide to the foster parent, treatment foster parent or operator of the group home, child caring institution or secured correctional facility information in the child's court report or permanency plan relating to findings or opinions of the court assigned to exercise jurisdiction under the children's code and juvenile justice code (juvenile court) or of the agency that prepared the child's court report or permanency plan relating to any mental, emotional, cognitive, developmental or behavioral disability of the child.

This bill requires the agency responsible for preparing a child's permanency plan to disclose to the child's foster parent or treatment foster parent or to the operator of the group home, child caring institution or secured correctional facility in which the child is placed findings or opinions of the juvenile court or of the agency that prepared the child's court report or permanency plan relating to any involvement of the child in any cult or any group that promotes or has as one of its goals criminal activity; any involvement of the child in any activities that are harmful to the child's physical, mental or moral well-being; any involvement of the child, whether as victim or perpetrator, in unlawful sexual intercourse or sexual contact, prostitution, sexual exploitation of a child or forced viewing or listening to sexual activity; and the religious affiliation or belief of the child.

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

1 **SECTION 1.** 48.371 (1) (b) of the statutes is amended to read:

2 48.371 (1) (b) Results Any other medical information concerning the child,
3 including the results of any tests of the child to determine the presence of viral
4 hepatitis, type B, including results included in a court report or permanency plan.
5 The foster parent, treatment foster parent or operator of a group home or child caring
6 institution receiving information under this paragraph shall keep the information
7 confidential.

8 **SECTION 2.** 48.371 (3) of the statutes is renumbered 48.371 (3) (intro.) and
9 amended to read:

10 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
11 foster home, group home or child caring institution or, if the information is not
12 available at that time, as soon as possible after the date on which the court report

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1 or permanency plan has been submitted, but no later than 7 days after that date, the
2 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
3 plan shall provide to the foster parent, treatment foster parent or operator of the
4 group home or child caring institution information contained in the court report
5 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
6 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63
7 (4) or 48.831 (4) (e) relating to findings or opinions of the court or agency that
8 prepared the court report or permanency plan relating to any ~~mental~~, of the
9 following:

10 (a) Any mental, emotional, cognitive, developmental or behavioral disability
11 of the child. The foster parent, treatment foster parent or operator of a group home
12 or child caring institution receiving information under this subsection shall keep the
13 information confidential.

14 **SECTION 3.** 48.371 (3) (b) of the statutes is created to read:

15 48.371 (3) (b) Any involvement of the child in any cult or group that promotes
16 or has as one of its goals criminal activity. The foster parent, treatment foster parent
17 or operator of a group home or child caring institution receiving information under
18 this paragraph shall keep the information confidential.

19 **SECTION 4.** 48.371 (3) (c) of the statutes is created to read:

20 48.371 (3) (c) Any involvement of the child in any activities that are harmful
21 to the child's physical, mental or moral well-being. The foster parent, treatment
22 foster parent or operator of a group home or child caring institution receiving
23 information under this paragraph shall keep the information confidential.

24 **SECTION 5.** 48.371 (3) (d) of the statutes is created to read:

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1 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
2 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02 or 948.025,
3 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
4 948.05 or causing a child to view or listen to sexual activity in violation of s. 948.055.
5 The foster parent, treatment foster parent or operator of a group home or child caring
6 institution receiving information under this paragraph shall keep the information
7 confidential.

8 **SECTION 6.** 48.371 (3) (e) of the statutes is created to read:

9 48.371 (3) (e) The religious affiliation or belief of the child.

10 **SECTION 7.** 146.82 (2) (a) 18. of the statutes is created to read:

11 146.82 (2) (a) 18. If the subject of the patient health care records is a child or
12 juvenile who has been placed in a foster home, treatment foster home, group home,
13 child caring institution or a secured correctional facility, including a placement
14 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
15 treatment foster home, group home, child caring institution or secured correctional
16 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
17 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
18 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency
19 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),
20 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
21 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), 48.831 (4) (e), 938.355
22 (2e) or 938.38 regarding the child or juvenile or to an agency that placed the child or
23 juvenile or arranged for the placement of the child or juvenile in any of those
24 placements and, by any of those agencies, to any other of those agencies and, by the
25 agency that placed the child or juvenile or arranged for the placement of the child or

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1 juvenile in any of those placements, to the foster parent or treatment foster parent
2 of the child or juvenile or the operator of the group home, child caring institution or
3 secured correctional facility in which the child or juvenile is placed, as provided in
4 s. 48.371 or 938.371.

5 **SECTION 8.** 938.371 (1) (b) of the statutes is amended to read:

6 938.371 (1) (b) ~~Results~~ Any other medical information concerning the juvenile,
7 including the results of any tests of the juvenile to determine the presence of viral
8 hepatitis, type B, including results included in a court report or permanency plan.
9 The foster parent, treatment foster parent or operator of a group home, child caring
10 institution or secured correctional facility receiving information under this
11 paragraph shall keep the information confidential.

12 **SECTION 9.** 938.371 (3) of the statutes is renumbered 938.371 (3) (intro.) and
13 amended to read:

14 938.371 (3) (intro.) At the time of placement of a juvenile in a foster home,
15 treatment foster home, group home, child caring institution or secured correctional
16 facility or, if the information is not available at that time, as soon as possible after
17 the date on which the court report or permanency plan has been submitted, but no
18 later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible
19 for preparing the juvenile's permanency plan shall provide to the foster parent,
20 treatment foster parent or operator of the group home, child caring institution or
21 secured correctional facility information contained in the court report submitted
22 under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355
23 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the
24 court report or permanency plan relating to any ~~mental~~, of the following:

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1 (a) Any mental, emotional, cognitive, developmental or behavioral disability
2 of the juvenile. The foster parent, treatment foster parent or operator of a group
3 home, child caring institution or secured correctional facility receiving information
4 under this subsection shall keep the information confidential.

5 **SECTION 10.** 938.371 (3) (b) of the statutes is created to read:

6 938.371 **(3)** (b) Any involvement of the juvenile in any cult or group that
7 promotes or has as one of its goals criminal activity. The foster parent, treatment
8 foster parent or operator of a group home, child caring institution or secured
9 correctional facility receiving information under this paragraph shall keep the
10 information confidential.

11 **SECTION 11.** 938.371 (3) (c) of the statutes is created to read:

12 938.371 **(3)** (c) Any involvement of the juvenile in any activities that are
13 harmful to the juvenile's physical, mental or moral well-being. The foster parent,
14 treatment foster parent or operator of a group home, child caring institution or
15 secured correctional facility receiving information under this paragraph shall keep
16 the information confidential.

17 **SECTION 12.** 938.371 (3) (d) of the statutes is created to read:

18 938.371 **(3)** (d) Any involvement of the juvenile, whether as victim or
19 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02
20 or 948.025, prostitution in violation of s. 944.30, sexual exploitation of a child in
21 violation of s. 948.05 or causing a child to view or listen to sexual activity in violation
22 of s. 948.055. The foster parent, treatment foster parent or operator of a group home,
23 child caring institution or secured correctional facility receiving information under
24 this paragraph shall keep the information confidential.

25 **SECTION 13.** 938.371 (3) (e) of the statutes is created to read:

