

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB(LRBx2801/2))

Received: 02/09/2000

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Jean Hundertmark (608) 266-3794

By/Representing: Kevin Lewis, DHFS

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact: See attached memo.

Alt. Drafters:

Subject: Children - abuse and neglect

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect information disclosure and appeals

Instructions:

See Attached--make attached changes to LRB-2801/2.

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 02/09/2000	jgeller 02/09/2000		_____			
/1			martykr 02/09/2000	_____	lrb_docadmin 02/09/2000	lrb_docadmin 02/09/2000	

FE Sent For:

<END>

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FE Sent For:

<END>

DIVISION OF CHILDREN AND FAMILY SERVICES

DATE: February 7, 2000

TO: Gordon Malaise
LRB

FROM: Therese Durkin, OLC/DHFS (267-9722) (via Kevin Lewis) ^{TD}
Mary Dibble, DCFS (267-2073) ^{MD}

1. We are proposing that the information be released to the "public", rather than to "any member of the general public", because otherwise county agencies and the state agency could be caught up in repeatedly releasing the same information any time they get a phone call. Also, we propose removing the language referencing how quickly the information must be disclosed, as the county agency has no timeframe for releasing information to any of the other entities under s.48.981(7). An AG opinion states that information must be released under s.48.981(7) upon request and as quickly as is practical. This opinion would pertain to public disclosure as referenced in this legislation.
2. We included reference to a "suspected maltreater" in addition to a child and the child's family, as child abuse and neglect records pertain to persons outside of a child's family who abused the child, in addition to intra-family abuse.
3. We tried for parallel language in sections pertaining to what information can be released.
4. We added language to recognize that in some cases information should not be released if an appeal hearing is pending or a CHIPS hearing or some other civil proceeding.
5. We wanted to assure that all records regulated under different statutes that were confidential continued to be confidential and made changes to achieve that. ^{"from its records"}
- * 6. We removed language to assure that cases under investigation, *once completed*, were handled the same way as cases where the investigation was already completed.
7. We removed some language that could be misinterpreted to say that no information from the county child abuse/neglect record could be released.
8. We removed the section that said the results of the reviews of various teams or agencies would be released, since s.48.981(7) deals only with the release of the county DSS/HSD child abuse and neglect records (and parallel BMCW records), not records originated and controlled by other agencies.

ASSEMBLY BILL

For further information see the *state and 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 (3) (c) 5m. of the statutes is created to read:

2 48.981 (3) (c) 5m. If the county department or, in a county having a population
3 of 500,000 or more, the department or a licensed child welfare agency under contract
4 with the department determines under subd. 4. that a specific person has abused or
5 neglected a child, the county department, department or licensed child welfare
6 agency, within 15 days after the date of the determination, shall notify the person in
7 writing of the determination, the person's right to appeal the determination and the
8 procedure by which the person may appeal the determination, and the person may
9 appeal the determination in accordance with the procedures established by the
10 department under this subdivision. The department shall establish procedures for
11 conducting an appeal under this subdivision. Those procedures shall include a
12 procedure permitting an appeal under this subdivision to be held in abeyance
13 pending the outcome of any criminal proceedings or any proceedings under s. 48.13
14 based on the alleged abuse or neglect or the outcome of any investigation that may
15 lead to the filing of a criminal complaint or a petition under s. 48.13 based on the
16 alleged abuse or neglect. Those procedures need not be promulgated as rules.

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

18 48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county
19 department may contract with a licensed child welfare agency to fulfill the county
20 department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 6., 6m. and 8. The
21 department may contract with a licensed child welfare agency to fulfill the

ASSEMBLY BILL

1 department's duties specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 6., 6m., 7.,
2 8. and 9. in a county having a population of 500,000 or more. The confidentiality
3 provisions specified in sub. (7) shall apply to any licensed child welfare agency with
4 which a county department or the department contracts.

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

6 48.981 (7) (a) 15g. A citizen review panel established or designated by the
7 department or a county department.

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

9 48.981 (7) (cm) ~~An~~ Notwithstanding par. (a), an agency may disclose
10 information from its records for use in proceedings under s. 48.25 (6), 813.122 or
11 813.125.

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

the
(a)

NEW {

13 ✓ 48.981(7))cr) 1. Notwithstanding par. (a) and subject to subs. 3. and 4., an agency
14 may disclose to the public a written summary of the information specified in

16 subd. 2. relating to any child who has died or been placed in serious or critical
17 condition, as determined by a physician, as a result of any suspected abuse or neglect
18 that has been reported under this section if any of the following circumstances apply:

19 a. A person has been charged with a crime for causing the death or serious or
20 critical condition of the child as a result of the suspected abuse or neglect. or the
21 district attorney indicates that a person who is deceased would have been charged
22 with a crime for causing the death or serious or critical condition of the child as a
23 result of the suspected abuse or neglect, but for the fact that the person is deceased.

24 b. A judge, district attorney, law enforcement officer, law enforcement agency
25 or any other officer or agency whose official duties include the investigation or

ASSEMBLY BILL

1 prosecution of crime has previously disclosed to the public, in the performance of the
2 official duties of the officer or agency, that the suspected abuse or neglect of the child
3 has been investigated under sub. (3) or that child welfare services have been
4 provided to the child or the child's family under this chapter.

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

8 2. If an agency is required to disclose information under subd. 1. relating to a
9 child who has died or been placed in serious or critical condition as a result of any
10 suspected abuse or neglect that has been reported under this section, the agency
11 shall disclose all of the following information *from its records.*

12 ✓ a. A description of any investigation made, a statement of the determination made by
13 the agency under sub. (3) (c) 4. and the basis for that determination, whether services were
14 offered or provided to the child, the child's family or a suspected maltreater and any other
15 action taken by the agency to protect the child or any other child residing in the same
16 dwelling as the child in response to the report of the suspected abuse or neglect.

17 ✓ b. Whether any previous report of suspected or threatened abuse or neglect of the
18 child has been made to the agency, the date of the previous report and a statement of the
19 determination made by the agency under sub. (3) (c) 4. and the basis for that determination
20 and whether any services were offered or provided to the child, the child's family or a
21 suspected maltreater and any other action taken by the agency to protect the child or any
22 other child residing in the same dwelling as the child.

over

ASSEMBLY BILL

{

1 ~~c~~. Whether the child or the child's family has received any services under this
2 chapter prior to the report of suspected abuse or neglect that caused the child's death
3 or serious or critical condition or any previous report of suspected or threatened
4 abuse or neglect.

5 ~~d~~. ~~The results of any review conducted by the department, a multidisciplinary~~
6 ~~child abuse and neglect team, a child fatality review team, a citizen review panel, a~~
7 ~~court appointed special advocate program or any other agency relating to the death~~
8 ~~or serious or critical condition of the child.~~

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

11 a. The agency determines that disclosure of the information would be contrary
12 to the best interests of the child who is the subject of the report, the child's siblings
13 or any other child residing in the same dwelling as the child who is the subject of the
14 report or that disclosure of the information is likely to cause mental, emotional or
15 physical harm or danger to the child who is the subject of the report, the child's
16 siblings, any other child residing in the same dwelling as the child who is the subject
17 of the report or any other person.

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

NEW:

21 ~~c~~. Disclosure of the information would jeopardize any civil investigation or
22 proceeding or would jeopardize the fairness of a proceeding.

23 ~~d~~. Disclosure of the information is not authorized by state or federal law or
24 regulation.

u ~~...~~ 0

ASSEMBLY BILL

1 ~~f.~~ The investigation under sub. (3) of the report of the suspected abuse or neglect has
2 not been completed, in which case the agency may only disclose that the report is under
3 investigation.

4 ~~f.~~ The information would reveal the identity of the child who is the subject of the
5 report, the child's siblings, the child's parent, guardian or legal custodian or any other person
6 residing in the same dwelling as the child, and that information has not previously been
7 disclosed to the public.

8 ~~g.~~ The information would reveal the identity of a reporter or any other person who
9 provides information relating to the suspected abuse or neglect of the child.

→ 17 5. A ~~any~~ person whose request for information under subd. 1. is denied may
18 petition the court to order the disclosure of the information specified in subd. 2. On
19 receiving a petition under this subdivision, the court shall notify the agency, the
20 district attorney, the child and the child's parent, guardian or legal custodian of the
21 petition. If any person notified objects to the disclosure, the court may hold a hearing
22 to take evidence and hear argument relating to the disclosure of the information.
23 The court shall make an in camera inspection of the information sought to be
24 disclosed and shall order disclosure of the information, unless the court finds that
25 any of the circumstances specified in subd. 3. apply.

1999

Date (time) needed soon

LRB s 0297, 1

**SUBSTITUTE AMENDMENT
[TO A BILL]**

GMM : jlj : _____

Use the appropriate components and routines developed for substitute amendments.

S/A SUBSTITUTE AMENDMENT

TO 1999 ~~SB~~ **AB** _____ (LRB-2801 12)

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:**

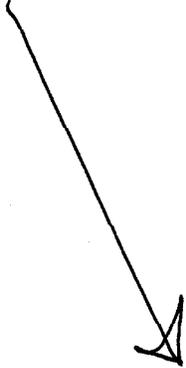
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[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

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

SECTION #.

1999 ASSEMBLY BILL



Regen

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.

Analysis by the Legislative Reference Bureau

~~Under current law, a county department of human services or social services (county department) or, in Milwaukee County, the department of health and family services (DHFS) or a child welfare agency under contract with DHFS must determine, within 60 days after receipt of a report of suspected or threatened child abuse or neglect, whether abuse or neglect has occurred or is likely to occur. Currently, an appeal of such a determination made by a county department may be made under the municipal administrative procedure law or, if the county of the county department has elected not to be governed by that law, under a county ordinance that provides a procedure for an appeal of such a determination, and an appeal of such a determination made by DHFS may be made under the state administrative procedure and review law. Current law does not provide a procedure for appealing such a determination by a child welfare agency.~~

ASSEMBLY BILL

This bill requires DHFS to establish procedures for conducting an appeal of a determination that a specific person has abused or neglected a child and to include in those procedures a procedure permitting such an appeal to be held in abeyance pending the outcome of any criminal or child in need of protection or services (CHIPS) proceeding based on the alleged abuse or neglect or any investigation that may lead to the filing of a criminal complaint or a CHIPS petition based on the alleged abuse or neglect. Under the bill, if a county department, DHFS or a child welfare agency determines that a specific person has abused or neglected a child, the county department, DHFS or child welfare agency must notify the person of the determination, the person's right to appeal the determination and the procedure by which the person may appeal the determination, and the person may appeal the determination in accordance with the procedures established by DHFS.

permits

Under current law, a county department, DHFS or a child welfare agency that is responsible for investigating reports of suspected or threatened child abuse or neglect (agency) must keep its records confidential and may disclose those records only under certain exceptions. This bill requires an agency to disclose to any member of the general public, on request, a written summary of certain information relating to any child who has died or been placed in serious or critical condition as a result of suspected abuse or neglect that has been reported to the agency (child fatality or near fatality) if certain circumstances apply and certain other circumstances do not apply.

