

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB481)

Received: **09/30/1999**

Received By: **malaigm**

Wanted: **09/30/1999**

Identical to LRB:

For: **G. Spencer Coggs (608) 266-5580**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Mental Health - AODA
Education - miscellaneous
Children - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of records to parent; counseling required

Instructions:

If minor does not agree to disclosure of records, require parent and minor to attend at least one counseling session to mediate their disagreement before may disclose records.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			haugeca 09/30/1999	_____	lrb_docadmin 09/30/1999	lrb_docadmin 09/30/1999	

FE Sent For:

<END>

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**ASSEMBLY AMENDMENT ,
TO 1999 ASSEMBLY BILL 481**

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 3, line 6: delete lines 6 and 7 and substitute "subject of a record, an
3 agency shall determine whether the child agrees to the request. If the child does not
4 agree to the request, the agency may not make available for inspection or disclose the
5 contents of the record until after the parent, guardian or legal custodian and the child
6 have participated in at least one counseling session for the purpose of mediating that
7 disagreement. An agency may deny a request of a parent, guardian or legal
8 custodian made under this paragraph only if the agency (D) — plain

9 ✓ 2. Page ⁴~~2~~, line 1: delete "make available for".

10 ✓ 3. Page ⁴~~2~~, line 2: delete that line.

11 ✓ 4. Page ⁴~~2~~, line 3: delete "custodian, unless" and substitute "determine whether
12 the child expectant mother agrees to the request. If the child expectant mother does
13 not agree to the request, the agency may not make available for inspection or disclose

1 the contents of the record until after the parent, guardian or legal custodian and the
2 child expectant mother have participated in at least one counseling session for the
3 purpose of mediating that disagreement. An agency may deny a request of a parent,
4 guardian or legal custodian made under this paragraph only if”.

5 ✓ **5.** Page 4, line 24: delete that line.

6 **6.** Page 5, line 1: delete lines 1 to 17 and substitute:

7 “SECTION 3r. 118.126 (1) (intro.) of the statutes is amended to read:

8 118.126 (1) (intro.) A school psychologist, counselor, social worker and nurse,
9 and any teacher or administrator designated by the school board who engages in
10 alcohol or drug abuse program activities, shall keep confidential information
11 received from a pupil that the pupil or another pupil is using or is experiencing
12 problems resulting from the use of alcohol or other drugs unless any of the following

13 apply: *ies*

14 **SECTION 3t.** 118.126 (1) (a) of the statutes is amended to read:

15 118.126 (1) (a) The pupil using or experiencing problems resulting from the use
16 of alcohol or other drugs consents in writing to disclosure of the information.

History: 1979 c. 331; 1985 a. 163; 1987 a. 188, 339.

History: 1979 c. 331; 1985 a. 163; 1987 a. 188, 339.

17 **SECTION 3v.** 118.126 (1) (b) of the statutes is amended to read:

18 118.126 (1) (b) The school psychologist, counselor, social worker, nurse, teacher
19 or administrator has reason to believe that there is serious and imminent danger to
20 the health, safety or life of any person and that disclosure of the information to
21 another person will alleviate the serious and imminent danger. No more information
22 than is required to alleviate the serious and imminent danger may be disclosed; or,

History: 1979 c. 331; 1985 a. 163; 1987 a. 188, 339.

23 **SECTION 3x.** 118.126 (1) (bm) of the statutes is created to read:

1 118.126 (1) (bm) The parent or guardian of the pupil who is using or
2 experiencing problems resulting from the use of alcohol or other drugs requests the
3 information. On receipt of a request under this paragraph, the school psychologist,
4 counselor, social worker, nurse/teacher or administrator shall determine whether the
5 pupil agrees to the request. If the pupil does not agree to the request, the school
6 psychologist, counselor, social worker, nurse/teacher or administrator may not
7 disclose the information until after the parent or guardian and the pupil have
8 participated in at least one counseling session for the purpose of mediating that
9 disagreement. A school psychologist, counselor, social worker, nurse/teacher or
10 administrator may deny a request of a parent or guardian made under this
11 paragraph only if the school board petitions the court assigned to exercise
12 jurisdiction under chs. 48 and 938 for an order prohibiting disclosure of the
13 information and the court, after a hearing and an inspection of the information,
14 determines that disclosure of the information to the parent or guardian would result
15 in imminent danger to anyone.”

16 ✓ **7.** Page 6, line 9: delete “make available for”.

17 ✓ **8.** Page 6, line 10: delete that line.

18 ✓ **9.** Page 6, line 11: delete “custodian, unless” and substitute “determine
19 whether the juvenile agrees to the request. If the juvenile does not agree to the
20 request, the agency may not make available for inspection or disclose the contents
21 of the record until after the parent, guardian or legal custodian and the juvenile have
22 participated in at least one counseling session for the purpose of mediating that

1 disagreement. An agency may deny a request of a parent, guardian or legal
2 custodian made under this paragraph only if".

3 (END)

#. Page 6, line 22: delete
"~~(c)~~, ~~(2)~~ and (3)" and
substitute "(bm)".

