

1999 SENATE BILL 339

January 25, 2000 – Introduced by Senators WIRCH, DARLING, HUELSMAN, BURKE, PLACHE, ROESSLER and A. LASEE, cosponsored by Representatives STONE, BRANDEMUEHL, OLSEN, HUEBSCH, LADWIG, GRONEMUS, SPILLNER, PLALE, RHOADES, MUSSER, VRAKAS, PORTER, SERATTI, KELSO, SYKORA, J. LEHMAN, RYBA and KLUSMAN. Referred to Committee on Human Services and Aging.

- 1 **AN ACT to create** 48.78 (3) and 938.78 (4) of the statutes; **relating to:** the
2 disclosure of records relating to a substitute care parent.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, the department of health and family services, the department of corrections, a county department of human services or social services or a licensed child welfare agency (collectively “agency”) may not make available for inspection or disclose the contents of any record kept or information received about an individual in the care or legal custody of the agency except by order of the court assigned to exercise jurisdiction under the children’s code and the juvenile justice code (juvenile court). Current law, however, is silent as to the confidentiality of records kept and information received relating to a foster parent, treatment foster parent or family–operated group home parent (substitute care parent). This bill prohibits an agency from making available for inspection or disclosing the contents of any record kept or information received relating to a substitute care parent or a family member of a substitute care parent without first receiving the written permission of the substitute care parent, except by order of the juvenile court. The bill, however, does not apply to the confidential exchange of information between an agency and another social welfare agency. The bill also does not prohibit an agency from making available for inspection or disclosing the contents of a record as permitted under the child abuse and neglect reporting law, from disclosing to the child’s parent, guardian or legal custodian the name and

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address of the substitute care parent or from including the location of the child's placement in the child's permanency plan.

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

1 **SECTION 1.** 48.78 (3) of the statutes is created to read:

2 48.78 (3) (a) Except as provided under pars. (b) to (d) or by order of the court,
3 no agency may make available for inspection or disclose the contents of any record
4 kept or information received relating to a foster parent, treatment foster parent or
5 family-operated group home, as defined in s. 48.627 (1), parent or a family member
6 of a foster parent, treatment foster parent or family-operated group home parent
7 without first receiving the written permission of the foster parent, treatment foster
8 parent or family-operated group home parent.

9 (b) Paragraph (a) does not apply to the confidential exchange of information
10 between an agency and another social welfare agency. A social welfare agency that
11 obtains information under this paragraph shall keep the information confidential as
12 required under this section and s. 938.78.

13 (c) Paragraph (a) does not prohibit an agency from making available for
14 inspection or disclosing the contents of a record under s. 48.981 (7).

15 (d) Paragraph (a) does not prohibit an agency from disclosing the name and
16 address of a foster parent, treatment foster parent or family-operated group home
17 parent under s. 48.20 (8), 48.227 (2), 48.33 (5), 48.355 (2) (b) 2., 48.357 (1) or (2m) or
18 48.38 (4) (c).

19 **SECTION 2.** 938.78 (4) of the statutes is created to read:

20 938.78 (4) (a) Except as provided under pars. (b) and (c) or by order of the court,
21 no agency may make available for inspection or disclose the contents of any record

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1 kept or information received relating to a foster parent, treatment foster parent or
2 family-operated group home, as defined in s. 48.627 (1), parent or a family member
3 of a foster parent, treatment foster parent or family-operated group home parent
4 without first receiving the written permission of the foster parent, treatment foster
5 parent or family-operated group home parent.

6 (b) Paragraph (a) does not apply to the confidential exchange of information
7 between an agency and another social welfare agency. A social welfare agency that
8 obtains information under this paragraph shall keep the information confidential as
9 required under this section and s. 48.78.

10 (c) Paragraph (a) does not prohibit an agency from disclosing the name and
11 address of a foster parent, treatment foster parent or family-operated group home
12 parent under s. 938.20 (8), 938.33 (5), 938.355 (2) (b) 2., 938.357 (1), (2m) or (4) (a)
13 or (c) 3. or 938.38 (4) (c) or from disclosing to the parent, guardian or legal custodian
14 of a juvenile the location of an alternate placement of the juvenile under s. 938.538
15 (3) (a) 1p.

16 (END)