the public

Specifically, an agency ^{may} disclose all of the information specified in the next paragraph if a person has been charged with a crime for causing the death or serious or critical condition of a child as a result of suspected abuse or neglect or if a person who is deceased would have been so charged, but for the fact that the person is deceased; if a judge, district attorney, law enforcement officer or agency or any other officer or agency whose official duties include the investigation or prosecution of crime has previously disclosed to the public that the suspected abuse or neglect has been investigated or that child welfare services have been provided to the child or the child's family; or if a parent, guardian or legal custodian of the child or the child, if 14 years of age or over, has previously disclosed or authorized the disclosure of the information. An agency may not disclose such information if any of the following circumstances apply: 1) the agency determines that disclosure of the information would be contrary to the best interests of the child, the child's siblings or any other child residing in the same dwelling as the child who is the subject of the report of suspected abuse or neglect or that disclosure of the information is likely to cause mental, emotional or physical harm or danger to the child, the child's siblings, any other child residing in the same dwelling as the child who is the subject of the report or any other person; 2) the district attorney determines that disclosure of the information would jeopardize any ongoing or future criminal investigation or prosecution or would jeopardize a defendant's right to a fair trial; 3) disclosure of the information is not authorized by federal law or regulation; or 4) the investigation of the abuse or neglect report has not been completed, in which case the agency may only disclose that the report is under investigation.

1) the agency determines that disclosure of the information would jeopardize any ongoing or future criminal investigation or prosecution or would jeopardize a defendant's right to a fair trial; 2) disclosure of the information is not authorized by federal law or regulation; 3) the investigation of the abuse or neglect report has not been completed, in which case the agency may only disclose that the report is under investigation.

may

state law or rule

5)

insert A-11

ASSEMBLY BILL

from an agency's records

The information that ~~must~~ be disclosed ~~on request~~ in cases of a child fatality or near fatality is as follows:

- ~~1. The name and age of the child, but only if that information has previously been disclosed to the public.~~
- ~~2. A description of any investigation made, services offered or provided and any other action taken by the agency with respect to the child and the child's family in response to the report of suspected abuse or neglect, and a statement of the determination of the agency as to whether abuse or neglect occurred and the basis for that determination.~~
- ~~3. Whether any previous report of suspected or threatened abuse or neglect of the child has been made to the agency, the date of the previous report, whether a determination was made in response to the previous report that abuse or neglect had occurred or was likely to occur and whether any services were offered or provided to the child or the child's family or any other action taken by the agency in response to the previous report.~~
- ~~4. Whether the child or the child's family has received any child welfare prior to the report of the suspected abuse or neglect that caused the child fatality or near fatality or prior to any previous report of suspected or threatened abuse or neglect.~~
- ~~5. The results of any review conducted relating to the child fatality or near fatality.~~

*Insert
A-2
(3.1)*

services

The bill prohibits certain information from being disclosed to the general public on request in cases of a child fatality or near fatality. Information that may not be disclosed is as follows:

1. Any reports of suspected or threatened child abuse or neglect made to the agency, any child abuse or neglect records maintained by the agency and the contents of those reports and records.
2. Any information that would reveal the identity of the child who is the subject of the report, the child's siblings, the child's parent, guardian or legal custodian or any other person residing in the same dwelling as the child, unless that information has previously been disclosed to the public, and any information that would reveal the identity of the person who reports the suspected abuse or neglect or any other person who provides information relating to the suspected abuse or neglect.
3. Any confidential medical, psychological or psychiatric information or other, similar sensitive personal information of the child or any member of the child's family.

Under current federal law, each state that receives a grant under the federal Child Abuse Prevention and Treatment Act (CAPTA) must establish not less than three citizen review panels, or must designate one or more existing entities as citizen review panels, to evaluate the extent to which local agencies responsible for providing child protective services are effectively discharging their responsibilities and must ensure that otherwise confidential child abuse and neglect reports and records are made available to those panels. This bill permits a citizen review panel established or designated by DHFS or a county department to have access to the otherwise confidential child abuse and neglect reports and records.

ASSEMBLY BILL

~~For further information see the *state and 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 (3) (c) 5m. of the statutes is created to read:

2 48.981 (3) (c) 5m. If the county department or, in a county having a population
3 of 500,000 or more, the department or a licensed child welfare agency under contract
4 with the department determines under subd. 4. that a specific person has abused or
5 neglected a child, the county department, department or licensed child welfare
6 agency, within 15 days after the date of the determination, shall notify the person in
7 writing of the determination, the person's right to appeal the determination and the
8 procedure by which the person may appeal the determination, and the person may
9 appeal the determination in accordance with the procedures established by the
10 department under this subdivision. The department shall establish procedures for
11 conducting an appeal under this subdivision. Those procedures shall include a
12 procedure permitting an appeal under this subdivision to be held in abeyance
13 pending the outcome of any criminal proceedings or any proceedings under s. 48.13
14 based on the alleged abuse or neglect or the outcome of any investigation that may
15 lead to the filing of a criminal complaint or a petition under s. 48.13 based on the
16 alleged abuse or neglect. Those procedures need not be promulgated as rules.

