



1995 SENATE BILL 460

December 13, 1995 - Introduced by Senators HUELSMAN, FITZGERALD, JAUCH, COWLES, BUETTNER, DARLING and ROSENZWEIG, cosponsored by Representatives KRUG, LADWIG, BOCK, GUNDERSON, SCHNEIDERS, ZIEGELBAUER, OLSEN, LA FAVE, ROBSON, AINSWORTH, MUSSER, GRONEMUS, KREUSER, OWENS and COGGS, by request of the Department of Justice and the Attorney General's Task Force on Children in Need. Referred to Committee on Health, Human Services and Aging.

1 **AN ACT to repeal** 48.981 (7) (a) 7.; **to amend** 48.981 (7) (a) 8.; and **to create**
2 48.981 (7) (a) 11r., 48.981 (7) (a) 14m., 48.981 (7) (a) 15., 48.981 (7) (a) 15m. and
3 48.981 (7) (a) 17. of the statutes; **relating to:** the disclosure of child abuse or
4 neglect records and reports.

Analysis by the Legislative Reference Bureau

Under current law, certain persons are required to report to the county department of human services or social services (county department) or to a local law enforcement agency if, in the course of professional duties, the person sees a child whom the person suspects has been abused or neglected or has been threatened with abuse or neglect. The county department and law enforcement agency must then investigate the suspected or threatened abuse or neglect. Reports of suspected or threatened child abuse or neglect and records kept by the department of health and social services (DHSS), a county department or a child welfare agency relating to the investigation, assessment and disposition of a child abuse or neglect report are confidential and may be disclosed only to certain persons. Those persons include the subject of the report; appropriate staff of DHSS, a county department or a tribal social services department; a law enforcement agency; a court assigned to exercise jurisdiction under the children's code (juvenile court); or a grand jury. This bill permits disclosure of child abuse or neglect reports and records to all of the following persons:

1. A district attorney for purposes of investigation or prosecution.
2. A volunteer or employe of a juvenile court-appointed special advocate program recognized by the county board or county department, to the extent necessary to perform advocacy services in proceedings related to children in need of protection or services.
3. A judge conducting a John Doe proceeding, that is, a proceeding to determine whether and by whom a crime has been committed.

4. A child fatality review team recognized by the county department.

5. A coroner, medical examiner or pathologist or other physician investigating the cause of death of a child whose death is unexplained or unusual or is associated with unexplained or suspicious circumstances.

6. A federal agency, state agency of this state or any other state or local governmental unit located in this state or any other state that has a need for a child abuse or neglect report or record in order to carry out its responsibility to protect children from abuse or neglect.

For further information see the *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 (7) (a) 7. of the statutes is repealed.

2 **SECTION 2.** 48.981 (7) (a) 8. of the statutes is amended to read:

3 48.981 (7) (a) 8. A law enforcement officer or agency or a district attorney for
4 purposes of investigation or prosecution.

5 **SECTION 3.** 48.981 (7) (a) 11r. of the statutes is created to read:

6 48.981 (7) (a) 11r. A volunteer appointed or person employed by a
7 court-appointed special advocate program recognized by the county board or the
8 county department, to the extent necessary to perform the advocacy services in
9 proceedings related to a petition under s. 48.13 for which the court-appointed special
10 advocate program is recognized by the county board or county department.

11 **SECTION 4.** 48.981 (7) (a) 14m. of the statutes is created to read:

12 48.981 (7) (a) 14m. A judge conducting proceedings under s. 968.26.

13 **SECTION 5.** 48.981 (7) (a) 15. of the statutes is created to read:

14 48.981 (7) (a) 15. A child fatality review team recognized by the county
15 department.

16 **SECTION 6.** 48.981 (7) (a) 15m. of the statutes is created to read:

