

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 778**

February 25, 2000 – Offered by Representative HUNDERTMARK.

1     **AN ACT to amend** 48.981 (3) (cm), 48.981 (7) (cm) and 48.981 (7) (d); and **to create**  
2     48.981 (3) (c) 5m., 48.981 (7) (a) 15g. and 48.981 (7) (cr) of the statutes; **relating**  
3     **to:** appeals of substantiated child abuse or neglect findings, public disclosure  
4     of certain child abuse and neglect information when there is a child fatality or  
5     near fatality and access to child abuse and neglect information by a citizen  
6     review panel established or designated by the department of health and family  
7     services or a county department of human services or social services.

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

8     **SECTION 1.** 48.981 (3) (c) 5m. of the statutes is created to read:  
9     48.981 (3) (c) 5m. If the county department or, in a county having a population  
10    of 500,000 or more, the department or a licensed child welfare agency under contract  
11    with the department determines under subd. 4. that a specific person has abused or  
12    neglected a child, the county department, department or licensed child welfare

1 agency, within 15 days after the date of the determination, shall notify the person in  
2 writing of the determination, the person's right to appeal the determination and the  
3 procedure by which the person may appeal the determination, and the person may  
4 appeal the determination in accordance with the procedures established by the  
5 department under this subdivision. The department shall establish procedures for  
6 conducting an appeal under this subdivision. Those procedures shall include a  
7 procedure permitting an appeal under this subdivision to be held in abeyance  
8 pending the outcome of any criminal proceedings or any proceedings under s. 48.13  
9 based on the alleged abuse or neglect or the outcome of any investigation that may  
10 lead to the filing of a criminal complaint or a petition under s. 48.13 based on the  
11 alleged abuse or neglect. Those procedures need not be promulgated as rules.

12 **SECTION 2.** 48.981 (3) (cm) of the statutes is amended to read:

13 48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county  
14 department may contract with a licensed child welfare agency to fulfill the county  
15 department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 6., 6m. and 8. The  
16 department may contract with a licensed child welfare agency to fulfill the  
17 department's duties specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 6., 6m., 7.,  
18 8. and 9. in a county having a population of 500,000 or more. The confidentiality  
19 provisions specified in sub. (7) shall apply to any licensed child welfare agency with  
20 which a county department or the department contracts.

21 **SECTION 3.** 48.981 (7) (a) 15g. of the statutes is created to read:

22 48.981 (7) (a) 15g. A citizen review panel established or designated by the  
23 department or a county department.

24 **SECTION 4.** 48.981 (7) (cm) of the statutes is amended to read:

1           48.981 (7) (cm) ~~An~~ Notwithstanding par. (a), an agency may disclose  
2 information from its records for use in proceedings under s. 48.25 (6), 813.122 or  
3 813.125.

4           **SECTION 5.** 48.981 (7) (cr) of the statutes is created to read:

5           48.981 (7) (cr) 1. Notwithstanding par. (a) and subject to subd. 3., an agency  
6 may disclose to the general public a written summary of the information specified  
7 in subd. 2. relating to any child who has died or been placed in serious or critical  
8 condition, as determined by a physician, as a result of any suspected abuse or neglect  
9 that has been reported under this section if any of the following circumstances apply:

10           a. A person has been charged with a crime for causing the death or serious or  
11 critical condition of the child as a result of the suspected abuse or neglect, or the  
12 district attorney indicates that a person who is deceased would have been charged  
13 with a crime for causing the death or serious or critical condition of the child as a  
14 result of the suspected abuse or neglect, but for the fact that the person is deceased.

15           b. A judge, district attorney, law enforcement officer, law enforcement agency  
16 or any other officer or agency whose official duties include the investigation or  
17 prosecution of crime has previously disclosed to the public, in the performance of the  
18 official duties of the officer or agency, that the suspected abuse or neglect of the child  
19 has been investigated under sub. (3) or that child welfare services have been  
20 provided to the child or the child's family under this chapter.

21           c. A parent, guardian or legal custodian of the child or the child, if 14 years of  
22 age or over, has previously disclosed or authorized the disclosure of the information  
23 specified in subd. 2.

24           2. If an agency is permitted to disclose information under subd. 1. relating to  
25 a child who has died or been placed in serious or critical condition as a result of any

1 suspected abuse or neglect that has been reported under this section, the agency may  
2 disclose all of the following information from its records:

3 a. A description of any investigation made by the agency in response to the  
4 report of the suspected abuse or neglect, a statement of the determination made by  
5 the agency under sub. (3) (c) 4. with respect to the report and the basis for that  
6 determination, a statement of whether any services were offered or provided to the  
7 child, the child's family or the person suspected of the abuse or neglect and a  
8 statement of whether any other action was taken by the agency to protect the child  
9 who is the subject of the report or any other child residing in the same dwelling as  
10 the child who is the subject of the report.

11 b. Whether any previous report of suspected or threatened abuse or neglect of  
12 the child has been made to the agency and the date of the report, a statement of the  
13 determination made by the agency under sub. (3) (c) 4. with respect to the report and  
14 the basis for that determination, a statement of whether any services were offered  
15 or provided to the child, the child's family or the person suspected of the abuse or  
16 neglect and a statement of whether any other action was taken by the agency to  
17 protect the child who is the subject of the report or any other child residing in the  
18 same dwelling as the child who is the subject of the report.

19 c. Whether the child or the child's family has received any services under this  
20 chapter prior to the report of suspected abuse or neglect that caused the child's death  
21 or serious or critical condition or any previous report of suspected or threatened  
22 abuse or neglect.

23 3. An agency may not disclose any of the information described in subd. 2. if  
24 any of the following applies:

1           a. The agency determines that disclosure of the information would be contrary  
2 to the best interests of the child who is the subject of the report, the child's siblings  
3 or any other child residing in the same dwelling as the child who is the subject of the  
4 report or that disclosure of the information is likely to cause mental, emotional or  
5 physical harm or danger to the child who is the subject of the report, the child's  
6 siblings, any other child residing in the same dwelling as the child who is the subject  
7 of the report or any other person.

8           b. The district attorney determines that disclosure of the information would  
9 jeopardize any ongoing or future criminal investigation or prosecution or would  
10 jeopardize a defendant's right to a fair trial.

11           c. The agency determines that disclosure of the information would jeopardize  
12 any ongoing or future civil investigation or proceeding or would jeopardize the  
13 fairness of such a proceeding.

14           d. Disclosure of the information is not authorized by state law or rule or federal  
15 law or regulation.

16           e. The investigation under sub. (3) of the report of the suspected abuse or  
17 neglect has not been completed, in which case the agency may only disclose that the  
18 report is under investigation.

19           f. Disclosure of the information would reveal the identity of the child who is the  
20 subject of the report, the child's siblings, the child's parent, guardian or legal  
21 custodian or any other person residing in the same dwelling as the child, and  
22 information that would reveal the identity of those persons has not previously been  
23 disclosed to the public.