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

18 48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county
19 department may contract with a licensed child welfare agency to fulfill the county
20 department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 6., 6m. and 8. The
21 department may contract with a licensed child welfare agency to fulfill the

ASSEMBLY BILL

1 department's duties specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 6., 6m., 7.,
2 8. and 9. in a county having a population of 500,000 or more. The confidentiality
3 provisions specified in sub. (7) shall apply to any licensed child welfare agency with
4 which a county department or the department contracts.

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

6 48.981 (7) (a) 15g. A citizen review panel established or designated by the
7 department or a county department.

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

9 48.981 (7) (cm) ~~An~~ Notwithstanding par. (a), an agency may disclose
10 information from its records for use in proceedings under s. 48.25 (6), 813.122 or
11 813.125. *to the general public* *subd. 3.* ✓

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

13 48.981 (7) (cr) 1. Notwithstanding par. (a) and subject to ~~subds. 3. and 4.~~, *upon*
14 ~~the request of any member of the general public,~~ an agency shall disclose, *within 5*
15 ~~working days after the request,~~ a written summary of the information specified in

16 subd. 2. relating to any child who has died or been placed in serious or critical
17 condition, as determined by a physician, as a result of any suspected abuse or neglect
18 that has been reported under this section if any of the following circumstances apply:

19 a. A person has been charged with a crime for causing the death or serious or
20 critical condition of the child as a result of the suspected abuse or neglect, or the
21 district attorney indicates that a person who is deceased would have been charged
22 with a crime for causing the death or serious or critical condition of the child as a
23 result of the suspected abuse or neglect, but for the fact that the person is deceased.

24 b. A judge, district attorney, law enforcement officer, law enforcement agency
25 or any other officer or agency whose official duties include the investigation or

ASSEMBLY BILL

1 prosecution of crime has previously disclosed to the public, in the performance of the
2 official duties of the officer or agency, that the suspected abuse or neglect of the child
3 has been investigated under sub. (3) or that child welfare services have been
4 provided to the child or the child's family under this chapter.

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

8 2. If an agency is ^{permitted} required to disclose information under subd. 1. relating to a
9 child who has died or been placed in serious or critical condition as a result of any

10 suspected abuse or neglect that has been reported under this section, the agency

11 shall disclose all of the following information:

from its records ✓

12 a. ~~The name and age of the child, but only if that information has previously
13 been disclosed to the public.~~

14 b. ~~A description of any investigation made, services offered or provided and any
15 other action taken by the agency with respect to the child and child's family in
16 response to the report of the suspected abuse or neglect, and a statement of the
17 determination made by the agency under sub. (3) (c) 4. and the basis for that
18 determination.~~

19 c. ~~Whether any previous report of suspected or threatened abuse or neglect of
20 the child has been made to the agency, the date of the previous report, whether a
21 determination was made in response to the previous report that abuse or neglect had
22 occurred or was likely to occur and whether any services were offered or provided to
23 the child or the child's family or any other action taken by the agency in response to
24 the previous report.~~

Insert
6-24-24

ASSEMBLY BILL

c. ✓

1

d. Whether the child or the child's family has received any services under this

2

chapter prior to the report of suspected abuse or neglect that caused the child's death

3

or serious or critical condition or any previous report of suspected or threatened

4

abuse or neglect.

