

1999 DRAFTING REQUEST

Bill

Received: **01/13/2000**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Amber**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of foster parent records

Instructions:

Draft companion to LRB99-2803/1.

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>
/?	malaigm 01/13/2000	gilfokm 01/14/2000		_____			
/1			martykr 01/14/2000	_____	lrb_docadmin 01/14/2000	lrb_docadmin 01/14/2000	

FE Sent For:

Not Needed

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1999 BILL

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

*Act 20
48.20
48.227
48.33
48.355
48.357
48.38*

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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)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 01/14/2000

To: Senator Wirch

Relating to LRB drafting number: LRB-4212

Topic

Disclosure of foster parent records

Subject(s)

Children - out-of-home placement

1. **JACKET** the draft for introduction Senator Bob Wirch
in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction X _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738

Not Needed