5

~~e. The results of any review conducted by the department, a multidisciplinary~~

6

~~child abuse and neglect team, a child fatality review team, a citizen review panel, a~~

7

~~court-appointed special advocate program or any other agency relating to the death~~

8

~~or serious or critical condition of the child.~~

9

3. An agency may not disclose any of the information described in subd. 2. if

10

any of the following applies:

11

a. The agency determines that disclosure of the information would be contrary

12

to the best interests of the child who is the subject of the report, the child's siblings

13

or any other child residing in the same dwelling as the child who is the subject of the

14

report or that disclosure of the information is likely to cause mental, emotional or

15

physical harm or danger to the child who is the subject of the report, the child's

16

siblings, any other child residing in the same dwelling as the child who is the subject

17

of the report or any other person.

18

b. The district attorney determines that disclosure of the information would

19

jeopardize any ongoing or future criminal investigation or prosecution or would

20

jeopardize a defendant's right to a fair trial.

state law or rule or

Insert
7-20

21

d. e. Disclosure of the information is not authorized by federal law or regulation.

22

e. d. The investigation under sub. (3) of the report of the suspected abuse or

23

neglect has not been completed, in which case the agency may only disclose that the

24

report is under investigation. If an agency discloses under this subd. 3. d. that a

25

~~report is under investigation and if after completing that investigation the agency~~

ASSEMBLY BILL

1 ~~determines that the report has not been substantiated, the agency may only disclose~~
 2 ~~a statement that the investigation has been completed and that the report has not~~
 3 ~~been substantiated.~~

4 4. In disclosing information under subd. 2., an agency may not disclose any of
 5 the following:

6 a. Any reports made to, or records maintained by, the agency under this section
 7 or the contents of those reports or records.

8 b. Any information that would reveal the identity of the child who is the subject
 9 of the report, the child's siblings, the child's parent, guardian or legal custodian or
 10 any other person residing in the same dwelling as the child, unless that information
 11 has previously been disclosed to the public, or that would reveal the identity of a
 12 reporter or any other person who provides information relating to the suspected
 13 abuse or neglect of the child.

14 c. Any confidential medical, psychological or psychiatric information or other,
 15 similar sensitive personal information relating to the child or any member of the
 16 child's family.

Insert
8-16

17 ~~By any person whose request for information under subd. 1. is denied~~ may
 18 petition the court to order the disclosure of the information specified in subd. 2. On
 19 receiving a petition under this subdivision, the court shall notify the agency, the
 20 district attorney, the child and the child's parent, guardian or legal custodian of the
 21 petition. If any person notified objects to the disclosure, the court may hold a hearing
 22 to take evidence and hear argument relating to the disclosure of the information.
 23 The court shall make an in camera inspection of the information sought to be
 24 disclosed and shall order disclosure of the information, unless the court finds that
 25 any of the circumstances specified in subd. 3. apply.

who requests

and whose request that information

PH. Any person who requests the information specified in subd. 2. under the circumstances specified in subd. 1. and whose request

ASSEMBLY BILL

1 5. Any person acting in good faith in disclosing or refusing to disclose the
 2 information specified in subd. 2. ~~in response to a request for that information under~~
 3 ~~subd. 1~~ is immune from any liability, civil or criminal, that may result by reason of
 4 that disclosure or nondisclosure. For purposes of any proceeding, civil or criminal,
 5 the good faith of a person in disclosing or refusing to disclose the information
 6 specified in subd. 2. ~~in response to a request for that information under subd. 1~~ shall
 7 be presumed.

8 SECTION 6. 48.981 (7) (d) of the statutes is amended to read:

9 48.981 (7) (d) ~~The~~ Notwithstanding par. (a), the department may have access
 10 to any report or record maintained by an agency under this section.

11 (END)

(use twice)

under the circumstances specified
 in subd. 1.

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0297/1
GMM.....

(INSERT 6-24)

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

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

(END OF INSERT)

(INSERT 7-20)



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

(END OF INSERT)

(INSERT 8-16)

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

g. Disclosure of the information would reveal the identity of a reporter or any other person who provides information relating to the suspected abuse or neglect of the child.

(END OF INSERT)